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## **National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1**

**Seychelles\***

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## **I. Methodology and consultation process**

1. The preparation of the Seychelles National Report has been guided by the “Institutional-Building Package” and the “General Guidelines for the presentation of Information under the Universal Period Review” as provided under resolution 5/1 of 18 June 2007 and decision 6/102 of 27 September 2007 respectively, of the Human Rights Council.

2. As part of the preparation process, the Government of Seychelles organized a workshop on the “Implementation of Human Rights in Seychelles” with the financial support of UNDP. The objectives of this workshop were to raise awareness on the important objectives and principles of the Universal Periodic Review process and to conduct an open discussion on human rights with a wide range of stakeholders. In his opening speech, the Minister of Foreign Affairs stated “Today’s workshop is a clear indication that we are not prepared to rest on our laurels. We want to continue to improve. And for us to improve, we must go out to partners and ask them for their points of view.” The following agencies and bodies were invited to express their opinions on progress achieved and challenges encountered with respect to the implementation of human rights in our young democracy: the national human right commission, the Attorney General’s office, representatives of the civil society, of the judiciary, of enforcement agencies and of several ministries and public departments. Two working groups were formed during the workshop: one political and civil rights chaired by the Attorney General and one on social, economic and cultural rights chaired by the Director of an NGO. Careful consideration has been given to the respective reports of the working groups in preparing the Seychelles National Report.

## **II. Background information and the normative and institutional framework guiding the promotion and protection of human rights**

### **A. Country information**

3. Located in the Indian Ocean at around 700 nautical miles from the coast of Somalia, the Republic of Seychelles is an archipelago composed of 115 granitic and coralline islands stretched over an Exclusive Economic Zone (EEZ) of 1.3 million km<sup>2</sup>. With a population of 88,310 and a land mass area of 455.3 km<sup>2</sup>, Seychelles features amongst the smallest nations in the world and is the smallest State in Africa.

4. Seychelles has three official languages, Creole, English and French. Creole has been integrated into primary education since 1982.

5. The country is composed of 25 districts: 22 are located on the main island of Mahe (86.4% of the population), 2 on the island of Praslin (9.5% of the population) and on the inner island of La Digue (2.9% of the population).

6. Seychelles gained independence from the United Kingdom in 1976. The coup d’état of June 1977 led to a revolutionary change of government and to the institutionalization, in 1979, of a one-party socialist system. In 1991, the re-introduction of a pluralist political system was announced by the ruling party and the return to multi-party democracy established under the 1993 Constitution which was drafted in 1992 by the elected Constitutional Commission and approved by referendum at 73.9% of the electorate. The Preamble of the Constitution presents the aspiration of the people of Seychelles to notably “*develop a democratic system which will ensure the creation of an adequate and progressive social order guaranteeing food, clothing, shelter, education, health and*

*steadily rising standard of living for all Seychellois*". The first presidential and legislative elections under the new Constitution took place in 1993.

7. In declaring Seychelles a "sovereign and democratic Republic", the 1993 Constitution describes democracy as «a pluralistic society in which there is tolerance, proper regard for the fundamental human rights and freedoms and the rule of law and where there is a balance of power among the Executive, Legislature and Judiciary».

8. Free and fair presidential and parliamentary elections are held every five years, not necessarily concomitantly, under the supervision of the Electoral Commissioner. The President is elected by direct universal adult suffrage for five years and is restricted to three terms of office of five years each. The National Assembly is currently composed of 34 Members, 25 of which have been elected under a direct universal adult franchise first-past-post constituency election and 7 by proportional representation. The President of the Republic of Seychelles is Head of State, Head of Government and Commander-in-Chief of the Defense Forces of Seychelles.

9. As a result of over three decades of commitment to and engagement in a people-centered approach to development, Seychelles has achieved most of the MDGs. According to the UNDP 2009 Human Development Report, Seychelles was ranked 57<sup>th</sup> out of 182 countries in terms of its human development index. The ratio of both universal access to education and school enrolment for boys and girls for primary education approach 100%. Adult literacy rate is 96%. The immunization coverage of children aged 12 to 23 months is 100%.

10. Social indicators in Seychelles are amongst the highest in the region and often comparable to those of OECD countries. However, in the face of external forces, notably those associated with globalization, climate change and piracy, notwithstanding the Seychelles' ongoing macroeconomic reform programme, the major challenge for our vulnerable economy lies in the sustainment of social achievements.

11. As enshrined in the Constitution under the Seychellois Charter of Fundamental Rights and Freedoms, free compulsory education for a minimum of ten years and free primary health care in State Institutions are provided to all citizens by the Government.

12. Whereas social cohesion, religious and racial harmony are the living foundations of our diverse, peaceful and stable society, the principles of equal opportunity and social justice for all are at the heart of Government's work.

13. The Government of Seychelles considers that equal emphasis should be placed on political, civil, social, economic and cultural rights which are universal, indivisible, interdependent and inter-related.

14. Good governance is the heart of the Seychelles Strategy 2017 and Seychelles is often cited as a regional leader in a number of governance-related fields. In recognizing that human rights, governance and development are closely inter-related and mutually reinforcing, the Government of Seychelles upholds the values and principles of human rights and rule of law as the basic foundations of a people-centered approach to sustainable development.

15. The tourism and fisheries sectors remain the pillars of the Seychelles' economy and together absorb about 40% of the total workforce, generate over 90% of the Seychelles foreign exchange earnings. With a GDP per capita of 10,486 USD in 2010, Seychelles classified as an upper-middle income country by World Bank standards. The conventional \$1 and \$2 international poverty lines used to measure absolute poverty do not apply to Seychelles where absolute poverty, under the conventional definition of the term, does not appear to prevail. Pockets of relative poverty are however found in certain groups of the population and this challenge is receiving the upmost attention of the Government.

16. Poverty is indeed as one of the greatest barriers to the enjoyment of human rights and the Government is pursuing policies aimed at empowering the people and lifting the most vulnerable above minimum standards. Social welfare programmes have been successively implemented throughout the years in Seychelles in order to constantly adapt to the changing patterns and dynamics of socio-economic challenges and so as to better reach the most vulnerable and more disadvantaged segments of the population, by providing targeted social safety nets.

17. Of particular concern to the Government is the rise in major social ills. The upsurge in illicit drugs (from cannabis to heroin) and alcohol abuses invariably prompts and sustains the downward spiral of domestic violence, prostitution and deprivation notwithstanding HIV/Aids, Hepatitis B, Hepatitis C, mental illness, child development disorders, child neglect and abuse, social behavior disorders and family distress. Teenage pregnancies and school underachievement and drop outs, for boys in particular, also represent major social challenges.

