

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review:

2nd Cycle, 25th Session

SURINAME

I. BACKGROUND INFORMATION

Suriname acceded to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* in 1978 (hereinafter jointly referred to as the *1951 Convention*). Suriname is not a State party to the *1954 Convention relating to the Status of Stateless Persons* (the *1954 Convention*) nor to the *1961 Convention on the Reduction of Statelessness* (the *1961 Convention*). Suriname has not developed any national asylum and refugee legislation or procedures.

As of September 2015, Suriname hosted three asylum-seekers and one recognized refugee. Currently, no statistical data regarding the number of stateless persons in Suriname is available to UNHCR.¹

Suriname is situated on the north coast of South America, along the Caribbean Sea between Guyana, French Guyana and Brazil. Suriname faces a complex situation as a country of origin, transit, and destination for human trafficking and irregular migration. In the past 30 years, Suriname, like its neighbours in the Caribbean region, has become a host country for irregular migrants attracted by the relative ease of Suriname's border crossing, the perception that the population is more accepting of migrants, better wages in the agricultural sector, and the prospect of finding prosperity in the Suriname gold mines, an industry which until recently remained unregulated.

Although Suriname hosts a Haitian diaspora,² the nature of undocumented migration makes it difficult to establish precise statistics³ and Haitians have remained invisible to the wider community.

¹ UNHCR, Statistics on Stateless Persons, 20 November 2014, available at: <http://www.unhcr.org/546e01319.html>.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Positive developments linked to 1st cycle UPR recommendations

Linked to 1st cycle UPR recommendation no. 73.23: “Develop further and implement policies and legislation aimed at gender equality, particularly with regard to acquisition of nationality and to sexual or domestic violence (Brazil).”⁴

UNHCR welcomes the decision by the Government of Suriname to reform its *1975 Law on Nationality and Residence* to ensure gender equality in the transmission of nationality. This shows not only a commitment to gender equality before the law, but also that the State is taking important action to reduce the risk of statelessness, both for children and others.

More specifically, on 10 July 2014, Suriname’s National Assembly passed the *Draft Law on Nationality and Residency* [*Ontwerpwet op de Nationaliteit en het Ingezetenschap*], amending *Law No. 4 of 24 November 1975 on Surinamese Nationality and Residence*.⁵ The new law gives women the same right as men to confer their nationality to their spouses and introduces important safeguards to prevent statelessness due to loss of nationality. These reforms bring Suriname’s nationality law into compliance with international standards, such as those contained in the *Convention on the Elimination of All Forms of Discrimination against Women*, the *1961 Convention on the Reduction of Statelessness* and the *International Convention on the Elimination of All Forms of Racial Discrimination*.

² UN High Commissioner for Refugees (UNHCR), Suriname Mission Report, 22 July 2012, Report of a UNHCR deployee to Paramaribo, Suriname from 31 May – 5 July 2012, entitled “In the Face of Adversity Keep Silent”, available at: <http://www.refworld.org/docid/55af8bd14.html>

³ 5,000 Haitians were estimated to live in Suriname in 2006. See: Migration in the Caribbean, Minority Rights Group, 2006.

⁴ See: “Report of the Working Group on the Universal Periodic Review: Suriname,” A/HRC/18/12, 11 July 2011, available at: <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/SRSession11.aspx>.

⁵ The new amendment can be found on the website of Suriname’s National Assembly: <http://dna.sr/wetgeving/ontwerpvetten-bij-dna/in-behandeling/ontwerp-wet-op-de-nationaliteit-en-het-ingezetenschap/>. It will enter into force upon publication in the national gazette.

Summary of Amendments:

“The Law makes various amendments to the *1975 Law on Nationality and Residence* in particular by removing discriminatory provisions concerning the right to obtain Surinamese nationality which in the *1975 Law* differentiated between the rights of men and women to pass on their nationality. Under the new Law:

- A child is now granted Surinamese nationality automatically if their father or mother is Surinamese at the time of their birth (article 3(a), as amended) and the other conditions for a woman to confer her nationality to her child have been removed. The explanatory note to the *Law* states that this amendment “demonstrates the full equality of the man and woman (father and mother) before the law in the establishment of the nationality of the child at birth.”
- All differentiations between men and women with respect to the acquisition and loss of nationality have been removed, including from article 12.
- Surinamese nationality will not be lost where this would lead to statelessness (new article 11(a)).
- Article 3(c) of the *Law* retains the provision of the *1975 Law* which grants Surinamese nationality to any child born on the territory who would otherwise be stateless, and article 4(b) retains the provision which grants Surinamese nationality to foundlings or abandoned children found in the territory, whose parents are unknown.

