

# SEYCHELLES

## EXECUTIVE SUMMARY

Seychelles is a multiparty republic. In elections held May 19-21, voters reelected President James Michel. 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, 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 most significant human rights problems in the country were an inefficient and politically influenced judiciary, and restrictions on freedom of assembly and labor rights.

The following human rights problems also were reported: poor prison conditions; prolonged pretrial detention; restrictions on speech, press, and association; restrictions on political participation; official corruption; violence against women and children; and trafficking in persons.

The government took steps to punish officials who committed abuses, whether in the security services or elsewhere in the government.

### **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.

On February 23, the Supreme Court sentenced police officer Nelson Rose to 12 years in prison and acquitted another police officer in connection with a 2009 case in which a man was found dead in a cell while in police custody. On December 9, the Court of Appeals acquitted Rose.

#### **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 there were no reports that police or prison officers were accused of inhumane treatment of detainees.

#### **Prison and Detention Center Conditions**

Montagne Posee Prison, the country's main prison, did not meet international standards, and conditions were poor. Access to potable water remained a problem. Sanitation and hygiene were poor, although a full-time doctor and nurse were on staff to provide medical treatment and oversee dietary needs. The prison system had limited rehabilitation programs and organized activities for prisoners, according to nongovernmental organizations (NGOs).

As of November 30, there were 471 prisoners and detainees, including 450 men, 20 women, and one juvenile. Prison conditions for female inmates were no worse than for male inmates.

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

The government generally permitted independent monitoring of prison conditions by local and international human rights groups. The International Committee of the Red Cross made no requests for prison visits.

During the year 51 inmates considered to be low-risk prisoners were sent to the Coetivy Island Prison as part of a voluntary rehabilitation program. While visitors were not allowed on Coetivy Island, facilities reportedly were adequate, and inmates were allowed to circulate freely on the island.

An ombudsman may make recommendations to the National Assembly and the president to improve conditions for prisoners and detainees, although the ombudsman has no power to enforce such recommendations. The ombudsman generally issues an annual report that includes complaints of and investigations

into cases of human rights abuse and corruption. According to the 2010 annual report, 25 complaints alleging human rights abuses were filed, of which 21 were retained for further investigation, and four were dismissed for having no merit.

Authorities did not use alternatives to sentencing for nonviolent offenders, and no steps were taken during the year to improve record keeping.

In partnership with the UN Office of Drugs and Crime (UNODC), the government provided training for prison guards in tradecraft, leadership, fire safety, and emergency response.

On September 9, a new prison wing for Somali pirates opened at Montagne Posee Prison. At year's end the wing, which was designed for 60 prisoners, held 63 Somali pirates.

#### **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 Seychelles People's Defense Forces (SPDF), Presidential Protection Unit, Coast Guard, and police. During the year the National Guard was dissolved and its officers redeployed to other units. The police commissioner, who reports directly to the minister for Home Affairs, Environment and Transport, commands the unarmed police and the armed paramilitary Police Seychelles Support Unit, which together have primary responsibility for internal security. When necessary, the SPDF assisted police on matters of internal security.

Security forces were effective, although corruption, particularly the solicitation of bribes, was a problem. 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*.

Although human rights was included as a core precept in officer training, such training was limited.

#### **Arrest Procedures and Treatment While in Detention**

Warrants are required by law, except for persons being arrested under the Misuse of Drugs Act, which allows police to arrest and detain without a warrant. The law provides for detention without charge for up to 14 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, although 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, although these rights were not always respected. Detainees have the right to legal counsel, and free counsel was usually provided to indigent persons. Courts accepted bail for most offenses.

Pretrial Detention: The constitution provides that remand prisoners be released after six months of detention if their cases have 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**

Although the constitution and law provide for an independent judiciary, 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. Authorities did not always respect court orders.

Two Supreme Court judges, two appeals court judges, and four magistrate court judges were citizens by birth. There were allegations that some 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.

During the year the chief justice, who was appointed in 2009, continued efforts to increase judicial efficiency by increasing the number of judges, introducing alternative dispute resolution techniques, and automating judicial records.

