



Fundamental Conventions **GAP ANALYSIS MATRIX** SURINAME



European Union



FOREWORD

In May 2015, the Caribbean Employers' Confederation (CEC) and the Caribbean Congress of Labour (CCL) entered into a Memorandum of Understanding on joint efforts with respect to the legislative and regulatory framework within CARIFORUM countries. CEC and CCL also agreed that it was necessary to undertake joint efforts to support the understanding, application and implementation of regulatory requirements focusing on the EPA Social Chapter which is in keeping with their commitments under the Project¹ funded by the European Union. In this regard, they agreed to jointly uphold and advocate for the rights and principles enshrined in ILO Conventions addressing the issues of the elimination of child labour, forced labour, discrimination and the right to freedom of association and to bargain collectively.

Most countries of CARIFORUM have ratified all eight of the ILO Fundamental Conventions covering this platform of human rights considered foundational for the realization of Decent Work. Against this backdrop, it was decided to undertake a review of national legislation in force in the region to understand to what extent current legislation was compliant with the obligations undertaken by member States by their ratification of these Conventions.

The gap analyses have been completed on an individual country basis and carried out between March 2016 and March 2017. They will provide the affiliates of the CCL and the CEC with a resource to develop bipartite advocacy and action to reform national legislation where it has been found not to be in strict compliance with the provisions of the respective Conventions. In addition, the gap analyses will provide the CEC and the CCL with a baseline to monitor, assess and advocate for the evolution of legislation within CARICOM and the CARIFORUM countries.

Caribbean Employers' Confederation (CEC)
September 2017

Caribbean Congress of Labour (CCL)
September 2017

¹ The full name of the Project is: Challenges to CARIFORUM Labour, Private Sector and Employers to fulfil their EPA Obligations: Caribbean Employers' Confederation and the Caribbean Congress of Labour Component of the Support to Facilitate Participation of CARIFORUM Civil Society in Regional Development and Integration Process

FUNDAMENTAL CONVENTIONS - GAP ANALYSIS MATRIX

Name of the country analysed: Suriname

Disclaimer

This gap analysis is based on the information publicly available at the time of preparation. The information therefore may not reflect the current situation, and may not have taken into consideration all relevant legislation and practice. In addition, this analysis covers only laws and regulations (mainly Acts), and does not cover decisions or judgments of court(s) or tribunal(s) which may impact the way in which the laws are interpreted or implemented. The results of analysis are not validated by the government.

This analysis should therefore be considered a starting point for consultations and joint action.

Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned)	Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice	Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc.	Gaps identified: – Description of gaps etc.	Recommended solutions in national law and/or practice
Part I. Freedom of association and the effective recognition of the right to collective bargaining				
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)				
Article 2 Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.	[For Articles 2-5 and 7] Q1. Which legislation provides for the rights provided for under Articles 2, 3, 4, 5 and 7 of the Convention? Q2. How is this Article applied in practice? Are there any administrative or other practical elements that may	Q1: Rights are mentioned in the following instruments (see the accompanying translation document for the provisions): [General] – Art 20 and 30 of the Surinamese Constitution (SB 1987 no.116, changed SB 1992 No 38) [Private sector]	no gap	

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	make the application of this Article difficult?	<p>– Art 1 of the Protection of Workers’ Representatives Decree (SB 1984 No97)</p> <p>– Art 2(2) of the Collective Bargaining Agreements Act (CBAA, GB 1962 no 106)</p> <p>[Public sector] Art 10(1) of the Personnel Act recognizes the right to organize, as it refers to “organizations of government officials” (see “List of Unions and Federations” in the accompanying translation document for the information of public sector unions). By State Decree the organizations will be designed. The Protection of Workers’ Representatives Decree and Recognition of Labour Unions Decree apply to these organizations as well, as these Decrees do not distinguish private and public workers.</p>		
Article 3	[See under Article 2]	Q1:	No gap for the private sector.	The national legislation on the

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<p>1. Workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.</p> <p>2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.</p>		<p>[Private sector] Art 2 of The Protection of Workers' Representatives Decree (SB 1984 No97)</p> <p>[Public sector] The Personnel Act and Police Act do not mention any regulations regarding establishment and structure of the organizations for the personnel.</p> <p>Q2 Workers and employers exercise their freedom. Public authorities refrain from interference. No information on courts cases is available.</p>	<p>With respect to the public sector, the relevant laws do not contain specific provisions. While organizations of public officers are recognized under the Personnel Act (see under Article 2), and it can be therefore reasonably expected that they can draw up their constitutions, and organize their administration and activities, it would be advisable for the legislation to expressly provide for this Article of the Convention.</p>	<p>public sector should be amended to contain express provisions in line with this Article of the Convention.</p>
<p>Article 4 Workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority.</p>	<p>[See under Article 2]</p>	<p>[Private sector] The Civil Code regulates establishment or dissolution of associations in general in art. 1665 - 1678. Article 1678 simply states "All entities continue to exist until they are explicitly dissolved, according to their</p>	<p>No gap for the private sector. With respect to the public sector, the relevant laws are silent. It would be advisable for the legislation to expressly provide for this Article of the Convention.</p>	<p>The national legislation on the public sector should be amended to contain express provisions in line with this Article of the Convention.</p>

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		<p>statutes or regulations, or until the purpose or object of the association has ceases.”</p> <p>In practice the Board and Director of the union will also have to inform their members and deregister with the Chamber of Commerce.</p> <p>[Public sector] The Personnel Act and Police Act do not mention the dissolution of organizations for the personnel.</p>		<p>As of preparing of this analysis (July 2016), the Freedom of Trade Unions bill is in the process of preparation. Art 1 of the Bill refers to provisions in the Civil Code and art 6 of this draft Act states that “Associations of employees and employers cannot administratively be dissolved by the government.”</p>
<p>Article 5 Workers' and employers' organisations shall have the right to establish and join federations and confederations and any such organisation, federation or confederation shall have the right to affiliate with international organisations of workers and employers.</p>	<p>[See under Article 2]</p>	<p>No provisions of the current legislation explicitly apply this Article of the Convention.</p>	<p>Gap identified</p> <p>The national legislation currently does not contain relevant provisions.</p>	<p>The national legislation should be amended to contain provisions giving effect to this Article of the Convention.</p> <p>As of the writing of this analysis (July 2016), a draft Freedom of Trade Union Act is</p>

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				under preparation. Art 1 of the draft Act defines the terms association, confederation and federation and their rights to establish and join them explicitly.
<p>Article 7 The acquisition of legal personality by workers' and employers' organisations, federations and confederations shall not be made subject to conditions of such a character as to restrict the application of the provisions of Articles 2, 3 and 4 hereof.</p>	[See under Article 2]	<p>[Private sector] The Civil Code regulates establishment or dissolution of associations in general. Under article 1666, the procedure to obtain legal personality requires a Presidential Decree recognizing it by approval of its statutes or regulations. In practice, only an association established by a notarial deed can request such an approval. This process usually takes a few months.</p> <p>[Public sector] The Personnel Act and Police Act do not mention legal personality of organizations of the personnel.</p>	<p>While there is no law regulating specifically the registration of employers' or workers' organizations, the acquisition of legal personality is not required for registration or operation as a trade union.</p> <p>No gap is identified.</p>	

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<p>Article 9 1. The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.</p>	<p>Q. How does the national legislation regulate freedom of association with respect to the armed forces and the police?</p>	<p>The Ministry of Justice covers various corps: 1. Police Corps of Suriname 2. Fire Department Suriname 3. Corps Correctional Officers 4. Assistance and Security Service Suriname</p> <p>The Ministry of Defence is responsible for 1. Army, 2. Air Force, 3. Navy 4. Military Police</p> <p>Ministry of Finance covers Custom Services.</p> <p>General provisions applicable also to the armed forces and the police. As government officials these forces are completely or partly covered by the Personnel Act for public servants. (G.B. 1962 no. 195)</p>	<p>No gap is identified.</p> <p>Not all armed forces have the same right to organize. The Military is prohibited in practice to engage in collective actions.</p> <p>While Convention No. 87 leaves it to each State to decide on the extent to which it was desirable to grant members of the armed forces the rights covered by the Convention (see Paragraph 224 of “Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO” available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_090632.pdf), consideration may be given to the possibility of legislating</p>	<p>Though the Convention does not require, consideration may be given to the possibility of legislating the right to freedom of association to civilian members of the armed forces, with a view to limiting the exemption. (See Paragraphs 227-229 of the Digest)</p>

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		<p>Art 10(1) of the Personnel Act recognizes the right to organize, as it refers to “organizations of government officials” (see “List of Unions and Federations” in the accompanying translation document for the information of public sector unions). By State Decree the organizations will be designed.</p> <p>The Protection of Workers’ Representatives Decree and Recognition of Labour Unions Decree apply to these organizations as well, as these Decrees do not distinguish private and public workers.</p> <p>Armed forces</p> <p>Art 179 Constitution paragraph 2: Rules regarding limiting disclosure of thoughts or feelings, or exercising the right of</p>	<p>the right to freedom of association to civilian members of the armed forces.</p>	

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		<p>association, assembly and demonstration by the Military and police officers are provided for by law.</p> <p>In principle, the freedom of association of the military personnel is regulated under the Personnel Act as well, which does not expressly exclude the military from its scope of application.</p> <p>However, the Military Act (S.B. 1996 No. 28) prohibits the military personnel from participating in meetings aimed at undermining the government authority (article 53), and also from acting as a board member or a spokesperson of a political association (article 54). These provisions may influence the exercise of freedom of association.</p> <p>Indeed, when the Military, which was established at the</p>		

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		<p>independence of Suriname in 1975, tried to establish a union in 1980, the personnel concerned had been "dismissed", which led to a coup and that regime lasted for 10 years. Consequently, until this day the Military does not have a union. It may be therefore concluded that the freedom of the military personnel to establish and join a union is prohibited in practice.</p> <p>Custom officers</p> <p>Customs in Suriname is formed in 1864 and is currently a department of the Ministry of Finance, but it is considered an armed force. Their freedom of association and right to collective bargaining is regulated under the Personnel Act. Custom Service has a union since 19 May 1919.</p>		

