



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

Distr.
GENERAL

CERD/C/SUR/12
31 January 2008

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION**

Twelfth periodic reports of States parties due in 2007

Addendum

SURINAME* **

[19 July 2007]

* This document contains the eleventh and twelfth periodic reports of Suriname, due on 14 April 2005 and 2007. For the initial to tenth periodic reports and the summary records of the meetings at which the Committee considered the report, see document CERD/C/446/Add.1, CERD/C/SR.1614, 1615, 1636 and 1637.

** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1	3
I. GENERAL INFORMATION	2 - 14	3
II. EDUCATION	15 - 18	5
III. SPECIFIC POLICIES AND LEGISLATION	19 - 53	8
IV. HEALTH SITUATION IN SURINAME	54 - 78	19
V. INFORMATION FROM THE MINISTRY OF NATURAL RESOURCES ON THE MINING ACT	79 - 98	23
VI. GENERAL PLAN OF ACTION TO COMBAT POVERTY IN SURINAME	99 - 115	25
VII. ETHNICITY, EMPLOYMENT AND PROPERTY	116 - 128	29
VIII. CONCLUSION	129 - 131	33

Annexes*

1. Overview of teachers and students in the interior
2. Data on employees of Telecommunication Company (Telesur)
3. Data on employees of the Central Bank
4. Data on employees of the Hakrin Bank
5. Overview of the personnel of the RBTT Bank
6. Overview of the personnel of the Landbouw Bank
7. Overview of the personnel of the Self Reliance Insurance Company
8. Data on employees of the Water Supply Company
9. Conclusions and recommendations of an ILO national workshop on Indigenous and Tribal Peoples Convention No. 169
10. Number of marriages per month
11. Number of sexual abused children
12. Statistics on malaria and HIV/AIDS

* Annexes can be consulted in the files of the Secretariat.

Introduction

1. This submission of the State to the Committee on the Elimination of Racial Discrimination comprises the eleventh and twelfth periodic reports combined. In this report the State will focus on the recommendations and concern of the Committee. The State will also pay attention to the concern about the Indigenous People and the Maroons living in the interior in Suriname. The State will not reiterate the information, which remains the same, submitted in its previous report.

I. GENERAL INFORMATION

2. The Western coast of the Guyanas, of which Suriname is part, was discovered in the late fifteenth century. The original inhabitants were Amerindians. After different colonization attempts by the English and the French had failed, the Dutch captured Suriname in 1667. The colony's plantation economy was based on cheap labor with slaves from Africa. After slavery was abolished in 1863, indentured laborers were recruited in India, Indonesia and China. The descendants of these immigrants now form the larger part of the population of Suriname.

3. Suriname is located on the Northeastern part of the continent of South America between 2 and 6 degrees Northern latitude and 54 and 56 degrees Western longitude. It borders in the North with the Atlantic Ocean, Guyana to the west, French Guyana to the east and Brazil to the south. Its capital city is Paramaribo.

4. The country which is largely covered by rainforests has a surface area of about 163,820 square kilometres.

5. The total population as of August 2, 2004 was, according to the Statistic Bureau of Suriname, 492,829, of which 247,846 males and 244,618 females, while there were 365 persons for whom no sex was reported.

6. Compared to the Census of 1980 (with a population size of 355,240), it can be seen that the population increased with circa 137,600 persons over a period of approximately 24 years, i.e. a growth of 38.7 per cent (or 1.37 per cent annually).

7. The largest part of the total population lives in and around the capital Paramaribo. A small part is spread over small towns in the coastal districts and in tribal communities along rivers in the interior.

8. The Republic of Suriname is divided into 10 Districts. Paramaribo is the smallest District in size, but has the largest population density. Coronie has the smallest population size and Sipaliwini (comprising 80 per cent of the area of the Republic of Suriname) has the smallest population density.

9. The geographic distribution of the population, area and density per District is as follows:

- Paramaribo has a population of 242,946 in an area of 183 square km and the density is 1,327.6 people per square kilometre;
- Wanica with a population of 85,986 in an area of 443 square km has a density of 194.1;

- Nickerie has a population of 36,639 in an area of 5,353 square km with a density of 6.8;
- Coronie on the other hand with the smallest population of 2,887 in an area of 3,902 square km with a density of 0.7;
- Saramacca with a population of 15,980 in an area of 3,636 square km has a density of 4.4;
- Commewijne has a population of 24,649 in an area of 2,353 square km with a density of 10.5;
- Marowijne with a population of 16,642 in an area of 4,627 square km has a density of 3.6.

10. Para has a population of 18,749 in an area of 5,393 square km has a density of 3.5. Brokopondo has a population of 14,215 in an area of 14,215 square km and a density of 1.9, whereas Sipaliwini as the largest District in size has a population of 34,136 in an area of 130,567 square km with a density of 0.3.

11. This is a total of 492,829 inhabitants in an area of 163,820 square km and a density of 3.0.

A. The population by ethnic group

12. The population of Suriname is multi-ethnic and multi-religious. This diversity stems from several waves of importation of slave labor for the plantations and indentured labor from China, India and Indonesia. They were brought in to run the plantation-based production system in the country during the colonial period.

13. The population by ethnic group in 2004 was as follows:

- Amerindians, 18,037;
- Maroons, 72,553;
- Creole, 87,202;
- Hindustani, 135,117;
- Javanese, 71,879;
- Chinese, 8,775;
- Kaukasisch, 2,899;
- Mixed, 61,524;

- Others, 2,264;
- Don't know, 1,261;
- No answer, 31,318.

14. Suriname is diverse in population and religion and still people are living in harmony with each other. The enormous cultural diversity characterizes Suriname as a fascinating society with different ethnic groups, each with their own language. At least 15 different languages are spoken.

II. EDUCATION

A. Literacy

15. The “continuous” household surveys of the General Bureau of Statistics (conducted in the Districts of Paramaribo and Wanica) produce a literacy rate (both sexes, average of the period 200-2002) of 90.6 per cent, for the non-institutional population 6 years and over. The Census result for the non-institutional Population in Suriname is 74.1 per cent, but this masks quite some geographic variation. Wanica has a rate of 88.8 per cent and Sipaliwini gas a rate of 35.9 per cent. If we exclude the category “not reported (totaling 67,353) surprisingly Coronie comes first with 93.6 per cent, followed by Paramaribo (93.1 per cent) and Wanica (91.4 per cent). Sipaliwini retains the last position but jumps to 47.6 per cent. The nationwide average ends at 88.1 per cent.

16. These figures are quite comparable to those of the regular household surveys:

	Literate	Illiterate	Do not know
Indigenous peoples	12 501	1 435	4 101
Maroons	36 942	19 807	15 804

17. With regard to the available schools (89) in the interior and the districts where the majority of the pupils are indigenous people and Maroons, the figures are as follows in the table below.

Table: Schools with indigenous/Maroon majorities

	Primary schools	Secondary schools	
Sipaliwini	45	1	
Marowijne	18	3	
Brokopondo	15	1	
Para Oost-West	5	-	
Wanica-Santigro	1	-	
Total	84	5	= 89

(See annex 1 for the number of teachers and students in the interior.)

18. The questionnaire sent to the Ministry of Education of Suriname yields the information that follows:

1. Please indicate what measures are taken to preserve the native languages of the country's indigenous and tribal peoples in the education system.

There are no special measures taken to preserve the native languages of the country's indigenous and tribal people in education. The formal language is Dutch, which is the official language in schools.

2. Please provide information if Sranan Tongo, which is spoken by the majority of the population, is given sufficient prominence in education.

