
[THE RIGHTS AND GOVERNANCE COMMISSION, Liaison Unit of Non-Governmental Organizations, Seychelles]
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Summary</td>
<td>3</td>
</tr>
<tr>
<td>List of Contributing NGOs</td>
<td>4</td>
</tr>
<tr>
<td>Key Country Indicators</td>
<td>6</td>
</tr>
<tr>
<td>1.0 Introduction</td>
<td>7</td>
</tr>
<tr>
<td>2.0 Substantive Report – ICCPR</td>
<td>9</td>
</tr>
<tr>
<td>3.0 Response to List of issues to be taken up in the absence of the initial report of the Republic of Seychelles (CCPR/C/SYC/1)</td>
<td>11</td>
</tr>
<tr>
<td>4.0 Conclusion</td>
<td>20</td>
</tr>
<tr>
<td>5.0 Recommendations</td>
<td>20</td>
</tr>
<tr>
<td>6.0 Bibliography</td>
<td>21</td>
</tr>
<tr>
<td>7.0 Appendices</td>
<td>22</td>
</tr>
</tbody>
</table>
Executive Summary

The Seychelles has made remarkable strides towards improving the respect of human rights for its people since 1993 when multiparty politics were re-established after the one-party rule era (1977 to 1993). Some of the institutions have been created. Some are more functional than others, e.g., the Public Service Appeals Board, the Employment Tribunal and the Family Tribunal.

However, some issues of concern still remain. Some of the democratic safeguards and institutions are still very weak in composition, structure and procedure, such as the Constitutional Court, the Office of the Ombudsman and the National Human Rights Commission. Much need to be done to allow these institutions to function freely and fairly so as to allow the Seychellois to seek redress when they feel that their constitutional rights have been violated.

In this first civil society report on human rights in Seychelles, both positive steps and negative issues are highlighted. As much as possible, evidence is given for violations or at least actual cases before the Constitutional Court or the National Human Rights Commission are mentioned. It has not always been possible to obtain concrete evidence about abuses of rights as some persons who have reported refused to allow their names to be mentioned or to give sufficient details to make a case.

However, their issues are mentioned with the caution to readers of the report that it has not been possible to fully substantiate the claims made.

The report begins with a brief description of Seychelles geography, political structures, economy and socio-cultural makeup. The methodology used for the report is explained. Then, the report seeks to answer the list of issues emanating from the absence of the country’s first report on human rights.

The report ends with a list of references and appendices which help to highlight the cases mentioned therein.

The civil society of Seychelles is still growing and learning. As it does so, it becomes stronger and it is hoped that future reports will be able to reflect that strength, especially in pursuing redress for abuses of rights of the individuals or groups and / or in providing adequate information on progress made and issues that are still matters of concern.
The following NGOs have been involved in the preparation of this report.

The Rights and Governance Commission of LUNGOS - Liaison Unit for Non-Governmental Organisations of Seychelles

LUNGOS, the Liaison Unit for Non-Governmental Organisations was officially launched on 17th December 1990. Its aims are to: “encourage, promote and coordinate programmes and activities related to care and welfare issues through service delivery, mobilizing resources, research and innovation, human resource and development (sic) public information, education and advocacy to bring about change and development by all NGO’s in Seychelles, without prejudice to the autonomy of the individual members of LUNGOS.” It is at present the primary voice for NGO concerns and matters in Seychelles.

LUNGOS is also affiliated to CIVICUS, WANGO, ECOSOC and ICSW and has a membership of more than 60 civil society organisations operating in sectors, such as socio-economic development and empowerment, environment, health and social welfare, gender, human rights, governance issues and democracy. LUNGOS acts as interface with other state and non-state actors nationally and internationally, to create added value and bring benefit to the community at large. It also sees itself as an active partner and valuable contributor towards national development policies, participating actively from the decision making point, towards project initiation, implementation and evaluation, thus having an impact at all levels of society.

Website: www.civilsociety.sc

Email: ceo@lungo.sc or lungos@seychelles.net

Telephone: +248 325550 or +248 325551  Fax: +248 325551

ACCESS – Association of Concerned Citizens of Seychelles

Access is a non-profit, non-partisan, non-governmental organisation striving to empower the public and to promote, reinforce and safeguard human and people’s rights and good governance in Seychelles. Its objectives are to:

- create awareness, acceptance and respect of all legal and fundamental human rights among the public and in particular, among the underprivileged sections of society through empowerment, civic education, advocacy, research and follow-up of incidents of abuse;
- implement Human Rights education for all and enhance the public awareness of Human Rights through the dissemination of information and materials;
- implement and contribute to projects and programs wherever possible in partnership with other representatives of civil society, local and foreign, Government and government agencies to ensure and improve access by the individual to knowledge and information with the specific aim of increasing the level of education and reducing poverty levels to address and solve development issues and improve the quality of the individual material, spiritual and moral life;
- monitor the government and private business to ensure that laws and business practices recognize and respect the enjoyment of legal and human rights of the citizen;

Address: Room 8 Trinity House Victoria  Tel: +248 512020 – 713624  E-mail: access@gmail.com

Focal Person: Mrs. Nichole Tirant-Gherardhi
LES LI VIV
Les Li Viv Organization which is an accredited member of the LUNGOS was founded in March 1993. It has been established to assist vulnerable and disadvantaged young women. We focus on providing direct help to the young pregnant girls and young mothers during the pregnancy and after delivery of the baby. It has been active in seeking to encourage the young mothers to keep their babies, provide technical and financial support to raise the child and find employment as well as giving psychological support to handle the various difficulties of raising the child alone. LLV has direct contacts with the beneficiaries, their parents and their partners.

The main aim of LLV is to support the young mothers during their pregnancy and to help them become economically independent once the child is born.

