

# SEYCHELLES 2015 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Seychelles is a multiparty republic governed by a president, a council of ministers, and a National Assembly. In December voters re-elected President James Michel. International observers, who had not determined whether elections were free and fair by year's end, criticized voter intimidation and vote buying; local observers cited unfair campaign practices. The president and Parti Lepep, formerly the Seychelles People's Progressive Front, dominated the country through political patronage and control over government jobs, contracts, and resources. Civilian authorities maintained effective control over the security forces.

The most significant human rights problems included restrictions on the freedoms of press and assembly, violence against women and children, and denial of worker rights, particularly those of foreign workers.

Other human rights problems included police brutality, harassment of opposition politicians, prison overcrowding, and prolonged pretrial detention. The government restricted freedom of speech, association, and academic freedom, and corruption was a problem. Trafficking in persons and forced labor occurred.

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 the government or its agents committed arbitrary or unlawful killings.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices, but there were media reports police and agents of the National Drug Enforcement Agency beat and abused persons, including detainees, to force confessions.

For example, on March 30, the newspaper *Le Seychellois Hebdo* reported that three police officers arbitrarily and without charge arrested Ralph Loiseau, whom they subsequently kicked repeatedly at police headquarters. Loiseau, who suffered a black eye due to the abuse, was released later the same day.

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

Prison conditions in Montagne Posee Prison, the country's main prison, did not meet international standards, primarily due to overcrowding.

Physical Conditions: Authorities held pretrial detainees with convicted prisoners. There was one inmate death, caused by an accident, on Coetivy Island.

Administration: An ombudsman may make recommendations to the National Assembly and the president to improve conditions for prisoners and detainees but had no authority to enforce such recommendations. Although the ombudsman is required to issue an annual report on inmate complaints and on investigations into human rights abuse and corruption, she did not do so for at least two years. Statistics on inmate complaints filed with the National Human Rights Commission (NHRC) were unavailable at year's end.

On October 13, the newspaper *Today in Seychelles* published a letter from Samir Danny Alexis, an inmate at the prison on Marie-Louise Island, who complained to the minister of home affairs that detainees on the island did not have access to their relatives due to the prison's remote location. Alexis also complained that authorities denied them medical attention and did not permit them to make quarterly telephone calls to their relatives.

Independent Monitoring: The government generally permitted independent monitoring of prison conditions by local and international human rights groups. The UN Office on Drugs and Crime and 10 local nongovernmental organizations (NGOs) visited Montagne Posee Prison during the year. The International Committee of the Red Cross held discussions with government authorities but made no requests for prison visits.

Improvements: In November authorities inaugurated a new playground in Montagne Posee Prison for children visiting incarcerated parents.

#### **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, commands the unarmed police, the armed paramilitary Police Special Support Wing, and the Marine Police 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 impunity was a problem. Police brutality and corruption occurred, particularly soliciting bribes.

Authorities rarely used the Enquiry Board, a police complaint office, but rather established independent inquiry commissions to examine security force abuses. Private attorneys generally filed complaints with police or published them in the independent daily newspaper *Today in Seychelles* or in opposition party newspapers, such as *Le Seychellois Hebdo* or *The Seychelles Weekly*. Although human rights were included as a core precept in officer training, the scope of such training was limited.

#### **Arrest Procedures and Treatment of Detainees**

The law requires warrants, except for persons arrested under the Misuse of Drugs Act, which allows police and agents of the National Drug Enforcement Agency to arrest and detain persons 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 travel from distant islands. Police did not always respect this requirement. Authorities generally notified detainees of the charges against them and, unlike in the previous year, generally granted them prompt access to family members. Detainees have

the right to legal counsel, and indigents generally received free counsel. Courts allowed bail in most cases.

Arbitrary Arrest: The online radio program *Annou Koze* reported that on December 22, police arrested without charge and beat Darrel Alcindor, an opposition activist.

Unlike in the previous year, there were no reports that the government arbitrarily arrested demonstrators.

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. Pretrial detainees made up approximately 15 percent of the prison population.

#### **e. Denial of Fair Public Trial**

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

The first female chief justice, Mathilda Twomey, was sworn in on August 18. She and four other 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 generally were impartial. According to Freedom House, however, there were reports the executive branch interfered in the recruitment of foreign justices, who sometimes were hesitant to rule against the executive branch due to fear of losing their contracts; citizen judges, by contrast, had lifetime appointments.

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 had limited training in the law and were affiliated with 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 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, although responses to such requests often were 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, not to testify, or to enter a plea. The law extends these rights to all defendants.

### **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 NHRC, which investigates allegations of human rights abuse, recommended cases for prosecution and out-of-court settlement.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions. Nevertheless, there was widespread suspicion the government monitored private communications without legal process, and opposition activists claimed the government blocked access to their party websites and monitored their postings on social network sites (see section 3).