As mentioned before the school language in Suriname is Dutch, however in the interior Sranan Tongo is commonly used as instruction language in Kindergarten, first and second grade. There are plans to conduct a study in the use of the mother tongue approach in the early years in primary schools.

3. Please provide information on education facilities and utilities available to indigenous and tribal peoples.

There are some boarding houses in the capital city especially for students from the interior enrolled in secondary schools. Preparations are in a final stage to build two new boarding houses with all the necessary education facilities in Sipaliwini district (Stoelmanseiland and Pokigron). To improve the education in the interior many measures have been taken in order to improve the living and working conditions. As a pilot, recently two nucleus centers have been built in Albina (in the Marowijne district) and Brokopondo Centre (in the Brokopondo district).

4. Is it true that some locations in the interior do not have adequate education facilities? And that there is a continuing lack of important utilities.

It is true that some locations in the interior do not have adequate education facilities, due to the wideness of the interior and the fact that the people live very scattered in remote areas locations do not have enough pupils to start a school over there.

During the civil strife (1986-1992) the infrastructure in terms of school buildings and service dwellings were destroyed or seriously damaged, while large parts of the population migrated to urban areas.

In the past ten years many of the schools and teacher's houses have been rehabilitated while many new schools and other facilities have been built. For the teacher working in the interior, incentives have been introduced and the possibilities for distance education are in study.

5. *Please indicate if there is an education plan of action for the interior.*

There is a special policy plan for the interior. This document has been formulated in close cooperation with the stakeholders in the education sector with special attention for the interior.

6. *Please provide data on the number of children that attend school; the number of students that finish the primary school; secondary school and high school.*

The number of students that attend school are:

Primary	82 448
Junior vocation oriented education	9 439
Junior secondary	17 531
Senior school	13 500

The number of students that finishes school:

Primary	72%
Junior secondary	60%
Senior secondary	70%

7. *Please provide information on the current status of mandatory school attendance of children between 6 and 12 years.*

Attendance of children between 6 and 12 years is: 66,097.

8. *What are the official fees applicable to the different school types from primary education till university level?*

The amount of fee applicable to the different school types of Public Schools are annually (the exchange rate is US\$1 = SRD.2.80):

Primary and Secondary	SRD. 25,- (±US\$ 8.92)
Secondary school	SRD. 50,- (±US\$ 17.85)
University	SRD. 450,- (±US\$ 160.71)

The fee is somewhat higher at schools of the different denominational organizations (private schools).

9. *Is there a mechanism at your ministry to assist families that are not able to pay official fees?*

At the Ministry of Education and Community Development (MOECD) there is no official mechanism yet to assist families that are not able to pay the official fee. However,

there is an instruction for the school principals of Public Schools to give a discount if more than one child of a family is enrolled in a same school. In many case the possibility does exists to make a settlement with the family.

10. Is there a mechanism in place at your ministry to assist families in the interior that are not able to pay the official fees.

Same as above.

11. Please provide information on the teachers that are designated to teach in the interior (number, training, recruitment, etc).

A total of 595 teachers are working in the interior of Suriname at the primary schools and about 50 at the secondary schools. Not all of these teachers are fully qualified. Due to the bad living and working conditions in the interior it is not easy to recruit fully qualified teachers. There are upgrading courses on a continuing base for the so-called “unqualified” teachers.

12. Please provide information and statistics of the number of students from the interior that pursue secondary education and higher education, till University level.

There are no statistics available of students from the interior that pursue secondary and higher education till University level.

III. SPECIFIC POLICIES AND LEGISLATION

A. Sexual abuse of children

19. Regarding the sexual abuse of children, the State communicates the fact that the statistics available on sexual abuse of children do not make a distinction by gender, race and region. Please find attached an overview drawn up by the Youth Affairs Department of the Suriname Police Corps (see annex 11).

20. Pursuant to the Policy Plan Sector Legal Protection and Security 2006-2010 the Public Prosecutions Department takes in a central place in criminal law enforcement, because of its involvement in the investigation, prosecution, adjudication and enforcement of punishable acts.

21. The necessary measures which are taken to ensure that those responsible are prosecuted include the fact that the Police Corps is the institution charged with the investigation of punishable acts and the Public Prosecutions Department is charged with the investigation as well as the prosecution. A youth officer charged with youth affairs was appointed within the Public Prosecutions Department.

22. The current status of the establishment of the Constitutional Court, which the State describes as an essential mechanism for the protection of human rights is that it still has to be established.

B. Organizations fomenting racial discrimination

23. Regarding the question of whether the State has considered making a law which will declare illegal and banning organizations fomenting racial discrimination, the answer is as follows: The Constitution offers sufficient guarantees for fighting and preventing racism and discrimination. In the present Criminal Code article 175 lays down a provision concerning discrimination of people on the basis of race, religion, philosophy of life. In the draft Criminal Code a new paragraph was added to this article to make it punishable, the act as intended in Article 175 if it is perpetrated by a person who makes it a profession or a custom or by two or more persons together, with imprisonment of at the most two years and a fine of the second category or with one of these punishments.

24. The following articles also have to be included in the draft Criminal Code:

- Article 176b: The person who participates or financially or in any other material way supports activities that are directed at discrimination of people based on their race, religion, philosophy of life, gender, sexual inclination or a physical or mental deficiency shall be punished with imprisonment of at the most three months and a fine of the first category, or with one of both punishments;
- Article 176c Paragraph 1: The person who in the execution of his office, profession or business deliberately discriminates on the basis of race, religion, philosophy of life, gender, sexual inclination or a physical or mental deficiency shall be punished with imprisonment of at the most six months and a fine of the first category, or with one of both punishments.

25. The new fines have already been promulgated by Bulletin of Acts and Decrees S.B. 2002 no. 73.

C. Visa policy

26. The visa policy of Suriname is executed on the basis of reciprocity, for which the interested parties do not experience any unnecessary barriers in connection with obtaining a visa:

- Chinese: The visa policy regarding China is since May 2006 mostly aimed at businesspeople and visa granting within the framework of family reuniting. As far as family reuniting is concerned, the policy only focuses on the core family which is the father, mother and minor children;
- Brazilians: With regard to Brazil Surinamers and Brazilians do not require a visa. In both countries applies a regulation that the registration with the Alien's Police is required if one wishes to stay more than 3 (three) months;
- Haitians: Between Suriname and Haiti, as between Haiti and the other CARICOM member countries, there is a visa requirement.

D. Rules regarding marriage in Suriname

27. With regard to the recommendation of the Committee to ensure respect for women's rights irrespective of the community they belong to, especially where marriage is concerned, the State reacts as follows: marriage in Suriname is an association between a man and woman for a sustainable community recognized by the State.

28. Some formalities apply to concluding a legal marriage. The formalities to join in matrimony are divided in internal and external formalities.

29. The internal formalities (articles 80 and 82 Surinamese Civil Code) include:

- The free consent of the future spouses to join in matrimony;
- The free consent of all from whom permission is required (parents, guardian);
- The future spouses must be unmarried.

Bigamy and polygamy are completely forbidden in Suriname. The marriage in Suriname has a monogamous character. This means that the man can only be married to one wife at a time and the wife can only be married with one man at a time (Article 80 Surinamese Civil Code).

30. The external formalities (Art. 103 -109 Surinamese Civil Code - SCC) are requirements that are linked to the marriage ceremony:

- Notice of (intended) marriage:

All persons who wish to enter in matrimony must notify the Registrar of the Civil Registry of the (intended) marriage of the place of residence of one of the parties. Article 103 SCC. Any writing of the future spouses from which their intention with sufficient certainty appears, is sufficient for such notification. In respect of minors, the Registrar will do a special investigation. The Registrar investigates whose permission is required for this marriage or whether the minor is placed under supervision.