Its centre is in Victoria near to the Salle d’Oeuvre, Church Street

CARE – Campaign for Awareness, Resilience and Education
CARE is dedicated to the provision of quality education and prevention services to children, youth, families and communities to promote drug-free, healthy life-choices and activities for all citizens of Seychelles. Its objectives are to:

- promote awareness with the public in general on the risks, both in the family and in the society as a whole implied with the use of drugs and alcohol;
- conduct educational programmes in the media, in the schools and in the community;
- support and provide help to any kind of efforts aimed at fighting the drugs and alcohol abuse both in Seychelles and abroad by Governments, Non Governmental Organisations, Associations, Agencies or individuals

Address: PO Box 1261 Victoria, Mahé, Seychelles
Tel: +248 324566 - 324242
Fax: +248 324242
E-mail: care@seychelles.net
Focal Person: Mr. Robert Ahweng

ASFF – Alliance of Solidarity for the Family
The Association is dedicated to promoting love, fellowship and higher effective communication in the family so as to make them praiseworthy unit of society, greater awareness and understanding of sexual reproductive health, family planning and responsible parenthood in the interests of human rights, family welfare; community welfare and international goodwill; awareness of gender balance and equality in the family; spiritual, social and moral values in the family and research and exchange of information in the field of strengthening family relations.

Address: Dr. Chetty’s Health Centre Victoria Mahé  Tel: +248 323211  Fax: +248 321240
E-mail: asff@seychelles.net
Focal Person: Mrs. Germaine Valentin – Chairperson
**Table 1: Key Country Indicators**

<table>
<thead>
<tr>
<th>Indicators</th>
<th>Year</th>
<th>Value</th>
<th>Year</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population size (mid-year estimates)</td>
<td>2000</td>
<td>81,131</td>
<td>2010</td>
<td>86,525</td>
</tr>
<tr>
<td>Age Distribution % (.000) (for 2010, mid-year estimates)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0-14</td>
<td>2000</td>
<td>26.3</td>
<td>2010</td>
<td>22.7</td>
</tr>
<tr>
<td>15-63</td>
<td>2000</td>
<td>66.5</td>
<td>2010</td>
<td>68.8</td>
</tr>
<tr>
<td>64 and over</td>
<td>2000</td>
<td>7.3</td>
<td>2010</td>
<td>8.4</td>
</tr>
<tr>
<td>Dependency Ratio</td>
<td>2000</td>
<td>50.4</td>
<td>2010</td>
<td>441</td>
</tr>
<tr>
<td>Sex Ratio (per 100 females)</td>
<td>2000</td>
<td>98.5</td>
<td>2010</td>
<td>95.5</td>
</tr>
<tr>
<td>Total Fertility Rate</td>
<td>2000</td>
<td>2.1</td>
<td>2008</td>
<td>2.3</td>
</tr>
<tr>
<td>Population growth rate (%)</td>
<td>2000</td>
<td>0.1</td>
<td>2010</td>
<td>-0.9</td>
</tr>
<tr>
<td>Life expectancy at birth (yrs)</td>
<td>2000</td>
<td>72.4</td>
<td>2008</td>
<td>72.9</td>
</tr>
<tr>
<td>GNP per capita (US $)</td>
<td>2002</td>
<td>8,000</td>
<td>2009</td>
<td>9,028</td>
</tr>
<tr>
<td>Human Development Index</td>
<td>2000</td>
<td>36</td>
<td>2007</td>
<td>57</td>
</tr>
<tr>
<td>Percentage of Population below national poverty line</td>
<td>2000</td>
<td>16</td>
<td>2007</td>
<td>9</td>
</tr>
<tr>
<td>Population with access to drinking water supply (%)</td>
<td>2000</td>
<td>82.9</td>
<td>2002</td>
<td>87</td>
</tr>
<tr>
<td>Population with access to sanitation (National Census Data) (%)</td>
<td>1997</td>
<td>86</td>
<td>2002</td>
<td>94</td>
</tr>
<tr>
<td>Percentage of underweight under-five children</td>
<td>1997</td>
<td>10</td>
<td>2007</td>
<td>6</td>
</tr>
<tr>
<td>Adult literacy rate (%) 15 years and above</td>
<td>2000</td>
<td>90</td>
<td>2009</td>
<td>96</td>
</tr>
<tr>
<td>Net enrolment rate in primary education (%)</td>
<td>2000</td>
<td>99.6</td>
<td>2007</td>
<td>99</td>
</tr>
<tr>
<td>Ratio of girls to boys in primary education (%)</td>
<td>2000</td>
<td>0.97</td>
<td>2007</td>
<td>0.99</td>
</tr>
<tr>
<td>Under five mortality rate (per 1,000 live births)</td>
<td>2000</td>
<td>9.2</td>
<td>2009</td>
<td>13</td>
</tr>
<tr>
<td>Maternal mortality rate (per 100,000 live births)</td>
<td>2000</td>
<td>0</td>
<td>2009</td>
<td>0</td>
</tr>
<tr>
<td>Percentage of population relying on traditional fuels for energy use</td>
<td>2002</td>
<td>1.0</td>
<td>2009</td>
<td>---</td>
</tr>
<tr>
<td>Trade (% of GDP)</td>
<td>2000</td>
<td>159.6</td>
<td>2007</td>
<td>316.7</td>
</tr>
</tbody>
</table>
1.0 Introduction

The Seychelles – At A Glance

1. The Seychelles archipelago consists of 115 islands, spread out in two clusters scattered across 1.4 million square kilometres of the Indian Ocean, 1800 km east of Kenya and 1800 km north of Mauritius. The landmass itself is relatively small - around 455.3 square kilometres, three quarters of which is constituted by the main islands of Mahé, Praslin and Aldabra. The capital is Victoria on the main island of Mahé. The country experiences an equatorial climate with temperatures ranging from 24 degrees Celsius to a maximum of 32 degrees Celsius.

2. The Seychelles was uninhabited, until the French colonisers settled in 1770 with their African slaves. These first settlers were followed by indentured African labourers released from slave ships, and small numbers of Indian and Chinese immigrants. The islands were colonised by both the French and the English, exchanging hands a number of times during its history. At one time, the Seychelles was administered by and from Mauritius. In 1976, the Seychelles became a republic. In 1977, there was a coup d’état and the country was under one party rule until mid 1993. Then, the country had a new constitution and became a multi-party state.

