

# **SURINAME 2015 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Suriname is a constitutional democracy with a president elected by the unicameral National Assembly. International observers considered legislative elections in May to be free and fair. In July, Desire Delano Bouterse running unopposed won a second term as president. Civilian authorities maintained effective control over the security forces.

The most serious human rights problem is the unresolved trial of President Bouterse and 22 codefendants for the 1982 extrajudicial killings of 15 political opponents, a trial that exemplifies deeper doubts about judicial independence in the country.

Other human rights problems included: police brutality; poor conditions in detention centers; self-censorship by media organizations and journalists; widespread government corruption; violence and abuse against women and children; trafficking in persons; continued lack of recognition of land rights for Maroons (descendants of escaped slaves who fled to the hinterland) and Amerindians; discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons and other minorities; and child labor in the informal sector.

### **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.

In January a soldier shot and killed a 16-year-old boy while attempting to arrest him in a joint police/military surveillance operation. The chief of police placed the surveillance operation under review and subsequently dismantled it. The military police launched a criminal investigation into the actions of the soldier.

Authorities released no results concerning the judicial investigation of nine police officers involved in the 2012 shooting and killing of four unarmed citizens suspected of multiple armed robberies.

There were developments in the trial of former military dictator and current President Bouterse and 22 codefendants for the 1982 extrajudicial killing of 15 political opponents. In March a military court reinstated the suspension of the case against one defendant ordered by an appellate court in January 2014. In September another of the defendants died of natural causes, reducing the total number of defendants again to 23. During the year, there were several hearings in the case, and in late November the Court of Justice lifted the three-year suspension and ordered the trial against all 23 remaining defendants to continue.

The case against Bouterse et al had been suspended pending the establishment of a constitutional court, provided for in the 1987 constitution, to rule on the legality of the Amnesty Law. No notable progress took place in establishing this court or the Truth and Reconciliation Commission as mandated by the Amnesty Law.

### **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 instances of mistreatment by police, including unnecessary use of gun violence at time of arrest, beatings while in detention, and isolated incidents of prisoner abuse by prison officials.

In January witnesses, including one police officer, testified in court that three police officers took part in the beating of a prisoner in a detention facility.

In May authorities detained a homosexual man without explanation and placed him in a cell with other inmates who verbally assaulted and beat him because of his sexual orientation, while police did not stop the situation or protect him.

### **Prison and Detention Center Conditions**

In general, prisons were clean and well maintained. Conditions were poor, however, in many of the small temporary detention facilities, which tended to be unhygienic and overcrowded.

Physical Conditions: Prison conditions generally met international standards, although prisoners in Santo Boma Prison complained of inadequate food, mistreatment by prison guards, and limited ventilation.

While prison facilities generally were aging but well maintained, most temporary detention center facilities had serious deficiencies. The police operated 26 temporary detention facilities attached to police stations throughout the country. Despite limited improvements to some temporary police facilities, they remained overcrowded. Older facilities lacked adequate ventilation and lighting and had 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 jail-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 staff.

Detainees and human rights groups alleged that meals were inadequate. One detention facility temporarily stopped accepting detainees due to a lack of food. 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. Mobile phones (although banned) and drug use reportedly were problems.

Administration: No ombudsman served on behalf of prisoners and detainees. Authorities investigated credible allegations of inhuman conditions. Government officials continued regular monitoring of prison and detention center conditions.

Independent Monitoring: The government permitted monitoring visits by independent human rights observers, and such visits occurred. 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.

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

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

### **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 and training, and low salaries. Police and military continued to conduct regular joint patrols as part of the government's overall efforts to combat crime, and both also served on 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 Personnel Investigation Department (OPZ), an office within the Police Department, investigated complaints filed by citizens against members of the police force. The Internal Affairs Unit (ITZ) investigated allegations of misconduct by members of the police force. Military police and the judge advocate investigated offenses committed by soldiers.

As of September the OPZ received 109 complaints from private citizens against members of the police force, seven of which contained allegations of abuse. By the same date, the ITZ had investigated internally 444 cases involving various forms of misconduct. Authorities imposed disciplinary sanctions in 166 cases, of which 11 included terminations from duty; other terminations were pending.