18. The year 2003 marked a turning point in Seychelles' development policy with the adoption of its first Macro-Economic Reform Programme (MERP) initially designed to curb public deficit and external debt. But given the high dependency of Seychelles on tourism earnings and on food and oil imports, the subsequent global economic slow-down together with the 2007-2008 international food and oil crisis further exacerbated Seychelles' economic imbalances and structural vulnerabilities thus exposing the fragility of the Seychellois economy and underlining the need for deeper macro-economic reforms.

19. In November 2008, Seychelles embarked in a second and more ambitious home-grown structural reform programme with the assistance and supervision of the IMF and the support of bilateral, regional and other multilateral partners. The progressive and successful implementation of this medium-term reform package has led to the restoration of macroeconomic stabilization in 2010 when Seychelles' external indebtedness returned to a sustainable level. The macroeconomic reform programme encompassed exchange rate liberalization, monetary reforms, deeper budget discipline, further privatization and downsizing of the public sector, tax reforms, public debt restructuring and rescheduling. Despite the related challenges, the Government maintained its commitment to the promotion of the social welfare of the Seychellois people throughout the process. Notwithstanding the fact that health, education and social housing continued to absorb the lion's share of budget allocation in 2009 and 2010, the Government also set up the Social Welfare Agency under the Welfare Agency Act 2008 and established a minimum salary standard with the objective to mitigate the impact of the market-based reforms on the vulnerable and more disadvantaged segments of the population.

20. In the midst of the implementation of the macroeconomic reforms, Seychelles has been also confronted with the scourge of piracy since 2009. This represents a new form of vulnerability for the country. In view of the size of the Seychelles EEZ, piracy has raised enormous pressure not only on the small but efficient national surveillance and patrol capacities but also the national legal, judicial, investigation and detention systems. As a result of increment in costs and major revenue loss in the fisheries and tourism sectors, the net cost of piracy was estimated at 4% of GDP in 2009. The Seychelles' Comprehensive Maritime Security Plan of Action 2010-2040 was formulated in 2010 in order to raise international attention on this national, regional and international security threat and to assess the immediate, short-term, medium-term to long-term national needs required to sustainably respond to this security threat. Seychelles is grateful to all the international partners who are actively assisting the country in countering piracy in and around the EEZ.

21. With respect to employment, 69% (31,317 employees) of the labour force was employed in the private sector in 2010, compared with 60% (24,833 employees) in 2008. . The increase in private sector employment reflects the measures undertaken by the

Government under the 2008 structural reform programme to not only boost private sector development but also reduce by 12.5% the number of employees in the public sector. As a means to provide former public employees with sufficient time and financial resources to be retrained and employed in the private sector, a separation package accompanied the voluntary departure scheme and concessional loans were made available to those wishing to set up private businesses.

22. Based on the total number of registered job seekers and employees, the rate of unemployment in Seychelles neighbors 2.3%, thus suggesting that the country is virtually functioning under conditions of full-employment. Human resource shortage and lack of skilled human resource in particular, stand as a structural constraint impacting on the performance of the private and public sectors. In 2010, foreign workers in Seychelles represented more than 25% of the domestic labor force.

23. In the Seychellois Charter of Fundamental Rights and Freedoms, environmental preservation and protection is enshrined as a constitutional right as well as a constitutional duty. Over 47% of Seychelles land area is classified as natural reserve and the Government intends to increase this ratio to 50% over the coming years. Environmental protection and preservation is central to Seychelles' sustainable development policy and mainstreamed across all sectors of the economy through the Environment Management Plan of Seychelles (EMPS). Still, the adverse effects of climate change already appear as a major barrier to the achievement of sustainable development goals in Seychelles. Historical data show significant changes in precipitation patterns. The increased intensity of extreme weather conditions (longer drought periods, shorter but heavier rainy periods) are adding pressure on our scarce arable land, limited water resources and fragile biodiversity. In 2010 Seychelles experienced one of the most severe droughts in its history which was translated into acute water shortage. With limited surface water and increased water demand notably driven by tourism development, Seychelles is at the front line in the fight for innovative solutions to overcome water scarcity and to move towards the adoption of technologies of renewable energy.

24. Seychelles has a mixed legal system based on the English criminal law, the French civil law and customary law. The Seychelles' judiciary is amongst the smallest in the world with nine judges and four magistrates currently serving the Judiciary. This represents an average of about 0.15 judge and magistrate per 1,000 inhabitants. Although this ratio compares favorably with international standards, the judiciary is confronted by a backlog of cases, which reflects the rise in demand for services as well as systemic insufficiencies. In recognition of the urgent need to address these challenges, the Judiciary Strategic Plan 2010-2014 was launched in 2010.

25. Media in Seychelles is free. It is currently composed of the broadcast media which is public broadcaster/the Seychelles Broadcasting Corporation (SBC) Radio and TV and the print media which is composed of the government daily newspaper, three weekly publications of political parties and three other independent newspapers. The Seychelles Media Association was launched in May 2010 in order to bring together those working in fields such as journalism, creative media, photography, online media and technical media and to further promote professional journalism. The Association has been invited to support the recently established Seychelles Media Commission in the formulation of a Media Code of Conduct.

26. Health care in Seychelles is heavily decentralized into the community. There is at least one health centre within 7 km of road along the main roads. Everybody can access all levels of health care without hindrance as long as some basic procedural steps are followed.

27. In order to facilitate access to education there is also a "Zoning Policy" whereby primary school children attend school in their residential district and secondary students

attend regional schools. Presently there are 25 Primary schools, 10 Secondary schools, and 3 private schools offering primary and secondary level education. Each state primary school houses at least one creche providing free formal early childhood education. Even though crèche education is not compulsory the attendance at these crèches is more than 98%. This facility enhances the ability to working mothers to enter employment. In addition, there are two Special Schools for children with disabilities on Mahe and Praslin. The recent opening of the school for deaf children on Mahe in 2010 by an association responds to the need to create alternative curriculum to mainstream children with special needs. This is being addressed under the Education Reform Programme 2009-2010 and Beyond.

28. Free public transport is available to children living outside of the 3 km radius from the public school. Free Dental Health services and highly subsidized school meals are provided to children in state schools. To ensure equity in the provision of universal education each school receives a dedicated fund from the Children's Fund to provide children who come from low income families with basic school facilities (Eg, uniforms, school bags, morning meals). As from 2011 all post secondary students regardless of their family income are entitled to a student allowance.

## **B. The Constitution**

29. The Constitution being the supreme law of Seychelles, any other law found to be inconsistent with it, is, to the extent of inconsistency, void. It provides for the separation and independence of the powers and functions of the Executive, the Legislature and the Judiciary.