3. The population is made up mostly of the descendents of the African slaves, their French masters, other Europeans, Asians (Indian and Chinese), and Arab traders. The population is characterised by slow growth rate, low birth rate and a low death rate and is not predicted to increase enormously over the next twenty years. There were 1580 births in 2009 compared to 1546 births in 2008. Table 2 shows the projected population until 2027. Preliminary results from the Population and Housing Census 2010 shows the country has a total population count of 88,311 of which 51.3% are males and 48.7% females. 22% of the population are aged less than 15 years and 77.7% are aged 15 and above. 89% of the population lives on the main island, Mahé.

Table 2: Projected Population

<table>
<thead>
<tr>
<th></th>
<th>2017</th>
<th>2022</th>
<th>2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Males</td>
<td>47,500</td>
<td>49,800</td>
<td>51,900</td>
</tr>
<tr>
<td>Females</td>
<td>48,200</td>
<td>51,000</td>
<td>53,800</td>
</tr>
<tr>
<td>Total</td>
<td>95,700</td>
<td>100,800</td>
<td>105,700</td>
</tr>
</tbody>
</table>

Source: Seychelles in Figures, 2009 Edition, pp. 8 (NSB)

4. The official languages are English, French and Creole. The latter is the native language of most Seychellois and is French-based. Economically, the country is heavily dependent on tourism and fishing. Tourist arrivals have increased after a few years of decline, with a new record established in 2010. The major tourist markets are from France, Germany, United Kingdom and Italy. Most of the industrial activities are limited to small-scale manufacturing linked in particular to agro-processing and import substitution.
5. A total of 41,891 people were in formal employment in 2009. In November 2008, as a result of macro-economic reforms undertaken with the assistance of the IMF, the country reduced the number of employees in the public service by some 17% or some 1,700 people. Seychelles is considered a middle-income country with a Gross National Product of USD9,028/- in 2009.

6. Culturally, the country is homogenous in sharp contrast to the other neighbouring islands of Mauritius and Réunion, where there are clear communities such as the White, Creole, Muslims, Hindus and Chinese. There are no tribes or specific rites that are performed other than the Christian ones (Roman Catholic - 90% of the population and Anglican - 5%) of Baptism, First Holy Communion, Confirmation, and Marriage, and more recently, the Hindu ones, such as Diwali.

Table 3: Total Employment from 2005 to 2009

<table>
<thead>
<tr>
<th>Sectors / Years</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Sectors</td>
<td>34,542</td>
<td>37,625</td>
<td>39,572</td>
<td>41,342</td>
<td>41,891</td>
</tr>
<tr>
<td>Public Sector</td>
<td>10,015</td>
<td>10,837</td>
<td>11,018</td>
<td>10,913</td>
<td>9,305</td>
</tr>
<tr>
<td>Private Sector</td>
<td>18,595</td>
<td>20,778</td>
<td>22,417</td>
<td>24,833</td>
<td>27,721</td>
</tr>
<tr>
<td>Parastatal Sector</td>
<td>5,932</td>
<td>6,010</td>
<td>6,136</td>
<td>5,596</td>
<td>4,865</td>
</tr>
</tbody>
</table>


Methodology of work
7. The data collected for this report has been through three stakeholder seminars: one for government and civil society and two for civil society members. For each article of the ICCPR, the representatives present in these meetings were asked to give concrete examples of cases whenever they were making statements in support or against the implementation of the specific articles. Another method was to examine the work of various national organisations meant to be guardians of the ICCPR and its national instruments (the Seychelles Constitution). These organisations include the Human Rights Commission, the Constitutional Court, the Office of the Ombudsman, the Media Commission, the Public Ethics Commission and the Electoral Commissioner.
2.0 Substantive Part

(a) Overview of the legal framework


9. National organisations which monitor and / or implement human rights provisions of the Constitution, the Protection of Human Rights Act and the various laws are the Constitutional Court, the Human Rights Commission, the Health and Safety Commission, various special Offices (Ombudsman, Electoral Commissioner, Attorney-General) and Tribunals (Public Service and Family).

10. The civil society sector also has a Commission for Human Rights which regroup NGOs which are working in this field. [www.civilsociety.sc](http://www.civilsociety.sc)

Noted shortcomings

11. While the civil society organisations in Seychelles acknowledge the presence of national organisations to monitor and safeguard the implementation of the ICCPR, they also note some key problems that need to be addressed urgently. These relate to the Office of the Ombudsman, the Human Rights Commission, the Constitutional Court and the Office of the Electoral Commissioner.

National Human Rights Commission (NHRC)

12. The Chairperson of the National Human Rights Commission (NHRC) and the Ombudsman are the same person. This creates a problem of separation of powers, duties and responsibilities leading to confusion. It is thus unclear for a person reporting a violation of his or her right to which office bearer he or she is reporting. At least two members of the NHRC are also practicing lawyers, leading to further confusion. In consultation, the member of the public may be unsure whether she is a citizen reporting a case to the NHRC or whether she is a client.

13. There are no Supplementary Information (Sis) in place, such as indications of durations of investigations and procedures. Moreover, the NHRC has no office and it is unclear where complaints should be lodged. The members of the NHRC are nominated by the President and consist of three lawyers, with no representation of the civil society. As noted above, two are practicing layers leading to conflicts of interest. Few meetings are held. Generally, for these reasons, the NHRC is seen as ineffective.
Case 1 – Tirant vs the Republic of Seychelles
14. ACCESS reported an incident of extrajudicial killing in 2008 and the NHRC has not yet responded to date. The person, an escaped convict, was shot in the back numerous times by officers of the National Drug Enforcement Agency (NDEA).

15. ACCESS and the Civil Society Commission on Governance and Human Rights sent letters to suggest collaborative work with the NHRC, but did not receive any response.

