

The Seychelles Human Rights Commission

Shadow Report: UPR Third Cycle

A. Ratification of Human Rights Treaties

1. Seychelles has ratified all 9 core human rights treaties. The following still requires the Government's action.
 - a. Optional Protocol of the Convention against Torture ("CAT")¹
 - b. Optional Protocol to the International Covenant on Economic, Social and Cultural Rights ("ICESCR"):²
 - i. Seychelles is not yet party to the Optional Protocol on the CAT and the Optional Protocol to the ICESCR. As the Government has yet to implement recommendations 120.7 (Senegal), 120.8 (Chile) (Montenegro) (Morocco) (Panama) (Portugal) (Turkey); 120.9 (Cabo Verde) (Spain), 120.10 (Denmark), 120.11 (France), and 120.5 (Portugal), the SHRC urges the Government to fully implement the recommendations by signing and ratifying the above mentioned Optional Protocols.³
 - c. Optional Protocol to the Convention on the Rights of the Child ("CRC") on a communications procedure:⁴
 - i. The Cabinet has approved the ratification of the Optional Protocol to the "CRC" on a communications procedure, and it is pending National Assembly's approval for further action. In its view, the SHRC believes that recommendation 120.13 (Portugal) has been partially implemented and urges the Government to fully implement the recommendation by seeking approval from the National Assembly.⁵

- d. Optional Protocol to the Convention on the Rights of Persons with Disabilities ("CRPD"):⁶
 - i. Seychelles has signed but has not yet ratified the Optional Protocol to the CRPD. The SHRC is of the position that recommendations 120.15 (Chile) and 120.16 (Ghana) have been partially implemented and urges the Government to implement the recommendations by ratifying the aforementioned Optional Protocol fully.⁷

B. Resources of the Seychelles Human Rights Commission

2. The SHRC notes that it has struggled with the adequacy and control of its resources by the Government. The SHRC further notes that up until 5th September 2019, the Government had direct control over the budget of the SHRC. The SHRC also notes that it has struggled to employ the required number of staff to fill all of its departments necessary to meet its mandate. The SHRC is of the position that its current budget and the Government proposed budgets for the next two years, which are approximately half of the proposed budget by the SHRC, are insufficient for the SHRC to meet its mandate. The SHRC is of the view that the Government has partially implemented recommendations 120.59 (Turkey), 120.60 (United Kingdom of Great Britain and Northern Ireland), 120.61 (Portugal), 120.62 (Zimbabwe), 120.63 (Algeria), 120.64 (Cabo Verde), 120.65 (Germany), 120.66 (Libya), 120.67 (Mauritius) and 120.68 (France) and urges the Government to implement these recommendations fully.⁸
3. The SHRC further urges the Government to ensure that any future fiscal response to economic and social instability safeguards the limited resources of democratic institutions, especially institutions that protect and promote human rights.

C. Gender, Equality, and Non-Discrimination

4. The SHRC notes that the Government in May 2016 repealed the Law criminalising same-sex relationships between consenting adults, thus implementing recommendations 120.47 (United Kingdom of Great Britain and Northern Ireland), 120.48 (Australia), 120.53

(Germany).⁹

5. The SHRC further notes that, subsequently, the first LGBTI NGO registered in Seychelles, which has been included in government consultations on policy issues, including work on the national HIV/ AIDS strategy and a school anti-bullying policy. These actions of the Government portray partial implementation of recommendations 120.45 (Netherlands) and 120.50 (Chile).¹⁰
6. The SHRC also notes that the Government, since the last UPR cycle, has not yet enacted legislation to ensure protection for all persons regardless of sexual orientation or gender identity. This inaction from the Government would show no implementation of recommendations 120.46 (Italy) and 120.52 (Argentina).¹¹
7. Given the above, the SHRC urges the Government to implement recommendations 120.45 (Netherlands), 120.46 (Italy), 120.49 (France), 120.50 (Chile), 120.51 (Canada), and 120.52 (Argentina) fully.¹² Further, the SHRC urges the Government to review and take the necessary steps to ensure the promotion and protection of human rights for all persons regardless of sexual orientation or gender identity.

D. Violence against Women

8. The *Domestic Violence Act, 2020* ("the *DVA*") was enacted on 9th June 2020; however, the *DVA* is yet to become operational as it requires a notice by the Minister in the official gazette to come into operation, which has yet to be published. Citizens Engagement Platform Seychelles (CEPS), an NGO, has been involved in making the new domestic violence legislation from the onset.
9. The SHRC urges the Government to put in place the necessary mechanisms for its effective coordination with agencies handling aspects of domestic violence and mechanisms for coordination with NGOs and private sector institutions offering support to persons who have suffered from domestic violence.

