

MECHANISM FOR FOLLOW-UP ON THE  
IMPLEMENTATION OF THE INTER-AMERICAN  
CONVENTION AGAINST CORRUPTION  
Ninth Meeting of the Committee of Experts  
March 27 – April 1, 2006  
Washington, DC.

SG/MESICIC/doc.167/05 rev. 4  
31 March 2006  
Original: English

REPUBLIC OF SURINAME

FINAL REPORT

(Adopted at the March 31, 2006 plenary session)



**COMMITTEE OF EXPERTS OF THE MECHANISM FOR FOLLOW-UP ON THE  
IMPLEMENTATION OF THE INTER-AMERICAN CONVENTION AGAINST  
CORRUPTION**

**FINAL REPORT ON IMPLEMENTATION IN SURINAME OF THE CONVENTION  
PROVISIONS SELECTED FOR REVIEW IN THE FRAMEWORK OF THE FIRST  
ROUND<sup>1</sup>**

**INTRODUCTION**

**1. Legal-institutional framework<sup>2</sup>**

On November 25, 1975 Suriname obtained its independence after having been a colony of Holland for approximately 300 years. The official language is Dutch. Suriname is a democratic state, based on the sovereignty of the people and on respecting and guaranteeing the fundamental rights and freedoms. Suriname acknowledges and respects the international law of self-determination and national independence on the basis of equality, sovereignty and mutual interests.

The government of Suriname is based on the trias-politica doctrine or the separation of powers. The President is the head of state of Suriname, head of government, chairman of the State Council and of the Security Council. He is responsible to the National Assembly. The executive power rests with the President. Together with the Vice-President and the Council of Ministers, the President forms the government.

The political power rests with the people and is exercised in accordance with the Constitution. The political democracy creates the condition for the people's participation in general, as well as free elections by secret ballot to compose the people's representative organs of government.

The National Assembly represents the people of Suriname and expresses the sovereign will of the nation. The National Assembly is the highest body of the State and consists of 51 members, who are elected per district on the basis of general and free elections by secret ballot in accordance with the system of proportional representation by highest average and preference votes. The members of the National Assembly are directly elected for a term of office of five years. The democratic arrangement of Suriname comprises at the regional level lower government bodies, of which the function, the organization, the authorities and the procedure are laid down by law in accordance with the principles of participative democracy and decentralization of government and legislation. At the regional level there are two representative bodies, the district councils and the local councils. The district council is the highest political-administrative organ of the district, while the local council is the highest political-administrative organ of the area of jurisdiction. Pursuant to Article 70 of the Constitution, the legislature is jointly exercised by the National Assembly and the Government; and Article 80 provides that all bills passed by the National Assembly and approved by the President acquire force of law after promulgation.

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<sup>1</sup> This report was adopted by the Committee in accordance with the provisions of Article 3(g) and 26 of its Rules of Procedure and Other Provisions, at the plenary session held on March 31, 2006, at its ninth meeting, held at OAS Headquarters in Washington D.C., United States, March 27 to April 1, 2006.

<sup>2</sup> Response of Suriname to the questionnaire, Introduction.

The judiciary in Suriname is formed by the President and the Vice-President of the High Court, the members and the deputy members of the High Court, the Procurator-General of the High Court and the other members of the Public Prosecutions Department, as well as other judicial officers, as indicated by the law. The High Court is the highest authority of the Judiciary responsible for the administration of justice. The Court supervises the orderly conclusion of all judicial proceedings. The President, the Vice-President, the members and the deputy members of the High Court together form the judiciary responsible for the administration of justice.

The Public Prosecutions Department, to the exclusion of all other organs, is responsible for investigations and in charge of the prosecution of all offenses. The government determines the general prosecution policy. In the interest of national security the Government may give orders to the Procurator General with regard to the prosecution in concrete cases.

## **2. Ratification of the Convention and adherence to the Mechanism**

According to the official registry of the General Secretariat of the OAS, Suriname ratified the Inter-American Convention against Corruption on March 27, 2002, and deposited the respective instrument of ratification on June 4, 2002 at the 32<sup>nd</sup> regular meeting of the General Assembly of the OAS, in Bridgetown, Barbados.

In addition, Suriname signed the Declaration on the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption on June 4, 2002.

## **I. SUMMARY OF INFORMATION RECEIVED**

### **Response of the Republic of Suriname**

The Committee wishes to acknowledge the cooperation received from Suriname throughout the review process, which was evidenced, *inter alia*, in its response to the questionnaire and in the constant willingness to clarify or complete its contents.

For its review, the Committee took into account the information provided by Suriname up to August 20, 2005, and that requested by the Secretariat and the members of the review subgroup, to carry out its functions in keeping with its Rules of Procedure and Other Provisions.

No documents or data were received from civil society in accordance with Article 33 (b) of the Committee's Rules of Procedure.

## **II. REVIEW OF THE IMPLEMENTATION BY THE REPUBLIC OF SURINAME OF THE SELECTED PROVISIONS**

### **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. Existence of provisions in the legal framework and/or other measures and enforcement mechanisms**

Suriname has a set of standards of conduct, among which the following should be highlighted:

- Constitutional provisions applicable to the President and Vice-President, such as those found in Article 92, which establishes the requirements for eligibility for appointment as President or Vice-President, and provides, *inter alia*, that a candidate must not have acted in violation of the Constitution; Article 94, which provides that neither the President nor Vice-President shall hold other political and administrative offices, fulfill functions in trade and commerce or labor unions, or practice any other professions; Article 95, which prohibits the President and Vice-President from participating in any enterprise or acting as a guarantor thereof, which is based on an agreement for profit or gain made with the State or with a part thereof; Article 96, which prohibits the President and Vice-President from participating in any concession or enterprise of any nature established or operating in Suriname; and Article 97, which provides, *inter alia*, that the President may not be related by marriage or blood with the Vice-President, the ministers, or vice-ministers, among others.

