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## **Draft report of the Working Group on the Universal Periodic Review\***

### **Seychelles**

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\* The final document will be issued under the symbol A/HRC/18/7. The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its eleventh session from 2 to 13 May 2011. The review of Seychelles was held at the fifth meeting on 4 May 2011. The delegation of Seychelles was headed by H.E. Ronny James Govinden, Attorney General of Seychelles. At its ninth meeting held on 6 May 2011, the Working Group adopted the report on Seychelles.
2. On 21 June 2010, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Seychelles: Brazil, Burkina Faso, Pakistan.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Seychelles:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/11/SYC/1);
  - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/11/SYC/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/11/SYC/3).
4. A list of questions prepared in advance by the Czech Republic, Latvia, the Netherlands, Norway, Slovenia and the United Kingdom of Great Britain and Northern Ireland was transmitted to Seychelles through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. In his introductory remarks, the head of delegation stated that, in preparing the national report, the Government organized a workshop on the “Implementation of Human Rights in Seychelles” in January 2011 at which 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.”
6. Seychelles stated it was the smallest African State, an archipelago in the Indian Ocean composed of 115 granitic and coralline islands, with a vast Exclusive Economic Zone, a population of 88,310 people and 455.3 km<sup>2</sup> of land mass. Creole, English and French are the official languages.
7. Seychelles gained independence in 1976. Multi-party democracy was established under the 1993 Constitution. Seychelles indicated that free and fair presidential and parliamentary elections were held every five years supervised by an independent Electoral Commissioner. The President was elected by direct universal suffrage for five years for three terms maximum. The National Assembly had 34 members, 25 elected under a direct universal suffrage and 7 by proportional representation.
8. Seychelles achieved most of the MDGs and has high social indicators, even comparable to some OECD countries. The 2009 Human Development Report ranked Seychelles at the 57th place in terms of the human development index.

9. Seychelles noted that tourism and fisheries were its economic pillars, absorbing 40 per cent of the workforce and generating over 90 per cent of foreign exchange earnings. Seychelles was classified as upper-middle income country by World Bank standards. While conventional poverty lines did not apply, pockets of relative poverty existed in certain population segments.
10. 2003 marked a turning point in Seychelles' development policy. Despite the first Macro-Economic Reform Programme designed to curb public deficit and external debt, high dependency on tourism earnings and energy imports, the global economic slow-down and the international food and oil crisis, exacerbated economic imbalances, structural vulnerabilities and fragility.
11. The delegation emphasized that piracy put enormous pressure on Seychelles' surveillance and patrol capacities and its national legal, judicial, investigation and detention systems, with an estimated at 4 per cent GDP impact in 2009.
12. Seychelles indicated that its unemployment rate was around 2.3 per cent, i.e. virtual full-employment. Human resource shortage and lack of skilled labour were structural constraints impacting private and public sector performance.
13. The Constitution was the supreme law and other inconsistent law was void. It provided for the separation and independence of executive, legislative and judiciary powers. Seychelles noted it had a mixed legal system based on English and French legal traditions. It was amongst the world's smallest with nine judges and four magistrates. The judiciary comprises the Court of Appeal, the Supreme Court, the Magistrates Court and subordinate courts or tribunals. It is independent and subject only to the Constitution and other laws. Recognizing the urgent need to address the backlog of cases, the Judiciary Strategic Plan 2010-2014 was launched.
14. The Executive comprises the President, the Vice-President, the Cabinet and the Attorney General. Members are appointed by the President with the National Assembly's approval. The Cabinet is composed of nine members, including two women. Legislative power is vested in a unicameral parliament, the 34-member National Assembly, which includes eight women.
15. Death penalty was abolished in 1995. The delegation indicated that the Family Violence Protection of Victims Act 2000 sought to protect victims of family violence and imposed penalties for the breach of protection orders of courts/tribunals. It noted the 1996 Amendment to the Penal Code articles 130-153 made it easier to prosecute sexual offenders and allowed for prosecution for rape within marriage or relationships.
16. Seychelles' Employment Act provided for prevention of and redress against discrimination in employment and established a national minimum wage.
17. Seychelles noted that corporal Punishment was prohibited in schools. The 1998 Amendment of the Children Act established a Family Tribunal for matters of custody, care and maintenance of children. Children's wishes and feelings were factors courts and tribunals were required to take into account.
18. The Protection of Human Rights Act 2009 established the National Human Rights Commission to secure better protection and promotion of human rights. The 2010 Elections Advisory Board advises and assists the Electoral Commissioner in performing his functions.
19. Seychelles' 2010 Media Commission seeks to preserve the freedom of media, maintaining and improving high standards of journalism, requiring publishers of newspapers, radio and television to respect human dignity, freedom from discrimination on

any grounds. It is an independent institution also mandated to formulate a Code of Conduct for media.

20. A new Broadcasting Corporation Act, gazetted this year, demarcates more clearly the institution's independence. A new Public Order Act is under preparation to reform rules relating to assemblies in public places, and bring it in conformity with the Constitution's spirit.

