

SEYCHELLES 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Seychelles is a multiparty republic governed by a president, Council of Ministers, and National Assembly. In 2015 voters narrowly re-elected president James Michel of Parti Lepep in an election that international observers criticized for voter intimidation and vote buying. In September 2016 President Michel resigned and appointed his vice president, Danny Faure, president of the republic, as per constitutional provisions. President Faure was the Parti Lepep vice-presidential candidate, and after assuming the presidency, he declared he would not stand for the leadership of his party. On October 16, a year after he assumed office, Faure withdrew from Parti Lepep, marking the first time since independence that the head of state was not the head of a political party. Faure is serving the remaining four years of Michel's mandate and has never stood as a presidential candidate. In September 2016 the opposition coalition Seychellois Democratic Union won the majority of seats in legislative assembly elections, which international and domestic observers called fair but not free due to lack of credibility of the election management body. This was the Seychellois Democratic Union's first majority since the establishment of a multiparty system, and since then the government has been in a state of "cohabitation."

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included: prolonged pretrial detention; corruption; ineffective government enforcement of regulations concerning domestic violence against women and children; and forced labor.

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

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

a. Arbitrary 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, but according to media reports in 2016, police and National Drug Enforcement Agency officers beat and abused persons, including detainees, to force confessions. Unlike in previous years, there were no cases of abuse by the police.

Prison and Detention Center Conditions

Prison conditions improved during the year, due to less crowding following a presidential order to release 82 prisoners as well as the implementation of the Misuse of Drugs Act, which decriminalized possession of small amounts of cannabis.

There were reports that the level of inmate indiscipline increased in prison with rampant use of drugs. On June 30, *Seychelles Nation* reported remand detainees rioted and wrecked a new facility at Bois de Rose Avenue built to separate condemned prisoners from detainees awaiting trial. There were reports that violence among inmates increased. Prisoners operated a scam whereby they extorted money from family members of fellow inmates who pretended their lives were in danger. Inmate use of mobile phones was common despite authorities' use of jammers at Montagne Posee Prison. On March 17, *Today in Seychelles* reported on a press conference by the police and prison authorities warning the public against frauds to extort money from individuals with family members in prison or connected to certain court cases.

A high-level committee on prison reforms and rehabilitation was formed during the year chaired by the vice president and the speaker of the National Assembly. The committee recommended the closure of the outlying island prison of Marie-Louise. The high-security prison for drug traffickers was closed and decommissioned on September 30 when the four remaining prisoners there were transferred to the other island prison of Coetivy.

Physical Conditions: Prison conditions and overcrowding in Montagne Posee Prison, the main prison, significantly improved during the year. In June 2016 amendments to the Misuse of Drugs Act decriminalized possession of small

amounts of cannabis, which reduced the prison's population; the reduction continued during the year. A work release program that allowed prisoners to work during the day either with a stevedoring company at the port or landscaping in the streets of the capital, then return to prison at night, continued.

A separate holding facility for pretrial male detainees opened on Bois de Rose Avenue at the former Coast Guard base. Female pretrial detainees continued to be held at Montagne Posee in the same block as convicted female prisoners. Juvenile pretrial detainees and convicted prisoners were held together with adult prisoners. On August 23, *Seychelles Nation* reported that on the day prior to his scheduled release, a Honduran national was found hanged in his cell at Montagne Posee. Following a police inquiry, prison authorities called the death a suicide.

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 abuses and corruption, the ombudsman has not done so for at least three years. Statistics on inmate complaints filed with the National Human Rights Commission were unavailable at year's end.

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 local nongovernmental organizations (NGOs) visited Montagne Posee Prison during the year. Several religious groups also visited the prison.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, but the government did not always observe these prohibitions. There were no reports of arbitrary arrests or detentions during the year. In 2016 individuals posted allegations of arbitrary arrest and detention on social media sites. Following the December 2015 presidential elections, Mauritian lawyer Sanjay Bhuckory was detained and deported. According to government officials, Bhuckory misled immigration officials regarding the purpose of his visit, while government opponents claimed the deportation was politically motivated. Police dismissed the case for lack of evidence.

