

# **SURINAME 2013 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Suriname is a constitutional democracy, with a president elected by the unicameral National Assembly or by the larger United People's Assembly. After generally free and fair legislative elections in 2010, several political alliances formed a coalition government. The National Assembly elected former military leader Desire Bouterse president in July of that year. Civilian authorities maintained effective control over the security forces. Security forces reportedly committed some human rights abuses.

The most serious human rights problems were widespread government corruption, reports of press intimidation, and lengthy pretrial detention.

Other human rights problems included self-censorship by some media organizations and journalists; societal discrimination against women, Maroons (descendants of escaped slaves who fled to the interior of the country to avoid recapture), Amerindians, and other minorities; domestic violence against women; trafficking in persons; and child labor in the informal sector.

The government continued to take steps to prosecute abusers in the security forces; however, in certain cases there was a perception of impunity among the public.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that the government or its agents committed arbitrary or unlawful killings. Authorities investigated all killings by police and security force members and brought charges where appropriate, but there was generally little information available about investigations into killings by police or other security force members. The Personnel Investigation Department (OPZ), an office within the Police Department, investigated offenses committed by members of the police force. Military police and the judge advocate investigated offenses committed by soldiers.

The trial of two police officers charged in 2012 with the extortion, theft through use of force, abduction, voluntary manslaughter, and murder of Haitian citizen Celius Molius continued.

Following a police investigation, the Attorney General's Office started a judicial investigation of nine police officers involved in the 2012 shooting and killing of four unarmed citizens suspected of multiple armed robberies.

In July a judge found the police officer charged with the accidental killing of a bystander during a riot in June 2011 not guilty.

The suspension of the trial of former military dictator and current President Desire Bouterse and his 24 codefendants for the 1982 extrajudicial killing of 15 political opponents continued during the year following the 2012 passage of an amended Amnesty Law granting immunity to the defendants for these killings and other crimes committed during this period. A court ruled that this law required review by a constitutional tribunal and, although the constitution calls for a Constitutional Court, the country never created one. The constitution prohibits interference in a trial under way, but proceedings remained suspended pending the installation of a Constitutional Court. The government circulated draft legislation to create the court, but it had not been passed as of November. Critics noted their strong concerns about the standards that would apply to members of the court and the conflict of interest that would exist if the president nominated members of a court that would then determine the constitutionality of an amnesty law which seeks to end the government's prosecution of the president.

## **b. Disappearance**

There were no reports of politically motivated disappearances.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

While the law prohibits such practices, human rights groups, defense attorneys, and the media continued to report various instances of mistreatment by police including unnecessary use of gun violence at time of arrest and beatings while in detention, as well as isolated incidents of abuse of prisoners by prison officials.

## **Prison and Detention Center Conditions**

In general prisons were clean and well maintained, and the staff was professional and maintained proper relationships with and oversight of the prisoners.

Conditions were poor, however, in the many small temporary detention facilities, which tended to be unhygienic and overcrowded.

Physical Conditions: The Department of Corrections operated three prisons and one temporary detention facility. Hazard Prison in Nickerie was the smallest, with 98 prisoners and a capacity of 106; Santo Boma Prison in Wanica was the largest, with 347 prisoners and a capacity of 380; Duisburglaan Prison in Paramaribo had 219 prisoners, with a capacity of 228. Santo Boma was the only prison that held juveniles up to age 18 as well as females. Authorities held juvenile females with adult females rather than with juvenile males. A high stone wall separated females from the male population, while an open road separated juvenile males from adult males. Guards stationed along the road kept the two populations from mixing. All three prisons were “open systems” in which authorities allowed prisoners to move around freely within the compound during specified hours. Prisoners reported that the food was generally good and medical care was sufficient, although on-site facilities were limited.

The Inter-American Commission on Human Rights (IACHR) rapporteur on prisoner rights visited the prisons and detention centers in 2011 and expressed concern over hygiene, sanitation, and access to clean drinking water. Media and the public scrutinized prison security standards and the integrity and quality of the prison guard force after several high profile and violent prisoners escaped during the year, some with and some without prison guard assistance.

There was one juvenile detention facility, Opa Doeli, with separate quarters for boys and girls under the age of 18. This facility, located in Paramaribo, provided educational and recreational facilities and operated at less than maximum capacity. Construction continued on a new prison facility for convicted juveniles in Wanica, next to the Santo Boma Prison. The new facility will completely separate youth from adult inmates.