21. Seychelles noted its Social Security Fund was a universal insurance system covering economic distress from sickness, maternity, injury, employment invalidity, old age and death, for all resident contributors and the Pension Fund covered all public and private Seychellois workers.

22. The delegation observed that the Social Development Department sought to empower individuals and families and reduce dependency, to safeguard and promote the interests and well-being of children, integrate and protect marginalized and vulnerable groups and to adopt an integrated and evidence based approach to development. Several action plans and strategies targeting the preservation and promotion of the social rights of vulnerable groups were recently developed under its umbrella.

23. The need to promote gender equity and equality and to mainstream gender into all socio-economic policies and activities was stressed under the Social Development Strategy for Seychelles Beyond 2000 and the 2007 National Population Policy. The Gender Secretariat was established in 2005 to promote gender mainstreaming in all policies, programmes and activities of the government, and the levels of the private sector and civil society.

24. Seychelles stated that child protection was a central priority. The 1999 Child Protection Unit works with other organizations to protect children from sexual, physical, neglect and emotional abuse, to provide guidance and counselling for abused children and their families, to undertake preventive work and register children at-risk. Procedures for inter-agency cooperation on protection of child abuse were outlined under the 1997 "Working Together" document.

25. The delegation stated that the domestication of The Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption was underway to regulate inter-country adoption and ensure protection of children in this context. The 2005 National Commission for Child Protection coordinates all stakeholders to propose policies and advises the Government on child protection matters.

26. Extensive surveys, including the 1998 National Youth Survey and Aspiration 2013, were conducted gauging the views of youth and children and incorporate them into plans and policies. The National Youth Assembly, launched in 2003, seeks to establish dialogue between youth and policy makers and provide them with a forum to voice concerns and ideas. It developed the 2011 Youth Plan of Action to promote entrepreneurial spirit.

27. Seychelles stated that the 2001 Mont Royal Rehabilitation Centre provided a therapeutic environment to addicted persons to facilitate and encourage their process of recovery, improve the physical, psychological, social and vocational functioning of the individual, to provide aftercare treatment and to facilitate re-integration.

28. The delegation referred to the Social Welfare Agency which provides short-term financial relief and support to the most vulnerable to minimize distress. A workplace policy on HIV/AIDS signed in 2007 called on employers and workers to protect the rights and dignity of those working with HIV/AIDS. In December 2010, the Government endorsed the Decent Work Country Programme 2011-2015, a cooperation tool with the International Labour Organization to review labour laws, employment for women and youths and social dialogue.

29. In line with the Government's policy to ensure decent housing for all, construction of 2056 house units was planned. The Ile Perseverance Project was part of this programme.
30. Recognizing that high quality education and human resource development were fundamental for sustainable development, the Education Reform Action Plan 2009-2010 was launched, identifying five priority areas: 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.
31. Consistent with the recommendations of the 2008 Education Report 'Special Needs Education Programmes in Seychelles – An Evaluation', developing a Policy on Special Needs Education was planned.
32. New Codes of Conduct for Primary and Secondary Schools place emphasis on students' rights and responsibilities and on parental responsibilities. A Pastoral Care System was currently revising the illicit drug and teenage pregnancy policies. Provisions were also made to facilitate access to disabled students in all new schools.
33. Concerning health, the Government was establishing a Public Health Authority to implement the Public Health Act and regulate matters with direct impact on human health. A patient charter was under preparation.
34. The delegation expressed Seychelles' commitment to foster good governance and professionalization of the Police Force. In 2009, the Internal Affairs Bureau of the Police was established to hear, investigate and address public complaints against arbitrary arrest and detention, excessive use of force and corruption practices of police.
35. Seychelles indicated the 1999 National Drug Enforcement Agency comprised an experienced trainer to ensure human rights training for all agents.
36. The need for the reform of the Judiciary was emphasized by the President of the Republic in 2009. Key insufficiencies were noted in court processes, case management systems, legal aid scheme and human resource administration. In May 2010, the Strategic Plan 2010-2014 of the Judiciary was launched to make the Judiciary a centre of judicial excellence, as well as the first Code of Judicial Conduct which encapsulates six core principles: independence; impartiality; integrity; propriety; competence and diligence of the judges; and equality of all before the law and the courts.
37. Seychelles single Montagne Posée prison reached its capacity. The delegation stated that action was taken to upgrade the detention facilities, improve security and management standards, extend specialized training to all staff, provide rehabilitation sessions for detainees and to build a 60-cells high-level security prison.
38. The delegation underlined Seychelles was Party to the eight core international conventions on human rights and ratified all fundamental ILO conventions. It adopted the Beijing Declaration and Platform for Action in 1995 and the Dakar Framework for Action-Education for All Goals in 2000. At the regional level, Seychelles was Party to the African Charter on the Rights and Welfare of the Child, the African Charter on Human and Peoples Rights, the Protocol on the Rights of Women in Africa, and the SADC Gender and Development Protocol. Seychelles was committed to the 2004 AU Solemn Declaration on Gender Equality.
39. While international human rights instruments are not automatically integrated into domestic law, Article 48 of the Constitution provides that a court shall take judicial notice of the international instruments containing Seychelles' human rights obligations.
40. The delegation noted that fulfilment of reporting obligations to treaty bodies is a human resource intensive and thus challenging exercise considering Seychelles' limited

resources and capacities. The initial report under CEDAW would be submitted in a few moments time, followed next year by the report under ICCPR and a strategy on reporting obligations was being finalized.

