

# **Seychelles 2023 Human Rights Report**

## **Executive Summary**

There were no significant changes in the human rights situation in Seychelles during the year.

Significant human rights issues included credible reports of extensive gender-based violence, including domestic or intimate partner violence, sexual violence, and other forms of such violence.

The government took credible steps to identify and punish officials who may have committed human rights abuses.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution and law prohibited such practices, and there were no credible reports that government officials employed them.

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

There were no significant reports regarding conditions in prisons or detention centers that raised human rights concerns.

**Administration:** Authorities conducted investigations into credible allegations of mistreatment.

**Independent Monitoring:** The government permitted independent monitoring of prison conditions. The Seychelles Human Rights Commission, several government departments, local and international human rights groups, the UN Office on Drugs and Crime, and local nongovernmental organizations (NGOs) visited facilities during the year.

### **d. Arbitrary Arrest or Detention**

The constitution prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court, and the government generally observed these requirements.

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

The law required warrants for arrests, except under a law that allowed police to arrest and detain persons suspected of drug possession, use, importation, and drug trafficking. Authorities generally respected the requirement to bring arrested individuals before a magistrate within 24 hours, with allowance made for travel from distant islands. The law provided for detention without criminal charge for up to 14 days if authorized by court order. Authorities generally notified detainees of the charges against them and generally granted family members prompt access to detainees. Detainees had the right to legal counsel, and indigents received free legal aid in all cases. Courts allowed bail in most cases, except for high profile drug, homicide, corruption, and terrorism cases.

**Arbitrary Arrest:** On September 29, authorities arrested Patrick Herminie, the leader of the main opposition party, on charges of witchcraft. The arrest followed the detention of a Tanzanian national, alleged to be a practitioner of a voodoo-like spiritualism with whom Herminie had interacted. Herminie was released on bail, but claimed the charges were an attempt to disqualify him from seeking the presidency in the next election.

**Pretrial Detention:** Pretrial detention was generally not a problem, and most detainees were given bail. In certain cases, detainees involved in high-profile corruption, terrorism, and drug trafficking cases were held in pretrial detention for more than one year. For example, a prominent couple widely

viewed as connected to the former ruling party remained in pretrial detention following their 2021 arrest on charges of money laundering, illegal weapons possession, and terrorism. Courts upheld the continued detention, citing concerns the couple could influence witnesses or flee the country.

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

The constitution and law provided for an independent judiciary, and the government generally respected judicial independence and impartiality. Authorities generally respected court orders.

### **Trial Procedures**

Both the constitution and law provided for the right to a fair and public trial, and the judiciary generally enforced this right.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **f. Transnational Repression**

Not applicable.

### **g. Property Seizure and Restitution**

The government established the Truth, Reconciliation, and National Unity Commission (TRNUC) in 2019 to investigate and settle claims of forced land

acquisitions and human rights abuses stemming from the 1977 military takeover. The TRNUC completed its mandate in August 2022. In 2021, the government established a process to return land forcefully acquired or purchased by the state from 1977 to 1993, and several applicants filed claims. No applicants were known to have received compensation payments, and no timeline was given as to when claimants could expect payment.

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

The constitution and law prohibited such actions, and there were no reports the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution and law provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for media members.

**Violence and Harassment:** According to the Association of Media Practitioners of Seychelles, journalists were generally free to do their work and were not subjected to violence, but some complained of harassment, intimidation, and harsh criticism by authorities due to their reporting.

**Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media:** The law allowed the information technology minister to prohibit the broadcast of any material believed to be against the “national interest” or “objectionable.” The law also required telecommunication companies to submit subscriber information to the government. The government banned the newspaper *The Seychelles Independent* from attending presidential press events on the grounds of irresponsible reporting. In its 2022 annual report, the Seychelles Broadcasting Corporation, the national broadcaster, stated it faced political pressure from both the government and the opposition to compromise its impartiality and called on all leaders to show more respect to media.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content.

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

The constitution and law provided for freedoms of peaceful assembly and

association, and the government generally respected these rights.

