

# 1 Assessment of Suriname's progress

The report will focus on Suriname's progress in the implementation of internationally recognized rights of Indigenous Peoples in the country, considering the recommendations that were made to Suriname in the 2<sup>nd</sup> cycle of the UPR. In Annex I the status of implementation will be visually presented using the following colors Green (implemented); Yellow (partially implemented); Red (not implemented).

## 1.1 Compliance with IACHR decisions and ratification of ILO Convention 169

**1.1.1** Recommendation 133.101(Germany) on ensuring that the judgements of the Inter-American Court of Human Rights regarding the Moiwana Community and Saramaka people are swiftly and completely implemented, has not been implemented. The government claims that political will is present to undertake the necessary steps but goes on to explain that the main reason that to date it cannot implement lay in the fact that there was no common agreement among indigenous and tribal communities on certain major aspects of the judgments.<sup>i</sup> The mere claim on divergent positions with respect to agreeing on an applicable map of land use for those communities and the complexity of delimitation and demarcation<sup>ii</sup> is not sufficient excuse for the inaction of the government.

**1.1.2** Also, we must conclude that the respect the government for the rights of Indigenous Peoples, is not wholehearted. Suriname voted in favor of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (2007) and has affirmed its commitment to the implementation of the Saramaka Lo's and Kalina<sup>iii</sup> and Lokono decisions of the Inter-American Court of Human Rights<sup>iv</sup>. But up to now, Suriname is one of the few countries in South America that has not ratified ILO Convention 169. Recommendations 135.1 (Brazil), 135.18 (Ghana, Honduras) and 135.19 (Paraguay) on Suriname's ratification of ILO Convention 169 have been noted and the government claims cultural and ethnic diversity of the country as the reason for not supporting the ratification of ILO 169 and subsequent implementation of the rights of Indigenous Peoples.<sup>v</sup> Whereby the government of Suriname is insinuating that the recognition of the rights of Indigenous Peoples would mean entertaining proposals containing elements alluding to separatist elements.<sup>vi</sup>

**1.1.3** It is our opinion that the government of Suriname is using the fact that the country is composed of many ethnic and cultural groups as a reason for not ratifying ILO 169 and to justify their inactivity in this regard.

## 1.2 Legal Protection of Indigenous Rights

**1.2.1** Recommendation 133.97 (Guatemala), regarding the adoption of measures and establishing a formal platform to guarantee and protect the rights of Indigenous Peoples has not been adequately implemented, much remains to be done by the government. Even after establishing two new departments within the Ministry of Regional Development<sup>vii</sup>, there is still limited to no participation of members of indigenous peoples in public life and governmental bodies, and in the development and approval of public standards and policies, including those directly affecting their rights.<sup>ix</sup> The current Council of Ministers has one Minister of Indigenous descent and Parliament only three members.

**1.2.2.** The rights of Indigenous Peoples are not protected by law, there is no legal recognition of the juridical personality of Indigenous Peoples and no specific protection of peoples living in voluntary isolation (PIA) and people in initial contact (PICI). Suriname displays a persistent violation of Article 3 of the Interamerican Convention on Human Rights, as was declared by the Court in Saramaka Peoples, and reiterated more than 8 years later in Kaliña and Lokono Peoples.<sup>x</sup>

**1.2.3** Suriname reported actions taken to ensure protection of Indigenous People<sup>xi</sup>, which resulted in a Draft Act on Indigenous and Tribal Peoples Collective Rights Act, submitted to Parliament by its members.<sup>xii</sup> The draft act grants collective rights and juridical personality but does not stipulate how the translation into access to justice and effective remedies through their institutional structures will occur. The draft Act was formulated without meaningful and appropriate engagement and wide consultation of Indigenous Peoples. Other remarks on the current draft include:

1. The statutory link between central government and traditional authority is described only briefly.
2. Further elaboration on the right to self-determination in terms of choosing representation, including the authority and administration of Indigenous Peoples and the role of central government therein.
3. No amendment of art. 41 of the Constitution, to bring in line with collective ownership as specified in the many judgements against Suriname and the UNDRIP.
4. Regulation of entry into Indigenous lands and access to collective genetic resources and traditional knowledge.