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		<p>Police</p> <p>For the police, the right to organize and collective bargaining is confirmed in art 32(2) of the Police Act (G.B. 1971 no. 70), which refers to “organizations of the police officers”). There is a Surinamese Police Union since 17 November 1919.</p>		
<p>Article 11 Each Member of the International Labour Organisation for which this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise.</p>	<p>Q. Does the national legislation guarantee the right to organize without any distinction, including managerial and executive staff and employers?</p>	<p>See under Article 2 above.</p> <p>The legislation does not distinguish managerial and other employees.</p>	<p>See under Article 2 above.</p>	<p>See under Article 2 above.</p>
Right to Organise and Collective Bargaining Convention, 1949 (No. 98)				
<p>Article 1 1. Workers shall enjoy adequate protection against acts of anti-union</p>	<p>Q1. Are there any provisions in the national legislation that would prohibit denial or</p>	<p>Q1 Art 3 of the Protection of Workers’ Representatives Decree (PWRD), which is considered to</p>	<p>Gap identified. While union officers are protected from action taken</p>	<p>There should be legal provisions on protection of workers in general from anti-</p>

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<p>discrimination in respect of their employment.</p> <p>2. Such protection shall apply more particularly in respect of acts calculated to--</p> <p>(a) make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;</p> <p>(b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.</p>	<p>cancellation of employment due to trade union membership of a worker?</p> <p>Q2. Does the national legislation provide for protection from any other types of anti-union practices?</p> <p>Q3. How is this Article of the Convention applied in practice? Are there any administrative or other practical elements that may make the application of this Article difficult?</p>	<p>apply to both the private and public sector: It is prohibited for an employer to take any measures (including dismissal) against trade union officers. In addition, the PWRD provides for the following:</p> <p>Art 4 – adequate facilities to Workers’ representatives)</p> <p>Art 5 – intervention by Labour Minister in case of non-observance or dispute</p> <p>Art 6 – penalties in case of non-observance</p> <p>Q2. Yes. Art 3 of the PWRD prohibits “measures of any kind” against union officers;</p> <p>Q3. No data available.</p>	<p>against them under the PWRD, general trade union members are not protected.</p>	<p>union discrimination in line with this Article of the Convention.</p>
<p>Article 2</p> <p>1. Workers' and employers' organisations shall enjoy adequate protection against any acts of interference by</p>	<p>Q1. How does the national legislation ensure that workers' and employers' organization do not</p>	<p>Q1. Art 1 paragraph 2 of the Collective Bargaining Agreement Act (CBAA) provides for financial independence of a trade union.</p>	<p>Gap identified.</p> <p>Q1 The current national legislation covers only trade</p>	<p>Q1 The national legislation should cover also employers' organizations and provide for protection against other types of acts of interference</p>

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<p>each other or each other's agents or members in their establishment, functioning or administration.</p> <p>2. In particular, acts which are designed to promote the establishment of workers' organisations under the domination of employers or employers' organisations, or to support workers' organisations by financial or other means, with the object of placing such organisations under the control of employers or employers' organisations, shall be deemed to constitute acts of interference within the meaning of this Article.</p>	<p>interfere each other, by, among others, prohibiting any measures that would limit independence in finance or operation?</p> <p>Q2. How is this Article of the Convention applied in practice? Are there any administrative or other practical elements that may make the application of this Article difficult?</p>	<p>Q2. There is no data available, nor any court cases and decisions known concerning any acts of interference between employers' organization(s) and trade Union(s).</p> <p>However, there is media coverage and personal observation; the most recent case dates from 2014, where the Union for Penitentiary Officials expressed concerns about interference from the Minister of Justice and Police, Mr Belfort, which he denied. The Union leader/ penitentiary servant was later reinstated.</p>	<p>unions and provides only for their financial independence.</p> <p>Q2 There is no data available, because no entity, department or body is entrusted with this task. Generally the Labour Inspectorate would be entrusted with supervision, protection and sanctioning, but none of the Decrees (The Protection of Workers' Representatives, Recognition of Labour Unions and Collective Bargaining Agreement Act) mention the specific role of the Inspectorate on this matter or explicitly state who is the supervisory authority.</p>	<p>provided for in the Convention.</p> <p>Q2 The Ministry of Labour stated that this gap will be corrected with the new draft legislation "Freedom of unions" where the Labour Inspectorate is entrusted with data collection.</p>
<p>Article 3 Machinery appropriate to national conditions shall be established, where necessary, for the purpose of ensuring respect for the right to</p>	<p>Q1. Are there any bodies that would discuss and promote the right to organize? Are they tripartite?</p>	<p>Art 5 of the PWRD The Minister of Labour is empowered to intervene at his/her discretion if he/she considers that there is failure to comply with the provisions of the</p>	<p>No gap identified.</p>	

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organise as defined in the preceding Articles.	Q2. What are the measures envisaged under the national legislation that would be taken if the right to organize is violated?	Decree. Detailed procedures are not provided, but in any case, this Decree concerns only trade union officers. Generally, the judiciary can always rule on the application of the law/decreet.		
Article 4 Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.	Q. How, through legal or other means, voluntary negotiation between employers and workers is encouraged and promoted?	Mentioned legislation all encourage and promote negotiation, especially article 1 of the Recognition of Labour Union Decree (SB 1981 no. 163), which requires the employer to negotiate if the trade union has legal personality, is mandated and empowered by its statute to enter into a collective agreement, and represents the employees in the bargaining unit. The penalty for non-observance is a fine or imprisonment. There are not any relevant programmes or campaigns by the government, employers'	Gap identified. The current legislation requires an employer to negotiate if the relevant trade union has legal personality.	Measures should be adopted and implemented to promote voluntary negotiation. Legal personality should not be required for negotiation.

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		<p>organizations or by trade unions on encouragement or promotion of voluntary negotiations known.</p> <p>As of July 2016 the Department of Collective Bargaining Agreements of the Ministry of Labour has registered almost a 100 private companies with collective bargaining agreements. The department has not enough capacity to monitor and follow up on registration if companies do not comply or if new agreements are concluded. Therefore the current data is outdated. Public collective bargaining agreements are not registered with this department.</p> <p>In practice, collective bargaining takes place as follows:</p> <p>[Private sector] – The right to collective bargaining is recognized in practice. As mentioned in</p>		

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		<p>articles above workers and employers have the freedom to establish or join any organization.</p> <p>– Not every worker uses the right to organize, so in practice, not in every private corporation workers choose to be organized. No statistics available.</p> <p>– If workers are not unified the employer doesn't have to negotiate collective agreements. It is possible for the employer to introduce binding company regulations for every worker, which requirements are regulated in the Civil Code, article 1613j. In this case, an agreement in writing must be obtained from the individual employee concerned.</p> <p>– Bank workers are also unified and there is a collective agreement.</p>		

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		<ul style="list-style-type: none"> – No statistics are available but in practice, workers of other private employers are usually not unified by profession. – If there is a collective agreement in a company, the employer is obligated to observe its term in regard to workers who aren't bound by the collective agreement (art 15, CBAA) – Collective agreements in the private sector bind the employees of the individual company. There are no national or sector-level collective agreements. – Employers who don't have collective agreements, need to submit their corporate regulations at The Ministry of Labour. <p>[Public sector]</p> <ul style="list-style-type: none"> – The government is the largest employer in Suriname. So most collective bargaining is between 		

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		<p>public employers and trade union representatives.</p> <p>– Public sector workers (teachers, nurses, doctors, health insurance or health centre) are unified by profession or by employer (see “List of Unions and Federations” in the accompanying translation document).</p> <p>– Public collective bargaining is done between a union for a specific group of public servants (such as teachers) and the director of the Ministry concerned (such as Education). Their agreement would cover only the group of public workers the union represents.</p> <p>– There is no legal regulation for registration of public collective bargaining agreements. Their agreements are usually archived at the Secretariat of the Ministry concerned.</p>		
Article 5	Q. How does the national legislation	See under Article 9 of Convention No. 87.	See under Article 9 of Convention No. 87.	See under Article 9 of Convention No. 87.

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1. The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.	regulate the issues of the right to organize and to collective bargaining with respect to the armed forces and the police?			
Article 6 This Convention does not deal with the position of public servants engaged in the administration of the State, nor shall it be construed as prejudicing their rights or status in any way.	Q1. How does the national legislation regulate the issues of the right to organize and to collective bargaining with respect to civil servants employed in government ministries and other comparable bodies? Q2. How is this provision of the Convention applied in practice? Are there any administrative or other practical elements that may make the application of this Article difficult?	Q1 Public and civil servants are covered by the Personnel Act. Article 10 of that Act recognizes the right to organize and to collective bargaining. Q2. CLO (Federation for Public Servants), BVL (Union for Teachers), Police Union, Union for Penitentiary Officials (BPAS) and Federal Personnel Sluices and Pumping Stations (B.P.S.G.) are examples of principle unions for the public sector.	N/A	N/A

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Part II. Elimination of all forms of forced or compulsory labour

Forced Labour Convention, 1930 (No. 29)

<p>Article 1 1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.</p>	<p>Q. Are there any national legislation, policy and/or programme to suppress the use of forced or compulsory labour?</p>	<p>Suriname ratified Conventions Nos. 29 and 105 in June 1976. Forced or compulsory labour in all economic sectors has since been prohibited in Suriname:</p> <ul style="list-style-type: none"> • Art 15 Constitution – general prohibition of forced or compulsory labour • Art 20a paragraph 1 Labour Act – prohibition of forced labour • Art 1344-1348 Civil Code – violence against a person who has entered into an agreement is a ground for nullification of the agreement • Art 14, 15, 16, 37 and 39 Penal Code – provisions on prison labour <p>(See the accompanying translation document for provisions)</p>	<p>Gap identified.</p> <p>While the national legislation prohibits forced or compulsory labour, no law or national plan specifically provides for measures to suppress it. The Development Plan is a general instrument covering all areas of human rights.</p> <p>Report of 2015 on trafficking in persons by the US Department of State: Women and girls from Suriname, Guyana, Brazil, and the Dominican Republic are subjected to sex trafficking in Suriname—including in remote and illegal gold mining camps in Suriname’s interior. Migrant workers in agriculture and on fishing boats off Suriname’s coast are highly</p>	<p>Implementation of the Developing Plan 2012-2016 regarding Labour issues should be promoted with particular attention to the need to suppress forced or compulsory labour.</p> <p>Sufficient funds for staff, research, monitoring, ensuring, protecting and facilitating legal provisions by departments/units concerned.</p> <p>Legislation or national plan specifically for the suppression on forced or compulsory labour may also be considered.</p>
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		<p>The Police Corps of Suriname monitors forced labour with the Trafficking in Persons Unit. See conclusions in Trafficking in Persons (TIP) Report of 2015 by the US Dept of State 2015 (see Gap on the right).</p> <p>The Labour Inspection is entrusted with the task of monitoring, ensuring and facilitating compliance with the legal provisions relating to employment and working in Surinam (for findings see the TIP report on the right).</p> <p>The Development Plan 2012-2016 of the Government Bouterse /Ameerali (SB 2013 No 73) exists with the purpose to amend, modernize and implement legislation regarding ILO conventions, in consultation with the social partners, employers ' and workers' organizations. The</p>	<p>vulnerable to forced labour, as are children working in gold mines and informal urban sectors. Chinese immigrants are subjected to sex and labour trafficking in Suriname, including in the mining, service and construction sectors. Surinamese women in neighbouring countries and territories engage in prostitution and may be vulnerable to sex trafficking. Limited government presence in the interior renders the full scope of the problem unknown (TIP-Report USA Dept of State 2015)</p> <p>Suriname was not fully complying with the Trafficking Victims Protection Act's minimum standards in 2015 and dropped to TIER 3. The government has since taken measures to prevent forced labour and as of 2016</p>	