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

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

### **e. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

**Access to Asylum:** The law did not provide for the granting of asylum or refugee status, and the government had no system or procedural safeguards for providing protection to refugees.

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

## Process

The constitution provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, although citizens residing overseas were not permitted to vote.

## Elections and Political Participation

**Abuses or Irregularities in Recent Elections:** National elections, last conducted in 2020 presidential and legislative polling, were widely reported to be fair and free of abuses and irregularities.

## Section 4. Corruption in Government

The law provided criminal penalties for conviction of corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption during the year.

**Corruption:** The law gave the Anti-Corruption Commission of Seychelles law enforcement powers, authority, and privileges, and it could investigate and prosecute cases of corruption outside the purview of the Attorney General's Office. Some employees of government agencies that provided public services were perceived to engage in corrupt practices.

For additional information about corruption in the country, please see the



Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

## **Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were often cooperative and responsive to the views of these groups.

**Government Human Rights Bodies:** The Seychelles Human Rights Commission conducted a series of educational campaigns to improve the public's knowledge and understanding of human rights. The commission also received and investigated complaints and was generally regarded as effective.

The TRNUC heard cases of alleged human rights abuses and property expropriation. The TRNUC also heard cases regarding unlawful killings, disappearances, forced land acquisitions, and victimization related to the 1977 military takeover. The TRNUC completed its mandate in 2022 and granted amnesty to four persons involved in multiple killings who expressed

contrition and asked forgiveness from family members of victims as per TRNUC guidelines.

Appointed by the president, the ombudsperson could investigate any public authority up to and including the president, including complaints of abuse of fundamental rights and allegations of corruption by public officials. The ombudsperson often complained of lack of cooperation from government offices during investigations.

A police complaint review panel received and investigated public allegations of abuse committed by officers.

## **Section 6. Discrimination and Social Abuses**

### **Women**

**Rape and Domestic Violence:** Rape, spousal rape, and domestic abuse of women and men were criminal offenses punishable by up to 20 years' imprisonment. According to NGOs working with women and children, authorities in general did not prioritize domestic abuse cases and sexual assault remained a problem. Although there was increased reporting of sexual assault cases, many survivors did not report rape or sexual assault due to social stigma and a reluctance to start lengthy court cases. Police received increased training in handling sexual assault cases.

Domestic violence against women was a widespread problem. The Social

Affairs Division of the Ministry of Employment and Social Affairs, the Ministry of Youth, Sports, and Family, and NGOs provided counseling services to survivors of domestic violence and conducted gender-based violence training sessions.

**Other Forms of Gender-based Violence and Harassment:** Sexual harassment in the workplace, particularly in tourism establishments, was a problem.

**Discrimination:** The law provided the same legal status and rights for women as for men, including under family, religious, personal status, and nationality laws, as well as laws related to labor, property, inheritance, employment, access to credit, and owning or managing businesses or property. These laws were generally respected and enforced effectively. There were no known reports of women experiencing discrimination in marriage, divorce, child custody, education, the judicial process, in other institutions, or in housing. Women were well represented in both the public and private sectors, and reportedly did not face discrimination based on marital status.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Health clinics and local NGOs operated freely in disseminating information on family planning under the guidance of the Ministry of Health. There were

no restrictions on access to contraceptives for persons aged 18 or older, but the law prohibited access to contraceptives for persons younger than age 18 even though the legal age of consent was 15. The government provided access to sexual and reproductive health services for survivors of sexual violence. Emergency contraception was given as part of clinical management of rape, as was postexposure prophylaxis and antiretroviral medicine. There were no barriers to treatment for sexual violence survivors who became pregnant.

Health authorities provided free health services for prenatal care. First-time mothers from the country's other islands were required to travel to the main island of Mahe to give birth. Midwives were used for delivery, unless the services of a doctor were required due to health concerns involving either the mother or the child, or a cesarian section was required. Nurses were responsible for both prenatal and postnatal care unless the mother or child had health concerns. The Ministry of Health provided emergency health care, including services for the management of complications arising from abortion, both legal and illegal. Abortion remained illegal unless approved by a medical board.