**1.2.4** In May of 2020, the Environmental Framework Act entered into force. Through this act the performance of an Environmental and Social Impact Assessment (EIA) and FPIC are now mandatory with regards to activities that could have a negative impact on the environment and are near or in the territories of Indigenous villages.

## 1.3 Rights to lands, territories, and natural resources

**1.3.1** Recommendation 133.100 (Canada), to respect and ensure the rights of Indigenous Peoples related to the preservation of their land, culture, and resources and recommendation 133.102 (Costa Rica) to adopt measures to reduce the negative impact of mining on the environment and the rights of indigenous peoples and their lands, in conformity with international standards have not been implemented.

**1.3.2** The Parliament unanimously passed the ‘Act on Protection of Residential and Living Areas of Indigenous and other Tribal Surinamese’ on 22 December 2017. Yet the Act has no legal force as it has not been promulgated by the President. There is a continued lack of legal protection against the issuance of mining, logging, and tenure rights in their territories. Advice of the District Commissioner (DC) is asked when issuing mining rights<sup>xiii</sup>, but this does not give any guarantee because collecting approval before giving its advice is not mandatory. Work has been ongoing on a new Mining Act since 2004 to replace the current Mining Act of 1986. Consequently in 2016 and 2019, two Committees were established. The outcome of both committees is unknown. Also, there has not been any active and meaningful engagement with Indigenous Peoples on the content of this act.

**1.3.3.** PIACI are extremely exposed to high-risk situations. The rekindling of the “Integration of Regional Infrastructure in South America (IIRSA) project” in Suriname, means the development

of an interstate road from the South to the North of Suriname, which is projected to be right through the middle of the Amazon forest. This will have major disruptive consequences and fatal impacts on Indigenous peoples, including the PIACI presumed to live in that area. It can disrupt migration patterns, mostly along the Suriname - Brazil border. Because of increasing threats of contact by the outside population, the urge to protect these people and their territories increases even more.

**1.3.4** Another constant violation of the rights of Indigenous Peoples is the unbridled mercury use in of in and near the lands of indigenous Peoples. Whole villages and tribes are at risk of or already experience mercury poisoning. With regards to the steps Suriname claims to have taken<sup>xiv</sup>, none of them have yielded any results. There is also the introduction of a new substance for goldmining of which the effects on the health of the villagers is not known and of great concern. There is not much information available, other than that it is claimed that the substance contains cyanide. Up until now no effective action has been taken by the government to prevent the use.

**1.3.5** Due to none or little support by the government, Indigenous Peoples are dependent on the resources they have available in and near their communities. It is therefore necessary that Indigenous Peoples can enjoy their rights to their land and natural resources to improve their own way of life and not depend heavily on the government.

## **1.4 Improving the situation and ensuring equality of Economic, Social and Cultural rights**

**1.4.1** Regarding recommendation 133.98 (Colombia) which deals with strengthening measures to ensure equality of rights for indigenous peoples, including the right to health, education, and adequate housing, recommendation 133.96 (Egypt) on the improvement of the situation of Indigenous Peoples and recommendation 133.99 (Philippines) on the promotion of education for all, especially for indigenous and tribal children, as well as step up efforts to preserve languages of the indigenous communities, no progress has been made since 2016.

**1.4.2** To improve the situation of Indigenous Peoples, villages received no support and fend for themselves by entering partnerships with local NGO's and international organizations. Through these actions they have been able to bring 24 hours electricity to Pelele Tepu, provide sources of food where fish are heavily contaminated with mercury, stimulate food sovereignty through training communities in cultivation methods, construction of greenhouses and plant beds, and support financial independence through partnerships to develop their traditional products (non-timber forest products), such as thuka oil (brazil nut oil), honey and crafts. Current threats are mining, logging, infrastructure, environmental pollution, degradation, epidemiological and sanitary threats. No actions have been taken by the government to protect these groups.