31. Announcement of forthcoming marriage:

The notice must, depending on the impediments to the solemnization of the marriage, be given sufficient publicity. This is done by means of an announcement of the intended marriage by posting a written notice in front of the Civil Registry where the notice was done as well as in the Government Gazette of Suriname.

32. Before performing the marriage ceremony the Registrar of the Civil Registry will request the submission of:

- A certificate of unmarried status of both future spouses, this is a certificate that shows the civil status;

- The birth certificate of both future spouses, or in case of its absence an identification certificate drawn up by a civil-law notary;
- Certificate of permission provided by whoever's permission is required for the marriage;
- A certificate of permission from the District Court;
- In case of dispensation by the Procurator General or the District Commissioner, a certificate that shows such dispensation;
- In case of a second or subsequent marriage, a certificate that shows in case of decease the death or a divorce certificate or a judicial permission of the District Court to enter into a second marriage or subsequent marriage;
- The death certificates of all those persons who had to give their permission had they been alive;
- A certificate that the announcement took place without any objections, provided by a duly authorized civil servant.

33. A marriage is solemnized taking into account the following guidelines:

- A marriage registrar is a person registered in the public central records at the request of a legal person having its registered office in Suriname, which according to its articles of association and sustainable actual activities has the character of a religious community (art 134 jo art 134b SCC¹).
- The marriage registrar can be authorized verbally or in writing by the future spouses to make the statement on their behalf upon the notice of intended marriage, that they wish to have their marriage solemnized by religious ceremony (Art. 135 Paragraph 1 and Paragraph 2 SCC²).
- This statement on behalf of the marriage registrar should then be included in the deed drawn up pursuant to Article 104 SCC³ of the notice of intended marriage (Art. 135 Paragraph 3 SCC).

¹ Article 134 amended by Bulletin of Acts and Decrees S.B. 25 June 2003 no. 140.

² Article 135 amended by Bulletin of Acts and Decrees S.B. 25 June 2003 no. 140.

³ Article 104 SCC: the notice of intended marriage shall be done in person or by such written documents that the intention of the future spouses can be established with sufficient certainty.

- The marriage registrar authorized by the future spouses shall be authorized to request the handing over of the form of the marriage deed in threefold from the registrar of the civil registry, after having made a statement according to Article 135, that the marriage will be solemnized by religious ceremony (Art. 135a SCC⁴).
- The marriage registrar authorized by the future spouses must submit the required documents for completing the form to the civil servant of the civil registry (Art. 135a Paragraph 3 SCC opening lines and under b).
- The marriage must be solemnized within ten days after the day on which the form of the marriage deed was handed over in triplicate. The marriage shall be solemnized in the place and before the marriage registrar mentioned in the form (Art. 135b Paragraph 1 SCC).
- If the solemnization is not possible due to special circumstances within said term, in the place or before the marriage registrar mentioned in the form, the marriage may be solemnized at a later time or elsewhere in Suriname or before another marriage registrar (Art. 135b Paragraph 2 SCC).
- It is, however, required that the registrar of the civil registry is notified of the deviation for the solemnization of the marriage by the authorized marriage registrar (Art. 135c Paragraph 1 SCC).
- The marriage can then still be solemnized before the marriage registrar at the latest on the tenth day after the notification of the registrar of the civil registry, if the deviation only relates to exceeding the term of ten days mentioned in Article 135b Paragraph 1 under a (Art. 135c Paragraph 2 SCC).
- If a change of place of the solemnization is concerned or a replacement of the marriage registrar, then the three copies of the already provided form are given to the registrar of the civil registry who then makes the necessary changes and authenticates these (Art. 135c Paragraph 3 SCC).

If it appears too late to fulfill above formalities, that the marriage registrar mentioned in the form is impeded to solemnize the marriage, then the duly authorized District Commissioner can grant an authorization to have the marriage proceed without the formalities of Article 135c Paragraph 3 SCC before another marriage registrar (Art. 135c Paragraph 4 and Paragraph 5 SCC).

⁴ Article 135 a and further amended by Bulletin of Acts and Decrees S.B. 25 June 2003 no. 140.

- Before a marriage registrar a marriage cannot be solemnized by power of attorney. When a marriage is solemnized before a marriage registrar the permission of the parents, guardian and co-guardian cannot be given by means of the marriage certificate (Art. 135d SCC).
- Recognition of natural children in case of a marriage before a marriage registrar can only be done by marriage certificate if the registrar of the civil registry was notified of the intention to do so prior to handing over the form. The marriage registrar shall be authorized to make such announcement, on behalf of the man who wishes to proceed to recognition, if he is authorized to do so (Art. 135c SCC).
- A marriage is solemnized before the marriage registrar in accordance with the doctrine, regulations or customs of the religious community to which he belongs according to his registration in the civil registry (Art. 135f SCC).
- If a marriage was solemnized before the marriage registrar, the marriage certificate is drawn up by dating the three copies of the form of the marriage certificate, after the further details to be entered have been recorded on the certificate at the place intended for that. The deed is signed after reading there out aloud by both parties, the marriage registrar and the person who led the marriage ceremony at the solemnization. If the latter is the same as the marriage registrar, the certificate shall be signed by him twice. If one of the parties cannot sign, the cause of the impediment is mentioned at the bottom of the certificate (Art. 135g SCC).
- On the form provided by the registrar of the civil registry nothing is stricken or deleted.

When a marriage was solemnized with the authorization of the District Commissioner or before another marriage registrar than indicated in the form, or when any other addition or change of what was included on the form is required, the correct data are included at the bottom of the certificate. In case of a power of attorney as mentioned here, it should also be mentioned by whom and when it was granted (Art. 135h SCC).

- The marriage registrar, before whom the marriage was solemnized, hands over two copies of the marriage certificate, properly completed and signed and intact, to the registrar of the civil registry within a set term, after the solemnization of the marriage.

34. The terms are:

- Three days for marriages solemnized in Paramaribo;
- Five days for marriages solemnized in the District of Suriname;
- Ten days for marriages solemnized elsewhere in Suriname.

The third copy of the marriage certificate is kept by the marriage registrar. (Art. 135i SCC).

E. Information on Asian marriage legislation

35. By Government Decree of the 25th of June 2003 the Act on Revision of the 1973 Marriage Act, known as the Act of Adhin, became effective. This Act provides new rules relating to the solemnization/dissolution of marriages, and simultaneously for the existing marriage legislation (including the Asian Marriage Act of 1940) for specific groups of the population was repealed.

36. The possibility to have a marriage solemnized within the framework of a religious ceremony was so far only open to Hindus and Muslims. With the coming into force of this act the inequality that existed in the field of religious marriages was removed, so that the other religious groups would be given the opportunity, if they wish, to solemnize marriages according to the doctrine, regulations or customs of their religious community with the condition that these need to be consolidated properly.

37. As a result of the entering into force of the Act on Revision of the 1973 Marriage Act advances have been made in respect of the implementation of convention provisions c.q. the improvement and promotion of human rights and the fundamental freedoms for all in Suriname, without discrimination on the basis of race, gender, language or religion, as this regulation now also allows Jews, Christians, but especially Maroons and Indigenous peoples to solemnize marriages in accordance with their doctrine and their religious customs. For that reason we no longer speak of Asian marriage solemnization, but of religious marriage solemnization.

