

NATIONAL PROGRESS REPORT for the 16<sup>th</sup> MESICIC meeting

COUNTRY : SURINAME

PERIOD: September 2009 - march 2010

Prepared by: Sharita Baldeorai, LL.M

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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). **In this regard a new concept of the act regarding "immigrants" the so called "vreemdelingenwet" has been prepared by the ministry of justice and police and is sent to the Council of Ministers for approval.**
- 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.

Based on the project document, UNDP is committed to assist the Government to combat corruption through the provision of technical support for the training of key anti-corruption officials; the development of awareness strategies for Parliamentarians, Government Officials and the general public; and support for ratifying and operationalizing the UN Convention Against Corruption. To integrate the policies of all Ministries, inter-ministerial cooperation was deemed crucial. The first training regarding anti – corruption (for the media) will start on 29 th of march. With respect to anti-corruption, the project will support the review of existing legislation, protections and practices; institutional and capacity development needs; and will enhance appropriate monitoring and management processes through public education and awareness.

On the 9<sup>th</sup> December 2009, the day that has been designated by the United Nations as an International Anti-Corruption Day, both the Ministry of Justice and Police and the UNDP in conjunction with their mutual commitment to fight against corruption, made a press statement. This statement was made to emphasize the negative impacts of corruption and corrupt practices, the numerous studies that have demonstrated how corruption erodes the rule of law, weakens the performance of governments and public institutions, destroys public

trust in governance institutions, diminishes the practice of democracy, and that it turns the enemy of good governance. The theme for 2009 Anti-Corruption Day had been pointedly chosen to be: "Don't let corruption kill development".

Recently (February 1<sup>st</sup> 2010) the "Meldpunt Politie Optreden" (where police actions were registered) devolved in the "Meldpunt Rechtsbescherming en Veiligheid" ("Legal protection and Security").

The drafting of the act for a National Ombudsman's bureau had been finalized and sent to the council of ministers for approval. Suriname is soon establishing the "kinderombudsbureau".

In the year 2009 the General Secretariat of the OAS and the Office of the Attorney General of Suriname (executing agency) signed a MOU to carry out a technical cooperation Project intended to help Suriname implement the recommendations from the Committee of Experts of the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption concerning the provisions of the Inter-American Convention against Corruption selected for review in the framework of the first and second rounds of Review. In line with the purpose of the Project, a consultant was hired by the OAS to:

1. Prepare a Preliminary Draft Plan of Action to implement the recommendations, which will be submitted to the Executing Agency for approval and will specifically identify actions enabling Suriname to consider adopting the measures suggested by the Committee's reports with regard to each recommendation, and propose alternative measures to implement those recommendations if different measures are chosen after due consideration. The Preliminary Draft Plan of Action will be drafted according to the standard format
2. Obtain the Executing Agency's approval of the Preliminary Draft Plan of Action.

Once the Preliminary Draft Plan of Action has been approved by the Executing Agency, the consultant has to prepare a national workshop in order to discuss the Draft Plan of Action and to Implement the Inter-American Convention against Corruption. Efforts will be made to include as participants in the Workshop representatives of the entities, authorities, among them representatives of the legislative and judicial branches, civil society, the private sector and international cooperation agencies.

The Draft Plan of Action will then be published on the Executing Agency's web page or a web page made available by the State for that purpose, 30 days before the Workshop is held, so that the consultant may receive comments on the proposal. These comments will be reviewed in light of the Workshop results and taken into account when preparing the final version of the Plan of Action.

At last the consultant will produce a final report on the Workshop, summarizing the contributions of the various working groups on each measure recommended by the Committee. The report should include a

final list of participants. The report will be submitted to the Executing Agency for approval.

DRAFT

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. THIRD ROUND OF REVIEW**

**REPUBLIC OF SURINAME**

Prepared by: Sharita Baldeorai LL.M

**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:*

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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.

- 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 September 2009 reported by mrs. S. Chandrikasingh, LL.M, MPA):***

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. Adidas 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*
- m. *violate or fail to fulfill the principles and provisions contained in the General Provisions. 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** *\*(in September 2009 reported by Mrs. S. Chandrikasingh, LL.M, MPA):*

- 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 deselection 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.***

***I am drawing to the attention that Suriname requested a second opinion of the MESICIC after their review (I have been listening to all the comments on the reports of Venezuela, Ecuador and Mexico) .***

#### LAWS & GOVERNMENTAL DECREES:

##### **G.B. 1956 no. 30 dato 1956-04-06 ; bouwverordening**

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.

