

Status report  
National Progress Report for the 17<sup>th</sup> MESICIC meeting  
COUNTRY: SURINAME  
PERIOD: 2009 – 2010/2011  
Sharita Baldeorai, LL.M

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### **SECTION III: OTHER PROGRESS IN THE IMPLEMENTATION OF THE CONVENTION**

The Government of the Republic of Suriname and the UNDP have signed the project document *“Support for Implementing the Policy Plan for Protection of Legal Rights and Safety- Legal Protection and Human Rights and Anti-Corruption 2008-2011”* in February 2009.

In its yearly planning the awareness under public officials, political officials, the media and the private sector on corruption followed by its negative impact on the people, its environment and its country had been formulated. Also the training in the code of ethics is included as well as the formulation of a corruption prevention strategy plan for the country.

In this regard the project board Anti-corruption was installed on the 10th of November 2009, of which the Minister of Justice and Police is appointed as the chairman. The key partners of the project board are the:

Minister of Finance, Minister of Foreign Affairs, Minister of Home Affairs, Minister of Education and National Development, Minister of Public Works, Minister of Regional Development, Minister of Trade and Industry, Minister of Agriculture, Animal Husbandry and Fisheries, the Country Director of the United Nations Development Programme and the project team.

As officials they are part of the project board “Anti-Corruption”, because a ministerial cooperation is essential to realize the Government’s development strategy, with the specific tasks to monitor and evaluate the Anti-corruption component of the Project document *“Support for Implementing the Policy Plan for Protection of Legal Rights and Safety- Legal Protection and Human Rights, and Anti-Corruption”*.

Thus far the media has been trained and this resulted in the outcome of the publication of the folder “corruptie verslaan” (= conquest corruption). Also pamphlets on the awareness of the negative consequences of corruption have been made and distributed under government offices.

Together with the UNDP as a technical partner the focus of this project board is placed on enhancement of the:

- awareness under government/public officials and the private sector on the attraction of corruption, always followed by the negative impact on themselves, based on the annual plan;
- “corruption prevention policy” of the Government of the Republic Suriname”.

In June 2010 the workshop with stakeholders was held in order to formulate Suriname's "Plan of Action", which is based on the recommendations during the first and the second round on the country report of Suriname. On "government take" the ministry of Justice and Police is responsible for the implementation of this Plan of Action.

Please note that since August 2010 a new government took office and is also committed to do all within its legislative limits to prevent, detect, penalize and eradicate corruption in the performance of public functions.

The chairperson of the national Assembly of Suriname has also installed a "commission of rapporteurs" regarding the accompaniment, study and the approval of the "anti-corruption act".

Planning for 2011:

- baseline study on corruption – prevention in Suriname
- formulate a National corruption prevention strategy and strategic plan
- Formalizing the Steering committee Corruption – prevention
- Create awareness in the society
- approve the anti – corruption act
- Training of Public service providers such as Customs, Centraal Bureau Burgerzaken (Central Office of Civil Affairs) , Korps Politie Suriname (Suriname Police Corps), Vreemdelingenzaken (Department of Foreign Affairs of the Ministry of Justice and Police), Dienst der Domeinen (Bureau of Properties) etc.
- Media communication campaign for private service providers such as the notaries, merchants, exporters and importers
- Sessions at political office bearers such as "Districtraad and Ressortraad" (members of the decentralization)
- Approve the United Nations Convention against Corruption.

MECHANISM FOR FOLLOW-UP ON

OEA/Ser.L

IMPLEMENTATION OF THE INTER-AMERICAN

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CONVENTION AGAINST CORRUPTION

09/09/09

Original: English

Committee of Experts

## STANDARD FORMAT

FOR THE PREPARATION OF THE PROGRESS REPORTS (ARTICLES 31 AND 32 OF THE RULES OF  
PROCEDURE AND OTHER PROVISIONS OF THE COMMITTEE)<sup>1</sup>

### SECTION I. PROGRESS IN THE IMPLEMENTATION OF THE RECOMMENDATIONS

#### **B. SECOND ROUND OF REVIEW**

### REPUBLIC OF SURINAME

Prepared by: Sharda Chandrikasingh LL.M, MBA

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<sup>1</sup> This format was adopted by the Committee at the Plenary Session held on June 29, 2007, within the framework of its Eleventh Meeting.

## **1. SYSTEMS OF GOVERNMENT HIRING AND PROCUREMENT OF GOODS AND SERVICES (ARTICLE III (5) OF THE CONVENTION)**

### **1.1. SYSTEMS OF GOVERNMENT HIRING**

#### **1.1.1. RECOMMENDATIONS MADE BY THE COMMITTEE**

Establish, maintain and strengthen the systems of government hiring of public servants, when applicable, that assure the openness, equity and efficiency of such systems.

In meeting this recommendation, the Republic of Suriname could take into account the following measures:

- a) Adopt, through the appropriate legislative and/or administrative procedures provisions that explicitly provide that government hiring into the public service entry is to be based on the principle of merit, through a competitive selection process.
- b) Establish regulations on staff recruitment on the manner to hold competitive examinations, including the methods for announcing vacancies and publishing selection requirements, in order to ensure that merit-based competitive examinations comply with principles of openness, efficiency, equity, legality, neutrality, equality and transparency.
- c) Adopt, through the appropriate legislative and/or administrative procedures, mechanisms that provide clearly defined criteria for the advertisement of hiring opportunities, and to ensure that when a public service position is open to the public, the appropriate Government authority is required to advertise it.
- d) Make the necessary changes so that the probationary employment system, as part of the selection process, is applied with uniform criteria throughout the public administration, in order to promote the principles of equity and efficiency as set out in the Convention.
- e) Take the necessary steps including the amendments of its legislation that it deems adequate in order provide an administrative and/or legal method of redress regarding appointments.
- f) Adopt a post classification manual as well as a clearly defined policy in order to regulate how the ranks of officials are determined, including those of new entry into the public service.
- g) Adopt provisions concerning those positions in the other branches of the Government not covered by the Staff Act (State Decree 1985, No. 41) , that explicitly provide that government hiring into all branches of Government and all Government agencies is to be made through a competitive selection process and based on the principle of merit, and develop that system.
- h) Design and implement, when appropriate, training and induction programs for those persons recently hired into public service.