10. The SHRC notes that there is only one shelter for women who are victims of domestic violence at present. The shelter is being managed by the civil society (CEPS) in partnership with the Government. Victims can be sheltered for 72hrs (if with children, a case-to-case evaluation is done in consultation with the Social Affairs Department). The shelter has part-time staff, including a medical practitioner. The SHRC has learned that the Government has recently allocated a plot of land to build a new shelter. The SHRC urges the Government to start building the new shelter for victims.
11. Thus, the SHRC notes that recommendations 120.109 (Brazil), 120.110 (Holy See), 120.111 (France), 120.28 (Australia), 120.29 (Italy), 120.31 (Namibia), 120.33 (Turkey), 120.34 (Canada) have been partially implemented by Government as the support mechanisms must be in place for the *DVA* to be implemented and urges the Government to implement these recommendations fully.¹³

E. The Police

12. The SHRC notes a number of complaints concerning the Police. These complaints include police officers allegedly not following legal procedures in the lawful arrest and detention of persons, allegedly undignified holding conditions, and police officers allegedly assaulting persons and damaging private property. Due to these complaints, the SHRC has met with the Police to investigate these allegations. The SHRC wishes to note the Police's full cooperation concerning these investigations, which are currently ongoing.
13. The SHRC notes that human rights training does not have a significant feature in the Police training program. However, the Police have agreed in principle to work with the SHRC to develop a comprehensive human rights training program for the Police and review the current curriculum to integrate a human rights-based approach to the Police training program.

14. Finally, the SHRC has conveyed its intention to visit all places of detention within Police premises, for which the Police has agreed to give its full cooperation.
15. Thus, recommendations 120.103 (Zambia) and 120.104 (Australia) have been partly implemented.¹⁴ The SHRC urges the Government to provide the necessary resources to the SHRC and the Police to implement recommendations 120.103 (Zambia) and 120.104 (Australia) fully.¹⁵

F. Protection for Migrant Workers

16. The SHRC notes the number of the level of complaints that it is currently receiving concerning migrant workers. From the allegations in these complaints, which include non-payment of wages, non-payment of food allowances, poor living conditions, unlawful arrests, employer harassment and bullying, lengthy wait for legal processes, and non-adherence to legal awards, it would seem that there are major systemic failures within the Government's structure for migrant worker protection. The SHRC notes that these complaints are still under investigation, and as part of its investigations, the SHRC has met with the Employment Department. The SHRC notes that there are some programs for protecting migrant workers, but the programs' implementation lacks cross-ministerial support. The SHRC also notes the Employment Department's cooperation and willingness to work with the SHRC to review the Law and their systems to work towards much-needed reform. Thus, recommendations 120.87 (Indonesia), 120.98 (Mexico), and 120.127 (Slovenia) have been partially implemented.¹⁶ Therefore, it is the position of the SHRC that the Government's current system for the protection of migrant workers does not meet the required human rights standards. As such, the SHRC urges the Government to implement recommendations 120.87 (Indonesia), 120.98 (Mexico), and 120.127 (Slovenia) fully and provide the SHRC with the resources and the cooperation of all government departments to review the system as a whole and work towards effective reform that would meet the required human rights standards.¹⁷

G. Children with disabilities

17. The SHRC notes that despite Government efforts to protect the rights of children with disabilities, they continue to experience discrimination and are marginalised from many mainstream activities. General services for children, including leisure, play, and recreational facilities, continue not to cater to children with disabilities. Certain services remain lacking; for example, there is no respite care for parents of children with disabilities. There is inadequate availability of integrated publicly funded daycare provision for children with disabilities. Children who do not attend school have little to no access to daycare facilities and, therefore, little opportunities to tap into their potentials early. Some schools are still not universally designed. As a result, recommendations 120.146 (Trinidad & Tobago), 120.147 (Djibouti), and 120.148 (Jamaica) remain only partially implemented, and as such, the SHRC urges the Government to implement these recommendations fully.¹⁸

H. Child protection

18. The SHRC notes that Social Services tend to focus its services on those families where children have been identified as vulnerable or at risk through the various systems established. Thus, the major share of limited resources available goes to support families identified through these systems. However, it is evident that some children in need still seem to tend to fall through the gaps. Available risk identifying mechanisms must be strengthened.

19. The SHRC notes that in 2017, the Government established a suitability check panel to vet people who work with children in childminding settings. The SHRC supports the expansion of this framework to ensure that there is a system in place that does not leave to individual vigilance the protection of children but ensures safe recruitment of people to work in child-related work.

