

**REPUBLIC OF SEYCHELLES**

**MINISTRY OF FAMILY AFFAIRS**

**INITIAL & COMBINED 2<sup>ND</sup>, 3<sup>RD</sup>, 4<sup>TH</sup>, 5<sup>TH</sup>, 6<sup>TH</sup>, 7<sup>TH</sup> AND 8<sup>TH</sup> STATE PARTY REPORT  
ON THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD**



Ministry of Family Affairs, UNITY House, P.O. Box 190, TEL: 4281500, FAX: 4321880,  
EMAIL: [lwilliam@gov.sc](mailto:lwilliam@gov.sc)

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### **Executive Summary**

This document constitutes the initial report and the combined 2nd to the 8th periodic reports submitted by the Republic of Seychelles as a State Party to the African Charter on the Welfare and Rights of the Child, in accordance with article 43; paragraph 1 of the Charter and it covers the period 1992-2018. The report contains details of legislative and policy measures taken by the Member State to implement the provisions of the Charter with due regard to the local context, the existing legislative framework and the financial and human resources constraints, which the country as a small island developing state faces. It also reflects the cultural context of the country, as Seychelles is unique in its multi ethnic makeup, devoid of any indigenous people and a high level of racial harmony and integration. The cooperation of NGOs and the civil society in general, which continues to make a social investment in our children, is also acknowledged in the report.

### **BACKGROUND** to the Report

1. Seychelles acceded to the African Charter on the Rights and Welfare of the Child in February 1992. This is the Seychelles first report to the African Committee of Experts on the Rights and Welfare of the Child and is submitted by virtue of Article 43 of the Charter.
2. Many factors have contributed to the delay in reporting including resources constraints and a period of economic instability where Seychelles had difficulty maintaining its relations with the AU. However, Seychelles has remained steadfast in its commitment to children. The State is also a party to the Convention on the Rights of the Child and recently defended its fifth and sixth combined report to the UN CRC Committee on the Rights of the Child.
3. This report contains information on important developments that have taken place in the protection and promotion of children's rights. All attempts have been made to highlight important information over the period 1992 to 2017 in order to return to reporting compliance. The content of this report reflects the contributions of key stakeholders with regard to how the country has performed in undertaking its obligations under the Charter. The report also outlines the challenges to improving the situation of children throughout the country.

## Context

4. Seychelles' ratification of the African Charter of Welfare and Rights of Child in 1992 followed the country's ratification of the Convention on the Rights of the Child in 1990. The momentum was maintained by the adoption of two key strategic frameworks to implement specific obligations as outlined by the AU Charter and the UN Convention. These were a first plan of action expanding from 1995 to 2000 followed by a second plan of action expanding over the period 2005 -2009 geared towards the promotion of rights of children.
5. Seychelles Government has also gone on to ratify other key instruments relating to the right of children namely; the UN Optional Protocol on the Involvement of Children in Armed Conflict in 2010 and the UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography in 2012, The Hague Convention on International Cooperation in aspects of Intercountry Adoption and The Hague Convention on the Civil Aspect of Child Abduction. The State is currently in the process of considering the ratification of the UN Optional Protocol on the Communications Procedure.
6. The two sets of concluding observations received from the UN CRC committee in 2002 and in 2011 have been instrumental in leading actions to improve the wellbeing of children. Action on the third set of recommendations received in 2018 is being coordinated and progressively recorded.
7. This report was compiled through wide consultations with government agencies and civil society organisations involved in the implementation and promotion of children rights. The general public including children had the opportunity to contribute to the process of finalising the report. The final draft was discussed at a multi-agency consultative work session, and then forwarded to the National Commission for Child Protection (NCCP) for further review. The final report was discussed and then adopted by the Cabinet of Ministers.
8. There are many agencies involved with children in Seychelles, with both statutory and non-statutory obligations. Both the Ministry of Health (MOH) and the Ministry of Education and



Human Resource Development have responsibility for the survival and development of the child, while the Department of Social Affairs has portfolio responsibility for children's welfare. At the time of submitting this report, the Ministry of Family Affairs is the designated Ministry responsible for coordinating Seychelles' response to the African Committee of Experts on the Welfare and Rights of the Child on implementation of the Charter. The submission of this report is a demonstration of the Government's full commitment to the international and regional mechanisms responsible for ensuring the rights of the most vulnerable.

9. The period after the adoption of the Charter was an exciting one for children rights in Seychelles. The Seychelles Programme of Action for Children was adopted in June 1995, serving to focus attention on prioritizing children. The Children's Act of 1982 was also undergoing a fairly radical review during this time, with the African Charter and the UN Convention serving as guiding frameworks for this process.
10. Under the national theme of 2005 "Our Children, Our Treasure, Our Future" a second National Plan on children was developed. In 2008, Seychelles went through a major economic reform with the devaluation of the rupee and liberalisation of trade. To accommodate for the socio economic impact of these reforms welfare safety nets were strengthened to reach those most vulnerable. In 2012, the Government initiated a Social Renaissance campaign geared towards social transformation and through the Social Affairs Department spearheaded the development through extensive consultation of an action plan (2011- 2016) which has placed on the national agenda some of the most serious social concerns.
11. In 2015, Seychelles graduated to a high-income status. Whilst this demonstrates Seychelles' resilience in overcoming the economic challenges over the years, this also means that the country is less likely to receive support from donor organizations to maintain its social programmes.
12. According to the last National Census conducted in 2010 Seychelles has a population of 90,945 out of which 28, 499(31%) were children.

## II. GENERAL MEASURES OF IMPLEMENTATION

### A. Measures to implement the principles of the Charter

13. Since independence, the Seychelles Government has consistently made children a high priority. In 1990, the Government put forward its policy statement on children outlining goals in health, education and improvements in standards of living. The past President of Seychelles, Mr. F.A. Rene, attended the historic World Summit for Children in September 1990. Seychelles adopted the World Declaration on the Survival, Protection and Development of Children and the accompanying Plan of Action, in addition to the Convention on the Rights of the Child. Seychelles' plans for improving the situation of children was elaborated in the National Programme of Action for the Children of Seychelles, prepared by an Inter-Ministerial Committee with intersectoral participation, and published in June 1995.

14. Ratification of the African Charter on the Welfare and Rights of the Child did not require any immediate amendment to Seychelles legislation. The Constitution, as the supreme law of Seychelles, came into force on 23<sup>rd</sup> June 1993 and provided scope to include a large number of the principles contained in the Convention in the form of Constitutional guarantees. The Constitution also provides for an independent ombudsman, who is empowered to investigate complaints regarding the violation of constitutional rights and freedoms and to take appropriate remedial action.

15. The Children's Act of 1982 was amended in 1991, with the purpose of improving protection for children. Amendments included the provision of alternatives for the punishment and rehabilitation of child offenders, as well as mechanisms for protecting children from neglect, exploitation and harmful environments. The statute also regulates adoption.

16. Further, amendments in 1998 provided for a Family Tribunal with the mandate to provide remedies for families during relationship breakdowns. Under the Children (Amendment) Act 1998, a Family Tribunal has been created. The primary function of the Family Tribunal is to hear and determine matters relating to the care, custody, access or maintenance of a child. The Tribunal also



determines matters relating to children who may need compulsory measures of care and consent to medical dental or surgical treatment, in respect to the child.

17. The Tribunal particularly addresses obstacles that families were facing due to the inherent problems in the previous system. The need for a Family Tribunal was justified because the best interest of the child was not being given due consideration. Unreasonable delays in cases were placing unnecessary stress on the child and many people were put off by the complexities and formalities of the court system. The demand of its services has led to additional sittings on Friday. The Family Tribunal has also set up a Secretariat on Praslin and holds sessions there one Friday per month. In January 2016, the Tribunal was transferred to the judiciary for more efficient use of resources and to address transparency concerns. To date a magistrate chairs the Tribunal to give it more importance.

18. In 2005, further amendments were approved to ensure that the guiding principle that the best interest of the child should be the first consideration in decisions relating to children. Children related laws continue to be under review to provide further safeguards. Topics being considered are the prohibition of corporal punishment, domestication of The Hague Conventions and minimum age of marriage.

19. Under the national theme of 2005 "Our Children, Our Treasure, Our Future" a steering committee consisting of all key partners and stakeholders chaired by the President was set up to develop a 5-year plan to achieve the following:

- Outline a profile of well-being and development for the Seychellois child. This is being addressed through the child well being study.
- Establish a directory of research studies on children and youth of Seychelles and identify areas where further research is of significant relevance.
- Establish a directory of existing services for children and youth and identify mechanisms to promote coordinated action.
- Map out important stages of development of a child from pre-birth to young adult and identify areas that require special focus and propose mechanisms to address these.



20. The Plan of Action on Children ended in 2009 and replaced by a new consolidated plan with emphasis on strengthening the family as the basic unit of society (the Social Renaissance Action Plan).

21. A Social Development Division set up in 2001, which in 2007 became the Policy, Planning and Cooperation Division and is currently the Policy and Planning Division. The division's mandate is to be a "think tank" for the Government, carrying out research for social policy formulation. The Division comprises of a Research section, a Population Unit and a Gender secretariat. The Division aims to ensure that national social policies are founded on a solid, informed and statistical accurate base. The division also ensures that social policies are harmonized in the Government's vision of people centred development. Many policy and research initiatives that have been implemented by the division have addressed recommendations to improve outcomes for children.

#### **Independent monitoring structures**

22. The Indian Ocean Observatory (L'ODEROI) or Observatoire des Droits de L'Enfant de l'Océan Indien was one of the mechanism that assisted in fulfilling the requirement for independent monitoring of children rights within the Indian Ocean Island states. It was launched in Mauritius in November 2004 and covered Comores, Madagascar, Mauritius, Reunion and Seychelles. It was a joint initiative of the Indian Ocean Commission, the University of Mauritius and UNICEF. The headquarters were based at the University of Mauritius. The main objectives of the observatory were:

- To monitor the rights and well-being of children in the Indian Ocean region
- To keep a regional database of the needs of children in the region
- To highlight how much member countries have achieved in child well-being and also where progress is lacking
- To develop indicators to measure the implementation of the rights of children
- To share regional expertise and experience
- To make recommendations in best practices in the implementation of the rights of the Child in the Indian Ocean region

23. The Observatory provided objectivity and a systematic way of implementing and monitoring the children rights that was lacking before. It also provided a way to pool resources and expertise amongst regional countries with limited capabilities. The Observatory completed its mandate in 2008.

#### **National Human Rights Commissioner**

24. The National Human Rights Commission was set up in 2009 under the Protection of Human Rights Act 2009. However, over the 10 years of its existence up to its revamping in 2018 under the Seychelles Human Rights Commission Act it struggled to make any significant difference to the human rights landscape. The reform in 2018 came due to pressure for the commission to become more visible and effective. The new Act creates a separate institution since previously it was the ombudsman who was doubling as the Chairperson of the Human Rights Commission. The commission is a self-governing, neutral and independent body that is not subject to the direction or control of any person or authority.