30. The rights and freedoms enshrined in the Constitution under the Seychellois Charter of Fundamental Human Rights and Freedoms (Chapter III, Part I, articles 15 to 39) are: right to dignity, freedom from slavery and forced or compulsive labour, right to liberty, right to fair and public hearing, right to privacy, freedom of conscience, freedom of expression, right of assembly and association, right to participate in Government, freedom of movement, right to property, right to equal protection of the law, right of access to official information, right to health care, right of working mothers, right of minors, protection of families, right to education, right to shelter, right to work, right of the aged and the disabled, right to social security, right to safe environment and right to cultural life and values. This Charter is largely inspired by the Universal Declaration of Human Rights.

31. Article 27 of the Constitution provides for the right to equal protection of the law as follows: *“Every person has a right to equal protection of the law including the enjoyment of the rights and freedoms set out in this Charter without discrimination on any ground except as is necessary in a democratic society.”*

32. Remedies for infringement of the Charter are provided for under Article 46 of the Constitution where it is stated *“A person who claims that a provision of this Charter has been or is likely to be contravened in relation to the person by any law, act or omission may, subject to this article, apply to the Constitutional Court for redress.”*

33. Chapter III Part II of the Constitution outlines the six fundamental duties of every citizen of Seychelles thus reminding that citizens' rights cannot be viewed separately from citizens' duties. Those duties are related to the defense of the Constitution, the pursuit of national interest and national unity, the contribution to the well-being of the community, the protection, preservation and improvement of the environment, conscientious work and the strive towards the fulfillment of aspirations contained in the Preamble of the Constitution.

34. In 2008 the Constitution Review Committee was established by the President to carry a review of the 1993 Constitution in order to ensure that the Constitution remains in sync with the aspirations of the Seychellois Nation. . The review also examines laws that

pre-date the 1993 Constitution and which may need to be updated and amended to reflect the spirit of the Constitution. This came in response to the wish expressed fifteen years earlier by the Constitutional Commission at the conclusion of its work in 1992. The Report of the Review Committee has been made available to the public and the proposals are being considered.

35. Any constitutional amendment to the Charter of Human Rights and Freedoms requires 2/3 majority of the National Assembly and approval by national referendum by 60% of the votes. For ordinary constitutional amendments 2/3 majority of the National Assembly is required as compared with simple majority for ordinary laws.

## C. The Judiciary

36. As provided under Chapter VIII of the Constitution, the judicial power in Seychelles is vested in the Judiciary which consists of the Court of Appeal, the Supreme Court, the Magistrates Court and subordinate courts or tribunals. The Judiciary is independent and subject only to the Constitution and other laws of Seychelles.

37. The Constitutional Appointments Authority (CAA) has the mandate to propose to the President of the Republic candidates for constitutional offices, including Justices of Appeal, Judges, Ombudsman, Auditor-General, Attorney General and members of the Public Service Appeal Board. As provided under Chapter IX of the Constitution, the CAA consists of three members appointed by the President of the Republic and the Leader of the Opposition respectively. The third member who acts as the Chairman of the CAA is appointed by the two appointed members. There is provision for the President to appoint the Chairman in case the two members do not reach an agreement.

38. The Seychelles Court of Appeal is the court of final appeal and the highest court of law in Seychelles. The Constitution allows for the Court of Appeal to hear appeals on a fast-track basis, including appeals concerning constitutional matters. The President of the Court of Appeal and Justices of Appeal are appointed by the President of the Republic from candidates proposed by the CAA. The Seychelles Court of Appeal is currently composed of the President and three Justices of Appeal.

39. The Supreme Court of Seychelles is the first court of appeal for subordinate courts and tribunals and also deals with judicial review. It is the trial court for high value civil claims, admiralty matters, matrimonial disputes (excluding custody and child maintenance) and serious criminal charges. The Supreme Court has original, supervisory and appellate jurisdictions. The Chief Justice and Puisne Judges are appointed by the President of the Republic amongst candidates proposed by the Constitutional Appointments Authority. The Supreme Court of Seychelles is currently composed of the Chief Justice, five Puisne Judges and the Registrar.

40. The Constitutional Court is a division of the Supreme Court and has the jurisdiction and power to address any matters relating to constitutional questions, which include matters relating to the application, contravention, enforcement or interpretation of the Constitution. To form the Constitutional Court, two or more Judges of the Supreme Court must sit together.

41. The Magistrates Courts of Seychelles are the trial courts for lower value civil claims and less serious criminal charges. The Senior Magistrate and other Magistrates are appointed by the Chief Justice. The Seychelles' Magistracy is currently composed of one Senior Magistrate and three Magistrates.

42. The Family Tribunal, established under the 1998 Amendment of the Children Act, has the jurisdiction to handle matters relating to domestic violence, child custody and

maintenance. In 2000 the Family Tribunal was mandated to deal with all issues related to family violence under the Family Violence (Protection of Victims) Act. The Family Tribunal functions on a full time basis and holds a Secretariat on Praslin.

43. The Employment Tribunal, established under the Amendment of the Employment Act, deals with disputes between employer and employee whilst providing accessibility to those who cannot afford legal representation.

44. The Rent Control Board hears all matters relating to tenant-landlord disputes and is chaired by the Senior Magistrate.

45. As a means to secure an independent Judiciary, the Constitution provides for security of tenure of Judges and Justices who are appointed for life. Non-Seychellois Judges are appointed for a maximum term of seven years and can be reappointed for one extra term only if, for exceptional reasons, expressly recommended by the CAA.

#### **D. The Executive**

46. The Executive comprises of the President, the Vice-President, the Cabinet and the Attorney General.

47. Executive power lies with the President who is assisted by the Vice-President and a Cabinet; Cabinet members are appointed by the President with the approval of the National Assembly.

48. Including the Vice-President, the Cabinet is currently composed of nine Ministers, of which two are women.

49. The Attorney General is appointed for a renewable term of seven years by the President from candidates proposed by the CAA. The AG is independent from the Government in its functions in relation to criminal and civil proceedings and legal advice.

50. By virtue of the principle of separation of power, if a member of the National Assembly is appointed to the Cabinet, he/she must resign from the Assembly.

#### **E. The legislature**

51. Legislative power is vested in a unicameral parliament, the National Assembly which is currently composed of 34 members, of which eight are women. 25 members have been elected in first-past-the-post single member constituency elections (one per district) and 7 members have been elected by proportional election. In addition, the Speaker who is the head of the legislative branch of the Government and the Leader of Government Business are amongst the principal officers of the National Assembly. The two other principal officers are the Leader of the Opposition and the Deputy Speaker: both are elected members. The term of the National Assembly is five years.

