



**VIDS**

**Vereniging van Inheemse Dorpshoofden in Suriname**

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***Submission by VIDS and IPRI  
for consideration by  
the Human Rights Committee at its 141<sup>st</sup> session  
on the  
Fourth Period Report by the State of Suriname***

**Introduction**

This submission is respectfully presented to the UN Human Rights Committee by the Association of Indigenous Village Leaders in Suriname (VIDS – *Vereniging van Inheemse Dorpshoofden in Suriname*), and Indigenous Peoples Rights International, a global Indigenous peoples' organization. VIDS unites and supports the traditional authorities of all Indigenous communities, representing the Indigenous peoples of Suriname. It was founded in 1992, after the so-called “Interior War” in Suriname, to restore and strengthen the traditional Indigenous governance systems in the villages, and to demand the legal recognition by the State of Suriname of Indigenous peoples' rights.

Suriname is home to multiple Indigenous peoples of which the most numerous are the Kali'na (Caribs), Lokono (Arowaks), Trio (Tiriyo, Tareno) and Wayana, plus various other smaller peoples, including the Akurio, Wai-Wai, Warao, Katuena/Tunayana, Mawayana, Pireuyana, Sikiyana, Okomoyana, Alamayana, Maraso, Sirewu, Sakëta and Apalai people. The Indigenous peoples live in over 50 communities/villages in different districts of Suriname as well in urban centers, with a total population of 22-23,000 (census 2012), approximately 4% of the national population.

This submission generally follows the format and chapters of the List of issues<sup>1</sup> in relation to the fourth periodic report of Suriname to the Human Rights Committee.<sup>2</sup>

**Articles 1, 16, 25, 26 and 27 read in light of the UN Declaration on the Rights of Indigenous Peoples**

The right to self-determination of all peoples, including of Indigenous peoples, is recognized in international law<sup>3</sup> as well as in various national legislation, court decisions and by human rights' bodies. It is encouraging that this right is entrenched in the draft law on Collective Rights of Indigenous Peoples and Tribal Peoples, submitted to the National Assembly (Parliament) by the President of Suriname in

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<sup>1</sup> CCPR/C/SUR/Q/4 – List of issues in relation to the fourth periodic report of Suriname.

<sup>2</sup> CCPR/C/SUR/4 – Fourth periodic report submitted by Suriname under article 40 of the Covenant, due in 2020 [Date received: 31 January 2022].

<sup>3</sup> See e.g., *Klemetti Käkkäläjärvi v. Finland*, CCPR/C/124/D/2950/2017; and *Yaku Pérez Guartambel v. Ecuador*, CERD/C/106/D/61/2017.

June 2021.<sup>4</sup> This law would also recognize the collective legal personality of Indigenous and Tribal Peoples (ITPs), correcting a debilitating defect in national law that renders us legally invisible. Notwithstanding, it is extremely discouraging and upsetting that this draft law was amended without meaningful participation by weakening various crucial articles in the law,<sup>5</sup> and over the vigorous protests of ITPs.<sup>6</sup> This unilaterally amended draft was then discussed – without any conclusion – by the National Assembly of Suriname January to August 2023. Nothing concrete has been heard since then. Recently, the Minister of Foreign Affairs mentioned in the press that yet another commission will be established to review the draft law.<sup>7</sup> We were not involved or consulted, nor has any reason been given, even though this regards a desperately needed law that would finally recognize our rights as IPs.

Despite three judgments of the Inter-American Court of Human Rights (2005, 2007 and 2015) ordering Suriname to adopt legislative measures to recognize our rights, including our legal personality and legal recognition of our traditional authorities and their jurisdiction, the State continues to unreasonably delay and confound the legal recognition and protection of the rights of ITPs. In 2011, the UN Special Rapporteur on the Rights of Indigenous Peoples described this situation as an “prolonged condition of international illegality,”<sup>8</sup> while the Committee on the Elimination of Racial Discrimination, in 2006, decided to draw the attention of competent UN bodies to the “particularly alarming situation in relation to the rights of ITPs in Suriname....”<sup>9</sup> This alarming situation and decades-long international illegality persists and extends each day due to the State acts and omissions and to ITPs extreme detriment.

The Fourth Report of Suriname (para. 101) states that “Indigenous Peoples and Maroons determine their own governance structure which is recognized by the State”. While this statement is welcome, we stress that this ‘recognition’ is merely rhetorical and is not set out in legislation, policies or practice. In practice, our own traditional governance structures have no representative capacity or competence in national government structures and mechanisms, at best some ad hoc advisory functions. We are excluded from real decision-making, including by non-representative political party representatives.

The State also engages in subtle and not-so-subtle interferences with our traditional authorities and related processes. More specifically, this often occurs when a traditional authority, chosen by the community, is not to the government’s liking, in which case the government does not issue the usual “*beschikking*” (an order issued by the Ministry of Regional Development and Sports in which a “honorarium” is allocated to that village leader).<sup>10</sup> In one specific case, this occurred despite a 2022

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[https://dna.sr/media/322328/21\\_899\\_Pres.\\_Sur.\\_Aanb.\\_Wet\\_Collectieve\\_Rechten\\_Inheemse\\_en\\_Tribale\\_Volken.pdf](https://dna.sr/media/322328/21_899_Pres._Sur._Aanb._Wet_Collectieve_Rechten_Inheemse_en_Tribale_Volken.pdf); also attached hereto as Annex 1.