### **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 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 believes access 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 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 maximum 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**

While the constitution provides for an independent judiciary, the unresolved trial of former military dictator and current President Bouterse and 22 codefendants suggested a lack of independence in practice (see section 1.a.).

Human rights activists complained that there is a lack of effective remedy for constitutional violations, as a succession of governments has failed to install a constitutional court as mandated by the constitution.

The dependence of the courts on the Ministry of Justice and Police, an executive agency, for funds also called judicial independence into question.

According to the interim president of the Court of Justice, the country had only 19 of the 45 judges the judicial system needed to function. Due to a shortage of judges, prisoners who appealed their cases often served their full sentences before completion of the lengthy appeals process.

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

#### **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. There were court-assigned attorneys for both the civil and penal systems. 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 to 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. 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.

Throughout the year, legal assistance to indigent detainees came under pressure as lawyers threatened to cease legal assistance due to lack of payment by the government. Cases concerning non-Dutch-speaking detainees were postponed on numerous occasions as translators suspended their services to the court due to a backlog in payments by the government.

There are parallel military and civilian court systems, and military personnel generally are not subject to civilian criminal law. 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 a court considers lawsuits seeking damages for 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.

### **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 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 published material critical of the government.

Press and Media Freedoms: Although the government did not overtly censor the media, several journalists alleged that after publishing reports critical of the government they were shut out of press conferences.

Violence and Harassment: Journalists reported intimidation by government and nongovernment actors.

Censorship or Content Restrictions: Media members reported continued self-censorship in response to alleged pressure from government officials or government-affiliated entities on journalists who published negative stories about the administration. Nonetheless, the press carried articles critical of the government on a daily basis. In addition, many news outlets retained affiliations with particular political parties that could bias reporting. The generally low wages for journalists made them vulnerable for bias and influence, which further jeopardized the credibility of reporting. At state-owned media outlets, journalists reported attempts to influence the content of their reporting.

NGO reporting noted the selective awarding of advertising by the government.

Libel/Slander Laws: The country's criminal-defamation laws carry harsh penalties, with prison terms between three months and seven years. The harshest penalty is for expressing public enmity, hatred, or contempt towards the government.

### **Internet Freedom**

There were no government restrictions on access to the internet, and the government asserted that it did not monitor private online communications without

appropriate legal oversight. Nevertheless, journalists, members of the political opposition and their supporters, and other independent entities 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. According to the International Telecommunication Union, approximately 40 percent of citizens used the internet in 2014.

### **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 the 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/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **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**

An amendment to the Citizenship and Residency Law effective September 2014 grants citizenship through place of birth to a child who is born in the country to non-Surinamese parents, but who does not automatically acquire citizenship of one of the parents. The amended law aims to eliminate the possibility of statelessness



among children but does not apply retroactively, so a person born before September 2014 continues to be subject to the old citizenship rules. Thus, children born before September 2014 in the undocumented Brazilian-national mining communities or to foreign women in prostitution become eligible to apply for citizenship only at the age of 18. Unless paid for privately, these children are not eligible for government services such as education and healthcare.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised that ability.

#### **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 legislative elections in May, the National Assembly re-elected Desire Bouterse as president in July. Observers from the Organization of American States and the Union of South American States judged that the elections were well organized and generally free and fair.

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

Although the law provides criminal penalties for official corruption, the government did not implement the law effectively. No cases came to trial during the year, although at least three suspects were under investigation. The World Bank's worldwide governance statistics continued to indicate corruption was a serious problem.

Corruption: Widespread allegations of corruption at all levels of government continued, particularly regarding land issuance, mineral and timber concessions, government contracting, and residency permits. 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, are responsible for investigating and prosecuting government corruption. Civil society, the media, and other nongovernmental parties particularly scrutinized and criticized the Ministries of

Natural Resources, Public Works, Social Affairs, Justice and Police, and Physical Planning, alleging widespread corruption and favoritism.

The Attorney General's Office showed a willingness to investigate claims of corruption throughout the year. In August the office launched a criminal investigation of officials of the state-owned electricity company, based on a report by the Central Government Accounting Office, which identified numerous financial irregularities, including overpayment for non-delivered goods and unauthorized contracting. Three persons face prosecution in this case.

