

SEYCHELLES 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Seychelles is a multiparty republic governed by a president, Council of Ministers, and National Assembly. In 2015 voters narrowly re-elected president James Michel of Parti Lepep in an election that international observers criticized for voter intimidation and vote buying. In 2016 President Michel resigned and appointed his vice president, Danny Faure, president of the republic, as provided for by the constitution. President Faure was the Parti Lepep vice-presidential candidate, and after assuming the presidency, he declared he would not run for the leadership of his party. In 2017, a year after he assumed office, Faure withdrew from Parti Lepep, marking the first time since independence that the head of state was not the head of a political party. Faure was serving the remaining four years of Michel's mandate and had never run as a presidential candidate. In 2016 the opposition coalition Seychellois Democratic Union (SDU) won a majority of seats in legislative assembly elections, which international and domestic observers called fair but not free due to lack of credibility of the election management body. This was the SDU's first majority since the establishment of a multiparty system, and since then the government has been in a state of "cohabitation." In September the SDU tabled a motion calling on Faure to step down and make way for presidential elections.

Civilian authorities maintained effective control over the security forces.

Human rights issues included violent prison conditions, ineffective government enforcement of regulations concerning domestic violence against women, and forced labor.

The government took steps to punish officials who committed abuses, whether in the security services or elsewhere in the government.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices, and there were no reports that government officials employed them.

d. Prison and Detention Center Conditions

Prison conditions worsened during the year with a high level of inmate indiscipline and life-threatening violence. Compared with previous years, the main prison at Montagne Posee was less crowded.

A high-level committee on prison reform and rehabilitation, formed in 2017 and chaired by the vice president and the speaker of the National Assembly, did not meet during the year.

Physical Conditions: Overcrowding in Montagne Posee Prison significantly lessened during the year. In 2016 amendments to the Misuse of Drugs Act decriminalized possession of small amounts of cannabis, which reduced the prison's population; the reduction continued during the year. A work release program that allowed prisoners to work during the day either with a stevedoring company at the port or landscaping in the streets of the capital, then return to prison at night, continued. Several therapy programs including the use of dogs and boxing classes were introduced during the year. On September 28, the *Seychelles Nation* newspaper reported on a meeting between prison authorities and religious groups for better engagement in prison by the groups.

There were reports that the level of inmate indiscipline worsened, with rampant use of heroin. Violence among inmates increased with two recorded cases of death from inmate fighting. For example, on August 21, *Seychelles Nation* reported that inmate Roy Philoe died from stabbing by another inmate at Montagne Posee Prison. There were four deaths in prison reported during the year, two from inmate on inmate violence and two from drug-related causes. Prisoners continued to extort money from family members of fellow inmates who pretended their lives were in danger. Inmate use of mobile phones was common despite authorities' use of jammers at Montagne Posee Prison.

A separate holding facility for pretrial male detainees opened on Bois de Rose Avenue at the former Coast Guard base. Female pretrial detainees continued to be held at Montagne Posee Prison with convicted female prisoners. Juvenile pretrial detainees and convicted prisoners were held together with adult prisoners.

Administration: An ombudsman may make recommendations to the National Assembly and the president to improve conditions for prisoners and detainees but had no authority to enforce such recommendations. Although the ombudsman is required to issue an annual report on inmate complaints and on investigations into human rights abuses and corruption, the ombudsman did not do so during the year. National Human Rights Commission statistics on prisoner complaints to the commission were not available at year's end.

Independent Monitoring: The government generally permitted independent monitoring of prison conditions by local and international human rights groups. The UN Office on Drugs and Crime and local nongovernmental organizations (NGOs) visited Montagne Posee Prison during the year. Several religious groups also visited the prison and the pretrial facility; however, visits to the Coetivy Island prison remained difficult, due to distance and cost.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these requirements.

Role of the Police and Security Apparatus

The president maintained effective control over the security apparatus. This includes the Seychelles People's Defense Forces (SPDF), Presidential Protection Unit, Coast Guard, and police, and the government has effective mechanisms to investigate and punish abuse. The police commissioner, who reports directly to the minister for home affairs, commands the unarmed police, the armed paramilitary Police Special Support Wing, the Anti-Narcotics Bureau, and the Marine Police Unit, which together have primary responsibility for internal security. When necessary, the SPDF assisted police on matters of internal security.

Security forces were effective.

