

SEYCHELLES 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Seychelles is a multi-party republic governed by a president, a council of ministers, and a National Assembly. In elections held in May 2011, voters re-elected President James Michel. International observers deemed the process credible, although local observers cited unfair campaign practices and called for electoral reforms. The president and the Parti Lepep, formerly the Seychelles People's Progressive Front, dominated the country through political patronage and control over government jobs, contracts, and resources. Authorities maintained effective control over the security forces. Security forces committed human rights abuses.

The most significant human rights problems in the country included police brutality, restrictions on freedom of press and assembly, and denial of worker rights, particularly those of foreign workers.

Other human rights problems included prison overcrowding; prolonged pretrial detention; an inefficient judiciary; restrictions on freedom of speech and association; restrictions on academic freedom; corruption; violence against women and children; trafficking in persons; and forced labor.

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

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. Independent inquiry commissions are set up to examine security force abuses.

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 there were reports in an opposition newspaper that police and prison officers beat and abused persons, including detainees, to force confessions.

On January 20, a woman reported that five men – including two army officers – gang raped her at the seaside district of Beau Vallon. The men were detained, appeared in court, and later released for lack of sufficient evidence.

On July 12, the *Seychelles Weekly* reported that its editor intervened to defend a man with mental disabilities who was being beaten and abused by police and contract Nepalese law enforcement officers in the district of Anse Aux Pins.

Prison and Detention Center Conditions

Prison conditions did not meet international standards, notably regarding overcrowding and sanitation.

Physical Conditions: In 2012, the last year for which statistics were available, there were 628 prisoners and detainees, consisting of 600 men and 28 women. Authorities held pretrial detainees together with convicted prisoners. Montagne Posee Prison, the country's main prison, was overcrowded and did not meet international standards. Access to sufficient potable water improved during the year, but sanitation and hygiene remained poor, as did ventilation and lighting in cells. A part-time doctor and nurse were available to provide medical treatment and oversee dietary needs. Little information was available on conditions at remote prison facilities on Coetivy Island and Marie Louise Island. Prisoners on Coetivy Island were low-risk inmates who reportedly volunteered for the transfer and worked on construction projects as a form of rehabilitation. The prison on Marie Louise Island reportedly held only convicted drug traffickers.

There were no deaths in prisons or jails during the year.

Administration: Authorities did not use alternatives to sentencing for nonviolent offenders, and authorities took no steps during the year to improve recordkeeping. 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, although the ombudsman did not release a report. During the year the National Human Rights Commission (NHRC)

received 16 complaints, of which the NHRC chose to retain four for investigation and dismissed 12 for lack of substantiation. The NHRC shares the same chairperson and staff as the ombudsman's office and remained in operation, although the terms of its members had all expired.

Authorities allowed prisoners and detainees access to visitors and 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 other 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.

In partnership with the UN Office on Drugs and Crime (UNODC), the government provided training for prison guards in tradecraft, leadership, fire safety, and emergency response and training for prisoners in information technology, English, and mathematics.

Independent Monitoring: The government generally permitted independent monitoring of prison conditions by local and international human rights groups. The International Committee of the Red Cross held discussions with government authorities but made no requests for prison visits.

Improvements: Authorities in Montagne Posee Prison constructed a small reservoir during the year, which improved prisoner access to potable water. A kitchen in the women's wing of the prison also was completed, allowing female prisoners to prepare their own meals.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, but the government did not always observe these prohibitions. Individuals posted allegations of arbitrary arrest and detention on social media sites.

Role of the Police and Security Apparatus

The president controls the security apparatus, which includes the Seychelles People's Defense Forces (SPDF), Presidential Protection Unit, Coast Guard, and police. The police commissioner, who reports directly to the minister for home

affairs 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. In 2012 the police force contracted with Nepalese Gurkhas, who continued to work as security officers to support the local police force.

Security forces were effective, although impunity was a problem. Police brutality and corruption, particularly the solicitation of bribes, occurred.

Authorities rarely used the Enquiry Board, a police complaint office. Private attorneys generally filed complaints with police or published them in the independent daily *Today in Seychelles* or in opposition party newspapers, such as *Le Seychellois Hebdo* or *Le Nouveau Seychelles Weekly*.

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

Arrest Procedures and Treatment of Detainees

The law requires warrants, except for persons being arrested under the Misuse of Drugs Act, which allows police and agents of the National Drug Enforcement Agency to arrest and detain persons without 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 authorities did not always respect these rights. Detainees have the right to legal counsel, and indigents generally received free counsel. Courts accepted bail in most cases.