38. This regulation is set up in such a manner that the administrative activities related to the marriage solemnization, also when this is done by religious ceremony, will be performed mainly by the registrar of the civil registry, however without any obligation for the future spouses to personally go to the registrar, which is important, given the poor connections in the districts and in the interior. Notice must be given, however, to the registrar of the intention to marry, but giving such notice can be left to the person, before whom the marriage will be solemnized. This person is now the marriage registrar.

39. Since the Act on Revision of the 1973 Marriage Act became effective the marriageable age for the man is 17 years and for the woman 15 years of age. From the age of 21 (age of majority) a child does not need permission from the parent to be married. The notice of intended marriage at the Civil Registry is, however, compulsory (see annex 10 for the number of marriages per month).

F. Information on labour, technological development and environment

40. According to the General Bureau for Statistics for Suriname the indigenous people and Maroons who are employed is set out as follows below:

	Employment	Unemployment
Indigenous peoples	5 250	776
Maroons	14 060	3 739

41. The Ministry of Labour, Technological Development and Environment (LTDE) sent the following remarks and answers to the relevant questions:

Please provide information on the view of your ministry/ the government with regard to the ILO Convention no. 169 concerning Indigenous and Tribal Peoples to Suriname's particular circumstances. The ILO Convention no.169 was mentioned in the 1992 Peace Accord.

In 1991 Convention no.169 was submitted to the National Assembly but was considered to be a sensitive subject in which extensive research was necessary, therefore it was not ratified. The Ministry of LTDE believed that in order to adequately make a decision concerning Convention no.169 it would be necessary to open up a dialogue on this issue. In this dialogue the views and essential elements of Convention no. 169 could be discussed and the Indigenous and Maroon communities as well as the social partners and other relevant ministries could give their opinion on the Convention.

Following the abovementioned, in October 2003 a Workshop was held by the Ministry in collaboration with the ILO Caribbean Office and ILO Headquarters- Geneva. In this workshop several representatives of the indigenous and maroon communities, social partners and other relevant ministries participated. Before the workshop the Ministry of LTDE initiated hearings with other relevant ministries in order to formulate the view of the government. The findings of these hearings were presented at the workshop (see annex 3). In short the government acknowledged that special attention should be given to the specific situations of Indigenous peoples and Maroons but at the same time emphasized the fact that research and consultations were necessary in order to fully implement the ILO Convention no.169.

Clearly it has to be stated that the Ministry of LTDE cannot by itself implement ILO Convention no. 169 due to the fact that this Convention not only has an impact on policy issues of the Ministry of LTDE but also on issues that concern other ministries (cross-cutting). Except for some articles within the convention it can be stated that the Ministry of LTDE has, in fact, a facilitating role in this matter. If the government should decide to ratify this convention, this decision needs to be an unanimous decision in which both government, Indigenous and Maroon communities are fully aware of the impact and the consequences of this convention. It should be supported by all the ministries on which it will have an impact.

Is the State considering ratifying the Convention? Explain the position.

The ratification of the Convention is taken into consideration by the government and is in fact the ultimate goal.

However, there are still some aspects which oblige the government to extend its research and consultations with the stakeholders in this Convention. The workshop held in 2003 clearly stated that the views of the three stakeholders namely the government, Indigenous and Maroon communities, concerning the convention, differed from each other.

It was considered that it would be necessary for all parties to have further discussions and dialogue on the topics that caused the difference such as the land rights, educations and the penal system (see annex 9 for the conclusions and recommendations of the workshop).

Is there a policy to combat unemployment with the indigenous and maroons living in the interior?

The Ministry has a policy to combat the unemployment within the Indigenous and Maroon communities in the interior. This policy is based on a joint effort of several foundations within the ministry such as S.P.W.E. (Foundation of Productive Working Units), S.A.O (Vocational Training Centre), RACO (Board of Cooperatives).

The main goal of SPWE is to stimulate small entrepreneurs by providing the necessary technical assistance and guidance through training. These specific training methods are mostly focused on enlarging the development process within the interior/district as well as stimulating possibilities for self-development and employment especially under young people. In relation to the abovementioned, several activities have been undertaken by this foundation. For example:

- In 2003/ 2004 in collaboration with PAS (Pater Alhbrinck Stichting) young Maroons working in the furniture industry (Abadoekondre) were trained on how to sharpen their technical skills and how to make their cost price calculations;
- In 2005 in collaboration with PAS and training and technical assistance were provided concerning financial management to young entrepreneurs in Donderskamp.

For 2007 there are also other initiatives planned such as a project which will be executed by the foundation and the Department of Youth Affairs/ Ministry of Education, concerning the establishment of training and production units within the interior in order to give vocational training to young people and adults from Indigenous and Maroon communities. Another initiative is focused on a collaboration with SAO and RACO concerning the training of drop-out in Apoera. The chance of survival of young people in this area is rather low as a result of the lack of the necessary skills to develop themselves or the area. In order to enhance their survival opportunities the training will focus on vocational training and entrepreneurship.

SAO is the foundation which enables unemployed adults as well as school drop-outs to receive an education which create the opportunity to fully participate in the labor market. This foundation provides tailor-made vocational trainings to Indigenous and Maroon Communities.

RACO consists of representatives of government as well as several cooperatives. This institute also provides training to people who want to start a cooperative and gives technical assistance where necessary. In relation to the situation within the interior, each

of the abovementioned institutes has one main goal in common namely the elevation of poverty in the interior as well as creating opportunities for especially young people to work on their own development as well as the development of the area they live in.

Is there a policy to establish job opportunities for people living in the interior at companies that are active in the interior (gold, wood, bauxite, etc)?

In the contracts with the multinationals in areas as mentioned above the Ministry sees to it that it is stated that these companies will make use of the labor force within the personnel of the multinational as much as possible. It is even stated that, if specific skilled personnel is not available locally, the company will hire personnel from abroad but will enable the local labor force to be trained in order to become skilled workers e.g. CAMBIOR/IAMGOLD. This system not only benefits the development of local communities but of the labor force as well. In this area some of the foundations and boards of the Ministry are also very active for example RACO. This institute has had several meetings with people working in the gold mines in order to start up cooperatives in this sector and the intention is to give them the necessary skills and assistance to develop their entrepreneurship qualities.

G. The Council for Development of the Interior

42. With the development of the people living in the interior in mind, the State took action on this issue by helping establish the Council for Development of the Interior.

43. On August 8, 1992, the Agreement for National Reconciliation and Development (the so-called Peace Accord 1992) was signed between the Government of Suriname and the illegal armed groups in the interior. The foundation of this agreement is to achieve sustainable peace and to realize sustainable development for the whole nation.

44. In the Agreement (art. 4 lid 1) the parties agreed that an institute of the Council for the Development of the Interior (Raad voor de Ontwikkeling van het Binnenland, R.O.B) will be established with the following goal: Promotion of an institutionalized dialogue between the Central Government and the traditional communities in/of the interior with regard to policy concerning their well-being and development of their living areas.

45. The Council for the Development of the Interior was established on May 1 1995 (S.B. nr.3783/95) by the Ministry of Regional Affairs and consists of 5 representatives of the Government, 4 representatives of the indigenous peoples, 2 representatives of the Saramaccaner Community, 2 representatives of the Aucaner Community, one representative of the Paramaccaner community and one representative of the Matuarian community.

46. The Representatives of the Government are from the Ministries involved in the development of the interior namely the following: Regional Affairs, Natural Resources, Education and Public development, Public Health, and Labor Technological Development.

47. The District Commissioner of Sipaliwini is the representative of the Ministry of Regional Affairs and is officially the Chairman of the Council. A staff member from the Ministry of Regional Affairs is attached as secretary (not a member) to the Council, without voting rights.

