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## **Report of the Working Group on the Universal Periodic Review\***

### **Seychelles**

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\* The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review, 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 5th meeting on 4 May 2011. The delegation of Seychelles was headed by Ronny James Govinden, Attorney General of Seychelles. At its 9th 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 and a written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/11/SYC/1);
  - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (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 universal periodic review (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 the delegation stated that, in preparing the national report, the Government had organized a workshop on the implementation of human rights in Seychelles in January 2011, at which the Minister of Foreign Affairs had 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 the 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 has achieved most of the Millennium Development Goals and has high social indicators, even comparable to some members of the Organization for Economic

Cooperation and Development. The UNDP *Human Development Report 2009* ranked Seychelles in 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 an 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 the development policy of Seychelles. While the first Macro-Economic Reform Programme, designed to curb public deficit and external debt, had been implemented, the 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 the surveillance and patrol capacities of Seychelles and its national legal, judicial, investigation and detention systems, with an estimated 4 per cent impact on gross domestic product 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 that had an impact on private and public sector performance.

13. The Constitution was the supreme law and any other law found to be consistent with it was void. It provided for the separation and independence of executive, legislative and judiciary powers. Seychelles noted that it had a mixed legal system based on English and French legal traditions. The legal system was among the world's smallest, with nine judges and four magistrates. The judiciary comprised the Court of Appeal, the Supreme Court, the Magistrates' Court and subordinate courts or tribunals. It was 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 had been launched.

14. The Executive comprised the President, the Vice-President, the Cabinet and the Attorney General. Members were appointed by the President with the National Assembly's approval. The Cabinet was composed of nine members, including two women. Legislative power was vested in a unicameral parliament - the 34-member National Assembly, which included eight women.

15. The 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 that the 1996 amendment to articles 130-153 of the Penal Code made it easier to prosecute sexual offenders and allowed for prosecution for rape within marriage or relationships.

16. The Employment Act of Seychelles provided for the prevention of and redress against discrimination in employment and established a national minimum wage that also applied to foreign workers.

17. Seychelles noted that corporal punishment was prohibited in schools. The 1998 amendment of the Children Act had 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 advised and assisted the Electoral Commissioner in performing his functions.

19. The Seychelles Media Commission, established in 2010, sought to preserve the freedom of media, maintaining and improving high standards of journalism, requiring the publishers of newspapers, radio and television to respect human dignity and freedom from discrimination on any grounds. It was an independent institution also mandated to formulate a code of conduct for media.

20. The new Seychelles Broadcasting Corporation Act of 2011 demarcated more clearly the institution's independence. A new public order act was under preparation to reform rules relating to assemblies in public places and bring it into conformity with the spirit of the Constitution.

21. Seychelles noted that its Social Security Fund was a universal insurance system covering economic distress from sickness, maternity, injury, employment, invalidity, old age and death, as well as economic stress experienced by orphaned and abandoned children, for all resident contributors, including foreign employees, and the Pension Fund covered all public and private Seychellois workers.

22. The delegation observed that the Department of Social Development sought to empower individuals and families and reduce dependency, to safeguard and promote the interests and well-being of children, to 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 had recently been 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, at the levels of the private sector and civil society.

24. Seychelles stated that child protection was a central priority. The Child Protection Unit, created in 1999, worked with the National Council for Children and 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 from child abuse were outlined under the 1997 document entitled "Working Together".

25. The delegation stated that the domestication of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption was under way to regulate intercountry adoption and ensure the protection of children in that context. The National Commission for Child Protection, established in 2005, coordinated with all stakeholders to propose policies and advised the Government on child protection matters.

26. Extensive surveys, including the 1998 National Youth Survey and Aspiration 2013, had been conducted to gauge the views of youth and children and incorporate them into plans and policies. The National Youth Assembly, launched in 2003, sought to establish dialogue between youth and policymakers and provide them with a forum to voice concerns and ideas. The National Council for Children developed the 2011 Youth Plan of Action to promote entrepreneurial spirit.

27. Seychelles stated that the 2001 Mont Royal Rehabilitation Centre provided addicted persons with a therapeutic environment in which to facilitate and encourage their process of recovery, to 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 provided 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 supported by the International Labour Organization (ILO) and aimed at reviewing labour laws, employment for women and youth, and social dialogue.

29. In line with the Government's policy to ensure decent housing for all, the construction of 2,056 house units was planned. The Ile Perseverance Project was part of that programme.