## **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 and Expression: Individuals who criticized the government publicly or privately sometimes suffered reprisals, such as harassment by police or the loss of jobs or contracts.

Press and Media Freedoms: The government operated a daily newspaper. There were two privately owned newspapers and three political party weeklies. Unlike in the past, there were no reports the government discouraged companies from advertising in non-government-owned newspapers.

The government owned the only television station and two radio stations; there was one independent radio station. The law allows for independent radio and television but prohibits political parties and religious organizations from operating radio stations.

Violence and Harassment: According to the Association of Media Practitioners of Seychelles, authorities denied some media houses access to certain government events and press conferences. On December 2, the daughter of *The Weekly* editor Robert Ernesta published a letter asking President Michel and law enforcement officers to stop harassing her father. She claimed security forces had threatened her father and that police constantly followed him.

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/Slander Laws: 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.

## **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 the government monitored e-mails, internet chat rooms, and blogs. According to 2013

International Telecommunication Union statistics, 50.4 percent of the population used the internet.

On August 17, John Denis, who operated the online television program *Annou Koze*, reported on social media that he had received death threats in response to his program, where primarily opposition politicians discussed issues. Denis filed a complaint with police, but the government took no action, and he subsequently left the country.

### **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 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, and authorities had wide discretion to ban public gatherings and prosecute demonstrators, according to Freedom House.

On August 6, the Constitutional Court ruled that the 2013 Public Order Act (POA), which provides that an individual advocating for any cause in a public place may constitute illegal assembly, was unconstitutional. On October 27, the National Assembly replaced the POA with the Public Assembly Act, which requires the organizers of gatherings of 10 or more persons to inform the police commissioner five working days prior to the gathering. The police commissioner may impose conditions or deny the right to assemble, taking into consideration concerns regarding security, morality, and public safety.

On November 22, police blocked a motorcade rally of the opposition Seychelles National Party (SNP) from entering Perseverance, a stronghold of the ruling party. Authorities claimed the SNP had diverted from the agreed upon itinerary.

#### **Freedom of Association**

The constitution and law provide for freedom of association, but civil servants allegedly refrained from participating in opposition party activities due to fear of political reprisal.

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

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **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 such denial “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.

## **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to change their government through free and fair periodic elections, based on universal and equal suffrage, and citizens exercised that ability.

### **Elections and Political Participation**

Recent Elections: Between December 16 and 18, President Michel was re-elected to a third term by 193 votes in the country's first-ever runoff election. Neither Michel nor runner-up Wavel Ramkalawan, leader of the opposition SNP, received the required 51 percent of the vote in the first round of elections held between December 3 and 5. International observers from the Southern African



Development Community and the African Union, who had not determined whether the elections were free and fair by year's end, criticized voter intimidation and vote buying. They also called for campaign finance reform, increased voter education, the right of individuals with disabilities to vote in secret, and reducing the voting period from three days to one.

Political Parties and Political Participation: 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 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 party members claimed they lost their government jobs because of their political affiliation and were at a disadvantage when applying for government licenses and loans.

On September 27, presidential candidate Alexia Amesbury wrote on her blog that state security was following her and harassing both her and members of her family. On October 22, Amesbury claimed on her website that her phones were being tapped and that both her home and work e-mails were being monitored.

On October 24, the British *Telegraph* newspaper reported that police arrested and questioned Patrick Pillay, leader of the opposition Lalyans Seselwa Party and a presidential candidate in December, about "improper behavior." Other opposition candidates claimed the government's charges against Pillay constituted political intimidation.

#### **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 corruption was a problem.

Corruption: According to the minister of finance, trade, and the blue economy, the government investigated a number of corruption cases, but no prosecutions were made public. 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.

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.

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

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution states, "Every person has a right to equal protection of the law...without discrimination on any ground except as is necessary in a democratic society." There was no overt discrimination in housing, employment, education, or other social services based on race, gender, ethnicity, or nationality, but there were reports of discrimination based on political affiliation.

#### **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. Most victims did not report rape due to fear of reprisal or social stigma. As of September 15, there were 111 reports of rape, and 26 cases of sexual assault were pending in courts at year's end.

Domestic violence against women was a problem. Police rarely responded to domestic disputes, although media reported some improvement during the year. Police maintained a specialized unit, the Family Squad, to address domestic violence and other family problems. The unit was underfunded and ineffective. Authorities often dismissed the few cases that reached a prosecutor. In the cases that continued, the court generally handed down light sentences.

The Social Affairs Division of the Ministry for Community Development, Social Affairs, and Sports and the Women in Action and Solidarity Organization (WASO), a local NGO, provided counseling services to victims of rape and domestic violence. The ministry's Gender Secretariat conducted various outreach campaigns to end gender-based violence.

