

Citizens Engagement Platform: Seychelles
Submission to the United Nations
Universal Periodic Review



Executive summary

1. The Citizens Engagement Platform Seychelles (CEPS) is the only national umbrella organisation for civil society in Seychelles. It has 51 non-governmental organisations as members. They come from a variety of sectors and thus, CEPS has organised them thematically in commissions. There are seven commissions. CEPS is participating for the first time in the Universal Periodic Review process and it organised a series of meetings with member NGOs from the Gender, Governance and Rights, Social, Education and Health and Environment and Natural Resources Commissions to complete the report.
2. CEPS wishes to focus on four points:
 - (a) The violation of the right to education, with emphasis on access to quality education for disabled children and adults, for children with special education needs and for other children;
 - (b) The violation of CEDAW through inadequate protection measures for women and girls against sexual exploitation, domestic violence and gender-based violence;
 - (c) Inadequate promotion and protection of civil and political rights under the ICCPR with violations linked to police abuse of powers, failure to provide mechanisms for redress, the failure of the National Human Rights Commission and the Office of the Ombudsman and non-implementation of recommendations from the United Nations Human Rights
 - (d) Violation of the right to employment through the non transparent security clearance for applicants to employment in the public sector.

I. BACKGROUND AND FRAMEWORK

3. CEPS was launched in November 2014 as the national umbrella for civil society organisations. Prior to CEPS' existence, a national unit for nongovernment organizations was operational under a liaising role. This has been extended with CEPS. The need to have a national platform is presently well accepted worldwide. The previous platform for civil society, the Liaison Unit for Non-Governmental Organisations of Seychelles (LUNGOS) submitted a UPR report in 2012. The present report is the first one that CEPS submits.

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**A. Cooperation with human rights mechanisms**

4. Since the last review, the Seychelles has signed and ratified the Optional Protocol to the Convention on the Rights of the Child on Sale of Children, Prostitution and Pornography (CRC-OP-SC), on 11th December 2012.
5. However, Seychelles has not signed the other UN treaties as per recommendations 100.1 to 100.8, namely the CED and the Optional Protocols to ICCPR, CRC, CRPD, CED, CAT, CRPD, CESC and the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. CEPS highly recommends

that the government signs and ratifies the above mentioned instruments without further delay.

National human rights activities

6. In 2012, Seychelles marked the International Human Rights Day and spotlighted inclusion and the right to participate in public life, with special focus on women, youth, minorities, persons with disabilities, the poor and marginalized.
7. Locally, the Electoral Commission was set up with the primary mandate to conduct electoral reforms. The Ministry of Foreign Affairs created the Seychelles Human Rights Treaty Committee. The National Human Rights Action Plan and the Prison Service Strategic Plan were both drafted.
8. In 2014, Seychelles has introduced the Prohibition of Trafficking in Persons Act where people found guilty are liable to a sentence of 25 years imprisonment and a fine of \$65,000, reserved if their victim is injured or dies during the trafficking.

B. Implementation of International Human Rights Obligations

(1) Equality and non-discrimination

9. Seychelles still has laws that promote discrimination against vulnerable and disadvantaged groups such as street-based sex workers who are also drug dependent. Female sex workers especially are arrested and harassed by the police. There have been allegations of physical, emotional and sexual abuse whilst in custody.
10. Sexual minorities such as Lesbian, Gay, Bisexual, Transgendered and Intersex (LGBTI) are still experiencing stigma and discrimination, which limits their access to health and social services. The state has not yet decriminalised homosexuality, even if the Employment Act of 1995 provides for non-discrimination on the basis of sexual orientation.
11. Disabled persons still do not have adequate access to health (inadequate testing for physical and intellectual impairments with little or no follow up in terms of treatment and management of whichever impairment is identified), education (few schools with ramps and facilitated access for persons with restricted mobility and few teachers for Seychelles Sign Language – SSL), information (no closed caption on television for the hearing impaired who are left out of national news reporting and other programming) and decent work (all persons with disability receive a disability benefit from the Agency for Social Protection, but they lose the benefit if they work. The money provided is inadequate for a decent standard of living as many of the disabled persons are also parents and have to care for their children.

(2) REC100.10 – 100.15, (HRI)

12. The National Human Rights Institution, namely the Human Right Commission, often cites the lack of resources as reasons for its inactions and indicates that it is committed to strengthening its work. However, the allocated budget to the Human Right Commission

suggests that funding for additional staff is included in the 2015 budget. Moreover, the recommendation to create a Citizens' Advisory Bureau has not yet been implemented.