30. Recognizing that high quality education and human resource development were fundamental for sustainable development, the Government launched the Education Reform Action Plan 2009-2010, identifying five priority areas: providing for the diversity of educational needs and national development priorities, guaranteeing quality education, improving the quality of teachers, improving the governance of educational institutions and creating responsible and empowered students.

31. Consistent with the recommendations of the 2008 Education Report "Special Needs Education Programmes in Seychelles – An Evaluation", development of a policy on special needs education was planned.

32. The new Codes of Conduct for Primary and Secondary Schools, adopted in 2010, placed emphasis on students' rights and responsibilities and on parental responsibilities. A pastoral care system was currently revising the policies on illicit drugs and teenage pregnancy. 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 the commitment of the Seychelles to foster good governance and the professionalization of the Police Force. In 2009, the Internal Affairs Bureau of the Police, comprising three female officers, 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 that the National Drug Enforcement Agency, established in 1999, counted among its employees 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 Seychelles in 2009. Key insufficiencies were noted in court processes, case management systems, the 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 was the first Code of Judicial Conduct, which encapsulated six core principles: independence; impartiality; integrity; propriety; competence and diligence of the judges; and equality of all before the law and the courts.

37. The single prison in Seychelles – the Montagne Posée prison - had reached its capacity. The delegation stated that action had been taken to upgrade the detention facilities, improve security and management standards, extend specialized training to all staff, provide rehabilitation sessions for detainees and build a 60-cell high-level-security prison.

38. The delegation underlined that Seychelles was party to the eight core international conventions on human rights and that the State had ratified all fundamental ILO conventions. It had adopted the Beijing Declaration and Platform for Action in 1995 and the Dakar Framework for Action: Education for All: Meeting Our Collective Commitments 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 and the Protocol on the Rights of Women in Africa thereto, and the SADC Gender and Development Protocol. Seychelles was committed to the 2004 African Union Solemn Declaration on Gender Equality in Africa.

39. While international human rights instruments were not automatically integrated into domestic law, article 48 of the Constitution provided that a court shall take judicial notice of the international instruments containing the human rights obligations of Seychelles.

40. The delegation noted that the fulfilment of reporting obligations to treaty bodies is a human-resource intensive and thus challenging exercise considering the limited resources and capacities of Seychelles. The initial report under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) would be submitted in a few months' time, followed the next year by the report under the International Covenant on Civil and Political Rights (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 that antiretroviral treatment was delivered free of charge to Seychellois patients.

43. Seychelles noted that its security policy against piracy conformed to international human rights standards and practices. The Coast Guard and People's Defence Force were trained on humanitarian laws and large numbers of police and law enforcement officers received human-rights trainings in 2009. In 2010 Seychelles ratified the Rome Statute of the International Criminal Court. Human rights were included in the teacher-training programme and in the personal and social education curriculum at secondary level and would be included in the primary curriculum. Creole versions of the Convention on the Rights of the Child (CRC) and the Universal Declaration of Human Rights were prepared.

44. The President of Seychelles undertook consultative meetings in all districts in 2005 and 2009 to provide a forum for residents to share concerns and ideas. Since 2010, the district administrations had organized annual meetings with residents to hear feedback on projects implemented and to 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. The President continued to reiterate the right of small island States to exist as nations and called the nations that sought 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 into line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), to seek accreditation with the

International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and to increase its visibility.

48. The Government of Seychelles was committed to establishing 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 the national level, the Government was committed to ensuring the observance of the celebration of Human Rights Day to exchange views with civil society on progress achieved and challenges encountered 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 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 noted, however, 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 recognized the challenge posed by climate change and noted the efforts of Seychelles 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 opened. 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 the efforts of Seychelles and that a medical team of 23 Seychellois was studying in Cuba, as part of long-standing cooperation between the two countries. It also noted that Seychelles' social indicators were among the highest in the region. In addition to adverse external factors, such as globalization, climate change and piracy, and despite a programme of macroeconomic reforms, the main challenge of Seychelles was to maintain its social achievements. Cuba made recommendations.

