



Human Rights Situation for LGBTI Persons and Sexual Rights in the Republic of Suriname

**Updated additional information on the list of
suggested issues submitted to the Working Group
on the Suriname report (113st. Session)**

**Human Rights Committee
115st. Session**

This report is submitted by

- LGBT Platform Suriname
- Heartland Alliance for Human Needs & Human Rights
- Akahatá - Equipo de Trabajo en Sexualidades y Géneros

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LGBT Platform Suriname¹, Akahatá – Equipo de Trabajo en Sexualidades y Géneros, Heartland Alliance for Human Needs & Human Rights' Global Initiative for Sexuality and Human Rights (GISHR) are pleased by the possibility of submitting the following updated information to assist the Human Rights Committee to review the implementation of the International Covenant on Civil and Political Rights by Suriname

Additional information on the list of suggested issues²

Discrimination, unequal treatment and hatred speech on the basis of sexual orientation and gender identity:

Right to equal enjoyment of civil and political rights without any kind of discrimination; Equality before the law, equal protection of the law without any discrimination (Articles 2.1; 2.3, 3 and 26)

1. As it was referred in our former report³, even though the Constitution of the Republic of Suriname establishes that any person may not be discriminated against due to any status⁴, LGBTII persons daily still face social discrimination, violence and stigmatization in all the spheres of their lives.
2. In March 2015 specific legislation has been revised regarding the discrimination and hate speech on the basis of sexual orientation. Specifically Article 175,175a and 176 of the Surinamese Penal Code have been updated to include the protection of LGBT people in Suriname⁵. Under the revised Penal Code, discrimination on the basis of sexual orientation is sanctioned by 1 year of jail time or a fine of the 3rd category.
3. Although revisions have been set in place by the Government, these new rules are yet to be implemented in the policy of protecting LGBTII people in Suriname. The delay in the application of specific legislation and the lack of public policies to guarantee the enjoyment of human rights for LGBTII people, added to the position adopted by some members of the Government against homosexuality⁶, perpetuate homophobia in Suriname society.
4. With regard to the public hostility, violence, homo and transphobic attitudes promoted by the media and music industry against LGBTII people, a formal complaint against the singer and the group that recorded the remix of the anti-gay song "Bullet" inciting violence against LGBTI community⁷ was filed at the District Attorney's office. Formally the complaint has been received and would be investigated, but except for an official note from the DA's office, no further action or update on the complaint has been done.

¹ The LGBT-platform Suriname itself is not a separate legal entity, however it consists of 3 formally established organizations – Suriname Men United, Women's Way Foundation and He+ HIV – and a social media-initiative: Proud 2 Be.

² http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SUR/INT_CCPR_ICO_SUR_19176_E.pdf

³ Op. Cit.

⁴ 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'

⁵ These legislative updates have been made on March 30th 2015 under S.B. 2015 no. 44 as part of the overall revising of the Surinamese Penal Code.

⁶ In June 2011, a member of the Parliament, Ronny Asabina, described homosexuality as a "deviation" 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>.

Mr. Frederik Finisie publicly stated that he is against homosexuals; in his own words 'I don't want to hear anything from homosexuals. If it was up to me, they wouldn't even exist'. <http://www.dbsuriname.com/dbsuriname/index.php/ndp-assembleelid-finisie-ik-ben-tegen-homos/>

⁷ <http://www.dbsuriname.com/dbsuriname/index.php/haatzaaiing-door-surinaamse-muziekproductie-bullet/>

5. Nevertheless, in May and June 2015 there were emerging (news) reports suggesting that the Government of Suriname even assisted the same local music group with preparations to tour through the Netherlands and other parts of Europe, enjoying also the support of the then Minister of Foreign Affairs. After it was known that the group was touring through the Netherlands; LGBTII organizations draw attention to the violence and discrimination displayed by this group to ensure that they would be boycotted by the event organizers⁸.
6. This lobby work has resulted in mayor media attention and public disapproval in both the Netherlands and Suriname; with event organizers cancelling the shows and the Surinamese Foreign Minister at the time gave statements in the media to clarify the government's involvement and attempted to explain his initial support for the group. A formal complaint against the group was also filed in the Netherlands; for inciting violence and hate against gays.⁹

Recommendations

The Suriname State should:

7. Take concrete legislative and political measures to eliminate social, cultural and political discrimination on the basis of sexual orientation and gender identity.
8. Enact policies and laws to eliminate inequalities that affect LGBTI persons in all areas of their lives.
9. Adopt concrete measures to stop violence against LGBTI persons, in particular hatred-speeches and harassment.
10. Implement nation-wide awareness-raising campaigns to eliminate prejudices against LGBTI persons as well as to project a positive image of sexual and gender diversity.