52. The National Assembly has the exclusive power to make and pass laws presented by the Vice-President, a Minister or a Member of the National Assembly. The proposed law or Bill requires the assent of both the National Assembly and the President to be passed.

#### **F. The legislation**

53. Death penalty was abolished by way of amendment to the Penal Code in 1995 in pursuance to the right to life under the Constitution. Alleged unlawful acts of individuals against the right to life require full and timely investigation and prosecution.



54. The Family Violence (Protection of Victims) Act 2000 offers protection to victims of family violence, through protection orders. The Act imposes penalties for the breach of a protection order.
55. The Evidence Amendment Act 1995 makes it possible for victims to give evidence in chambers and via video accompanied by friends and relatives for emotional support.
56. The 1996 Amendment to the Penal Code articles 130-153 makes it easier to prosecute sexual offenders thus increasing chances of conviction on evidence of victim and without the need for corroborating evidence. This amendment allows for prosecution for rape within marriage or relationships.
57. The Employment Act 1995 makes provision for prevention of and redress for discrimination. It states: "*Where an employer makes an employment decision against a worker on the grounds of the worker's age, gender, race, colour, nationality, language, religion, disability, HIV status, sexual orientation or political, trade union or other association, the worker may make a complaint to the Chief Executive stating all the relevant particulars.*"
58. The 2008 Amendment to the Employment Act establishes a national minimum wage which also applies to foreign workers. The minimum wage was revised under the 2010 Amendment to the Employment Act.
59. Corporal Punishment is prohibited in schools under the Children Act, 1982.
60. The 1998 Amendment of the Children Act makes provision for the creation of a Family Tribunal to tackle problems of custody, care and maintenance of children because of the rising numbers of single mothers and children born out of wedlock. It allows for a parent to claim maintenance from a defaulting parent for financial support of a child. An amendment to the Act in 2005 makes provision for extended maintenance to be paid to support children between the ages of 18–21 pursuing further studies. A unique feature of both Acts allows for automatic deduction of alimony from the defaulting parent's salary via the employer. The Children (Amendment) Act 2005 states that whenever a court or tribunal determines any question with respect to the upbringing of a child, the child's well being shall be its primary consideration. The amendment also introduced a statutory checklist. The ascertainable wishes and feelings of the children are part of the list of factors which the courts and Tribunals are required to take into consideration.
61. The Protection of Human Rights Act 2009 established the National Human Rights Commission.
62. The Elections Advisory Board was set up in December 2010 under the 2010 Amendment of the Elections Acts. The Board has been mandated to advise and assist the Electoral Commissioner in the performance of his functions. This board is composed of six members including the Electoral Commissioner.
63. The Seychelles Media Commission (SMC) Act, 2010, established the Seychelles Media Commission for the purpose of preserving the freedom of media, maintaining and improving the high standards of journalism, requiring publishers of newspapers, radio and television broadcasters, news agencies and journalists to respect human dignity, freedom from discrimination on any grounds except as are necessary in a democratic society. The SMC is an independent institution that has been notably mandated to formulate, with the Seychelles Media Association, a Code of Conduct for the Seychelles media.
64. A new Seychelles Broadcasting Corporation (SBC) Act has been gazetted in early 2011 and will be debated in the National Assembly in the first session of the year. The new Act demarcates more clearly the independence of the institution from the state apparatus and has been proposed as part of the aforementioned Constitutional Review Exercise.

65. As part of the same Constitutional Review Exercise, a new Public Order Act is under preparation to reform the rules relating to assemblies in public places, and bring the Act in conformity with the spirit of the Constitution that guarantees freedom of assembly for all citizens.

### **III. The promotion and protection of human rights on the ground**

#### **A. National human rights infrastructure**

##### **The National Human Rights Commission (NHRC):**

66. The NHRC was established on January 5<sup>th</sup> 2009 under the 2009 Protection of Human Rights Act. The core mission of the Commission is to secure better protection and promotion of human rights in Seychelles. The Chairperson of the NHRC is the Ombudsman. Subject to sub-section 6, the Commission is entitled to (i) inquire into any written complaint from any person alleging violation of his human rights (ii) visit any police station, prison or other place of detention under the control of the State to study the treatment afforded to and the living conditions of the inmates (iii) review the safeguards provided by any enactment for the protection of human rights (iv) recommend action to alleviate the factors or difficulties that inhibit the enjoyment of the human rights and (v) exercise functions considered to be conducive to the promotion and protection of human rights.

##### **The Public Officers' Ethics Commission (POEC):**

67. The POEC, which role is to investigate and determine whether a public officer has contravened the Code of Conduct and Ethics, was created under Article 14 of the Public Officers' Ethics Act, 2008. The principles contained in the Code of Conduct include the values of no improper enrichment, care of property, political neutrality, no favouritism, no misleading information to the public, no sexual harassment. The Commission may undertake an investigation (or request the conduct of an investigation by another appropriate body) either on its own initiative or pursuant to a complaint. Within 30 days following completion of the investigation or submission of the report by the appropriate body, the contravention matter is to be referred to the appropriate authority by the POEC for disciplinary action. The Commission consists of the Ombudsman, the Auditor General, the Chairman of the Constitutional Appointments Authority and two other members. Those two members and the Chairman are appointed by the President in consultation with the Chief Justice, the Speaker of the National Assembly, the Leader of the Opposition and the Leader of Government Business.

##### **The Office of the Ombudsman:**

68. The Office of the Ombudsman was instituted in Seychelles in 1993 by virtue of Chapter X of the Constitution. Under article 143(1) of the Constitution the Ombudsman is appointed by the President from candidates proposed by the Constitutional Appointments Authority. The primary mission of the Ombudsman is to investigate and address complaints brought forward by citizens on issues arising from alleged maladministration, bad governance including corruption and violation of the fundamental rights and freedoms entrenched in the Constitution. The Ombudsman can investigate any public authority, with the exception of persons performing a judicial function. In the conduct of his/her investigations, the power conferred to the Ombudsman with respect to the attendance and examination of a person, the production of a document or of records as well as to the inspection of premises, is equivalent to that of a Judge of the Supreme Court, subject to

Schedule 5 on public security interest. The Ombudsman's investigations are to be carried out in an independent, impartial and effective manner, with the secondary objective to, in the process, promote and protect human rights and support and improve better governance in the Seychelles's public service delivery system. When the complaint is perceived as justified, the Ombudsman's report and recommendations are sent to the relevant authority for action, with copy to the Minister in charge. In case the relevant authority fails to take the required action, the Ombudsman can present his/her observations together with the pertinent documents to the President or the National Assembly. In 2009, for the first time in the Seychelles' history a woman was appointed Ombudsman.