All health services related to sexual and reproductive health, as well as other health matters, were free in state-operated facilities. Menstruation did not impede girls' access to education. Free sanitary products were made available in all schools by the state and philanthropists to minimize

absenteeism in schools. There was a high adolescent birth rate, attributed to girls being sexually active at a young age as well as contraceptives being illegal for persons younger than age 18. School aged girls who had given birth had the option to return to school.

## Children

**Child Abuse:** Although the law prohibited physical abuse of children, NGOs alleged child abuse was a problem that often went underreported. There were several laws in place for the protection of children, which the government enforced effectively when abuse was reported. The strongest public advocate for young abuse survivors was a semiautonomous agency, the National Council for Children.

**Child, Early, and Forced Marriage:** The minimum age for marriage was 18 for both men and women, and the government enforced the law effectively.

**Sexual Exploitation of Children:** The law prohibited the sale, grooming, or use of children for commercial sexual exploitation, including sex trafficking. The law prohibited child pornography and other forms of online child sexual exploitation and abuse. Authorities enforced these laws but reports of child sexual abuse and child pornography were widespread. The Department of Social Affairs reported 119 cases of sexual abuse against children in 2021, a situation it characterized as alarming. The minimum age for consensual sex was 15.

## Antisemitism

The Jewish community numbered fewer than 25 persons. There were no known reports of antisemitic incidents.

## Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

**Criminalization:** There were no laws criminalizing consensual same-sex sexual conduct between adults or so-called cross dressing. There were no facially neutral laws enforced disproportionately against lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons, nor used to criminalize, threaten, or extort LGBTQI+ persons.

**Violence and Harassment:** There were no known reports during the year of state or nonstate violence against LGBTQI+ persons, nor reports that authorities condoned or tolerated violence against LGBTQI+ persons.

**Discrimination:** The law prohibited discrimination by state and nonstate actors based on sexual orientation, gender identity, or expression of sex

characteristics. The law did not recognize same-sex couples or their families and did not grant them the same rights as heterosexual couples and families. The country did not recognize same-sex marriages domestically or registered abroad, which had negative consequences for persons seeking resident and work permits for same-sex spouses. Adoption by same-sex couples was illegal.

There were reports of social and employment discrimination against LGBTQI+ persons, and activists stated discrimination and stigma were common. LGBTI Sey, an NGO, reported LGBTQI+ persons experienced government discrimination when applying for public housing and sometimes during interactions with police and immigration officers.

**Availability of Legal Gender Recognition:** Legal gender recognition was not available.

**Involuntary or Coercive Medical or Psychological Practices:** There were no reports of such practices. There were no reports of medically unnecessary and irreversible surgeries performed on children or on nonconsenting adult intersex persons.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** There were no reports of restrictions on freedom of expression, association, or peaceful assembly for LGBTQI+ persons, nor were there restrictions on LGBTQI+ organizations to register or convene events. An LGBTQI+ NGO

actively conducted awareness campaigns during the year.

## **Persons with Disabilities**

According to NGOs, not all persons with disabilities could access education, public buildings, and transportation on an equal basis with others. The government provided universal access to health services. Although the constitution and law provided for special protections for persons with physical, sensory, intellectual, and mental disabilities, including reasonable provisions for improving quality of life, no laws addressed access to public buildings, transportation, or government services, and the government did not provide such access. Government information and communication on disability concerns were not provided in accessible formats such as braille or sign language.

There were no reports of violence or harassment of persons with disabilities by government officials, police, health officers or teachers, but NGOs advocated for more compassion, support, and resources for persons with disabilities by all service providers.

There were no known reports of discrimination in employment and occupation against persons with disabilities. The government did not have a program to assist persons with disabilities in finding employment, and very few such persons were employed. Government inaction to develop the potential of persons with disabilities, through education or employment,



limited their participation in civic life. Most children with disabilities were segregated in specialized schools. The Electoral Commission helped facilitate the political participation of persons with physical disabilities by installing temporary ramps at polling stations. There was no provision for persons with visual disabilities to have braille ballot papers.