An 18-member part-time family tribunal heard and decided all matters relating to access to, care, custody and maintenance of children, domestic violence, family disputes, and other family related cases. 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 trials and to appeal. Cases involving murder or treason use 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. These rights were 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, case backlogs impeded judicial efficiency. UNODC funding was used to provide prosecutors to decrease the backlog in the Attorney General's Office. The National Human Rights Commission, which investigated allegations of human rights abuse, recommended cases for prosecution as well as for out-of-court settlements (see section 5).

### **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 communications without legal process.

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

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

## Status of Freedom of Speech and Press

The constitution and law provide for freedom of speech and press; however, the government did not respect these rights in practice. Journalists from state-controlled media practiced self-censorship.

Freedom of Speech: Individuals who criticized the government publicly or privately sometimes suffered reprisals, such as harassment by police or the loss of jobs or contracts.

Freedom of Press: The government operated a daily newspaper, and there were two privately owned daily newspapers and three political party weeklies.

On September 26, on the eve of legislative elections, police operating under orders of the Seychelles Licensing Authority seized opposition coalition campaign materials. The government claimed that the opposition did not have the appropriate license to publish the materials. The opposition claimed that the publications were flyers and did not require registration. The government countered that, according to the Newspaper Act, a flyer is considered a newspaper.

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 (\$61,538) 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 against the “national interest” or “objectionable.” The law also requires telecommunications companies to submit subscriber information to the government. The law was not enforced during the year.

Libel Laws/National Security: 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.

On December 12, *Le Nouveau Seychelles Weekly* chief editor Ralph Volcere appeared in court for allegedly discrediting a Court of Appeals judge in a December 9 newspaper article. The case was scheduled for January 2012.

The Media Commission, a media regulatory body created as a result of December 2010 legislation, was composed of media professionals widely viewed to be ruling party supporters.

### **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.

For example, on June 9, an opposition supporter was detained for 15 days for having allegedly insulted the president on a social networking Web site. No charges were filed.

On December 5, police detained a man after he allegedly criticized a senior government official on a social networking Web site. The man was released the same day, and no charges were filed.

On October 28, a man was arrested, and later released, for posting negative comments against Air Seychelles. No charges were filed.

### **Academic Freedom and Cultural Events**

Opposition activists claimed that the government limited academic freedom by reportedly not allowing educators to reach senior positions in the academic bureaucracy without demonstrating at least nominal loyalty to the People's Party. The government controlled faculty appointments to the Polytechnic, the University of Seychelles, and boards of educational institutions.

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

#### **Freedom of Assembly**

The constitution and law provide for freedom of assembly; however, the government did not always respect this right in practice.

For example, on October 7, police denied the opposition coalition permission to hold a political rally in Beau Vallon on the grounds that the meeting was going to take place in a residential area. Although the law does not prohibit the holding of rallies in residential areas, police have used the same excuse to deny permits for years.

On November 17, police denied the opposition coalition permission to conduct a march in Victoria to protest the outcome of the legislative elections. No reason was given for the denial.

### **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.

#### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/rls/irf/rpt](http://www.state.gov/j/drl/rls/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.

Foreign Travel: 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," but the law was not invoked during the year.

#### **Protection of Refugees**

Access to Asylum: The country's laws do not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees.

### **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**

Recent Elections: In presidential elections held May 19-21, voters reelected incumbent and ruling People's Party candidate James Michel to a third term. Michel received 55percent of the vote, while opposition Seychelles National Party (SNP) candidate Wavel Ramkalawan received 41percent. International observers deemed the process credible, although they cited allegations of unfair campaign practices. The Francophonie Observer Group, the Commonwealth Expert Team, and the Southern African Development Community called for electoral reforms, such as a cap on campaign funding, a credible voters' register, and restrictions on the use of state resources.

In National Assembly elections held on September 29, 30, and October 1, the People's Party won all seats due to an opposition boycott of the elections. Both the SNP and New Democratic Party opted out of the election, charging that the ruling party obstructed their activities, particularly in the National Assembly. Despite the boycott, international observers found the election credible and transparent. Citizens Democracy Watch, a local observation group, the first domestic observer group allowed to monitor an election, expressed concern about "the sudden dissolution of the National Assembly, the use of state funds and resources during the election period, intimidation of candidates and activists; media coverage of events during cooling-off period; and nonadherence to agreed rules and procedures during campaigning."