Case 2 – Desaubin vs the Republic of Seychelles
16. On Human Rights Day in 2010, Mr. Desaubin was evicted from his premises unlawfully and his rent was up-to-date. There was no eviction order and the Attorney General’s Office confirmed that the case was set for continuation. When the Commissioner of Police was contacted by a police officer about the eviction, he responded by indicating that he had been instructed not to interfere in this case and that he had received orders to proceed with the eviction from the Head of State. The plaintiff’s place was ransacked and his furniture and he were physically thrown out.

Case 3 – Battin vs Republic of Seychelles.
17. This case was filed in December 2010, when State House (formerly Governor’s House and is now the official seat/office of the Head of State) operatives were allegedly trying to kill a political party activist. It is also alleged that the plaintiff was being followed by state security officials who had received orders to assassinate him. It is noted that political affiliation is still being seen with suspicion.

Case 4 – Jean-Paul Isaac vs Republic of Seychelles
18. People were ransacking the ex-Mahé Beach Hotel and were detained by the police. A photographer and journalist, Mr. Jean-Paul Isaac went to the station to investigate the cases. Whilst there, he asked for permission to take a few photographs. In response, he was beaten and detained by the police on 30th December 2010. The matter was referred to the NHRC and no reply has been forthcoming. No reassurance of the person’s safety was given.
3.0 Critical Analysis – Responses to the List of Issues in to be taken up in the absence of the initial report of the Republic of Seychelles (CCPR/C/SYC/1)

1. What is the status of the Covenant under domestic law? Can provisions of the Covenant be directly invoked before domestic courts in the Seychelles? If so, please provide details on all cases in which this was done and with what results.

19. There is no information available for this issue.

2. Please provide information on the availability of remedies for individuals claiming a violation of the rights contained in the Constitution and the Covenant. Also provide information as to whether persons have applied to the Constitutional Court for redress, as provided for in article 46, paragraph 1, of the Constitution.

20. The cases can be presented to the Constitutional Court and the domestic courts.

21. There are some specific constraints to presentation of cases to the Constitutional Court. The limit is set at 30 days. This is an impediment when one considers that the statute of limitations for civil cases are 5 years, human rights cases 2 years and political parties registration appeals are set at 21 days.

Christopher Gill vs Republic of Seychelles

22. Mr. Christopher Gill trying to register a political party, but has been refused on grounds of ‘racial discrimination’. As part of the party Manifesto, there are clauses restricting membership to Seychellois to counter new citizens who have allegedly bought passports or acquired citizenship illegally. The case is before the Constitutional Court. The plaintiff suggests that there should at least be room provided for debate on this issue.

3. Please provide information on any national institutions, other than the courts, responsible for supervising the implementation of human rights in the State party and on their mandate. Have such institutions been created in accordance with the principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights adopted by General Assembly resolution 48/134 (Paris Principles)? If no such mechanism exists, is there any initiative to introduce one?

23. Refer to pars. 8 – 11.

Non-discrimination, rights of minorities and equal right of men and women
(arts. 3, 26 and 27)

4. Please indicate the legislative and administrative measures and recent court decisions relating to the protection against discrimination in law and in fact, in any field regulated and protected by public authorities, on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

24. Seychelles is a party to CEDAW (Convention to End all forms of Discrimination against Women) and there are provisions under domestic laws to provide protection against
discrimination to minorities. The main law is the Family Violence (Protection of Victims) Act (2000) which makes provision to protect all victims of violence occurring in the home. The law also protects women from marital rape. “The Family Tribunal established in 1998 under the Children’s Act was also given powers under the Family Violence (Protection of Victims) Act 2000, for the protection of victims of ‘family violence’ (actual or threatened violence), by providing them the right to appear in front of the Tribunal to register complaints and apply for protection orders for up to 2 years on behalf of themselves, another family member and property. The Tribunal has the right to order perpetrators of violence to attend counselling and/or rehabilitation programmes, with a fine of up to SR30,000 and/or imprisonment of up to 3 years if perpetrators are found to be in contempt of intentionally contravening orders.”

25. The Tribunal also deals with eviction orders and matters relating to the custody and maintenance of children. Probation Services which is part of the Social Development Department also addresses issues of domestic violence. Cases are referred to them by the Family Tribunal. Probation Services offer counselling and reconciliation services to those affected by domestic violence. It is noted that most cases (79%) are brought forward by women.

26. There are various forms of remedy available under domestic laws to address this issue, e.g., Employment Tribunal for employment and the Supreme Court for defamation, one’s own representative in the National Assembly. The provisions are there, but they may not provide full protection in practice. Other factors linked to the size of the country with most people knowing one another may come into play to prevent full application of the laws.

5. According to information before the Committee, Chagossians residing in the State party are subject to discrimination in various aspects of daily life. Please comment and also indicate whether any measures have been taken to facilitate the naturalization of those Chagossians without proper status.

27. The civil society human rights team does not have information and believes that this is not an issue for the following reasons, e.g., the Chagossians have the right to vote and to stand for high office, and have access to free education and health services.

6. Please provide information on women’s status in the political, economic and social life of the country. Please supply information on levels of employment among women, the proportion of women in positions of responsibility both in the private and public sector, and whether women and men receive equal pay for equal work. Please also indicate the literacy and school enrolment rates for women as compared with those for men. Indicate all legislative and other steps taken to eliminate stereotypes discriminating against women and to put an end to discriminatory actions, both in the public and private sectors, which impair the equal enjoyment of rights by women and men.

28. There is general agreement that in some matters of gender equality, the Seychelles has a relatively sound record, as indicated in tables 4 and 5. Men and women enjoy the same rights.

