

Seychelles - United States Department of State

SEYCHELLES: Tier 2 Watch List

The Government of Seychelles does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government allocated an operational and programmatic budget to the National Coordinating Committee on Trafficking in Persons; signed a bilateral agreement that reportedly outlines procedures for employment and repatriation in Seychelles of migrant workers from Bangladesh; and established a new hotline to report concerns of forced labor. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government did not report identifying any victims of trafficking, and efforts to address sex trafficking remained inadequate. The government also did not implement its standard operating procedures for victim identification and referral or its victim assistance mechanism, and it did not have any comprehensive shelters or care facilities available for trafficking victims, nor did it provide sufficient resources for victim assistance. The government reported a decrease in investigations and did not report initiating any prosecutions or convicting any traffickers. The government did not establish a secretariat to support the Coordinating Committee, hindering the committee's ability to fulfill its mandate to direct anti-trafficking efforts across government agencies and drive national policy. Therefore Seychelles was downgraded to Tier 2 Watch List.

PRIORITIZED RECOMMENDATIONS:

Implement standard operating procedures to systematically identify victims of all forms of trafficking and refer victims to care. • Provide specialized training to government officials, including members of the National Coordinating Committee of Trafficking in Persons, law enforcement officials, social workers, immigration officials, and labor inspectors, on victim identification and referral procedures, including for victims of sex trafficking. • Using the anti-trafficking law, increase efforts to investigate, prosecute, and convict traffickers and sentence convicted traffickers to adequate penalties. • Allocate adequate funding and resources for victim services and front-line officials. • Establish a shelter dedicated for trafficking victims to receive comprehensive care. • Finalize and adopt a national action plan to drive national efforts to combat all forms of trafficking. • Implement the requirements of the 2014 anti-trafficking act, including hiring personnel for the secretariat to support the National Coordinating Committee and a Victim Assistance Fund. • Adopt a law prohibiting the retention of passports by employers of migrant workers. • Remove the required fee for a migrant worker to file a complaint with the Labor Tribunal and screen and refer potential labor trafficking cases for criminal prosecution. • Conduct anti-trafficking awareness campaigns to increase the understanding of the crime among the local population and the large number of foreign tourists and migrant workers entering the country. • Utilize the national centralized anti-trafficking data collection and reporting tool. • Continue to implement labor laws, including strong oversight and inspection authority in all of

Seychelles, including the international trade zone, the residences that employ domestic workers, and migrant workers' work sites.

PROSECUTION

The government demonstrated decreased law enforcement efforts to combat trafficking. The Prohibition of Trafficking in Persons Act of 2014 criminalized sex trafficking and labor trafficking. The law prescribed penalties of up to 14 years' imprisonment and a fine up to 500,000 Seychelles rupee (\$36,710) for offenses involving adult victims, and a maximum of 25 years' imprisonment and a fine up to 800,000 Seychelles rupee (\$58,740) for those involving child victims; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. Although the anti-trafficking law criminalized child sex trafficking, unclear and conflicting statutes in the penal code did not clearly define the ages of consent, causing confusion between the traditionally understood age of consent (15 years of age) and the legal age of majority (18 years of age). In 2017, the government, in collaboration with an international organization, began development of implementing regulations for the 2014 anti-trafficking law to address protective measures for trafficking victims; however, the government did not report progress on these regulations for the second consecutive year.

The government investigated 18 cases of forced labor in 2019, a decrease compared with 45 investigations in the previous reporting period. Nine investigations found insufficient evidence of trafficking, while agencies closed the remaining five cases, reportedly due to lack of victim participation for a variety of reasons; other investigations remained ongoing at the end of the reporting period. The government did not report initiating any prosecutions, compared with three prosecutions in the previous reporting period. Three prosecutions initiated in previous reporting periods remained ongoing; however, the government did not provide updates on these cases. The government did not convict any traffickers in 2019, compared with one conviction in 2018. The government reported investigating and charging three alleged perpetrators with sex trafficking; however, the case did not include details to indicate trafficking as defined in international law. In the previous reporting period, the government initiated an investigation into a senior official in the Department of Foreign Affairs, who formerly worked for the Ministry of Employment, Immigration and Civil Status (MOE), for fraudulently issuing work permits to migrant workers for the purpose of exploiting migrant workers in forced labor. As part of a plea bargain, courts dropped all trafficking charges in the case in 2019 and charged the allegedly complicit official with uttering false documents contrary to section 339 of the penal code. In 2017, immigration officers reported possible high-level corruption, which allowed wealthy citizens from Gulf countries to coordinate the travel of young women aboard private planes, some of whom may have been trafficking victims; however, the government did not report investigating these allegations for the second consecutive year, nor initiating any other new investigations or prosecutions of officials allegedly complicit in trafficking crimes during the reporting period. Various members of Seychelles law enforcement and the National Coordinating Committee traveled to attend eight trainings hosted and funded by foreign governments or international organizations on trafficking investigations and child sexual exploitation; however, the government did not host trainings for law enforcement during the reporting period. The Seychelles Police Academy identified spaces suitable for law enforcement trainings, but the