Remand prisoners were not allowed to vote in the legislative elections, despite a July 12 Constitutional Court ruling that provided them the right to vote.

Political Parties: The People's Party assumed power in a 1977 coup and continued to dominate the country through a pervasive system of political patronage and control over government jobs, contracts, and resources.

Opposition parties claimed that they operated under restrictions and outside interference, especially in the National Assembly, where dissent was sometimes penalized. SNP members who walked out of the assembly in protest, for example, lost a day's pay. The speaker sometimes ordered individual opposition members to

leave the chamber if debate tactics became contentious. 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.

Participation of Women and Minorities: There were 14 women in the 32-seat National Assembly, 11 elected by direct election and three appointed by proportional representation. Two of the 10 cabinet members were women.

#### **Section 4. Official Corruption and Government Transparency**

The law provides criminal penalties for official corruption, but 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.

Although public officials and citizens serving on boards were subject to financial disclosure laws upon taking office, this did not always occur.

The ombudsman has legal authority to investigate and report on allegations of official fraud and corruption; however, no cases were reported or investigated during the year.

There are laws allowing public access to government information, but the government did not comply with them. 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 NGOs and three domestic human rights groups--the Center for Rights and Development (CEFRAD), Association of Concerned Citizens of Seychelles (ACCESS), and Friends of Prison--generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to the views of international NGOs but less cooperative with CEFRAD and ACCESS, which were perceived as aligned with the opposition. For

example, the government refused to permit CEFRAD and other local groups to observe the May presidential election and prior elections.

Government Human Rights Bodies: The National Human Rights Commission 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 and Domestic Violence: Rape, spousal rape, and domestic abuse are criminal offenses punishable by a maximum of 20 years' imprisonment. Rape was a problem. The police registered 63 sexual assault cases for the year, although most rape cases went unreported for fear of reprisal or social stigma. The Social Affairs Division of the Ministry of Social Development and Culture and the Women in Action and Solidarity Organization (WASO), a local NGO, provided counseling services to 15 domestic violence victims, including rape victims during the year. Nine sexual assault cases were prosecuted during the year, and 36 cases remained under investigation.

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 268 restraining orders, 82 eviction orders, and 124 referrals of persons on restraining order to probation services during the year.

During the year GEM Plus, a local NGO that promotes awareness of domestic violence, worked on the Gender Justice Barometer and translated the Gender Protocol of the Southern African Development Community into Creole, one of the three official languages of the country.

Sexual Harassment: The law prohibits sexual harassment, but 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.

Reproductive Rights: 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 Social Development and Culture. There were no restrictions on the right to access contraceptives, but few couples reportedly used these measures. The government provided free childbirth services, although 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. There were no legal, social, cultural, or other barriers that limited access to these services.

Discrimination: 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**

Birth Registration: 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 denial of public services.

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

Child Abuse: The law prohibits physical abuse of children, but child abuse was a problem. According to government social workers, sexual abuse of children, usually perpetrated by stepfathers and older brothers, occurred. According to WASO, most rapes of girls under age 15 went unreported for fear of reprisal or

social stigma. Authorities prosecuted very few child abuse cases in court due to lack of efficient working relations between government agencies. The strongest public advocate for young victims was a semiautonomous agency, the National Council for Children.

Child Marriage: The minimum age for marriage is 15, with parental consent. Girls were allowed to attend school while pregnant, and many returned to school after giving birth.

Sexual Exploitation of Children: The law provides a minimum punishment of seven years' imprisonment for persons found guilty of sexual assault on a person under age 15. There were reports of commercial sexual exploitation of children; however, no complaints were filed with the police, and no abusers were prosecuted during the year.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

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

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

Although the constitution and law provide for the right of persons with disabilities to special protection, including reasonable provisions for improving quality of life, no laws provide for access to public buildings, transportation, or state services, and the government did not provide such services. There was discrimination against persons with disabilities. For example, there were reports that some employers did not pay their employees with disabilities because the latter were already receiving disability social aid. The National Council for Disabled, a government agency under the Ministry of Social Development and Culture, developed work placement programs for persons with disabilities, although few such employment opportunities existed.