Role of the Police and Security Apparatus

The president maintained effective control over the security apparatus. This includes the Seychelles People's Defense Forces (SPDF), Presidential Protection Unit, Coast Guard, and police, and the government has effective mechanisms to investigate and punish abuse. 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. On October 4, the National Assembly repealed the National Drug Enforcement Agency Act (NDEA), effectively transferring NDEA responsibilities to the police force.

Security forces were effective. There were no reports of police brutality during the year.

There were no developments in the April 2016 case involving two male police officers who allegedly sexually assaulted a female colleague while on patrol. The two male officers were suspended, charged with sexual assault, released on bail, and had their passports confiscated.

Authorities rarely used the enquiry board (a police complaint office) but instead established independent inquiry commissions to examine security force abuses. Private attorneys generally filed complaints with police or published them in *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, the course was only two to three hours long and did not comprehensively cover human rights.

Arrest Procedures and Treatment of Detainees

The law requires warrants, except for persons arrested under the Misuse of Drugs Act that allows police and National Drug Enforcement Agency officers to arrest and detain persons without a warrant. The law provides for detention without criminal charge for up to 14 days if authorized by court order. Persons arrested must be brought before a magistrate within 24 hours, with allowance made for travel from distant islands. Police did not always respect this requirement. Authorities generally notified detainees of the charges against them and, unlike in previous years, generally granted family members prompt access to them. Detainees have the right to legal counsel, and indigents generally received free counsel. Courts allowed bail in most cases.

Arbitrary Arrest: No official incident of arbitrary arrest was reported during the current year. In September 2016 the newspaper *Today in Seychelles* reported that police arrested political activist Bernard Sullivan for criminal trespass and held him for 24 hours. Sullivan was arrested in the course of researching an article about former president James Michel's property holdings. In an office open to the public, authorities accused Sullivan of "unlawful trespassing" but filed no charges against him.

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 has frequently been a problem. Prisoners sometimes waited more than three years for trial or sentencing due to case backlogs. Pretrial detainees made up approximately 16 percent of the prison population.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: The constitution provides the right of persons arrested or detained to challenge the legal basis or arbitrary nature of their detention in court and seek compensation if found to have been unlawfully detained.

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 in that both civil and criminal court cases generally last for years.

The Supreme Court, appeals court, and magistrate court justices were either naturalized citizens or citizens of other Commonwealth countries. Judges were generally impartial. There were several unconfirmed reports that Chief Justice Mathilda Twomey was overzealous in dealing with certain attorneys and certain case files. For example, in October 2016 Supreme Court justice Durai Karunakaran, a naturalized citizen, was reported to the Constitutional Appointments Authority on the request of the chief justice and investigated for malpractice. The report of the tribunal set up to investigate Judge Karunakaran was given to President Faure after several months of trial for action. Chief Justice Twomey made public the contents of the report, calling for the dismissal of Judge Karunakaran before President Faure had announced the contents of the report. At least two lawyers reported Judge Twomey to the Constitutional Appointments Authority, the authority that appoints judges. The opposition claimed the

suspension of Judge Karunakaran was politically motivated because he made several rulings in 2016 perceived to favor the opposition.

Authorities generally respected court orders. A report issued on September 13 by the National Assembly stated that the Supreme Court had served summons on three members of the National Assembly, an act that directly contravened the constitutional immunity afforded to members of parliament.

Trial Procedures

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

Defendants 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 from the first court appearance through all appeals. Only cases involving charges of 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, nor 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 during the year.

Civil Judicial Procedures and Remedies

Individuals or organizations may seek civil remedies for human rights violations through domestic courts. For example, on April 2, *Today in Seychelles* reported the Constitutional Court issued a ruling that called on the ruling Parti Lepep to transfer ownership of a building and land in Victoria back to its rightful owners, the Umarji family. The government acquired the land and building in 1984 allegedly in the public interest and later transferred the property to the ruling party. The court ruled the acquisition did not serve the public interest and noted the right to own and enjoy property is a constitutional right. On July 26, *Seychelles Nation*

reported President Faure announced the establishment of a land commission to investigate claims of forced land acquisitions since the 1977 military takeover and to settle all claims. Individuals may also appeal adverse domestic decisions to regional human rights bodies.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions. Nevertheless, the public suspected that the government and the ruling party monitored conversations without legal process.

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 these rights were generally respected during the year.

