

## INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

### CONSIDERATION OF SURINAME BY THE HUMAN RIGHTS COMMITTEE UNDER THE PROCEDURE FOR COUNTRIES WHICH HAVE NOT SUBMITTED PERIODIC REPORTS

#### SUGGESTED LIST OF ISSUES WITH REGARD TO WOMEN'S CIVIL AND POLITICAL RIGHTS

##### 1 Legal Framework

The 1987 Constitution (as reformed in 1992) prohibits discrimination of all types. Article 8 (2) states that "*No one shall be discriminated against on the grounds of birth, sex, race, language, religious origin, education, political beliefs, economic position or any other status*".

However, the absence of specific legislation in certain areas, such as domestic violence, and the failure of government to implement effective policies to counter discriminatory social practices, continue to undermine women's access to equal opportunities and their full enjoyment of civil and political rights.

In addition, there remain certain legal provisions on the statute books, many out-of-date and reportedly out-of-use, which contain discriminatory rules that should be replaced with modern provisions consistent with the Constitution and with Suriname's international obligations. These include Penal Code provisions on prostitution, and some aspects of employment and family law, all of which are mentioned under the relevant subtitles below.

The Penal Code itself prohibits discrimination on grounds of race, religion or belief in Articles 175-176 and 500, but an amendment to add the word "gender", put forward by the Ministry of Justice in 1993, has not yet been adopted. There appear to be a number of legal reforms that would strengthen the protection of women's rights that have been shelved in the last stages of approval. In addition, certain customary practices in the Maroon and Amerindian communities violate women's rights to equality, for example with regard to inheritance rights.

A more detailed description of some of the discriminatory practices reported to Equality Now is given below.

##### *Suggested Question:*

- *What procedures have been put in place by the government to review national legislation in order to ensure that it is consistent with the 1987 Constitutional provisions on equality and Suriname's obligations under the ICCPR?*

## 2 **Violence Against Women**

There is no specific domestic violence law, and existing legal remedies are inadequate to deal with the situation of battered women.

Women's groups report that police and social services are reluctant to intervene in what they term domestic matters, even where severe violence or abuse is suspected. Some positive interventions have been implemented in collaboration with international agencies, including some police training and the establishment of two special police units for women and children victims of domestic violence. However, there is no known evidence that the attention and protection provided to the majority of victims has improved significantly.

According to local NGOs, criminal prosecutions are not brought in cases of domestic violence unless the victim personally files a complaint. Even in the rare instances in which women file and persevere with a court case, sentences tend to be lenient and there are no provisions for injunctions to stop the perpetrators of domestic violence from harassing or abusing the women after release. The NGO "Stop Violence Against Women" (*Stitching Stop Geweld Tegen Vrouwen*), which is the only agency in the country with a professional counselling and advice service for battered women, reports that the organisation has been unable to secure protection for women who were threatened with death by their abusive partners if they filed a complaint with the police. They also report that, in the absence of injunctions or other protection orders, there is no legal bar to men moving back into the family home. The organisation is presently conducting a study of judicial treatment of complaints, but the outcome of this study will not be available until later in the year 2002. There is only one crisis shelter specifically for victims of domestic violence, which is run by an NGO and only has capacity for 15 women and their children.

Domestic violence is believed to be common in Maroon and Amerindian communities (15% and about 4% of the population respectively), although it is seldom talked about because it is said women are expected to protect their husbands from public shame. In 1997 and 1998, regional meetings of indigenous women were held in Marijkedorp and Matta organised by *Sanomaro Esa* (an umbrella organisation for Amerindian women), where the high prevalence of domestic violence was openly discussed. Cases are not reported to police except where serious wounding takes place; this is for cultural reasons as well as because there are almost no police stations in the interior. Victims sometimes ask village chiefs to intervene, and they depend on their grace for some kind of protection. As far as is known no special programme has been developed to assist victims of domestic violence in rural areas, where these communities live.

The government's National Gender Bureau has identified domestic violence among its top priorities. However, it is not clear that the political and budgetary support needed for the implementation of effective and sustained programmes has been forthcoming. According to the findings of a study commissioned by UNIFEM/UNDP, Situation Analysis Of Surinamese Women (S Ketwaru and NGO Forum, 2001), "While NGOs spend a lot of efforts and funding in providing services to battered women, results remain marginal because of the small scale and incidental nature of NGO projects...NGOs lack the power that the state has - but does not

use - to influence and regulate social equality processes through macro policies. The lack of state commitment...is a great gap in the efforts of civil society to reduce VAW...Without changing the police and juridical systems and adjusting the law, women in Suriname will continue to suffer and die from the violation of their human rights".

