



Seychelles

Country Reports on Human Rights Practices - [2006](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 6, 2007

Seychelles is a multiparty republic of approximately 81,000 citizens. In July President James Michel, who assumed power in 2004 when former president France Albert Rene resigned, was elected in a process deemed credible and organized by international observers; however, there were complaints of unfair campaign practices. The president and the Seychelles People's Progressive Front (SPPF) dominated the country through a pervasive system of political patronage and control over government jobs, contracts, and resources. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens. However, the following human rights problems were reported: prolonged pretrial detention; an inefficient and politically influenced court system; restrictions on speech, press, and assembly; official corruption; violence against women and children; restrictions on labor rights; and discrimination against foreign workers.

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 that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices, and government officials generally did not employ them. Police forcibly dispersed a demonstration, which resulted in injuries (see section 2.b.).

Prison and Detention Center Conditions

Detention centers included the Grand Police High Security Prison for violent inmates and the Long Island Prison for all other prisoners and those awaiting trial or sentencing. Long Island prison conditions remained austere, particularly for those on remand. Prison officials stated that staff shortages forced guards to limit prisoner time outside of their cells. In October the Long Island facility was relocated to the main island of Mahé. The new facility with a maximum capacity of 400, housed regular security prisoners, female prisoners, and those on pretrial. The prison population was 142, including 28 in pretrial detention and 11 women. The general, pretrial, and female populations were separated in different wings of the building. Juveniles were held in a separate facility.

The government permitted independent monitoring of prison conditions by local and international human rights groups and diplomats. No request for prison visits was made by the International Committee of the Red Cross (ICRC).

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The president has complete control over the security apparatus, which includes the national guard, army, presidential protection unit, coast guard, and police. The police commissioner, who reports to the president, commands the unarmed police and the armed paramilitary Police Mobile Unit, which together have primary responsibility for internal security. When necessary, the police were assisted by the army on issues

of internal security, as police resources were limited. The Special Support Unit (SSU), a division of the police force, is responsible for crowd and riot control. Corruption remained a problem. The Enquiry Board, a police complaint office, existed but was rarely used. In practice private attorneys filed complaints or published them in Regar, the opposition party newspaper.

Arrest and Detention

The constitution and law provide that persons arrested must be brought before a magistrate within 24 hours, with allowances made for boat travel from distant islands; however, police did not always uphold this requirement. The constitution and law also provide for detention without charge for up to seven days if authorized by court order, and police generally respected this provision. Detainees have the right to legal counsel. Free counsel is not a legal right, but courts usually provided it to the indigent. Courts provided bail for most offenses. Although warrants are required by law, police made some arrests and detentions without a warrant.

Police arrested a journalist in October (see section 2.b.).

Prolonged pretrial detention was a problem. Prisoners often waited more than two years for trial or sentencing due to the inefficiency of the judicial system. Approximately 20 percent of the prison population consisted of pretrial detainees.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, the judiciary was inefficient and subject to executive influence. Both civil and criminal court cases regularly lasted years.

The judicial system includes magistrates' courts (or small-claims court), the Supreme (or trial) Court, the constitution and law court, and the court of appeal. The constitution and law court convenes weekly or as necessary to consider constitution and law issues. The court of appeal convenes three times per year for two weeks in April, August, and October to consider appeals from the Supreme, constitutional and law courts.

One Supreme Court judge, one appeals court judge, and two magistrate court judges were citizens of the country by birth. All others were either naturalized citizens or citizens of other Commonwealth countries. The bar association criticized the government for not advertising domestically that judicial positions were available. Critics widely believed that some foreign justices bent to the will of the executive branch due to fear of deportation. The chairman of the Constitutional Appointments Authority (CAA) is also a lawyer who appears regularly in front of judges that the CAA appoints. Critics suggested that an October Supreme Court ruling in favor of the state, which led to the closure of the opposition newspaper, was not independent because the chairman of the CAA acted as the state's attorney.

Several justices of the peace were responsible for small-claims cases, and there were allegations that many of the justices were appointed because of their affiliation with the SPPF.

An 18-member, part-time 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. The government empowered the family tribunal to offer protection orders to victims of family violence. Most members of the tribunal were not legally trained and were affiliated with the SPPF.

Trial Procedures

Defendants have the right to a fair public trial, and trials were public in practice. The magistrates' court or the Supreme Court heard criminal cases, depending on the gravity of the offense. Cases involving murder or treason use juries. Defendants were considered innocent until proven guilty. Defendants have the right to be present at their trial, to confront witnesses, and to appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is no institution set up to examine cases of human rights abuses. However, citizens have turned to the Ombudsman Office to investigate human rights abuses and to seek redress for other issues.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice. However, there remained widespread suspicion of government monitoring of private communication without legal process.

Reports continued that the government barred members of the opposition from receiving postings in administrative positions in the education sector.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the government did not respect these rights in practice. 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 could easily be filed to penalize journalists for alleged libel. Journalists practiced self-censorship.

The only daily newspaper was the government-owned Nation, which adhered closely to the government's position on policy issues and gave only limited attention to the opposition and news adverse to the government. There were three weekly political party newspapers; Regar, The People, and le Nouveau Seychelles Weekly.

