

**REPORT  
OF THE  
PROMOTIONAL MISSION  
TO THE  
REPUBLIC OF SEYCHELLES**

*July 2004*

## **INTRODUCTION**

The African Charter on Human and Peoples' Rights provides for the establishment of the African Commission on Human and Peoples' Rights. The 18<sup>th</sup> OAU Summit of Heads of State and Government meeting in Nairobi, Kenya on 26<sup>th</sup> June 1981 adopted the African Charter. The African Charter came into force on 21<sup>st</sup> October 1986 upon ratification by the requisite number of Member States. The first members of the African Commission were elected at the 23<sup>rd</sup> OAU Assembly of Heads of State and Government in July 1987 and the inaugural session of the African Commission took place in November 1987.

Under the African Charter, the African Commission is mandated to promote the rights and freedoms set out in the African Charter and ensure their protection across the continent, monitor and advise on the implementation of the African Charter and interpret its provisions.

The Promotional function of the African Commission mandates Members of the African Commission to undertake promotional missions to States Party to the African Charter. Promotional missions are an important aspect of the African Commission's activities as they enable it to establish communication and links with Member States.

Seychelles is party to the African Charter on Human and People's Rights, which it ratified on 13<sup>th</sup> April 1992.

## **A BRIEF POLITICAL BACKGROUND OF SEYCHELLES**

The islands that comprise Seychelles were uninhabited until the 17<sup>th</sup> century when the Portuguese explorers began using it as a stop over point in their journeys of discoveries to India and the Far East.

Later both the British and the French were highly interested in the strategic value of the islands and during the late 1790s and early 1800s, Seychelles changed hands a number of times. In 1742, the French governor of Mauritius, Mahé de Labourdonais, sent a first expedition to the islands. During a second expedition in 1756, Seychelles was proclaimed a French colony and the islands were given their present name in honour of the French finance minister under King Louis XV. The first French settlers however, did not arrive until 1770 when French planters and their slaves began to settle on the islands. The new French colony barely survived its first decade and did not begin to flourish until 1794. Throughout the French Revolution and the Napoleonic Wars, the Seychelles islands were captured and freed on several occasions and were finally passed on officially to the British under the Treaty of Paris of 1814. The islands were administered from Mauritius until 1888 when a separate administrator, executive and administrative councils were established for the Seychelles archipelago. Nine years later, the administrator acquired full powers of a British colonial governor and on 31<sup>st</sup> August 1903, Seychelles became a separate crown colony.

Widespread involvement of the Seychellois in their own political affairs began in 1948 when Britain granted suffrage to approximately 2,000 adult male property owners, who then

elected four members to a Legislative Council that advised the governor. The winning candidates were drawn from a group known as the Seychelles 'Taxpayers' and Producers' Association (STPA), which represented the landed strata of society known colloquially as the grands blancs (great whites). The STPA defended its members' interest in matters of crop marketing and other issues and was the principal political force in the nation until the early 1960s, when representatives of the small new urban professional and middle class began to win seats.

By 1963, political parties had developed in the Seychelles colony and elections held that year were contested for the first time on party lines. In 1964, the campaign for independence began with the creation of two new parties, namely, the Seychelles Democratic Party (SDP) led by James Mancham, and the Seychelles People's Unity Party (SPUP) led by France Albert Rene. As a result of the campaign for independence, a new constitution was drawn up in 1967 and three years later, a ministerial form of government was established. In March 1970, colonial and political representatives of Seychelles met in London for a constitutional convention and elections in November of the same year brought into effect the constitution of Seychelles. In April 1974, further elections were held in which the two major political parties campaigned for independence and in June 1975, the SDP and SPUP formed a coalition government which led Seychelles to independence. Seychelles attained its independence on 29<sup>th</sup> June 1976 under the Presidency of James Mancham with France Albert Rene as the prime minister.

### ***Post-Independent Seychelles***

Although the coalition appeared to operate smoothly, political divisions between the two parties developed. On 5<sup>th</sup> June 1977, during President Mancham's absence at the London Commonwealth Conference, supporters of Prime Minister Rene overthrew President Mancham in a coup and installed Rene as president. President Rene suspended the constitution and dismissed the Parliament and declared the country a one-party state.

From 1981 through to the late 1980's several more coup attempts were suppressed and eventually after almost 16 years of one-party rule, President Rene finally announced a return to the multiparty system of government on December 4<sup>th</sup> 1991. On December 27<sup>th</sup> 1991, the Constitution of Seychelles was amended to allow for the registration of political parties. Exiles returned to Seychelles and among them was James Mancham, who returned in April 1992 to revive his Democratic Party (DP).

The first stage of the transition process to a multiparty democracy commenced with elections to the Constitution Commission. Eight political parties registered to contest in these elections. A new democratic constitution was adopted on 7<sup>th</sup> May 1993 and the first multiparty presidential and legislative elections were held under the auspices of the new constitution in July of 1993. Rene was elected as President of Seychelles and in June 1996, the constitution was amended to create the post of Vice President.

Subsequently, presidential elections were held in 1998 and in 2001 in which Rene was returned as President of Seychelles. On 14<sup>th</sup> April 2004, after serving as president of Seychelles for 27 years, Albert Rene stepped down and his Vice President, James Alix Michel was sworn in as Seychelles' third-ever President.

## **Current political structure**

Seychelles is a multiple-party republic divided into 23 administrative districts. Its legal system combines English common law, French civil law, and customary law. Its major political parties include the Seychelles People's Progressive Front (SPPF), Seychelles National Party (SNP), and the Democratic Party (DP).

### *Executive*

The executive authority of the Republic is vested in the President and is exercised in accordance with the Constitution and the laws of Seychelles. The President may exercise his or her functions directly or through subordinate officers. The President is the Head of State, Head of Government, and the Commander-in-Chief of the Defence Forces. He is directly elected by the people for a term of five years. The successful candidate must obtain more than 50% of the votes. Persons who are eighteen years or older and are registered voters in an electoral area are eligible as presidential candidates or members of the National Assembly.

The Vice President performs the duties of the President in the absence of the latter from the country. The Cabinet consists of the Vice-President and Ministers, of whom there may be not less than seven and not more than fourteen. The breadth of a Minister's portfolio responsibility is as assigned by the President.

### *Legislature*

The legislative branch is composed of a unicameral National Assembly or Assemblée Nationale. There are 34 Members of the National Assembly, 25 of whom are elected by popular vote. 9 seats are allocated according to the percentage that each political party won of the total votes. All Members of the National Assembly serve for a term of five years.

### *Judiciary*

The Constitution of Seychelles provides for an independent judiciary with the Chief Justice as the head of the Judiciary. Seychelles has a three-tiered judicial system which consists of the Court of Appeal, Supreme Court and the Magistrates Courts. The Court of Appeal hears appeals from the Supreme Court in both civil and criminal cases. The Supreme Court has jurisdiction of first instance and acts as an appeals court from the magistrates' courts. Matters relating to the application, contravention, enforcement or interpretation of the Constitution are considered by two or more Judges sitting together as the Constitutional Court. The Constitutional Court convenes as necessary to consider constitutional matters only. The Court of Appeal convenes three times a year (in April, August, and October) for two weeks in order to consider appeals from the Supreme Court and Constitutional Court only.

The President appoints Judges and Justices of Appeal for a term of 7 years upon the recommendation of the Constitutional Appointments Authority (CAA) and the President on

the recommendation of the Constitutional Appointments Committee can reappoint them if exceptional circumstances exist to warrant such reappointment.

## **GENERAL INFORMATION ABOUT SEYCHELLES**

### **The Land and People**

Seychelles is located in the Indian Ocean approximately 1,600 kilometres east of Kenya. The nation is an archipelago of 115 islands scattered over 1,000,000 square km of the Indian Ocean. Mahé is the largest island and is the site of Victoria, the capital. The climate is tropical with uniformly high temperatures all year round and a wet season from December to May.

About 90% of the Seychellois people live on Mahé Island. Most others live on Praslin and La Digue, with the remaining smaller islands either sparsely populated or uninhabited. Most Seychellois are descendants of early French settlers, and African slaves brought to the Seychelles by the British who throughout the 19<sup>th</sup> century freed them from slave ships on the East African coast. Seychellois culture is thus a mixture of French and African influences. Creole (or Seselwa) is the mother tongue of 94% of the people and is often used in newspapers and literature. English and French are commonly used and English is the language of government and commerce.

The estimated population of Seychelles is 81, 117 people. The people are predominantly African with French, African, Malagasy, Chinese, Indian, British influences. The majority of the population identify themselves as Catholic (86.6%), the rest as Anglican (6.8%), other Christians (2.5%), and other religions (4.1%). Literacy rates are at 91% for men and 85% for women, and the literacy rate of school-aged children has risen to well over 98%. The life expectancy at birth for the total population is approximately 71.25 years: 65.78 for males and 76.88 for women

### **Economy**

Seychelles is categorised as an upper middle-income country, whose GDP is \$603.9 million. And per capita income is about \$7,600. Its primary natural resource is fish, (mainly the tuna fishing industry,) and its agricultural assets include copra, cinnamon, vanilla, coconuts, sweet potatoes, tapioca, bananas, and chicken.

The tourist sector employs about 30% of the labour force and provides valuable hard currency earnings and government has in recent years encouraged foreign investment in order to upgrade hotels and other services.

At the same time, the Government has moved to reduce the dependence on tourism by promoting the development of farming, fishing, and small-scale manufacturing. Tuna fishing/canning accounts for 70% of GDP and has now surpassed tourism as the major source of foreign exchange.

Seychelles is a member of the Indian Ocean Commission, a group that promotes economic and trade co-operation between the islands of the Indian Ocean and the Indian Ocean Rim and participates in meetings of the Common Market for Eastern and Southern Africa (COMESA).

