

Corporal punishment of children in Suriname

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Child population 175,000 (UNICEF, 2015)



GLOBAL INITIATIVE TO

**End All Corporal
Punishment of Children**

Summary of necessary legal reform to achieve full prohibition

Prohibition is still to be achieved in the home, alternative care settings, day care, schools and penal institutions.

There is no defence for the use of corporal punishment by parents and others enshrined in law, but legal provisions against violence and abuse are not interpreted as prohibiting all corporal punishment in childrearing. The near universal acceptance of violence in childrearing necessitates clarity in law that no degree or kind of corporal punishment is acceptable or lawful. Prohibition should be enacted of all corporal punishment in all settings, including the family home and all settings where adults have authority over children.

Alternative care settings – Prohibition should be enacted applicable to all alternative care settings (foster care, institutions, children’s homes, places of safety, emergency care, etc).

Day care – Prohibition should be enacted in all formal early childhood care (nurseries, preschools, crèches, children’s centres, etc) and all formal day care for older children (after-school childcare, childminding, day centres, etc).

Schools – Prohibition should be enacted in relation to all schools, public and private.

Penal institutions – Prohibition should be enacted in relation to disciplinary measures in all institutions accommodating children in conflict with the law.

Current legality of corporal punishment

Home

Corporal punishment is lawful in the home. Article 351.220 of the Civil Code states that parents are obliged to maintain and educate their minor children. There is no defence for the use of corporal punishment enshrined in law, but provisions against violence and abuse in the Criminal Code 1911 and the right to physical integrity and protection from degrading or inhuman treatment or punishment in the Constitution 1987 (art. 9) are not interpreted as prohibiting all corporal punishment in childrearing. The Act on Domestic Violence 2009 does not prohibit corporal punishment in childrearing.

In reporting to the Committee on the Rights of the Child in 2014, the Government stated that “with the revision of the civil code a prohibition of the use of all forms of violence within the upbringing of children will be considered and discussed”.¹ As at March 2016, a draft law amending the Civil Code is under discussion but this does not concern violence against children.² It was expected to be introduced to Parliament in the second quarter of 2018.³

In 2015 substantial amendments to the Criminal Code were adopted.⁴ Under examination by the Human Rights Committee the same year, the Government stated that all corporal punishment has been criminalised under articles 360-363 of the Penal Code – “under these legal provisions fall all forms of corporal punishment and the guilty parties are punishable as a matter of course”.⁵ The Government went on to emphasise discouraging corporal punishment as “an important and continuous process” and its commitment to intensifying efforts to this end.⁶ However the 2015 amendments do not explicitly prohibit all corporal punishment in childrearing – rather they provide for stronger protection against assault. The near universal acceptance of violent punishment in childrearing means that an explicit prohibition of its use is necessary.

In 2018, the Government again stated that although there was no explicit legal prohibition of corporal punishment, children were protected “from abuse under the country’s civil and criminal laws”⁷ and that “corporal punishment is considered a criminal offence”.⁸ It however recognised that legislation needed to be updated or enacted to better protect children.⁹

Alternative care settings

Corporal punishment is lawful in alternative care settings. In 2011, following the Universal Periodic Review of Suriname, the Government reported that public debate and the process of implementing

¹ 4 May 2015, CRC/C/SUR/3-4, Third/fourth state party report, para. 80

² <http://www.dna.sr/wetgeving/ontwerp-wetten-bij-dna/in-behandeling/ontwerp-wet-houdende-wijziging-surinaams-burgerlijk-wetboek/>, accessed 3 March 2016

³ 6 March 2018, CEDAW/C/SR.1585, Summary records of 1585th meeting

⁴ <http://www.dna.sr/nieuws/parlement-akkoord-met-wijzigingen-wetboek-van-strafrecht/>, accessed 1 December 2015

⁵ 20 October 2015, CCPR/C/SUR/Q/3/Add.1, Reply to list of issues, para. 95

⁶ 20 October 2015, CCPR/C/SUR/Q/3/Add.1, Reply to list of issues, para. 99

⁷ 6 March 2018, CEDAW/C/SR.1585, Summary records of 1585th meeting

⁸ 2 March 2018, Additional written information provided by Suriname following the consideration of its fourth/sixth report

⁹ 5 March 2018, CEDAW/C/SR.1584, Summary records of 1584th meeting

regulations for day care centres was ongoing.¹⁰ A Framework Bill on Care Institutions and a draft law on foster care are under discussion.¹¹

Day care

There is no explicit prohibition of corporal punishment in early childhood care (nurseries, preschools, crèches, etc) or in day care for older children (after-school childcare, childminding, day centres, etc).

Schools

Ministerial directives have regularly advised schools against using corporal punishment since 1942, but there is no prohibition in law.