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##### **G.B. 1972 no. 96 dato 1972-07-21 ; stedbouwkundige wet**

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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##### **S.B. 1981 no.145 dato 1981-09-15 ; Wet vergunningen bedrijven en beroepen**

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.

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**S.B. 1996 no. 16 dato 1996-03-13 ; wet brandweer Suriname**

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 profesions 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 m2.

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**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

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

Standards for the administrative execution of works.

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##### **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 *\*(in September 2009 reported by Mrs. S. Chandrikasingh, LL.M, MPA):***

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 *\*(in September 2009 reported by mrs. S. Chandrikasingh, LL.M, MPA):***

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 Asseble, 2008
- 1ste draft commented by the National Asseble and returned for amendments, 2008
- Second draft prepared according to the comments of the National asseble 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 assembly 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.

## **C. THIRD ROUND OF REVIEW:**

**This Anti – corruption act has not yet been approved by the Parliament (National Assembly).**

Suriname is a constitutional democracy governed by a President, Vice President and the council of Ministers. **The Ministry of Justice and Police, as part of the Surinamese Government, is the executive branch institution, responsible for:**

- **overseeing the police;**
- **the policy on the judicial and prison system;**
- **among other, drafting justice-related legislation.**

**Hence so, the Ministry of Justice and Police also considered important to revise specific legislations. The Penal Code (“Wetboek van Strafrecht”) that particularly criminalize similarly criminal conducts has been revised and submitted to the Parliament for approval.**

**The Public Prosecutor (*Openbaar Ministerie*) is responsible for criminal prosecution. While having its own prosecution policy, it handles the investigation and preparation of criminal cases along with the Judicial Police. It also guides the police in matters of preventing, detecting and investigating punishable offenses.**

The national police force (*Korps Politie Suriname*) forms part of the Ministry of Justice and is responsible for handling matters of national security, immigration, and border patrol in collaboration with other security agencies. The national police force is divided into four departments: Judicial (which is further divided into intelligence, forensics, fraud, narcotics and investigations), General, Paramaribo and the Interior (which covers all areas other than Paramaribo).

Currently the prison system of Suriname is undergoing a new prison policy, in doing so, the revision of the “Code of the Penitentiaries and Prison System” (Wet Delinquentenzorg) in which is included the conduct of the prison worker, was needed. The Ministry of Justice and Police is now revising this code, including the ethics of integrity for the Penitentiary workers.

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

**Measures taken through interaction with the UNDP** \*(in September 2009 reported by mrs. S. Chandrikasingh,

**LL.M, MPA):**

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.

The Government of Suriname has recognized that transparent and accountable institutions and the elimination of corrupt practices are necessary for the social and economic development of Suriname. By ratification of the “Inter-American Convention against Corruption” Suriname has shown its commitment to do all within its legislative limits to prevent, detect, punish and eradicate corruption in the performance of public functions.

In order to reduce potential corrupt practices that in turn thwart socio-economic developments, and prevent citizens from accessing and enjoying their human rights it is necessary for Suriname to embark on activities that strengthen already ongoing initiatives in combating and preventing corruption, achieved through:

- (a) The provision of support to the Ministry of Justice in elaborating the modalities for establishing the Inter-Ministerial Steering Group on Anti-Corruption and an Ombudsman’s office.
- (b) Reviewing the Draft Anti-Corruption Bill and making recommendations based on other regional and international anti-corruption instruments.
- (c) The provision of legal education and sensitization on prevention of fraud and malpractices, and preventative methods regarding corrupt practices and their impacts on development. The Bureau for Prevention of Fraud and Anti-Corruption in direct collaboration with the Steering Group will be the key leading institutions.
- (d) The strengthening of the institutions responsible for preventing and detecting fraud and mal-practices, such as the Bureau for Customs, the Police, the Bureau for Police Conduct and the Judiciary through targeted interventions. This activity will produce needs assessment reports, capacity enhancement plans, and training and sensitization materials on anti-corruption.

Together with the Ministry of Justice and Police, UNDP is implementing the Human Rights, Access to Justice and Anti-Corruption project. This programme which will run for three years was signed by the Ministers of Justice and Police; Planning and Development Cooperation and UNDP. On 10<sup>th</sup> November 2009 the Project Board on Anti-Corruption was established by the Minister of Justice and Police. The Project Board has a monitoring, evaluating and coordinating role in the area of anti-corruption. The project board consists of the Ministries of Justice and Police, Planning and Development Cooperation; Foreign Affairs; Home Affairs; Finance; Agriculture, Animal Husbandry and Fisheries; Regional Development; Education; Trade and Industry; Public Works and UNDP. Also a Project team Anti – corruption was established.