## **THE PROMOTIONAL MISSION**

Mr Bahame Tom Mukirya Nyanduga is the Commissioner responsible for promotional activities in the Republic of Seychelles. The promotional mission to Seychelles was undertaken from 26<sup>th</sup> to 30<sup>th</sup> July 2004. Ms. Fiona Adolu, Legal Officer at the Secretariat of the African Commission assisted Commissioner Nyanduga on this mission.

The Ministry of Foreign Affairs of Seychelles coordinated the arrangements for the mission on behalf of the government and was in contact with the Secretariat of the African Commission.

During the various meetings the African Commission mission had with various stakeholders, Commissioner Nyanduga outlined the objectives of the mission to the Seychelles as follows:

1. To promote the African Charter and exchange views and information on its implementation;
2. To raise awareness of and visibility of the African Commission and its functions especially among the relevant government departments and institutions, and in civil society;
3. To follow up on recommendations arising from first promotional mission undertaken in July 2001 by the then Chairperson of the African Commission – Prof E.V.O Dankwa;
4. To solicit the ratification of the Protocol to the African Charter on the Establishment of the African Court on Human and Peoples' Rights and Protocol to the African Charter on the Rights of Women in Africa;
5. To encourage a closer relationship between the African Commission and the Republic of Seychelles and between the African Commission and the civil society human rights NGOs in Seychelles;
6. To encourage the Republic of Seychelles to send representatives to present their report submitted in July 2004 in accordance with Seychelles obligations as stipulated in Article 62 of the African Charter.

The Technical Adviser to the Ministry of Foreign Affairs, Mr William Bell and the Second Secretary in the Ministry of Foreign Affairs, Ms Elizabeth Charles were responsible for making the prior arrangements for the promotional mission. Ms Sandra Michel, Second Secretary in the Ministry of Foreign Affairs, assisted and accompanied the delegation to all

the meetings. The delegation would like to express their appreciation to them for facilitating the Mission.

## **MEETINGS**

### **Attorney General**

The first meeting that was scheduled was with the Attorney General of Seychelles, Mr Anthony Fernando.

Commissioner Nyanduga introduced the African Commission delegation and informed the Attorney General of the objectives of the mission. He informed the Attorney General that Africa as a continent was now embracing human rights (more seriously than before, as) has been expressed within the (objectives and principles contained in the) Constitutive Act of the African Union.

Commissioner Nyanduga explained to the Attorney General the establishment, mandate and activities of the African Commission. He made particular reference to the communications/complaints procedure, which is provided for under the African Charter. The Attorney General expressed interest in this procedure and suggested that it would be beneficial for the African Commission to avail copies of its decisions to Member States and also for it to compile case law from the constitutional courts of Member States.

The delegation also explained that the African Commission has Special Rapporteur Mechanism which attends to areas of human rights that need specific attention, namely, women rights, prisons and conditions of detention in Africa, and Refugees and Internally Displaced Persons (IDPs) for which Commissioner Nyanduga is also responsible.

The Attorney General, (in response to some of the issues raised by the Commissioner), pointed out that Seychelles does not host any refugees neither does it have any IDPs. He noted that possibly the lack of refugees in the country is due to the geographical location of Seychelles which is situated far from conflict situation(s on the mother land), that may lead to mass movements of people.

With respect to Seychelles' reporting obligations, in conformity with Article 62 of the African Charter, the delegation noted with pleasure that Seychelles had finally submitted a comprehensive Initial Report combining all the overdue reports since 1994. Commissioner Nyanduga urged the Attorney General to encourage the government to send a delegation to present Seychelles' Initial Report before the African Commission at its forthcoming 36<sup>th</sup> Ordinary Session. He explained the process of examination of reports and pointed out that this exercise was important because it provides the government of Seychelles with an opportunity to explain the human rights situation in the country and problems that it encounters in fully implementing the rights and freedom recognised under the African Charter.

The Commissioner informed the Attorney General that the African Commission had undertaken a study into the rights of indigenous populations/communities in Africa and had

come up with a Conceptual Framework Paper on Indigenous Populations/Communities in Africa. In this context, the Mission raised concerns about the human rights of the Chagossians who were expelled from Diego Garcia and are now living in Seychelles and Mauritius. The Commissioner wanted to know what their status in Seychelles was and how the government and the society at large were treating them, ( in view of the earlier statement that there are no refugees in the Seychelles.).

In response to this, the Attorney General stated that this was a matter that was being resolved by the Ministry of Foreign Affairs at a diplomatic level.

With respect to human rights education in schools, the Attorney General informed the delegation that the school curricula includes some aspects of human rights education and welcomed the idea that it be broadened to include aspects of the African Charter. He noted that human rights education in schools is particularly important as it plays a big role in preventing conflicts especially in a modern society where the youth idolise the gun culture. The youth need to be taught about tolerance and the value of preserving life and avoiding conflict through human rights education.

The Mission sought the opinion of the Attorney General on concerns relating to the composition of the judiciary, which is mainly comprised of foreigners and yet Seychelles is reported to have a substantial number of lawyers who could be appointed to the bench. The Attorney General informed the delegation about a constitutional case brought by the Seychelles Bar Association, which is challenging the appointment of a Court of Appeal Judge from Lesotho on the basis that he was not familiar with civil law. They are also challenging the reappointment of judges of the Court of Appeal, after the initial 7 year contract, which is only allowed on the existence of exceptional circumstances. The issue before the courts that the Bar Association wants settled is what these exceptional circumstances are in the case of these particular judges.

The matter involved interpretation of provisions of the constitution, it was brought before the Constitutional Court. The Bar Association lost the case on a technicality and appealed to the Court of Appeal. Because the matter involved judges who sit on the Court of Appeal, a Panel of 3 judges from South Africa, Namibia and Swaziland was convened to hear the matter. The Panel ruled that the Constitutional Court should hear the matter on its merits. The matter is yet to be heard by the Constitutional Court.

In conclusion, the Mission noted that whereas Seychelles has progressive legislation with respect to the protection of the rights of women in country, it had not yet ratified the Protocol to the African Charter on the Rights of Women in Africa. The Attorney General undertook to commence the process of ratification as soon as he was in possession of the said Protocol. He was of the view that under normal circumstances ratification of the Protocol on the Rights of Women as well as the Protocol Establishing an African Court would not present any difficulty.

**Seychelles National Party (SNP)**



SNP is the one of the two major opposition political parties in Seychelles. The delegation met with the Secretary General of SNP, Mr Roger Mancienne and the Treasurer, Mrs Annette Georges.

During the meeting, Commissioner Nyanduga explained how the African Commission's history, its composition and mandate. He said further that the African Commission is an autonomous body within the African Union, which is responsible for its budget. It also gets funding from international donors. He also informed them of the drawbacks that the African Commission is sometimes faced in the implementation of its mandate.

He pointed out that during its missions, the African Commission deems it necessary to meet with all institutions in a country in order to fully appreciate the situation in the country and it is in this framework that the delegation requested to meet with the opposition parties.

He informed SNP that Seychelles had finally been able to submit a comprehensive initial report in accordance with Article 62 of the African Charter. Commissioner Nyanduga stated that the African Commission encourages Member States to involve all its institutions, NGOs and political parties in the drafting of the report and enquired as to whether SNP had participated in drafting the Seychelles Report.

SNP informed the mission that they had not been involved in the drafting of the Seychelles Report. SNP however suggested that since the Initial Report had already been submitted to the African Commission, copies of the said Report should be available to the opposition parties so that if there had any issues to be taken up these will be pointed out to the African Commission.

SNP stated that there are violations of human rights in Seychelles although not to the extent reported in other countries in Africa. The Secretary General expressed concerns relating to the violation of the right to work and access to information. The requirement to undergo security clearance before getting employment within the public service or parastatals raises concerns as it could be used arbitrarily or even abused by some employers. In this respect, SNP informed the Mission of Alan A. Carolus who had submitted numerous applications to Seychelles Public Transport Corporation (SPTC) for employment as a bus driver but was refused employment. He reported the matter to the Ombudsman who after carrying out investigations informed the man that he had been denied employment with SPTC because he had reportedly failed the security clearance.

SNP also reported that business licensing was being used to deny people the right to work. In some instances licences were granted for short periods of less than a year renewal of which was difficult to obtain once the license had come to an end. SNP has previously appealed to government to grant business licences for longer periods as people invest a lot of money in their businesses. Non-renewal of such licences results into them losing the capital which they had invested.

SNP remarked that as an opposition party they are operating in a political environment that respects the basic principles of a multiparty democracy but nonetheless Seychelles has not yet made a full transition to multipartism. For instance, normal communication channels between the President of the Republic and the Opposition do not exist. The legislature is an

extension of the Executive and as such the Opposition feels the need to negotiate directly with the President which is unusual.

Concerning the independence of the judiciary, SNP referred to the controversy surrounding the appointment and reappointment of judges and the suit brought by the Bar Association. They informed the Mission that the Constitutional Appointments Authority (CAA) is mandated to recommend to the President the appointments of Judges, Attorney General, Auditor General, Ombudsman and Electoral Commissioner. The CAA is composed of 3 members. The Opposition and Government each nominate one member to the CAA and the 2 members elect the Chair. Where there is no agreement with respect to the Chair, the President of the country will elect the Chair.

SNP stated that they were not contented with the way the CAA functions and consequently all the other appointments that come as a result of the CAA's recommendations are likely to be questioned.

The delegation was informed that the army had started taking up policing duties and as a result there have been reports of abuse by the Army and Police especially when carrying out arrests. During the election campaigns, the Army and Police deployed to keep law and order acted in a discriminatory manner towards the supporters of the opposition. They noted that in such instances, the Electoral Commissioner's role as an arbiter is very crucial but he does not wield enough control. He has also failed to de-link the government from political parties especially as regards distribution of resources during campaigns amongst the political parties.

The mission informed the SNP about the Declaration of Principles on Freedom of Expression in Africa adopted by the African Commission. Reference was made to Principle VI, which sets out the standards that Member States should adhere to with respect to public broadcasters.