- Constitutional provisions applicable to members of the National Assembly, such as Article 68(2), which provides that “Membership in the National Assembly is incompatible with the office of Minister or Under-Minister, provided that upon the election of a Minister or Under-Minister as a Member to the National Assembly, the office of Minister or Under-Minister can be combined with membership of the National Assembly for no longer than three months after admission to the National Assembly.”

- Constitutional provisions requiring high-level officials, including the President and Vice-President (Article 93), members of the National Assembly (Article 65) and Ministers (Article 125) to swear an oath upon assuming their respective office, swearing, *inter alia*, that they have neither given nor promised anything in order to be elected, that they will not accept promises or presents in order to do or refrain from doing anything in office, that they will foster the well-being of Suriname, and obedience to the Constitution and other rules of law.

- Constitutional provisions applicable to holders of political office, such as Article 54(2) (f), which imposes on those who hold political office the obligation to fulfill their tasks in the public interest.

- Statutory provisions applicable to civil servants, such as the Personnel Act, Article 36(1), which requires a civil servant to be able to “carry out to the best of his knowledge the work that his function – including additional functions – involves, and must be able to carry out promptly and loyally the orders he is given by authority and which relate to the service, and he must also always behave as befits a good and faithful civil servant”;<sup>3</sup> Article 36(2), which requires a civil servant to “behave in

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<sup>3</sup> Response of Suriname to the questionnaire, p. 2.

accordance with the provisions enacted by order of or pursuant to state decree for public service in general or for the department to which he belongs”;<sup>4</sup> Article 37, which requires a civil servant to “observe all that is laid down by order of or pursuant to state decree regarding his taking and oath or making a solemn affirmation”;<sup>5</sup> Article 38, which requires civil servants to observe the secrecy of information acquired during the exercise of their functions; Article 44, which states that “civil servants are forbidden to stipulate or accept rewards for interference or work relating to service from third parties in whatever form and under whatever name, without permission of or by the competent authorities”;<sup>6</sup> and Article 20 of the Government Accounts Act, which states that “civil servants are forbidden to accept work, deliveries, or transports for the State, to act as guarantor of or take part in such, either directly or indirectly.”<sup>7</sup>

- Statutory provisions applicable to members of the judiciary, such as Article 7 of the Judiciary Organization Act, which provides that the following are incompatible with the paid membership of the judiciary: the profession of attorney or notary, conducting trade, small business or practicing a profession, or any paid public job; Article 8, which states that upon commencement of membership in the judiciary, the appointed person is deemed to have renounced all positions incompatible with membership; Article 9, which prohibits persons related by blood or marriage up to the third degree from simultaneously holding positions in the High court or at the same district court;<sup>8</sup> Article 18, which prohibits judicial officers from consorting with the parties to a dispute before them or which they know or suspect will be brought before them, or from accepting separate instructions or documents from them; and Article 21, which obliges members of the judiciary to observe secrecy regarding “emotions uttered in chambers about the cases discussed there.”<sup>9</sup>

- Rules of conduct for police officers, such as the Instructions for Police Officers contained in the Bulletin of Acts and Decrees 1972 No. 82.<sup>10</sup>

- Rules of Conduct for military officers, such as the Act Legal Status of Military Officers contained in the Bulletin of Acts and Decrees 1996 No. 28.<sup>11</sup>

Suriname also has mechanisms to enforce the above-mentioned standards of conduct, among which the following should be noted:

- Constitutional provisions, such as Article 54(e), which provides that those who hold political office are civilly and criminally liable for their acts and omissions; and Article 140, which provides that those who hold office shall be liable to trial before the Court of Justice, even after retirement, for punishable acts committed in the discharge of their official functions.

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<sup>4</sup> Response of Suriname to the questionnaire, p. 2.

<sup>5</sup> Response of Suriname to the questionnaire, p. 2.

<sup>6</sup> Response of Suriname to the questionnaire, p. 3.

<sup>7</sup> Response of Suriname to the questionnaire, p. 3.

<sup>8</sup> Response of Suriname to the questionnaire, pp. 6-7.

<sup>9</sup> Response of Suriname to the questionnaire, p. 4.

<sup>10</sup> Response of Suriname to the questionnaire, p. 3.

<sup>11</sup> Response of Suriname to the questionnaire. p. 3.

- Statutory provisions applicable to Ministers, such as Article 3 of the Ministerial Responsibility Act, which “penalizes by imprisonment of three years a minister who co-signs state decisions, resolutions, orders, knowing that by doing so the Constitution and other statutory regulations are breached.”<sup>12</sup>

- Statutory provisions applicable to civil servants, such as the Personnel Act,<sup>13</sup> Article 57, which provides that a civil servant is suspended by operation of law as soon as he holds the office of minister; Article 69(1), which states that a civil servant is discharged when he marries, if by doing so, a degree of family relationship results which, pursuant to law, could exclude him from an appointment of his function; Article 69(4), which provides in pertinent part that “a civil servant may be dismissed on account of insufficient safeguards for reliability if he/she: (a) is either a member of an association about which it was decided by state decree that its membership may endanger or cause damage to the performance of the official duties, in view of the goals that the association aims at and the means it employs to achieve these goals, (b) or in any way renders his/her cooperation or support to an association as referred to in sub a or to an action organized by such an organization”;<sup>14</sup> and Article 69 of the Penal Code, which increases the applicable punishment by one-third “when a civil servant violates a special official duty by committing an offense or if he uses power, occasion or means provided to him on account of his position when committing the offense.”<sup>15</sup>

- Other provisions of the Personnel Act applicable to civil servants, which provides that civil servants can be dismissed in cases of conflicts of interest.<sup>16</sup>

- Statutory provisions applicable to members of the judiciary, such as Article 8 of the Judiciary Organization Act, discussed in the preceding section, which states that when a member of the judiciary accepts a position or duty that is incompatible with his judicial position, he ceases to be a member of the judiciary by operation of law; and Article 428 of the Penal Code, which makes punishable for up to nine years imprisonment, the acceptance by a judge of “a gift or promise knowing that it is given to him in order to influence the decision of a case submitted to his judgment.”<sup>17</sup>

### **1.1.2. Adequacy of the legal framework and/or other measures and enforcement mechanisms**

The standards and mechanisms on conflicts of interest that have been reviewed by the Committee, based on the information at its disposal, are relevant for the promotion of the purposes of the Convention. However, the Committee considers it appropriate to make some observations regarding a number of aspects on which it formulates observations in Chapter III of this report.

