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## 2010 Human Rights Report: Seychelles

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2010 Country Reports on Human Rights Practices

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Seychelles is a multiparty republic of approximately 87,000 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 People's Party, formerly 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. Security forces reported to civilian authorities.

The following human rights problems were reported: poor prison conditions; prolonged pretrial detention; an inefficient and politically influenced court system; restrictions on speech and press; 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.

Two police officers were suspended from duty and charged with manslaughter in the July 2009 case of a man found dead in a cell while in police custody. The case remained before the Supreme Court pending judgment.

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 unlike in the previous year, there were no reports of inhumane treatment of detainees by police and prison officers.

### Prison and Detention Center Conditions

Montagne Posee Prison, the country's only prison, did not meet international standards, and conditions were poor, although improvements were made during the year. Most prisoners still relied on their relatives for the provision of food, drinks, toiletries, and medication, according to a July 22 report in the newspaper *Le Nouveau Seychelles Weekly*. Sanitation and hygiene were poor. On February 17, the *Seychelles Nation* newspaper reported that prisoners submitted a petition to prison authorities asking for a more balanced diet, visits from relatives, daily exercise in the open air, proper hygiene and sanitation, and the right to take goods from family members at the court. By year's end prisoners were allowed daily exercise and access to visitors, and a full-time doctor and nurse were on staff to provide medical treatment and oversee dietary needs.

Approximately 95 percent of prisoners were Catholic, and prison authorities allowed religious observance. Prison authorities also provided Muslim Somali pirates being held in Montagne Posee Prison access to imams and permitted daily prayers and religious celebrations, such as Ramadan. Prison authorities allowed prisoners and detainees to submit complaints to relevant authorities and request investigation of credible allegations of inhumane conditions. The government investigated complaints on a case-by-case basis and monitored prison conditions regularly.

Unlike in the previous year, there were no reports that dogs brought in by private security guards to assist prison guards bit prisoners. An investigation by the National Human Rights Commission (NHRC) found that in March 2009 several prisoners were bitten, some of whom were hospitalized, by dogs not appropriately muzzled or controlled by private security guards hired to support prison guards.

As of November 17, there were 404 male prisoners, including 294 convicted prisoners and 110 remand prisoners; 28 female prisoners were held in a separate women's wing. Unlike in the previous year, juveniles were not held with adult prisoners.

The government generally permitted independent monitoring of prison conditions by local and international human rights groups. During the year the International Committee of the Red Cross (ICRC) did not make any requests for prison visits.

An ombudsman may make recommendations to the National Assembly and the president to improve conditions on behalf of prisoners and detainees; however, the ombudsman had no power to enforce such recommendations. The ombudsman generally makes an annual public report of the year's cases and actions, but the report for 2010 had not been published by year's end.

During the year prison authorities implemented the following 2009 recommendations made by the NHRC: termination of private guard services in the prison; removal of dog handlers within the prison; separation of remand and convicted inmates; construction of a recreational area for inmates; and improvement of sanitation conditions. In partnership with the UN Office of Drugs and Crime (UNODC), the government also provided training for prison guards in tradecraft, leadership, fire safety, and emergency response.

#### 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, the Seychelles People's Defense Forces (SPDF), the Presidential Protection Unit, the Coast Guard, and the police. The police commissioner, who reports directly to the minister for Home Affairs, Environment and Transport, commands the unarmed

police and the armed paramilitary Police Mobile Unit, which together have primary responsibility for internal security. When necessary, the SPDF assisted police on matters of internal security.

Corruption remained a problem. Although observance of human rights was included as a core precept in officer training, such training was limited.

#### Arrest Procedures and Treatment While in Detention

Although the law requires warrants, police made some arrests and detentions without one. The constitution and law also provide for detention without charge for up to seven days if authorized by court order. 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 law provides that detainees be promptly notified of charges against them and allowed prompt access to family members; however, there were cases in which these rights were not respected. Detainees have the right to legal counsel, and free counsel was usually provided to indigent persons. Courts provided bail for most offenses.

The constitution provides that remand prisoners be released after six months of detention if their case has 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 27 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.

One Supreme Court judge, one appeals court judge, and two magistrate court judges were citizens by birth. There were allegations that many of the justices were appointed because of their affiliation with the People's Party. All other justices were either naturalized citizens or citizens of other Commonwealth countries. There were reports that the executive branch interfered in the recruitment of foreign justices, who sometimes were hesitant to rule against the executive branch for fear of losing their jobs.

An 18-member part-time family tribunal heard and decided all matters relating to the care, custody, access to, and maintenance of children, except paternity cases, which remained under the courts. Most members of the tribunal were not legally trained and were affiliated with the People's Party.

