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Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Seychelles*

The present report is a summary of 3 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. 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. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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



Information provided by stakeholders

A. Background and framework

1. Scope of international obligations²

1. Joint Submission 2 (JS2) referred to recommendations accepted by Seychelles during its first UPR in 2011 on the ratification of human rights instruments and recommended that Seychelles ratify ICPPED, the Optional Protocols to ICESCR, ICCPR, CAT, CRC (OP-CRC-IC) and CRPD, as well as the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the reduction of Statelessness.³

2. Institutional and human rights infrastructure and policy measures

2. Joint Submission 1 (JS1) stated that in Seychelles, the Ombudsman and the National Human Rights Commission (NHRC) function separately with the Chairperson of the NHRC performing a dual role as Ombudsman and Chairperson of the Commission. JS1 added that the fusion of these two institutions under a broad mandate to promote and protect human rights in Seychelles was under consideration.⁴

3. JS2 referred to recommendations accepted by Seychelles in 2011 on the NHRC and reported that since the first UPR, the NHRC had not yet improved, it was still without sufficient resources, transparency, accountability and independence.⁵ JS2 added that the law which established the NHRC needed to be reviewed to explicitly include advertising of posts and a transparent process of selection of the various posts of the Commission, as there were currently in the Commission three people who were appointed without clear procedures and transparency, and none of them was from the civil society.⁶ JS2 also indicated that there was an urgent need for other watchdog organizations from the civil society to counterbalance the Office of the Ombudsman and the NHRC which were both seen as Government sympathizer and not very active in preparing reports on violations of human rights.⁷

4. JS2 recommended that the Office of the Ombudsman and the NHRC be separate entities. It also recommended that all governmental commissions have clear procedures and processes for selection of members and that the posts be advertised and candidates interviewed.⁸

5. JS2 indicated that there was poor awareness of policy makers and other stakeholders about international human rights instruments, and emphasized the 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.⁹

B. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

6. JS1 reported that outstanding reports were due under ICERD, ICESCR, ICCPR and CAT. It also reported that in 2012, the Government set up the Seychelles Human Rights Treaty Committee, whose mandate included coordinating the reporting obligations of the country. The Committee was co-chaired by the Foreign Affairs Department and the Attorney General's Office, and was composed of representatives from governmental agencies and non-governmental organizations, including the Office of the Ombudsman and the NHRC.¹⁰

2. Cooperation with special procedures

7. JS2 recommended more visits by the Special Rapporteurs of the Human Rights Council as they helped to highlight human rights violations; key conventions to be considered were ICCPR and CRPD.¹¹

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

1. Equality and non-discrimination

8. JS1 indicated that Seychelles was considered a strongly matriarchal society with a large majority of households being led by women. There were provisions in the Constitution protecting the maternal role of women, particularly in the employment setting, and employment laws further prohibited discrimination on the grounds of gender.¹²

9. JS2 recommended that Seychelles break stereotypes regarding careers which led to women being less remunerated for equal work; and consider having a Ministry of Women and Family to ensure that due attention was given to gender equality as the Gender Secretariat within the Ministry of Community Development was too weak institutionally to enforce and ensure the passing of recommendations of the Committee on the Elimination of Discrimination against Women.¹³

10. JS2 reported that sexual minorities such as Lesbian, Gay, Bisexual, Transgendered and Intersex were experiencing stigma and discrimination, which limited their access to health and social services. It also noted that Seychelles had not yet decriminalised homosexuality, even if the Employment Act of 1995 provided for non-discrimination on the basis of sexual orientation.¹⁴

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

11. JS1 reported that over the last five years, Seychelles had unfortunately witnessed its prison population increase at an alarming rate of 93%, placing it at the top of the list of countries having the highest incarceration rate in the world.¹⁵ For JS1, there was undisputedly a dire and urgent need for Seychelles to study this issue and address the factors influencing crime rate such as spiralling cost of living and narcotics abuse.¹⁶

12. JS1 also reported that with challenges such as a massive growth in prison population and dwindling local workforce, the Prison service had managed to keep prisons in a safe and manageable state by recruiting foreign labour. JS1 noted the following achievements by the Prison service for improving the general living conditions in prisons: transfer of male convicts to Coétivy Prison on a voluntary basis; expansion of Coétivy facility; introduction of a licence release for Coétivy prisoners; construction of a Secure Incarceration Unit; expansion of the Female Prison and refurbishment of the Male Prison.¹⁷

13. JS1 indicated that there was still room for improvement and called on the Government to support the Prison service to address challenges such as dealing with toxic mixes of prisoners, managing both male and female prisons on the same grounds, and managing a youthful prison population (67% being aged 18 – 37 years).¹⁸