The delegation was informed that media in Seychelles is public funded. The State owns the Seychelles Broadcasting Corporation (SBC) and the Seychelles Nation newspaper. REGAR is seen as the alternative press and it is closely aligned to SNP but is not a mouthpiece of SNP. SNP has its own publication. SNP believes that public funded media should be independent especially as regards the composition of the board members.

On freedom of the press, SNP observed that the press in Seychelles enjoys freedom to publish anything and that there was no censorship. SNP conceded that the press sometimes push the limits in what they publish and this has been done without major repercussions from the government. Although occasionally defamation suits are used to bring pressure to bear on the media and because the judiciary is not independent, the defamation suits usually succeed.

On a positive note, SNP related that within Parliament the opposition representation has grown. Unfortunately, SNP has no female representation within Parliament. SNP attributes this phenomenon to the fact that as opposed to the female members of the ruling party, the female members of the opposition fear that they will suffer negative consequences and as such refrain from being outspoken.

## **Ministry of Social Affairs and Employment**

The Principal Secretary, Mrs Antoinette Alexis informed the Mission that rights of women in Seychelles are guaranteed under the Constitution and these rights have been reflected in the legislation and policies of the government. She reported that they are currently undertaking an exercise to harmonise the domestic legislation in line with the international treaties ratified by Seychelles. They are also compiling an inventory of legislation that relate to or affect women.

Commissioner Nyanduga observed that legislation in Seychelles permitted employment of children under the age of 15 years and questioned whether this may not encourage child labour.

Mrs Alexis stated that given that education in Seychelles is free and compulsory, persons wishing to employ children would have to meet certain conditions before Social Services Department can permit such employment.

Mrs Alexis also gave a brief account of how the Family Tribunal functions. She reported that the Family Tribunal only awards orders that protect victims from further abuse. In the case of domestic violence, the assault has to be reported to the Police and the case pursued through criminal proceedings. However this avenue has not always been successful because of societal attitudes about involvement in what is considered family matters.

The delegation enquired about the level of HIV/AIDS cases in the country, and was informed that Seychelles has a number of HIV/AIDS cases and that it is still at a manageable level is difficult to tell the exact extent of the problem because there are still no reliable statistics because of the stigma attached to persons who are HIV positive. There are support groups to provide assistance to the few that have revealed their sero-status. Awareness campaigns are being carried out to provide the population with information about HIV/AIDS although such awareness campaigns are still not aggressive enough. The government has set up National AIDS Commission and a National AIDS Trust Fund. The Ministry of Health provides free Anti-Retrovirals (ARVs) and it is hoped that this may encourage people to reveal their sero status and as such facilitate the collection of statistics.

The mission learned also that free education is provided to all school going children and government awards scholarships to study abroad at universities because the country has no university. But after acquiring the requisite experience in Seychelles, they find better employment in other countries.

The Mission observed that despite the fact that there is equal access to education for women, they are still under represented in decision-making positions. The Principal Secretary blamed it on the fact that women in Seychelles suffer an attitudinal problem which hinders them from pursuing their careers but encourages them to be homemakers.

## **Democratic Party (DP)**

The Mission held a Meeting with Members of the DP, namely, Paul B. Chow, Georges R. Bibi and Nichol Paul Gabriel. DP is one of the major opposition parties. DP was formed in

1964 and was the dominant party on the political scene until the 1977 coup d'état, which instated a one party State. Seychelles was ruled under a one party State until 1992 when other political parties were allowed to operate. With the reintroduction of multiparties, DP had to reconstitute itself seeing as most of its leadership was in exile. The political party struggled and participated in 3 political campaigns in 18 months namely the referendum, drafting of the constitution and the general elections of 1993.

During the drafting of the Constitution, DP was instrumental in the successful inclusion within the Constitution, of provisions relating to the structure of the presidential system, protection of fundamental rights and independence of the judiciary.

With respect to the political environment within which DP is operating, the members informed the delegation that they can exercise their political rights to some extent without interference because they have the right to organise. They stated that certain rules that were particularly used by the one party State to suppress the right to organise are still utilised to the detriment of the opposition parties. For instance the Commissioner of Police decides on whether to allow political parties to organise public meetings and virtually instructs them when and where they can hold their meetings. Furthermore, DP complained that generally opposition parties do not have equal access to the public media, as it is somewhat restricted.

The Mission was informed that in its relationship with the government, DP has decided to adopt an approach that facilitates reconciliation rather than be confrontational. DP has realised that SNP is somewhat aggressive in its approach to issues and DP believes that this has led the Police Force to introduce measures that are restrictive towards political party activities.

DP noted that whereas civic education was taught as a subject in schools, human rights education and dissemination in schools and to the general public in Seychelles especially about the Seychelles' human rights Charter and the Constitution in general was not wide.

### **Acting Chief Justice**

The Chief Justice was not in the country and so the delegation met with the Acting Chief Justice, Justice Andrew Ranajan Perera who is also a Puisne Judge. The Registrar of the Supreme Court, Daniel Cesar was also present in the meeting.

Justice Perera briefed the Mission about the Judiciary in Seychelles and its composition. He informed the delegation that magistrates are given 2 year contracts which can be renewed whilst judges are given a 7 year contract which can only be renewed under exceptional circumstances. He confirmed that there were no Seychellois employed as magistrates.

Justice Perera also made reference to the case instituted by the Bar Association with respect to the reappointment of judges of the Court of Appeal and recounted the circumstances under which the suit was instituted.

The delegation was interested in knowing how the Constitutional Court of Seychelles can be petitioned. Justice Perera informed the delegation that anyone who intends to petition the

Constitutional Court should do so within 90 days and time starts running from the date of the alleged contravention.

The Judge reported that the State provides legal aid to indigents in all cases except for defamation suits. Provision of legal aid is provided for by legislation, which stipulates that anyone earning an income below 2,000 rupees is entitled to legal aid. Such person makes a declaration on a prescribed form to the effect that they earn less than 2,000 rupees. Finances for legal aid are voted for annually but the money is generally not enough so preference is normally given to criminal cases rather than civil suits.

In conclusion, Justice Perera noted that there are numerous suits that relate to human rights issues that are before the courts and this in some way indicates that the public is aware of their rights. He also noted that the judiciary does, to some extent give weight to human rights principles when writing decisions.

### **Seychelles Human Rights Network (SHRN) and The Centre for Rights and Development (CEFRAD)**

The delegation held a meeting with Mr. Matthew Servina, the representative of the SHRN and CEFRAD. He stated that CEFRAD has been in existence for the last 5 years and they have decided to develop it into a professional centre for democracy, human rights, peace, security, development, research and documentation. On the other hand, SHRN is a network of all human rights NGOs in the country. It was created soon after the last promotional mission of the African Commission in 2001. However, due to the fact that there were upcoming elections at the time, it was somewhat difficult to carry out human rights related activities amidst all the politicking in the country at the time.

Eventually, in December 2003, SHRN was able to organise the first human rights conference. During that conference, participants adopted long term strategies of activities that they would undertake to enhance knowledge about human rights within the country. For instance it was proposed that SHRN should hold 8 public awareness seminars on Mahé, 2 seminars on the island of Prasline and 1 seminar on La Digue. The topics of these seminars will relate to human rights but are intended to bear relevance to everyday life for the communities.

The conference also made recommendations geared towards integrating human rights education in schools, and raising awareness about human rights amongst the public generally and informing persons in decision making positions and in government about human rights issues.

Other proposed activities include, carrying out a human rights survey as part of the public education and a human rights and peace exhibition on international human rights day on 10<sup>th</sup> December.

This being the UN Decade for Human Rights Education, human rights NGOs have also been engaging the Ministry of Education in issues relating to human rights education. SHRN met and discussed with President Michel human rights issues that are of particular concern to human rights NGOs in the country. Mr Servina reported that infact there has been

marked progress within some sections of government in terms of discussing issues relating to human rights. He however lamented the fact that legal practitioners were more interested in politics, and not particularly interested in human rights or civil society work-

Making reference to the preparation of the Seychelles State Report that was submitted to the African Commission in accordance to Article 62 of the African Charter, Mr. Servina informed the delegation that he participated in NHAC. Meetings on behalf of Liaison Unit of Non-Governmental Organisations of Seychelles (LUNGOS) and thus contributed to the preparation of the Initial Report.

Mr. Servina reported that SHRN has distributed copies of the Seychelles report to all the relevant NGOs in Seychelles and that NGOs were in the process of preparing supplementary information on the Seychelles Report for submission to the African Commission. This information would also be availed to the Seychelles government for their information.

The delegation sought Servina's opinion about concerns that had been brought to its attention relating to abuses allegedly carried out by the army and the Police Force, and problems suffered by small businesses in respect to obtaining licences.

Commenting on concerns raised in relation to the army/police force of Seychelles, Servina stated that intimidation by the police was prevalent before and after elections. He informed the Mission that it was apparent that the Police Force in Seychelles has little authority in the country and the Armed Forces have practically taken up the role of the Police Force.

With respect to licensing he stated that SHRN is trying to lobby the Chamber of Commerce to attend to the problem, as it is the small businesses that suffer and are affected by the licensing laws and not the big businesses.

On the Chagos issue, Mr. Servina noted that most Member States of AU including countries within the Indian Ocean Territory are not aware of the human rights violations that the Chagos people face. He urged the African Commission to raise awareness about this issue in order to place it within international scrutiny because this may bring pressure to bear on the countries involved to attend to the problem.

In conclusion, Servina reiterated that human rights NGOs are committed to assisting Seychelles fulfil its obligations.

### **Department of Internal Affairs**

The delegation met with Principle Secretary of the Department of Internal Affairs, Mrs Marie-Ange Houareau and the Commissioner of Prisons, Col. Daniel Antoine Marengo. She informed the Mission that the Department oversees the administration of prisons, registration of births, deaths and immigration matters. She reported that in terms of immigration problems, Seychelles does not host any refugees or asylum seekers.

The delegation wanted to know the status (*is*) accorded Chagossians living in Seychelles. The Principal Secretary reported that she did not think there were many Chagossians living in Seychelles but undertook to look into the matter.