---

1 2008 National Gender Report for the Elaboration of a Sub-Regional IOC Gender Policy, p. 29
2 Part of the role of the Tribunal is to offer mediation in cases relating to custody, access to and maintenance of children. A spokesperson stated that there is a significant number of cases that are solved by way of mediation.
Table 4: Positions held by women

<table>
<thead>
<tr>
<th>Positions Held by Women</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cabinet Ministers</td>
<td>30</td>
</tr>
<tr>
<td>Principal Secretaries</td>
<td>38</td>
</tr>
<tr>
<td>District Administrators (local government structure)</td>
<td>56</td>
</tr>
<tr>
<td>Directorship posts</td>
<td>55</td>
</tr>
<tr>
<td>Legislators and Senior Officials</td>
<td>36</td>
</tr>
<tr>
<td>Heads &amp; Managers of NGOs</td>
<td>46</td>
</tr>
<tr>
<td>Senior Positions in Parastatals</td>
<td>34</td>
</tr>
<tr>
<td>Heads of Income-Generating NGOs</td>
<td>60</td>
</tr>
<tr>
<td>Heads of Cultural Associations</td>
<td>33</td>
</tr>
<tr>
<td>Heads of Religious Organisations</td>
<td>17</td>
</tr>
</tbody>
</table>

Source: *AU Solemn Declaration on Gender Equality in Africa, Seychelles Report, 2007, **National Gender Report for the Elaboration of a Sub-Regional IOC Gender Strategy, 2008

Table 5: Proportion of Seats Held by Women in the National Assembly

<table>
<thead>
<tr>
<th>Assembly Terms</th>
<th>No. of Women</th>
<th>No. of Men</th>
<th>Total</th>
<th>% Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993 – 1998</td>
<td>9</td>
<td>24</td>
<td>33</td>
<td>27</td>
</tr>
<tr>
<td>1998 – 2002</td>
<td>8</td>
<td>26</td>
<td>34</td>
<td>24</td>
</tr>
<tr>
<td>2002 – 2007</td>
<td>10</td>
<td>24</td>
<td>34</td>
<td>29</td>
</tr>
<tr>
<td>2007 to date</td>
<td>8</td>
<td>26</td>
<td>34</td>
<td>24</td>
</tr>
</tbody>
</table>

Source: Social Development

29. There is equal pay for the post occupied in both private and public sectors, regardless of any personal situation (religious, political and gender).

30. Enrolment rates in primary and secondary schools are indicated in Table 6. There is a slight disparity in favour of women in both enrolment and performance as the children move from primary to secondary and other levels in the education system.

Table 6: Enrolment Ratios of Girls to Boys

<table>
<thead>
<tr>
<th>Indicators/ Years</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1 Ratios of girls to boys in:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary</td>
<td>0.94</td>
<td>1.03</td>
<td>1.02</td>
<td>1.02</td>
</tr>
<tr>
<td>Secondary</td>
<td>1.01</td>
<td>0.99</td>
<td>0.98</td>
<td>0.99</td>
</tr>
<tr>
<td>Tertiary education</td>
<td>1.24</td>
<td>0.81</td>
<td>0.77</td>
<td>0.64</td>
</tr>
</tbody>
</table>

Source: Seychelles in Figures, 2009 Edition; Ministry of Education

Issues of Concern

31. The Voluntary Departure Scheme (VDS) implemented in 2 phases in November 2008 and in January and February 2009 as part of the IMF assisted macro-economic reforms led to some 1700 workers mostly women being unemployed. They were mostly cleaners, clerks, typists, home carers and caterers. Some re-training schemes were implemented to provide employment to these persons in the tourism sector or for self-employment. As of December 2010, the registered unemployment rate was less than 6% for all population. There is no disaggregated data on unemployment rates for men and women.
7. Please provide detailed information on the extent of the problem of violence against women, in particular domestic violence, on the number of safe shelters and the resources allocated to the assistance of victims of domestic violence. Specify what measures are being taken to ensure that acts of domestic violence are effectively investigated, and perpetrators prosecuted and sanctioned. Also indicate whether other steps have been taken to combat domestic violence, such as training for judges, prosecutors, police and health officers and awareness-raising campaigns for women on their rights and available remedies.

32. National Strategy on Domestic Violence 2008-2012 has been developed to, inter alia, reduce vulnerability of women and men to domestic violence, both victimisation and perpetration through strengthening and coordination of activities of all stakeholders for an integrated and efficient response to domestic violence. It seeks to promote an environment conducive to improved gender equality and equity and reduce impact of domestic violence on children\(^3\). The National Plan of Action on Gender-Based Violence 2010-2012 has formulated to support the National Strategy on Domestic Violence, with 6 main themes and SMART targets\(^4\).

33. However, gender-based violence continues to be a major source of distress and vulnerability for families, especially women and children. The latter two groups are disproportionately represented in cases of violence reported to various institutions, such as the Family Tribunal or Probation Services or the Police. The number of cases of domestic violence reported to the police has been reported to have doubled in the past 6 years.\(^5\) Table 7 shows the various forms of abuse experienced.

Table 7: Forms of Domestic Violence

<table>
<thead>
<tr>
<th>Forms of Domestic Abuse</th>
<th>Number of cases registered</th>
</tr>
</thead>
<tbody>
<tr>
<td>verbal</td>
<td>10</td>
</tr>
<tr>
<td>emotional</td>
<td>50</td>
</tr>
<tr>
<td>physical</td>
<td>20</td>
</tr>
<tr>
<td>financial</td>
<td>10</td>
</tr>
<tr>
<td>sexual</td>
<td>5</td>
</tr>
</tbody>
</table>

8. According to information before the Committee, girls are not allowed to attend school when they are pregnant and many do not return to school after the birth of a child. Please comment and provide detailed information on school attendance by girls.

---

\(^3\) UNDP Seychelles Common Country Report 2010, pp. 57
\(^4\) Ibid, p. 57
34. Refer to Table 6. However, pregnant students are still facing an uphill battle to return to school. They are allowed to return to school, but the barriers are mostly cultural and social. The girls themselves are reluctant to return to school.

35. An NGO Les Li Viv (LLV) works with those who chose to keep their children and provide them with vocational training to help in supporting them and their children.

9. According to the Criminal Code of 1955, section 151 (c), persons in a homosexual relationship are liable to imprisonment for 14 years. Please provide information on the number of cases, if any, in which this provision has been applied, including the sentences imposed.

36. No cases have been presented to court due to the difficulty of proving the homosexual relationships in court. However, the law is still on the books.

