

Universal Periodic Review
(24th session, January-February 2016)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Seychelles

I. BACKGROUND AND FRAMEWORK

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	State party to this Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	09/04/1980 Acceptance		N/A	Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	15/02/2005 Ratification	<i>Reserves the right not to be bound by the provisions of Article 26(1)</i>	N/A	Right to take part in cultural life

Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	20/06/2008 Accession		N/A	Right to take part in cultural life
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II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

1. NORMATIVE FRAMEWORK

1.1. Constitutional Framework:

1. The Constitution of Seychelles of 1993, as last amended in 2011¹, enshrines the right to free and compulsory education. **Article 33** provides that “The State recognizes the right of every citizen to education and with a view to ensuring the effective realization of this right undertakes: a. to provide **compulsory education**, which shall be **free in State schools**, for such minimum period, which shall **not be less than ten years**, as may be prescribed by law; b. to ensure that the educational programmes in all schools are aimed at the complete development of the person; c. to afford, on the basis of intellectual capability, every citizen equal access to educational opportunities and facilities beyond the period of compulsory education; d. to allow, subject to such reasonable restrictions, supervision and conditions as are necessary in a democratic society, any person, organization or institution to establish and maintain a private school; e. to respect the right of parents to choose whether to send their children to a State or private school.” According to **Article 21.3** “A person attending any place of education shall not be compelled to impart or receive religious instruction or to take part in or attend any religious ceremony or observance.” However, it also states that “7. Anything in this Article shall not preclude any religious community or denomination from providing religious instruction for persons of that community or denomination in the course of any education provided by that community or denomination.”

¹ <http://www.unesco.org/education/edurights/media/docs/f9ea4206ba297e5c9d18096c528e672a5d0eadbd.pdf>, Accessed on 11/03/2015

2. Besides, **Article 27** recognizes that “1. Every person has a right to equal protection of the law including the enjoyment of the rights and freedoms set out in this Charter without discrimination on any ground except as is necessary in a democratic society.”

3. **Article 4** recognizes Creole, English and French as official languages.

4. In regard with people with disabilities, **Article 36 states that** “The State recognizes the right of the aged and the Right of the disabled to special protection and with a view to ensuring the effective exercise of this right undertakes - a. to make reasonable provision for improving the quality of life of and for the welfare and maintenance of the aged and disabled; b. to promote programmes specifically aimed at achieving the greatest possible development of the disabled.”

1.2.Legislative Framework:

5. The **Education Act, 2004 (Act 13 of 2004)** is the “comprehensive legislation concerning the organization, promotion and development of education in Seychelles. Article 66 includes provisions concerning employment of children of compulsory school age. The Law is separated into seven parts:

Part 1: Preliminary

Part 2: General administration

Part 3: Private educational institutions

Part 4: Rights and responsibilities of students and parents

Part 5: Rights and responsibilities of teachers, etc.

Part 6: Curriculum and Assessments

Part 7: Miscellaneous”²

6. The **National Qualifications Framework Regulations, 2008 (S.I. No. 102 of 2008)** “establishes the National Qualifications Framework, provides levels and field descriptions as well as qualification types. Outlines the structure of the qualifications and contains provisions on the recognition of foreign qualifications as well as prior learning”, in application of the Seychelles Qualifications Authority Act, 2005 (Act 12 of 2005).³

7. **The Tertiary Education Act, 2011 (Act 12 of 2011)**, is divided in 6 parts:

“Part I: Preliminary

² International Labour Organization, Educational Legislation Page for Seychelles,

http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=SYC&p_classification=09&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY, Accessed on 11/03/2015

³ International Labour Organization, Educational Legislation Page for Seychelles,

http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=SYC&p_classification=09&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY, Accessed on 11/03/2015

Part II: Tertiary Education: General Provisions

Part III: Universities

Part IV: Professional Centres [...]

Part V: Learners, their Rights and Duties

Part VI: Miscellaneous”⁴.