On conditions of prisons in the Seychelles, she stated that there are 2 prisons in Seychelles namely, Long Island Prison, which is currently holding 157 inmates, and High Security Prison, which is presently holding 41 inmates. She reported that the inmates held at Long Island Prison are mainly first offenders while those being held in the High Security Prison are mostly multiple offenders and inmates serving long terms.

The 2 prisons have good rehabilitation programmes and have recently employed on a permanent basis a counsellor for the inmates. The Principal Secretary reported that the Prisons Administration had noticed an odd phenomenon occurring in the prisons, whereby a number of inmates are converting from Christianity to Islam, and attending to their requirements arising from their religious rites sometimes becomes difficult. The authorities suspected that such conversion was done by some inmates in order to take advantage of certain facilities which are given to Muslims. Interestingly these converts have continued as Muslims even after they have been released.

In concluding the Meeting, Commissioner Nyanduga informed the Principal Secretary about the African Commission mechanisms and specifically about the Special Rapporteur on Prisons and Conditions of Detention in Africa, her mandate and scope of activities when she visits Prisons in Member States.

### **Constitutional Appointments Authority (CAA)**

The Mission held a Meeting with the Chairperson of the CAA, Mr. France G. Bonte. He informed the delegation that the CAA is composed of 3 members, 2 of whom are drawn from the ruling party and the opposition party. The 2 members nominate the Chairperson and where they fail to agree on such nomination, the President of Seychelles is mandated to nominate the Chairperson. Members of the CAA serve for a term of 7 years and Mr. Bonte is currently serving his second term as the Chairperson of the CAA.

Mr Bonte stated that among other duties, the CAA is responsible for recommending for appointment, the Attorney General, Judges of the Supreme Court and the Court of Appeal, Chair of the Civil Service Board, Presidential Pardon Board, Registrar General and Electoral Commissioner.

The Mission informed Bonte of the concerns raised with respect to the Judiciary in Seychelles. Bonte confirmed that all the magistrates in Seychelles were foreigners and that except for two judges, all the judges of the Court of Appeal and Supreme Court were also foreigners. He stated that because the population of Seychelles is very small and every one within the community is familiar with each other, in order to allow the judiciary to be independent, the CAA has not considered it a priority to appoint Seychellois judges. He reported that there is political polarisation within the Bar Association and generally amongst lawyers in Seychelles. Most lawyers in Seychelles are strongly allied to either the ruling party or the opposition parties and this is evident in how they carry out their professional duties. Given such circumstances therefore, the view is that only when the Seychelles Bar matures

will they gradually be appointed to the Bench. In any case, he stated, several lawyers have been solicited to become judges but they have declined because judges are not highly remunerated (between 15,000 to 25,000 rupees) in comparison to what they earn as private practitioners.

The Chairperson of the CAA expressed the opinion that he did not believe that the issue of reappointing judges, only where exceptional circumstances exist to do so, should be a matter of contention before the courts. Because if a judge performs his functions without any complaints being raised then that should qualify as an exceptional circumstance on which the judge can be reappointed.

### **National Children's Committee (NCC)**

In a meeting with Mr Jean Claude Matombe, the communications manager of NCC, he stated that NCC was a statutory body and is financed by government subventions.

He recounted that NCC's activities include advocacy against sexual abuse, monitoring child protection agencies within the country and creating awareness about children's rights and parents' duties towards their children. Because Seychelles has legislation that bans use of corporal punishment, NCC also endeavours to inform the general public about this legislation and further advocate for alternative punishment or disciplining of children.

Mr. Matombe informed the Mission that Seychelles had submitted its report to the UN Committee on the Rights of the Child and that NCC had prepared an alternative report providing information on the status of the rights of the child in the country. Through a Committee comprised of NGOs and the relevant government institutions, NCC is presently following up on the implementation of the concluding remarks issued by the UN Committee on the Rights of the Child. With respect to the African Charter on the Rights and Welfare of the Child, he related that NCC would soon develop programmes geared towards raising awareness about it.

Generally, Mr Matombe reported that the government of Seychelles had made significant progress in terms of promoting and protecting the rights of children especially in the area healthcare and education.

Of concern however, were increasing reports of sexual and physical abuse of children. While such reports are worrying, it is commendable that where before cases of sexual abuse would have gone unreported, because of increased awareness they are now being reported.

Responding to the delegation's enquiry about whether there were children living on the streets, Mr Matombe reported that there were none. Instead, there are children who have been neglected because their parents work in the hospitality industry which requires them to work long hours and (*also*) night shifts. Also common in Seychelles are female headed households with the woman as the sole income earner. Most adult males are unemployed. As such, children from such families are often neglected and consequently they have been targeted to peddle drugs.



Matombe also reported that there is a growing rate of suicides in the country especially among the youth and as such NCC has started programmes that provide counselling and guidance for the youth.

Commissioner Nyanduga enquired about the Family Tribunal and whether NCC closely works with it. Matombe informed the delegation that there are 15 members on the Family tribunal and only 5 members sit to hear a matter at any one time. The Chair and Vice Chair have legal background and sit in on all matters brought before the Tribunal. The Family Tribunal hears matters relating to family maintenance and restraining orders.

Mr. Matomber informed the Mission that NCC has evaluated cases that are brought before the Family Tribunal and how matters brought before it are handled. They have recommended, that the Family Tribunal should also hear divorce cases. The Family Tribunal should also take into consideration assessments made by social services and other institutions that deal with children before issuing orders.

### **Ombudsman**

During the meeting with the Ombudsman of Seychelles, Mr. Cedric Gustave Dodin, he informed the Commissioner that the office of the Ombudsman was established under the 1993 Constitution and that he had only been appointed into office in January 2004.

The mandate of the Ombudsman is wide and includes undertaking investigations into reports of human rights violations, corruption, administrative actions taken by certain public authorities. The Ombudsman can initiate proceedings relating to the constitutionality of a law or of the provisions of a law. In undertaking his/her duties the Ombudsman is mandated to initiate investigations into a matter.

The Constitution of Seychelles invests the Ombudsman with the same power as a judge of the Supreme Court, in respect of the attendance of a person before him, the examination of any person in relation to an investigation, the production of a document or record relevant to an investigation and the inspection of premises.

After investigating a matter, the Ombudsman makes recommendations to the relevant Ministry, governmental body or institution against which the complaint was made, a copy of which is also submitted to the President of the country. Although these recommendations are not binding, if the relevant bodies do not take appropriate action as recommended, such inaction can be brought to the attention of the President.

Mr Dodin also informed the Mission that the Office of the Ombudsman is required to submit an annual report Parliament.

The Ombudsman reported that the Office of the Ombudsman received about 800 cases in 2003 but investigated about 95 cases only. This is because most of the matters reported do not necessarily fall within his office's mandate. The office has also noted that there are not many reports made relating to corruption.

Commissioner Nyanduga informed the Ombudsman the mission had received concerns relating to licensing especially of small businesses. In response the Ombudsman stated that his office had not received any complaints or reports to that effect. He however reported that in the case of taxi drivers, licenses are issued on the basis of a quota system. Once the quota has been reached no more taxi driving licences are issued and complaints may arise because the prospective taxi drivers are not aware of this system.

Commissioner Nyanduga enquired further about the case of Allan A. Carolus the bus driver who had been refused employment with SPTC for failing to meet security clearance requirements. Mr. Dodin informed the Commissioner that Carolus had submitted 12 applications to SPTC for a job but he was unsuccessful. The matter was reported to his office and on investigation, were informed that the Security Unit of the President's Office did not recommend Carolus for employment as a driver with SPTC. This information was passed on to Carolus.

The Ombudsman informed the delegation that all civil servants prior to employment are subjected to this system of security clearance which is administered by the Security Unit within the President's office.

The Mission enquired as to whether the requirement of security clearance is based on legislation. The Ombudsman was not informed of any legislation in this regard, however he was of the view that anyone whose job application fails on the basis of security clearance deserves to be informed the reasons so that he can challenge them in court.

Commenting on appointments to the Judiciary in Seychelles, Mr. Dodin noted that practising lawyers in Seychelles are really not interested in taking up judicial positions because judicial officers are not well remunerated. In addition, because the population of Seychelles is very small and the community is close knit, it would present problems for Seychellois judges to dispense justice, as they most likely would know offenders appearing before them and as such would always have to recuse themselves from hearing matters.

In conclusion, the Ombudsman informed the Mission that his office was understaffed. Beside himself, there are only 2 investigators and the office does not have a legal section employing lawyers. Nonetheless, the Office is endeavouring to carry out its functions within the limited means.

### **Seychelles Bar Association**

The President of the Bar Association of Seychelles, Mr. Phillip Boullé informed the delegation that the Bar Association is established as an amalgamated company. The Constitution of the Bar Association sets out the objectives of the Association which include promoting and assisting with the training of lawyers and legal personnel, to disseminate information on legal profession, promote and encourage law reform, research into law related subjects.

He reported that besides State Counsels, there about 35 lawyers licensed to practice in Seychelles and only about a third of the 35 are members of the Bar Association. There are about 7 female practicing advocates but there are no females in judiciary.

Mr. Boullé noted that human rights are guaranteed under the 1993 constitution however enforcement and implementation of these rights by the relevant government institutions is presently very weak. For instance, it is difficult for lawyers to access the constitutional court in respect to cases that relate to the Charter of Fundamental Rights within the Seychelles Constitution. Only a person who has been directly affected can institute a matter before the Constitutional court and this should be done within 90 days from the date the alleged infraction is alleged to have taken place.

Commenting on the state of the judiciary in the country, the President of the Bar Association expressed dismay that there were hardly any Seychellois judges on the bench except 2 who previously held Mauritian and Srilankan citizenship but are now naturalised Seychellois. He expressed the view that citizenship was granted to foreign judges in order to circumvent the controversy relating to the reappointment of foreign judges. He reported that positions of magistrates in Seychelles are never advertised in order to allow Seychellois to submit applications for any vacancies. He said that during the colonial times there were Seychellois in the judiciary but because the one party State wanted to exercise control over the judiciary they decided to employ foreign judges and magistrates.