### 1.1.2. ADOPTED MEASURES BY SURINAME:

In 2008 the public sector reform progressed further. Background info: the public sector started in 2005 with a management reform program (with assistance of the IDB) emphasizing the following components: **Civil Service Reform, Improvement of Civil Registry, Improvement of the Public Procurement System and Connectivity backbone and public sector e-readiness assessment.**

The general objective of the program is to assist the Government to redefine legal regulations and to technically strengthen the institutions related to civil service, civil registry and procurement in order to improve the efficiency, effectiveness and accountability of these public managerial systems. The program will support the adoption of new regulatory frameworks for the three systems in order to reshape their institutional incentives and help improve their outcomes. The program will also strengthen information systems to provide managers with better tools for policy design and administrative control. And lastly, the program will provide training for staff to cope with their responsibilities under the new regulations and systems, with view to enhance their performance. From June 23<sup>rd</sup> 2008 – September 13<sup>th</sup> 2009 a background paper has been prepared with input of all stakeholders to create mutual consensus. A direct connection between governments' offices was created and personnel of civil registry were trained. Awareness between stakeholders is created for strategy to be followed. External consultants assessed the civil registry system for modernization after which 10 scenarios has been prepared for improvement. The results of the public sector management are included in the preparations of the nation's new ICT policy.

For more detailed info seek their website [www.publicsectormanagement.org](http://www.publicsectormanagement.org) and/or <http://burgerzaken-sur.net/>

**In February, 2009** the ministry of home affairs finally (after 10 years of study and piloting) adopted a new automated civil service function system (FISO) applicable to all civil servants. Now, before appointed into a function a civil servant has to comply with the requirements set forth in clearly defined function criteria. Salary or any kind of extra income is interlinked to the function, the schooling/education and the criteria. <http://www.minbiza-sur.net>

Note: according to the personnel act (article one: "definitions") a civil servant is considered anyone who is long term employed by the government or who is short term contracted by the government.

## 1.2. GOVERNMENT SYSTEMS FOR THE PROCUREMENT OF GOODS AND SERVICES

### 1.2.1 RECOMMENDATIONS MADE BY THE COMMITTEE:

Strengthen systems for the procurement of goods and services by the government.

In meeting this recommendation, the Republic of Suriname could take into account the following measures:

a) Provide criteria for what constitutes the expression "in the national interest" used in Article 18 of the Compatibility act.

- b) Adopt legislation to regulate the authority that some public servants have to forego public tendering.
- c) Establish clear and objective criteria for the purposes of evaluating and awarding publicly awarded contracts.
- d) Implement guidelines or criteria that allow for an analysis as to whether the launch of a procurement process requires prior planning sufficiently in advance of the launch of procurement process, such as preparing studies, designs and technical evaluations, and to assess the appropriateness and timeliness of the purchase.
- e) Establish general standard contracting terms and conditions that are applicable to the various tendering and public purchasing modalities.
- f) Establish a centralized registry of contractors of works, goods or services, mandatory to all State bodies and dependencies, to foster the principles of openness, equity and efficiency provided for in the Convention, which would also include an appeal mechanism for those contractors who have been denied registration, so they would not be left without recourse.
- g) Implement a mechanism by legislative or administrative means to facilitate the exclusion and/or sanction of certain contractors for stipulated reasons, which would also include an appeal mechanism for those contractors who have been banned or included in the list, so they would not be left without recourse.
- h) Implement provisions so all bidders, including the unsuccessful ones, are notified of the results of the bidding process.
- i) Strengthen and expand the scope of use of other forms of publication, including electronic communications, such as the internet for advertising the tender opportunities, status of bids and awards and the progress in the execution of major projects.
- j) Develop and implement electronic procurement systems, so that the acquisition of goods and services may be carried out through those means.
- k) Implement specific provisions allowing for challenges to the procurement process at the administrative and judicial level, which detail the procedure to be followed by government entities in handling and responding to such challenges and appeals.
- l) Develop and implement a system of sanctions for government servants and employees who violate or fail to fulfill the principles and provisions contained in the General Provisions.
- m) Implement mechanisms responsible for the internal and external audit, control and oversight of the government procurement system and the monitoring of execution of contracts.
- n) Establish an independent body or authority responsible for the administration, control and oversight of the government procurement system.
- o) Implement provisions that facilitate the participation of citizen oversight mechanisms to monitor the execution of contracts where the nature, importance or magnitude so warrants, in

particular public works contracts, as well as mechanisms that would ensure access to information and develop accountability exercises so that citizens in general can exercise oversight over the administration's contract management.

p) Create a single procurement code that brings together all legal provisions applicable to the procurement of goods, works, and services by the government.

