



**University of Oklahoma College of Law
International Human Rights Clinic
The United States of America**

Report on the Republic of Suriname to the 25th Session of the Universal Periodic Review,
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Executive Summary. The International Human Rights Clinic of the University of Oklahoma College of Law (IHRC-OU) (United States of America) submits the following report on the Republic of Suriname to the 25th Session of the Universal Periodic Review, Human Rights Council. This report and attached annex concerns indigenous and tribal people of Suriname and how Suriname has implemented the recommendations received during its first review. Specifically, the report focuses on the selected areas of (I) Education; (II) Health/Environment/Gold Mining; and (III) Land Rights/Recognition. The purpose of this report is to provide a balanced view of indigenous and tribal people's concerns in Suriname and recommend measures to address these concerns. The IHRC-OU notes the commitment expressed by Suriname to continue to develop and improve the rights of indigenous and tribal people, and would like to thank the non-profit organizations committed to indigenous and tribal rights for the support and cooperation for the realization of this report.

I. Education: International Obligations: In its 2013 update on Millennial Development Goals, Suriname committed to the goal of improving the quality of education and reducing inequity between geographical areas. To date, Suriname has improved the general accessibility of primary education but has not shown much progress in improving regional inequities. In 2009, the CERD committee expressed concerns in its concluding observations that children of indigenous and tribal groups experienced discrimination in access to education in the interior and assimilated suburban settings and recommended that the state provide relevant statistical information, including budgetary allocations. The CERD committee also expressed concern that no measures were taken to preserve the native languages of indigenous and tribal peoples and recommended that the State give adequate recognition to native languages and seek strategies to introduce bilingual education. To date, there is little evidence of efforts to improve access to education for indigenous and tribal children and there is little progress in recognition of native languages or implementation of bilingual education.

Domestic Undertakings: In the 2011 Working Group Report (WGR), Suriname supported recommendations to (i) continue to improve both the quality and accessibility of education and related facilities; (ii) continue and step up efforts to improve school enrolment and the quality of education; (iii) continue efforts to guarantee better implementation of education plans particularly in rural areas; (iv) continue efforts aimed at improving access to education, particularly in the rural areas, including by, inter alia, increasing the number of teachers, ensuring adequate infrastructure, learning materials and educational tools; (v) take expeditiously efficient steps to improve access to free basic education to all children, with particular focus on those living in the interior areas and those belonging to indigenous and minority groups. To date, the government has not shown progress in implementing these recommendations, and children in the interior continue to have inadequate access to education.

Human Rights on the Ground. Access to Education: Children in Suriname face great educational barriers; particularly children in the rural interior, girls who become pregnant, and children with disabilities. Suriname has eliminated primary and secondary school fees and children in urban areas enjoy access to all levels of education. However, children in the rural interior, who are primarily indigenous and tribal, face challenges in achieving a basic education. In the rural interior, some children still must travel to attend primary school. Secondary school facilities in rural districts are sparse or non-existent, so many children must relocate to attend secondary school. High school requires relocation to the capital. Children from the interior who relocate do not receive any financial or social governmental assistance; resulting in significant social problems including teen pregnancy and dropouts. The government has established a policy against the expulsion of pregnant girls, some individual school directors continue this practice and it is not clear what oversight has been put in place to address this problem.

Quality of Education: There are severe inequities in the quality of education that is provided in the hinterland. Villages in rural settings usually have no running water; Suriname has committed to constructing and rebuilding school facilities in the interior, but there is little to no information available about whether these efforts have been pursued. In most cases, there is no teacher housing. In addition, teachers in public and private schools may not be qualified, with some reports of active teachers in interior villages who have only achieved a primary school diploma.

Linguistically and Culturally Appropriate Education: Indigenous groups in Suriname face great linguistic and cultural barriers in education. There is no provision for consultation of indigenous or tribal groups on the inclusion of language and culture in the education of their children. There is no provision for seeking consent of indigenous communities to the educational curriculum, or even a mechanism to allow them to provide input on educational content. Dutch is the language of instruction and indigenous languages are not taught in school. Bilingual methods of instruction, recommended by CERD in 2009, have not been implemented. In the 2011 WGR, Suriname considered the possibility of bilingual education, but later indicated in its 2013 ICCPR report that there was no policy to introduce local languages in school. Although Suriname committed to incorporating human rights and gender education into the curriculum in its 2011 WGR, to date there is no evidence that the State has taken measures to do so.

Recommendations

- Create a mechanism to oversee support of teen mothers and provide for elimination of discrimination against teen mothers in education.
- Recognize through legislation the right to education in indigenous and tribal languages.
- Create and implement a system for consulting indigenous and tribal groups on curricular content
- Recruit bilingual teachers and provide for teaching indigenous and tribal languages in schools.

