



## Convention on the Elimination of All Forms of Discrimination against Women

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### Committee on the Elimination of Discrimination against Women

#### Concluding observations on the combined initial to fifth periodic reports of Seychelles\*

1. The Committee considered the combined initial to fifth periodic reports of Seychelles ([CEDAW/C/SYC/1-5](#)) at its 1173rd and 1174th meetings, on 10 October 2013 (see [CEDAW/C/SR.1173](#) and 1174). The Committee's list of issues and questions is contained in [CEDAW/C/SYC/Q/1-5](#) and the responses of the Government of Seychelles are contained in [CEDAW/C/SYC/Q/1-5/Add.1](#).

#### A. Introduction

2. The Committee expresses its appreciation to the State party for its initial to fifth periodic reports, which were comprehensive, although sent with significant delay and lacking sex-disaggregated data on the situation of women in some areas covered by the Convention. The Committee also expresses its appreciation to the State party for its oral presentation, the written replies to the list of issues and questions raised by the pre-sessional working group and the further clarification provided in response to the questions posed orally by the Committee.

3. The Committee commends the State party for its high-level delegation, which was headed by the Minister of Social Affairs, Community Development and Sports, Vincent Meriton, and included other representatives of the Ministry of Social Affairs, Community Development and Sports, in addition to a representative of the Office of the Attorney General. The Committee appreciates the constructive dialogue that took place between the delegation and the Committee.

#### B. Positive aspects

4. The Committee welcomes the adoption of policies aimed at eliminating discrimination against women, including the National Strategy for Domestic Violence 2008-2012 and the National Action Plan on Gender-Based Violence 2010-2011.

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\* Adopted by the Committee at its fifty-sixth session (30 September-18 October 2013).



5. The Committee notes with satisfaction that the State party has ratified or acceded to a number of international and regional instruments since the ratification of the Convention, including the following:

(a) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2012;

(b) Optional Protocol to the Convention on the Elimination of Discrimination against Women, in 2011;

(c) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2010;

(d) Convention on the Rights of Persons with Disabilities, in 2009;

(e) Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, in 1994;

(f) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in 1994.

6. The Committee commends the high representation of women in the parliament (43.8 per cent) and in the public service of the State party. The Committee also welcomes the quality and accessibility of maternal and child health-care services in the State party, in addition to the results achieved with regard to de facto equality between girls and boys in the education sector.

## **C. Principal areas of concern and recommendations**

### **Parliament**

**7. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the Convention is binding on all branches of the Government and invites the State party to encourage the National Assembly, in line with its procedures and where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations between now and the next reporting period under the Convention.**

### **Definition of discrimination against women**

8. While noting that the general principles of non-discrimination are enshrined in the Constitution, the Committee is concerned about the absence of a specific definition and prohibition of discrimination against women in all areas of life in the Constitution or in other appropriate legislation, in line with articles 1 and 2 of the Convention.

**9. The Committee recommends that the State party consider incorporating into the Constitution or into other appropriate legislation a specific definition and prohibition of all forms of discrimination against women, both direct and indirect, in accordance with articles 1 and 2 of the Convention.**

### **Legislative framework**

10. While noting the commitment of the delegation that the State party will finalize its review of discriminatory legal provisions and adopt the pending bills, including those to amend the Civil Code and the Employment Act and on trafficking in persons, by 2014, the Committee is concerned about the delay in finalizing this legal review.

**11. The Committee urges the State party to finalize without delay the review of national legislation and the adoption of the pending bills, in order to bring the national legislation into conformity with the Convention.**

### **Visibility of the Convention**

12. While acknowledging the recent efforts of the State party to disseminate the Convention, the Committee is concerned that the Convention and the Optional Protocol thereto have not been given sufficient visibility. The Committee also notes the absence of court proceedings where provisions of the Convention were referred to in order to apply and interpret national legislation, which indicates a lack of awareness among women themselves and among the judiciary and the legal profession about the rights of women under the Convention.

**13. The Committee recommends that the Convention and the Optional Protocol thereto be made an integral part of the training for judges, prosecutors, lawyers, police and other law enforcement officers, with a view to enabling them to directly apply and interpret national legislation in the light of the Convention. It also recommends that the State party raise awareness among women of their rights under the Convention and of the procedures available to them under the Optional Protocol.**

### **Access to justice**

14. While noting the existence of the Strategic Plan 2010-2014 to improve access to justice, the Committee remains concerned about the long delay in the disposal of judicial cases and its negative impact on cases of violence against women.