14. Concerning domestic violence, JS1 indicated that Police rarely intervened in a domestic dispute unless it involved a weapon or a major assault. However, Police services had a “Family Squad” to investigate domestic violence and other family issues. The Social Affairs Division of the Ministry of Social Development and Culture and “The Women in Action and Solidarity Organisation” (WASO), a local NGO, provided counselling services to victims of rape and domestic violence.¹⁹ JS1 added that since 2010, the Gender

Secretariat of the Ministry of Community Development conducted information campaigns to end gender-based violence, using spots on television and other related media.²⁰

15. On the same issue, JS2 referred to recommendations accepted by Seychelles in 2011 to eliminate violence against women and stated that gender-based violence remained a major concern.²¹ Whilst the law was adequate in its provisions of protection, the enforcement was different. The Gender Secretariat of the Ministry of Community Development continued to have limited institutional authority, capacity and resources - only two employees currently - to effectively promote the implementation of the Convention on the Elimination of All Forms of Discrimination against Women and support gender mainstreaming activities across all sectors and levels of the Government.²² Moreover, the law on sexual assault was not strong enough and female partners tended to withdraw police cases.²³ JS2 recommended that the law make it mandatory to pursue legal proceedings for violence against women even when the injured party chose to withdraw from the case and became a hostile and uncooperative witness.²⁴

16. JS2 and Global Initiative to End All Corporal Punishment of Children (GIEACPC) referred to recommendations accepted by Seychelles in 2011 on the protection of children.²⁵ JS2 reported that in spite of the Education Act and Children Act, parents and teachers still beat children and both laws were not enforced. There had been situations where parents and teachers had caused bodily harm to the children by application of corporal punishment, which was culturally entrenched in Seychelles.²⁶ GIEACPC stated that in Seychelles, corporal punishment of children was lawful in the home, alternative care settings, day care, schools and penal institutions, despite recommendations to prohibit or eliminate it by the Committee on the Rights of the Child.²⁷ GIEACPC hoped that during the second review in 2016, States would note with concern the legality of corporal punishment of children in Seychelles, and would make a specific recommendation requesting that Seychelles clearly prohibit all corporal punishment of children in all settings, including the home and explicitly repeal the right “to administer proper punishment” in the Children Act.²⁸

3. Administration of justice, including impunity, and the rule of law

17. JS1 stated that the Constitution provided for the appointment of independent judges through a Constitutional Appointments Authority. Up to 2009, there were only 5 judges in the Supreme Court, and 4 judges in the Court of Appeal. Since 2009, there are 9 judges in the Supreme Court, and 5 in the Court of Appeal.²⁹ JS1 added that the increase in the number of judges in the Supreme Court had not reduced the backlog of cases, which was due to several factors such as the increase in the number of piracy cases; the increase in the number of murder trials; the increase in the number of drug cases.³⁰

18. JS2 indicated that there were long delays in completing cases, with prisoners in remand spending one to two years in jail awaiting trial.³¹

19. JS2 recommended that Seychelles amend the Penal Code to increase the age of criminal responsibility in accordance with international standards.³²

4. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

20. JS2 stated that contrary to accepted recommendations on the independence and impartiality of the Media Commission, this Commission was seen by the public as not being independent and impartial. There were no clear procedures and processes for the selection of its members who were all appointed by the President of the Republic.³³

21. JS2 considered that there was an urgent need for plurality in the media, as most sensitisation campaigns depend on the Government-owned television, radio and newspaper to promote messages.³⁴

22. JS2 referred to recommendation accepted by Seychelles in 2011 on the Public Order Act governing public assemblies and reported that this Act which included restricted rights had been revoked.³⁵

23. JS1 affirmed that Seychellois women enjoyed a wide range of rights enshrined in national legislation and had a high level of representation in national institutions: the National Assembly was ranked second worldwide in terms of highest female members in its Parliament, without any affirmative action in place.³⁶

24. JS2 stated that the Electoral Commission supported the Constitutional Review Committee on the need to amend the 1993 Constitution to ensure that Presidents of the Republic of Seychelles were elected and not handed over power by the incumbent one. Recommendations were sent to the Cabinet of the President in 2009 and no action had been taken yet, according to JS2.³⁷

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

25. JS2 recommended the abolishment of the security clearance as a requirement to work in the public sector. According to JS2, the procedure was non transparent and liable to be abused. As a result, people were denied employment for reasons related to security clearance, and there was no appeal process.³⁸

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

26. JS1 reported that the housing situation in Seychelles, whilst not free from issues, was manageable. The Government had undertaken to provide housing and had in fact honoured such undertaking. JS1 commended the Government for embarking on an ambitious housing programme with the aim of empowering the citizen to own his own home.³⁹ This was impressive for a country with limited means given its recent colonial past, where land tenure was in the realm of very few privileged individuals and religious entities such as the Catholic Mission or the Anglican Diocese. Few ordinary citizens could aspire to own land and most were predestined to remain submissive tenants to arbitrary landlords, according to JS1.⁴⁰

