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Held at the Palais Wilson, Geneva,
on Tuesday, 22 October 2002, at 3 p.m.

Chairperson: Mr. BHAGWATI

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT (agenda item 7) (continued)

Examination in the absence of the second periodic report of Suriname
(CCPR/C/75/L/SUR)

1. At the invitation of the Chairperson, the members of the delegation of Suriname took places at the Committee table.
2. The CHAIRPERSON welcomed the delegation of Suriname and invited its members to respond to the list of issues prepared in the absence of the second periodic report of the State party, due on 2 August 1985.
3. Ms. TOBING-KLEIN (Suriname) apologized on behalf of her Government for its failure to fulfil the country's obligation under article 40 of the Covenant. She emphasized, however, that Suriname was a party to the most important human rights instruments; its ratification of those instruments expressed the nation's commitment to the common goals of humanity. The impact of the instruments on Suriname was reflected in its Constitution. They also served as the basis of non-governmental efforts to advance and protect human rights. The Constitution contained provisions for the protection of all individual rights and freedoms, civil and political as well as social, cultural and economic. Her Government strongly favoured a human rights-based approach to development and the inclusion of a human rights perspective in all government activities. Human rights should be regarded as a birthright and a way of life, as well as a means of transforming society.
4. At various times in recent years, because of several serious human rights violations, the Government and NGOs in Suriname had been strongly involved in human rights issues. Owing to those serious abuses, especially in the 1980s, a number of international and regional human rights bodies had visited Suriname and reported on the human rights situation there. As the Office of the High Commissioner for Human Rights had repeatedly emphasized, human rights education should be regarded as the key to development. The University of Suriname and such national NGOs as the United Nations Association of Suriname were developing human rights education programmes and the delegation of Suriname to the United Nations had submitted resolutions on human rights education to the substantive session of the Economic and Social Council in 2001 and to the Third Committee of the General Assembly in 2002. The Government's immediate decision to send a delegation to the current meeting after consultations between the Committee secretariat and the Permanent Mission of Suriname to the United Nations in New York should be regarded as an expression of the importance it attached to the promotion and protection of all human rights.
5. Mr. RUDGE (Suriname) again offered the apologies of his Government for not having produced the second periodic report mandated by the Covenant. He assured the Committee, however, that the Government attached the highest priority to the human rights of its citizens.

6. Turning to question 1 of the list of issues, he said articles 103, 105 and 106 of the Constitution stated that the provisions of an international agreement that applied to individuals became binding on publication. Other provisions needed to be incorporated into national jurisdiction by means of a Transformation Act. Where the provisions of the Constitution and of a treaty were incompatible, the international legal order took precedence. The provisions of such treaties could be invoked directly before the domestic courts in Suriname. Several provisions of the Covenant had been directly incorporated in national legislation such as the Penal Code and the Criminal Procedure Act. In the Penal Code, murder, slavery and torture were forbidden, slander, libel and the disturbance of domestic peace were punishable, and the integrity of the home and the individual was safeguarded. The Code of Criminal Procedure included the right of the defendant to a lawyer and the right of a public hearing by an impartial judge. The principles of legality and ne bis in idem were also taken into account.

7. In response to question 2, he said that the State had made a start on implementing the Committee's findings. An investigation by an examining magistrate was under way but no detailed information was available as the case was being handled by an independent judicial authority. Several witnesses had already been heard in Suriname and in the Netherlands. He noted in that connection that the media were particularly active in Suriname.

8. Answering question 3, he said that, in criminal cases under national jurisdiction, individuals had the right to request an investigation by the authorities by filing a complaint. If the statute of limitations had not expired, the Attorney-General ordered the public prosecutors to institute a prosecution. The procedure for filing a complaint of non-prosecution of a criminal offence was set out in article 4 of the Criminal Procedure Act. If the Office of the Attorney-General failed to prosecute a criminal offence, the injured party could lodge a complaint with the High Court of Justice, which could order the Office to prosecute.

9. In reply to question 4, he said that a committee of the kind in question had been established for the period 16 April 1998 to 7 September 1999, by a decree of 16 April 1998. The committee's task had been to research how the Surinamese people wished human rights violations to be prosecuted. The report issued by the Committee had been submitted to the previous Government in 1999 and was currently under review by the present Government.