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[https://dna.sr/media/374445/23\\_208\\_am\\_23\\_02\\_Leden\\_A.\\_Gajadien\\_e.a.\\_Aanb.\\_Amendement\\_Raamwet\\_Collectieve\\_Rechten\\_Inheemse\\_en\\_Tribale\\_Volken.pdf](https://dna.sr/media/374445/23_208_am_23_02_Leden_A._Gajadien_e.a._Aanb._Amendement_Raamwet_Collectieve_Rechten_Inheemse_en_Tribale_Volken.pdf); draft law with amendments attached hereto as Annex 2.

<sup>6</sup> <https://dna.sr/nieuws/gezag-der-inheemse-volken-en-tribale-volken-dienen-gezamenlijke-verklaring-in-bij-dna-voorzitter/>; declaration also attached as Annex 3.

<sup>7</sup> <https://keynews.sr/2024/04/04/nog-eeen-extra-commissie-om-grondenrechten-aan-te-pakken/>

<sup>8</sup> A/HRC/18/35/Add.7, at para 11 (stating that “It is imperative that Suriname take steps to fully implement the judgment of the Court, in order to avoid a prolonged condition of international illegality”).

<sup>9</sup> *Decision 1(69), Suriname*, Early Warning and Urgent Action Procedure, CERD/C/DEC/SUR/3, at para. 4.

<sup>10</sup> <https://www.srherald.com/suriname/2024/02/14/nog-geen-erkenning-voor-kapitein-sergio-sabajio-als-dorpshoofd-van-powakka/>

judge's decision<sup>11</sup> that confirmed the process of traditional appointment of the Chief.<sup>12</sup> (Note After years' long protests by the village and IPs' organizations, the President, in March 2024, finally decided that the "*beschikkingen*" should be issued to the village leaders.)<sup>13</sup>

We note that various treaty bodies, including the HRC,<sup>14</sup> and the regional tribunals are explicitly interpreting binding treaties conjunctively with UN Declaration on the Rights of Indigenous Peoples (UNDRIP), so that, at a minimum, it is the key reference point and provides a "norm filling" function (i.e., a complement to other instruments and an interpretive device).<sup>15</sup> The rights in UNDRIP are also "the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world" (art. 43), and each of the enumerated aspects is a high priority and cross-cutting value in human rights law. For these and other reasons, the Human Rights Council's Expert Mechanism on the Rights of Indigenous Peoples confirms that UNDRIP is "a contextualised elaboration of general human rights principles" and the standards affirmed therein "connect to existing State obligations under international human rights law..."<sup>16</sup> One of those obligations concerns Article 1 of the ICCPR and we urge the Committee to fully consider this right, alone and conjunctively with other rights, and to do so in light of the various rights affirmed in the UNDRIP when assessing Suriname's report now under review.

**We therefore respectfully request the HRC to insist on the State Suriname to refrain from any action, or refusal to undertake the necessary action, that may undermine or otherwise negatively impact on the self-determination and self-governance systems of ITPs.**

## **Constitutional and legal framework (art. 2)**

As mentioned in more detail below under "Access to Justice", ITPs are not legally recognized as such in Suriname, and our rights are no where laid down concretely in law. In other words, ITPs "do not exist", our rights "do not exist", our representatives (paramount Chiefs, Chiefs, etc) "do not exist" and our villages "do not exist" by law in Suriname. At best, we are amorphous objects that occasionally are mentioned in laws. This leaves us unprotected and vulnerable to, among other things, the centuries-old policies and practices of extraction of natural resources from our territories, leaving behind uninhabitable and toxic environments, without standing before the law and without possibilities to defend our rights.

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<sup>11</sup> *M. Sabajo v. S. Sabajo*, First District Court Judgment, Suriname, 24 Nov. 2022, para. 17 (considering, inter alia, that since the judgments of the IA Court of Human Rights in *Saramaka People* and *Kaliña and Lokono Peoples*, particularly recognition of the right to collective juridical personality, the State can no longer interfere in or annul the decisions of Indigenous Peoples when choosing their authorities).

<sup>12</sup> <https://www.waterkant.net/suriname/2022/11/29/rechter-erkent-sergio-sabajo-als-aangewezen-dorpshoofd-powakka/>

<sup>13</sup> <https://keynews.sr/2024/03/06/volharding-dorpsbestuur-powakka-beloond-handreiking-om-te-verzoenen/>

<sup>14</sup> *E.g.*, *Wunna Nyiyaparli Indigenous People v. Australia*, CCPR/C/137/D/3585/2019; *Matson et al v. Canada*, CEDAW/C/81/D/68/2014; *Tiina Sanila-Aikio vs. Finland*, CCPR/C/124/D/2668/2015; and CRPD/C/NZL/CO/2-3, para. 6(b).