20. The SHRC notes that drug abuse is a severe problem in Seychelles, and despite the range of efforts by the Government to tackle this issue, there is evidence that children are sometimes used in the traffic of illegal substances. Additionally, children who become

victims of drug addiction can often be seen begging for money as a means to fend for their addiction. The SHRC urges the Government to intensify its efforts in line with recommendation 120.114 (Angola) to protect children from the scourge of drug abuse.¹⁹

21. The SHRC notes that in a first of its kind case, three men pleaded guilty to charges stemming from the sexual abuse of 75 girls ranging in age from 12 to 18 over a period of seven years.²⁰ The three men used Facebook to lure and groom young girls by promising modeling jobs and money and, after receiving nude pictures from the victims, blackmailed them.²¹ This case brought to light how social media platforms can enable sexual predators to target children.²² To address these issues, the Government set up a committee led by the then Chief Justice to look at a reform of the laws governing the protection and exploitation of children. The findings and recommendations of this committee are expected to transform this area. The SHRC urges the Government to include all relevant stakeholders in these deliberations to ensure effective implementation in line with recommendations 120.113 (Portugal) and 120.115 (Cabo Verde), which remain only partially implemented and urges the Government to implement these recommendations fully.²³

I. Legislative frameworks related to children

22. Whilst the SHRC supports the position that all efforts should be made to keep children who are either in conflict with the Law or at high risk of becoming in conflict with the Law away from the formal criminal justice system, it notes the lack of services to cater for children in these categories. Moreover, the SHRC notes that the available services are fragmented and inefficient. The SHRC urges the Government to implement the recommendations from the Report of the Commission of Enquiry into the Circumstances Associated with the Death of Dylan Rose dated 27th September 2017, which includes the urgent need to put in place the following 3 basic but essential facilities already catered for in the Law:

(a) Juvenile Remand Centre;

- (b) Young Offenders Treatment and Rehabilitation Centre; and
- (c) Halfway Home for high-risk children.²⁴

23. In addition to the above, there needs to be more support from qualified specialists and the resources to maintain these services. Thus, recommendation 120.36 (Mexico) has not been implemented, and the SHRC urges the Government to implement this recommendation.²⁵

J. Human rights education, training, and awareness-raising

24. The SHRC notes that human rights education is integrated into the teacher training programme and the school curriculum. Moreover, the SHRC notes that each organisation creates awareness of their related human rights days. The SHRC further notes that it has yet to set up its human rights education unit due to its financial constraints. Thus the Government has partially implemented recommendations 120.66 (Libya), 120.76 (Slovenia), 120.88 (Egypt), 120.103 (Zambia), 120.104 (Australia), 120.140 (Morocco), and 120.141 (Cuba).²⁶ The SHRC plans for staff be recruited in October 2020. The SHRC plans for the unit to audit existing human rights education programmes in government institutions and civil society.

25. Therefore, the SHRC urges the Government to cooperate with the SHRC education unit; to identify strategies and mechanisms for the institutionalisation of human rights education, develop and implement training programmes for trainers and support a network of human rights trainers; and to fully implement recommendations 120.66 (Libya), 120.76 (Slovenia), 120.88 (Egypt), 120.103 (Zambia), 120.104 (Australia), 120.140 (Morocco) and 120.141 (Cuba).²⁷

K. Right to education

26. The SHRC notes that standards and monitoring measures have been set for childminding services and daycare centres. Moreover, the SHRC notes that teenage mothers can pursue

their schooling after birth. Thus, recommendations 120.132 (Djibouti) and 120.133 (Netherlands) have been partially implemented as the protection provided to teenage mothers is in policy and not in the Law; thus, the SHRC urges the Government to implement these recommendations through the prescribing of legal protection fully.²⁸ As stated in the previous NHRC and Ombudsman Report 2015, the SHRC also notes the decline in the quality of education offered at primary and secondary levels in state schools and local teachers' scarcity.²⁹ The SHRC further notes that the Ministry of Education has elaborated its Medium Term Strategic Plan 2018-2022 and set targets to address these concerns.³⁰ Thus, recommendations 120.135 (Holy See), 120.142 (Nambia), and 120.147 (Djibouti) have been partially implemented.³¹ The SHRC urges the Government to fully implement recommendations 120.135 (Holy See), 120.142 (Nambia), and 120.147 (Djibouti) and to continue investing in capacity building of school leaders and teachers, address social issues faced by families, invest in support programmes for children with behavioural difficulties, and provide educational and recreational opportunities for youth engagement for improving self-esteem, self-discipline and learning for the healthy development of children.³²