10. Turning to question 5, he said that, in the event of violations of the civil order or public morals that might threaten the survival of the nation, the President of the Republic could take measures to limit the rights guaranteed in the Constitution after obtaining approval from Parliament. However, the State must respect the international obligations deriving from international conventions. Accordingly, article 106 of the Constitution remained in force. Those provisions of Surinamese law not reconcilable with the provisions of binding international agreements would not apply. According to the Constitution, such limitations were not incompatible with article 4 of the Covenant, which gave States parties the right to derogate from their obligations under the Covenant provided that their measures were not inconsistent with their other obligations under international law. The phrase used in article 23 of the Constitution was "taking into consideration the relevant international provisions".

11. In reply to question 6, he said that, under article 9 of the Constitution, everyone had the right to physical, mental and moral integrity and no one might be subjected to torture or to degrading or inhumane treatment. As to the events in the village of Moiwana, he said that the President had established a fact-finding commission and a police investigation had started. Negotiations were under way for a friendly settlement. There had been a meeting between the Moiwana Organization and a commission of legal experts on human rights. A meeting was also pending with the Inter-American Commission on Human Rights. Under national law the statute of limitations was due to expire in 2004. In international law, the statute of limitations on such cases did not expire and, assuming that the crimes in question satisfied the standard of “core crimes” under international law, the statute of limitations would be in effect. In connection with the events of December 1982, the Office of the Attorney-General had started a prosecution by requesting an investigation by an examining magistrate. That investigation was currently under way. The statute of limitations had thus been halted in November 2000 in respect of the 1982 killings.

12. Moving on to question 7, he said that, in the past, prison cells had been overcrowded nationwide. A new policy was being implemented and the problem had been largely resolved. The prison situation was a matter of hot debate and the Government attached high priority to it. The efforts of the NGO Moiwana 86 had improved the situation and the Government believed that conditions in the detention centres were significantly better. It did not consider that conditions in its detention facilities amounted to torture, or to cruel or inhuman treatment or punishment.

13. In response to question 8, he said that the allegations in question were untrue. Some incidents had been recorded but criminal prosecutions had been undertaken or disciplinary measures imposed on the perpetrators. The same was true of sexual abuse, just one case of which had been recorded in 2002. A criminal prosecution had been initiated and a disciplinary measure imposed on the accused, which he had appealed in a domestic court. Prosecutors were trained in human rights and the issue was also incorporated in the training of police inspectors. Lower-level personnel received no formal training but were required to attend lectures. Prison guards were not trained in human rights issues and the University of Suriname was discussing with the Ministry of Justice and Police the design of special human rights courses for several groups, such as prison guards, police officers and immigration officials.

14. Turning to question 9, he said that a complaint had been lodged against a prison guard and a police investigation had taken place. No grounds had been found for prosecution but disciplinary measures had been taken against the guard. The victims had the right to request a prosecution by filing a complaint with the High Court of Justice.

15. In response to question 10, he said that trafficking in women and boys was punishable by a prison term of five years. The Government recognized the seriousness of crimes of that kind, but they did not occur in Suriname. Some practical measures had been taken, such as a more stringent visa policy and increased border security.

16. Replying to question 11, he said that the law in Suriname did not provide for incommunicado detention as such. In exceptional circumstances, of the kind set out in article 4 of the Covenant, the judicial authorities could restrict contact between a detainee and his lawyer.

Under article 40 of the Criminal Procedure Act, the possibility could be invoked only in exceptional cases and for no more than eight days. The step was taken when there were indications that contact between a detainee and his lawyer was being used to inform the detainee of circumstances which should remain unknown to him in the interests of the investigation, or if the contact was misused in order to restrict the investigation. The decision could be appealed within three days. According to the law, a suspect could be remanded in custody if he was accused of a crime punishable by a prison term of more than four years. The detainee was usually arraigned after 10 days, during which he could be in contact with his lawyer. Clergy also visited the holding cells. After arraignment, detainees could receive visitors, within certain guidelines. The option of restricting contact was not often enforced.

17. In reply to question 12, he said that within six hours of his arrest, a detainee was brought before an assistant prosecuting officer, who then decided whether he should remain in custody or be released. If he remained in custody he would be brought before a prosecuting officer as soon as possible, under article 48 of the Criminal Procedure Act. Detention could be extended for 30 days, under article 50, paragraphs 1 and 2, of the Act. In the case of less serious offences, the detainee's case was brought before a judge within 30 days. In cases which took more time, and the prosecuting officer deemed such action necessary, the case was presented to an examining magistrate, who was requested to extend the period of custody. The detainee was then arraigned before an examining magistrate under articles 55 and 57 of the Criminal Procedure Act. In any case, a detainee would appear before a magistrate no later than 44 days after arrest. At any time after arrest, a detainee had the right to request a ruling from the examining magistrate on the lawfulness of his detention, and he must appear before the examining magistrate within 24 hours of such a request. In practice, the deadlines were always taken into account. If they were violated, the detention was unlawful and the judge would immediately release the detainee. There was no bail system in Suriname.