Mr. Boullé stated that contrary to what some persons are saying that private practitioners are not interested in serving on the bench, he is aware of several lawyers who would be interested in taking up positions on the bench.

Mr. Boullé informed the delegation about the court challenge instituted in respect of the reappointment of judges who had already served a 7 year contract and the appointment of a Court of Appeal judge from Lesotho. The case is still before the courts and this has affected the functioning of the Court of Appeal, as all the judges are parties to the court case.

In conclusion, the President of the Bar Association stated that the Association is trying to get established by statute and its mandate extended to include handling of disciplinary matters with respect to lawyers. Presently the Chief Justice is responsible for enrolling lawyers and for matters relating to disciplining of lawyers.

### **Seychelles Media Association**

The delegation informed the Chairperson of the Seychelles Media Association Ms. Beryl Pillay that the African Commission considers freedom of expression to be a fundamental human right and is also a means by which other human rights and freedoms are respected. The media is therefore considered to be an important institution within any country and missions of the African Commission endeavour to meet the media in order to discuss with them the problems that they may meet in the course of carrying out their functions.

Commissioner Nyanduga appraised Ms. Pillay of the efforts undertaken by the African Commission to protect the right to free expression and about the Declaration of Principles on Freedom of Expression in Africa which was adopted by the African Commission at its 32<sup>nd</sup> Ordinary Session in 2002.

He informed her that the Declaration of Principles elaborates on Article 9 of the African Charter, which guarantees the right to freedom of expression and sets important benchmarks based on which this right can be protected.

The Chairperson of the Seychelles Media Association, Ms Pillay informed the Mission that the Association is not a professional body that ensures media standards but a social association that facilitates social meeting between journalists. There are 6 paid up members of the Association.

She stated that there are 3 newspapers in Seychelles - the People and the Nation are government owned whilst the REGAR newspaper has policies that are in line with the opposition. Various media houses determine what is published according to their own editorial policies. Ms Pillay reported that generally the public media gives some coverage to activities of the opposition.

Ms Pillay stated that journalists in Seychelles undergo very good training however they are frustrated because they cannot put the skills acquired to practice as they are compelled to practice self censorship based on the editorial policies of their respective employers.

### **The National Assembly**

Mr. Francis E MacGregor is currently the Speaker of the National Assembly of Seychelles and had also served as such during the one party rule. He informed the Mission that since the end of the one party State, Seychelles has basically been in transition. The political situation is slowly improving and people are learning to accept that Seychelles is now a multiparty democracy. This is further evidenced by the growing representation of the opposition within the National Assembly.

Commissioner Nyanduga informed the Speaker that it had been alleged by some of the persons met by the delegation that the National Assembly is not critical of the Executive and is therefore only a rubber stamp. The Speaker observed that this cannot be true especially since Ministers who implement policies of the government are not elected members of the National Assembly. This situation thus makes it possible for the legislature to insist that the Executive be accountable to it.

He stated however that during his tenure as Speaker he has noted that some persons have tended to blur the distinction between their political affiliation and their professional jobs to the detriment of their work.

### **Secretary of State**

The delegation was not able to meet with the President of Seychelles but met with the Secretary of State in the Office of the President, Mr. Alain Butler Payette who indicated that he would convey any concerns raised by the Mission to the President.

Commissioner Nyanduga informed Mr. Payette that in the course of the mission, several issues had arisen, which should be brought to the attention of the Office of the President, namely the status of the Chagossians in Seychelles, concerns about the Army taking up

policing roles rather than the Police Force, concerns raised in respect of the judiciary, and concerns relating to the selective issuance of business licences, and the requirement to undergo a security clearance to persons seeking employment within public service, as constraints to the enjoyment of the right to work, and the possibility of abuse of the said discretion, by executive functionaries.

The Secretary of State recounted the history surrounding the Chagos controversy. He stated that when Seychelles attained independence in 1976, several islands administered by the British Indian Ocean Territory (BIOT) were transferred to Seychelles and Mauritius. However, the British government retained the islands comprising of the Chagos Archipelago and the largest of these islands, Diego Garcia was leased to the United States by Britain for the construction of a military base. Consequently, Chagossians were evicted from their Islands and sent to Seychelles and Mauritius.

Following their expulsion, the Chagossians began drawing attention to their plight, thus prompting the British to grant them British citizenship. It is alleged that some Chagossians were granted such citizenship without the right to work in Britain.

Chagossians of Seychellois ancestry are now Seychellois citizens and have therefore been integrated into the Seychellois society. However, with respect to those Chagossians who have been unable to obtain citizenship through naturalisation because the fees charged by the immigration authorities are prohibitive, Payette stated that the government of Seychelles was looking into the matter and would endeavour to facilitate acquisition of such citizenship by Chagossians so that their status in the country can be regularised.

Regarding concerns raised about the Armed Forces and policing, Mr. Payette informed the delegation that this is not the norm. Assistance by the Army is requested only in extreme circumstances and in the last 12 years, this has been done in about 5 or 6 occasions. The Army was called upon to assist the Police during the electioneering period and early in 2004 when there were repeated incidences of violence carried out by a group of gangsters. The police was unable to cope mainly because at the time they were not well equipped with vehicles and other policing equipments.

The Police and the Army had joint patrols that were always led by the Police, who were also responsible for effecting arrests and not the Army. In any case, reports of abuse cannot be based on lack of human rights training because the Red Cross has trained both the Police and the Army in respecting human rights when handling suspected criminals and any reported cases of abuse are usually dealt with.

Relating to the concerns raised about security clearance, the Secretary of State stated that not all persons employed within the public service are required to undergo a security clearance if they are not employed within sensitive jobs. At this point, the delegation drew Mr. Payette's attention to the case of the bus driver who had applied to work with the SPTC but had been refused because he had failed the security clearance. The Secretary of State promised to look into the matter.

Concerning the issue of licensing, the Secretary of State stated that at some point it was the taxi drivers who suggested that they be given short term licences so that they can be

continually vetted. This arose when there were numerous reports of assaults of tourists by taxi drivers and in some cases reports that taxi drivers were involved in drug trafficking. Once this measure was introduced, there was a decline in reports of assaults of tourists and now the licensing authority is issuing one year licences. Payette however informed the delegation that because of the low tourist season, the licensing authority has placed a moratorium on issuance of new taxi driving licenses.

With respect to the judiciary, Mr. Payette informed the delegation that President Michel is considering appointing Seychellois as magistrates but also stated that most private practitioners in Seychelles are not likely to take up any positions within the judiciary because judicial officers are not well remunerated.

In concluding the meeting, Commissioner Nyanduga informed the Secretary of State that the African Commission would like Seychelles to ratify the Protocol Establishing an African Court on Human and Peoples' Rights and the Protocol on the Rights of Women in Africa. The Secretary of State informed the delegation that Seychelles would not have any problem with ratifying the said instruments as long as such ratification does not have any financial implications on Seychelles. Mr. Payette related that contributions to institutions is normally calculated on the basis of a country's GDP per capita. Seychelles has a high GDP per capita and as such the contributions these institutions require from it are normally high and yet being a small country this has often strained its finances. It is because of this that Seychelles decided to withdraw from the Southern African Development Cooperation (SADC) because it could not afford to pay its dues to the organisation. It is now the policy of Seychelles not to ratify instruments that will impute any financial contribution that is likely to be exorbitant.

The Commissioner assured the Secretary of State that ratification of the aforementioned instruments is not likely to have any financial implications, besides the obligations by Seychelles to contribute to the regular budget of the African Union, and urged Seychelles to ratify them

### **Representatives from women's organisations**

The delegation of the African Commission also held a meeting with representatives of women's organisations in Seychelles. In attendance at this Meeting were representatives of Gender Media Plus (GEMPLUS), Alliance of Solidarity for the Family (ASF), Seychelles Women's Commission (SWC) and Seychelles HIV/AIDS Links Association (SHALA).

Commissioner Nyanduga informed the members present about the African Commission, its mandate and its activities. He informed them that of particular interest to the organisations at the meeting is that the Protocol on the Rights of Women in Africa had been adopted by the Assembly of Heads of State and Government (AHSAG) in Mozambique in 2003, but as at that date only three African Union member states, namely The Comoros, Rwanda, and Libya were the only states to have ratified the Protocol. The Commissioner also informed the meeting about the African Commission's Special Rapporteur on the Rights of Women in Africa and encouraged the organisations to work with her and provide her with information on the status of women's rights in Seychelles. He noted that whilst legislation protecting women's rights in Seychelles was progressive, Seychelles had yet to ratify the Protocol. He therefore urged the organisations to lobby the government of Seychelles to ratify the

Protocol on the Rights of Women in Africa, as this would ensure further protection of the rights of women at the regional level.

The representative of ASF informed the Mission that the organisation works in the area of reproductive health rights especially amongst the youth. She disclosed that the reproductive health rights of women in Seychelles are not promoted and this attitude stems from negative cultural beliefs. Consequently it is the women who have suffered the brunt of HIV/AIDS. ASF therefore endeavours to create awareness about reproductive health rights through sensitisation and training workshops that also encourage women to acquire leadership skills.

It was reported that sexual abuse especially of young girls and boys is a problem. A large number of rape and incest cases are instituted by the Police, but unfortunately the courts are lenient when sentencing offenders in such cases. Even where sexual offenders are incarcerated, the representative of ASF revealed that there are hardly any rehabilitation programs that focus on reforming sexual offenders.

ASF also cited that another problem that exists in Seychelles is domestic violence. To address this problem, ASF established a committee on violence against women and children which is composed of all NGOs and relevant government institutions.

The representative of ASF however noted that generally there have been improvements in the promotion of human rights in the country even though there is still more to be done in terms of educating the general public about women's rights.