41. On achievements, the delegation highlighted the opening of the first University in November 2010 and noted that education was free from early childhood to post-secondary level and scholarships were provided on a competitive points based system for tertiary education.

42. The delegation noted that primary health care was free and Anti-Retro-Viral treatment was delivered free of charge to Seychellois patients.

43. Seychelles noted its security policy against piracy conformed to international human rights standards and practices. The Coast Guard and People Defence Force were trained on humanitarian laws and large numbers of police and law enforcement officers received human-rights trainings in 2009. Human Rights were included in the Teachers Training Programme and the Personal and Social Education curriculum at secondary level and will be included in the primary curriculum. Creole versions of the Convention on the Rights of the Child and the Universal Declaration of Human Rights were prepared.

44. Seychelles' President undertook consultative meetings in all districts in 2005 and 2009 for residents to share concerns and ideas. Since 2010, the District Administrations organize annual meetings with residents to hear feedback on projects implemented and receive complaints and suggestions.

45. A key challenge for Seychelles was the implementation of monitoring and evaluation mechanisms to bridge the gap between formulation and implementation.

46. Seychelles noted that climate change had direct and indirect effects on the right to development and human rights. The Government was concerned by the lack of progress in international negotiations on Climate Change and the President continued to reiterate 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 of such decisions.

47. The delegation stated that strengthening the National Human Rights Commission was a priority and that more resources were required for its efficient functioning and to bring it in line with the Paris Principles, to seek accreditation with the International Coordinating Committee of National Institutions for Promotion and Protection of Human Rights and increase its visibility.

48. The Seychellois Government was committed to establish a Citizen Advisory Bureau. There was also a need to increase the visibility and capacity of the Internal Affairs Bureau of the Police.

49. The Government recognized the importance of encouraging the public media to be more proactive in their efforts to air more divergent opinions. In order to continuously raise Human Rights awareness at national level, the Government was committed to ensure observance of the celebration of the Human Rights day to exchange, with civil society, on progress achieved and encountered challenges regarding the UPR recommendations.

50. Seychelles was seeking technical assistance on the domestication of International Conventions into the national legislation and for the preparation process of the expected consolidated Human Rights National Reports.

## B. Interactive dialogue and responses by the State under review

51. During the interactive dialogue, 27 delegations made statements. A number of delegations commended Seychelles for its commitment to human rights issues, as well as for the consultations with civil society in the preparation for its national report. Recommendations made during the dialogue are to be found in section II of the present report.

52. **Canada** commended Seychelles for its commitment to the principles of equal opportunity and social justice. It, however, noted that rape and domestic violence remained key challenges. It was concerned about reports of reprisals against individuals who criticized the government and of opposition party websites being blocked. It also recognised the challenge posed by climate change and noted Seychelles' efforts to find means to reduce its vulnerability. Canada made recommendations.

53. **Cuba** noted, inter alia, that in November 2010 the country's first university was open. The 100 per cent rate of immunization of children between 12 and 23 months was also welcomed. Cuba indicated that it made a modest contribution to Seychelles efforts and that a medical team of 23 Seychellois is studying in Cuba, as part of long standing cooperation between two countries. It also noted that Seychelles' social indicators are among the highest in the region. In addition to adverse external factors, such as globalisation, climate change and piracy, and despite a programme of macroeconomic reforms, Seychelles' main challenge is to maintain its social achievements. Cuba made recommendations.

54. **Algeria** appreciated the progress Seychelles made in achieving the Millennium Development Goals as reflected by its social indicators, sometimes comparable to those of developed countries. Such progress had a positive impact on the enjoyment of human rights and was of a particular importance for a developing island country vulnerable to climate change. Algeria showed its solidarity with Seychelles in tackling the scourge of piracy. Algeria made recommendations.

55. **Australia** welcomed the ratification of the Rome Statute of the International Criminal Court and that Seychelles now considered the report of the 2008 Constitution Review Committee. It noted the specific prohibition of discrimination based on sexual orientation in the 1995 Employment Act and practical steps taken to provide human rights education. Australia commended the focus in the state housing and education program on the needs of disabled, the gender focus in the social development program, also regarding domestic violence and prostitution. It made recommendations.

56. **Norway** commended Seychelles for the establishment of the Media Commission Act, appointments of members to the Media Commission, and strengthening the body of the Electoral Commissioner. Norway also commended Seychelles for improving maternal and child health, however noted that girls under the age of 20 still accounted for approximately 14 per cent of all births. Norway indicated that violence against women and children remained of concern. Norway made recommendations.