Authorities rarely used the enquiry board (a police complaint office) but instead established independent inquiry commissions to examine security force abuses. Private attorneys generally filed complaints with police or published them in the *Today in Seychelles* newspaper or in opposition party newspapers, such as *Seychelles Weekly* and *Le Seychellois Hebdo*. For example, on August 27, *Today in Seychelles* reported that police launched an inquiry into the lack of action by two police officers who did nothing to prevent a man being assaulted and tased by private security officers in a break-in at a store in Mont Fleuri. Although respect for human rights was included as a core precept in police training, the course was skeletal and did not comprehensively cover human rights.

Arrest Procedures and Treatment of Detainees

The law requires warrants, except for persons arrested under the Misuse of Drugs Act, which allows police officers to arrest and detain persons without a warrant. The law provides for detention without criminal charge for up to 14 days if authorized by court order. Persons arrested must be brought before a magistrate within 24 hours, with allowance made for travel from distant islands. Police generally respected this requirement. Authorities generally notified detainees of the charges against them and generally granted family members prompt access to them. Detainees have the right to legal counsel, and indigents generally received free counsel on all cases, including felony. Courts allowed bail in most cases.

Pretrial Detention: The constitution provides that remand (pretrial) prisoners be released after six months of detention if their cases have not been heard, but prolonged pretrial detention was frequently a problem. Prisoners sometimes waited more than three years for trial or sentencing due to case backlogs. Pretrial detainees made up approximately 16 percent of the prison population.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence. There were reports of improved court processes with both civil and criminal cases expedited quicker than in previous years. Case backlogs also were reduced during the year.

Supreme Court, Appeals Court, and magistrate court justices were mostly Seychellois by birth, with a few either naturalized Seychellois or citizens of other Commonwealth countries. Judges were generally impartial. Special tribunals were investigating two Supreme Court justices, Chief Justice Mathilda Twomey,

and Justice Durai Karunakaran. In October a tribunal of inquiry composed of three Commonwealth jurists exonerated Chief Justice Twomey. Complaints against the chief justice were brought by Judge Durai Karunakaran, a senior member of the bench in Seychelles, stemming from Karunakaran's prior suspension. There were several unconfirmed reports that Chief Justice Twomey was selectively strict with certain attorneys and certain cases. At least two lawyers reported the chief justice to the Constitutional Appointments Authority, the authority that appoints judges. Results of a 2016 case, whereby Supreme Court Justice Karunakaran, a naturalized citizen, was reported to the Constitutional Appointments Authority at the request of the chief justice and investigated for malpractice, were made not made public at year's end.

Authorities generally respected court orders.

Trial Procedures

Both the constitution and law provide for the right of a fair and public trial, and an independent judiciary generally enforced this right.

Defendants are considered innocent until proven guilty and have the right to be present at their trials and to appeal. Defendants have the right to be informed promptly and in detail of the charges against them, with free interpretation as necessary from the first court appearance through all appeals. Only cases involving charges of murder or treason use juries. The constitution makes provision for defendants to present evidence and witnesses and to cross-examine witnesses in court. The law provides the right of defendants to consult with an attorney of choice or to have one provided at public expense in a timely manner and to be provided adequate time and facilities to prepare a defense. Defendants have the right not to confess guilt, not to testify, nor to enter a plea. The law extends these rights to all defendants.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals or organizations may seek civil remedies for human rights violations through domestic courts. A commission established in 2017 to investigate claims of forced land acquisitions since the 1977 military takeover and to settle all claims

did not meet during the year. On March 29, the Seychelles News Agency reported that President Faure publicly apologized to the Jeannie family for the death of Berard Jeannie, a police officer killed on the day of the 1977 coup. Individuals may also appeal adverse domestic decisions to regional human rights bodies.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and the government generally respected these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of speech and press, and the government generally respected this right.

Freedom of Expression: Compared with previous years, individuals were more willing to exercise freedom to criticize the government with less fear of reprisal, such as harassment by police or the loss of jobs or contracts, as was the case in the past. As a result public protests, both spontaneous and organized, increased. Campaigners against a proposed military base to be built and managed by India and Seychelles on Assumption Island organized several protests and petitions, forcing President Faure and the National Assembly to shelve plans to build a facility with India. The government announced plans to build its own military facility instead.

The government funded two of the four radio stations and the only television station. Telecommunications company Cable and Wireless runs a local news and entertainment channel on its Internet Protocol Television service. The law allows for independent radio and television but prohibits political parties and religious organizations from operating radio stations.

