

Seychelles

Mid-term Implementation Assessment



*Promoting and strengthening
the Universal Periodic Review*
<http://www.upr-info.org>

Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 27 February 2014

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/seychelles>

We invite the reader to consult that webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

2 stakeholders' reports were submitted for the UPR. 3 NGOs were contacted. UN agencies were not contacted. The Permanent Mission to the UN was contacted. A National Human Rights Institution (NHRI) does not exist.

2 NGOs responded to our enquiry. The State under Review did not respond to our enquiry.

The following stakeholders took part in the report:

1. **NGOs:** (1) Earthjustice and Human Rights Advocates (EJ+HRA) (2) Global Initiative to End All Corporal Punishment of Children (GIEACPC)

IRI: 1 recommendation is not implemented, 0 recommendations are partially implemented, and 1 recommendation is fully implemented. No answer was received for 78 out of 80 recommendations and voluntary pledges.



2. Feedbacks on recommendations

Recommendation n°52: *Establish a de jure moratorium on the use of corporal punishment (Recommended by Hungary)*

IRI: *not implemented*

Global Initiative to End All Corporal Punishment of Children response:

During the review in 2011, the Government stated that corporal punishment is prohibited in schools under the Children Act 1982, and that it is explicitly prohibited in the Constitution 1993. But these laws do not prohibit corporal punishment. The Constitution prohibits torture and cruel, inhuman or degrading treatment or punishment (art. 16), but it does not explicitly prohibit all corporal punishment of children or challenge the deep-rooted acceptance of some degree of punitive violence in childrearing and education. The Children Act expressly provides for "the right of a parent, guardian, teacher or other person having the lawful control or charge of a child to administer proper punishment to him" and excludes from this only corporal punishment which causes "unnecessary" suffering, inferring that some degree of punishment is considered necessary. Moreover, the Act provides for the Minister to make regulations governing residential institutions specifically regarding the infliction of corporal punishment (art. 107). As at the time of the review in 2011, in the Seychelles there is currently no prohibition of corporal punishment of children in the home, alternative care settings, day care, schools and penal institutions. For a detailed report on corporal punishment in the Seychelles, see [here](#).

Recommendation n°76: *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 (Recommended by Maldives)*

IRI: *fully implemented*

Earthjustice and Human Rights Advocates response:

Despite its limited capacity to minimize the effects of climate change on its citizens, Seychelles has taken steps to enhance its technical capacity building to mitigate the impacts of climate change in cooperation with international community and relevant United Nations agencies and hence contributed to the protection of human rights from climate threats. Examples include:

- Speaking at the Leadership Panel of the Delhi Sustainable Development Summit (DSDS) in February 2012, Seychelles President James Alix Michel called for practical action to address climate change, underlining that "our focus should not just be on words but on actions." He called on all countries of the world "to take more responsibility" for the required actions needed to mitigate climate change, and urged people to "put pressure on their governments to turn their pledges into reality." He noted that the world is "a global village where everyone shares the same concerns for the future of the planet." He also stressed the need for a legally-binding agreement to limit carbon emissions and for global leaders to take political risks in order to introduce sustainable plans for energy production.



- In an October 2012 interview, President Michel stated:

It is a question of survival for us. The relative lack of action of the last 20 years signifies that the cries of those that are the most vulnerable have not been heard. We need a legally binding agreement to limit carbon emissions. The time has come for everybody to develop the political will, a strong political will, for us as humanity to get together and see how we can seriously tackle this problem and save our only home, our planet. We need to do this soon as we are running out of time. . . . As low-lying Small Island developing states, we are not only vulnerable to sea level rise but also aware of the importance of sustainable coastal tourism, responsible management of marine resources and the protection of ecosystems and biodiversity. I am very proud of Seychelles, as our islands are at the forefront of the fight against climate change, as well as advocates for the development of a sustainable “blue economy.”

- President Michel and other spokespeople for the Seychelles government have spoken out about the need for urgent action to address climate change at the Rio+20 World Summit of 2012.
- At the 22nd Commonwealth Heads of Government Meeting (CHOGM) in Sri Lanka, from 15 to 17 November 2013 President Michel presented the Seychelles proposal of ‘Debt for Adaptation’ swaps as a practical tool addressing both the debt burden of Small Island Developing States (SIDS) as well as their need to urgently mobilize support for climate change adaptation.
- At the CHOGM, President Michel met also with HRH The Prince of Wales who publicly commended the Seychelles for their groundbreaking policies, laws and regulations to protect the environment.
- On January 21, 2014, during the “Blue Economy Summit” in Abu Dhabi, the Governments of the Seychelles organized with the United Arab Emirates (UAE) a High-level Event on the Blue Economy in order to raise awareness on the importance of this issue for a sustainable ocean development.

Nevertheless, no amount of effort on the part of Seychelles will fully protect the human rights of the people of Seychelles, as long as climate change continues to:

- threaten the physical security and health of coastal communities (most of the population) with increased temperatures, sea level rise and increasingly severe storms and cyclones resulting in tidal surges, lowland flooding, beach and mangrove erosion, and the spread of vector-borne diseases;
- threaten access to freshwater by increasing extremes of temperature and precipitation, increasing instances of drought, and by causing salt-water intrusion into groundwater due to lowland flooding and coastal erosion; and
- jeopardize food security by impeding the agricultural capacity of the islands and damaging ocean ecosystems such as reef fisheries on which the people of Seychelles rely for food.



These threats are negatively impacting the rights to food and water, the right to health, and the right to a healthy and sustainable environment for the people of Seychelles.

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.
4. UN Agencies which sent information for the UPR were contacted.

We posted our requests to the States and NHRI, and sent emails to NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing recommendations and voluntary pledges

Stakeholders we contact are encouraged to use an Excel sheet we provide which includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.



UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

Contact

UPR Info

Rue de Varembé 3

CH - 1202 Geneva

Switzerland

Website:

<http://www.upr-info.org>



Phone:

+ 41 (0) 22 321 77 70

General enquiries

info@upr-info.org



<http://twitter.com/UPRInfo>



<http://www.facebook.com/UPRInfo>