**15. The Committee recommends that the State party accelerate the reform of its judicial system to prevent delays in the disposal of cases, in particular in cases of violence against women.**

### **National machinery for the advancement of women**

16. While noting the existence of a gender secretariat and the commitment expressed by the delegation to finalizing the draft national gender policy, the Committee remains concerned about:

(a) The limited institutional authority, capacity and resources of the Gender Secretariat to effectively promote the implementation of the Convention and support gender mainstreaming across all sectors and levels of the Government;

(b) The continuous restructuring of the national machinery for the advancement of women;

(c) The delay in the finalization of the draft national gender policy.

**17. The Committee, in accordance with its general recommendation No. 6 on effective national machinery and publicity, and the guidance provided in the Beijing Platform for Action, in particular regarding the conditions necessary for the effective functioning of national machineries, recommends that the State party:**

**(a) Strengthen the Gender Secretariat and provide it with the authority, decision-making power and human and financial resources necessary for it to work effectively for the promotion of gender equality and the enjoyment by women of their rights, including its capacity for effective coordination and cooperation among the various gender equality and human rights mechanisms and with civil society;**

**(b) Ensure the effective functioning of the gender mainstreaming strategy;**

**(c) Finalize, without delay, the national gender policy and its action plan, and ensure the effective implementation of the measures aiming at strengthening policies, programmes and campaigns addressing gender stereotyping; and develop a national action plan for the implementation of the present concluding observations.**

#### **Temporary special measures**

18. While welcoming the results achieved in ensuring substantive equality between women and men in the area of political life, health and education without the use of temporary special measures, the Committee remains concerned that no temporary special measures are in place or are planned to be applied as part of a necessary strategy to accelerate the achievement of substantive equality between women and men in areas in which women remain underrepresented or disadvantaged, including in the area of employment, where the better performance of women and girls in mathematics and scientific professions is not translated into employment of women; or, for disadvantaged groups of women, including women with disabilities and older women.

**19. The Committee encourages the State party to consider using temporary special measures, in accordance with article 4 (1) of the Convention, as interpreted in its general recommendation No. 25 on temporary special measures, in all areas covered by the Convention in which women are underrepresented or disadvantaged, including in the area of employment, where the better performance of women and girls in mathematics and scientific professions is not translated into employment of women; and, for disadvantaged groups of women, including women with disabilities and older women.**

#### **Stereotypes and harmful practices**

20. While noting the launch of various projects to eradicate patriarchal attitudes in the State party, the Committee remains concerned about the persistence of traditional stereotypes regarding the roles of women and men in the family and in society, which discriminate against women and perpetuate gender inequality, such as discriminatory media advertisements and vacancy announcements and the limited participation of men in child-raising and other domestic duties.

21. **The Committee recommends that the State party include in its national gender policy comprehensive measures aimed at women and men, girls and boys, to overcome stereotypical attitudes about the roles and responsibilities of women and men in the family and in society, to increase the participation of men in child-raising and other domestic duties and to eliminate patriarchal stereotypes in media advertisements and vacancy announcements.**

**Violence against women**

22. While noting the continuing drafting of a domestic violence bill and the conduct of various awareness-raising initiatives on violence against women, the Committee remains concerned about:

(a) The relatively high rate of violence against women, including domestic violence;

(b) The lack of legal provisions specifically criminalizing acts of domestic violence, given that only breaching a protection order is criminalized, and the absence of legal provisions criminalizing marital rape;

(c) The obstacles faced by women in reporting cases of domestic violence owing to lack of adequate response by the police and service providers in the collection of evidence; the very low conviction rate for cases of rape; and the slowness of the justice system and its negative impact on women victims of violence;

(d) The limited training for the police, lawyers, health workers, the judiciary and the public at large on violence against women;

(e) The absence of shelters for victims of domestic violence.

