

Observations on the State of Indigenous Human Rights in Suriname

prepared for

United Nations Human Rights Council: Universal Periodic Review

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This report has been prepared jointly by the Mulokot Foundation, the Association of Village Leaders Suriname (VIDS), and Cultural Survival. Both the Mulokot Foundation and VIDS are organizations working at the grassroots level in Suriname. The Mulokot Foundation and Cultural Survival have assumed a coordinating role in the process of drafting this report, with the VIDS endowed with the task of providing first-hand information, obtained from the Indigenous leadership, on rights violations in the Indigenous territories of Suriname. Similarly, the secondary data is based on reports, statistics by international organizations, newspapers and online reports.

The Mulokot Foundation is the legal and the executive branch of the village leaders of Kawemhakan. The foundation advises and coordinates projects and plans for the development of the Wayana communities in Suriname, and coordinates the collaboration with the government and NGO's.

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Cultural Survival is an international Indigenous rights organization with a global Indigenous leadership and consultative status with ECOSOC. Cultural Survival is located in Cambridge, Massachusetts, and is registered as a 501(c)(3) non-profit organization in the United States. Cultural Survival monitors the protection of Indigenous Peoples' rights in countries throughout the world and publishes its findings in its magazine, the Cultural Survival Quarterly; and on its website: www.cs.org

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I. Executive summary

Suriname has repeatedly failed to implement Indigenous Peoples' rights, despite supporting a number of recommendations in this area during the previous two cycles of the UPR. As a result, Indigenous Peoples in Suriname, who make up roughly 4% of the population, face increasing and intensifying negative outcomes as a result of disproportionate inequities in their access to education, clean water, food, and a safe environment. Despite judgments of the IACtHR upholding their land, resource and related rights, Indigenous Peoples continue to lack any form of legal recognition for their land rights or any form of tenure security. They even lack legal personality under Suriname laws and are therefore incapable of holding or seeking protection for their collective rights in the judicial system. Mulokot Foundation, VIDS and Cultural Survival call upon the UN and its Member States to urge the government of Suriname to adopt recommendations and decisions that can be enforced, in order to prevent continued violation of the human rights of Indigenous Peoples in Suriname.

II. Introduction

A. Background

Suriname is party to various universal and regional human rights treaties, including the ICCPR, ICESCR, CRC, ICERD, CEDAW, and it voted for the adoption of the UN Declaration on the Rights of Indigenous Peoples in 2007 ("UNDRIP").

B. Methodology

This report has been prepared jointly by coalition of Cultural Survival, the Mulokot Foundation, and the Association of Village Leaders Suriname (VIDS). Both the Mulokot Foundation and VIDS are organizations working at the grassroots level. Cultural Survival and the Mulokot Foundation have assumed a coordinating role in the process of drafting this report, with VIDS endowed with the task of providing first-hand information, obtained from the Indigenous leadership, on rights violations in the Indigenous territories of Suriname. Similarly, the secondary data is based on reports, statistics by international organizations, newspapers and online reports.

III. Previous UPR recommendations

Indigenous land rights

1. Suriname declined to accept 4 recommendations in the first cycle to comply with the decision of the Inter-American Court of Human Rights ("IACtHR") regarding Indigenous peoples' collective titles to property, however in 2016 supported a recommendation from Germany of a similar nature. Despite supporting this recommendation, Suriname has failed to adequately comply with the decision of the IACtHR regarding Indigenous collective titles to property, such as in the cases of the *Moiwana Community (2005)*, *Saramaka People v. Suriname (2007)*, and *Kaliña and Lokono Peoples v. Suriname (2015)*. In the latter, as guarantees of non-repetition, the IACtHR ordered that Suriname recognize the legal personality and land rights of *all* Indigenous and Tribal peoples and their communities. This has yet to occur over six year later and over 3 years after the deadlines set by the IACtHR expired.

Pollution and deforestation

2. During the second cycle, Suriname supported a recommendation by Costa Rica to “*Adopt measures to reduce the negative impact of mining on the environment and the rights of indigenous peoples and their lands, in conformity with international standards.*”
3. Despite this, Suriname has failed to change the status quo and massive negative environmental impacts continue to affect indigenous peoples’ territories. For example, though it acceded to the Minamata Convention on Mercury on 2 August 2018, Suriname has not taken any concrete action to ban the use of mercury in gold mining, despite evidence that contamination far exceeds World Health Organization limits.