<sup>15</sup> *E.g.*, *Maya Q'eqchi' Indigenous Community of Agua Caliente v. Guatemala*, IACTHR, Ser C No. 488 (2023), para. 47 (confirming that the IACTHR uses UNDRIP "to interpret conventional provisions"); and *AfCom HPR v. Kenya (Merits)*, ACTHPR, 006/2012 (2017), para. 125-6, 128, 131, 181 (para. 131, stating that "... the Respondent violated their rights to land as defined above and as guaranteed by Article 14 of the Charter read in light of [UNDRIP]").

<sup>16</sup> A/HRC/EMRIP/2023/3, para. 8.

These structural shortcomings of Suriname's constitution and legal framework have been identified by various UN and regional human rights' bodies such as the Human Rights Council, CERD, CEDAW, CRC, IAHCR and the Inter-American Court of Human Rights, yet, despite these copious expressions of deep concern and even judicial orders, Suriname remains unwilling to correct the manifest and discriminatory deficiencies in its legal framework.

The “National Human Rights Institute,” (NHRI) referenced in the State party report (para. 32),<sup>17</sup> is, as acknowledged, not in accordance with the Paris principles and it is only a bureau within a government Ministry. As far as we know, only two workshops were held (the last in December 2023) and a draft law on the NHRI was circulated for comments. What happened since then with the comments we and others submitted and the draft law itself, is unknown.

Indigenous peoples are not effectively represented in decision-making structures. Although we (VIDS) are member of some working groups or committees such as the SDG National Platform, the National Biodiversity Commission and the “Think Tank Education in the Interior”, we are not in core decision-taking structures or effectively involved in actual decisions. Nor are we effectively represented in the national political representative system through representatives **identified by ourselves and by the communities as their representatives**. There are a few Indigenous persons in Government and Parliament who generally, with some exceptions, have to “follow the political party line”, and political parties are generally not in line with, or in favor of the collective human rights of ITPs as recognized under international law.

The statement in the Fourth Period Report of Suriname that “*Currently one of the main political parties in government and represented in the National Assemblée is one of maroon origin. Therefore, the position of Tribal Communities in policy formulation and implementation has an integral approach*”<sup>18</sup> does not alter the above conclusion. None of the political parties that have been in power over the past decades have put much effective effort into recognizing ITPs’, nor have the existing power structures adopted legislation or policies that respect and protect our collective rights as recognized by international law and as explicated in judgments of the Inter-American Court of Human Rights, numerous treaty bodies and Special Procedures of the Human Rights Council. ITPs continue to be marginalized from decision-taking and policy, resulting in persistent, pervasive and unabated human rights’ violations.

**We therefore respectfully request that the HRC:**

- a. insists that Suriname adopt without delay (and please mention a specific deadline in the very near future to prevent further corrosion of our rights, lives and survival), legislation on the collective rights of ITPs that adheres, at least, to the internationally declared minimum standards set out in the UN Declaration on the Rights of Indigenous Peoples, and the orders set out in the judgments of the Inter-American Court of Human Rights;**

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<sup>17</sup> In December 2016, the Ministry of Justice and Police launched the National Human Rights Institute” [CCPR/C/SUR/4](#)– Fourth periodic report submitted by Suriname under article 40 of the Covenant, due in 2020 [Date received: 31 January 2022], Paras. 31–33.

<sup>18</sup> [CCPR/C/SUR/4](#); Para 101.

- b. insists that Suriname immediately and fully implement the relevant judgments of the Inter-American Court<sup>19</sup> with the full and effective participation of ITPs through our freely chosen representatives (and not supposed “representatives” of the State’s choice).
- c. explicitly highlights the copious recommendations previously adopted by other UN bodies and procedures in its concluding observation, in order to illustrate the long-standing and pervasive violations of ITPs rights and Suriname grossly inadequate attention to this “alarming situation”.<sup>20</sup>

### **Fight against impunity for past human rights violations (arts. 2, 6, 7 and 14)**

The impunity for the gross human rights violations against ITPs is in itself a human rights violation that can no longer be tolerated. As they are continuing unabated, these violations result in progressive deterioration of ITPs as humans, as communities and peoples, and further corrode our dignity, well-being, and integrity. Our lands and waters, ecosystems continue to be destroyed, polluted and degraded, traditional livelihood activities are not permitted or made impossible due to discriminatory legislation and policies that unreasonable and ab initio privilege third parties by giving them our ancestral lands and due to the many impacts of legal and illegal extractive industries such as mining and logging.

While the implementation of the many decisions and recommendations by human rights’ bodies is routinely delayed or ignored by the State, the encroachment and destruction of our lands and forests continues and intensifies, placing even greater pressures on our communities. Grants of land and natural resource extraction concessions continue without any regard for our rights. When we seek information, the State feigns ignorance, even the District Commissioner, the official who gives the green light to the Ministry to issue these concessions. Our letters are unanswered, while the few meetings with the government result in promises which are routinely unfulfilled.<sup>21</sup> The pollution and erosion of many rivers, which are the (sometimes only) source of water for our communities, is increasing unabated. In spite of the ratification by Suriname of the Minamata Convention, no visible action is undertaken by the government to reduce the use of mercury by small scale gold miners. The use of cyanide is increasing and there is no control.<sup>22</sup> The absence of any mention of concrete measures against mining and mercury use in the Fourth Report of Suriname (only that they “*require ... funding and technical expertise*”)<sup>23</sup> verifies this lack of concern and disregard for our rights.