States of emergency (art. 4)

10. Please elaborate on the definition of “a grave civil emergency” as one of the grounds for the declaration of a state of emergency, as provided for in Part III of the Constitution.

37. As per provisions and list in the Seychelles Constitution. (cf. Appendix 1)

11. According to article 4, paragraph 2, of the Covenant, no derogation may be made in times of public emergency from articles 6, 7, 8, paragraphs 1 and 2, 11, 15, 16 and 18 of the Covenant. Please explain the lack of reference in article 43, paragraph 3, of the Constitution to the right guaranteed in article 11 of the Covenant. Also explain the lack of reference in article 44, paragraph 1, of the Constitution to the rights guaranteed in articles 11, 15, 16 and 18 of the Covenant.

No information available.

Prohibition of torture and cruel, inhuman or degrading treatment or punishment (art. 7)

12. Various incidents of maltreatment of detained persons by police officers and/or soldiers have been reported during 2008. The State party is invited to comment on whether ill-treatment and torture of persons under arrest by State forces has indeed taken place, including sexual abuse and rape of women. Please provide information on the measures taken to prevent and punish such practices and whether and to what effect legislation or any other measures have been adopted to ensure the prevention or punishment of torture.

38. There are many allegations of forced confessions, beatings and other forms of maltreatment, but they are very difficult to prove in court. There was an incident of a person dying in custody in a police station. The matter was investigated and a court case was presented in February 2011. One police officer, a trainee, has been convicted for the offence. He is appealing his conviction.

13. According to information before the Committee, corporal punishment is still used in schools, penal institutions and alternative care settings. Please comment and provide information as to whether the law explicitly prohibits this practice in all cases.

39. Parents and teachers still beat children. However, given the cultural tolerance of corporal punishment, the children themselves do not report and parents even invite teachers to use
such methods to address misbehaviour of their children. Cases of extreme violence to children are reported to Social Services.

**Elimination of slavery and servitude (art. 8)**

14. *Please provide information as to whether and to what extent trafficking in persons occurs on the territory of the State party and on the legislation aimed at preventing, combating and punishing trafficking in persons, if any.*

40. No reports of slavery and servitude in Seychelles.

**Right to liberty and security of person and treatment of persons deprived of their liberty (arts. 9 and 10)**

15. *Please provide information on permissible grounds of deprivation of liberty and on redress mechanisms in place to address instances of unlawful arrest or detention. Also comment on reports according to which various incidents of arbitrary arrest were recorded in 2008. Furthermore, please provide information on the legislative requirements for placing persons in police custody and pretrial detention, including the maximum length of custody and pretrial detention. Also elaborate on the rights of persons while in police custody, for example access to a lawyer, and on the maximum period of detention before an individual is brought before a judge.*

41. The police can detain a person for 24 hours and release him without charge. However, there are allegations that this procedure is being abused. It is difficult to prove in the courts. It is also alleged that this is used to settle personal and social interaction problems.

42. Pre-trial detentions can last up to three years, with an average of two years. The problem is that the person can be taken to court after 14 days and remanded into custody again. This procedure can be used numerous times without limit, leading to the long periods of pre-trial detention.

16. *Please provide detailed information on legislative and all other rules regarding the treatment of persons deprived of their liberty and on the concrete measures taken to monitor their effective application. Also explain what procedures exist whereby a complaint of ill-treatment by prison officials or other authorities in places of detention, including in psychiatric institutions, can be filed and duly investigated, perpetrators brought to justice, and victims offered redress and compensation. Please also provide information on the number of complaints received during recent years regarding incidents of ill-treatment by law enforcement officials.*

No information is available on these specific points.

17. *Please provide information as to whether the provisions of article 10, paragraph 2, of the Covenant, concerning the separation of accused from convicted persons and of juveniles from adult prisoners, is respected in practice?*

43. Young offenders, many of them first time offenders are mixed with professional, ‘hardened criminals’, thereby turning jails and prisons into schools of criminality. After their release they go back on the street with more knowledge of crime. This severely hampered the social integration of the youth offenders after they leave the prison. Chances are high that these young offenders would become chronic delinquents and eventually hardened criminals, if
not helped. There is only one counsellor working with about 450 inmates. The situation is still the same, but there are plans to have a separate wing for the young offenders.

18. The Committee notes reports regarding bad conditions at the Youth Residential Treatment Centre, the low number of programmes for rehabilitation or education for juveniles in the Centre, and about the remote location of the Centre, preventing regular family visits. Please provide updated information in this regard.

44. The YRTC has been closed.

Right to a fair trial (art. 14)

19. Please explain the procedure for granting legal aid. Please comment, in particular, on the availability of legal aid for constitutional motions.

45. There is a simple procedure for provision to obtain legal aid. The applicant goes to the Legal Aid Office and completes a form. Then, a lawyer is assigned to him or her. Legal aid is available to anyone who wishes to use it.

20. Please provide information on specific measures taken to guarantee the independence and impartiality of the judiciary, for example through the Constitution or laws establishing clear procedures and objective criteria for the appointment, remuneration, tenure, promotion, suspension and dismissal of the members of the judiciary and disciplinary sanctions taken against them, including in cases of corruption.

46. It is felt that foreign judges who are on contract can be influenced to ensure renewal of contract. Seychelles has shown great improvement in reducing the previous high number of foreign judges and magistrates. As of February 2011, all magistrates are Seychellois. At the Supreme Court, of the six judges, three are Seychellois and the other three are foreigners. One of the three Seychellois judges is naturalized. The Chief Justice is a foreigner whose contract has just been renewed. Two of the Court of Appeal judges are Seychellois, and the other two are foreigners. Foreign judges are appointed for a period of seven years. See also appendix 2, which records Mr. Lawrence Wells allegations of judicial corruption in his case.

21. Please comment on reports of exceptionally long periods of pretrial detention, in some cases more than three years, and on mechanisms and measures taken with a view to reducing the duration of such detention.