Freedom of Expression: Compared with previous years, individuals were more willing to exercise this freedom to criticize the government with less fear of reprisal, such as harassment by the police or the loss of jobs or contracts, as happened in the past. For example, in January 2016 Steve Narty, owner of the Island Sound Music Studio, claimed authorities ordered him to close his studio because he had recorded a song favoring the political opposition.

Press and Media Freedom: Independent media were active and expressed a wide range of views without restriction. The government operated a daily newspaper. There were two privately owned newspapers, four political party weeklies, and an online news agency. There were no reports that the government discouraged companies from advertising in privately owned newspapers.

The government owned two of the four radio stations and the only television station. The telecommunications company Cable and Wireless runs a local news and entertainment channel on its Internet Protocol Television service. The law allows for independent radio and television but prohibits political parties and religious organizations from operating radio stations.

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. The law was not enforced during the year, but journalists continued to practice self-censorship after more than 40 years of working in a very controlled press environment.

During the year President Faure opened live press conferences to all media outlets, contrary to previous years when some media were excluded from certain official events. During the elections the opposition accused the Seychelles Broadcasting Corporation (SBC) of biased reporting and coverage. On April 20, the Seychelles Broadcasting Corporation Act was amended to create a larger corporate board and provide for members of the public to apply for the position of chief executive officer (CEO) and deputy CEO (DCEO). For the first time the CEO and DCEO positions were advertised. In June the SBC transformed from a state broadcaster to a public service broadcaster operating independently of state control.

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 may be filed against print and broadcast journalists for alleged libel and slander. Social media sites may also be subject to libel lawsuits under this law. On June 28, *Today in Seychelles* reported that the site administrators of popular Facebook group Seychelles Daily were summoned to appear before the Supreme Court for comments that members posted in reference to the chief justice. The chief justice also threatened all social media users with lawsuits for posting comments about her.

Internet Freedom

During the year opposition activists made unsubstantiated claims that the government and ruling party monitored their postings on social network sites and blogs. According to 2016 International Telecommunication Union statistics, 57 percent of the population used the internet.

Academic Freedom and Cultural Events

During the year there were fewer reports of political opposition activists claiming that 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. There was more transparency than in previous years in the appointment of faculty to postsecondary institutions, the University of

Seychelles, and boards of educational institutions. In 2016 opposition member Patrick Pillay stated some students were denied admission to postsecondary educational institutions due to their parents' political affiliation.

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The constitution and law provide for freedom of assembly and the government generally respected this right. There were several public demonstrations and marches during the year.

The Public Assembly Act formed in 2015 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. Authorities did not restrict the holding of lawful public opposition gatherings.

Freedom of Association

The constitution and law provide for freedom of association, and individuals exercised this right. On June 3, the Seychelles News Agency reported that a citizen group, through petitions and campaigning, convinced President Faure to halt the construction of a resort at Police Bay, a pristine environmental property in the south of Mahe.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at 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.

Foreign Travel: The law allows the government to deny and revoke passports to any citizen if the minister of home affairs finds such denial "in the national interest." On April 2, the citizenship of Radovan Krejcir, a naturalized

Seychellois, was revoked. Krejcir, a Czech national, received his Seychellois citizenship in 2005 prior to travelling to South Africa on a fake Seychellois passport where he committed a number of high-profile crimes. Krejcir was serving time in a South African jail.

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 Office of the UN High Commissioner for Refugees, which monitored and assisted refugees in the country through a memorandum of understanding with the UN Development Program. For example, in 2013 Sakher El Materi, the son-in-law of former Tunisian president Ben Ali, was granted temporary political residence on the grounds that he would not receive a fair trial if sent back to Tunisia. Political pressure mounted in June to have him repatriated, but El Materi was granted Seychellois citizenship in July and remained in the country at year's end.

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.

Elections and Political Participation

Recent Elections: In December 2015 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 alliance Seychelles National Party, received the required 50 percent plus one vote to win in the first electoral round in 2015. International observers from the Southern African Development Community and the African Union criticized voter intimidation and vote buying, indicating they had determined that the elections were neither free nor fair.

The opposition petitioned the Constitutional Court to overturn the elections based on election irregularities, including vote buying. In May 2016 the Constitutional Court ruled that, although there were irregularities, they were not significant enough to overturn the elections.

