



2008 Human Rights Report: Seychelles

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

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Seychelles is a multiparty republic of approximately 82,000 citizens. In 2006 voters elected President James Michel, who assumed power in 2004 when former president France Albert Rene resigned. International observers deemed the process credible, although 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 May 2007 National Assembly elections did not result in any change in the balance of power between the ruling SPPF and the opposition Seychelles National Party (SNP). 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; abuse of detainees; arbitrary arrest and detention; an inefficient and politically influenced court system; restrictions on speech, press, and assembly; official corruption; violence against women and children; violations of and 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, but police and prison officers were accused of inhumane treatment of detainees.

On April 11, Le Nouveau Seychelles Weekly reported that Special Support Unit (SSU) police officers beat and robbed 10 youths after they had been asked to kneel and pray. The 10 young persons spent the night in a police cell and were released without charges the following day.

On May 1, Le Nouveau Seychelles Weekly reported that five soldiers arrested eight persons and handed them over to Central Police Station officers, who beat the detainees. One individual passed out from the beatings and was transferred to the hospital. Authorities charged the man with threatening violence and fined him SRS 500

(approximately \$63) before releasing him the next day.

On July 15, Italian Life, an online Italian magazine, and local newspapers reported that prison guards and other detainees at the Montagne Posee Prison physically abused and extorted money from an Italian prisoner awaiting trial. The prisoner subsequently was tried and sentenced to one year in prison; he was released on August 16 following completion of his prison sentence, which was reduced to reflect time served before sentencing.

On August 6, Regar, a local newspaper, reported that four police officers assaulted a man, sprayed him with tear gas, and took him to the Central Police Station where he was beaten. He was held overnight at Beau Vallon Police Station and released without charges the following morning.

The Seychellois Muslim detainee who had his beard shaved and was allegedly abused physically by prison guards in July 2007 reported no further discrimination since an imam visited prison authorities in April.

Prison and Detention Center Conditions

Detention centers included the Grand Police High Security Prison for violent inmates and the Montagne Posee Prison for all other prisoners and those awaiting trial or sentencing. In June 2007 the Grand Police High Security Prison began transitioning all inmates to the newly opened Montagne Posee Prison. This transition was completed in August 2007, and the Grand Police High Security Prison was shut down, effectively leaving Montagne Posee Prison as the only prison. Prison officials stated that staff shortages forced guards to limit prisoner time outside their cells. The new facility housed high security and ordinary prisoners, including female prisoners, as well as those in pretrial detention. The prison, which had a maximum capacity of 400, held 305, including 185 men in pretrial detention and seven women. Male and female prisoners were held separately; however, remand prisoners were still kept with convicted criminals. On September 18, there were reports from foreign observers of hygienic problems at the prison. On a November 25 prison visit, foreign observers noted that there were inadequate sanitation facilities as a result of irregular water supply. On December 16, Le Nouveau Seychelles Weekly reported that prisoners held hunger strikes to protest against the hygiene and sanitation conditions, as well as food shortages. The same newspaper reported that on November 17, a South African prison consultant beat unconscious a prisoner who was later taken to hospital for treatment.

The government generally permitted independent monitoring of prison conditions by local and international human rights groups; however, on September 10, authorities denied a visit request by diplomatic observers. An Internal Affairs official said that the decision was due to the alleged absence of the prison superintendent. During the year the International Committee of the Red Cross (ICRC) did not make any request for prison visits.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, the government did not always observe these prohibitions (see section 1.c.).

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Role of the Police and Security Apparatus

The president has complete control over the security apparatus, which includes the National Guard, the Seychelles People Defense Forces (SPDF), the Presidential Protection Unit, the Coast Guard, and the police. The police commissioner, who reports directly to the president, commands the unarmed police and the armed paramilitary Police Mobile Unit, which together have primary responsibility for internal security. When necessary, police were assisted by the SPDF on matters of internal security. In February 2007 authorities incorporated the SSU, a division of the police force formerly responsible for crowd and riot control, into the Public Security Support Wing, as part of a restructuring program of the Police Department.

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 the opposition party newspapers Regar and Le Nouveau Seychelles Weekly. Although human rights is included as a core precept in officer training, such training was limited in practice.

Arrest and Detention

The constitution and law provide that persons arrested must be brought before a magistrate within 24 hours, with allowances for boat travel from distant islands; however, police did not always respect 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.

The constitution provides for remand prisoners to be released after six months detention if their case had not been heard within that period; however, prolonged pretrial detention was a problem. Prisoners often waited more than three years for trial or sentencing due to the inefficiency of the judicial system. Approximately 36 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 generally lasted years. There were no reports of judicial corruption, although there was a widespread public perception that some judges were corrupt.

The judicial system includes magistrates' courts (or small-claims courts), the Supreme (or trial) Court, the Constitution and Law Court, and the Court of Appeal.