8. It “provides for two types of tertiary education: the university and “professional centres” that provide technical and vocational education and training. It also provides a legal framework for the establishment of the University of Seychelles. The Act describes the governance of both structures and aims to promote increased collaboration between private industry and professional training centres. In accordance with the right to education, the Act obliges learners to adhere to their rights, duties and responsibilities and places an obligation on the Government to improve access to tertiary education. It establishes the Tertiary Education Commission to advise the Minister for Education and coordinate the sustainable development of tertiary education at the national level.”⁵

1.4 Policy Framework:

i) General information

9. “The need to give strategic direction to the different dimensions of education development resulting from the re-structuring processes, and the education policy document culminated in the publication of the Education Strategic Plan (2002-2006) [...]. The Education Strategic Plan is complimented by the **Education For All National Plan of Action 2001 – 2015 (2001)**⁶ within the context of the Dakar Framework of Action (2000) [...]”⁷.

10. “30. In the course of dialogue with the Special Rapporteur, the authorities informed him of the latest education reform plan, launched in 2013, the Education Sector Medium Term Strategy (MTS) 2013–2017. This is an ambitious, multi-stakeholder approach to education reform. Overseen by the national ministerial cabinet and the Ministry of Education and supported by the Ministry of Finance, the Strategy is marked by the engagement of many education

⁴ International Labour Organization, Educational Legislation Page for Seychelles, http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=SYC&p_classification=09&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY, Accessed on 11/03/2015

⁵ Report of the Special Rapporteur on the right to education, Kishore Singh, Mission to Seychelles from 15 to 22 October 2013, 6 May 2014, p. 6, <http://www.ohchr.org/EN/countries/AfricaRegion/Pages/SCIndex.aspx>, Accessed on 11/03/2015

⁶ <http://www.unesco.org/education/edurights/media/docs/bee727c9af6226799b685cc966eee848e332817a.pdf>, Accessed on 11/03/2015

⁷ Report submitted by Seychelles to the 47th International Conference on Education, Geneva, 2004, p. 5, http://www.ibe.unesco.org/National_Reports/ICE_2004/seychelles_scan.pdf, Accessed on 11/03/2015

stakeholders, including international partner organizations, related government ministries, as well as parents and the community to collectively develop an action plan to progressively improve the delivery of education. The Special Rapporteur deems it important for all voices to be encouraged and heard in order to ensure that this democratic approach builds upon available experience in a future-oriented spirit. He encourages both political and educational leaders to promote more inclusive and decentralized decision-making to ensure that practitioners, whether teachers, school administrators or staff in the Ministry of Education are actively encouraged to share their views and experiences to give future reform efforts the greatest chances of success.”⁸

11. “38. The education system in Seychelles has followed an exemplary path for a small island developing State of limited means. Policy measures and reforms have made it possible for Seychelles to meet the education-related Millennium Development Goals well before 2015.”⁹

12. “77. The Social Renaissance Programme [2011] and its plan of action seek to create a multi-ministerial framework to address social issues of national concern, and that in collaboration with civil society and religious organizations. The national-level endeavour by the Government to grapple with the societal dimensions of education is evidenced by the subcommittees created in six areas: (a) drugs and crime, (b) education, (c) employment, (d) health and high-risk behaviour, (e) community relationships and (f) personal responsibility.”¹⁰

ii) Quality education

13. “55. In response to the 2009–2010 Education Reform Action Plan and in a drive towards improving standards and quality, Seychelles developed in 2013 the National Assessment Framework to better assist teaching and learning. The aim of the framework is to “build a coherent and comprehensive system of quality education and training, reflecting shared universal and national values, which promote the integrated development of the person and empower him/her to participate fully in social and economic development”. With a view to fostering the holistic development of children to enable them to acquire the knowledge, skills, competence and attitude necessary in today’s world and with an emphasis on “acceptable professional standards”

⁸ Report of the Special Rapporteur on the right to education, Kishore Singh, Mission to Seychelles from 15 to 22 October 2013, 6 May 2014, p. 9, <http://www.ohchr.org/EN/countries/AfricaRegion/Pages/SCIndex.aspx>, Accessed on 11/03/2015