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		policy mentions raising awareness, updating inadequate or implementing lacking legislation about Human Rights in general. (Chapter 1.3.4. see translation document)	Suriname is on the TIER 2 Watch list.	
<p>Article 2</p> <p>1. For the purposes of this Convention the term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.</p> <p>2. Nevertheless, for the purposes of this Convention, the term forced or compulsory labour shall not include--</p> <p>(a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character;</p>	<p>Q1. If a national legislation, policy and/or programme to suppress the use of forced or compulsory labour exist, how do they define the term “forced or compulsory labour”?</p> <p>Q2. Does the national legislation contain any exemption in this regard?</p>	<p>Q1 and 2. Relevant provisions are summarized as follows (see the accompanying translation document).</p> <p>Art 15 of the Constitution generally prohibits forced or compulsory labour.</p> <p>Art 20a paragraph 1 of the Labour Act defines forced or compulsory labour as work -</p> <p>A. by violence or threat thereof ;</p> <p>b . by threat of punishment ;</p> <p>c . by any other form of coercion or threat thereof.</p> <p>Art 20a paragraph 2 of Labour Act states that the provisions in the previous paragraph under the letters b and c of do not apply in</p>	<p>Gap identified.</p> <p>While Article 23 of the Delinquency Care Act allows prison labour for private individuals or companies under conditions set by the minister, it is not clear that such conditions ensure that the work is carried out under the supervision and control of a public authority as required under Article 2(2)(c) of the Convention.</p>	<p>The Delinquency Care Act should be amended to expressly provide for the requirement under this Article of the Convention.</p>

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<p>(b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;</p> <p>(c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;</p> <p>(d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and</p>		<p>the case war, disasters or the threat thereof , in which the life or normal living conditions of the entire population or part thereof be compromised or may be brought in danger.</p> <p>Art 14, 15, 37 and 39 of the Penal Code (GB1911 No 1, amended SB 2008 no 25) regulates prison labour.</p> <p>Prison labour, called “Labour Therapy”, is managed by the public authority of the prison and regulated by articles 22 and 23 Delinquency Care Act S.B. 1983 no. 75 S.B. 1989 no. 97 (see the translation document). Article 22 of the Act provides that the detainee sentenced to imprisonment is obliged to perform labour which may be assigned inside or outside the prison. The type of work would be of his/her choice, and must be adapted as far as possible to the</p>		

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<p>in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;</p> <p>(e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.</p>		<p>type of work the detainee would perform if he or she were free. That work should also contribute to the development of his/her professional competence. The working hours and working conditions should be adapted as much as possible to the normal working hours in the society.</p> <p>Article 23 of the Act allows prison labour for the benefit of private individuals or companies both within and outside the prison. Conditions are set by the Minister, but the Act provides that such work can take place only if the detainee volunteers, and only if the public service is paid the normal wage for similar work in the society.</p> <p>The Act does not elaborate on working conditions of the prisoners or on any labour contracts for the work performed by the prisoners.</p>		

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Protocol of 2014 to the Forced Labour Convention, 1930				
<p>Article 1</p> <p>1. In giving effect to its obligations under the Convention to suppress forced or compulsory labour, each Member shall take effective measures to prevent and eliminate its use, to provide to victims protection and access to appropriate and effective remedies, such as compensation, and to sanction the perpetrators of forced or compulsory labour.</p> <p>2. Each Member shall develop a national policy and plan of action for the effective and sustained suppression of forced or compulsory labour in consultation with employers' and workers' organizations, which shall involve systematic action by the competent authorities and, as</p>	<p>[For Articles 1-3]</p> <p>Q1. If a national legislation, policy and/or programme to suppress the use of forced or compulsory labour exist, do they contain measures to:</p> <p>(i) prevent and eliminate its use;</p> <p>(ii) provide to victims protection and access to remedies (e.g. compensation-also relevant to Article 4 of the Convention); and</p> <p>(iii) sanction the perpetrators</p> <p>(iv) educate and inform people who may become victims of</p>	<p>For Articles 1-3:</p> <p>Q1 (i) This Protocol 2014 has not been ratified yet. The current definition of the term “forced labour” in national legislation (20a Labour Act) is applicable for all economic sectors, but doesn't contain measures to prevent and eliminate its use.</p> <p>There are also policies on trafficking in persons and departments such as the Police and the Labour Inspectorate are entrusted with implementing them.</p> <p>(ii) The Police Corps of Surinam (department Trafficking in Person) and the Labour Inspection are entrusted with the task of monitoring, ensuring and facilitating compliance with the</p>	<p>Gap identified.</p> <p>For Articles 1-3:</p> <p>Q1 (i) There is no legislation, national policies or programme of actions specifically on forced or compulsory labour. While the Protocol of 2014 to the Forced Labour Convention, 1930 is not yet ratified, Suriname is in the process of amending and implementing legislation and policies through the Development Plan to prevent, and eliminate use of forced labour, to protect victims, and to inform and educate the public on forced labour.</p> <p>(ii) Art. 4(2) of the Protocol concerning protection of victims from being prosecuted for unlawful activities that</p>	<p>For Articles 1-3:</p> <p>Implementation of the Chapter on Human Rights in the Developing Plan 2012-2016 regarding amending Labour legislation should be promoted.</p> <p>Legislation, national policies or programmes of action specifically for the suppression of forced or compulsory labour should be developed and implemented.</p> <p>Q2. The government should (continue to):</p> <ul style="list-style-type: none"> vigorously investigate and

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<p>appropriate, in coordination with employers’ and workers’ organizations, as well as with other groups concerned.</p> <p>Article 2 The measures to be taken for the prevention of forced or compulsory labour shall include:</p> <p>(a) educating and informing people, especially those considered to be particularly vulnerable, in order to prevent their becoming victims of forced or compulsory labour;</p> <p>(b) educating and informing employers, in order to prevent their becoming involved in forced or compulsory labour practices;</p> <p>(c) undertaking efforts to ensure that:</p> <p>(i) the coverage and enforcement of legislation relevant to the prevention of forced or compulsory labour,</p>	<p>forced or compulsory labour;</p> <p>(v) educate and inform employers about forced or compulsory labour practices;</p> <p>(vi) ensuring that legislation relevant to the prevention of forced or compulsory labour is applied to all workers and all economic sectors, and that its application is enforced through labour inspection;</p> <p>(vii) protecting persons particularly vulnerable to forced or compulsory labour, particularly migrant workers;</p> <p>(viii) establishing and enforcing procedures</p>	<p>legal provisions relating forced labour. The TIP report of 2015 by the US Department of State contains the latest developments and activities in sex trafficking and forced labour. See the Gap under Article 1 of Convention No. 29.</p> <p>No other official data are available.</p> <p>(iii) Art 29 of the Labour Act provides that perpetrators of forced labour provided for under article 20 of the Act could be fined up to one million SRD (approximately 140,000 USD) or imprisoned up to six months. (see the accompanying I translation document for provisions) And under art. 307 of the Penal Code, Perpetrators of human trafficking are fined (up to SRD 1,000,000) and face imprisonment up to 20 years.</p>	<p>they were compelled to commit has to be addressed in national legislation policy.</p> <p>(iii-ix) The current programmes are mainly about trafficking in persons. In practice, there aren’t enough funds for staff, means, research and data to prove forced labour occurs and/or in which economic sector to determine how many people or who should be protected and arrested.</p> <p>Q2. Some progress has been made. There are programs to eliminate forced labour, there is more awareness in the country about (forms of forced labour) and amending legislation is a priority. Due to lack of evidence and data not many arrests were made in recent years, so sufficient</p>	<p>prosecute government officials who allegedly facilitate trafficking</p> <ul style="list-style-type: none"> • setting provisions for legal alternatives to deportation of victims to countries where they would be exposed to retribution or hardship ; • making changes in criminal law, in order to ensure that all identified victims are not unjustly put in prison , fined, or otherwise penalized solely for unlawful acts

Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned)	Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice	Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc.	Gaps identified: – Description of gaps etc.	Recommended solutions in national law and/or practice
<p>including labour law as appropriate, apply to all workers and all sectors of the economy; and</p> <p>(ii) labour inspection services and other services responsible for the implementation of this legislation are strengthened;</p> <p>(d) protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process;</p> <p>(e) supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour; and</p> <p>(f) addressing the root causes and factors that heighten the risks of forced or compulsory labour.</p>	<p>and mechanisms necessary to prevent and respond to forced or compulsory labour; and</p> <p>(ix) studying the root causes of forced or compulsory labour and reflecting the results to legislation, national policies or programmes.</p>	<p>(iv), (v) and (vii)</p> <p>There are Programs and Units dedicated to protecting, educating and informing victims of forced labour (especially vulnerable women/children/ migrant workers).</p> <p>Governmental:</p> <ul style="list-style-type: none"> • Units of Ministry of Justice (see overview translation document) • National Commission Eliminating Child Labour, • National Bureau of Gender Policy <p>Non-governmental organizations</p> <ul style="list-style-type: none"> • Women’s Parliament Forum (FVP) • Rachab Foundation/Maxi Linder Association • National Women Movement (NVB) • Ilse Henar-Hewit Foundation • Projecta Foundation <p>These organizations inform, educate and (legally) support</p>	<p>funds need to be made available.</p> <p>Q3. Although In the Development Plan (Chapters 1.2.2 participatory democracy and 4.4. Labour) specifically includes consulting employers’ and workers’ organization, in practice they are not involved in/do not have the opportunity to participate in decisions and measures which are taken.</p>	<p>as a direct result of human trafficking</p> <ul style="list-style-type: none"> • creating training programs for police and immigration personnel in regard to the identification and treatment of trafficking victims • ensure that victims are encouraged to participate in investigations and prosecutions of human trafficking • exploring options for victims of trafficking and the wider public to report trafficking to the government <p>Q3 The government should involve employers’ and</p>
<p>Article 3 Each Member shall take effective measures for the</p>				

Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned)	Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice	Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc.	Gaps identified: – Description of gaps etc.	Recommended solutions in national law and/or practice
identification, release, protection, recovery and rehabilitation of all victims of forced or compulsory labour, as well as the provision of other forms of assistance and support.		<p>women to improve their social economic and financial position.</p> <p>(vi) As mentioned under Article 1 of Convention No. 29, there exist relevant provisions generally prohibiting forced labour and regulating prison labour:</p> <ul style="list-style-type: none"> • Art 15 Constitution • Art 20a paragraph 1 Labour Act • Art 1344-1348 Civil Code • Art 14, 15, 37 and 39 Penal Code <p>However labour inspection to enforce them is not sufficiently carried out.</p> <p>With respect to improving the existing legislation, Chapter 4.4 on Labour of the Development Plan 2012-2016 (SB 2013 No 73) refers that the modernization of labour legislation will be done in consultation with the social partners, employers ' and workers' organizations. There is</p>		workers organisations in order to prevent forced or compulsory labour.