23. **The Committee urges the State party:**

(a) **To adopt a comprehensive strategy to combat violence against women;**

(b) **To adopt a comprehensive law on violence against women that specifically criminalizes acts of domestic violence, including marital rape, and ensure that acts of domestic violence are tried by the criminal courts rather than the Family Tribunal;**

(c) **To encourage women and girls who are victims of violence to report cases to the police, by raising awareness about the criminal nature of such acts, de-stigmatizing victims and providing systematic training to judges, prosecutors, the police and law enforcement and medical personnel on standardized, gender-sensitive procedures for dealing with victims of violence against women and effectively investigating complaints;**

(d) **To ensure expeditious access to justice for women victims of all forms of violence and prosecute any such acts of violence, upon complaint by the victim or ex officio, and adequately punish perpetrators;**

(e) **To strengthen victim assistance and rehabilitation through the establishment of a comprehensive care system for victims of gender-based violence, including measures to ensure their access to free legal aid, medical and psychological support, shelters and counselling and rehabilitation services.**

**Trafficking and exploitation of prostitution**

24. While noting the ratification of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the two studies undertaken on prostitution in 2010 and 2011 and the drafting of a trafficking in persons bill, a national strategy on human trafficking and a national action plan to combat human trafficking, the Committee remains concerned about:

(a) The delays in the finalization of these measures to combat trafficking in persons;

(b) The discriminatory provisions in the Penal Code relating to women in prostitution, including those in sections 138 (a) and (b) and 139 (b) referring to a “common prostitute or a person of known immoral character”;

(c) The absence of comprehensive measures taken to tackle the issue of prostitution, including measures to discourage the demand for prostitution;

(d) The limited exit programmes and rehabilitation and reintegration measures for women wishing to leave prostitution.

25. **The Committee recommends that the State party:**

(a) **Enact without delay the bill on trafficking in persons and speedily adopt the national strategy on human trafficking and the national action plan to combat human trafficking, and ensure that they provide for prevention and protection, including the establishment of shelters, assistance and legal support for victims of trafficking who are exploited in forced prostitution;**

(b) **Ensure the effective investigation, prosecution and punishment of trafficking offenders;**

(c) **Take measures aimed at international, regional and bilateral cooperation with countries of origin, transit and destination in order to prevent trafficking through information exchange and by harmonizing legal procedures aimed at the prosecution and punishment of traffickers;**

(d) **Repeal the discriminatory provisions of the Penal Code relating to women in prostitution, including the provisions of sections 138 (a) and (b) and 139 (b) of the Penal Code referring to a “common prostitute or a person of known immoral character”;**

(e) **Address the root causes of prostitution, including drug addiction and sex tourism; adopt measures aimed at discouraging male demand for prostitution; and train the police and provide them with guidelines on dealing with women in prostitution;**

(f) **Provide women with alternative income opportunities; and provide assistance, rehabilitation and reintegration programmes for women and girls exploited in prostitution, in addition to exit programmes for women wishing to leave prostitution.**

**Participation in political and public life**

26. The Committee acknowledges the high level of participation of women in political and public life in the State party, with a high proportion of women members of the parliament (43.8 per cent) and civil servants. The Committee

remains concerned, however, about the low number of women judges on the appeal and supreme courts and in decision-making positions within political parties.

**27. The Committee recommends that the State party take measures to increase the representation of women in decision-making positions in political parties and the number of women judges on the appeal and supreme courts, in accordance with general recommendation No. 23 on women in political and public life.**

### **Education**

28. The Committee notes the high level of education of girls and the high literacy rate of women in the State party, the existence of a policy on equal access to scientific, technical and vocational education and training and of a component in the draft national gender policy aimed at increasing the proportion of girls entering science, technology, engineering and mathematics subjects. The Committee is concerned, however, about:

(a) The remaining significant underrepresentation of girls in traditionally male-dominated fields of study, such as engineering and technology;

(b) The very low participation of women and girls in employment in mathematics and scientific professions, their high performance at educational institutions in these subjects notwithstanding;

(c) Some cases of girls who drop out from school as a result of teenage pregnancy.