The Huis van Bewaring facility near Santo Boma Prison is the only temporary detention center run by the Department of Corrections. It has a capacity of 550 inmates and held 334 in a combination of detainees and convicts. Although originally envisioned as a temporary detention facility for pretrial lock-up, a large portion of its population consisted of convicted prisoners waiting for transfer to one of the three prison facilities. Some convicted prisoners waited months for a cell to open at one of the prisons. The detention center suffered from a shortage of prison staff, which affected its ability to allow prisoners out of the cells for recreation.

Prisoners continued to express concern over conditions in Santo Boma Prison, where they complained of inadequate food provisions, mistreatment by prison guards, and limited ventilation.

While in general prison facilities were aging but well maintained, temporary detention center facilities had serious deficiencies. The police operated approximately 25 temporary detention facilities attached to different police stations throughout the country. The IACHR visit found two of these centers, Huis van Bewaring (which is operated by the Department of Corrections, not the police) and Geyservlijt, to be inadequately staffed, overcrowded, and with poor hygienic conditions. Unlike the prisons, there was no dedicated guard force to watch prisoners in the police detention centers, and officers who also worked in other capacities handled this duty as well. Police officers did not receive specialized training to guard detainees and exercised little oversight of prison cell activity. The detention center system lacked a core of standard operating procedures. Each compound had its own house rules, which were not routinely defined or conveyed to the guard staff.

Poor ventilation, limited lighting, and extreme heat remained problems in detention centers. The law mandates a maximum number of prisoners at individual prison facilities, which created overcrowding at the temporary detention centers. Outside companies brought in food rather than preparing it in-house. Detainees and human rights groups alleged that meals were inadequate. Detainees often stayed in these temporary facilities for more than a year before trial. The facilities were unhygienic and plagued with lice and mice. Authorities did not provide mattresses due to the risk of lice. Illness spread quickly through the population, and mobile phones (although banned) were reportedly a problem, as was drug use.

The Welzijns Institute Nickerie, a nongovernmental organization (NGO) operating in the western district of Nickerie, continued to visit and provide counseling for detainees in the Hazard Prison. The institute continued a program to train prison officers to counsel detainees.

Administration: Prison record keeping was adequate. In some cases of traffic or economic violations, judges fined nonviolent offenders instead of giving them prison sentences. Prisoners continued to have reasonable access to visitors and could observe religious practices of their choice. No ombudsman served on behalf of prisoners and detainees; prisoners notify their defense lawyers and government officials of any problems. Authorities permitted prisoners and detainees to submit

complaints to judicial authorities without censorship. In 2008 prisoners filed a petition with the IACHR claiming the government had denied their requests for higher appeal or early release. The commission deemed the petition admissible in 2010 and was considering it as of November.

Independent Monitoring: Government officials continued regular monitoring of prison and detention center conditions. The government permitted monitoring visits by independent human rights observers, and such visits occurred.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. Due to a shortage of judges, however, prisoners who appealed their cases often served their full sentences before completion of the lengthy appeals process.

#### **Role of the Police and Security Apparatus**

The armed forces are responsible for national security and border control, with the military police having direct responsibility for immigration control at the country's ports of entry. All elements of the military are under the control of the Ministry of Defense. Civilian police bear primary responsibility for the maintenance of law and order and report to the Ministry of Justice and Police. Police effectiveness was hampered by a lack of equipment, training, and low salaries. Coordination between police and military improved with regular patrols conducted by both groups and members of both forces participated in special security teams.

Civilian authorities maintained effective control over the military and police. Although the government continued to take steps to prosecute abusers in the security forces, in certain cases there was a perception of impunity among the public.

The OPZ investigates complaints against members of the police force. Up to the end of November, OPZ received 205 complaints from private citizens against members of the police force of which 69 involved abuse. In addition, the Police Internal Affairs Unit (ITZ) investigated internally 421 cases involving various forms of misconduct. Authorities imposed disciplinary sanctions in 183 cases, of which 14 included terminations from duty.

