



## Seychelles

### Country Reports on Human Rights Practices - [2003](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
February 25, 2004

Seychelles is a multi-party republic governed by President France Albert Rene and the Seychelles People's Progressive Front (SPPF) since a 1977 military coup. In September 2001, President Rene and the SPPF won reelection with 54 percent of the vote; Seychelles National Party (SNP) candidate Wavel Ramkalawan received 45 percent and independent candidate Dr. Philip Boule 1 percent. Some international observers concluded that the overall result was decided fairly; however, other international observers concluded that the election was not entirely free and fair. December 2002 elections for the National Assembly were judged to be free and fair by international observers, and the ruling SPPF party won 23 of the 34 seats. The opposition SNP party won 11 seats, a significant increase over the 4 seats the opposition won in the 1998 elections. The President and the SPPF dominated the country through a pervasive system of political patronage, control over government jobs, contracts, and resources. The judiciary was inefficient, lacked resources, and was subject to executive interference.

The President has complete control over the security apparatus, which included a national guard force, the army, the Presidential Protection Unit, the coast guard, the marines, and the police. There also was an armed paramilitary Police Mobile Unit. Members of the security forces committed human rights abuses.

The economy was market-based and provided the country's approximately 82,000 residents with an average per capita income of \$8,000. The economy is primarily based on tourism; however, the fishing industry is an important sector. Overall growth continued sluggish, largely due to shortages of foreign exchange and the pervasive presence of inefficient state enterprises. There was no progress toward privatization during the year.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. President Rene and the SPPF continued to wield power virtually unchecked. Security forces detained citizens during weekends to avoid compliance with the Constitution's 24-hour "charge or release" provision. The Government sometimes infringed on citizens' privacy rights. There were some restrictions on freedom of the press. Violence against women continued, and child abuse remained a problem. Women's rights were limited. Discrimination against foreign workers also was a problem.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life by the Government or its agents.

There was no action taken against the police officers responsible for the June 2002 killing of a prisoner during an alleged escape attempt by year's end.

###### b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution expressly forbids torture; however, there were reports of the use of torture, such as beatings, by

security forces. Reportedly beatings of detainees, including with electrical wires, usually occurred on weekends while detainees were awaiting arraignment. Families were sometimes denied access, especially in cases where the detainee had been severely beaten.

There was no action taken, nor was any likely to be taken, against the responsible police officers who forcibly dispersed and detained a group of soccer players and their fans in 2001 on Praslin Island.

The criminal and civil trials of a man allegedly beaten by police in 2000 on the island of La Digue were still pending at year's end.

Conditions at the Long Island prison remained Spartan. In September, the Grand Police High Security Prison was established on Mahe for more violent criminals. During the year, the total number of inmates dropped to 149 of whom 2 were women, 27 were under the age of 23 years, and 7 were noncitizens. Family members were allowed monthly visits, and prisoners had access to reading but not writing materials.

Men were held separately from women, and juveniles were held separately from adults. Pretrial detainees were generally held separately from convicted prisoners.

There was no regular system of independent monitoring of prisons; however, local and international nongovernmental organizations (NGOs) were allowed to visit. There were no prison visits by NGOs; however, during the year, the local Bar Association was invited to visit prisons.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits such practices; however, there were reports such practices occurred.

The Police Commissioner, who reports to the Chief of Staff of the Defense Forces, commands the police. Police are unarmed, and, as a result, they must work with the Special Security Unit (riot police) and with the Army (often referred to as the "task force").

The Constitution provides that persons arrested must be brought before a magistrate within 24 hours with allowances made for boat travel from distant islands. The law provides for detention without charge for up to 7 days if authorized by court order. In previous years, defense attorneys asserted that extended periods of detention under harsh conditions were used to extort confessions from suspects. Police occasionally detained individuals on a Friday or Saturday to allow for a longer period of detention without charge; however, the practice appeared to diminish during the year. The police released such persons on Monday before the court could rule on a writ of habeas corpus.

Detainees have the right of access to legal counsel, but security forces, in hopes of eliciting a confession or other information, sometimes withheld this right. Free counsel was provided to the indigent. Bail was available for most offenses.

The law prohibits forced exile, and the Government did not use it. Following the 1977 coup, a number of persons went into voluntary exile, and others were released from prison with the condition that they leave the country immediately. A number of these former exiles that returned to the country were able to reacquire their property; however, several claims remained in the court system at year's end.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, it was inefficient, lacked resources, and was subject to executive interference.

The judicial system includes magistrates' courts, the Supreme Court, the Constitutional Court, and the Court of Appeal. The Constitutional Court convenes weekly or as necessary to consider constitutional issues only. The Court of Appeal convenes three times per year for 2 weeks in April, August, and October to consider appeals from the Supreme Court and Constitutional Court only.