government did not begin developing a training plan. With support from an international organization, the government has had access to a national centralized anti-trafficking data collection and reporting tool since 2015, but it has never utilized this tool, despite receiving training.

PROTECTION

The government demonstrated decreased efforts to protect victims of human trafficking. The government did not report identifying any victims of trafficking during the reporting period, a decrease from nine victims identified in 2018. The government did not systematically implement its victim identification and referral tool, which continued to hinder protection efforts. The government did not provide protective services to any female or child victims during the reporting period. There were no trafficking-specific shelters or comprehensive care facilities to assist trafficking victims in the country; however, as in prior years, the Social Affairs Department of the Ministry of Health and Social Affairs provided nine victims who were waiting to give testimony in court with accommodation in private guesthouses, homeless shelters, or a facility previously used to hold suspected criminals, where they had freedom of movement. The Coordinating Committee reported spending 360,020 Seychelles rupees (\$26,430) for victim care in 2019, compared with 275,000 Seychelles rupees (\$20,190) in 2018; however, the government did not report providing care to additional victims or increased care to victims waiting to give testimony during the year. Victims reportedly chose not to participate in investigations, likely due to the lack of adequate services. The government provided international training opportunities to an unknown number of social workers and law enforcement officials to participate in training-of-trainers on implementing the victim identification and referral tool. Despite these trainings, observers reported that front-line officials failed to utilize the tool. Migrant workers remained highly vulnerable to labor trafficking; as in past years, government efforts to identify or assist victims of sex trafficking remained inadequate.

The 2014 anti-trafficking law allowed the government to place witnesses under protection and, if the court found it necessary, to hold trafficking trials in private for the sake of victim or witness confidentiality and privacy; however, the government did not report doing so during the reporting period. The 2014 anti-trafficking law also ensured victims could testify through closed circuit television and that courtroom accommodations could be made for the psychological comfort of the victim; however, the government did not report utilizing these provisions during the reporting period. The 2014 anti-trafficking law allowed for limited legal alternatives to victim removal to countries in which they would face hardship; the law permitted the Minister of Home Affairs to decide whether to allow a foreign victim to stay in the country for 30 days, issue a permit letting the victim to stay in the country for a period until the completion of legal proceedings, or deport the foreign victim. However, the government did not report issuing any temporary residency permits or gainful occupation permits during the reporting period. Authorities often referred migrant workers with labor-related complaints to unions, where they had access to union representation and help obtaining legal assistance. The anti-trafficking law allowed the government to provide restitution to victims from the fine imposed on the accused or from the Trafficking in Persons Fund; however, the government has never allotted resources to the Trafficking in Persons Fund. The government did not provide any victims with restitution under the anti-trafficking law, compared with four victims receiving restitution during the previous reporting period. The law

protected trafficking victims from detention or prosecution for illegal entry into Seychelles, but it did not protect victims from prosecution for other unlawful acts traffickers compelled them to commit. There were no reports that the government inappropriately detained or penalized trafficking victims for crimes traffickers compelled them to commit; however, because officials did not use standard victim identification procedures, victims may have remained unidentified in the law enforcement system.

PREVENTION

The government maintained minimal national-level prevention efforts, while working to better address vulnerabilities among migrant workers. The National Coordinating Committee, established to direct anti-trafficking efforts across government agencies and drive national policy, continued to meet; the government allocated 784,020 Seychelles rupees (\$57,560) for committee operations and programming. While the Coordinating Committee continued to develop the national action plan (NAP), it did not finalize and adopt the NAP, and its efforts to drive national anti-trafficking efforts remained limited overall. For the third consecutive year, the government did not hire personnel for a secretariat to support the Coordinating Committee as required under section IV of the 2014 anti-trafficking act; this continued to hinder the committee's ability to fulfill its mandate. The government did not conduct national public awareness campaigns, but the Coordinating Committee organized media sensitization for a week before the international day against trafficking in persons. The employment department distributed pamphlets and leaflets with information on health and safety to employers and employees during labor inspections. The government maintained two hotlines, one with the police and one with immigration, for reporting crimes, including trafficking. The immigration hotline recorded 176 calls during the reporting period; the government did not report the number of calls to the police hotline. The employment department established its own hotline in 2019 to address concerns about forced labor and reported 64 calls during the reporting period; however, the government did not provide any hotline data specific to trafficking.