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: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and to have access to the information and means to do so, free from discrimination, coercion, or violence. Health clinics and local health NGOs operated freely in disseminating information on family planning under the guidance of the Ministry of Health. The government provided free childbirth services--including nurses and midwives for delivery and for prenatal and postnatal care. When complications arose, mothers and their babies were referred to a public hospital. Men and women received equal access to diagnosis and treatment for sexually transmitted infections. There were no legal, social, cultural, or other barriers to access these services.

Discrimination: The law provides for the same legal status and rights for women as for 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 both the public and private sectors.

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.

Child Abuse: Although the law prohibits physical abuse of children, child abuse was a problem. According to government social workers, perpetrators of child sexual abuse often were stepfathers and other family members. The Social Affairs Division reported 30 cases of child sexual assault as of September 15. According to WASO most rapes of girls under age 15 went unreported due to fear of reprisal or social stigma. Authorities prosecuted several child abuse cases in court. The strongest public advocate for young victims was a semi-autonomous agency, the National Council for Children.

Early and Forced Marriage: The minimum age for marriage is 15 years for girls with parental consent and 18 years 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 children under age 18 for the purpose of prostitution. The law also prohibits the procurement or detainment of any child against his or her will with the intent to engage in sexual conduct or for the purpose of prostitution. 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. The April 2014 Prohibition of Trafficking in Persons Act prescribes penalties of up to 25 years' imprisonment for child trafficking. There were reports of commercial sexual exploitation of children, although no complaints were filed with 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/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **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 government services, and the government did not provide such services. There was discrimination against persons with disabilities. For example, there were reports some employers did not pay their employees with disabilities if the latter were already receiving disability social aid (see section 7.d.). Most children with disabilities were segregated into specialized schools. The National Council for the 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.

### **Acts of Violence, Discrimination, and Other Abuses 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, transgender and intersex (LGBTI) persons, although LGBTI activists reported that social stigma prevented incidents from being pursued. A local NGO formed to advocate for the rights of LGBTI persons submitted its registration documents on September 1 and was told that it would take 10 to 14 days, but the application remained pending at year's end.

The wedding of a British same-sex couple at the residence of the British High Commissioner sparked national debate about whether same-sex activities should be decriminalized.

### **HIV and AIDS Social Stigma**

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 is not permitted to marry in the country.

### **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 (\$385) and imprisoned for up to six months.

Between 15 and 20 percent of the workforce was unionized. 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 Employment Tribunal handles employment disputes for private-sector employees. The Public Services Appeals Board handles employment disputes for public-sector employees, and the Financial Services Agency deals with employment disputes of workers in the SITZ. 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.

The government did not effectively enforce applicable laws. Cases involving citizens were often subject to lengthy delays and appeals, while foreigners were sometimes deported.

The government did not always respect the right to participate in union activities and collective bargaining. The International Labor Organization 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. Although the law prohibits antiunion discrimination, there were unofficial reports that such discrimination occurred. The law allows employers or their organizations to interfere by promoting the establishment of worker organizations under their control. Collective bargaining rarely occurred.

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

The law prohibits forced or compulsory labor, but there were reports such practices occurred in the fishing and construction sectors, where most of the country's 15,000 migrants worked. Resources, inspections, and remediation were inadequate. Penalties for violations included imprisonment of up to 14 years, although no cases of forced labor were reported.

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

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law states the minimum age for employment is 15 years, "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 (\$462).

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 children were actually attending school.

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

### **d. Discrimination with Respect to Employment and Occupation**

Labor laws and regulations prohibit discrimination regarding race, sex, religion, gender, political opinion, national origin or citizenship, social origin, disability, language, sexual orientation or gender identity, HIV-positive status or other

communicable diseases, or social status. It does not address age or color. The government effectively enforced these laws and regulations.

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.

There were reports some employers did not pay their employees with disabilities if the latter were already receiving disability social aid (see section 6).

### **e. Acceptable Conditions of Work**

In the public sector, which employed more than 50 percent of the labor force, the government set mandatory wage rates for employees. The Ministry of Finance, Trade, and the Blue Economy (activities linked to the exploitation of marine resources) determined the minimum wage of 22.80 rupees (\$1.76) 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 sets comprehensive occupational health and safety regulations. The law allows citizen workers to remove themselves from dangerous or unhealthy work situations, to report the employer to the Health and Safety Commission of the Department of Employment, and to seek compensation without jeopardizing their employment. Foreign workers were not covered by these laws.

The government generally supported these standards but did not effectively enforce them in all sectors. Resources, inspections, and remediation were inadequate. Safety and health inspectors rarely visited job sites. Penalties for violations included a fine of 10,000 rupees (\$770) plus additional daily fines for noncompliance, as detailed in the Occupational Safety and Health Decree. These penalties were not sufficient to deter violations.

The law provides for the protection of foreign workers, although they are not specifically cited in labor laws. Foreign workers, primarily employed in the



construction and commercial fishing sectors, did not always enjoy the same legal protections as citizens. 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 September there were 84 cases occupational accidents reported, which occurred most frequently in the hotel and restaurant, transport and storage industries.