18. On question 13 he said that, as a matter of policy, female minors were not detained. There was currently one exception, a 13-year-old girl, who was housed in a separate cell. The administration was attentive to the problem and the Ministry of Justice had applied for external financing for a youth educational facility with separate areas for boys and girls.

19. In reply to question 14, he said that the Bill to establish the Constitutional Court had been sent to Parliament for approval and was expected to pass in 2002.

20. Responding to question 15, he said that an accused person was informed of his right to legal representation at all stages of the proceedings and those unable to afford their own were assigned a lawyer by the Government free of charge. Each detainee received a written statement of his rights. A case that was being appealed could not be heard without defence counsel being present and all cases involving minors required legal representation. Article 10 of the Constitution stated that, in cases of the infringement of rights and freedoms, every individual had the right to a fair and public hearing of his grievances by an impartial judge within a reasonable time.

21. The CHAIRPERSON invited the members of the country report task force, followed by other members of the Committee, to put questions to the delegation.

22. Mr. KLEIN, Country Rapporteur for Suriname, warmly welcomed the delegation. The Committee had last discussed the human rights situation in Suriname in July 1980. The Government had apologized for not reporting since that time but the apology was not due to the Committee alone. The reporting obligation was also an obligation to other States parties as well as to the country's own people. It was a well-known part of the whole mechanism for monitoring respect for human rights. That was why the Committee must press for effective reporting, followed by implementation of its recommendations.

23. Nevertheless, he was very gratified that Suriname had sent a delegation, thus giving the Committee an opportunity to convey its concerns to the Government. Of course, the fact that it had not received a report meant that it had had to rely on other sources for its information. The questions in the list of issues had been asked on that basis. Before commenting on the replies, he encouraged the delegation to tell the Committee on its own initiative where the problems lay. The Committee might have missed some of them because the State party had not taken the opportunity to inform it of possible problems. If the Committee was to have a constructive discussion with the State party, it needed to know the Government's views and opinions.

24. With regard to question 1, he was glad to hear that the Covenant was incorporated in the Constitution and took precedence over domestic law. However, there were two prerequisites for the smooth functioning of the system. First, those who must decide on legal questions must be familiar with the Covenant. It was highly important that judges should have the necessary knowledge of the Covenant in order to respond to the relevant cases. Secondly, there must be a Constitutional Court. The Committee had been told that that Court had not yet been established, although there was a bill before Parliament to that end. He recommended that the necessary action should be taken as soon as possible. According to article 144 of the Constitution, the Court would be competent to examine the compatibility of domestic legal acts with the provisions of international treaties, which would include the Covenant.

25. The three very serious massacres that had taken place in Suriname in the 1980s had a number of points in common: military or paramilitary officers closely connected to the former dictator Desi Bouterse had been involved, leaving no doubt about the State party's responsibility in the incidents; investigations into the massacres had been inconclusive, and even the findings of the special committee of inquiry established in 1997 had not been published; there appeared to be no effective remedies for such human rights violations; and no compensation had been paid so far. He would like to know whether Mr. Bouterse had been prosecuted or faced prosecution for any of the massacres and, in fact, whether he was still active in politics. The delegation's answer to question 2 confirmed the suspicion that there were no effective remedies available in Suriname, since the State party was unable to give any information on what it had done to implement the Committee's findings in Views adopted as long ago as 1985 in the case of Baboeram et al. v. Suriname, other than to say that an investigation was under way.

26. He welcomed the news that the problem of overcrowding in prisons was being tackled and that money had been allocated to improving the prison system, but he was disturbed by the reports of riots in August 2001, in which inmates had protested against their treatment in prison. He would welcome any information the delegation could provide on government action to address their grievances. In its answer to question 8, the delegation said there had been only

isolated instances of ill-treatment of detainees, but he had heard that ill-treatment, including the sexual abuse of women, often occurred during the first days of detention. To train law-enforcement officers in human rights matters was quite easily organized and would go some way to solving that problem.