13. The HRC has not yet improved; it is still without sufficient transparency, accountability and independence. Furthermore, there is still no civil society representation. The law which established the HRC needs to be reviewed to explicitly include advertising of posts and a transparent process of selection of the various posts of the Commission. Presently, there are three people who are appointed without clear procedures and transparency. None of them is from civil society.

- a. Judiciary functions

14. CEPS notes progress with the appointment of a new Chief Justice who is a Seychellois woman. A new judiciary building housing the Supreme Court and the Court of Appeal, costing US\$6 million and funded by the People's Republic of China opened in 2013. The building is part of the modernization programme from the Judiciary National Strategic Plan 2010-2014. Annual reports are now available online at www.seylii.org
15. However, CEPS notes that the debates on a series of judicial issues (LGBTI status, marriage, divorce, jury selection) conducted by the Judiciary do not constitute formal national dialogues to examine and review these issues. They are just initiatives from the Judiciary, which are not binding in any way and the selection of civil society representatives for these discussions is not clear.
16. CEPS further notes that mandatory sentences imposed by the legislative have led to a lack of discretionary sentencing by magistrates and judges using mitigating circumstances to guide their decisions. Instead, mandatory sentences are interferences by the legislative and the executive in judiciary work. They have also led to disproportionate sentences, which has greatly increased the prison population from some 100 inmates 10 years ago to more than 868 per 100, 000 of the national population by July 2015.
17. There are still long delays in completing cases, with prisoners in remand spending as long one to two years in jail awaiting trial.

- (3) REC100.16-100.18 (Electoral Advisory Board and Public Order Act)

18. The Electoral Commission supports the Constitutional Review Committee on the need to amend the 1993 Constitution accordingly to ensure that presidents are elected and not handed over power by the incumbent one. The recommendations were sent to the [Cabinet \(President\)](#) in 2009 and no action has been taken yet.
19. The Public Order Act enacted restricted rights and has now been revoked.

- (4) REC100.19 – 100.20 (Media Commission)

20. The Media Commission is seen by the public as not being independent and impartial. There are no clear procedures and processes for selection of representatives for the Commission, and they are all generally appointed by the President

(5) REC100.21

21. CEPS is concerned about the right to quality education as there continues to be poor educational outcomes at all levels and in all subjects with **significance** underperformance at year 6 of primary and year 11 in secondary levels. The low academic performance may also be impacting the local labour force as Seychelles now employs 16, 000 migrant workers as of July 2015, which represents 25% of labour force.
22. The prison population is constituted of able-bodied men and women who could have been contributing to national development. Seychelles now has the world's highest incarceration rate per capita. Men and to a lesser extent women have been incarcerated for failing to observe court-mandated maintenance orders. Whilst they are in prison, their children are still not maintained by the parents and require social welfare assistance. There needs to be alternative sentencing for this illicit act: one that takes into consideration the well-being of the child as the priority.

(6) REC100.21 – 100.25 (Reporting obligations)

23. There is now a dedicated unit at the Ministry of Foreign Affairs to address this issue. However, CEPS feels that this is also the responsibility of the Human Rights Commission, which should be compiling data of reported cases of violations of individuals' and groups' rights.

(7) REC100.28 – 100.34 (Special rapporteurs)

24. When Special Rapporteurs visit Seychelles, CEPS is happy to receive them. The Report of the Special Rapporteur (2014) on trafficking in persons emphasized a rising phenomenon of trafficking in persons in Seychelles and underestimation of the problem due to lack of statistical information and law on trafficking in persons. The Report further highlighted allegations such as (i) Seychelles being a destination country for foreign women subjected to sex trafficking, (ii) cases of forced prostitution of Seychellois girls including minors by their boyfriends/pimps who control their earnings, (iii) high number of mothers pushing their children into forced prostitution to financially sustain the family, (iv) several cases of unskilled and semi-skilled migrant workers being exploited (poor work conditions, underpayment and late payment of wages, substandard housing and withholding of passport) and (v) suicides of migrant workers attributed to work related frustrations.

(8) REC100.36 – 100.37 (Gender equality)

25. Gender-Based Violence remains a major issue. Whilst the law is adequate in its provision of protection, the enforcement is different. The Gender Secretariat continues to have limited institutional authority, capacity and resources to effectively promote the implementation of the Convention and support gender mainstreaming activities across all

sectors and levels of the Government. Presently, there are two employees: a man and a woman.