Members present at the meeting informed the Mission that they generally find it difficult to access the public media especially the television to air programmes relating to family issues. The representative of GEMPLUS who also works with the Seychelles Broadcasting Corporation (SBC) informed the meeting that SBC may have failed to facilitate airing of the said programmes because of lack of funding, inadequate equipment, absence of qualified producers and personnel to properly cover family gender related issues. It was therefore suggested that NGOs should collaborate with GEMPLUS to come up with proposals for SBC to consider for broadcasting during the forthcoming year.

The delegation observed that whereas there is equal access to education for both girls and boys, women were underrepresented in decision making and leadership positions and sought to know why this was the case.

Members at the Meeting informed the Mission that statistics reveal that while boys are dropping out at secondary school level, the girls seem to be doing better but begin dropping out at post secondary school level usually because of pregnancy. Also because of cultural beliefs, girls believe that they should dedicate time to family life rather than pursue a career and that is why women are underrepresented within leadership positions in public life.

In spite of this, women in Seychelles are heads of households and the main income earners in households. This is because Seychellois men rather than take up jobs that are considered menial, prefer to remain unemployed and survive on unemployment benefits provided by the State until they can obtain white-collar jobs. For instance, the Indian Ocean Tuna Factory has placed numerous job adverts with good benefits and good working hours and

encouraged Seychellois to apply for jobs. However Seychellois men refuse to take up these jobs and as a result the factory has been forced to recruit foreigners. Thus NGOs have realised that there is a need to raise awareness amongst the male population in Seychelles about their responsibilities within a family.

In conclusion, the meeting had discussions relating to the scourge of HIV/AIDS. Members present felt that because Seychelles has a very small population, it was pertinent to embark on aggressive awareness programmes relating to HIV/AIDS in order to stop it from spreading as the social and economic impact of high HIV/AIDS rates would be devastating. Furthermore, Seychelles is disadvantaged because it has a high GDP per capita and is therefore not considered a country that requires aid.

### **Minister of Foreign Affairs**

The Mission also met with the Minister of Foreign Affairs, Mr. Jérémie Bonnelame. Also present during the Meeting was William Bell, Technical Adviser to the Ministry of Foreign Affairs.

Mr Bell gave a brief of how the report was prepared and summarised its contents following which, the Minister presented an official copy of the Report to Commissioner Nyanduga. The Commissioner urged the Minister that it is essential that Seychelles sends a delegation to present the Report to the African Commission. He explained that the process of examining a State Report allows dialogue to ensue between the African Commission and the State concerned.

The Minister enquired about the preliminary impressions of the Mission, to which Commissioner Nyanduga responded that the Mission had observed that there seems to be a lack of awareness amongst the Seychellois about the existence and mandate of the African Commission. Concerning the human rights situation in the country, Commissioner Nyanduga told the Minister that from the mission's observations, the situation was that human rights are respected, though there was scope for further promotion and increasing public awareness of the basic rights as already provided for under the Seychellois constitution. Such awareness could be facilitated through the public media. There were concerns that accessing the public media in this respect was somewhat difficult. The delegation also informed the Minister about concerns relating to the status of the Chagossians in Seychelles, reports of the Army taking up policing roles rather than the Police Force and concerns about the judiciary.

The Minister informed the Mission that the government has incorporated human rights into the curriculum of schools and in police and army training schools. However, the government intends to ensure that this seriously implemented. With respect to dissemination of human rights issues within the media, the Minister stated that the public media does feature some articles and programmes on human rights related issues although admittedly the scope covered is not too wide. The Minister reported that SBC is encouraged to collaborate with NGOs and civil society to come up with programmes that are relevant to the general community and especially to air local content rather than foreign content.



Furthermore, the NHAC is mandated to disseminate human rights within the country, however because the government has not allocated any budget to its activities, it has not been possible for the NHAC to fully carry out its mandate. The Ministry of Foreign Affairs hopes that soon a budget will be allocated to allow the NHAC to carry out its mandate.

Commenting on concerns about use of the Army for policing duties, the Minister stated that the Army had only been used in special circumstances when more personnel and equipment were required to handle a problem. It has also been observed that in comparison to the Army, the Police lacks authority within the community. He related that within the army there are special units that have been trained to assist with policing when necessary. The Minister however added that only special units within the Army that are trained to assist with policing are used.

Referring to the case of the appointment and reappointment of foreign judges, and in particular the practice of employing foreigners into positions of authority, the Minister pointed out that it should be borne in mind that with a small population such as that of Seychelles, everyone knows everyone and most are related. In such circumstances, neutrality, independence and objectivity of persons in positions of authority in the country is affected. However, he acknowledged that there is a need to create a balance between employing expatriates and literate Seychellois. Presently, 20% of the workforce in the country are foreigners.

Regarding the Chagossians living in Seychelles, the Minister reported that the government is trying to address their concerns. He reported that Chagossians came into Seychelles in the early 1970s and during the change of government in 1977 they were given jobs and houses especially as most were part Seychellois. He stated that Chagossians including those who are not naturalised Seychellois citizens if any, are entitled to the social benefits offered to all Seychellois. The Minister conceded that in order to obtain Seychellois citizenship by naturalisation, the applicant has to pay an amount which some people may not afford. However, he confirmed that the Ministry of Foreign Affairs is prepared to consider minimising the costs that Chagossians living in Seychelles should pay in order to acquire citizenship. Furthermore, the Minister reported that the Ministry of Foreign Affairs has been instructed to carry out a study on the status of Chagossians living in Seychelles, which will include finding out exactly how many are living in Seychelles and their living conditions. This will enable Seychelles to facilitate them to acquire citizenship and also to facilitate their integration into the Seychellois society.

In concluding the Meeting, Commissioner Nyanduga urged the Minister of Foreign Affairs to facilitate Seychelles' ratification of the Protocol establishing an African Court on Human and Peoples' Rights, and the Protocol on the Rights of Women. The Minister assured the Mission that Seychelles would ratify the said instruments in as long as such ratification does not have any financial implications on Seychelles. He reminded the Mission that Seychelles had to withdraw from SADC because they could not afford to pay their dues to the organisation. He also suggested that small countries should not be required to pay dues based on their GDP per capita because this is misleading and that the African Union has taken this into consideration and come up with more realistic means by which small countries can make their contributions.

## **Police Force**

The delegation met with the Commissioner of Police, Mr. Andre Quilindo who stated that the duty of the police in Seychelles is to keep law and order in the country. He explained the arrest procedures and stated that persons arrested have a constitutional right to due process and legal representation and that the police normally respects this. He reported that the general rule is that persons who have committed minor infractions will not be held without charge for more than 48 hours. However, certain offences are non-bailable.

In terms of human rights awareness, Mr Quilindo, informed the Mission that the curriculum of the Police Academy incorporates human rights training.

Commissioner Nyanduga informed the Commissioner about the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa. He enquired whether there are reported cases of torture and whether torture is a criminal offence in the penal statutes of Seychelles.

Mr. Quilindo informed the delegation that although he could not completely rule out that there could be incidences of torture taking place. He had not received any reports of torture against police officers. He reported that the media had reported cases of police brutality but on investigation they were discovered to be unfounded.

The Commissioner of Police recounted that once a complaint of brutality is brought against a Police Officer, an investigation into the complaint is undertaken by Board of Enquiry within the Police Force. The Board of Enquiry is composed of a senior officer, a junior officer and privates. There are no civilians sitting on the Board. Once a police officer is found guilty of the charges levelled against him/her, s/he will be penalised, charged or suspended from the Police Force, whichever punishment is appropriate.

With respect to the complaints relating to involvement of the Armed Forces in policing, the Commissioner of Police informed the Mission that at the time there were reports of gangsterism and the Police Force had been unable to handle the situation. The Police therefore called for assistance from the Armed Forces in terms of human power and logistics. In all instances, it was a Joint Force led by the Police with the Army as back up. With the help of the Armed Forces, about 90% of the gangsters were arrested and the items that they had stolen were recovered. Admittedly in some instances there could have been some excesses on part of the Army or Police Officers but the use of torture is not common.

Mr. Quilindo indicated that the government was committed to improving policing within the country shown by introduction of community policing. Furthermore, the problem of inadequate resources within the Police Force is being addressed. Resources have now been availed and training curricula of Police Officers has also been improved. In terms of equipment, the Police Force has several vehicles fitted with Global Positioning System (GPS) communications system and more such vehicles are expected. Where before the police was under a decentralised regional police system, it has now been centralised and they have realised that this facilitates the work of the police. Police Officers are now provided with cell phones that are connected to the GPS and this facilitates better policing and even assists in tracking down errant police officers.

At the end of the Meeting, Commissioner Nyanduga was curious to know how it was possible for prisoners to escape from Long Island Prison as reports in the newspapers in Seychelles had reported that a prisoner had escaped. The Commissioner of the Police Force informed the Mission that until recently, escapes from Long Island Prison were possible mainly due to lack of security and sometimes because of corrupt wardens who were letting out prisoners. This was realised when some prisoners escaped and went to carry out robberies on Mahé and went back into detention. However, this has now been addressed, as they were changes within the administration of the prisons

### **Meeting with Civil Society NGOs**

The delegation met with Mr. Bernard Elizabeth from the Liaison Unit of Non-Governmental Organisations of Seychelles (LUNGOS). Present during this Meeting were 4 members from the Chagossians Association in Seychelles and a Member of the Youth Parliament who is also sits on the NHAC. Commissioner Nyanduga explained about the establishment, mandate and activities of the African Commission. He explained that the delegation of the African Commission was in the country on a promotional mission, which is one of the ways by which it informs governments and civil society about the African Commission and the African Charter.

Commissioner Nyanduga related that the African Commission recognises that NGOs are valuable partners in the promotion and protection of human rights in Africa. As such, the African Commission adopted a resolution on the criteria of granting observer status to NGOs in order to strengthen its cooperation and partnership with NGOs working in the field of human rights. He explained the process of applying and being granted observer status with the African Commission.

