REPORT OF THE HUMAN RIGHTS PROMOTION MISSION TO
THE REPUBLIC OF SEYCHELLES

6 – 10 APRIL 2015
ACKNOWLEDGEMENTS

The African Commission on Human and Peoples’ Rights (the Commission) is grateful to the Government of the Republic of Seychelles for kindly hosting a human rights promotion mission undertaken by a delegation of the Commission (the delegation) from 6 to 10 April 2015.

The Commission expresses its sincere gratitude to the country’s highest authorities for providing the delegation with the necessary facilities and personnel for the smooth conduct of the mission.

The Commission also expresses its appreciation to His Excellency Mr Jean-Paul Adam, Minister for Finance, Trade and Blue Economy; and to His Excellency Mr Joel Morgan, Minister for Foreign Affairs and Transport; for their inspiring initiatives in the organization of the various meetings which greatly contributed to the success of the mission.

Finally, the Commission expresses its gratitude to Mr Ralph Agrippine, Director General for Protocol, Treaties and Consular Affairs, and Co-Chair of the Seychelles Human Rights Treaty Committee; Ms Gayethri Pillay and Ms Sofie Bonnelame as well as the staff of the Ministry of Foreign Affairs and Transport, for assisting the delegation throughout their stay and for facilitating the organization of the various meetings.
**Acronyms and Abbreviations**

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tr>
<td>AIDS</td>
<td>Acquired Immune Deficiency Syndrome</td>
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<td>AMSP</td>
<td>Association of Media Professionals of Seychelles</td>
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<td>ARV</td>
<td>Antiretroviral</td>
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<td>AU</td>
<td>African Union</td>
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<td>BAS</td>
<td>Bar association of Seychelles</td>
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<td>CAA</td>
<td>Constitutional Appointments Authority</td>
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<td>CEO</td>
<td>Chief Executive Officer</td>
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<td>CEPS</td>
<td>Citizens Engagement Platform in Seychelles</td>
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<td>CSO</td>
<td>Civil Society Organization</td>
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<td>EU</td>
<td>European Union</td>
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<td>GDP</td>
<td>Gross Domestic Product</td>
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<td>HIV</td>
<td>Human Immunodeficiency Virus</td>
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<td>IT</td>
<td>Information Technologies</td>
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<td>LUNGOS</td>
<td>Liaison Unit for Non-Governmental Organizations</td>
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<td>NAS</td>
<td>National Assembly of Seychelles</td>
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<td>NGO</td>
<td>Non-Governmental Organization</td>
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<td>NHRC</td>
<td>National Human Rights Commission</td>
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<td>RIG</td>
<td>Robben Island Guidelines</td>
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<td>SMC</td>
<td>Seychelles Media Commission</td>
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<td>SPS</td>
<td>Seychelles Prison Service</td>
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<td>SR</td>
<td>Seychelles’ Roupie</td>
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<td>UN</td>
<td>United Nations</td>
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<td>UNDP</td>
<td>United Nations Development Programme</td>
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<td>UNODC</td>
<td>United Nations Office on Drugs and Crime</td>
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<td>US</td>
<td>United States</td>
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<td>WHO</td>
<td>World Health Organization</td>
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PART I

I. INTRODUCTION


2. Under Article 45 of the African Charter, the Commission is mandated to promote human rights and fundamental freedoms enshrined in the Charter, ensure their protection and the monitoring of its implementation, interpret its provisions and provide legal advice at the request of the Assembly of Heads of State and Government. In addition, the Commission is tasked with collecting documents, undertaking studies and researching on African problems in the area of human and peoples’ rights, organizing seminars, symposia and conferences, disseminating information, encouraging national and local institutions dealing with human and peoples’ rights and, where appropriate, giving advice or making recommendations to governments.

3. It is in the context of the implementation of the human rights promotion mandate of the Commission that Commissioner Yeung Kam John Yeung Sik Yuen, (henceforth Commissioner Yeung), responsible for human rights activities in the Republic of Seychelles and Chairperson of the Commission’s Working Group on the Rights of
Older Persons and Persons with Disabilities in Africa, assisted by staff\textsuperscript{1} from the Secretariat of the Commission, undertook a human rights promotion mission in the Republic of Seychelles from 6 to 10 April 2015.

4. During the mission, the delegation collected specific information on the human rights situation in Seychelles, distributed the conventions of the African Union and the documents of the Commission as well as all the other relevant international human rights instruments. The delegation also enhanced the Commission’s visibility and raised awareness among all state and non-state stakeholders about its work and its subsidiary mechanisms.

II. TERMS OF REFERENCE

5. The objectives of the mission were as follows:

- Promote the African Charter and all other international and regional human rights instruments;
- Strengthen the collaboration between the Commission and the authorities of the Republic of Seychelles in relation to the promotion and protection of rights guaranteed under the African Charter as well as under other relevant international human rights instruments;
- Engage dialogue with the Government of the Republic of Seychelles with regard to legislative and other measures taken to implement provisions of the African Charter and other human rights instruments ratified by the Republic of Seychelles;
- Exchange views and share experiences with the Government of the Republic of Seychelles, and with other stakeholders working on human rights in the country,

\textsuperscript{1} - Mr Bruno Menzan, Legal Officer at the Secretariat of the Commission; Mrs Bagona Anita, Legal Officer at the Secretariat of the Commission; and Mr Philbert Bayeka, Finance Officer at the Secretariat of the Commission.
on strategies aiming at improving the enjoyment of human rights;

- Gather relevant information on the situation of the rights of women, children, asylum seekers, refugees, migrants, older persons, persons with disabilities and other categories of vulnerable persons living in the Republic of Seychelles; and underscore good practices and positive measures while noting the challenges encountered in the course of the implementation of provisions of the African charter as well as various human rights instruments ratified by the Republic of Seychelles;

- Assess the level of enjoyment regarding economic, social and cultural rights of populations in the Republic of Seychelles, as well as measures taken by the Government to implement this category of human rights;

- Gather information on the situation of human rights defenders in the Republic of Seychelles and discuss with all stakeholders the challenges that hamper the effective enjoyment of human rights defenders’ rights;

- Exchange views and gather information on extractive industries, and assess the impact of extractives industries on the life of populations in the Republic of Seychelles as well as on the environment;

- Gather information related to the issue of HIV/AIDS and the measures as well as policies put in place by the government of Seychelles to prevent this pandemic; and to protect human rights of persons living with the virus as well as persons at risk, vulnerable persons, and persons affected by this disease;

- Meet all stakeholders involved in the realm of human rights with a view, among others, to take cognisance of their programmes, their assessment of the human rights situation in the Republic of Seychelles and challenges encountered in the course of their activities;

- Visit prisons and other detention facilities in order to view conditions of persons in custody in the Republic of Seychelles;

- Visit all other places and establishments that have an impact on the enjoyment of human rights in the Republic of Seychelles.
III. HISTORICAL, GEOGRAPHICAL AND INSTITUTIONAL BACKGROUND OF THE REPUBLIC OF SEYCHELLES

A. Historical background and Geographical Location

6. The Republic of Seychelles acquired independence from the United Kingdom on the 26 June 1976. In the previous century, physical and political control of the inhabited islands had been hotly contested between France and Great Britain. The latter finally took control of these islands pursuant to the Paris Treaty signed in 1814. This archipelago country is located in the Indian Ocean, northeast of Madagascar and about 1,600 km (994 miles) east of the Republic of Kenya. The country is made of more than 116 islands of which the main ones are Mahé, Praslin, La Digue and Silhouette.

B. Administrative Profile

7. The country is divided into twenty-six administrative (26) regions that comprise all of the inner islands. Eight of the districts make up the capital of Seychelles and are referred to as Greater Victoria. Another 14 districts are considered the rural part of the main island of Mahé with two districts on Praslin and one on La Digue which also includes respective satellite islands. The rest of the Outer Islands (Îles Éloignées) are the last district, recently created by the tourism ministry.

8. Seychelles has three official languages, Creole, English and French which are used both in official occasions and in daily social relations.
C. Political Organization

9. Under the third republic instituted in 1993 by the adoption of the current constitution, Seychelles is a secular, sovereign and democratic republic which functions on the basis of the principles of the separation of powers (the executive, the legislature and the judiciary), and the rule of law based on the recognition of the fundamental human rights and freedoms.

10. The President of Seychelles is the Head of State, Head of Government and Commander-in-Chief of the Defence Forces of Seychelles. The President is elected on the basis of universal adult suffrage and by secret ballot for a maximum term of five years which is renewable only three (3) times. The current President of the Republic of Seychelles is Mr James Alix Michel who assumed office since April 2004 at the retirement of President France-Albert René. President Michel was then elected in July 2006 and re-elected in May 2011. The executive authority is vested in the President and extends to the upholding and maintenance of the constitution and the laws of Seychelles.

11. The Cabinet of Ministers, comprising not less than seven or more than fourteen, is appointed by the President subject to the approval of a majority of the members of the National Assembly. A Minister has such title, portfolio and responsibility as may be determined from time to time by the President and a Minister may be assigned the responsibility of more than one Ministry at any one time.

12. The National Assembly has power to make laws and is a unicameral House currently composed of thirty-two (32) Members of the National Assembly. The term of a legislature in Seychelles is five years.
13. The Constitution provides for a Judiciary which consists of the Court of Appeal, the Supreme Court, the Magistrates Court and subordinate courts or tribunals. The Judiciary is independent and subject only to the Constitution and other laws of Seychelles.

D. Economic Situation

14. The Gross Domestic Product (GDP) in Purchasing Power Parity of Seychelles is about US$ 24,522 per capita. Seychelles is ranked 114 out of 178 countries by the Index of Economic Freedom and has been improving its records since 2012. Tourism and the fishery industry remain the major income generating activities for Seychelles even if sectors like agriculture, industry and small scale business are important contributors to the national economy.

15. The economy of the country though improving faces challenges due to the successive economic crises in the world and to its small size as well as the environmental challenges of the archipelago.

E. Social Context

16. Seychelles has a population estimated at about 91,000 inhabitants. The population is mainly made of African, European, Indian, and Chinese descents. According to the 2010 census, most Seychellois are Christians: 76.2% were Roman Catholic, 6.1% were Anglican and 6.9% of other Christian denominations. There are small minorities who practice Hinduism (2.4%) and Islam (1.6%). Other non-Christian faiths accounted for 1.1% of the population while a further 5.7% were non-religious or did not specify a religion.
17. Seychelles offers relatively acceptable living standards to its populations who have access to fairly qualitative education, health services, housing and communication services. Employment is also guaranteed for almost all in the labour force and a strong social service has been developed to support those in need. Despite a major challenge caused by drug consumption related crimes, Seychelles is a safe country with no recent records of instability due to political or social claims.

**F. Legal framework for the Promotion and Protection of Human Rights**

18. At the time of the completion of this promotion mission by the Commission, the Republic of Seychelles was party to the following major human rights instruments:

**African legal instruments**
- African Charter on Human and Peoples' Rights;
- OAU Convention Governing the Specific Aspects of Refugee Problems in Africa;
- African Charter on the Rights and Welfare of the Child;
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;
- African Youth Charter; and

**International legal instruments**
- International Covenant on Civil and Political Rights;
- Optional Protocol to the International Covenant on Civil and Political Rights;
- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
- International Covenant on Economic, Social and Cultural Rights;
• International Convention on the Elimination of All Forms of Racial Discrimination
• Convention on the Elimination of All Forms of Discrimination against Women;
• Optional Protocol to the Convention on the Elimination of Discrimination against Women; with acceptance of inquiry procedure at Article 8 and 8 of the Optional Protocol to the Convention;
• Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; with acceptance of enquiry procedure at Article 20 of the Convention; as well as with the acceptance of individual complaints under Article 22 of the Convention;
• Convention on the Rights of the Child;
• Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;
• Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;
• International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and
• Convention on the Rights of Persons with Disabilities.
• Rome Statute;
• Geneva Conventions of 1949 and the two first Additional Protocols;

National legal framework for the Promotion and Protection of Human Rights

• Chapter III of the 1993 Constitution of the Republic of Seychelles as well as a number of other Acts and policies constitute the legal framework for the promotion and protection of human rights in Seychelles.
PART II

I. METHODOLOGY AND CONDUCT OF THE MISSION

19. The promotion mission to Seychelles was conducted in the form of interactions and meetings with the highest authorities and the different stakeholders involved in the promotion and protection of human rights. The delegation also visited the Montagne Posée prison and the Regional Home for Elderly at North East Point.