The Ministry of Justice and Police commenced an investigation of its Alien Services Department in September into bribes allegedly taken for issuance of residency permits. An arsonist burned down the subject office days after the minister dismissed all suspect staffers. A criminal investigation by the Attorney General's Office was ongoing.

The Ministry of Justice and Police removed and disciplined personnel of the Drivers' License Department after an investigation revealed that staff members sold driver's licenses.

Financial Disclosure: 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 officials were not always responsive to their views.

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 constitution prohibits discrimination based on place of birth, gender, race, language, religion, ethnic background, education, political opinion, economic position or social circumstance, or any other status. Various sectors of the population, such as women, Maroons, Amerindians, persons with HIV/AIDS, and LGBTI 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 and fines up to 100,000 Surinamese dollars (SRD) (\$25,000). The government enforced the law effectively. Police received 497 reports of sexual abuse as of September.

Violence against women remained a serious and pervasive problem. The law imposes sentences of four to eight years' imprisonment for domestic violence. Through September police received 1,122 reports of domestic abuse. Domestic abuse played a role in eight of the 24 murders committed through September; prosecutions were pending.

The Ministry of Justice and Police's Victim Assistance Bureau provided resources for victims of domestic violence and continued to raise awareness about domestic violence through public television programs. There were victims' rooms in police stations in Paramaribo and Nickerie. Authorities trained police units in dealing with survivors and perpetrators of sexual crimes and domestic violence. Through September the government's Victim Services Department provided shelter services to approximately 20 women. The length of stay averaged three months but varied according to the circumstances.

Authorities reported an average of 20 requests per week for restraining orders, primarily from women seeking protection from abusive partners. When granted the restraining orders instruct the partners not to communicate with victims or otherwise contact them.

Sexual Harassment: There is no specific legislation on sexual harassment, but 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 the filing of a formal complaint. Pending investigation, police may issue temporary restraining orders limiting the contact between victim and suspect for up to 30 days. If found guilty, offenders could receive prison sentences ranging from four to 12 years and fines from 50,000 to 150,000 SRD (\$13,000 to \$38,000).

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, manage their reproductive health, and have access to the information and means to do so, free from discrimination, coercion, and violence. Access to information on modern contraception was widely available and, according to 2013 data from the UN Children's Fund (UNICEF), 47.6 percent of women ages 15-49 used modern contraceptive methods. Although skilled attendance at birth was more than 90 percent, the UN Population Fund estimated maternal mortality to be 130 deaths per 100,000 live births. Women had easier access to emergency services in the coastal area than in the interior, where regional clinics were remote and transportation to Paramaribo for medical services could be expensive and long.

Discrimination: The law 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, inheritance rights pass to 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 (see section 7.d.). The government did not undertake specific efforts to combat economic discrimination.

## **Children**

Birth Registration: The September 2014 amendment of the law on Surinamese citizenship and residency provides that citizenship transmits to a child when either

father or mother has Surinamese citizenship at the time of birth, when the parent is Surinamese but has died before birth, or if the child is born in the country's territory and does not automatically acquire citizenship of another country. Births must be registered with the Civil Registry within a week. Failure to do so within the mandated period results 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 245 cases of physical abuse and 212 cases of child sexual abuse as of September. The Youth Affairs Office further reported an upward trend of sexual abuse of children in daycare facilities and sports clubs. Observers believed the actual number of abuse cases was significantly higher than reported, since the office handled only those cases 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. To avoid intimidation by perpetrators, authorities made arrangements for children to testify in special chambers at legal proceedings. 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. The hotline reported an average of 80 calls per day.

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 varied up to 10 years in prison.

Early and Forced Marriage: Parental permission to marry is required until the age of 21. The marriage law sets the age of marital consent at 15 for girls and 17 for boys, provided parents of the parties agree to the marriage. Where local customs remain a strong influence on the family unit, girls traditionally marry at or near the legal age of consent.

Sexual Exploitation of Children: There were 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 penalties of up to six years' imprisonment and a fine of SRD 100,000 (\$25,000) for pimping. The law also prohibits child pornography, which has a maximum penalty of six years' imprisonment and maximum fine of SRD 50,000 (\$13,000).

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

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of Child Abduction. For country-specific information, see [travel.state.gov/content/childabduction/english/suriname.html](http://travel.state.gov/content/childabduction/english/suriname.html).