### 1.2.2 ADOPTED MEASURES BY SURINAME

- a) In national interests is considered a calamity of national concern; this is defined by an instruction of the vice president in 1996, approved at state resolution by the president.
- b) See note
- c) See note
- d) Suriname's procurement system is legally categorized as follows. Up to SRD 4000,- (US\$1430,-) is direct payment by the ministry's finance department after internal selection from 3 written quotation (requested either verbally or formally). Between SRD 4000-SRD 30000 contracting are subject to ORAG positive advice followed by approval of the council of ministers. One major criterion is the lowest in price out of minimal three quotations (requested formally with clearly specifications). The last category is more than SRD 30.000, where (public) local or international tendering is required. Contracting is subject to ORAG positive advice followed by approval of the council of ministers. This last category is divided into 2 phases. In the first phase a bidding document is prepared and in the second phase quotations are asked to execute this bidding document. (AWS 1996, see note and compatibility act)
- e) See note
- f) Only quotations are considered qualified if received from companies formally registered at Suriname's Chamber of Commerce. Important condition is that there registered duties comply with the requested specifications. If the Government chose for a central registry system of contractors of works, goods or services, mandatory to all State bodies and dependencies apart from the Chamber of Commerce's list, the possibility of favoring some companies might increase.
- g) See note and there is always appeal possibility by the judge.
- h) This is yet a service not legally required to perform for the relevant ministry. If however the unsuccessful bidder verbally asks the permanent secretary of a ministry for the reason of his deselecting he receives the answer verbally; if still not satisfied he may request a formal explanation which he also receives formally.
- i) Is already available at some ministries if bidding amount exceeds SRD 30000,-
- j) Not yet available or in process
- k) See note
- l) The personnel act defines this as neglect of duty ("plichtsverzuim") that can be sanctioned by dismissal, resignation or transfer.
- m) Internal control is performed by each ministry's internal control department. The head of the internal is allowed to step in any time in any department within his ministry and request for any document to view and test on followed legal procedures. Every six months the CLAD performs its external control per ministry followed by a management letter to the minister cc the Central Audit office. In this management letter every financial related act which is considered non legal is reported and advice for correcting is provided.
- n) Up until now the CLAD is performing these acts, however not yet seen as a oversight body but as a control and advice service.

- o) When contractual obligations are performed and money is requested, payment is subject to approval by the relevant department of successfully performing. This approval is formally submitted to the finance department.
- p) See note

Note: Suriname noticed that not yet all regulations regarding their systems for the procurement of goods and services has been provided to the MESICIC. Therefore all legislation important for the procurement in Suriname is provided for in this page. We request a second opinion of the MESICIC after their review.

**Laws & governmental decrees:**

<b>G.B. 1956 no. 30 dato 1956-04-06 ; bouwverordening</b>
This law provides the basic framework for governmental regulation of the construction sector. All building plans are subject to governmental approval, and are evaluated in accordance with the rules & regulations specified in S.B. 1956 no.108 (bouwbesluit). However, the law limits itself to the area of the city of Paramaribo, with the possibility of extension to other area's.
download: <a href="#">word</a> (23 Kb)
<b>G.B. 1972 no. 96 dato 1972-07-21 ; stedbouwkundige wet</b>
This law provides the regulation for town planning and land development. The government will provide "structuurplans" and "bestemmingsplans", and all land development must be carried out in accordance with these plans. However, the government has until 2003 NEVER made any such plans, so the law is a dead letter and cannot function.
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<b>S.B. 1981 no.145 dato 1981-09-15 ; Wet vergunningen bedrijven en beroepen</b>
This decree states, that the government can decide to obligatory license a certain profession. The professions that are subject to licensing (a.o. architect, contractor, and engineer) are specified in S.B. 1981 no.147 and S.B. 1985 no. 40. Standards for licensing differ per profession. The standards for the architect's profession are specified in AVB. 1996 no. 68.
download: <a href="#">word</a> (33 Kb)
<b>S.B. 1996 no. 16 dato 1996-03-13 ; wet brandweer Suriname</b>
Fire department law

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**S.B. 2002 no. 72 dato 2002-09-05 ; wet behoud van monumenten en stads- en dorpsgezichten**

Law concerning the preservation of monuments & historic city shapes.

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**Governmental resolutions:**

**G.B. 1956 no.108 dato 1956-11-26 ; bouwbesluit**

Rules & regulations for obtaining a building licence. Only building plans within the area where the "bouwverordening" is in effect, are subject to licensing.

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**G.B. 1957 no. 67 dato 1957-08-26 ; wijziging en aanvulling bouwverordening 1956**

addendum to S.B. 1956 no.30 (bouwverordening); mainly correction of typographic mistakes

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**G.B. 1970 no. 67 dato 1970-06-13 ; uitbreiding werkingsfeer bouwverordening**

addendum to S.B. 1956 no.30 (bouwverordening) and S.B. 1956 no. 108 (bouwbesluit). The "bouwverordening" and "bouwbesluit" come into force in certain areas outside Paramaribo. Building plans within these areas are now subject to licensing.

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**S.B. 1981 no. 26 dato 1981-03-13 ; aanwijzing woongebied district Nickerie**

In this decree, the an area of Nickerie is given the status of "woongebied". This status is defined by S.B. 1972 no.96 (stedebouwkundige wet) and S.B. 1956 no.30 (bouwverordening). All building plans within the area are now subject to licensing.

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**S.B. 1981 no.147 dato 1981-09-15 ; besluit vergunningsplichtige bedrijven en beroepen**

This resolution lists all professions that are subject to licencing (among others: architect, engineer, contractor).

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**S.B. 1985 no. 40 dato 1985-05-15 ; uitbreiding besluit vergunningsplichtige bedrijven en beroepen**

first addendum to S.B. 1981 no.147 (besluit vergunningsplichtige bedrijven). More professions are added to the list.

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**S.B. 1993 no. 51 dato 1993-06-14 ; uitbreiding besluit vergunningsplichtige bedrijven en beroepen**

second addendum to S.B. 1981 no.147 (besluit vergunningsplichtige bedrijven). More professions are added to the list.

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**S.B. 2001 no. 74 dato 2001-10-31 ; aanwijzing historische binnenstad en instelling Bouwcommissie**

In this decree, the inner city of Paramaribo is given a special protected status. All building plans are subject to the normal evaluation procedure according to S.B. 1956 no.108 (bouwbesluit), but must also comply with a set of special architectural design rules specified in AVB. 2003 no. 34, to be evaluated by a special committee, the "bouwcommissie".