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	<p>Q2. What are the progress and results achieved by these measures?</p>	<p>also a role for Working Group on Trafficking in Persons, led by the Police Department with the participation of representatives of the Ministry of Labour, the Ministry of Social Affairs, and of District Attorneys. They do not work with employers or trade unions. This Working Group is working on implementing a rapid action programme to address the issues related to trafficking in persons.</p> <p>(viii) See under (ii), (iii) (iv), (v) and (vii) above.</p> <p>(ix) Not enough funds are available to research data, or study the root causes of forced labour. No official data available.</p> <p>Q2. Some arrests were made, but not enough due to lack of evidence and data. No court case data are available.</p>		

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		<p>As an indication; on the website of the Ministry of Justice and Police there is information about human trafficking stating that:</p> <p><i>“In Suriname a few people have been convicted of human trafficking on the basis of both the old article 307 (trafficking) and the new provisions in the Penal Code.</i></p> <p><i>From 2005 to 2011, 40 cases were investigated as possible human trafficking cases. The majority of these cases were related to sexual exploitation and the rest was related to forced labour.</i></p> <p><i>Of the 40 cases that have been investigated :</i></p> <ul style="list-style-type: none"> <i>• 27 suspects were arrested on suspicion of trafficking in human beings (December 2005 - October 2010) ;</i> <i>• 25 defendants were prosecuted for human trafficking and</i> 		

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	Q3. Are employers' and workers' organization involved in implementing measures mentioned under Q1 above? If so, how are they involved?	<p>• 18 people convicted of human trafficking” (see translation document for sources)</p> <p>Q3 National legislation and policies such as the Development Plan 2012-2016 (SB 2013 No 73) regarding modernizing Labour legislation and implementing ILO conventions are prepared normally in consultation with the social partners, employers' and workers' organizations.</p> <p>Governmental Units and non-governmental organizations work together in regard to trafficking (see under (vii), but there is no tripartite body specifically in relation to forced labour).</p>		
<p>Article 5 Members shall cooperate with each other to ensure the prevention and elimination of all forms of forced or compulsory labour.</p>	Q1. If a national legislation, policy and/or programme to suppress the use of forced or compulsory labour exist, do they	Q1 and Q2 such legislation doesn't exist yet. Suriname, however, is in the process of amending and implementing legislation and policies through the Chapter 1.3.4 of the	Gap identified. There is no legislation or programmes referring to international cooperation in this respect.	The government should explore the possibility of collaborating with neighbouring countries to prevent, suppress

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	provide for cooperation with other countries or with other relevant regional and international organizations? Q2. What are the progress and results achieved by these measures?	Development Plan in regard to general human rights (which include suppressing the use of forced or compulsory labour). (See the accompanying translation document for the contents on this chapter of the Development Plan)		and eradicate forced or compulsory labour.
Abolition of Forced Labour Convention, 1957 (No. 105)				
Article 1 Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour-- (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;	Q1. What national legislation provides for prohibition of the use of forced or compulsory labour as means as provided for in this Article of the Convention? Q2. How is this provision of the Convention applied in practice?	Q1. Forced or compulsory labour has since been prohibited in the Constitution, Labour Act and Civil Code (exemption in the Penal Code). Art 20a paragraph 1 Labour Act defines forced or compulsory labour as work a. by violence or threat thereof ; b . by threat of punishment ; c . by any other form of coercion or threat thereof.	Gap identified. Q1 and Q2 The current legislation does not expressly prohibit the use of forced labour for the purposes mentioned in Convention No. 105. Compulsory labour in Decree No. B-10 and the National Decree of 20 July 1956 is in conflict with Convention 105.	The national legislation should be amended to specifically provide for the prohibition in line with the Convention. The draft additional amendments to the Penal Code should be adopted and implemented as soon as possible. Decree No. B-10 and National Decree of 20

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<p>(b) as a method of mobilising and using labour for purposes of economic development;</p> <p>(c) as a means of labour discipline;</p> <p>(d) as a punishment for having participated in strikes;</p> <p>(e) as a means of racial, social, national or religious discrimination.</p>		<p>Art 20a, paragraph 2 of the Labour Act states that Art 20a, paragraphs 1 (b) and (c) do not apply in the case war, disasters or the threat thereof, in which the life or normal living conditions of the entire population or part thereof be compromised or may be brought in danger.</p> <p>Art 14, 15, 37 and 39 Penal Code (GB1911 No 1, amended SB 2008 no 25) Forced or compulsory labour is permitted for prisoners. Other forms or circumstances are not permitted.</p> <p>In Suriname compulsory labour, as Labour Therapy, is managed by the (public) authority of the prison and regulated by articles 22 and 23 Delinquency Care Act S.B. 1983 no. 75 S.B. 1989 no. 97 (see translation document).</p>	<p>In relation to Article 1(a) of the Convention, the Committee of Experts on the Application of Conventions and Recommendations (CEACR) commented on the application of Guyana of the Convention (published in 2014). In relation to Article 1(a) of the Convention, it requested to ensure the repeal of the Royal Decree of 26 October 1933 on the exercise of the right of assembly which provides requires under section 5 prior authorization of meeting in the district of Paramaribo, and provides in articles 8 and 9 for penalties involving compulsory labour. The Committee also requested the Government to take action to repeal of Decree No. B-10 of 29 June 1983 concerning proscribed publications, which prescribes in section 2</p>	<p>July 1956 should be amended to bring into conformity with the Convention, as recommended by the CEACR.</p>

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		<p>Q2. All forms of forced labour are prohibited and punishable. (Forms of) Forced or compulsory labour seems to occur in informal labour conditions, such as in the interior, informal goldmines, migrant workers and prostitution. No data available.</p> <p>The Committee of Experts has asked the Ministry of Justice and Police to bring Suriname’s Decree No. B-10 and the National Decree of 20 July 1956, into conformity with the Convention (Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014)).</p> <p>None of the Decrees mentioned in CEACR are provisions mentioned in Q1.</p> <p><i>“For many years, the Committee has been referring to the National Decree of 20 July 1956 which requires prior authorization of meetings open to the public and</i></p>	<p>penalties of imprisonment involving compulsory labour for importation, carrying, sale, distribution, possession, storage, production and reproduction of publications which may seriously disturb the public order and national security.</p> <p>In relation to Article 1(c) of the Convention, the Committee mentioned certain provisions of the Penal Code applicable for seafarers which permit imprisonment involving compulsory prison labour. According to the latest information available, there is a draft "Further Amendments to the Penal Code" drawn up in 2014, which amends the relevant provisions, but the instrument is not yet adopted.</p> <p>[For the full text of the CEACR’s comments, see:</p>	

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		<p><i>other meetings in the district of Paramaribo under section 5 of the Royal Decree of 26 October 1933 (on the exercise of the right of assembly); sections 8 and 9 of the 1933 Decree provide for penalties involving compulsory labour. The Committee has also been referring to section 1 of Decree No. B-10 of 29 June 1983, which prohibits the importation, carrying, sale, distribution, possession, storage, production and reproduction of proscribed publications which, in the opinion of the competent authorities, may seriously disturb the public order and national security; section 2 of the Decree provides for penalties of imprisonment. Noting that persons sentenced to imprisonment and detention can be subjected to compulsory labour (according to sections 14, 16, 35 and 37 of the Penal Code), the Committee of Experts has pointed out on numerous</i></p>	<p>http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3136690,103287,Suriname,2013]</p>	

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		<i>occasions that, in so far as the above provisions are enforced by penalties involving an obligation to perform labour, they may accordingly lead to the imposition of compulsory labour as a punishment for expressing political or ideological views”.</i>		

Part III. Effective abolition of child labour

Minimum Age Convention, 1973 (No. 138)

<p>Article 2 1. Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.</p>	<p>Q1. What is the legal minimum age for admission to employment? What provisions of the national legislation provide for it?</p> <p>Q2. If the minimum age is 14, was there a consultation with employers’ and workers’ organization in accordance with Article 2, paragraph 4 of the Convention?</p>	<p>Q1 : Definition of minimum ages in the Labour Act 1963</p> <p>Article 1 (h)(1) of the Labour Act 1963 (amended in 1983, S.B. 1983 no.91) defines the term “children” to mean persons who have not attained the age of 14.</p> <p>In addition, article 1(h)(2) of the Act defines the term “children”, if they are on board fishing vessels, to mean persons who have not attained the age of 15. This different definition was set forth</p>	<p>Gap identified.</p> <p>The minimum age for employment of 14 years provided for in the Labour Act is less than the age of 15 years provided for in art. 2(3) of Convention.</p>	<p>The minimum age should be raised at least to 15 years, as provided in Article (3) of the Convention.</p> <p>At the same time, raising the age of completion of compulsory education may also be considered, as this completion age does not correspond to current practices:</p>
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<p>3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.</p> <p>4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.</p>	<p>Q3. What is the age of completion of compulsory schooling? What provisions of the national legislation provide for it?</p>	<p>in order to fulfil the obligations of the Minimum Age (Fishermen) Convention, 1959 (No. 112) which Suriname has ratified in 1976.</p> <p>Article 17(1) of the Labour Act prohibits children from any paid labour.</p> <p>Therefore, the general minimum age for employment is 14 years, while it is 15 years for employment on board fishing vessels.</p> <p>Q2: The existing fixed minimum age was enacted in 1963 with the adoption of the labour Act 1963. No information about tripartite consultation at that time was found. It is therefore not certain whether there was tripartite consultation.</p> <p>Q3: The age of completion of compulsory schooling is 12 years, in accordance with Article 20 of</p>		<p>a) the age of sixteen years that education or vocational training institutions apply for the intake of attendants of their courses or trainings in practice;</p> <p>b) Article 612, paragraph 1* of the concept new Civil Code (Title 10, Labour Arrangements, General Provisions) states that a minor who has the age of sixteen years, is competent to or capable of enter into a labour contract or an employment contract.</p> <p>If the age of completion of compulsory education is to be raised to 16 years, then the minimum age for employment must be</p>

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		the Basic Education Law (G.B. 1960 no. 108)		raised at least to 16 years as well, in accordance with Article 2(3) of the Convention.
<p>Article 3</p> <p>1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.</p> <p>2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.</p>	Q1. Does the national legislation provides for a higher minimum age for admission to any employment which likely to be hazardous to young persons? If so, what is that minimum age?	<p>Q1.</p> <p>Labour Act</p> <p>Article 1(g) of the Labour Act defines the term “young persons” to mean persons who have attained the age of 14, but have not attained the age of 18.</p> <p>As Article 1(h) of the Act defines the term “children” separately, it must be noted that the Labour Act distinguishes “children” and “young persons”.</p> <p>Hazardous Labour for Young Persons Decree</p>	No gaps.	The list of hazardous work must be periodically updated.