### **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/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

No laws prohibit discrimination against persons with physical or mental disabilities in employment, education, air travel, and other transportation, access to health care, or the provision of government services. Persons with disabilities suffered from discrimination when applying for jobs and services. Authorities provided some training programs for persons with vision or other disabilities. No laws or programs provide that persons with disabilities have access to buildings. A judge may rule to deny a person with a cognitive disability 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 also 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 working group

in the Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities.

### **National/Racial/Ethnic Minorities**

The law prohibits discrimination based on race or ethnicity, and no such discrimination complaints were filed. Maroons, who represented an estimated 21 percent of the population, generally continued to be disadvantaged in the areas of education, employment, and government services. Maroons mostly lived in the interior, where limited infrastructure reduced their access to educational and professional opportunities and to health and social services. Amerindians faced similar disadvantages.

### **Indigenous People**

The law affords no special protection for, or recognition of, indigenous people. The Inter-American Commission on Human Rights (IACHR) identified the Maroons as tribal peoples and thus entitled to the same rights as the indigenous Amerindian communities (approximately 2 percent of the population).

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

Because authorities did not effectively demarcate or police Amerindian and Maroon lands, these 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 freshwater fish.

Many Maroon and Amerindian groups also complained about the government's granting of 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.

In 2009 the Kalina Indigenous Community of Maho filed a petition against the government at the Inter-American Court of Human Rights. They claimed that the government's granting of concessions to third parties for the exploitation of the land and natural resources the Maho community had occupied and used for centuries was a violation of their human rights. The Maho community claimed the encroachment on their territory negatively affected the development of the community. In 2013 the court ruled the petition to be admissible. Despite the pending litigation, the government continued to grant concession rights to third parties in the area of the Maho community, and in September 2014 the community reported that the government had again issued a 49-acre concession to a third party.

In February 2014 the IACHR submitted the case involving the Kalina and Lokono peoples to the Inter-American Court of Human Rights for a verdict, due to the lack of substantive progress by the government on the IACHR's prior recommendations. In this case, eight communities of the Kalina and Lokono indigenous peoples of the lower Marowijne River claimed the existing legal framework prevented them from protecting their right to collective property. During a visit to the country in August, the Inter-American Court held talks with different stakeholders in this case and visited the villages of the communities involved.

### **Acts of Violence, Discrimination, and Other Abuses based on Sexual Orientation and Gender Identity**

The constitution prohibits many forms of discrimination, but does not address sexual orientation, gender identity, or HIV-positive status. LGBTI groups could associate freely, were very active, and advocated within society under the same laws that pertain to the assembly and association of other groups. In March the Penal Code was amended to include specific legislation regarding discrimination and hate speech based on sexual orientation, specifically protecting the LGBTI



community. Violation of this law can result in a prison sentence of up to one year or a fine. The legislation, however, did not set any standards for recognition of such discrimination or hate speech and had not been implemented at year's end.

Despite the protective legislation, the LGBTI community faced discrimination from the government and society. The law specifies marriage as a union between a man and woman, making same-sex marriages illegal. The National Assembly and government openly discriminated against same-sex couples, as they were not recognized and were explicitly excluded from social security legislation passed in 2014. Members of parliament and the then-vice president spoke out openly against LGBTI persons, comparing homosexuality to a disease and inciting hatred and violence toward this community. LGBTI persons, particularly transgender commercial sex workers, reported arbitrary arrests, harassment, and beatings by security forces.

There were few official reports of societal violence against LGBTI persons, primarily due to the victims' fear of retribution and because authorities are reported not to take complaints filed by members of the LGBTI community seriously. One published report in 2014 led to the suspension of police officials. There were reports of societal discrimination against the LGBTI community in areas of employment and housing (see section 7.d.).

### **HIV and AIDS Societal Stigma**

Persons with HIV/AIDS continued to experience societal discrimination in employment and medical services. Medical treatment is free for HIV/AIDS patients covered under government insurance, but private insurers did not cover such treatment.

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

Chinese shop owners continued to be primary targets of violent armed robberies. Violence in the gold-mining areas of the interior occurred primarily among and within the Brazilian and Maroon communities, where the government exercised little authority.