27. Finally, he pressed the delegation for information on trafficking in persons. He found it hard to believe that the practice was unheard of in Suriname, when there were reports that the country was an important staging post used by organizations smuggling women from the Dominican Republic, Brazil, Colombia and other countries to Europe.

28. Mr. YALDEN reminded the delegation that the purpose of the current discussion was to find out exactly what the State party had done to give effect to the rights enshrined in the Covenant. The delegation's reply to question 3 of the list of issues gave a very brief review of the legal avenues available to individuals to obtain redress for violations of human rights committed by past administrations, but it shed very little light on the actual human rights situation in Suriname. He would like, therefore, to have details about the remedies that had actually been provided, the number of complaints lodged, action taken by the Attorney-General and public prosecutor and the results of such action, and the frequency and outcome of complaints concerning the non-prosecution of criminal offences. While he was glad to learn that the Constitution guaranteed the rights contained in the Covenant, he would like to know how respect for those rights was monitored and what options were open to individuals to ensure their rights were respected. Similarly, in the reply to question 4, it was not enough simply to say that the committee concerned had "issued a report"; the Human Rights Committee needed to know what was in the report so that members could form an idea of what steps the Government was taking towards setting up a national human rights institution.

29. Mr. SCHEININ said that the reporting obligation should not be seen as a burden but as a device for improving the human rights situation in the State party and as a useful tool at the national level for keeping track of practical measures to implement the provisions of the Covenant. Although the Committee was moving towards the use of reports that focused on responses to its concluding observations on a State party's previous report, when there was a gap of 20 years between reports a certain amount of stocktaking was necessary.

30. In his oral answer to question 1, Mr. Rudge had seemed to imply that the provisions of the Covenant, like those of the Convention on the Rights of the Child, were not "self-executing" in the sense of being directly binding on every person under article 105 of the Constitution, but needed to be incorporated separately into domestic law. He therefore sought reassurance that the provisions of the Covenant did indeed apply to all citizens and took precedence over domestic legislation, as provided for in article 106 of the Constitution.

31. He saw no reference in article 23 of the Constitution to the "survival of the nation" mentioned in the delegation's answer to question 5, and wondered if that meant that the article was interpreted in the light of the Covenant's provisions concerning the declaration of a state of emergency, which did speak of a threat to "the life of the nation". He was reassured to learn that article 23 of the Constitution was interpreted as including the requirement in Covenant article 4 that any derogations from the Covenant must respect the country's international obligations, including those parts of the Covenant that were non-derogable in nature. The non-derogable

rights contained in the Covenant were therefore presumably protected under domestic law as a matter of principle. However, to rely solely on the priority given to the Covenant in domestic law was to run the risk of interpreting those rights in an overly narrow way. He would therefore like to know if there was ordinary legislation implementing article 23 of the Constitution that specified which rights were non-derogable and if that article was interpreted in the light of the Committee's General Comment No. 29, which dealt with states of emergency.

32. Finally, he asked if he was correct in thinking that the last execution in Suriname had taken place 20 years before and, if the death penalty had not yet been abolished, whether the State party was considering the Second Optional Protocol to the Covenant.

33. Ms. MEDINA QUIROGA said she wished to know if she had correctly understood the answer to question 11, which she took to mean that, while incommunicado detention was not normally used, a limited form of it, in which contact between the detainee and his or her lawyer was restricted, could be resorted to during a state of emergency. In that connection, she reminded the delegation of the provisos attached in article 4 of the Covenant to any derogations from the State party's obligations under the Covenant, and asked how that limited form of incommunicado detention was regulated during a state of emergency. With regard to pre-trial detention, she would like to know if there was a time limit on it, what percentage of detainees were held in pre-trial detention and what measures were taken to ensure that that percentage was not excessively high.

34. It appeared from the delegation's answer to question 12 that the situation in Suriname was incompatible with article 9 of the Covenant. She would like to know precisely at what point in the procedure a person who had been arrested was brought before a judge or "other officer authorized by law to exercise judicial power", in the words of article 9 (3). Surely the "prosecuting officer" mentioned in the reply did not fit that description, as, under article 148 of the Constitution, the Government could in specific instances give the Attorney-General orders with regard to prosecution, in the interest of State security; in other words, the Attorney-General and his subordinates were to some extent dependent on the Executive. In addition, it was stated in the same answer that a detainee appeared in front of a magistrate no later than 44 days after arrest, which was a clear breach of article 9 (3). With regard to question 13, she would like to know in what circumstances the law permitted the detention of a 13-year-old girl. She recalled that the Committee on the Rights of the Child had made a number of recommendations to the State party concerning the detention of minors and delays in the justice system, which raised serious questions about the State party's compliance with articles 9 and 24 of the Covenant.