¹ *Report of the Working Group on the Universal Periodic Review - Seychelles (2016): A/HRC/32/13 - 120.7 (Senegal), 120.8 (Chile) (Montenegro) (Morocco) (Panama) (Portugal) (Turkey); 120.9 (Cabo Verde) (Spain), 120.10 (Denmark), 120.11 (France).*

² *Ibid A/HRC/32/13-120.5 (Portugal).*

³ *Ibid 120.7 (Senegal), 120.8 (Chile) (Montenegro) (Morocco) (Panama) (Portugal) (Turkey); 120.9 (Cabo Verde) (Spain), 120.10 (Denmark), 120.11 (France), and 120.5 (Portugal).*

⁴ *Ibid 120.13 (Portugal).*

⁵ *Ibid.*

⁶ *Ibid 120.15 (Chile), 120.16 (Ghana).*

⁷ *Ibid 120.15 (Chile) and 120.16 (Ghana).*

⁸ *Ibid 120.59 (Turkey), 120.60 (United Kingdom of Great Britain and Northern Ireland), 120.61 (Portugal), 120.62 (Zimbabwe), 120.63 (Algeria), 120.64 (Cabo Verde), 120.65 (Germany), 120.66 (Libya), 120.67 (Mauritius) and 120.68 (France).*

⁹ *Ibid 120.48 (Australia), 120.47 (United Kingdom of Great Britain and Northern Ireland), 120.53 (Germany).*

¹⁰ *Ibid 120.45 (Netherlands), 120.50 (Chile).*

¹¹ *Ibid 120.52 (Argentina).*

¹² *Ibid 120.49 (France), 120.51 (Canada).*

¹³ *Ibid 120.109 (Brazil), 120.110 (Holy See), 120.111 (France) 120.28 (Australia), 120.29 (Italy), 120.31 (Namibia) 120.33 (Turkey), 120.34 (Canada).*

¹⁴ *Ibid 120.103 (Zambia) and 120.104 (Australia).*

¹⁵ *Ibid.*

¹⁶ *Ibid 120.87 (Indonesia), 120.98 (Mexico), and 120.127 (Slovenia).*

¹⁷ *Ibid.*

¹⁸ Ibid 120.146 (Trinidad&Tobago) and 120.147 (Djibouti).

¹⁹ Ibid 120.114 (Angola).

²⁰ *R v ML & Ors (CR 38/2019) [2020] SCSC 256 (16 April 2020)*.

²¹ Ibid.

²² Ibid.

²³ *Report of the Working Group on the Universal Periodic Review - Seychelles (2016): A/HRC/32/13 - (n 2) 120. 113 (Portugal) and 120.115 (Cabo Verde)*.

²⁴ Bernardin Renaud, *Report of the Commission of Enquiry into the Circumstances Associated with the Death of Dylan Jean-Eve Savio Rose* (Commission of Enquiry, 27 September 2017) <http://www.statehouse.gov.sc/uploads/downloads/filepath_103.pdf>.

²⁵ *Report of the Working Group on the Universal Periodic Review - Seychelles (2016): A/HRC/32/13 - (n 2) 120.36 (Mexico)*.

²⁶ Ibid 120.66 (Libya), 120.76 (Slovenia), 120.88 (Egypt), 120.103 (Zambia), 120.104 (Australia), 120. 140 (Morocco) and 120.141 (Cuba).

²⁷ Ibid.

²⁸ Ibid 120.36 (Mexico).

²⁹ Seychelles National Human Rights Commission and Seychelles Ombudsman, *Report and Submission of the Seychelles National Human Rights Commission & Ombudsman to the Universal Periodic Review* (Seychelles National Human Rights Commission & Seychelles Ombudsman, August 2015) <<https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=2442&file=EnglishTranslation>>.

³⁰ Ministry of Education and Human Resource Development Seychelles, *Education Sector Medium Term Strategic P Lan 2018-2022* (September 2018) <[http://www.education.gov.sc/aboutus/Documents/MTS%202018-2022-Final%20April%202019%20\(1\).pdf](http://www.education.gov.sc/aboutus/Documents/MTS%202018-2022-Final%20April%202019%20(1).pdf)>.

³¹ *Report of the Working Group on the Universal Periodic Review - Seychelles (2016): A/HRC/32/13 - (n 2) 120.135 (Holy See), 120.142 (Nambia) and 120.147 (Djibouti)*.

³² Ibid.