Censorship or Content Restrictions: The law allows the minister of information technology to prohibit the broadcast of any material believed to be against the “national interest” or “objectionable.” The law also requires telecommunication companies to submit subscriber information to the government. Authorities did not enforce the law during the year, but journalists continued to practice self-

editorship after more than 40 years of working in a very controlled press environment.

During the year President Faure opened live press conferences to all media outlets, contrary to previous years when some media were excluded from certain official events. The press conferences had been criticized as being a controlled exercise. During the elections of 2015 and 2016, the opposition accused the Seychelles Broadcasting Corporation (SBC) of biased reporting and coverage. In 2017 the SBC Act was amended to create a larger corporate board and provide for members of the public to apply for the position of chief executive officer (CEO) and deputy CEO. For the first time the CEO and deputy CEO positions were advertised. The SBC transformed itself from a state broadcaster to a public service broadcaster operating independently of state control.

Libel/Slander Laws: The law provides restrictions “for protecting the reputation, rights, and freedoms of private lives of persons” and “in the interest of defense, public safety, public order, public morality, or public health.” As a result civil lawsuits may be filed against print and broadcast journalists for alleged libel and slander. Social media sites may also be subject to libel lawsuits under this law. On September 4, *Today in Seychelles* reported that the editor of *Le Seychellois Hebdo* was summoned to court for an article it published in 2016 regarding a Seychellois politician and businessman.

Internet Freedom

Unlike previous years there were no reports that the government or the ruling party monitored postings on social media and websites of political opponents. According to 2017 International Telecommunication Union, 59 percent of the population used the internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The constitution and law provide for freedom of assembly, and the government generally respected this right. There were several public demonstrations and marches during the year.

The Public Assembly Act published in 2015 requires organizers of gatherings of 10 or more persons to inform the police commissioner five working days prior to the date proposed for the planned gathering. For example, a public protest against the building of a military facility on Assumption Island to coincide with National Day celebrations on June 29 was called off due to lack of the required notification time. Several other protests against the proposed facility, however, were allowed to continue. The police commissioner may impose conditions or deny the right to assemble on security, morality, and public safety grounds. Authorities did not restrict the holding of lawful public opposition gatherings.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights.

Foreign Travel: The law allows the government to deny and revoke passports to any citizen if the minister of home affairs finds such denial “in the national interest.”

Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. Nevertheless, the country cooperated with the Office of the UN High Commissioner for Refugees, which monitored and assisted refugees in the country through a memorandum of understanding with the UN Development Program. For example, in 2013 Sakher El Materi, son-in-law of former Tunisian president Ben Ali, was granted temporary political residence on the grounds that he would not receive a fair trial if sent back to Tunisia. El Materi was granted Seychellois citizenship in July 2017 and remained in the country at year's end. On September 26, the National Assembly questioned the minister for immigration as to what

special circumstances, as required by law, President Faure used to grant El Materi a Seychellois passport. There was a bipartisan call in the National Assembly to have his passport revoked. No action, however, had been taken by year's end.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government through free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In 2015 President Michel was re-elected to a third term by 193 votes in the country's first-ever presidential runoff election. Neither Michel nor runner-up Wavel Ramkalawan, leader of the opposition alliance Seychelles National Party, received the required 50 percent plus one vote to win in the first electoral round. International observers from the Southern African Development Community and the African Union criticized voter intimidation and vote buying by the ruling party, indicating they had determined that the elections were neither free nor fair.

The opposition petitioned the Constitutional Court to overturn the elections based on election irregularities, including vote buying. In 2016 the Constitutional Court ruled that, although there were irregularities, they were not significant enough to overturn the elections.

The country held National Assembly elections in 2016. An opposition alliance composed of the Seychelles National Party, the Lalyans Seselwa Party, the Seychelles Party for Social Justice and Democracy, and supporters of independent presidential candidate Phillipe Boule, won 15 seats in the 33-seat assembly, while Parti Lepep won 10 seats. The remaining seats were allocated on a proportional basis, with the alliance and Parti Lepep each receiving four additional seats. International and domestic observers qualified the election as transparent, fair, and peaceful but refrained from calling it free due to the lack of credibility of the election management body, the Seychelles Electoral Commission. On August 10, a new five-member Electoral Commission was sworn in.