48. All the representatives of the Ministries are high-ranking staff members, responsible in their ministry for policy-making and/or execution concerning the interior.
49. The representatives of the traditional communities, who are living under tribal circumstances are being nominated by the Chief of their tribes.
50. Representatives of both the Government and the traditional communities are supposed to be knowledgeable on issues concerning the sustainable development of people and groups of peoples living in tribal communities and who are committed to the goals of the Council.
51. The tasks of the Council are:
- To promote an institutionalized dialogue between the Central Government and traditional communities in/of the interior with regard to policy concerning their well-being and the development of their living areas;
 - Stimulate and propose plans and programs concerning the restoration and development of the interior in consultation with the traditional authorities, the government, regional governmental and public representing organs, and relevant organizations and institutes;
 - Check plans and programs against the aspirations and potentialities of the people of the different areas, and report to the Government concerning the results;
 - Advise the Government and traditional authorities concerning their policy of restoration and development of the interior;
 - Advise the Government including the Minister of Regional Affairs, traditional authorities, and other relevant organizations on issues concerning the sustainable development of the interior.

H. Authority

52. The Council is competent to be heard by the Government of Suriname including the Minister of Regional Affairs concerning policy and/or policy initiatives and decisions, national and international agreements, legislative matters and all other issues, which can be of influence on the life and well-being of the people living in tribal communities.

I. Involvement in land demarcation process

53. At the installation of the latest Council in 2003, request was done by the Minister of Regional Affairs to look in to the difficulties of land rights of the people living in tribal communities. The issue is so complex that the Council is still in the process of gathering information, by participating in workshops, attending presentations, studying literature, etc.

IV. HEALTH SITUATION IN SURINAME

A. Current status of malaria in Suriname

54. Malaria is an important public health problem in the interior of Suriname with a registered number of cases of 17,106 (per 50,000 people) in 1995 and 13,216 in 2000. After the introduction of new treatment policies in 2004, the number of cases declined to 8560 (2004) and 9000 (preliminary estimate) in 2005.

55. Through the Global Fund Malaria project and the RAVREDA, Suriname successfully reduced malaria incidence by 80 per cent in 2006 (see annex 12).

B. Plan of action to combat HIV/AIDS

56. Completion of the National Strategic Plan (NSP) and the availability of two Global Fund grants have significantly enhanced the national capacity to develop a comprehensive response to HIV/AIDS. The NSP outlines the targets, strategies and activities for the period 2004-2008. Specific targets toward achievement of the MDGs include 25 per cent reduction of new HIV infections in the age group 15 – 24 and 25 per cent reduction of the number of HIV+ pregnant women.

57. The recently completed Multi-Annual Development Plan (MOP) has integrated these targets into the national development strategy.

58. Measures currently being implemented towards achieving these targets include the expansion of the Prevention of Mother-to-Child Transmission (PMTCT) program, and the intensified prevention programs based on the ABC strategy, which includes promotion and increased availability of condoms.

59. Suriname has received two Global Fund grants for combating HIV/AIDS, of which one is focused on the acceleration of treatment and the other on prevention strategies. The Global Fund grant on prevention includes strategies to combat HIV/AIDS in the mining areas, etc., because these are regarded as high-risk groups.

C. Health care in the interior

60. Medical health care has been provided for over 200 years in the hinterlands. Anyone who lives in the hinterlands can depend on *pro deo* health care provided by the Medical mission (MM). Some data on the interior (2005):

- Population: 57,086 people;
- Outpatient clinics on 52 locations (54 medio 2006);
- 151,296 consultations per year;

- 1,557 births per year;
- 603 hospitalizations per year;
- Roughly 430 emergency transports per year, 305 by air and 126 by ambulance.

61. Medical missions include:

- 223 personnel:
 - 5 medical doctors;
 - 1 dentist;
 - 8 clinic heads;
 - 84 health assistants;
 - 39 clinic helps;
 - 31 malaria microscopists;
 - 73 auxiliary workers (technical- administrative personnel);
- The health assistants have been practically trained and speak the local language, which is essential fundament for the provision of good health care on the locations;
- The health assistants are permanent on the spot, contrary to medical doctors.

62. Not every village has a health post; through funding of the Islamic Bank 24 clinics are being built now, of which 15 have already been finished. It is the aim of the Government to rebuild and operationalize the two rural hospitals in the interior. Training of health workers and health education are ongoing projects, Through a cooperation program with Cuba, medical doctors will be permanently stationed in some clinics in the interior.

D. National Health policies and plans

63. In May 2004 the Sector Plan Health Care 2004-2008 was approved by the National Assembly. This plan consists of seven strategies:

1. Strengthening primary health care and prevention
2. Improving the efficiency as well as the quality of hospital care
3. Promoting financial access to health care
4. Control of the costs of health care

5. Strengthening of support systems
6. Human Resource development
7. Improving and safeguarding quality.

64. Actual improvement of the health sector in Suriname i.e. improved services for patients requires implementation of the many recommendations coming from the health sector reform studies. Studies conducted in preparation of the Sector Plan Health Care 2004-2008 identified three basic pillars for the reform of the health sector:

1. Improve efficiency: cost control measures
2. Improve equity: protection of the unprivileged
3. Improved quality: quality assurance instruments.

65. The Policy Plan of the Ministry of Health for 2005-2006 has added to these pillars:

Improve accessibility: expansion of primary and secondary care to rural areas.

66. Overall, the Government aims to reduce U1 (under age one) mortality from 19.2 per 1,000 births in 2004 to 7 in 2015, U5 mortality from 24.5 per 1,000 in 2004 to 10 in 2015, to increase the immunization coverage for measles and DPT3 from 85 per cent in 2004 to 100 per cent by 2015 and to reduce maternal mortality from 88 per 100,000 live births in 2004 to 50 in 2015. Total expenditure on health is expected to increase to 9.4 per cent of GNP (public expenditure increase to 4.5 per cent of GNP). Important improvements are expected of the introduction of the "Algemene Ziektekosten Verzekering" (General Health Insurance) which is expected to become operational by 2008. The Human Resource Development Plan for the Health Sector will be implemented, with enough qualified and skilled staff available at all levels by 2008.

E. Institutional organization of health systems

67. The core institutions are the Ministry of Health's (MOH) Central Office and the Bureau of Public Health (BPH), and inspectorate. The central office and inspectorate are responsible for standard-setting, inspection and monitoring and the BPH is responsible for program development.

68. The Government provides primary health care to the poor through the Regional Health Service (RHS) and through the Medical Mission (MM).

69. Primary Care clinics, managed by large firms, provide services to employees and their families. The Foundation for Family Planning, a NGO, provides reproductive health care services. All hospitals are located in the coastal area. There are three public and two private hospitals and one psychiatric hospital.

70. The private Diakonessen Hospital, through an agreement with the MM, provides hospital care to patients from the interior. Hospital care for these patients is paid by the Ministry of Social Affairs (MSA). The RHS operates a total of 45 clinics in all 8 coastal districts.

F. Health insurance

71. The main types of health care financing are:

- The State Health Insurance Fund with a comprehensive package of health benefits for 35 per cent of the population (civil servants and their dependants);
- The MSA with free of charge primary and secondary health care services of the poor and near-poor covering about 42 per cent of the population; and
- Private firm insurance plans and private health insurance plans covering about 20 per cent of the population.

