



# **REPUBLIC OF SEYCHELLES**

## **Convention on the Rights of the Child**

### **Seventh periodic report of States parties due in 2022**

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## **List of Abbreviations.**

1. AU – African Union
2. ECCE – Early Childhood Care and Education
3. IMF – International Monetary Fund.
4. NCC – National Children Council/ National Council of Churches.
5. NCCP – National Commission for Child Protection
6. PC – Professional Centre
7. PCHR – Personal Child Health Record.
8. PHC – Public Health Centre
9. PMTCT – Prevention Mother to Child Transmission.
10. PSCE – Personal Social and Citizenship Education
11. RBM – Result Based Management.
12. SDP – Skills Development Programmes.
13. SEC – School for the Exceptional Child.
14. SITE – Seychelles Institute for Teacher Education.
15. SNYA – Seychelles National Youth Assembly.
16. SPS – Seychelles Prison Services.
17. UN – United Nations
18. VTRP – Vocational Training and Rehabilitation Programme

## **INTRODUCTION**

The Committee on the Rights of the Child considered the combined fifth and sixth periodic reports of Seychelles at its 2260th and 2261st meetings, held on 18 and 19 January 2018. Following constructive dialogue with the Committee, Seychelles was issued its third set of Concluding Observations in February 2018.

This report constitutes the seventh periodic report, which is due on 6th October 2022. The report was compiled in accordance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31<sup>st</sup> January 2014. This seventh report picks up from the two previous reports and covers the period from 2017 to 2022. It contains measures to implement the latest Concluding Observations and includes legislative and policy measures taken by the State to implement the provisions of the Convention with due regard to the local context, the existing legislative framework and the financial and human resources constraints, which Seychelles as a Small Island Developing State faces. Also, it reflects the cultural context of the country, as Seychelles is unique in its multi-ethnic makeup, with a high level of racial harmony and integration. The participation of the private sector, NGOs and the civil society, in general, which continues to make important social investments in our children, is also acknowledged in the report.

### **I. BACKGROUND TO THIS REPORT**

1. Seychelles acceded to the UN Convention of the Rights of the Child in 1990.
2. In 1992, Seychelles also acceded to the African Charter on the Rights and Welfare of the Child and in 2020 submitted its first report to the AU commission on the Charter highlighting its commitment to promoting the welfare of children. Seychelles presented and defended this report before the AU Committee on the Welfare and Rights of the Child in March 2022.

3. The State has also submitted reports under the Optional Protocol to the CRC on the involvement of children in armed conflict and the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography. Both reports were submitted in October 2021. In addition Seychelles ratified the Optional Protocol to the CRC on a communications procedure in 2021.
4. This seventh report contains information on important developments that took place in the protection and promotion of children's rights. The content of the report reflects the contributions of key stakeholders and wide consultations with Government agencies and civil society regarding how the country has performed in undertaking its obligations under the Convention. The report also outlines the challenges that exist in efforts to improve the situation of children throughout the country. Where relevant, mention is made of the effects of the global COVID 19 pandemic on efforts to implement the Convention.
5. The general public including children had the opportunity to contribute to the process of finalising the report through focus group and validation sessions. The final draft was discussed at a multi-agency consultative work session, and then forwarded to the National Commission for Child Protection for further review. The final report was considered and then endorsed by the Cabinet of Ministers.

## **Context**

6. The 2020 national elections saw a new political party in government after 43 years of the same party being at the helm of Government. His Excellency Mr. Wavel Ramkalawan was sworn in on the 26<sup>th</sup> October 2020 as President of the Republic of Seychelles. Following this, new ministerial portfolios were established.
7. There are many agencies tasked with ensuring the welfare of children in Seychelles, with both statutory and non-statutory obligations. The Ministry of Health and the Ministry of Education continue to have responsibility for the survival and development of the child, while the Department of Social Affairs has portfolio responsibility for child protection



and the Ministry of Youth, Sports and Family, the welfare and promotion of stable families. At the time of submitting this report, the Ministry of Employment and Social Affairs is the designated Ministry responsible for coordinating Seychelles' response to the UN Committee on the Rights of the Child on implementation of the Convention. 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 children.

8. According to the last National Census conducted in 2010 Seychelles has a population of 90,945 out of which 28,499(31%) were children. A National Census was due in 2020 in accordance with international norms set by the United Nations Statistic Division which recommends that countries review their national population status every 10 years. The President issued a proclamation that was published in the Gazette to conduct the census on 9th January 2020. Two main purposes were identified for this national exercise. The first purpose is the enumeration of persons within the country and the collection of statistics relating to them. The second purpose is the collection of statistics relating to housing and utilities, education, health, employment and household, economic activities, information and communication, security, transport and agriculture. However, the exercise itself could not take place as planned due to the uncertainties brought about by the COVID 19 Pandemic. The pilot census was finally carried out in November 2021 whilst the National Census itself took place between April to June 2022, both using digital means instead of the traditional paper-based data collection tool. According to the preliminary report of the Census made public in August 2022, the latest population estimates indicate a population of 100,447, showing a growth rate of 10.8 % as of 2010. At the time of finalizing this report, the census data was being analysed further and the full report is expected to be completed in 2023.
9. Seychelles confirmed its first case of COVID-19 on the 14<sup>th</sup> March 2020. The focus of the country was then shifted on virus screening, implementation of quarantine measures, procuring vaccines and movement restrictions including extensive travel restrictions. The COVID 19 pandemic has had an important impact on the period under review which

has been marked by uncertainty, economic hardship and a focus on managing and adapting to the evolution of the virus outbreak.

10. Following an aggressive mass vaccination campaign, Seychelles reopened its borders in late March 2021 and consequently its economy started to pick up with an estimated growth rate of 7.9% due primarily to a recovery in the tourism sector. The fiscal deficit declined from 18.4% in 2020 to 9.1% of GDP in 2021 driven by the withdrawal of the COVID-19 fiscal support package which represented a significant part of transfers in 2020 as well as fiscal adjustment undertaken by the government.

## **II. GENERAL MEASURES OF IMPLEMENTATION**

### **A. Measures to implement the principles of the Convention through independent monitoring structures**

*The Committee urges the state party to*

- a) *Finalize the review of the National Human Rights Commission and the Office of the Ombudsman, with a view to extending their mandates to include a specific mechanism for monitoring children's rights that is able to receive, investigate and address complaints by or on behalf of children regarding violations of their rights*
  - b) *Ensure the independence of such monitoring mechanisms, including with regard to their funding, mandate and immunities, so as to ensure full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);*
11. **The Seychelles Human Rights Commission (SHCR)** was set up under the Seychelles Human Rights Commission Act 2018 as an independent institution with broad mandate based on universal human rights norms and standards. Whilst the institution does not have a mandate specific to children, it monitors all human rights treaties, conventions and covenants and all rights under the Seychelles Charter of Fundamental Rights of the

Constitution of the Republic. The Seychelles Human Rights Commission Act, 2018 in Section 14(1) b (vi) provides that “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”. The SHRC has a monitoring unit, which has started to monitor the implementation of and compliance with the nine core UN Human Rights treaties in view that Seychelles is a party to all nine treaties.

12. **The Ombudsman’s Office** is now operating independently of the Seychelles Human Rights Commission. The Ombudsman’s Office currently does not have a specialised section dedicated to the rights of the child. In fact, no complaints have been registered involving child complainants in the mandate of the current Ombudsman. Its focus is on identifying and weeding out maladministration within the government structures whereas the Human Rights Commission hold a wider mandate in relation to human rights.

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

*The Committee recommends that the State party*

- a) *Intensify its efforts to disseminate the Convention, including by awareness raising programmes, to parents, the wider public and children, including through appropriate materials tailored specifically for children in different communities, as well as to legislators and judges, with a view to ensuring that the principles and provisions of the Convention are applied in the legislative and judicial processes;*
  - b) *Strengthen its training programmes for everyone working with and for children, and continue implementing a train-the-trainer approach;*
13. The COVID-19 pandemic has had a notable impact on planned **sensitisation activities**, both due to the restrictions on physical contact and the redirecting of national resources. Nonetheless, efforts in promoting children’s rights have not been lacking. The NCC continues to play a major role in training and sensitisation of the public on children’s rights. A special unit of the Council is dedicated to the trainings of its partners on

different components of the Convention covering issues from corporal punishments, child welfare and awareness on abuse. Different channels have been used to communicate and disseminate awareness of rights-based approaches. Children have been key participants, and even proponent in these efforts.

14. Between 2017 and 2020, a total of 2991 person participated in training on issues related to children rights offered by NCC. Out of the 2991, 1206 were professionals already working directly with children and the rest were parents or carers and agencies interested in the rights and welfare of the child.
15. NCC has for years been behind a **Child Protection Week Campaign** which takes place in May/June every year. This is a platform, which reaches a wide audience. The last campaign held in June 2019 saw the participation of at least 500 individuals involved with children. Health restrictions have resulted in the campaign being put on hold until the situation improves.
16. In the year 2021, the introduction of the ‘Festival Zanafan’ resulted in the promotion of 5 UNCRC articles – Articles 19, 42, 28, 34 and 31 of the Convention. Focus on articles 12, 13 and 14 have been through activities such as the celebration of the Universal day of the Child, and the TV series called ‘Konekte Zenn’ where children share their views on topical subjects.
17. The 2022 Children Festival “Festival Zanafan” took place under the theme ‘let children be children’ and activities under its umbrella included those geared at creating a spirit of getting together following the hardships brought by COVID-19, making new friends and learning from each other. The event addressed three main CRC articles setting out the civil, political, economic, social and cultural rights of every child.
18. Since 2018, through the support of NCC a teenager was given the opportunity to address the National Assembly about his/her views, and the concerns and needs of young people in Seychelles.