20. At each of these meetings, the delegation made a brief presentation of the Commission by outlining its organization, composition, mandate, operations and subsidiary mechanisms. It further presented the objectives of the mission and emphasized the sharing of best practices in the areas of interest to the mission.

21. Thus, the interactions and discussions between the delegation and the various authorities and stakeholders centred on the human rights situation in Seychelles.

22. At the end of the meetings, the delegation distributed publications and documents of the Commission to the authorities and other stakeholders it met. Specific publications were distributed to authorities and stakeholders according to their particular areas of intervention and interest.

II. MEETINGS HELD BY THE DELEGATION OF THE COMMISSION

1) Meeting with the Minister for Foreign Affairs and Transport

23. The delegation started its mission by a working session with the Minister of Foreign Affairs, Mr Joel Morgan who chaired the meeting. Attendees on the side of the Ministry included Mr Maurice Loustau-Lalanne - Principal Secretary for the Foreign Affairs
Department, and Chair of the Seychelles Human Rights Treaty Committee; Mr Ralph Agrippine - Director General for Protocol, Treaties and Consular Affairs, and Co-Chair of the Seychelles Human Rights Treaty Committee; Mr Raymond St Ange - Adviser to the Minister Morgan; as well as other technical and support staff of the Ministry assigned to facilitate and coordinate the mission of the Commission.

24. After exchanging civilities, Commissioner Yeung expressed on behalf of the delegation and the entire Commission as well as in his own name, appreciations to the country for having accepted to receive a promotion mission of the Commission. He also thanked the Ministry for facilitating this mission and for the logistical arrangements put in place to make sure the mission works smoothly. The Commissioner also introduced the Commission and its work to the Minister and the other officials attending the meeting.

25. Addressing the substantial issues of the mission, the Commissioner raised questions pertaining to among others, the overdue reports\(^2\), the need to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (the Court Protocol)\(^3\), the need for Seychelles to attend and be represented at the Sessions of the Commission, etc. It was also the occasion for the Commissioner to request the Government of Seychelles to host one of the Sessions of the Commission and he elaborated on the financial implications of this as well as the advantages of receiving statutory meetings of the Commission.

Regarding the financial aspect, the two parties agreed to have an estimated cost of hosting a Session of the Commission shared with the Ministry before the end of the mission. As for the advantages, these include among others according to the Commissioner, promoting the country hosting a Session as well as sharing the good practices of the country in terms of implementing the Charter. It is again an occasion to

\(^{2}\) At the time of the mission, Seychelles had 5 outstanding reports and was soon to reach 6 overdue reports.

\(^{3}\) Seychelles signed the Protocol but is yet to ratify it.
learn from other states and actors on how best human rights guaranteed under the charter could be implemented.

26. Responding to the Commissioner, the Minister indicated that Seychelles has worked towards addressing the concerns and issues raised by the Commission in its report of the last promotion mission it conducted in the country in 2004. He then gave a detailed account of the action taken by the Government of Seychelles on each of those issues. Below are his responses:

i. On the recommendation to establish an independent electoral commission comprised of several persons rather than (maintain) a single person serving as an electoral commissioner, the matter was addressed as shown by the current configuration of the electoral commission which is made of one chairperson and 4 members pursuant to Article 115 of the Constitution of Seychelles.

ii. On the recommendation regarding appointing Members of the Constitutional Appointments Authority (CAA), he responded that the same system of designation of members of the CAA still applied and that all the three members are currently women;

iii. Regarding addressing HIV/AIDS, the Minister noted that Seychelles is currently one of the leading countries in Africa as far as managing this disease is concerned and a National AIDS Committee was created for this purpose;

iv. On the Ombudsman, the Minister indicated that work is on-going to empower the Office and the best interlocutor for staffing the said Office will be the Ombudsman herself;

v. On child rights, the Minister stated that a special unit has been created in the Police to deal with offences against children; that the Ministry of Social Affairs deals with issues of children in Seychelles and that despite the controversy around the question, the marital age is same for boys and girls in Seychelles. He also raised challenges such as the prevalence of alcohol and drug use by the youth, domestic violence, and teenage pregnancy. Regarding child abuse, he indicated that the Government is taking measure to combat it but Government’s
efforts are not reflected in the scarcity of reported cases. The measures used to address these challenges include the legislative imposition of a mandatory minimum sentence of seven years for child abuse as well as the interdiction of corporal punishment both at school and by parents;

vi. Regarding the Judiciary, the Minister mentioned that challenges persist as this institution faces what he called “a problem of productivity” which results in difficulty to conclude cases. He cited for instance cases up to 10 years and 4 years respectively to resolve civil and criminal proceedings. He also raised concerns about the Seychellois Bar Association which he deems practices a sort of “protectionism” and has some integrity issues as well. The Minister further indicated that lawyers are made available to accused persons through the legal aid system. The trials of the Somali pirates in the Seychelles is among the efforts taken by the State aiming at mitigating some of the challenges faced by this international scourge; he also mentioned that the Bar has a pro bono scheme which assists those accused persons;

vii. The Minister deemed that freedom of expression is satisfactory and probably too liberally applied in Seychelles. NGOs freely promote human rights while social and print media operate freely to the extent that even “shocking statements are not gagged”; he maintained that the fact that freedom of expression is a reality allows both the State and non-state actors to engage in large scale human rights promotion in Seychelles; furthermore, there is a human rights Action Plan in the course of finalisation;

viii. As regards the Chagossians, the Minister stated that their case is addressed because all of them have been naturalised and the issue of their association is dealt as well; Regarding the National Human Rights Institution, the Minister informed the delegation that there is work on-going with the Commonwealth to bring it in line with the Paris Principles;

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4 The Minister noted that the legal aid is under restructuration to better serve its purposes.

5 The Minister alluded to the case of one Mr Bernard whose case is in court and who stated publicly that the President of the Republic should be hanged, etc.
ix. The Minister also mentioned the only case against Seychelles that the Commission dealt with through its Communications mechanism, the Morin case which failed at admissibility stage;  
x. As for the recommendation of the Commission to publish the report of the promotion mission of 2004, the Minister stated that the said report is online and this shows that Seychelles has complied with the recommendation of the Commission.

27. The Minister insisted that some of the reforms to fully abide by the recommendations of the Commission will need constitutional reform and the Government is working to achieve this.

2) Courtesy call to the President of the Republic of Seychelles

28. During the mission, the delegation paid a courtesy call to His Excellency Mr James Alix Michel, President of the Republic of Seychelles. The ceremony was attended by the Minister of Foreign Affairs and Transport and the Diplomatic Adviser to the President, Mr Callixte D’Offay.

29. The President welcomed the delegation and indicated that the delegation had full latitude to access all places, institutions and persons it wishes to visit or meet in order to assess the human rights situation in the country as stated in the terms of reference of the mission. He indicated that despite challenges, the government is striving to abide by its international human rights obligations with the full participation of its people.

30. The Minister of Foreign Affairs briefed the President on the working session he had with the delegation and highlighted Seychelles’ positive measures to comply with all recommendations from the Commission with special attention to the ones
contained in the report of the last promotion mission of the Commission in 2004. The Minister further presented the agenda of the delegation for the mission.

31. Commissioner Yeung thanked the President and the People of Seychelles for having accepted to receive the Commission for a promotion mission after the one of 2004. He appreciated the facilities put in place by the Government to enable the smooth conduct of the mission and the leading role of the Ministry of Foreign Affairs in facilitating the various meetings and visits of places by the delegation.

32. Commissioner Yeung further commended the country for its achievements in the area of human rights even though, from the few exchanges the delegation had, some challenges remain to be fully addressed. He again urged the Republic of Seychelles to host a Session of the Commission and reiterated the implications of this as he did during the working session with the Minister of Foreign Affairs. Equally, other issues raised with the Minister of Foreign Affairs were mentioned and the President ensured the full collaboration of in taking all appropriate measures.

33. At the end of the courtesy call to the President, Commissioner Yeung was interviewed by the media.

3) Courtesy call to the Vice President of the Republic Seychelles

34. The delegation paid a courtesy call to Office of the Vice-President and met with the Vice-President His Excellency Mr Danny Faure Vice-President and his Principal Secretary, Ms Jeanne Simeon.

35. While the delegation and the Vice-president had an overview of the general human rights situation of the country, focus was placed on civil society which falls under
the portfolios of the Vice-Presidency. The question of mandatory sentences was also discussed.

36. The Vice-President mentioned that civil society matters were recently brought under the responsibility of the Vice-Presidency by the President to indicate the importance placed by the Government to this sector. Thus, the Vice-President meets regularly with civil society within the framework of what is called Citizens Engagement Platforms of Seychelles (CEPS). The aim of these meetings is to involve civil society in the national debate. For instance, civil society is leading a programme called the “Values Programme” whereby one national value is celebrated each month. Equally, civil society was involved in the discussions that led to the 29th June becoming the National Day. The Vice-President commended the dynamism of civil society in Seychelles under the aegis of CEPS. He informed the delegation that CEPS is made of various NGOs and civil society organisations, Associations, etc. He indicated that before applying to join CEPS, an organisation must first be registered with the Registrar of Associations.

37. As for the issue of mandatory sentences, it is worth recalling that the issue was raised and debated with various stakeholders and officials and the Commissioner clearly stated at each of these occasions his concerns about these types of sentencing. On the issue, the Vice-President contextualised the adoption in 2012 of such “a reactive” move by Seychelles’ authorities. He explained that, it is in a context of an increase of brutal attacks against the populations that this move happened and it is time as far as he is concerned to review this approach in order to target the real

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6 LUNGOS formerly; see further below in the part relative to the meeting with civil society.
7 Until 2014, the National day was celebrated on 18th June because this was the date of the adoption of the Constitution of the Third Republic of Seychelles. However, for more unity in the country, it was decided starting from 2014 that the National Day be celebrated on the 29th June because on the 29th June 1976, Seychelles became a sovereign state.
criminals. He promised to raise the issue with the judiciary and the relevant authorities in the country.

4) Meeting with the Members of the Seychelles Media Commission

38. The delegation met with members of the Seychelles Media Commission (SMC). The delegation of the SMC was led by Mr Ibrahim Afif-Chairperson & Chief Executive Officer (CEO), and was composed of the following 3 members: Dr Marie-Reine Hoareau (Secretary General of the National Commission for UNESCO and Technical Advisor on International Relations, Ministry of Education), Mr Jean-Claude Matombé (Director of Communications at the National Council for Children), Mr Rowny Vidot (Entrepreneur), and Mr Larrey Chetty who is the Media Secretary at the SMC.

39. The Chairperson and CEO of the SMC presented his institution as established by the SMC Act of 2010 and approved by the National Assembly (NA) on the 21st December 2011. He stated that the SMC is composed of 5 members and a chairperson who also acts as chief executive officer for the institution. He indicated that the mandate of the institution is to act as an oversight body of the Media with a view to minimise action in court against the Media. In doing so, the SMC receives complaints and is mandated to settle these matters outside the courts. It has no punitive powers and provides counselling most of the time even if in serious cases it recommends that the matter be taken to court.

40. The Chairperson of the SMC stated that during the first two years of the establishment of the institution it used to receive a lot of complaints, but this has, in his opinion, declined in subsequent years due to the defiant attitude of media practitioners in Seychelles towards the SMC as they refuse very often to comply with its rulings.
41. Other activities of the SMC according to its chairperson are the organisation of seminars on court reporting for instance; the promotional work towards adopting a freedom of information act; the compilation of all media related legislations in Seychelles; the provision of recommendations prior to the licensing approval of media organisations which is done by Seychelles Licensing Authority; the organisation of an editorial forums every 3 months.

