

SEYCHELLES 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Seychelles is a multiparty republic governed by a president, Cabinet of Ministers, and National Assembly. In joint presidential and legislative elections from October 22-24, voters elected six-time presidential candidate Wavel Ramkalawan of opposition party Linyon Demokratik Seselwa with 54.9 percent of the vote. The Linyon Demokratik Seselwa party also won 20 of 26 seats in the National Assembly. International election observers determined the elections to have been free, credible, and transparent, despite some reports of vote buying and voter intimidation.

The Seychelles Police Force, which includes unarmed police and an armed paramilitary Police Special Support Wing, the Anti-Narcotics Bureau, and the Marine Police Unit, have primary responsibility for internal security and report to the minister of internal affairs. The Seychelles People's Defense Forces--composed of the infantry, the special forces, the coast guard, and the air force--are responsible for external security and assist police with internal security as needed. These military services report to the president, who acts as minister of defense. Civilian authorities maintained effective control over the security forces. Members of the security forces committed some abuses.

The October 22-24 election was the first time that Seychellois voters elected an opposition party candidate as president since 1976. Former president Danny Faure of the United Seychelles Party immediately accepted the election results, conceded, and supported a peaceful and smooth transfer of power. On October 26, President Ramkalawan was sworn into office.

Significant human rights issues included: lack of investigation of and accountability for violence against women, trafficking in persons, and the worst forms of child labor.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses.

SEYCHELLES

Section 1. Respect for the Integrity of the Person, Including Freedom from

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.

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

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

Impunity was not a significant problem in the security forces.

Prison and Detention Center Conditions

There were no significant reports regarding government-run prison or detention center conditions that raised human rights concerns. Prison conditions improved during the year with a decrease in the inmate population, an expansion of prison facilities, and fewer incidents of prisoner-on-prisoner violence.

Physical Conditions: According to Montagne Posee Prison superintendent Raymond St. Ange, the inmate population at the 400-inmate capacity Montagne Posee Prison was 270 prisoners as of October, a decrease from 392 in 2019. As of November the countrywide inmate population was 318 including those on remand, also a decrease from 2019. A separate holding facility for pretrial male detainees is situated in Victoria. Juvenile pretrial detainees and juvenile convicted prisoners continued to be held together with adult prisoners. Women were held separately from men. In October, St. Ange announced the building of a separate juvenile detention facility for up to 50 juveniles.

SEYCHELLES

The Seychelles Prison Service announced investigations into the few incidents of prisoner-on-prisoner violence. In September the minister of home affairs initiated an investigation after a female inmate was discovered to be pregnant. Conjugal visits were not permitted for inmates.

There were two reported inmate deaths during the year. In June, one inmate died following a long illness, and in October another prisoner died, which the prison authorities determined to have been a suicide.

Administration: Authorities allowed religious observance throughout the year. Between mid-April and mid-May, the Seychelles Prison Services suspended inmate access to visitors due to COVID-19 prevention measures and suspended faith-based volunteer visits between April and June, also due to COVID-19 prevention measures.

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 (UNODC), local nongovernmental organizations, and community groups visited the facilities during the year.

Improvements: Improvements to the Montagne Posee prison facilities continued during 2020. In October, St. Ange announced that the Montagne Posee prison reception facility became operational, providing a reception area for visitors, a shop for visitors, three search rooms, a security control room, and holding cells for visitors caught attempting to smuggle illegal items into the prison. The Seychelles Prison Service continued to expand the staff barracks and install ramps and handrails to provide access for persons with physical disabilities. In October, St. Ange also announced the addition of a drone to the Seychelles Prison Service's security system.

The Seychelles Prison Service added 18 staff in August and two more in September. The prison service also announced it was reviewing its Coetivy prison facility operations after receiving reports of possible security breaches. Inmates were transferred to the Montagne Posee prison during the review, while 15 officers remained assigned to the Coetivy facility. In September the prison service

SEYCHELLES

announced that all prison staff completed the online “Nelson Mandela Rules” UNODC course on the UN standard minimum rules for the treatment of prisoners.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The law requires warrants for arrests, except for persons arrested under the Misuse of Drugs Act that allows police to arrest and detain persons suspected of drug possession, use, importation, and trafficking. Individuals arrested must be brought before a magistrate within 24 hours, with allowance made for travel from distant islands. Police generally respected this requirement. The law provides 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 them. Detainees have the right to legal counsel, and indigents generally received free counsel on all cases, including felony cases. Courts allowed bail in most cases.

