



Human Rights Council
Working Group on the Universal Periodic Review
Thirty-eighth session
3–14 May 2021

Summary of Stakeholders' submissions on Seychelles*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 3 stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations² and cooperation with international human rights mechanisms and bodies³

2. Regarding recommendations 120.5, 120.7, 120.8, 120.9, 120.10, 120.11, 120.13, 120.15 and 120.16 from the second cycle of the universal periodic review⁴, the Seychelles Human Rights Commission (SHRC) noted that Seychelles had ratified all 9 core human rights treaties, but that Government action was still required regarding the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT); the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR), the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (OP-CRC-IC), and the Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP-CRPD). SHRC urged the Government to ratify these instruments.⁵

3. Parliamentarians for Global Action (PGA) noted that Seychelles had not signed or acceded to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, nor to the Agreement on Privileges and Immunities of the International Criminal Court. It recommended that Seychelles ratify or accede to these treaties.⁶

* The present document is being issued without formal editing.



B. National human rights framework⁷

4. Regarding recommendations 120.59, 120.60, 120.61, 120.62, 120.63, 120.64, 120.65, 120.66, 120.67 and 120.68⁸, SHRC noted that it had struggled to employ the required number of staff to be able to meet its mandate and that until 2019 the Government had direct control over its budget. SHRC stressed that its current budget and the budget proposed by the Government for the next two years were half of the budget it had proposed and were insufficient for the SHRC to meet its mandate. It urged the Government to ensure that any future fiscal response to economic and social instability safeguard the limited resources of democratic institutions, especially institutions that promote and protect human rights.⁹

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination¹⁰

5. Regarding recommendations 120.47, 120.48, and 120.53¹¹, SHRC noted that in 2016 the Government had repealed the law criminalising same-sex relationships between consenting adults. However, regarding recommendation 120.46 and 120.52¹², SHRC stated that the Government had not yet enacted legislation to ensure protection for all persons regardless of sexual orientation or gender identity and urged it to fully implement these recommendations and take the necessary steps to ensure the promotion and protection of human rights for all persons regardless of sexual orientation or gender identity.¹³

2. Civil and political rights

Right to life, liberty and security of person¹⁴

6. PGA noted that Seychelles had no provision under the criminal code or other relevant instrument criminalizing crimes against humanity. It recommended that Seychelles implement the Rome Statute of the International Criminal Court, which the country had signed in 2010, in order to equip its domestic legislation with tools to address grave human rights violations. In this regard, PGA noted that Seychelles was among the countries that had adopted the text of the Commonwealth Model Law to Implement the Rome Statute, which could serve, in its updated form, as the basis for the domestic implementation legislation.¹⁵

7. SHRC reported that it had received a number of complaints concerning the police, including of 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. It noted that the police was fully cooperating with the investigations of such acts.¹⁶

8. SHRC also stated that human rights did not have a significant feature in the police training programme, but that the police had agreed in principle to work with the SHRC to review the current curriculum and develop a comprehensive human rights training programme.¹⁷

Prohibition of all forms of slavery¹⁸

9. The International Human Rights Council (IHRC) noted the threats posed by human trafficking and called on the Government to implement measures to combat it.¹⁹

3. Economic, social and cultural rights

*Right to education*²⁰

10. Regarding recommendations 120.135, 120.142, and 120.147²¹, SHRC noted the decline in the quality of education offered at primary and secondary levels in State schools and the scarcity of local teachers. It acknowledged that the Ministry of Education had elaborated its Medium Term Strategic Plan 2018–2022 to address these concerns and urged the Government to continue investing in capacity building of school leaders and teachers.²²

11. SHRC noted that children with disabilities who did not attend school had little to no access to day care facilities and that some schools were still not universally designed.²³

12. Regarding recommendations 120.76, 120.88, 120.103, 120.104, 120.140 and 120.141²⁴, SHRC noted that human rights education was integrated into the teacher training programme and the school curriculum. It stated that the SHRC planned to audit existing human rights education programmes and urged the Government to cooperate with the soon to be established SHRC education unit to identify strategies and mechanisms to institutionalise human rights education, develop and implement training programmes for trainers and support a network of human rights trainers.²⁵

13. Regarding recommendations 120.132 and 120.133²⁶, the SHRC noted that teenage mothers could pursue their schooling after giving birth, but that such protection was in policy and not in the law and urged the Government to ensure full legal protection.²⁷

4. Rights of specific persons or groups

*Women*²⁸

14. SHRC noted that in 2020 Seychelles enacted the Domestic Violence Act and that the legislation had been developed with the participation of civil society. However, SHRC stated that the legislation had not yet become operational.²⁹

15. SHRC urged the Government to put in place the necessary mechanism for coordination with NGOs and private sector institutions offering support to victims of domestic violence. It also noted that there was one shelter for women victims of domestic violence and that the Government had allocated a plot of land to build a new shelter. It urged the Government to start building the new shelter.³⁰

*Children*³¹

16. SHRC stated that mechanisms to identify children at risk had to be strengthened. It also noted that in 2017, the Government had established a suitability check panel to vet people who work with children in childminding settings. It supported the expansion of this framework to ensure that there was a system in place that ensured safe recruitment of people to work in child related work.³²

17. SHRC highlighted that, despite the efforts by the Government, drug abuse was a severe problem and there was evidence that children were sometimes used in the traffic of illegal substances. It urged the Government to intensify its efforts to protect children from the scourge of drug abuse in line with recommendation 120.114.^{33 34}