42. Commenting on the general situation of the media in the country, the chairperson of the SMC considered it to be generally fair as there is pluralism. He also noted that there was no single journalist in prison as he spoke. He expatiate on the issue of pluralism by indicating that there were 14 outlets in the print media, 1 private radio and 2 licences for private television, which, although approved, were not yet operational.

43. The chairperson of the SMC acknowledged though that there were still provisions in the current laws of Seychelles, such as the ones providing for criminal defamation, which should be removed to align with international standards of freedom of the media. He made similar comments regarding the SMC Act which needs also to go through a revision for the same requirements of aligning to international standards.

5) Meeting with the Senior Country Officer of the United Nations Office on Drugs and Crime

44. On the 6th April 205, Commissioner Yeung and his delegation met with Mr Shanaka Jayasekera, Programme Officer of the United Nations Office on Drugs and Crime

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8 In this regards, the chairperson mentioned the advocacy visit of the Special Rapporteur on Freedom of Expression and Access to Information in Africa of the Commission (Commissioner Tlakula) which took place on at the beginning of 2015 and which aimed at preparing the draft of the said Freedom of Information Act for Seychelles. A follow up visit by the Special Rapporteur was scheduled for May 2015 and during this visit, a symposium will be organized with the same advocacy purpose.
(UNODC), who acts as country representative of this United Nations (UN) agency in Seychelles.

45. Discussions were engaged on the work of the UNODC in Seychelles and Mr Jayasekera focused on two main issues; piracy and drug trafficking. He informed the delegation of the UNODC’s involvement in Seychelles to combat these two crimes in coordination with other countries in the region.

46. The country representative of the UNODC indicated that his organisation has developed Seychelles’ infrastructure, built the capacity of law enforcement personnel as well as offered material support to combat piracy and drug trafficking in the country. As regards the provision of infrastructure, court buildings and a prison were built. For capacity building, the judiciary and other relevant stakeholders were trained on various critical topics relating to combatting drugs trafficking and consumption or addiction and piracy. These topics include sentencing guidelines\(^9\) and the law of the sea. Concerning material support, UNODC has provided Seychelles’ Police with radio communication equipment, radar, forensic equipment and material to extract data from mobile phones; also, the judiciary was offered a case management system and interpreters are made available in cases involving Somali pirates and other foreign nationals needing interpretation during criminal proceedings. In addition to these, the UNODC in Seychelles facilitates a synergy of action of countries and stakeholders in the Indian Ocean region to combat the new increasing phenomenon of drug trafficking in the high seas due to the crisis in Syria which has rerouted the ancient itineraries of traffickers to Seychelles”. According to him, the vastness of the oceans has made this country a key transit point of heroine.

\(^9\) This training was facilitated by the first African American judge of the Supreme Court of the United States.
47. The delegation was informed by the country representative of the UNODC that Seychelles with the support of various partners including UNODC, US and EU as well as the three other countries in the region that prosecute piracy (Tanzania, Mauritius and Kenya), is on the right track in combatting piracy. For instance, the phenomenon has declined due to the strong mechanism and means used to handle piracy cases.\textsuperscript{10}

48. Discussing further the reactivity of Seychelles in relation to drug trafficking and the addiction that it creates in the Seychellois population, the country representative of the UNODC noted that capacity of law enforcement agencies in this regards is weak and needs to be reinforced. Also, he deemed counterproductive the mechanism of “mandatory sentences” that the government uses in drug related crimes as this is opposed to the good practice of rehabilitation options. However, he applauded initiatives of the government such as providing free of charge substitute substances (methadone) to drug addicts as well as the adoption of a law on evidence\textsuperscript{11} that has been used several times in cases including in the so-called “high profiles” ones without raising any complaints from accused parties.

49. He informed the delegation that UNODC is working with relevant stakeholders in Seychelles to have a strategy on the prevention of drug consumption and trafficking in schools and among the youth.

50. The Commissioner and the UNODC’s country representative have also discussed prisons’ conditions in Seychelles which are acceptable according to the latter.

\textsuperscript{10} According to data provided by UNDOC in Seychelles, the country has been handling 142 piracy cases, also some convicted Somali pirates are serving their sentences in Seychelles prisons which have been upgraded.

\textsuperscript{11} Amendment on Law of evidence Act.
6) Meeting with the Minister for Social Affairs, Community Development and Sports

51. Commissioner Yeung and his delegation held a meeting with the Minister for Social Affairs, Community Development and Sports Mr Vincent Meriton who was assisted d by Ms Linda William-Melanie, Principal Secretary for Social Affairs Department.

52. The Minister gave a presentation of his Ministry to the delegation and indicated that it is a challenging ministry which aims at getting people to live a healthy and happy life. The ministry has offices in at least 25 districts in the country.

53. The Minister and the delegation discussed some major aspects of the work of the ministry which provides its services to people on the basis that family is the central unit of society. The ministry also operates programmes among which the National Programme of social Renaissance is a core one.

54. The Minister informed the delegation that Seychelles has two types of benefits provided for in its social welfare scheme; namely benefits which are statutory and others which are discretionary.

55. The situation of older persons and persons with disabilities was also discussed and the delegation was informed that for older persons, a monthly pension of 3350 Seychelles Rupees is available to each older person from the age of 63. They have access to free health services and free transportation as well.

56. Regarding persons with disabilities, the Minister explained actions taken by Seychelles to address specific needs of this vulnerable group. He indicated that among other measures, Seychelles has translated the UN Convention on persons with disabilities into creole, public buildings accommodates persons with disabilities, persons with disabilities have access to education, Seychelles established
by law the National Council for the Disabled and was the first country to launch a national Paralympic organisation.

57. After the Minister cited all these positive initiatives towards persons with disabilities, Commissioner Yeung spoke about the Draft Protocol on the Rights of persons with Disabilities in Africa, which the Commission is in the process of developing and requested that Seychelles through its Ministry of Social Affairs be a sponsor to the said Protocol in order to push for its adoption by the African Union in due course. According to Commissioner Yeung, this would be an opportunity for Seychelles to position itself as a leading country in mainstreaming the rights of persons with disabilities and to share with other countries its good practices and achievements regarding the rights of persons with disabilities.

58. The Minister sought to know how the Commission could assist NGOs in Seychelles as he considers their capacity weak and Commissioner Yeung indicated the channels through which the Commission interacts with NGOs as well as the NGO Forum preceding each of the Ordinary Sessions of the Commission. He invited Seychelles to participate in the Commission' sessions and its associated major public gatherings.

59. The two parties touched on other issues like working conditions in Seychelles, women’s participation in decision making, abortion, child protection, alternative punishment for petty crimes.

60. Regarding working conditions, the delegation was informed that statutory working hours in Seychelles is maximum 60 hours per week and that there is a need to improve the relationship between the government, workers and employers to enable better working conditions in the country.
61. For women’s participation in decision making, the delegation was told that the parliament has 45% of women representation and 3 out of 11 ministers are women.

62. Concerning abortion, the Minister stated that it is legal in Seychelles under certain conditions which are provided in the Termination of Pregnancy Act.

63. As for the protection of children in Seychelles, the Minister indicated that the President of the Republic announced recently the creation of a Child Protection Unit within the Police.

64. Finally, the delegation was informed that the Offender Act was amended to provide for community service instead of serving a term in jail for petty crimes.

7) Meeting with the Liaison Officer of the World Health Organisation

65. The delegation held a meeting with the Liaison Officer of the World Health Organisation (WHO), Ms Cornelia Afi Atsyor.

66. She informed the delegation that the WHO’s office in Seychelles was established since the 70’s upon the signature of the host agreement.

67. The discussions between the delegation and the Liaison Officer of the WHO focused on HIV/AIDS management by Seychelles with the support of the WHO.

68. The Liaison Officer of the WHO indicated that her organisation’s intervention in the country consists of preventing and combatting HIV/AIDS and this is done by supporting the government’s initiatives as the WHO does not implement directly any programme or project in the country. She pointed out the example of her office assisting in designing the legal environment of the fight against this disease.
69. Talking about some achievements on the intervention of her office in Seychelles, she mentioned the former legal framework regarding employment of non-citizens who are found HIV positive upon undergoing the confidential medical examination requested prior to the recruitment. In fact, there was a case of a non-citizen who was sent back to his country after being found HIV positive, which prompted a change in the legislation enabling employers to retain the would-be worker provided that the employer is willing to provide treatment to the worker.

70. Commenting on the performances of Seychelles in combatting HIV and in the health sector generally, the Liaison Officer mentioned the prevalence of this disease which is less than 1% in the general population, the availability of Antiretroviral (ARVs) free of charge, the attainment of the Millennium Development Goals (MDGs) in relation to infant mortality, the free health policy for citizens and the existence of 17 health facilities, etc. She stated that health indicators in the country are good if one considers these elements.

71. Nonetheless, she noted some challenges which should be addressed. First, she pointed out the inconsistency between the age of access to reproductive services, which is 18 and the age of consent, which is 15 and subjected to parental authorisation for access to reproductive services including contraceptive services.

72. She then commented on the negative impact of stigma in Seychellois society hampering the fight against HIV. In fact due to the conservative nature of the society, only one person has so far publicly declared being HIV positive and as HIV treatment is centralised, access to ARVs is a challenge even if this is free of charge.

73. She raised also the challenges in combatting HIV in drug abusers among whom the prevalence is more than 5%. She indicated that this relatively high prevalence is due to the exchange of needles as well as to the secrecy surrounding the use of drug, which is an offence in the laws of Seychelles.
8) Meeting with the Minister for Finance, Trade and the Blue Economy

74. During the mission, the delegation held a meeting with Mr Jean-Paul Adam, Minister for Finance, Trade and the Blue Economy. The discussions focused on cooperation of Seychelles with the Commission, the follow up on commitments taken by Seychelles regarding its international obligations and challenges faced in implementing the said commitments.

75. The Minister for Finance indicated that he facilitated the visit of the Commission when he was Minister for Foreign Affairs.

76. The Minister informed the delegation that in line with commitments taken by Seychelles following recommendation of the Commission as well as the Universal Periodic Review, the budget of the National Human Rights Commission will be increased and it will be provided with staff. He mentioned the work being done with the Commonwealth to restructure the institution which aims at complying with Paris Principles. In the same vein, ratification of the Court Protocol will be done, libel (criminal) laws will be repealed, law criminalising homosexuality will be amended but homosexual marriage will not be legalised because Seychelles is a catholic country, the right to assembly and strike is now under the declaratory system unlike formerly when it was the authorisation system.

77. However, as a primary challenge to taking measures to comply with recommendations from the Commission and other international bodies, the Minister cited the backlog in passing laws thereby delaying the adoption of many legal reforms recommended by international human rights entities.

78. In his concluding comments on the issues discussed, the Minister indicated that Seychelles put the peoples at the centre of all its actions as shown by its budget
allocation for health and education sectors which take 50% of the national budget. He added that the country has achieved a lot despite limited resources and other challenges like drug consumption in Seychelles and the issue of mismatch of training with the employment market currently available in the country.

9) Meeting with the Minister for Labour and Human Resource Development

79. The delegation met with Madam Idith Alexander, Minister of Labour and Human Resource Development. The following senior officials of her ministry were in attendance: Ms Veronique Bresson (Principal Secretary), Ms Susan Morel (Director of Policy Planning and Research) and Mr Jimmy Finesse (Director General of Labour Relations). Discussions at this meeting related to access to labour and conditions of labour in Seychelles.

80. The delegation was informed that the Employment Act forbids employers to employ workers who are below 15 years as per the ILO Convention and that the official unemployment rate as to the 4th quarter 2014 is 3.6%.