Pretrial Detention: The law provides that remand (pretrial) prisoners be released on bail after six months of detention if their cases have not been heard. Court backlogs led to lengthy pretrial detention in previous years, but the government continued effective reforms instituted in 2019 to decrease the prison population. Supreme Court processes for both civil and criminal cases continued to improve, decreasing the average duration of civil cases from 499 days in 2019 to 389 days in early 2020, and the average duration of criminal cases from 427 days in 2019 to 328 days in early 2020.

e. Denial of Fair Public Trial

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

SEYCHELLES

In October former chief justice Mathilda Twomey stated the judicial appointment process was problematic and that the appointment institution itself was not fit for its purpose. Twomey stated the country continued to fall short of international best practices.

Trial Procedures

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

Defendants are considered innocent until proven guilty, have the right to be present at their trials, and to appeal convictions. Defendants have the right to be informed promptly and in detail of the charges against them, with free interpretation as necessary from the first court appearance through all appeals. The law makes provision for defendants to present evidence and witnesses and to cross-examine witnesses in court. The law provides for defendants to consult with an attorney of choice, to have one provided at public expense in a timely manner if unable to afford one, and to be provided adequate time and facilities to prepare a defense. Defendants may confront prosecution or plaintiff witnesses and present their own witnesses and evidence. They may not be compelled to testify or confess guilt. 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

Individuals or organizations may seek civil remedies for human rights violations through domestic courts.

Property Restitution

The government established the Truth, Reconciliation, and National Unity Commission (TRNUC) in 2017 to investigate and settle claims of forced land acquisitions and human rights abuses stemming from the 1977 military takeover. As of November 10, the TRNUC had conducted hearings for 180 of 425 cases (see also section 5, Government Human Rights Bodies). Regarding land acquisition

SEYCHELLES

claims, claimants demanded compensation for properties seized by the government without due process beginning in 1977. The former government generally targeted supporters of opposition political parties or private citizens deemed a threat to the government's control. The government refused to consider the claims for many years but established the TRNUC as a result of international and domestic pressure and to unify the country's population.

In June former president Danny Faure established a commission of inquiry to investigate the sale of the Plantation Club Hotel. In 2008 the government petitioned the courts to dissolve Ailee Development Corporation (ADC) and dispose of its assets, the Plantation Club Hotel, on the basis of a license renewal denial by the Seychelles Licensing Authority (SLA). The SLA determined that the Plantation Club fell into disrepair and could not properly operate as a hotel anymore. The ADC strongly opposed the SLA's determination and the government's petition and believed that it was an expropriation attempt by the government. The government subsequently sold the property to a foreign investor, who had reportedly tried to purchase the property from ADC.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

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

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of speech and press, and the government generally respected this right. An independent press and judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Freedom of Speech: In the run up to the October elections, individuals continued to be more willing to exercise the freedom of speech, criticizing the government with less fear of reprisal, such as harassment by police or the loss of jobs or

SEYCHELLES

contracts. For example, the Seychelles Broadcasting Corporation hosted the first-ever televised forum discussing the performance of the three presidential candidates during the country's first-ever presidential candidate debate.

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 telecommunication companies to submit subscriber information to the government. Although authorities did not enforce the law, after more than 40 years of working in a controlled press environment, journalists continued to practice some self-censorship. The high cost for requesting documents from the Land Registrar's Office limited journalists' access to information regarding land transactions, which are important documents when investigating existing and past corruption.

Libel/Slander Laws: Defamatory libel and slander is considered a criminal offense under the penal code and several cases of defamation on social media were prosecuted in court during the year. In July presidential candidate Alain St. Ange filed a defamation complaint against Alexander Pierre for posting statements on social media that insinuated that St. Ange misappropriated One Seychelles party funds. Court hearings continued throughout the year.

Weeks before the October 22-24 election, then presidential candidate Wavel Ramkalawan withdrew a complaint for defamation he filed in 2018 against Raoul Rene Payet after Payet posted three articles on a social media website alleging that Ramkalawan accepted \$150,000 to agree to sell Seychelles' Assomption Island to the Government of India for a military base.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content and there were no reports that the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

SEYCHELLES

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for freedoms of peaceful assembly and association, and the government generally respected this right.