#### **B. Measures to promote public awareness of the Charter**

25. There is little awareness of the Charter locally. Most efforts at public awareness in relation to children rights have been done around the UN Convention on the Rights of Child. Some effort has been in the last few years to disseminate information about the charter in commemoration of the day of the African Child.

26. However, efforts in promoting children rights have not been lacking. In 2014 the Social Affairs Department in partnership with other agencies involved in child protection launched a vigorous education campaign aimed at reemphasizing the role of the community as a key stakeholder in the fight against child abuse, educating parents and guardians on practices that can help prevent child abuse, educating the public on the services available and promoting responsible parenting. The campaign was founded on the principles of the UN CRC and the Charter. These culminated into a child protection march with the participation of different organisation including children themselves.



27. As part of its mandate, the National Council for Children, NCC conducts regular trainings and sensitization activities on Children's Rights for educators, parents as well as children, so that they can in turn apply the requirements of the Charter and promote the well-being of children as advocated by the document. A special unit of the Council is dedicated to trainings of its partners on different component of the Charter covering issues from corporal punishments, child welfare, awareness on abuse, etc.

28. There is regular and continuous coverage of children's issues in the media, especially radio programmes and public education and awareness programmes. The National Council for Children, CARE and other NGOs continuously use the media to promote the development and participation of children. Child protection week and Children's Day is celebrated each year. The day of the African child has been observed in recent years

29. Citizenship Education was introduced in all schools as part of the Personal Social and Citizenship education module up to Post Secondary level in 2012. Students learn about the different local laws, regulations and the human rights instruments that the country is a party to.

30. The Whole School Behaviour Management Policy and Pastoral Care Structures in place in all primary and secondary schools promote the rights of children. Training on the Pedagogy of Inclusion for Special Education Needs Coordinators place due emphasis on a rights based approach to teaching and learning.

### **C. Measures to circulate the report among the public**

31. This report was widely circulated for comments before submission to the Cabinet of Ministers for adoption. It is anticipated that the report will provide a means by which the Government, NGOs and the private sector can systematically and strategically address those issues and matters highlighted as needing further attention if Seychelles is to fully comply with the obligations under the Charter.

#### **D. Measures adopted to integrate children rights into national legislation**

32. Seychelles has continued its efforts to reform legislation and regulatory frameworks to ensure conformity with its international obligations. Here follows a summary of the most significant legislative and regulatory measures aimed at strengthening the protection of children's rights introduced during the reporting period. Included also are legal frameworks which were being developed during the period under review.

##### **Institute for Early Childhood Development ACT**

33. The Act was promulgated in 2014 to establish an Institute for Early Childhood Development (IECD). The Institute's purpose is to implement the Seychelles Framework for Early Childhood Care and Education, promote the holistic development of children from 0-8, and coordinate the development, implementation and evaluation of national action plans and related programmes in collaboration with sectors in Early Childhood Care and Education (ECCE). The Act also provides for the regulation of the childminding sector.

##### **Education Act 2004**

34. The Education Act was amended in 2018. One amendment of significance to past recommendations of the Committee on the Convention on the Rights of the Child is the inclusion of provisions relating to corporal punishment. The provisions are meant to ensure that no person employed either part time or fulltime by a school is allowed to administer corporal punishment as a disciplinary measure. This will give strength to the policy of the Ministry of Education which promotes violence free schools and forbids infliction of corporal punishment by staff members.

##### **Community service orders**

35. In 2014, the National Assembly approved the Probation of Offenders Act (Amendment) Bill 2014. The Act and its corresponding Regulations adopted in 2015 introduces the legal framework for Community Service Orders. It recognizes the limitations of correctional measures of incarceration and adopts community-based responses to handling misdemeanors. Community Service Orders will only be used for lesser offences and as a means of 'diverting' defined categories of offenders including children in conflict with the law from the penal system.



### **Prohibition of Trafficking in Persons Act 2014**

36. The Prohibition of trafficking in person was enacted in April 2014 after wide consultation. The Act:

- seeks to domesticate the protocol to Prevent, Suppress and punish trafficking in person especially women and children.
- prohibits and penalizes all forms of trafficking in persons with stringent punishment where the victim is a child
- takes into account aggravating circumstances
- provides measures to protect and assist the victim and presumed victim of trafficking in persons through witness protection, in camera proceedings, restriction on publication and protection of the identity of the victim or presumed victim
- provides for repatriation and non-liability of victims
- provides for repatriation and liability of victims
- provides for compensation to victim of trafficking
- establishes a National Coordinating Committee to monitor, ensure coordination among agencies and recommend implementation of the Act among other functions

### **Employment Act**

37. The Employment Department is in the process of developing a list of hazardous work for children to be included within the Conditions of Employment Regulations. The proposed list has been developed through wide consultation with key stakeholders.

### **Public Health Act 2015**

38. The Act makes provision for the regulation of health services including ensuring that all practices delivering health related services are registered, inspecting all health related services for regulatory purposes, ensuring the promotion of preventive health services, ensuring the prevention and emergence of vector borne diseases, ensuring the promotion of food safety and standards; ensuring that pharmaceutical and medicinal products imported into Seychelles are of acceptable quality and meet the required standards, ensuring comprehensive and integrated disease surveillance to prevent and control disease outbreaks and ensuring that health research conform to the highest scientific and ethical standards.



**Children Act 1982**

39. The Children Act has undergone several review over the years to improve the protection of children that the law affords. Current proposals that have recently been approved by the Cabinet of Ministers for inclusion in the review include repealing provision relating to corporal punishment, introducing provisions in relation to inter country adoption and parental abduction.

**Paternity Leave**

40. Paid paternity leave of five consecutive working days was introduced in 2015. It was increased to 10 days in 2018. This leave is given only on the basis that the father has acknowledged the child. The leave must be taken within a period of four months after the birth of the child, regardless whether the child has been born within the territory of Seychelles or not.

**Semi orphan Benefit**

41. This new statutory social security benefit was created in 2015 to address the resulting loss of income that ensues once a child loses one parent. The benefit provides automatic and direct assistance per child following the passing away of one of their parent providing that key conditions are met. The Agency for Social Protection is implementing this provision in close collaboration with Social Services Division.

42. The **Agency for Social Protection Standard Measure Regulations** was amended in March 2016 to create a new day care assistance scheme. This measure is expected to assist more parents who find themselves in financial difficulties to meet their childcare needs.

43. Proposals to review the minimum age of marriage for girls to bring it at par with that of boys (18 Years) has been approved by the Cabinet of Ministers. The proposal will be integrated within the review of the Civil Status Act; an exercise being undertaken by the Ministry of Employment, Immigration and Civil Status. .

### **E. Measures to improve coordination**

44. Since 1997, the Social Development Department has placed more emphasis on developing a more eclectic approach to issues concerning children with due regards to the local context.

45. The State recognizes that the best way to ensure a holistic and coordinated approach to children's issues is to ensure that efficient and representative mechanisms are in place to ensure this. The National Commission for Child Protection (NCCP), Inter Agency committee, Child Protection Team, Social Services Committee as well as adhoc Multi disciplinary Committees on issues of concern, Child Well Being and parenting programmes all draw upon a wide range of top level expertise and experience. In 2017, a suitability check panel was introduced to vet people who work with children in childminding settings. These committees also ensure that different agencies make the best use of resources and ensure that collaborative approaches result in the best services for children.

46. One of the most dynamic measures taken is the National Plan of Action for Children (2005–2009); this has been a tangible expression of the Government's commitment to a culturally relative paradigm of "well-being" for all Seychellois children. This approach acknowledges that children's behaviour, expectations and needs are fluid. The plan was developed over a three-month period during 2004. During this time, an inventory of research studies that have been undertaken on children in Seychelles over the years were compiled as well as an assessment of all services and programmes by all key ministries and organizations catering for children. This has helped identify areas of weakness and gaps in the delivery of services and formulation of programmes relating to children. A week long workshop which brought together all government ministries, NGOs and civil society organizations involved with children in Seychelles and a group of secondary students who were integral to the new ideas proposed in the document. The plan contains 20 goals and specific actions and targets that had to be undertaken over the following 5 years to ensure the sustained development and wellbeing of Seychellois children. These actions and objectives span the whole spectrum of Government and civil society stakeholders under the broad headings of Economic Security, Health, Education, Social Environment, Identity, Emotional Development, Recreation, Sports and Aspirations.



47. The Inter Agency Committee set up in 1999 also ensures the holistic approach set out in the recommendation. This is through a wide representation of professionals from different sectors who work in collaboration to ensure that the best interest of the child is being served. Procedures have become more integrated and efficient due to this committee. This approach of collaboration between were extended to working groups to develop a Risk Indicator Framework and also in the formulation of parenting programmes.

48. The Social Services Division is mandated to provide services to protect children. A social worker is based in each district to ensure that services are close to the community. Human resource constraints continue to be a significant challenge for the Ministry with social workers often leaving the service due to burn out.

49. Another important coordinating tool is the Working Together Manual developed in 1997 to guide actions in relation to child protection. In 2012, the 'Working Together Manual for Child Protection<sup>1</sup>' was reviewed by stakeholders and updated to take in emerging issues and challenges in the child protection field and strengthen collaboration. The Manual is supported by two important multi stakeholder structures, the Interagency Committee explained at paragraph 48 and the Social Services Committee. The former is the platform where professionals in child protection discuss child protection cases and the latter is also a platform of professionals in child protection where reports requested by the tribunal and court are discussed before finalization and submission.

50. The National Commission for Child Protection was set up in 2005 through the introduction of provisions in the Children (Ammednment) Act 2005. Pursuant to the recommendation of the CRC committee in 2011 the National Commission went under some transformation in terms of membership and meeting frequency. The review emphasised the need for the Commission to be a high level forum so that important decisions in relation to children can be expedited. The Commission therefore has as membership; three Ministers, the Attorney General, and the Police Commissioner amongst other high level public figure. New members have been introduced, the latest being high level representation of the Institute of Early Childhood Development.

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<sup>1</sup>The working together manual outlines the procedures for joint working arrangements, providing guidance on child protection in specific circumstances. It is intended to provide a national framework within which agencies agree on ways of working together.

51. The Commission during the period 2012 to 2018 examined the 2011 and 2018 Convention of the Rights of the Child Concluding Observations, discussed its implementation, pushed for the development of a database to manage cases on children, contributed to the efforts to domesticate the Convention and oversaw the process of compiling this 5th & 6th consolidated report to the UN and this report on the implementation of the Charter.

### **National Plan of actions**

52. The Plan of Action for Children for 2005-2009 represented the commitment of the Government to ensure the continuous development and well-being of all Seychellois children. The Plan originated from the dedication of 2005 by President James Michel as the year of children under the national theme "Our Children, Our Treasure, Our Future." The plan of action was successful at many levels. As a result, of the plan, 2005 -2009 saw the introduction, amendments and review of legislations, policies and frameworks; the creation of structures within organisations and the introduction of tools to improve the well being of children in Seychelles. Noteworthy actions that have assisted in creating a better landscape for children include the Child Wellbeing Survey and the Early Childhood Intervention Centre.

