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**INITIAL REPORT ON THE IMPLEMENTATION OF THE OPTIONAL  
PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND  
CHILD PORNOGRAPHY**

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**MINISTRY OF EMPLOYMENT AND SOCIAL AFFAIRS  
REPUBLIC OF SEYCHELLES**

# INITIAL REPORT ON THE IMPLEMENTATION OF THE OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

## I. Introduction

- 1.1** The Government of the Seychelles welcomes this opportunity to report to the Committee on the Rights of the Child on measures giving effect to its undertakings under the Optional Protocol to the Convention on the Rights of the Child on the Sale of children Child Prostitution and Child Pornography ("the Protocol"), in accordance with Article 8 thereof. The organization of this initial report follows the General Guidelines of the Committee on the Rights of the Child regarding the form and content of initial reports to be submitted by States Parties (CRC/C/OPSC/23<sup>rd</sup> November 2006).
- 1.2** The Seychelles was one of the first countries to ratify the Convention on the Rights of the Child in 1990. The Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (OPSC) was signed by Seychelles on 23 January 2001 and ratified on 11 December 2012
- 1.3** The report contains details of legislative and policy measures taken by the Member State to implement the provisions of the Protocol with due regard to the local context, the existing legislative framework and resources constraints of the country as a small island developing state. It also reflects the cultural context of the country.
- 1.4** This document constitutes the initial report of the State, which was due in 2012. Despite the delay in submitting this initial report, the State has included information in the reports submitted to the Committee in accordance with article 44, paragraph 1(b) in respect of the implementation of the Convention on the Rights of Child. Throughout the years, Seychelles has remained steadfast in its commitment to children, and has ensured in the past decade that it returns to compliance with its reporting obligations under the Convention.
- 1.5** The State has no reported cases of child prostitution despite anecdotal reports. According to survey carried out with the population of sex workers; the profile of the sex worker is a young woman (median and average age of 30 years), who had early sexual contact, had completed secondary education (74.4%), lived with a partner and had at least one child (78.2%). The majority (86%) of sex workers use drugs, and 30.8% were injecting drugs. Ninety-six percent worked independently, without a third party. Sexual experiences prior to engaging in sex work were similar to the general population. A more recent study is required to identify whether this situation has changed since the State embarked on a harm reduction programme in 2018.

- 1.6** The State has no reported cases of sale of children. Informal fostering of children is a traditional part of the Seychelles culture whereby families and even friends assume the care of children whose parents are unable to do so. Social Services continues to advocate that this is done formally with the knowledge and guidance of Social Services and through an order of the Family Tribunal. In fact, section 31 of the Children Act forbids the practice of fostering by persons who are not known to Social Services.
- 1.7** The contemporary nature of pornography and its relationships with new technologies poses a real problem to law enforcement in the state. The internet plays a pivotal role. Its sheer size, the way it grows, the lack of any boundaries to its expansion and its disregard for national borders make it a complex legal environment. The harm it causes however is very real especially in a small country like Seychelles as portrayed in *R v ML & Ors* (CR 38/2019) [2020] SCSC 256.( see 2.1)

## **II. General measures of implementation**

- 2.1** In a landmark case in 2020, three men, including a police officer, pleaded guilty and was convicted on charges stemming from the sexual abuse of 75 girls ranging in age from 12 to 18 over a period of seven years. They were sentenced to 25, 12 and 8 years' imprisonment respectively on 26 sexual offences against children. The counts included sexual assault, extortion, and possession of indecent photographs and of prohibited visual recordings. The three men used Facebook to lure and groom young girls by promising modelling jobs and money. After receiving nude pictures from the victims, the accused in turn blackmailed the victims by threatening to expose their identity if they refused to engage in sexual acts, which in some instances were filmed. *R v ML & Ors* (CR 38/2019) [2020] SCSC 256.
- 2.2** This case caused an outcry in the country by people who felt let down by the sentences and the authorities' concealment of the identities of the perpetrators. As a way forward, a review exercise has been carried out of some of the archaic systems that currently exist in Seychelles in regards to sexual crimes and it is expected that new laws to better protect victims will be adopted.
- 2.3** In a case of similar nature, *R v Julie* (2021), a 21-year-old man was convicted for 14 years on his own plea of guilty.