All judges are appointed for 7 years and may be reappointed by the President on the recommendation of the Constitutional Appointment Committee. All sitting judges were hired from other Commonwealth countries, including Mauritius, India, Sri Lanka, Nigeria, and Zambia; none were citizens, with the exception of the Chief Justice, who

was a naturalized citizen. The Bar Association criticized the Government for not advertising domestically that judicial positions were available, since 30 citizens practiced law either domestically or abroad. Some observers criticized expatriate judges for a perceived lack of sensitivity on issues such as human rights. Legal entities of the Government, such as the Attorney General's Office, were reluctant to pursue charges of wrongdoing or abuse of power against senior officials.

Defendants had the right to a fair public trial. Depending on the gravity of the offense, criminal cases were heard by a magistrates' court or the Supreme Court. A jury was used in cases involving murder or treason. Trials were public, and the accused was considered innocent until proven guilty. Defendants had the right to counsel, to be present at their trial, to confront witnesses, and to appeal.

There were no reports of political prisoners.

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

The Constitution provides for the right to privacy and freedom from arbitrary searches; however, the Government sometimes infringed on these rights. The law requires a warrant for police searches and seizures; however, there were reports that members of the police drug squad entered homes and detained persons without a warrant.

The law requires that all electronic surveillance be justified on the grounds of preventing a serious crime and approved by a judge; however, the Government maintained telephone surveillance of some political figures.

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, it also provides for restrictions on speech "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, both freedom of speech and of the press were limited because civil lawsuits could easily be filed to penalize journalists for alleged libel.

The government-controlled Seychelles Broadcasting Corporation (SBC) continued to ban a local singer's music from being broadcast on the grounds that the songs were seditious. During the year, the SNP also was not permitted to broadcast its theme song in advertisements on SBC.

The Government had a near monopoly of the media and owned the only television station, all radio stations--the most important means for reaching the public--and the only daily newspaper, the Nation. The government-owned media adhered closely to the Government's position on policy issues and gave the opposition and news adverse to the Government only limited attention. While both opposition parties published an assortment of newsletters and magazines, only one significant opposition newspaper, the weekly Regar, was published. Government officials have sued Regar for libel 10 times in the last 7 years. During the year, the Government again sued Regar for libel. The Supreme Court had not heard President Rene's 2001 libel case against Regar by year's end; however, it met to discuss the admissibility of the President's case under the Constitution.

The license fees for a private radio or television station were prohibitively expensive and were a deterrent to the establishment of private radio and television stations. The license fees for a private newspaper were much more reasonable.

The law allows the Minister of Information Technology to prohibit the broadcast of any material believed to be against the "national interest" or "objectionable"; however, the law was not used during the year. The legislation also requires telecommunications companies to submit subscriber information to the Government.

The Internet was available in the country, and the Government did not restrict access to it.

Academic freedom was limited because persons could not reach senior positions in the academic bureaucracy without demonstrating at least nominal loyalty to the SPPF. There are no universities; secondary school teacher appointments were largely apolitical. The Government controlled access to the Polytechnic, the most advanced learning institution.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice; however, while generally permitting SNP rallies, the police on occasion refused to grant permission to the SNP to hold rallies, citing dubious reasons.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. Although it was not used during the year, the law allows the Government to deny passports to any citizen if the Minister of Defense finds that such denial is "in the national interest." While the resident departure tax of approximately \$49 (SR 250) was payable in local currency, government foreign exchange regulations and the foreign exchange shortage hindered many citizens from being able to afford foreign travel, although they might have sufficient means in local currency.

The law provides for the granting of refugee status or asylum to persons who meet the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however the issue did not arise during the year. The Government provides protection against refoulement, and there were no reports of the forced return of persons to a country where they feared persecution.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens exercised the right to change their government in the September 2001 presidential elections and in the 2002 National Assembly elections, although President Rene and the SPPF's dominated the elections. Suffrage was universal. In the December 2002 National Assembly elections, judged to be free and fair by international observers, the opposition SNP party won 11 of the 34 seats.

In the September 2001 presidential election, approximately 90 percent of eligible voters participated. President Rene was reelected with 54 percent of the vote; SNP candidate Wavel Ramkalawan received 45 percent, and independent candidate Dr. Philip Boule received 1 percent. Ramkalawan challenged the election results; he accused the SPPF of intimidation, vote buying, and not respecting the election rules. During the year, he withdrew his court case. Observers from the Southern African Development Community noted "minor hitches" but stated their satisfaction with the election and in particular observed "transparency" during vote casting and counting. However, in October 2001, the Commonwealth Organization observers reported that the elections were peaceful but not entirely free and fair. Their report described instances of intimidation during voting and the lack of open competition during the campaign.