19. In 2021, NCC celebrated the Universal Day of the Child by giving 12 children from secondary schools the opportunity to lead and participate in the first live Press Conference with the President of Seychelles. NCC also organized for a child to host the 7pm news on 'Telesesel' a local TV channel on 19 November 2021 and on 20 November, a group of children were able to take on the role of Radio Presenters on Paradise FM, a local radio channel. These activities are geared to display the potential of children and increase their participation in diverse activities.
20. There is regular coverage of children's issues in the media, especially via radio programmes and public education and awareness programmes on TV.

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

21. This report was widely circulated for comments before submission to the Cabinet of Ministers for adoption. Government, civil society and the private sector were given the opportunity to contribute and validate the information herein hence systematically and strategically address issues highlighted as needing further attention if Seychelles is to fully comply with the obligations under the Convention.
22. Children from primary and secondary schools as well as youth with disability also had the opportunity to give their inputs on the content of the report through organised focus group sessions. The different focus groups selected, included children from upper primary schools who have leadership roles in the schools, representation from the different student bodies and a few randomly selected students from secondary and professional centres and youth with disabilities on the vocational training and rehabilitation programme. The focus groups sessions were used to obtain the perspectives of youth on the impact of the implementation of the Convention on everyday life and to gather their recommendations for improvement.
23. In general, the majority of the participants agreed that there has been a great deal of emphasis placed on sensitizing children and adults about what the Convention entails

on a national scale, particularly the increasing discussion and general emphasis on responsibilities rather than just rights.

24. Most of the older participants, however expressed concern that certain aspects of the Convention are not being fully implemented, especially where it concerned their reproductive health. The general feeling was that although adolescent reproductive health is part of the Personal Social and Civic Education (PSCE) there is a lack of consistency in the way it is taught. Consequently, at risks youths are engaging in anti-social behaviours reflected in the increase in teenage pregnancies, substance abuse and addictions, as well as juvenile crimes. They recommended that more prevention programmes at the community level are needed for those more at risk.
25. Youth with disabilities believe that there is no equity in the way most intervention programmes are implemented and as a result, the youth feel left behind in many aspects. Therefore, it is imperative that such programmes should be disability friendly.

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

*The Committee urges the State party to*

- a) *accelerate amendment of the remaining legislation to ensure that all its principles and provisions are fully incorporated into the domestic legal system and that the human, technical and financial resources for the implementation of legislation providing for children's rights are sufficient and adequate.*
26. The Seychelles National Assembly registered its busiest legislative calendar in 2021; a result of the Government's effort to reform legislation and regulatory frameworks in line with the new Government's agenda, to create legal frameworks where lacking and to adjust to the unprecedented economic climate brought about by COVID -19. The following is a summary of legislations introduced or reviewed during the period under review which contribute to the protection of children's rights. Included are legal frameworks which were being developed during the period under review.

27. The **Seychelles Child Law Reform Committee** was set up in June 2020 in the aftermath of the case of R v ML and Ors [2020] SCSC 256 where sexual offences had been committed against several girls (75 were identified in that case but the authorities reported that there was likely more). The committee worked on a legislative proposal to address sexual offences. This legislative review relooked at the offence of rape and sought to propose the introduction of new offences in relation to matters such as sexual grooming of children; sexual communication with children through social media and other digital platform; harassment offences such as catcalling and flashing; blackmail and others. The Committee also recommended a range of procedural laws that will safeguard child victims and witnesses from further trauma when interacting in the criminal justice system and enhanced protection for children living with disability. The Committee completed its work in 2021 and submitted its final report to the President of Seychelles. The translation of the committee's proposal into law is being taken up by the Attorney General's Office.
28. Seychelles has enacted the **Law Commission Act, 2022** as promised during the Universal Periodic Review (UPR.) The Commission will be responsible for law reform and law revision, and legislation in relation to children may be reviewed by the Commission.
29. The review of the **Children Act 1982** is an ongoing process. In 2020, Corporal Punishment was banned through the Children (Amendment) Act 2020. This 2020 Act also served to designate the Department responsible for child protection as the Central Authority in respect of the Convention on the Protection of Children and Cooperation in Intercountry Adoption and the Convention on the Civil Aspects of International Child Abduction 1980.
30. The Children's Care Homes (Minimum Standards of Care) Regulations, 2022 has been published to provide for standards and the Monitoring and Inspection of children's homes. Currently, another schedule to the Children Act is being finalized, to introduce a **Working with Children check mechanism** to allow vetting of all persons who work

directly with children. Work is also underway to make consequential amendments to the Children Act in light of the introduction of the Civil Code of Seychelles Act, 2021. There is also ongoing discussion to explore modernizing the Children Act 1982.

31. The **Children Act 1982** particularly the section on adoption is also being reviewed to ensure that all qualifying relationships are on equal footing where it concerns adoption of children.
32. The '**Domestic Violence Act 2020**' was unanimously passed by the National Assembly in 2020. It is an important tool to curb violence in the Domestic context. The Act sets out more stringent measures against perpetrators of domestic abuse, provides for better protection for victims and introduces new penalties with emphasis on rehabilitation. Whilst the Family Violence Act only makes provision for application for protection orders in family violence cases, the domestic Violence Act, which is yet to come into operation, provides for both the application for protection order before the Tribunal and makes domestic violence a criminal offence. In the latter case, investigation is conducted and the perpetrator is to be prosecuted before the Magistrates Court.
33. The '**Mental Health Care Act, 2020**' has as its foundation the fundamental right of everyone suffering from mental illness to participate in decision making about their own health and care. It sets up a Mental Health Tribunal with powers to hear and determine mental health matters.
34. The '**Civil Code 2020**' replaces the Civil Code 1976 and aligns itself to the 1993 Constitution as well as addresses the present social context. Notable revisions of the Code have relevance to children rights. These revisions which are discussed further in the report have the effect of equalising the rights of children and putting all qualifying relationships on equal footing.
35. A qualifying relationship is defined under the **Civil Code of Seychelles Act, 2020** as 'either a marriage, or a domestic relationship between two persons of full age and capacity characterized by stability and continuity, and to which there is no legal



impediment'. Under the Civil Code of Seychelles Act, all qualifying relationships are on equal footing in terms of, inter alia, rights to movable and immovable property; maintenance from the estate of deceased partner; and the parental rights.

36. The '**Education (Amendment) Act, 2017**' helps to cement the rights of children to an education as conferred by the Constitution. It is based on principles of equal opportunity. The amended Act makes provision for the strengthening of the special education programmes for children with disabilities and introduces a ban on corporal punishment in schools.
37. The **Early Childhood Development Bill 2022** will replace the Institute of Early Childhood Development (IECD) Act 2014. The new Act, which has been approved by the National Assembly of Seychelles in September 2022, will promote the holistic development of the child and establish an efficient and sustainable framework for early childhood care and education. It will provide the Institute with a legal basis to operate as an international centre for ECCE in 2023, consistent with the obligations of the UNESCO Category 2 Centres. Furthermore, it will help increase, on a regional and international level, the recognition of the Republic and the Institute's leadership. IECD was designated as a Category 2 Centre for ECCE, under the auspices of UNESCO in 2019. This prestigious recognition was conferred to Seychelles IECD at the UNESCO General Conference in Paris in November 2019 and an agreement between Seychelles and UNESCO to establish the IECD as a Category 2 Centre, was signed in June 2021.
38. A new **Framework on National Standards for Child Care Centres** was approved by the Cabinet of Ministers in April 2022. The development of the Framework spearheaded by IECD in partnership with key ECCE Sectors, outlines quality standards for accountability and monitoring of the Child Care Centres and its services to further promote young children's health and nutrition, safety, protection, early stimulation and learning and wellbeing. Work is underway to translate the framework into a regulation.

39. On the 10<sup>th</sup> November 2021 the Seychelles National Assembly passed the ‘**Tertiary Education Act**’ to provide for the organisation and development of tertiary education in Seychelles. All post-secondary and professional centers fall within the tertiary education sector.
40. The right to access information is guaranteed under article 28 of the Constitution of the Republic of Seychelles. The ‘**Access to Information Act, 2018**’ obliges public bodies to publish certain information proactively and give powers to the public to request information from public bodies through a designated information officer.
41. The ‘**Overseas Treatment Act, 2018**’ provides a framework for a highly specialised overseas diagnosis and treatment programme for the citizens of Seychelles.
42. Amendments were made to **the Civil Status Act in 2021** aimed at bringing about much reform in the birth and death declarations and to facilitate the collection of more accurate statistics. The amended Act makes it possible for the civil status office to make declarations as well as receive and accept forms via electronic platforms without a person having to physically go to the office to undertake the necessary procedures. The Act also makes provisions requiring all newborns to be examined by a doctor, nurse or midwife who will then have to notify the civil status office of the birth. The details that will be necessary on the birth notification includes the child’s date of birth, its name if it has already been decided at birth, details of the mother, her contact number and email address. This notification is important because these details will help the civil status office contact the parent to finalise the registration of birth. Seychellois parents who give birth abroad will also be able to register their child in a registry called ‘Register of Birth Occurring Outside Seychelles’. Another important provision of the bill will also work to resolve which surname a child takes on:
  - If the mother and father are married and have the same surname, then the child will also share the same surname

- If the parents of the child do not share the same surname, and the father is not registered in the birth registry, the child will assume the surname of his mother
  - If the parents of the child do not share the same surname but the father is registered in the birth registry, the child will assume either surname of its parents or both surnames.
43. The ‘**Children Special Fund (Amendment) Notice, 2017**’ established the Board that would oversee the management of the fund.
44. The list of hazardous work has been finalised through wide consultation with key stakeholders. The **Employment Act** is due to be amended to adapt the working age of children for work which the State regards as dangerous, unhealthy or likely to impair the normal development of a child or young person; exploitation and physical and moral dangers to which children and young persons are exposed. It is also proposed that thereafter the list is included in the Conditions of Employment Regulations. While the legal employment age is 15 years old, the minimum age for hazardous work is proposed to be 18 years old.
45. Most of the amendments to the **Public Health Act 2015** during the period under review has been to adjust to the COVID- 19 pandemic. On 20th March, when the State recorded seven cases of COVID-19, the Public Health Commissioner, under Section 25 (5) of the Public Health Act, published a notice declaring a Public Health Emergency in Seychelles. The Order directed “all persons to comply with the directions and orders issued by the public health authorities and cooperate with the public health authorities in preventing and containing the spread of COVID–19 in Seychelles.” On 30<sup>th</sup> March 2020, through additional regulations under the Public Health Act physical distancing and hygiene was made mandatory. This meant limited assemblies in public places and one of the first places to be impacted were the schools.