53. A review of the plan was carried out in 2012 but this has not led to a new plan. Some of the needs in relation to children have been integrated into the following plans

- National Early Childhood Care and Education Plans
- National Action Plan on Social Renaissance

54. Actions that were outstanding have been integrated into sector plans in an effort to mainstream children rights into all stakeholding organisations.

### **Seychelles Framework for Early Childhood Care and Education (ECCE)**

55. This framework developed as a direct result of Seychelles participation in the UNESCO World Conference on Early Childhood Care and Education. It placed ECCE on the national agenda. It is based on international guidelines and at the same time adapted to the Seychelles context of parental needs and childcare provision. The framework places the child at the centre of programme development and service delivery, thus ensuring the child's rights. It also emphasizes the



importance of play in learning, parental involvement at every step of child development, and community participation in the provision of ECCE. It sets the vision of 'a winning start' in life for all children in Seychelles'.

### **National Action Plan on ECCE**

56. Three National Action plans on ECCE have been developed so far. Each sector contributed to the development of the National Action plans. The first plan for 2013-2014 emanated from the Seychelles framework on ECCE. It included actions that relate to the development of policies and programmes in priority areas such as detection and intervention, accountability and monitoring, training and access, community involvement and parental participation in the field of

ECCE. The second National Action Plan 2015-2016 focused on the holistic development of early childhood children. It is geared towards the improvement of programme and services that have a direct impact on children's wellbeing thus creating an enabling environment for quality ECCE.

The National Action plan 2017-2018 is modeled on the last plan with lessons learnt from previous plans whilst taking into consideration renewed international developments in ECCE. This plan focuses on early stimulation which encompasses programme development and Standard setting processes. Attention is also given to vulnerable children, with health, special needs and social emotional challenges.

### **The Education Sector Medium Term strategy 2013-2017**

57. The development of the Education Sector Medium Term Strategy for the period 2013-2017, follows a recommendation from the Education Reform Plan 2009-2010. It lays out the Ministry of Education's goals for the further transformation of the education system, and identifies the main areas of action in the short and medium term in order to realize these goals.

**58. A National Framework on Orphans, Vulnerable Children and Youth** is being discussed. This is with the view of localizing the SADC Minimum package of Services on Orphans, Vulnerable Children and Youth. A steering committee has been formed to take on this task. The framework will outline the legal, policy, programmes and services related to these vulnerable group and provide a guide for access to relevant services.



### **F. Allocation of resources**

59. The Ministry of Education and Ministry of Health continues to receive the highest percentage of the national budget. The government has begun to implement the Programme Based Budgeting, which is expected to allow for better follow up of public sector spending in different areas including investments made in children.

#### **ECCE Trust Fund**

60. This fund was launched in 2011 and aims to mobilise resources for the development of ECCE. The government makes an annual contribution to the fund and other contributions are from private sector businesses and individuals. A 9-member board of trustee manages the fund.

#### **Children Special Fund**

61. This Fund was revamped in 2018 with a board appointed to manage the funds. The Children Special Fund (CSF), a fund created under the Public Finance Management Act (PFMA) consisting of funds from the government-consolidated fund and from private donors.

62. The objective of the Children Special Fund is to assist children who require additional support to improve their health and general well-being and support programmes and projects that promote the well-being of children in Seychelles.

### **III. DEFINITION OF THE CHILD**

#### **A. Definition of the child under Seychelles law**

63. The Children Act, which covers all aspects of maintenance, compulsory care, voluntary and foster care and adoption, children's insitutions, defines a "child" (sect. 2) as "a person under 18 years of age and includes a young person".

#### **B. Age of majority**

64. The legal age of majority in Seychelles, for both men and women, is 18 years. At this age, a person acquires full legal capacity. (Age of Majority Act)

### C. Other legal minimum ages

65. There are a number of other ages for which specific legal rights, powers and protection apply:

- (i) The Seychelles Employment law makes it illegal to employ a child under the age of 15 for any purpose and gives varying protection for children between the ages of 15 and 18;
- (ii) A child under 15 years of age can be counselled on family planning but cannot be prescribed contraception without parental consent;
- (iii) There is no conscription in Seychelles, and the minimum age for voluntary military service in the Defence Forces is 18 years of age. Exceptions require the written consent of parent or guardian;
- (iv) Protection against sexual abuse of children is comprehensively covered in the Penal Code of Seychelles (vol. IX, chap. 158). Under the Penal Code a child aged 7 cannot be held criminally liable, and a child between the ages of 7 and 12 will only be criminally liable if he/she understands that what he/she is doing is wrong;
- (v) In the Children's Act (sect. 94), no child under the age of 14 may be sent to prison and no child between the ages of 14 and 18 may be imprisoned if there are alternative ways of dealing with him/her under the Children's Act;

66. There is no specified age at which a minor becomes a competent voluntary witness in court proceedings. The evidence of children is allowed if they are, in the opinion of the court, able to distinguish truth from falsehood and to understand the implications of giving false testimony;

67. The law protects the privacy of children under the age of 18 who have been involved in legal proceedings of any nature. Court hearings in relation to children are held in closed court or in chambers. Likewise, the Juvenile Court is not open to the public.

68. A child under the age of 18 requires parental consent in order to marry. In addition, no boy under the age of 18 years and no girl under the age of 15 may contract a civil marriage without the permission of a designated government official, currently the Minister (Civil Status Act, sect. 40). Furthermore, marriage of a girl between the age of 15 and 18 requires the consent of the parents. This latter provision has been approved by the Cabinet of Ministers for amendment to bring the marrying age for girls at par with that of boys.

69. The sale of alcohol, drugs and tobacco to children under the age of 18 is illegal. The employment of children under the age of 18 on premises with a licence to serve alcohol is an offence as well as the admission to such premises of children under the age of 18;

70. A child over the age of 14 must consent to his/her own adoption.

71. The end of compulsory education was increased from 10 years to 11 years in 2016.



#### IV. GENERAL PRINCIPLES

##### A. Non-discrimination

72. Seychelles' Constitution promotes non-discrimination. Article 27 of the Constitution gives recognises that every person has a right to equal protection of the law, including the enjoyment of the rights and freedoms contained in the Charter, without discrimination on any grounds, except as is necessary in a democratic society". This guarantee is applicable to every person within its jurisdiction.

73. Protection against discrimination or punishment for activities, opinions and beliefs is further provided by constitutional guarantees of freedom of speech and expression, freedom of thought, conscience and belief, freedom to practise any religion and to manifest such practice, and freedom of association.

74. Chapter III of the Constitution contains provisions relating to fundamental rights which are considered "universal" and include rights to special protection to be accorded to children.

75. In Seychelles, the Constitution guarantees that all children are of equal status in the application of the laws, regardless of the marital status of the child's parents, whether at conception, birth, or any other time. A child's citizenship depends on that of its parents. Newborn infants are deemed to have the status of citizens. Seychellois citizenship, where applicable, would therefore bring the child within those rights in the Constitution accorded to citizens.

76. Parents are usually the legal guardians of a child. The duty to maintain a child born out of wedlock is shared between the parents. In Seychelles, single mothers and their children are accepted for the most part without discrimination. However, the biggest disadvantage for these children is not legal or social, but economic. Research by the National Bureau of statistics concluded that female-headed households form a large portion of those considered income poor.

77. In the field of labour, the constitutional principle of non-discrimination is given effect by Section 46A of the Employment Act 1995, which although not specifically concerned with

children, does cover young workers by protecting them from employment decisions made against them by their employers on the grounds of the workers' age, gender, race, or disability, amongst other criteria.

78. Extensive work has been undertaken from 2013 to review the Civil code and amongst its considerations are the elimination of terms and provisions that discriminate including the term *illegitimate* used to refer to children born outside wedlock.

79. Although Seychelles' law ensures that there is little scope for discrimination, cultural values and paradigms can be seen to marginalise and alienate. These issues are more complex to deal with as they often go under the radar of legislation and are rather ingrained in popular perception and attitude.

80. There is evidence of under-representation of girls in the technical and vocational areas in spite of their good academic performance and open door policy of the Government. Gender imbalances in staffing at crèche/primary levels, gender blindness of staff/perpetuate the reinforcement of stereotyping. Underachievement by boys in school is also a concern.

81. The Ministry of Education and the Gender Secretariat of the Ministry of Family Affairs has reacted pro-actively to gender disparities and negative stereotypes; and brought stakeholders together to develop mechanisms to mainstream gender. The main aims have been to ensure that the fruits of development (education) benefit girls and boys equally and to uncover hidden biases that limit boys and girls' ability to enjoy equal rights and reach full potential.

82. The new Personal Social and Citizenship Education (PSCCE) programme, which is compulsory for all students up to post secondary, discusses family responsibilities and relationships in gender sensitive ways which are not limited by traditional roles and tasks. Accurate information on growth and development as normal processes for both girls and boys is given to students. Gender sensitive careers education and counselling are being introduced from very early ages. It is hoped that this will bring about attitudinal changes over time and help boys and girls develop new and stronger relationships based on respect and equality for both genders.



83. A survey was commissioned in 2015 about youth unemployment to find out the reasons why despite the availability of jobs a number of youth remained in unemployment. The study found that the main reasons for youth unemployment included; no work experience, low level of education, skills mismatch, low wages, social problems, and lack of work ethics and professionalism.

84. The Ministry of Education launched its Inclusive Education Policy, which emphasizes equal access to quality education for all (including those with Special Educational Needs and Disabilities). The Policy has been formulated following wide consultation with key stakeholders. It sets out the Ministry of Education's vision in promoting inclusive education at all stages. It also establishes twelve strategic policy areas for coordinated and harmonised intervention to enable the necessary transformation in education to take place towards the goal of a knowledge based society.

#### **B. Best interest of the child**

85. Acting in the best interests of the child remains a key principle underpinning legislation and practices concerning children in all national jurisdictions, including the developments outlined throughout this report.

86. Key decisions made in the Supreme Court have directly quoted the Convention in key decisions such as (*Durup Vs Durup – Civil Appeal No. 1 of 2000*) reinforcing the best interest principle being paramount in decision making.

87. The Children (Amendment) Act 2005 states that whenever a court or tribunal determines any question with respect to the upbringing of a child, the child's well being shall be its primary consideration. A court or tribunal which determines such a question shall have regard to the following statutory checklist:

- The general principle that a delay in determining the question is likely to prejudice the well being of the child
- Such wishes and feelings of the child as may be ascertained considering the child's age and understanding



- The likely effect on the child of any change in the child's circumstances
- The child's age, gender, background and any characteristic of the child which the court or tribunal considers relevant
- Any harm which the child has suffered or is at the risk of suffering
- The capacity of each of the child's parents, and any other person in relation to whom the court or tribunal considers the question to be relevant of meeting the child's needs
- The range of powers available to the court or tribunal in the proceedings in question

Staff of the Family Tribunal received training to familiarize themselves with the checklist.