The President's SPPF party continued to use its political resources and those of the Government to develop a nationwide organization that extended to the village level. The opposition parties have been unable to match the SPPF's organization and patronage, in part because of financial limitations. Under the budget, \$98,800 (SR 500,000) was allocated to political parties; however, there were allegations that the SPPF spent much more during the 2002 and 2001 political campaigns. In the 2002 budget, the SPPF was allocated \$72,100 (SR 365,000), the SNP \$42,500 (SR 215,000), and the Democratic Party \$4,000 (SR 20,000).

Some members of opposition parties claimed that they lost their government jobs because of their political beliefs and were at a disadvantage when applying for government licenses and loans.

There were 10 women in the 34-seat National Assembly, 7 by direct election and 3 by proportional representation, and there were 3 women in the 12-minister Cabinet.

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic human rights groups, including churches, generally operated without government restriction,

investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

The Friends for a Democratic Society, a private human rights organization, focused on raising awareness of individual rights was inactive. The Center for Rights and Development (CEFRAD) has a 5-year action plan that stressed respect for human rights, participation in a civil society, and sensible approaches to development. CEFRAD did not claim any results from its 5-year plan by year's end. CEFRAD also established ties with other national and international NGOs.

In 2002, the Government established a National Humanitarian Affairs Committee (NHAC), with a diverse range of members from both civil society and the Government. During the year, the Committee completed work on the Anti-Personnel Mine Prohibition and the General Conventions Act bills. Neither bill had been approved by the Legislature by year's end. The International Committee of the Red Cross acts as a technical adviser to the NHAC.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution affirms the right to be free from all types of discrimination, but it does not prohibit discrimination based on these factors specifically. Nevertheless, in practice, there was no overt discrimination in housing, employment, education, or other social services based on race, sex, ethnicity, nationality, or disabilities.

#### Women

Domestic violence against women, particularly wife beating, remained a problem and increased during the year. Police seldom intervened in domestic disputes, unless the dispute involved a weapon or major assault. The few cases that reached a prosecutor often were dismissed, or, if a case reached court, the perpetrator usually was given only a light sentence. Rape, spousal rape, and domestic abuse are criminal offenses. At year's end, the Probation Services recorded 130 cases of domestic violence against women and 3 cases of spousal rape. There was growing societal concern about domestic violence and increased recognition of the need to address it. During the year, local NGOs continued awareness campaigns and training programs regarding domestic abuse for women and girls.

Prostitution is illegal, but it was growing more prevalent.

The society largely was matriarchal. There were no reports of societal discrimination against unwed mothers, and 76 percent of births were out-of-wedlock during the year; fathers were required by law to support their children. There was no officially sanctioned discrimination in employment, and women were well represented in business. Inheritance laws did not discriminate against women.

#### Children

The Division of Social Affairs in the Ministry of Social Affairs and Manpower Development worked to protect children's rights. Children were required to attend school through the 10th grade. Free public education was available through the secondary level until age 18. Students had to buy school uniforms, but did not have to pay for books or tuition. However, parents were sometimes asked to contribute some supplies. Parents contributed up to two-thirds of the cost of post-secondary education and training based on their income for both in country and overseas schools. According to government figures, all children between the ages of 6 and 16 attended school, and the percentages of boys and girls enrolled was roughly equal. There was a noncompulsory 5th year of secondary school. After completing secondary school, students can go to the Polytechnic School for Vocational Training, go abroad for university studies, or go to apprenticeship or short-term work programs. Children in the apprenticeship or short-term work programs received a training stipend, which was less than the minimum wage.

The age of consent was 14, and women under 20 years of age accounted for 14 percent of all births. Girls were not allowed to attend school when they were pregnant, and many did not return to school after the birth of a child.

An 18-member Family Tribunal heard and decided all matters relating to the care, custody, access, and maintenance of children, except paternity cases, which remained under the courts. During the year, 367 cases came before the Tribunal. Approximately 14 percent of all cases presented to the Family Tribunal were resolved during the first hearing. The Family Tribunal also was responsible for collecting and disbursing child support payments made by family members. In December, the Auditor General confirmed that there were missing child support funds totaling \$255,400 (SR 1,297,615). The funds have not been recovered, and it was unlikely that there

will be further action on the case. Social security funds were transferred to cover the child support obligations.