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

Consensual same-sex activity between men is punishable by 14 years' imprisonment; however, the law was not enforced. There were no reports of discrimination against gay men and lesbians.

### **Other Societal Violence or Discrimination**

There were no reports of violence or discrimination against persons with HIV/AIDS. Nevertheless, government policies require a foreign citizen marrying a Seychellois to undergo an HIV test. If the test is positive, the couple will be refused the right to marry in the country. Citizens applying for loans and life insurance are also required to undergo an HIV test.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law allows all workers--excluding police, military, prison, and firefighting personnel--to form and join independent unions and to bargain collectively; however, strikes are illegal unless arbitration procedures are first exhausted. The legislation requires that two-thirds of union members need to vote for a strike in a meeting specifically called to discuss the strike, and provides the minister with the right to call for a 60-day cooling off period before a strike starts. Anyone found guilty of calling for an illegal strike can be fined 5,000 rupees (\$384) and up to six months' imprisonment. The law provides discretionary powers to the registrar to refuse the registration of unions; however, the legislation was not used during the year. The law prohibits antiunion discrimination, but is silent regarding the rights of foreign or migrant workers to join a union. The government has the right to review and approve all collective bargaining agreements in the public and private sectors. The law also imposes compulsory arbitration in all cases where negotiating parties do not reach an agreement through collective bargaining. In the Seychelles International Trade Zone (SITZ), the country's export processing zone, the government did not require adherence to all labor, property, tax, business, or immigration laws. The Seychelles Trade Zone Act supersedes many legal provisions of the labor, property, tax, business, and immigration laws.

The government did not always respect rights to union participation and collective bargaining or effectively enforce applicable laws. Between 15 and 20 percent of the workforce was unionized. Collective bargaining seldom occurred. 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 the employee, while the government set wage rates in the few larger businesses. There was little flexibility in setting wages.

Although the law prohibits antiunion discrimination, there were unofficial reports that such discrimination occurred.

The law authorizes the Ministry of Education, Employment and Human Resources to establish and enforce employment terms, conditions, and benefits, and in practice workers frequently obtained recourse against their employers through the ministry.

#### **b. Prohibition of Forced or Compulsory Labor**

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

#### **c. 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.” It is otherwise a criminal offense punishable by a fine of 6,000 rupees (\$461) to employ a child under age 15. However, the law neither specifically prohibits children from engaging in hazardous work nor provides for a comprehensive list of hazardous work prohibited to children under age 18.

In practice the government adhered to these requirements, and the Ministry of Education, Employment and Human Resources effectively 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 reported to be working in the fishing, tourism, agricultural, boat-building, or processing industries; the ministry carried out regular checks to ensure that children were actually attending school. No cases involving the worst forms of child labor were reported during the year.

Also see the Department of Labor's findings on the *Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. 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 wage was 22.80 rupees (\$1.75) per hour. Private employers generally paid higher wages than the government to attract and retain qualified workers.

The legal maximum workweek varied from 45 to 55 hours, depending on the economic sector. Regulations entitled each full-time worker to a one-hour break per day and a minimum of 21 days of paid annual leave. Regulations permitted workers to work overtime up to 60 additional hours per month. The law requires premium pay for overtime work.

The Ministry of Health has formal responsibility for drafting the government's comprehensive occupational health and safety regulations. The law allows workers to remove themselves from dangerous or unhealthy work situations, report the employer to the Health and Safety Commission of the Department of Employment, and seek compensation without jeopardizing their employment. Foreign workers are not covered by these laws.

The government generally supported these standards but did not effectively enforce them in all sectors. Safety and health inspectors rarely visited job sites.

In practice some workers worked up to 60 hours per week. Government employees worked fewer hours. Foreign workers--mainly employed in the construction and commercial fishing sectors-- enjoyed the same legal protections as citizens, even though they are not specifically identified in the labor law. However, companies in the SITZ sometimes paid foreign workers lower wages, forced them to work longer hours, and provided them with inadequate housing, resulting in substandard conditions. Occupational injuries were most common in the construction, marine, and port industries.