The Committee notes that provision is made within the legal framework of Suriname, via the Constitution, for a system of incompatibilities, disqualifications and prohibitions in the public service. The Constitution contains a number of general and specific provisions for the correct, honorable and proper fulfillment of public functions that encompass the principles established in the Convention. The Committee believes that this indicates progress in implementing the Convention.

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<sup>12</sup> Response of Suriname to the questionnaire, p. 4.

<sup>13</sup> Response of Suriname to the questionnaire, pp. 5 and 6.

<sup>14</sup> Response of Suriname to the questionnaire, p. 6.

<sup>15</sup> Response of Suriname to the questionnaire, p. 6.

<sup>16</sup> Response of Suriname to the questionnaire, p. 7.

<sup>17</sup> Response of Suriname to the questionnaire, p. 5.

However, the Committee notes that the available information is unclear as to whether the phrase “civil servants” as used in the Personnel Act, encompasses all government officials and employees. This circumstance precludes a determination of whether all government officials and employees are subject to a conflicts of interest regime, notably, the conflict of interest provisions contained in the Personnel Act. Similarly, the Committee is unsure of whether “those who hold political office”<sup>18</sup> are subject to these conflict of interest provisions. The Committee will formulate a recommendation in this regard. (See recommendation 1.1(a) in Chapter III of this report).

The Committee also believes that it would be advisable for the State under review to consider strengthening, complementing and updating the standards governing the conduct of public servants, taking into account its system of laws. To this end, it might include those provisions on conduct designed to prevent conflicts of interest, in order to ensure the correct, honorable and proper fulfillment of public functions. This is based on the benefits that would be afforded by having in place a comprehensive system of standards designed according to guidelines that ensure the consistency of those standards with the particular nature, hierarchy and requirements of each area of government. In view of the foregoing considerations, the Committee will formulate a recommendation in this regard. (See recommendation 1.1(b) of Chapter III of this report).

The Committee also notes the absence of preventive mechanisms applicable to all public servants that would permit detection of conflicts of interest in the exercise of public functions and, as applicable, the adoption of appropriate corrective measures. The foregoing highlights the importance of creating or strengthening such mechanisms, in order to make it easier for the appropriate bodies to perform their preventive function and ensure that individuals in public service address potential conflicts and avoid future incompatibilities. The Committee will formulate a recommendation in that regard. (See recommendation 1.1(c) of Chapter III of this report).

Similarly, the Committee observes an absence of 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, to adopt timely measures necessary to protect public interests. In light of this circumstance, the Committee will formulate a recommendation. (See recommendation 1.1(d) of Chapter III of this report).

The Committee is also concerned that despite the Constitutional provision expressly providing that those who hold office shall be liable for actions committed during the exercise of their functions, even after retirement (Article 140), there are no express provisions for preventing conflicts of interest after leaving public service, such as a prohibition preventing the involvement of former public servants in any official matters in which they might have engaged while in service, or with institutions with which they might have been recently connected, and, in general, any other situation that might lead to them to take improper advantage of their position as former public servants. The Committee will formulate a recommendation bearing in mind this observation. (See recommendation 1.1(e) of Chapter III of this report).

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<sup>18</sup> See Article 54 of the Constitution, mentioned in Section 1.1.1, above.

### **1.1.3. Results of the legal framework and/or other measures and enforcement mechanisms**

With respect to the results in this field, the response of Suriname notes that “There is no statistical information available.”<sup>19</sup> The response also notes that “the Public Prosecutions Department has already successfully brought a few criminal cases before the court of civil servants who have acted in violation of their official duty. Currently, there is a criminal case involving an ex political office holder, namely a minister, who has committed punishable acts during the exercise of his office.”

The Committee considers the foregoing can be considered evidence of progress in implementation of the Convention. Notwithstanding, the absence of objective results in this field does not allow a full assessment in this regard. Bearing this fact in mind, the Committee will formulate the appropriate recommendations. (See general recommendations 7.2 and 7.3. of Chapter III of this report).

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

### **1.2.1. Existence of legal framework and/or other measures and enforcement mechanisms**

Suriname has a set of norms concerning the aforementioned standards of conduct, including the following:

- Constitutional provisions, such as those contained in Article 156, which requires, *inter alia*, that all expenditures of the State and the means for the defrayal thereof shall be estimated in the budget,<sup>20</sup> and that the justification of revenue and of expenditure of the State must be done before the National Assembly following legal prescriptions and with submission of the accounts reviewed by an independent organ to be created by law.<sup>21</sup>
- The Audit Office Act, Article 1, which states that supervisions on the spending of the State’s finances shall take place pursuant to the budget and the approval of the account of revenues and expenditures. Article 19 of the Act provides that all persons who have financial means or goods which belong to the State, or who have control over financial means deposited in the accounts of the State, are accountable to the Audit Office with regard to their financial management.
- Other provisions, such as Article 43 of the Personnel Act, which prohibits civil servants from using goods belonging to the State and which are intended for the service contrary to their intended purpose.<sup>22</sup>

Suriname also has enforcement mechanisms for these standards of conduct, including the following:

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<sup>19</sup> Response of Suriname to the questionnaire, p. 2.