57. **Hungary** particularly recognized the steady increase of child immunization rates and achievements in the field of literacy. Aware that climate change threatens the enjoyment of human rights, Hungary wished to receive more information on how the Government planned to mitigate its adverse effects. It noted that corporal punishment was still lawful as a sentence for crimes and that Seychelles refused to submit the initial report to the Human Rights Committee, due in August 1993, preventing the effective monitoring of the situation of civil and political rights in the country. It made recommendations.

58. **France** noted the creation of the post of Human Rights Commissioner and a Media Commission and the recommendations of the 2006 election observation mission of the



Commonwealth. France commended Seychelles' support to the declaration made at the Human Rights Council in March 2011 concerning halting violence and human rights violations based on sexual orientation and identity. It noted that article 151 of the Penal Code however prosecuted sexual relations between consenting adults of the same sex. France made recommendations.

59. **Turkey** welcomed the establishment of the National Human Rights Commission, the Public Officer's Ethic Commission and the National Tender Board and the foundation of the Elections Advisory Board. It noted the 2008-2012 National Strategy on Domestic Violence, the 2010-2011 National Plan of Action for Gender Based Violence, the 2010-2011 National Gender Communication Strategy and the establishment of the Gender Secretariat as well as the National Plan of Action for Children 2005-2009. Turkey expressed its commitment to provide capacity building and technical assistance in the areas of health, education, security and social agencies to Seychelles in accordance with the 2008 Framework of Cooperation for Africa. It made a recommendation.

60. The **United States of America** applauded Seychelles' consistency in steadily improving the protection of civil and political rights, including freedom of assembly and association. It commended the progress on addressing prison conditions and the treatment of detainees. It however expressed concern over lengthy pre-trial detentions and noted various restrictions that could limit the freedom of the press. It made recommendations.

61. **Slovenia** welcomed Seychelles' ratification of most core human rights instruments, and the efforts devoted to their implementation. It inquired about plans for the ratification of CED, OP-CEDAW, OP-CAT, OP-CRC and OP-CRPD. With regard to CRC, it asked about steps undertaken or planned to implement the Committee's recommendations. It noted that the initial report to the Committee on the Elimination of Discrimination against Women was overdue since 1993 and asked for information on the implementation of obligations deriving from the convention. It made recommendations.

62. The delegation of Seychelles underlined that no political reprisal existed in Seychelles, that it is a democracy where the freedom of expression was upheld and that it was unaware of any blocked website.

63. On sexual orientation, it noted that article 27 of the Constitution prohibited discrimination on any grounds whatsoever including sexual orientation.

64. The Electoral Commissioner is appointed by an independent Authority upon which the opposition party is represented. All international election observers reported that since the 1993 Constitution, the elections have been held freely and fairly.

65. Corporal punishment is explicitly prohibited by the 1993 Constitution.

66. The delegation categorically rejected allegations that Seychelles refused to report to treaty bodies and reiterated that the inability to report is due to its limited capacity.

67. The Public Order Act will be replaced by a new Bill which is being considered by the Government.

68. The delegation clarified that only non-consensual same-sex intercourse was an offense.

69. The issue of long periods of pre-trial detention is being addressed by the Judiciary Strategic Plan of Action introduced in 2010, notably through information technology, improved case management and appointment of new judges.

70. Seychelles' law of libel is based on English law and relates to private law matters, whereas the Media Commission seeks to regulate media in general including ethics in journalism.

71. The delegation noted there should be no major impediment to ratifying the optional protocols to CAT and CRPD and to ratifying the Convention on Enforced Disappearances, while underlining the existence of mechanisms that protect against enforced disappearance including habeas corpus. The Optional Protocol to CEDAW was ratified in March 2011 and will enter into force in June 2011. The optional protocol to the CRC on the sale of children, child prostitution and child pornography was signed in 2001 and there are no obstacles for Seychelles becoming a State party, while the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict entered into force in September 2010.

72. **Germany** inquired about Seychelles' action in fighting the spread of HIV/AIDS, including national sensitization campaigns in health and educational institutions as well as through the media, to eliminate prejudice against and stigmatization of people living with HIV/AIDS. Germany referred to the concern expressed by the Committee on the Rights of the Child on safe drinking water and inquired about measures taken to implement this recommendation. Germany made a recommendation.

73. **Chile** noted the adverse affects of climate change leading to specific vulnerabilities in the country. It also noted concerns that island states might be neglected in the international development architecture. It highlighted the commitment of Seychelles to education and maternal and child health and welcomed the measures to improve the situation of children and adults with disabilities. Chile encouraged Seychellois authorities to continue their work to provide greater protection to the society on the basis of international human rights law and principles. Chile made recommendations.