Freedom of Peaceful Assembly

The law requires organizers of gatherings of 10 or more persons to inform the police commissioner five working days prior to the date proposed for the planned gathering. The police commissioner may impose conditions or deny the right to assemble on security, morality, and public safety grounds. The commissioner may also set conditions on the timing and location of gatherings.

The government limited the exercise of the freedoms of peaceful assembly and association during the year due to the COVID-19 pandemic. Beginning in April, authorities banned large public gatherings, including political rallies. Because of these restrictions, there were few public demonstrations and marches during the year.

c. Freedom of Religion

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

d. Freedom of Movement

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights. Nevertheless, authorities severely restricted internal movement and foreign travel in April and May due to the COVID-19 pandemic.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

SEYCHELLES

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 Office of the UN High Commissioner for Refugees (UNHCR), which registered asylum seekers and conducted refugee status determinations.

g. Stateless Persons

The constitution provides citizenship to individuals born in the country, but existing laws may not provide safeguards to prevent statelessness of children born to parents whose nationality is unknown or who were abandoned by their parents.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government through free and fair periodic elections held by secret ballot and based on universal and equal suffrage; however, Seychellois citizens residing overseas are not permitted to vote.

Elections and Political Participation

Recent Elections: In the October joint presidential and legislative elections, Wavel Ramkalawan of the opposition Linyon Demokratik Seselwa (LDS) party won 54.9 percent of the vote, former president Danny Faure won 43.5 percent, and third-party candidate Alain St. Ange won 1.6 percent. The LDS also won 20 of 26 seats in the National Assembly, with the former ruling party United Seychelles winning the remaining six seats. The LDS received an additional five proportionately elected National Assembly seats, and United Seychelles received an additional four proportionately elected seats.

Approximately 78 percent of the electorate voted in the elections, with 1.9 percent of ballots spoiled. International election observers from the East Africa Standby Force determined the elections to have been free, credible, and transparent, despite some reports of vote buying and voter intimidation. Former president Danny Faure immediately accepted the election results, conceded, and pledged to support a peaceful and smooth transfer of power. On October 26, President Ramkalawan was sworn into office.

SEYCHELLES

Participation of Women and Members of Minority Groups: No laws limit participation of women and members of minority groups in the political process, and they did participate. Following the October National Assembly elections, women held eight of 35 seats compared with seven seats in the previous assembly. Women continued to hold five of 12 ministerial positions in the cabinet.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of corruption by officials. There were isolated reports of government corruption during the year.

In March the president signed the Anti-Money Laundering and Beneficial Ownership Acts into law, increasing transparency into the offshore sector. In August the Ministry of Finance, Trade, Investment, and Economic Planning launched its *2020-2023 National Anti-Money Laundering and Countering the Financing of Terrorism Strategy*.

The Anti-Corruption Act, as amended in 2019, gives the Anti-Corruption Commission (ACC) law enforcement powers, authority, and privileges. The ACC may investigate and prosecute cases of corruption outside the purview of the Attorney General's Office. As of November the ACC conducted no prosecutions in 2020. As of May the ACC recorded 187 cases, of which 66 were closed for either not falling within its mandate or insufficient evidence.

In 2018 an access to information law came into force. In 2019 the government appointed a chief executive officer for the Seychelles Information Commission, and appointed information officers in all ministries and departments. The law makes provisions on how citizens may access government information that is not classified sensitive for security and defense reasons, how agencies should respond to requests, mandates proactive disclosure and a duty to assist requestors, and defines information that is deemed classified for security and defense. In October a manual to guide citizens on how to use the Freedom of Information Act and access information was published.

SEYCHELLES

Financial Disclosure: Government ministers, members of the National Assembly, and senior public servants and board members of government agencies and parastatals are required to declare assets. In June the Public Persons Declaration of Assets, Liabilities, and Business Interests Act of 2016 came into effect, and a commissioner was appointed to obtain asset declarations from the president, vice president and other high-ranking officials. Asset declarations are not published. Declarations may be made public upon request to the ethics commissioner. In September former president Danny Faure publicly declared his assets, and nongovernmental organization (NGO) Transparency Initiative Seychelles conducted a workshop on ethics in the public service and declaration of assets.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views. The Office of the Vice President has the responsibility to engage with NGOs. The government consulted NGOs on most issues of national concern and appointments to boards of national organizations and agencies. An umbrella organization grouping various NGOs, Citizens Engagement Platform Seychelles, is the focal point for all NGO activities and receives funding from the government for projects and general operations, and the government regularly consulted it regarding the introduction of legislation.