Political Parties and Political Participation: Parti Lepep assumed power in a 1977 coup and continued to dominate the country through a pervasive system of political patronage and control over government jobs, contracts, and resources. Opposition

parties claimed they operated under restrictions and were subjected to outside interference. Some opposition party members claimed they lost their government jobs because of their political affiliation and were at a disadvantage when applying for government licenses and loans.

In 2016, on the first day of the National Assembly session, President Michel announced his resignation, passing the presidency to Vice President Danny Faure of Parti Lepep, effective the following month. President Faure opted for a consultative approach with the opposition, the legislature, and the executive, in order to collaborate on the most important national subjects. In 2017 the National Assembly amended the constitution and removed the clause that permitted the passing of the presidency to a vice president to serve the rest of the mandate of his predecessor. The amendment provides for elections three months after the resignation or death of a president.

On July 13, *Seychelles Nation* reported the creation of seven regional councils following a bipartisan arrangement between the ruling Parti Lepep and the majority Linyon Demokratik Seselwa. The regional councils had been criticized by civil society groups, the Electoral Commission, and the Interfaith Council as unlawful. No case was taken to court to challenge the legitimacy of the councils and they continued to operate.

Participation of Women and Minorities: No laws or practices prevent women from fully engaging in politics, and women do participate in the political process. Following the 2016 National Assembly elections, women held seven of 33 seats, compared with 14 seats in the previous assembly. Women held five of 14 ministerial positions in the cabinet.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of official corruption. An act of parliament in 2016 established an Anti-Corruption Commission.

Corruption: There was one prosecution during the year. An officer of the Anti-Corruption Commission was charged with corruption for blackmailing and trying to extort money from a former minister who was being investigated for using his office to accumulate state land in his own name. The case continued at years' end.

Financial Disclosure: In addition to an existing law requiring senior public servants and board members of government agencies and parastatals to declare

their assets in a sealed envelope deposited in the Seychelles Central Bank's vault, a law passed during the year also requires government ministers and members of the National Assembly to declare their assets. The declaration of assets may be made public if a legal challenge is filed. The law requiring ministers and members of the National Assembly to declare their assets was not always enforced. In the past there were instances where a case protesting nondeclaration could have been filed, but the law was never applied.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Government officials were generally cooperative and responsive to the views of international and local NGOs. The Office of the Vice President has the responsibility to engage with NGOs. The government consulted NGOs on most issues of national concern and appointments to boards of national organizations and agencies. An umbrella organization grouping various NGOs, Citizens Engagement Platform (CEPS), is the focal point for all NGO activities and receives funding from the government for projects and general operations, and the government regularly consulted it regarding the introduction of new legislation.

Government Human Rights Bodies: The National Human Rights Commission was not active during the year. On August 10, the National Assembly passed a new Seychelles Human Rights Commission Act creating a five-member commission. Compared with previous years the new commission was expected to operate more independently of the Ombudsman's office. The commission generally operated without government or party interference, but lacked adequate resources and was rarely sought out due to public perception that it was inefficient and aligned with the government.

On September 7, the National Assembly passed a Truth, Reconciliation, and Unity Act setting up a Truth and Reconciliation Commission. The commission is charged with looking into cases of killings, disappearances, forced exile, and forced acquisition of land and property after the 1977 coup.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape, spousal rape, and domestic abuse are criminal offenses for which conviction is punishable by a maximum of 20 years'

imprisonment. Nevertheless, rape was a problem, and the government did not enforce the law effectively. Most victims did not report rape due to fear of reprisal or social stigma.

Domestic violence against women was a widespread problem. Police rarely responded to domestic disputes, although media continued to draw attention to the problem. Police maintained a specialized unit, the Family Squad, to address domestic violence and other family problems.

The Social Affairs Division of the Ministry of Family Affairs and NGOs provided counseling services to victims of rape and domestic violence. The ministry's Gender Secretariat conducted outreach campaigns to end gender-based violence. On November 9, the first shelter for victims of gender-based violence opened and was operated by CEPS.

Sexual Harassment: The law prohibits sexual harassment, but enforcement was rare. The penal code provides no penalty for sexual harassment, although the court may order a person accused of such conduct to "keep a bond of peace," which allows the court to assess a fine if the harasser fails to cease the harassment.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Although society is largely matriarchal, the law provides for the same legal status and rights for men as for women, including equal treatment under family, property, nationality, and inheritance laws. While unwed mothers were the societal norm, the law requires fathers to support their children financially. The Employment Act, as amended in 2015, provides fathers with five days of paid paternity leave upon the birth of a child.