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 telecommunications companies to submit subscriber information to the government.

A libel suit against Regar, based on Regar's allegations that a government official was fishing in protected waters, resulted in a \$64,000 (SR 350,000) judgment. In October Regar announced that it would be unable to pay to the settlement and suspended operations. An appeal to the lawsuit was pending. No suspects were charged in the December 2005 arson at the Regar office which Reporters Without Borders condemned as "politically motivated."

The government continued to own the only television station and all radio stations. The law allows for independent radio and television, but the exorbitant licensing fee of approximately \$146,000 (SR 800,000) per year discouraged the opening of any independent outlets. Following the July elections, the opposition Seychelles National Party (SNP) collected funds for the radio licensing fee and announced plans to apply for a license. The National Assembly subsequently passed an amendment to the Broadcasting and Telecommunication Act which prevents political parties and religious groups from obtaining radio licenses.

On October 3, the SNP organized a demonstration to protest the passed amendment. The SSU forcibly dispersed the demonstrators. The opposition leader and the publisher of the Regar were hospitalized from their injuries. Subsequent to the event, the Regar editor was arrested and charged with unlawful assembly (see section 2.b.). He was later released on bail. The President opened an independent inquiry into the actions of the SSU.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups engaged in the peaceful expression of views via the Internet, including by electronic mail. Internet access was widely available and used by citizens.

Academic Freedom and Cultural Events

The government limited academic freedom in that persons could not reach senior positions in the academic bureaucracy without demonstrating at least nominal loyalty to the SPPF. There were no universities, and secondary school teacher appointments were largely apolitical. The government controlled faculty appointments to the Polytechnic, the most advanced learning institution.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly and association; however, the government did not always respect it. On October 3, the SSU forcibly dispersed a demonstration, resulting in the hospitalization of the SNP leader and the Regar publisher (see section 1.a.). Only the Regar editor was arrested and formally charged with unlawful assembly.

Freedom of Association

The constitution and law provide for freedom of association; however, the government did not always respect this right. There were complaints that government officials intimidated and harassed civil servants who participated in opposition political parties. One former minister who resigned from the ruling party came out in support for the opposition before the July elections. It is believed that the termination of his employment from a private company after the elections was influenced by the government.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice.

Societal Abuses and Discrimination

There were fewer than 10 individuals in the Jewish community, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The constitution and law provide 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."

According to foreign exchange regulations, citizens could exchange only \$400 (SR 2,200) worth of foreign exchange, severely hindering their ability to pay for travel.

The law prohibits forced exile, and the government did not use it.

Protection of Refugees

The laws provides for the granting of refugee status or asylum in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the government has not established a system for providing protection to refugees. In practice, the government provided protection against refoulement, the return of persons to a country where they feared persecution. The government did not grant refugee status or asylum, as the issue did not arise.

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

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in the July presidential elections deemed credible by international observers.

Elections and Political Participation

In July approximately 88 percent of eligible voters elected incumbent and SPPF presidential candidate James Michel with 54 percent of the vote; SNP candidate Wavel Ramkalan received 45 percent; and independent candidate Philip Boule received 1 percent. International observers from the Commonwealth, Francophonie Organization, South African Development Community, and resident diplomatic corp characterized the electoral process as credible and well-organized despite reports that campaign and electoral practices were not fair.

The ruling SPPF, which assumed power in a 1977 coup, continued to use its political resources and those of the government to develop and maintain a nationwide organization that extended to the village level. Opposition parties have been unable to match the SPPF's organization and patronage, in part because of financial limitations.

There were reports that SPPF membership conferred advantage. 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 females in the 34-seat National Assembly, seven by direct election and three by proportional representation; there were three females in the 12-minister cabinet. There were nine female principal secretaries in government service.

Government Corruption and Transparency

There was widespread public perception of political corruption government wide. In particular, there were reports of rewards to SPPF supporters in the form of job assistance, land distribution, free building materials, and monetary payments. An ombudsman has legal authority to investigate and report on allegations of official fraud and corruption. He investigated 70 cases during the year on issues such as labor law litigations, allegations of fraud and corruption, human rights abuse, and land and property litigations.

There are laws allowing public access to government information, although the government does not enforce them, and citizens routinely did not have access.

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

A small number of international human rights NGOs and one domestic human rights group--the Centre for Rights and Development (CEFRAD)--generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to the views of international NGOs; however, government cooperation with CEFRED--which was perceived as being aligned with the opposition--was limited. The government, for example, refused to permit CEFRAD to observe the July presidential election.

A government-run National Humanitarian Affairs Committee (NHAC) operated with a range of members from both civil society and the government. The ICRC acted as a technical adviser to the NHAC.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law affirm the right to be free from all types of discrimination, but do not prohibit discrimination based on specific factors. 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, was a continuing problem. Police rarely intervened in domestic disputes, unless the dispute involved a weapon or major assault. The authorities often dismissed the few cases that reached a prosecutor, or the court gave the perpetrator a light sentence. Rape, spousal rape, and domestic abuse are criminal offenses, all punishable by a maximum 20 years' imprisonment. There was growing societal concern about domestic violence and increased recognition of the need to address it.