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

*The Committee urges the State party to*

- a) *continue reviewing the mandate, membership and functioning of its coordinating entities with a view to coordinating all activities related to the implementation of the Convention at cross-sectoral, national, regional and local levels, and in particular ensure the allocation of the necessary human, technical and financial resources for their effective operation.*
46. Issues related to children rights is cross cutting across various Ministries and entities in Seychelles. The State has adopted an integrated approach whereby rights are mainstreamed within different services and programmes on offer. As such, there are multiple entities looking after the rights of children. The most obvious one is the Social Services Division with the statutory mandate and responsibility to undertake investigations into cases relating to protection of children. Social Services leads a multi-sectoral committee, which allows for better coordination among child protection partners and facilitates sharing of information. The Ministry of Education, the Ministry of Health, and the Police all play an important role in the protection of children rights and have special mechanisms in place within their organisations to ensure that issues relating to rights of children are coordinated and monitored in the best interest of children. The NCCP, Inter Agency Committee, Child Protection Team, Social Services Committee as well as adhoc Multi-Disciplinary Committees on issues of concern, and parenting programmes all continue to draw upon a wide range of top level expertise and experience. These committees also ensure that different agencies make the best use of resources and it ensures that collaborative approaches result in the best services for children.
47. In 2016, a **Suitability Check Panel** was established with representatives from different child protection stakeholders to vet people who work with children in childminding settings.
48. Referral through the **Risk Assessment Framework** continues as part of the daily activity of child protection service providers. Steady referral continues to be recorded. Statistics

show that two routes of referral are most common from other agencies to Social Services or from Social Services to the Ministry responsible for Land and Housing.

49. The **Social Services Division** continues to ensure that services are targeted and close to the community. Working with key stakeholders is at the core of the services provided. The limitations in specialized services and professionals to support casework persists.
50. **The NCC** is also a key partner and stakeholder in child protection. Its Training and Research Section works collaboratively with the Ministry of Education by providing targeted and focused awareness raising sessions on issues concerning children or teachers, parents and children. The Therapy section works more closely with the Department of Social Affairs and offers psychological and counselling sessions to parents, caregivers and children through the referral process.
51. The Council is also responsible for the effective running of a Government funded Children's Care Home, the President's Village.
52. The **NCCP** continues to advise the Government on matters important to the promotion and protection of children rights. Perhaps the Commissions' most important quality is the potential to speed up action through its high-level representative whenever there is a need. During the period under review, the Commission appraised itself of the UN Committee's Concluding Observations for Seychelles, oversaw the process of submission of the initial and Combined progress report on the implementation of the African Charter on the Rights and Welfare of the Child, contributed to the efforts to domesticate the Convention and oversaw the process of compiling this 7th report to the UN Committee. The Commission also advised the Government to set up a Child law Reform Committee following the R vs ML & Ors [2020] SCSC 256 whereby 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.
53. Assessment, analysis and evaluation are essential processes to monitor progress, record achievement and measure impact of strategies adopted to advance the rights of children.

The multi-sectoral nature of the **National Action Plan for ECCE** implies that monitoring and evaluation have to occur at different levels and across a wide range of groups and institutions. The assessment has two components:

(1) A progress report is produced by IECD at the end of the first year of implementation following collection of evidence and consultation with all Sectors. The report is presented at the High-Level ECCE Policy Committee for discussion and endorsement purposes.

(2) A formal national evaluation is undertaken at the end of the two-year duration of the National Action Plan and an evaluation report is produced.

54. The National ECCE Action Plans was conceived as a means of initiating action that would extend on previous plans and show enhanced qualitative changes at the level of the sectors but also at a more general level. As part of the wider scope of the ECCE Framework, it has provided a way of focusing on ECCE policies and programmes, detailing best practices and promoting positive attitudes to the importance of the holistic development of children. A wide array of projects has been designed and implemented resulting in a rich field of experience that has shaped the responsibilities of participating sectors and expanded their roles in ECCE provisions.

55. Some noteworthy achievements of the third (National Action Plan: 2017-2018) and fourth (National Action Plan: 2019-2020) plans include; the setting up of a resting day lounge for nursing mothers in Neonatal Intensive Care Unit, implementing the Tooth Brushing Programme for children in crèche, introducing the Personal Child Health Record Booklet, upgrading the interviewing facilities to provide a safe, supportive and comfortable waiting and interview room for child service users at Social Services, and developing a framework for the Monitoring of Standards in Children Care Homes.

56. The fifth edition of the **National ECCE Action Plan 2021-2022** reaffirms the State's commitment to ensure the holistic development of children. This edition emphasizes on

early learning, early detection and intervention. It is guided by the United Nations Educational, Scientific and Cultural Organisation priorities and the Sustainable Development Goals and features projects by the key stakeholders; Education, Health, Local Government and Community Affairs, Social Affairs and the Institute for Early Childhood Care and Development.

57. **The Education Sector Medium Term strategy 2018-2022 and Beyond** provides an overarching framework that consolidates relevant policies, plans and initiatives into one common, comprehensive and widely shared education and human resource strategy geared to propel the development of education and human resource in accordance to a newly adopted structure.
58. **The Strategic Plan for the Ministry of Education for the period 2021-2024** outlines the strategic direction of the Ministry of Education to all stakeholders in education over the next three (3) years. The plan builds on previous successes and addresses current challenges. It provides a basis for the implementation of the Results-Based Management Policy. It proposes a new approach to organising education in order to improve synergy across the system. The focus is on developing a cost-effective and long-term educational system that pushes students to excel through a course of study that allows for their full development as future citizens of the country. Technology-enabled learning is a critical component of this endeavor, and one of the tools that will move the educational modernisation process forward.
59. A **Review of the Seychelles Framework for ECCE (2011)** was initiated by the IECD in 2021. Stakeholders from all Sectors concerned with the wellbeing of young children aged 0-8 and ECCE in general were consulted and shared their views and comments to update the document in line with achievements and challenges, and to enhance quality of ECCE provision and further developments in ECCE in Seychelles. A First Draft of the Seychelles Framework for ECCE (2022) has been produced.
60. The **Judiciary of Seychelles strategic Plan 2021- 2025** establishes eight areas of focus: streamlining court processes, innovating case administration system, revamping the legal

aid scheme, encouraging better employee relations, repositioning the judiciary's public image, upgrading public infrastructure, engaging local partners and; securing greater financial autonomy.

## **F. Allocation of resources**

*The Committee recommends that the State party*

- a) *Conduct a comprehensive assessment of the budget needs of children and allocate adequate budgetary resources, in accordance with article 4 of the Convention, for the implementation of children's rights and, in particular, increase the budget allocated to social sectors and address disparities on the basis of indicators related to children's rights;*

61. The Government has reinforced its implementation of **Programme Performance Based Budgeting** linking funding to results. This coupled with the Government's adoption of **Results-Based Management (RBM)** policy focused on improving the allocative and operational efficiency of the public-sector is expected to with time increase the focus on results, ensure high standard of service delivery and improve coordination amongst Government entities.
62. The Government's efforts to grow its social sector services at the required pace, have been restricted and exacerbated by the global pandemic which resulted in a down turned national economy and widening resource gap. Being unable to generate revenue substantially the Government has opted to realign its macroeconomic fundamentals through a comprehensive reform programme bolstered by an IMF Standby Arrangement. A direct result has been reduction in budget allocation as the Government put in place stringent measures to reduce government expenditure and maintain public sector salaries.
63. The **National ECCE Trust fund** was launched in 2011 and aims to mobilise resources for the development of ECCE and support registered Child Care providers, Government sectors and partners among other individuals with ECCE project. The Government makes an annual contribution of SCR 1.6M to the fund and other contributions are from



private sector businesses and individuals. A 9-member board of trustee manages the fund under the purview of the Ministry of Finance, Trade and National Planning. Most of the projects funded to date are in relation to procurement of educational materials and other resources for early childhood among other national projects in ECCE.

64. **The Children Special Fund**, a fund created under the Public Finance Management Act consisting of funds from the government-consolidated fund and from private donors. A review of this scheme was carried out in 2018 in line with the government principles of transparency and accountability. Following this review, a 5-member Board was appointed to manage the funds. Different categories of applications for individuals and organisations wishing to receive funding from the fund have been introduced. Applications need to be for purposes of educational, social, medical value or community projects that will benefit children. The new application process requires applicants to attach supporting documents for consideration by the Board.
65. Between the years 2017 to 2021, the State has maintained a contribution of SCR 7,000,000 per annum to the Children Special Fund. However, a sharp drop in actual expenditure can be observed as from the year 2020 coinciding with the emergence of the COVID-19 pandemic.
66. The Department of Youth and Sports manages the **Sports Trust Fund**. The Fund provides sport equipment to sport animateurs working with 8 years old and above.