There was no officially sanctioned economic discrimination against women in employment, access to credit, equal pay for equal work, or owning or managing a business. Women were well represented in both the public and private sectors. Inheritance laws do not discriminate against women.

Children

Birth Registration: Citizenship is derived by birth in the country or from parents, and births were generally registered immediately.

For additional information, see Appendix C.

Child Abuse: Although the law prohibits physical abuse of children, child abuse was a problem. Physical abuse of children was prevalent. The strongest public advocate for young victims was a semiautonomous agency, the National Council for Children. A December 2017 amendment to the Education Act prohibits corporal punishment in schools.

Early and Forced Marriage: The minimum age for marriage is 15 years for girls with parental consent. The legal age for a girl to get married without parental consent is 18. Boys may legally marry at 18, and the law does not provide for parental consent before that age. Child marriage was not a significant problem.

Sexual Exploitation of Children: The penal code, the Children's Act, and other laws criminalize the prostitution and sexual exploitation of children and specifically prohibit the procurement, recruitment, or exploitation of children younger than age 18 for the purpose of prostitution. The law also prohibits the detention of any child against his or her will with the intent to engage the child in sexual conduct. The law provides for a sentence of 14 years' imprisonment for a first conviction of sexual assault on a person younger than age 15 and 28 years' imprisonment for a second conviction, but the presiding judge may reduce these sentences.

The 2014 Prohibition of Trafficking in Persons Act prescribes penalties of up to 25 years' imprisonment and a fine up to 800,000 Seychellois rupees (\$59,000) for a child trafficking conviction. There were previous credible reports of commercial sexual exploitation of children. No cases of child pornography, which is illegal, were reported during the year.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

Anti-Semitism

The Jewish community numbered fewer than 10 persons. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

Although the constitution and law provide for the right of persons with physical, sensory, intellectual, and mental disabilities to special protection, including reasonable provisions for improving quality of life, no laws provide for access to public buildings, transportation, or government services, and the government does not provide such services. Unlike in previous years, employed persons with disabilities were paid their salaries in full. Most children with disabilities were segregated in specialized schools. The National Council for the Disabled, a government agency under the Ministry of Family Affairs, developed work placement programs for persons with disabilities, although few employment opportunities existed.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

In 2016 consensual same-sex sexual activity between men was decriminalized. There were few reports of discrimination against lesbian, gay, bisexual, transgender, and intersex persons although activists claimed that discrimination and stigma was common.

HIV and AIDS Social Stigma

There were no reports of violence or discrimination against persons with HIV/AIDS. Unlike in previous years, foreign citizens marrying a Seychellois were no longer required to undergo an HIV test. An independent National AIDS Council oversees all laws, policies, and programs related to HIV and AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows all workers, excluding police, military, prison, and firefighting personnel, to form and join independent unions and to bargain collectively. The law confers on the registrar discretionary powers to refuse registration of unions.

A new union, the Labor Union, was formed in 2017. Strikes are illegal unless arbitration procedures are first exhausted. Legislation requires that two-thirds of union members vote for a strike in a meeting specifically called to discuss the strike, and provides the government with the right to call for a 60-day cooling-off period before a strike starts. The law provides for the minister responsible for employment to declare a strike unlawful if its continuance would endanger “public order or the national economy.” Anyone found guilty of calling for an illegal strike may be fined 5,000 rupees (\$368) and imprisoned for up to six months.

Between 15 percent and 20 percent of the workforce was unionized. The law prohibits antiunion discrimination. It does not specifically state the rights of foreign or migrant workers to join a union. The government has the right to review and approve all collective bargaining agreements in the public and private sectors. The law also imposes compulsory arbitration in all cases where negotiating parties do not reach an agreement through collective bargaining. In the Seychelles International Trade Zone (SITZ), the country’s export processing zone, the government did not require adherence to all labor, property, tax, business, or immigration laws. The Seychelles Trade Zone Act supersedes many legal provisions of the labor, property, tax, business, and immigration laws. The Employment Tribunal handles employment disputes for private sector employees. The Public Services Appeals Board handles employment disputes for public sector employees, and the Financial Services Agency deals with employment disputes of workers in SITZ. The law authorizes the Ministry of Employment, Immigration, and Civil Status to establish and enforce employment terms, conditions, and benefits, and workers frequently obtained recourse against their employers through the ministry or the employment tribunal.