26. Head teachers are mostly women. They are managing schools with 500 or more students and staff of more than 50 and yet they are paid much less than engineers or Chief Executive Officers in government and parastatal agencies where the staff is smaller and the responsibilities much less. As a result, women working in education and nursing are paid less than engineers, bankers and architects. This constitutes a structural gender bias against women and girls affecting their livelihood and the salaries they earn as a result of their career choices for instance.

(9) REC100.38 – 100.39 (Rights of the disabled)

27. Public housing for the disabled still has no access and ramps. Public transportation is also not disabled friendly. There is no sign language in public services such as housing, utilities, banking, social, education and health. Public service advertisements and television spots on health, social, gender and other issues have no closed captions or sign language. The sign language interpreter service now available is underused.

(10) REC100.39 – 100.44 (Violence against women)

28. The Domestic Violence Bill has been in development for the past three years and its progress is unknown. However, it has not yet been signed into law. The present law on sexual assault is not strong enough as female partners tend to withdraw police cases. The law should make it mandatory to pursue legal proceedings for violence against women act even when the injured party chooses to withdraw from the case and becomes a hostile and uncooperative witness.

(11) REC100.44 – 100.54 (Child abuse)

29. There have been at least 4 cases of child sexual abuse cases involving victims as young as seven years old.
30. The Children Act of 2004 is not strong enough and needs to be reviewed.
31. In spite of the Education Act and Children Act, parents and teachers still beat children and both laws are not enforced. There have been situations where parents and teachers have caused bodily harm to the children in their care through application of corporal punishment, which is still culturally entrenched in Seychelles.

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

32. The judiciary is now accessible to people with hearing impairment due to the availability of interpreters able to use SSL. Deaf children also have access to a sign interpreter.
33. There is a National Treaty Committee in Ministry of Foreign Affairs on which sit civil society representatives (CEPS CEO).
34. There is a video link for children who are attending court cases for different forms of abuse to prevent undue influence by the accused.

IV. KEY NATIONAL PRIORITIES

35. There is poor awareness of policy makers and other stakeholders about international human rights instruments. To increase visibility of the instruments, various custodians and stakeholders seek to hold meetings and sessions with state ministers and national parliament, but these are poorly attended. Therefore, there is an urgent need for sustained and comprehensive sensitisation campaigns with the national parliament, state ministers, CEOs of government agencies and parastatals that are involved in the promotion and protection as well as service delivery linked to human rights.
36. There is an urgent need for plurality in the media, as most sensitisation campaigns depend on the government-owned television, radio and newspaper to promote their messages. This is not always possible if the messages are seen as controversial or politically sensitive in some way.
37. There is an urgent need for other watchdog organisations from civil society to counterbalance the Human Rights Commission and the Office of the Ombudsman which are both seen as government sympathizer and not very active in pursuing reports o violations of rights.
38. The abolishment of security clearance as a requirement to work in the public sector. The procedure is non transparent and liable to be abused. As a result, people are denied employment for reasons related to security clearance. There is no appeal process.

V. CAPACITY BUILDING AND TECHNICAL ASSISTANCE

39. There is a dire need for Human Rights Education for the civil society. Subsequently the civil society will educate its constituenst so the human rights can be rightly applied on contested when not so.

RECOMMENDATIONS

40. CEPS strongly recommends that the office of the Ombudsman and the Human Rights Commissioner be separate entities.
41. There is a need for public awareness campaigns and education on human rights, with the use of the national television, radio and written press services as well as private media houses.
42. The Ministry of Education with partners should strengthen its programmes through the Personal Social Civic Education (PSCE).
43. Awareness and promotion of rights and responsibilities in the non-formal education sector is also required as people are not aware of the main articles of the 1993 Constitution.
44. All commissions should have clear procedures and processes for selection of representatives: the posts should be advertised and candidates interviewed.
45. CEPS recommends more visits by Special Rapporteurs as they help highlight various human rights abuses in Seychelles - key conventions to be considered: CRPD and ICCPR
46. Gender stereotypes in marketing campaigns should be addressed.

47. There should be better mechanisms to protect children taking part in commercial and other forms of advertising.
48. There should be education and awareness campaigns for both children and parents about the dangers of inclusion in commercial advertisements.
49. There is a need to break stereotypes regarding careers which lead to women being less remunerated for equal work.
50. The government should consider having a Ministry of Women and Family to ensure that due attention is given to gender equality and equity as the Gender Secretariat is presently too weak institutionally to enforce and ensure the passing of CEDAW recommendations.
51. The Penal Code should be amended to increase the age of criminal responsibility from 7 years which CEPS consider as too young. To assist with this decision, the state should undertake local research into the subject matter and take a decision.
52. The security clearance for employment in the public sector should be abolished.

References

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