Based on the project document, UNDP is committed to assist the Government to combat corruption through the provision of technical support for the training of key anti-corruption officials; the development of awareness strategies for Parliamentarians, Government Officials and the general public; and support for ratifying and operationalizing the UN Convention Against Corruption. To integrate the policies of all Ministries, inter-ministerial cooperation was deemed crucial. The first training regarding anti – corruption (for the media) will start on 29 th of march. With respect to anti-corruption, the project will support the review of existing legislation, protections and practices; institutional and capacity development needs; and will enhance appropriate monitoring and management processes through public education and awareness.

The beneficiaries of this training are indirectly the Surinamese society and for those public officials whose duties are more or less subject to possible corrupt practices. The general public should also be involved in Corruption prevention awareness through education and training campaigns, including informing them of their responsibilities under the Inter American Convention against corruption of the Organization of American States (OAS). Much attention for training will be given to the Media, Government officials, the private sector, officials responsible for policy implementation, curriculum developers, and members of civil society.

**Objective of the media training:**

Develop and deliver training for media practitioners (print, radio and television) in three (3) modules on the conventions, laws and regulations on anti- corruption, including awareness, prevention and work place practices. The participants will be provided with packaged training material on the OAS Inter- American Convention against Corruption, the UN convention against corruption, Suriname’s draft anti-corruption Act as well as methods and tools in order to better recognize corruption and promote public awareness.

On the 9<sup>th</sup> December 2009, the day that has been designated by the United Nations as an International Anti-Corruption Day, both the Ministry of Justice and Police and the UNDP in conjunction with their mutual commitment to fight against corruption, made a press statement. This statement was made to emphasize the negative impacts of corruption and corrupt practices, the numerous studies that have demonstrated how corruption erodes the rule of law, weakens the performance of governments and public institutions, destroys public trust in governance institutions, diminishes the practice of democracy, and that it turns the enemy of good governance. The theme for 2009 Anti-Corruption Day had been pointedly chosen to be: “Don’t let corruption kill development”.

Recently (February 1<sup>st</sup> 2010) the “Meldpunt Politie Optreden” (where police actions were registered) devolved in the “Meldpunt Rechtsbescherming en Veiligheid” (“Legal protection and Security”).

The drafting of the act for a National Ombudsman’s bureau had been finalized and sent to the council of ministers for approval. Suriname is soon establishing the “kinderombudsbureau”.

In the year 2009 the General Secretariat of the OAS and the Office of the Attorney General of Suriname (executing agency) signed a MOU to carry out a technical cooperation Project intended to help Suriname implement the recommendations from the Committee of Experts of the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption concerning the provisions of the Inter-American Convention against Corruption selected for review in the framework of the first and second rounds of Review. In line with the purpose of the Project, a consultant was hired by the OAS to:

3. Prepare a Preliminary Draft Plan of Action to implement the recommendations, which will be submitted to the Executing Agency for approval and will specifically identify actions enabling Suriname to consider adopting the measures suggested by the Committee's reports with regard to each recommendation, and propose alternative measures to implement those recommendations if different measures are chosen after due consideration. The Preliminary Draft Plan of Action will be drafted according to the standard format
4. Obtain the Executing Agency's approval of the Preliminary Draft Plan of Action.

Once the Preliminary Draft Plan of Action has been approved by the Executing Agency, the consultant has to prepare a national workshop in order to discuss the Draft Plan of Action and to Implement the Inter-American Convention against Corruption. Efforts will be made to include as participants in the Workshop representatives of the entities, authorities, among them representatives of the legislative and judicial branches, civil society, the private sector and international cooperation agencies.

The Draft Plan of Action will then be published on the Executing Agency's web page or a web page made available by the State for that purpose, 30 days before the Workshop is held, so that the consultant may receive comments on the proposal. These comments will be reviewed in light of the Workshop results and taken into account when preparing the final version of the Plan of Action.

At last the consultant will produce a final report on the Workshop, summarizing the contributions of the various working groups on each measure recommended by the Committee. The report should include a final list of participants. The report will be submitted to the Executing Agency for approval.