### *Engagement of children in forced labour*

- 2.4** The state has no reported cases of children in forced labour. Although the Employment Act allows a child of 15 years to obtain gainful employment, the fact that the State implements a compulsory school age makes it that children are unlikely to join the world

of work before 16 years. Even then, the state implements various skills development and training programmes to assist children who do not qualify for post-secondary education to transition into the world of work. (See para 2.5 & 2.6). Additionally children between the ages of 15 to 17 are only allowed to take up jobs that are deemed not hazardous to their wellbeing and development.

**2.5** Since 2016, the Government has been implementing the My First Job scheme, a wage subsidy programme for employers whereby Government contributes to a percentage of salary of graduates from post-secondary training institutions. The scheme covers participants aged 15-24 years however the majority of participants are usually aged 17-18 years. The scheme has placed many young people in employment over the years and contributed towards reduction of youth unemployment, the participants on the scheme are not engaged in any form of hazardous work. Monitoring by Employment Officers are done on a regular basis.

**2.6** In addition, the State introduced in 2010 and reviewed in 2016 a skills development programme. This programme provides on-the-job training for young unskilled and inexperienced jobseekers. It targets those aged 15-30 years who have dropped out of school or who have not been accepted by a post-secondary training institution. The Government contributes a percentage of the participants' allowance. The programme has provided opportunities for young people to acquire skills and knowledge of a particular trade. The participants on the programme are not engaged in any form of hazardous labour.

*The dissemination of the Protocol and the training*

**2.7** The Employment Department has not trained or received training specific to the Protocol for its law enforcement officers for the reporting period. However, the Employment Department as well as the Attorney General's Office and Police Department has benefited from training in Trafficking in Persons over the years.

**2.8** The British High Commission (BHC) hosted a week-long interactive workshop with the Seychelles Police on handling rape and serious sexual assault cases in February 2020. The workshop was facilitated by 2 trainers from the College of Policing and the Glasgow and Clyde Rape Crisis Centre with over 30 years' experience assisting victims of such crimes. Twenty-five officers took part in the training and gained knowledge in developing basic rape and serious sexual assault crime scene and investigation techniques and in dealing with the victim in a sensitive manner, with the aim of creating a team of local experts who will be able to lead perpetrators to prosecution.

*Strategy*

- 2.9** An Inter-Agency Committee was set up in 1999 to ensure a holistic and coordinated approach to child protection. The Committee has a wide representation of professionals from different sectors who work together to ensure the best interest of child victims. This approach of collaboration between agencies has been extended to working groups to develop a Risk Assessment Framework, a tool that assist people who work closely with children to identify children who may be at risk of harm early so that intervention work can be carried out with the shortest possible delay.
- 2.10** The Social Services Division is mandated to provide services to children in situations of exploitation or abuse. A social worker is based in each district to ensure that services are close to the community. School counsellors based in all state schools play a crucial role in complementing the work of Social Services. NCC's Therapeutic Support section operates a self-referral system for children and their families who feel they are in need of counselling or psychological support, as does the Seychelles National Youth Council.
- 2.11** An important coordinating tool adopted by child protection officers is the Working Together Manual developed in 1997 to guide actions in relation to child protection. This tool is reviewed periodically, to keep it up to date and relevant.
- 2.12** The National Commission for Child Protection was created in 2005 by provisions of the Children (Amendment) Act 2005. The Commission is a high-level forum of key officers from agencies with an involvement in the protection of children, which advises the Government on matters important to the continued promotion and upholding of the rights of children and often speeding up action where relevant. The Commission advised the government to set up a child law reform committee following R vs ML & Ors (2019)
- 2.13** The Personal, Social and Citizenship Education Curriculum is a compulsory subject in the education system from early childhood to secondary level and it covers Human Rights and Rights of the Child. The Ministry of Education works in collaboration with other institutions locally (e.g. Human Rights Commission; National Council for Children (NCC) to ensure capacity building of teachers in these areas as well as to obtain other support to ensure better coverage of key elements.
- 2.14** Violence against women and girls is commonly associated with prostitution. For the advancement of women's rights and to improve response to domestic violence a new Domestic Violence Act was enacted in 2020. The Act carries prison sentences for offenders. However, before a commencement date is established, a sensitisation campaign (now delayed by the COVID- 19 pandemic) is expected targeting the general public. Law enforcement officers, prosecutors and agencies engaged in providing assistance to victims will be provided training on the Domestic Violence Act., 2020.