II. Health/Environment/Gold Mining: International Obligations: In September 2012, the United Nation’s Special Rapporteur on the Rights of Indigenous Peoples transmitted to the Surinamese government an allegation letter seeking the government’s response to purported “small-scale gold mining operations on the traditional lands of the Wayana indigenous communities of Apetina and Anapaike in Southeastern Suriname.” The rapporteur was especially concerned with health problems purportedly caused by mercury “contamination of waters and fish consumed by members of these communities,” explaining that small-scale gold miners were allegedly to blame. The rapporteur requested that the government provide information regarding, *inter alia*: i) The measures taken . . . to address the health and environmental situation affecting the Wayana communities of Puleowime (Apetina) and Kawemhakan (Anapaike) affected by mercury contamination resulting from goldmining activities on or near their traditional lands; [and] ii) The measures taken . . . to consult with members of the Apetina and Anapaike communities prior to the granting of mining concessions and the realization of gold-mining activities within their traditional lands. To date, Suriname has not issued any answer to the rapporteur.

In February 2013, the rapporteurs from the Inter-American Commission on Human Rights (IACHR) emphasized the following: i) “[T]he obligation of [Suriname] to ensure that any mining activities implemented are duly supervised, and subject to controls to protect against possible human rights violations, and to investigate and hold those responsible accountable”

In February 2007, an IACHR suit was filed on behalf of the Kaliña and Lokono Indigenous Peoples, alleging that Suriname had violated several of the peoples’ rights protected by the American Convention on Human Rights (the “ACHR”). Ultimately, the IACHR concluded that, *inter alia*, Suriname violated the peoples’ rights under the ACHR by “granting a mining concession and authorizing mining activities inside [the peoples’] traditional territory . . . without conducting a

consultation process aimed at obtaining their free, prior and informed consent according to inter-American standards.” To date, Suriname has failed to effectuate any remedial actions.

Domestic Undertakings: Article 36 of the Surinamese Constitution guarantees to “[e]veryone ... equal rights and this includes the public health and medical care.” Equal rights in public health and medical care is also a “target” of Suriname’s Ministry of Public Health. However, to date, Suriname has not released information regarding “a series of health problems affecting the Apetina and Anapaike communities.” These health problems, allegedly caused by gold miners’ contaminating drinking water with mercury, include “birth defects and serious neurological disorders.”

The Surinamese government officially requires developers and investors to provide Environmental and Social Impact Assessments (“ESIAs”) before projects “within traditional Indigenous or tribal territory” may begin. Applicants submit ESIAs to Suriname’s National Institute for Environment and Development (“NIMOS”) for review. Despite this official requirement, Suriname continues to permit mining activities proximal to the Kaliña and Lokono indigenous communities despite the fact that no ESIA has been submitted to NIMOS.

Human Rights on the Ground. Health Care: Access to quality health care was a paramount issue for Surinamese indigenous peoples in the late 20th century and early 21st century. More recently, the Government of Suriname has partnered with Medical Mission Suriname to ensure access to medical professionals in the interior portion of the country—where over 50,000 indigenous people live. The government provides over eighty percent (80%) of the funding required for Medical Mission Suriname. This funding has been sufficient enough to provide the interior with over 100 medical professionals. However, most of the medical professionals are minimally qualified as medical assistants or aids. These minimally qualified medical personnel have unilateral capability to prescribe and treat with minimal supervision. This lack of proper medical training for the vast majority of medical personnel within the interior has led to the indigenous people using Medical Mission as a last resort for medical treatment.

Malaria: The Surinamese Government, in cooperation with Medical Mission Suriname, has successfully eradicated all cases of malaria in the urban area of the country. However, the interior of the country—more particularly, the indigenous population—has insufficient data to suggest whether malaria has been eradicated. A recent study of the interior of the country suggests that symptoms of malaria are prevalent and recommends that more effective treatment be made available.

Mercury Poisoning: Suriname requires a license for the importation of mercury into the country. This regulation, however, has been ineffectual at diminishing the harmful effects of unregulated mercury usage. A 2014 study shows that over 95% of all gold miners admit to using mercury in the mining process. These mining processes are conducted near water sources that tribes use for drinking water, cooking, cleaning, etc. As a result of this unregulated practice, indigenous people are experiencing symptoms of mercury poisoning.

Recommendations

- Adopt the Minamata Convention on Mercury.
- Adopt legislation to prevent and punish illegal traffic in mercury in compliance with Article 9(5) of the Basel Convention.
- Research the sources of all significant environmental pollutants, particularly mercury, and their presence and effects upon peoples and environments, particularly in the south and the Sipaliwini region. Also, seek to facilitate research and data collection in this matter. Such actions might be supported by applying for grants under Article 13(6) of the Stockholm Convention.
- Submit national reports to comply with the Stockholm and Basel Conventions.