#### **Arrest Procedures and Treatment of Detainees**

Police apprehended individuals openly with warrants based on sufficient evidence and brought them before an independent judiciary. The law provides detainees with the right to a prompt judicial determination of the legality of the detention, and authorities respected this right. Authorities promptly informed detainees of the charges against them. Police may detain a person suspected of committing a crime for up to 14 days if the sentence for that crime is longer than four years, and an assistant district attorney or a police inspector may authorize incommunicado detention. The police must bring the accused before a prosecutor to be charged formally within that period. If additional time is needed to investigate the charge, a prosecutor and, later, a judge of instruction may extend the detention period an additional 150 days. There is no bail system. Detainees received prompt access to counsel of their choosing, but the prosecutor may prohibit access if the prosecutor thinks that this could harm the investigation. Detainees were allowed weekly visits from family members.

Pretrial Detention: The average length of pretrial detention was 30 to 45 days for lesser crimes. Authorities held detainees in detention cells at 26 police stations that were at or near capacity. In accordance with the law, the courts freed most detainees who were not tried within the 164-day period. According to human rights monitors, factors such as a shortage of judges, large caseloads, and large numbers of detainees caused trial delays.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary. Perceived judicial independence came into question after passage of the 2012 amnesty law, which put a trial already under way on hold indefinitely (see section 1.a.).

The judiciary lacked professional court managers and case management systems to oversee the courts' administrative functions and also lacked adequate physical space – factors that contributed to a significant case backlog. The judiciary made progress in the timely processing of criminal cases, although the processing of civil cases continued to be prolonged.

#### **Trial Procedures**

The law provides for the right to a fair, public trial in which defendants have the right to counsel, and the judiciary generally enforced this right. All trials are public except for indecency offenses and offenses involving children. There is no

jury system. Defendants enjoy a presumption of innocence and have the right to appeal. Defendants have the right to be present and consult an attorney in a timely manner. Defendants and their attorneys have access to government-held evidence. Defendants' attorneys can question witnesses and present witnesses and evidence on the defendant's behalf. The courts assign private sector lawyers to defend indigent detainees. There were court-assigned attorneys for both the civil and penal systems. The law extends the above rights to all citizens. The law protects the names of the accused, and authorities do not release them to the public or the media prior to conviction.

Military personnel generally are not subject to civilian criminal law, and there are parallel military and civilian court systems. Military police investigate crimes committed by members of the armed forces. An officer on the public prosecutor's staff directs military prosecutions before two military judges and one civilian judge. Due to a shortage of judges, the Court of Justice selects military and civilian judges from the same pool and assigns them to specific cases. A mechanism exists to prevent conflicts of interest. The military courts follow the same rules of procedure as the civil courts. There is no appeal from the military to the civil system.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

There are separate procedures for civil processes, and there is a court to consider lawsuits seeking damages for, or cessation of, a human rights violation. Despite the installation of new judges, the backlog of cases continued. Most civil cases were resolved approximately three to four years after the first hearing in court.

### **Regional Human Rights Court Decisions**

As of October, only 560,000 Suriname dollars (SRD) (\$167,000) of the ordered SRD1.68 million (\$500,000) had been paid in a May 2012 Inter-American case. Parties of the *Saramaka People v. Suriname* suit appeared before the Inter-American Court to discuss the lack of progress in the execution of the 2007 verdict. The court proposed the establishment of a joint commission, to include the court, to oversee the further implementation of the verdict. The verdict ordered the government to recognize collective land rights, to draft legislation that complies

with international treaties, to establish a development fund, and to provide the Saramaccan people with their own land. Additionally, the government continued to grant mineral concessions in Saramaccan territory without consulting the appropriate Maroon tribes. The Association of Saramaccan Authorities completed a draft map identifying the Saramaccan territories and held consultations with Maroon and Amerindian indigenous tribes to negotiate the borders.

Judgments remained outstanding in the case of the Inter-American Court of Human Rights verdict that held the government accountable for the murder of 39 persons of the Maroon village of Moiwana in 1986. In addition to measures already implemented, the court ordered the government to investigate and identify, prosecute, and punish those responsible and to adopt such measures that would give the villagers title to their traditional territories.

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, and the government generally respected these prohibitions. The law requires search warrants, which are issued by quasi-judicial officers who supervise criminal investigations.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Speech and Press**

The law provides for freedom of speech and press, and the government generally respected these rights. Multiple media outlets publish material critical of the government.

Violence and Harassment: A radio talk show host reported receiving death threats because of the critical tone of his program towards the government.