The expected, massive growth of the oil and gas industry will put much stronger pressures on our lands and natural resources. The deteriorating economic situation is driving the government to adopt various measures to attract foreign investment, likewise, increasing the pressures on our lands and resources. The economic recovery and restructuring measures, some of which insisted upon by the International Monetary Fund (IMF) as conditions for financial assistance to Suriname, by themselves are heavily impacting on our communities which do not have much economic resilience or income generating potential. Social security measures and so-called support programmes for the vulnerable or

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<sup>19</sup> [Moiwana Community v. Suriname \(2005\)](#); Case of the [Saramaka people v. Suriname \(2007\)](#); Case of [Kaliña and Lokono peoples v. Suriname \(2015\)](#)

<sup>20</sup> E.g. Suriname, [CERD/C/SUR/CO/16-18](#), 2022. Please see summary of findings at [https://www.iprights.org/images/articles/resources/2023/A%20Compilation%20of%20UN%20Treaty%20Body%20Jurisprudence/COs\\_UNtreatyBodyJurisprudence\\_english.pdf](https://www.iprights.org/images/articles/resources/2023/A%20Compilation%20of%20UN%20Treaty%20Body%20Jurisprudence/COs_UNtreatyBodyJurisprudence_english.pdf) page 45-50

<sup>21</sup> <https://www.starnieuws.com/index.php/welcome/index/nieuwsitem/75100>

<sup>22</sup> <https://dwtonline.com/goudwinning-stopgezet-door-gebruik-cyanide/>

<sup>23</sup> [CCPR/C/SUR/4](#), para 23

low-income persons, are mainly for urban citizens, requiring much documentation and online registration which puts them out of reach of the average ITPs villager.

**We therefore respectfully request that the HRC insists that Suriname explains what it has done to:**

- a. Legally recognize and protect the land and resource rights of ITPs, including by preventing any further issuing of titles or concessions on our lands and territories without our free, prior and informed consent obtained via legitimate representatives, fully respecting our collective rights;**
- b. Ensure the full and effective participation of ITPs in the (further) design and implementation of economic recovery and restructuring programmes and measures, including through targeted capacity strengthening measures for our communities, to be able to benefit equitably and sustainably, and to not become the victims of such programmes and measures;**
- c. Ensure that aforementioned economic recovery and restructuring programmes are human rights-based, particularly with regards to the collective rights of ITPs;**
- d. Urgently, effectively and significantly reduce the amount of mercury and cyanide used by gold miners, and the way in which participatory and transparent monitoring of this phasing out will be done;**
- e. Urgently investigate and monitor the level of mercury and cyanide in humans and food sources such as fish and water that the villages along the polluted rivers (all of them) are dependent upon;**
- f. Effectively and immediately phase out the import and use of mercury and cyanide;**
- g. Effectively and immediately protect ITPs' communities against mining in their territories and the many impacts thereof, including violence, drugs, prostitution and human trafficking.**

### **Non-discrimination (arts. 2, 19, 20 and 26)**

The most recent concluding observations of the Committee on the Elimination of Racial Discrimination (CERD) are referred to, for brevity.<sup>24</sup> The sense of being discriminated against is very high among ITPs in Suriname, a view that is reinforced by the **lack** of legislation, policies and programmes to address the slew of areas in which ITPs are historically below national averages (health, education, income generating possibilities, public services, etc.). That our rights continue to be unrecognized and that we fall at the bottom of all indices of well-being speaks for themselves to objectively demonstrate the level and deep entrenchment of marginalization and discrimination against ITPs.<sup>25</sup> This lack of (willingness to) taking effective measures, is in itself proof to ITPs that the government simply does not care and does not consider ITPs' rights and quality of life a priority, which is exacerbated by the fact that any corrective measures from the international community are largely absent. To the contrary, befriended countries, international organizations and financing institutions continue to fund ineffective, urban-only

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<sup>24</sup> [CERD/C/SUR/CO/16-18](#), 2022.

<sup>25</sup> See for example: [Baseline report](#) on the Situation of Indigenous Peoples in Suriname 2020, and the report on the classification of poverty in Suriname "*Methoden en technieken ter vaststelling en bestrijding van armoede in Suriname; Multidisciplinaire Werkgroep; Armoedegrensbepaling 2020-2023*" <https://gov.sr/wp-content/uploads/2023/05/STATISTIEK-ARMOEDE-FINAL-DRUK-230423.pdf>.

measures in the name of poverty reduction, but even those are mostly symptomatic and do not address underlying causes.

### **Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (art. 7)**

VIDS and other organizations have reported on the violent incidents of 02 May 2023 that occurred near the Indigenous village of Pikin Saron. These reports were made to UN representatives, including the UN Special Rapporteur on the Rights of Indigenous Peoples and other Special Procedures.<sup>26</sup> During these incidents, two Indigenous persons died under suspicious circumstances; the official report indicated that the men were shot while lying on the ground, almost certainly defenseless.<sup>27</sup> Repeated requests to the State for an independent forensic investigation have been ignored. The President, however, rushed to classify the purported protesters as criminals in the National Assembly, without waiting for any formal investigation. Members of Parliament condemned his remarks and reminded the government of the extensive human rights' violations by the State against Indigenous peoples in Suriname.<sup>28</sup> A formal communication issued by the UN Special Rapporteur on the Rights of Indigenous Peoples, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on the rights to freedom of peaceful assembly and of association about this situation<sup>29</sup> remained unanswered.<sup>30</sup>

During the investigations and trial of other suspected Indigenous persons in this “Pikin Saron case”, several prejudices of the judicial system, including those based on the Indigenous identity of the men, became obvious (see below).