**1.4.3** Regarding the right to health, Indigenous Peoples themselves addressed the current COVID-19 pandemic. Data shows that Indigenous Peoples have been affected more severely than other groups in the country. Of the total 172 deceased due to COVID-19 registered on 28th of February 2021, 16,2% were indigenous, which is alarmingly high considering that Indigenous Peoples make up 4% of the total population. This unprecedented crisis unveiled the structural vulnerable situation that Indigenous peoples are experiencing in Suriname. Also, due to the national mitigation measures, such as lockdowns and curfews, Indigenous peoples must largely rely on sustenance provided by the forest or own cultivation. If harvests fail, travel to the capital for replenishments is difficult and expensive. Hunters travel days from the village to hunt and return with insufficient game to feed the whole village. Scarcity in both diversified

food and educational material for the schools has arisen.

**1.4.4** In response to the Covid-19 pandemic OIS has, through partnerships with the Medical Mission and national NGO's, been working on a relief program facilitated by Rainforest Foundation US and funded by the French government to help indigenous communities cope with the immediate effects of the COVID-19 outbreak with provision of food parcels, education and hygiene supplies as well as supporting the building of quarantine/ isolation camps for most vulnerable communities in bordering villages with Brazil and French Guiana. On the proposed vaccination plans of the government there has also been almost no information sharing with Indigenous Peoples. The government awareness campaign has only just started. This has led to widespread misinformation of Indigenous Peoples on the working of the vaccine, and in turn led to refusal from some communities to get vaccinated.

**1.4.5** As mentioned section 1.3, mercury pollution and poisoning are a continuing crisis and new potential harmful products are introduced. Since the accession to the Minamata Convention there have been no visible signs on implementation. Some villages have initiated projects to provide other sources of food due to the heavily contaminated fish in the area. The Mercury Free Partnership that the government mentioned in its 2<sup>nd</sup> cycle country report has not been heard of for years.<sup>xv</sup>

**1.4.6** With regards to the right to education, no effective steps have been implemented to improve the level of education for Indigenous Peoples, mainly those living in the Southern part of the country. Primary education maintains the most accessible level. Higher education is concentrated in and around the capital and the additional costs for higher education cannot be carried by the parents. Some plans to build a modern school campus in Para exist (Secondary and Technical Education Support -STES- Project in Suriname). The government claims that it will be primarily focused on children from the interior. The status of this project is unknown. The COVID-19 pandemic has also had an immense impact on education in the whole country. But the effects felt in the coastal area are only exacerbated in the interior. Schools in the interior have yet to fully pick up the education process after the Christmas and New year's holidays, due to extra restraints, such as poor maintenance of school buildings, the travel of teachers from Paramaribo, and implementing extra COVID-19 protocols.

**1.4.7** A draft Primary Education Act was submitted to parliament in December 2019.<sup>xvi</sup> According to this draft the main language for primary education remains Surinamese Dutch. No provisions have been made to consider using a multilingual approach. Also, the act specifically talks about schools of concern (*zorgscholen*), which are schools that require extra care because of structural problems such as: unsatisfactory learning performance, learning and behavioral problems, large number of dropouts, unauthorized teachers, large number of underprivileged students, lack of (utilities) facilities, low parental involvement, insufficient sense of duty with teachers etc. Categorizing schools in this manner will enhance discrimination of indigenous schools.

**1.4.8** With regards to the preservation of the languages of the country's Indigenous Peoples the government has not taken any special steps to ensure this. We believe that with the draft Primary Education Act the possibility to introduce multilingual education will be actively reduced further. Also, no actions have been taken to introduce for example studies of native languages at University level and increasing attendance rates and reduce dropout rates of children of indigenous descent.

## 2 Conclusions & Recommendations

### 2.1. Compliance with IACHR decisions and ratification of ILO Convention 169:

**2.1.1** Suriname has not implemented the IACHR decisions. We recommend that Suriname implement these judgements to their full extent no later than December 2022.

**2.1.2** Suriname should ratify the ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent countries no later than December 2021.

### 2.2 Legal Protection of Indigenous Rights: on the adoption of measures and establishing a formal platform to guarantee and protect the rights of Indigenous Peoples, this has not been implemented.

**2.2.1** We recommend that the government improves the national participation of Indigenous Peoples in public life and government bodies, by creating awareness on the role of Indigenous Peoples in the country.