## **G. Data collection**

*The Committee recommends that the State party*

- a) *Expediently improve its data collection and management system, whose data should cover all areas of the Convention and should be disaggregated by age, sex, type of disability, geographic location, ethnic origin and socioeconomic background, to facilitate analysis on the situation of all children, particularly those in situations of vulnerability;*

- b) *Ensure that the data and indicators are shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;*
  - c) *Take into account the conceptual and methodological framework set out in the report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) entitled Human rights indicators: a guide to measurement and implementation when defining, collecting and disseminating statistical information;*
  - d) *Swiftly implement the data collection and management system developed by the Department of Information and Communication Technology for the Social Affairs Department in all districts and train all social workers in the State party on how to use the system;*
67. The Social Affairs Department has improved on its data collection system whereby the move to a digitalized system has already taken place and more effort has been geared towards the disaggregation of data. At the time of finalizing this report the Department was in the process of finalizing its website which will serve as a dissemination tool. The Department has also recruited a part time statistician to assist in the collection and analysis of data.

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

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

*The Committee reiterates its previous recommendations and strongly urges the State party to take all necessary measures to harmonize the minimum age of marriage for girls with that for boys, by raising the minimum age of marriage for girls to 18 years, including by separating the review of article 40 of the Civil Status Act from the review of the entire Act and expediting its amendment.*

68. The age of criminal responsibility has been increased from 7 to 10 years of age. It is noteworthy that under section 94(1) of the Children Act, Cap. 28, no child under 14 years of age can be sentenced to a term of imprisonment.
69. As part of the consequential amendments required following the enactment of the Civil Code of Seychelles Act, 2020 (Act 1 of 2021) Section 40 of the Civil Status Act has been repealed doing away with the disparity in the age of parties contracting a marriage

#### **IV. GENERAL PRINCIPLES**

##### **A. Non-discrimination**

*The Committee urges the State party to*

- a) Amend its legislation to specifically prohibit discrimination on the basis of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;*
  - b) Abolish the term 'illegitimate child' in the Civil Code and the gender discriminatory "carnal knowledge" provision in art. 15 (3) of the Penal Code;*
  - c) Adopt and implement a comprehensive strategy addressing all forms of discrimination, including multiple forms of discrimination against all groups of children in vulnerable situations, and combating discriminatory societal attitudes;*
  - d) Collect data, disaggregated by age, sex, type of disability, geographic location, ethnic origin and socioeconomic background, to enable effective monitoring of de facto discrimination.*
70. Extensive work has been undertaken from 2011 to review the Civil Code and it was finally acceded to in 2020. The new Code was drafted with the aim of introducing more fairness, justice and equality in all that a person can do from birth to death. Consequential amendments remain outstanding to some statutes including the Children Act.

71. Whilst the Constitution of the Republic of Seychelles, the supreme law of the land ensures that there is little scope for discrimination, cultural values and paradigms continue to marginalise and alienate certain groups. Although topics which were previously very taboo are increasingly talked about, overcoming the barriers in perceptions remain a challenge and discrimination often happens under the radar of legislation and entrenched in perceptions and attitude. Work continues to be necessary to address discrimination in all its forms and with the Seychelles Human Rights Commission now operational work is ongoing to educate all stakeholders.
  
72. Following the decriminalisation of same sex consensual sexual relations, the Government permitted the registration of the first LGBTI association in Seychelles, which has been included in government consultations on policy issues, including work on the national HIV/ AIDS strategy and a school anti-bullying policy. In March 2022, the Association launched a campaign to promote respect, equal treatment and acceptance. As part of this campaign a series of public service announcements are being aired on television and radio channels. The Association's chairperson in his interview to the press labelled 'Seychelles as a tolerant society and a wonderful place to live' but emphasized the importance of continuous education efforts. The campaign sheds light on sexism and racism and promotes tolerance and acceptance.
  
73. Section 260 of the Civil Code (2020) recognizes a "qualifying relationship" which means a domestic relationship between two persons of full age and capacity characterized by stability and continuity. This is clearly a nod to non-discrimination in light of the decriminalization of consensual acts of sexual nature between two consenting adults by repeal of section 151 of the Penal Code. A legislative amendment of this nature helps to create a better environment for those persons who are LGBTQ+ in Seychelles (including children and the youth) by reducing the risk of bullying and stigmatization, and helps to uplift societal perception of this community and prevent discrimination based on sexual orientation.

74. Additionally, the status of legitimacy and illegitimacy in reference to children has been abolished in the newly promulgated Civil Code to comply with the equality of rights provisions in the Constitution.
75. Section 133A (1) and section 134 sets out the offence of abduction of girls under 18 years and 15 years respectively but there is no such offence of similar nature involving boys under 18 years or boys under 15 years in the penal code.
76. Enrolment in technical and vocational education fields in Professional Centres at post-secondary level is open to both males and females. Despite promotional attempts by those institutions to encourage more girls in joining the technical fields in the past, the enrolment figures of females in comparison to males remain low in some fields such as agriculture, technology and maritime. However, more females are enrolled in Professional Centres at post-secondary level.
77. A targeted Vocational Training and Rehabilitation Programme (VTRP) was introduced in 2022 for youth with disabilities with a vision to help youth with disabilities prepare for and find an employment or some form of meaningful activity that will enable them to integrate into mainstream society, become independent and contribute to the economy of the country. The programme is different from the sheltered workshop format that was previously implemented. It uses individual needs, abilities and orientations, to tailor skills development and employment programmes and bridge the existing gap between learning and the needs of the labour market. The VTRP also developed and implemented various training courses to strengthen the skills of persons with disabilities, to enable them to become active members of the society. The VTRP envisages in expanding in labour demand-oriented areas to compliment the availability of skills on the labour market in identified areas.

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

*The Committee recommends that the State party*

- a) *Strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and*

*decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children, including by establishing compulsory processes for ex-ante and ex-post impact assessments of all laws and policies relevant to children on the realization of the right of the child to have his or her best interests taken as a primary consideration;*

*b) Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration;*

78. Acting in the **best interests of the child** remains a key principle underpinning legislation and practices concerning children in the Seychelles.

79. The best interest principle is outlined extensively in the Civil Code 2020. The principle is explained as follows:

- 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

80. **The best interest principle** is commonly cited in Family Tribunal orders and is a primary consideration of the Seychelles court in all matters that involve children.
81. **Cases involving children** are given priority in court so as not to prejudice the well-being of the child. However, the COVID-19 pandemic upended the courts causing frequent closures. Once reopened management of cases had to be adapted to limit contact. Cases in general including cases involving children have faced delays.
82. The **Family Tribunal** hears the highest volume of cases in the judiciary. The operations of the Tribunal were adversely affected by the COVID 19 pandemic. During restrictions, sittings were limited to once a week (compared to the usual three) and only for urgent matters. This has resulted in back log. Nonetheless 540 cases were filed in 2020 and 588 cases were disposed. A reduction in applications registered was evident in 2021. For example, a decline of 48% registered applications for children related cases were recorded from the third quarter to the 4<sup>th</sup> Quarter of 2021. The number of new cases cause listed decreased by 42% for this quarter. A sharp increase (26% of registered application) has been observed in the first quarter of 2022 which coincides with the lessening of public health measures.
83. The **Case Administration System (CCASS)** has been implemented in the Family Tribunal enabling more transparent and efficient management of cases.
84. Significant progress has been made in regard to **infrastructures of the Judiciary**. As of November 2020, the Magistrates Court and its Tribunals have obtained its own building. Each court has its own support staff to ensure more efficiency. This has created a better environment for the Family Tribunal's operation and its associated services.
85. The **Juvenile Court** is created under the Children Act. To avoid backlogs and ease the Magistrate Cause List Juvenile cases are now being heard in the Supreme Court.

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

*The Committee recommends that the State party*

*a) continues to strengthen its efforts to ensure that children's views are given due consideration in the family and at home, at courts, in the schools, and in all administrative and other proceedings, in all matters concerning them through, inter alia, the adoption of appropriate legislation, the training of professionals and the establishment of specific activities at schools.*

86. **Inclusive education** embraces the concept of active participation of students in decision-making. All schools have structures in place such as the School Management and Student Forum and Student Council that allows children to voice their views and participate in decision-making.

87. The 17<sup>th</sup> Cohort of the **SNYA** was launched in June 2020. This is a programme promoting youth empowerment and participation in national development. The SNYA has now adopted an election process based on democratic principles. Students from the age of 14 to 17 years are eligible to participate in the electoral process for their representative member to the SNYA. Student from the age of 18 years is not included as they are already eligible to participate in the national electoral process. Youth Members debate current issues. This platform is essentially a non-political educational forum, which provides its members with the opportunity to nurture their knowledge, develop their leadership skill as well as to develop their research and oratory skills. First launched in 2003 SNYA has moulded over 500 young leaders, many of whom have progressed into politics as member of the Seychelles Parliament and occupied other high-level posts in Government.

88. The **print and the broadcast media** continue to showcase programmes for children and develop content focusing on issues that are of relevance to children and young people. Media coverage is given to children-specific events and annual activities such as Children's Day, school opening etc. During the school closure in the first year of the



pandemic use of the national broadcast media was made to assist children with revision of schoolwork.

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

89. **Promoting children's health** is essential for improving the population's health. As such, policies to prevent child health problems and support the family have always been considered as wise investments. Carefully designed policies to empower families, to look at population issues, allocate housing, and financial assistance, and policies to promote child health contribute to the right to life, survival and development of the child in Seychelles. Currently, a review of the housing policy and social welfare assistance framework is being undertaken to ensure that it targets those who are most in need.
90. Children in Seychelles between the ages 12 -17 started to receive their **COVID- 19 Vaccination** in September 2021 following a sensitization campaign. Parents and guardian had to sign a form of consent. It is only children who had obtained consent who were able to take the vaccine.
91. **Covid-19 vaccination coverage among the total population**, by July 2022 was at 67% of the eligible adolescent population. Vaccination drives continue on all the Islands of the Seychelles ensuring easy access to all adolescent who have received the appropriate consent.