III. Land Rights/Recognition: International obligations: In the 2011 WGR, Suriname asserted that the following recommendations could not be supported: (i) Ratify the International Labour Organization Convention No. 169; (ii) Take the necessary steps to act in compliance with the verdict rendered in 2007 by the Inter-American Court of Human Rights (Inter-Am. C.H.R.) in the “Saramaka People Case” and to respect Indigenous People and Maroons right to land); (iii) Ensure that indigenous communities, as far as possible, benefit fully from the provision of public services and that their land rights are legally recognized, including via implementation of the 2008 decisions of the Inter-Am. C.H.R.; (iv) Execute fully the judgment of the Inter-Am. C.H.R. regarding logging and mining concessions in the territory of the Saramaccan people and enshrine land rights of Indigenous and Maroon groups in the Surinamese legal framework.

In 2013, CERD, under its Early Warning and Urgent Action Procedure, reiterated to Suriname its concern about the situation of the Saramaka people and the failure to implement the 2007 Inter-Am. C.H.R. judgment. CERD further requested information on the situation of the Saramaka people as well as on measures taken to implement the Committee decisions adopted under the Early Warning and Urgent Action Procedures in 2003, 2005 and 2006 with a deadline before July 31, 2013.

In 2014, the IACHR filed an application with the Inter-Am. C.H.R. in *Case Kaliña and Lokono Peoples v. Suriname*. The IACHR requested, among other things, that the Court state the following: The State further violated the Kaliña and Lokono people’s property rights established in Article 21 of the ACHR in connection with Article 1 (1) and 2 of the instrument by granting a mining concession and authorizing mining activities inside their traditional territory, all without conducting a consultation process aimed at obtaining their free, prior and informed consent according to inter-American standards.

Domestic Undertakings: In the 2011 R WGR, Suriname asserted that the following recommendations could not be supported: (i) Continue efforts to recognize and uphold the collective rights of the indigenous people; (ii) Recognize the collective rights of indigenous peoples to their lands and resources, giving the matter priority when the issue of land rights is raised in Parliament as indicated in the government’s statement last October; (iii) Acknowledge legally the rights of indigenous and tribal peoples to own, develop, control and use their lands, resources and communal territories according to customary law and traditional land-tenure system.

Human Rights on the Ground. Legal Title: The primary concern for the indigenous population in Suriname continues to be land rights. While the needs and desires of the populations vary, it still remains that they have no means to own, occupy, or enjoy their ancestral lands collectively nor individually. In Suriname, all the land to which no one can prove his or her right of ownership belongs to the state. The indigenous people base their claims on the land on the fact that they are the first inhabitants of Suriname, and the descendants of the Maroons base their claims on peace treaties. However, because these groups do not have land titles, the State does not consider them legal owners of the land they inhabit and have possessed for centuries. This lack of legal recognition has led to a “cultural genocide” of indigenous populations in Suriname. This diminishment of culture has been further exacerbated by the fact that children from indigenous villages are less likely to return once they have moved to the cities.

Communal Ownership/Demarcation/FPIC: In the Saramaka case, Suriname was ordered, among other things, to “adopt national legislation and standards to demarcate and legally recognize the collective legal status and ownership of the Saramaka Maroon people over their traditional tribal lands, and to respect their right to free, prior and informed consent.” To date, Suriname has failed to comply with the most substantive elements of the judgment. Another case currently before the Inter-Am. C.H.R. and against the State of Suriname involves eight Kalina and Lokono Indigenous communities in East Suriname. The violations have to do with “existing legal framework that prevents recognition of the indigenous peoples’ juridical personality, a situation that to this day

continues to keep the Kalina and Lokono peoples from being able to protect their right to collective property.”

Communal Ownership: Most indigenous populations in Suriname would prefer collective/communal ownership of their ancestral lands. The Constitution recognizes the individual rights to land for all Surinamers; however, it does not recognize the collective rights to land and Suriname does not currently have any other domestic legislative provisions for collective rights.

Demarcation: In order for the indigenous populations to achieve land rights, the land must be clearly marked. Some communities have attempted to map out some of the lands the indigenous populations occupy in Suriname. However, the government has not accepted these efforts and instead, insists that their own demarcation maps be used. To date, no actual effort on the part of the government to demarcate the land has begun.

FPIC: Suriname does not perceive the principle of “free, prior and informed consent” as an encroachment of the legal entitlements of the entire population to benefit from the natural resources. Nor does the State perceive compliance with the principle of FPIC as a limitation to fulfill its legal duty to effectuate sustainable development and improved living standards for the entire population, through the exploitation of the natural resources of the country. To date, no effective remedies exist in Suriname by which Indigenous and tribal people can claim these rights.

Recommendations

- Suriname should, through the participation of the indigenous communities, properly demarcate the land and, create legislation allowing for indigenous peoples to own land collectively.
- Suriname should take, as a matter of urgency, the necessary steps to fully comply with the judgments of the Court and fulfill its international obligations.
- Suriname should re-consider its position about the ratification of the Convention No. 169.
- Suriname should guarantee, in law and in practice, the right of indigenous and tribal people to effective participation in decisions that affect them; to include their free, prior and informed consent.