#### Trial Procedures

Defendants have the right to a fair public trial, are considered innocent until proven guilty, and have the right to be present at their trial and to appeal. Cases involving murder or treason used juries. The constitution makes provision for defendants to present evidence and witnesses and to cross-examine witnesses in court. Defendants have the right to access government-held evidence; however, in practice such requests were often delayed. The law provides for defendants to consult with an attorney in a timely manner. The law extends the above rights to all citizens.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

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The constitution and law provide for an independent and impartial judiciary in civil matters; however, case backlogs impeded judicial efficiency. UNODC funding was used to provide judges with best practices training for case-flow management to decrease the backlog. The NHRC recommended cases for prosecution as well as out-of-court settlements.

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:

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. Journalists practiced self-censorship.

Individuals who criticized the government publicly or privately sometimes suffered reprisals.

The government ran a daily newspaper and the national television and radio station. There was one privately owned daily newspaper and three political party weeklies.

The government owned the only television station and all radio stations. The law allows for independent radio and television, but the licensing fee of 800,000 rupees (\$64,000) per year discouraged the opening of any independent broadcasters. Political parties and religious groups were prohibited from obtaining radio licenses. The law allows the minister of information technology to prohibit the broadcast of any material believed to be objectionable or against the national interest. The law also requires telecommunications companies to submit subscriber information to the government. The law was not invoked during the year.

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.

For example, on July 23, a cabinet minister filed a libel suit against *Regar* newspaper for publishing allegations in June regarding a conflict of interest in a land sale. On July 24, police searched the house of *Regar's* publishing director. A trial was pending at year's end.

Internet Freedom

Opposition activists claimed that the government blocked access to their party Web sites. There also were reports that the government monitored e-mail and Internet chat rooms. According to International Telecommunication Union statistics for 2009, approximately 40 percent of the country's inhabitants used the Internet.

Academic Freedom and Cultural Events

Opposition activists claimed that the government limited academic freedom by reportedly preventing academic professionals from reaching senior positions in academia unless they demonstrated at least nominal loyalty to the People's Party. The government controlled faculty appointments to the Polytechnic and the University of Seychelles.

b. Freedom of Peaceful Assembly and Association

#### Freedom of Assembly

The constitution and law provide for freedom of assembly and association, and unlike in the previous year, there were no reports that the government infringed on that right during the year.

#### Freedom of Association

The constitution and law provide for freedom of association; however, civil servants allegedly refrained from participating in opposition party activities for fear of political reprisal. Unlike in previous years, there were no complaints that government officials intimidated or dismissed civil servants who participated in opposition party activities.

#### c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt](http://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. 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"; however, this law was not invoked during the year.

The law prohibits the forced exile of citizens, and the government did not use forced exile in practice.

#### Protection of Refugees

The country's laws provide for the granting of asylum or refugee status; however, 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 on account of their race, religion, nationality, membership in a particular group, or political opinion.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

#### Elections and Political Participation

International observers found credible the 2007 National Assembly elections, which retained the balance of power between the ruling People's Party (formerly the SPPF) and the opposition Seychelles National Party (SNP). Minor complaints of electoral irregularities were filed with the electoral commissioner.

In 2006 approximately 88 percent of eligible voters elected incumbent SPPF presidential candidate James Michel with 54 percent of the vote. International observers characterized the electoral process as credible and well organized; however, opposition members filed complaints with the electoral commissioner's office regarding unfair campaign and electoral practices.

There were reports that opposition parties could not operate without restrictions or outside interference; however, unlike in the previous year, there were no reports that police denied opposition parties permission to hold public meetings.

The People's Party, 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 People's Party 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.

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

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not always implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. The World Bank's 2009 Worldwide Governance Indicators reflected that corruption was a problem.

Police corruption remained a problem; however, the Enquiry Board, a police complaint office, was rarely used. In practice private attorneys filed complaints or published them in opposition-party newspapers *Regar* and *Le Nouveau Seychelles Weekly*.

Public officials were subject to financial disclosure laws upon taking office; however, there were no reports that such disclosures occurred in practice.

The ombudsman has legal authority to investigate and report on allegations of official fraud and corruption. Unlike in the previous year, no information was available on the number or type of investigations conducted during the year.

There are laws allowing public access to government information; however, the government did not enforce them, and citizens generally had no access to such information.

#### Section 5 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 Center 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 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 2007 legislative elections.

The government-run National Humanitarian Affairs Committee (NHAC) had members from civil society as well as government. The ICRC acted as a technical adviser to the NHAC. The NHRC, which was established in March 2009, investigated allegations of human rights abuse, including those committed by members of law enforcement agencies. The commission operated without government or party interference, had adequate resources, and was considered effective.