The Commissioner also explained to the NGOs about the Special Rapporteur Mechanism of the African Commission, which is an innovation to deal with specific human rights issues that require its special attention.

Mr. Elizabeth informed the Mission that there are about 80 NGOs in Seychelles but that not all are members of LUNGOS. LUNGOS has been in existence for about 10 years although it has not always been active. The Organisation gets a small grant from the Seychelles government and members are required to make an annual contribution of 200 rupees. LUNGOS also has some profit making projects that brings in some finances.

On the situation of human rights, he stated that generally there is a lack of awareness among the populace about human rights. Otherwise there is not much of a problem relating to human rights abuse. Seychellois have access to land, enjoy social welfare, free education and health care among others. Mr. Elizabeth however reported that due to a huge influx of foreigners taking up jobs that Seychellois have rejected, there are reports that xenophobia is on the increase among the Seychellois.

*Chagossians Association*

Four members of the Chagossians Association were present during the Meeting, namely, Ginette Charles, Henri Charles, Bernadette Dugasse and Bernard Nourrice. They informed the Mission that there are about 1,200 Chagossians living in Seychelles. Some of their members had acquired both British and Seychellois citizenship, others did not have any status although they had been living in Seychelles for years. Those that have been granted citizenship had Seychellois ancestry. The Chagossians without any status are unable to acquire Seychellois citizenship mainly because they cannot afford to pay the fees required by the immigration department. Others do not have documentation because they lost such documentation when they were expelled from the Chagos Island. As such they cannot verify that they are Chagossians and have since their expulsion been living in Seychelles.

The Members stated that generally as Chagossians, including those that have been naturalised as Seychellois, face discrimination. For instance, they cannot get employment within the public service of Seychelles, possibly because their identity card numbers have a number 5 added to it.

This belief was however dispelled by Mr. Clifford Andre who is a Seychellois. He explained that the number 5 was only an indication that one was not born in the Seychelles and that he too had the number 5 reflected on his identity card but had been employed as a Coast Guard which is within the public service.

Following some discussion, it was realised the Chagossians living in Seychelles have not been well organised in coming up with a clear strategy to lobby the government of Seychelles for their rights.

Commissioner Nyanduga however informed the Chagossians present about the discussions that the delegation had held in this respect, specifically, with the Minister of Foreign Affairs, Mr Bonnelame and the Secretary of State, Mr Payette. He assured them that the government of Seychelles was aware of the problems that they had raised and that they had promised to address the problem of the Chagossians living in Seychelles.

#### *Youth Assembly*

The representative of the Youth Assembly, Mr. Clifford Andre informed the delegation that the Youth Assembly is a voluntary non-profit making project which was established under the Ministry of Education and Youth. The Youth Assembly is not a legislative body but an educational programme whose main objective is to encourage the youth in Seychelles to discuss issues and problems and also learn to respect other people's opinions. Youth Assembly Members also participate in human rights related activities.

The programme runs for a period of one year after which new Members of the Youth Assembly are voted in. He reported that his group is coming to end of its term, however it had 42 Members half of whom were girls. The new group has 33 girls and only 5 boys.

In conclusion, Mr. Andre informed the Mission that as part of the outgoing Youth Assembly they are planning to form a former Youth Assembly Association to carry on programmes that reflect the values acquired whilst they were Members of the Youth Assembly.

## **Technical Advisor**

The delegation also held a Meeting with William Bell, Technical Advisor to Ministry of Foreign Affairs. Also present during this meeting were staff members from the Ministry of Foreign Affairs, namely, Elizabeth Charles, Sandra Michel and Carl Bellmore.

Commissioner Nyanduga reiterated the importance of Seychelles sending a delegation to present the Seychelles Report. He explained in depth the procedure that the African Commission follows when examining a State Report.

Commissioner Nyanduga also gave a brief of the various meetings that the mission had held with senior state and government officials, and civil society organisations, and the issues discussed, especially the concerns raised by the Bar Association and the opposition parties.

Mr. Bell noted that some of the concerns raised were relevant. He however pointed out to the Mission that Seychellois lawyers are polarised along political lines and often see problems in that light.

He related that in order to allow dialogue between the President and the opposition, a Consultative Council had been established and the opposition urged to use it to address any concerns that they may have. Furthermore, the President had also established an Economic Council to allow all the relevant institutions and civil society to discuss and dialogue on the economy of the country with a view to suggesting ways of improvement.

Regarding the NHAC, Bell reported that it was established by a decision of Cabinet in 2001 and its membership is representative of the Office of the Attorney General, Police Force, Ombudsman, Defence Force, Red Cross, CEFRAD, Ministries of Health and Education. The main objectives of the NHAC are to create awareness and disseminate information on human rights and humanitarian law and their implementation in Seychelles and also advise government in that respect, assist with the preparation of reports to treaty bodies. To this end, humanitarian law has been included as a subject in the curricula of secondary schools.

In order to carry out its mandate, the NHAC collaborate with agencies and institutions that work in the abovementioned areas although in some instances, such cooperation has not been forthcoming on part of some NGOs. However, the NHAC has not been able to achieve much especially with respect to disseminating human rights information because they have not been allocated a budget and therefore have limited human and financial resources. The NHAC reports to the Ministry of Foreign Affairs.

## **VISIT TO PRISONS**

### *Long Island Prison*

The Commissioner of Prisons, Col. Daniel Antoine Marengo and the Chief Inspector of Prisons, Gelage Houareau accompanied the delegation to Long Island Prison. At the time

the African Commission's visit, Col. Marengo had been serving as Commissioner of Prisons for less than a year. The Prison is situated on an Island known as Long Island and that is where the Prison derives its name. It was originally built as an army base not as a prison.

During a brief Meeting at Long Island Prison, Commissioner Nyanduga explained that it was normal during a Promotional Mission for a delegation of the African Commission to undertake a visit to one of the Prisons in the country visited in order to appreciate to some extent the conditions of detention. He explained the special rapporteur mechanism of the African Commission, particularly that of the Special Rapporteur on Prisons and Conditions of Detention in Africa examines the situation of prisons and conditions of detention, in member states and makes recommendations aimed at ensuring the protection of persons held in prisons or in detention.

The Commissioner of Prisons informed the delegation of the African Commission that Long Island Prison has a capacity of 118 to 120 inmates. However, at the time of the Mission's visit there were 157 inmates held at Long Island Prison, of which 8 were women. Among the inmates held at Long Island Prison, were 8 foreigners – that is, 3 Kenyans, 3 Mauritians, one Congolese and one Indian for offences related to drug trafficking and theft. Col. Marengo stated that because of the increase in the prison population, there is a proposal to transfer most of the prisoners to the High Security Prison in Mahé.

In terms of sleeping arrangements, the Commissioner of Police stated that only persons on remand and those serving life imprisonment are held separately. There are 22 inmates on remand and 6 prisoners serving life imprisonment. Seychelles does not have the death penalty. At the time of the visit the delegation, none of the female inmates had a child. The delegation was informed that the Social Services Department would take care of children by providing finances for their upkeep if they are staying with relatives.

On enquiry as to the most common offences for which the prisoners are being held, the delegation was informed that a big percentage of offenders are serving prison terms for offences relating to theft and housebreaking. Other common offences relate to drug trafficking and sexual assaults.

Commissioner Nyanduga informed the Commissioner of Police that some of the persons met during the mission believed that there was an increase in sexually related offences because the courts exercised leniency during sentencing. The Commissioner of Police held different opinion. He was of the view that because the NCC and NGOs were creating a lot of awareness about human rights, there was a marked increase in reports of sexual offences where before they were never reported to the police.

The Commissioner of Prisons also informed the delegation that since his appointment into office, he began introducing certain reforms within the prisons including keeping offenders in separate cells depending on which offences they had committed, their ages and whether they were first or multiple offenders. Guards and Wardens of the prisons were being trained periodically and so far since the beginning of 2004 there had been 2 training sessions. Furthermore, the Counsellor of Prisons, Mrs Gerry had now been appointed to work full time in the 2 prisons. For the past 8 years she had been on part-time employment.

Mrs Gerry was present at the Meeting and she stated that although prisons are allocated a minimal budget for rehabilitation programmes, she has been able to carry out some work in this regard. Mrs Gerry informed the delegation that she offers both group and individual counselling, teaches life skills including self esteem, stress and anger management. She stated that they were recording positive results with the rehabilitation programmes because very few offenders are returned after serving their sentences. However, Prisons were allocated a very minimal budget to take care of rehabilitation programmes.

In terms of reintegration within society at the end of their sentences, the delegation was informed that the Prisons authorities were planning to draw up a programme that would facilitate this. Presently, prisoners are faced with some difficulty of acceptance within the society after they have served their sentences. Seychelles is a small country and former prisoners are stigmatised even where they have been rehabilitated and have become good citizens. For instance, former prisoners find it difficult to find employment.

In terms of activities for the prisoners, the Commissioner of Prisons stated that the prisoners have sports time everyday and activities on Fridays, Saturdays and Sundays which include carpentry, gardening, livestock farming, painting, woodcarving, mechanics etc. and participation in these activities is voluntary. Inmates at Long Island Prison are allowed contact visits from families once a month and the Prison offices is responsible for arranging boat transport to the island at the expense of the visitors. In certain special circumstances, the prison officials may transfer a prisoner to Mahé so that their families can have access to them for visits.

The prisoners receive four meals a day, that is, breakfast, lunch, afternoon tea and dinner. They also have study facilities, a library with access to newspapers, a radio and television. There are rooms for consultation between inmates and their lawyers. The Prison has a small clinic and a Medical Assistant visits the prison twice a week, while the doctor visits twice a month. Any reports of serious medical cases are taken to the main hospital on Mahé.

On the issue of HIV/AIDS in prisons, the Commissioner of Prisons stated that there were only a few cases but that these were not made known to the other prisoners. However, prisoners with HIV/AIDS were receiving special treatment.