Additional achievements and positive developments

UNHCR also commends the Government of Suriname's active role in the commemoration process surrounding the 30th anniversary of the *1984 Cartagena Declaration on Refugees*, including its participation in the Caribbean Sub-Regional Consultation on Mixed Migration and the Protection of Refugees and Stateless Persons in September 2014 in the Cayman Islands and in the Ministerial Meeting in Brasilia in December 2014, at which the *Brazil Declaration and Plan of Action*⁶ was adopted.

These documents include a *Framework and a Roadmap for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean* and contain innovative proposals on how to address the main current humanitarian challenges affecting the region. Chapter 5 of the *Brazil Plan of Action*, "*Regional Solidarity with the Caribbean for a Comprehensive Response on International Protection and Durable Solutions*," highlights the "special challenges" the Caribbean region faces in the management of mixed migration movements, especially in light of the extensive maritime borders and limited financial, technical, human and material resources. The main objective of the *Regional Solidarity with the Caribbean* programme is to promote a regional dialogue, which may lead to the establishment of a Regional Consultative Mechanism (RCM) for the efficient management of mixed migration.⁷ UNHCR encourages Suriname to work with other States in the region to advance on these objectives outlined in the *Brazil Plan of Action*.

Suriname also actively participated in the May 2013 Regional Conference on the Protection of Vulnerable Persons in Mixed Migration Flows – Promoting Cooperation and Identification of Good Practices, which was jointly organized by UNHCR and IOM in The Bahamas.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Issue 1: Protection of asylum-seekers and refugees

In the absence of national asylum and refugee legislation and procedures in Suriname, UNHCR, through its Regional Office based in Washington DC, conducts registration of asylum-seekers and refugee status determination in the country, and undertakes the search for durable solutions for recognized refugees. Persons in need of international protection have

⁶ Regional Refugee Instruments & Related, *Brazil Declaration and Plan of Action*, 3 December 2014, available at: <http://www.refworld.org/docid/5487065b4.html>.

⁷ Four main areas of action for a Regional Consultative Mechanism are outlined in Chapter 5 of the *Brazil Plan of Action*, specifically: (1) strengthen cooperation between countries of origin, transit and destination of asylum-seekers and refugees, in order to increase national and regional capabilities to optimize the management of mixed movements and implement comprehensive responses under a framework of rights, with a focus on maritime protection of persons; (2) progressively establish asylum systems through the formulation of public policies and internal regulations and implement procedures for the identification and differentiated assistance of groups in situation of vulnerability, guaranteeing access to refugee status determination procedures and alternatives to detention for asylum-seekers, refugees and accompanied and unaccompanied children; (3) formulate programmes that promote durable solutions, including measures that promote integration in local communities and the inclusion of refugees in national plans and policies, as well as the promotion of international cooperation and regional solidarity to facilitate resettlement of refugees, including South American countries, and voluntary return of migrants, and thus relieve the disproportionate burden in some island countries; and (4) implement measures to favour coordination in the Caribbean to promote the adequate implementation of procedures of refugee status determination.

been referred to UNHCR by other UN agencies and by the Suriname Red Cross. While the Government of Suriname has not intentionally or knowingly violated the principle of *non-refoulement*, more efforts to identify persons in need of international protection are needed by the State. UNHCR encourages the Government of Suriname to develop formal procedures for determining refugee status.

UNHCR is prepared to provide support to the Government of Suriname to develop a national refugee policy, including the drafting of national refugee legislation. UNHCR remains ready to provide training and capacity-building to Government officials and civil society members, in order to strengthen the country's capacity to manage mixed migration flows and assist persons in need of international protection.