**The Public Service Appeals Board (PSAB):**

69. The Public Service Appeals Board was established under Articles 145-148 of the Constitution in 1993. Its mission is to hear and address complaints in relation to appointments, promotions, terminations, qualifications and disciplinary proceedings in the public service. The PSAB also has the power to compel the attendance of witnesses, the production of documents and records. In case of non compliance by the relevant authority, the PSAB can report to the National Assembly.

**The National Tender Board (NTB):**

70. The National Tender Board is a statutory body established under the Public Procurement Act 2008 with the mission to set up, inter-alia, internal mechanisms and develop and apply clear policies and procedures that would ensure fairness, public confidence and transparency in the tendering processes carried out by the public bodies. Within its framework, the Board exercises total independence in its decision making capacity and therefore acts impartially in the discharge of its functions. It also aims to achieve the highest possible level of economic efficiency in public procurement at fair and competitive prices; encouraging integrity, competitiveness and fair treatment to all contractors and suppliers and to achieve total transparency; therefore giving public confidence in all aspects of procurement procedures by the Government, which fall within the Board's threshold. The Board has the power to call for information and/or documents, as it may need from any public body; to summon witnesses; to examine such records or other documents and take copies of extracts from them; to commission any studies relevant to the determination of an award of a major contract; to request any professional or technical assistance from any appropriate person in Seychelles or elsewhere.

**B. Selected human rights instruments and policy measures**

**Social Security and Pension Fund:**

71. The Seychelles' Social Security Fund is a universal insurance system established under Social Security Act, 1987, to provide a safety net against economic distress that would otherwise be caused by the stoppage or substantial reduction in earnings resulting from sickness, maternity, injury, employment invalidity, old age and death. This Fund covers all contributors residing in Seychelles including foreign employees. The benefits provided under the repealed 1987 Social Security Act have been maintained under the 2010 Social Security Act and are as follows: orphans abandoned child benefit, sickness and maternity benefit, injury disablement and partial disablement benefit, retirement pension, invalidity benefit, survivors benefit, widows pension and funeral benefit. Benefits are adjusted to changes in cost of living on an annual basis.

72. The Seychelles Pension Fund is a fully fledged pension fund covering all public and private Seychellois workers and comes in addition to the social security retirement benefit. It was established under the Amended Seychelles Pension Fund 2005 Act.

**Social Development:**

73. The Social Development Department of Seychelles has the mission to empower individuals and families and reduce dependency, to safeguard and promote the interest and well-being of children, integrate and protect marginalized and vulnerable groups and to adopt an integrated and evidence based approach to development. A number of action plans and strategies targeting the preservation and promotion of the social rights of vulnerable groups have been recently developed under its umbrella. These include the 2008-2012 National Strategy on Domestic Violence, the 2007 National Population Policy for Sustainable Development Plan of Action, the 2010-2011 National Plan of Action for Gender Based Violence, the 2010-2011 National Gender Communication Strategy, the 2010 Plan of Action to tackle prostitution in Seychelles. The activities and programmes of the Social Development Department are also built upon a number of benchmark studies, of which Child wellbeing study aimed at providing a summary measure of trends over time in the quality or wellbeing of Seychelles children and young people and at identifying possible areas of intervention. The Elderly Survey was carried out in 2010 to identify needs-gaps and implement an evidence-based programme. In response to the steep rise in domestic violence cases in Seychelles, the 2008-2012 National Strategy on Domestic Violence was launched with the objectives to reduce the impact of domestic violence notably on children, to reduce the risk of occurrence and to strengthen and integrate multi-stakeholders response mechanisms.

74. Although Seychelles does not currently have a gender policy, the need to promote gender equity and equality and to mainstream gender into all socio-economic policies and activities has been stressed under the Social Development Strategy for Seychelles Beyond 2000 and the 2009 National Policy for Sustainable Development and re-affirmed under the 2010-2011 National Plan of Action for Gender, the 2010-2011 National Gender Communication Strategy and the 2010-2011 National Plan of Action for Gender-based Violence. The Gender Secretariat was set up under the Social Development Department in 2005 with the goal to promote gender mainstreaming in all policies, programmes and activities of the government, as well as at the levels of the private sector and the civil society. The Gender Secretariat is being supported by the National Gender Management Team which consists of key government, private sector and NGO representatives, notably to review the gender mainstreaming approach, develop and adopt National Gender Policies and Plans of Actions.

75. Child protection is regarded by the Government of Seychelles as a central priority. The Child Protection Unit was created in 1999 and works in partnership with child protection partners such as the National Council for Children, the Family Squad of the Seychelles Police, social workers at district level, with the aims to protect children from sexual, physical, neglect and emotional abuse, to provide guidance and counseling for abused children and their families, to undertake preventive work and to register children at-risk. Procedures for inter-agency cooperation on protection of child abuse have been outlined under the "Working Together" document drafted in 1997.

76. The National Plan of Action for Children (2005–2009) has been a tangible expression of the Government's commitment to a culturally relative paradigm of "well-being" for all Seychellois children.

77. The National Commission for Child Protection, established under the 2005 amendment of the Children Act, is a coordinating body that brings together all stakeholders in order to propose policies and advice Government on all matters pertaining to child protection.

78. The Social Development Department also carries out counseling with parents and works closely with other organisations through referrals and consultations. The

Department refers parents and children to the National Child Council (NCC) for therapy and to the Youth Health Centre for reproductive health counseling.

79. In view of the importance of developing closer links with the community and in order to better reach and respond to the needs of vulnerable groups, including those of children, juveniles and senior citizens, the Social Development Department has been decentralized at district level since 1993. District task forces have also been set up in October 2009 to respond to some of the social concerns raised by citizens during district consultations with the President and his Cabinet. The task forces are composed of representatives of agencies working at district level, i.e. the police, youth worker, community nurse, school counselor and social worker, with the objective to implement concerted action to tackle the problems identified. This approach calls for the community to also join in the efforts to tackle social ills and promote social rights.

80. The Probation Services Section of the Social Development Department counsels victims and perpetrators of family violence, mediates family and neighbour disputes and deals with juvenile cases in consultation with the district social workers.

81. Since the ratification of The Hague Convention on the Protection of Children and Cooperation in Respect of Inter Country Adoption in 2008, work has been carried out to domesticate its provisions. This is being done with the objective of providing a legal framework to regulate inter country adoption and ensure the protection of children during inter country adoption. The Amendment Bill to introduce provisions of the Convention into domestic law has been drafted and is to be submitted to the Cabinet for approval before presentation to the National Assembly.