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

*The Committee urges the State party to:*

- a) *Urgently revise legislation to ensure that all children born out of wedlock have the legal right to know and maintain contact with both their biological parents;*
- b) *Introduce legal safeguards for children in the State party who would otherwise be stateless, in line with article 6 of the African Charter on the Rights and Welfare of the Child, and consider ratifying the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961;*

- c) *Seek technical assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) and UNICEF, among others, for the implementation of these recommendations.*

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

92. The **Civil Status (Amendment) Act 2021** introduces a requirement that every newborn be examined by a medical practitioner, nurse or midwife who will then notify the Civil Status Office. This is significant because it facilitates the identification of any child who has not been registered and ensures that every birth registered in Seychelles actually took place in Seychelles. The Act also makes registration of birth out of time easier dispensing of the previous requirement for petitioning the Court.
93. In addition, the Act allows a Civil Status Officer to enter the name of any man as the **father of a child born to an unmarried mother** on the application of the parents or on receipt of an approved DNA test result allowing paternity matters to be settled in a more efficient cost saving manner.
94. It also creates a **Register of Births Occurring Outside Seychelles** for person whom at the time of the birth qualifies as a Citizen of Seychelles in accordance with the applicable laws.
95. A slight increase in **acknowledged births** has been recorded from 65% in 2020 to 66% in 2021.

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

96. 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. In view of the size of the country and in

the interest of ensuring stable families following adoption, close adoption, is practised. However, this does not prevent adoptive parents themselves from disclosing information about the biological parents and for the adoptive child to establish link after reaching the age of majority.

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

97. Traditionally, **freedom of expression** has in many instances been interpreted as an affront to adult authority or traditional approaches to parenting. Focus group discussions held with children groups have found that children in many cases in their family lives still feel that their views and opinions are not adequately respected or acknowledged.
98. Seychelles continues to enable, revamp and galvanise various bodies to tap into children's rich vein of dynamism and creativeness through platforms such as the **SNYA**. The SNYA seeks to channel the concerns of youths to policy makers. The Committee on Youth and Media of the National Parliament has established ties with the SNYA so as to be able to better ensure that the concerns of children are integrated within their work.
99. An **annual youth festival** provides the opportunity and encouragement for children to display talent and express themselves. Despite the challenges brought about by the COVID-19 pandemic, the National Youth Council has ensured that the festival takes place albeit on a smaller scale.
100. A large group of youths participated in the national celebration on the occasion of **the 46<sup>th</sup> anniversary of Seychelles Independence and National Day**. Over 200 youths came together in a fusion of national dances celebrating their identities.

#### **D. Freedom of thought Conscience and Religion**

101. Religious education, which is compulsory for all students up to secondary five, is an open space for religious freedom of expression and beliefs. Religious education creates a space for debate on religions, faith and convictions. It is the parents who guide schools on the **religion or spiritual practice** the child is to follow so as to ensure children are enrolled on the right spiritual programmes.
102. Students of any denomination can participate in the school assembly's prayers. All sacred texts are permissible in schools and can be studied alongside the Bible. Religious education helps students to construct their identity and the culture in which they are situated. It is also an opportunity for students to wake up to critical consciousness. It offers knowledge and know-how to all students in terms of management of information and behavior related to religions.

#### **E. Protection of privacy**

103. Following concerns about the **portrayal of children living in children's care homes in the media**, a media policy was developed in 2017. The policy puts emphasis on the right to privacy and provides a guideline to media professional to carry out their work with due consideration for the best interest of the child. Implementation has been successful following sensitisation of all stakeholders.

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

*The Committee urges the State party to :*

- a) *Expedite the amendments to the Children Act to repeal article 70 (7) allowing for corporal punishment and to explicitly prohibit it at all settings, including at home, in alternative care settings, day care institutions and penal institutions;*

*b) Strengthen public education and awareness-raising and social mobilization programmes involving children, families and communities on the harmful effects of corporal punishment with a view to changing attitudes and promoting alternative, positive and non-violent forms of child-rearing and discipline.*

104. Seychelles featured in the **Global Report on Preventing Violence against Children 2020**. This report outlines the extent to which Governments around the world are taking evidence-based actions to achieve these targets, and it provides a baseline against which governments can monitor their progress over the course of the next decade. Evident from the report is the need for Seychelles to expand data collection in this area and address the lacuna in support services for victims especially mental health services and rehabilitation services for perpetrators.

105. **Family violence** remains a concern for service providers. Whilst available statistics at the Family Tribunal shows that, the number of registered applications decreased by 6% in the last quarter of 2021, a sharp increase can be observed in the first quarter of 2022 of 38%.

106. In 2020, **corporal punishment** was abolished in Seychelles. A person can be liable to a fine of SCR 25,000 or to imprisonment or both if such offence is committed. The act also repeals subsection 7 from section 70, which recognized “the right of a parent, guardian, teacher or other person having the lawful control or charge of a child to administer proper punishment to him if that punishment does not contravene subsection (1).”

## **VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

*The Committee urges the state party to*

*a) Develop measures for preventing family disintegration and strengthening the family, particularly in order to prevent child removal*

### **A. Parental guidance**

107. At the time of compiling this report there were a total of **72 children in care homes** with President's village holding the highest number of children in care.
108. The Children's Care Homes (Minimum Standards of Care) Regulations, 2022 has been finalized and inspection of the residential care homes will be initiated during the 4th quarter of 2022. Social Services and the children home management continues to work closely to ensure that the needs of children in the care of the state are met and their rights upheld. Discussion for a Memorandum of Understanding between Social Services and the Roman Catholic Diocese (the owner of the majority of the children care homes) is under consideration to establish the parameters for this relationship with the best interest of children as the paramount concern.
109. **Social workers** carry out visits to children care homes and to foster parents regularly. Re-integration plan for children in alternative care is constantly reviewed and discussed with biological families where applicable for eventual reunification.
110. The **problems and issues involving families are complex and multifaceted**, and addressing them successfully requires a flexible and multi sectoral approach. Civil Societies previously very active in promoting stable families have been less visible during this period partly due to the onset of COVID-19.

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

111. One thousand five hundred and fifty-five (1,555) **marriages** were registered in 2021, of which only 10% were by residents. In the same year, one hundred and fifty-two (152) divorces were registered.
112. **Antenatal services** in health centres reported 12,354 visits in 2021 where 1355 (11%) were new visits and 10,999 (89%) were repeat visits. The visits reported are from

district-based health facilities only and excludes ANC visits to Seychelles Hospital which caters for only high risk cases.

113. The **antenatal and the post-delivery parenting education sessions** carried out in close collaboration with the Ministry of Health aims to empower parents to fulfil their responsibilities as parents effectively. This programme has 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. During the period 2016-2021, over 500 parenting sessions were conducted with several expected parents. However, due to the COVID-19 pandemic the programme had to be put on hold in 2021 to adhere to public health safety measures. The Social Affairs Department has relaunched the programme in August 2022.
114. **Family support sessions** to assist parents who find it difficult to cope with their child's behaviour had been reduced to only one on one sessions as the prevention of the spread of COVID-19 took centre stage. However, the need remains and the Social Affairs Department along with its partners is planning to return the sessions to the districts now that the public health measures are lifted.
115. **Monthly parenting sessions** are held by NCC for parents and carers who are willing to learn how to better communicate and discipline their children without the use of corporal punishments. Every year an average number of 800 parents attend the training modules offered. However, NCC experienced a significant drop in the number of attendees over the last two years due to Covid restrictions.
116. 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 participate more actively in the school life of their children. The Family Department also supports a men's group whose focus is on promoting positive image of boys and men.

117. On 15 May 2022, the Family Department through its Research and Policy Planning Section launched an advocacy campaign under the theme “Mon Fanmiy, Mon leker” which translate into ‘**My Family, My Heart**’. This campaign targets school children with the purpose of promoting family values and placing renewed emphasis on the importance of families. Students participated actively in the campaign launch.
118. In recent years, more emphasis has been placed on the commemoration of **International Father’s Day** to promote paternal bonds and the positive influence of fathers in society. For the occasion in 2022, the Minister responsible for Family affairs harped on the need to not only celebrate the fathers who are playing a positive role in their children’s lives whether together or separated from their children but to also recognise that there are far too many who are discouraged and struggling to find their way and that more support is required to help those in such circumstances.
119. Despite the State’s effort to support the family through different programmes and services, the **breakdown of families** remains significant. The statistics of the Family Tribunal on access, custody and maintenance tells a worrying story. Records show that in the period from the last quarter of 2020 to the last quarter of 2021, 299 orders of custody, 279 orders of access and 243 orders of maintenance were delivered by the Family Tribunal.

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

*The Committee recommends that the State party:*

- a) Continue reviewing its policies on alternative care for children deprived of a family environment, which relies heavily on civil society organizations, including faith based organizations, with a view to developing a more integrated, rights-based and accountable system, with particular focus on the best interests of the child, and ensure effective monitoring and assessment of placements of children;*
- b) Take measures to expand the system of foster care for children who cannot stay with their families, with a view to reducing the institutionalization of children;*



- c) *Ensure that adequate human, technical and financial resources are allocated to alternative care centres and relevant child protection services, to facilitate the rehabilitation and social reintegration of children resident therein to the greatest extent possible;*
- d) *Expedite its efforts to harmonize its legislation with The Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption.*

120. 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.

121. 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 admitted to these institutions are done through a Family Tribunal Order and are admitted 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 where it is deemed in the best interest of the child.

122. The Children Act 1982 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. At the time of finalizing this report there were five foster parents on this programme. From the previous pool of foster parents, four has moved to adoption. There has also been some movement outside the foster parent registry.

123. There has been a remarkable reduction in the number of **adoptions** from the year 2019. Records show that there were only two adoptions recorded for the year 2021.

124. 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. Social Services continues to lobby for a halfway home to improve the transition from care to out of care integration.