88. The Tribunal is also charged under this Act to ensure that where it is able to do so, take into consideration the view of the child who will be affected by the decision. Although there is still no guarantee of judicial or administrative implementation, this however provides a concrete backdrop for consistent decision making placing the best interest of the child as an overriding principle.

89. The best interest principle is commonly cited in Family Tribunal orders

90. It has been established through a Chief Justice's practice directives that cases involving children are to be given priority in court so as not to prejudice the well being of the child. However, the court faces numerous constraints in this area and often for diverse reasons such cases are delayed. This situation has improved over the last couple of years with changes made to reform the justice system. Children can now give evidence through closed circuit television.

### **C. Respect for the views of the child**

91. The Children (Amendment) Act 2005 introduced a statutory checklist which is a list of factors which the Courts and Tribunal have to take regard to. Amongst those factors, includes the requirement of Courts or Tribunals to take into account the ascertainable wishes and feelings of the children (i.e. their views).

92. Children views are taken into account in all decisions relating to access and custody when investigation is taking place by social services and in the Family Tribunal decisions.

93. Extensive surveys such as the National Youth Survey of 1998 and Aspiration 2013 have been carried out in order to gauge the views of children and incorporate these views into plans and policies. The Government has also established accountability through reporting to children on how their views are being implemented.

94. A survey for children's views on programmes affecting them was conducted in schools in November 2005.

#### **Provision of information to children and promotion of their participation**

95. Inclusive Education embraces the concept of active participation of all in decision making. All schools have structures in place including the School Management and Student Forum that allows children to voice their views and participate in decision making.

96. Disciplinary procedures at school level make provision for children to give their accounts of incidents that concern them.

#### **Seychelles National Youth Assembly**

97. Young people are chosen in their districts by the district authority to participate as Youth Members of Parliament altogether called the Seychelles National Youth Assembly. Youth Members debate current issues. This platform is essentially an educational forum which provides its members with the opportunity to nurture their knowledge as well as to develop their research and oratory skills.

98. Children have taken an active part in the Health of our Our Nation movement at district level. This is a national initiative aimed at promoting the right to health of the citizens of Seychelles. From 2017, health authorities have led a campaign of 'Bouze!' meaning 'Move!' with the aim of promoting physical activities and having a healthier nation. This has had the participation of a significant number of children.



**Seyx30**

99. The SEYx30 programme promotes at least 30 minutes of exercise every day among school children and it run as a pilot project at the Pointe Larue secondary school in late 2014. Following its success, in 2015, the programme was introduced to all secondary schools across the country and it has now even been adopted by some work organisations to encourage exercise among their staff. The programme is run through a partnership between the department of youth and the Ministry of Education.

**School based care clubs**

100. Care club in schools is the main channel for ongoing awareness and education in substance abuse prevention. The education, awareness and activity based programme of preventive education driven by Care clubs is aimed at resilience building against substance use and abuse and consists of both in and out of school activities.

**Values for one, values for all**

101. In 2014, the Seychelles National Youth Council launched a values programme. It is a programme aimed at promoting good values developed by youths for the youth. The programme has proven a success. Results from the National Youth Survey 2014-2015 shows that more than 90 percent of young people acknowledged the importance of Living Values. About 30 percent claimed that the Values Programme has had a positive effect in their work or school environment and continues to be implemented with new sets of values chosen each year and one celebrated each month through different activities. These activities organized with the participation of young people from all corners of the country.

**Access to appropriate information (art.4, 7 & 12)**

102. There is no specific legislation in Seychelles charging the mass media to cater to children. There are provisions, which make it a crime for any person to exhibit indecent material in public or to trade in, distribute or exhibit indecent material, including films. These provisions became more stringent under the Children (Amendment) Act 2005.

103. The Government has already taken a number of steps to encourage the dissemination of information through the mass media. The print and the broadcast media have specific programmes for children and other programmes focusing on issues that are of relevance to children and young people. All three national languages are used in print and by radio and television programmes. Media coverage is given to children-specific events and annual activities such as Children's Day. There is also an increase in the use made of social media platforms by various organisation to promote their message and reach children.

104. The National Library is rolling out a strategy to encourage more reading by bringing books closer to the communities through mobile libraries that service districts. School libraries, though less well equipped, are also available. Government has invested considerable resources to providing a number of textbooks in Kreol as part of school curriculum reform.

#### **D. The right to life, survival and development**

105. The right to life is a fundamental right provided for in the Constitution (chap. III, Part 1, sect. 15 (1)). There is no death penalty in Seychelles. This right to life is further protected by provisions of the Penal Code, which makes unlawful, inter alia:

The murder of any person;

Infanticide, where a woman wilfully causes the death of a child under 12 months;

Abortion, except in certain circumstances;

Abandonment of a child in a manner, which may expose it to grievous harm;

The intentional and unlawful causing of harm to a child during its birth.

106. Government policies have repeatedly emphasized the urgency of measures to promote child survival and development, focusing on three sectors as crucial to this goal - education, health, care and housing.



## **V. CIVIL RIGHTS AND FREEDOMS**

### **A. Right to a name, nationality and identity**

107. The Civil Status Act requires that all births must be officially registered within 30 days of the birth of a child. Deaths (including stillborn children) must also be recorded. The same Act also requires that every child born must be registered with a name and a surname of either the father, where the child is legitimate or paternity has been accepted, or that of the mother in every other instance.

108. The right to acquire a nationality is also protected by the Constitution under the provisions for citizenship. Every child born of Seychellois parents regardless of the place of birth has a constitutionally guaranteed right to Seychelles nationality. All children born to a Seychellois father or mother are Seychellois citizens by descent. The Constitution treats both men and women equally with regard to matters of citizenship. Thus, a child born to a Seychellois mother has the same right to citizenship as a child born to a Seychellois father. Article 13 (2) of the Constitution provides for dual citizenship for a child with only one Seychellois parent.

### **B. Preservation of the child's identity**

109. The guarantees and undertakings set down in the Constitution (chap. III) and the Civil Status Act are irrevocable with respect to the child's identity. Children who are adopted do not currently have a right in law to know the identity of their biological parents until they are 18 years old.

110. Seychelles provides constitutional guarantees to safeguard the child's identity, both culturally and by ensuring that the child's parents and other relatives have primary parenting obligations. The Constitution also ensures that Seychellois children in an adoption situation remain in Seychelles, in a bid to preserve the child's familial and Seychellois identity. To this end, Seychelles restricts adoptions by foreigners residing overseas, and the few that are permitted require presidential approval. The adoption laws, whilst safeguarding absolute confidentiality for the sake of the parties concerned do not expressly provide the adopted child with the legal right to establish links with his/her biological parents.

111. The right of a child to preserve his or her identity clearly includes the right to retain a name. However, if a child is adopted, the adoptive parents can change the child's name whereupon the new names are entered in the adopted children's register. When the courts are making an adoption order, there is an obligation to consider the wishes of the child but the child has no right to retain his or her name. The child therefore can lose his or her name and identity through adoption.

112. Parents can change the name of a child following a separation or divorce. In such proceedings, the child is not normally represented but may be given an opportunity to make his/her views known to the court where the court deems it necessary and appropriate.

### **C. Freedom of expression**

113. Freedom of expression is provided for in the Seychelles Constitution, which guarantees the right of all persons to freedom of expression, including freedom of the press; freedom to hold opinions and to seek, receive and impart ideas and information without interference (art. 22). Nevertheless, reasonable restrictions may be imposed by law on the exercise of this freedom only insofar as such restrictions are necessary in a democratic society.

114. The State has enhanced this right over recent years by actively promoting freedom of expression through numerous channels. However, cultural attitudes and perception has proved more difficult to change. Freedom of expression like many other rights has in many instances been seen as an affront to adult authority or traditional approaches to parenting. The general consensus amongst children is still that in many cases in their family lives their views and opinions are not adequately respected or acknowledged. However, the state has enabled, revamped and galvanised various bodies to tap into this rich vein of dynamism and creativeness.

115. A National Youth Action Plan has been formulated by the Youth Department. Various programmes under this streamlined action plan cater for and maximise freedom of expression amongst children in Seychelles.



116. The Seychelles National Youth Assembly was officially launched in 2003. The assembly is comprised of members from each district who bring concerns raised in forums and debates in their districts to the assembly. The assembly seeks to establish dialogue between youths and policy makers and provide them with a sphere to debate concerns and ideas. Recommendations from this body are taken very seriously and already legislation has been enacted as a result of motions forwarded. An example of this is suitability clearance for security workers at school has become compulsory due to recommendation made by the youth assembly.

117. An annual youth festival is held where children are given the opportunity and encouragement to showcase talent and express themselves.

118. The National Youth Council conducts an annual general youth conference, through this forum youth debate pertinent issues and make recommendations. These recommendations are then forwarded to the appropriate organizations for consideration. Again this has proved highly effective with a number of views expressed by children having been adopted or taken into consideration.

119. Another programme initiated by the state has been 'Aspiration 2013'. During the course of two months March–May 2003; young people were invited to participate in discussions with the aim of providing young people with an opportunity to enable participation in the creation of a vision for the development of Seychelles over the next ten years. The discussions were held for all secondary schools and post-secondary institutions as well as for other out of school youth from all the districts of Mahe, Praslin and the inner islands. In all 59 extensive sessions were conducted.

#### **D. Freedom of thought, conscience and religion**

120. This right is assured by the Seychelles Constitution (art. 21 (1)), which protects the right of all persons to freedom of thought, conscience and belief, either alone or in a community. Reasonable restriction may be imposed by law on the exercise of these rights as may be necessary in a democratic society in the interest of defence, public safety, public order, public morality or

public health and for protecting the rights or freedoms of other persons. For persons under the age of 18 years this right is, conditional upon the consent of the child's parent or guardian with respect to religious instruction or observance in any school or institution that the child may be attending or detained.

121. The monopoly of Catholicism of the religion syllabus has been raised as a concern, as children from other religious faiths often choose not to participate. The Ministry of Education now enforces a more eclectic approach to religious studies.

#### **Children in residential care**

122. In line with the Children's Act, a child, if cared for under a compulsory order, cannot be brought up in any religious persuasion other than that in which he would have been brought up if the order had not been made.

#### **E. Protection of privacy (art. 10)**

123. The Seychelles Constitution contains a specific provision on privacy, which applies to all persons in Seychelles. No one is subject to interference within the privacy of their homes, their correspondence or their communications, except in accordance with law and as is necessary in a democratic society in the interests of defence, public safety, public order, public morality, public health, the administration of Government, town and country planning, nature conservation, the economic well-being of the country, or the protection of the rights or freedoms of others (art. 20 (2)). Protection for the privacy of the family is buttressed by another provision of the Constitution, which states that the family is the natural and fundamental element of society and is entitled to protection by the State (art. 32.1). The Constitution (art. 13 (2)) also requires that prior judicial authorization be obtained for searches of the person or the home. Searches without warrants are covered by statutory safeguards, to prevent abuses of the procedure.

124. Despite the guarantees under the Constitution (art. 20.1 (b)) there are certain gaps which are being addressed. There is concern in regards to the unauthorised portrayal of protected children living in children's homes in the media. The Director for Social Services have held meetings to



address this and the Social Affairs Department has developed a policy and guide to media outlets when producing items that relate to children in institutions.