#### *High Security Prison – Grand Police, Mahé*

The Mission also visited the High Security Prison in Mahé. Originally, only political prisoners were held at this prison but it was closed down in 1993 and was only reopened on 15<sup>th</sup> September 2003. The holding capacity of the High Security Prison is 66 but there are only 41 inmates in detention. Prisoners detained at the High Security Prison are normally multiple offenders are those that have been transferred from Long Island because they were aggressive. At the time the mission visited the High Security Prison, there were no remand prisoners or women detained there.

The prisoners at the High Security Prison also have 4 meals a day, that is, breakfast, lunch, afternoon tea and dinner. They are allowed some time for sports and activities like gardening, livestock farming etc and participation in these activities is voluntary. Inmates do

not have access to television but do have access to radio at specific times. Permission may be sought to listen to the radio outside the assigned time if there are broadcasts of national interest. A nurse visits the prison twice a week, while the doctor visits twice a month. The Prisons Counsellor also visits the High Security Prison. Inmates are entitled to visits once a month but they are not allowed contact visits.

## **Press Conference**

Commissioner Nyanduga held a press conference at the end of the promotional mission, which was attended by the public broadcasters namely, SBC and Seychelles Nation. The delegation was informed that Weekly Regar, which is the alternative newspaper was not present even though they had been invited to attend the Press Conference by the organisers of the Mission.

Also present at the press conference was the Technical Adviser to the Minister of Foreign Affairs, Mr Bell.

The Commissioner briefed the press about the African Commission, its mandate and the activities the African Commission undertakes in furtherance of its mandate. He also explained to the Press the objectives of the just concluded promotional mission to Seychelles.

The Commissioner also briefed the members of the press about the meetings and issues discussed with the various government officials and sectors of civil society and stated that generally the government of Seychelles had been positive towards the mission.

He informed the press that Seychelles had submitted its Initial Report to the African Commission in accordance with Article 62 of the African Charter. The Initial Report would be scheduled for examination at the 36<sup>th</sup> Ordinary Session of the African Commission and that the Mission had urged the government of Seychelles to send a delegation to present the report before the African Commission.

He informed the press that the government of Seychelles had welcomed the mission to the country and facilitated it and that frank and open discussions were held with the various government authorities.

In conclusion he informed the members of the Press that the Mission would prepare a report of the Promotional Mission. Following its discussion and adoption by the African Commission, the Promotional Mission Report will be forwarded to the Government of Seychelles for comments and observations. The Mission Report will also be submitted to the Assembly of Heads of State and Government as part of the African Commission's Annual Activity Report. After this process has been complied with and the report adopted by the AHS, the African Commission will publish the report.

## **Conclusion**

During the mission, the delegation of the African Commission met and held discussions with senior state and government officials, leaders of the opposition political parties, and



officials from civil society NGOs in Seychelles. The Mission expressed the willingness and the duty of the African Commission to cooperate and assist all the relevant organisations and institutions in Seychelles relating to the promotion of the African Charter.

The delegation explained that the mandate of the African Commission is basically geared towards assisting African States to develop a human rights culture within their countries and through undertaking promotional missions to Member States, the African Commission is enabled to appreciate the particular situations in the country.

The Mission would like to express its appreciation to the Ministry of Foreign Affairs for facilitating the promotional mission to Seychelles.

### **Observations**

1. Seychelles is one of the few countries in Africa with a very small population of about 80,000 people and a workforce of about 32, 382 people only. This has to be borne in mind when dealing with issues relating to Seychellois people in order to appreciate some of the difficulties that Seychelles faces as a country;
2. Besides the tuna fishing, the economy of Seychelles is heavily reliant on tourism. However, tourism in the country has been affected by threats of terrorism worldwide;
3. Seychelles has a high GDP per capita, and because of that they are not eligible for aid or grants and as such have to borrow finances at commercial interest rates in order to run the country and this strains the government coffers;
4. On a general note, human rights are respected within the country and all the parties that the Mission met acknowledged this. The infrastructure in the country is good, citizens of the country enjoy a free social welfare system provided by government, which include, free education healthcare, unemployment and housing benefits, probably the first country in Africa to manage such a scheme.
5. The society in Seychelles is quite patriarchal and roles in society are divided along gender lines. Nevertheless, the women in Seychelles are the main income earners in the household, whilst the men would rather get unemployment benefits than take up jobs that don't pay well, especially within the hospitality industry;
6. There seems to be a lack of professional solidarity between the judiciary and the legal profession in the country. Notwithstanding the constitutional case on the reappointment of foreign judges, nobody suggested that the judiciary was undergoing a crisis, which could be interpreted as a threat to the rule of law.

### **Recommendations**

*The Mission recommends to the government of Seychelles to -:*

1. Establish an independent electoral commission comprised of several persons rather than (*maintain*) a single person serving as an electoral commissioner;
2. Develop a more independent process of appointing Members of the CAA. Members appointed to the CAA should not be active members of any political party. It is vital that the Seychellois should perceive the CAA to be independent in order for them to have confidence in the persons that the CAA recommends for appointment, namely, the Attorney General, Judges of the Supreme Court and the Court of Appeal, Chair of the Civil Service Board, Presidential Pardon Board, Registrar General and Electoral Commissioner;

3. Undertake aggressive HIV/AIDS campaigns within the population in order to combat the spread of HIV/AIDS in the country. An epidemic would decimate the small workforce in the country and thereby greatly affect the economy of the country;
4. Raise awareness within the Seychellois society about the role and mandate of the Ombudsman as stipulated within the constitution of Seychelles;
5. Assist the judiciary and the legal profession develop an independent system and structure of regulating professionalism both at the bar and at the bench;
6. Ensure that both private and public Broadcasters in Seychelles disseminate information and sensitise the general public about human rights issues. In this regard, the African Commission would like to recommend to Seychelles to implement the Declaration of Principles on Freedom of Expression in Africa, which were adopted by the African Commission at its 32<sup>nd</sup> Ordinary Session;
7. To provide Chagossians living in Seychelles with information about how they can regularise their status in the country and what their rights are in order to eliminate the unwarranted suspicions they have vis-à-vis the government of Seychelles. In particular, the Immigration department should provide Chagossians with adequate information relating to applications for naturalised citizenship;
8. Extend the membership of the NHAC to include representatives from the Ministry of Social Affairs, the Media and Women's organisations;
9. Allocate a budget to the NHAC in order to enable it carry out its mandate;
10. Furnish the office of the Ombudsman with more lawyers to handle the workload;
11. Avail a copy of the Initial Report submitted by Seychelles in accordance with Article 62 of the African Charter to the opposition parties and other interest groups;

*The African Commission recommends to the legal profession to -:*

12. Interest themselves in human rights issues (*especially with respect to "2<sup>nd</sup> and 3<sup>rd</sup> generation rights"*). They should endeavour to offer *pro bono* services to indigent persons.

*The African Commission recommends to the Chagossians Association to -:*

13. Assist the government of Seychelles collect statistics and information about Chagossians living in Seychelles in order to facilitate government's efforts to regularise their status in the country.

*The African Commission recommends to NGOs in Seychelles to -:*

14. Closely collaborate with the government of Seychelles particularly with the NHAC and the Office of Ombudsman to ensure that the population of Seychelles is sensitised about human rights.

### **Officials Met by the delegation**

1. Secretary of State in the President's Office
  - Alain Butler Payette
2. Foreign Affairs

- Minister of Foreign Affairs, Jérémie Bonnelame
  - Technical Adviser, to the Ministry of Foreign Affairs, William Bell
3. Judiciary
    - Puisne Judge, Hon. Justice Andrew Ranjan Perera
    - Daniel Cesar, Registrar of the Supreme Court
  4. National Assembly
    - Speaker of the National Assembly, Hon. Francis E MacGregor
  5. Department of Legal Affairs
    - Attorney General, Anthony F. T. Fernando
  6. Department of Internal Affairs
    - Principal Secretary, Marie-Ange Houareau
    - Commissioner of Prisons, Col. Daniel Antoine Marengo
  7. Ministry of Social Affairs and Employment
    - Chairperson National Gender Committee and Principal Secretary, Antoinette Alexis
    - Head of Division, Social Development Division, Marie-José Bonne
    - National Gender Focal Point, Tania Labiche
  8. Constitutional Appointments Authority (CAA)
    - President of the CAA, France G. Bonte
  9. Office of the Ombudsman
    - Ombudsman, Cedric Gustave Dodin
  10. Seychelles Bar Association
    - President, Phillipe Boullé
  11. Opposition Political Parties
    - Seychelles National Party (SNP)  
Secretary General of SNP, Roger Mancienne  
Treasurer of SNP, Annette Georges
    - Democratic Party  
Paul B. Chow  
General Secretary of DP, Nichol Paul Gabriel  
Georges R. Bibi
  12. Seychelles Police Force
    - Commissioner of Police, André Quilindo
  13. National Humanitarian Affairs Committee
    - Technical Adviser to the Ministry of Foreign Affairs, William Bell

- Second Secretary, Legal Affairs and Research, Ministry of Foreign Affairs, Elizabeth Charles
- Second Secretary, Legal Affairs and Research, Ministry of Foreign Affairs, Sandra Michel
- Carl Bellmore

#### 14. Visit to Prisons

- Commissioner of Prisons, Daniel Antoine Marengo
- Chief Inspector of Prisons, Gelage Houareau
- Counsellor for the Prisons, Mrs Gerry
- Mr Chirima
- Mr. Nageon

#### 15. NGOs

- Centre for Rights and Development
- Seychelles Human Rights Network
- Liaison Unit of Non-Governmental Organisations of Seychelles (LUNGOS)
- Alliance of Solidarity for the Family (ASF)
- CARITAS Seychelles
- Gender Media Plus (GEMPLUS)
- Seychelles Women's Commission (SWC)
- Seychelles HIV/AIDS links Association (SHALA).

#### 16. Press and Media

- Seychelles Broadcasting Corporation (SBC)
- Seychelles Nation