**2.2.2** We recommend that the draft Act on Protection of Residential and Living Areas of Indigenous and other Tribal Surinamese be reviewed and meaningfully consulted with Indigenous Peoples no later than December 2021.

**2.2.3** Under the Environmental Framework Act the EIA and FPIC have been made compulsory. We recommend that the implementation regulations regarding these provisions be formulated and implemented no later than December 2021.

**2.2.4** We recommend that the Draft Act on Indigenous and Tribal Peoples Collective Rights be reviewed taking into consideration the issues mentioned in this report to ensure full enjoyment of their rights. The Act should also include provisions on the protection of PIACI. The Act must be promulgated no later than December 2022.

### 2.3 Rights to lands, territories, and natural resources:

**2.3.1** PIACI are exposed to vulnerable situations. We recommend that the necessary actions are taken to protect these groups, by establishing sanitary corridors, stop the issuance of permits within the territories they occupy or otherwise use, and respecting their way of live.

**2.3.2** We also recommend revising the Mining Act of 1986 to include the rights of Indigenous Peoples to their lands, territories and resources. We recommend that the government holds adequate consultations on the draft Mining Act and take the emerging issues into consideration before submitting it to Parliament.

**2.3.3** We recommend that the government take active steps in banning the use of mercury and other substances in mining in or near Indigenous communities by July 2021.

## 2.4 Improving the situation and ensuring equality of Economic, Social and Cultural rights:

**2.4.1** We urge that the right to participation of indigenous peoples' representative organizations in the planning and implementation of pandemic measures be ensured, including in vaccination plans, which must be accompanied by adequate information duly considering the specific cultural and linguistic contexts in which they are developed, and guarantee the voluntary, free, prior and informed consent of the peoples.

**2.4.2** We reiterate the recommendations that the government should be actively working on improving the situation of the Indigenous Peoples, and provide the basic services such as, clean water and electricity.

**2.4.3** In terms of education, we recommend that the STES project include a quota system to ensure children of Indigenous villages have equal opportunities and that measures are in place to financially assist the families.

**2.4.4** We also recommend that the draft Act on Primary Education include provisions on multilingual education and the use of categories such as *zorgscholen* be avoided.

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<sup>i</sup> A/HRC/WG.6/25/SUR/1, para. 51

<sup>ii</sup> A/HRC/WG.6/25/SUR/1, para. 52

<sup>iii</sup> *Kaliña and Lokono Peoples v. Suriname*, IACTHR (2015) Series C, No. 309 (hereinafter *Kaliña and Lokono Peoples*),

<sup>iv</sup> *Saramaka People v. Suriname*, IACTHR (2007) Series C, No. 172 (hereinafter *Saramaka People*)

<sup>v</sup> A/HRC/WG.6/25/SUR/1, para. 60

<sup>vi</sup> A/HRC/WG.6/25/SUR/1, para. 61

<sup>vii</sup> <http://regionaldevelopment.gov.sr/directoraten-en-stichtingen/>

<sup>viii</sup> CERD/C/SUR/16-18, para. 58

<sup>ix</sup> 40A/HRC/WG.6/25/SUR/2, para. 58

<sup>x</sup> *Kaliña and Lokono Peoples v. Suriname*, IACTHR (2015) Series C, No. 309, para. 101

<sup>xi</sup> CERD/C/SUR/16-18, paras. 53-63

<sup>xii</sup> [https://www.dna.sr/media/286987/20\\_729\\_Leden\\_G\\_Watamaleo\\_ea\\_Aanb\\_Initiatiefvoorstel\\_Wet\\_Collectieve\\_Rechten\\_Inheemse\\_en\\_Tribale\\_Volken.pdf](https://www.dna.sr/media/286987/20_729_Leden_G_Watamaleo_ea_Aanb_Initiatiefvoorstel_Wet_Collectieve_Rechten_Inheemse_en_Tribale_Volken.pdf)

<sup>xiii</sup> CERD/C/SUR/16-18, para. 63

<sup>xiv</sup> CERD/C/SUR/16-18, paras. 53-63.

<sup>xv</sup> A/HRC/WG.6/25/SUR/1, para. 48

<sup>xvi</sup> Draft Primary Education Act, art. 1 under gg & art. 7.3