The decree is now in full effect. The bouwcommissie has been appointed, and the design rules have been officially published in april 2003.

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**S.B. 2002 no. 93 dato 2002-11-08 ; wijziging bouwbesluit**

addendum to S.B. 1956 no.108 (bouwbesluit). All building plans must be submitted by a licensed architect, with the exception of dwellings with a floor area less than 100 m<sup>2</sup>.

download: [word](#) (16 Kb)

**Ministerial decrees:**

**AVB. 1996 no. 68 dato 1996-09-13 ; normen opleiding en vakbekwaamheid architect**

This ministerial decree specifies standards for the architect's profession. Basically, to obtain a licence, one must be a MSC with 3 years of experience, or a BSC with 5 years of experience. All applications are evaluated by a licencing committee. This committee must also maintain a public register of licensed architects.

The decree is only partially in effect, as the licensing committee has not yet been appointed and the public register not yet established.

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**AVB. 2003 no. 34 dato 2003-04-29 ; bijzondere eisen bouwplannen historische binnenstad**

architectural design rules for new buildings in the historic inner city of Paramaribo.

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**Standard general conditions:**

**AR 1971 (ongewijzigde herdruk maart 1988)**

**Algemene regelen voor de honorering van de architect en de verdere rechtsverhouding tussen opdrachtgever en architect 1971**

Rules concerning the legal relationship between architect and client, and the architect's fee.

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**VBS 1971**

**voorschriften voor de uitvoering en de bouwstoffen behorende bij bestekken voor bouwkundige werken in Suriname 1971**

Standards for the technical execution of works and quality of construction materials

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**ABS 1975**

**Algemene bepalingen voor de uitvoering en de aanbesteding van werken onder beheer van het departement van Openbare Werken en Verkeer in Suriname.**

Standards for the procurement of works and the administrative execution of works.

The following standards have not yet come into effect, but will very soon replace the AR 1971 and ABS 1975. They have been published in the booklet "Spelregels voor de bouw" (ministry of Public Works, 1996). They are already in use in daily practice and jurisprudence:

**AWS 1996**  
**aanbestedingsreglement voor werken in Suriname 1996**

Standards for the procurement of works

download: [word](#) (121 Kb)

**UWS 1996**  
**uitvoeringsvoorwaarden voor werken in Suriname 1996**

Standards for the administrative execution of works.

download: [word](#) (135 Kb)

**ADS 1996**  
**aanbestedingsreglement voor diensten in Suriname 1996**

Standards for the procurement of services

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**ARS 1996**  
**Algemene regelen voor de honorering van de architect en de verdere rechtsverhouding tussen opdrachtgever en architect in Suriname 1996**

Rules concerning the legal relationship between architect and client, and the architect's fee.

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## **2. SYSTEMS FOR PROTECTING PUBLIC SERVANTS AND PRIVATE CITIZENS WHO, IN GOOD FAITH, REPORT ACTS OF CORRUPTION (ARTICLE III (8) OF THE CONVENTION)**

### **2.1. RECOMMENDATIONS MADE BY THE COMMITTEE**

In light of the comments made in the above-noted section, the Committee suggests that The Republic of Suriname considers the following recommendation:

- Adopt a comprehensive legal and regulatory framework that provides protection for public servants and private citizens who, in good faith, report acts of corruption, including protection of their identities, in accordance with its Constitution and the basic principles of its domestic legal system.

In meeting this recommendation, the Republic of Suriname could take into account the following measures:

a) Protection for public servants and private citizens who in good faith report acts of corruption, which may be subject to investigation in administrative or judicial proceedings.

b) Measures to protect not only the physical integrity of whistleblowers and their families, but also to provide protection in the workplace, especially when the person is a public official and the acts of corruption involve his superior or co-workers.

c) Mechanisms for reporting, such as anonymous reporting or protection of identity reporting, that guarantee the personal security and the confidentiality of the identity of public servants and private citizens who in good faith report acts of corruption.

d) Mechanisms to report any threats or reprisals against whistleblowers, stating the appropriate authorities to process protection requests and the bodies responsible for providing it.

e) Witness protection mechanisms that provide the same guarantees to both public servants and private citizens;

f) Mechanisms that facilitate international cooperation on the foregoing matters, when appropriate, including the technical assistance and cooperation provided for by the Convention, as well as the exchanges of experiences, training, and mutual assistance.

g) A simple whistleblower protection application process.

h) Provisions which sanction the failure to observe the rules and/or duties relating to protection, stating the appropriate authorities to process protection requests and the bodies responsible for providing it.

i) The respective competence of judicial and administrative authorities with respect to whistleblower protection, clearly distinguishing one from the other.

### **2.2 ADOPTED MEASURES BY SURINAME:**

Suriname does not have a witness protection program. Also whistle blowers and/or their families cannot be legally protected. However it's criminal code provides for the possibility of a witness to remain secret if by reporting he will be impede when executing his duties.( artikel 177 lid 2 SV "Wetboek van Strafvordering" (SB 2002 no. 70). The population of the Suriname society (500.000) might be too small for an effective witness protection program. If not related by blood, people are either related by community, ex-community, schools attended, work environment, (ex) love affairs and so more. In cooperation with a neighboring country a solid protection program can be developed.