Censorship or Content Restrictions: A journalist stated that his decision to stop publishing views critical of the government came after verbal intimidation by a high-ranking government official. Other media members continued to practice self-censorship in response to pressure applied and intimidation by senior government officials or community leaders on journalists who published negative stories about the administration. In addition many news outlets were affiliated with particular political parties, which discouraged journalists from reporting on some subjects.

## **Internet Freedom**

Although there were no government restrictions on access to the internet and the government asserted that it did not monitor e-mail or internet chat rooms without judicial oversight, journalists, members of the political opposition and their supporters, and other independent entities reported that they perceived government interference or oversight of e-mail and social media accounts. Internet access was common and widely available in the major cities, but less common in remote areas with limited bandwidth and often limited or no access to electricity.

## **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedom of Peaceful Assembly and Association**

The law provides for freedoms of assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights.

## **Protection of Refugees**

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees.

## **Stateless Persons**

There were reports of an increasing number of children born to noncitizens and left in the care of third parties who are stateless. This problem was most prevalent in

the undocumented Brazilian mining community and among women in prostitution. Because citizenship through place of birth is not automatic, these children only become eligible to apply for citizenship at the age of 18.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The law provides citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: The constitution provides for direct election by secret ballot of the 51-member National Assembly no later than five years after the prior election date. The National Assembly in turn elects the president by a two-thirds majority vote. After generally free and fair legislative elections in 2010, the National Assembly elected Desire Bouterse as president in July of that year.

Participation of Women and Minorities: While women made limited gains in attaining political power, men continued to dominate political life. There were seven women among the 51 members of the National Assembly. At the start of the year, there were three women among the 17 ministers in the cabinet, but the president removed two of them, leaving one female minister as of October. There were eight women among the 20 sitting judges. The interim president of the Court of Justice and the head clerk, that body's highest administrative position, were women. The speaker and vice speaker of the National Assembly, as well as that body's head clerk, were women.

Several factors traditionally limited the participation of Maroons and indigenous Amerindians in the political process, including a population concentrated in remote areas removed from the country's centers of political activity. There were 11 Maroons and two Amerindians represented in the National Assembly, and all were part of the governing coalition.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively. Long delays often occurred

before corruption cases came to trial. The World Bank's worldwide governance statistics continued to indicate corruption was a serious problem.

Corruption: As of October, a long-promised draft anti-corruption law had yet to clear the Council of Ministers and reach the National Assembly for debate and approval. There were widespread allegations of corruption throughout all levels of government, particularly regarding land issuance, granting of mineral and timber concessions, misuse of government funding, and under-the-table payments for permits and government contracts. There was a continuing, widespread perception that officials used public power for private gain.

Various sections of the Ministry of Justice and Police, including the Fraud Police and the Attorney General's Office, were responsible for investigating and prosecuting government corruption. Some collaboration with civil society took place, but lack of capacity and legislation often hampered the functioning of these agencies. No known prosecutions for corruption were initiated during the year, which critics said pointed to an apparent lack of will by established government oversight bodies to investigate these allegations and refer them for prosecution. Civil society, the media, and other nongovernmental parties particularly scrutinized and criticized the ministries of Natural Resources, Public Works, Social Affairs, and Physical Planning, alleging widespread corruption and favoritism. The president replaced the ministers of two of these four ministries, relieving them "with honor."

Whistleblower Protection: No laws deal with this topic.

Financial Disclosure: Public officials were not subject to financial disclosure laws.

Public Access to Information: No law requires public disclosure of information. Although occasionally granted, access remained very limited in certain areas. There is a centralized office for media and information requests under the Office of the President. Gaps in official government statistics and bureaucratic hurdles made obtaining information difficult. There were no administrative or criminal sanctions for nondisclosure and no appeals mechanism.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of independent domestic human rights groups generally operated without government restriction, investigating and publishing their findings on

human rights cases. NGOs reported generally positive relationships with government officials, although occasionally officials were not responsive to their views.

UN and Other International Bodies: The government response to recommendations from the UN Human Rights Council's Universal Periodic Review acknowledged the need for broader societal discussion while stating that national legislation provided sufficient protection for all citizens.