Arbitrary Arrest: The government arbitrarily arrested demonstrators during the year (see section 2.b.).

Pretrial Detention: The constitution provides that remand (pretrial) prisoners be released after six months of detention if their cases have not been heard, but prolonged pretrial detention was a problem. Prisoners sometimes waited more than three years for trial or sentencing due to case backlogs. Approximately 24 percent of the prison population consisted of pretrial detainees.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the judiciary was generally independent and impartial. Nevertheless, court processes were inefficient, and both civil and criminal court cases generally lasted years. Authorities did not always respect court orders.

Three Supreme Court judges, two appeals court judges, and four magistrate court judges were citizens by birth. All other justices were either naturalized citizens or citizens of other Commonwealth countries. Judges were generally impartial. According to Freedom House, however, 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 contracts.

An 18-member, part-time family tribunal heard and decided all matters relating to access, 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 Parti Lepep.

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. Defendants have the right to be informed promptly and in detail of the charges against them, with free interpretation as necessary. Only 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, although such requests were often delayed. The law provides the right of defendants to consult with an attorney of choice or to have one provided at public expense in a timely manner and to be provided adequate time and facilities to prepare a defense. Defendants have the right not to confess guilt or to enter a plea. Defendants also have the right to appeal against conviction. 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, but case backlogs impeded judicial efficiency. The UNODC funded prosecutors, which decreased the backlog in the Attorney General's Office. The NHRC, which investigates allegations of human rights abuse, recommended cases for prosecution as well as for out-of-court settlement (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. Nevertheless, widespread suspicion of government monitoring of private communications without legal process intensified during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press, but the government did not respect these rights. The government monopolized radio and television and used strict libel laws to intimidate and harass independent journalists.

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.

Press Freedoms: The government operated a daily newspaper. There was one privately owned newspaper and three political party weeklies. The government mandates that certain advertisements must be in the government-owned newspaper and reportedly discouraged companies doing business with the government from advertising in other newspapers.

The government owned the only television station and two radio stations. During the year a privately owned radio station opened, and the government granted a license to a second privately owned station. The law allows for independent radio and television but prohibits political parties and religious organizations from operating radio stations.

Violence and Harassment: On October 5 and October 11, the editor of *Le Seychellois Hebdo* newspaper filed a police complaint for harassment and threats.

The editor claimed the threats started after the newspaper published a series of articles linking a high-ranking government official with a Slovak national who obtained Seychellois citizenship under false pretenses. The government later deported the Slovak national.

Censorship or Content Restrictions: 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, but journalists practiced self-censorship.

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. Social media sites may also be subject to lawsuits under this law.

The Media Commission, a media regulatory body created in 2010, had as members media professionals widely viewed to be ruling party supporters. On May 3, the commission published a code of conduct and code of ethics for journalists.

Internet Freedom

Opposition activists claimed the government blocked access to their party websites and monitored their postings on social network sites. There also were reports that the government monitored e-mails, internet chat rooms, and blogs. Officials harassed and attacked individuals for comments posted on social networking sites.

For example, on October 11, the *Seychelles Weekly* newspaper reported that masked men believed to be secret government agents allegedly assaulted a blogger who had criticized the government on his blog. The victim, who suffered severe injuries to the head, subsequently stopped his blogging activities.

On October 20, masked men attacked Michael Sabadin, an administrator of a popular social networking site. Police arrested one of the attackers but later released him without charge. In 2012 police arrested and detained Sabadin for posting the picture of a young soldier, allegedly beaten by Nepalese contract law enforcement officers. In 2010 police arrested Sabadin for his online comments.

According to 2012 International Telecommunication Union statistics, 47 percent of the population used the internet.

Academic Freedom and Cultural Events

Opposition activists claimed the government limited academic freedom by not allowing educators to reach senior positions in the academic bureaucracy without demonstrating at least nominal loyalty to the Parti Lepep. 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, but the government did not always respect this right.

For example, on September 30, police arrested and detained the leader of the former New Democratic Party, Ralph Volcere, and four of his supporters for sitting on a bench with a protest sign. Volcere was calling for the prompt registration of his new political party, the Seychelles United Party. He was later released without charge along with his supporters. On October 1, the police commissioner issued a statement reported on national television that police would not allow assembly in Victoria with intent to breach the peace.

Freedom of Association

The constitution and law provide for freedom of association, but 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/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. The government generally respected these rights.

Foreign Travel: The law allows the government to deny passports to any citizen if the minister of home affairs finds that such denial is “in the national interest.”

Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. Nevertheless, the country cooperated with the UN High Commissioner for Refugees, which monitored and assisted refugees in the country through a Memorandum of Understanding with the UN Development Program.