81. Equally, the delegation was informed that the minimum wage for all workers in Seychelles is 26.70 Seychelles Rupees per hour for fulltime employees and 30.76 Seychelles Rupees per hour for casual workers. Also, there should not be workers in Seychelles working more than 60 hours per week, the overtime allowed is up to 15 hours only per week, and provision is made for at least 25 hours work per week.

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12 The Minister informed that in practice 54 hours per week is the maximum time of work per week in Seychelles.
82. As regards to foreign workers, who are around 14000-15000 individuals, though they have the same working conditions with nationals, their recruitment is subjected to the scrutiny of the Ministry of Labour.

83. The Minister of Labour mentioned other advantages and measures taken by Seychelles to ensure that workers’ rights are upheld and job seekers are supported. For workers, these measures include that salary is accompanied by other incentives, workers have access to in-service capacity building, workers exercise their right to trade union via at least one active trade union called Seychelles Federation of Workers Union, retirement age is 63 and extension is subjected to the authorisation of the Ministry of Labour, and a flexible employment system, etc. For job seekers, a training scheme of one year exists and applies from the age of 15 to 17 or from 18 to 25 years old job seekers. In addition, there is a unit within the Ministry of labour which assist job seekers in their quest of employment in addition to other private agencies doing same as well. Also, job seekers are supported for up to a period of three months when they are out of job.

84. The Minister shared with the delegation a document launched in 2014 which contains the National Employment Policy of the country. This policy caters for the working rights of all categories of persons including the most vulnerable ones like persons with disabilities, persons affected by HIV, etc. The policy has laid down the priority sectors for Seychelles in terms of employment; these are education, medicine, tourism, the blue economy, etc.

85. The Minister also spoke about the Agency for National Human Resources Development which is an important aspect of Seychelles’ policies for employment as

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13 For public sector, this in-service capacity building is supported totally by the government while for private sector, government provides 50% sponsorship.
14 The Ministry indicated that its figures for 2014 give 236 individuals out of job for an average period of 4 months and that meanwhile, 53 of these were recruited in a job.
it is in charge of pre-service training, and in-service training. She also informed the
delegation that for 2015, the Government took the commitment to facilitate the
specialisation of 20 doctors with a view to mitigate shortage of professionals in the
health sector.

86. The Minister indicated that a mechanism of inspection of workplaces exists within
Ministry and appropriate measures are formulated to adjust whenever necessary.
The said measures formulated are also monitored to ensure due compliance.

87. The delegation raised concern on how to reconcile the mandatory 10 years
schooling and the ILO minimum age of commencement of employment which is 15
years old. The Minister responded that in any case, employment is not allowed for
persons below 15 years old as provided in the Seychelles’ Employment Act
mentioned earlier.

10) Meeting with the Attorney General

88. The delegation had a meeting with Mr Ronny Govinden, the Attorney General of the
Republic of Seychelles.

89. This meeting was an occasion for Commissioner Yeung to present the role of the
Commission with specific focus on the complaints handling procedure known as the
procedure of Communications. He also raised various issues, namely pending
ratifications of international treaties, including the Court’s Protocol; the issue of
mandatory sentencing with specific reference to the imposition of extremely high
sentences that this could create.

90. The Attorney General before addressing the issues mentioned by Commissioner
Yeung indicated that the position of Attorney General of the Republic of Seychelles
is among those called “constitutional appointees” and is characterised by the
security of tenure which lasts 6 years. He added that the Attorney General is not an elected Member of Parliament neither a member of cabinet which meetings he does not attend. He further informed the delegation that the Attorney general is also the Director of public Prosecution.

91. Responding to the issues raised earlier by Commissioner Yeung, the Attorney General stated that Seychelles is working to ratify relevant treaties including the Court’s Protocol. Regarding the issue of mandatory sentencing, the Attorney General indicated that the law providing for it is a response to a social need in relation to the recrudescence of drug related crimes. He noted however that the risks of it leading to the imposition of extremely high sentences is lowered by the Court of Appeal by resorting to special circumstances which according to the jurisprudence of that Court allows reduction of penalties fixed by law.

92. The Attorney General explained to the delegation that in the judicial architecture of Seychelles, appeals to the Supreme Court against decisions of Magistrate Courts are both on law and facts while an appeal to the Appeal Court is only in law. He stated that judges in Seychelles are appointed to serve up to 70 years old and that currently the Supreme Court of Seychelles has four judges of foreign nationalities.

93. Discussions between the delegation and the Attorney General touched also on the Ombudsman/HRC’s mandate to monitor prisons; the non-derogable prohibition of torture in the Constitution of Seychelles which led to the repealing of all provisions in laws that have an aspect of degrading treatment; the absence of specific provision criminalising torture in Seychelles laws though criminalisation of torture could be captured under certain provision of the penal code (in any case, there is an on-going process of reviewing the penal code and the provision criminalising expressly torture will be inserted); the relation/hierarchy between the Constitution and International Law, described by the Attorney General as working in parallel as he
referred to the combined interpretation of Articles 5\textsuperscript{15} and 48\textsuperscript{16} of the said Constitution.

94. The Attorney General pointed further efforts of Seychelles in relation to creating a better environment for human rights. He cited the existence of the Public Ethic Act under which all senior civil servants must declare their assets with the Public Ethics Commission; the Children’s Act providing for a Juvenile court which has a special procedure and which sentences to prison only in last resort; the preparation of a bill that will make corporal punishment an offence; and that the maximum legal pre-trial detention period is 30 days.

95. The Attorney General mentioned that the Faculty of law of the University of Seychelles is training young lawyers on a yearly basis and this will assist in addressing the lack of sufficient number of professionals in the judiciary.

11) Meeting with the Acting Chief Justice of the Supreme Court

96. The meeting with Mr Durai Karunakaran, Acting Chief Justice of the Supreme Court was held in the presence of the Executive Assistant to the Chief Justice, Ms Joelle Barnes.

\textsuperscript{15} Article 5 of Seychelles’ Constitution reads:
5. Constitution is supreme law
This Constitution is the supreme law of Seychelles and any other law found to be inconsistent with this Constitution is, to the extent of the inconsistency, void.

\textsuperscript{16} Article 48 of Seychelles’ Constitution reads:
48. Consistency with international obligations of Seychelles
This Chapter shall be interpreted in such a way so as not to be inconsistent with any international obligations of Seychelles relating to human rights and freedoms and a court shall, when interpreting the provisions of this Chapter, take judicial note of:
(a) the international instruments containing these obligations;
(b) the reports and expression of views of bodies administering or enforcing these instruments;
(c) the reports, decisions or opinions of international and regional institutions administering or enforcing Conventions on human rights and freedoms;
(d) the Constitutions of other democratic states or nations and decisions of the courts of the states or nations in respect of their Constitutions.
97. The Acting Chief Justice indicated that the Supreme Court is composed of 9 judges and moved on to speak about improvements in the human rights situation of Seychelles and pointed out some of the positive aspects such as the ones below:
   i. Rules of *habeas corpus* were recently proclaimed;
   ii. Defamation has been decriminalised;
   iii. Work on-going for adopting a freedom of information Act;
   iv. Backlog of cases reduced up to 50% (5000 cases reduced to 2000 currently) with oldest cases being from 2010;
   v. The on-going process of recruiting more magistrates;
   vi. The existence of a very active media which has received trainings from the judiciary on legal reporting and other thematic.

98. Discussing the question of mandatory sentencing, the Acting Chief Justice explained that due to the jurisprudence of the Court of Appeal, this is no more applied even if it still exists in the legislation.

12) Meeting with the Minister for Environment, Climate Change and Energy

99. The delegation held a meeting with the Minister for Environment, Climate Change and Energy, Mr Didier Dogley. Discussions during this meeting—centred on achievements and challenges of Seychelles in relation to environmental issues and rights.

100. The Minister informed the delegation of the legal frameworks regarding exploration for extractive industries and distribution of electricity produced with solar panels by private providers.
101. The delegation learnt also that Seychelles adhered to the Extractive Industries Transparency Initiative (EITI) in August 2014 in preparation of possible exploitation of oil, gas and mineral resources in Seychelles as exploration is underway.

102. The Minister explained to the delegation the work being done with the Commonwealth regarding the sharing of best practices against pollution related to extractive industries. He stated that this is done in order to ensure that adequate legal frameworks are in place when exploitation of oil, gas and mineral resources in Seychelles begins.

103. The delegation and the Minister discussed how Seychelles with its limited natural resources, namely scarcity of land, is managing to protect its environment. The Minister stated that Seychelles has put in place systems to deal with industrial waste and other types of waste; he indicated for instance that, since 2007 a policy was introduced to ban flimsy plastic bags and a SR1 levy per plastic bag was put in place to be paid by customers. Also, he mentioned how the maritime resources are protected against overexploitation.17

13) Meeting with the Minister for Education

104. The delegation held a meeting with the Minister for Education, Madam Macsuzy Mondon who was assisted by the following senior staff of her Ministry: Madam Merida Delcy-Principal Secretary, Madam Linda Barallon- Principal Secretary, Mr Selby Dora and Madam Marie Reine Hoareau.

105. The Minister presented the general situation of education in the country which she deems positive even if some challenges are to be addressed.

17 The Minister indicated that fishing licenses are granted on a very cautious base and only France and Spain were given licenses to fish tuna in the maritime zone of Seychelles.
106. Speaking of achievements, she cited among other things, the literacy rate which is very high and is 93%, the introduction of human rights in primary and secondary schools’ curricula since 2007; the existence of schools on the three main islands of the archipelago-country and that parents working on islands that do not have schools are not allowed to take their children with them to live on these islands; the existence of both inclusive and exceptional schools for exceptional students as well as adults’ learning centres for adult literacy; the requirement that new schools be friendly to persons with disabilities; etc.

107. She highlighted other positive points which are the constitutional mandatory schooling of 10 years and the impossibility of a child of 15 years old to be allowed to work if these compulsory years of schooling have not been completed, the existence of attendance officers in charge of monitoring attendance of students and get them back to school when they fail to attend; and the policy in place to allow teenagers who are pregnant to continue school after delivery.

108. The Minister spoke also about the banning of corporal punishment at school and the signature of the Convention on the Rights of the Child by Seychelles as positive moves regarding the rights of children in the country.

109. On the question of transition between school and the professional life, the Minister stated that 8 professional centres offering training of 1 to 3 years exist in Seychelles in addition to an apprentice programmes. She added that courses in the professional centres are developed together with employers to ensure that the training matches with the needs of the market of work.

110. Commissioner Yeung reacting to the presentation of the Minister noted the achievements and raised the issue of compulsory 10 years of schooling and how to reconcile this with the endorsement by Seychelles of the ILO’s 15 years minimum
age for access to employment. He also raised the issue of how to preserve the right to education with regard to the marriageable age for girls which is 16 years. He finally requested the view of the Minister on the issue of automatic promotion practiced by schools in Seychelles.

111. The Minister responded that in practice, there is no child of 15 years old in employment in Seychelles and referred the Commissioner to her initial point explaining that a child would not be allowed to work if the 10 years compulsory schooling has not been completed. She also referred to the Teenage Pregnancy Policy mentioned earlier in response to the preservation of the right to education for girls no matter other factors including pregnancy or the marriageable age in Seychelles. As regards to the question of automatic promotion, the Minister explained that automatic promotion is practiced on a general basis but repetition is applied in exceptional cases where needed and this is an alternative to the concern raised by the Commissioner with regard to the possible impact of automatic promotion on the effectiveness of the right to education.

14) Meeting with the United Nations Development Programme

112. The delegation held a meeting with the staff of the country office of United Nations Development Programme (UNDP). The meeting was attended by the Programme Manager Mr Roland Alcindor and the Programme Officer Ms Preethi Nair.

113. The Programme Manager presented the work of the UNDP in Seychelles to the delegation. He noted that this work is based on the country programme document which has three components (sectors), namely, environment, governance and poverty reduction.
114. Regarding the environment component, subsectors are identified and these are biodiversity, biosecurity and energy. The work of UNDP regarding these subsectors is mainly made of assisting the country to put into place laws that protect the environment. This is done practically by assisting Seychelles in creating a local legal framework to implement environment treaties that it ratifies. The Programme Manager mentioned at this point that Seychelles faces many environmental challenges, including droughts, water scarcity, rainfall shortage (these past years specifically), etc.