## **Other Societal Violence or Discrimination**

Migrant workers faced documented rights abuses including discriminatory wage practices, abusive working conditions, concentration in hazardous occupations, and lack of access to information for low-skilled migrant workers, including domestic workers.

## **Section 7. Worker Rights**

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

The law allowed workers except for police, military, prison, and firefighting personnel to form and join independent unions and to bargain collectively. The law conferred discretionary powers to the registrar of associations and companies to refuse registration of unions. Strikes were illegal unless arbitration procedures were first exhausted. Legislation required that two-thirds of union members vote for a strike in a meeting specifically called to discuss the strike, and provided the government with the right to call for a

60-day cooling-off period before a strike started. The law empowered the minister responsible for employment to declare a strike unlawful if its continuance would endanger “public order or the national economy.” Anyone convicted of calling an illegal strike could receive a substantial monetary fine and be imprisoned for up to six months.

The law prohibited antiunion discrimination. It did not specifically state that foreigners, migrants, or workers in the Seychelles International Trade Zone (SITZ) had the right to join a union. The government had the right to review and approve all collective bargaining agreements in the public and private sectors. The law also imposed compulsory arbitration in all cases where negotiating parties did not reach an agreement through collective bargaining. Migrant workers, an estimated 20 percent of the formal sector workforce, had weaker freedom of association rights because their employers could easily deport them. Workers in the SITZ, an estimated 10 percent of the workforce, were not protected by the employment law.

The government rarely applied penalties against violators of freedom of association protections. Cases involving citizens were often subject to lengthy delays and appeals. Foreign workers who complained about work, pay, and living conditions were often deported by employers.

The government enforced the law and generally respected workers’ rights to participate in union activities and collective bargaining. There were no reports of workers dismissed for union activity. There were no known local

labor NGOs but the Association of Rights Information and Democracy tracked labor matters pertaining to migrant workers.

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

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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

The law prohibited all of the worst forms of child labor. The law set the minimum age of 15 for employment, subject to exceptions for children who were employed part-time in light work, without harm to their health or morals. The law made provision for light work in family-owned businesses. The law set forth a list of sectors, such as sewage, garbage collection, and bars in which children younger than age 15 were not allowed to work. A list of hazardous child labor activities was in force for children younger than age 18. The penalty for employing a child younger than 15 was not commensurate with those prescribed for analogous abuses. The government enforced applicable laws, and penalties were regularly applied against violators.

There were no confirmed reports during the year of the worst forms of child labor.

## **d. Discrimination (see section 6)**

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

**Wage and Hour Laws:** The government set mandatory minimum wage rates for employees in both the private and public sectors. The minimum wages were above the poverty line.

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 permitted overtime up to 60 additional hours per month.

**Occupational Safety and Health:** The Ministry of Health issued comprehensive occupational safety and health (OSH) regulations that were up to date and appropriate for the main industries. The law allowed 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. The law provided for the protection of foreign workers, but foreign workers who complained about OSH conditions were often deported by employers.

**Wage, Hour, and OSH Enforcement:** The government effectively enforced minimum wage, overtime, and OSH laws. The penalties were not commensurate with similar crimes. Penalties were often applied against

violators. The Department of Employment and the Employment Tribunal enforced wage, hour, and OSH laws, and the Financial Service Authority regulated companies operating in the SITZ. There were insufficient labor inspectors to enforce compliance. The Ministry of Health, the Department of Employment, and the National Coordinating Committee against Trafficking in Persons were responsible for visiting and inspecting worksites and workers' accommodations. The task force was mandated to make unannounced inspections. Inspectors had the authority to make unannounced inspections and initiate sanctions. Resources, inspections, and remediation were inadequate. Approximately 15 percent of the work force was in the informal sector. The government did not enforce labor laws in the informal sector.