27. JS1 added that land tenure in Seychelles had changed over the last 40 years. In 1975, at least 26% of land in Seychelles belonged to the Government with the remainder belonging to a few private landowners. From 1975, the Government had bought and sold more than 5,000 plots of land mainly for housing purposes.⁴¹ This had been achieved whilst maintaining a balance with protecting the environment and the natural and cultural heritage of the people. 51% of the total land area of Seychelles had been dedicated to Nature Reserves, Special Nature Reserves and Areas of Outstanding Beauty.⁴²

28. JS1 also reported that the high rate of home ownership was in part attributable to an extensive Social Housing Programme under which the Government continued to construct low cost houses and accommodation for the needier citizen. This was coupled with loans, concessions and subsidies offered to facilitate land acquisition and home ownership for the abler citizen.⁴³ Challenges nevertheless remained and the need to address long waits on housing allocation lists and on the State land allocation lists were high priorities on the national agenda, according to JS1.⁴⁴

7. Right to health

29. JS1 stated that Seychelles faced unprecedented challenges in regard to drugs. For many years, the main problem had been the use of cannabis. Since 2006, the country's drug consumption patterns had changed with heroin being the first drug of choice amongst people seeking rehabilitation services. The injection of heroin had brought new problems, including the sharing of drug paraphernalia such as needles and syringes, and heroin was

currently intricately linked to the serious public health issues of HIV AIDS and Hepatitis C.⁴⁵

30. JS1 also stated that cognizant of the public health and social dangers of the drugs, the Government drafted a new National Drug Control Master Plan for the period 2014 to 2018 and had channelled much effort into introducing or reinforcing measures to reduce demand for drugs in the most vulnerable section of the population – the children and youth.⁴⁶ The Government had also established and reinforced strong supply reduction measures to disrupt the illicit trade of drugs. The new Master Plan gave prominence to the key issues of rehabilitation and social reintegration of recovering drugs addicts, according to JS1.⁴⁷

8. Right to education

31. JS1 affirmed that the level of education attainment was very high in Seychelles, with many students excelling in foreign examinations at various levels from advanced level to Degrees, both Bachelor and Masters.⁴⁸ However, according to JS1, the quality of education offered at primary and secondary levels in State schools had declined over the years with a scarcity of local teachers, increased dependence on expatriate teachers and degradation in the levels of student behaviour and discipline.⁴⁹ JS2 made similar observations.⁵⁰

9. Persons with disabilities

32. JS2 was concerned that persons with disabilities did not have adequate access to health, education, information and decent work. For examples, public housing had no access and ramps for the disabled; public transportation was also not disabled friendly; there was 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 had no closed captions or sign language; and the sign language interpreter service now available was underused.⁵¹ However, the judiciary was currently accessible to people with hearing impairment due to the availability of interpreters, and deaf children also had access to a sign interpreter, according to JS2.⁵²

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 submission:

GIEACPC

Global Initiative to End All Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern Ireland).

Joint submissions:

JS2

Joint submission 2 submitted by: Citizen Engagement Platform Seychelles (CEPS); Alliance of Solidarity for the Family (ASFF); Association of Media Practitioners Seychelles; Association for the Promotion of Solid Human Families (APSHF); Anse Etoile Youth Action Team (AYAT); Association of Fathers Promoting Responsibility Parenthood; Association of Fathers Promoting Responsibility Parenthood; Association With People with Hearing Impairment (APHI); COMPASSION (FOUNDATION); Citizens Democracy Watch (Seychelles); Campaign for Awareness, Resilience And Education (CARE); CARITAS Seychelles; C'entre D'Accueil de la Rosiere; Cancer Concern; Everlasting Love Ministry(ELM); Friends of Prison Association Of Seychelles; Friends of the NOAH'S CENTRE; Grace Family Network (GFN); H.I.V. and AIDS Support