Government Human Rights Bodies: A legislative commission on human rights continued operating throughout the year, but resource constraints hampered its effectiveness. The National Assembly also has a commission dealing with the rights of women and children.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law prohibits discrimination based on race, ethnicity, sexual orientation, and gender identity, but does not address discrimination based on disability, language, or social status. Various sectors of the population – such as women, Maroons, Amerindians, persons with HIV/AIDS, and lesbian, gay, bisexual, and transgender (LGBT) persons – suffered forms of discrimination.

### **Women**

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and prescribes penalties for rape or forcible sexual assault of between 12 and 15 years' imprisonment. The government enforced the law effectively. Police received 784 reports of sexual abuse as of November.

Violence against women remained a serious and pervasive problem. The law imposes sentences of four to eight years' imprisonment for domestic violence crimes. As of November, police received 1,035 reports of domestic abuse. Three of the 25 murders committed during the year were related to domestic abuse. Police attributed 14 of the 27 murders committed in 2012 to domestic violence, and in three of those the perpetrators were convicted during the year and received sentences varying from nine years to life in prison. Court rulings were pending in the other cases.

The Ministry of Justice and Police's Victim Assistance Bureau provided resources for victims of domestic violence and continued to provide information on domestic

violence through public television programs. There were four victims' rooms in police stations in Paramaribo and Nickerie. Authorities trained police units how to deal with survivors and perpetrators of sexual crimes and domestic violence. As of November, the government provided shelter services to 20 victims of domestic abuse and their 26 children. Length of stay depended upon the circumstances but averaged three months.

Sexual Harassment: There was no specific legislation on sexual harassment; however, prosecutors cited various penal code articles in filing sexual harassment cases. There were no reported court cases involving sexual harassment in the workplace.

Stalking is a criminal offense, and police may investigate possible cases of stalking without a formal complaint being filed. Pending investigation, police may issue temporary restraining orders on behalf of the Attorney General for up to 30 days, limiting the contact between victim and suspect. If found guilty, offenders can receive prison sentences between four and 12 years and fines between SRD 50,000 (\$14,900) and SRD 150,000 (\$44,700) depending on the severity of the case.

Reproductive Rights: Couples and individuals had the right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Access to information on contraception was widely available and, according to UNICEF's 2013 MICS Report, 47.6 percent of women ages 15-49 used modern contraceptive methods. The UN Population Fund estimated the maternal mortality ratio in 2010 at 130 deaths per 100,000 live births. The government commenced a two-year study into the causes of this high maternal mortality rate. Skilled health personnel attended 92.7 percent of births.

Discrimination: Although the law does not specifically prohibit gender discrimination, it provides for protection of women's rights to equal access to education, employment, and property. Societal pressures and customs, especially in rural areas, inhibited the full exercise of these rights, particularly with respect to marriage and inheritance. Where local customs remain a strong influence on the family unit, girls traditionally marry at or near the legal age of consent, and inheritance rights pass to their husbands.

Men and women generally enjoyed the same legal rights under property law and under the judicial system, but where citizens observed local customs, these rights were somewhat infringed. The Bureau for Women and Children under the

Ministry of Justice and Police worked to protect the legal rights of women and children. Women experienced discrimination in access to employment and in rates of pay for the same or substantially similar work. The government did not undertake specific efforts to combat economic discrimination.

The National Women's Movement, the most active women's rights NGO, continued assisting women in launching small home-based businesses, such as sewing and vegetable growing, and provided general legal help. The Women's Business Group advocated for business opportunities for women, while the Women's Parliament Forum advocated for opportunities in the public sector. Another NGO, Stop Violence against Women, assisted victims of domestic violence, including legal help with dissolving an abusive marriage. Efforts by the speaker of the National Assembly's elevated gender and women's equality issues to national topics for discussion.

## **Children**

Birth Registration: Citizenship is derived by paternal blood lineage. Eligibility is automatic through the maternal bloodline in cases where the father is registered as unknown or is the citizen of a country that does not automatically transfer his citizenship to the child. By law births have to be registered with the Civil Registration Office within a week. Failure to do so within the mandated period does not automatically result in denial of services, but does result in a more cumbersome process of registration through the attorney general's office.