**29. The Committee recommends that the State party:**

(a) **Include in the draft national gender policy measures aimed at increasing the representation of girls in traditionally male-dominated fields of study, such as mathematics, information technology, engineering, natural sciences and technological subjects;**

(b) **Take measures to ensure that the better performance of women and girls in mathematics and scientific studies translates into the employment of women in these sectors;**

(c) **Prevent girls from dropping out of school as a result of teenage pregnancy by integrating age-appropriate education on sexual and reproductive health and rights, including on responsible sexual behaviour, into the health and family life education curricula for all levels of education; and strengthen the provision of support to young women so that they can return to school after pregnancy.**

### **Employment**

30. While noting the efforts of the State party to finalize the revision of the Employment Act and to include in it provisions aimed at defining and preventing sexual harassment, and shifting the burden of proof to employers in civil proceedings concerning work-related discrimination against women under certain conditions, the Committee remains concerned about:

(a) The current lack of a definition of sexual harassment, as well as of appropriate sanctions, which are currently applied only in cases of breaches of the “bond of peace”, decided by the courts;

(b) The wage gap between women and men; the absence of legal provisions on equal remuneration for men and women for work of equal value; occupational segregation of women and men, especially vertical segregation in the higher occupational category of senior officials and managers; and the concentration of women in traditionally female-dominated occupations;

(c) The practice of terminating employment contracts when a woman is pregnant and the underreporting of such cases;

(d) The limited availability of day-care facilities for children under 3.5 years of age, and the limited participation of fathers in child-raising and other domestic duties, thus limiting the ability of women to join the labour force.

**31. The Committee recommends that the State party:**

(a) **Finalize, without delay, the revision of the Employment Act and ensure that it clearly defines and prohibits sexual harassment in the workplace, requires employers to prevent sexual harassment and provides for adequate sanctions for acts of sexual harassment, in addition to the existing sanctions for breaches of the “bond of peace”, decided by the courts;**

(b) **Reduce the wage gap between women and men and include in the revised Employment Act the principle of equal pay for work of equal value in all areas of work, in line with article 11 (1) (d) of the Convention and the Equal Remuneration Convention, 1951 (No. 100), of the International Labour Organization;**

(c) **Take effective measures to address vertical and horizontal occupational segregation of women;**

(d) **Enhance awareness among women employees about the provisions of the Employment Act, which prohibits the termination of an employment contract when a woman is pregnant, and take measures to encourage women to report such instances;**

(e) **Increase the number and capacity of public day-care nurseries and day schools, promote responsible fatherhood and take measures to encourage fathers to participate more actively in child-raising and to share equally other domestic duties.**

32. The Committee is concerned about women’s limited access, in practice, to credit, given that they tend to concentrate in the cottage industries and in small businesses.

**33. The Committee recommends that the State party take measures to encourage and support self-employed women by facilitating their access to credit in all economic areas.**

### **Health**

34. While welcoming the quality and accessibility of maternal health services in the State party, the Committee is concerned about:



(a) The high rate of teenage pregnancies and the requirement of parental consent for teenage girls to gain access to contraceptives and HIV testing;

(b) The increase in the number of unsafe abortions and the provision, in the Penal Code, of heavy sanctions in case of illegal abortion (seven years' imprisonment according to article 148 of the Penal Code, although the delegation stated that those sanctions were not implemented in practice).

**35. In line with its general recommendation No. 24 on women and health, the Committee calls upon the State party:**

(a) **To put an end, without delay, to the requirement of parental consent for teenage girls to gain access to contraceptives and HIV testing;**

(b) **To finalize the adoption of the draft national policy on sexual and reproductive health and ensure that it provides for affordable access to contraceptives and for awareness-raising campaigns on women's sexual and reproductive health and rights, with special attention to the risks of teenage pregnancy, the importance of using contraceptives for family planning and the prevention of sexually transmitted diseases, including HIV/AIDS;**

(c) **To repeal article 148 of the Penal Code providing for seven years' imprisonment for illegal abortion;**

(d) **To provide pregnant women and girls with access to high-quality services for the management of complications arising from unsafe abortion and to reduce maternal mortality rates, in accordance with the Committee's general recommendation No. 24 on women and health.**

#### **Climate change and natural disasters**

36. While noting the adoption of the Seychelles National Climate Change Strategy in 2009, the background document on climate change and disaster risk reduction and the Environment Management Plan of Seychelles 2000-2010, the Committee is concerned about the lack of a gender perspective therein, given that the State party is vulnerable to the impact of climate change, which disproportionately affects women. It is also concerned about the delay in adopting the disaster management bill, which will include a gender perspective.

