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Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1

Seychelles*

The present report is a summary of 3 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to United Nations translation services.

I. Background and framework

N/A

II. Promotion and protection of human rights on the ground

Implementation of international human rights obligations

1. Right to life, liberty and security of the person

1. Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that corporal punishment was lawful in the home. In this regard, it stated that provisions against violence and abuse in the Family Violence (Protection of Victims) Act (2000), the Penal Code (amended 1996) and the Children Act (1982, amended 1998) were not interpreted as prohibiting all corporal punishment in childrearing.²

2. GIEACPC stated that there was policy which provided that corporal punishment should not be used in schools but there is no explicit prohibition in law.³

3. GIEACPC also indicated that, in the penal system, corporal punishment was unlawful as a sentence for crime. In this regard, it stated that corporal punishment was not among the permitted sanctions in the Children Act (article 94) or the Penal Code (article 25).⁴ Also, the Constitution (1993) prohibited torture and cruel, inhuman or degrading treatment or punishment.⁵ GIEACPC further indicated that corporal punishment was reportedly unlawful as a disciplinary measure in penal institutions,⁶ and also reported prohibited in alternative care settings.⁷

4. GIEACPC referred to the Concluding observations of the Committee on the Rights of the Child in 2002 following the exam of Seychelles initial report, where the Committee expressed concern at corporal punishment of children and recommended public education campaigns on its negative consequences and promoting positive discipline, and relevant professional training for persons working with or for children.⁸

2. Right to privacy, marriage and family life

5. JS1 recommended that provisions which maintain criminal sanctions for sexual activity between consenting adults be repealed. It referred to Section 151 of the Penal Code which establishes, among others, sanctions for sexual activity “against the order of nature”. JS1 stated further that provisions against sexual activity between consenting adults have been found to constitute a clear violation of international human rights law. JS1 referred to, inter alia, the views of the Human Rights Committee in *Toonen v Australia* adopted in May 1994 as well as the Committee’s Concluding Observations on several countries.⁹ Also, it was indicated that this position was consistent with other regional and national jurisprudence.¹⁰

6. JS1 recommended that Seychelles bring its legislation in conformity with its commitment to equality and non-discrimination, and its international human rights obligations, by repealing all provisions which may be applied to criminalise sexual activity between consenting adults of the same sex.¹¹

3. Right to work and to just and favourable conditions of work

7. Earth Justice (EJ) stated that the fishing industry was Seychelles’ leading provider of employment and that Seychelles was one of the world’s leaders in processing tuna. This

industry relied on a diversity of coral, mangrove, pelagic and saltwater marsh habitats. Increasing ocean acidification due to rising concentrations of atmospheric carbon dioxide threatened reef ecosystems and will likely cause many species of fish, including tuna, to migrate from Seychelles' waters. Prawn farming will also be threatened. EJ indicated that this will have a devastating impact on the fishing industry.¹²

8. EJ stated that Seychelles' economy was strongly dependent on environment-based tourism, which employed one third of the work force and provided 70 per cent of foreign exchange. Climate change threatens tourism.¹³

4. Right to social security and to an adequate standard of living

9. Earth Justice (EJ) stated climate change threatens Seychellois' rights to food, to a means of subsistence, and to adequate standard of living. It asserted that a large number of Seychelles households were involved in some form of agricultural production and that a rise in sea level would contaminate coastal soils and coral islands, making them unsuitable for cultivation. Furthermore, increased temperature, floods, droughts and cyclones will exacerbate threats from crop diseases, pests, weeds and soil erosion.¹⁴

10. EJ indicated that climate change threatens Seychellois' rights to health and to a healthy environment. It stated that the mean air temperatures have increased in the Seychelles over the past four decades, and Seychellois has experienced an increase in mosquito-borne chikungunya fever since 2005. EJ indicated that through out the world, increasingly high temperatures were linked to an increase in cardiovascular mortality, respiratory illnesses, malnutrition, from crop failures, and altered transmission of infectious diseases.¹⁵

11. EJ added that climate change threatened Seychellois' rights to inter alia to housing and property. It indicated that more than 90 per cent of the population lived in coastal settlements vulnerable to the storm surges and flooding that was exacerbated by the rising sea level. Rising sea levels result in coastal erosion, flooding, infrastructure damage, "salinification" of the soil and fresh water, and forced internal migration.¹⁶

12. EJ further mentioned that climate change threatened Seychellois' rights to water, health, and sanitation. It indicated that Seychelles suffered from severe water shortages during Southern winter and La Niña events. EJ stated that about 98 per cent of the rainfall was unavailable for human consumption, as it was lost to run-off and evaporation. During droughts, water rationing was required, as the two main dams were inadequate to meet demand. Forest fires were also common during drought, putting many areas at risk.¹⁷

13. According to EJ, climate change threatened rights of Seychellois to life, housing property and security of person. It indicated that high surface water temperatures intensify the destructive force of tropical cyclones which threaten the lives of Seychellois during the rainy season from October to May each year.¹⁸

III. Achievements, best practices, challenges and constraints

14. EJ affirmed that one of the most serious threats to the human rights of the people of Seychelles is the vulnerability of their environment to the impact of climate change. It asserted that the primary responsibility for the protection of the human rights of the citizens of the Seychelles lies in the hand of the state and recommended that the international community take action to decrease global gas emissions and to assist the Government of the Seychelles in its efforts to mitigate and adapt to the effects of climate change.¹⁹

IV. Key national priorities, initiatives and commitments

N/A

V. Capacity-building and technical assistance

N/A

Notes

- ¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

Civil society

EJ Earth Justice, California, USA.* ;
GIEACPC Global Initiative to End All Corporal Punishment of Children;
JS1 Arc International, Geneva, Switzerland; International Lesbian, Gay, Bisexual, Trans and Intersex Association; International Lesbian, Gay, Bisexual, Trans and Intersex Association –Europe, Brussels, Belgium;* Pan Africa - International Lesbian, Gay, Bisexual, Trans and Intersex Association, Cameroon.

- ² GIEACPC, p. 2, para. 1.1.
³ GIEACPC, p. 2, para. 1.2.
⁴ GIEACPC, p. 2, para. 1.3.
⁵ GIEACPC, p. 2, para. 1.3.
⁶ GIEACPC, p. 2, para. 1.3.
⁷ GIEACPC, p. 2, para. 1.4.
⁸ GIEACPC, p. 2, para. 2.1.
⁹ JS1, p. 1.
¹⁰ JS1, p. 1.
¹¹ JS1, p. 2.
¹² EJ, p. 3, para. 9.
¹³ EJ, p. 3, para. 10.
¹⁴ EJ, p. 2, para. 8.
¹⁵ EJ, p. 4, para. 12.
¹⁶ EJ, p. 4, para. 14.
¹⁷ EJ, p. 3, para. 11.
¹⁸ EJ, p. 4, para. 13.
¹⁹ EJ, pp. 4–5, paras. 15–17.
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