35. With regard to article 14 of the Covenant, she would like to know at precisely what point in the judicial procedure a person was entitled to legal assistance and whether it was difficult to find lawyers prepared to defend human rights cases in Suriname, as was the case in some other Latin American countries. She sought clarification on article 133 (2) of the Constitution. Who exactly were the "persons not belonging to the judicial power" entitled to "take part in the activities of the judicial power"? And what powers did they have? She would also like to know about the jurisdiction and composition of the military courts provided for in article 134 (2) of the Constitution. How were their independence and impartiality guaranteed and what was the procedure for providing a defence counsel in military cases? There also seemed to be a problem with due process in the military courts, and she would be grateful for clarification of article 145

of the Constitution, under which, in the case of military criminal procedure, the law could derogate from the principle that the Public Prosecutor's Office was the sole organ responsible for investigating and prosecuting punishable acts.

36. Mr. LALLAH said that the Committee was in need of a well-written and well-researched core document that provided comprehensive background information on Suriname, to help it to reach a better understanding of the problems in the country. After checking the material available to the Committee, he had found no reference to any official proclamation of a state of emergency in Suriname, despite the two coups d'état since independence in 1975, or any indication that the Secretary-General of the United Nations had been informed of any derogations from the Covenant by the State party, as required by article 4 of the Covenant. He hoped that those problems would be rectified by the time the State party submitted its next periodic report.

37. He would like to know the duration of the statute of limitation that applied to criminal matters, mentioned in the written reply to question 3. It would be interesting to know whether a statute of limitation also applied to civil and constitutional matters.

38. He was puzzled by the fact that, according to the delegation, no system of bail existed in Suriname. Under the Covenant, release should be the rule and detention the exception. What measures had been taken by the Government to guarantee that principle? It would be interesting to learn whether any rules existed governing release by a court subject to conditions to appear. He was also baffled by the fact that under the Criminal Procedure Act, the judicial authorities could restrict contact between a detainee and his attorney in circumstances that would not be in the interest of the investigation; in his view, there should be no barrier between an accused person and his lawyer.

39. He was further puzzled by the fact that, according to the written reply to question 12, detainees were arraigned within six hours of their arrest before an assistant prosecuting officer, who decided whether he or she should remain in custody. He failed to understand why the term "arraignment" had been used; as far as he understood, an arraignment was a call before a court to answer a formal criminal charge. The police did not have the power to bring about an arraignment and the prosecuting officer was not a member of the judicial authority. Furthermore, Surinamese law provided that a significant amount of time could pass before a person was brought before a magistrate. Article 9 of the Covenant was very strict in that regard, stipulating that anyone deprived of his or her liberty must be brought as soon as possible before a judicial authority. The reporting State should indicate the age of criminal responsibility.

40. He welcomed the fact that the delegation had been able to appear before the Committee, despite Suriname being a non-reporting State. The answers provided so far by the State party had been somewhat tenuous and he hoped that the delegation would be able to provide a more complete picture of all the steps that had been taken in Suriname to give effect to each and every article of the Covenant. For example, he would like further information about the measures that had been taken to give effect to all the guarantees of due process and fair trial under article 14 of the Covenant. The State party's initial report (CCPR/C/4/Add.4) had been considered by the Committee in 1980, and should be disregarded.

41. Mr. SOLARI YRIGOYEN said that the presence of a delegation after such a breakdown in communication signalled a new phase in the relationship between the Committee and the State party and illustrated the Government's willingness to meet its obligations under Covenant. He was aware of the fact that, like several other South American countries, Suriname had undergone many political changes over the years and had fallen under a military dictatorship in 1982. However, the country had undergone a transition to democratic government and he had high hopes that the institutional changes that were taking place would provide a foundation for the promotion and protection of human rights. He believed that Suriname was on track towards the establishment of a democratic society.