## **F. Protection against child abuse and torture**

### **Violence against Children, including corporal punishment**

125. The Seychelles Constitution guarantees respect for human dignity even during the enforcement of a penalty imposed by the State, and provides that no person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment (art. 16). As stated in chapter 4.3, the Constitution prohibits the imposition of the death sentence for any crime (art. 15.1)

126. The Ministry of Education has taken a stance against corporal punishment in state schools. According to its policy, corporal punishment is not allowed in schools and this has been reinforced by an amendment to the Education Act. The Social Affairs Department is working closely with the Attorney General's office to remove any reference to corporal punishment in the Children Act in an effort to be one-step closer to a total of corporal punishment in all settings.

## **VI. Family environment and alternative care**

### **A. Parental guidance**

127. The family structure in Seychelles has continued to change radically with various implications for the way parenting is approached and the best way to ensure that appropriate direction and guidance in the exercise by the child of the rights recognized in the present Charter is provided. Research has been carried out in 2002–2003 about demographic change and its implications on social responsibilities. From this research it has been established that in Seychelles we face:

- Falling birth rates and smaller families
- Fewer marriages and more cohabitation
- An increase in divorce, remarriage and reconstituted families
- An increase in the proportions of one-parent families (SDD, 2003)

The increase in the female labour force participation and a reduction in family size has reduced the availability of family caregivers and increased the dependence on outside support networks. This scenario continues to persist.

128. The problems and issues involving families are complex and multifaceted, and to address them successfully will require a flexible approach. Through the Social Renaissance Action Plan the Government recognised the need to take steps toward a more integrated approach that involves communities, NGOs, Churches, etc., and addresses the problem at the source rather than at the symptomatic level.

### **B.The right to family life**

#### *Social Affairs Department*

129. The Social Affairs Department supports and assists parenting education providers in initiating and implementing parenting programmes at the national level. The Department works in close collaboration with the Ministry of Education, the Ministry of Community Development, Youth, Sports and Culture as well as the parenting education providers in the community. The Social Affairs Department also carried out counselling with parents and works closely with other organizations through referrals and consultations. The Department also refers children to the NCC for therapy and to the Youth Health Centre for reproductive health counselling.

#### **Antenatal and post delivery psychosocial support parenting programme**

130. Parenting programme for ante-natal clients and their partners was introduced in 2013 as a specific action under the Social Renaissance Action Plan. It is a programme that is carried out in close collaboration with the Ministry of Health. It seeks to empower parents to deliver their roles responsibly from a very early stage. This programme has been extended in 2015 to include a programme for parents at post delivery as well. Together these two programmes have become an important part of the Maternal and Child Health Package aimed at equipping parents with the skills to run a stable and nurturing environment in the home.



### **Family Support Session**

131. In 2015, the Social Affairs Department started a series of family support sessions to assist parents who found it difficult to cope with their child or children's behavior. The programme continues to be implemented in different districts. The topics explored include supervision, life skills, family values, mental stress, family preservation, budgeting and communication.

#### *Ministry of Education*

132. The Student Welfare Unit of the Ministry of Education is involved in activities that address issues affecting children's education. The unit also works in close collaboration with the family and other partners.

#### *National Council for Children*

133. The NCC is the focal point for advocating for the Rights of Children in Seychelles and has been instrumental in orchestrating several activities around rights to commemorate Universal Days such as Peace Day, children's day and human rights day. The organisation also provides psychological and counselling sessions for children in distress following grief, or loss. This free service is available to all children on the three main islands of Seychelles and is also called upon in emergencies such as following trauma accidents, etc. involving children.

134. Monthly parenting sessions are held for all parents who are willing to participate and learn how to better communicate and discipline their children without the use of corporal punishments. Over 1,000 parents attend these activities annually, which extends to schools and community groups.

135. NCC has also been instrumental in advocating for more involvement of fathers in the family life, by creating men's group and activities that encourages them to do so especially in school life of their children.

136. NCC is also pivotal in advocating for the Charter through national media including television, radio and print media and public forums as well as social media.

*Alliance of Solidarity for the Family (ASFF)*

137. ASFF works with the family and parenting education forms a key part of their work. Their programmes are formulated in accordance with their Parenting Manual.

*Association for the Promotion of Solid Humane Families (APSHF)*

138. The APSHF actively promotes Family Values; APSHF holds counselling for couples, Married/Non-Married and bereavement counselling. The association has also, developed a parenting programme which carries out parenting sessions for Social Service clients and in the districts.

*Les Li Viv*

139. Les Li Viv promotes respect for every human person born or unborn. It also provides support and care “especially for women” with unintended pregnancies and provides post-abortion counselling.

*Campaign for Awareness Resilience and Education against Substance abuse (C.A.R.E.)*

140. C.A.R.E. has done extensive work to disseminate information about substance abuse and offers prevention services to children and families. CARE clubs are available in all schools

**Study on families**

141. In 2011, the Social Affairs Department commissioned a study on the Seychellois family. The study found that the definition of the Seychellois family as we knew it has changed. Formerly family was viewed as married couples with children. However, this definition was challenged by 61% of respondents, who identified different family types and did not see marriage as the only path to family formation.

142. Additional findings from the Study on Families worth noting are:

- A shift from male to female headed households
- Changing moral and spiritual values with regards to raising children
- Increasing pressures and expectations associated with work



- Most people agree that marriage is a positive influence on family life (93%)
- 70% of respondents feel religion plays a very important role in the family

The study findings were used to inform the development of a National Policy on Family.

### **Family Policy**

143. In 2015, the Social Affairs Department undertook to develop a National Family Policy. The policy is a direct initiative of the Social Renaissance Programme aimed at adding new impetus in the quest for a more stable and functional society. The policy attempts to strike the right balance; one that respects the right of everyone to form a family while preserving the family unit as the natural and fundamental element of society as is laid down in the Constitution of the country. It recognises that the primary responsibility for care giving lies with parents and other family members. However, when and where necessary, Government will intervene to ensure the protection of family members against all forms of abuse and discrimination. Most importantly, Government through the Policy will ensure that new programmes and services are developed at national and community level to support all families in realizing the key functions that only they can play in society.

### **Parental responsibilities**

144. The amount of maintenance and neglect cases recorded by the Social Affairs Department is a reflection of the problems associated with parental responsibilities. Since 1998, with the introduction of the Family Tribunal serious action is being taken to deal with defaulting parents in maintenance cases. The State is also focussing its efforts on support programmes aimed at dealing with the problem at the source and giving parents the necessary skills to take their responsibilities.

### **Government assistance in the care of children**

145. All children have basic needs for day-to-day care. The primary responsibility for the provision of care clearly rests with a child's parents. There is an important function for the State in both supporting parents in their parenting role and in providing care for children where, for whatever reason, parents are not able to fulfil that role. The Ministry of Education in collaboration with the, Ministry of Health and the Department of Community Development have

been playing this supportive and facilitative role on behalf of government for the provision of day care. The Community Development Department have been making available facilities in the districts to the private sector at low rental fees for the running of day care services.

146. The Ministry of Health monitor and advice these facilities on health and safety. Under the 2005 Day Care Centre Guidelines all centres have to adhere to standards based on the World Health Organization standards schedule. Certificates of Registration/ Renewal of Registration are on condition that these standards are maintained. Monitoring through visits, meetings and discussion are carried out regularly.

147. Standards of child minders provide a tougher challenge as they are individuals who look after children in their homes informally and it is therefore difficult to monitor whether they adhere to any standard. The IECD was created in 2013 to regulate this sector and is implementing a set of standards against which performance of childminding services are regulated.

148. Other ministries also have services and programmes for children and young people, and NGOs like CARE and Les Li Viv are playing a significant and valuable role in assisting Government to carry out its role as per the Charter. Counselling services are offered by several agencies. The Ministry of Education and Human Resource Development has a pool of school counsellors to provide counselling and other advisory services to children who are facing any problem. At district level, the Youth Council has district youth officers who develop, organize and conduct programmes and services for young people.

149. Social services tend to focus their services on those families where children are identified as at risk of abuse. Thus, the major share of limited resources available go to family support and child protection. With the rolling out of the Social Renaissance programme considerable attention has been placed on interventions that promote parents' capacities to protect their children themselves.



**C. Family reunification and children deprived of family environment**

150. The primary focus of work done with children and families is to support and empower the family to be able to take care of its members. The Director for Social Services is empowered by the Children Act to intervene in situations where children are deemed to require protection. Alternative placement for the child/ children where the need arise is always explored with family members first and institutions only considered as a last resort.

151. Seychelles continues to have only one state owned residential home for children who require alternative care and protection, the President's Village. Other such services are offered by the Catholic Church to compliment the one offered by government. Children are admitted to these institutions through a Family Tribunal Order under a care plan. In such cases, the children receive regular visits from the social worker who also keeps in close contact with the counsellor and management of the institution .Parental contact is encouraged.

**Recovery of maintenance for the child**

152. The Children's Act 1982 makes it an offence for a parent to refuse or neglect to pay maintenance for his or her children. The parent has the right to take a maintenance application to the Family Tribunal to review maintenance amount. In such instances the court or tribunal may award a ratio of maintenance that is appropriate.

153. Provisions for the enforcement of maintenance orders are contained in the Children's Act. This includes the enforcement of maintenance orders made overseas, and the enforcement abroad of maintenance orders made in Seychelles.

154. An order for attachment of earnings can be made to facilitate payment of maintenance and curb default. A large number of parents do not take their responsibility for maintenance seriously. Some applicants feel that the process to compel a parent to pay maintenance is long and humiliating, and consequently some do not pursue this option. In the past decade there has been an increasing amount of parents who serve prison time for persistently refusing to pay maintenance.

**Foster care scheme**

155. The Children Act makes provision for a foster care programme. The Social Services Division regulates this service. Potential foster parents undergo a rigorous vetting process to ensure that the children will be safe in their care. Foster parents receive an allowance per child. In 2013, the Social Services Division carried out a recruitment drive to increase the amount of people giving this service. At the time of finalizing this report there were 11 foster parents on this programme.

**Informal fostering**

156. There is a number of fostering practices in Seychelles that are in fact informal, which occur without the authority's knowledge. In most cases it is the grandmother or another relative who may "foster" when the mother of the child is going to work on an outlying island or overseas or where the biological parents is unable to care for their child. For the families involved it often raises considerable concerns about the child's status and may become very complicated when the natural mother wants her child back or when there is an issue in regards to the child which requires the intervention someone recognised by the law as the custodian or guardian of the child.

**Reviewing duties**

157. In Seychelles, regulations issued under the Children Act impose reviewing duties on social Services for all children whom they look after.

**Leaving accommodation or care**

158. Whilst every effort is made to ensure the reintegration of children in care there remains gaps in addressing the challenges relating to those who have reached adulthood and needs an alternative accommodation.