### **3. ACTS OF CORRUPTION (ARTICLE VI OF THE CONVENTION)**

#### **3.1. RECOMMENDATIONS MADE BY THE COMMITTEE**

In light of the comments made in the above-noted section, the Committee suggests that the Republic of Suriname consider the following recommendations: Modify and/or complement the Criminal Code, in order to expand the coverage to meet the requirements of Article VI.1 of the Inter-American Convention against Corruption. To comply with this recommendation, the Republic of Suriname could take the following measures into account:

- a) Article 427 of the Criminal Code, could be complemented so as to include the elements "solicit," "directly or indirectly", modify the elements "gift or promise" with "any benefit such as a favor or advantage," include that the benefit can be for himself or for a third party, and modify or replace the conditional term "contrary to its obligations," allowing for the inclusion of conducts carried out in the performance of duties.
- b) Article 229 of the Criminal Code could be complemented so as to include the elements "offering," "directly or indirectly", modify the elements "gift or promise" with "any benefit such as a favor or advantage," include that the benefit can be for himself or a third party, and modify or replace the conditional term "contrary to its obligations," allowing for the inclusion of conducts carried out in the performance of duties.
- c) Article 430 of the Criminal Code could be complemented so as to modify the element "payments" for "any benefit such as a favor or advantage," and include that the benefit can be for himself or for a third party.
- d) Criminalize, in its Criminal Code, the conduct of an accessory after the fact, as well as the co-author or accomplice, instigator, and the conspiracy of two or more persons to commit a crime, for the purposes referred to in paragraph e) of Article VI.1. of the Convention.
- e) Study the possibility of amending the legislation in place, in particular the Criminal Code, so that the definition of public servant is expanded to include those private citizens who perform public functions or who manage public funds in any capacity or form.

#### **3.2. ADOPTED MEASURES BY SURINAME:**

All these recommendations are adopted in the new draft of the Anti-corruption act.  
Up until now the status of this act is as follows:

- 1ste draft submitted to the National Assemble, 2008

- 1ste draft commented by the National Assemble and returned for amendments, 2008
- Second draft prepared according to the comments of the National assemble and using the Inter American convention against corruption as a guideline, 2009

**SECTION II: DIFFICULTIES IN THE IMPLEMENTATION OF THE RECOMMENDATIONS (ONLY RESPOND TO THIS SECTION IF YOUR COUNTRY CONSIDERS IT NECESSARY)**

**B. SECOND ROUND OF REVIEW:**

The agenda of the national assemble starts its new office year (October 2009) with approving the yearly budgets per ministry. This as well as the upcoming elections in May 2010, might be causes for delay to get this act approved before 2010.

**SECTION III: OTHER PROGRESS IN THE IMPLEMENTATION OF THE CONVENTION**

**Measures taken through interaction with the UNDP:**

Signing in February 2009 by the Government of Suriname and the UNDP of the project document *“Support for Implementing the Policy Plan for Protection of Legal Rights and Safety- Legal Protection and Human Rights and Anti-Corruption 2008-2011”*;

The year plans for this document include the creation of awareness by public officials, political officials, the media and the private sector of the attraction of corruption followed by its negative impact on the person itself, its environment and its country. Teaching in the code of ethics is included as well as the formulation of a corruption prevention strategy plan for the country.

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##### **A. FIRST ROUND OF REVIEW**

#### **REPUBLIC OF SURINAME**

Prepared by: Sharda Chandrikasingh LL.M, MBA

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<sup>2</sup> This format was adopted by the Committee at the Plenary Session held on June 29, 2007, within the framework of its Eleventh Meeting.

**1. STANDARDS OF CONDUCT AND MECHANISMS TO ENFORCE COMPLIANCE (ARTICLE III, PARAGRAPHS 1 AND 2, OF THE CONVENTION)**

**1.1. CONFLICTS OF INTEREST**

**1.1.1. RECOMMENDATIONS MADE BY THE COMMITTEE:**

- a) Ensure that government officials and employees in all three branches of government, including those who hold political office, are covered by an applicable conflict of interest regime.
- b) Implement, as appropriate, conflict of interest provisions which specify disqualifications and incompatibilities applicable, before, during, and for a reasonable period of time after government officials leave public service.
- c) Strengthen, complement and update the standards governing the conduct of public servants in general, including those provisions designed to prevent conflicts of interest, without prejudice to systems intended for specific sectors, whose particular nature might require specialized treatment.
- d) Create or strengthen mechanisms to ensure that no appointments are made in breach of the rules in force on ineligibility and incompatibility in public service.
- e) Create and implement mechanisms to determine, in concrete cases, if a person who performs public functions is in a situation of conflict of interests, and, at the same time, adopt measures necessary to protect public interests, such as dissociation from the exercise of their functions, withdrawal from official involvement in the matter, relinquishment of the private interests in conflict, or nullity of any decisions adopted by a person in such a position.
- f) Establish suitable restrictions for persons leaving public service, such as a prohibition preventing their involvement for a reasonable period in any official matters in which they might have engaged by virtue of their office or with institutions with which they might have been recently connected in the performance of their official duties.

**1.1.2. ADOPTED MEASURES BY SURINAME:**

Not available in 2007-2008; see progress in 2008-2009

**1.2. STANDARDS OF CONDUCT AND MECHANISMS TO ENSURE THE PROPER CONSERVATION AND USE OF RESOURCES ENTRUSTED TO GOVERNMENT OFFICIALS**

**1.2.1. RECOMMENDATIONS MADE BY THE COMMITTEE:**

That the Suriname consider strengthening and updating systems of control and use of resources within the public administration, by developing enforceable standards applicable to all public officials and employees that make it a duty to conserve and make proper use of the resources entrusted to them in the performance of their functions.

**1.2.2. ADOPTED MEASURES BY SURINAME:**

Not available in 2007-2008; see progress in 2008-2009

### **1.3. MEASURES AND SYSTEMS REQUIRING GOVERNMENT OFFICIALS TO REPORT TO APPROPRIATE AUTHORITIES ACTS OF CORRUPTION IN THE PERFORMANCE OF PUBLIC FUNCTIONS OF WHICH THEY ARE AWARE**

#### **1.3.1. RECOMMENDATIONS MADE BY THE COMMITTEE:**

That Suriname consider adopting mechanisms specifically requiring public servants to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware. To implement this recommendation, the Republic of Suriname could adopt the following measures:

- (a) Bearing in mind the existing legislative initiative, establish further mechanisms and systems that require public servants to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware.
- (b) Adopt and implement protection measures for public servants who report acts of corruption in good faith, so as to provide them with assurances against any threats or reprisals that they might incur as a result of performing their duty in that regard.