<sup>20</sup> Article 156(2) of the Constitution of Suriname.

<sup>21</sup> Article 156(5)(b) of the Constitution of Suriname.

<sup>22</sup> Response of Suriname to the questionnaire, p. 7.

- Article 34 of the Government Accounts Act, which provides that civil servants who directly or indirectly cause damage to the State by committing unlawful acts or by omitting to give the care required, shall compensate the State for that damage.<sup>23</sup>

- The Penal Code,<sup>24</sup> Article 423 of which punishes with up to six years imprisonment the intentional embezzlement of money or marketable securities by a civil servant or other person temporarily or permanently charged with a public functions, or allowing those moneys or securities to be taken or embezzled by someone else; Article 381, which punishes with up to three years imprisonment the misappropriation of goods which the perpetrator has obtained otherwise than by criminal means (this punishment may be increased by one third if committed by a civil servant); and Article 414, which punishes the destruction of goods belonging to another person (this punishment may be increased by one third if committed by a civil servant who violates a special official duty in this way).

### **1.2.2. Adequacy of the legal framework and/or other measures and enforcement mechanisms**

The standards and mechanisms for conservation and proper use of public resources that have been reviewed by the Committee, based on the information at its disposal, are relevant for the promotion of the purposes of the Convention.

In this regard, the Committee notes that there are provisions in place for the proper management of State funds, as well as to recover funds that have been misappropriated. However, the Committee notes an absence of a provision expressly imposing a duty on public officials to conserve and properly use the resources entrusted to them. Consequently, the Committee considers that it might be convenient for Suriname to consider the possibility of strengthening, complementing and updating the standards governing the conduct of members of civil servants, taking into account its system of laws. To this end, it might include those provisions that concern the conservation and proper use of resources entrusted to public servants. The foregoing is based on the benefits that could accrue from having in place a system in the public service which provides for equal treatment in the regulation of the conduct of their members, enable them to precisely know their rights and duties, and afford legal security in the performance of public functions and the proper use of State assets. The Committee will formulate a recommendation bearing in mind the foregoing considerations. (See recommendation 1.2 of Chapter III of this report).

### **1.2.3. Results of the legal framework and/or other measures and enforcement mechanisms**

The response of Suriname indicates that while no statistical information is available, the Public Prosecutions department has successfully brought before the court a few criminal cases of civil servants who have misappropriated funds or goods of the State which they had in their care for the performance of their duties.<sup>25</sup>

Because the foregoing information is insufficient to fully assess the results in this field, the Committee will formulate the corresponding recommendations. (See recommendations 7.2 and 7.3. of Chapter III of this report).

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<sup>23</sup> Response of Suriname to the questionnaire, p. 8.

<sup>24</sup> Response of Suriname to the questionnaire, p. 8.

<sup>25</sup> Response of Suriname to the questionnaire, p. 8.

### **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**

Suriname notes that Articles 149 and 150 of the Code of Criminal Procedure require all citizens to report any criminal act of which they are aware.<sup>26</sup> Bearing in mind the foregoing, as well as the importance of having measures that specifically require the reporting of acts of corruption in place, the Committee will formulate recommendations in this regard (See recommendations 1.3 a. and b. in Chapter III of this report).

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

### **2.1. Existence of provisions in the legal framework and/or other measures**

The response of Suriname notes that there are no provisions in force which require the filing of statutory declarations of income, assets and liabilities.<sup>27</sup> The Committee believes that this Draft Act can be considered progress in implementation of the Convention, and can be evaluated once it passes into law.

### **2.2. Adequacy of the legal framework and/or other measures**

In light of the considerations made in the foregoing section, it is not appropriate for the Committee to express an opinion on this area. Accordingly, the Committee will formulate the recommendations that Suriname might consider with regard to the adoption, pursuant to Article III, paragraph 4 of the Convention, of systems for registering the income, assets and liabilities of persons who perform public functions in certain posts as specified by law and, where appropriate, for making such registrations public. (See recommendations 2(a) and 2(b) of Chapter III of this report).

### **2.3. Results of the legal framework and/or other measures**

Suriname notes in its response that no results are available in this area because there are no regulations on the matter.<sup>28</sup> Consequently, a full assessment in this regard is not possible and the Committee will formulate the appropriate recommendations. (See recommendations 7.2 and 7.3. of Chapter III of this report).

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

### **3.1. Existence of provisions in the legal framework and/or other measures**

Suriname has oversight bodies in place for enforcement of the measures covered in paragraphs 1 and 2 of Article III of the Convention, including the following:

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<sup>26</sup> In addition, Suriname notes that the draft Anti-Corruption Act also contains such a provision.

<sup>27</sup> The response does note, however, that there are provisions in the Draft Anti-Corruption Act addressing this area. See the response of Suriname to the questionnaire, p. 8.

<sup>28</sup> Response of Suriname to the questionnaire, p. 9.

- The Public Prosecutions Department, which, pursuant to Article 145 of the Constitution, has exclusive responsibility for the investigation and prosecution of all punishable acts.

- The Audit Office of Suriname, established in accordance with Article 149(1) of the Constitution, which provides that “(1) An institution shall be established by law which shall have as task to supervise the expenditure of state finances as well as to control the management of government means in the broadest sense shall be created by law; and (2) Supervision and control shall be exercised on the justification as well as on the effectiveness of the expenditure and management of the state finances.”

- The Government Audit Department, which, pursuant to Article 2 of the State Decree of December 28, 1972, is tasked with auditing the administration of the general department and the tasks of the Government departments, etc. In addition, Article 12 of the Job Description of Departments Decree of 1991 also tasks this Department with the general management of all state funds and supervision of the spending thereof.<sup>29, 30</sup>

### **3.2. Adequacy of the legal framework and/or other measures**

The standards in place in Suriname with respect to oversight bodies charged with responsibility for ensuring compliance with the provisions stated in paragraphs 1 and 2 of Article III of the Convention satisfy those provisions, given the existence of bodies with general or specific competence to ensure compliance, which constitutes progress in implementation of the Convention.