### **Access to Justice, independence of the judiciary and right to a fair trial (art. 14)**

The main obstacle to access to justice for ITPs is the fact that we are denied collective legal personality and our rights are nowhere laid down in law. Complaints can be made as individuals and about individual rights, but not on behalf of a community, as the ITPs' authorities are also not recognized, nor are the communities themselves, and there is no law on which to appeal to in a legal proceeding. In other words, ITPs “do not exist”, our rights “do not exist”, our representatives (paramount Chiefs, Chiefs, etc) “do not exist” and our villages “do not exist” by law in Suriname. This makes it impossible to have any access to justice and recourse possibilities for issues and human rights' violations that affect a community of ITPs as a whole, e.g. legislation or extractive industries. These facts are confirmed in judgments of the Inter-American Court of Human Rights and by various treaty bodies (see e.g., CERD's concluding observations 2009, 2015 and 2022)

This grave situation is in existence since time immemorial and has not been corrected after Independence of Suriname in 1975 nor after the judgments of the Inter-American Court of Human Rights since 2005, after the first case involving ITPs' communities. The Inter-American Court of

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<sup>26</sup> Annex 4 – Letter VIDS to international organizations and embassies.

<sup>27</sup> <https://keynews.sr/2024/02/16/obductie-rapport-wolfjager-en-dijksteel-doodgeschoten-op-de-grond/>  
<https://www.dbsuriname.com/2024/02/17/belangrijke-onthullingen-over-de-pikin-saron-zaak/>

<sup>28</sup> <https://www.dbsuriname.com/2023/05/04/inheemse-dna-leden-keuren-houding-en-uitspraken-president-in-kwestie-pikin-saron-af/>

<sup>29</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=28173>; letter Ref. AL SUR 1/2023 also attached hereto as Annex 5.

<sup>30</sup> <https://spcommreports.ohchr.org/TmSearch/Results> (filter by “Suriname”)

Human Rights has recognized this detestable situation, as has the Inter-American Commission on Human Rights, which routinely finds Suriname cases admissible precisely because domestic remedies do not exist for ITPs. The IA Court has juridically and repeatedly ordered Suriname to make legislation on recognizing the legal personality and standing before court of ITPs, establishing judicial remedies, and on recognizing and protecting our collective rights to our ancestral territories and to free, prior and informed consent (FPIC), among other things.<sup>31</sup> The continued violation of these human rights is a violation in itself, and results in progressive deterioration of ITPs as humans, as communities and of our lands, territories, waters, and ecosystems, dignity and integrity.

Access to justice is also severely impaired for ITPs at an individual level, for many reasons, varying from language, educational level, geographical inaccessibility, difficulties having legal assistance, access to information, ethnic discrimination and strong prejudices, to name a few. Explicit prejudices became apparent in the aforementioned “Pikin Saron case”, in which provisional liberty of the detainees, awaiting their prolonged trial, was refused, inter alia, after remarks that “these are Amerindians and can disappear in the forest”.<sup>32</sup> The judge in that case also presumed the guilt of the suspects even though the trial has not ended yet.<sup>33</sup>

Suriname is a country where its people speak many languages,<sup>34</sup> and although the State has adopted some measures to address language barriers,<sup>35</sup> it has not fully committed to improve access to justice to its citizens by addressing language barriers, especially for ITPs. By law,<sup>36</sup> if a person is not proficient in Dutch, the official language of Suriname, they themselves must obtain a licensed interpreter. Only if the judge deems it to be absolutely necessary, one will be provided and paid for by the State, but with the near unavailability of interpreters, judges are not likely to postpone cases till one is available. Licensed interpreters are very costly, which is prohibitive for most people from the Interior. In practice, this means that a defendant who is not proficient in Dutch, will not have a chance to follow the proceedings or defend him/herself, or may wait, often extended periods, until a sworn-in translator is available.

The situation of access to justice by ITPs in the Caribbean Region, including in Suriname, has been documented in detail in the “**Synthesis Report on Indigenous and Tribal Peoples’ Rights and Access to Justice in Six Caribbean Countries**” (February 2022),<sup>37</sup> after country research undertaken as an activity under the “Judicial Reform and Institutional Strengthening (JURIST) Project (2014-2023), a regional Caribbean judicial reform initiative funded under an arrangement with the Government of Canada and implemented on behalf of Global Affairs Canada (GAC) and the Conference of Heads of Judiciary of CARICOM (the Conference), by the Caribbean Court of Justice (CCJ). It concluded that ITPs in Suriname are denied access to justice on all indices.