74. **Argentina** welcomed Seychelles' achievements in matters of healthcare and reducing the rate of maternal and child mortality. It asked about Seychelles intentions for take further measures, given the increase of HIV/AIDS and sexually transmitted diseases, with particular attention to their effect on women. It congratulated Seychelles on its initiatives to combat gender violence. Argentina made recommendations.

75. **Maldives** noted that the Seychelles Strategy 2017, which follows a human rights approach, produced visible developmental results across the country. It recognized Seychelles' progressive approach to human rights challenges, as enshrines in the Seychellois Charter of Fundamental Rights and Freedoms. It believed that Seychelles should be congratulated on its unique methodological approach that includes a refreshing awareness to the interrelated nature of human rights and sustainable development. Maldives made recommendations.

76. **Mexico** welcomed Seychelles' commitment to reducing maternal and child mortality rates, improving the levels of education and combating discrimination against children and adults with disabilities. It commended the abolition of death penalty and the establishment of the NHRC. Mexico sought information on Seychelles' technical assistance requirements from the international community to ensure effective implementation of the conventions it had ratified. Mexico made recommendations.

77. **Spain** noted in particular the establishment of the NHRC and commended Seychelles' efforts on human rights training and awareness raising and its cooperation with OHCHR to present its reports to treaty bodies. While noting that Seychelles was a party to most human rights instruments, it was concerned that it had not presented its initial report to the Human Rights Committee since 1993. Spain made recommendations.

78. **Trinidad and Tobago** appreciated the challenges faced by Seychelles, a small island developing state, with respect to the advancement of human rights. Environmental protection was seen as a means of survival and central to Seychelles' sustainable development policy. It was pleased that Seychelles had decided to acquiesce to the Rome Statute. However, the growing spread of HIV/AIDS among young people was a matter of concern. Stronger preventive measures may be required. It made a recommendation.

79. **India** noted that the access to education and primary school enrolment for both boys and girls was at an impressive 100 per cent and adult literacy rate stood at 96 per cent. It noted that the rate of HIV/AIDS prevalence had multiplied by 25 in the last 20 years and that the number cases had tripled. It took note of the Anti-Retro-Viral treatment delivered free of charge and sought information on awareness raising efforts through targeted campaigns. It encouraged Seychelles to ensure that its NHRC is in full compliance with the Paris Principles and to pursue its efforts to ratify the OP-CRC-SC.

80. **The United Kingdom of Great Britain and Northern Ireland** welcomed Seychelles' strong human rights commitment. It was concerned about limited freedom of expression in the media. While welcoming the establishment of a Media Commission, leeway existed to ensure its independence. It encouraged strengthening of the NHRC, and noted non-representation of civil society. Recognizing the establishment of the internal affairs bureau, it would welcome an independent police complaints commission. It welcomed that Seychelles recognized the need to ensure its legislation is compatible with the Constitution. It made recommendations.

81. On HIV/AIDS, the delegation of Seychelles informed that the Ministry of Health has a Preventing Mother to Child Transmission Programme for pregnant women. The first generation policy/strategy/Plan of Action is currently under review and the second generation will be defined before the end of 2011.

82. Seychelles noted that it was not aware of any difficulty regarding access to safe drinking water on outer islands.

83. Seychelles stated it would actively consider acceptance of the open and standing invitation to the UN special procedures. This would require submission to the Government for approval.

84. In recalling that Seychelles holds no Permanent Mission in Geneva, the delegation expressed support for proposals made in the context of the intergovernmental working group on the review of the work and functioning of the Council to address the special needs of small delegations.

85. Regarding the ICCPR, the delegation stressed that the response of the Government to the HRC's provisional conclusions is to be submitted by end May 2011 and that the national report will be submitted before April 2012.

86. On freedom of expression in the context of the upcoming May 2011 presidential elections, the delegation underlined that political broadcast is available to all candidates with equal air time and that all can hold political rallies and freely express their opinions.

87. The delegation stated that due consideration will be given to changing the statute of the National Human Rights Commission to the extent that it is found not to be in conformity with the Paris Principles.

88. It noted that assistance was required in all spheres in light of limited human resources, including to draft laws and to ensure conformity with international standards, to formulate the national reports to UN Treaty Bodies and to assess national human rights bodies and ensure compliance with international standards.

89. **Costa Rica** noted with concern the impact of external factors, including climate change and piracy and their effect on the enjoyment of human rights. It recognized major challenges and limitations Seychelles faced and appreciated its actions to address them, especially the education and training in human rights, and encouraged Seychelles to continue on this path. It shared concerns regarding presentation of reports to treaty bodies noting that this obligation requires significant investment in human and economical resources. It made recommendations.

90. **South Africa** wished to receive further information on the steps taken to ensure that the NHRI conformed to the Paris Principles. It noted Seychelles' strategy to address the issue of outstanding reports to treaty bodies. It referred to the concern expressed by the Committee on the Rights of the Child regarding the possibility for children between the ages of 8 and 12 to be prosecuted for criminal offences under certain conditions. It made recommendations.