#### **1.3.2. ADOPTED MEASURES BY SURINAME:**

Any act of crime (including corruption) can be reported anonymously to the police through mail. If evidence is included then the police start with an investigation provided that reporting is not subject to legal limitations. [www.korps-politie-suriname.com](http://www.korps-politie-suriname.com)

Another possibility is created through the formalization of a Registration Office for Police Conduct. (MPO) Under the supervision of the Minister of Justice and Police, this office registers every reported un- lawful behavior or misconduct done by a police officer. The office reports the misconduct to the Minister of Justice and Police who submits it to the Attorney General's Office who can start with an investigation provided that report is not legally limited and the act is considered a crime according to our criminal code. [www.juspolsuriname.org](http://www.juspolsuriname.org)

## **2. SYSTEMS FOR REGISTERING INCOME, ASSETS AND LIABILITIES (ARTICLE III, PARAGRAPH 4, OF THE CONVENTION)**

#### **2.1. RECOMMENDATIONS MADE BY THE COMMITTEE:**

That the Republic of Suriname consider adopting standards to strengthen the systems for registering income, assets, and liabilities and, where appropriate, for making such registrations public. To comply with this recommendation, the Republic of Suriname may wish to take into account the following measures:

- (a) Implement specific standards, taking into account the existing legal initiative, including reasonable time limits and circumstances for periodic filing of up-to-date disclosures of income, assets, and liabilities by persons who perform public functions in certain posts as specified by law, including sanctions for those that do not comply with the requirement to furnish such declarations. These systems for registering income, assets and liabilities by persons who perform public functions would constitute an instrument for preventing and detecting conflicts of interest and illicit acts or activities.

- (b) Once implemented, use the systems for registering income, assets and liabilities as an instrument for preventing and detecting conflicts of interests and illicit acts or activities.
- (c) Regulate the conditions, procedures and other relevant aspects as regards making disclosures of income, assets, and liabilities public, as appropriate, in accordance with the laws in force.

## 2.2. ADOPTED MEASURES BY SURINAME:

All income of the Government comes through deposits on accounts at the Central bank of Suriname, so registration can be seen on account statements. Condensed balance sheet are weekly published by the Central bank on their website [www.cbvs.sr](http://www.cbvs.sr) Mandatory reporting is done weekly to the Auditor's Office. (Bank Act, 1956 amended 2005)

Tangible assets are divided into Buildings and Plots. Buildings are registered at the general affairs department at each ministry and yearly reported to the Central National Accountants Agency (CLAD); Plots are registered by the ministry of Zoning, Plot and Forest control, and is reported to CLAD.

Liabilities are registered by the Ministry of Finance (office of Gov't debt) and mandatory reported to the Auditor's Office which is responsible for testing the legitimacy of the liability to the State's budget limit and the auditor's office includes these in their annual reports. [www.minfin.sr](http://www.minfin.sr)

As per January 1<sup>st</sup>, 2008 the Government of the Republic of Suriname implemented an automated system named BUCS (Budget Executing and Controlling System) in which payments per Ministry can only be approved through a password protected entry system. The administrative process prior to the approval is also password protected. Only those public servants are given each a password if their formal tasks include this financial administration process. The Head of the financial department and his supervisor are the only two persons per Ministry with the master password. For every entry and data input into this system the name, date and administrative action of the password owner is registered. Approved Payments per Ministry are reviewed and controlled by each ministry's internal control department. This BUCS system is developed with technical assistance of the Ministry of Finance of the Netherlands, delivered by a local firm and civil servants received intensive training in the use of it. Although it is an improvement on the manual executed system and it prevents acts of corruption, still the system is under construction, because monthly reports only shows the total on approved payments per ministry and not the divisions of these totals by department, subject or password owner, so it is a time consuming act to produce this data. A Permanent Secretary (being the highest administrative public official in rang according to our Laws) does not yet have access into this system. His information is subject to that what is reported to him by his Finance Directorate. The Inter American Development Bank (IDB) is willing to provide technical assistance in reviewing the BUCS and to provide a loan (US\$ 500,000) to purchase a server with more capacity.

As per January 1<sup>st</sup>, 2007 the actual payments per ministry, which is done by the Central Payment office, is also done through BUCS and is password protected. However the system is not equipped to provide Management data. Payments are reported to the Central Budget Bookkeeping Office, which is responsible for the central bookkeeping and preparing the annual accounts per Ministry.

Registration of payment, however, is still done manually in a password protected excel sheet. Cross checking of the actual payments is done through received monthly account statements from the Central bank of Suriname.

### **3. OVERSIGHT BODIES FOR THE SELECTED PROVISIONS (ARTICLE III, PARAGRAPHS 1, 2, 4, AND 11, OF THE CONVENTION)**

#### **3.1. RECOMMENDATIONS MADE BY THE COMMITTEE:**

That the Republic of Suriname consider strengthening the functions of, and where appropriate, create oversight bodies that enforce compliance with the matters covered by the provisions of Article III, paragraphs 1, 2, 4 and 11 of the Convention; provide them with the necessary resources to enable them to carry out their functions in full; and establish mechanisms necessary to permit effective institutional coordination, as well as periodic evaluation and monitoring, of the measures they adopt.

#### **3.2. ADOPTED MEASURES BY SURINAME:**

As mentioned before the Central National Accountants Agency (CLAD) and the Auditor's Office are responsible for auditing and overseeing the government's budgetary and financial management.