Access to health

4. During the first cycle, Suriname supported Germany’s recommendation to “*Establish the legal conditions that are necessary in order to avoid discrimination of Maroons and indigenous peoples in terms of socio-economic development, health status, and access to health care*”
5. However, particularly when considering non-discriminatory access to health care, Suriname has clearly failed to live up to its obligations. Since 2011, extremely little effort has been made to improve access to healthcare facilities in Indigenous territories, and during the COVID-19 pandemic access to healthcare facilities in the capital of Paramaribo was limitedly accessible to members of the Indigenous population living in Suriname’s remote communities. Among others, travel to the health care facilities of Paramaribo was made impossible due to restrictions on travel by road, water, and air. Only an NGO, Medical Mission, continued to provide care in the interior of the country during the lockdowns. This will be further elaborated upon in the chapter on the right to access to health.

Access to education

6. Although the government of Suriname supported recommendations in the first and second cycles to “*Take expeditiously efficient steps to improve access to free basic education to all children, with particular focus on those living in the interior areas and those belonging to indigenous and minority groups (Slovakia)*” and “*Promote education for all, especially for indigenous and tribal children, as well as step up efforts to preserve languages of the indigenous communities*” (Philippines) respectively, there has been little to no action has been taken to improve the access to education of Indigenous groups, especially in remote territories. Even independent initiatives aiming at offering specially modified curricula have received no support by government officials, to which the chapter on the right to education will refer.

IV. Continuing rights violations

Land rights

Right to self-determination

ICCPR art. 1(1), ICESCR art. 1(1), UNDRIP art. 3

1. Following art. 1(1) of the International Covenant on Cultural and Political Rights (“ICCPR”)ⁱ and the International Covenant on Economic, Social and Cultural Rights (“ICESCR”)ⁱⁱ, to which

Suriname is a party, and as expressed in art. 3 of the United Nations Declaration on the Rights of Indigenous Peoples (“UNDRIP”), “all peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development.”ⁱⁱⁱ The various treaty bodies and the IACtHR have all recognized that this includes the right to own and control traditional lands and resources.

2. Important in this regard is the acknowledgement and recognition of the traditional authority (the village leaders and village councils), for instance, in securing the free, prior and informed consent of Indigenous communities (see next heading). Suriname has failed to legally recognize the traditional authorities, including in direct contravention of the orders of the IACtHR
3. In the case of *Kaliña and Lokono Peoples v. Suriname (2015)*, Suriname asserted that it had established a Commission to develop a Law on Traditional Authorities. Its purpose would be to “recognize the traditional authorities as legitimate representatives of the indigenous peoples, particularly in situations in which the indigenous peoples must be consulted.”^{iv} On 1 October 2019, the draft law on Collective Rights Act for Indigenous and Tribal Peoples in Suriname was submitted to the Minister of Regional Development. If implemented, it would recognize the traditional authority/governance structures, giving the traditional leaders official status. However, the law still has not been finalized, let alone enacted.
4. The lack of a legislative basis for the authority of the traditional leadership of the Indigenous Peoples in Suriname has permitted the government to infringe on the right to self-determination several times over the past years. In 2018, a clear example of such a violation took place, when the government ordered and managed elections to determine the new leadership of the community of Bigi Poika. Traditionally, processes and decisions on changes in village leadership are taken by means of different self-determined methods, in cooperation with and with the guidance of VIDS, the national traditional authorities’ organization considered responsible for such affairs.

Free, prior, and informed consent (“FPIC”)

UNDRIP art. 10, 11(2), 19, 28(1), 29(2), 32(2)

5. Following art. 18 of the UNDRIP, “states shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.”^v Such reasoning also applies in the cases of relocation (art. 10), seizing of religious and spiritual property (art. 11(2)), seizing or occupation of traditionally owned territories (art. 28(1), the storage or disposal of hazardous materials (art. 29(2)), or carrying out projects in connection with the development, utilization or exploitation of minerals, water or other resources (32(2)).
6. As shown in the IACtHR judgments in of *Saramaka People v. Suriname (2007)*, and *Kaliña and Lokono Peoples v. Suriname (2015)*, Suriname has a history of violating basic consultation processes as well as the right to free, prior, and informed consent. In, *Kaliña and Lokono Peoples*, Suriname claimed to be drafting an FPIC-protocol that would fill this serious deficit. The IACtHR expressed considerable doubts as to whether the purported protocol would meet the relevant international standards and truly ensure the effective participation of the indigenous and tribal peoples, and, moreover, whether Suriname was even in the process of drafting this protocol. Confirming these doubts, and similar to circumstances surrounding the draft law on Collective

Rights for Indigenous and Tribal Peoples in Suriname (discussed below), the State's claims have not materialized and there has been no actual change in practice either.