Organisations (HASO); International Friendship League (IFL); Les Li viv; Light Amidst My Path (LAMP); Lasosyasyon Pour Promouvwar Latrankilite ek Respe (LPLR; Lasosyasyon Peser Praslin (LLP); Love and Care Association; L'entreprendre Au Feminin Ocean Indien Seychelles; Life and Water Seychelles(LAWS); Moyenne Island (Foundation) Society; National Consumers Forum (NATCOF); Nou La Pour Ou; National Spiritual Assembly of the Bahais of Seychelles; Nurses Association of Seychelles (NARS); PRO-ART Seychelles; Plant Conservation Action Group (PCA); Seychelles Association of Women Professionals (SAWOP); Seychelles Children Foundation; Science et Sport; Seychelles Sports Fishing Club-SSFC; Seychelles Mixed Martial Arts Association; SIDS YOUTH AIMS HUB-SEYCHELLES (SIYAH); Seychelles Bible Society; Seychelles Physiotherapy(SPA); Seychelles Headteachers Association (SHA); Seychelles Occupational Therapy Association (SEYOTA); Seychelles Farmers Association; Sustainability for Seychelles; The Church of Pentecost-Seychelles; Terrestrial Restoration Action Society of Seychelles (TRASS); UNITED FOR A PURPOSE BRIGADE; Val d'Endorre Farmers Association (VDFA); Wild life Club of Seychelles; WiseOceans seychelles; Women In Action and Solidarity (WASO); Women In Partnership Against Poverty; Yoga Association Seychelles; Youth For Christ International Seychelles; Youth For Christ International Seychelles; Victoria (Seychelles).

National human rights institution(s):

JS1 Joint submission 1 submitted by: Seychelles National Human Rights Commission and Ombudsman, Mahe (Seychelles).

² The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CRC	Convention on the Rights of the Child
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
CRPD	Convention on the Rights of Persons with Disabilities
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

³ JS2, p. 2. For the full text of the UPR recommendations, see A/HRC/18/7, paras. 100.1 (Germany), 100.2 (Chile), 100.3 (Argentina), 100.4 (Costa Rica), 100.5 (Spain), 100.6 (Ecuador), 100.7 (Slovenia), 100.8 (Slovakia).

⁴ JS1, p. 1.

⁵ JS2, p. 4. For the full text of the UPR recommendations, see A/HRC/18/7, paras. 100.10 (Algeria), 100.11 (Australia), 100.12 (Argentina), 100.13 (Spain), 100.14 (United Kingdom), 100.15 (France).

⁶ JS2, p. 4.

⁷ JS2, p. 7.

⁸ JS2, p. 7.

⁹ JS2, p. 7.

¹⁰ JS1, p. 3. See also JS2, pp. 5 and 6.

¹¹ JS2, p. 7.

¹² JS1, p. 6.

¹³ JS2, p. 8.

¹⁴ JS2, p. 3.

¹⁵ JS1, pp. 9 and 10.

¹⁶ JS1, p. 10.

¹⁷ JS1, p. 8.

- ¹⁸ JS1, p. 9.
- ¹⁹ JS1, p. 5.
- ²⁰ JS1, p. 5.
- ²¹ JS2, p. 5. For the full text of the UPR recommendations, see A/HRC/18/7, paras. 100.36 (Mexico), 100.37 (Morocco), 100.39 (Argentina), 100.40 (Maldives), 100.41 (Ecuador), 100.42 (Canada), 100.43 (Canada), 100.44 (Norway).
- ²² JS2, p. 5.
- ²³ JS2, p. 6.
- ²⁴ JS2, p. 6.
- ²⁵ JS2, p. 6; GIEACPC, p. 1. For the full text of the UPR recommendations, see A/HRC/18/7, paras. 100.44 (Norway), 100.45 (Slovakia), 100.46 (Mexico), 100.47 (Costa Rica), 100.48 (Slovakia), 100.49 (Hungary).
- ²⁶ JS2, p. 6.
- ²⁷ GIEACPC, pp. 1 and 3.
- ²⁸ GIEACPC, pp. 1 and 2.
- ²⁹ JS1, pp. 3 and 4.
- ³⁰ JS1, p. 4.
- ³¹ JS2, p. 4.
- ³² JS2, p. 8.
- ³³ JS2, p. 4. For the full text of the UPR recommendations, see A/HRC/18/7, paras. 100.19 (Norway) and 100.20 (United Kingdom).
- ³⁴ JS2, p. 7.
- ³⁵ JS2, p. 4. For the full text of the UPR recommendation, see A/HRC/18/7, para. 100.18 (France).
- ³⁶ JS1, p. 6.
- ³⁷ JS2, p. 4.
- ³⁸ JS2, p. 7.
- ³⁹ JS1, p. 7.
- ⁴⁰ JS1, p. 7.
- ⁴¹ JS1, p. 7.
- ⁴² JS1, p. 7.
- ⁴³ JS1, p. 8.
- ⁴⁴ JS1, p. 8.
- ⁴⁵ JS1, p. 10.
- ⁴⁶ JS1, p. 11.
- ⁴⁷ JS1, p. 11.
- ⁴⁸ JS1, p. 3.
- ⁴⁹ JS1, p. 3.
- ⁵⁰ JS2, p. 5.
- ⁵¹ JS2, pp. 3 and 6.
- ⁵² JS2, p. 6.
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