Prostitution is illegal but remained prevalent. Police generally did not apprehend prostitutes unless their actions involved other crimes.

The law prohibits sexual harassment but was rarely enforced.

The society largely was matriarchal. Unwed mothers were the societal norm, and the law required fathers 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, and in practice they were fairly effective.

The government required children to attend school through the 10th grade and made tuition-free public education available through the secondary level until age 18. Students had to buy school uniforms but did not have to pay for books. According to government figures, all children between the ages of six and 16 attended school, and the percentages of boys and girls enrolled were roughly equal. There was a noncompulsory fifth year of secondary school. After completing secondary school, students can attend the Polytechnic School for Vocational Training, travel 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.

Boys and girls have equal access to healthcare, which is free for all citizens.

The age of consent was 15 years. Girls were not allowed to attend school when they were pregnant, and many did not return to school after the birth of a child.

The law prohibits physical abuse of children. Sexual abuse of children, usually in low-income families and perpetrated by stepfathers and older brothers, was a problem. Rape of girls under the age of 15 continued to be a problem, according to the Ministry of Health. Authorities prosecuted very few child abuse cases in court. The strongest public advocate for young victims was a semiautonomous agency, the National Council for Children. There was criticism that police failed to investigate charges of child abuse.

Trafficking in Persons

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

Persons with Disabilities

The constitution and law provide for the right of persons with disabilities to special protection, including reasonable provisions for improving the quality of life; however, there were no laws providing for access to public buildings, transportation, or state services, and the government did not provide such access for persons with disabilities. There was no reported discrimination against persons with disabilities in housing, jobs, or education, or in the provision of other 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; however, the law is silent regarding the rights of foreign or migrant workers to join a union. Some citizens were reluctant to join the non-government-sponsored labor union due to fear of government reprisal. Unions organized between 15 and 20 percent of the

workforce, and the law prohibits antiunion discrimination.

There are two politically labeled unions, the Seychelles Federation of Workers Union (SFWU, SPPF-associated) and the Seychelles National Trade Union (SNTU, SNP-associated). Despite the legal provisions for workers to form and join unions, membership in the SNTU is decreasing because workers feared losing their jobs in the public and the private sector. The SNTU claimed that employers have not reinstated workers fired for union activity.

b. The Right to Organize and Bargain Collectively

The law allows for unions to organize and conduct their activities without interference. The law provides workers with the right to engage in collective bargaining, but collective bargaining seldom occurred. 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 over 50 percent of the labor force, the government set mandatory wage scales for employees. The employer generally set wages in the private sector with 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, and, in practice, workers frequently obtained recourse against their employers through the ministry.

Unions engaged in collective bargaining in the private sector; however, observers noted that private sector employers were reluctant to engage in collective bargaining.

Strikes are illegal without first exhausting arbitration procedures. Observers noted that the Industrial Relations Act provisions regarding the holding of strikes hinder unions' strike initiative. It takes six months for a union to gain permission to hold a strike. Dock workers seeking wage increases were not allowed to go forward with their strike proposal.

There is one export processing zone, the Seychelles International Trade Zone (SITZ), with 25 participating companies. Only the Seychelles Trade Zone Act applied in the SITZ, and the government did not require the SITZ to adhere to labor, property, tax, business, or immigration laws.

c. Prohibition of Forced or Compulsory Labor

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

d. Prohibition of Child Labor and Minimum Age for Employment

The law 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," and, in practice, the government followed these requirements. It is a criminal offense punishable by a fine of \$1,113 (SR 6,000) to employ a child under the age of 15. The Ministry of Employment and Social Services enforced child labor laws. The ministry handled such complaints within its general budget and staffing; the ministry did not report any cases requiring investigation. No children were found working in the fishing, tourism, agricultural, boat building and processing industries, as the Ministry of Education carried out regular checks to ensure that children are actually attending school.

e. Acceptable Conditions of Work

There is no official private sector minimum wage. The government encouraged but did not require the private sector to grant the minimum public sector wage. The minimum public sector wage was \$445 (SR 2,325) per month as of January. Even with free public services, primarily health care and education, 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 generally paid higher wages than the government to attract qualified workers.

The legal maximum workweek varied from 45 to 55 hours, depending on the economic sector; in practice, some workers worked up to 60 hours per week. Government employees worked fewer hours. Regulations entitled each full-time worker to a 30-minute break per day and a minimum of 21 days of paid annual leave. The government permitted workers 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 as citizens and were employed in the construction and commercial fishing sectors. Companies sometimes paid foreign workers lower wages, forced them to work longer hours, and provided them with inadequate housing.

The Ministry of Employment and Social Affairs has formal responsibility for drafting the government's comprehensive occupational health and safety regulations, and the Ministry of Health enforced such standards, although safety and health inspectors rarely visited job sites. Occupational injuries were most common in the construction, marine, and port industries. The law has been amended to allow workers to remove themselves from dangerous or unhealthy work situations, report the employer to the Health and Safety Commission and seek compensation without risking losing their employment. The employer faces the risk of being sued.