**37. The Committee calls upon the State party to ensure that the development and implementation of policies and programmes on disaster preparedness and on the response to natural disasters and the impact of climate change, in addition to other emergencies, are based on a comprehensive gender analysis. It also recommends that women's participation be ensured at the decision-making level in the design and implementation of policies and programmes relating to climate change and natural disasters, and to risk prevention and management. It also recommends that the State party adopt, without delay, the disaster management bill, which will include a gender perspective.**

#### **Marriage and family relations**

38. While noting the information provided by the delegation that the Civil Code is under review, all discriminatory provisions will be repealed and provisions governing de facto unions will be included, the Committee is concerned about the delay in finalizing this process. The Committee is particularly concerned about:

(a) The existence of discriminatory provisions in the Status of Married Women Act, the Civil Status Act and the Civil Code, including those:

- (i) Providing for disparities in the minimum age of marriage for girls (15 years) and boys (18 years) (article 40 of the Civil Status Act);
- (ii) Making husbands primarily responsible for the family charges (article 214 (2) of the Civil Code);
- (iii) Giving preference to the father as regards the administration of the child's property (article 389 of the Civil Code); the consent to the child's marriage (articles 46 (1) and 47 (1) of the Civil Status Act); and the domicile of the child;

(b) The absence of legislation governing de facto unions, a situation that may deny women protection and redress in cases of separation.

**39. The Committee recommends that the State party:**

(a) **Repeal, without delay, discriminatory legal provisions relating to marriage and family relations, including those:**

- (i) **Providing for disparities in the minimum age of marriage for girls (15 years) and boys (18 years) (article 40 of the Civil Status Act);**
- (ii) **Making husbands primarily responsible for the family charges (article 214 (2) of the Civil Code);**
- (iii) **Giving preference to the father as regards the administration of the child's property (article 389 of the Civil Code); the consent to the child's marriage (articles 46 (1) and 47 (1) of the Civil Status Act); and the domicile of the child;**

(b) **Ensure, in its current review of the Civil Code, that legal provisions governing de facto unions are included, in line with general recommendation No. 29 on the economic consequences of marriage, family relations and their dissolution;**

(c) **Include in the next report information on the situation of single women with children born out of wedlock, including measures taken to ensure that their rights are protected.**

**National human rights institution**

40. While welcoming the establishment of a national human rights commission, the Committee is concerned that it has not to date applied for accreditation with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

**41. The Committee encourages the State party to apply for accreditation with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights; strengthen the independence, effectiveness and visibility of the national human rights institution in line with the Paris Principles; and provide it with sufficient human and financial resources and a specific mandate on gender equality.**

**Data collection**

42. The Committee is concerned at the general lack of updated statistical data. It notes that updated data disaggregated by sex, age, race, nationality, geographical location and socioeconomic background are necessary for an accurate assessment of the situation of women, to determine whether they suffer from discrimination, for informed and targeted policymaking and for the systematic monitoring and evaluation of progress achieved towards the realization of women's substantive equality in all areas covered by the Convention.

43. **The Committee calls upon the State party to develop a gender indicator system to improve the collection of data disaggregated by sex and other relevant factors necessary to assess the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and enhancing women's enjoyment of their human rights. In this regard, the Committee draws the State party's attention to its general recommendation No. 9 on statistical data concerning the situation of women and encourages the State party to seek technical assistance from relevant United Nations agencies and to enhance its collaboration with women's associations that could assist in securing the collection of accurate data.**

**Amendment to article 20 (1) of the Convention**

44. **The Committee welcomes the State party's commitment to accepting the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee and encourages the State party to finalize the process of ratification as soon as possible.**

**Beijing Declaration and Platform for Action**

45. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

**Dissemination and implementation**

46. **The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests that the present concluding observations be disseminated in a timely manner, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the National Assembly and the judiciary, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers' associations, trade unions, human rights and women's organizations, universities and research institutions and the media. It further recommends that its concluding observations be appropriately disseminated at the local community level, so as to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the Convention, the Optional Protocol thereto and relevant jurisprudence, as well as the Committee's general recommendations, to all stakeholders.**

**Ratification of other treaties**

47. **The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.**

**Follow-up to the concluding observations**

48. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 17 and 23.**

**Preparation of the next report**

49. **The Committee invites the State party to submit its sixth periodic report in October 2017.**

50. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/MC/2006/3](#) and Corr.1).**

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.