



**INITIAL REPORT ON THE OPTIONAL PROTOCOL TO THE CONVENTION
ON THE RIGHTS OF THE CHILD ON INVOLVEMENT OF CHILDREN IN
ARMED CONFLICT**

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

**SEYCHELLES' INITIAL REPORT TO BE SUBMITTED UNDER ARTICLE 8, PARAGRAPH 1 OF THE
OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON INVOLVEMENT
OF CHILDREN IN ARMED CONFLICT**

1. 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 Involvement of Children in Armed Conflict ("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/OPAC/2 19 October 2007).
- 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 Involvement of Children in Armed Conflict (OPAC) was signed by Seychelles on 23 January 2001 and ratified on 10 August 2010.
- 1.3.** This document constitutes the initial report of the State, which was due in 2012. Many factors have contributed to the delay in reporting including resources constraints. 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, 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.
- 1.4.** The Republic of Seychelles has never been party to any international conflict. The unique geographical location of the country makes it largely protected from conflicts / disturbances happening globally and regionally. The Seychelles' Defence Policy aims at preserving independence and autonomy of the country. The core objectives are maintenance of sovereignty, territorial integrity and enhancement of national interests.
- 1.5.** National defence is one of the core elements of the national security system. Defence is also a major part of overall public spending.
- 1.6.** Domestically, Seychelles has been peaceful since its independence in 1976 but for the coup d'état of 5 June 1977 and attempted regime overthrow by mercenaries after that. Essentially, Seychellois citizens are peace loving and conciliatory.

2. General Measures of Implementation

2.1 The compilation of this report was spearheaded by the Social Affairs Department as the government department with portfolio responsibility for the protection of children and had as its main contributor the Seychelles Peoples Defence Forces (SPDF). It was compiled through consultations with relevant agencies. It was circulated to relevant stakeholders for their final input, review and validation. The final report was discussed and then adopted by the Cabinet of Ministers.

2.2 The process of domestication of international treaties is governed by Article 64(4) of the Constitution of Seychelles.

' A treaty , agreement or convention in respect of international relations which is to be or is executed by or under the authority of the President shall not bind the Republic unless it ratified by-

a) an act or

b) a resolution passed by the votes of the majority of the members of the national assembly

2.3 The principles of interpretation, Article 48 further explains that the Seychelles Charter of Fundamental Human Rights and Freedoms should be interpreted in such a way so as not to be inconsistent with any international obligations of Seychelles relating to human rights and freedoms. Judges may therefore take judicial notice of

- International instruments containing these obligations
- The reports decision and opinions of international and regional institutions administering or enforcing conventions on human rights and freedoms

2.4 The age of Majority in Seychelles is 18 as established under the Age of Majority Act 1980. Statistics of the SPDF show a total enrollment of 246 for the past five years, all of which were of the age of majority.

2.5 The 1993 Constitution of the Republic of Seychelles enshrines the rights of minors to special protection.

2.6 The Seychelles Peoples Defence Forces was created by the Defence Act of 1st January 1981 and is the main body responsible for the implementation of the protocol

2.6.1 The Defence Act 1980, Section 23 states that no person who is under the age of 18 years shall be enrolled without consent in writing of his parents or his guardian or, when the

parents or guardian are dead or unknown, of the President. Further to that, Section 34 (3) states that where a member of the Defence Force is under the age of 18 years and was enrolled irregularly or in error without consent required by section 23, he shall be discharged at the request of his parent or guardian. The Defence Act is under revision and it is the State's intention to ensure compliance to all agreed protocols including the optional on involvement of children in armed conflict. This exercise is expected to be completed before the end of the year 2021.

2.7 The Seychelles Human Rights Commission (SHRC) is an independent statutory authority established under the Seychelles Human Rights Commission Act, 2018 which replaced the former National Human Rights Commission. The SHRC was set up in March 2019. The SHRC's function is to monitor the implementation of all human rights conventions, treaties and covenants. As stated in the Seychelles Human Rights Commission Act, 2018 in Section 14(1) b (vi) "the Commission shall monitor the implementation of, and compliance with, international and regional conventions and treaties, international and regional covenants and international and regional charters relating to the objects of the Commission".

2.8 The monitoring unit of the SHRC has started monitoring the implementation of, and compliance with all the nine core UN Human Rights treaties that Seychelles is party to and the Convention on the Rights of the Child is one of them. The unit is also planning to start monitoring the Optional Protocols including this one.