On April 14, Sahkr El Materi, the son-in-law of deposed Tunisian president Zine El Abidine Ben Ali, and his family requested political asylum. The government granted them a temporary one-year residential permit.

Refoulement: In February the government deported Burundian journalist Olivier Msamirzi and his family. Msamirzi, who was detained for entering the country under false pretext, had requested asylum after learning that one of his sources had been killed.

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 through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: In presidential elections held in May 2011, voters re-elected incumbent president and ruling Parti Lepep candidate James Michel to a third term. Michel received 55 percent of the vote, while opposition Seychelles National Party (SNP) candidate Wavel Ramkalawan received 41 percent. 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 spending, a credible and accurate voters' register, and restrictions on the use of state resources.

As in previous elections, the government did not allow the Center for Rights and Development and other local nongovernmental organizations (NGOs) to monitor the 2011 presidential election, although the government allowed local NGOs to monitor legislative elections five months later and in July 2012.

In National Assembly elections held in September and October 2011, the Parti Lepep won all seats due to an opposition boycott of the elections. The newly formed Popular Democratic Movement won a proportional representation seat in the National Assembly following an electoral challenge in the Constitutional Court and the Court of Appeals. 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, 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 the cooling-off period; and non-adherence to rules and procedures agreed upon during campaigning.”

The government did not allow prisoners awaiting trial to vote in the legislative elections and a 2012 by-election in the district of Anse Aux Pins, despite a 2011 Constitutional Court ruling that provided them the right to vote.

Political Parties: The Parti Lepep 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 they operated under restrictions and outside interference. When it had members in the National Assembly, the SNP claimed that dissent was sometimes penalized. SNP members who walked out of the assembly in protest, for example, lost their “sitting fee,” the equivalent to a day’s salary. The speaker sometimes ordered individual opposition members to leave the chamber if debate tactics became contentious. Some opposition members claimed 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 directly and three appointed by proportional representation. Three of the 13 cabinet members were women.

Section 4. Corruption and Lack of Transparency in Government

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 most recent Worldwide Governance Indicators reflected that corruption was a problem.

Corruption: The media reported allegations of corruption during the year, but no corruption cases were reported or investigated. The ombudsman has legal authority to investigate and report on allegations of official fraud and corruption, and the Attorney General's Office prosecutes such cases.

Police corruption remained a problem.

On July 25, the prosecution dropped all charges against a boat captain accused of importing drugs. According to the *Seychelles Weekly* newspaper, the acquittal was anticipated since the boat captain had family ties with the head of state.

The *Seychelles Weekly* newspaper ran a series of articles during the year alleging that former minister of lands Dolor Ernesta used his position to acquire several plots of state land.

Whistleblower Protection: The law does not provide for protection of public or private employees who make internal disclosures or lawful public disclosures of evidence of illegality.

Financial Disclosure: The law requires senior public servants and board members to disclose their assets, although the law was not always enforced.

Public Access to Information: 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

Government officials generally were cooperative and responsive to the views of international NGOs. With the exception of Friends of Prison – which provided a platform for prisoners’ families to register their concerns – the government was less cooperative with local NGOs, which it perceived as aligned with the opposition. Local human rights NGOs were not active during the year.

Government Human Rights Bodies: The NHCR, which generally operated without government or party interference, lacked adequate resources and was rarely used due to a public perception that it was inefficient and aligned with the government.

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. There was no overt discrimination in housing, employment, education, or other social services based on race, gender, ethnicity, nationality, or disability. Nevertheless, there were anecdotal reports that discrimination based on political affiliation occurred.

Women

Rape and Domestic Violence: Rape, spousal rape, and domestic abuse are criminal offenses punishable by a maximum of 20 years’ imprisonment. Nevertheless, rape was a problem, and the government did not enforce the law effectively (see section 1.a.). Most rape cases went unreported due to fear of reprisal or social stigma. No information was available on the number of sexual assault cases prosecuted 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. Police maintained a specialized unit, the Family Squad, to address domestic violence and other family issues. The unit was underfunded and ineffective. Authorities often dismissed the few cases that reached a prosecutor; in the cases that continued, the court generally ordered light sentences for perpetrators.

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 victims of rape and domestic violence. Since 2010 the Gender Secretariat in the Ministry of Community Development, Social Affairs and Sports conducted an informational campaign to end gender-based violence, using spot announcements on television and printed materials.

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. The government permitted health clinics and local health NGOs to operate freely in disseminating information on family planning under the guidance of the Ministry of Health. 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 and 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 generally 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 generally were registered immediately. Failure to do so did not result in denial of public services.