47. Refer to para. 41

Freedom of opinion and expression (art. 19)

22. Please provide detailed information on: (a) how freedom of opinion and expression is guaranteed in law and in practice, including on all aspects of circulating information in any form and through any media; (b) the legal regime that regulates the ownership and licensing of the press and the broadcasting media; and (c) the existence of non-State controlled media.

48. It has recently been reported that the permission to hold public meetings has been denied. The Seychelles National Party (SNP) applied for permission to hold a public meeting on private premises in early 2010 and the request was denied by the Commissioner of Police on
the grounds that the area was residential. The matter has been referred to the Attorney-General’s Office which has indicated that the Public Order Act is being revised.

49. The government controls much of the country’s media, operating radio and television stations. The daily newspaper, the Nation, is government-owned, and at least two other newspapers support, or are published by the Seychelles People Progressive Front (SPPF)/Parti Lepep (the People’s Party), presently the ruling party.

50. The board of directors of the officially multi-partisan Seychelles Broadcasting Corporation includes several non-SPPF/Lepep members. A controversial 2006 law restricts private radio-station ownership. High licensing fees have also discouraged the development of privately owned broadcast media.

23. Please provide detailed information on the legislative framework for filing lawsuits of libel against journalists and its implementation in practice. Furthermore, provide details on the circumstances and reasons for the fining of the newspaper “Regar” and on the circumstances of the arrest of the editor of “Le Nouveau Seychelles Weekly” in November 2008.

51. The opposition weekly Regar has been sued for libel by government officials under broad constitutional restrictions on free expression, including the suspension of printing in 2006 after the paper received an exorbitant fine.

Marriage, family and measures for the protection of minors (arts. 23 and 24)

52. Between January and December 2009 a total of 164 cases of child abuse were reported to the Child Protection unit of the Social Development Department, of which 80% involved girls. The youngest victims were 1 year olds and the cases of females aged 14 being in the majority. About 61% of all child abuse cases are sexual abuse cases (100 out of 164). The Community Social Work Section reported 181 new cases of abuse in 2009 that accounts for a 10% increase over previous years. Sexual behaviours accounted for 47 new cases, which is an increase of 30%.

53. The issue is still pending after numerous calls for addressing it.

Public participation, elections (art. 25)

6 Child Abuse statistic, January –December 2009
27. According to information before the Committee, there were incidents of police and military violence and intimidation before and after the last elections. Please comment on such information.

55. No reported cases.

28. Please provide information on the circumstances under which a person can enter the public service, and on the main grounds for disqualifying individuals from obtaining employment in the public service. What regulations exist providing for a judicial or other review of any such disqualification?

56. Security clearance still exists and decisions are based on political affiliation.

Rights of persons belonging to minorities (art. 27)

29. Please provide information on the existence and size of ethnic, religious and linguistic minorities in Seychelles, and describe how their rights under article 27 of the Covenant are guaranteed.

57. Perhaps, the group afforded least protection are foreign workers, employed in the construction and commercial fishing sectors. They do not enjoy the same legal protections as citizens. They have in 2010 been involved in some impromptu industrial action, quickly stifled and generally unreported in state-owned media.

58. It is reported that companies sometimes paid foreign workers lower wages, forced them to work longer hours, and provided them with inadequate housing. A major environmental incident occurred when foreign workers on a construction site with inadequate sanitation facilities polluted a major water supply for a village (district). Whilst discussions are ongoing regarding compensation, some residents have taken legal action.

Lawrence Wells vs Republic of Seychelles

59. The plaintiff, a foreigner who came to the Seychelles to work, indicates that he has been unfairly and arbitrarily treated by state officials and the courts in a labour dispute case. He has also written to the Head of State about the matter. (See Appendix 2)

60. The Ministry of Health and Social Development has formal responsibility for drafting the government’s comprehensive occupational health and safety regulations, and the ministry supported these standards, although, due to limited resources, safety and health inspectors rarely visited job sites. Occupational injuries were most common in the construction, marine, and port industries. The law has been amended to allow workers to remove themselves from dangerous or unhealthy work situations, report the employer to the Health and Safety Commission, and seek compensation without jeopardizing their employment.

Dissemination of information relating to the Covenant (art. 2)

30. Please indicate the steps taken to raise awareness and understanding of the Covenant among judges, lawyers, law enforcement officials and teachers as well as among the general public.

61. ACCESS has conducted a project on awareness about human rights sponsored by the UNCHR in 2010. The main focus was on the Seychelles Constitution Charter of Human Rights. Some 10 workshops were held and more need to be done, but funds are required for continuation.
4.0 Conclusions

62. There has been some improvement in awareness of human rights, but some problems of abuse still persist.

5.0 Recommendations

5.1 The Seychelles Human Rights Commission

63. The composition of the NHRC should change, with representation from the civil society as well. It should also be independent and its members elected.

64. There should be a broad-based selection of representatives.

65. The NHRC should have a physical base and address.

66. The NHRC should change the way they operate, as people do not know where they are and how to reach the organisation to lodge complaints.

67. Any UN funding regarding human rights should be directed to the HRC.

5.2 The Constitutional Court

68. There should be no time limit set for presentation of cases to the CC.

5.3 The Family Tribunal (FT)

69. The institution needs to be strengthened, to become more child-friendly and to put the best interests of the child first.

5.4 Judicial System, including prison

70. There is a need to have an employment placement system upon release or during sentence.

71. There is a need to have some form of rehabilitation services in prison services.

72. Employers require that potential employees seek a certificate from the police which indicates whether they have had police cases or whether they have been convicted of a crime. This is called a certificate of morality. It is only after 5 years that released prisoners can be given a clear certificate. In the meantime, employers most times refuse to employ them when they receive such certificates. There is a thus need to reduce the number of years for the certificate of morality from the police to become invalid. Presently, it is for 5 years takes too long for the released persons to become economically active.

73. The system should provide adequate rehabilitation to the victims. Children should not be detained in jails and in exceptional cases, if they are detained, then only for a very short time.