42. Those responsible for human rights abuses committed under the military rule were still enjoying impunity. Abuses included the 1986 massacre of civilians at the village of Moiwana, the so-called December murders of 15 people in 1982 at the Fort Zeelandia army centre, and the beating of a prisoner to death by prison guards in 1993. However, he welcomed the fact that the Public Prosecutor's Office had ruled that the country's statute of limitations did not apply to such cases.

43. The former dictator Desi Bouterse had been summoned to appear before a Dutch court for his involvement in the December murders. However, the trial had not taken place as the court had ruled that the Netherlands had not ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, invoked by the prosecution, until after the offences had been committed. However, in 1999, Mr. Bouterse had been condemned in absentia by a Netherlands court to 11 years' imprisonment for drug smuggling. He would like to know whether that conviction carried any weight in Suriname. Was the principle of extraterritoriality accepted? Given that Suriname had refused to extradite its former dictator, he would be interested to know what had happened to him. As there was an international warrant out for his arrest, presumably he was unable to leave the country.

44. He was glad to hear that the Government was considering ratification of the Second Optional Protocol to the Covenant. He expressed concern that the death penalty was still legal, even though the country was abolitionist in practice. When was the last time the death penalty had been executed and what crimes had been involved?

45. Ms. TOBING-KLEIN (Suriname) expressed her appreciation for the Committee's interest in and understanding of her country. Her Government was well aware that the principles enshrined in the Covenant were essential for the protection of its people. It took its human rights responsibilities very seriously. Unfortunately, her delegation had been informed at very short notice that it would be appearing before the Committee and was not in a position to answer the oral questions asked by the Committee members. However, she had taken due note of the questions and would consult with her Government in order to prepare some answers. She agreed that it was essential to provide a clear overall picture of the situation in Suriname; that, however, was a major undertaking, in the light of the fact that her country's initial report dated back over 20 years. However, a committee had recently been established under the chairmanship of the Public Prosecutor to assess the situation. Further information would be provided by NGOs and human rights organizations.

46. Replying to a question by a Committee member about the status of the Convention on the Rights of the Child in Suriname, she said that, although much remained to be done in terms of implementing the Convention, her Government was very active in the field of children's rights and had recently sent a delegation to Geneva to discuss the matter.

47. The CHAIRPERSON said he regretted the fact that the delegation was unable to provide answers to the Committee's oral questions. He invited the delegation to continue replying to the questions in the list of issues. It should endeavour to provide written answers to the oral questions by Monday of the following week, which would give it ample time to consult the Government.

48. Mr. ANDO said he appreciated the head of delegation's honesty and agreed that written answers to the oral questions should be provided as soon as possible.

49. Ms. TOBING-KLEIN (Suriname) reiterated her gratitude to the Committee for its understanding and said she would endeavour to meet the Committee's requirements.

50. Mr. RUDGE (Suriname), replying to question 16 of the list of issues, said that all the newspapers were privately owned and were themselves responsible for deciding what to publish and what not to publish. Anyone seeking justice in connection with what was printed must go before a judge. He denied allegations that journalists faced harassment, as no complaints had been filed with the Government since 2000. It was possible that the Committee had been referring to the conflict between journalists working for the local newspaper De Ware Tijd and the newspaper's owner, which was a labour dispute pending before a judge. The Government's efforts to mediate had been unsuccessful as it did not have the authority to force parties to take action. There was a possibility that the case could be resolved by the Association for Journalists.

51. Moving on to question 17, he said that Suriname recognized the rights of its citizens to freedom of speech and peaceful assembly, in accordance with article 21 of the Covenant. The Government endeavoured to ensure maximum enjoyment of those rights. However, under international law some restrictions could be placed on those rights in special circumstances, for example if national security or public order was at risk. The 1956 law requiring persons organizing public meetings, demonstrations or other assemblies in the district of Paramaribo to obtain prior authorization was not incompatible with article 21 of the Covenant. It was highly unlikely that the Government would ever have to enforce the provisions of the 1956 law; if it did, it would be within the framework of protecting State interests. While authorization was not automatically denied, some conditions might be set before issuing the permit in the interest of all groups and persons in society.