91. **Morocco** welcomed Seychelles achievements on the MDGs. It expressed the view that Seychelles should benefit from international assistance to overcome its economic vulnerability. Morocco stated that strengthening international cooperation in combating piracy and adverse effects of climate change would be much recommended. It welcomed the establishment of the NHRC, the Office of the Ombudsman, and the Public Officers Ethics Committee. It wished to know to what extent these mechanisms meet international standards including the Paris Principles and what measures were taken to ensure that the tasks of these institutions are being optimized. It made recommendations.

92. **China** stated that Seychelles provided basic free healthcare and 10-year compulsory education to all its citizens and had taken effective measures to reduce poverty and protect the rights and interest of vulnerable groups. China took note of the fact that, constrained by the level of development and inadequacy of human resources, Seychelles faced difficulties in protecting and promoting of human rights. China called upon the international community to provide constructive assistance to Seychelles.

93. **Mauritius** acknowledged ambitious macroeconomic reforms and noted that climate change was a serious threat to small island States whose economies are heavily dependent on fishing industries and environment-based tourism. It called on the international community's support to Seychelles to mitigate the impact of climate change and piracy. Mauritius inquired about intentions to review the legal regime on ownership and licensing of the press and privately-owned broadcast media. The Chairperson of the NHRC also being the Ombudsman, it noted a possible situation of overlap of mandates and inquired about plans to review this situation. It made recommendations.

94. **Ecuador** stated that the burden of reporting to Treaty Bodies had exceeded the capacity of Seychelles and appreciated the efforts it had nevertheless undertaken to comply with the Universal Periodic Review. Ecuador acknowledged the high economic development index and urged Seychelles to continue taking all necessary measures to make sustained progress to contribute to the full enjoyment of human rights by its people. It made recommendations.

95. **Slovakia** commended the progress regarding the right to education, Seychelles' commitment to child and maternal health and health care in general. It acknowledged Seychelles is part to major international human rights instruments and noted its vulnerability to natural disasters, limitations in terms of financial and human resources as well as the economy's dependency on natural resources. It noted the measures to improve prison security and living standards. Slovakia made recommendations.

96. **Djibouti** noted the creation of the NHRC as well as the Public Officers' Ethics Commission to promote good governance. Djibouti appreciated the appointment of a woman as Ombudsman. It hoped that Seychelles would benefit from technical support and assistance of the international community to meet the challenges faced, particularly vulnerabilities of the environment due to climate change. Djibouti made recommendations.

97. The delegation of Seychelles noted that the penal code establishes the age for criminal responsibility. Above the age of seven the criminal mind is established on a case-by-case basis. In terms of special procedures for juveniles, the juvenile court comprises a specialized magistrate and competent lay persons selected on expertise.

98. Seychelles has non-custodial forms of punishment, including fines, suspended sentences and discharge on conditions. The decision-making power on when to apply them rests, however, with the judiciary.

99. The delegation explained the synergies of the Ombudsman's role as the Chair of the Human Rights Commission, in that it broadens its mandate and provides it with additional powers to investigate abuses by law enforcement agencies.

## **II. Conclusions and/or recommendations**

100. **The following recommendations will be examined by Seychelles which will provide responses in due time, but no later than the 18<sup>th</sup> session of the Human Rights Council in September 2011.**

100.1. **Ratify the International Convention for the Protection of All Persons from Enforced Disappearances as soon as possible (Germany);**

100.2. **Consider, gradually, the ratification of the optional protocols to the Convention on the Rights of the Child and other instruments (Chile);**

100.3. **Consider the possibility of ratifying the optional protocols to the International Covenant on Civil and Political Rights, to the Convention on the Elimination of All Forms of Discrimination against Women, to the Convention on the Rights of the Child, to the Convention on the Rights of Persons with Disabilities, and the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);**

100.4. **Consider acceding to those human rights instruments to which it is not a party, in particular to the OP-CAT (Costa Rica);**

100.5. **Conclude the process of ratifying the Optional Protocol to CEDAW, as well as CRC-OP-AC, and the OP-CDP (Spain);**

100.6. **Conclude the process of ratification of the optional protocols to the Convention on the Elimination of All Forms of Discrimination against Women and to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and consider ratifying the optional protocols to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and the International Covenant on Economic, Social and Cultural Rights as well as the International Convention for the Protection of All Persons from Enforced Disappearance (Ecuador);**

100.7. **Continue efforts with regard to the ratification and implementation of core human rights treaties, and develop further the institutional framework for the implementation of human rights standards contained therein (Slovenia);**

100.8. **Ratify the 1954 Convention relating to the Status of Stateless Person and the 1961 Convention on the Reduction of Statelessness (Slovakia);**

100.9. **Implement the recommendations of the 2008 Constitutional Review (United Kingdom);**

100.10. **Accredit the national human rights institution with the International Coordinating Committee of the National Human Rights Institutions for the promotion and protection of human rights and provide it with adequate resources (Algeria);**