### **III. Prevention**

- 3.1** Awareness sessions are conducted in schools as part of the implementation of the Personal and Social and Citizenship Education Curriculum. This covers knowledge of the Constitution of the Republic especially Chapter 3 on the fundamental rights of citizens.
- 3.2** There are structures in place at school and national levels that monitor and support victims of child abuse. The school through its school counsellor is part of the inter-agency technical committee for protection of children as well as to provide support to children who fall victim to harm. There are school counselors employed in all state schools.
- 3.3** Intensive media awareness campaign was launched when the Prohibition of Trafficking in Persons Act 2014 was promulgated. The general population is very much aware of the crime of trafficking in persons and they report to the police or other law enforcement agency on incidents that they suspect may amount to the offence of trafficking in person. It is through such reports that investigations are carried out and the country has managed to secure at least four convictions to date. The National Coordinating Committee Against Trafficking in Persons ensures that a week-long media awareness campaign against trafficking in persons is organised during the last week of July to commemorate World Trafficking in Persons Day as a means of on-going sensitization of the general public. Other law enforcement agencies are also responsible to do their own awareness campaign.
- 3.4** 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. 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 and received media support to disseminate the messages widely.
- a. The trends and patterns of child abuse
  - b. The risk factors
  - c. Child protection procedures
  - d. Child protection service providers
  - e. Prevention of child abuse
- 3.5** A Police child protection team was set up in February 2015 to work closely with the Child Protection Team of the Social Services Division. The team started with four police officers but have now increased to eleven. 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.
- 3.6** Under the Children Act if a child 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.

#### **IV Prohibition and related matters**

### **3.7** Several provision prohibit sale and prostitution of children and child pornography

- i. Section 141 of the Penal Code –Detention of a woman or girl in a brothel
- ii. Section 142 of the Penal Code- Power to search in any place by means of warrant by a Magistrate where there is information that a woman, girl or other person is being detained in any place for immoral purposes.
- iii. Section 143 of the Penal Code- Procuring another for prostitution for the purposes of gain.
- iv. Section 144 of the Penal Code-Procuring another for prostitution, etc., other than for purposes of gain.
- v. Section 152 – display of or traffic in indecent material
- vi. Section 155 Penal Code: Brothel
- vii. Section 156 of the Penal Code- Another person living on the earning of another person in prostitution.
- viii. Section 157A of the Penal Code- Prohibited observation and recording of private act.
- ix. Section 157B of the Penal Code- Prohibited observation and recording of private act.
- x. Section 157 C of the Penal Code- Possession of prohibited visual recording.
- xi. Section 157D of the Penal Code- Distribution of prohibited visual recording.

In R v Julie (2021) the accused was convicted under this section 152 including section 3(1) and 4(4) of the Prohibition of Trafficking in Persons Act.

**3.8** The Prohibition of Trafficking in Persons Act, 2014 came into force in 2014. The Court delivered its first conviction and sentence in a case that successfully prosecuted in 2018. The victims were adults. In 2020, the Supreme Court convicted and sentenced three perpetrators under the same Act for offences related to sexual trafficking and sexual assault of minors. One of the perpetrator who masterminded the sequences of offences received a sentence of cumulative 25 years imprisonment.