115. As for the governance component, the work of UNDP is financially supported by a fund from European Union aiming on one side at working with the Attorney General’s Office in order to prepare laws for giving effects to international treaties ratified by Seychelles. On the other side, UNDP also assists in the preparation of the National Human rights Action Plan of Seychelles.

116. On the last component which is poverty reduction, UNDP assists the Government in reducing poverty in Seychelles which according to UNDP’s assessment based on consumption is 17%. The programme manager noted overcrowded houses as one of the indicators of the level of poverty. He further mentioned efforts of the Government to address this situation, including the building and allocation of social houses, but he indicated that there are strong allegations of lack of transparency regarding the allocation of these social houses on the basis of alleged political belonging.
15) Meeting with the Chairperson of the National Human Rights Commission/Ombudsman

117. During this meeting, the delegation was received by Ms. Dora Zatte\textsuperscript{18} assisted by her Secretary Ms Wendy Michel. The two parties discussed the work of these two institutions and touched on the general human rights situation of the country.

118. The delegation was informed that the Ombudsman\textsuperscript{19} was established by Articles 143 & 144 of the Constitution of 1993 and deals with cases of maladministration. The ombudsman is also the institution which instigated the creation of the National Human Rights Commission (NHRC) which was itself created by an Act of 2009 and is composed of 3 commissioners in addition to the chair.

119. The delegation was enlightened on why the same person doubles as Chairperson of the NHRC and Ombudsman. This is by law as the Protection of Human Rights Act states that the ombudsman has to chair the NHRC.

120. The chairperson of the NHRC/Ombudsman explained that despite little support from the government, the work done so far by the NHRC consists of visiting prisons, adjudicating on cases (complaints). She pointed out difficulties relating to the lack of support from the government which has not yet provided the institution with the adequate operational means including sufficient budget\textsuperscript{20}, staffing, and the low pay of commissioners who earn about 400 US Dollars monthly, etc. This has led to the NHRC to function on the budget and means of the Ombudsman. Also, to solve these technical issues, there are suggestions that the two institutions be

\textsuperscript{18} Ms Dora Zatte is the Chairperson of the National Human Rights Commission and doubles as Ombudsman.

\textsuperscript{19} The mandate of the ombudsman last 7 years and is renewable.

\textsuperscript{20} The chair of the NHRC indicated that her institution has the smallest budget of state institutions in the country.
merged for better efficiency and for avoiding shortfalls like being late in the obligation to report\textsuperscript{21} at the end of each year.

121. Commenting on the general human rights situation of the country, the chairperson indicated that there is a problem with the professionalism of the Police as most of the complaints handled by the NHRC are directed against the Police for unprofessional attitude towards individuals. She insisted on the need to get candidates with the proper profile into the police and the army and not leave the entry to only those who have not been able to get hired elsewhere.

122. The chair of the NHRC highlighted other challenges of her institution as the need to work more in collaboration with NGOs and other stakeholders to increase its visibility and impact even if generally the level of compliance with its decisions is acceptable.

123. The issue of merging both institutions was discussed and the question remained whether this would be in conformity with international norms relating to this type of institutions, namely the Paris Principles for National Human Rights Institutions. The position of Commissioner Yeung was that it would be very challenging to have the NHRC complying with Paris Principles if merged with the Ombudsman’s mandate.

16) Meeting with the Seychelles Police Force

124. The meeting with Seychelles Police Force was attended by the Commissioner of Police Mr Ernest Quatre and Mr Reginald Elizabeth and Godfria Hermitte, all Assistant Commissioners.

\textsuperscript{21} The chair of the NHRC informed that her institution has not complied with the obligation to report yearly for two years now.
125. During this meeting, Commissioner Yeung introduced the Commission and its work to the attendees and the objectives of the visit to the country as well as specifically the aim of the discussions with the Police.

126. The Commissioner of Police presented his institution which is composed of over 700 officers, including 60 Gurkhas-Nepalese, tasked with the general policing in the country. He indicated that Seychelles utilises the Gurkhas-Nepalese\(^{22}\) in order to meet the necessity of the country as there is lack of local people wanting to join the police force.

127. Discussing the mainstreaming of human rights into policing and with reference to views that the Police is unprofessional, the Commissioner of Police stated that human rights are included and taught in the curricula at the police academy which trains police officers. He further mentioned that there are no reported cases of alleged torture and that so far there is only one case of death in detention\(^{23}\) which is currently being investigated.

128. The delegation and the Police discussed the legal duration of police custody as well as rules governing freedom of assembly and the right to take part in a strike. On the first point, the Commissioner of Police indicated that 24 hours is the legal duration of police custody (the possible maximum extension of this duration is 14 days and should be made by an order from a court) and that his services try as much as possible to respect this or release suspects. Regarding the second point, he explained that Seychelles now applies the notification system which requires that the police be informed of the date a demonstration or assembly is scheduled. In case

\(^{22}\) The Commissioner of Police informed the delegation that the contract of these Nepalese nationals is two years renewable and that the country has in the past used leavers of the British army to supplement its needs of manpower in the Police.

\(^{23}\) It was a case of a suspect who hanged himself with his belt while in police custody.
the police does not object within 7 days of notification, this is considered as approval.

17) Meeting with the Constitutional Appointments Authority

129. The delegation held a meeting with the Constitutional Appointments Authority (CAA). This body is an independent institution in charge, as per the Constitution of Seychelles, of making proposals for the “constitutional appointees”.

130. The meeting was attended by Ms Marie-Ange Hoareau (chairperson), Ms Jane Carpin and Mrs Marlene Lionnet (members) of the CAA and they explained the mechanisms they have been using to perform their mandate. They stated that positions are first advertised and shortlisting is made, following which *curricula vitae* of those chosen for a specific position are sent to the President of the Republic. Explanatory notes on why these candidates were preferred by the CAA always accompany the *curricula vitae*.

131. The CAA indicated that whenever the President of the Republic is not in agreement with the CAA on proposals of appointments, such disagreement is expressed in writing and the CAA restarts the process of proposing other candidates for appointment.

132. Responding to Commissioner Yeung’s questions on challenges of certain successful candidates in certain specific fields, they stated that, they have not faced any serious impediments with their work, adding, for example, that they struggle

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24 See Articles 139 to 141 of the Constitution of Seychelles.
25 The Constitution of Seychelles provides for positions to be filled through a special mechanism of appointment involving the CAA.
26 Members of the CAA are appointed for a renewable mandate of 7 years.
very often to get nationals to fill positions deemed sensitive such as the position of judge.

18) Meeting with the Association of Media Practitioners Seychelles

133. The delegation held a meeting with the Association of Media Professionals of Seychelles (AMPS). The meeting was attended by five members27 of the Association and discussed the structuration of the AMPS, media environment, freedom of expression and access to information in Seychelles.

134. Participants from AMPS informed the delegation that the Association is currently composed of 25 members who are from all media sectors. Members have to be working with a media outlet which is recognised by the SMC. The Association holds meetings of its executive body once a month.

135. Participants expressed the good working relationship between the SMC and their individual associations and appreciated participating in the activities organised by the SMC. They also opined that operations/services of the SMC were of a satisfactory nature.

136. Regarding the situation of media environment, freedom of expression and access to information in Seychelles, the attendees stated that a code of conduct prepared by the media fraternity exists. However, the major problem is access to information as the administration in Seychelles has a selective engagement with the media to the extent that some media outlets have even difficulties to receive press releases from certain administrations, especially for those which do not have spokespersons.

27 The said members are Mr Gervais Henrie from Le Seychellois Hebdo, Mr Georges Thande from Times of Seychelles, Mr Tessa Henderson of L’Echo des Iles, Mr Jules H from Seychelles Broadcasting Corporation (SBC); and Mr Conrad Beklouis a freelancer media professional.
137. The other challenges pointed out by the attendees were the lack of media schools in Seychelles forcing individuals willing to join the profession to do so by on-job training once they have at least an academic level of O-level. That reason was advanced to support their request for capacity building for journalists in Seychelles.

138. To address the said challenge, the AMPS and the SMC are working to get a media related studies degree at the University of Seychelles. Also, at the request of the media fraternity, the State offers scholarships in media studies but those who are awarded these scholarships do not return or join the media sectors upon completion of their studies due to its lack of attractiveness of salaries.

139. During the meeting with AMPS, the delegation was informed that the Centre for Rights and Development (CRD), the only NGO which was granted observer status with the Commission, does not realistically exist anymore due to the demise of its founder a former minister of Seychelles.

19) Meeting with Civil Society and Non-Governmental Organizations

[Citizens Engagement Platform in Seychelles (CEPS)]

140. The delegation had a working session with Civil Society Organisations and Non-Governmental Organizations on the 8th April 2015. The meeting aimed at presenting the Commission’s work generally and its avenues to engage CSOs/NGOs, discussing the general human rights situation in Seychelles as well as identify challenges faced by CSOs/NGOs in carrying their work in Seychelles.

141. Participants 28 explained that the Citizenship Engagement Platform of Seychelles (CEPS) is the reformed version of the former CSOs/NGOs’ federation previously known as Liaison Unit for Non-Governmental Organizations (LUNGOS).29 Thus, the

28 See list in annex 1.
29 LUNGOS was dissolved in November 2015 to create CEPS.
change came following a meeting of LUNGOS’ General Assembly where the organisation was criticized as being restricted to NGOs only. Therefore, the new name and vision of CEPS aims at reflecting an inclusion of all stakeholders including CSOs/NGOs.

142. Participants also informed that not all existing CSOs/NGOs are members of CEPS and that there are conditions for becoming a member as laid down in a brochure shared with the Commission.30

143. Commissioner Yeung briefed participants on the mandate and operations of the Commission and insisted on the fruitful and intense collaboration with CSOs/NGOs that the Commission has through the granting of observer status, the NGOs Forum and other partnerships with the Commission’s Special Mechanisms. He invited CEPS to join this dynamic and urged NGOs to apply for observer status with the Commission since his delegation was informed that the only NGO which used to have the said status does not exist anymore31.

144. Participants stated that CEPS has been able to participate in policy formulation and other national issues at the invitation of the Government. This is done through the representation of CEPS in various committees and commissions set up by the Government.

145. The working session discussed the issues of the position of Ombudsman and chair of NHRC being held by a single person as well as the difficulties faced by the NHRC in its work.

31 This information was given by participants to the meeting with AMPS.
146. Participants agreed that CEPS and its members (CSOs/NGOs) need capacity building and that if one has to be too technical, there are no human rights NGOs in Seychelles because none of the existing NGOs is concentrating on working specifically on human rights issue per se.

147. The participants noted that there is need to improve the work of CEPS in Seychelles as a lot remains to be done with regard to pending issues of Chagossians which is not yet resolved; conditions in prisons as well as engagement with government in policy formulation and laws, etc.

20) Meeting with the Opposition Political Parties

148. The delegation had a working session with political parties from the opposition which are not represented in the NAS. Leaders and representatives from a total number of 4 political parties from the opposition participated in this working session: Seychelles National Party, Seselwa United Party, Independent Conservative Union of Seychelles and Seychelles Freedom Party.