54. Algeria noted with appreciation the progress Seychelles had made in achieving the Millennium Development Goals as reflected by its social indicators, some of which are comparable to those of developed countries. Such progress had a positive impact on the enjoyment of human rights and was of particular importance for a developing island country vulnerable to climate change. Algeria declared 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 the consideration Seychelles was currently giving to 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 programme on the needs of disabled, and the gender focus in the social

development programme, notably with respect to 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 the strengthening of the Office of the Electoral Commissioner. Norway also commended Seychelles for improving maternal and child health; however, it 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 recognized in particular the steady increase of child immunization rates and achievements in the field of literacy. Aware that climate change threatened 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. Hungary made recommendations.

58. France noted the creation of the post of Human Rights Commissioner and the Media Commission and the recommendations of the 2006 election observation mission of the Commonwealth. France commended Seychelles for supporting the joint statement made at the Human Rights Council in March 2011 concerning halting violence and human rights violations based on sexual orientation and identity. It noted however that article 151 of the Penal Code 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 Officers' Ethics 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 Seychelles with capacity-building and technical assistance in the areas of health, education, security and social agencies in accordance with the 2008 Framework of Cooperation for Africa. It made a recommendation.

60. The United States of America applauded the consistency of Seychelles 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 pretrial detentions and noted various restrictions that could limit the freedom of the press. It made recommendations.

61. Slovenia welcomed the ratification of Seychelles of most core human rights instruments, and the efforts devoted to their implementation. It inquired about plans for the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (CED) and the Optional Protocols to CEDAW, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), CRC and the Convention on the Rights of Persons with Disabilities (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 had been 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 was 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 was appointed by an independent authority that included representation from the opposition party. All international election observers had reported that, since the adoption of the 1993 Constitution, the elections had been held freely and fairly.
65. Corporal punishment was explicitly prohibited by the 1993 Constitution.
66. The delegation categorically rejected allegations that Seychelles had refused to report to treaty bodies and reiterated that the inability to report was due to its limited capacity.
67. The Public Order Act would be replaced by a new bill that was 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 pretrial detention was 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. The law of libel in Seychelles was based on English law and related to private law matters, whereas the Media Commission sought to regulate media in general, including ethics in journalism.
71. The delegation noted that there should be no major impediment to ratifying the Optional Protocols to CAT and CRPD and to ratifying CED, while underlining the existence of mechanisms that protected against enforced disappearance, including habeas corpus. The Optional Protocol to CEDAW had been ratified in March 2011 and would enter into force in June 2011. The Optional Protocol to CRC on the sale of children, child prostitution and child pornography (OP-CRC-SC) had been signed in 2001 and there were no obstacles to Seychelles becoming a State party thereto, while the Optional Protocol to CRC on the involvement of children in armed conflict (OP-CRC-AC) had entered into force in September 2010.
72. Germany inquired about the actions of Seychelles 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 the achievements made by Seychelles in matters of health care and reducing the rate of maternal and child mortality. It asked about the intentions of Seychelles with regard to taking measures to address 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 the State's progressive approach to human rights challenges, as enshrined in the Seychellois Charter of Fundamental Human Rights and Freedoms. It stated its belief that Seychelles should be congratulated on its unique methodological approach, which included a refreshing awareness to the interrelated nature of human rights and sustainable development. Maldives made recommendations.

76. Mexico welcomed the commitment of Seychelles 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 National Human Rights Commission. Mexico sought information on the technical assistance required by the Seychelles 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 National Human Rights Commission and commended the efforts of the Seychelles 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, due in 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 the sustainable development policy of Seychelles. It was pleased that Seychelles had decided to ratify the Rome Statute. The growing spread of HIV/AIDS among young people was a matter of concern. Stronger preventive measures might 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 antiretroviral treatment delivered free of charge and sought information on awareness-raising efforts through targeted campaigns. It encouraged Seychelles to ensure that its National Human Rights Commission was in full compliance with the Paris Principles and to pursue its efforts to ratify OP-CRC-SC.

80. The United Kingdom welcomed the strong human rights commitment of Seychelles. It was concerned about limited freedom of expression in the media. While welcoming the establishment of the Media Commission, the United Kingdom noted that more could be done to ensure its independence. It encouraged the strengthening of the National Human Rights Commission, and noted the non-representation of civil society. While 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 was compatible with the Constitution. The United Kingdom made recommendations.

81. On HIV/AIDS, the delegation of Seychelles reported that the Ministry of Health had a Preventing Mother to Child Transmission Programme for pregnant women. The first generation policy/strategy/plan of action was currently under review and the second generation would 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 extending an open and standing invitation to the United Nations special procedures. This would require submission to the Government for approval.