## **VII. DISABILITY, HEALTH AND WELFARE**

### **A. Health care and Health services**

*The Committee recommends that the State party*

- a) effectively implement existing programmes aimed at reducing mortality rates, and seek financial and technical assistance from UNICEF and the World Health Organization (WHO), among others, in this regard.*
125. Primary health care remains free at the point of use in the Seychelles. The Government invests a considerable amount of money in the health sector. In 2020, 11% of the total national budget was allocated to the health sector. Total health expenditure as a percent of nominal Gross Domestic Product increased from 3.8% in 2013 to 6 % in 2020.
126. Work on several health projects had to be stalled due to the COVID-19 pandemic. Nonetheless, the Ministry of Health managed to collaborate with the Ministry of Education to review **the School Nutrition Policy**. Work has also begun to develop a National Nutrition policy to address obesity in the country.
127. Despite several interruptions in the school calendar due to the COVID-19 situation, **school health nurses** had a total of 4317 sessions with students in 2021. This is far less than figures reported in 2020 and 2019.
128. **Response to the outbreak of the COVID -19 pandemic** resulted in the closure in certain services to redeploy resource in the fight against COVID, diverting attention

from routine public health. In particular, there has been public complaints about the ban on visits which meant that mothers in some instances had to give birth without a family member. Resumption of services has been gradual since the second quarter of 2022.

129. There is ongoing national discussion on **access to contraceptives** by sexually active children. The Youth and Sports Department is facilitating a debate to collect the views of the youths, parents and other partners.
  
130. The importance of **maternal and child health** is well recognized and emphasized in national health policies and strategies. There were 1,665 births registered in 2021 compared to 1,554 births in 2020.
  
131. The **Total Fertility Rate** in 2021 is 2.5, showing an increase over that of 2020 which was 2.3. The total number of infant deaths (death to babies aged less than one year) for 2021 was 18. The infant mortality rate is 10.8 per thousand live births compared to 11.6 in 2020.
  
132. **Programmes aimed at promoting the health of children** and women are well established, and their impact is 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 in the provision of the school health programme. 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 and facilitate coordination.
  
133. **School meals** are provided in all state schools. Improving the nutritional quality of school meals, and making them attractive to children and young people, is an ongoing focus for the Ministry of Education. 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. Recently as part of government measures to address the gaps in income, and support families school meals are to be provided for free to all children in public school.

134. The Ministry of Health continues to **promote health** through a variety of mechanisms, from provision of preventive and promotive services to public education campaigns, and social and mass media engagement. The COVID-19 pandemic has led to rapid expansion of risk communication capacity within the Ministry of Health, with far better intersectoral coordination and health communication – a platform that the Ministry plans to leverage on in future for broader health promotion.
  
135. With the gradual transition in approach to COVID-19, from strict control towards **‘living with COVID’**, many promotive and preventive health services are resuming or rescaling operations back towards pre-COVID times. A review and revamp of the HOON campaign is planned, with subsequent resumption of activities.
  
136. **Prevention of 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 data shows that all women eventually accept to be tested. All pregnant women infected with HIV are managed at the Communicable Disease Control Unit and currently all HIV-infected pregnant women are eligible for Anti-Retroviral Therapy (Option B+) and HIV-exposed infants receive appropriate ARV prophylaxis for free. The Clinical Laboratory in the Ministry of Health does early infant diagnosis of HIV locally. All women living with HIV have access to sexual reproductive health services including family planning.
  
137. A total of 215 HIV **positive pregnancies** were reported from 1988 to December 2021, of which 193 (90%) benefited from the PMTCT program since its introduction in 2001, from mono-therapy to tri-therapy to date. Prior to the introduction of PMTCT, 7 out of the 27 babies born from HIV positive mothers were infected with HIV representing a

mother to child transmission rate of 26% compared to 14 out of the 188 babies since the introduction of PMTCT program representing a mother to child transmission rate of 7%. Of these, 2 babies were diagnosed HIV positive at 9 months old after birth though their mothers tested HIV negative throughout their pregnancies.

138. From 2012-2021, the CDCU recorded **133 pregnant women infected with HIV**, some of the women were newly diagnosed, whereas a few pregnancies occurred in women known to be living with HIV. Partner testing is offered for partners of pregnant women, however, uptake of testing by partners is very low, at around 5% reported in 2019.

## **B. Children with disabilities**

*The Committee recommends that the State party*

- a) *continue integrating children with disabilities into the regular school system and continue to build the capacity, including through training, of primary and secondary school teachers for inclusive education of children with disabilities and for education of children with special needs.*

139. During the period under review, children aged 1 to 8 years have continued to benefit from **special assistive devices** such as special plates and spoons, dycem mats, long handle reacher and disco seat to name a few as part of the health sector ECCE project to be used at home and in school. This is part of the states' commitment to facilitate access by children with disabilities to quality special aids. A satisfaction survey on use of the assistive devices provided under this project was undertaken in 2018 of which 18 parents and 16 teachers participated. Findings showed that the level of parents' awareness of special aids and the special aids project was high. It was also evident that parents showed interest in their children's development by following their progress and by promoting a greater sense of independence for the children at home. Teachers were satisfied that all efforts were being made at school to provide an environment where interaction between both children with and without disabilities was facilitated. This was particularly because all therapeutic services were welcomed and accommodated on site.

140. As part of National Action Plan 2021-2022 for ECCE the Ministry of Health is conducting a project titled **Gadget and Screen use amongst Children** targeting children under 5 years old who attend day-care. The aim of this project is to assess the type and level of exposure to gadgets and screens. Parental questionnaires and observation in day-care were used to gather information. The expected outcome is baseline data on screen viewing amongst children in centre-based services in Seychelles for the purpose of informing policy and sensitization programs.
141. 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 provide appropriate services and integration in the community.
142. **Attendant care** is provided by the State for those families with children with severe disabilities to be able to attend mainstream school.
143. Parents who have to stay at home to look after their severely disabled child/children are assisted by the state with a carer under the **Home Carer's Scheme**. The State is encouraging private sector investment in respite care programmes.
144. Affordable housing under the **government housing policy** is provided on a case-by-case basis by the Ministry for Land and Housing. Where the applicant is a person with disabilities, the house is modified to suit the person's needs at no additional cost to the homeowner(s) and it is ensured that the unit allocated is at ground floor level.
145. Through the **Disabled Trust Fund** under the aegis of the Family Department a person living with a disability can obtain financial support to renovate their home.

146. There is inadequate integrated publicly funded **day-care provision for children with disabilities in Seychelles**. Children who do not attend school still have little to no access to day care facilities and therefore less opportunities to tap into their full potentials.
147. 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 disabilities to many public buildings, public transport systems, shops and restaurants further serves to hinder participation in the mainstream.

### C. Breastfeeding

*The Committee recommends that the State party*

- a) *step up its efforts to promote exclusive and continued breastfeeding by providing access to materials and promote exclusive breastfeeding of infants for the first six months of their lives with the aim of reducing neonatal as well as under-five mortality, and limit the use of milk substitutes, including by implementing the International Code of Marketing of Breast-milk Substitutes.*
148. In 2017, the rate of exclusive breastfeeding at 6 weeks was 44%. A recent study shows that there has been a remarkable drop in exclusive breastfeeding before six months to only 28.2% of infants whilst the target for Seychelles under its national strategic plan 2025 is to reach at least 50%.
149. As a measure to keep the importance of breastfeeding on the agenda, the Ministry of Health commemorates World Breastfeeding Week annually. This provides a platform for the Government, health system, workplaces and communities to be informed, educated and empowered to create and sustain initiatives for breastfeeding friendly environments for mother and child.
150. In the year 2021 particular focus was placed on the promotion of exclusive breastfeeding through individual sensitization sessions of midwives and nurses during supervisory

visits on the newly developed Guidelines for the Management of Pregnant Women, Mothers and New-borns, including Breastfeeding and Postnatal Care during Covid-19.

#### **D. Adolescent health**

*The Committee recommends that the State party*

- a) Adopt a comprehensive sexual and reproductive health policy for adolescents, including expeditiously adopting the National Policy on Sexual and Reproductive Health and the National Adolescent Sexual Reproductive Health Policy, and renew the Sexual and Reproductive Health National Strategic Plan and Monitoring and Evaluation Framework (2012–2016), with special attention on preventing early pregnancy and sexually transmitted infections;*
- b) Take all necessary measures to educate children, adolescents and their families about HIV/AIDS and other sexually transmitted diseases, as well as on the negative consequences of early pregnancy and abortions, especially abortions carried out at home;*
- c) Strengthen its adolescent reproductive health programmes, including life skills education to foster responsible parenthood and sexual behaviour, with particular attention to boys; continue to allow access to contraceptives for adolescents under the age of 18, and provide a legal basis to ensure access to comprehensive health services, confidential counselling and support for pregnant adolescent girls, rather than leaving it to the discretionary powers of medical personnel to overcome the requirement of parental consent for the treatment of children on the basis of the best interests of the child principle in this regard;*
- d) Develop and implement a policy to protect the rights of pregnant girls, adolescent mothers and their children and combat discrimination against them.*

151. The **Youth Health Centre** continues to provide a range of referral services. The Youth Health Centre conducts outreach activities, including life skill training sessions on communicating and negotiating safer sex practices, and conducting HIV/AIDS screening for in and out of school youths. The Centre 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.