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<sup>31</sup> [Moiwana Community v. Suriname \(2005\)](#); Case of the [Saramaka](#) people v. Suriname (2007); Case of [Kaliña and Lokono](#) peoples v. Suriname (2015).

<sup>32</sup> <https://dwtonline.com/in-case-pikin-saron-nu-al-zie-ik-dat-u-mij-veroordeelt-zonder-dat-er-bewijs-is/#:~:text=Kantonrechter%20Duncan%20Nanhoe,hij%20in%20herinnering>

<sup>33</sup> <https://dwtonline.com/in-case-pikin-saron-nu-al-zie-ik-dat-u-mij-veroordeelt-zonder-dat-er-bewijs-is/#:~:text=Kantonrechter%20Duncan%20Nanhoe,hij%20in%20herinnering>

<sup>34</sup> <https://www.britannica.com/place/Suriname/People>

<sup>35</sup> [Suriname zes tolken/vertalers rijker - Overheid van de Republiek Suriname](#)

<sup>36</sup> <https://www.dna.sr/wetgeving/surinaamse-wetten/geldende-teksten-tm-2005/burgerlijke-rechtsvordering/>, Art 29; [Procesregement-voor-civiele-zaken-bij-het-Hof-van-Justitie-en-de-Kantongerechten.pdf \(rechtspraak.sr\)](#), page 9, art 16.

<sup>37</sup> Attached hereto.



In its last review of Suriname in 2022, CERD observed the lack of information on measures taken by the State to address persistent discriminatory decision-making in the judicial system, obstacles faced by ITPs in accessing domestic courts through their institutional structures, in accessing justice and other remedies for addressing all infringements of their individual and collective rights, in particular in relation to the enjoyment of their rights to land, resources and property depriving them of their rights.<sup>38</sup> While Suriname's last report to CERD touches on measures taken to establish legal aid offices, no such offices have been set up in remote areas of the country, which further hinders the access to remedies by ITPs.

The orders of the Inter-American Court of Human Rights to take measures on training and upgrading of the judiciary in Suriname, so as to better address the rights and needs of ITPs, and to enable adequate access to justice by ITPs, have also remained unaddressed by the State.

**We therefore respectfully request that the HRC insists that Suriname:**

- a. immediately and fully implement the relevant judgments of the Inter-American Court,<sup>39</sup> including the orders on measures related to access to justice by ITPs;**
- b. implementation of the recommendations related to access to justice made by CERD,<sup>40</sup> among others:**
  - General recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system.
  - Adopt measures that include legislation, to ensure that ITPs are provided with effective remedies for all infringements of their individual and collective rights, in particular in relation to the enjoyment of their rights to land, resources and property, by facilitating their access to domestic courts through their institutional structures.
  - Recognition of the collective legal personality of ITPs, and their representative system and authorities.
  - Accelerate the establishment of legal aid offices across all districts in the remote areas of the country to order to facilitate equal access to justice for victims of racial discrimination of ITPs.

### **Participation in public affairs (arts. 25 and 26)**

Indigenous Peoples are generally absent from legislative and policy processes. At best, there are invitations for “stakeholder workshops” but what happens with the input given by ITPs is unclear and certainly does not come back in final products. Many examples can be given:

- National Mid-Term Labor Policy, developed as part of the ILO supported Decent Work Programme – the Ministry of Labor explicitly mentioned that “we make a national policy, not for specific groups”. The Ministry later came back to this, after strong criticism by VIDS, and

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<sup>38</sup> [CERD/C/SUR/CO/16-18](#), 2022.

<sup>39</sup> [Moiwana](#) Community v. Suriname (2005); Case of the [Saramaka](#) people v. Suriname (2007); Case of [Kaliña and Lokono](#) peoples v. Suriname (2015).

<sup>40</sup> [CERD/C/SUR/CO/16-18](#), 2022.

allowed ILO consultants to have discussions with VIDS. The resulting policy<sup>41</sup> is still almost silent on the rights (even though explicitly laid down in the ILO Conventions 111 and 169) of ITPs, labor circumstances, opportunities and measures related to ITPs.

- Draft Law on Spatial Planning. This draft was made based on the “new urban agenda”. VIDS alerted, without response, the commission coordinating this work on various urban-centered and individualistic approaches to spatial planning, the lack of recognition of land rights and self-governance of ITPs and other points. The status of this policy is not known to VIDS.
- The Framework Environment Law was developed and adopted by the National Assembly without any meaningful consultation with Indigenous Peoples as rightsholders. The State claims that this law requires FPIC, but this is not true; it is just mentioned that the National Environment Agency should check whether FPIC was obtained. The definition of FPIC has been watered down in a recent amendment of the Environment Law, and ESIA requirements are to be decided by the National Environment Agency without the requirement of FPIC or any mention of the rights of ITPs. Land and other rights of ITPs are absent in this law.
- The Ministry of Environment and Spatial Planning announced several carbon offset deals, one already closed<sup>42</sup> and several in the making,<sup>43</sup> all of which failed to involve VIDS, the legitimate Indigenous representative body, and without the internationally recognized condition of FPIC.
- The Ministry of Environment and Spatial Planning has very recently started the process of a “green development strategy”.<sup>44</sup> Although this is indeed necessary, the premise on which this strategy embarks, explicitly stated, is that of continued use and development of oil and gas, mining and other extractive industries. One will wonder how sincere such a resulting strategy will be and, if past behavior is the standard, this will also entirely disregard ITPs’ rights.