Government Human Rights Bodies: In September, Human Rights Commission chairman Bernardin Renaud criticized the government's systemic failures in public administration, which included ignoring public inquiries, failing to cite authoritative law in decisions, and police officers using their power to mask wrongdoing. Renaud called for increased education of public administration officials. Since its establishment the commission has received 88 complaints related to work, the right to property, right to liberty, right to family, and right to fair hearings.

SEYCHELLES

The Truth, Reconciliation, and National Unity Commission (TRNUC) heard cases of alleged human rights abuses and property expropriations throughout the year. Sessions were generally open to the public, televised, and streamed online; however, the TRNUC began closed hearings in the lead up to and during the October presidential and legislative elections. The TRNUC continued open hearings after the election. These cases included unlawful killings, disappearances, forced land acquisitions, and victimizations related to the 1977 military takeover. The TRNUC may recommend amnesty, compensation, and refer crimes to the attorney general for prosecution. As of November the TRNUC heard 180 of the 425 cases and anticipated hearing 194 cases by the end of the year.

In 2019 the Office of the Ombudsman received 179 complaints, 75 of which were considered premature because the complainant had not exhausted available avenues to seek remedies, 66 complaints involved matters outside of the jurisdiction of the office, 11 were completed, and 27 remained pending. The Office of the Ombudsman was established in 1993 by the constitution and the ombudsman is appointed by the president from candidates nominated by the Constitutional Appointments Authority. The ombudsman may investigate any public authority up to and including the president, including complaints of violation of fundamental rights and allegations of corruption by public officials.

Authorities rarely used the inquiry board (a police complaint office) but instead established independent inquiry commissions. In February former president Danny Faure established a commission of inquiry to investigate an unlawful search conducted on opposition presidential candidate Wavel Ramkalawan by the Anti-Narcotics Bureau when Ramkalawan arrived at the airport. The inquiry found the search was unlawful. Police challenged the findings in court.

Private attorneys generally filed complaints with police or published them in newspapers such as *Today in Seychelles* or in opposition party newspapers such as *Seychelles Weekly* and *Le Seychellois Hebdo*. Although respect for human rights was included as a core precept in police training, police stated the course was skeletal and did not comprehensively cover human rights.

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

SEYCHELLES

Women

Rape and Domestic Violence: Rape, spousal rape, and domestic abuse are criminal offenses for which conviction is punishable by up to 20 years' imprisonment. Nevertheless, rape was a problem, and the government generally did not enforce the law effectively. Authorities in general did not prioritize domestic abuse cases and police were undertrained in handling sexual assault cases. Many victims did not report rape due social stigma and a reluctance to enter into lengthy court cases.

Domestic violence against women was a widespread problem. On May 26, the National Assembly passed the Domestic Violence Act, which prohibits verbal, physical, emotional, sexual, economic, or psychological abuse and prescribes penalties for perpetrators convicted of domestic violence. A key feature of the law is that plaintiffs may not withdraw a complaint after it is filed with police. Prior to the passage of the Domestic Violence Act, police investigated domestic violence cases as assault. In February, 25 police officers attended a week-long interactive training workshop on handling rape and serious sexual assault cases.

A gender-based violence survey published in 2018 indicated that 58 percent of women had been assaulted, mainly by their partners, with one in 10 women having been raped. In 2019 the minister for family affairs reported receiving 371 reports of domestic violence, an increase from 2018. Media continued to draw attention to the problem.

In 2019 the Family Squad, a special police unit that addresses domestic violence and other family problems, became part of the Criminal Investigation Unit. The Social Affairs Division of the Ministry of Family Affairs as well as NGOs provided counseling services to victims of rape and domestic violence. The ministry's Gender Secretariat conducted anti-GBV outreach campaigns. A shelter for victims of GBV run by an NGO was rarely used, due to a lack of procedure for admission and a no children policy. Women may also receive medical assistance, legal advice, and counseling at the shelter.