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<p>3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.</p>		<p>The decree itself does not define the terms “child” or “young persons”. However, the Explanatory Note of the Decree on Hazardous Work states: <i>“Under Article 2 of ILO Convention 182 , children are persons who have not attained the age of 18 years yet, so this includes both young persons and children, referred to in Article 1 paragraph sub g and h of the Labour Act 1963. By analogy with the meaning given by the International Labour Organization (ILO) to the concept of children the same meaning is applied in this state decree primarily for the two categories mentioned in Article 1 under g and h Labour Act state that the performed labour activities cannot be hazardous.</i></p> <p>Article 20, paragraph 1 of the Labour Act 1963 in conjunction with articles 2 and 3 Hazardous Labour for Young Persons Decree</p>		

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		<p>(S.B. 2010 no. 175) provides for a higher minimum age (18 years) for admission to any employment which is likely to be hazardous to young persons.</p> <p>According to article 1(h) and article 20, paragraph 1 of the Labour Act in conjunction with the Hazardous Labour for Young Persons Decree, it is prohibited that persons from the age of 14 years and below the age of 18 years to be engaged in work that is hazardous for their health, moral and life.</p> <p>Art 2 and 3 in the Hazardous Labour for Young Persons Decree provides that labour which exposes youth to the following is considered hazardous work:</p> <ul style="list-style-type: none"> - highly prone to accidents; - biological dangers; - chemical dangers; - ergonomic dangers; - physical dangers; 		

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	Q2. If the higher minimum age is 16, was there a consultation with employers' and workers' organization with specific reference to Article 3, paragraph 3 of the Convention?	<p>- psycho-social dangers; - fails to comply with safety regulations; - unhealthy working conditions; - climate conditions. (See the accompanying translation document for the fuller list)</p> <p>Article 311 Penal Code (SB 2009, No 122) Giving up children under the age of 12 for activities such as begging or hazardous work is punished by imprisonment not exceeding 3 years and fines up to SRD 25.000.</p> <p>Q2. Not applicable.</p>		
Article 4	[For Articles 4-6 and 8]	Exception from the general minimum age	Gap identified.	The Labour Act, especially Articles 19 and 21, should be

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<p>1. In so far as necessary, the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.</p>	<p>Q. Does the national legislation exclude: (i) any categories of workers and/or (ii) certain industries from the scope of application of the minimum age legislation, in particular young persons engaged in vocational educational training programmes approved by the competent authority, or young persons participating in artistic performances? If so, what are the excluded categories of workers and industries?</p>	<p>Under Article 17, paragraph 2 of the Labour Act, Article 17, paragraph 1 of the Act prohibiting children (i.e. persons under the age of 14) from any paid labour does not apply if the work is performed: a) in the child’s family or educational institutions, provided that such activities had an educational character and are not for monetary profit; or b) in agriculture, horticulture or animal husbandry for the benefit of the child’s family. See the accompanying translation document.</p> <p>Art. 18 of the Labour Act provides that children who exceed the age of compulsory schooling (12 years) may perform labour activities if such activities are necessary for learning a profession or by their nature are conducted by children; are not too demanding physically or</p>	<p>The current legislation appears to provide overly wide and ad hoc possibilities for exemption, especially under Articles 19 and 21 of the Labour Act.</p>	<p>amended to restrict the possibility for exception.</p>

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		<p>mentally; or are not dangerous in character (Specific conditions are to be regulated by State Decree, but it is not yet adopted).</p> <p>With these provisions read together, the Labour Act appears to imply that the minimum age under the exceptional circumstances envisaged under Article 17 is the age of completion of the compulsory education, i.e. 12 years of age.</p> <p>Exception from the minimum age for hazardous work</p> <p>Art 21 paragraph 1 of the Labour Act provides that the types of night work for certain designated companies may be performed by young persons (i.e. persons whose age is over 4 years of age, but under 18 years) may be determined by State Decree. This State Decree is not yet adopted.</p>		

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		<p>Exceptions under individual circumstances</p> <p>Under Article 19, of the Labour Act, Director of the labour inspectorate may grant, under certain conditions, exceptions from the provision of article 17 of the Act (general minimum age for employment of children) at the request of the head of the family of the child. There are no regulations which specify circumstances mentioned in this article. There is no register for the exceptions granted.</p> <p>Article 21(2) of the Act allows the Director of the labour inspectorate to grant exemptions from the provision of article 20 of (prohibition for young persons (i.e. persons older than 14 but younger than 18) to engage in night work or work dangerous to health, morals or life) at the</p>		

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		<p>request of the director of a company.</p> <p>For instance, in 2015 a Children’s Bazar at a fast food restaurant was held, where children were selling food and one would be DJ. The children were older than 14 years. For this labour the food chain requested permission. Inspectors monitored the noise and their working space. Also their work was not focused on financial gain, but had an educational character.</p>		
<p>Article 5 1. A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially limit the scope of application of this Convention.</p>	(See under Article 4)	<p>Optional clause of the Convention – The national legislation does not make use of this option.</p>	N/A	N/A

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3. The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.				
Article 6 This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in	(See under Article 4)	Article 17(2)(a) of the Labour Act provides for exceptions concerning activities by children (i.e. persons who have not attained the age of 14) engaged in vocational educational training. In practice, however, vocational training institutions applied an	Gap identified. The current legislation is not in line with this Article of the Convention which requires that persons must be at least 14 years of age to be exempted for the reason of	The legislation should be amended to be in line with the Convention and also practice, in coordination with the review of the general minimum age (see

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undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of-- (a) a course of education or training for which a school or training institution is primarily responsible; (b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.		age of sixteen years for the intake.	being in schools. It does not reflect the practice either.	under Article 2 of the Convention).
Article 7 1. National laws or regulations may permit the employment	Q1. Does the national legislation allow light work for persons of 13	Q1. The existing provisions in the Labour Act 1963 concerning child labour don't include any specific	Gap identified.	Q1 and Q3 Amend paragraph 2, of article 18 of the Labour Act

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<p>or work of persons 13 to 15 years of age on light work which is--</p> <p>(a) not likely to be harmful to their health or development; and</p> <p>(b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.</p> <p>2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in sub-paragraphs (a) and (b) of paragraph 1 of this Article.</p>	<p>to 15 years of age? If so, which provisions of the national legislation provide for it?</p> <p>Q2. Does the national legislation permit the employment of persons who are at least 15 years of age but have not yet completed their</p>	<p>provision on “light work” by persons 13 to 15 years.</p> <p>However, paragraph 2(a) of article 17 in conjunction with article 18 of the Labour Act 1963 implicitly allows children who have exceeded the age of compulsory schooling (i.e. 12 in accordance with Article 20 of the Basic Education Law) and who are under 14 years of age to work, provided that such work takes place in the child’s family or at his/her educational institution and is educational in nature, or in agriculture, horticulture and animal husbandry; it is necessary for learning; and it is not too demanding or dangerous.</p> <p>Q2 Paragraph 2 of this Article of the Convention is a permissive clause. The law does not contemplate young persons who are at least 15 years of age but</p>	<p>Q1.The provision of article 18 of the Labour Act requires that the work performed by children of between 12-14 years of age must not be harmful, but it does not require that the work must not prejudice the workers’ attendance at school or institutions. Types of work permitted under this article is to be regulated by State Decree, but it is not yet adopted. The requirements under paragraph 3 of this Article of the Convention is therefore not met.</p> <p>Q3. See under Q1.</p>	<p>1963 and adopt a list of works that target groups are allowed to perform, including light work. In doing so, the types of work in the list must fulfil the conditions set forth in paragraph 1 of this Article of the Convention, in particular those in subparagraph (b).</p>

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<p>3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.</p> <p>4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.</p>	<p>compulsory schooling? If so, which provisions of the national legislation provide for it?</p> <p>Q3. In cases mentioned under Q1 and Q2 above, has the competent authority adopted a list of permitted activities and working conditions including hours of work?</p> <p>Q4. Are the options provided for under Article 7, paragraph 4 of the Convention used in the national minimum age legislation?</p>	<p>have not yet completed their compulsory schooling.</p> <p>Q3 Article 18 of the Labour Act 1963 requires the government to adopt State Decree which regulate work to be performed by children who passed the compulsory school age, but it is not yet adopted.</p> <p>Q4 This permissive clause is not used.</p>		
<p>Article 8 1. After consultation with the organisations of employers and workers concerned,</p>	<p>(See under Article 4) Q. Does the national legislation exclude: (i) any categories of</p>	<p>There are no specific provisions under the existing Labour Act 1963 which are dealing with young person’s participating in</p>	<p>Article 8 is optional.</p>	

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<p>where such exist, the competent authority may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances.</p> <p>2. Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.</p>	<p>workers and/or (ii) certain industries from the scope of application of the minimum age legislation, in particular young persons engaged in vocational educational training programmes approved by the competent authority, or young persons participating in artistic performances? If so, what are the excluded categories of workers and industries?</p>	<p>artistic performances, except for Article 19 of the Act, which allows the Head of the Labour Inspection to grant exceptions to the existing fixed minimum age in specific circumstances. However, no such permits have so far been issued concerning artistic performance.</p>		
<p>Article 9</p> <p>1. All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.</p> <p>2. National laws or regulations or the competent authority</p>	<p>Q1. What penalties (fines, imprisonment, etc.) does the national legislation provide for in case of failure to apply the minimum age legislation?</p>	<p>Q1. Paragraph 1 article 28 Labour Act in conjunction with paragraph 5: the manager of a company and/or supervisory personnel, as well as the legal representative of the child or the head of the family wherein the child is raised are liable for activities performed in breach of Article 17, see Q1 Article 4 of the Convention.</p>	<p>Q1. No gaps</p> <p>Q2 Gap identified. Lack of updated statistical information of labour inspection reporting on child labour and/ or contraventions of minimum age regulations, including sanctions imposed.</p>	<p>Q2. The Labour Inspectorate should adopt a policy to improve labour inspection reporting and collecting on data on labour law violations, including minimum age contraventions and child labour reporting.</p>