A particularly salient indicator of the exclusion of Indigenous peoples from government policy is the amount of money dedicated for development of Indigenous peoples within the Ministry of Regional Development and Sports. This Ministry has a directorate for the sustainable development of Indigenous peoples (and one for Tribal Peoples). The 2024 budget’s allocation for Indigenous peoples is the lowest figure in the budget and practically negligible compared to all other department and ministries. It is less than 0.04% of government’s Year Budget for 2024.<sup>45</sup> This is the case despite the acknowledged deep and multidimensional poverty in Indigenous peoples’ territories.<sup>46</sup>

The government often argues that there is no funding available to correct the continued exclusion of any structural development measures for ITPs. However, there is money for many other

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<sup>41</sup> [https://webapps.ilo.org/wcmstp5/groups/public/---americas/---ro-lima/---sreport\\_of\\_spain/documents/publication/wcms\\_863948.pdf](https://webapps.ilo.org/wcmstp5/groups/public/---americas/---ro-lima/---sreport_of_spain/documents/publication/wcms_863948.pdf)

<sup>42</sup> <https://totalenergies.com/media/news/press-releases/TotalEnergies-Contributes-to-Preserve-Suriname-S-Forests#:~:text=as%20Carbon%20Sinks-,TotalEnergies%20Partners%20with%20the%20Government%20of%20Suriname%20to,Preserve%20Forests%20as%20Carbon%20Sinks&text=Paris%2C%20November%2019%2C%202021%20%E2%80%93,Preserve%20forests%20in%20the%20country.>

<sup>43</sup> <https://carboncredits.com/suriname-takes-the-lead-in-selling-carbon-credits-under-paris-agreement/#:~:text=Suriname%20Takes%20the%20Lead%20in%20Selling%20Carbon%20Credits%20Under%20Paris%20Agreement,-By%20Jennifer%20L&text=One%20of%20the%20few%20carbon,Transferable%20Mitigation%20Outcomes%E2%80%9D%20or%20ITMOs.>

<sup>44</sup> <https://cds.gov.sr/de-boodschap/suriname-start-met-formulieren-groene-ontwikkelingsstrategie/>

<sup>45</sup> [https://dna.sr/media/396712/24\\_20\\_Bijlage\\_Nota\\_van\\_Wijziging\\_Staatsbegroting\\_2024.pdf](https://dna.sr/media/396712/24_20_Bijlage_Nota_van_Wijziging_Staatsbegroting_2024.pdf)

<sup>46</sup> <https://gov.sr/wp-content/uploads/2023/05/STATISTIEK-ARMOEDE-FINAL-DRUK-230423.pdf>

non-urgent government projects, particularly infrastructure projects (not in the Interior and not for education or health). Even the social security programme with external support from the International Monetary Fund (IMF) lags behind in implementation.<sup>47</sup> This social security component is in itself unfriendly towards ITPs, providing poverty alleviation measures in forms that are catered to city-based citizens, e.g. reduction on petrol at gas stations, tax-reductions for fulltime civil servants. Registration for such measures requires an internet connection and setting up accounts.

**Electoral legislation:** The Electoral Law has been amended<sup>48</sup> without any consultation with ITPs even though it will have an enormous impact on the representation of the “Interior districts”, those areas most heavily populated by ITPs. The impacts are not yet known since there has not been any civic education about the legal changes. It seems that the change of the electoral system from a district representation towards national representatives, irrespective of their physical address, will totally change the landscape in Parliament, with expected overrepresentation of urban districts and severe underrepresentation of the districts where ITPs live. As understanding of the amended law is very minimal at this time, the extent of the impacts cannot be estimated well.

### **Rights of Indigenous Peoples (arts. 1, 26 and 27)**

The recognition of the collective rights of ITPs has been put on the backburner once again in spite of the orders by the Inter-American Court of Human Rights against the State Suriname. The deadlines for adopting legislation lapsed years ago, even those in the most recent 2015 judgement and despite much fanfare around the elections of 2020 that the now-government will “fix it”. It was encouraging that a draft Framework Law on the Collective Rights of Indigenous Peoples and Tribal Peoples was submitted to the legislature by the President in June 2021, but after that it went silent. In January 2023, the law was finally tabled for discussion but **with unacceptable amendments**, watering down major articles of the previous draft. These amendments are discriminatory and would become legally embedded if allowed to pass, and would be contrary to Suriname's obligations under international law. Moreover, they totally nullify one of the main purposes of this law, which is to provide Indigenous and Tribal peoples legal security and protection over our traditionally owned lands, territories and resources. Our concerns have been made abundantly clear to the National Assembly, which seems to prefer to listen to specious arguments – explicitly rejected twice by the Inter-American Court – made by the Chamber of Commerce that the law would discriminate against non-ITP citizens.<sup>49</sup>

In spite of their electoral rhetoric, all political parties during the discussion of the draft in Parliament, expressed negative comments and eventually, the law was stopped being discussed in August 2023. No further information has been given about the draft law, other than a recent announcement by the Minister of Foreign Affairs that yet another commission will be appointed to review the draft.<sup>50</sup>