National Assembly elections were held in September 2016. An opposition alliance composed of the Seychelles National Party, the Lalyans Seselwa Party, the Seychelles Party for Social Justice and Democracy, and supporters of independent presidential candidate Phillippe Boule, won 15 seats in the 33-seat assembly, while the Parti Lepep won 10 seats. The remaining seats were allocated on a proportional basis, with the alliance and Parti Lepep each receiving four additional seats. International and domestic observers qualified the election as transparent, fair, and peaceful but refrained from calling it free due to the lack of credibility of the election management body, the Seychelles Electoral Commission.

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 were subjected to outside interference. 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.

In September 2016, on the first day of the National Assembly session, President Michel announced his resignation, passing the presidency to Vice President Danny Faure of Parti Lepep, effective in October 2016. President Faure has since opted for a consultative approach with the opposition, the legislature, and the executive, in order to collaborate on the most important national subjects. In April the National Assembly amended the constitution and removed the clause that permitted the passing of the presidency to a vice president to serve the rest of the mandate of his predecessor. The amendment provides for new elections three months after the resignation or death of a president.

Participation of Women and Minorities: No laws or practices prevent women from fully engaging in politics, and women do participate in the political process. Following the September 2016 National Assembly elections, women held seven seats, compared with 14 seats in the previous assembly. Women held five of 14 ministerial positions in the cabinet.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of official corruption. The World Bank's most recent Worldwide Governance Indicators reflected that corruption was a problem. An act of parliament in March 2016 established an Anticorruption Commission. There were no prosecutions during the year.

Financial Disclosure: In addition to an existing law requiring senior public servants and board members of government agencies and parastatals to declare their assets in a sealed envelope deposited in the Seychelles Central Bank's vault, a law passed during the year also requires government ministers and members of the National Assembly to declare their assets. The declaration of assets may be disclosed if a legal challenge is filed. The law requiring ministers and members of the National Assembly to declare their assets was not always enforced. In the past there were instances where a case could have been filed, but the law was never applied.

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

Government officials were generally cooperative and responsive to the views of international and local NGOs. The Office of the Vice President has the responsibility to engage with NGOs. NGOs are consulted on most national concerns and are appointed to boards of national organizations and agencies.

Government Human Rights Bodies: The National Human Rights Commission, which generally operated without government or party interference, lacked adequate resources and was rarely sought out due to public perception that the commission was inefficient and aligned with the government. The Human Rights Commission is part of the Office of the Ombudsman and has a very small budget.

On May 9, the National Assembly approved a motion (with bipartisan support) to set up a parliamentary committee to establish a Truth, Reconciliation and Unity Commission to look into cases of unlawful killings, disappearances, forced exiles, forced acquisitions of properties, police and military abuses from June 1977 to date.

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

Women

Rape and Domestic Violence: Rape, spousal rape, and domestic abuse are criminal offenses for which conviction is 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.

Domestic violence against women was a widespread problem. Police rarely responded to domestic disputes, although media continued to draw attention to the problem. Police maintained a specialized unit, the Family Squad, to address domestic violence and other family problems.

The Social Affairs Division of the Ministry of Family Affairs and NGOs provided counseling services to victims of rape and domestic violence. The ministry's Gender Secretariat conducted 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 may 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.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

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 were the societal norm, the law requires fathers to support their children. The Employment Act, as amended in 2015, provides fathers with five days of paid paternity leave upon the birth of a child.

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 from parents, and generally births were registered immediately. For additional information, see Appendix C.

Child Abuse: Although the law prohibits physical abuse of children, child abuse was a problem. Physical abuse of children is a cultural norm. According to government social workers, perpetrators of child sexual abuse often were stepfathers, boyfriends of the mother, and other male family members. The strongest public advocate for young victims was a semiautonomous 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. For additional information, see Appendix C.

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 sentence of 14 years' imprisonment for a first conviction of sexual assault on a person under age 15 and 28 years' imprisonment for a second conviction, but the presiding judge may reduce these sentences. For example, on December 12, *Today in Seychelles* reported a 37-year-old man from Belvedere was sentenced to six years' imprisonment for sexually assaulting an eight-year-old girl in 2016.