⁹ Report of the Special Rapporteur on the right to education, Kishore Singh, Mission to Seychelles from 15 to 22 October 2013, 6 May 2014, p. 10, <http://www.ohchr.org/EN/countries/AfricaRegion/Pages/SCIndex.aspx>, Accessed on 11/03/2015

¹⁰ Report of the Special Rapporteur on the right to education, Kishore Singh, Mission to Seychelles from 15 to 22 October 2013, 6 May 2014, pp. 18-19, <http://www.ohchr.org/EN/countries/AfricaRegion/Pages/SCIndex.aspx>, Accessed on 11/03/2015

of quality, the Framework focuses on inclusion and equity, placing students at the centre, with the intention of promoting student-centred learning, self-esteem and learning to learn.”¹¹

iii) Gender equality

14. “309. Government is thus committed to providing all citizens with broad based education and training for personal and national development. Government goes further than ensuring equality of access to both genders. In 2002 the Ministry of Education launched Plan of Action for Gender Equality in Education 2002-2015. It commits itself to ensuring that all the processes of schooling (content, medium and context) are gender responsive. Students with disabilities and those presenting learning difficulties are also entitled to special programmes according to their needs.”¹²

2. COOPERATION:

15. Seychelles **is party** to the 1960 UNESCO Convention against Discrimination in Education since 27/07/2010.

Seychelles did not report to UNESCO on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education within the framework of the:

- **Sixth Consultation** of Member States (covering the period 1994-1999),
- **Seventh Consultation** of Member States (covering the period 2000-2005),
- **Eighth Consultation** of Member States (covering the period 2006-2011).

16. Seychelles did not report to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- **Fourth Consultation** of Member States (covering the period 2005-2008),
- **Fifth Consultation** of Member States (covering the period 2009-2012).

17. Seychelles reported to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the:

- **First Consultation** of Member States (1993)

¹¹ Report of the Special Rapporteur on the right to education, Kishore Singh, Mission to Seychelles from 15 to 22 October 2013, 6 May 2014, p. 14, <http://www.ohchr.org/EN/countries/AfricaRegion/Pages/SCIndex.aspx>, Accessed on 11/03/2015

¹² Seychelles Report submitted to the Committee on the Elimination of Discrimination against Women, 22 March 2012, p. 65, http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=SYC&Lang=EN, Accessed on 11/03/2015

- **Second Consultation** of Member States (2011).

18. Seychelles is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

1. CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK

19. Freedom of Expression is guaranteed under Chapter I, Article 22 of the Constitution of the Republic of the Seychelles. This guarantee is although limited by Article 22,2, with provisions protecting the reputation, rights, and privacy of citizens, as well as the public interest. In addition, the right of information is embedded under Article 28, but in a similar manner limited like the right to Freedom of Expression.¹³

20. Defamation is regarded as criminal act following Articles 184 – 191 of the Penal Code of the Republic of the Seychelles. It does not specify in what form defamation is punished.¹⁴

21. There is no freedom of information legislation in the Republic of the Seychelles.¹⁵

2. MEDIA SELF-REGULATION

22. Self-regulatory mechanisms of the media exist through an entity such as the Seychelles Media Commission. The objective of the Commission is to preserve the freedom of the media and to improve and maintain high standards of journalism. Five of its members are appointed by the President of the Republic of Seychelles from candidates proposed by the Seychelles Media Association, the National Assembly, the Judiciary, etc.¹⁶ The other two members, including the chairman are appointed by the President.

3. SAFETY OF JOURNALISTS

¹³ See the greybook publication of the Constitution of the Republic of the Seychelles <http://greybook.seylli.org/se/CAP42>.

¹⁴ See the greybook publication of the Penal Code: http://greybook.seylli.org/se/CAP158#!fragment/zoupio-_Toc384202836.

¹⁵ See p. 13 of the official Report on the State of Media and Communication by the Media consultant to the Minister of Foreign Affairs, February 2014: http://www.mfa.gov.sc/uploads/files/filepath_53.pdf.

¹⁶ See the website of the Seychelles Media Association: <http://www.seymediacom.org/about-us.html>.

23. UNESCO recorded no killing of journalists in the Republic of the Seychelles until today. Journalists operate in a safe environment.