#### **Youth:**

82. The Government has undertaken numerous measures to ensure that respect for the views of the child especially in matters concerning them is integrated in policy formulation. Extensive surveys such as the National Youth Survey of 1998 and Aspiration 2013 have been carried out in order to gauge the views of children and incorporate them into future plans and policies.

83. The Seychelles National Youth Assembly was officially launched in 2003. The assembly is comprised of members from each district who bring forward concerns raised in forums and debates in their districts to the assembly. The assembly seeks to establish dialogue between youths and policy makers and provide them with a forum to debate concerns and ideas.

84. The Seychelles National Youth Council has developed the 2011 Youth Plan of Action with a view to notably promote entrepreneurial spirit and continuously develop proper mechanisms for the recognition of initiatives, perseverance and pursuit of excellence by the youth.

#### **The Mont Royal Centre:**

85. The Mont Royal Rehabilitation Centre was established in 2001 under the Misused of Drugs Act Regulations 2001 as a statutory body with the objective to, inter alia, provide a therapeutic environment to addicted persons so as to facilitate and encourage their process of recovery; improve the physical, psychological, social and vocational functioning of the individual, who has become impaired through the use or abuse of chemical substance; provide aftercare treatment for patients once they have been discharged from the Centre and to help them to re-integrate into the community.

**The Social Welfare Agency:**

86. Established under the 2008 Welfare Agency Act, the Social Welfare Agency has the mandate to provide short-term financial relief and support to the more vulnerable individuals and families, to minimize distress while promoting the spirit of productivity and reducing the culture of dependence.

**Employment:**

87. With respect to employment, the HIV/AIDS workplace policy was signed by the Ministry responsible for employment and its social partners in 2007. The policy is yet another strong message from the Government calling on all employers and workers to protect the rights and dignity of all those working with HIV/AIDS.

88. In December 2010, the Government of Seychelles endorsed the Seychelles Decent Work Country Programme (DWCP) 2011-2015, a tool of cooperation with the International Labour Organisation (ILO). Review of labour laws, employment for women and youths and social dialogue feature as the three main priorities of the DWCP.

**Housing:**

89. With respect to right to shelter, the Ile Perseverance Project is part of the Ministry for Land Use and Habitat's Programme for social housing assistance and is in line with the Government's policy of ensuring decent housing for all Seychellois with housing needs but who do not own property or house and who meet minimum capacity to service the repayment or reduced rental. The master plan comprises of 2,056 house units, of which 153 have been completed and 825 are under construction. The infrastructure (pavement and road crossings) are designed to be wheel chair friendly. The buildings themselves may be converted on a needs basis. Other uses of this project's Land Use Plan include but go beyond: areas for schools (2 Primary and 1 Secondary), one health centre and one district administration.

**Education:**

90. In re-affirming that high quality education and human resource development are fundamental pre-requisites for a people-centered approach to sustainable development, the 2009-2010 Education Reform Action Plan was launched in 2009 in order to increase the effectiveness of the education and training systems and better respond to national development needs and expectations thereafter. The five priority areas that have been identified under this road map are: providing for the diversity of educational needs and national development priorities, guaranteeing quality education, improving the quality of teacher, improving the governance of educational institution and creating responsible and empowered students.

91. Consistent with the recommendations of the 2008 Education Report 'Special Needs Education Programmes in Seychelles – An Evaluation', the development of a Policy on Special Needs Education is one of the planned activities of the Education Reform Action Plan

92. The new Codes of Conduct for Primary and Secondary Schools were launched in June 2010. Both documents placed emphasis on students' rights and responsibilities as well as on parental responsibilities in reminding that cooperation between home and school is essential to each student's success. 2010 also saw the setting-up of a Pastoral Care System which is currently revising the illicit drug policy and teenage pregnancy policy of the Ministry of Education.

93. In line with the goals and objectives of Education Act 2004, the Ministry of Education is committed to, as far as possible, make available adequate provisions to facilitate access to the disabled students in the new schools being built and to be built. The provision of lift facilities at the Praslin Baie Ste Anne Primary Scholl constructed in 2007 as well as the provision of ramps in the new Primary School on Ile Perseverance which is expected to be completed on Mahe in 2012 can be cited as examples.

**Health:**

94. The Government is in the process of establishing a Public Health Authority which will not only implement the Public Health Act but will also regulate every matter that have a direct impact on human health in the country. The Ministry of Health is currently working on a patient charter which will contain both the rights of the patients and their responsibilities vis à vis their own health and vis à vis health care providers.

**Police:**

95. In line with the Government's commitment to foster good governance and to increase the professionalization of the Police Force, the internal affairs bureau of the Police was set up in 2009 with the mandate to hear, investigate and address complaints brought forward by the public on issues arising from mishandling of police actions, of which, arbitrary arrest and detention, excessive use of force and corruption practices. The investigation process is similar to that carried under any criminal investigation. Depending on the gravity of the offence, the Commissioner of Police decides to either bring the case to the Disciplinary Board of the Police Force or to report to the Attorney General's Chambers for prosecution in court. When necessary, the Unit may also investigate disciplinary cases assigned by the Commissioner of Police. This specialized Unit is currently comprised of three female Police Officers. In 2010 a total number of 126 cases were reported to the Unit as corrupt practices (7), complaints against the police (68) and disciplinary cases (51). As at January 2011 62 cases were completed, 7 cases were sent to AG's Chamber and 64 cases are pending.

**The National Drug Enforcement Agency (NDEA):**

96. According to Seychelles' treatment statistics, it is estimated that there is a minimum of 3,000 drug users in the working age, 19% of whom are heroin abusers. A further analysis of the data indicates that 200 persons are chronic substance abusers, 33 % of whom are under 19 years old. NDEA was established in 2008 under the NDEA Act 2008 which builds on the Misuse of Drugs Act 1999. The NDEA is independent from the Police and has all the powers of the Police, the Customs, the Immigration and the Revenue Commissioners for the purposes of the enforcement of the drug laws. In 2010, twenty one drug traffickers have been arrested, prosecuted and sentenced to an accumulated number of 136 years. Within the Agency, an experienced human rights trainer is responsible to ensure that all agents receive trainings in human rights. The Agency is also in contact with UNDP with a view to receiving advanced human rights trainings. Training is also extended to agents on equality and gender balance issues.

