

Corporal punishment of children in Suriname: Briefing for the Universal Periodic Review, 39th session, 2021

*From the Global Partnership to End Violence Against Children,
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This submission provides an update on the legality of corporal punishment of children in Suriname since its review in the second cycle UPR in 2016. Corporal punishment prohibition is still to be achieved in the home, alternative care settings, day care, schools and penal institutions.

The legality and practice of corporal punishment of children violates their fundamental human rights to respect for human dignity and physical integrity and to equal protection under the law. Under international human rights law – the Convention on the Rights of the Child and other human rights instruments – states have an obligation to enact legislation to prohibit corporal punishment in all settings, including the home.

In Suriname, corporal punishment of children is still lawful despite repeated recommendations to prohibit it by the Committee on the Rights of the Child, other Treaty Bodies, and during the 2nd cycle UPR of Suriname in 2016.

We hope the Working Group will note with concern the legality of corporal punishment of children in Suriname. We hope states will raise the issue during the review in 2021 and make a specific recommendation that Suriname draft and enact legislation as a matter of priority to explicitly prohibit corporal punishment of children in all settings, including the home, and repeal any legal defences for its use.

1. Review of Suriname in the 2nd cycle UPR (2016) and progress since

1.1 Suriname was reviewed in the second cycle of the Universal Periodic Review in 2016 (session 25). Recommendations to prohibit corporal punishment of children were made and supported by the Government.¹

1.2 Since the review, no law reform appeared to have been initiated with a view to explicitly prohibit corporal punishment of children in all settings. In 2018, the Government again stated that although there was no explicit legal prohibition of corporal punishment, children were protected “from abuse under the country’s civil and criminal laws”² and that “corporal

¹ 1 July 2016, A/HRC/33/4, Report of the working group, paras. 133(71), 133(72)

² 6 March 2018, CEDAW/C/SR.1585, Summary records of 1585th meeting

punishment is considered a criminal offence".³ It however recognised that legislation needed to be updated or enacted to better protect children.⁴

- 1.3 **We hope the Working Group will note with concern the legality of corporal punishment of children in Suriname. We hope states will raise the issue during the review in 2021 and make a specific recommendation that Suriname enact a legislation to clearly prohibit all corporal punishment of children, however light, in every setting of their lives, and repeal any existing legal defence for its use as a matter of urgency.**

2. Legality of corporal punishment in Suriname

Summary of current law and opportunities for achieving prohibition

Corporal punishment of children in Suriname is lawful in the home, alternative care settings, day care, schools and penal institutions. There is no defence for the use of corporal punishment by parents and others enshrined in law, but legal provisions against violence and abuse are not interpreted as prohibiting all corporal punishment in childrearing. The near universal acceptance of violence in childrearing necessitates clarity in law that no degree or kind of corporal punishment is acceptable or lawful. Prohibition should be enacted of all corporal punishment in all settings, including the family home and all settings where adults have authority over children.

2.1 **Home (lawful):** Corporal punishment is lawful in the home. Article 351.220 of the Civil Code states that parents are obliged to maintain and educate their minor children. There is no defence for the use of corporal punishment enshrined in law, but provisions against violence and abuse in the Criminal Code 1911 and the right to physical integrity and protection from degrading or inhuman treatment or punishment in the Constitution 1987 (art. 9) are not interpreted as prohibiting all corporal punishment in childrearing. The Act on Domestic Violence 2009 does not prohibit corporal punishment in childrearing.

2.2 **Alternative care settings (lawful):** Corporal punishment is lawful in alternative care settings. In 2011, following the Universal Periodic Review of Suriname, the Government reported that public debate and the process of implementing regulations for day care centres was ongoing.⁵ A Framework Bill on Care Institutions and a draft law on foster care are under discussion.⁶

2.3 **Day care (lawful):** There is no explicit prohibition of corporal punishment in early childhood care (nurseries, preschools, crèches, etc.) or in day care for older children (after-school childcare, childminding, day centres, etc.).

³ 2 March 2018, Additional written information provided by Suriname following the consideration of its fourth/sixth report

⁴ 5 March 2018, CEDAW/C/SR.1584, Summary records of 1584th meeting

⁵ 13 September 2011, A/HRC/18/12/Add.1, Report of the working group: Addendum, para. 9

⁶ 4 May 2015, CRC/C/SUR/3-4, Third/fourth state party report

2.4 **Schools (lawful):** Ministerial directives have regularly advised schools against using corporal punishment since 1942, but there is no prohibition in law. During the Universal Periodic Review of Suriname in 2016, the Government stated that the Ministry of Education, Science and Culture gives specific instructions against the use of corporal punishment to schools and other educational institutions at the beginning of each school year.⁷

2.5 **Penal institutions (lawful):** Corporal punishment is considered unlawful as a disciplinary measure in penal institutions. The Criminal Code 1911 provides for the making of rules governing penitentiaries. Corporal punishment is not among permitted measures in the internal regulations governing penal institutions, but there is no explicit prohibition.

2.6 **Sentence for crime:** Corporal punishment is unlawful as a sentence for crime. It is not among the permitted sanctions in the Criminal Code 1911.

3. Recommendations by human rights treaty bodies

3.1 **CRC:** The Committee on the Rights of the Child has three times expressed concern at corporal punishment of children in Suriname and recommended it be explicitly prohibited in the family and other institutions – in its concluding observations on the state party’s initial report in 2000,⁸ on the state party’ second report in 2007,⁹ and on the state party’s third to fourth report in 2016.¹⁰

3.2 **HRC:** The Human Rights Committee has three times expressed concern at corporal punishment of children in Suriname and recommended it be explicitly prohibited in all settings– in its concluding observations on the state party’s third report in 2015.¹¹

3.3 **CEDAW:** The Committee on the Elimination of Discrimination Against Women recommended that corporal punishment is explicitly prohibited in all settings– in its concluding observations on the state party’s fourth to sixth report in 2018.¹²

Briefing prepared by End Corporal Punishment on behalf of the Global Partnership to End Violence Against Children

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⁷ 1 July 2016, A/HRC/33/4, Report of the working group, para. 20

⁸ 28 June 2000, CRC/C/15/Add.130, Concluding observations on initial report, paras. 41 and 42

⁹ 18 June 2007, CRC/C/SUR/CO/2, Concluding observations on second report, paras. 36 and 37

¹⁰ 9 November 2016, CRC/C/SUR/CO/3-4, Concluding Observations on third/fourth report, para. 18

¹¹ November 2015], CCPR/C/SUR/Q/3/Add.1 Advance Unedited Version, Concluding observations on third report, paras. 45 and 46

¹² 9 March 2018, CEDAW/C/SUR/CO/4-6 Advance unedited version, Concluding observations on fourth/sixth report, paras. 26 and 27