149. During the working session, the leaders and representatives of the said political parties exposed their concern regarding the general political situation of the country and how this impacts negatively on the human rights situation of the population. Below are some of the main issues raised by participants to the working session:

i. The Government paints a fake picture of a democratic state and does not consult the population as necessary in decision-making process;

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32 Some attendees included Chagossians who insisted that their case is not yet resolved at their satisfaction and they would like to go back to their land.
ii. The opposition is not included in discussions on issues of national interest and its positive contributions are not acknowledged but hijacked by the Government and put to its credit\(^{33}\); 

iii. The Government practises discrimination in selecting who has access to public services including jobs and education. This discrimination is based on perceived or real political affiliation or opinion and in relation to discrimination in accessing to jobs in the administration, the practice of obtaining a security clearance from the state house prior to appointment to a position in the administration is open to abuse so that persons deemed to be affiliated to the opposition can be denied access to jobs in the administration; 

iv. The recruitment in the police is not qualitative; 

v. The living conditions at the home of elderly persons are not good; 

vi. The treatment of prisoners in the detention centre on Marie Louise Island does not meet international standards; 

vii. The majority of CSOs and NGOs in Seychelles are state-affiliated; 

viii. The population is still living in fear of reprisal due to the legacy of one party state which prevailed for decades; 

ix. The political party known as the Popular Democratic Movement (PDM) which is the sole opposition party represented in the NAS\(^{34}\) is considered by the remaining opposition parties as part of the Government because it acts like an affiliate to the ruling party. 

150. Participants insisted particularly on the lack of transparency and equity in the electoral system of Seychelles. They alleged that the ruling party has given itself undue advantages and this has led to the opposition parties to boycott the 

\(^{33}\) The case of the contribution of an opposition leader to the liberation of a Seychellois held hostage by pirates was mentioned and description on how this contribution was down played by the Government. 

\(^{34}\) The leader of PDM is Mr. David Pierre and he is the Leader of the opposition in the NAS. The delegation of the Commission also held a meeting with him during the mission.
parliamentary elections of 2011. The grievances of the opposition parties against the ruling party with regard to the electoral process include:

i. The refusal to begin the implementation of the amended electoral laws which are much better than the past ones;

ii. The buying of voters by the ruling party which utilises state resources to do so;

iii. The lack of ceiling in financing campaigns;

iv. The fact that compared to the ruling party, the police monitors more the opposition parties with regard to the compliance to electoral rules; for example while it will close an eye on the ruling party campaigning beyond the legal periods, the police will be strictly monitoring that opposition parties remain in the timelines for campaigning according to the electoral laws;

v. The ruling party’s activists use unfair or illegal strategies to get persons who are incapacitated or others to register their votes in favour of the ruling party; these strategies include intimidation and escorting incapacitated persons to polling stations, etc.

To solve these issues and improve the situation, the opposition parties proposed that a dialogue be instituted between the Government and them as well as the social forces. They finally stated that Seychellois need to be enlightened on their human rights.

21) Meeting with the Principal Secretary for the Tourism Department

At the Ministry of Tourism and Culture, the delegation met with Ms Anne Lafortune, the Principal Secretary for the Tourism Department.

The meeting discussed the possible impacts of tourism on human rights, considering that tourism is the first economic sector of the country. The Principal
Secretary for the Tourism Department informed the delegation that provisions of Articles 154 to 156 of the penal code criminalise and punish prostitution.

154. The Principal Secretary for Tourism also presented the facilities available to tourists in Seychelles and informed that the country has some 5000 hotels rooms and 10000 beds in its 500 hotels, including guest houses.

155. She equally mentioned the challenges of being a premium touristic country and the impact of this on environment. She indicated that efforts are being made by all state actors to deal with the problem and these efforts include studies conducted in a view to determine how many visitors the archipelago can receive without harming the environment in an irreparable way. She also indicated that there is a consultant who is working on a Strategic plan for fighting against pollution.

22) Meeting with the Minister of Home Affairs

156. The delegation met the Minister of Home Affairs, Mr Charles Bastienne whose Ministry is responsible for the Police, Immigration and Prisons.

157. The Minister indicated from the onset that he took up the lead of the Ministry for Home Affairs only 2 months ago and that the information he could share with the delegation will be probably limited to his short experience as head of the Ministry.

He admitted that the Police is not perfect and the Government is working to improve many aspects in the Police service. In this regard, he mentioned training which is on-going to render the Police more professional.

158. The Minister elaborated on the conditions regarding recruitment of police officers. He indicated that the recruitment process is competitive and includes
conduct of proper interviews. He stated that after being selected, newly recruited police officers are trained for a total period of 18 months in the Police Academy, which includes the period of attachment or internship.

159. Commenting on reports of Police brutality during interrogations that Commissioner Yeung had mentioned, the Minister indicated that he was not aware of such cases. He added that it would be hard to get confessions in Seychelles and the Police has always to prove its cases in Court through legal means.

160. Commissioner Yeung maintained his concern that in the absence of technical means of investigation like DNA checking or video recording during questioning, there is a risk that the Police could use force and other unfair means to extract confessions.

161. On the discussion regarding the issue of mandatory sentencing, the Minister stated that this question is a response to the public outcry that stemmed from the increase in drug-related crimes. However, he noted the concern of the delegation on this and he will work to deal appropriately with the issue in conformity with Seychelles’ international human rights obligations.

162. On the issue of deaths of persons held in Police custody, Commissioner Yeung noted that investigations as to the circumstances of such death should not be carried out by the Police where there would be a strong perception of conflict of interest between the investigator and the suspects.

163. The delegation was informed that rules on immigration are transparent and that the country hosts currently 14000 migrants workers.
164. Concerning Prisons, when the delegation echoed allegations of bad conditions of detention gathered from some persons met during the previous meetings, the Minister invited the delegation to visit these prisons and make its own opinion of the real conditions of the detention facilities. He noted that prisons in Seychelles have come a long way in terms of improved conditions of detainees. However, he acknowledged that the Montagne Pose prison is currently slightly overstretched with a total number of detainees being 780. He equally mentioned the Marie-Louise Prison which he said is below capacity and serves specially for drug traffickers. It hosts currently 100 detainees.

165. The last point discussed during this meeting was the question of rehabilitation of prisoners which seems to be problematic in the prisons’ system. The Minister indicated that the Government is working on this and cited the example of the underway work to enable release on licence.

23) Meeting with the Speaker of the National Assembly

166. The delegation was received by Dr Patrick Herminie, the Speaker of the National Assembly of Seychelles (the Speaker). The delegation and the Speaker discussed the general human rights situation of the country and how international exposure enables countries to improve on various issues including human rights.

167. The Speaker informed the delegation that elections are due for late 2015 or early 2016. He indicated that the National Assembly of Seychelles (NAS) is currently composed of 32 members of which 31 are from the ruling party and 1 from the opposition.

168. The Speaker indicated that the NAS is relying on international instruments and best practices when carrying out its duties. He stated further that capacity building
regarding human rights is on-going in many sectors in Seychelles and that avenues to denounce human rights violations are now available, particularly with the media which is used a lot in exposing allegations of human rights violations. Nonetheless, the Speaker insisted that much more work with regard to sensitization and capacity building on human rights issues is needed in the country to enable each and every citizen to know and be able to vindicate human rights.

169. The delegation and the Speaker had further constructive exchanges of views on bodies or institutions that have a human rights mandate in the country, including the NHRI.

24) Meeting with the Chairs of the Parliamentary Committees

170. After the meeting with the Speaker, the delegation had a meeting with Chairs\textsuperscript{35} of the Parliamentary Committees of the NAS.

171. During this meeting, Commissioner Yeung responded to questions from the Chairs of the Parliamentary Committees of the NAS on the mandate and procedures of the Commission. These questions included the mechanism of Communications and the procedure of a promotion mission like the current one being carried by the delegation led by Commissioner Yeung in his capacity of Commissioner Rapporteur for Seychelles.

\textsuperscript{35} The Standing Orders Committee (SOC) chaired by Dr Patrick Herminie; the Finance and Public Accounts Committee (FPAC) chaired by Mr David Pierre (however as the delegation of the Commission has scheduled a meeting with the leader of the opposition who also chairs this Committee, he did not attend this specific meeting; the International Affairs Committee (IAC) and the Media Committee (MC) both committees are chaired by Mr Andre Pool; the Committee of Women Parliamentarians (CWP) chaired by Madam Jeovanna Charles, the Committee on Government Assurances (COGA) chaired by Mr Bernard Arnephy; and the Committee on Reform and Modernization (CoRM) chaired by the Speaker of the NAS, Dr Patrick Herminie.
25) Meeting with the Leader of the Opposition

172. The delegation held a meeting with Mr David Pierre, the Leader of the Opposition in the NAS.

173. Mr Pierre explained to the delegation that in 2011, he resigned from the main opposition party in the aftermath of the presidential elections that the party lost. In fact, his resignation happened after a disagreement with the leadership of the party whose strategy to confront the government on the need to level the field for elections was to boycott the parliamentary elections. He then formed his own political party and participated in the legislative elections which, after a judicial battle, won him the only seat of the opposition in the NAS.

174. As the Leader of the Opposition, Mr Pierre expressed his views and opinions on various human rights related issues. He indicated his disagreement with the mandatory sentencing which still exists in Seychelles’ laws. He stated that the Prisons Services in Seychelles lacks a good and comprehensive rehabilitation programme for prisoners as this is missing in the current state of affairs. He raised a concern regarding the amended version of the Public Order Act which does not indicate the number of individuals and circumstances that would qualify for the definition of an assembly.

175. Mr Pierre declared that there is a practice of discrimination based on perceived or real political view or affiliation by the Government in all public sectors and services. However, Mr Pierre acknowledged that he was unable at the moment to substantiate and there was a need to have a clear study on the issue which for instance will elaborate on linking joblessness and alleged discrimination on the ground of perceived or real political affiliation or opinion.
176. There were also discussions on the human rights awareness of the Seychellois people and their capacity to vindicate their rights. The Leader of the Opposition stated that due to the heritage of one state party, the population is reluctant to comment on important national issues. His proposal to address this is to conduct intensive sensitization on recourses and remedies that are available to the population when there are breaches of their human rights. He also added that the much needed Access to Information Act would help in addressing this issue as well.

177. Mr Pierre stated that Government should show more political will in pushing for the advancement of human rights issues as well as allocate a sufficient budget to parliament to enable this institution to conduct its work more efficiently.

178. Concerning allegations of brutality from police, Mr Pierre stated that he is not aware of any case and added that this is a practice that used to happen in the past and no one has been able to prove brutality from police in recent years.

179. Mr Pierre’s final point was a commitment to move a motion in the NAS aiming at requesting the ratification of treaties that have been signed by Seychelles and which are yet to be ratified.

26) Meeting with the Secretary General of the Bar Association

180. The delegation held a meeting with Mr Divino Sabino, Secretary General of the Bar Association of Seychelles (BAS).

181. The Secretary General of the BAS informed the delegation that the BAS membership is made of 49 practicing lawyers. He indicated that there are three branches in the legal profession, barrister, attorney and notary. He further mentioned the existence of a code of conduct for the BAS passed in 2013.
182. Discussing the use of international human rights instruments by lawyers in Seychelles, Mr Sabino stated that this is rare even though, these two past years, there is use of the jurisprudence of the European Human Rights Court at the Court of Appeal of Seychelles.

183. The delegation learnt from Mr Sabino that the practice of pro-bono is not institutionalised in the BAS. However, lawyers do assist friends and other cases based on personal relationships.

184. Commenting on the relationship of the BAS and the Bench, Mr Sabino stated that there are good working relationships between the two and this depends mostly on the stature of who chairs the BAS.

185. Questioned about why local lawyers are not interested in joining the Bench as noted in the comments from CAA, Mr Sabino found this statement incorrect because he recalls that 6 Seychellois lawyers applied to become Judges of the Supreme Court but despite their excellent professional records, the CAA did not recommend them to the President of the Republic for appointment.

186. On the general human rights situation in the country, Mr Sabino raised concerns on two points. He finds that fair hearing is not guaranteed in proceedings before Seychelles’ Courts and this puts at risk the right to fair trial. He also expressed the view that whilst the Constitution of the country makes provision for the Ombudsman to take constitutional cases to court, this has never happened in Seychelles. He felt that this should be explored for a reinforcement of the protection of human rights.
27) Visit to Montagne Posée Prison and Meeting with the Superintendent of Prisons

187. During the mission, the delegation visited the Montagne Posée Prison and held a meeting with Mr Maxime Tirant, the Superintendent of Prisons.