Suicides attributable to sexual abuse is said to be the primary cause of death in 6 – 14 year old girls (Situation Analysis of Surinamese Women, as above) who are particularly vulnerable to rape and incest and have virtually no access to crisis centres or counselling services. As with domestic violence, there are no legal orders available to protect the children or to remove abusers from the home. The Committee on the Rights of the Child has also noted in its Concluding Observations on the initial report of Suriname at paragraph 39 (CRC/C/15/Add.130, 28/06/2000) that there is high and increasing incidence of sexual abuse of children and inadequate programmes to prevent and combat all forms of abuse against children.

*Suggested Questions:*

- *How is the government ensuring that there is adequate official protection for victims of domestic violence and what measures has it put in place to prevent violence in the home?*
- *What measures has the government implemented to ensure that those living in the interior of the country have full access to the protection of the law?*
- *What steps is the government taking to stop domestic sexual abuse and to protect those most vulnerable to it?*

### **3 Women's rights in marriage - Equality before the law**

The Constitution establishes that "husband and wife are equal before the law" (Article 35). However, the Civil Code states that women cannot remarry until after 306 days after widowhood or divorce (Articles 887 and 117).

Questions of nationality are important in Suriname, which has a multi-ethnic community. Women do not have the same rights as men to pass their nationality to their children. Children take the nationality of the father (Articles 3, 7 and 10, Nationality and Residence Act), unless they are born out of wedlock and are not acknowledged by the father, in which case they take the mother's nationality.

Both parents have legal custody of their children, but it is the father who exercises parental authority (Article 353 of the Civil Code). For example, only the father is allowed to open a bank account for a child of a married couple. Until aged 2, children appear in the father's passport (the mother in the case of natural children), after which they can have their own passports. Minors require the father's permission to travel abroad.

### **Women's rights in marriage in Maroon and indigenous communities**

The minimum age for marriage in Suriname according to the Civil Code is 15 years for women and 18 for men. There is a special code for Hindus and Muslims, the Asian Marriage Act, which sets the minimum age at 13 for women and 15 for men. Under both statutes the free consent of both parties is required. Forced marriages are not common, but they are reported to still take place within some ethnic groups. The Concluding Observations of the Committee on the Rights of the Child (as above, at paragraph 21) also noted concern with respect to the low legal minimum age for marriage, the disparity in the minimum ages for boys and girls and early and forced marriages, particularly of girls in the interior.

In rural Maroon and Amerindian communities, girls are married from the age of 13. This pattern is reportedly brought about partly by the belief that women's prime role is reproduction, and is underpinned by a lack of educational facilities in the interior beyond primary school, which would force families to send girls to boarding schools in the city to pursue their education.

In these communities, marriages are performed in accordance with customary practices and seldom registered. Unregistered marriages are not recognized by the courts. This creates difficulties for women with regard to, for example, the rights of widows. In the Maroon culture, the property of the husband is regarded as belonging to the family of the husband's mother, and it is inherited and administered by them, not by the wife, in case of death. According to the *Marron Vrowen Netwerk (MVN)*, the umbrella organization for Maroon women in Suriname) Maroon wives and children are totally excluded from inheritance when the men die.

In Maroon culture polygamy is customary, although it is illegal under the law in Suriname. Men are allowed to have up to four wives.

#### *Suggested Questions:*

- *Has the government contemplated legislation and other measures to bring about equal rights and obligations for both spouses in marriage, divorce and widowhood, including with regard to the custody and care of children, the capacity to transmit to children the parent's nationality, the ability to exercise formal parental authority, and the ownership and administration of property?*
- *What measures has the government taken to establish the same legal age of marriage of men and women in accordance with the right of equality under the law and to ensure that such age is set bearing in mind the need to protect the rights of minors?*
- *What steps is the government taking to abolish polygamy in practice?*

#### 4 **Trafficking and Prostitution**

Pimping, rather than prostitution itself, is outlawed by an old statute (Article 503 of the Penal Code) that prohibits "the promotion of female indecent behaviour with obvious sexual provocation". The Police Criminal Act (Articles 65 and 66) penalises prostitution by women but not by men. Prostitution however is largely tolerated and brothels operate openly and are registered with the police and health authorities. Street prostitutes, however, in practice both men and women, are sometimes picked up by police and fined under provisions in the Police Criminal Act. The organization *Stichting Maxi Linder* Association (SMLA), which provides support services to prostitutes, reports an increase in the involvement of underage girls in prostitution since the mid-1990s, probably as a result of the deteriorating economic situation. This concern is also noted in the Concluding Observations of the Committee on the Rights of the Child (as cited above, in paragraph 57) which raised issues of general concern regarding the sexual exploitation of children.