With respect to the mentioned bodies (charged with enforcement of the provisions contained in Article III, paragraphs 1 and 2 of the Convention), the Committee urges the State under review to continue to strengthen those bodies by providing them with the necessary support and resources to enable them fully to carry out their functions with respect to the aforementioned provisions; and with mechanisms necessary to permit effective coordination, as well as continuous evaluation and monitoring, of the measures they adopt. The Committee observes that the provisions at Article III (4) and (11) of the Convention are not covered by the oversight exercised by the aforementioned bodies. Bearing in mind the foregoing, the Committee will formulate a recommendation. (See recommendation in section 3 of Chapter III of this report).

### **3.3. Results of the legal framework and/or other measures**

Suriname has not provided information on results in this area in its response, and therefore a full assessment in this regard is not possible. Consequently, the Committee will make the corresponding recommendations. (See general recommendations 7.2 and 7.3. of Chapter III of this report).

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<sup>29</sup> Response of Suriname to the questionnaire, p. 10.

<sup>30</sup> In addition to the oversight bodies noted in this section, the response of Suriname also notes that the Draft Anti-Corruption Act provides for a Committee to Prevent and Combat Corruption, which would exercise oversight functions related to the financial disclosure systems. Response of Suriname to the questionnaire, p. 10.

#### **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. GENERAL PARTICIPATION MECHANISMS**

###### **4.1.1. Existence of provisions in the legal framework and/or other measures**

Suriname has in place a set of constitutional provisions that enshrine individual principles, rights and guarantees that permit, facilitate and protect participation by civil society and nongovernmental organizations in efforts aimed to combat corruption, such as Article 6, which establishes that “the social objectives of the state shall aim at guaranteeing the participation of the community in political life among other things, through national and sectoral participation”; Article 19, which guarantees the right to freedom of opinion and expression; Article 20, which establishes the right to freedom of association and assembly; Article 46, which imposes upon the State the obligation to “create the conditions which underlie the education of citizens who are capable of participating in a democratic and effective manner in the development process of the nation”; and Article 52, which notes that the political democracy of the Republic Suriname “is characterized by the participation and representation of the Surinamese people, which shall express itself through the participation of the people in establishing a political system, as well as in their participation in legislation and administration aimed at the maintenance and expansion of this system.”

###### **4.1.2. Adequacy of the legal framework and/or other measures**

Based on the information at its disposal, the Committee observes that Suriname has constitutional provisions to protect and promote fundamental liberties and rights of persons, which constitutes an important basis for civil society and non-governmental organizations to operate freely and independently and thereby facilitate the prevention of corruption

Furthermore, bearing in mind the classification contained in the methodology for the review of the implementation of Article III, paragraph 11 of the Convention,<sup>31</sup> in the Chapter III of this report the Committee will formulate the appropriate specific recommendations on each section.

###### **4.1.3. Results of the legal framework and/or other measures**

The response of Suriname notes that there is “No pertinent statistical information available.”<sup>32</sup>

##### **4.2 MECHANISMS FOR ACCESS TO INFORMATION**

###### **4.2.1. Existence of provisions in the legal framework and/or other measures**

Suriname has certain provisions and measures related to the aforementioned mechanisms, such as Article 158 of the Constitution, which provides in pertinent part that everyone has the right to be informed by the agencies of the public administration on the progress of cases under consideration in which they have a direct interest, or with regard to decisions taken with respect to them.

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<sup>31</sup> Methodology for the review of the implementation of the provisions of the Convention selected within the framework of the first round, Chapter V, D, (SG/MESICIC/doc.21/02).

<sup>32</sup> Response of Suriname to the questionnaire, p. 11.

#### **4.2.2. Adequacy of the legal framework and/or other measures**

Based on the information at its disposal, the Committee observes an absence of provisions regulating the right to access government information, or of provisions for the enforcement of this right. Taking these considerations into account, the Committee will formulate the corresponding recommendations. (See recommendations 4.2.1 and 4.2.2 in Chapter III of this report).

#### **4.2.3. Results of the legal framework and/or other measures**

The response of Suriname notes that “No pertinent statistical information available.”<sup>33</sup> As a result, a full assessment in this regard is not possible and the Committee will formulate the appropriate recommendations. (See general recommendations 7.2 and 7.3. of Chapter III of this report).

### **4.3. MECHANISMS FOR CONSULTATION**

Suriname notes that there are no formal mechanisms of this nature in place.<sup>34</sup> In light of this circumstance, the Committee will formulate the appropriate recommendations. (See recommendations 4.3.1 and 4.3.2 in Chapter III of this report).

### **4.4. MECHANISMS TO ENCOURAGE PARTICIPATION IN PUBLIC ADMINISTRATION**

#### **4.4.1. Existence of provisions in the legal framework and/or other measures**

Suriname has provisions in place which serve to encourage participation in public administration, such as Article 52 of the Constitution, noted in the response of the country under review<sup>35</sup> and discussed above in Section 4.1.1.

In addition, the fundamental rights guaranteed by the Constitution and discussed above in Section 4.1.1 constitute a solid basis to encourage participation by civil society and nongovernmental organizations in public administration and efforts to combat corruption.

#### **4.4.2. Adequacy of the legal framework and/or other measures**

The measures in relation to mechanisms to encourage participation by civil society and nongovernmental organizations in public administration that are in place in the country under review, noted in the foregoing section constitute progress in accomplishing the purposes of the Convention.

