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Seychelles

Country Reports on Human Rights Practices - [2005](#)

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Seychelles is a multiparty republic of approximately 81 thousand citizens. President James Michel, formerly vice president, assumed power in April 2004 when President France Albert Rene resigned. In the 2001 elections, Rene and the Seychelles People's Progressive Front (SPPF) won reelection with 54 percent of the vote. Some international observers concluded that the overall result was decided fairly; however, other observers reported that the election was not entirely free and fair and alleged that the SPPF gave cash donations to supporters. The president and the SPPF dominated the country through a pervasive system of political patronage, 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. The following human rights problems were reported:

- prolonged pretrial detention
- inefficient and politically influenced court system
- control of the press
- political corruption
- violence against women
- child abuse
- restrictions on labor rights
- 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

Unlike in the previous year, there were no reports that the government or its agents committed arbitrary or unlawful killings. There were no developments in the July 2004 killing of Claude Monnaie by government agents who accidentally confused Monnaie for an opposition party activist.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, and unlike in the previous year, there were no reports that government officials employed them. Of the eight cases of police brutality before the Supreme Court in 2004, one case was dismissed, and the rest were either settled out of court or resulted in a court judgment favorable to the plaintiff.

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 spartan, particularly for those on remand. Prison officials stated that staff shortages forced guards to limit prisoner time outside of their cells.

During the year, local and international nongovernmental organizations (NGOs) and diplomats visited the Long Island Prison facility. A local NGO, the Center for Rights and Development, held a public meeting to discuss suggestions for improving conditions at the prison.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The president had complete control over the security apparatus, which included a national guard, the army, the presidential protection unit, the coast guard, and police. The police commissioner, who reported to the defense forces chief of staff, commanded the unarmed police and the armed paramilitary Police Mobile Unit, which together had primary responsibility for internal security. When necessary, police worked with the army on issues of internal security, as police resources were limited. Corruption was a problem. Officially, there is a "complaints against police" unit with the police department, but it was rarely if ever used. In practice, private attorneys filed complaints or published them in *Regar*, the independent newspaper.

Arrest and Detention

The law provides that persons arrested must be brought before a magistrate within 24 hours, with allowances made for boat travel from distant islands, although police did not always uphold this requirement. The law also provides for detention without charge for up to seven days if authorized by court order, and, in practice, 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, in practice, the police made some arrests and detentions without a warrant.

There were no reports of political detainees.

Prolonged pretrial detention was a problem. The time that prisoners awaited trial or sentencing often extended beyond two years due to the inefficiency of the judicial system.

e. Denial of Fair Public Trial

The law provides 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 constitutional court, and the court of appeal. The constitutional court convenes weekly or as necessary to consider constitutional issues. The court of appeal convenes three times per year for two weeks in April, August, and October to consider appeals from the Supreme Court and constitutional court.

The chief justice of the Supreme Court was a naturalized citizen, and one other judge was a native of the country. The remaining judges were either naturalized citizens or hired from 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 for 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.

Trial Procedures

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

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.

Political Prisoners

There were no reports of political prisoners.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice. The law requires that all electronic surveillance be approved by a judge and justified on the grounds of preventing a serious crime; however, it was widely believed that the government maintained telephone surveillance of some political figures and private citizens.

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 law provides 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, the government limited freedom of speech and press because civil lawsuits could easily be filed to penalize journalists for alleged libel.

The government-controlled Seychelles Broadcasting Corporation (SBC) continued its ban on the broadcast of a local singer's music on the grounds that the songs were seditious.

There were two independent newspapers, the weeklies *Regar* and *le Nouveau Seychelles Weekly*. 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.

The law allows for independent radio and television, but in practice the exorbitant licensing fee of approximately \$185 thousand (SR one million) per year discouraged the opening of any independent outlets. The government continued to own the only television station and all radio stations.

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 legislation also requires telecommunications companies to submit subscriber information to the government.

In the past, government officials sued *Regar* for libel numerous times, threatening its financial viability due to legal fees. However, during the year no suits were filed, and the government did not pursue previous outstanding cases. Journalists told of pressure to report news favorable to the government. In December arson at the *Regar* office damaged one of the two printing presses. Nobody was charged in the attack. Reporters Without Borders condemned this attack and stated that the arson "seems to have been politically motivated."

There were no government restrictions on the use of the Internet.

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; 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

The law provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

The law provides 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 2005 [International Religious Freedom Report](#).

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

The law 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."

According to foreign exchange regulations, citizens could exchange only \$400 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 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 *refoulement*, the return of persons to a country where they feared persecution; however, the issue did not arise during the year.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice in the 2001 presidential elections and in the 2002 national assembly elections.

Elections and Political Participation

In the 2001 presidential election, approximately 90 percent of eligible voters participated. Citizens reelected President Rene with 54 percent of the vote; Seychelles National Party (SNP) candidate Wavel Ramkalawan received 45 percent, and independent candidate Dr. Philip Boulle received 1 percent. Ramkalawan challenged the election results but withdrew his case in 2003. Observers from the Southern African Development Community stated their general satisfaction with the election. However, the Commonwealth Organization observers reported that, while the presidential elections were peaceful, they were not entirely free and fair, describing instances of intimidation during voting and the lack of open competition during the campaign. Rene resigned in April 2004 and nominated his vice president, James Michel, as his successor.

In the 2002 national assembly elections, judged by international observers to be free and fair, the opposition SNP party won 11 of the 34 seats.

Under President Michel, the 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. Former President Rene continued to head the SPPF. During the year, the government allocated the SPPF approximately \$50 thousand (SR 271,500), the SNP approximately \$39,500 (SR 213 thousand), and the Democratic Party approximately \$2,800 (SR 15,500). These amounts were based on percentages received by the political parties nationally in the 2002 legislative elections.

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 was 1 woman in the 12-minister cabinet. There were seven female principal secretaries in the government service.

Government Corruption and Transparency

There was widespread public perception of political corruption. In particular, there were reports of rewards to SPPF supporters in the form of job assistance, land distribution, free building materials, and monetary payments. 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.

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 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.

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

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law affirms the right to be free from all types of discrimination, but it does 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 for a maximum 20 years' imprisonment. In November the government amended the penal code to impose a seven year minimum penalty on the rape of minors under 15. 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 6 and 16 attended school, and the percentages of boys and girls enrolled was roughly equal. There was a noncompulsory fifth year of secondary school. After completing secondary school, students could 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 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 law provides for the right of persons with disabilities to special protection, including reasonable provisions for improving the quality of life; however, there was no law 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. 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. Some citizens were reluctant to join the nongovernment-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.

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 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 over 50 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, and, in practice, workers frequently obtained recourse against their employers through the ministry.

Strikes are illegal without first exhausting arbitration procedures. However, in September workers at the Indian Ocean Tuna Factory went on strike without interference by security forces. The government intervened and promised generous compensation packages, ending the strike.

There is one export processing zone, the Seychelles International Trade Zone (SITZ), with 24 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 thousand) 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.

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. In December legislation increased the minimum public sector wage from \$387 to \$445 (SR 2,025 to SR 2,325) per month effective January 2006. 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. Workers do not have the right to remove themselves from dangerous or unhealthy work situations without risking their continued employment, and if they took such action, employers considered them to have resigned.

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