Child Abuse: Physical and sexual abuse of children continued to be problems. Police registered 183 reports of child abuse up to mid-September. The Youth Affairs Office further reported an upward trend of sexual abuse of children in daycare facilities and sports clubs. Children up to age 17 were victims of sexual abuse on a daily basis according to police. Observers believed the actual number of abuse cases was significantly higher than those reported, as the office handled only those cases directly reported to police. The police youth affairs office conducted three visits per week to different schools in the capital and the surrounding areas on a rotating schedule to provide outreach, raise awareness about child abuse, and solicit and investigate complaints. Authorities made special arrangements for children to testify in special chambers at legal proceedings, to avoid intimidation by perpetrators. The youth affairs office continued to raise awareness about sexual abuse, drugs, and alcohol through a weekly television program. The government operated a "1-2-3" telephone hotline for children and provided confidential advice and aid to children in need. In 2012 the hotline

handled 33,000 calls, the latest period for which information was available. The UN Children's Fund (UNICEF) continued cooperating with the government in providing training to officials from various ministries dealing with children and children's rights.

Authorities applied various laws to prosecute perpetrators of sexual abuse, and several cases of sexual abuse of minors came to trial. Sentences averaged two to three years in prison. In the capital, there were several orphanages and one privately funded shelter that could accept sexually abused children.

Forced and Early Marriage: The marriage law sets the age of marital consent at 15 years for girls and 17 years for boys, provided parents of the parties agree to the marriage. Parental permission to marry is required until the age of 21. The law also mandates the presence of a civil registry official to register all marriages. According to UNICEF, 19 percent of women between the ages of 20 and 24 married before the age of 18.

Sexual Exploitation of Children: There were some incidents of commercial sexual exploitation of minors. Although the legal age of sexual consent is 14, prohibitions against adults engaging in sexual activities with children under 14 remained difficult to enforce, particularly in rural areas. Criminal law penalizes child prostitution and provides sanctions of up to six years' imprisonment and a fine of SRD 100,000 (\$29,800) for pimping. The law also prohibits child pornography, which has a maximum penalty of six years' imprisonment and maximum fine of SRD 50,000 (\$14,900).

A judge convicted two men in a trafficking case involving a 14-year-old girl. The judge convicted one man for trafficking in persons and sex with a minor and sentenced him to 24 months. She convicted the second for trafficking in persons and sentenced him to 18 months. The prosecutor appealed the sentences, seeking greater punishment in this case.

Institutionalized Children: State services deteriorated for the legal protection of underage children in foster care, adoption cases, and cases concerning guardianship. The Office of Family Affairs of the Ministry of Justice and Police was unable to function adequately due to poor housing, shortages in office supplies and equipment, and continued salary issues.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of Child Abduction.

**Anti-Semitism**

There was a declared Jewish community of approximately 150 persons. There were no reports of anti-Semitic acts or discrimination.

**Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

**Persons with Disabilities**

There are no laws prohibiting discrimination against persons with physical or mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of state services. Persons with disabilities suffered from discrimination when applying for jobs and services. Authorities provided some training programs for persons with visual or other disabilities. There are no laws or programs to ensure that persons with disabilities have access to buildings. A judge may rule that a person with a cognitive disability be denied the right to vote, take part in business transactions, or sign legal agreements. Primary education was available for persons with disabilities, and depending on the disability, secondary and higher education could be available. There is secondary and technical education for the deaf, but not for the blind. No information was available regarding abuse in educational or institutional facilities for persons with disabilities. A Ministry of Social Affairs working group remained responsible for protecting the rights of persons with disabilities, but it made limited progress.

**National/Racial/Ethnic Minorities**

The law prohibits discrimination on the basis of race or ethnicity, and no such discrimination complaints were filed. Maroons, who represent an estimated 21 percent of the population, generally continued to be disadvantaged in the areas of education, employment, and government services. Most Maroons lived in the interior, where limited infrastructure reduced their access to educational and professional opportunities and health and social services. Some forms of discrimination that affected indigenous Amerindians also extended to Maroons.

## Indigenous People

The law affords no special protection for, or recognition of, indigenous people. The IACHR identified the Maroons (who make up approximately 20 percent of the population) as tribal peoples and thus entitled to the same rights as the indigenous Amerindian (approximately 2 percent of the population) communities.

Most Maroons and Amerindians live in the remote and undeveloped interior, where government services are largely unavailable. Geographic isolation limited the opportunities of these people to participate in national and regional policymaking, including decisions affecting interior lands, cultures, traditions, and natural resources. Maroons and Amerindians, however, were well represented in the National Assembly and were part of the governing coalition.