Nevertheless, the Committee urges Suriname to consider developing -taking into account its system of laws- standards and procedures to establish, maintain and strengthen those mechanisms that allow for the active participation of civil society and nongovernmental organizations in public policy and decision making processes as part of the efforts to prevent corruption. Suriname could also design and implement programs to publicize those mechanisms and, as appropriate, provide the necessary training

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<sup>33</sup> Response of Suriname to the questionnaire, p. 11.

<sup>34</sup> Suriname further notes that despite the absence of formal mechanisms in this regard, consultation with those individuals who will be responsible for working with the provisions of the proposed law frequently occurs prior to bills being passed by Parliament.

<sup>35</sup> Response of Suriname to the questionnaire, p. 12.

and tools to civil society and nongovernmental organizations, as well as public servants, for their correct implementation. The Committee will make recommendations in that regard. (See recommendations 4.4.1 and 4.4.2 in Chapter III of this report).

#### **4.4.3. Results of the legal framework and/or other measures**

The response of Suriname notes that there is “No statistical information available.”<sup>36</sup> As a result, a full assessment in this regard is not possible and the Committee will formulate the appropriate recommendations. (See general recommendations 7.2 and 7.3 of Chapter III of this report).

### **4.5. MECHANISMS FOR PARTICIPATION IN THE FOLLOW-UP OF PUBLIC ADMINISTRATION**

#### **4.5.1. Existence of provisions in the legal framework and/or other measures**

The response of Suriname notes as a mechanisms for promoting participation in the follow-up of public administration, Article 22 of the Constitution, which provides that “1. Everyone has the right to submit written petitions to the competent authority. 2. The law regulates the procedure for handling them.”<sup>37 38</sup>

#### **4.5.2. Adequacy of the legal framework and/or other measures**

The Constitutional provisions adopted by Suriname in relation to mechanisms to encourage participation by civil society and nongovernmental organizations in the follow-up of public administration, noted in the foregoing section, constitute a solid base for accomplishing the purposes of the Convention.

Specifically, the Committee observes that these standards may serve to encourage civil society and nongovernmental organizations to participate effectively in the follow-up of public administration in Suriname.

However, the Committee notes an absence of provisions and mechanisms specifically designed to encourage the foregoing participation. In addition, the committee notes an absence of a law regulating the procedure for handling written petitions submitted to the competent authorities, as provided for by Article 22 of the Constitution. In light of these considerations, the Committee will formulate the corresponding recommendations. (See recommendations in Chapter III, Sections 4.5(a), (b) and (c) of this report).

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<sup>36</sup> Response of Suriname to the questionnaire, p. 12.

<sup>37</sup> Response of Suriname to the questionnaire, p. 12.

<sup>38</sup> In addition to this mechanism for participation, Article 158 of the Constitution provides as follows: “1. Everyone shall have the right to be informed by the organs of government administration on the advancement in the handling of cases in which he has a direct interest and on measures taken with regard to him.

2. Interested parties shall have the right to submit to the court for reassessment any final and enforceable act by agencies of the public administration, which is believed to be unlawful.

3. In disciplinary procedures the right of the interested parties to reply shall be guaranteed.”

#### **4.5.3. Results of the legal framework and/or other measures**

The response of Suriname notes that there is “No statistical information available.”<sup>39</sup> As a result, a full assessment in this regard is not possible and the Committee will formulate the appropriate recommendations. (See recommendations 7.2 and 7.3. of Chapter III of this report).

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

#### **5.1. MUTUAL ASSISTANCE**

##### **5.1.1. Existence of provisions in the legal framework and/or other measures**

With respect to mutual assistance, the response of Suriname<sup>40</sup> notes that Title VIII of the Code of Criminal Procedure and the Act of 5 September 2002, which directs further amendment to the Code of Criminal Procedure, contain rules regarding mutual assistance.

Specifically, Title VIII of the Code of Criminal Procedure, at Article 467, Section 2 provides, *inter alia*, that “requests for legal aid are considered to be requests to perform acts of investigation or to render cooperation for that purpose”; Article 469 provides that “the Procurator-General shall make immediate decisions concerning requests in the interest of a speedy and effective conclusion”; Article 470 notes that “insofar as the request is based on a convention, the desired action will be taken as far as possible and that in cases concerning a reasonable request that is not based on a convention, as well as in cases where the applicable convention does not make compliance obligatory, the request will be granted, unless the compliance contravenes a statutory provision”; and Article 473 provides that “the Procurator-General shall submit to the examining magistrate a request from a foreign judicial authority that is capable of compliance and based on a convention if it purports to hearing persons who are not willing to appear voluntarily and make the required statement or if there is an explicit request for a sworn statement or a statement made in the presence of a judge.”

##### **5.1.2. Adequacy of the legal framework and/or other measures**

The standards and mechanisms on mutual assistance reviewed by the Committee, based on the information made available, are pertinent for the promotion of the objectives of the Convention.

In this regard, the Committee notes that there are provisions for channeling and taking decisions on requests received from foreign jurisdictions. In addition, the Committee wishes to highlight as a positive step towards implementation of the Convention, the fact that pursuant to Article 470 of Title VIII of the Code of Criminal Procedure, the practice of Suriname is to grant reasonable requests, even where compliance is not mandatory or where the request is not based on a convention, provided that compliance does not violate relevant statutory provisions.

Nevertheless, the Committee would like to stress the importance of appropriate government officials and authorities, as well as those countries with which Suriname maintains close or ongoing mutual cooperation relations, the possibility of using the Convention for this purpose. In addition, the Committee would like to stress the importance of ensuring that the mutual assistance treaties entered into by Suriname, together with the Inter-American Convention on Corruption itself, are applied to

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<sup>39</sup> Response of Suriname to the questionnaire. p. 12.

<sup>40</sup> Response of Suriname to the questionnaire, p. 12.

specific cases of corruption. This presupposes a proper understanding of their provisions on the part of those responsible for applying them. The Committee will formulate recommendations in this regard. (See recommendations 5.1.1 and 5.1.2 in Chapter III of this report).