The draft “**Land Conversion Law**” which would permit individual land owners to convert their land lease titles (forty year leases vis a vis the State) on what is considered “domain land” of the State,

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<sup>47</sup> <https://keynews.sr/2024/02/13/imf-nog-steeds-niet-tevreden-met-uitvoering-sociaal-beleid/>

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[https://dna.sr/media/392542/23\\_1839\\_am\\_23\\_01\\_lid\\_Gajdien\\_A.\\_e.a.\\_Aanb\\_Amendement\\_1\\_wijz.\\_van\\_de\\_Kiesregeling.pdf](https://dna.sr/media/392542/23_1839_am_23_01_lid_Gajdien_A._e.a._Aanb_Amendement_1_wijz._van_de_Kiesregeling.pdf); [https://dna.sr/wetgeving/ontwerp-wetten-bij-dna/goedgekeurd/ontwerp-wet-houdende-nadere-wijz-kiesregeling-\(sb-1987-no-62,-zoals-laatstelijk-gewijzigd-bij-2023-no-158\)/](https://dna.sr/wetgeving/ontwerp-wetten-bij-dna/goedgekeurd/ontwerp-wet-houdende-nadere-wijz-kiesregeling-(sb-1987-no-62,-zoals-laatstelijk-gewijzigd-bij-2023-no-158)/);

<sup>49</sup> Position of VIDS, VSG en KAMPOS on the amendments in the draft Law on Collective Rights; Annex 3 hereto.

<sup>50</sup> <https://keynews.sr/2024/04/04/nog-eeen-extra-commissie-om-grondenrechten-aan-te-pakken/>

into full property ownership titles, has not been further discussed or approved in the National Assembly (Parliament). Since there is no legislation on ITPs' land rights, all our territories are considered part of this domain land, and can, and have, and still are, been given out as land lease titles to individuals. This proposed legislation will open the door to convert our territories into privately-held land and make it even more difficult for us to obtain legal recognition of our collective land rights, keep possession of our ancestral lands and territories, and especially, seek restitution of those same lands as ordered by the Inter-American Court.

**However**, this draft law on Land Conversion has been by-passed by the government through a back-door arrangement to still enable the sell-off of government land to individuals, namely through a **Presidential Decree**.<sup>51</sup> Over 2,200 parcels of land have already been issued.<sup>52</sup> We have repeatedly objected through petitions and protests,<sup>53</sup> because this would open possibilities for converting land lease parcels into full property should the law be enacted, including those in ITPs' territories (which are not legally recognized and are therefore all considered State land), and also open the door to massive land ownership by friends and family of those in power. Although the draft law states that it is only for parcels up to 2,500 m<sup>2</sup>, this means little in practice because many (small and large) land parcels are in the name of fictive "*stichtingen*" (foundations) which, once a land title is obtained, can buy and sell their land without restrictions.

In spite of many petitions and protests, not only from ITPs but from various civil society organizations, the President of Suriname decided to circumvent the process of making an amendment to the Law and instead issued a Presidential Decree opening the possibility of land conversion through this decree. The decree (and also the draft law) mention that no titles should be issued in ITPs' land but this is meaningless because our lands and territories are not legally recognized or delimited and demarcated, and all are presently considered "domain land".

**We therefore respectfully request that the HRC insists that the State:**

- c. Adopt without delay, by a specific deadline, legislation on the collective rights of Indigenous peoples and Tribal Peoples that adheres to the highest standards of international law and in particular to the obligations of the State under international law, including the obligations as mentioned in the judgments of the Inter-American Court of Human Rights;**
- d. Require information from the State whether any of the land parcels approved for conversion into property, are within the ancestral territories of ITPs;**
- e. Require guarantees by the State that no ITPs' territories are included in any further land conversion, and require measures to prevent any future conversion to be on land considered ITPs' traditional territory;**
- f. Ensure that the "Land Conversion Law" is considered only after the collective land rights of Indigenous peoples and Tribal peoples have been legally secured;**
- g. Ensure the full and effective participation of Indigenous peoples and Tribal Peoples in the drafting or revision of legislation that will impact on us.**

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<sup>51</sup> <https://gov.sr/ministeries/ministerie-van-grondbeleid-en-bosbeheer/grondconversie/> ;  
<https://gov.sr/ministeries/ministerie-van-grondbeleid-en-bosbeheer/bijlage-1-besluit-grondconversie-2023/>

<sup>52</sup> <https://www.srnieuws.com/suriname/401977/grondconversie-brengt-tot-nu-toe-srd-45-miljoen-binnen/>

<sup>53</sup> Petitions 1, 2 and 3 against the Land Conversion law attached hereto, as Annex 6, 7 and 8.

Finally, we emphasize, as we repeatedly also state to consecutive governments of Suriname, that we would much better prefer to work in close partnership with the government and other actors on all abovementioned issues. Sometimes we actually do, but that we also want to see visible, tangible, concrete and legislative results at the highest standards, not just processes and more meetings and more committees and more investigations and more empty promises, while the actual situation for our communities does not change significantly but rather gets worse. We are still hopeful for constructive dialogue and action.

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