The inter-ministerial Special Task Force to address the living and working conditions of migrant workers established in 2018 continued to inspect working conditions at various sites. The MOE inspected 237 work sites for indications of trafficking, compared with 266 site in 2018; however, the government did not report the number of working sites inspected or how many inspections resulted in the identification of potential forced labor victims or law enforcement actions. In accordance with the Employment Act, MOE reviewed all contracts for migrant workers to ensure compliance with its provisions, including acceptable accommodations; however, the government did not have effective policies or laws regulating or providing oversight for labor recruiters. Trafficking vulnerabilities in labor recruitment and monitoring persisted throughout the country, especially in the Seychelles International Trade Zone (SITZ), during the reporting period. Seizure and retention of passports by employers remained legal under Seychellois law, unless proved it was specifically for the purpose of further trafficking a person; however, the government drafted an amendment to the immigration bill during the reporting period that reportedly prohibits passport retention of foreign workers. Parliament had not received the bill for approval at the end of the reporting period. MOE labor inspectors and the task force continued to conduct routine inspections and labor violation investigations, including one inspection in the SITZ; however,

the government did not report whether any of these inspections resulted in identification of potential forced labor victims or law enforcement actions related to trafficking. Despite the task force's coordinated efforts, the MOE continued to lack jurisdiction in the SITZ, which limited its ability to protect migrant workers and screen for trafficking, as it was considered ex-territorial and managed by the Financial Services Authority. The government did not report inspecting private homes to monitor employers of domestic workers, compared with four of these inspections in the previous reporting period. In June 2019, the government passed regulations outlining the conditions of employment for domestic workers. The government continued to utilize the labor tribunal for labor-related complaints and continued to require a fee for migrant workers to file a complaint. The government began developing work permit cards for all citizens and foreign workers that included anti-trafficking information and contact information for assistance.

The government signed a bilateral agreement with the Government of Bangladesh in November 2019 that created a framework for the recruitment of Bangladeshi workers for employment in various sectors in Seychelles. Following the signing, the government lifted the ban on the recruitment of Bangladeshi workers placed in October 2018. The agreement reportedly outlined procedures for employment and repatriation of such migrant workers, protections for and rights of migrant workers, and the prevention of trafficking of migrant workers; however, the government did not report any instances of its implementation. The government began negotiation of a similar agreement with the Government of India. The government did not provide anti-trafficking training to diplomats. The government did not make efforts to decrease the demand for commercial sex during the reporting period, despite the prevalence.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Seychelles. Traffickers exploit some Seychellois girls and, according to some sources, boys in child sex trafficking, particularly on the main island of Mahé; peers, family members, and pimps exploit them in bars, guest houses, hotels, brothels, private homes, and on the street. Traffickers may prey on young drug addicts to exploit in sex trafficking, and sex traffickers have exploited Eastern European women in hotels. In 2017, there were reports of possible high-level corruption, which allowed wealthy citizens from Gulf countries to coordinate the travel of young women aboard private planes, some of whom may have been trafficking victims. Traffickers may subject Malagasy women who transit the Seychelles to forced labor in the Middle East. Nearly 19,000 migrant workers—including individuals from Bangladesh, India, China, Kenya, Madagascar, and other countries in South Asia—make up approximately 20 percent of the working population in Seychelles and are primarily employed in fishing, farming, and construction; credible reports indicate traffickers subject migrant workers to forced labor in these sectors. NGOs report traffickers exploit migrant workers aboard foreign-flagged fishing vessels in Seychelles' territorial waters and ports to abuses indicative of forced labor, including nonpayment of wages and physical abuse. Labor recruitment agents based in Seychelles exploit migrant workers in labor trafficking, often with the assistance of a local Seychellois accomplice. Migrant workers often sign their employment contracts upon arrival in the Seychelles and frequently cannot read the language, which traffickers exploit in fraudulent recruitment tactics. There were reports of employers routinely retaining migrant workers' passports to

prevent them from changing jobs prior to the expiration of their two-year contracts, increasing their vulnerability to forced labor.