152. The rate of **teenage pregnancies** in the country remains a major concern. The availability of sexuality education in the school curriculum under the Personal, Social and Citizenship Education (PSCE) programme and other programmes such as the Youth Health Centre has done little to curb the trend. The National Bureau of Statistics and Civil Status shows that from 2015 to June 2020, 24 girls under 15 years old had given birth, and in the same period (2015 to June 2020), 1,120 girls/women aged 15 to 19 years old, had given birth. Findings also indicate that 27% of teenage pregnancies end up in abortions. Seychelles is rated with the highest abortion rate in the SADC region, especially among women of reproductive age, with 22 to 26% of all pregnancies ending in abortion. While teenage pregnancy between 12 - 19 years has remained around 13% over the past 5 years, the mean age of first pregnancy among teenagers is 15 years.
153. A special committee (The Committee on Communicable Diseases, HIV/Aids and Sexual Reproductive Health and Rights) has been formed to give this concern priority. The Committee organised in June 2022 its first-round table discussion to engage, influence and advocate for policy change on access to **Sexual Reproductive Health Services by young women and girls including safe abortion** in Seychelles in a bid to address the concern of teenage pregnancies.
154. A 2019 report on Sexual Reproductive Health in Seychelles by the WHO, show that the **contraceptive prevalence rate**, has been dropping over the past few years. This may have an effect on the ability of couples to practice family planning and prevent unwanted pregnancies.
155. Parental/ guardian consent remains a requirement for the provision of contraceptives to minors. While there is a push by key policy makers to improve policy in this area, there continues to be a need for more targeted education of the youth and even to engage

parents and other members of the community to be on board for these changes to become a reality. In practice this may mean 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.

156. Following a motion brought forward by a member of the National Assembly, the President announced in his address to the National Assembly in October 2021 that starting January 2022, the government will provide free sanitary products for all girls in schools.

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

157. 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.

158. 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 employment because of long term 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 for that period of time.

159. Approved schemes are as follows; 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) Specialised 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 parents do not have the means to provide these items. 5) Home care programme, a caregiver is paid in the household to assist 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 SCR1, 500 for foster parent and SCR 1, 300 for foster. 7) Day Care Scheme: Since 2020, financial support has been provided to all parents with children up to 4 years in licensed Early Child Care services. It is a universal assistance for children enrolled in registered Child Care facilities at the rate of SCR750 per child per month. 8) IECD also provides financial and other supportive measures to improve the working conditions of home-based Child Care workers. Registered Childminders who take care of 6-10 children are assisted with SCR6633 per month to pay the salary of their Assistants and those with below 6 children received SCR3317 per month. 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.

160. Government has recently announced several measures to **temporarily address income poverty**, relieve the burden on families with schoolchildren and other vulnerable groups in the country. This includes supplementation of income for those earning below SCR9000 and free school meals for all public-school children. The measures are temporary as the Government continues to monitor the global economic situation and the evolution of the COVID 19 pandemic to be able to determine a permanent package.

161. 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.
162. 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 although demand has always been higher than availability. 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.

#### **F. Drug and substance abuse**

*The Committee urges the state party to;*

- a) Strengthen its measures to address drug use by children and adolescents*
  - b) Ensure sufficient and adequate human, technical and financial resources for the Prevention of Drug Abuse and Rehabilitation Agency;*
  - c) Prohibit tobacco and alcohol advertising by privately owned media and companies;*
163. Research conducted by the Agency for the Prevention of Drug Abuse and Rehabilitation (APDAR), in 2017 showed that there are around 5,000 heroin users in Seychelles.

Further and in depth research is required to update this data and identify the number of children affected by this scourge.

164. As part of the reform by the new administration, APDAR was integrated within the Ministry of Health and renamed as the Division for Substance Abuse Prevention Treatment and Rehabilitation. This is expected to allow for better exchanges of expertise and encourage better use of resources in the treatment and rehabilitation of persons abusing drugs and alcohol.
165. Much of the work planned in the fight against drugs was impacted by the pandemic because much of the work requires physical interaction. The methadone programme continues to be implemented with a reported 40% success rate. Outreach activities have been organized during the period under review to encourage participants to enroll on the low threshold methadone maintenance programme.
166. The main focus of the measures to address the drug problem is the de-normalisation of drug use through education and the intensification of efforts to curb the supply of illegal drugs. Several important drug bust have been recorded on the sea.
167. In the 2021 commemoration of World Tobacco Day it was reported that surveys amongst the population have shown that as many as 22% of all adolescents aged 13- 15 years are smoking cigarettes at least once per month. Although many of them – about two thirds of those surveyed – express the wish to stop, very few are successful.
168. The Seychelles boast comprehensive legislation that bans all tobacco advertising, promotion and sponsorship, prohibits smoking in all enclosed public places and workplaces and on all public transports, and regulates the sales of cigarettes. The law requests tobacco packets to display large pictorial health warnings and prohibits the sale of single cigarette sticks, small packets of cigarettes, and tobacco products via vending machines and the internet in furtherance of efforts to discourage access to cigarettes by minors.

169. High tax on tobacco products has been applied to reduce demand. These measures are important to reduce the consumption of cigarettes, especially among the youth, and improve the population's health. The consumption of cigarette has substantially decreased in Seychelles since the implementation of these measures but further efforts are still needed to accelerate the decrease and better protect the whole population against cigarette smoke and its associated disease burden.

## **VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

### **A. Education, including vocational training and guidance**

*The Committee urges the State party to*

- a) Undertake research on the reasons why students drop out of school, to develop durable solutions, including the introduction of more motivating school curricula that ensure children's continuing educational or vocational training, and enhance their opportunities for employment and integration into society, in view of the fact that the school dropout rate has increased in 2016 following a decline from 2014 to 2015, and provide comprehensive information to the Committee in its next report;*
- b) Strengthen the measures to increase relevant and more productive vocational training for girls, without gender stereotyping, and continue to ensure that pregnant girls and adolescent mothers are supported and assisted in continuing their education in mainstream schools;*
- c) Ensure the allocation of sufficient and adequate human, technical and financial resources in the education system.*

170. The Ministry of Education holds one of the highest portions (14%) of the National budget allocated to Ministries, Departments and Agencies.

171. Since the first cases of Covid-19 were reported in the country in March 2020, a Task Force, comprising representatives of the Ministry of Education and the Ministry of Health, was formed to provide guidance and oversight to educational institutions to

reduce transmission of the virus and provide psychosocial support while mitigating the impact on learning. All educational institutions were required to put in place learning continuity plans. Different schooling modalities, including full remote learning, full in-person learning, and a hybrid modality with most children attending school in person on alternate weeks, have been used depending on the level of community transmission. All schools have resumed full in person learning since March 2022. Efforts to support remote learning included the use of virtual learning platforms, sharing of content through electronic messaging, transmission of recorded lessons on television, and provision of hard copy 'learning packs. Challenges have been inadequate internet service and equipment for some families as well as educators, limitations in proficiency to use remote learning options, availability of parental support for several reasons, and staffing disruptions due to Covid-19 illness and quarantine measures. Adapting to the situation at hand has also brought new opportunities with some learners excelling in academics. However, it is recognized that children have been differentially impacted by the disruptions to their schooling and the extent of learning loss will likely become apparent in the coming years.

172. Ministry of Education employs attendance officers who follow-up on children who do not attend school. When **students drop out**, and despite all efforts are unable to resume mainstream education they are encouraged to join skills development programmes.
173. The Ministry of Employment and Social Affairs also makes provision for the training and development of school dropout through the **Skills Development Programme** being administered by the Employment Department.
174. The Skills Development Programme, which was first introduced in 2010 and reviewed in 2016 provides on-the-job training for young unskilled and inexperienced jobseekers. It targets those aged 15-18 years old who have dropped out of school or have not been accepted by a post-secondary training institution. The Government contributes a percentage of the participants' allowance which is payable by the hosting organization. Likewise, SDP has provided opportunities for young people to acquire skills and

knowledge in a particular trade of their choice. The participants on the programme are not engaged in any form of child labour. Monitoring by Employment officers are done on a regular basis.

175. Almost all children including **children with disabilities** are admitted to either mainstream schools or special schools/centres. The vast majority of children attend mainstream public or private schools, with children in special schools/centres making up less than 0.01% of the student population. Children who are not registered for school by their parents are actively sought out and supported to register for school, in collaboration with health and social services. Efforts are ongoing to make schools more accessible, through advocacy, the provision of human and material resources, educational programmes, and physical infrastructure.
176. 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 continue to be integrated into mainstream. Nonetheless, it is recognised there is a need to revise the curriculum within the schools to ensure that persons living with disabilities can learn in an environment which is accommodated to its needs.
177. **Children with medical conditions** are encouraged to keep coming to school, even on part time basis or when they are well enough to do so. In certain cases, schools provide schoolwork to students who are in hospital or at home due to medical concerns. However, this is currently not mandatory or systematic.
178. An assessment is conducted for all children referred for admission to the School for the Exceptional Child. This is coordinated by the School Psychology Service and includes input from parents, school personnel and in the majority of cases health personnel. Part time inclusion in mainstream school and School for the Exceptional Child is implemented for some students. Children's experience and progress in different school



settings are considered in decision-making. The aim of these processes is to choose the school placement option that is in the best interest of the child given the current available education services.

179. It is the practice that most children who exhibit delays in their development or are diagnosed with a disability are initially admitted to mainstream schools, in some cases with a one to one 'carer' (aide), identified by the parents and funded by the Agency for Social Protection. For the past three years, 4 to 6 children per year have been admitted straight to special schools when they became eligible for crèche enrolment. This includes children with Severe congenital medical conditions and multiple disabilities, and some with sensory difficulties, Down Syndrome, and Autism Spectrum Disorder. Some of the students in mainstream schools are later admitted either part time or full time to the School for the Exceptional Child as the mainstream school programme becomes less flexible, academic and social demands increase, and the staff to student ratio increases. Part-time attendance in mainstream schools and School for the Exceptional Child is applied for some students.
180. Effort is ongoing to ensure that **Special Education Needs Coordinator** within mainstream schools with their specialist room to support students with diverse educational needs to access the school programme.
181. Access arrangements for students can be made for both National and International exams. Some arrangements that have been made include increase in font size for students with visual impairments, extra time, and assignment of a scribe.
182. **Assistive devices** such as braille machines, screen reading software, modified furniture, and communication boards have been requested to support students in mainstream and special schools.