159. There is a need to develop after-care policies, and for social services and housing departments to explore and develop coordinated policies and criteria for assessment of housing needs for those leaving care. An essential prerequisite is to ensure that young people are prepared for leaving accommodation or care - where housing is obtainable, loneliness and inability to cope can cause problems for the youths.



**Adoption**

160. The Social Services is the authority for adoption. Legal provision for adoption is under the Children Act (Part V, sects. 33-69). There are four categories of persons who are eligible to adopt children: (i) a husband and wife jointly; (ii) single person (unmarried, divorced, widow or widower); (iii) a married person acting individually, where the spouse by ill-health, physical or mental, is considered incapable of making an application; or (iv) a married person acting individually, where the spouses are separated and where the separation is likely to be permanent. Where a child is orphaned and has no guardian or has been abandoned by his parents, the President of Seychelles on behalf of the Republic may give permission for the child to adopt the child (sect. 39).

161. Work is ongoing to domesticate the Hague Convention on Inter country adoption to facilitate adoption between Hague convention countries.

**VII. Health and welfare****A. Children with disabilities**

162. All children in Seychelles, whether with a disability or not, are protected and cared for above all considerations of race or creed. However, Children with disabilities experience both direct and indirect discrimination and continue to be marginalized from much mainstream activity by barriers that prevent them from enjoying the same opportunities as other children.

163. Many ministries provide services for children with disabilities. The Ministry of Education provides education through the School for the Exceptional Child for those children who are not able to join mainstream schools, while the Ministry of Health and Social Affairs provides rehabilitation services, therapeutic treatment and manufactures supplies/aid(s). The National Council for Disabled provides vocational training and advocates on behalf of persons with disabilities.

164. The Ministry of Health and its partners ensures assessment of all persons with disabilities to determine their medical, social, educational and vocational abilities in order to organize and provide appropriate services and ensure their full integration in the community.

165. Attendant care is provided by the State for those families that include a child with severe disabilities. No respite care is available, nor is there counselling services specifically tailored for parents or families, which include a child with a disability.

166. Parents who have to stay at home to look after their severely disabled child/children are provided for by the state under the Home Carer's Scheme.

167. Housing assistance is provided on a case-by-case basis by the Minister for Habitat, Lands, Infrastructure and Land Transport. In cases where the household has persons with disabilities, the house is modified to suit the person's needs at no additional cost to the home owner(s).

168. There is inadequate availability of integrated publicly funded day-care provision for children with disabilities. Children who do not attend school have little to no access to day care facilities and therefore little opportunities to tap into their potentials.

169. Despite improvements over the years, some general services for children, including leisure, play and recreational facilities continue not to cater for children with disabilities. The lack of access for wheelchair users and people with other physical to many public buildings, public transport systems, shops and restaurants further serves to hinder participation in the mainstream.

170. In 2009, Seychelles ratified the UN Convention on the Rights of Persons with Disabilities. This has increased efforts towards promotion of rights of persons with disabilities and pushed the concerns of persons with disabilities higher on the national agenda. The Convention has been translated in the Creole language and developed into a child friendly version.

171. The Special Education Needs Unit in the Ministry of Education was set up in 2013. The Inclusive Education Policy was introduced in February 2015. Since, access to the mainstream



schools has improved and the physical adaptation to school facilities is being made as the need arises. More children with disabilities are now being integrated into mainstream schooling and provisions for individualised support are being made as necessary.

172. The Inclusive Education Policy also makes provisions for newly built schools to be universally designed. Specialised transport facilities are provided to transport students to their respective schools.

### **B. Health care and Health services**

173. The importance of maternal and child health is well recognized and emphasized in national health policies and strategies. Programmes aimed at promoting the health of children and women are well established, and their impact is clearly evident in the low maternal and infant mortality rates, virtually universal immunization coverage and low undernutrition. It is also recognized that promotion of maternal and child health requires a multisectoral approach. Close collaboration exists between the health and education sector; the school health programme being one notable example. Similarly, close working relationships exist between health workers and social workers in the decentralized community health services. At central level, a number of inter-ministerial organs exist to review policy and strategy issues and facilitate coordination.

174. All children in school are entitled to school meals. Improving the nutritional quality of school meals, and making them attractive to children and young people, is an on going focus for the Ministry. The Ministries of Health and Education actively collaborate on the school nutrition programme to promote healthy choices in food and beverage promoted by the commercial sector.

175. The Ministry of Health continues to conduct a series of activities targeted at the communities aimed at promoting the right to health of the citizens of Seychelles and the adoption of personal responsibility for health. This initiative has been dubbed 'Health of our Nation' movement, which, among other things, organises annual national campaigns. In 2014, the focus was 'My Health, My Responsibility'. In 2015, the theme adopted was 'My Health my responsibility, Begins at home'. To promote this theme, the Ministry of Health has collaborated with the private sector and the community to show practical examples of how healthy living can be achieved.

176. Two major National Conferences were held in 2014 to sensitise all sectors of the society about this movement. One of the conference targeted children and youth specifically and encouraged them to endorse the 'my health, my responsibility' campaign and promote it amongst their peers. Information from these conferences were used to develop the national health policy 2015.

### **HIV/ AIDS**

177. Preventive Mother to Child Transmission (PMTCT) services for HIV were introduced in 2001 and guidelines have evolved over the years in line with global recommendations. All pregnant women attending antenatal clinics are offered HIV testing using a routine opt-out approach, and the majority of women accept to be tested. All pregnant women infected with HIV are managed at the Communicable Disease Control Unit (CDCU) and currently all HIV infected pregnant women are eligible for Anti Retroviral Therapy (ART) (Option B+) and HIV-exposed infants receive appropriate ARV prophylaxis for free. For early infant diagnosis (EID) of HIV, blood samples are sent overseas. All women living with HIV (WLHIV) have access to sexual reproductive health services including family planning.

178. A total of 134 HIV positive pregnancies were reported from 1988 to December 2017, of which 88 (68%) benefited from the PMTCT program since its introduction in 2001 from mono-therapy to tri-therapy to date. Prior to the introduction of PMTCT, 8 out of the 23 babies born from HIV positive mothers were infected with HIV representing a mother to child transmission rate of 35% compared to 4 out of the 106 babies since the introduction of PMTCT program representing a mother to child transmission rate of 3.7%. To note, 2 babies were diagnosed HIV positive at 9 months old after birth though their mothers tested HIV negative throughout their pregnancies.

179. From 2012-2016, 47 pregnant women infected with HIV were reported by the CDCU, some of the women were newly diagnosed, whereas a few pregnancies occurred in women known to be living with HIV. Three MTCT transmissions were reported during the last five years with one infant death from AIDS. Partner testing is offered for partners of pregnant women, however, uptake of testing by partners is very low.



### **C. Breastfeeding**

180. With the endorsement of the Global Strategy for Infant and Young Child Feeding (GSIYCF) in 2002, Seychelles stepped up efforts to promote, protect and support breastfeeding. Major progress has been made including the publication of three key take home educational materials namely positioning and attaching your baby at the breast (2010), breastfeeding your child exclusively up to 6 months (2009), and Weaning your Baby (2009) available in both the English and Creole languages and are distributed to parents at the hospital. Extensive use of the media has also been made to promote breastfeeding.

181. In 2013, an Infant Feeding Policy for Seychelles that meets the Ten Steps to Successful Breastfeeding was adopted as part of the efforts towards creating a baby friendly environment. The maternity unit also follows a strict code of marketing of breast milk substitute.

182. The Seychelles Hospital has been accredited baby friendly since 2015. The Ministry of Health worked in close partnership with the World Health Organization (WHO) for implementation of the Baby-Friendly Hospital Initiative (BFHI).

183. In Seychelles, data collection on breastfeeding both on maternity ward and in the community is routine. The statistics from the maternity unit surveillance indicate that exclusive breastfeeding rates upon discharge at maternity was an encouraging 94% in 2013. Data from the community surveillance however indicates that upon discharge there are several factors affecting breastfeeding. In 2017, the rate of exclusive breastfeeding at 6 weeks was 44% whilst at 6 months it had dropped to 6%.

### **D. Adolescent health**

184. The youth health centre was launched in 1995 and is integrated in a national youth centre. Even prior to the centre being established, the programme had been active in working through the educational establishments with the training and deployment of peer educators selected from among the students. The programme aims to mobilize the efforts of young people, and provide them the support to make positive life choices with regard in particular to sexuality

and substance abuse. Young persons play an active role in the design and implementation of the programmes. The centre provides a range of services, including counselling to youths in and out of school, education and basic counselling.

185. One key area where legislation is seen to be failing young persons is the age of access to contraception. While the legal situation is not prejudicial towards the reproductive health status of adolescents and youth, the practice and interpretation of certain laws means that adolescents and youth may not benefit as much as they could from access to services. Under existing legislation parental consent is required for any medical intervention in any person under the age of 18, the age of attaining adulthood.

186. While the need for changes in policy is beginning to be recognized by some key policy makers, there is a need to convince parents, teachers and other policy makers of the need for these changes. For this ...would imply facilitating access to contraception and condoms for teenagers in the hope of diminishing the incidence of unsafe abortions, as well as unwanted teenage pregnancies and transmission of HIV/AIDS.

187. Statistics from the Ministry of Health shows a continuous reduction in the total number of abortions from 2012 to 2015. However, addressing unwanted pregnancies and the resulting illegal abortions remains a challenge.

188. The Ministry of Education has begun to take steps to review its Teenage Pregnancy Policy 2005, in order to strengthen current measures to prevent teenage pregnancy, and to ensure that teenage mothers are supported to continue their education both during and after their pregnancies.

189. Health education continues to be given to both boys and girls at school level through the 'Personal, Social and Civic Education' (PSCE). This subject has been institutionalized into the national school curriculum from primary up to secondary and includes education on sexuality. As part of this subject talks are organized by the Ministry of Health on various topics (for example: HIV/AIDS, Pap smear tests, Contraceptives, adolescent pregnancy, Sexually Transmitted Infections, cancers of reproductive organs, and HPV Vaccine) to youth at school level, and district and national level, including screening opportunities.



190. The Youth Health Centre, conducts outreach activities, including life skill training sessions on communication and negotiating safer sex practices, and conducting HIV/AIDS screening for in and out of school youths. School Counselors, Health Promotion Officers and teachers often undergo capacity building trainings delivered by experts of the Youth Health Center on sexual and reproductive health best practices in order to enhance their teaching material for students. The Center also provides free access to sexual and reproductive health services, which include contraception, diagnosis, treatment and referrals. The Social Affairs Department has also integrated sexual and reproductive health education within its sensitisation programmes for its clients.

191. The Ministry of Health through wide consultation has developed two documents, namely the 'National Policy on Sexual and Reproductive Health' and the 'National Adolescent Sexual Reproductive Health Policy'. Also in place is the Sexual and Reproductive Health National Strategic Plan and Monitoring and Evaluation Framework (2012–2016). These are expected to ensure a more effective response to the various sexual health and reproductive challenges of the country.

192. Contraceptives remain free of charge for all citizens of the Seychelles including the youth and accessible at all Government clinics in each district. At present, consent of parents is required for any treatment of minors below 18 years of age.