#### Section 6 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. Rape was a problem. The police registered 25 rape cases for the year; however, many rape cases went unreported for fear of reprisal or social stigma. Two rape cases were prosecuted during the year, and one case remained under investigation. The Social Affairs Division of the Ministry of Health and Social Development and the local NGO Women in Action and Solidarity Organization (WASO) provided counseling to eight rape victims during the year.

Domestic violence against women was a problem. Police rarely intervened in a domestic dispute unless it involved a weapon or major assault. Authorities often dismissed the few cases that reached a prosecutor, and the court generally ordered light sentences for perpetrators. The Family Tribunal issued 466 protection orders related to domestic violence during the year.

In 2008 the Ministry of Health and Social Development launched the 2008-12 National Strategy Plan on Domestic Violence. From November 24 to December 10, the Ministry for Social Development and Culture organized 16 days of activism against gender violence and launched the local UNiTE campaign against domestic violence. GEM Plus, a local NGO that promotes awareness of domestic violence, organized three regional workshops and was invited to participate in various media programs for the empowerment of women.

The law prohibits sexual harassment; however, enforcement was rare. The penal code provides no penalty for sexual harassment, although the court can order a person accused of such conduct to "keep a bond of peace," which allows the court to assess a fine if the harasser fails to cease the harassment.

The government recognized the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Health clinics and local health NGOs were permitted to operate freely in disseminating information on family planning under the guidance of the Ministry of Health and Social Development. There were no restrictions on the right to access contraceptives, but few couples reportedly used these measures. The government provided free childbirth services; however, women traditionally preferred using nurses or midwives during childbirth as well as for prenatal and postnatal care, unless the mother or child suffered serious health complications. Men and women received equal access to diagnosis and treatment for sexually transmitted infections, including HIV. There were no legal, social, cultural, or other barriers that limited access to these services.

Women enjoyed the same rights as men, and the society was largely matriarchal. Unwed mothers were 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 was 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

Citizenship is derived by birth in the country or from parents, and births were generally registered immediately. Failure to do so, however, did not result in the denial of public service.

The law prohibits physical abuse of children; however, child abuse was a problem. Sexual abuse of children, usually perpetrated by stepfathers and older brothers, also occurred. According to WASO, most cases of rape of girls under the age of 15 went unreported for fear of reprisal or cultural stigma. Authorities prosecuted very few child-abuse cases in court due to lack of efficient working relations between 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.

In April 2009 the *Seychelles Nation* reported that the local NGO Young Soldiers for Christ had observed an increase in prostitution and suggested that some youth may have resorted to prostitution as a result of an economic downturn.

Seychelles is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

#### Anti-Semitism

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

#### Trafficking in Persons

In 2009 there were no confirmed 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 are 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, education, or in the provision of other state services. The National Council for Disabled, a government agency under the Ministry of Social Development and Culture, developed work placement programs for persons with disabilities.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law does not specifically prohibit discrimination based on sexual orientation, and there were no reports that such discrimination occurred.

#### Other Societal Violence or Discrimination

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

#### Section 7 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 firefighting personnel may not unionize. The law is silent regarding the rights of foreign or migrant workers to join a union. Unions organized between 15 and 20 percent of the workforce.

The SNP-associated Seychelles National Trade Union (SNTU) ceased operations in 2007; the SNTU claimed that employers did not reinstate workers fired for union activity. The Seychelles Federation of Workers' Unions, which was associated with the People's Party, was active. The Seychelles National Union was formed in 2009 as a result of a resolution adopted by the SNP Annual Convention held in 2009; however, SNP leaders claimed the union was not affiliated with SNP activities.

Strikes are illegal unless arbitration procedures are first exhausted. There were no reports that unions tried to strike during the year.

#### 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. There were no reports that this was due to government interference. 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 more than 50 percent of the labor force, the government set mandatory wage rates for employees. Private-sector employers generally set wages through individual agreements with employees, while 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; however, there were unofficial reports that such discrimination occurred.

There was one export processing zone, the Seychelles International Trade Zone (SITZ), which had more than 57,000 registered international companies and 312 trusts in operation. Only the Seychelles Trade Zone Act applied in the SITZ, and the government did not require SITZ businesses to adhere to labor, property, tax, business, or immigration laws.

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

The law prohibits forced or compulsory labor, 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 (\$480) 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, or processing industries. 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. Since 2006 the minimum public sector wage has remained at 2,325 rupees (\$186) 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; however, some employees 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, resulting in insalubrious conditions.

The Ministry of Health and Social Development has formal responsibility for drafting the government's comprehensive occupational health and safety regulations, and the ministry supported these standards, although, due to limited resources, safety and health inspectors rarely visited job sites. Occupational injuries were most common in the construction, marine, and port industries. The law allows 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.

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