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.

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. A magistrates' court or the Supreme Court heard criminal cases, depending on the gravity of the offense. Cases involving murder or treason use juries. Defendants are considered innocent until proven guilty. Defendants have the right to be present at their trial, to confront witnesses, and to appeal. The constitution makes provision for defendants to present evidence and witnesses and cross-examine witnesses in court. The law provides for defendants to consult with an attorney in a timely manner. Defendants have the right to access government-held evidence; however, in practice, such requests are often delayed. The above rights are enjoyed equally by all citizens.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The constitution and law provide for an independent and impartial judiciary in civil matters; however, the judiciary was inefficient and subject to executive influence.

There is no institution 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.

Section 2 Respect for Civil Liberties, Including:

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 be filed to penalize journalists for alleged libel. Journalists practiced self-censorship.

Individuals could not criticize the government publicly or privately for fear of reprisal. On November 5, the editor of *Le Nouveau Seychelles Weekly* was arrested and detained in a police cell, after he publicly spoke against the government's economic reforms using a speakerphone. On November 6, police interrogated him and searched the newspaper's building and the editor's house for the speakerphone. He was released the same day without charge.

The only daily newspaper was the government-owned *Nation*, which generally supported government policies, gave limited attention to the opposition, and generally ignored news that reflected adversely on 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.

Unlike in previous years, there were no reports that security agents harassed employees of Le Nouveau Seychelles Weekly.

The government owns the only television station and all radio stations. The law allows for independent radio and television, but the licensing fee of approximately 800,000 rupees (approximately \$51,480) per year discouraged the opening of any independent outlets. Following the 2006 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 Telecommunications Act that prevents political parties and religious groups from obtaining radio licenses.

In 2007 the president established a law and order committee in response to a 2006 SNP demonstration against the amendment to the Broadcasting and Telecommunications Act. The committee, composed of government officials, representatives of opposition parties, and members of the clergy, by year's end had not made recommendations on the amendment to the Telecommunications Act.

Internet Freedom

There were no government restrictions on access to the Internet; however, there were reports that the government monitored e-mail and Internet chat rooms. Individuals and groups engaged in the peaceful expression of views via the Internet, including by e-mail. Internet access was widely available to the public.

Academic Freedom and Cultural Events

Opposition activists claimed that the government limited academic freedom by reportedly not allowing academic professionals to reach senior positions in the academic bureaucracy without demonstrating at least nominal loyalty to the SPPF. The government controlled faculty appointments to the Polytechnic, the most advanced learning institution; there were no universities.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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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 even dismissed civil servants who participated in opposition political party activities.

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

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

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons,
Protection of Refugees, and Stateless Persons

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

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

Protection of Refugees

The law 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 the expulsion or return of refugees to countries where their lives or freedom would be threatened.

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 2007 National Assembly election and the 2006 presidential elections, both deemed credible by international observers.

Elections and Political Participation

On July 19, an SNP candidate won a national assembly by-election by an 87 percent margin. Prior to the vote, the SPPF leader, former president France Albert Rene, called on voters to boycott the by-election, and only candidates from the SNP and the Democratic Party (DP) contested the election. There were reports that SPPF partisans harassed opposition supporters in the days prior to the voting, and both the SNP and DP filed complaints with the Electoral Commissioner's Office.

The 2007 national assembly elections produced no change in the balance of power between the ruling SPPF and the opposition SNP. International observers found the elections to be credible. Minor complaints of electoral irregularities were filed with the electoral commissioner.

In 2006 approximately 88 percent of eligible voters elected incumbent and SPPF presidential candidate James Michel with 54 percent of the vote. International observers characterized the electoral process as credible and well-organized; however, campaign and electoral practices reportedly 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.

There were reports that SPPF membership conferred business and political advantage; for example, some members of opposition parties claimed that they lost their government jobs because of their political affiliation and were at a disadvantage when applying for government licenses and loans. On June 8, the Immigration Division of the Internal Affairs Department terminated a Russian citizen's residence permit, even though she did not violate any laws and was gainfully employed. The decision to expel the Russian citizen and prohibit her reentry was maintained even

though the court of appeal struck down the Immigration Division's ruling. Local press reports, civil society members, and opposition leaders allege that the Russian citizen was being treated unfairly due to her husband's SNP membership.

There were 10 women in the 34-seat National Assembly, seven elected by direct election and three by proportional representation. Following the July cabinet reshuffle, there were two women in the cabinet.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. The World Bank's 2008 Worldwide Governance Indicators reflected that corruption was a problem. 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 approximately 90 cases during the year involving problems such as labor law litigation, allegations of fraud and corruption, human rights abuse, and land and property disputes.