Because authorities did not effectively demarcate or police Amerindian and Maroon lands, populations continued to face problems with illegal and uncontrolled logging and mining. No laws grant indigenous people rights to share in the revenues from the exploitation of resources on their traditional lands. Organizations representing Maroon and Amerindian communities complained that small-scale mining operations, mainly by illegal gold miners, some of whom were themselves indigenous or supported by indigenous groups, dug trenches that cut residents off from their agricultural land and threatened to drive them away from their traditional settlements. Mercury runoff from these operations also contaminated sources of drinking water and threatened traditional food sources, especially fresh water fish.

Many Maroon and Amerindian groups also complained about the government granting land within their traditional territories to third parties, who sometimes prevented the villages from engaging in their traditional activities on those lands. Maroon and Amerindian groups continued to cooperate with each other to exercise their rights more effectively. The Moiwana Human Rights Association, the Association of Indigenous Village Leaders (an umbrella group that represents the many smaller associations of indigenous persons), and other NGOs continued to promote the rights of indigenous people.

At year's end the case continued of the Association of Indigenous Village Heads who filed a petition in 2007 with the IACHR on behalf of the Kalina and Lokono Peoples of the Lower Marowijne River to demand legal recognition of their traditional lands. The petitioners stated the government violated their rights by

continuing to issue land, grant concessions, and establish nature reserves on these lands without recognizing their rights.

In March the IACHR ruled that the petition of the Kalina Indigenous Community of Maho against the state was admissible and would proceed with the analysis of the merits of the case. In 2009 that group filed a case against the state at the IACHR alleging violations of their indigenous and traditional rights to the land where they lived. They further argued that the government deliberately had taken measures that ultimately led to the drastic decrease of the population of the community.

In its response to the 2011 UN Human Rights Council's Universal Periodic Review, the government rejected several recommendations concerning the indigenous and tribal peoples, arguing that the government was conducting its own process of consultations with the Maroon and indigenous people.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

No specific laws protect lesbian, gay, bisexual, and transgender (LGBT) persons from discrimination or grant them any specific rights. The government declined to consider specific legislation pertaining to LGBT persons, as it considers existing legislation sufficient. LGBT groups could associate freely, were very active, and advocated within society under the same laws that pertain to other groups. There were reports of employment discrimination based on sexual orientation, particularly in cases concerning the granting of a job. There were no reports of official discrimination based on sexual orientation or gender identity in housing, access to education, or health care. Stigma could be a contributing factor in LGBT persons not reporting incidents of abuse.

### **Other Societal Violence or Discrimination**

Popular resentment in gold-mining areas in the interior of the country, primarily directed towards Brazilian and Chinese migrants, continued to be a problem. The government exercised little authority in these areas, which senior military officers characterize as being "Wild West" in character. Robbery was common against small-scale gold miners who carry raw gold. Maroon and Brazilian gangs repeatedly targeted Chinese shop owners for armed robberies. An escalation of violence in the gold mining area of Nieuw Koffiekamp led to the death of a

Chinese shop owner after armed robbers blocked the entrance to the building and set it on fire. Two others were injured.

Persons with HIV/AIDS continued to experience societal discrimination in employment and medical services. The police and military conducted mandatory HIV testing for new recruits. Medical treatment is free for HIV/AIDS patients who were covered under government insurance, but private insurers do not cover such treatment.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form and join unions of their choice without previous authorization or excessive requirements, bargain collectively and strike. The law prohibits antiunion discrimination, requires that workers fired for union activity be reinstated, and prohibits employer interference in union activities. Labor laws do not cover undocumented foreign workers.

The government enforced laws related to freedom of association and the right to collective bargaining. Penalties for violations of these rights ranged from six months' imprisonment and/or a fine of up to SRD10,000 (\$3,000) and were generally sufficient to deter violations. There were no reports that procedures were subject to lengthy delays or appeals.

Workers formed and joined unions freely and exercised their right to strike. Some trade union leaders were represented at high levels in the coalition government. Another trade union was associated with the opposition Labor Party. There was occasional government interference in labor relations, especially in parastatal companies.