Recommendations:

UNHCR recommends that the Government of Suriname:

- a. Develop, enact and implement refugee legislation consistent with international standards, which would include fair and efficient procedures for conducting refugee status determination, including appeals, and guaranteeing the rights of all recognized refugees in Suriname;
- b. Ensure the issuance for refugees of documents or other ID cards, since the lack of documentation creates obstacles in exercising a wide range of rights guaranteed to refugees;
- c. Ensure that refugees are treated in the same manner as permanent residents, including by informing employers that refugees do not need a work permit to take up remunerated employment;
- d. Facilitate access to asylum procedures for persons who have expressed a fear of returning to their country of origin and uphold the principle of *non-refoulement* of all persons in need of international protection; and
- e. Take the necessary steps to ensure full access to fundamental rights for asylum-seekers and refugees.

Issue 2: Challenges in the context of mixed migration

Along with other countries in the region, Suriname faces a complex phenomenon of mixed migratory movements across the Caribbean. It is crucial that Suriname, as a country of destination and/or transit, further strengthen its capacity to appropriately manage these movements with a coordinated approach. There is a need for cooperation among countries in the region on data collection and analysis, and to establish protection-sensitive entry systems and reception arrangements, mechanisms for profiling and referral of migrants with specific needs, differentiated processes, and long-term solutions.

Currently, Suriname does not fully comply with the minimum standards for the elimination of trafficking, although it has shown willingness to do so. In that respect, Suriname ratified the *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* (the *Palermo Protocol*) in 2007 and adopted a *National Strategy to Combat Human Trafficking* in April 2014.⁸

⁸ US Department of State, 2014 Trafficking in Persons Report – Suriname, p. 360-362, available at: <http://www.state.gov/documents/organization/226848.pdf>.

The trafficking of persons, particularly women and children, is of major concern to UNHCR since a coordinated approach to prevent and protect trafficking victims has not been fully developed in the region. Suriname is a source and destination country for women, men, and children who are subjected to sex trafficking and forced labour. Women and girls from Suriname, Guyana, Brazil and the Dominican Republic are known victims.⁹

Recommendations:

UNHCR recommends that the Government of Suriname:

- a. Enhance dialogue and consultation with UNHCR regarding mixed migratory movements, including through consultations on individuals or groups of undocumented migrants detected in Suriname;
- b. Increase efforts to identify victims of trafficking and give them an opportunity to apply for asylum;
- c. Provide enhanced training to law enforcement, immigration, and judicial officials to better identify and protect victims of trafficking;
- d. Provide victims of trafficking with legal alternatives to deportation;
- e. Fund and implement the *National Strategy to Combat Human Trafficking*;
- f. Increase investigation and prosecution of trafficking offenses;
- g. Continue to raise awareness about all forms of trafficking; and
- h. Continue efforts towards a coordinated approach with the Government of Guyana¹⁰ and the Governments of other neighbouring countries.

Issue 3: Birth registration and prevention of statelessness

Linked to 1st cycle UPR recommendation no. 73.12: “Review national legislation, in particular the Nationality and Residence Act, the Penal Code and the Personal Act, so as to repeal provisions that could facilitate discrimination (Mexico).”¹¹

According to Suriname’s nationality law, all persons born in the country are eligible to be registered, irrespective of the nationality and legal status of the child’s parents in the country.¹² However, in practice, foreign parents are often asked to produce proof of their stay-permit in the country before being able to register their child. Fear of being identified and punished by migration authorities thus prevents many from proceeding with the registration process. The lack of birth registration has become a factor in contributing to the

⁹ US Department of State, 2014 Trafficking in Persons Report – Suriname, available at: <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226824.htm>

¹⁰ Suriname planning talks with Guyana on human trafficking, 23 October 2012, available at: <http://www.palermoprotocol.com/index.php/component/k2/item/2311-suriname-planning-talks-with-guyana-on-human-trafficking/2311-suriname-planning-talks-with-guyana-on-human-trafficking>

¹¹ “Report of the Working Group on the Universal Periodic Review: Suriname,” A/HRC/18/12, 11 July 2011, available at: <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/SRSession11.aspx>.