Against this background, some women are working in conditions of debt bondage and may have been trafficked or be at risk of trafficking. SMLA reports that Suriname is a springboard for entrance of trafficked women into the Netherlands, and women are brought from the Dominican Republic, Brazil and Colombia who are later sent to Europe. The women enter Suriname with the support of the brothel owners (who sign their work visa applications) and then sign a contract that starts their "debt bondage". The women agree to pay for travel and other costs and are sometimes traded or sent to the Netherlands to work off their debt.

There is little that can be done for these women if they want to return home, unless the club/brothel owner agrees to release them. There is a general prohibition of trade in women in Article 307 of the Penal Code, but so far as known this provision has not been applied in the context of trafficking. There is no specific legislation on trafficking. This makes it difficult to take any action against the brothel owners or other agents.

#### *Suggested questions:*

- *What measures have been taken by the government to ensure that women working in the commercial sex sector are not held in bondage by brothel or bar owners, have not been trafficked, and are protected from being trafficked inside Suriname or into other countries?*
- *What steps is the government taking to enforce laws against pimping?*
- *What special provisions have been implemented by the government to protect minors from being sold into prostitution?*

#### 5 **Sexual and Reproductive Rights**

Although old provisions in the Penal Code (Articles 533, 534) technically criminalise the provision of contraception services, these services are supported and provided by both

governmental and non-governmental agencies. Contraceptive awareness (97%) and prevalence (49%) are generally high for the region, but there are marked differences between ethnic groups and age groups.

Abortion is illegal (Articles 309, 355-358 of the Penal Code) but in practice safe abortion is readily available from clinics. Traditional abortion methods, using herbs and drinks, are reported to be widely used within the Amerindian and Maroon communities, particularly since these communities have less access to modern medical facilities.

*Suggested Question:*

- *Has the government implemented any educational or other measures to ensure that women of all ethnic backgrounds can freely exercise their full range reproductive rights, including access to contraception?*

## **6 Maternal Mortality**

According to the study "Situational Analysis of Surinamese Women" (as above), data from 1991-2 stated that most incidents of maternal mortality were due to post-delivery haemorrhaging and pregnancy-induced hypertension, and that such deaths could have been avoided if there had been timely transportation and blood transfusions available. The study also quotes official statistics for maternal mortality (Public Health Bureau, 2001) which give maternal mortality rates at between 45.9 (1995) and 108.4 (1999) per 100,000 live births, which is a much higher than had been previously reported. The report points out that these figures illustrate what some authors describe as "an overlooked tragedy" in women's health.

*Suggested Question:*

- *What measures have been taken by the government to reduce the incidence of maternal mortality especially in the interior where access to healthcare is less available, and with what results?*

## **7 Equal Employment Rights**

Although the Constitution guarantees employment and labour rights, the majority of women are employed or self-employed in the informal sector. These sectors are often non-unionized, and therefore excluded from the collective labour agreements that benefit other workers. This affects their earning power and entitlement to sickness, pension and other benefits.

The Personnel Act sets out the conditions for employment (Article 12.2), including that the employee must not have been found to be in a physical condition unsuitable for the job. It seems that, in practice, this provision is sometimes used to dismiss women employees who have been repeatedly pregnant.

Female civil servants are not entitled to the same benefits as men. According to the Travel and Temporary Attachment Decree (1984, as amended in 1993), only a male civil servant can claim travel or relocation expenses for his spouse and children.

According to the study Situation Analysis of Surinamese Women (as above), 30% of women report being subject to sexual harassment with 50% of these in the workplace. However, there are no procedures for women to report such incidents and no mechanisms for them to prevent harassment.

*Suggested Questions:*

- *What steps has the government taken to ensure that the employment and pay conditions of workers in the informal sector, the majority of whom are women, are not discriminatory?*
- *What steps does the government propose to take to modify or remove out-of-date provisions in its labour laws that are inconsistent with the constitutional guarantee of equality?*
- *What measures is the government taking to address the problem of sexual harassment of women, particularly in the workplace?*