The law prohibits physical abuse of children. Sexual abuse of children, usually in low-income families, was a problem; however, there were only a few cases of sexual abuse reported during the year--generally by stepfathers and older brothers. Ministry of Health data and press reports indicated that there were a significant number of rapes committed against girls under the age of 15. Very few child abuse cases actually were prosecuted in court. The strongest public advocate for young victims was a semiautonomous agency, the National Council for Children. There was criticism that the police failed to vigorously investigate charges of child abuse.

#### Persons with Disabilities

There was no discrimination against persons with disabilities in housing, jobs, or education; however, there was no legislation providing for access to public buildings, transportation, or state services.

#### Section 6 Worker Rights

##### a. The Right of Association

The law provides workers with the right to form and join unions of their choosing; however, police, military, prison, and fire-fighting personnel may not unionize. Between 15 and 20 percent of the workforce was unionized.

There were three trade union organizations: The Seychelles Federation of Workers Union was dominated by the SPPF, the Seychelles Workers Union was independent, and the Seychelles National Trade Union had close connections to the opposition SNP party.

The law prohibits anti-union discrimination by employers against union members, and there were no reports such practices occurred.

Unions may affiliate freely with international bodies; the SFWU was a member of the International Confederation of Free Trade Unions.

##### b. The Right to Organize and Bargain Collectively

The law provides workers with the right to engage in collective bargaining; however, free collective bargaining did not take place. The Government has the right to review and approve all collective bargaining agreements in the public and private sectors. There was little flexibility in setting wages. In the public sector, which employed 57 percent of the labor force, the Government set mandatory wage scales for employees. The employer generally set wages in the private sector in individual agreements with the employee, but, in the few larger businesses, the Government set wage rates.

The law authorizes the Ministry of Employment and Social Affairs to establish and enforce employment terms, conditions, and benefits. Workers frequently have obtained recourse against their employers through the Ministry.

Strikes require written permission or approval from the Commissioner of Police. The last recorded strike occurred in the early 1960s.

There were 26 companies that participated in an export processing zone known as the Seychelles International Trade Zone (SITZ). The SITZ was bound only by the Seychelles Trade Zone Act and was not obliged to adhere to labor, property, tax, business, or immigration laws.

##### c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

##### d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution states that the minimum age for employment is 15, "subject to exceptions for children who are employed part time in light work prescribed by law without harm to their health, morals, or education." It is a

criminal offense punishable by a fine of \$1,090 (SR 6,000) to employ a child under the age of 15. The Ministry of Employment and Social Services was responsible for enforcing child labor laws and investigating abuses of child labor. The Ministry handled such complaints within its general budget and staffing; no cases that required investigation were reported by year's end.

#### e. Acceptable Conditions of Work

The Government regulated the complicated minimum wage scale administratively; it covered the public and state-owned sectors and differentiated among various job classifications. The Ministry of Employment and Social Affairs enforced minimum wage regulations. The "recommended" minimum wage was \$368 (SR 2,025) per month. Trade unions contended that government entities paid some workers less than the legal minimum wage. Even with the free public services that were available, primarily health care and education, independent labor unions believed a single salary at the low end of the pay scale did not provide a decent standard of living for a worker and family. Private employers historically paid higher wages than the Government in order to attract qualified workers; however, economic problems during the year led to downward pressures on wages.

The legal maximum workweek varied from 45 to 52 hours, depending on the economic sector; government employees worked fewer hours. Each full-time worker was entitled to a 30-minute break per day and a minimum of 21 days of paid annual leave. Workers were permitted to work overtime up to 60 additional hours per month. The Government generally enforced these regulations.

Foreign workers did not enjoy the same legal protections. There continued to be a growing trend to admit foreign workers, primarily from China, India, the Philippines, Thailand, and Madagascar, to work in the construction and commercial fishing sectors, because few citizens chose to work in these sectors. Although it was difficult to determine the living and working conditions of these workers, there was evidence that the labor laws were flouted routinely with the Government's knowledge and acquiescence. These workers were paid lower wages and forced to work longer hours than citizens.

The Ministry of Employment and Social Affairs has formal responsibility for enforcing the Government's comprehensive occupational health and safety regulations, and the Ministry of Health enforced such standards. An International Labor Organization (ILO) team found serious deficiencies in the management and effectiveness of government monitoring and enforcement efforts; however, there was no known government response to the ILO criticisms. Occupational injuries were most common in the construction, marine, and port industries. Safety and health inspectors rarely visited job sites. There were two work-related deaths during the year. Workers do not have the right to remove themselves from dangerous or unhealthy work situations without risking their continued employment, and a worker who removed himself from a potentially dangerous situation on the job was considered to have resigned.

#### f. Trafficking in Persons

The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.