7. A clear example was the introduction of the law on "Protected Village Areas" in 2017, where there was little to no meaningful participation by Indigenous Peoples in any of the related decision making processes, let alone any attempt to seek their consent. Contrary to the rulings of the IACtHR and international standards more broadly, this law declared that individual titles would no longer be issued to non-indigenous/tribal persons within a radius of 5 kilometers around Indigenous/Tribal villages. Indigenous peoples have been clear and adamant that, where decisions are taken that affect the entire Indigenous population of Suriname, VIDS must be consulted first. All decisions on the law on 'Protected Village Areas' were taken without any consultation with VIDS, circumventing the consent of the leadership responsible for the affected population.^{vi}
8. The territory that Indigenous communities consider to be part of their lands are far larger than the 5-kilometer radius determined by the government. Often, hunting, fishing and agricultural lands are located at a further distance than the aforementioned radius. Granting protection only to the area described in the law legally allows for the exploitation of lands that are needed for Indigenous communities for a sustainable livelihood. Moreover, it fails to address prior grants that continue to negatively impact Indigenous peoples. The law was eventually not signed into force because of the critique by Indigenous and tribal peoples, but the case is exemplary for the disregard of Suriname's highest institutes for the right to FPIC.
9. More recently (in 2021) a similar situation occurred, where in the consultation process for the drafting of the so-called 'National Environmental Framework Law' deliberately avoided VIDS as the traditional authority's institute of Indigenous peoples. Green Growth, the consultancy firm responsible for the consultation process, engaged directly only with a limited number of communities. Several decisions were made that would affect Suriname's entire Indigenous population, based on consultation with a very small portion of this population. The resulting law does also not recognize nor protect Indigenous peoples' rights in relation to the environment.
10. Indigenous peoples' right to effective participation in decision making is violated at the local level in addition to the national level. For example, the Desi Delano Bouterse Highway, opened in May 2020 and named after the former president and runs along the border of Wit Santi, an Indigenous community. Part of it was constructed on lands where multiple Indigenous farmers has located and maintained their subsistence farms, each farm providing around six months of food for a family. The farmers were forced to relocate their farms without due process and with no compensation, neither for the community's traditional lands nor for their lost crops. The destruction of forest in connection with construction of the highway also destroyed large parts of their hunting area, a problem further exacerbated by the noise produced by vehicles on the road. Cultural heritage sites, including ancient burial grounds and other sacred sites were affected, damaged or destroyed by the highway, all without consultation, and over their vigorous objections. Furthermore, more than 800 acres of Wit Santi's traditional lands was legally transferred to the company, N.V. Luchthavenbeheer, to expand the Johan Adolf Pengel International airport (this expansion has yet to be completed). All this also took place without even consulting the affected Indigenous communities. As such, the construction of the highway has had profound negative impacts on Indigenous livelihood and well-being.

Ownership of land, territories and resources

UNDRIP art. 8(2), 10, 25-29, 32; ACHR art. 21, ICERD 5(d)(v); ICCPR 1 and 27; ICESCR 1 and 15

11. Following art. 26 of the UNDRIP, Indigenous peoples have a right to their lands, territories and resources, traditionally owned. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess. As such, States should give legal recognition and protection to these lands, territories and resources.
12. These collective property rights have, at this time, not found their way into Suriname's legal system. This is the case despite three binding judgments of the IACtHR and an array of international statements of deep concern about this situation (e.g., from almost all of the treaty bodies and various special procedures). The draft law on Collective Rights for Indigenous and Tribal Peoples in Suriname would provide some measure of protection, but it remains merely a draft to date, and there is no indication of whether or when it may be enacted. Until then, Indigenous peoples and their communities remain highly vulnerable to violations of their rights by the government or third parties, including in relation to the plethora of, inter alia, extractive and agricultural concessions, nature reserves and individual third party interests previously granted and that continue to cause substantial violations of their rights. Meanwhile, a new government has come to power after the parliamentary elections in 2020. Although the ruling parties have made promises to speedily enact and implement the draft law on Collective Rights for Indigenous and Tribal Peoples in Suriname, little to no action has been taken to accomplish this feat and it remains unclear what the intention is presently.