## *Other laws*

### **3.9** Other laws related to third parties include

#### **3.10** The following legal provision restrict employment of children under 18 years:

- (i) Regulation 22 of the Conditions of Employment Regulations, 1991, as amended in 2006, already makes provisions restrictions for employment of children under 18 years in work that, by its nature or the circumstances in which it is carried out, is likely to jeopardize their health, safety or morals.
- (ii) The Occupational Safety and Health (Health and Welfare) Regulations further requires any employer to keep any premises under his control in a clean state and free from effluvium and the noise not above 90 decibels.
- (iii) Regulation 22 of the Conditions of Employment Regulations, 1991, provides that a person shall not employ another under the age of 18 years in a hotel, guest-house, boarding house, any place where tourists are accommodated, restaurant, shop, bar, nightclub, dance-hall, discotheque or similar place of entertainment or on a ship or aircraft.
- (iv) A person shall not employ another under the age of 18 years between the hours of 10 p.m. and 5 a.m.
- (v) A person shall not employ another under the age of 21 years in a gaming-house or casino.
- (vi) Notwithstanding sub regulations (1) and (2) the competent officer' may, exceptionally, grant special written permission for the employment of any person aged 15 to 17 years in a place listed in sub regulation (i) or between the hours of 10 p.m. and 5 a.m.

**3.10.A** Social Services acts as the Central Authority for all adoption and is required by the Court to provide a report on each adoption in Seychelles of a local child or a foreign child. Section 61 of the Children Act prohibits the provision or receipt of reward or payment in the process of adoption of a child.

**3.10.B** Currently, two schedules to the Children Act are being finalized, one to introduce a working with children check mechanism to allow vetting of all persons who work directly with children to ensure that they do not pose any risk to children and another to provide for standards and a framework for monitoring and inspection of children care homes.

**3.10.C** The former Chief Justice Dr. Twomey who chairs the Child Law Reform Committee said Seychelles has systems "that we must get rid of." The reform package revealed to the media earlier this year proposes the introduction of a range of new offences including, the crime of rape; sexual grooming; offences involving the use of intimate



images and sexual communication with children through social media and other digital platforms; mandatory reporting; harassment offences such as catcalling and flashing; blackmail and others. It is also recommending a range of procedural laws that will safeguard child victims and witnesses from further trauma when having to interact with the criminal justice system and obligations on the police, prosecutors, social services and judges when investigating and adjudicating sexual offences. The Committee is also recommending enhanced protection for persons living with disabilities.

**3.10.D** The Children's Act and the Evidence Law will also change to improve protection of minors. Currently the court provides for video link testimony, allows the child to give testimony accompanied by a social worker amongst other special victim oriented arrangements to ensure that justice in such cases are not delayed and that the victim is protected throughout the process.

**3.10.E** The Committee was set up in May 2020 and comprises of experts from the judiciary, the Attorney-General's Chambers, the Department of Social Affairs, Seychelles Police, National Council for Children and the Ministry for Education, with the mandate to comprehensively and extensively review and amend all aspects of the laws and the implementation of the laws relating to sexual offences and to deal with all legal aspects of or relating to sexual offences.

## **V. Protection of the rights of victims**

**4.1** A system for recording information on abuse and ill treatment of children was introduced in 2003 called the Child Protection Register. This is a central database manned by Social Services where all cases of abuse of 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. As part of the reform of child laws being proposed by the Child Law reform Committee, a Sex Offender Registry will be maintained by the state:

- a. to manage the supervision of offenders in the community in accordance with the policies of the Sex Offender Registry policies;
- b. to assess the re-offending risks an offender may pose in order to assist with effective supervision;
- c. to provide on-going or regular assessments that will guide an offender's case management plan;
- d. to manage identified risks (including drug addiction, substance abuse and mental health concerns) in order to minimize re-offending by an offender

## **VI. International assistance and cooperation**

The police obtains the assistance of Interpol in cross border investigations.

### *Multilateral*

- Ratified the 'African Charter on the Rights and Welfare of the Child' on 27.02.1992.
- Ratified the 'Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime' on 22.06.2004.
- Ratified the ILO 'Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour' on 28.09.1999.
- Ratified the 'Convention on the Civil Aspects of International Child Abduction' on 27.05.2008.
- Ratified the 'Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption' on 26 .06.2008.
- Ratified the 'Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others' on 05.05.1992.

### *Bilateral*

- 'Agreement on Labour Cooperation between the Government of the Republic of Seychelles and the Government of the People's Republic of Bangladesh'. Signed 21 October 2019