In isolated cases employers refused to bargain or recognize collective bargaining rights, but the unions usually pressured the employers to renegotiate. There were some reports that companies exploited legislative gaps, hiring more contract employees to perform core business functions than direct-hire staff, in order to cut costs. While there were some disputes reported in the private sector between employers and labor unions, the majority of reported labor disputes were between the government and various trade unions representing civil servants. For instance, the Ministry of Justice and Police continued to be in dispute with several unions for a lack of action on agreements concerning deplorable working conditions,

promotion of staff, payment for overtime work performed, and payment of benefits as agreed upon in collective bargaining agreements.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The government made no arrests during the year for forced labor. Under law, administrative penalties for violations are up to six months' imprisonment and/or a fine of up to SRD 500,000 (\$150,000). Criminal penalties for violations ranged from five to 20 years. Labor inspectors received training on looking for forced labor, but data on inspection efforts specific to forced labor were unavailable.

Past convictions and current unconfirmed reports indicated that some foreign workers were subjected to forced labor, particularly in the Chinese community, including in the service and construction sectors. Police reported they did not have clear evidence of forced labor and had little ability to investigate rumors due to their limited resources and the closed nature of the Chinese community.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets the minimum age for most types of employment at 14 and restricts working hours for minors to day shifts, but does not limit the number of hours minors can work. The law permits children younger than 14 to work only in a family-owned business, small-scale agriculture, and special vocational work. It prohibits children younger than 18 from doing hazardous work, which is defined as work dangerous to life, health, and decency. The law does not permit children under the age of 15 to work on boats. Authorities may prosecute parents who permit their children to work in violation of labor laws. The law requires employers to maintain a Register of Young Persons that includes each employee's information.

The Ministry of Labor and the police enforced the law sporadically. The Ministry's Department of Labor Inspection was responsible for enforcing child labor laws, but enforcement and resources remained inadequate. Employing a child under 14 is punishable by fines and up to 12 months' imprisonment; such penalties generally were sufficient to deter violations, but authorities rarely enforced them. The government's commission on eliminating child labor,

consisting of 11 organizations (10 government institutions and one NGO), continued to conduct awareness activities.

Child labor remained a problem in the informal sector, especially in the districts of Nickerie, Saramacca, and Marowijne. Recent data were not available on the number of children in child labor. The government lacked resources to carry out a survey quantifying child labor. Historically, child labor occurred in agriculture, logging, fisheries, and in the construction sector, although there were no documented cases during the year. Isolated cases of child labor occurred in the informal gold-mining sector in the interior, in the urban informal sector, and in commercial sexual exploitation (see also section 6, Children).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

There is no legislation providing for a minimum wage. The lowest wage for civil servants was approximately SRD 600 (\$180) per month, including a cost of living allowance. Government employees constituted approximately 61 percent of the estimated 125,000-member formal sector workforce and frequently supplemented their salaries with second or third jobs, often in the informal sector.

Work in excess of 45 hours per week on a regular basis requires special government permission, which was granted routinely. The law requires premium pay for such overtime work, prohibits excessive overtime, requires a 24-hour rest period per week, and stipulates paid annual holidays. Overtime is generally limited to four hours per day, for a maximum of a 12-hour workday. During the holiday season, the retail sector has a blanket permit allowing for work of up to 15 hours a day, including seven hours of overtime. The government sets occupational health and safety standards, which generally were set in cooperation with the sector, were current, and appropriate for the main industries in the country.

A 10- to-12-member inspectorate in the Occupational Health and Safety Division of the Ministry of Labor is responsible for enforcing occupational safety and health regulations, but it did not make regular inspections. The Ministry's Department of Labor Inspection, with approximately 80 inspectors, is responsible for enforcing labor laws, but enforcement was inadequate. Penalties for violating the labor laws vary from fines to suspension of licenses, depending on the severity of the case. According to the Ministry of Labor, the few violations encountered each year were

usually in smaller businesses and no violation was severe enough to warrant a license suspension. No violations were found in unionized companies. Inspectors visited private-sector companies throughout the country, but no data were available regarding the number of inspections performed during the year.

A significant number of persons worked in the informal economy where there was limited enforcement of labor laws. Workers in the informal sector, particularly in the small-scale mining sector, were exposed to dangerous conditions and hazardous chemicals such as mercury.

No data were available on workplace accidents. The International Labor Organization, however, noted the increasing number of serious or fatal occupational accidents, as well as steps that labor inspectors have taken to begin occupational safety and health training of contractors in mines, construction, and public service.