3. Prevention

3.1 The Defence Act empowers the SPDF to have its own Scheme of Service. The SPDF Scheme of Service issued as Defence Forces Order (DFO 02/2007) set out revision to enrolment, remunerations to existing, as well as new appointments. As a result, in the Scheme of Service 2017, the enrollment criteria to join the military was established to be between 18 to 28 years old. Most importantly, consent of parents has not been requested nor accepted over the last 10 years. Therefore, the state is pleased to confirm that there is no person under the age of 18 enrolled with the Seychelles Peoples Defence Forces nor has there been for over 10 years.

3.2 The Defence Forces Act 1980 provides for enlistment of recruits. The recruitment officer cannot recruit a person below the age of 18 years, in view that 18 is the minimum age for enlistment.

3.3 Provision of identification cards are compulsory when applying for a military career. Additionally, before being accepted in the Defence Force, applicants are required to provide a character certificate from the Seychelles Police, undergo medical examinations, physical proficiency test, psychometric exams and face an interview panel. Further to that all applicant undergo a drug abuse test and since recently a covid-19 test before enrollment considering they pass all tests. All of the mentioned procedures ensure that

the candidates meet all the criterias to be enrolled. The Defence Forces does not operate any secondary or post-secondary schools. All training schools in the military accepts only enlisted personnel for its courses as a result no persons below 18 are admitted to military training.

3.4 By virtue of the Constitution of the Republic, there are no armed groups operating in Seychelles. The Defence Forces Act makes provision for the SPDF to be the only military force constituted in the Seychelles.

3.5 All enlisted personnel undergo a training of approximately 3 months. The Military Training Centre (MTC) is located at Barbarons on the West Coast of Mahé. The unit is tasked to train all new recruits who join SPDF. Recruits undertake at least 90 days of extensive training that covers a variety of military and civic subjects. After graduation, the new Privates are posted to their unit of choice within SPDF where they continue to specialise and progress in a particular field. Service subject during recruit training include Military Law, which covers local/ domestic laws, International laws including the Geneva conventions. The teaching comprise of the four treaties, and three additional protocols, that establish the standards of international law for humanitarian treatment in war. Further to that, Military Law is a subject covered in other courses throughout the career of all service personnel.

3.6 Since social media and internet is the preferred means to request recruitment information, all those information are available on the official SPDF website at www.spdf.sc and on its social media pages.

3.7 Access to Information Act, 2018 is an obligation of all government agencies in the Seychelles. The aim of the act is to foster good governance through enhancing transparency, accountability, integrity in public service and administration, and participation of persons in public affairs including exposing corruption. Over the last 3 years, SPDF has appointed an Information Officer acting as an independent public official responsible for promoting and enforcing the Access to Information Act, 2018. This act can also protect employment of child in the military as we are obligated to respond to public inquiries where providing such does not pose a threat to the security of the country. .

3.8 The following Key Foreign Policy Objectives of Seychelles are geared towards the prevention of conflicts:-

- a. Protect and promote national interest, including the preservation and strengthening of national sovereignty and security within the Seychelles' Exclusive Economic Zone.
- b. Promote national social and economic development through the mobilisation of support from various bilateral /multilateral partners and international organizations.

- c. Strengthen existing international ties and to foster new ties with friendly countries based on the principle of the sovereign equality of states.
- d. Promote core values linked to sustainable development on the international stage.
- e. Contribute towards increased international cooperation through participation in international organizations and through adherence to international treaties and conventions, and to assist in the peaceful resolution of international conflicts.
- f. Continue supporting efforts aimed at developing a regional approach in combating piracy and other transnational threats, whilst directing international assistance towards developing long-term domestic capacity (human, technical, institutional, infrastructure and equipment, etc.) to respond to these transnational crimes.

3.9 Apart from this optional protocol, the Seychelles is a party to the four Geneva Conventions of 1949, a series of international treaties concluded in Geneva between 1864 and 1949 for ameliorating the effects of war on soldiers and civilians.

3.10 The Seychelles is committed to protecting the rights of the child. The country has ratified 37 conventions of the International Labour Organization of which 23 are in force. These include force labour convention (1930), minimum age convention (1973), worst form of child labour convention (1999), Occupational Health and Safety Convention, etc. All of which also helps to guide the state on measures to prevent child labour.

4. Prohibition and related matters

4.1 While the Defence Act requires the recruitment officer to only enlist personnel above the age of 18, it also gives permission to the guardian or parent to give consent if recruited at an earlier age.

4.2 The Act is however silent on the consequences of allowing persons who have not attained the age of 18 years to take a direct participation in hostilities and being compulsory recruited into the Defence Force. However as stated previously consent has not been required for a significant number of years because as a policy no person under 18 years is admitted.

5. Protection

5.1 Seychelles has not been involved in any armed conflicts for over 40 years. With the current accepted practice in regards to recruitment no child would participate in any conflict if one should occur in the future. Whilst this is already being practiced, the review of the Defence Act 1980 to align it with the protocol will ensure that there will be no scope for children to be recruited.