72. The Drug Supply Company of Suriname provides drugs on the National Drug List. 90 per cent of all drugs are imported and 10 per cent are manufactured. The availability of drugs in Suriname is problematic; many patients complain about availability of prescribed drugs. In certain years almost 50 per cent of the drugs of the national essential drug list were not available. To compensate this scarcity, many drugs are imported illegally, bypassing customs and quality inspection. All vaccines are obtained through PAHO's revolving fund for Vaccine Procurement.

G. Health expenditures

73. In the year 2000 Suriname spent a total of Sf. 105 billion, or US\$ 79 million, on health care, which is equivalent to US\$ 180 per capita.

74. Given a per capita gross domestic product (GDP) of US\$ 1,915 this means that 9.4 per cent of the GDP was spent on health care. Health expenditure in the region traditionally vary from 4 to 8 per cent of the GDP. The public and private sector spend the same on health care: Government about 44 per cent, the private sector (company cost coverage and households out-of-pocket health expenditures) together about 42 per cent. The remaining 14 per cent comes from external sources (donors). The contribution of the private sector to health care is significant. Especially the out-of-pocket expenditures of households are an area of concern.

75. Of the total health expenditures 55 per cent goes to secondary care (public and private hospitals, medical specialists, hospital lab and x-ray services, hospital drugs), 34 per cent goes to preventive and primary care (BPH, RHS, MM, private GP's, others), while the remaining 11 per cent goes to other aspects (administration, training, etc).

H. External technical cooperation and financing

76. In 1998, the Government and the Inter-American Development Bank cooperated in a program to support health sector reform (IDB grant US\$ 2,750,000). The European Community provided resources for strengthening STI/HIV services in the interior of Suriname. Specialized service arrangements are in place with the Netherlands. An adolescent reproductive and

sexual health project was financed by the UNFPA. Support is received from the International Planned Parenthood Federation for the Foundation for Family Planning (Stichting Lobi). International organizations (Rotary International) and the Governments of other countries (France, United States) provide funding to the “Roll Back Malaria” activities. PAHO, UNDP and UNICEF have ongoing programs and financing available to support technical cooperation in various health sector areas.

77. The full implementation of the Sector Plan Health would cost €36 million. The government has been able to access € 10 million from Dutch Treaty Funds and an additional \$ 5 million loan from the IDB. The National Strategic Plan on HIV/AIDS and the National Malaria Program has received \$4.7 and \$5 million, respectively from Global Fund and reproductive health another \$1.7 million from the joint EC/UNFPA Program. Another grant from Global Fund was received for Prevention. the Inter-American Development Bank has granted a soft loan to the MoH to define and deliver an essential service package, restructure regional health service and develop a management information and registration system for the Ministry of Social Affairs within the framework of health sector reform. The Islamic Development Bank is financing the construction of 24 health centres in the interior of Suriname along with medical training and the supply of equipment and a radio-therapy unit in Paramaribo’s Academic Hospital. The Government of Japan is supplying medical equipment for MCH facilities and training in its use and maintenance, while France is providing equipment and training for the staff at the Central Laboratory in the Bureau for Public Health (BOG).

78. The United States is currently a relatively minor player in the health sector, its support limited to a small grant for the preparation of the National Strategic Plan on HIV/AIDS and to the RAVREDA Malaria Amazon initiative. Suriname also receives support from PAHO and UNICEF to improve its health situation.

V. INFORMATION FROM THE MINISTRY OF NATURAL RESOURCES ON THE MINING ACT

79. The current state of (draft) Mining Act: the Mining Decree of 1986 (SB 1986 No.28) is in force today, and the Draft Mining Act is in Parliament. None of the articles of the Mining Decree is contrary to the Convention.

80. Steps which are taken by the Government, in this case the Ministry of Natural Resources, to acknowledge the rights of indigenous and tribal peoples to possess, develop, control and use their communal lands and to participate in exploitation, management and conservation of the associated natural resources is that indigenous and tribal peoples also have the right to apply for a right with regard to natural resources.

81. The current procedure for a person or business entity to apply for a concession in the interior is set out in the section below.

A. Submission and review of applications

82. The Geological Mining Institution (known by Dutch acronym GMD) receives records and reviews application for mining rights, solicit advice from relevant Government institutions and prepares ministerial decrees to award mining rights.

83. According to article 10 of the Mining Decree, an applicant submits a petition to the Minister of Natural Resources, requesting a right, together with a map of the area in request, stating his identity and other relevant documents which contain additional information as requested by law. All documents are submitted to the Head of the GMD. The applicant gets a receipt with a unique serial number and the date as proof of submission of his application. The request is forwarded to the Mines Inspection Department (MID) that enters the application into the Mining Rights Database and ascertains that all necessary documents are present and if the land applied for is free of any mining right.

84. If the land described in the application has already been granted or if it is part of land covered by a mining right that has legally lapsed, the applicant is orally informed that processing of his request is not possible.

85. If a request is denounced for further review by the GMD, it is not returned to the applicant. It remains in the GMD administration.

86. If the submitted application is not complete, the applicant is also orally informed about the missing or incomplete document/information and no time limit is set to make the necessary corrections. If all documents submitted are complete according to the law and other comments are positive (work program), the MID prepares letters to solicit advice from other relevant government bodies.

87. To inform the applicant, the GMD has produced three leaflets indicating the necessary documents to be submitted when filing an application. The first leaflet contains general information on submission of applications and what further actions are required from him. The other two contain information for application of a right to exploit building materials or for prolongation of an existing mining right and information for application or prolongation of a right for other minerals (gold).

B. Advice from the State-land Office

88. The State-land Office receives, reviews and registers application for land titles, solicits advice from other relevant Government institutions and prepares ministerial decrees to issue land. It further registers forestry concessions and fishery concession in rivers and creeks.

89. The Head of the department states that advising the GMD on applications for mining rights is rather simple. He only has to make sure that there is a title (long lease, land lease, forestry concession or nature reserve or park) on the land on which an application for a mining right is made. In his advice he will state his findings without any recommendation.

C. Advice from the District Governor

90. The District Governor (District Commissaris or DC) is an administrative civil officer from the Ministry of Regional Affairs and the highest- ranking civil officer in his district or jurisdiction. He is the representative of the central Government and all civil affairs concerning his district go through him.

91. A district is divided into several administrative regions (“Bestuursorganen”), monitored by the DC’s assistants, the district secretaries. Administrative supervisors (“Bestuursopzichters”), in practice the administration present in the field, assist the district secretaries.

92. The supervisor is responsible for the daily work in an administrative region assigned to him.

93. A request from the GMD for advice is sent to specific secretary monitoring the region in which the terrain requested is located. The request is handed down to the administrative supervisor of that area who then:

- Visits the area and discusses the matter with the inhabitants of the area and seek their consent;
- Ascertains that the land requested is not used for other purposes by the local community;
- Investigates if mining operations will contaminate the water resources (river and creeks) used by the local communities and if villages are within the boundary of the requested mining right; and
- Finally reports his findings to the secretary.

94. After reviewing the report and approval, the secretary will submit the report to the DC for his blessing. The final advise, positive or negative, is signed by the DC and send to the GMD.

95. Before a concession is granted the Ministry of Natural Resources seeks advice from the District Commissioner and through him the indigenous and tribal peoples need to be consulted. If a concession is granted to a third party without consultation of the people living in the surroundings, an appeal can be lodged within the Administration.

96. NIMOS as an independent body reviews the environmental impact surveys submitted by foreign companies.

97. The Ministry of Natural Resources conducts health and safety investigations on small-scale and industrial gold-mining.

98. Indigenous and tribal peoples can reach an agreement through the Government with regard to compensation with concession holders.