## **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, the right to bargain collectively, and the right to strike. The law prohibits antiunion discrimination, requires that workers terminated for union activity be reinstated, and prohibits employer interference in union activities. Labor laws do not cover undocumented foreign workers.

The government effectively enforced laws related to freedom of association and the right to collective bargaining. Penalties for violations of these rights ranged from six months' imprisonment, fines up to SRD 10,000 (\$2,500), or both, and were generally sufficient to deter violations.

Workers formed and joined unions freely and exercised their right to strike. Some trade union leaders held high-level positions in the coalition government. Another trade union was associated with a party in the opposition. 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 negotiate. There were some reports that companies exploited legislative gaps and hired more contract employees than direct-hire staff to perform core business functions, in order to cut costs. As the economic situation worsened toward the end of the year, reported disputes increased in the private sector between employers and labor unions. The majority of reported labor disputes, however, were between the government and various trade unions representing civil servants. For instance, unions representing teachers have been unsuccessfully negotiating wage compensation with the government for over two years.

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

The law prohibits all forms of forced or compulsory labor. By law, administrative penalties for violations are up to six months' imprisonment and/or a fine up to SRD 500,000 (\$125,000). Criminal penalties for violations ranged from five to 20 years. Labor inspectors received training on detecting forced labor, but no data were available on inspection efforts specific to forced labor.

There were at least two reported cases of forced labor during the year, one in agriculture and the other in small-scale gold mining. Both cases were pending before the court at year's end.

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

### **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 it 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, 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. Employing a child under 14 is punishable by fines and up to 12 months' imprisonment. While such penalties generally were sufficient to deter violations, authorities rarely enforced them, typically only responding when a report was filed.

The Ministry of Labor's Department of Labor Inspection inspects the formal business sector and did not identify any cases of child labor during the year. The police are responsible for enforcement in the informal sector and enforced the minimum working age law sporadically. Resources also remained inadequate. The Ministry of Labor leads the government's commission on eliminating child labor, which consists of 11 organizations (10 government institutions and one NGO) and conducted awareness activities.

Child labor remained a problem in the informal sector, especially in the districts of Nickerie, Saramacca, and Marowijne. The government lacked resources to carry out a survey quantifying child labor. Historically, child labor occurred in agriculture, logging, fisheries, and 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/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

### **d. Discrimination with Respect to Employment and Occupation**

The constitution prohibits many kinds of discrimination (see section 6), but enforcement was selective. Discrimination in employment reportedly occurred

with regard to disability, gender, sexual orientation, gender identity, and HIV/AIDS status. In addition, there were numerous reports that the government terminated or removed persons from their jobs because of their political background.

#### **e. Acceptable Conditions of Work**

A Minimum Wage Law went into effect on January 1. The lowest wage for civil servants was SRD 600 (\$150) per month, including a cost of living allowance. Government employees constituted approximately 40 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 12-hour workday. During the holiday season, the retail sector has a blanket permit allowing for work up to 15 hours a day, including seven hours of overtime. The government sets occupational health and safety standards, which generally are current and appropriate for the main industries in the country.

Laws were effectively enforced only in the formal sectors. Ten to 12 inspectors in the Occupational Health and Safety Division of the Ministry of Labor are responsible for enforcing occupational safety and health regulations, but they did not make regular occupational safety and health inspections. The Labor Ministry's Department of Labor Inspection, with approximately 63 inspectors, is responsible for enforcing labor laws. Penalties for violating the labor laws vary from fines to suspension of business licenses, depending on the severity of the case, and were sufficient to deter the worst violations.

In October 2014 a summary law system was introduced for labor law violations in the formal sector, which makes it possible for prosecutors to levy fines when labor violations are identified. The Prosecutors' Office deputized labor inspectors to implement the system and levy fines as determined by law. If the suspect refuses to pay these fines, or disputes these fines, the case can be brought before a judge for a quick ruling.

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 small-scale mining, often were exposed to dangerous conditions and hazardous substances such as mercury.

No data were available on workplace accidents. The International Labor Organization, however, noted an increasing number of serious or fatal occupational accidents, as well as steps by labor inspectors to begin occupational safety and health training in mines, construction, and public service. The majority of fatal occupational accidents took place in the mining sector.

Workers in the formal sector can remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation. Workers in the informal sector did not enjoy the same protection.