Sexual Harassment: The law prohibits sexual harassment, but enforcement was rare. The penal code provides no penalty for conviction of sexual harassment,

SEYCHELLES

although a court may order a person accused of such conduct to “keep a bond of peace” that allows a court to assess a fine if the harasser fails to cease the harassment. In the workplace the Employment Act states that an employer may not harass a worker.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children. All individuals have the right to manage their reproductive health and had access to the information and means to do so, free from discrimination, coercion, or violence. 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 over the age of 18, but the law prohibits access to contraceptives for individuals under 18 even though the legal age of consent is 15. Abortions are only permitted under special circumstances subject to the approval of a medical board. First-time mothers from the country’s outer islands are 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 are also responsible for both prenatal and postnatal care unless the mother or child have health concerns.

Men and women had access to diagnosis and treatment for sexually transmitted diseases; no legal, social, cultural, or other barriers limited access to these services. The country’s high adolescent birth rate of 61.22 births per 1,000 women between the ages of 15 and 19 was a concern. All services related to reproductive health as well as other health matters were free of cost in state-operated facilities. Information on government assistance to victims of sexual assault was not available.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: Although society is largely matriarchal, the law provides for the same legal status and rights for men as for women, including equal treatment under family, property, nationality, and inheritance laws. While unwed mothers traditionally bear the burden of supporting their children, the law requires fathers

SEYCHELLES

to support their children financially. The Employment Act provides fathers with 10 days of paid paternity leave upon the birth of a child; mothers are provided with 112 days of leave. An amendment to the civil code signed into law in November by the president provides equal rights to children. The revision applies to the sharing of inheritance as well as the responsibilities of parents to their children regardless of whether they are married. The revised civil code also addresses the sharing of property in married or unmarried intimate-partner relationships.

There was no officially sanctioned economic discrimination against women in employment, access to credit, equal pay for equal work, or owning or managing a business. Women were well represented in both the public and private sectors. Inheritance laws do not discriminate against women.

Children

Birth Registration: Citizenship is derived by birth in the country or, if born abroad, from Seychellois parents, and births in the country were generally registered immediately.

Child Abuse: Although the law prohibits physical abuse of children, child abuse was a problem. According to NGOs, physical abuse of children was prevalent. The strongest public advocate for young victims was a semiautonomous agency, the National Council for Children. The law prohibits corporal punishment in schools. On May 19, the president signed an amendment to the Children's Act that bans and criminalizes corporal punishment of children and provides for two years' imprisonment and a substantial monetary fine if a perpetrator is convicted.

Child, Early, and Forced Marriage: Child marriage was not a significant problem. In October 2019 the National Assembly set the minimum age for marriage at 18 for men and women and rescinded a provision that had permitted girls as young as age 15 to marry with parental consent. In November the president signed the bill into law.

Sexual Exploitation of Children: The penal code and other laws define a child as a person younger than age 18 and criminalize practices related to child pornography and the commercial sexual exploitation, sale, offering, and procurement for prostitution of children. The law provides for a sentence of up to

SEYCHELLES

20 years' imprisonment for conviction of producing or possessing child pornography, as well as for a first conviction of sexual assault on a child younger than age 15, and a minimum 28 years' imprisonment for a second conviction within 10 years of the first conviction. The law prescribes penalties of up to 25 years' imprisonment and a substantial monetary fine for conviction of child trafficking. In April the Supreme Court convicted three men on 26 charges including child trafficking, extortion, and possession of pornographic materials against 75 girls, sentencing the perpetrators to 45 years' imprisonment.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

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 <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

Although the constitution and law provide for special protections for persons with physical, sensory, intellectual, and mental disabilities, including reasonable provisions for improving quality of life, no laws address access to public buildings, transportation, or government services, and the government did not provide such services. Most children with disabilities were segregated in specialized schools. The National Council for the Disabled, a government agency under the Ministry of Family Affairs, developed work placement programs for persons with disabilities, although few employment opportunities existed.

SEYCHELLES

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

In 2016 consensual same-sex sexual activity between men was decriminalized. Same-sex sexual activity between women was never criminalized. There were few reports of discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, although activists stated discrimination and stigma were common. LGBTI persons stated that the government discriminated against them when applying for social housing.

HIV and AIDS Social Stigma

There were no reports of violence or discrimination against persons with HIV or AIDS. An independent National AIDS Council oversees all laws, policies, and programs related to HIV and AIDS.

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. Legislation requires that two-thirds of union members vote for a strike in a meeting specifically called to discuss the strike, and it provides the government with the right to call for a 60-day cooling-off period before a strike starts. The law provides for 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 may receive a substantial monetary fine and be imprisoned for up to six months.