According to the Government delegation to the Committee on the Rights of the Child in 2007, corporal punishment in schools is prohibited in legislation,¹² but following the Universal Periodic Review of Suriname in 2011 the Government stated that there is no legislation prohibiting corporal punishment; the Government accepted recommendations to prohibit in schools.¹³ In reporting to the Committee in 2014, the Government again confirmed that while there is a ministerial decision against corporal punishment in schools there is no prohibition in legislation.¹⁴ During the Universal Periodic Review of Suriname in 2016, the Government stated that the Ministry of Education, Science and Culture gives specific instructions against the use of corporal punishment to schools and other educational institutions at the beginning of each school year.¹⁵

Penal institutions

Corporal punishment is considered unlawful as a disciplinary measure in penal institutions. The Criminal Code 1911 provides for the making of rules governing penitentiaries. Corporal punishment is not among permitted measures in the internal regulations governing penal institutions, but there is no explicit prohibition. The Constitution 1987 states that persons deprived of their liberty have the right “to treatment in accordance with human dignity” (art. 16).

Sentence for crime

Corporal punishment is unlawful as a sentence for crime. It is not among the permitted sanctions in the Criminal Code 1911.

Universal Periodic Review of Suriname’s human rights record

Suriname was examined in the first cycle of the Universal Periodic Review in 2011 (session 11). The following recommendations were made:¹⁶

¹⁰ 13 September 2011, A/HRC/18/12/Add.1, Report of the working group: Addendum, para. 9

¹¹ 4 May 2015, CRC/C/SUR/3-4, Third/fourth state party report

¹² 26 January 2007, CRC/C/SR.1214, Summary record of 1214th meeting, para. 48

¹³ 13 September 2011, A/HRC/18/12/Add.1, Report of the working group: Addendum, para. 9

¹⁴ 4 May 2015, CRC/C/SUR/3-4, Third/fourth state party report, para. 75

¹⁵ 1 July 2016, A/HRC/33/4, Report of the working group, para. 20

¹⁶ 11 July 2011, A/HRC/18/12, Report of the working group, paras. 72(21), 73(44), 73(45) and 73(46)

“Prohibit all forms of violence against children, in particular corporal punishment, which is still legally practised in schools (Belgium);

“Prohibit explicitly corporal punishment at school, at home, as well as in any public establishment attended by children (France);

“Adopt the necessary legal measures to prohibit all forms of violence against children, including corporal punishment in all settings, particularly in the family, schools, alternative childcare and places of detention for juveniles (Mexico);

“Follow up efficiently on the recommendation of the Committee on the Rights of the Child to explicitly prohibit by law all forms of violence against children, including corporal punishment, in all settings, including in the family, schools, alternative childcare and places of detention for juveniles, and to subsequently implement those laws effectively (Slovenia)”

The Government accepted the recommendation to prohibit corporal punishment in schools but rejected recommendations to prohibit it in the home and other settings.¹⁷ The Government stated that ministerial instructions not to use corporal punishment are regularly sent to schools, that regulations are in place with regard to youth in prison, and that the Act on Domestic Violence has begun to combat corporal punishment of children in the home.¹⁸

Suriname was examined in the second cycle of the Universal Periodic Review in 2016 (session 25). The following recommendations were made and supported by the Government:¹⁹

“Improve the protection of children; strengthen early detection and counsel for victims of child sexual abuse; raise public awareness about the harmful effects of corporal punishment (Germany)

“Adopt legal reforms and policy measures to guarantee the prohibition of all forms of violence against children, including corporal punishment both in the private and the public sphere (Mexico)”

Examination in the third cycle is scheduled for 2021.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(9 November 2016, CRC/C/SUR/CO/3-4, Concluding Observations on third/fourth report, para. 18)

“While noting the progress in prohibiting corporal punishment in schools through a ministerial decree, the Committee, in line with its general comments No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and No. 13 (2011) on the right of the child to freedom from all forms of violence, reiterates its previous recommendations (see CRC/C/SUR/CO/2, para. 37) that the State party:

(a) Amend its legislation to explicitly prohibit corporal punishment in all settings, including in the family, day care and afterschool care facilities, schools, alternative care settings, residential care and penal institutions;

¹⁷ 11 July 2011, A/HRC/18/12, Report of the working group, para. 72; 13 September 2011, A/HRC/18/12/Add.1, Report of the working group: Addendum, para. 13

¹⁸ 13 September 2011, A/HRC/18/12/Add.1, Report of the working group: Addendum, para. 9

¹⁹ 1 July 2016, A/HRC/33/4, Report of the working group, paras. 133(71), 133(72)

(b) Strengthen and expand its efforts, through awareness-raising programmes and campaigns, to promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment; as well as expand parenting education programmes, in particular, in the interior areas of the State party, and training for principals, teachers and other professionals working with and for children.”

Committee on the Rights of the Child

(18 June 2007, CRC/C/SUR/CO/2, Concluding observations on second report, paras. 36 and 37)

“The Committee welcomes the fact that corporal punishment is prohibited in schools by ministerial decree, that awareness-raising and sensitization activities have been conducted related to better parenting, that April has been declared national child abuse prevention month, and that pilot projects have been conducted to reduce corporal punishment in schools. Nevertheless, the Committee remains concerned that corporal punishment continues to be used in the schools, and is not prohibited in homes or alternative care contexts.