The government did not effectively enforce applicable laws. Penalties levied came in the form of fines and were often inadequate to deter violations. Cases involving citizens were often subject to lengthy delays and appeals, while foreigners were often deported.

The government respected the right to participate in union activities and collective bargaining. The International Labor Organization continued to report insufficient protection against acts of interference and restrictions on collective bargaining. It urged the government to review provisions of the Industrial Relations Act concerning trade union registration and the right to strike. The law allows employers or their organizations to interfere by promoting the establishment of worker organizations under their control. Collective bargaining rarely occurred.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, but government enforcement was ineffective. Penalties levied for violations included imprisonment of up to 14 years for conviction of committing this crime against an adult and up to 25 years' imprisonment if committed against a child. These penalties were not sufficient to deter violations. Resources, inspections, and remediation were also inadequate. There were credible reports that forced labor occurred in the fishing, agriculture, and construction sectors, where most of the country's nearly 19,000 migrants worked. Two cases of forced labor were prosecuted under the Employment Act and two cases under the 2014 Prohibition of Trafficking in Persons Act. There were several reports by the Association of Rights Information and Democracy concerning cases of forced labor, appalling living conditions, and nonpayment of salaries.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor and states the minimum age for employment is 15 years, "subject to exceptions for children who are employed part time in light work prescribed by law without harm to their health, morals, or education." The law establishes a minimum age of 15 for hazardous work and defines what constitutes hazardous work. The law, however, fails to provide for children performing hazardous work to receive adequate training and does not protect the health and safety of these children in accordance with international standards.

The government generally enforced the laws, and the Ministry of Employment, Immigration, and Civil Status effectively enforced child labor laws. The penalty for employing a child younger than age 15 is a fine of 6,000 rupees (\$443), unless an exception applies, which was sufficient to deter violations. The ministry handled such cases but did not report any case requiring investigation during the year.

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations prohibit discrimination on the basis of race, sex, religion, gender, political opinion, national origin or citizenship, social origin, disability, language, sexual orientation or gender identity, HIV-positive status or having other communicable diseases, or social status. The law does not address age or color.

The government effectively enforced these laws and regulations. Penalties levied came in the form of fines and were sufficient to deter violations.

Employment discrimination generally did not occur. Women received equal pay for equal work, as well as equal access to credit, business ownership, and management positions.

e. Acceptable Conditions of Work

The government set mandatory minimum wage rates for employees in both the private and public sectors. The Ministry of Finance, Trade, and Economic Planning set the minimum wage at 33.30 rupees (\$ 2.45) per hour or 5,050 rupees (\$372) per month for all workers. Employers, however, generally established wages through an individual agreement with the employee. According to a 2013 National Bureau of Statistics Seychelles/World Bank report, *Poverty Profile of the Republic of the Seychelles*, the monthly poverty income level was 3,945 rupees (\$293) per adult (at an average 50-hour work week at the minimum wage, the monthly income would be 6,660 rupees (\$491).

The legal maximum workweek varied from 45 to 55 hours, depending on the economic sector. Regulations entitled each full-time worker to a one-hour break per day and a minimum of 21 days of paid annual leave, including paid annual holidays. Regulations permitted overtime up to 60 additional hours per month. The law requires premium pay for overtime work.

The Ministry of Health sets comprehensive occupational health and safety regulations, which are up-to-date and appropriate for the main industries. The law allows citizen workers to remove themselves from dangerous or unhealthy work situations, to report the employer to the Health and Safety Commission of the Department of Employment, and to seek compensation without jeopardizing their employment. The law provides for the protection of foreign workers.

The government generally supported these standards but did not effectively enforce them in all sectors. Resources, inspections, and remediation were inadequate. Penalties levied for violations included a fine of 10,000 rupees (\$737) plus additional daily fines for noncompliance, as detailed in the Occupational Safety and Health Decree. These penalties were not sufficient to deter violations.

The Ministry of Health and the Department of Employment are responsible for visiting and inspecting worksites and workers' accommodations. There were 13 safety and health inspectors in the country, an insufficient number to enforce compliance with health and safety laws.

Foreign workers, primarily employed in the construction and commercial fishing sectors, did not always enjoy the same legal protections as citizens. Companies in SITZ at times paid foreign workers lower wages, delayed payment of their salaries, forced them to work longer hours, and provided them with inadequate housing, resulting in substandard conditions.

There were 84 occupational accidents reported from January to December 2017. These accidents occurred most frequently in the accommodation and food services sector, hotel and restaurant, transport, and storage industries.