Pollution and deforestation

Environmental impact

UNDRIP art. 7(1), 20, 25, 26(3), 29, 32

13. The lack of communal property rights allows for several other violations, both by the government as well as external parties. The exploitation and destruction of ancestral lands to extract minerals, such as gold and bauxite, and other resources, such as timber, has presented major problems throughout recent history. Deforestation, destruction of cultural and natural heritage sites, and the pollution of freshwater sources through the exploitation of natural resources have had a substantial and, in some cases, debilitating negative impact on the Indigenous quality of life and their internationally guaranteed rights.
14. Pursuant to art. 32 of the UNDRIP and other international norms, a State must obtain a community's free, prior, and informed consent when engaging in projects "affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources." The State must also implement measures to ensure just compensation to mitigate the "adverse environmental, economic, social, cultural or spiritual impact". Furthermore, according to art. 29(2) UNDRIP, States are obliged to take "effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of Indigenous Peoples".
15. In certain situations, the government directly allows for violations of this kind by failing to respect these rights. For example, providing companies the exclusive right to mine in a certain area can

cause the destruction of ancestral territories. In recent years, this occurred on several occasions. In 2018, a community forest of 203 acres that belonged to the community in Matta fell, through a chain of suspicious transactions, into the hands of a Chinese industrial that soon after commenced with the deforestation of the area in order to build an industrial park. Although the process could soon be halted thanks to fierce protests of the community, part of the Indigenous lands surrounding Matta had already been destroyed. The land title to that area meanwhile is still held by the industrial.

16. In other situations, the failure to protect Indigenous property rights causes grave damage. For example, the region surrounding the Lawa river in southeast Suriname has been infiltrated by a large amount of (illegal) gold mining activities. Halted by its financial situation, and conflicts of interest, the government of Suriname fails to stand up against the miners, thereby allowing for large-scale destruction and pollution of Indigenous territory, the consequences of which are detailed further below.

Adequate standard of living and determinants of the highest attainable standard of health
ICESCR art. 11, 12, CESCR General Comments No. 12, 14, 15, UNDRIP art. 21(1), 25, 29(2), 32(2), CRC art. 24(2)(c)

a. Water

17. Under UNDRIP art. 29(2) and 32(2), a State is obliged to respect, protect, and fulfill the right of Indigenous communities not to be exposed to the disposal of hazardous substances, particularly not through activities aimed at the utilization and exploitation of mineral, water, or other resources.
18. Over the past decades, circumstances have evolved in such a way that these rights are continuously violated. The increasing presence and activity of (illegal) gold miners in and around Indigenous territories have caused fresh water sources in these areas to have become polluted up to a point where it is no longer safely consumable. Particularly the use of mercury in the extraction process creates a situation in which consumption is no longer possible, even after applying the simple purification techniques available in Indigenous communities.
19. Exposure to hazardous toxins such as mercury amounts to, among others, a violation of an individual's right to clean water. Art. 11(1) of the ICESCR states how parties to the Convention must respect, protect and fulfill its citizens' right to an adequate standard of living, "including adequate food, clothing and housing."^{vii} As presented in General Comment No. 15 by the Committee on Economic, Social and Cultural Rights ("CESCR"), water is one of the essential conditions for life, and is thus included under Art. 11(1).^{viii} Accordingly, States have the obligation to ensure adequacy of clean water, meaning that water should fulfill the conditions of *availability*, and *accessibility*.
20. Besides its necessity in ensuring an adequate standard of living, clean water is a determinant of the highest attainable standard of health as well. As found in Art. 12(1) ICESCR, each citizen should be able to enjoy the highest attainable standard of physical and mental health.^{ix} According to General Comment No. 15 of the CESCR this also applies to the underlying determinants of health, such as access to safe and potable water and adequate sanitation." The same reasoning is applied in art. 24(2)(c) of the Convention of the Right of the Child ("CRC").^x