84. In recalling that Seychelles held no permanent mission in Geneva, the delegation expressed support for proposals made in the context of the open-ended intergovernmental working group on the review of the work and functioning of the Human Rights Council to address the special needs of small delegations.

85. Regarding ICCPR, the delegation stressed that the response of the Government to the provisional conclusions of the Human Rights Committee was to be submitted by end May 2011 and that the national report would be submitted before April 2012.

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

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

88. It noted that assistance was required in all spheres in the light of limited human resources, including to draft laws and to ensure conformity with international standards, to formulate the national reports to United Nations 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 the 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 that path. It shared concerns regarding the submission of reports to treaty bodies, noting that the obligation required significant investment in human and economic resources. It made recommendations.

90. South Africa wished to receive further information on the steps taken to ensure that the National Human Rights Commission conformed to the Paris Principles. It noted the strategy of Seychelles 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 the achievements Seychelles has made on the Millennium Development Goals. 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 National Human Rights Commission, the Office of the Ombudsman, and the Public Officers' Ethics Commission. It wished to know to what extent those mechanisms met international standards, including the Paris Principles, and what measures were taken to ensure that the tasks of these institutions were being optimized. It made recommendations.

92. China stated that Seychelles provided all its citizens with basic free health care and 10 years' of compulsory education 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 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 to provide Seychelles with support 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 National Human Rights Commission also being the Ombudsman, Mauritius noted a possible situation of overlap of mandates and inquired about plans to review the 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, the commitment of Seychelles to child and maternal health and health care in general. It acknowledged that the Seychelles is party to major international human rights instruments and noted its vulnerability to natural disasters and its 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 National Human Rights Commission 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 from the international community to meet the challenges faced, in particular the vulnerabilities of the environment due to climate change. Djibouti made recommendations.

97. The delegation of Seychelles noted that the penal code established the age for criminal responsibility. Above the age of 7, the criminal mind was established on a case-by-case basis. In terms of special procedures for juveniles, the juvenile court comprised a specialized magistrate and competent lay persons selected on expertise.

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

99. The delegation explained the synergies of the Ombudsman's role as the Chair of the National Human Rights Commission, in that the role broadened the Ombudsman's mandate and provided the office 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 eighteenth session of the Human Rights Council in September 2011.**

100.1. **Ratify CED as soon as possible (Germany);**

100.2. **Consider, gradually, the ratification of the Optional Protocols to CRC and other instruments (Chile);**

- 100.3. Consider the possibility of ratifying the Optional Protocols to ICCPR, CEDAW, CRC, CRPD and CED (Argentina);
- 100.4. Consider acceding to those human rights instruments to which it is not a party, in particular to OP-CAT (Costa Rica);
- 100.5. Conclude the process of ratifying the Optional Protocol to CEDAW, as well as OP-CRC-AC, and the Optional Protocol to CRPD (Spain);
- 100.6. Conclude the process of ratification of the Optional Protocol to CEDAW and to OP-CRC-SC and consider ratifying the optional protocols to CAT, the International Covenant on Economic, Social and Cultural Rights (CESC) and CED (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 Persons and the 1961 Convention on the Reduction of Statelessness (Slovakia);
- 100.9. Implement the recommendations of the 2008 Constitutional Review (United Kingdom);
- 100.10. Accredite the national human rights institution with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and provide it with adequate resources (Algeria);
- 100.11. Work towards 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 Commission 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 Elections 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 Elections 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 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 its 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 on recommendations of the ILO Committee of Experts on the Application of Conventions and Recommendations so that the 2006 amended Employment Act No. 4 ensures 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 questionnaires on thematic issues (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 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. Consider developing programmes 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 the 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 for 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 that 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 children 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, and the 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 preventing and combating 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 into line with international standards set out in CRC (South Africa);
- 100.53. Consider the possibilities of adopting non-custodial sentences where feasible and 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 pretrial detentions (United States);

- 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);
- 100.66. Facilitate greater diversity in radio broadcasting in the context of the current review of the Constitution (Australia);
- 100.67. Continue implementing programmes and measures designed to ensure universal access for 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. Strengthen its intervention programmes for 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 (A/HRC/WG.6/11/SYC/1) (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 Mr. 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 of NGOs in Seychelles (LUNGOS);
  - Mr. Steve Lalande, Chief Executive Officer of the Liaison Unit of NGOs in Seychelles (LUNGOS).
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