6. International assistance and cooperation

- 6.1** Seychelles fully supports international efforts to end armed conflicts and remain committed to protecting children from all forms of exploitation. Seychelles maintains a close partnership with its Indian Ocean and African neighbours. It is a member of the Indian Ocean Commission, whose main aims are to promote inter-island trade and shipping services, conserve tuna, develop renewable energy, and promote tourism. The IOC currently does not have a military component, though military forces from member states have in the past intervened in Comoros during a political crisis.
- 6.2** Seychelles is also a member of the Common Market for Eastern and Southern Africa (COMESA) and the Southern Africa Development Community (SADC). SADC does have a military component, which is the standby brigade for Southern Africa under the African Union with its headquarters based in Gaborone, Botswana. Seychelles was active during the setting up of this standby brigade but stopped when Seychelles pulled out of SADC. Even though Seychelles has rejoined SADC, the SPDF has not until now, participated in any of its military activities.
- 6.3** Seychelles is a member of the East African Standby Force (EASF) the standby force for East Africa under the African Union. Seychelles is actively involved in its military activities and have officers deputed to the EASF Headquarters in Nairobi, Kenya.
- 6.4** Seychelles is a member of the United Nations and signatory to a number of UN resolutions. The country firmly believes in the peaceful existence of all nations and supports the initiatives of UN for betterment of our planet.
- 6.5** European Union. Seychelles benefits from the partnership with the EU not only in economy but also for security of the key Sea Line of Communication (SLOC). Participation in EUNAVFOR is beneficial for Seychelles for intelligence sharing and to maintain security.

7. Other legal provisions

Seychelles ensures security of its national interests in accordance with the Constitution of the Republic through various agencies including the SPDF and as per the international framework of law listed below and is committed in its efforts to ensure that it is in compliance with these obligation.

TREATIES RELATING TO MILITARY SIGNED BY THE SEYCHELLES

VICTIMS OF ARMED CONFLICTS

Geneva Conventions, 1949 Ratification / Accession: 08.11.1984

Additional Protocol (I) to the Geneva Conventions, 1977 Ratification / Accession: 08.11.1984
Declaration Article 90: 22.05.1992

Additional Protocol (II) to the Geneva Conventions, 1977 Ratification / Accession: 08.11.1984

Convention on the Rights of the Child, 1989 Ratification / Accession: 07.09.1990

Optional Protocol on the involvement of children in armed conflict, 2000 Ratification /
Accession: 10.08.2010
Reservation / Declaration: 10.08.2010

METHODS AND MEANS OF WARFARE

Convention on the Prohibition of Biological Weapons, 1972 Ratification / Accession:
11.10.1979

Convention prohibiting Certain Conventional Weapons (CCW), 1980 Ratification /
Accession: 08.06.2000

CCW Protocol (I) on Non-Detectable Fragments, 1980 Ratification / Accession: 08.06.2000

CCW Protocol (II) prohibiting Mines, Booby-Traps and Other Devices, 1980 Ratification /
Accession: 08.06.2000

CCW Protocol (III) prohibiting Incendiary Weapons, 1980 Ratification / Accession: 08.06.2000

Convention prohibiting Chemical Weapons, 1993 Ratification / Accession: 07.04.1993

CCW Protocol (IV) on Blinding Laser Weapons, 1995 Ratification / Accession: 08.06.2000

CCW Protocol (II) prohibiting Mines, Booby-Traps and Other Devices, amended, 1996
Ratification / Accession: 08.06.2000

Anti-Personnel Mine Ban Convention, 1997 Ratification / Accession: 02.06.2000

Convention on Cluster Munitions, 2008 Ratification / Accession: 20.05.2010

Treaty on the Prohibition of Nuclear Weapons, 2017 Signature: 26.09.2018

NAVAL AND AIRWARFARE

CULTURAL PROPERTY

Hague Convention for the Protection of Cultural Property, 1954
Ratification / Accession: 08.10.2003

CRIMINAL REPRESSION

Statute of the International Criminal Court, 1998 Ratification / Accession: 10.08.2010

OTHER TREATIES RELATING TO IHL

Convention on the Prevention and Punishment of Genocide, 1948
Ratification / Accession: 05.05.1992

OAU Convention on Mercenaries, 1977 Ratification / Accession: 15.10.1979

Convention on Mercenaries, 1989 Ratification / Accession: 12.03.1990

Convention for the Protection of all Persons from Enforced Disappearance, 2006
Ratification / Accession: 18.01.2017

Arms Trade Treaty, 2013 Ratification / Accession: 02.11.2015