193. The Government continues to be committed to improving the national response to the HIV/AIDS epidemic through the appropriate allocation of resources to support interventions at various levels. One concrete development has been the promulgation of the National AIDS Council Act in 2013, which establishes a Council with specific responsibilities to oversee and take actions to reverse the epidemic.

### **E. Standard of living**

194. The welfare system in Seychelles is designed to ensure that every member of society is protected against both losses of income and extra needs whether through old age, disability, illness, unemployment or single parenthood. There are a range of interrelated benefits, some of which exist to compensate for loss of earnings, some in partial recognition of particular costs such as those associated with disability or children, and others designed to prevent parents and children falling below a minimum prescribed income level whether in or out of work. Children are specifically targeted through means-tested allowances. In theory, the structures exist to provide every child, whether or not the parents are working with an adequate standard of living to ensure their proper development.

195. The Agency for Social Protection provides the following benefits and approved schemes that have an impact on the welfare of children. Benefits; 1) Abandoned/Orphan benefit are for children who have lost/or been abandoned by both parents, 2) Semi-orphan benefit is assistance given upon the death of one parent, 3) Disability benefit a person is eligible when he/she cannot undertake unemployment because of longterm illness or a disability Their dependent would qualify for dependant benefit 4) Invalidity benefit a person is partially or incapable of work due to illness/disability stemming from sickness. Similar to disability benefit their dependant qualify for dependant benefit and rates are the same 5) Sickness benefit; a child whose parent/guardian is a beneficiary of this category of benefit also qualifies as a dependent that period of time.

Approved schemes; 1) Post-secondary bursary is a universal assistance given to all students attending post-secondary institutions in Seychelles, 2) SPTC Travel concession, the government subsidizes bus fare for primary and secondary students, making travel by bus free for them. 3) Specialized child treatment, is provided for approved overseas-specialised treatment for children. 4) Dedicated fund for school, the provision of school snacks and lunch, uniforms and other miscellaneous items such as stationary to crèche, primary and secondary state school children whose's parents do not have the means to provide these items. 5) Home care programme, a caregiver is paid in the household to assist children who needs special care either from a disability/illness with their daily living activities, the caregiver is assisted with an allowance SCR 5, 772. 6) Foster care, allowance for foster caregivers/foster parent until completion of post-secondary, the rate is Sr1, 500 for fosterparent and SCR 1, 300 for foster. 7) Day care assistance



is to assist with day care cost for child up to 4 years of age who are not in crèche, parents/guardian must be in employment to qualify and the rate is SCR500 per child. 8) Travel subsidy, post-secondary student on Mahe who reside on Praslin or La Digue qualify for two ferry tickets per month. 9) Child minder registered with IECD who are taking care of children between 6 to 10 children are assisted with SCR5, 050 on a monthly basis

196. Following the publication of the results of a study by the National Statistics Bureau and World Bank in 2015, Government has recently announced a number of measures to tackle income poverty, which had been estimated to be at 40 percent in Seychelles. The measures include; increase of minimum wage, and income tax reform.

197. Access to adequate housing is a prerequisite for the healthy development of a child. Without it, a child's right of access to education, health and health care and social development are at risk of being seriously undermined. Seychelles' Constitution guarantees "the right of every citizen to adequate and decent shelter conducive to health and well-being » and undertakes either directly or with the cooperation of public and private organizations to facilitate the effective realization of this right (art. 34). The Government policy on housing recognizes the need to address housing within a wider social context than merely the provision of physical shelter. It recognizes, among other things, the need to provide a suitable environment for the physical, emotional and social development of children, the empowering of women and the needs of equitable access to acceptable housing conditions directed towards increasing home ownership coupled with improvement in the provision of low-cost accommodation.

198. The quality of houses in Seychelles is considered high, providing the necessary facilities that enhance good family life. Most are adequate for current family sizes, allow for the necessary privacy for family members including growing children and adolescents, and have adequate land for a small home garden. Access to housing is based on needs as determined by the concerned government department. The number of children in the family is one of the criteria used in the selection process.

**Access to clean water supply**

199. In 1994, 83 per cent of the population had access to treated water. This rose to 87% in 2009

**VIII. Education, leisure and cultural activities****A. Education, including vocational training and guidance**

200. Government's policy on education is based on three main principles. (a) Education for All. All Seychellois have equal opportunity and access to education and an equal chance for achieving within the education system their full potential, consistent with their differing abilities and interests and with the needs of society. (b) Education for Life: education is seen as a life-long process that does not end with schooling and one that is oriented to the requirements of everyday life, including the world of work; and (c) Education for Personal and National Development: education facilitates personal development, which in turn contributes to the collective development of society and the nation.

201. The Ministry of Education has recorded a decrease in the number of dropout as a result of the introduction of Technical Vocational Education and Training Phase 1, aimed at catering for students with low academic abilities. The Phase 1 Programme makes provision for students in secondary 4 to spend 3 days at school and 2 days in the workplace, whereas those in secondary 5 spend two days in the work place and 3 days in the school. Altogether 642 students have successfully benefitted from the programme since 2011.

202. In 2015, the post of Attendance Officers was introduced following the provisions of the Education Act 2004. One attendance has been allocated per school zone. Their main role is to investigate cases of failure to attend school without excuses and ensure that these students are brought back to school. They work closely with the social workers and the police.

203. More girls are gradually being enrolled in Vocational Centres e.g. Seychelles Institute of Technology, Maritime Training Centre and the Seychelles Agricultural Horticultural Training Centre, which used to be traditionally male dominated institutions. In 2015, the Maritime Training



School had 37 girls, SAHTC had 24 girls, Seychelles Institute of Technology had 43 girls enrolled, and they all performed well.

204. The Ministry of Education has introduced three new rehabilitation programmes namely the Alternative Education Programme, the Youth Engagement Programme and the Youth Integrated Engagement Programmes aimed at preventing school drop outs and reducing risky behaviours including substance abuse. In addition, on going at the schools are sensitization campaigns on substance abuse in collaboration with partners and stakeholders.

205. The Education Medium Term Strategic Plan 2013 to 2017 and beyond (MTS) makes provision for training of teachers at pre and in-service levels as well as training in Special Education Needs and Disabilities.

206. In 2015, the Ministry of Education adopted a National Inclusive Education Policy. The Policy is a reflection of the move away from traditional pedagogies to the adoption of more learner-centered approaches, which recognize that each individual has an ability to learn and a specific way of learning. This has led to the elaboration of a National Action Plan on Inclusive Education through wide consultation. The National Action Plan was launched in 2016.

#### **Early years of education**

207. The Seychelles Government recognizes that investment in early education is one of the most effective means of providing all children with a firm foundation for future attainment. Pre-school education in the Seychelles is provided by the State and is available to all children aged three and a half to five and a half. It is non-fee paying and although it is optional it has nearly 100 per cent enrolment.

#### **Protection and safety for children in schools**

208. With respect to administration of school discipline, progress has been made with the abolition of corporal punishment in all school educational institutions.

209. A concern which the Ministry of Education is tackling is the protection and safety of the school environment. This concern has gained prominence in the face of certain aggressive behaviors of some students and in some instances with the support of their relatives towards school staff. This concern heightened in 2017 after reports of a teacher being assaulted in school by a student's relative. After this incident teachers took to the streets to demand better guarantees for their safety in school. The Ministry of Education has since implemented several measures to prevent such activity from repeating including the reinforcement of school security.

#### **Protection from bullying in schools**

210. Bullying is one of the challenges that schools are trying to address . A report on Bullying in Secondary schools in Seychelles carried out in 2004 showed that bullying is a common phenomenon affecting both boys and girls. An anti bullying policy for schools was published in July 2017.

#### **Protection from potential abusers**

211. The introduction of a suitability check mechanism for childminders in 2016 is helping to determine the suitability of people who are to care for children in their homes.

### **B. Leisure, recreational and cultural activities**

212. Responsibility for ensuring play opportunities, whether through provision of facilities and services or through creating safe environments for free play, are spread between government departments. Much provision also comes through the voluntary and private sector - Boy Scouts, private cinemas, etc

213. The Culture Department has the overall responsibility for the implementation of the cultural policy of the Government. This policy rests on three main underlying principles: the protection and preservation of Seychelles' national and cultural heritage; the development and promotion of the arts; and ensuring easy access to and availability of cultural activities to all.



214. The Culture Department promotes cultural activities and undertakes research on cultural tendencies. It is responsible for providing access to knowledge and information, and researching the development of the Kreol language and culture. It also has overall responsibility for the arts, and for museums, libraries, and film.

215. Many creative activities are organized at school level for children. Children also have free access to the archives and museums, the Natural History Museum being particularly popular with the children. The Government is committed to encouraging children and young people to develop forms of expression in all areas, and the Conservatoire of Music and Dance has programmes for children.

216. In Seychelles responsibility for sports falls within the brief of the National Sports Council. The Ministry responsible for sports has responsibility for giving direction to maximize community participation and contribution in local government administration and development; for coordinating youth activities and for mass enjoyment of and pursuit of excellence in sports.

217. Local government administration is decentralized to 25 districts responsible for the overall infrastructural development of the community, e.g. recreational facilities, entertainment, improved infrastructure and facilities.

218. The department of Community Development is also responsible for the upkeep of a number of social and leisure facilities at both district and national level, such as children's playgrounds, playing fields, multipurpose courts, youth centres, and community centres. All these facilities play an important role in the development of young people and children of Seychelles.

## **IX Special protection measures**

### **A. Children in situations of emergency**

#### **(i) Refugee, returnee and displaced children**

2019. Seychelles is a state party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol. There are no records of children refugee in Seychelles.<sup>220</sup> Seychelles is a party to the the optional protocol on the involvement of children in armed conflict since 2002.

### **B. Children in Conflict with the lawAdministration of juvenile justice**

221. The Constitution (chap. III, Part 1, art. 27) guarantees every person a “right to equal protection of the law including the enjoyment of the rights and freedoms without discrimination on any ground except as is necessary in a democratic society”. The Constitution also affords strong protection for the right of fair trial for all persons and provides many guarantees which are in line with the charter. Article 18 of the Constitution states that any person who is arrested must be promptly informed of the grounds for the arrest in a language which he or she understands, and must be brought before a court within 24 hours (or, if this is not reasonably possible, within the shortest possible period of time).

222. A minor charged with an offence has the right to communicate with the parent or guardian.

223. In Seychelles, the age of criminal responsibility is 12 however, a child of 7 to 11 years deemed to be capable of discernment can also be held criminally responsible. In practice, there has not been a case of a 12-year-old appearing before the court on criminal charges.

224. The criminal law contains several measures that protect the privacy of juvenile offenders. The Juvenile Court sits in chambers or on different days and times from those at which ordinary sittings are held (sect. 93);

225. Persons under 18 years of age are to be kept away from adult offenders unless jointly charged with adult offenders (sect. 93 (4));

226. No child shall be prosecuted for any offence except for murder or on the instructions of the Attorney-General (sect. 92);



227. No child under 14 years of age shall be sentenced to imprisonment (sect. 92 (1)); and

228. No young person shall be sentenced to imprisonment if he can suitably be dealt with in any other way provided for under the Act, for example probation, fine, committal to a place of detention or certified institution, or to the care of a relative or other person (sect. 95 (1)).