The 2014 Prohibition of Trafficking in Persons Act prescribes penalties of up to 25 years' imprisonment and a fine up to 800,000 Seychellois rupees (\$57,200) for conviction of child trafficking. There were credible reports of commercial sexual exploitation of children. Authorities prosecuted several child abuse cases in court. For example, on July 31, *Today in Seychelles* reported a 75-year-old man repeatedly sexually assaulted an eight-year-old girl and was sentenced to 10 years' imprisonment. 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. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.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 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 does not provide such services. There were cases of discrimination against persons with disabilities. Employers paid their employees with disabilities two thirds of their salaries if the latter were already receiving disability social aid, compared to previous years when they were often not paid a salary (see section 7.d.). 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.

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

In 2016 consensual same-sex sexual activity between men was decriminalized. There were few reports of discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; although LGBTI activists reported they faced social stigma and discrimination. On September 12, the Seychelles News Agency carried an article about the struggles faced by the local LGBTI association.

HIV and AIDS Social Stigma

There were no reports of violence or discrimination against persons with HIV/AIDS. Nevertheless, the government has informal policies that require a foreign citizen marrying a Seychellois to undergo an HIV test. If the test is positive, the couple are not permitted to marry in the country. In April 2016 a national policy on HIV/AIDS in the workplace was initiated that provides for core

guidelines and responses for HIV/AIDS in the workplace, including nondiscriminatory employment practices.

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. A new union, the Labor Union, was formed during the year. 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 provides the government with the right to call for a 60-day cooling-off period before a strike starts. The law gives the minister responsible for employment to declare a strike unlawful if its continuance would endanger “public order or the national economy.” Anyone found guilty of calling for an illegal strike may be fined 5,000 rupees (\$357) 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, 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. Penalties levied came in the form of fines and were often inadequate to deter violations. Cases involving

citizens were often subject to lengthy delays and appeals, while foreigners were often deported.

The government respected 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. 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 all forms of forced or compulsory labor, but government enforcement was ineffective. Penalties levied for violations included imprisonment of up to 14 years. 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. Only one case of forced labor, however, was prosecuted under the 2014 Prohibition of Trafficking in Persons Act.

Also see the Department of State's *Trafficking in Persons Report* at 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 law establishes a minimum age of 15 for hazardous work and defines what constitutes hazardous work. The law, however, fails to ensure that children performing hazardous work receive adequate training and does not protect the health, safety, and morals of these children in accordance with international standards.

The government generally enforced the laws, and the Ministry of Employment, Immigration and Civil Status effectively enforced child labor laws. The penalty for employing a child under age 15 was a fine of 6,000 rupees (\$429), which was sufficient to deter violations. The ministry handled such cases but did not report any case requiring investigation during the year.

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at 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. The law does not address age or color.

The government effectively enforced these laws and regulations. Penalties levied came in the form of fines and were sufficient to deter violations.

Employment discrimination generally did not occur in practice. There were reports that employers paid their employees with disabilities two-thirds of their salary if the latter were already receiving disability social aid (see section 6). Women received equal pay for equal work, as well as equal access to credit, business ownership, and management positions.

e. Acceptable Conditions of Work

The government has set mandatory minimum wage rates for employees in both the private and public sector. The Ministry of Finance, Trade, and Economic Planning set the minimum wage at 33.30 rupees (\$ 2.37) per hour for all workers.

Employers, however, generally established wages through an individual agreement with the employee. According to a 2013 National Bureau of Statistics Seychelles/World Bank report, *Poverty Profile of the Republic of the Seychelles*, the monthly poverty income level was 3,945 rupees (\$282) per adult (at an average 50-hour work week at the minimum wage, the monthly income would be 6,660 rupees (\$476).

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 sets comprehensive occupational health and safety regulations, which are current 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 generally supported these standards but did not effectively enforce them in all sectors. Resources, inspections, and remediation were inadequate. Penalties levied for violations included a fine of 10,000 rupees (\$720) plus additional daily fines for noncompliance, as detailed in the Occupational Safety and Health Decree. These penalties were not sufficient to deter violations.

The Ministry of Health and the Department of Employment are responsible for visiting and inspecting work sites and workers' accommodations. There were 13 safety and health inspectors in the country, an insufficient number to enforce compliance with health and safety 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 at times 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 1, 41 occupational accidents were reported for the year. These accidents occurred most frequently in the hotel and restaurant, transport, and storage industries.