- 100.11. Work toward ensuring that its National Human Rights Commission accords in full with the Paris Principles (Australia);
- 100.12. Establish a national human rights institution in accordance with the Paris Principles (Argentina);
- 100.13. Take measures to ensure that its National Human Rights Institution is in accordance with the Paris Principles (Spain);
- 100.14. Take steps to ensure that the National Human Rights Commission is independent, and has civil society representation (United Kingdom);
- 100.15. Strengthen the role and capacity of initiative of the Chair of the National Human Rights Commission (France);
- 100.16. Ensure that the Election Advisory Board is balanced and representative in order to ensure the independence of the Electoral Commissioner when monitoring the elections (Norway);
- 100.17. Continue strengthening the independence and efficiency of the Election Advisory Board by setting up a comprehensive electoral commission to make sure that the upcoming elections are free and fair (Norway);
- 100.18. Implement the two recommendations of the 2006 election observation mission of the Commonwealth to transform the post of Electoral Commissioner, an official appointed by the government, into a truly independent and collegiate Electoral Commission; and to bring, in the context of a constitutional review, the Public Order Act governing public assemblies in line with the principles of the Constitution (France);
- 100.19. Ensure that the Seychelles Media Commission is balanced and representative by appointing independent and impartial citizens to serve on the commission (Norway);
- 100.20. Take immediate measures to ensure that the Media Commission is fully independent (United Kingdom);
- 100.21. Continue applying the country's socio-economic development strategies and plans (Cuba);
- 100.22. Make available all the necessary and available resources to ensure that the strategy to address the preparation and submission of outstanding reports to Treaty Monitoring Bodies is successfully implemented (South Africa);
- 100.23. Cooperate with the Human rights Committee and submit its state report as required (Hungary);
- 100.24. Take the measures to comply with its commitment to present periodic reports to the United Nations Human Rights Committee in accordance with article 40 of ICCPR, and ensure full cooperation with this mechanism (Spain);
- 100.25. Submit the reports due to treaty bodies and communicate their needs in terms of technical assistance for this purpose to the competent organs of the United Nations (Algeria);
- 100.26. Take steps to implement treaty body recommendations (Slovenia);
- 100.27. Follow-up to recommendations of the Committee of Experts of the International Labour Organization so that the 2006 amended Employment Act no. 4 would ensure equal remuneration for men and women for work of equal value (Djibouti);

- 100.28. Issue a standing invitation to special procedures (Slovenia);
- 100.29. Consider the extension of an open and standing invitation to the United Nations Special Procedures (Chile);
- 100.30. Extend a Standing invitation to Special Procedures mandate-holders as a way of informing and supporting human rights reforms (Maldives);
- 100.31. Extend an open and standing invitation to all Special Procedures (Spain);
- 100.32. Extend an open and standing invitation to the mandate holders of the human rights Special Procedures (Ecuador);
- 100.33. Respond to questionnaires of special procedure mandate holders (Djibouti);
- 100.34. Consider cooperating more actively with special procedures, extending a standing invitation, responding to questions and answering to questionnaires on thematic issue (Costa Rica);
- 100.35. Work with OHCHR to prepare a Common Core Document as a way to streamline and reduce the burden of Treaty reporting (Maldives);
- 100.36. Adopt laws and promote programmes aimed at eliminating gender inequality, especially as regards access to opportunities and remuneration for men and women (Mexico);
- 100.37. Strengthen measures to systematically integrate gender in public policies and, where appropriate, through gender sensitive budgeting (Morocco);
- 100.38. Continue the adoption and implementation of public policies aimed at protecting the persons with disabilities and ensure their equal access to dignified housing, employment and health (Ecuador);
- 100.39. Maintain and step up its efforts to prevent, punish and eliminate all forms of violence against women (Argentina);
- 100.40. Look to develop programs that work to conclusively eliminate violence against women and children (Maldives);
- 100.41. Adopt and implement measures to protect women and children from domestic violence, sexual exploitation and trafficking in persons (Ecuador);
- 100.42. Take measures to improve enforcement of existing laws criminalizing rape and domestic violence, including by thoroughly investigating and prosecuting all acts of violence against women, and providing targeted training and capacity building to law enforcement officials (Canada);
- 100.43. Take steps to enhance access to counselling and related services for victims of domestic and sexual violence, including by ensuring adequate resources are made available (Canada);
- 100.44. Strengthen the judiciary system in order to address violence against women and children and high rates of children facing sexual abuse (Norway);
- 100.45. Establish effective procedures and mechanisms to receive, monitor and investigate complaints on ill-treatment and abuse of children, including sexual abuse, through a child-sensitive inquiry and judicial procedure, including the protection of the right to privacy of the child (Slovakia);

100.46. **Adopt measures to improve the system of protection of boys, girls and adolescents, and in particular, to eradicate child abuse in homes and reform the juvenile justice system (Mexico);**

100.47. **Continue adopting practical measures for the implementation of protection of children, eradication of violence and abuse, particularly in homes, in schools and in other institutions involved in the care and protection of children (Costa Rica);**