¹² *Law on Nationality and Residence, State Ordinance of 24 November 1975 for the Regulation of the Surinamese Nationality and Residence in Suriname*, 25 November 1975, available at: <http://www.refworld.org/docid/3ae6b50714.html>.

Article 3(d): A Surinamese national by birth shall be: the natural, non-acknowledged child born in Suriname, unless it appears that this child has the nationality of another State. Article 4(a) A Surinamese national shall also be: the child who is found (a foundling) or abandoned within the territory of Suriname, if both parents are unknown.

exclusion of many migrant children from the enjoyment of their fundamental human rights.¹³ A birth certificate is one of the main requirements for access to education, healthcare and other social services in Suriname.¹⁴

An important safeguard against statelessness is the right of every child to an identity and entitlement to receive the nationality of the country of origin or the country where he or she was born. This also ensures that those children are not subject to discrimination throughout their lives.

Birth registration is fundamental to the protection of children of concern to UNHCR and to the prevention of statelessness. Failure to document a person's legal existence can prevent the effective enjoyment of a range of fundamental human rights, including access to education and health care. In 2013, the Human Rights Council adopted a resolution on birth registration and the right of everyone to recognition everywhere as a person before the law, calling upon "States to ensure free birth registration, including free or low-fee late birth registration, by means of universal, accessible, simple, expeditious and effective registration procedures without discrimination of any kind."¹⁵ Because birth registration legally establishes the place of birth, proof of age, and parental affiliation, it serves as important documentary proof to acquire the parents' nationality or the nationality of the State in which the child is born. It also provides children with a degree of protection against child labour, illegal adoption, early marriage, sexual exploitation, and trafficking.

Suriname therefore has a positive obligation to ensure the birth registration of all migrant children regardless of their legal status, in order to prevent the destructive effects of statelessness and marginalization, and to protect their future.

Recommendations:

UNHCR recommends that the Government of Suriname:

- a. Issue birth certificates to all children born on its territory;
- b. Increase access to, and awareness of the importance of, birth registration; and
- c. Introduce safeguards to prevent statelessness and address discriminatory practices in the application of its *1975 Law on Nationality and Residence*, particularly in the context of birth registration.

Issue 4: Accession to the Statelessness Conventions

Linked to 1st cycle UPR recommendation no. 73.9: "Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (Slovakia)."¹⁶

¹³ UN High Commissioner for Refugees (UNHCR), Suriname Mission Report, 22 July 2012, pp. 50-52, available at: <http://www.refworld.org/docid/55af8bd14.html>.

¹⁴ UN High Commissioner for Refugees (UNHCR), Suriname Mission Report, 22 July 2012, p. 50, available at: <http://www.refworld.org/docid/55af8bd14.html>.

¹⁵ Human Rights Council, Birth registration and the right of everyone to recognition everywhere as a person before the law, A/HRC/Res/22/7, 9 April 2013, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/128/19/PDF/G1312819.pdf?OpenElement>.

¹⁶ "Report of the Working Group on the Universal Periodic Review: Suriname," A/HRC/18/12, 11 July 2011, available at: <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/SRSession11.aspx>.

Suriname is not a State party to the *1954 Convention relating to the Status of Stateless Persons* or to the *1961 Convention on the Reduction of Statelessness*. Although Slovakia's recommendation to accede to these *Conventions* during the 1st cycle UPR was not supported by Suriname, UNHCR hopes that this position can be reconsidered in light of positive legislative developments, as well as the statement by Suriname in its Addendum¹⁷ that "Although a number of recommendations are not accepted at this time, the State is aware of the fact that they represent challenges to an ideal Human Rights climate in Suriname. Therefore they will enjoy the continued attention of the Government of the Republic of Suriname."

In October 2013, UNHCR called for the "total commitment of the international community to end statelessness."¹⁸ Additionally, in 2014, UNHCR launched the *Global Action Plan to End Statelessness: 2014 - 2024*¹⁹ (the *Global Action Plan*), which was developed in consultation with States, civil society and international organizations, and sets out a guiding framework comprised of 10 Actions that need to be undertaken to end statelessness within 10 years. Action 9 of the *Global Action Plan* promotes accession to the UN *Statelessness Conventions*.