### **5.1.3. Results of the legal framework and/or other measures**

The response of Suriname notes that no requests for mutual assistance under the Convention have been made or received. The Committee will formulate recommendations in this regard. (See recommendations 7.2 and 7.3 in Chapter III of this report).

## **5.2. MUTUAL TECHNICAL COOPERATION**

### **5.2.1. Existence of provisions in the legal framework and/or other measures**

With respect to mutual technical cooperation, the response of Suriname refers to Article 7 of the Constitution, noting that “Suriname promotes solidarity and collaboration with other peoples in the fight for social progress. Suriname promotes participation in international organizations with the objective of establishing peaceful co-existence, peace and progress for humanity.”<sup>41</sup>

Furthermore, the response notes that “...the Government of Suriname assumes that in order to effectively combat organized crime, which is trans-boundary, international cooperation is a requirement. For that purpose Suriname has signed bilateral anti-drugs conventions with Guyana, Brazil and Venezuela, and a treaty for mutual cooperation and assistance with regard to the fight against drugs and law enforcement has been signed with the United States of America.”<sup>42</sup> Similarly, Suriname notes that it has entered into treaties with the United States and The Netherlands on extradition and mutual legal assistance and that it has signed a treaty with Brazil on mutual legal assistance on criminal matters which is pending approval by Parliament. Suriname further notes that it is examining CARICOM’s mutual legal assistance treaty with a view to becoming a party thereto.

Finally, Suriname states that it has not developed technical cooperation programs on aspects that are referred to in the Convention.<sup>43</sup>

### **5.2.2. Adequacy of the legal framework and/or other measures**

The standards and mechanisms on mutual assistance reviewed by the Committee, based on the information made available, are pertinent for the promotion of the objectives of the Convention. The Committee considers it positive that, according to its response, Suriname has entered into bilateral conventions and treaties related to the fight against corruption.

However, considering that, as noted in the preceding section, Suriname has not developed technical cooperation programs with respect to those areas referred to in the Convention, the Committee believes that it might be useful for Suriname, as a useful step to strengthen further its capacity to prevent, detect, investigate and punish acts of corruption, consider identifying and ascribing priority to specific areas in which it deems it could receive technical cooperation from other States and from financial agencies and institutions committed to international cooperation, and to redouble efforts to exchange technical cooperation with other states parties on more effective ways and means to fulfill

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<sup>41</sup> Response of Suriname to the questionnaire, at p. 13. See also, Article 7(4) and 7(5) of the Constitution.

<sup>42</sup> Response of Suriname to the questionnaire, p. 13.

<sup>43</sup> Response of Suriname to the questionnaire, p. 13.

the purposes of the Convention. The Committee will make recommendations in this regard. (See recommendations 5.2.1 and 5.2.2 in Chapter III of this report).

### **5.2.3. Results of the legal framework and/or other measures**

The response of Suriname states that no requests for mutual technical cooperation under the Convention have been made or received from other States Parties. The Committee will formulate recommendations in this regard. (See recommendations 7.2 and 7.3 in Chapter III of this report).

## **6. CENTRAL AUTHORITIES (ARTICLE XVIII OF THE CONVENTION)**

### **6.1. Existence of provisions in the legal framework and/or other measures**

In its response to the questionnaire, Suriname notes that the Central Authority for mutual assistance is the Attorney General.<sup>44</sup> Similarly, the response notes that the Minister of the Department of Justice and Police is the Central Authority for technical cooperation matters.<sup>45</sup>

Notwithstanding, because the OAS General Secretariat has not received formal notification of the designation, the Committee will formulate a recommendation on this point. (See recommendation 6.1 in Chapter III of this report).

### **6.2. Adequacy of the legal framework and/or other measures**

The fact that Suriname is using the Attorney General and the Minister of the Department of Justice and Police, as the central authorities for the purposes of the Convention, is a step towards its implementation, because of the importance attached to the carrying out of the duties assigned to it.

Suriname notes that the Central Authority has the necessary resources to enable it to make requests for assistance and cooperation. Suriname further indicates that there is a special unit within the police force that is responsible for receiving requests for mutual legal assistance that are transmitted from the Office of the Attorney General, specifically drug-related cases. However, because of the increasing number of requests, there is a delay in responding to them. In light of this circumstance, the Committee will formulate the appropriate recommendation. (See recommendation 6.2 in Chapter III of this Report).

### **6.3. Results of the legal framework and/or other measures**

Suriname states that it has not made nor received requests for assistance and cooperation under the Convention.

## **III. CONCLUSIONS AND RECOMMENDATIONS**

Based on the review in Chapter II of this report, the Committee offers the following conclusions and recommendations regarding implementation by Suriname of the provisions of Article III, paragraphs 1 and 2 (standards of conduct and mechanisms to enforce them); Article III (4) (systems for registering income, assets, and liabilities); Article III (9) (oversight bodies, solely with respect to the

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<sup>44</sup> At present, the Central Authority for mutual assistance is the acting Attorney General. See response, p 15.

<sup>45</sup> Response of Suriname to the questionnaire, p. 15

exercise by such bodies of functions related to compliance with the provisions contained in Article III (1), (2), (4), and (11) of the Convention); III (11) (mechanisms to encourage participation by civil society and nongovernmental organizations in efforts to prevent corruption); Article XIV (Assistance and Cooperation) and Article XVIII (Central Authorities) of the Convention, which were selected in the context of the first round.

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

### **1.1. Standards of conduct intended to prevent conflicts of interest and enforcement mechanisms**

**The Republic of Suriname has considered and adopted certain measures to establish, maintain, and strengthen standards of conduct designed to prevent conflicts of interest and mechanisms to enforce them, as noted in section 1.1 of Chapter II of this report.**

In light of the comments made in that section, the Committee recommends that the State under review consider strengthening the implementation of the provisions on conflicts of interest, and ensure that the laws on this matter are applicable to all public officials and employees, so as to permit the practical and effective application of a public ethics system. To comply with this recommendation, the Republic of Suriname could take into account the following measures:

- (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. (See Note by the Secretariat # 3, page 6).
- (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. (See section 1.2 of Chapter II of this report).
- (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.