21. As most Indigenous communities are reliant on natural sources of water in the absence of State's provisions to guarantee this vital public service, the problem of pollution forms an ever-existing threat to health. Purchasing bottled water is often not economically attainable, forcing the consumption of polluted water on Indigenous peoples. Safe and potable water is thus not available and accessible to most. Consequently, many Indigenous communities are facing the health risks associated with polluted water. For those communities located in areas where water is contaminated with mercury, this means additional exposure to the risk of mercury intoxication and nervous deficits, and is of particular concern for Indigenous women who experience this at irregularly high rates, in several cases leading to stillborn children.
 22. Only limited governmental initiatives have been undertaken over the past years, and often purification systems are poorly maintained. For example, a water purification system and water distribution network has been set up in the Wayana community of Apetina, but it needs repair and optimization. The government does not provide such service, making the system unusable. In 2019, in the Trio community of Kwamalasamutu in southern Suriname, the government only intervened when the village had been without any drinking water for months due to its defective distribution systems.
 23. When considering the Sipaliwini district in southern Suriname, home to a large number of Indigenous communities, it becomes evident that access to water is particularly limited. A rough estimate based on the latest Environment Statistics-report by Suriname's General Bureau of Statistics (GBS) and the UNDP in 2018, tells that roughly 30% of all households in the region (based on a household of six persons on average) are connected to safe and potable water provided by the Dienst Watervoorziening ("DWV"), the State department endowed with the responsibility of ensuring access to water in Sipaliwini. With regards to Indigenous communities, this number is significantly lower; a mere 7% of all households.^{xi} Of the many Indigenous communities in the district, only five are provided with water by the DWV: Kwamalasamutu, Apoera, Donderskamp, Kalebaskreek, and Corneliskondre. The rest of the communities are either dependent on non-governmental initiatives or have no access to clean water. In contrast, in 2017 98.1% of Suriname's urban population had access to safe and potable drinking water, according to FAO's AQUASTAT.^{xii} These differences are neither reasonable nor justifiable and they constitute one of the many examples of discrimination against Indigenous peoples.
- b. *Adequate food*
24. Like access to clean water, access to adequate food is considered an integral part of the right to an adequate standard of living and should fulfill the conditions of *availability* and *accessibility*. In this case, availability refers to quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture. Accessibility focuses on food provision that is sustainable and that does not interfere with the enjoyment of other human rights. Furthermore, like the case of clean drinking water, access to adequate food is considered not solely an integral part of the right to an adequate standard of living but also a determinant of the right to an acceptable level of health.
 25. The exploitation of Indigenous territories, in particular for gold mining and logging, has had a strong detrimental effect on the access to food of Indigenous communities. Pollution of fresh water sources contributed to the contamination of the most used animal protein, fish. Furthermore, the destruction of the habitat of many species causes prey to become increasingly limited. This

results in the fact that for most Indigenous, for whom hunting, and fishing have been a primary source of livelihood, access to food is increasingly limited.

26. The government's refusal to combat the causes that limit the Indigenous access to food brings about the need for grassroots initiatives that mitigate the adverse effects of these causes. A clear example is a project initiated by the paramount chief of the Wayana in the Lawa-region, the Indigenous region most affected by (illegal) gold mining, in 2019. The project focuses on sustainable fish farming to prevent consumption of contaminated fish caught in the Lawa river. In the region, the consumption of contaminated animal produce (as well as contaminated drinking water) is considered one of the major contributors to health problems associated with mercury pollution, such as neural deficits and stillbirth. No governmental support has yet been provided for initiatives such as in the Lawa-region.

Access to health care

ICESCR art. 12, General Comment No. 14, UNDRIP art. 24

27. Most of Suriname's Indigenous communities are located at a substantial distance from the capital Paramaribo. To this effect, only few of their members can enjoy health care provided in the facilities in the capital. For most, the only facilities near enough are health posts managed by Medische Zending Suriname (Medical Mission Suriname), an independent health care organization. These facilities are staffed only by "health care assistants" and only infrequently visited by general practitioners, and often lack specialized knowledge and medication to properly treat all patients. Access to facilities in the capital is often not possible, either because of the distance, the costs or because of national discriminatory policies.
28. Under art. 12(1) ICESCR and General Comment no. 14, parties to the Convention recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.^{xiii} Though sufficiently available in Suriname in the absolute sense of the word, access to good health care facilities is limited for Indigenous Peoples. The health care facilities in or near the Indigenous communities are often unable to treat more serious diseases, and transportation to a better-equipped hospital must take place by boat or airplane in most cases. Such transportation is often far too costly, leaving the ill without proper medical care. As such, the lack of qualitatively skilled doctors in the villages, while well-equipped medical facilities are physically and economically inaccessible, causes the right to the highest attainable standard of health to be violated for most Indigenous Peoples in Suriname.
29. Lastly, the COVID-19 pandemic also underlined the inequality of the healthcare system in rural areas. The Surinamese government urged infected members of Indigenous communities to remain in their villages. Regional lockdowns also prevented rural communities to travel to health centers. A shocking 16% of all deaths attributed to the coronavirus in Suriname was from Indigenous decent, while the Indigenous make up only 4% of Suriname's total population.^{xiv}