74. Probation officers who are specialized in dealing with the youth are also needed.
Bibliography

1. UNDP and IOC (2008) National Gender Report for the Elaboration of a sub-regional IOC Gender Strategy


7.0 Appendices

7.1 Appendix 1 – Provisions of the Constitution of the Seychelles on the Declaration of a State of Emergency

41.(1) The President may, where the President has reason to believe that —

(a) a grave threat to national security or public order has arisen or is imminent; or

(b) a grave civil emergency has arisen or is imminent,

in Seychelles or in any part of Seychelles, by a Proclamation published in the Gazette, declare that a state of emergency exists in Seychelles or that part of Seychelles, as the case may be.

(2) A declaration made under clause (1) shall cease to have effect on the expiration of a period of seven days beginning with the date of the publication of the declaration unless, before the expiration of the period, it is approved by a resolution passed by not less than two-thirds of the number of members of the National Assembly.

(3) The President shall, within seventy-two hours after the publication of the Proclamation under clause (1), send to the Speaker of the National Assembly the facts and circumstances leading to the declaration of the state of emergency and the Speaker shall, within seven days after the publication, cause the declaration and the facts and circumstances leading to the declaration to be considered by the Assembly.

(4) Subject to clause (5), a declaration of a state of emergency approved by the National Assembly under clause (2) shall continue in force until the expiration of a period of three months beginning with the date of its approval or until such earlier date as may be specified in the resolution.

(5) The National Assembly may, by a resolution passed by the votes of a majority of members of the National Assembly, at any time, revoke a declaration approved by the National Assembly under this article.
February 3, 2011

President Of The Republic Of Seychelles  
State House P.O. Box 55  
State House Avenue, Victoria, Mahe,  
Republic of Seychelles

President Mr. James Michel  
Minister of Legal Affairs  
Minister Of Police

Hon. Justice Fredrick Egonda-Ntende  
Chief Justice  
Supreme Court  
Victoria Mahe, Seychelles  
P.O. Box 57

Ambassador Mary Jo Willis  
American Embassy  
4th Floor, Rogers House  
John Kennedy Street, Port Louis, Mauritius

Dear President James Michel ;

My Legal Right’s And Human Right’s have once again been violated under your administration.

On February 1, 2011 at the Employment Tribunal Of Seychelles by Judge / Chairman Brassel Adline who in the pass has disqualified himself from my case on October 12th 2010 Case: ET/ 257/10.

He has help defraud my income with the help of the Coral Strand Hotel with the backing of William Herminie who was your X Minister Of Employment for 13 years.

If Judge Adeline has Disqualify himself in the pass.

And I Quote “This is necessary because I am of view that any ruling or judgment against me in this case, May lead to the perception that I have been bias because of what has been said or written about me, or put into question my impartiality”.

This was the statement from my case when he defraud me of my SR.92,604.34 being food allowance from April 2010 to August 2010 and from June 2009 to November 2009 with the help of Judge Dodin Of The Supreme Court Of The Republic Of The Seychelles.

How could Judge Dodin send my case back to the Employment Tribunal when Judge Dodin knew that Judge Brassel Adeline had disqualified his self from my cases on October 12th 2010 in this enclose dated and Certified Letter.
And he would be doing my cases was this justice!!??.

And after Judge Dodin Ruling William Herminie came to the Employment Tribunal with new everdence after the my case had a ruling and was close at the Employment Tribunal. Since June 2010. Now after some 22+ months the Coral Strand Hotel case to court with some recordes which were ask for on September 9th 2009 at the Employment Department Industrial Relational Section Case # MED/G/ 147/ 09.

To be provided with all records pertaining to his employment with the Respondent with reference to Payroll Stubs and Deduction made from his salaries.

In which the Respondent The Coral Strand Hotel Mediation was not successful in view that Respondent Failed To Appear. Before the Competent Officer despite having been served notice to do so. (Produced in accordance with Section 61 (1D) of the Employment (Ammendment) Act 2008.

These same issues were brought to the Hearing Employment Tribunal but were never in force my Judge Brassel Adeline at all!!.

On his court notes Case # ET 78/09 on pages(41,61,73,74,78,86,87,. Also I have noted for the record that the Proceeding were NEVER CERTIFIED TRUE COPY OF THE ORIGINAL FROM JUDGE

Brassel Adeline or the (2) Chairpersons of the bench with him the last page was never sign!!!! It only took some 6 months to do his rulding and 2 months for the Supreme Court Staff to Read His Hand Writing.

It should be noted for the record that on February 11, 2011 at 10 am in the double click internet store in Victoria. I see Miss Fabiana Constance who was the transcribed by the undersigned Lordship C.G Dodin-Judge as the court reporter in all of my cases at the Supreme Court Of The Seychelles.

I inform her that my court proceeding from Judge Dodin were incomplete by what was said in open court with regard to argument from both sides and that lots of the issues that my lawyer brought up were not on the record that was on tape in court. Miss Fabiana Constance Stated and I quote that all augment are not on the record because they do not put them in my proceeding.

Because they pick and choose what they want to type in the court proceeding. Why have court reporter who do not write or type what was said in court word for word. What type of Justice System do you represent in the year 2011. This is a insult and show a true sign of full blown corruption that I have noted for the record.

And as to the ruling that Judge Dodin gave was garbage and he too does not even understand the law of the land.
When my attorney Miss Pool pointed out that the proceeding on Section 7 of the Employment Act to say that they regulate their own proceeding, but Section 7 says something different.

And Judge Dodin has change his own Judgment three difference times to benefit William Herminie and the Coral Strand Hotel.

How could you have a Supreme Court Judge who can not enforce his own Judgment.

And it took him since August 28, 2010 to February 11, 2011 (6) months to violated my right once again.

(So I Will Appeal To The International Court & ILO Lets See If Your Government Of The Republic Of The Seychelles And Its Corrupted Official And Court Judges, And The Owners Of The Coral Strand Hotel Can Pay Off Or Bribe The Judges In The International Court).

I do not think so!!

Yours Truly
Lawrence Wells

Lawrence Wells
Flat # B3
Deesiva Complex Beau Vallon
Mahe, Seychelles
245 514 373
lawrencewells@earthlink.net
December 30, 2010