“The Committee recommends that the State party explicitly prohibit by law all forms of violence against children, including corporal punishment, in all settings, including in the family, schools, alternative childcare and places of detention for juveniles, and implement those laws effectively. It also recommends that the State party intensify its awareness-raising campaigns in order to promote the use of alternative forms of discipline in a manner consistent with the child’s human dignity and in accordance with the Convention, especially article 28, paragraph 2, taking into account the Committee’s General Comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (CRC/C/GC/8 (2006)).”

Committee on the Rights of the Child

(28 June 2000, CRC/C/15/Add.130, Concluding observations on initial report, paras. 41 and 42)

“While the Committee notes that corporal punishment is prohibited in schools, it is concerned that it continues to be used in schools, families and care institutions.

“The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment, within the family, schools and care institutions. The Committee encourages the State party to intensify its public-awareness campaigns to promote positive, non-violent forms of discipline as an alternative to corporal punishment at all levels of society.”

Human Rights Committee

([November 2015], CCPR/C/SUR/Q/3/Add.1 Advance Unedited Version, Concluding observations on third report, paras. 45 and 46)

“The Committee observes that although corporal punishment is explicitly prohibited in the penal system, it continues to be prevalent and accepted in society (arts. 7 and 24).

“The State party should take practical steps, including through legislative measures, where appropriate, to put an end to corporal punishment of children in all settings. It should encourage non-violent forms of discipline as alternatives and should conduct public information campaigns to raise awareness about the harmful effects of corporal punishment.”

Committee on the Elimination of Discrimination Against Women

(9 March 2018, CEDAW/C/SUR/CO/4-6 Advance unedited version, Concluding observations on fourth/sixth report, paras. 26 and 27)

“The Committee reiterates its concern about the high prevalence of gender-based violence, including domestic violence, against women in the State party and the delay in adopting the draft National Policy Plan 2014-2017 on Domestic Violence. It further regrets:

- (a) The limited information on the application of the Law on Domestic Violence since its adoption in 2009;
- (b) The lack of information on inter-institutional coordination mechanisms for combating gender-based violence, including domestic violence and sexual harassment, and the fact that there is only one shelter for victims of domestic violence with about 30 women and their children;
- (c) The continuing practice of corporal punishment affecting girls and the absence of legislation explicitly prohibiting it in all settings;
- (d) The lack of information on the prevalence, causes and consequences of gender-based violence against women, despite the Committee’s previous recommendation (CEDAW/C/SUR/CO/3, para. 20).

“Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:

- (a) Approve, without delay, the national policy plan on domestic violence and continue its efforts to enforce the law on domestic violence;
- (b) Establish additional shelters for victims of gender-based violence that are accessible for all women and girls, especially those living in rural areas, and that they provide legal assistance, rehabilitation and psycho-social support to victims;
- (c) Adopt legislation to explicitly prohibit corporal punishment in all settings;
- (d) Systematically collect data on gender-based violence against women and girls, disaggregated by age, ethnicity, geography and relationship between victim and perpetrator, and ensure that research in this area serves as a basis for comprehensive and targeted interventions.”

Prevalence/attitudinal research in the last ten years

A survey conducted in 2010 as part of UNICEF’s Multiple Indicator Cluster Survey (MICS) programme found 86% of children aged 2-14 years were subjected to some form of violent “discipline” (psychological aggression and/or physical punishment) by household members during the month preceding the survey; 60% experienced physical punishment and 12% experienced severe physical punishment (hit on the head, bottom, ears or face or hit hard and repeatedly). In contrast to the actual prevalence of physical punishment (60%), only 13% of respondents said they believe physical punishment is needed to raise a child properly. Only 9% of children experienced only non-violent forms of discipline.

(General Bureau of Statistics, Ministry of Social Affairs and Housing & UNICEF (2013), *Suriname Multiple Indicator Cluster Survey 2010, Final Report*, Paramaribo, Suriname: General Bureau of Statistics, Ministry of Social Affairs and Housing & UNICEF)

The Child Rights Bureau, a department within the Ministry of Social Affairs and Public Housing, conducted a study between 2009 and 2010 on children’s knowledge and perceptions on child rights in 5 districts of Suriname (Paramaribo, Wanica, Commewijne, Nickerie and Brokopondo). The 639 respondents comprised of children aged 6–18 years, adults and service providers. The results show

59% of children, 74% of adults and 89% of service providers do not believe corporal punishment is an effective means to behavioural change. Despite this view, 83% of children, 69% of adults and 62% of service providers believe that corporal punishment may be justified in certain cases, especially in the home; acceptance is lower for corporal punishment at school. Corporal punishment is perceived as a form of abuse by 46% of children, 58% of adults and 67% of service providers.

(Reported in *Third and fourth periodic report of States Parties due in 2010: Suriname* (CRC/C/SUR/3-4), 4 May 2015)