Education

ICESCR art. 13(1), CRC art. 24, 28, 29, 32, UNDRIP art. 14, 15

30. Following Art. 13(1)(a) of the ICESCR, primary education should “be compulsory and available free to all”.^{xv} As with the rights to health, food, and water, several interdependent elements are to be taken into account when assessing the right to education. Education should, following General Comment No. 13, fulfill the following criteria: (a) accessibility, i.e. educational institutions and programs have to be accessible to everyone, physically and economically, without discrimination, and within the jurisdiction of the State party, (b) acceptability, i.e. the form and substance of education must be acceptable (e.g. relevant, culturally appropriate and of good quality) to students, and (c) adaptability, i.e. flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.^{xvi}
31. Though compulsory under Suriname’s human rights obligations, access to education in the country’s Indigenous territories remains limited. Schools are often not present in Indigenous communities, or understaffed, and many children are forced to go to school many kilometers away. In many cases, to travel such a distance is economically unattainable for parents, amounting to continuous failure by the government of Suriname to provide physically and economically accessible education for many members of its Indigenous population.
32. Members of several communities located on the border with French-Guiana, such as in the Wayana community of Kawemhakan (Anapaike), in the absence of local schools, are forced to send their children to primary (and secondary) schools across the border, at great expense. These students, if even economically able to participate in the French educational system, are not provided with accessible education within Suriname’s own jurisdiction, as the country’s human rights obligations require.
33. Even in communities in which the government has made the effort to provide (primary) education, students are generally not educated to the level of the national standard. Often this is attributable to logistic problems regarding the deployment of teaching staff to the schools in Indigenous territories. Inadequate housing and unwillingness of the teachers to live under the local circumstances with inadequate water, electricity and communication facilities, are other factors.
34. As most teachers employed by the government are residents of the capital, special transportation to the Indigenous territories by air or boat is often necessary. A recurring problem is a lack of government funds to ensure this transportation. At the start of the school year in October 2020, among other, children from the villages in the Wayambo-region, as well as from Galibi on the lower Marowijne and Tapoeripa on the Nickerie River, were unable to go to school because the government had failed to pay the transportation company entrusted with the task of transporting schoolteachers to these villages. The lack of teaching staff caused the schools to remain closed for months, and students to fall behind in their education.
35. Issues involving the acceptability and adaptability of the education of Suriname’s Indigenous population have been recurring during the period of this UPR cycle as well. Often, teachers assigned to schools in Indigenous territories are unlicensed and their stationing in Indigenous communities is merely part of their training. Accordingly, their assignment lasts only for a few months, after which a new ‘trainee’ takes over. This causes little continuity in terms of teaching. Furthermore, as most teachers are not familiar with Indigenous practices and culture, they are unable to provide culturally appropriate and relevant education. Particularly because of the fast turnover of teaching staff, such a problem remains.

36. When considering the cultural appropriateness of Indigenous education provided by the government, it is important to emphasize the teaching-language: Dutch. Although learning the Dutch language is important, it is often not the first language of an Indigenous community. This creates a necessity for bilingual education. Scientific research shows that performance improves if the student first learns his or her own language well. UNDRIP article 14 establishes that States shall, in conjunction with Indigenous Peoples, take effective measures, in order for Indigenous individuals, particularly children to have access to an education in their own culture and provided in their own language.
37. VIDS has actively advocated for bilingual education in Indigenous schools over the past few years, as Suriname is one of the few countries in South America where bilingual education is not yet part of the official policy towards the Indigenous peoples. So far, the government has been unwilling to adapt its educational policies to facilitate such education.
38. While infringing the rights of its Indigenous citizens' right to education, the government of Suriname remains reluctant to change the situation sketched by these examples. Even non-governmental initiatives oriented towards providing better, more culturally appropriate, and relevant education have enjoyed no support from the government over the past four years. The independent school in Kawemhakan (Anapaike), that has been managed by the Mulokot Foundation for years, is only able to provide Dutch and English classes to community members as the government refuses to provide further support for the initiative.
39. Similarly, a project aiming to establish a secondary school providing modular education in the community of Apetina, in the Tapanahony-region was outright boycotted by the Surinamese government for "not fitting within Suriname's educational policies". Accordingly, failing to support initiatives of such a nature, and the reluctance to provide education tailored to Indigenous communities, contributes to Suriname's inability to fulfill its obligation to provide acceptable and adaptable education.