The CLAD is an autonomous parastatal (semi-gov't) organization that is placed under jurisdiction of the permanent secretary of the Ministry of Finance (MOF). The CLAD is responsible for auditing the government and state-owned enterprises. The audit controls assesses the effectiveness of management performance as well as examines the validity of financial accounts and annual financial statements. The CLAD reports to the MOF and is an instrument of accountability within the executive.

The Auditor's Office (Rekenkamer) is an independent body that was established by government decree (No. 26) in 1953 to address issues of accountability. It is responsible for: (a) assessing the control mechanisms, functions and performance of the entire executive branch of government; and (b) advising on the effectiveness, efficiency, and accountability of government policies and practices. The Auditor's Office reports mainly to the National Assembly, and hence is an instrument of external accountability. According to law the Auditor's Office must present an evaluation of the government's financial management to the National Assembly every April. The President appoints the board and chairman of the Auditor's Office, on the recommendation of the National Assembly.

In theory, the reporting chain is that the Central Budget Bookkeeping Office (CBB) and state enterprises provide annual financial statements to the CLAD, which audits them. The CLAD then submits an opinion on the government's or enterprise's accounts to the MOF, with a copy to the Auditor's Office. The Auditor's Office sends comments on the CLAD's report back to the MOF, when then submits the reports to the National Assembly.

### **4. MECHANISMS TO ENCOURAGE PARTICIPATION BY CIVIL SOCIETY AND NONGOVERNMENTAL ORGANIZATIONS IN EFFORTS TO PREVENT CORRUPTION (ARTICLE III, PARAGRAPH 11, OF THE CONVENTION)**

#### **4.1. RECOMMENDATIONS MADE BY THE COMMITTEE**

##### **A. On General participation mechanisms:**

No recommendations are formulated by the Committee in this section.

**B. On mechanisms for access to information:**

- a) Establish an enforceable access to government information system.

In meeting this recommendation, the Republic of Suriname may wish to take into account the following measures:

- i. Establish clear written standards as to the types of information that will be provided under the system.
  - ii. Establish standards recognizing the right of all persons to request information or to consult or obtain copies of documents in the possession, or under the control of public institutions concerning official actions, except for legally protected cases.
  - iii. Develop and regulate the processes through which requests are received in order to respond to them on a timely basis, for appeals in cases where requests are denied, and establish sanctions in the event of failure to comply with the obligation to furnish information.
- b) Establish a requirement that all government entities, to the extent practicable publicize their procedures, results, and other relevant information through the use of such communication methods as publications, dissemination centers, mass media and Internet web sites.

***C. Mechanisms for consultation***

- a) Establish formal consultation mechanisms to enable civil society and non-governmental organizations to provide opinions and proposals to be taken into account for the prevention of corruption.
- b) Design and implement programs to publicize the consultation mechanisms and, when appropriate, to train and to provide the necessary tools to effectively implement such mechanisms.

**D. Mechanisms to encourage participation in public administration**

- a) Develop, taking into accounts its system of laws, standards and procedures to establish, maintain and strengthen mechanisms to encourage participation by civil society and nongovernmental organizations in public policy and decision making processes as part of the efforts to prevent corruption.
- b) Design and implement specific programs to publicize mechanisms to encourage participation in public administration and, as appropriate, provide the necessary training and tools for the effective implementation of those mechanisms.

**E. Mechanisms for participation in the follow up of public administration**

Establish laws and mechanisms to encourage civil society and nongovernmental organizations to participate in the follow up of public administration and generate opinions and proposals to be taken

into account in preventing, detecting, investigating and punishing corruption. In meeting this recommendation, the Republic of Suriname may wish to take into account the following measures:

- i. Develop laws and mechanisms to allow, facilitate, and assist civil society and nongovernmental organizations to develop activities in the follow up of public administration and prevent corruption.
- ii. Design and implement specific programs to publicize the mechanisms for encouraging participation in the follow up of public administration.
- iii. Regulate the procedure for handling written petitions submitted to the competent government authorities as required by Article 22 of the Constitution.

#### **4.2 ADOPTED MEASURES BY SURINAME**

The importance of including NGO's in policy executing is recognized by the Government in their Multi Annual Policy Plan 2005-2010. However the purpose or the entity form of NGO's are not yet legally defined in Suriname nor are criteria for a NGO clearly defined. Formal registration is done as a foundation, which is however legally defined as a non-profit entity. And in reality not all foundations can be qualified as NGO's, making the selection process time consuming, because disqualified foundations should first be identified. In Suriname nearly 75 % of NGO projects are donor financed so procurement is done according to international procurement standards; mechanisms are developed by these donors in the project document or in operational guidelines and information is accessible through donor websites. When dealing with NGO's Suriname adopted the applicable international tools and used in their Tor's for NGO's projects these criteria and/or qualifications.

Legislation is being developed to define and structure of the NGO sector. Surprisingly, NGO's seems to be the ones reluctant to cooperate in regulating and standardizing this sector. Lot of time and money is given into train the trainers programs for NGO's. [www.plos.sr](http://www.plos.sr)

Some ministries have long term (one-year) contract with NGO's, enabling them to provide their opinions on draft policy proposals.

In September 2008, scheduled for till June 2011 Suriname started, with funding from the EU (1.7 million euro), with the implementation of a project to strengthen the NGO sector in Suriname named "SURINAME NGO INSTITUTIONAL STRENGTHENING PROGRAMME" (SNIS)

Project purpose is to:

1. improve the capability of NGO-networks and NGO-platforms to participate fully in dialogue with the Governmental Organizations and other Non-State Actors on broad advocacy issues, legislative issues, human rights discussions and Suriname's national policies.
2. To develop the NGOs and Community based organizations (CBOs) capability to take part in the implementation of Suriname's Development Process.