183. An SEN module is included in initial teacher training at the Seychelles Institute for Teacher Education (SITE).

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

184. 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. There is also active support of volunteers and the private sector.

185. In 2021 ‘The Seychelles National Institute for Culture, Heritage and Arts Act 2021’ was promulgated to provide for the establishment of the Seychelles National Institute for Culture, Heritage and the Arts as an institution of policy making on culture, heritage and the arts for the Seychelles. The Institute discharge the executive and administrative functions of Government by administering all existing laws relating to culture, heritage and the arts replacing the department of Culture.

186. 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 State House is also accommodating children on guided tours during school holidays.

187. The Seychelles is committed to encouraging children and young people to develop forms of expression in all areas, as such the Conservatoire of Music and Dance continue to make available programme for children all year long.

188. In recent years there has also been positive strides by the private sector to make available activities and programmes that provide children opportunities to participate in different platforms for development and expression of talent. Holiday camps with a focus on specific sports and cultural activity have become very popular.

189. 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 and 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.
190. The Department of Local Government 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.
191. In recent months there has been many pop-up activities in the districts through collaborations between the local government department and that of sport to promote sports like table tennis and traditional hobbies like kite making and flying which have been welcomed by children.

## **X. SPECIAL PROTECTION MEASURES**

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

192. 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.
193. Seychelles is a party to the optional protocol to the CRC on the involvement of children in armed conflict since 2010. It submitted its very first report addressing the obligations under this optional protocol in 2021.

### **B. Children in Conflict with the Law**

*The Committee urges the State party to*

- a) *Expediently raise the age of criminal responsibility to an internationally accepted standard;*
- b) *Continue to strictly refrain from prosecuting children under the age of 12 under any circumstances;*
- c) *Promote non-judicial measures in the case of children accused of criminal offences, such as diversion, mediation and counselling and, wherever possible, use alternative measures at sentencing such as probation or community service, and ensure the allocation of sufficient human and budgetary resources for the effective implementation of the Probation of Offenders (Amendment) Act;*
- d) *Ensure that detention, including pre-trial detention, if unavoidable, is used as a measure of last resort only and for the shortest possible period of time and that it is reviewed on a regular basis with a view to its withdrawal, and ensure that detention is not used for minor offences;*
- e) *Take the necessary measures to expedite trials involving children, with a view to reducing the period of pre-trial detentions and ensure that children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to a safe, child sensitive environment, maintaining regular contact with their families, access to food, health services and education, including vocational training;*
- f) *Ensure that the juvenile justice system is equipped with adequate human, technical and financial resources, and that designated specialized judges for children receive appropriate training;*
- g) *Ensure the provision of qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings;*
- h) *Seek technical assistance from, amongst others, OHCHR, UNICEF, and UNODC, in this regard.*

194. In Seychelles, following the recent amendment of the Penal Code, a child of 10 years deemed to be capable of discernment can be held criminally responsible.

195. It is noteworthy that under section 94(1) of the Children Act, Cap. 28, no child under 14 years of age can be sentenced to a term of imprisonment.

196. At the end of the reporting for the period under review there were two male juveniles convicted to prison.
197. The law makes available 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); Persons under 18 years of age are to be kept away from adult offenders unless jointly charged with adult offenders (sect. 93 (4))
198. Other safeguards include that no child can 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))
199. Pre-trial detention is a last resort in juvenile cases. 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.
200. 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.
201. 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. 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. Recently the Chief Justice has also directed that Social Services attend Juvenile Court sessions to be able to address concerns that arise and assist the court with information where relevant.

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

202. The Prison Act 19 (20 states that “the Commissioner may permit a child of a female prisoner to be detained with her in a prison if the child is being breast-fed by her and is less than 18 months in age.

203. The Seychelles Prison Service (SPS) makes provision for the following:

- Prisoners on work programme are privileged to get fortnight visits at the prison (instead of 1 monthly)
- Prisoners can get special visit with their child/ren (access) during the weekend at the prison, upon request of the psychosocial Support Unit.
- Prisoners can request for home visit and such privilege is considered upon good behaviour of the prisoners.

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

*The Committee urges the State party to:*

- a) *Expedite its efforts to enact specific legislation against domestic violence, including violence against children.*
- b) *Conduct research on the nature and extent of sexual exploitation and abuse of boys and girls, including child sexual exploitation in travel and tourism and child prostitution, and provide data on the number of complaints, investigations and prosecutions conducted in this regard;*
- c) *Strengthen mechanisms, procedures and guidelines to ensure mandatory reporting of cases of child sexual abuse and exploitation and ensure that specific training is provided to judiciary and law-enforcement officials so as to change any misconceptions towards child victims and to enable them to expeditiously handle sensitive cases involving children;*

- d) *Conduct awareness-raising activities to combat the stigmatization of victims of sexual exploitation and abuse, and ensure accessible, confidential, child-friendly and effective reporting channels for such violations and develop programmes and policies for the prevention, recovery and social reintegration of child victims;*
- e) *Continue its efforts to raise awareness of the public and strengthen early detection, prevention and protection mechanisms;*

204. The number of child abuse cases reported remains a concern for the authorities. In the last 4 years Social Services recorded 246 cases in the year 2018, 282 cases in the year 2019, 387 cases in the year 2020 and 314 cases in the year 2021. Of growing concern is the continued increase in reported cases of sexual abuse on children. Within the past 4 years 2020 was a record year with 168 sexual abuse cases reported. Child neglect is also of particular concern for the authorities with 107 reported cases in the year 2021. Despite the strides made in data collection and efforts made to encourage reporting, abuse remains hard to detect.

205. The state has recorded no report of child labour.

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

207. These are :

- the prohibition of their employment in hotels, guesthouses, 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).
208. 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.
209. In 2016 a framework was introduced with the purpose of determining the suitability of childminders. Since, 466 childminders and assistant childminders from Mahe, Praslin and La Digue have been vetted through this mechanism. In 2022, efforts are underway to enlarge this framework and provide for it under an appropriate legislative structure. The first draft of the proposed regulations is being reviewed by stakeholders in a series of working sessions. It is expected that suitability screening for all persons having direct contact with children in child related work will start in the first quarter of 2023.
210. 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.
211. 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.
212. The Seychelles is committed to ensuring that those responsible for the offences against children are prosecuted. 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. This has been followed by *R v Julie* (2021), a case of similar nature where a 21-year-old man was



convicted for 14 years on his own plea of guilty. These cases have brought to light the complex legal environment that is the internet.

213. The authorities recognise that there is a small group of children who are engaged in begging. This has been found to be associated to the drug issue.
214. Significant progress has been made in the area of **trafficking in persons**. In recognition of the need to intensify prevention and national response to trafficking in general a National Labour Migration Policy has been adopted and the National Action Plan against Human Trafficking 2019 – 2021 has been updated with the support of the International Organisation for Labour Migration (IOM) and the Southern African Development Community. A regional dialogue hosted by the Seychelles was organised with the support of IOM and the Indian Ocean Commission in acknowledgment of the need for all regional partners to work together to be able to make progress in the fight against trafficking.
215. Whilst reported cases involve primarily labour exploitation of foreign nationals, the provisions of the Trafficking in Persons Act have also been successfully used to try and convict perpetrators of sexual offences.

*The Committee recommends that the State party merge*

- a) *existing local helplines into a single three-digit toll-free 24-hour national helpline for greater efficiency, with adequate financial and technical resources and trained personnel, promote awareness of how children can access the helpline, and provide information on how statistics collected from the helplines are used to inform policy and law in addressing violence against children in the next periodic report.*
216. The **helpline** continues to be one of the most important referral mechanisms for the local child protection system. A new three-digit toll free line has been launched in 2021 endorsed by all the three-telecom company in the country. The line is manned by the

Social Services Division and continues to be promoted. An assessment of its use was conducted earlier this year. The assessment showed that since the introduction of the three-digit number there has been an increase in the number of reported cases through the helpline. It was also identified that more adults are using the helpline rather than the children themselves. The Social Services plans to continue with its awareness raising activities to increase visibility and to encourage children to use the helpline.

217. The Family Department commissioned in the year 2021 an **Inventory of Domestic Violence Agencies**. The purpose of this inventory was to identify the gaps that need addressing for the successful Implementation of the New Domestic Violence Act, 2020. The inventory has identified a list of gaps including the need to establish a comprehensive care system for victims of domestic violence, including measures to ensure their access to free legal aid, medical and psychological support, shelters, and counselling and rehabilitation services.

218. As part of the reform of child laws the Child Law Reform Committee has recommended, that the sexual offences bill includes provision for a **Sex Offender Registry** to be maintained by the State.

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

*The Committee recommends that*

a) *the State party ensure, through adequate legal provisions and regulations where this is not the case yet, that all child victims and/or witnesses of crimes, such as child victims of abuse, domestic violence, sexual and economic exploitation, abduction and trafficking and child witnesses of such crimes, including those perpetrated by State and non-State actors, are provided with the protection required under the Convention, taking fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime*

219. The video link facility available in courts now allows for child victims of sexual assault or abuse to give evidence from a child friendly room through a TV screen/monitor

where only the lawyers and the judge can be seen to the child. This facility prevents traumatizing the child victim from having to see the offender whilst testifying for their case.

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

220. An approach of putting emphasis on both rights and responsibilities is commonly applied by all service providers. By letting children know both their rights and responsibilities they are also being provided with the opportunity ask questions, express their feelings and participate and speak up when they feel their rights are being violated.

## **XI. RATIFICATION OF INTERNATIONAL HUMAN RIGHTS INSTRUMENTS**

*The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments to which it is not yet a party:*

- a) The Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;*
- b) The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;*
- c) The Optional Protocol to the Convention on the Rights of Persons with Disabilities.*

221. During the period under review, Seychelles has ratified the Optional Protocol on the Communications procedure confirming its commitment to compliance with children rights.

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