18. SHRC noted cases of sexual abuse through social media and that the Government had set up a committee led by the Chief Justice to look at a reform of the laws governing the protection of children from exploitation. It urged the government to include all relevant stakeholders in this process and fully implement recommendations 120.113 and 120.115.³⁵

³⁶

19. SHRC noted that services to cater for children in conflict with the law or at risk of becoming in conflict with the law were lacking and that those available were fragmented and inefficient. It urged 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 27 September 2017, which included the urgent need to put in place three essential facilities: a) the Juvenile Remand Centre; b) the Young Offenders Treatment and

Rehabilitation Centre; and c) the Halfway Home for high-risk children. SHRC also highlighted the need for more support from qualified specialists and for additional resources to maintain these services and urged the Government to implement recommendation 120.36.^{37 38}

*Persons with disabilities*³⁹

20. SHRC noted that, despite Government efforts to protect children with disabilities, they continued to experience discrimination and were marginalised from many mainstream activities.⁴⁰

*Migrants, refugees, asylum seekers and internally displaced persons*⁴¹

21. SHRC stated that there were major systemic failures within the Government's structure for migrant workers protection and noted the number of complaints that it was receiving concerning the violation of migrant workers' rights, including regarding non-payment of wages, non-payment of food allowances, poor living conditions, unlawful arrests, employer harassment and bullying, and lengthy wait for legal processes. SHRC noted that there were some programs for protecting migrant workers, but that their implementation lacked cross-ministerial support and urged the Government to provide the SHRC with the resources and the cooperation of all Government departments to review the system and work towards effective reform.⁴²

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.

Civil society

Individual submissions:

IHRC	International Human Rights Council (United States of America);
PGA	Parliamentarians for Global Action (United States of America).

National human rights institution:

SHRC	Seychelles Human Rights Commission (Seychelles).
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² The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;

ICPPED

International Convention for the Protection of All Persons
from Enforced Disappearance.

- ³ For the relevant recommendations, see A/HRC/32/13, paras. 120.1–120.24, and 120.90–120.94.
- ⁴ A/HRC/32/13, paras. 120.5 (Portugal), 120.7 (Senegal), 120.8 (Chile, Montenegro, Morocco, Panama, Portugal, Turkey), 120.9 (Cabo Verde, Spain), 120.10 (Denmark), 120.11 (France), 120.13 (Burundi, Chile, Portugal), 120.15 (Chile) and 120.16 (Ghana).
- ⁵ SHRC, p. 1-2.
- ⁶ PGA, p. 1.
- ⁷ For the relevant recommendations, see A/HRC/32/13, paras. 120.25, 120.59–120.73, and 120.89.
- ⁸ A/HRC/32/13, paras. 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 SHRC, pp. 2 and 8.
- ¹⁰ For the relevant recommendations, see A/HRC/32/13, paras. 120.45–120.53, and 120.95–120.96.
- ¹¹ A/HRC/32/13, paras. 120.47 (United Kingdom of Great Britain and Northern Ireland), 120.48 (Australia), and 120.53 (Germany).
- ¹² A/HRC/32/13, paras. 120.46 (Italy), and 120.52 (Argentina).
- ¹³ SHRC, pp. 2-3.
- ¹⁴ For the relevant recommendations, see A/HRC/32/13, paras. 120.87, and 120.103–120.108.
- ¹⁵ PGA, p. 1.
- ¹⁶ SHRC, p. 4.
- ¹⁷ SHRC, pp. 4-5.
- ¹⁸ For the relevant recommendations, see A/HRC/32/13, paras. 120.44, 120.54, and 120.84 - 120.86.
- ¹⁹ IHRC, pp. 1-2.
- ²⁰ For the relevant recommendations, see A/HRC/32/13, paras. 120.76, 120.88, 120.103, 120.104, 120.132–120.142, 120.146, and 120.147.
- ²¹ A/HRC/32/13, paras. 120.135 (Holy See), 120.142 (Namibia), and 120.147 (Djibouti).
- ²² SHRC, p. 9.
- ²³ SHRC, p. 6.
- ²⁴ A/HRC/32/13, paras. 120.76 (Slovenia), 120.88 (Egypt), 120.103 (Zambia), 120.104 (Australia), 120.140 (Morocco), and 120.141 (Cuba).
- ²⁵ SHRC, p. 8.
- ²⁶ A/HRC/32/13, paras. 120.132 (Djibouti) and 120.133 (Netherlands).
- ²⁷ SHRC, p. 9.
- ²⁸ For the relevant recommendations, see A/HRC/32/13, paras. 120.27–120.34, 120.26, 120.77, 120.78, 120.97, 120.109–120.111, and 120.117.
- ²⁹ SHRC, p. 3.
- ³⁰ SHRC, pp. 3-4.
- ³¹ For the relevant recommendations, see A/HRC/32/13, paras. 120.35, 120.37–120.43, 120.79–120.81, 120.112 -120.115, and 120.148.
- ³² SHRC, pp. 6-7.
- ³³ A/HRC/32/13, para. 120.114 (Angola).
- ³⁴ SHRC, p. 7.
- ³⁵ A/HRC/32/13, paras. 120.113 (Portugal) and 120.115 (Cabo Verde).
- ³⁶ SHRC, p. 7.
- ³⁷ A/HRC/32/13, para. 120.36 (Mexico).
- ³⁸ SHRC, pp. 7-8.
- ³⁹ For the relevant recommendations, see A/HRC/32/13, paras. 120.143, and 120.144.
- ⁴⁰ SHRC, p. 6.
- ⁴¹ For the relevant recommendations, see A/HRC/32/13, paras. 120.98–120.101, and 120.127.
- ⁴² SHCR, p. 5.