188. The Montagne Posée Prison is the main detention facility of the country and is built on the top of a hill that leads to the Western part of the main island Mahé. It is a facility made of 3 blocks plus offices. Two of these blocks are for male detainees and the third one is for female inmates who are convicted or on remand. The male blocks are known as the main block and there is a highly secured block built to accommodate up to 64 male inmates convicted for piracy or on remand for piracy. The capacity of the main block is 482 inmates and is composed of 3 sections.

189. Regarding figures, the delegation was informed about the Seychelles Prison Service Daily Roll as of the 9 April 2015. The total number of detainees in Seychelles was 784 hosted in 4 detention centres as follow:
   i. Montagne Posée: 628 prisoners for an operational capacity of 594;
   ii. National Security Campus: 3 prisoners for an operational capacity of 3;
   iii. Coetivy Prison: 53 prisoners for an operational capacity of 85;
   iv. Marie-Louise Special Prison [which is not managed by Seychelles Prison Service but by the parastatal company, the Seychelles Island Development Company (IDC)]: 104 prisoners for an operational capacity of 104.

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36 Seychelles has two other detention facilities located on Coetivy Island and Marie Louise Island.
37 See Annex 2.
190. Guided by the Superintendent himself, the delegation took a tour of all facilities and vicinities of the prison. It also had a chance to exchange with both male and female detainees regarding their conditions and treatment in detention.

191. The delegation visited the 4 isolation areas; the clinic which has 1 permanent doctor and 3 nurses, the music studio, classrooms, library, offices, IT facilities, the auditorium, playgrounds, the laundry and the shop.

192. As regards to nutrition of inmates, though the Prison Act provides for the possibility for inmates to receive food from outside allowed by the prison commissioner, this is not applied due to the fear of having drug smuggled into the prison. Consequently, the 3 standard meals (breakfast, lunch and dinner) are offered by the State and are cooked internally by inmates themselves.

193. Concerning visits from family and friends to inmates, detainees on remand are allowed one visit per week and those convicted are entitled to one visit a month. However, the Superintendent stated that this is flexible in practice and inmates receive visits beyond these figures.

194. Regarding the security at the prison, the delegation was informed that a total of 150 personnel are in charge of securing the prison. Out of this number, 69 are Nepalese security officers who do not operate inside the prison but are securing the vicinities of the facilities. The remaining 81 personnel are Seychellois and the rule is that female inmates are guarded by female security officers. The Superintendent noted that in practice, only 5 security personnel will be manning inmates in the prison building as the majority will be occupied by other tasks for the good functioning of the prison.
195. Discussing the issue of discipline within the prison, the Superintendent indicated that the Prison Commissioner adjudicates on disciplinary cases and prisoners can appeal to the Minister for Home Affairs when they are challenging decisions of the Prison Commissioner. Also, he stated that confinement as a disciplinary measure is applied at Montagne Posée prison in a “humane manner” as the 4 isolation areas are equipped with necessary commodities serving such purpose.

196. The delegation was informed that the Prison Advisory Board which is attached to the Ministry for Home Affairs is the mechanism within the Ministry to monitor the welfare of prisoners through visits to the prisons.

197. The Superintendent and the delegation discussed challenges and the way forward in the management of detention places in Seychelles. The view of the Superintendent on this was that though Seychelles has tried its best to achieve UN Minimum Standards on Prison and has gone in certain aspects beyond these, some challenges remains. The said challenges are among others, insufficiency of staff to handle prisons even if this is being addressed by the processing of the recruitment of 20 new staff; the difficulty to reconcile the 24 hours of police custody with the fact that courts do not sit on weekends\(^{38}\); though the judiciary is working on solving the issue, there are still inmates who have been on remand for 2 or 3 years; the continued smuggling of drugs into the prison despite the tightening of security measures and urine tests which are conducted regularly; and the issue of overcrowding mentioned earlier.

198. Nonetheless, the delegation acknowledged the efforts of Seychelles to humanise life in detention and measures taken in a view to upgrade the present standards. These measures include the five years Strategic Plan for Prisons adopted in 2012, the initiative to introduce video conference in the prison system to deal with remand

\(^{38}\) The Superintendent indicated though that courts sit weekends on bail and remand cases.
prisoners who need not be brought to Court for that process, the instauration of release of prisoners under licence to start with a first case in May 2015, and the establishment of a reinsertion programme through the probation service for released prisoners.

199. Finally, the delegation was explained the concept of “civil prisoners” used in Seychelles’ detention-related terminology. The concept refers to detainees serving a prison term for failure to pay a fine imposed by a court in a criminal case.

28) Visit to the Regional Home for Elderly at North East Point

200. The delegation visited the Regional Home for Elderly at North East Point. During this tour, the delegation was guided by Ms Anne Desirée, the chief nurse of the Regional Home for Elderly. This facility totally sponsored39 by the State of Seychelles, was inaugurated in 2006 in order to host older persons from the age of 6340. Its particularity compared to other institutions across the country that host older persons is that it caters for older persons who can live in an autonomous manner, for those who are semi-autonomous and also older persons who are totally dependent. The Regional Home for Elderly has a capacity of 166 beds and is serviced by 89 staff members who are all nurses. At the time of the visit, the institution was hosting 131 persons of which 101 were males and 30 female. These figures include also 40 mentally ill persons of which 20 are males and 20 females.

201. Ms Anne-Desirée informed the delegation that all is put in place to ensure that older persons in the institution live in a socialised manner and cited examples of family visits, couples being accommodated together, provision of part of the pension

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39 The State sponsors the institution with the pension to which older persons are entitled to and also provides additional funds to enable the proper functioning of the institution.
40 During the visit, the delegation was informed that this minimum age of admission is not strictly applied and that persons under this age are hosted in the institution in special circumstances such as when the family is not able to look after its hospitalised adult member.
to capable older persons for their personal needs, the existence of a worship area as well as a medicinal garden, and the participation of older persons in social events, etc. She insisted that one of the aims of the institution is to make sure that an older person who is admitted in the home, does not contract or get a disease or incapacity that was not present at the time of admission. An example of achievement of this objective is that 6 months may elapse without seeing the institution registering a single death among its residents.

202. Regarding the food for older persons in the institution, the nurse informed the delegation that it is supplied by a restaurant every day and it is not cooked within the institution.

203. Finally, she raised challenges like the insufficiency of funds as well as the attitude of some parents who misuse the part of the pension given in cash to the residents.

29) Debriefing Session with the Minister for Foreign Affairs and Transports

204. The delegation had a debriefing session with the Minister for Foreign Affairs and Transports.

205. During the debriefing meeting, Commissioner Yeung updated the Minister on how the mission went and gave an overview of the positive points as well as the points of concern noted.

206. Responding to Commissioner Yeung’s debriefing, the Minister made some points of clarification as well as provided some additional information on the
general human rights situation in the country. Below are these points of clarification and additional information:

i. Public transportation is offered free of charge to all students;

ii. Out of the 3.6% of jobless persons, about 1.6% are unemployable persons due to their physical, mental or social conditions. Therefore, the real figure regarding the rate of jobless persons should be around 2%;

iii. The 3 months assistance provided by the Government to jobless persons can be extended upon request and subsequent assessment of the Ministry for Labour;

iv. The timeline for notification to the police of plans to strike or to assemble is 5 working days and not 7 days as mentioned in the meeting with the Police;

v. The issue of automatic promotion at school is a concern for the Government which is currently discussing the appropriate way forward on the question;

vi. Regarding the issue of overcrowded houses, the average number of persons per household is 4.5 individuals and in Seychelles more than 70% of the population own their own house due to programmes put into place by the Government; namely the “my own home” programme;

vii. Government has invested more than one billion SR in social housing and the minimum contribution per applicant to access a social house is 150,000 SR. Also provision is made for the social service to contribute for those unable to contribute;

viii. Regarding the allegation of lack of transparency in the allocation of social houses, the Minister stated that this is at most only a perception, but as a system with specific procedures and conditions put in place, transparency and equality in the allocation of social houses is in fact ensured;

ix. Concerning reasonable accommodation for persons with disabilities, the Minister indicated that the Town and Country Planning Act makes

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41 The Minister cited the point system in the eligibility criteria as well as the allocation of a Housing Officer to each district to manage the allocation system at the level of the district.
provisions for buildings and infrastructures to be user friendly for persons with disabilities;

x. The Minister informed the delegation that whenever there is death in custody, the Attorney General initiate an enquiry into the case;

xi. On the pending ratification of treaties, the Minister stated that the Treaties Section in his Ministry is conducting a study on all treaties that are yet to be ratified by Seychelles and will process these.

207. Further discussions between the Minister and the delegation occurred for more clarifications and Commissioner Yeung requested the status of investigations into the death of Mr Harmon Chellen, a Mauritian whose dead body was found in the sea following his arrest and questioning by the Police on the 18th August 2014. On this the delegation was informed that investigation is still on-going.

30) Press Conference

208. The delegation held a press conference at the end of its mission to share with the public its initial findings of the promotion mission conducted in the country from the 6th to the 10th April 2015.
PART III

OBSERVATIONS AND ANALYSIS OF THE HUMAN RIGHTS SITUATION IN SEYCHELLES

209. The meetings and working sessions held with the stakeholders involved in the promotion and protection of human rights allowed the Commission to identify positive developments in the human rights situation of the country. However, it also noted issues on which there is room for improvement.

I. POSITIVE DEVELOPMENTS IN THE HUMAN RIGHTS SITUATION OF SEYCHELLES

210. The Commission commends the Government of Seychelles for its political will and its efforts in promoting and protecting the human rights of the people of Seychelles by adopting several legislative and institutional measures and establishing bodies to implement relevant policies, plans and programmes with a positive impact on the rights guaranteed by the African Charter and other regional and international human rights instruments.

211. The Commission notes with satisfaction the programmes, activities and strategies put in place for the realisation of human rights.

212. At an institutional level, the country has bodies that have either subsidiarily or principally a human rights mandate. These include the NHRC, Ministries, CAA, etc. These bodies strive to ensure that Seychellois people are equal before the law and that discrimination is avoided in all aspects and sectors of the Seychellois society.
213. Regarding the right to life, the Commission notes that there are no reported cases of such violation apart from the sole case mentioned which is still being investigated.

214. Concerning the rights to dignity as provided by Article 5 of the Charter, though allegations of brutality from security personnel were put forward by some stakeholders, there has not been a single officially reported case of torture or police brutality under Article 5 of the Charter.

215. The delegation visited the biggest detention facility of the country and discussed prison conditions with stakeholders. The view of the Commission is that efforts are being made to align prisons conditions with international standards and Seychelles can be considered a model on the African continent with regard to conditions of detention in prisons. Also, the delegation noted that police custody is legally regulated to be no more than 24 hours and officials met indicated that efforts are made to ensure strict respect of this legal duration of police custody despite challenges.

216. With regard to fair trial, the judiciary was equipped with appropriate means to operate by the government and by the collaborative partnership that Seychelles has with friendly International Institutions. Thus, there has been a significant reduction of backlog of cases from some 5000 cases to about 2000. Equally, stakeholders agreed that the judiciary is more efficient than it used to be formerly.

217. The delegation enquired from stakeholders on the level of freedom of conscience, religion, freedom of expression, freedom of association and assembly as well as freedom of movement. The general impression stemming from discussions with stakeholders on the enjoyment of these rights is that efforts are made to ensure there are no deliberate infringements to the said rights and freedoms. The fact that the
President of the Republic himself indicated that the delegation is allowed to visit all places and exchange with everyone during the mission, was an indicator of the openness of the Seychellois authorities. Also, the delegation received facilitation from authorities in arranging meetings with stakeholders. The Commission further notes the keenness with which stakeholders who are basically opposed to the Government have expressed their views on critical issues during exchanges with the delegation. Moreover, the Commission understands that media is vibrant and self or imposed censorship is not a feature within the media or the population.

218. The delegation noted with satisfaction that rules governing freedom of assembly, including the right to strike has been changed from the system of authorisation to the declaratory system and that courts could adjudicate on refusals from the law enforcement bodies to allow strikes or assemblies.