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<p>shall define the persons responsible for compliance with the provisions giving effect to the Convention.</p> <p>3. National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth, duly certified wherever possible, of persons whom he employs or who work for him and who are less than 18 years of age.</p>		<p>Penal provisions when in violation of any provision of the Labour Act 1963 are regulated in Article 29 of the Labour Act.</p> <p>Since March 2015 the summary proceedings on labour law violations, including breach of provisions regarding child labour based on new regulation (Ministerial Order) adopted in October 2014 are applied by the Labour Inspectorate.</p> <p>In these proceedings violations of the Labour Act, among other Acts, will be presented within the shortest possible time to the court for a ruling. This brings to an end to the long period in which violators of labour regulations can go unpunished. Per offense the public prosecutor is empowered to propose a transaction to the suspect, who</p>		

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	Q2. Are contraventions of the minimum age regulations often	<p>can avoid prosecution this way. No data available yet.</p> <p>The Revised Provisions on Sexual Offences of the Penal Code (S.B. 2009 no. 122) addresses some of the worst forms of child labour with provisions of sanctions, namely the age mentioned in Article 293 child (pornography) and under Article 303a (youth prostitution) are based on the implementation of the definition of the term 'child' in the Convention on the rights of the child (CRC) and the Convention on Cyber Crime, while Article 311 (Giving up Children for activities such as begging, hazardous work (employment) or hazardous artistic performances) applies on breaches against children under the age of twelve years.</p> <p>Q2 Currently no statistical information of labour inspection reporting on child labour and/ or</p>		

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	reported by the labour inspectorate? Any statistical information available, including any sanctions imposed?	contraventions of minimum age regulations, including sanctions imposed, are available.		
Worst Forms of Child Labour Convention, 1999 (No. 182)				
Article 2 For the purposes of this Convention, the term child shall apply to all persons under the age of 18.	Q. How does the national legislation define the term “child”? Could there be different, or even conflicting definitions in different laws and regulations?	Q. Labour Act The term “children” is defined in art 1(h) of the Labour Act as 1. in general, persons who have not attained the age of 14 ; 2. on board fishing vessels within the meaning of the persons who the age of the “Sea Fisheries Decree 1980”: persons who have not attained the age of 15 years. The Act also defines separately in art 1(g) the term “young persons” to include persons who have attained the age of 14 years, but have not attained the age of 18 years yet.	Gap identified. There are various definitions of the term ‘child’ in different national laws and regulations. Terms other than ‘child’, but similar ones are also used. They could even be confusing.	There should be one common definition of the term “child” for all laws. Other related terms should also be streamlined.

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		<p>Hazardous Work for Young Persons Decree</p> <p>Decree on Hazardous Work for Young Persons does not define the term child. However, the Explanatory Note of the Decree on Hazardous Work states: <i>“By analogy with the meaning given by the International Labour Organization (ILO) to the concept of children the same meaning is applied in this state decree primarily for the two categories mentioned in Article 1 under g and h Labour Act state that the performed labour activities cannot be hazardous.”</i></p> <p>Other laws</p> <p>Civil Code (GB 1860 No 4 amended by SB 2004 No 25), such as articles 382 or 1613 G paragraph 1, uses a term “minor”</p>		

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		<p>to mean a person under age of 21 years and who has never been married. This young person needs parental consent to sign a labour contract.</p> <p>The Basic Education Law doesn't define the term children. It only regulates the compulsory schooling age as mentioned in art 20 (i.e. age of 12).</p> <p>Though there are various definitions of the term 'child' in different laws and regulations, the common definition of the term 'child' as in international legal instruments concerning human and social rights, including the international labour norms such as CRC, C182 has been adapted in recently adopted new or revised national laws and regulations, namely the Decree on the National Commission on the Abolition of Child Labour (2008), and Revised Provisions of</p>		

Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned)	Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice	Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc.	Gaps identified: – Description of gaps etc.	Recommended solutions in national law and/or practice
		the Penal Code on Sexual Offences (S.B. 2009 no. 122).		
<p>Article 3 For the purposes of this Convention, the term the worst forms of child labour comprises:</p> <p>(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;</p> <p>(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;</p> <p>(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of</p>	<p>[For Articles 3 and 4]</p> <p>Q1. How does the national legislation define the term, “child labour”? Does it specify “worst forms of child labour”?</p> <p>Q2. Does the national legislation contain any exemption in this regard?</p> <p>Q3. Is there a list of hazardous work as defined under Article 3, paragraph (d) of the Convention? The list may have been adopted as law or regulations, or as an administrative issuance after consultation with</p>	<p>Q1. In the National Commission on the Abolition of Child Labour Decree (S.B. 2008 no. 115), the term “child labour” is defined in Article 1, paragraph j, as follows: ‘work done by children which may or can be hazardous or harmful to the health, the physical, psychological, intellectual, moral or social development and the life of the child as well as work or employment which is inconsistent (in conflict) with the worst forms of child labour Convention. This definition is in line with the UN Convention on the Rights of the Child (CRC) and ILO Convention no. 182.</p> <p>In Article 1, subparagraph k, of said Decree refers to C182 to define the term “worst forms of child labour” as: <i>“The description</i></p>	No gaps.	

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drugs as defined in the relevant international treaties; (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.	employers' and workers' organizations.	<p><i>in conformity with article 3 of the ILO Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour."</i></p> <p>Q2: The national law doesn't contain any exemption in this regard.</p> <p>Q3. Yes Article 2 of the State Decree on Hazardous Labour for Young Persons (S.B. 2010 No 175) defines hazardous work. See the accompanying document</p>		
<p>Article 4</p> <p>1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4</p>	<p>Q1. How does the national legislation define the term, "child labour"? Does it specify "worst forms of child labour"?</p> <p>Q2. Does the national legislation contain any exemption in this regard?</p>	<p>Q1 See under art 3 of the Convention.</p> <p>Q2. No. See under art 3 of the Convention.</p> <p>Q3. Yes. See under art. 3 of the Convention.</p>	No gaps	

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of the Worst Forms of Child Labour Recommendation, 1999. 3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.	Q3. Is there a list of hazardous work as defined under Article 3, paragraph (d) of the Convention? The list may have been adopted as law or regulations, or as an administrative issuance after consultation with employers' and workers' organizations.			
Article 5 Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.	Q1. Is there a tripartite body to deal with matters provided for in the Convention? If so, what legislative or administrative instrument regulates it? What are the body's core functions? How is the body structured? Q2. Please provide information on the activities of such body.	Q1. Yes. The National Commission on the Abolition of Child Labour (NCAUK), a tripartite plus body has been installed in 2009 to deal with matters provided for in C182. The tripartite mechanism or body is regulated in National Commission on the Abolition of Child Labour Decree, (S.B. 2008 no. 115). The composition of said mechanism is as follows: representatives from the	No gap	

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	Any results achieved by the body?	<p>government (namely Labour, Justice and Police, Education, Science and Culture, Regional Development, Social Affairs and Housing (namely, the Bureau Child Rights) and the Cabinet of the President), representatives of the trade unions (RAVAKSUR) and the employers’ organisations (VSB), the Anton de Kom University of Suriname (namely, the University Child Rights Institute) and the RACHAB Foundation (NGO).</p> <p>The National Commission on the Abolition of Child Labour whose aim is to prevent and eliminate child labour and its worst forms:</p> <ul style="list-style-type: none"> • The core functions of said mechanism are according to Article 3 of Decree National Commission on the Abolition of Child Labour as follows: • to propose and to formulate policies regarding child labour; 		

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		<ul style="list-style-type: none"> • to formulate and to adopt a national action plan concerning child labour; • to coordinate and to monitor the implementation of said action plan; • to modify existing legislation; • to conduct a survey on the situation of child labour and to collect data concerning child labour. <p>Q2. The following activities were undertaken by the NCUK (source: Ministry of Labour):</p> <ul style="list-style-type: none"> – preparatory activities concerning conduct of a large scale national child labour survey. The planned activity was replaced by a desk analysis study on child labour; – coordinate said desk analysis study on child labour; – the CLEAR project has not been completed. – Surinam is in preparation to conduct the (CLEAR) survey as 		

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		<p>the results of the desk analysis are being processed. These have not been published yet.</p> <ul style="list-style-type: none"> – awareness activities around the celebration of 12th June, World Day Against Child Labour (WDAKL) such as draw activities with the theme child labour, design of a calendar, an information sheet on child labour, press releases, information session for the Youth Parliament, TV interview, a leaflet (hand out) concerning child labour. – preparatory activities for the development of a national action plan on child labour such as mini workshop for members of the NCUK, several questionnaire(s). Some outcomes of said mini workshop are power point presentations, a draft background document on child labour, draft outline for a child 		

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		labour action plan within the Labour Inspectorate.		
<p>Article 6</p> <p>1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.</p> <p>2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.</p>	<p>[For Articles 6; and 7, paragraph 2]</p> <p>Q1. Is there a national policy and programme on child labour?</p>	<p>Q1</p> <p>Some major programmes on plans which address child labour are:</p> <ul style="list-style-type: none"> ▪ National Action Plan for Children (NAP 2009- 2014) (currently being revised) Responsible unit: National Commission on the Abolition of Child Labour (NCUK) ▪ Integrated Policy Plan for Children and Adolescents (Action programme 2012- 2016) and its, draft action plan on child labour Responsible unit: Presidential Working Group on Integrated Policy Children and Adolescents (with participation of the Ministries of: Health; Education and Community Development; Justice and Law Enforcement; Social Affairs and Housing; Sports and Youth Affairs; the Interior; Labour, Technological 	<p>Gap identified.</p> <p>Q1 – Q2. There are multiple programmes, but they are not coherent.</p> <p>Q4 Some outcomes or outputs of actions relating to child labour in these plans or programmes have been achieved or are in the process of implementation. However, the text of these plans and programmes and the information on their implementation are not made easily available.</p>	<p>Multiple national plans and programmes on child labour overlap and should be streamlined.</p> <p>Their texts and the information on their implementation should be systematically collected and made publicly available.</p>