229. Pre-trial detention is a last resort in the case of juveniles. The procedure is to release juvenile offenders with a warning into the custody of a parent or guardian until the trial takes place. There is no Juvenile Detention Centre at the moment hence all efforts are made to return the child to his or her family.

230. The law provides for charges against a child or young person to be heard by the Juvenile Court unless the child is charged jointly with an adult. A Juvenile Court consists of a judge or magistrate, one man and one woman appointed by the President.

231. Primary responsibility in Seychelles for services to the Juvenile Court rests with the Probation section currently based in the Ministry of Internal Affairs. Probation officers are authorized by the Children's Act (sect. 8) to make a report to the court in criminal cases involving accused under the age of 18, with a view to providing information on the character and environment of the child and the causes and circumstances contributing to the delinquency.

232. The intention of the Act is to try to ensure that custodial sentences are more appropriately targeted at the serious or violent offender, with petty offenders maintained within the community as far as possible, thereby ensuring that imprisonment for young people would be used as a last resort.

### **C. Reformation, family reintegration and social rehabilitation**

233. Probation Services facilitates contact between children and their parents who are incarcerated. A mother who gives birth in prison can stay with her child in a special mother and child unit for a period until alternative arrangement can be made by the parents for someone to care for the child external of the prison setting.

### **Children with parents in prison**

234. Once a parent is imprisoned in Seychelles there are substantial difficulties for her children in maintaining regular or meaningful contact. Convicted prisoners are only allowed one visit per month of between half an hour and an hour. The prison was moved to the main island has helped to make contact a little easier. New facilities at the Montagne Possee prison provide a more child friendly environment for when children do have contact with the parent who is imprisoned.

## **D. Children in situations of exploitation and abuse**

### **Place of safety**

235. Under the children Act if a child who is deemed to require Compulsory measure of care either for the child's safety and protection or for the safety of others, the child may be removed and placed in a place of safety. A place of safety is- any establishment provided under section 100(1) or specified under section 103(1) of the Act, a police station; or any hospital, clinic or other suitable place the occupier of which is willing temporarily to receive a child

### **Economic exploitation including child labour**

236. The minimum employment age established by Regulation 21 of the Conditions of Employment Regulations, 1991 (SI 34 of 1991), as amended in 2000, is 15.

237. Regulation 22 of the Conditions of Employment Regulations, 1991, as amended in 2006, imposes certain restrictions for employment of people under 18.

238. These are:

- the prohibition of their employment in hotels, guest-houses, boarding houses, any places where tourists are accommodated, restaurants, shops, bars, nightclubs, dance halls, discotheques or similar places of entertainment or on ships or aircrafts, unless special written permission is granted by the Department of Employment, after careful examination of the circumstances of the case, or unless this employment falls under a training scheme approved by the Minister in writing,



- the prohibition of their employment between the hours of 10 p.m and 5 a.m. unless special written permission is granted by a competent officer after careful examination of the circumstances of the case, and
- the strict prohibition of their employment in gaming houses or casinos (a prohibition which even extends to workers up to the age of 21).

239. These indicates that the law provides for the *types of work where children under the age of 18 cannot be employed in accordance with ILO Conventions No.182*, though further provisions, which may include the list of hazardous work which has been drafted with the assistance of the ILO, and will be considered in the review of the Employment Act.

#### **Substance abuse**

240. Both alcohol and drugs are controlled by statute in Seychelles. The sale of alcohol to children under the age of 18 is illegal and the Children's Act (sect. 72) makes it an offence for anyone to give or allow a child liquor in a quantity that might be detrimental to the child's health. The Act also makes it illegal for a person to give or sell, a child or allow him/her to use or take any dangerous drug as defined in the Dangerous Drugs Act.

241. Drug and alcohol abuse is a serious problem in Seychelles. In 2017 it was estimated that the country had 5,000 heroine users, 25,000 THC users and more than 90% of adults consumed alcohol.the Government has set up a comprehensive range of efforts to tackle this issue.

242. Two National Master plan have been developed to coordinate efforts in this fight. The National Drug Control Master Plan 2014 – 2018 focuses its attention on issues such as the need for preventive measures to reduce demand for drugs in our most vulnerable section of the population i.e. children and youth. It also gives prominence to rehabilitation and social integration of recovering drug addicts to help the youth regain their dignity and become productive citizens.

243. The Prevention of Drug Abuse and Rehabilitation Agency was created through an Act in 2017. This new agency has been focused on rolling out a comprehensive response to prevent the

uptake of dangerous drugs by the youths and to promote the recovery of patients with substance abuse disorder within their communities.

244. Children are recognized as a particular vulnerable group amidst the scourge of substance abuse in Seychelles. The government's effort to tackle substance abuse is relentless. The crying out campaign is amongst one of the awareness raising platforms used by the Drug and Alcohol Council to give children from a very young age a solid footing to avoid such negative influences. The campaign was launched in 2013 and extended over a period of three years. The aim of the project is to empower school children to sensitize others including their parents on the detrimental effects of substance abuse.

245. Drinking by children is a growing concern for the country. In 2015 a National Alcohol Policy was launched by the Drug and Alcohol Council. The Policy is the outcome of wide discussion, research and community and workplace consultations. It aims to prevent and minimize alcohol related harm to individuals, families and communities and to develop safer and healthier drinking cultures.

246. The Campaign for Resilience and Education (CARE) is a substance use and abuse prevention organization, registered as an NGO since June 1995 which continues to carry out a number of key activities to protect children and support rehabilitation of victims of drug and alcohol abuse. The following are some of the key programmes by CARE.

#### **Awareness, Education & Resilience building (Schools based)**

**247. School CARE Clubs:** Exist in all primary and secondary schools of Mahe, Praslin & La Digue with 986 active members as at February 2016. Awareness activities like workshops at club level as well as whole school level are available all year round on a school term basis as well as during the school holidays. The main expected outcome is behaviour change and character /resilience building. CARE is currently finalizing a new approach to its presence in Secondary schools, with the active participation of all stakeholders, including the students themselves.

#### **The Rainbow Project**

248. The project works with children who have been identified by schools as being at risk and the focus is on character building for resilience against drugs and improved behaviour for better social



skills and school performance. The project currently runs in four schools and covers 102 children. CARE is working with other schools to adopt the Rainbow concept of early intervention through the special needs committees that exist in all schools. The project works with teachers, parents and students and has a strong mentorship component using identified school staff.

### **Sexual exploitation and abuse**

249. As a response to the increase in reported cases of child sexual abuse in 2014 the Social Affairs Department in partnership with other agencies involved in child protection launched a vigorous education campaign. 24 sessions were held in all the 24 primary schools in the country. The sessions featured presentations by different service providers and covered the following topics:

- The trends and patterns of child abuse
- The risk factors
- Child protection procedures
- Child protection service providers
- Prevention of child abuse

250. A Police Child Protection Team was set up in March 2015 to work closely with the Child Protection Team of the Social Services Division. The team consists of 4 police officers. They investigate child abuse cases. It has been set up to fast track child abuse cases as the team tackles cases falling only within this category.

### **Other forms of abuse and exploitation; begging**

251. The state recognises that there is a small group of children who are involved with begging. This is often related to the drug issue.

### **Trafficking**

252. A new legislation on Prohibition of Trafficking in persons was promulgated in April 2014. The process towards enacting this law has involved wide consultations with representatives of different sectors including with the Cabinet of ministers at the national level and with the assistance of international partners, such as IOM, SADC Secretariat and UNODC. From the Act a Seychelles

National Strategic Framework and Action Plan on Trafficking in Persons was launched in November 2014. The purpose of the Act is to provide for matters of human trafficking; from punishment of traffickers to protection of victims of trafficking. It shows that Seychelles does not tolerate trafficking in persons and will ensure that identified victim of trafficking are protected and perpetrators of human trafficking are severely punished.

253. A 'Standard Operating Procedure Manual and Referral Mechanism' to assist victims of trafficking in persons was launched in August 2015. These documents outline the role of all relevant agencies in the fight against trafficking in persons providing a step by step guide to front line officers. Emphasis is on working together in a cohesive and harmonious manner. The mechanism seeks to provide the highest standards of protection to victims of trafficking in persons whilst also placing accent on identification investigation and prosecution.

254. Numerous capacity building sessions have been held on trafficking in persons for front line officers, law enforcement officers, non-governmental organizations and journalists. Further to this, an awareness raising campaign was launched on the media and a session was also held with Members of the National Assembly in March 2014.

255. As part of the activities under this plan educational campaigns have been carried out in the media to address the limitations in awareness about the facets of the crime amongst the general population.

### **Helplines**

256. The helpline continues to be one of the most important referral mechanisms for the local child protection with a steady amount of referrals recorded every month. In 2014 a staff of the Social Affairs Department benefited from a training workshop with the Children Helpline International in the United Kingdom. Knowledge from the training has been used to assess the use of the local helpline and make it more effective.

### **E. Child victims and witnesses of crimes**

257. .By virtue of the Evidence Act arrangements can be made for the child to give evidence outside the courtroom transmitted through closed circuit television, to give evidence behind a screen, partition or one-way glass or to even have a relative or friend by his or her side to provide emotional support.



258. Careful witness preparation is carried out by social workers, which includes familiarisation, orientation and pre trial preparation. However, concerns exist over the speed that cases are dealt with and the efficacy of police work.

259. Work is under way to develop domestic violence legislation. It is expected to provide for better safeguards for children who are victims of abuse

#### **Child protection procedures and services**

260. A system for recording information on abuse and ill treatment of children was introduced in 2003 called the Child Protection Register. This has become a central data base where all cases of abuse of children, children who are at risk of being abused and alleged and convicted abusers are recorded as part of the required child protection protocol. The information therein is used only by organizations in child protection and not the public at large.

### **E. Children victims of harmful social and cultural practices**

#### **Any form of female genital mutilation**

261. Despite the merging of different nationalities and cultures that exist in Seychelles there has been no reported cases of female genital mutilation.

#### **Black magic**

262. The Children Act prohibits the use of children for witchcraft. There have been anecdotal reports of children being involved in black magic. It remains a challenging issue for the authorities to tackle. In some cases, strange behavior, bad temper and misbehavior in children are attributed to black magic. Families with this situation are encouraged to attend therapy or counselling sessions

### **X. RESPONSIBILITIES OF THE CHILD.**

264. The Child's duty:

- a) towards the parents, the family and the community; (Article 31)
- b) towards the superiors; (Article 31)
- c) towards the State and the Continent. (Article 31)

**XI. Ratification of international human rights instruments**

265. In order to further strengthen the fulfilment of children's rights, Seychelles had started discussion towards the ratification of the Optional Protocol on the Communications procedure.

**List of references**

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The Seychelles National Drug Control Master Plan (2009-2012)

The Seychelles National Alcohol Policy (June 2015)

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