**1.2. Standards of conduct to ensure the proper conservation and use of resources entrusted to government officials in the performance of their functions and enforcement mechanisms**

**The Republic of Suriname has considered and adopted certain measures to establish, maintain, and strengthen standards of conduct designed to ensure the proper conservation and use of resources entrusted to government officials in the performance of their functions, in keeping with the considerations mentioned in Chapter II, section 1.2 of this report.**

In light of the comments made in that section, the Committee recommends that the State under review 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.

**1.3. Standards of conduct and mechanisms concerning 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**

**The Republic of Suriname has considered and adopted certain measures to establish, maintain, and strengthen standards of conduct and mechanisms concerning mechanisms and systems requiring public officials to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware, as noted in Chapter II, section 1.3 of this report.**

In light of the comments made in that section, the Committee suggests that the State under review 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.

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

**The Republic of Suriname has considered and is in the process of adopting certain measures to establish, maintain, and strengthen systems for registering income, assets, and liabilities of persons who perform public functions in certain posts that the law specifies, as noted in section 2 of Chapter II of this report**

In light of the comments made in that section, the Committee suggests 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.

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

**As mentioned in Chapter II, section 3 of this report, the Republic of Suriname has considered and adopted certain measures to establish, maintain, and strengthen oversight bodies in accordance with Article III of the Convention.**

In light of the comments made in that section, the Committee suggests 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.

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

**The Republic of Suriname has considered and adopted measures intended to establish, maintain and strengthen mechanisms to encourage the participation of civil society and nongovernmental organizations in efforts aimed at preventing corruption, as discussed in Part B, Chapter II, Section 4 of this report.**

In view of the comments made in that section, the Committee suggests that the Republic of Suriname consider the following recommendations:

#### **4.1. General participation mechanisms**

No recommendations are formulated by the Committee in this section.

## **4.2. Mechanisms for access to information**

4.2.1. 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:

- (a) Establish clear written standards as to the types of information that will be provided under the system.
- (b) 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.
- (c) 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.

4.2.2. 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.

## **4.3. Mechanisms for consultation**

4.3.1. 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.

4.3.2. 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.

## **4.4. Mechanisms to encourage participation in public administration**

4.4.1. 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.

4.4.2. 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.

## **4.5. 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:

- (a) 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.
- (b) Design and implement specific programs to publicize the mechanisms for encouraging participation in the follow up of public administration.
- (c) Regulate the procedure for handling written petitions submitted to the competent government authorities as required by Article 22 of the Constitution.

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

**The Republic of Suriname has adopted measures dealing with mutual assistance, but not mutual technical cooperation, in accordance with the provisions of Article XIV of the Convention, as noted and reviewed in section 5 of Chapter II of this report.**

In light of the comments made in this section, the Committee suggests that the Republic of Suriname consider the following recommendations:

### **5.1. Mutual Assistance**

- 5.1.1 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.
- 5.1.2 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.

### **5.2. Mutual Technical Cooperation**

- 5.2.1. 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.
- 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.

## **6. CENTRAL AUTHORITIES (ARTICLE XVIII OF THE CONVENTION)**

**The Republic of Suriname has adopted certain measures relative to the designation of the central authority referred to in Article XVIII of the Convention, discussed in section 6, Chapter II of this report.**

In light of the comments made in that section, the Committee suggests that the Republic of Suriname consider the following recommendations:

- 6.1 Formally notify the OAS General Secretariat of the designation of the central authorities, pursuant to the prescribed formalities.
- 6.2 Ensure that the central authorities are endowed with sufficient resources to allow them to properly make and receive requests for assistance and cooperation under the Convention, as well as respond to requests on a timely basis, and implement a mechanism for channeling requests for cooperation on mutual legal assistance, as provided under the Convention,

## **7. GENERAL RECOMMENDATIONS**

Based on the observations contained in this report, the Committee suggests that the Republic of Suriname consider the following recommendations:

- 7.1. Design and implement, where appropriate, training programs for public servants responsible for application of the systems, standards, measures, and mechanisms included in this report, in order to ensure their proper acquaintance, management, and application.
- 7.2. Select and develop procedures and indicators, as appropriate, for verifying follow-up of the recommendations contained in this report, and notify the Committee accordingly through the Technical Secretariat. For said purposes, the Republic of Suriname could take into account the list of broader indicators applicable to the Inter-American system that were available for selection, as necessary, by the State under review, and which have been published by the Technical Secretariat of the Committee on the OAS Internet web site. The State under review could also take into account any information arising from the review of mechanisms developed pursuant to recommendation 7.3 below.
- 7.3. Implement the recommendations contained in this report and develop, as appropriate and where none exist, procedures to review the mechanisms mentioned herein.

## **8. FOLLOW-UP**

The Committee will consider the periodic reports from the Republic of Suriname on its progress in implementing the above recommendations in the framework of the Committee's plenary meetings, as prescribed in Article 30 of the Rules of Procedure.

In addition, the Committee will review the progress made in implementing the recommendations made in this Report, in accordance with the provisions of Article 31 and, whenever appropriate, pursuant to Article 32 of the Rules of Procedure.

**ANNEX**  
**TO THE REPORT ON THE IMPLEMENTATION IN SURINAME OF THE PROVISIONS**  
**OF THE CONVENTION SELECTED FOR REVIEW IN THE FRAMEWORK OF THE**  
**FIRST ROUND**

In addition to the provisions cited by Suriname in its response, the Technical Secretariat consulted the Constitution of Suriname as well as the Penal Code.