Arbitrary arrest, harassment and torture of LGBTI persons:

Right to not be subjected to torture or to cruel, inhuman or degrading treatment or punishment; Right to personal liberty and security; Right to not be subject of arbitrary arrest or detention; Right to receive human treatment in case of being deprived of liberty (Articles 7, 9 and 10)

11. Although the Surinamese Constitution¹⁰ establishes the right to personal freedom and security¹¹ in reality this protection is lacking for LGBTI persons, particularly those of LGBTI migrants. Arbitrary detentions, harassment and torture against LGBTI people – especially transgender women- continue to be an usual practice of security forces in the country.
12. Around may 2015 a homosexual man was arrested and thrown in a cell with other inmates. During detention this man was verbally assaulted; beaten and treated

⁸ <http://www.loopsuriname.com/content/dutch-labour-party-wants-hmg-prosecuted-if-they-play-%E2%80%98bullet%E2%80%99>

⁹ http://www.telegraaf.nl/binnenland/24259250/_Eerder_aangifte_homohaters_.html

<http://www.dwtonline.com/laatste-nieuws/2015/08/19/openbaar-ministerie-nederland-onderzoekt-aangifte-tegen-hmg/>

¹⁰ . Surinamese Constitution, Article 16.2: 'Every person has the right to personal freedom and security'

¹¹ This obligation is also reflected in the Surinamese Penal Code. Het Surinaams Wetboek van Strafrecht

inhumane by fellow detainees because of his sexual orientation¹². The police did little to stop or protect him while being detained. Further research learns that this man was mentally unstable and needed psychiatric help and it is still unclear why he was arrested and detained in a cell in the first place.¹³

13. In December 2014, a group of sex workers among which, transgender sex workers, mainly from Guyana were detained on charges that for the most part remained unclear. These detentions coincided with many violations including violations pertaining to the right to health (access to quality health care). It was reported by the detainees that they were placed in a flooded cell, that they were exploited and that false reports about their charges were made up.

Recommendations

Regarding the present report and our former one¹⁴

The Suriname State should:

14. Take concrete measures to eliminate arbitrary detentions, harassment and torture against LGBTI persons that are perpetrated by the police forces and prison systems.
15. Implement programs to train police and prison forces in human rights issues and to oversee their performance on the basis of a human treatment -without discrimination and harassment- towards sex workers, in particular transgender women.

Prohibition of same-sex marriage, lack of civil and social marital rights and lack of legislation and public policies regarding same-sex families:

Right to marriage, right to enjoy civil and social rights related to marriage (Articles 3, 23 and 26)

Recommendations

Regarding our former report

The Suriname State should:

16. Take concrete steps to guarantee that same-sex couples enjoy the same civil and social rights that heterosexual couples.
17. Adopt concrete measures to amend legislation in order to recognize and guarantee the right to marriage for same-sex couples

Discrimination and harassment against transgender persons in the workplace and the school system:

Right to equal enjoyment of all civil and political rights; Right to not be subjected to violence, harassment, cruel or degrading treatment; Right to freedom of expression and to not be subject to arbitrary or unlawful interference with the own privacy (Articles 3, 7, 17 and 19.2)

¹² A video leaked from within the cell shows how fellow detainees verbally assault, physically harm and force him to do humiliating things in the cell.

¹³ <http://www.de-surinaamse-krant.com/2015/05/mishandeling-homo-gedetineerde-in-cel.html?m=1>

¹⁴ http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SUR/INT_CCPR_ICO_SUR_19176_E.pdf

Recommendations

Regarding our former report¹⁵

The Suriname State should:

18. Take precise steps to end violence and related human rights violations committed against individuals in their workplace because of their sexual orientation and gender identity.
19. Elaborate and adopt measures to stop the violence exerted in the educational system against students caused by cultural prejudices and intolerance on the grounds of their gender identity or expression and sexual orientation.
20. Take the necessary steps to promote a cultural, social and political dialogue about discrimination, violence and inequalities that affect the liberty and human rights of LGBTI persons.

¹⁵ Op. Cit.