219. The Commission equally takes note of the noticeable representation of women in decision making bodies and proactive decisions aiming at banning corporal punishment as well as decriminalising homosexuality.

220. With regard to the living conditions in Seychelles, the Commission commends the policy of Government which consists in putting the people at the centre of all and each single undertaking. This stand of the Government earned positive results in the employment sector, the education sector, as well as in favour of vulnerable groups.

221. In the health sector, free health care is provided to some groups in society taking into account their particular needs and vulnerability; child and maternal morbidity has been reduced considerably; the HIV/AIDS pandemic is managed in an outstanding manner with less than 1% of prevalence generally.
222. For the right to work, the low percentage of joblessness is an indicator of Seychelles’ successful efforts in this field.

223. Seychelles has also various social schemes aiming at protecting vulnerable groups such as children, the elderly and persons with disabilities.

224. The Commission notes efforts from Seychelles regarding the protection of environment including the use of renewable energy, protection of the biodiversity, recycling of domestic waste, banning of certain types of plastic bags.

225. The Commission commends the dynamism and commitment of Seychelles civil society organisations which contribute to the national promotion and protection of human rights despite the challenges faced in mobilising financial, material and technical resources for the success and sustainability of their programmes.

226. The Commission commends Seychelles for implementing some of the recommendations made by the Commission in its report of the promotion mission conducted in 2004.

227. Finally on the positive aspects, the Commission delegation takes note of the strong commitment expressed by all Seychelles’ authorities to work towards improving on sectors that remains problematic with regard to human rights.

II. AREAS IN THE HUMAN RIGHTS SITUATION OF SEYCHELLES NEEDING IMPROVEMENTS

228. In spite of the progress identified, the Commission has come across certain challenges which inhibit the full realisation and enjoyment of human rights in the Republic of Seychelles.
229. The Commission notes with concern that several stakeholders met by the delegation alleged that discrimination based on political affiliation or opinion is practiced by governmental bodies. Though stakeholders alleging the said discrimination were not able to substantiate their point with living examples, they indicated that the requirement to have security clearance from the state house before accessing a public job is an indicator of the said discrimination. The delegation questioned state actors on this allegation and it was mentioned that the questioned discrimination did not reflect the reality. Thus, without inclining for any of these two views, the position of the Commission is that discrimination is a serious violation of human rights and an entry door to many violations; therefore, any system which is open to abuse need be revisited for some more transparent and non-controversial one. A simple allegation that discrimination exists could discourage people to apply for access to public service.

230. The Commission notes many human rights issues stemming from the high prevalence of drug consumption and trafficking in the Seychellois society. These include the question of mandatory sentencing which the Commission is still unclear on whether it continues to be applied or not. In fact, meetings with legal minds in Seychelles revealed that it is no more applied subsequent to a judgement of the Court of Appeal which has jurisprudentially abolished it and this judgment is followed by all courts in Seychelles. However, the Commission is of the view that the de jure existence of the mandatory sentencing is a concern.

231. The high prevalence of drug consumption and trafficking in the Seychellois society is linked with the over crowdedness of prisons in Seychelles which is the per capita country with the highest number of persons in prisons. Another negative consequence is the difficulties of the country to rehabilitate ex-prisoners.
232. The Commission notes the shortage of local professionals in key sectors like the judiciary and the police;

233. With regard to torture, Seychelles is still not equipped with specific legal provisions criminalizing torture;

234. The Commission notes with concern the non-ratification of some relevant regional and international human rights instruments.

235. The Commission also expresses concern regarding that the fact that some institutions in Seychelles do not meet international standards, in particular the non-compliance of the National Human Rights Commission with the Paris Principles and the fact that the Ombudsman presides also the National Human Rights Commission.

236. The Commission understands the financial constraints of Seychelles but underscores the lack of material and financial resources for the effective functioning of the National Human Rights Commission and the Seychelles Media Commission.

237. On the issue of political participation, the Commission is concerned about the absence of a significant number of opposition parties in the electoral processes;

238. Other concerns of the Commission are the system of automatic promotion with regard to the education sector; the persistence of stigma hindering the control of HIV; the legal age of employability fixed at 15 which is inconsistent with the compulsory ten years schooling policy that ends at the age of 16; the existence of infrastructures which are unfriendly to persons with disabilities; etc.
239. Finally regarding areas in the human rights situation of Seychelles needing improvements, the Commission highlights the non-compliance with Article 62 of the African Charter with five (5) outstanding Reports.
PART IV

RECOMMENDATIONS

240. Following the mission and taking into account the challenges identified, the Commission makes the following recommendations:

TO THE GOVERNMENT OF THE REPUBLIC OF SEYCHELLES

Legislation
- Operate the necessary constitutional review in order to allow the amendments to essential legislations which are found inconsistent with Seychelles international obligations;
- Repeal the mandatory sentencing in order to avoid any apparent or real hindrance to the sacrosanct principle of the separation of powers in a democratic system;
- Revise the legislation to reconcile the compulsory ten years mandatory schooling and the legal age of employability;
- Adopt a legislation that criminalises expressly torture and establishes a National Preventive Mechanism in compliance with international standards;
- Expedite the decriminalisation of homosexuality;
- Clarify the definition of the notion of “assembly” in the Public Order Act;
- Ensure that the CAA is truly independent and that its proposals for appointments are not circumvented;
- Expedite the ratification process of regional and international instruments that have not yet been ratified, in particular the Protocol to the African Charter on the Establishment of an African Court on Human and Peoples’ Rights, for which the declaration at its Article 34(6) should be made as well; the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa; the African Charter on Democracy, Elections and Governance; the Optional
Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
- Adopt an Access to Information Legislation
- Decriminalise defamation

Cooperation with the Commission
- Comply with Article 62 of the African Charter by submitting its outstanding periodic reports in accordance with the various directives adopted by the Commission on the matter;
- While submitting its outstanding periodic reports in accordance to Article 62 of the African Charter, comply with the obligation to report on the implementation of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa as required at Article 26 of the same;
- Consider hosting a session of the Commission.

Administration of Justice
- Continue efforts aimed at reducing the backlog of cases before courts and work on recruiting local professionals in the judiciary;
- Establish a formal legal aid scheme.

Police
- Strengthen the human rights capacity of police officers, and insist on qualitative recruitment for the police;
- Make use of the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial detention in Africa while providing training to Police Officers and while adopting laws and Policies related to the conditions of arrest and Police Custody;
- Conclude investigations regarding all cases of alleged violations of human rights by the Police and in particular the alleged death in police custody;
- Capacitate the Police with technical material logistics like DNA testing and interrogation rooms equipped with cameras;

Protecting Women’s Rights
- Continue to increase women’s participation into decision making processes;
- Continue the implementation of social and other schemes aimed at providing special protection to women;
- Reinforce the protection measures of sexual and reproductive rights of women and teenage women

Health
- Sensitize the population with a view to get rid of the stigma associated to HIV;
- In line with the country’s resources, work on enlarging to other vulnerable groups, the free access to health policy

Education
- Ensure that the curricula match with the actual work market of Seychelles;
- Ensure that whatever system of promotion in school is applied, this does not contradict with the right to education;
- Maintain the policy allowing teenage girls to return to school after a pregnancy.

Prisons
- Complement its prison services with a comprehensive rehabilitation programme which enables former prisoners to reintegrate the Seychellois society and contribute their share in national development;
- Ensure that the operational capacity of detention centres are not crossed and exceeded to the extent that this impacts negatively on international standards relative to prisons conditions;
- Maintain and upgrade where possible the acceptable prisons conditions in Seychelles.

**Protecting Elderly Persons and Persons with Disabilities**

- Ensure systematic reasonable accommodation in all aspects for Persons with Disabilities;
- Provide the necessary financial and human capacity to institutions for Older Persons, namely for the Regional Home for Elderly at North East Point.

**TO THE NATIONAL HUMAN RIGHTS COMMISSION**

- Ensure that the NHRC is an independent and autonomous institution with a specific mandate as per international standards;
- Enhance the effectiveness of the NHRC by providing it with an adequate operating budget, and
- Strengthen the human, technical and financial capacity of the NHRC for it to effectively implement its mandate.
- Continue dialogue with the Government towards obtaining an adequate operating budget;
- Contribute to the popularization of regional and international human rights instruments through training and sensitization programmes;
- Support efforts from the Government and other stakeholders to align the NHRI with international standards, namely the Paris Principles; and
- Apply for affiliate status with the Commission.

**TO CIVIL SOCIETY ORGANIZATIONS**

- Engage with available networks in order to ensure human rights promotion and protection in Seychelles.
- Increase the level of information and experience sharing through the establishment of thematic networks;
- Contribute to the popularisation of human rights promotion and protection instruments through the sensitization, information and training of the citizenry, and
- Take the necessary steps to obtain observer status with the African Commission.

**TO MEDIA STAKEHOLDERS**
- Support all efforts towards the adoption of Access to Information Legislation;
- Advocate for the decriminalisation of defamation;
- Work on the creation of a template for complaints to the SMC;
- Conduct sensitization and human rights culture activities through media campaigns, and
- Demonstrate professionalism in the discharge of their duties.

**TO THE BAR ASSOCIATION OF SEYCHELLES**
- Lobby the Seychellois authorities to ensure that Seychelles ratifies the relevant regional and international human rights instruments;
- Play a more active role in the promotion and protection of human rights, particularly the rights of vulnerable persons, especially women and children, and
- Cite the provisions of regional and international conventions duly ratified by Seychelles before the national courts;
- Formalise a *pro bono* system within the Bar.

**TO UNITED NATIONS AGENCIES AND THE INTERNATIONAL COMMUNITY**
- Organize training workshops for public sector stakeholders and civil society organizations on the regional and international human rights instruments;
- Continue to support efforts made by the Government to promote human rights and consolidate democracy;
- Support the sensitization activities and human rights training programmes of NGOs;
continue to provide the Government of Seychelles with the necessary financial, material and technical resources in the area of human rights promotion and protection

241. In conclusion, we call on the Government to take all the necessary measures to implement the recommendations contained in this report.
ANNEXES

I. List of NGO Representatives met in Mahé

1. Homa Mungapen, Bahai Faith;
2. Monica Sewina, CPS Commission;
3. Mike Chedstone,
4. Christiane Vidot, Faith based Commissioner;
5. Ralph Ernest, Construction;
6. Benjamin Vel, Consultant,
7. Anne Jacques, ONG Love and Care;
8. Ginette Charles, Chagossian Community;
9. Marion Charles, Chagossian Community;
10. Maria Itard, chagossian Community,
11. Laurna Mend, chagossian Community;
12. Lisa Miesek, chagossian community;
13. Gaby Michel, Chagossian Community;
14. Henrie Charles, Chagossian Community;
15. Jerry Morec, Chagossian Community
16. Ange Marie Gendron, Chagossian Community;
17. Justin Freminot, HIV Aid Support Organisation (HASO)
18. Alex Ruth, HASO;
19. Georgette Furneau, HASO;
20. Gracia Fideria, SCC
21. Christiane Camille, SCC
22. Doreen Bouchereau, National Consumers Forum(NATCOF)
23. Veronique Bourelame, CEPS;
24. Gesse Hennderson, CEPS;
25. Marie –Nella Azemia, CEPS;
26. Meruin Fanny, Father’s Association;
27. Albert Nabier, Apostolat de la Mer
II. Seychelles Prison Service Daily Roll as of 9th April 2015

<table>
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<tr>
<th>SPS Establishment</th>
<th>Prison location</th>
<th>Roll</th>
<th>Operational Capacity</th>
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<td>SIU</td>
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<td></td>
<td>National Security Campus</td>
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<tr>
<td></td>
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| Non-SPS managed Establishment | Marie Louise Special prison | 100  | 104 |
| Total of prisoners in custody in the Seychelles | 784 | 786 |

Prisoners’ profile

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<td>---------</td>
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<tr>
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<td><strong>Grand Total</strong></td>
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