VI. GENERAL PLAN OF ACTION TO COMBAT POVERTY IN SURINAME

A. Social Safety Net programme

99. In the Multi-Annual Development Plan 2006-2011 the Government of Suriname has placed the strengthening of its social assistance programs, also referred to as Suriname Social Safety Net (SSN), as a priority within its social development agenda. The SSN programs are

defined as programs that guarantee a minimum level of well-being to individuals and households affected by chronic poverty, by transitory negative shocks such as natural disasters or economic downturns, or by restructuring of private and public sector organizations.

100. Although there is no integrated program for the combat against poverty, there are many programs within the relevant institutions (GOS, NGOs) to tackle poverty. Yet there are different institutions that have their own definition of poverty. The challenge for the Government is to come to a unified definition for poverty and to work on a more integrated poverty eradication program in cooperation with the private sector and civil society. In this regard Suriname faces a number of challenges in reforming its SSN.

101. In preparation for this reform the Ministry of Social Affairs and Public Housing (Sozavo) has recently developed a SSN reform strategy paper in consultation with other relevant ministries (Ministry of Labor, Education and Community Development, Health and Regional Development), civil society (NGOs, Chamber of Commerce & Industry) and international development partners. This reform strategy paper includes a coordinated set of activities that will serve to enhance the efficiency and effectiveness of the safety net.

102. The Suriname SSN comprises over 20 programs, mostly administered by Sozavo. The SSN services portfolio includes:

- Targeted and untargeted cash transfer programmes:
 - Financial assistance for poor households and persons with a disability;
 - Child allowance;
 - Old age pension;
 - School supplies;
 - Subsidies to institutions for elderly persons, persons with a disability and children;
 - Rent subsidies for public houses;
 - Scholarship program (Ministry of Education);
- A medical card program;
- Counseling services for youth, elderly persons and families;
- Day care centers;
- Food for children in day care centers;
- Home care for the elderly;
- Residential homes for children, the disabled and the elderly.

103. Some of the major proposed strategies are:

- To improve targeting;
- To strengthen information management, monitoring and evaluation;
- To expand partnerships with civil society;
- To promote human capital development;
- To promote the transition to work.

104. The SSN reform strategy paper has recently been submitted to the Board of Ministers for its approval. After approval, the next step will be the developing of the SSN reform program. In this regard an inter- Ministerial committee will be formally constituted.

B. Policy plans on specific target groups

105. In the process of social development the target groups identified as the most vulnerable are children/youth, people with disabilities, older persons, poor households such as vulnerable female headed households.

106. Policy plans specifically for the vulnerable groups have been/ will be developed:

- Policy Plan Persons with a Disability 2005-2009 in collaboration with a counterpart group of the Ministry, consisting of the relevant stakeholders;

The prioritization of the programs in this plan should be set out in two periods:
2005-2006 and 2007- 2009.

107. The priority areas include:

- Legislation;
- Awareness promoting the rights and the dignity of persons with a disability in the community;
- Preventive health to identify development problems at early age;
- To improve social services;
- To improve special education focusing on persons with disability;
- Labor;
- Housing;

- Transport;
- Communication;
- Recreation and Sport.

108. For the target group “Older Persons” a draft policy plan is prepared. The identified priority areas are the same as for persons with disability. A policy plan for children 2007 -2011 is still in preparation, in collaboration with the relevant stakeholders and support from the UNICEF.

C. Public housing

109. With regard to public housing, the following programmes are/ will be implemented:

- Multi-Annual Program Plan for Housing 2005-2009(MPH): Sozavo is still in the preparations phase of making parcels ready for building, reserved for the NGO’s and CBO’s as well as the community.
- Low Income Shelter (LISP) with support from the IDB is still ongoing. The LISP targets poor households to set up or renovate houses. The loan, which is made available, will be used over the period of 5 years for the construction and renovation of houses. For the implementation, the ministry of Social Affairs and Housing established the Foundation Low Income Shelter program. The Foundation cooperates with NGO’s, financial institutions such as Banks and credit institutions. The support through this program is a subsidy and, in case the household does not have enough own contribution, a loan.
- Low Cost Housing Program as part of the Suriname-China agreement. Preparations are currently made for building houses.

D. Procedure to be eligible for the medical card and financial assistance

110. Currently the eligibility for the medical card and the financial assistance is based on the monthly income of the household. There are two categories according to the following income criteria:

- Households with a monthly income below SRD. 40 are classified as poor;
- Households with a monthly income between SRD. 40 and SRD. 80 are classified as near poor.

111. To improve a more efficient and transparent mechanism, Sozavo will introduce a Proxy means Test (PMT), which is based on a set of variable that are highly correlated with poverty and that are easily verifiable and transparent. The PMT will be developed based on the data derived from a national household survey, which is now in the piloting phase. Appropriate targeting mechanisms for the interior, where poverty is more pervasive, will need to be

identified. One of the important efforts in this matter made by Sozavo with support from the IDB, is the development of an integrated information system of the beneficiaries of the social assistance programs from Sozavo (Soza Information System, SIS).

112. With the medical card, beneficiaries (poor and near poor) have access to health care provided by public clinics and public hospitals. The Regional Health Clinics (RGD) provided by public clinics and public hospitals. The Regional Health Clinics (RGD) provides primary health care in the coastal area. In regards to the maroons and indigenous people in the interior the primary health care is provided by the Medical Mission. The secondary health care for these people from the interior is mainly covered by the medical program.

113. The secondary health care is provided by public hospitals and comprises hospitalizations, specialists, drugs and rehabilitation. Co-payments of medicines and hospitalizations are lower for the poor. Eligibility lasts for renewable periods of six months for the near poor and one year for the poor.

114. In regard to the financial assistance program only households from the first category, the poor, are eligible for this program. The amount of the allowance depends on the size of the households. Individuals with a disability certified by a physician are eligible for the payment to the Handicapped program.

115. Eligibility for these cash transfer programs lasts for renewable periods of one year.

VII. ETHNICITY, EMPLOYMENT AND PROPERTY

116. Information appears below on the number of employees based on ethnicity in the following Suriname companies:

- (a) Suriname Airways:
- Number of employees: 456
 - Ethnicity:
 - Javanese: 58
 - Creoles: 209
 - Maroons: 4
 - Hindustan: 67
 - Indigenous: 8
 - Chinese: 12
 - Mix: 99

- Gender:
 - Male: 287
 - Female: 169
 - Management: 28 per cent
 - Staff: 72 per cent;
- (b) Telecommunication Company (Telesur):
- There is no data available on ethnicity see annex 2;
- (c) Central Bank of Suriname:
- We at the Bank cannot refrain from making the comment that we felt a significant aversion to making an ethnic categorization as requested. What other use do these ethnic figures serve than to continue highlighting the dividing lines?

The Bank does not have the expertise to divide its collaborators into the scientific division of the human races in the three main groups: the white race, the Negroid race and the mongoloid race. For an international statement the information, in the opinion of the Bank, needs to meet such a scientific classification, and not the usual classification according to Surinamese concepts of population groups by “origin; culturally and geographically”. In the appendix we report on both approaches.

We would like to note that in the group “others” we find a mix of persons who on the face of it have been assessed as not fitting in any of the other groups according to their origin. For the sake of clarity we mention that in this mixed group we find persons of the most diverse degree of ethnic origins and we are not capable to make any distinctions. The only thing that is certain about this group of “others” is that they are different from each other and that their group is different from the other groups. Should the persons in the group of “others” then maybe be qualified as the real “Surinamers”, next to our indigenous population, which is to say as the persons who do not purely originate from one (mother) country, but who find their origin in the melting pot of Suriname?