The SNIS is implemented by the Government of Suriname and represented by the Ministry Planning and Development. Cooperation and financed by the European Commission.

**For more details visit [www.suriname.ngo.strenghtening.org](http://www.suriname.ngo.strenghtening.org)**

## **Civil Society**

In August 2008, the control of the car inspection, that for decades has been a privilege of the Police department, is privatized and entrusted to a Civil Society Organization. [www.juspolsuriname.org](http://www.juspolsuriname.org)

## **5. ASSISTANCE AND COOPERATION (ARTICLE XIV OF THE CONVENTION)**

### **5.1. MUTUAL ASSISTANCE**

#### **5.1.1. RECOMMENDATIONS MADE BY THE COMMITTEE:**

- a. Design and implement a comprehensive program for informing competent authorities and public servants on provisions related to mutual legal assistance provided for in the Inter-American Convention Against Corruption and in other treaties signed by the Republic of Suriname.
- b. Disseminate to the competent authorities of those countries with which the Republic of Suriname maintains close or ongoing mutual cooperation relations, the requirements which must be fulfilled in preparing petition requests, as well as the documentation that should be attached.

#### **5.1.2 ADOPTED MEASURES BY SURINAME:**

In June 2007, Suriname and the OAS signed an MOU to execute a project to support implementation of the recommendations from the committee of experts of the follow up mechanism for implementation of the Intern American convention against corruption.

### **5.2. MUTUAL TECHNICAL COOPERATION**

#### **5.2.1. RECOMMENDATIONS MADE BY THE COMMITTEE:**

- i. Review comprehensively the specific areas in which the Republic of Suriname might need or could usefully receive mutual technical cooperation to prevent, detect, investigate, and punish acts of corruption; and that based on this review, a comprehensive strategy be designed and implemented that would permit the Republic of Suriname to approach other States Parties and non-parties to the Convention and institutions or financial agencies engaged in international cooperation to seek the technical cooperation it needs.
- ii. 5.2.2. Promote the efforts of technical cooperation exchange with other State Parties on the effective ways and methods to prevent, detect, investigate and punish acts of corruption.

#### **5.2.2 ADOPTED MEASURES BY SURINAME:**

In 2008 an International consultant, contracted by the UNDP, prepared with input of all relevant stake holders a project document *“Support for Implementing the Policy Plan for Protection of Legal Rights and Safety- Legal Protection and Human Rights and Anti-Corruption 2008-2011”*

In February 2009 the Government of Suriname and the UNDP agreed to implement this project document by signing it.

In July 2009 the UNDP, in mutual consent with the Government of Suriname, contracted a consultant to manage the implementation of this project document.

The year plans for this document include the creation of awareness by public officials, political officials, the media and the private sector of the attraction of corruption followed by its negative impact on the person itself, its environment and its country. Teaching in the code of ethics is included as well as the formulation of a corruption prevention strategy plan for the country.

NATIONAL PROGRESS REPORT for the 15<sup>th</sup> MESICIC meeting

COUNTRY : SURINAME

PERIOD: 2008-2009

Prepared by: Sharda Chandrikasingh LL.M, MBA

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**Preventive measures:**

- Transparency of all customs documents or fines is enabled by placing them on the website [www.suriname.nu/douane](http://www.suriname.nu/douane)
- Transparency of all immigration related applications, forms and procedures as well as payments is enabled by enabling website access [www.juspolsuriname.org](http://www.juspolsuriname.org) (2008)
- The use of BUCS (*Budget Executing and Controlling System*), a software installed for monitoring all Government's payments per Ministry, 2008
- In February, 2009 the Ministry of home affairs finally (after 10 years of study and piloting) adopted a new automated civil service function system (FISO) applicable to all civil servants. Now, before appointed into a function a civil servant has to comply with the requirements set forth in clearly defined function criteria. Salary or any kind of extra income is interlinked to the function, the schooling/education and the criteria. <http://www.minbiza-sur.net>

**Measures regarding Government Property:**

General Land Registration Act is approved by the National Assemble enabling the automated registration, issuing, monitoring and controlling of Government and Private owned plots, September 2009.

**Measures regarding domestic Law:**

**Anti-Corruption Act:**

- First draft (new) anti-corruption act presented and commented by Parliament, 2008
- Second anti-corruption act drafted in compliance to the Inter-American convention against Corruption, 2009
- Second anti-corruption act presented to Parliament, 2009

**The Act on Supervision and control (on e.g. the issuing of permits) for Casinos or other Hazard** is approved by Parliament and ratified by the President, giving power to a Gaming board to act independently when supervising, 2008.

**The authority of the office for police conduct** is formally expanded, making the citizen's complaints against any wrongdoing done by a police officer easier to register, supervise and monitor (2008)

**Law Enforcement:**

Former minister of Justice and Police, a partner of the current coalition, served during a previous term, is brought to trial and subsequently sentenced to a 1 year prison sentence for money laundering in 2009.

Former minister of Public Works, an official of the current coalition, served during a previous term, is brought to trial and subsequently sentenced to a 1.5 year prison sentence for corruption in 2008.

**Other measures:**

The Central bank of Suriname kept the exchange rates unified into a single market-determined rate.

The car inspection department, that for decades has been a privilege of the Police department, is in August 2009 privatized and trusted to a Civil Society Organizations.

**Measures taken through interaction with the UNDP:**

The Government of Suriname and the UNDP signed the project document *“Support for Implementing the Policy Plan for Protection of Legal Rights and Safety- Legal Protection and Human Rights and Anti-Corruption 2008-2011”*, February 2009.

The year plans for this document include the creation of awareness by public officials, political officials, the media and the private sector of the attraction of corruption followed by its negative impact on the person itself, its environment and its country. Teaching in the code of ethics is included as well as the formulation of a corruption prevention strategy plan for the country.