V. Recommendations:

VIDS, the Mulokot Foundation, and Cultural Survival urge member states to make the following enforceable recommendations to Suriname regarding the implementation of the rights of Indigenous Peoples:

1. Urgently enact and/or implement legal measures, such as the draft law on Collective Rights for Indigenous and Tribal Peoples in Suriname, oriented towards providing Indigenous peoples some measure of protection for their rights, including as ordered by the IACtHR. This must include, among others, the official recognition of the traditional authority of Indigenous peoples in Suriname, and the right of Indigenous peoples to own and control the lands, territories and resources which they have traditionally owned.
2. Implement the Minamata Convention to which Suriname is signatory by implementing a ban on the use of mercury in gold mining, and, with the effective participation of affected Indigenous peoples, provide immediate environmental remediation for existing mercury contamination in Indigenous territories.

3. Adopt and implement laws that ensure the requirement of obtaining *free, prior, and informed consent* (FPIC), as ordered by the IACtHR, and, with the effective participation of Indigenous peoples' freely chosen representatives, develop a means for remediation in case the principles of FPIC are not adhered to.
4. Improve access to safe and potable water of Indigenous communities, particularly in the remote interior of the country, such as in many communities in the Sipaliwini district.
5. Improve access to health care of Indigenous Peoples in Suriname, particularly by improving the quality of existing healthcare facilities in or in the vicinity of Indigenous communities, and by implementing and executing legal measures that ensure non-discriminatory access to healthcare.
6. Improve access to education of Indigenous children, both through implementing governmental projects, as well as by supporting non-governmental projects oriented towards providing Indigenous children with better, more culturally appropriate, and relevant education.
7. Invite the UN Special Rapporteur on the Rights of Indigenous Peoples to make an official visit to Suriname.
8. Create an action plan for implementation of the Outcome Document of the World Conference on Indigenous Peoples in 2014.

ⁱ International Covenant on Civil and Political Rights (1966), art. 1(1)

ⁱⁱ International Covenant on Economic, Social and Cultural Rights (1966), art. 1(1)

ⁱⁱⁱ United Nations Declaration on the Right of Indigenous Peoples (2007), art. 3

^{iv} *Kaliña and Lokono Peoples v. Suriname*, IACTHR (2015) Series C, No. 309, para. 210

^v United Nations Declaration on the Right of Indigenous Peoples (2007), art. 19

^{vi} Theo Jubitana, 'VIDS niet geconsulteerd bij totstandkoming wet' *Starnieuws* (Paramaribo, 29 December 2017)

^{vii} International Covenant on Economic, Social and Cultural Rights (1966), art. 11(1)

^{viii} UN Doc, E/C.12/2002/11

^{ix} International Covenant on Economic, Social and Cultural Rights (1966), art. 12

^x Convention of the Rights of the Child (1989), art. 24(2)(c)

^{xi} General Bureau of Statistics (GBS), '8th Environment Statistics Publication' (2018), p. 82

^{xii} Food and Agricultural Organization of the United Nations, 'AQUASTAT, Suriname: Urban population with access to safe drinking-water (JMP)' (2017). Retrieved from <http://www.fao.org/aquastat/statistics/query/results.html>

^{xiii} International Covenant on Economic, Social and Cultural Rights (1966), art. 12; E/C.12/2000/4,

^{xiv} 'Hoog sterftecijfer onder Inheemsen door coronavirus' *Starnieuws* (Paramaribo, 13 March 2021)

^{xv} International Covenant on Economic, Social and Cultural Rights (1966), art. 13(1)(a)

^{xvi} E/C.12/1999/10