52. In reply to question 18, he said that the Ministry of Home Affairs had developed a Gender Action Plan 2000-2005 to improve the situation of women. Activities included: a project to increase the number of women in senior positions in the media and to promote media interest in women's issues and child rights; the Pro Leadership of Women project, sponsored by the Inter-American Development Bank, to train women to assume leadership roles, particularly in Parliament; and the creation of the National Bureau for Gender Policy in the Ministry of Home Affairs, which worked in close association with NGOs and had set up a network of

women in leadership positions in government. Statistics showed a significant increase in the participation of women at several levels; for example, the participation of women in the legal system had increased from 5 to 31 per cent over the period 1988-1998; the participation of women in university management had increased from 9.1 to 18.2 per cent over the period 1992-1999; and the participation of women in local government had increased from 14 to 21 per cent over the period 1994-1998. More women were being appointed to political parties, resulting in more women in Parliament and on the Council of Ministers. In addition, NGOs were doing an excellent job of raising women's awareness and lowering the barriers to women in the private sector, especially in fields traditionally dominated by men.

53. Moving on to question 19, he said that the Asian Marriage Act that fixed the age of marriage at 13 for girls and 15 for boys was an inheritance from Suriname's colonial past. Marriages involving such young children no longer took place. Research by the Ministry of Home Affairs indicated that the average age for marriage was increasing and currently stood at 23 years. Education was the top priority. The upper age limit for compulsory education was currently 12 years. The Act was not incompatible with article 26 of the Covenant because all citizens, both Asian and non-Asian, were entitled to marry under it. However, the whole issue was very sensitive, as it involved customs based on cultural and religious values. Pregnant teenagers were often married off in order to protect family honour. Since 1973, the Government had been attempting to address the issue of early marriages but had met with some resistance.

54. Addressing question 20 of the list of issues, he said that the Government was committed to dealing effectively with violence against women, which it recognized as a violation of their fundamental rights. The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women had recently been adopted and ratified, and in 1999 the Government had established a committee to draw up legislation to combat violence against women. NGOs too were active in that field, and the National Bureau for Gender Policy trained police, social workers and others in ways of dealing with victims of domestic violence. Information programmes aimed at improving marital communication had been initiated, along with others aimed at making women more economically independent. Intergovernmental bodies and foreign donors provided the Ministry of Home Affairs with assistance in implementing such projects.

55. Turning to question 21, he said that many facilities had been destroyed during the armed conflict in the interior, and the Government was doing its utmost to restore them. Education and health care were virtually free of charge. Maroons and Amerindians had the same political rights as other citizens, and representatives of those communities had been elected at the various levels of government. An official body had been set up to ensure cooperation between the Government and representatives of the Maroons and Amerindians in developing the interior.

56. Moving on to question 22, he said that the Peace Accord of Lelydorp provided sufficient safeguards for the land rights of Maroons and Amerindians by accommodating the need to simultaneously respect the collective rights of such communities and the individual rights of their members. Efforts had also been made to promote the traditional communities' economic development as part of modern society. The Buskondre Dey Protocol had been adopted under the previous Government and in the opinion of the present Government, was not a sound and

balanced effort to resolve the issue of land rights, as it emphasized only users' rights which had been in force for many centuries. The Board for Development of the Interior offered possibilities for institutional interaction. Under the Constitution all natural resources belonged to the entire nation, which had the inalienable right to dispose of them in order to provide for the country's economic, social and civil development.

57. The Peace Accord of Lelydorp referred to an economic zone reserved for the use of the people of the interior. District commissioners had been instructed to consult local communities when advising on requests for concessions, and when concessions were issued the location of farms, hunting areas and local communities was taken into consideration. The Mining and Forestry Act also safeguarded the interests of the Maroons and Amerindians.

58. On question 23, he said that the Covenant and the Optional Protocol had been published in the "Treaty Paper" of the Republic of Suriname, which was accessible to all. The University of Suriname had held a course on human rights at which all the groups mentioned in the question had been represented. It planned to incorporate human rights in the curriculum of the law faculty, and would provide training to members of the police and military, judges and others.

59. Turning to question 24, he said that all NGOs, including the Moiwana Human Rights Organization, were free to operate and to disseminate information about the Covenant and the Optional Protocol.

60. Mr. KHALIL emphasized that the Committee was in a difficult position, as it wished to carry on a constructive dialogue with the State party but had not been provided with sufficient information from the authorities.

61. The main thrust of question 16 related not to labour disputes, but rather to freedom of the press. In May 2002, President Venetiaan had made a statement to the effect that there was a need for ongoing vigilance with respect to protection of freedom of the press, and had acknowledged that journalists and newspapers had been harassed and intimidated in the 1980s and 1990s. The President had also signed the Declaration of Chapultepec, a step welcomed by the members of the Suriname Association of Journalists, which had called for legislative reform in that field. Could the delegation shed some light on the content of the Declaration, and point to any practical results?