III. RECOMMENDATIONS

24. Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following web site: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>)

25. In the Report of the Working Group on the Universal Periodic Review of 11 July 2011, various recommendations were made to Seychelles.

26. 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.

- i. **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);**
- ii. **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);**
- iii. **100.49. Establish a de jure moratorium on the use of corporal punishment (Hungary);**
- iv. **100.67. Continue implementing programmes and measures designed to ensure universal access for its population to education, health and social security services (Cuba);**
- v. **100.68. Prioritize access to reproductive health education and contraceptives for adolescent girls, also without parental consent (Norway);**
- vi. **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);**

27. Analysis:

Seychelles adopted the Tertiary Education Act in 2011. It has also been pursuing the implementation of its Education for All National Plan of Action (2001-2015) and Plan of Action for Gender Equality in Education (2002-2015). In addition, Seychelles adopted various general education related documents: Education Medium Term Strategy (2013-2017); Social Renaissance Programme (2011); and National Assessment Framework (2013). However, no specific further measures have been taken to address violence against women and children or to ensure human rights education and training.

28. Specific Recommendations:

1. Seychelles should be strongly encouraged to further submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
2. Seychelles could be encouraged to take additional measures to raise awareness on the negative aspect of corporal punishment and promote a comprehensive education in all its aspects.
3. Seychelles could be encouraged to take additional measures to eliminate rape and other forms of violence against women and girls.
4. Seychelles could be encouraged to further provide human rights education and training, particularly for its law enforcements officials.
5. Seychelles could be encouraged to take additional measures to ensure education for all.

Cultural rights

29. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003), and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Seychelles is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Seychelles is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees,

young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of opinion and expression

30. The Republic of the Seychelles is encouraged to draft a Freedom of Information legislation following international standards.¹⁷

31. The Republic of the Seychelles is further recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards.¹⁸

Freedom of scientific research and the right to benefit from scientific progress and its applications

32. **Seychelles**, in the framework of the 2015-2017 consultations related to the revision and monitoring of the Recommendation on the Status of Scientific Researchers is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to implement this international standard-setting instrument, adopted by UNESCO in 1974. The 1974 Recommendation on the Status of Scientific Researchers sets forth the principles and norms of conducting scientific research and experimental development and applying its results and technological innovations in the best interests of pursuing scientific truth and contributing to the enhancement of their fellow citizens' well-being and the benefit of mankind and peace. The Recommendation also provides the guidelines for formulating and executing adequate science and technology policies, based on these principles and designed to avoid the possible dangers and fully realize and exploit the positive prospects inherent in such scientific discoveries, technological developments and applications. **Seychelles** did not submit its 2011-2012 report on the implementation of the 1974 Recommendation. In providing its report in 2015-2017 on this matter, **Seychelles** is kindly invited to pay a particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the

¹⁷ See for example, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the recommendations of the 2000 Report of the UN Special Rapporteur on Freedom of Opinion and Expression, the 1981; 2002 Recommendation of the Committee of Ministers of the Council of Europe, the 2002 African Commission on Human and Peoples' Rights Declaration of Principles of Freedom of Expression in Africa and the 2000 Inter-American Commission on Human Rights' Declaration of Principles of Freedom of Expression.

¹⁸ See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

right to work in the spirit of the principles enshrined in the 1974 Recommendation, such as: i) intellectual freedom to pursue, expound and defend the scientific truth as they see it, and autonomy and freedom of research, and academic freedom to openly communicate on research results, hypotheses and opinions in the best interests of accuracy and objectivity of scientific results; ii) participation of scientific researchers in definition of the aims and objectives of the programmes in which they are engaged and to the determination of the methods to be adopted which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; iii) freedom of expression relating to the human, social or ecological value of certain projects and in the last resort withdraw from those projects if their conscience so dictates ; iv) freedom of movement, in particular for participation in international scientific and technological gatherings for furtherance of international peace, cooperation and understanding; v) guarantees of non-discrimination in application of rights to satisfactory and safe working conditions and avoidance of hardship; to access to educational facilities, occupational mobility, career development, participation in public life, and vi) right of association, etc.