100.48. **Develop awareness-raising campaigns aimed at prevention and combating the child abuse, ensuring access to redress and social reintegration to the victims (Slovakia);**

100.49. **Establish a de jure moratorium on the use of corporal punishment (Hungary);**

100.50. **Establish a clear minimum age of criminal responsibility at an internationally acceptable level (Turkey);**

100.51. **Raise the minimum age of criminal responsibility in compliance with international standards (Slovakia);**

100.52. **Take steps to reform the system for juvenile justice to ensure it is brought in line with international standards set out in the Convention on the Rights of the Child (South Africa);**

100.53. **Consider the possibilities of adopting non-custodial sentences where feasible as well as measures to reintegrate the prison population into society (Morocco);**

100.54. **Take steps to increase the efficiency and transparency of its judicial institutions, and eliminate lengthy pre-trial detentions (United States of America);**

100.55. **Reinforce efforts in improving conditions in the penitentiary facilities (Slovakia);**

100.56. **Put in place an independent Police Complaints Commission (United Kingdom);**

100.57. **Bring its legislation into conformity with its commitment to equality and non-discrimination, by prohibiting discrimination based on sexual orientation or gender identity (Canada);**

100.58. **Enact legislation that expressly prohibits discrimination against a person on the basis of sexual orientation or identity (Australia);**

100.59. **Bring its Criminal Code into conformity with its international commitments by taking appropriate steps to ensure that same-sex activity between consenting adults is not subject to criminal sanctions (Norway);**

100.60. **Confirm its commitments to equality and non-discrimination by decriminalizing consensual sexual relations between adults of the same sex as well as any discriminatory provisions with respect to lesbian, gay, bisexual and transgender persons (France);**

100.61. **Repeal all provisions in its domestic law criminalizing consensual sexual activity between adults of the same sex and combat discrimination against lesbian, gay, bisexual and transsexual persons through political, legislative and administrative measures (Spain);**



- 100.62. Invite the National Human Rights Commission to monitor the elections (Norway);
- 100.63. Put in place appropriate mechanisms to ensure that individuals and members of the political opposition are able to take part freely in public rallies and peaceful demonstrations, and to express their views without fear of reprisals, including via all forms of media (Canada);
- 100.64. Better ensure freedom of the press and particularly safeguard the independence of the Media Commission (France);
- 100.65. Begin a process to amend the legal code that applies to media licensing and libel allegations, allowing for greater liberalization of the media and the availability of media to all parties and candidates during election seasons (United States of America);
- 100.66. Facilitate greater diversity in radio broadcasting in the context of the current review of the Constitution (Australia);
- 100.67. Continue applying programs and measures designed to ensure universal access of its population to education, health and social security services (Cuba);
- 100.68. Prioritize access to reproductive health education and contraceptives for adolescent girls, also without parental consent (Norway);
- 100.69. Should strengthen its intervention programmes with young people to increase their awareness of HIV/AIDS and on a wider basis to provide reproductive health counselling where necessary through the various Government social programmes (Trinidad and Tobago);
- 100.70. Step-up efforts to overcome social scourges, including the consumption of drugs (Algeria);
- 100.71. Ensure universal access to safe drinking water and sanitation (Slovenia);
- 100.72. Redouble efforts to implement the recommendations of the Committee on the Rights of the Child concerning the application of environmental rules to ensure universal access to drinking water and sanitation (Morocco);
- 100.73. Continue its leading international efforts to tackle global warming, including by reminding developed countries and other major emitting States of their obligation to help promote and protect human rights in Seychelles by reducing greenhouse gas emissions to safe-levels (Maldives);
- 100.74. Consider devising and implementing a national strategy for Human Rights Education which would cover both the formal educational sector and a wider public for enhancing human rights awareness (Mauritius);
- 100.75. Continue the same consultative process in the Universal Periodic Review follow-up process to be undertaken (South Africa);
- 100.76. Request necessary technical assistance and cooperation for implementation of the recommendations accepted in the Universal Periodic Review (Mexico);
- 100.77. Request, if required, technical assistance from development partners in delivering on its reporting obligations and on the domestication of international conventions as called for under paragraphs 131 and 132 of the national report (Mauritius);

101. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

## Annex

### **Composition of the delegation**

The delegation of Seychelles was headed by Ronny James Govinden, Attorney General of Seychelles and composed of the following members:

- Mrs. Marie Josée Bonne, Special Adviser, Ministry of Social Development and Culture;
  - Mrs. Sandra Michel, Second Secretary, Treaties and Consular Affairs Section, Ministry of Foreign Affairs;
  - Ms. Marquise David, Consultant;
  - Mr. Bernard Elizabeth, Chairperson of the Liaison Unit for NGOs in Seychelles (LUNGOS);
  - Mr. Steve Lalande, Chief Executive Officer of the Liaison Unit for NGOs in Seychelles (LUNGOS).
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