Between 15 percent and 20 percent of the workforce was unionized. The law prohibits antiunion discrimination but it does not specifically state that foreign or migrant workers have the right to join a union. The government has the right to review and approve all collective bargaining agreements in the public and private

SEYCHELLES

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 SITZ. The law authorizes the Ministry of Employment, Immigration, and Civil Status 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 and penalties, which were levied in the form of fines that were not commensurate with those prescribed for analogous violations related to civil rights. Cases involving citizens were often subject to lengthy delays and appeals, while foreigners were often deported.

The government enforced the law and generally respected the workers' right to participate in union activities and collective bargaining. Nevertheless, 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. The law allows employers or their organizations to interfere by promoting the establishment of worker organizations under their control. Collective bargaining improved during the year with the COVID-19 unemployment crisis, and there were no reports of workers being dismissed for union activity.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, but government enforcement was ineffective. Penalties were not commensurate with those prescribed for analogous crimes such as human trafficking and kidnapping.

SEYCHELLES

Resources, inspections, and remediation were also inadequate. There were credible reports that forced labor occurred in the fishing, agriculture, and construction sectors, where most of the country's nearly 19,000 migrants worked. In 2019, two cases of forced labor were prosecuted under the Employment Act and two cases under the 2014 Prohibition of Trafficking in Persons Act, but no cases were prosecuted during the year. Investigations into trafficking decreased, and the government did not provide sufficient resources for victim assistance. There were several reports by the Association of Rights Information and Democracy concerning cases of forced labor, appalling living conditions, and nonpayment of salaries.

Also see the Department of State's *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 does not prohibit all the worst forms of child labor because it allows children as young as age 15 to perform work normally prohibited to children under 18. The law established the minimum age for employment at 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 law notes working in a family-owned shop as an example of "light work." The law, however, does not provide for children performing hazardous work to receive adequate training or protect their health and safety in accordance with international standards. Criminal law enforcement agencies and coordinating bodies did not adequately implement laws and policies related to the worst forms of child labor, including commercial sexual exploitation, sometimes as a result of human trafficking.

The Ministry of Employment, Immigration, and Civil Status was responsible for enforcing child labor laws. The penalty for employing a child younger than age 15 was not commensurate with those prescribed for analogous violations. The ministry did not report any cases requiring investigation during the year.

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

SEYCHELLES

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations prohibit discrimination based on race, age, gender, color, nationality, language, religion, disability, HIV status, sexual orientation, or political or professional association.

The government effectively enforced these laws and regulations. Penalties levied came in the form of fines and were commensurate with those for similar violations.

Employment discrimination against women as it relates to pay and job conditions was relatively low, and the law prohibits discrimination in employment based on gender. By law women may register a business in the same way as men, but there are no existing laws mandating equal pay for equal work or equal access to credit.

e. Acceptable Conditions of Work

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 a minimum of 21 days of paid annual leave, including paid annual holidays. Regulations permitted overtime up to 60 additional hours per month. The law requires premium pay for overtime work.

The Ministry of Health issues comprehensive occupational health and safety regulations that are up to date and appropriate for the main industries. 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. The law provides for the protection of foreign workers.

The government did not effectively enforce the law. Resources, inspections, and remediation were inadequate. Penalties levied were not commensurate with those prescribed for analogous violations, such as fraud.

The Ministry of Health and the Department of Employment are responsible for visiting and inspecting worksites and workers' accommodations. An inadequate

SEYCHELLES

number of safety and health inspectors did not effectively enforce compliance with health and safety laws.

In 2019 nearly 19,000 migrant workers, including individuals from Bangladesh, India, China, Kenya, Madagascar, Philippines, and other countries in South Asia, made up approximately 20 percent of the working population. They were employed primarily in construction, agriculture, and commercial fishing sectors where traffickers sometimes subjected them to forced labor, including nonpayment of wages, physical abuse, fraudulent recruitment schemes, delayed payment of their salaries, and failure to provide them with adequate housing, resulting in substandard living conditions. There were also reports of passport seizures and confiscations to prevent workers from changing employers prior to the end of their two-year contracts.

In 2019 a high-level government official, his wife, and three businessmen were arrested on charges of human trafficking. The government official was convicted on a lesser charge of falsifying documents for issuing false work permits to at least 27 foreign workers in exchange for monetary compensation.

Occupational accidents occurred most frequently in the accommodations, food services, transport, and storage industries.