**Judiciary:**

97. The need for the reform of the Judiciary was emphasized by the President of the Republic in 2009 in order to better respond to the increasing demand for services and better meet people's needs and expectations by addressing key insufficiencies notably at the levels of court processes, case management systems, legal aid scheme and human resource administration. In May 2010, as the result of in depth consultations between judges, magistrates, staff of the judiciary, legal practitioners, governmental and non-governmental

organizations, the Strategic Plan 2010-2014 of the Judiciary was launched, with the vision to make the Seychelles Judiciary a centre of judicial excellence. The need for greater financial and administrative autonomy, better streamlining of court processes, application of standard criteria in awarding legal aid, more staffing and training in the Judiciary, a modern case management system and more interface with law enforcement agencies figured amongst the imperatives identified by the Strategic Plan. The launching of the Strategic Plan coincided with that of the first Seychelles Code of Judicial Conduct which is the voluntary product of consultation among the justices of appeal, judges, master and magistrates of the Seychelles Judiciary. The Seychelles Code of Judicial Conduct encapsulates six core principles: independence of the judiciary and the individual judges; impartiality of the Judges; integrity of the Judges; propriety of the judges; equality of all before the law and the courts and competence and diligence of the judges.

**Prison:**

98. Following two successive waves of incidents that occurred in the Montagne Posée Prison in March 2009 and which resulted in the hospitalization of several prisoners, the National Human Rights Commission (NHRC) conducted an investigation and submitted its Report in May 2009 pointing to some weaknesses that needed to be urgently addressed for the security and living standards of the inmates and staff. Less than two weeks later the NHRC recommendations were implemented by the Prison authorities.

99. Conscious that the Seychelles Montagne Posée prison, the Seychelles' single prison, is functioning under almost full occupancy and that a number of issues are impacting on the living standards as well as on the security and safety of staff and inmates, ranging from poor infrastructure, substandard materials, understaffing and lack of training notwithstanding past mismanagement, the Government of Seychelles, with the assistance of the international community through UNODC, has taken actions to notably upgrade the existing detention premises, improve security and management standards, extend specialized training support to all staff, provide rehabilitation sessions for the detainees and build a 60-cells high-level security prison for the detainment of highly dangerous criminals, including pirates. The high level security prison project is due for completion in 2011.

100. With regard to the upgrade of existing premises, the male prison will be equipped with a high-care facility, an infirmary and a juvenile wing. The female prison will be upgraded with a new bathroom, a kitchen an industrial laundry, a workshop, a kitchen, a courtyard and separation between remand and convicted inmates. With remands representing about 25% of the prison population, a 'New Remand Centre' will be built to lodge a maximum of 300 people. The project also provides for the construction of a recreational area. The expected date of completion for the upgrade of existing premises is end 2012. An open prison has been set up on an outer island whereby inmates have the opportunity to do different activities such as farming and fishing and in return they are being paid for such activities.

101. A prison order manual is expected to be formulated by end 2011. The prison has now a doctor and one nurse on a daily basis to provide medical assistance to staff and inmates.

## **C. Human rights international treaties**

**The Treaties:**

102. Seychelles is Party to the eight core international human rights UN Treaties: The International Convention on the Elimination of all Forms of Racial Discrimination (CERD) enforced in 1978; The International Covenant on Civil and Political Rights (ICCPR)



enforced in 1992, the first Protocol on individual communications enforced in 1992 and second Protocol on the Abolition of Death Penalty enforced in 1995; The International Covenant on Economic, Social and Cultural Rights (ICESCR) enforced in 1992; The UN Convention on the Rights of the Child (CRC) enforced in 1990 and the Optional Protocol the Involvement of Children in Armed Conflicts enforced in 2010; The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) enforced in 1992 and the Optional Protocol on Individual Communications enforced in 2004; The Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) enforced in 1993; The Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) enforced in 2003; The Convention on the Rights of Persons with Disabilities (CRPD) enforced in 2009.

103. The accession to the CRPD has brought with it a series of workshops to train and sensitize policy makers, people that work with persons with disabilities and the public at large on the provisions of this Convention.

104. Amongst the ILO Conventions ratified by Seychelles, there are the ILO Conventions No. 100, Equal Remuneration for Men and Women Workers for Work of Equal Value and No. 111, Discrimination in respect of Employment and Occupation; both ratified in 2000.

105. Seychelles adopted the Beijing Declaration and Platform for Action (BPFA) in 1995 and the Dakar Framework for Action-Education for All Goals in 2000.

106. At regional level, Seychelles is Party to the African Charter on the Rights and Welfare of the Child (ACRWC) since 1992, to the African Charter on Human and Peoples Rights (ACHPR) since 1994, to the ACHPR Protocol on the Rights of Women in Africa since 2006 and to the SADC Gender and Development Protocol since February 2011. Seychelles is committed to the 2004 AU Solemn Declaration on Gender Equality.

#### **The reporting obligations:**

107. While reaffirming its solemn commitment to fulfill its obligation to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law, the Government of Seychelles recognizes and stresses that Reporting to the Human Rights Treaty UN Bodies and other UN Bodies constitutes a paramount challenge for a micro-state such as Seychelles considering the limited national resources and capacities which contrasts with the human resource intensive nature of the Reporting exercises.

108. The OHCHR Fact Sheet no 30 *The United Nations Human Rights Treaty System: An introduction to the core human rights treaties and the treaty bodies* states : “A State which has ratified all seven core human rights treaties is expected to produce more than 20 human rights reports over a ten-year period: that is one every six months.” This document was however published prior to the adoption of the Convention on the Rights of Persons with Disabilities in 2006. In adding the reporting obligations attached to this eighth core Treaty, it is estimated that the Reporting obligations to Human Rights Treaty Bodies over a period of ten years would represent not less than one Report every five months for Seychelles: a challenge that the country has so far not been able to overcome.

109. National processes for the submission of the Seychelles Initial State Party Report of the CEDAW, which is a consolidation of Seychelles initial and periodic reports, are however reaching completion point.

**The principle of interpretation:**

110. In Seychelles, international human rights laws are not automatically domesticated into the national laws. Article 48 of the Constitution under Chapter III however makes provision for the principles of interpretation under the following terms: “this Chapter has to be interpreted in such a way so as not to be inconsistent with any international obligations of Seychelles relating to human rights and freedoms and a court shall, when interpreting the provision of this Chapter, take judicial notice of the international instruments containing these obligations...”.

## **IV. Achievements and best practices, challenges and constraints**

### **A. Achievements and best practices**

111. In recognition of the importance of embracing the concept of a knowledge-based society, the first Seychelles University was opened in November 2010 notably to extend access to tertiary education to a maximum of Seychellois students. The national goal is to ensure that each Seychellois family has a graduate student by 2020.

112. In Seychelles education is free from early childhood to post-secondary level. The Government provides scholarships on a competitive points based system for students to undertake tertiary education in Seychelles and overseas when required.

113. Primary health care is free and Anti-Retro-Viral (ARV) treatment is delivered free of charge to Seychellois patients.

114. The Government of Seychelles views security and respect of human rights as complementary approaches. The Seychelles’ security policy against piracy therefore conforms to international human rights standards and practices. A number of trainings related to humanitarian laws have been extended to officers of the Seychelles Coast Guard and of the Seychelles People Defence Force.