62. The main issue raised in question 17 related not to the constitutional recognition of the right of peaceful assembly, but rather to the existence and maintenance of the law of 1956. The Government's assertion that the law in question was seldom invoked and that it was highly unlikely that it would have to be enforced did not go far enough to assure the Committee that maintenance of the law was in keeping with the Covenant.

63. Mr. SCHEININ noted that there was reportedly a high incidence of sexual harassment of women. Did the Government consider that problem to be an obstacle to the advancement of women in the workplace, and how did it deal with it? The Government contended that the Asian Marriage Act was not applied in practice and was simply a relic of the country's colonial past. Were there any plans to repeal it, or at least to amend its provisions so that the legal age of

marriage would be raised to an acceptable level and would be applied equally to boys and girls? Despite the existence of legal provisions prohibiting such practices as early marriage and polygamy, in the Amerindian and Maroon communities early marriage was reportedly common. Such unions were concluded without official ceremonies so as to circumvent the legal age of consent. Polygamy reportedly existed in the Maroon community, where some men had up to four wives. What was the Government doing to eradicate such practices?

64. The Government had indicated in its reply to question 19 that in cases of early pregnancy the girl's family often arranged a marriage with the father to protect its honour. How was that consistent with article 23, which said that no marriage should be arranged without the free and full consent of the intending spouses? A country analysis by the United Nations Development Fund for Women (UNIFEM) and the United Nations Development Programme (UNDP) had found that the primary cause of death among girls between the ages of 6 and 14 was suicide as a consequence of sexual abuse. Had the Government taken any measures to address that problem?

65. What were the specific land and resource rights arrangements that were to replace the Buskondre Dey Protocol? The delegation's contention that the arrangements would have to provide for the economic development of the communities as part of modern society raised the question whether the Government's policy was aimed at assimilation of the traditional cultures or at their cultural preservation and economic sustainability. The Committee had expressed the view that article 27 required the Government to provide for the sustainability of indigenous and minority groups, while at the same time ensuring their effective participation in decision-making. According to information provided to the Committee, the Government had been granting logging and mining concessions as a routine matter, often without any consultation of the Amerindians and Maroons, let alone their consent. Logging concessions had reportedly been granted for some 60 per cent of Maroon lands. Did the Government still consider the relocation of indigenous and minority groups as a feasible solution when there were conflicts of interest? Such policies generally led to assimilation, as the fragile economic systems of the groups concerned were often unable to withstand transfers to places that did not give them a recognized basis for the continuation of their traditional activities.

66. Mr. YALDEN said that the statistics revealing an increase in women's economic activity, while heartening, called for further explanation. Were women able to rise in the hierarchy of private companies, or were they generally employed in entry-level positions? The delegation had stated that the Asian Marriage Act was applicable to all citizens and was thus not discriminatory. Several NGOs had considered that it was a discriminatory law. It would therefore be of interest to the Committee to know how many non-Asians had availed themselves of its provisions.

67. The Government reportedly lacked a coherent policy and commitment to combat violence against women. In the reply to question 21, the delegation had said that education and health services were virtually free of charge, yet according to NGOs, the level of fees for education was prohibitive for some, and inhibited the ability of Maroons and Amerindians to send their children to school. There was a serious gap between the Government's description of how it took indigenous rights into consideration and the claims of NGOs, which said that was not at all the case.

68. Mr. HENKIN asked for further details about the bill to establish a Constitutional Court. Who would have access to the Court, and what would its jurisdiction be? In connection with article 4, he asked what specifically would constitute a threat to the life of the nation capable of triggering emergency rule. The State party must address the problem of education by raising the age of compulsory schooling and by eliminating differences between the education provided in the interior and elsewhere. The problems linked to the Asian Marriage Act and the reports of polygamy pointed to the need to ensure profound cultural change, which was no easy task. While welcoming the fact that the University of Suriname had begun offering courses on human rights and that the Government had published the Covenant in an official journal, he said that those steps were insufficient in themselves to effect such sweeping change. The Government must make a greater effort to ensure that society would be based on the rule of law and that all people were aware of their rights.

69. Mr. GLÈLÈ AHANHANZO requested the Government to provide the Committee with statistics and information on the status of the Maroon and Amerindian communities, so as to demonstrate whether their cultures were being assimilated or safeguarded.

The meeting rose at 6 p.m.