We do not have information on the previous years 2003 to 2005 readily available in our personnel administration, because it is not classified according to ethnicity.

In the appendix attached (annex 3) we did include the overview for the year 2006.

Finally, we wish to emphasize again that the division in groups was *not* done in a scientific manner, but only by sight and according to the subjective opinion of the observer;

- (d) Hakrin Bank (see annex 4);
- (e) RBBT Bank (see annex 5);
- (f) Landbouw Bank (see annex 6);
- (g) Self Reliance insurance Company (see annex 7);
- (h) Suriname Water Supply Company (see annex 8).

117. With regard to the rights of Indigenous Peoples and the Maroons, the State declares that the Government of Suriname maintains excellent relationships with its indigenous and tribal peoples at both the local and the national level. The indigenous and tribal peoples are active participants in all national processes and institutions charged with democratic policy making and administration of government, are more or less proportionally represented by their own people in Government and Parliament and decide for themselves their strategy, degree and pace of any further 'inclusion' in the national political, social and economic action environment.

A. Property rights in Suriname legislation

118. The underlying principles of the land rights legal system of Suriname are (i) the domain principle, (ii) the principle that all natural resources belong to the State and (iii) the principle of separation of surface and sub-surface rights. Articles 34 and 41 of the Constitution of 1987 and article 2 of the Mining Decree of 1981 embody these principles and are codifications of pre-existing law.

119. The State's exercise of sovereignty over land has always been and is still based on the domain principle. Article 1 of the Decree L-1 of 1982 was a codification of existing law. The domain principle covers two forms of domain vested in the State: 'public domain' meant to serve the public good and 'free domain' of which the State can dispose of freely. Traditional land rights claimed by Maroons and Indigenous Peoples came into existence after the State began in the 17th century to exercise sovereignty over the territory of the country and are conditioned by the 'domain principle'. Any land rights the Maroons and Indigenous Peoples may have, came into existence as a function of their traditional possession and their recognition by the State as the sovereign holder of 'free domain'. Their *sui generis* nature based on the laws and customs of the Maroons and Indigenous Peoples do not infringe on the generally recognized domain principle.

120. As worded in article 41 of the Constitution, sovereignty of the State includes permanent sovereignty over natural resources. Rights to sub-surface resources are not and have never been part of the Maroons and Indigenous Peoples' *sui generis* land rights.

121. The principle of separation of surface and sub-surface rights (the 1986 Mining Decree art. 2) has always been part of customary law and was codified in the Suriname legal system when the Mining Ordinance went into effect in 1932 (GB 1952 no 28). Ownership of minerals, subsurface and other natural resources pertaining to land has been retained by the State and any exception with respect to traditional land rights of the Maroons and the Indigenous Peoples would be discriminatory. Rights to natural resources have always been and remained vested in

the State but even if the Maroons and the Indigenous Peoples would have had these rights, these rights would have been limited to resources traditionally used for their subsistence and cultural and religious activities. Moreover any expropriation by virtue the Mining Ordinance of 1932 or for that matter de Mining Decree of 1986 would not be a violation of the Convention for which the State is liable today since Suriname was not a part to the Convention at that time and expropriation should be qualified as an instantaneous act with continuous effects and not as a continuous and ongoing violation.

B. Recourse against land rights infringements

122. The Suriname legal system provides its citizens adequate legal recourse against alleged infringements of land rights.

123. Pursuant to article 1386 of the Civil Code, every citizen can apply to the independent judiciary in case of an alleged infringement of his property rights by any person, including the State. This recourse is not in the form of judicial review of legislation which would be exceptional in a civil law based constitutional system.

124. The reach of protection provided by Article 1386 of the Civil Code has increased significantly over the last 150 years from ‘a means that provides indemnification in case of harm caused by an act that violates a legal right’ to full protection through various forms of repair of harm (damages, *restitutio in integrum*, declaratory decision, prohibition for the future) caused by any act or omission of a person or the State which either violates the law, infringes a subjective right or violates an unwritten standard of due care (*zorgvuldigheidsnorm*) or a principle of good governance (*beginsel van behoorlijk bestuur*). In the Suriname legal system the civil court, - in first instance the District Court and in appeal the Supreme Court - has jurisdiction to decide civil disputes between civilians and disputes between civilians and the State resulting from administrative actions or omissions of the Government. In a landmark decision of 1919 (Ruling in *Cohen v. Lindebaum*) the Dutch Supreme Court - who’s decisions automatically became part of the Suriname legal system until Suriname obtained independence in 1975 - ruled that the legal basis for liability of civilians can be violation of the law, infringement of a subjective right or violation of any unwritten standard of due care.

125. A similar development took place with respect to liability of the State for unlawful administrative acts or omissions. The State is now, based on established case law also liable not only for effects of acts and omissions which are violations of the law and duties of the State but also for infringements of subjective rights and violations of unwritten rules of good governance (*Voorste-Stroom* Rulings). This development of legal protection against infringements of property rights by individuals and the State is adequate and effective and complies with prevailing international standards.

C. Protection of the interests of the Maroons and the Indigenous Peoples

126. Various legal instruments provide for protection of the interests of the Maroons and the Indigenous Peoples. These legal instruments include the Constitution (1987), the L-1 Decrees (1981-1982), the Mining Decree (1986) and the Forest Management Act (1992). The State is committed to improve the current codification of the land rights regime of its tribal and

indigenous people. Various Policy Statements like the National Forest Policy Statement of 2006, the Presidential Order 2000, the Multi Annual Development Plan 2005-2011 and the 2000 Policy Instruction for District Commissioners illustrate this. To ensure progress the Government has installed a Presidential Committee in 2006 to work, in consultation with the various peoples and tribes to prepare an inventory of relevant traditions, define the principles of a comprehensive national land rights regime and design and develop appropriate legislation to be approved and confirmed by Parliament.

127. The reason why a comprehensive codification is still absent is not a lack of commitment at government level but “defining an abstract international right that still evolves through case law” on the one hand and “codifying a specific and comprehensive regime that complies with these international standards and fits the cultural, political and social features of unwritten and unclear traditions of a number of tribes with in many respects varying traditions, in a highly sensitive national social and political environment’, on the other hand are quite different matters. Such codification needs to be in tune with the traditions of the people which form the genesis of the regime and define its objective and scope. But apart from these traditions and the evolving principles of the human rights system to which the country has committed, points of departure for the codification exercise will have to be the fundamentals of the rule of law and of democracy, both central aspirations of the nation and the internationally recognized duty of the State” [par. 1 UN Declaration 1803-XVII] to promote economic, social and cultural development of the nation as a whole.

128. Meeting these aspirations requires legitimacy of all government actions, equal treatment of all citizens and their meaningful participation in governance of the State in particular if it concerns its constitutional principles. This is a very complicated, delicate and time-consuming process.

VIII. CONCLUSION

129. The Government of the Republic of Suriname, believing in the basic human rights of any individual, and condemning racial discrimination tries to comply with its obligations as stated in article 9 of the international Covenant on the Elimination of All Racial Discrimination, by submitting this eleventh and twelfth periodic report in one document.

130. The government notes however, that this document is not exhaustive and will most likely not comprise all aspects in the above-mentioned Covenant. The State tried to implement all the recommendations and also looked into the points of concern of the Committee.

131. However, taking into account the good faith effort of the State to comply with its obligation set forth in the Covenant, it will, if requested, be more than willing to supply in writing or orally any additional information with regard to the human rights situation, in particular racial discrimination, in the State.