115. In August 2010, the Republic of Seychelles ratified the Rome Statute of the International Criminal Court and became the 112<sup>th</sup> state of the world determined to jointly, for the sake of present and future generations, put an end to impunity for the perpetrators of the most serious crimes against humanity of concern to the international community.

116. The declaration of year 2008 as the year of reflection on the Constitution under the national theme “Our Constitution, the Voice of our Nation” represented a significant step towards the building-up of public awareness, knowledge and understanding of human rights and citizens’ duties.

117. In 2009, under the joint EU/UNDP/Government of Seychelles Human Rights component of the project “Capacity Building for State and non-State Actors”, 46 advocacy/sensitization meetings, trainings and workshops took place on the islands of Mahé, Praslin and La Digue. These critical activities were extended to a wide range of stakeholders such as ministries’ representatives, the Judiciary and parliamentarians, enforcement agencies, social workers and nurses, teachers, primary and secondary school students and the civil society.

118. In recognition of the paramount importance of increasing the level of awareness of the principle of universally accepted human right standards and practices notably at the level of law enforcement agencies, a large a number of senior and junior officers from the police and the prison received human-rights trainings in 2009. A number of those trainings were organized by UNDP and the Commonwealth Secretariat’s Human Rights Unit. In 2009 two training-for-trainers workshops were held at the Seychelles Police Academy. In

the same year, a human rights module was integrated into the police training and curriculum of the Seychelles Police Academy.

119. In 2009, Human Rights have also been included into the Teachers Training Programme and into the Personal and Social Education (PSE) curriculum at secondary level. It is to be included in the primary curriculum which is currently under review. Under the present Education Reform Programme, there is also provision to review the PSE Curriculum in particular to strengthen the Citizenship Education Programme in all educational institutions so as to promote social cohesion, the spirit and practice of volunteerism, national unity and international understanding and peace.

120. A Creole version of the CRC has been developed by the Social Development Department and the NCC. In 2009 the UNDP office in Seychelles in collaboration with the Ministry of Education translated the Universal Declaration of Human Rights in Creole. This document together with illustrations made by 8–15 years old children was launched on 10<sup>th</sup> December 2009 on the occasion of the International Human Rights Day.

121. In order to bring the community closer to public affairs, President Michel undertook two series of consultative meetings in each of the 25 districts of the country in 2005 and 2009 respectively when residents were given the opportunity to share their concerns and put forward ideas to the Head of State. Since 2010, at local government level, the District Administrations organize annual meetings with residents to provide feedback on projects implemented at local level and to receive complaints and suggestions.

## **B. Constraints and challenges**

122. Human resource shortage in general and lack of skilled or trained human resource in particular act as a structural constraint impacting on the good functioning of all sectors, including health, education, police, prison, judiciary, social agencies, NHRIs and other agencies.

123. Seychelles has recently formulated a number of Action Plans and Strategies that are of direct and indirect relevance to the promotion and protection of human rights notably at the levels of social development, education, health and judiciary. One key challenge to be addressed at national level concerns the need to ensure that appropriate monitoring and evaluation tools and mechanisms are implemented in the process in order to bridge the gap between formulation and implementation.

124. The Government of Seychelles stresses that Reporting to the Human Rights Treaty UN Bodies and other UN Bodies constitutes a paramount challenge for a micro-state such as Seychelles considering the limited national resources and capacities which contrasts with the human resource intensive nature of the Reporting exercises.

125. In view of the direct and indirect effects of climate change on both the right to development and human rights, bearing in mind that SIDS are on the front line of climate change and that the international negotiation process should be viewed as an urgent international effort to safeguard human lives, homes and livelihoods, the Government of Seychelles is deeply concerned by the extreme slowness and evident lack of progress characterizing the ongoing international negotiations on Climate Change. During the Delhi Sustainable Development Summit held in February 2011 in India, and in referring to the vulnerability of SIDS to Climate Change, President Michel reiterated the right of small island states to exist as nations and called the nations that seek to maintain their economic prosperity above other considerations to consider the human rights implications that these decisions entail. He also recalled that the reality is that small islands are at risk of falling between the cracks of the international development architecture.

## **V. Key national priorities, initiatives and commitments**

126. An important recommendation of the workshop that has captured the full attention of the Government is related to the need to strengthen and better equip the National Human Rights Commission. More resources are required to ensure the efficient functioning of this independent body and to bring it in line with the standards of the Paris Principles. Moreover dissemination of more information to the public on the functions of the NHRC is also required for increased visibility and for the building up of public confidence. The need to increase the visibility and capacity of the recently established Internal Affairs Bureau of the Police was also stressed during the workshop.

127. In order to close the gap between enactment and enforcement of human rights, legislation and implementation, alleged violation of human rights and timely redress, the Government is committed to set up a Citizen Advisory Bureau under the aegis of the NHRC. This comes in response to the need to better guide and inform the general public, to raise public knowledge and awareness about existing national and international human rights instruments and bodies as well as the need to institute and mainstream human rights education in our society. The ultimate objective of the Government in this process is to forge the culture of human rights in our young and modern democracy. This was also a recommendation of the workshop that has been taken on board.

128. The Government recognizes the importance of encouraging the public media to be more proactive in their efforts to air more divergent opinions in their programmes. The SBC Act is being amended so as to strengthen the SBC independent status and will be presented to the National Assembly in the first quarter of 2011.

129. In order to address the issue of overdue reports, the Ministry of Foreign Affairs is currently formulating a preparation strategy for the fulfillment of Seychelles' Reporting Obligations to Human Rights UN Treaty Bodies. This Strategy is to be presented to the Cabinet for approval.

130. In order to continuously raise Human Rights awareness at national level, the Government is committed to ensure that the celebration of the International Human Rights day is followed by a Human Rights forum at national level, with the objective to exchange, with the civil society, on progress achieved and encountered challenges with regard to the UPR recommendations.

## **VI. Assistance request for capacity building**

131. The Government is seeking technical assistance from development partners in the area of the domestication of International Conventions into the national legislation.

132. The Government is also seeking the support of development partners to assist the implementing agencies in the preparation process of the expected consolidated Human Rights National Reports. Seychelles welcomes and supports the proposals made by several States and regional groups in the first session of the Open-ended Intergovernmental Working Group on the Review of the Work and Functioning of the Human Rights Council (October 25th–29th 2010) concerning the need to address the special needs of small delegations and small countries notably in order to enable their effective participation in the proceedings of the Human Rights Council. This is particularly relevant for Seychelles, a SIDS holding no permanent mission in Geneva.