Moreover, the *Brazil Plan of Action* includes a chapter related to the eradication of statelessness in the Americas that promotes accession to both *Statelessness Conventions*.²⁰

There is a global and regional consensus on the importance of acceding to the *Statelessness Conventions*. The *1954 Convention* and the *1961 Convention* are key international treaties designed to ensure that every person has a nationality and that stateless persons enjoy a basic set of human rights. The *Statelessness Conventions* do not stand alone, but complement a much broader range of international legal standards, in particular those contained in human rights treaties.

The *1954 Convention* establishes minimum standards of treatment for stateless persons in respect of a number of rights. These include, but are not limited to, the right to education, employment and housing. Importantly, the *1954 Convention* also guarantees stateless persons a right to identity and travel documents and to administrative assistance. The *1961 Convention* establishes an international framework to ensure the right of every person to a nationality. It requires that States establish safeguards in their nationality laws to prevent statelessness at birth and later in life.

As mentioned above, UNHCR welcomes the reform by the Government of Suriname of its nationality law, by which it removed gaps that could have given rise to statelessness and by ensuring gender equality in the conferral of nationality. In light of this positive development and the new dynamics in the region, ratification of the two international statelessness instruments would further these advancements.

¹⁷ Addendum A/HRC/18/12/Add. 1 of 13 September 2011, paragraph 14.

¹⁸ High Commissioner's Closing Remarks to the 64th Session of UNHCR's Executive Committee, 4 October 2013, available at <http://unhcr.org/525539159.html>.

¹⁹ UNHCR, *Global Action Plan to End Statelessness: 2014 – 2024*, November 2014, available at: <http://www.unhcr.org/statelesscampaign2014/Global-Action-Plan-eng.pdf>

²⁰ *Brazil Plan of Action: "A Common Roadmap to Strengthen Protection and Promote Sustainable Solutions for Refugees, Displaced and Stateless Persons in Latin America and the Caribbean within a Framework of Cooperation and Solidarity,"* 3 December 2014, available at: <http://www.refworld.org/docid/5487065b4.html>.

Against the backdrop of the global and regional consensus reflected in the UNHCR *Global Action Plan* and the *Brazil Plan of Action*, Suriname should be encouraged to accede to the two international *Statelessness Conventions* as an important action to end statelessness globally.

Recommendations:

UNHCR recommends that the Government of Suriname:

- a. Accede to the *1954 Convention relating to the Status of Stateless Persons* and to the *1961 Convention on the Reduction of Statelessness*; and
- b. Institute statelessness status determination procedures, which would enable individual status determination and allow for a degree of stability and dignity for those granted statelessness status.

**Human Rights Liaison Unit
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ANNEX

Excerpts of Recommendations from the 1st cycle Universal Periodic Review

SURINAME

We would like to bring your attention to the following excerpts from the 1st cycle UPR recommendations relating to issues of interest and persons of concern to UNHCR with regards to Suriname.

Universal Periodic Review

| Recommendation ²¹ | Recommending State | Position ²² |
|---|--------------------|------------------------|
| 73.23. Develop further and implement policies and legislation aimed at gender equality, particularly with regard to acquisition of nationality and to sexual or domestic violence (Brazil); | Brazil | Supported |
| 73.9. Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (Slovakia); | Slovakia | Noted |
| 73.12. Review national legislation, in particular the Nationality and Residence Act, the Penal Code and the Personal Act, so as to repeal provisions that could facilitate discrimination (Mexico); | Mexico | Supported |
| 72.17. Develop a comprehensive anti-human trafficking strategy and adopt the legislation necessary to implement it (Canada); | Canada | Supported |
| 73.42. Provide enhanced training to law enforcement, immigration, and judicial officials regarding trafficking cases and victims, and provide foreign victims of trafficking with legal alternatives to deportation (United States of America); | USA | Supported |

²¹ All recommendations made to Suriname during its 1st cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review: Suriname," A/HRC/18/12, 11 July 2011, available at: <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/SRSession11.aspx>.

²² Suriname's views and replies can be found in the Addendum, A/HRC/18/12/Add.1, 13 September 2011, available at: <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/SRSession11.aspx>.