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	<p>Q2. What is its main content? Does it contain time-bound measures addressing issues mentioned under Article 7, paragraph 2 of the Convention?</p> <p>Q3. Is it adopted and implemented in consultation with employers' and workers' organizations and other groups, associations and organizations concerned with child labour?</p> <p>Q4. How is this programme implemented? Are there any results achieved?</p>	<p>Development and Environment; Regional Development; and Foreign Affairs)</p> <ul style="list-style-type: none"> ▪ Strategic Document on Trafficking of Persons (approved by the Council of Ministers in 2014) Units concerned: Ministry of Justice and Law Enforcement, Immigration Department, Labour Inspectorate ▪ Basic Education Improvement Program (BEIP I and II) Responsible unit: Ministry of Education and Community Development ▪ Development Plan (2010- 2016) (Chapter III.12 on child and youth policy). <p>Q2. The plans have not been made publicly available, except for the Development Plan Bouterse /Ameerali (Chapter III.12 Child and Youth Policy). See the accompanying translation document for summary.</p>		

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		<p>Q3. NCUK has been involved in preparatory activities, see under Article 7.</p> <p>Q4. No results or data is available yet.</p> <p>As part of the Development plan Chapter Child and Adolescent Policy the government initiated a few measures to combat child labour. A national pilot project and after-school care started for children in underprivileged neighbourhoods. This project included after-school care for children, homework guidance, sports, games and providing a meal. Other social measures are school clothes action, social financial support programs to benefit of socio-economically disadvantaged families.</p> <p>The after School Program is operational and fully</p>		

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		<p>implemented since 2013 and is currently being evaluated by the Ministry of Education and Community Development.</p> <p>The School Uniform program and Social benefits programs for ‘disadvantaged families’ or families in need are part of existing broader social scheme program that are implemented by the Ministry of Social Affairs.</p>		
<p>Article 7</p> <p>1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.</p> <p>2. Each Member shall, taking into account the importance of education in eliminating</p>	<p>Q1. What kind of penalties does the national legislation provide for violation of the provisions on child labour?</p> <p>Q2. Is there a public body specifically dedicated to the prevention and eradication of child labour (e.g. a children’s authority)?</p>	<p>Q1. See under Q1 of Article 9 of Convention No. 138</p> <p>Q2. The National Commission on the Abolition of Child Labour (NCUK) is a multidisciplinary (tripartite plus) coordinating, monitoring and advisory mechanism of which the aim is to prevent and eliminate child labour and its worst forms.</p> <p>NCUK does not have any reports on results yet.</p>	Q1 and 2 no gaps	

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<p>child labour, take effective and time-bound measures to:</p> <p>(a) prevent the engagement of children in the worst forms of child labour;</p> <p>(b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;</p> <p>(c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;</p> <p>(d) identify and reach out to children at special risk; and</p> <p>(e) take account of the special situation of girls.</p> <p>3. Each Member shall designate the competent authority responsible for the</p>		<ul style="list-style-type: none"> – The NCUK is involved in preparatory activities under CLEAR in order to collect actual data concerning Child Labour in Suriname. – Recently a booklet concerning labour standards in dual languages (Dutch and English) has been published by the ILO sub regional Office for the Caribbean that closely has worked with the Ministry of Labour on this activity. As one of the outcomes of enhancing or raising awareness about child labour is access to relevant legislation, starting with the translation of ILO standards on Child Labour in Dutch. – Some outcomes of preparatory activities towards development of a National Action Plan (NAP) 		

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implementation of the provisions giving effect to this Convention.		on Child Labour are a list of identified stakeholders, a work plan for drafting process NAP, questionnaire(s) for NAP stakeholders consultations; – a draft outline and guidelines (components) for development action plan on child labour for the Labour Inspection – the development and or modification of a model registration form concerning child labour for the Labour Inspection – A mini workshop concerning gathering information from participating stakeholders in said Commission about policy documents and or policy plans towards development of National Action Plan on child Labour was organized in May 2014.		

Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned)	Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice	Current situation: – National laws or regulations (<u>Please include name of the law and section number</u>) – National policies – National practices etc.	Gaps identified: – Description of gaps etc.	Recommended solutions in national law and/or practice
		<p>– Electronic version of existing domestic laws and or regulations concerning child labour are now available in Dutch.</p> <p>National enforcement mechanisms that are dealing with the prevention and enforcement of child labour and its worst forms violations, are:</p> <p>a. the Labour Inspection (Article 31 of the Labour Act 1963 in conjunction with Labour Inspection Decree (S.B. 1983 no. 42)</p> <p>b. the Police (Penal Code)</p> <p>There are no available information on court rulings.</p>		
<p>Article 8 Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention</p>	<p>Q1. Does the country under review have any agreement or programme for prevention and</p>	<p>Q1. Yes. Suriname participates in the Global Country Level Engagement and Assistance to Reduce (CLEAR) Child Labour project executed by ILO –IPEC</p>	<p>No gaps.</p>	

Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned)	Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice	Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc.	Gaps identified: – Description of gaps etc.	Recommended solutions in national law and/or practice
<p>through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.</p>	<p>eradication of child labour with other countries or with regional and international organizations?</p> <p>Q2. If so, has such agreement or programme achieved any results?</p>	<p>and funded by the United States Department of Labor.</p> <p>Furthermore, Suriname is one of the participating states in the Regional Initiative Latin America and The Caribbean Free of Child Labour (RI). The RI consists of 26 participating states from Latin America and the Caribbean. Suriname also participates in the Caribbean Project for five Caribbean states participating in the RI, which is coordinating by the Brazilian Cooperation Agency of the Ministry of External Relations (ABC / MRE) in collaboration with ILO, and funded by the Government of Brazil under its South-South Cooperation initiative.</p> <p>Q2. Some outcomes so far achieved from the Global CLEAR project are:</p>		

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		– Currently, in execution the capacity strengthening of the Labour Inspectorate on child labour issues. In the first phase of said activity a training workshop on child labour issues for labour inspectors has been hold in March 2016. A number of 28 labour inspectors of the total number of 65 were trained in a 4 day workshop and received a certificate. Eight participants have been selected as trainees. – In process, the development of a training manual on child labour issues for the Labour Inspection. – Two day workshop for national stakeholders concerning to conduct a national survey on child labour was hold in March 2016. Two national institutions, namely the General Statistics Bureau (ABS) and the Institute for Social Science and Research (IMWO) have been identified to		

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		<p>conduct planned national survey on child labour.</p> <p>– A three workshop concerning developing NAP was hold in October 2015.</p> <p>– A draft booklet on international labour standards on child labour has been completed in April 2016.</p> <p>The Caribbean Project in five Caribbean participating states of the RI is not yet implemented.</p>		

Part IV. Elimination of discrimination in respect of employment and occupation

Equal Remuneration Convention, 1951 (No. 100)

<p>Article 1 For the purpose of this Convention--</p> <p>(a) the term remuneration includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or</p>	<p>Q1. Does the national legislation define the term “equal remuneration for men and women for work of equal value”?</p>	<p>Q1. Conventions 100 and 111 are not ratified in Surinam yet.</p> <p>Currently there is no national legislation that defines the term “equal remuneration for men and women workers for work of equal value”.</p>	<p>Gap identified.</p> <p>There is no national legislation were “equal remuneration for men and women workers for work of equal value” is defined.</p>	<p>Relevant laws, regulations and government policies regarding equality and equal remuneration for work of equal value need to be developed and implemented.</p>
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Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned)	Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice	Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc.	Gaps identified: – Description of gaps etc.	Recommended solutions in national law and/or practice
in kind, by the employer to the worker and arising out of the worker's employment; (b) the term equal remuneration for men and women workers for work of equal value refers to rates of remuneration established without discrimination based on sex.	Q2. Does the national legislation contain any exemption in this regard?	Q2. Currently no law defines the principle.		
Article 2 1. Each Member shall, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value. 2. This principle may be applied by means of--	Q. Are there any laws, regulations, wage committee or collective agreements that promote and ensure the application of the principle of equal remuneration for men and women workers for work of equal value?	While the principle of equal remuneration for men and women for work of equal value is not expressly defined in the national legislation, formally men and women have the same rights, as stated in The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Prevention, Punishment and Eradication of violence against women (Convention of Belem do Para). The Surinamese government has ratified both treaties, thus confirming the	Gap identified. These measures are relevant, but do not specifically promote ensure equal remuneration for men and women workers for work of equal value, while the existing legislation does not contain discriminatory provisions.	Same as Article 1 of the Convention.

Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned)	Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice	Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc.	Gaps identified: – Description of gaps etc.	Recommended solutions in national law and/or practice
<p>(a) national laws or regulations;</p> <p>(b) legally established or recognised machinery for wage determination;</p> <p>(c) collective agreements between employers and workers; or</p> <p>(d) a combination of these various means.</p>		<p>importance of equal rights for men and women.</p> <p>Art 8 of the Constitution (S.B. 1987 no.116 changed S.B. 1992 no.38.) prohibits any discrimination based on, among others, sex (gender).</p> <p>The Minimum Hourly Wage Act (SB 2014, NO 114) defines the minimum hourly wage for workers without gender difference.</p> <p>Other laws (such as Labour Act) also use gender neutral terms as “employee” of “worker” so there is no legal distinction between men and women.</p> <p>Wages in collective agreements are by principle gender neutral/equal for man and women.</p> <p>Collective Bargaining Agreements</p>		

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		<ul style="list-style-type: none"> – State Oil – Regional Health Organization – Ligeon Pharmacy – Hotel Torarica – State Health Insurance Foundation <p>The Head of Labour Inspection has to ensure that the minimum hourly wage is applied. Non-observance is fined. No data or court cases available yet; the Minimum Hourly Wage is in force since January 2015.</p> <p>The Ministry of State Affairs entrusts the National Bureau on Gender Issues (BGA) with the preparation and implementation of the national gender policy, namely the National Gender Work Plan (2013-2016), which follows the National Integral Gender Action Plan (2005-2010). See short summary of these plans</p>		

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		<p>in the accompanying translation document.</p> <p>In the Combined fourth, fifth and sixth Periodic Reports (2002-2014) submitted to the UN Committee on the Elimination of Discrimination Against Women (CEDAW), the BGA addresses equal pay as part of women's rights to employment and income. However, it does not contain any specific information on the current situation. It just indicates, <i>“No data are available regarding differences in salaries between men and women with the same job under equal qualifications. There are also no complaints filed at the Ministry of Labour on this matter.”</i></p>		
<p>Article 3 1. Where such action will assist in giving effect to the provisions of this Convention measures shall be taken to promote objective appraisal of</p>	<p>Q1. Does the national legislation or any administrative instrument provide for objective appraisal of jobs to identify the</p>	<p>Q1. There are no national legislation, formal manuals or guidelines that provide objective appraisal of jobs to identify the value of jobs for application of the principle of equal</p>	<p>Gap identified. Although this Convention has not been ratified, Suriname seeks to prepare and implement as many of the</p>	<p>Method of objective appraisal of jobs to assess the value of jobs should be developed and implemented.</p>

Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned)	Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice	Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc.	Gaps identified: – Description of gaps etc.	Recommended solutions in national law and/or practice
<p>jobs on the basis of the work to be performed.</p> <p>2. The methods to be followed in this appraisal may be decided upon by the authorities responsible for the determination of rates of remuneration, or, where such rates are determined by collective agreements, by the parties thereto.</p> <p>3. Differential rates between workers which correspond, without regard to sex, to differences, as determined by such objective appraisal, in the work to be performed shall not be considered as being contrary to the principle of equal remuneration for men and women workers for work of equal value.</p>	<p>value of jobs for application of the principle of equal remuneration for men and women workers for work of equal value? If so, are there any manuals or guidelines on the methods for such job appraisal?</p> <p>Q2. How is such job appraisal used in practice?</p>	<p>remuneration for men and women workers for work of equal value.</p> <p>For the public sector there is a performance appraisal system (FISO) that is gender neutral/equal for man and women, but this is not the appraisal system contemplated under the Convention, which evaluates values across different jobs.</p> <p>Q2. No job appraisal methods contemplated under the Convention exist.</p>	<p>principles. But Surinam has no legislation or instrument that provides objective appraisal of jobs yet.</p>	
<p>Article 4 Each Member shall co-operate as appropriate with the</p>	<p>Q. Is there a tripartite body established and operating for the</p>	<p>There are tripartite bodies such as the Labour Advisory Board and the Social and Economic Council.</p>	<p>Gap identified.</p>	<p>These bodies should be sensitized and equipped to deal with</p>

Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned)	Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice	Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc.	Gaps identified: – Description of gaps etc.	Recommended solutions in national law and/or practice
employers' and workers' organisations concerned for the purpose of giving effect to the provisions of this Convention.	promotion and implementation of the principle of equal remuneration for men and women workers for work of equal value?	<p>Neither of them are dedicated to the promotion and implementation of the principle of equal remuneration for men and women workers for work of equal value.</p> <p>The Ministry of Home Affairs entrusts the National Bureau of Gender Affairs (Formerly National Bureau of Gender Policy) with the preparation and implementation of the national gender policy. The Bureau is not a tripartite body, but does work with NGO's like:</p> <ul style="list-style-type: none"> • Women's Parliament Forum (FVP) • National Women Movement (NVB) • Projecta Foundation <p>The Projecta Foundation for <i>Governance, Participation, Gender Equality</i>, published the <u>Report of the first gender policy dialogue between NGOs and Government</u> listing the important</p>	Tripartite bodies do not appear to deal with the issues related to the principle of equal remuneration for work of equal value.	the Convention, in particular, the principle of equal remuneration for work of equal value.

Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned)	Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice	Current situation: – National laws or regulations (<u>Please include name of the law and section number</u>) – National policies – National practices etc.	Gaps identified: – Description of gaps etc.	Recommended solutions in national law and/or practice
		<p>topics, issues and measures (see the translation document for short summary).</p> <p>Two action plans have been adopted: National Gender Work Plan (2013-2016), which follows the National Integral Gender Action Plan (2005-2010). (See the accompanying translation document for short summary).</p> <p>Gender policy is also mentioned in the Development Plan of the Government Bouterse/Ameerali (Chapter III.15) See the accompanying translation document.</p>		
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)				
Article 1 1. For the purpose of this Convention the term discrimination includes-- (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion,	[For Articles 1 and 4] Q1. How does the national legislation define the term “discrimination”? In particular, what are the effects considered	Q1. Art 8 of the Constitution generally prohibits discrimination as: “any distinction made on birth, sex, race, language , religion, origin , education, political beliefs, economic position or	Gap identified. Not all forms of discrimination mentioned in Convention No. 111 are addressed in national legislation. The Constitution does not refer to colour, national extraction. Almost all	Existing national legislation should be amended or new legislation should be adopted in order to ensure that all grounds of discrimination provided for in the Convention are prohibited.

Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned)	Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice	Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc.	Gaps identified: – Description of gaps etc.	Recommended solutions in national law and/or practice
<p>national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation; (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.</p> <p>2. Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination.</p>	<p>“discriminatory” compared to ? What are the grounds on which discrimination is prohibited?</p>	<p>social circumstances or any other status is discriminatory.”</p> <p>There are no other explicit prohibitions against the forms of discrimination in other laws, such as Labour Act.</p> <p>[Additional information on discrimination based on sexual orientation]</p> <p>By law, being homosexual is not prohibited, but in practice, few people in Surinam would be openly gay or lesbian. Because the taboo of homosexuality, coming out could change family dynamics, friendships and dynamics at the workplace. There is no gay-bar known in Surinam, but a club has a gay-night every Friday. However, the LGBT-platform is active and organizes a Pride Week every year in March to raise awareness.</p>	<p>government activities and programmes are to raise awareness about discrimination against women and for gender equality.</p> <p>Even where relevant law exists, the provisions are insufficient. For example, in relation to discrimination based on sex (gender), the access to maternity leave entitlements is not equal between the public and the private sectors. There is also no legislation or national policy regarding the right to breastfeed at the workplace. Therefor female workers who want to combine working with breastfeeding will not be able to do so if there is no company policy.</p> <p>With respect to discrimination based on sex (sexual orientation), legally any forms</p>	<p>Laws containing relevant provisions should be revisited for any necessary improvement. For instance, strengthening workers' access to maternity leave or breastfeeding.</p>

Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned)	Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice	Current situation: – National laws or regulations (<u>Please include name of the law and section number</u>) – National policies – National practices etc.	Gaps identified: – Description of gaps etc.	Recommended solutions in national law and/or practice
		<p>Marriage in Surinam is only legal between a man and a woman. It is not legally possible to register as two same-sex partners.</p> <p>LGBT groups state that among larger employers, only State Oil and Hotel Torarica have a collective agreement that gives equal rights to same-sex partners at this moment. No official data was available to confirm.</p> <p>[Additional information on discrimination based on sex – maternity status]</p> <p>The Personnel Act recognizes the right to maternity leave. Therefore pregnant female public servants enjoy maternity leave while staying employed and have the right to a salary of 12 weeks before and after delivery in total.</p> <p>The Labour Act prohibits dismissal because of pregnancy,</p>	<p>of discrimination are prohibited. However, same-sex couples do not have the same rights as heterosexuals.</p>	

Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned)	Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice	Current situation: – National laws or regulations (<u>Please include name of the law and section number</u>) – National policies – National practices etc.	Gaps identified: – Description of gaps etc.	Recommended solutions in national law and/or practice
	Q2. Does the national legislation make any exemption? In particular, in relation to Article 4 of the Convention, does the national legislation consider not discriminatory measures applied to individuals who are involved in activities intended to safeguard the security of the State?	but does not recognize the right to maternity leave for female workers in the private sector. Therefore female workers in the private sector have no legal right to maternity leave or continuance of salary in the weeks prior or after to delivery. Q2 Art 23 Constitution ; In case of war, threat of war, martial law or another state of emergency or for reasons of national security, public order and morality rights set by law in the Constitution may be subject of restrictions, which for a certain period, depending on the situation will be in force, taking into account relevant international regulations. The State Decree of 24 May 2000 on Instruction concerning Security and Assistance Service in Suriname (S.B. 2000 no. 58) doesn't have any specific		

Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned)	Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice	Current situation: – National laws or regulations (<u>Please include name of the law and section number</u>) – National policies – National practices etc.	Gaps identified: – Description of gaps etc.	Recommended solutions in national law and/or practice
		discriminatory provisions with respect to employment and occupation for security of the State.		
<p>Article 2 Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.</p>	<p>[For Articles 2 and 3]</p> <p>Q1. Is there a national policy for promotion of equality of opportunity and treatment in respect of employment and occupation?</p> <p>Q2. Does such national policy: (i) seek cooperation of employers’ and workers’ organizations and of other entities concerned ?</p>	<p>Q1. Development Plan Bouterse/Ameerali, Chapter III.15 concerning gender and National Gender Work Plan (2013-2016) focus mainly on measures for eliminating discrimination on grounds of gender. (See the accompanying translation document for summary of these instruments.)</p> <p>Q2. (i) Partly. The Development Plan 2012-2016 Chapter III.15 (see the translation document) recognizes gender equality as an important human rights issue, for which the National Bureau Gender Affairs should be the link between national and international organizations and the government and other actors.</p>	<p>Gap identified.</p> <p>Q1, Q2, Q3 Existing national policies do not address the grounds of discrimination mentioned in the Convention except for sex (gender).</p> <p>The gender policies exist, but they do not specifically address equality of opportunity and treatment in respect of employment and occupation. The information on the implementation of these policies are not easily available.</p>	<p>National policies on gender should be updated and amended to address gender equality in the context of employment and occupation, as provided for in the Convention.</p> <p>National policies on other grounds of discrimination mentioned in the Convention should be developed and implemented.</p>
<p>Article 3 Each Member for which this Convention is in force undertakes, by methods appropriate to national conditions and practice--</p>	<p>(ii) identify any new legislation necessary?</p> <p>(iii) identify any existing legislation that needs to</p>	<p>(ii), (iii), (vi), (v)</p>		

Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned)	Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice	Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc.	Gaps identified: – Description of gaps etc.	Recommended solutions in national law and/or practice
<p>(a) to seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of this policy;</p> <p>(b) to enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of the policy;</p> <p>(c) to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy;</p> <p>(d) to pursue the policy in respect of employment under the direct control of a national authority;</p> <p>(e) to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the</p>	<p>be repealed or amended?</p> <p>(iv) cover public sector employment?</p> <p>(v) cover vocational education, vocational training and public employment service?</p> <p>Q3. How is such national policy implemented in practice? Please describe activities undertaken and their results achieved.</p>	<p>Other forms of discrimination are not addressed yet.</p> <p>The Ministry of Labour is currently drawing up plans and activities to prevent all forms of discrimination in new legislation, but these plans are not formal yet.</p> <p>Q3. See under Q2.</p>		

Main provisions of the fundamental Conventions (Not all Articles of the Conventions are mentioned)	Questions for analysis to consider gaps between the Convention and the existing national legislation and/or practice	Current situation: – National laws or regulations (Please include name of the law and section number) – National policies – National practices etc.	Gaps identified: – Description of gaps etc.	Recommended solutions in national law and/or practice
direction of a national authority; (f) to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action.				
Article 4 Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice.	[See under Article 1 above.]	No provisions found – This Article is not used.	No provisions applying this Article appear to exist, but that would mean measures affecting an individual engaged in activities for the security of the State must also respect and implement the principle of non-discrimination.	N/A