The liquidation and subsequent sell-off of the Plantation Club, formerly the country's second largest hotel, raised suspicions of government corruption among many local press outlets and business institutions, including the chamber of commerce. The former owner of the hotel claimed that he was threatened into selling the hotel by a businessman with ties to the government. On September 4, the person who is now chief justice ordered the hotel sold, and the local press speculated that the government appointed the chief justice to his position because of his order. The purchasers of the hotel were the lowest bidder, a newly formed group allegedly led by the same businessman with close government ties who threatened the previous owner.

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

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

A small number of international human rights nongovernmental organizations (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, cooperation with CEFRAD, which was perceived as being aligned with the opposition, was limited. For example, the government refused to permit CEFRAD and other local groups to observe the 2006 presidential election or the May 2007 legislative elections.

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, gender, ethnicity, nationality, or disability.

Women

Rape, spousal rape, and domestic abuse are criminal offenses punishable by a maximum of 20 years' imprisonment. The government enforced the law effectively. During the year the Family Tribunal registered 186 domestic violence complaints. The police registered five rape cases for the year. The Social Affairs Division of the Ministry of Health and Social Development, and Women in Action and Solidarity Organization, a local NGO, provided counseling services to rape victims. During the year one sexual abuser was prosecuted, but had not been convicted by year's end.

Domestic violence against women was a continuing problem. Police rarely intervened in domestic disputes unless it 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. On July 16, the Ministry of Health and Social Development launched the 2008-12 National Strategy Plan on Domestic Violence. A local NGO, GEMSA Plus Seychelles, carried out three information sessions with 20 civil society representatives on the domestic violence strategy plan in order to raise awareness of the issue.

Prostitution is illegal but remained prevalent. Any person found guilty of prostitution is liable to imprisonment for two years. Police generally did not apprehend prostitutes unless their actions involved other crimes.

The law prohibits sexual harassment but was rarely enforced. The Penal Code does not provide any penalty for persons found guilty of sexual harassment; however, the court can order a person accused of sexual harassment to keep a bond of peace.

Women enjoyed the same rights as men. The society is largely matriarchal. Unwed mothers are the societal norm, and the law requires fathers to support their children. There was no officially sanctioned discrimination in employment, and women were well represented in business. There is no economic discrimination against women in employment, access to credit, equal pay for equal work, or owning or managing a business. Inheritance laws do not discriminate against women.

Children

The Division of Social Affairs in the Ministry of Health and Social Development worked to protect children's rights, and in practice it was somewhat effective.

The government requires children to attend school through the 10th grade and made tuition-free public education available through the secondary level until age 18.

The law prohibits physical abuse of children; however, child abuse was a problem and was rarely reported. Sexual abuse of children, usually 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 and Social Development. Authorities prosecuted very few child abuse cases in court due to lack of efficient working relations among government agencies and departments. The strongest public advocate for young victims was a semiautonomous agency, the National Council for Children.

The age of consent for marriage is 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.

There were no reports of street children.

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 discrimination reported against persons with disabilities in housing, employment, or education, or in the provision of other state services.

Other Societal Abuses and Discrimination

There were no reports of discrimination based on sexual orientation.

There were no reports of discrimination against persons with HIV/AIDS.

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. The law is silent regarding the rights of foreign or migrant workers to join a union. Some citizens were reluctant to join the Seychelles National Trade Union (SNTU), a nongovernment-sponsored labor union, due to fear of government reprisal. Unions organized between 15 and 20 percent of the workforce.

The Seychelles Federation of Workers Union (SPPF-associated) is the only trade union in active operation; the SNP-associated SNTU ceased operations in February 2007. Despite the legal provisions allowing workers to form and join unions, membership in the SNTU had continued to decrease because workers feared losing their jobs. The SNTU claimed that employers did not reinstate workers fired for union activity.

Strikes are illegal unless arbitration procedures are first exhausted. Observers noted that the Industrial Relations Act provisions regarding the holding of strikes hinder unions' right to strike.

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 this 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 through individual agreements with the employee, but the government set wage rates in the few larger businesses.

The law authorizes the Ministry of Employment and Human Resource Development 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 do so.

The law prohibits antiunion discrimination, and there were no reports of it during the year.

There was 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"; in practice the government followed these requirements. It is otherwise a criminal offense punishable by a fine of 6,000 rupees (approximately \$386) to employ a child under the age of 15. The Ministry of Employment and Human Resource Development enforced child labor laws. The ministry handled such complaints within its general budget and staffing and did not report any case 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 were 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. As of 2006 the minimum public sector wage was 2,325 rupees (approximately \$149) per month. 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. The law requires premium pay for overtime work.

Foreign workers--mainly employed in the construction and commercial fishing sectors--did not enjoy the same legal protections as citizens. Companies sometimes paid foreign workers lower wages, forced them to work longer hours, and provided them with inadequate housing.

The Ministry of Health and Social Development has formal responsibility for drafting the government's comprehensive occupational health and safety regulations, and the ministry enforced these 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 jeopardizing their employment.

