

### **Developments since the first cycle review**

Suriname had received two recommendations with regards to sexual orientation and gender identity pertaining to addressing the age disparity between consensual same sex conduct and consensual opposite sex conduct and adopting legislative measures to prohibit discrimination on the basis of sexual orientation and gender identity. Both recommendations were noted by the State and since the previous UPR in 2011, Suriname has revised its penal code to include provisions that have addressed the disparity in age of consent regarding sexual acts between individuals of the same sex and opposite sex<sup>1</sup>, as well as discrimination on the basis of sexual orientation as it relates to “intentional public humiliations”, “inciting hatred, discrimination or violence against a person or their possessions”, “publishing works that contain humiliations or incite hatred, violence or discrimination (with the exception of official reporting)”, “participation in or aiding the incitement of hatred, discrimination or violence against a person or their possessions” and “willful discrimination within the context of the exercise of a profession”. Both revisions date from 2015.

Also, in spite of lobby work of the LGBT Platform, legislation has been passed (e.g. the pension act) that contradicts the non-discrimination principle of the constitution (article 8.2) as well as article 126a of the penal code (which defines discrimination) by excluding tax payers/couples of same sex, who have build lasting relationships from obtaining the pension of their deceased partner, whereas the law provides this for non-married couples of opposite sex, that have established a durable relationship.

Pertaining to the state’s activities that seek to improve the lives and enjoyment of fundamental human rights, particularly for LGBTI persons, we feel obligated to reiterate the importance of inclusion and to critically note that the LGBT Platform or its affiliated organizations to date have not been part of any consultative process that is warranted by a structural partnership seeking to address persisting and forthcoming issues. Despite our efforts, we remained unsuccessful in accessing and/or obtaining relevant reports issued by the state indicating its position and progress on the implementation of the recommendations since the last UPR.

### **Principles of Non-discrimination, Equality and Inclusion**

Even though the Constitution of the Republic of Suriname establishes that no one may be discriminated against due to any status<sup>2</sup>, LGBTI persons daily still face social discrimination, violence and stigmatization in all the spheres of their lives perpetuated by a weak body of specific legislation and public policies.

In the recent Pension Act, only heterosexual couples in lasting relationships (either married and unmarried) are entitled to the pension of their deceased partner. The Government (former Vice President) has publicly stated in Parliament that the Pension Act would not include same-sex partnerships. This constitutes a contradiction with both the constitution (article 8.2) as well as the penal code (article 126a). Also, transgender women are not allowed to work as teachers in the educational system and have generally poor access to decent work. Family laws in Suriname define marriage as the union between a man and a woman. LGBTI persons are not allowed to marry persons of the same sex. Considering that same-sex marriage is illegal, same sex couples cannot be granted other rights which would be a result of such legal union.

Concerning transpersons, we note that teenage transpersons face discrimination in public schools which impacts their entire well-being, personal and professional development. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child should be a primary consideration.

### **Proposed recommendations:**

1. The state should instantly ensure the enjoyment of civil rights by LGBTI persons by aligning the Pension Act, the Penal Code (126a) and the Constitution (art 8.2) with existing Human Rights standards.

---

<sup>1</sup> The age of consent is now 16 years and gender neutral, which makes it applicable to all individuals

<sup>2</sup> Article 8.2 of the Surinamese constitution states: ‘No one may be discriminated against due to their birth, race, language, religion, heritage, education, political views, economic position or social standing or any other status’

2. The state should guarantee that all teachers and school personnel treat all students equally and ensure suitable policies that take into account the personal wishes of the transperson involved.
3. The state should include the principle of non-discrimination for anyone of any sexual orientation and gender identity in the existing Marriage Act.

### **Protection under the law**

Although the Surinamese Constitution<sup>3</sup> establishes the right to personal freedom and security, in reality this protection is lacking for LGBTI persons. Discrimination and violence against transpersons, particularly due to their gender identity and gender expression is commonplace in Suriname. The Government has systematically failed to provide protection mechanisms for them, violating in this way the obligation of the State to ensure protection from gender-based violence. Arbitrary detentions, harassment and torture against LGBTI people- especially transgender women- continue to be a usual practice of security forces in the country. On a regular basis, in Paramaribo city there are “cleanups”; gay and transgender sex workers are arrested and deported to a police office where they suffer rude, degrading and humiliating treatment. Sex workers are regularly hauled into the station and held for hours without reason (or whereby charges remained unclear to those involved) and are not taken seriously when they try to file reports about beatings and rapes. In September 2014 two transgender sex-workers were arrested and brutally beaten by Police officers after a complaint of theft was filled by one of their “clients”. Among other cruel practices, they were kicked and slapped, ordered to strip and then beaten with batons and a cricket bat. Police Commissioner and officials only took action against the police officers in question after the incident was reported by LGBTI Organizations.

### **Proposed recommendations:**

4. Suriname should ratify the Convention Against Torture and other Cruel, Inhumane or Degrading Treatments or Punishment (CAT).
5. The state should implement policy for any and all forthcoming instances of torture and other cruel, inhumane and/or degrading treatments.
6. The state should develop and implement curriculum for the police academy and an additional course for current police officers that addresses the underlying negativity towards members of the LGBTI population, in partnership with the Surinamese LGBTI organizations.

### **State’s Responsibilities and the role of the Duty Bearer**

There is a serious lack of timely, proactive and appropriate response from the government, the parliament and the judicial branch to discrimination and incitement of hate. LGBTI people face public hostility, violence, homophobic and transphobic attitudes promoted by members of parliament<sup>4</sup>, the media and music industry. In November 2014 local artists have re-recorded a violently anti-gay song called "Bullet" (first released in 2011) inciting violence and hatred against LGBTI community among Surinamese society, without any sanction from the Government.

### **Proposed recommendation:**

7. The state should undertake to ensure implementation of and protection under the existing laws on Civil and Political Rights and the principle of non-discrimination (penal code art. 175/176 and art. 8.2 constitution)

**Contact information:** Mr. Luciën Govaard, [lgovaard@gmail.com](mailto:lgovaard@gmail.com) (Chair of the LGBT Platform Suriname); Mr. Kenneth van Emden, [mexx705@hotmail.com](mailto:mexx705@hotmail.com) (Executive Director of Suriname Men United); Mr. Donovan Banel [dbanel@yahoo.com](mailto:dbanel@yahoo.com) (Legal Advisor Suriname Men United).

---

<sup>3</sup> Surinamese Constitution, Article 16.2: ‘Every person has the right to personal freedom and security’

<sup>4</sup> In June 2011, a member of the Parliament, Ronny Asabina, described homosexuality as a “desviation” and a “disease” that should be eradicated completely. Furthermore, he referred to the acknowledgement of same sex marriages as a “European epidemic.” After this statement, the first public gay rights march took place in Suriname in October 2011. <http://www.surinamemenunited.com/informatie/krantenberichten-statement-asabina.html>