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 several child abuse cases in court.

On February 23, for example, the *Today in Seychelles* newspaper reported that a court sentenced a man to eight years in prison for raping a 10-year-old boy over a one-year period.

The strongest public advocate for young victims was a semi-autonomous agency, the National Council for Children.

Forced and Early Marriage: The minimum age for marriage is 15 for girls with parental consent and 18 for boys; child marriage was not a significant problem.

Sexual Exploitation of Children: The law criminalizes the prostitution and sexual exploitation of children and specifically prohibits the procurement, recruitment, or exploitation of girls under age 18 for the purposes of prostitution. The law also prohibits the procurement or detainment of any girl against her will with the intent to engage in sexual conduct or for the purposes of prostitution. The law does not protect boys from commercial sexual exploitation to the same extent as girls. The law provides for a minimum 14 years' imprisonment for the first conviction of sexual assault on a person under age 15 and 28 years' imprisonment for a second conviction. There were reports of commercial sexual exploitation of children, although no complaints were filed with the police, and no abusers were prosecuted during the year. No cases of child pornography, which is illegal, were reported 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.

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 if the latter were already receiving disability social aid. Most children with disabilities did not attend mainstream school and were segregated into specialized schools. The National Council for Disabled, a government agency under the Ministry of Community Development, Social Affairs and Sports, developed work placement programs for persons with disabilities, although few 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, but the law was not enforced. There were no reports of discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons, although stigma was likely a factor preventing incidents of abuse from being reported. There were no local NGOs that worked openly or exclusively for the rights of the LGBT population.

Other Societal Violence or Discrimination

There were no reports of violence or discrimination against persons with HIV/AIDS. Nevertheless, the government has unwritten policies that 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. There were anecdotal reports that insurance companies refused coverage to persons with HIV and that banks reduced the amount of loan money available to such persons.

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. The law confers on the registrar discretionary powers to refuse registration of unions. 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 government with the right to call for a 60-day cooling off period before a strike starts. The law allows the minister of employment and human resources development to declare a strike unlawful if its continuance would endanger, among other things, “public order or the national economy.” Anyone found guilty of calling for an illegal strike can be fined 5,000 rupees (\$429) and imprisoned for up to six months. 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 effectively enforce applicable laws, and cases involving citizens were often subject to lengthy delays and appeals, while those for foreigners were not.

During the year the International Labor Organization (ILO) conducted a joint workshop with the Ministry of Employment and Human Resources Development on negotiation skills and dispute resolution as part of the Seychelles Decent Work Country Program.

The government did not always respect the right to participate in union activities and collective bargaining. The ILO continued to report insufficient protection against acts of interference and restrictions on collective bargaining. It urged the government to review provisions of the Industrial Relations Act concerning trade union registration and the right to strike, including provisions allowing employers or their organizations to interfere by promoting the establishment of worker organizations under their control and the imposition of compulsory arbitration when parties do not reach agreement through collective bargaining, regardless of whether cases involve essential services, among others. Between 15 and 20 percent of the workforce was unionized. Collective bargaining rarely occurred. In the public sector, which employed more than 50 percent of the labor force, the government set mandatory wage rates for employees. In the private sector employers generally set wages through individual agreements with the employee.

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

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

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, but there were reports that such practices occurred in the fishing and construction sectors, where most of the country's 15,000 migrants work.

On June 18, police intervened when migrant workers at a hotel construction site in the tourist district of Beau Vallon protested poor living conditions and delayed payment of salaries. Workers and police officers were injured.

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." The penalty for employing a child under age 15 was a fine of 6,000 rupees (\$515).

The government generally adhered to these requirements, and the Ministry of Employment and Human Resources Development effectively enforced child labor laws. The ministry handled such complaints within its general budget and staffing and did not report any case requiring investigation. Five ministry inspectors conducted regular checks to ensure that children were actually attending school. No cases involving the worst forms of child labor were reported during the year (see section 6, Children).

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

d. Acceptable Conditions of Work

The Ministry of Finance, Trade, and Investment determined the minimum wage, which was 22.80 rupees (\$1.95) per hour for all workers. Employers, however, generally set wages through individual agreements with the employee.

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 overtime up to 60 additional hours per month. The law requires premium pay for overtime work.

The Ministry of Health has 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.

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. Nevertheless, companies in the SITZ sometimes paid foreign workers lower wages, delayed payment of their salaries, forced them to work longer hours, and provided them with inadequate housing, resulting in substandard conditions.

As of August 30, there were 68 cases of occupational accidents, which occurred most frequently in the construction, marine, and port industries.