



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

Distr.: General  
3 June 2013

Original: English

**ADVANCE UNEDITED VERSION**

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**Committee on the Elimination of  
Discrimination against Women**

**Fifty-sixth session**

30 September – 18 October 2013

**List of issues and questions with regard to the consideration of periodic  
reports: Seychelles**

**Addendum**

**Replies of Seychelles to the list of issues to be taken up in  
connection with the consideration of its combined initial to  
fifth periodic reports\***

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\* In accordance with the information transmitted to State parties regarding the processing of their reports, the present document was not edited.

The following is Seychelles's response to the questions posed by the CEDAW committee in its report CEDAW/C/SYC/1-5.

Please kindly note that within the past five years or so, there have been changes to various ministerial names and portfolios.

## **General**

### **1. Question Paragraph 40**

**Please indicate the measures envisaged to establish regular collection and analysis of data disaggregated by sex pertaining to the areas of the Convention in which they are lacking.**

The National Bureau of Statistics (NBS) puts emphasis on constructing forms for data collection in a way whereby sex disaggregated data is captured and reported to the Bureau. This encourages stakeholders to initially produce and collect their data disaggregated by sex. NBS has also worked with various stakeholders whereby data capture has been computerised and this also takes care of the sex disaggregated data. For other surveys conducted by the NBS, sex disaggregated data is one of the variables collected and analysed.

The NBS introduced the production of the first Crime Justice and Security Bulletin in September 2012, which includes statistics from the Police, Attorney General's Office, Employment Tribunal, Judiciary, Family Tribunal, Probation Services and Prison. The Bulletin provides important information on the vulnerabilities domain, but unfortunately not all data is systematically disaggregated by sex.

The draft National Gender Policy and Plan of Action includes commitments to build capacity in gender sensitive monitoring and evaluation, to ensure accurate measurement of progress made towards achievement of gender related targets. In alignment with the plan of action the Gender Secretariat in the Ministry of Social Affairs, Community Development and Sports has secured funding to conduct a three day training workshop on gender statistics in 2013 with the aim of strengthening the availability of gender statistics in the opportunities and vulnerabilities domain.

## **Constitutional, legislative and institutional framework**

### **2. A. Please indicate whether the Convention is directly applicable before courts and tribunals.**

**B. Please indicate whether the provisions enshrined in the Convention are systematically integrated in the training curricula of judges, prosecutors and lawyers, the police and other law enforcement officers.**

A. The Constitution is directly enforceable by application to the Constitutional Court of Seychelles. The Supreme Court sits as a specially constituted Constitutional Court to hear all "matters relating to the application, contravention, enforcement or interpretation of the Constitution" (art 129). The Constitutional Court is obliged to take judicial notice of the Convention by virtue of Article 48 of the Constitution and must interpret the bill of rights in a manner consistent with the Convention and other international obligations of Seychelles including having regard to CEDAW jurisprudence.

B. There is no set training curriculum for judges in Seychelles. Most judicial training is conducted outside Seychelles and does not accordingly focus on the domestic constitutional arrangements. All judicial officers are required to swear an oath of allegiance which

includes a promise to “preserve, protect and defend” the Constitution of Seychelles (Art 135 and Schedule 6 of the Constitution).

In the Police Academy training syllabus, the Convention has not been integrated. However, basic human rights principles are taught to police officers once they have commenced their initial training at the Academy, and refresher courses are also provided once they have completed their training and are active employees of the police force.

The Gender Secretariat in the Ministry of Social Affairs, Community Development and Sports with technical assistance from the OHCHR hosted an evening gender sensitisation session with members of the judiciary and a one day training session with members of the police, NGOs and lawyers in December 2012. A Gender and Law Manual was also developed, printed and disseminated to provide a resource toolkit for the judiciary, prosecutors and law students on the legal application of CEDAW (and other gender related treaties) and relevant case law. The Manual is available in soft copy on [www.genderseychelles.gov.sc](http://www.genderseychelles.gov.sc). Remaining activities to be undertaken under the project include the production and printing of a series of simplified leaflets for different target groups based on the Manual and a repeat training session with the Police. This project was funded under the 10th European Development Fund (EDF) Small Grants Programme with a total funding of SCR365, 336 (USD31, 000).

## Access to justice

### 3. Question Paragraph 646

**Paragraph 646 indicates that long delays in the disposal of cases in court are a major weakness of the judiciary system.**

**Please indicate whether the State party is considering elaborating a policy for effective access of women to courts and tribunals, including for cases of gender-based violence and domestic violence, as well as other forms of discrimination against women.**

The Judiciary developed a Strategic Plan 2010-2014, intended, inter alia, to increase access to Justice of all court users by ensuring existing caseload was disposed of in a timely and efficient manner. It is being implemented with varying success.

In March 2013 the Judiciary of Seychelles published an inaugural Annual Report. That Report contains information about progress in addressing delays in the disposal of cases in court and (gender neutral) policies established in that regard. The Report is available in soft copy at [www.seylii.org](http://www.seylii.org).

Legal Aid is provided to vulnerable individuals including women in both civil and criminal matters.

Most domestic violence cases in Seychelles are dealt with at first instance by the Family Tribunal, which is chaired by a part-time Magistrate. The Family Violence (Protection of Victim) Act enacted in 2000 provides victims of family violence (including domestic violence) protection as guided by the Act. There are established procedures to deal with domestic violence, which are part of the draft Gender Based Violence Working Together Manual and other category of cases which are covered under the Child Protection Working Together Manual. There is a fast track system to deal with severe family and domestic violence, especially those cases where the perpetrators has been arrested and detained in Police custody. The Family Tribunal sits two and a half days per week (alternate day) and most cases are dealt with minimum delay, either the same day it is registered, or the next Tribunal day, or in certain matters urgent sittings are called.

A. Cabinet Memorandum from the Minister of Social Affairs, Community Development and Sports proposing the enactment of a Domestic Violence Act and introduction of a fast track system has been approved in principle by Cabinet. A multi-

sectoral drafting committee has been set up since May 2013, and local consultants, funded under the 10th EDF, are working on the Domestic Violence Bill.

### **National machinery for the advancement of women**

**4. The report indicates in annex V that the aims of the 2010-2011 Plan of Action adopted by the National Gender Management Team include the development of a national gender policy.**

**A. Please indicate the actions taken to accelerate the development of such policy and provide a clear timeframe for its adoption and implementation.**

**B. Please also indicate how the coordination, monitoring and evaluation of its implementation are envisaged.**

A. Work is ongoing to draft Seychelles' first National Gender Policy and correlating Plan of Action in collaboration with the regional media NGO Gender Links and SADC. The Policy and Plan of Action is closely aligned to the SADC Protocol on Gender and Development and has been developed in partnership with key ministries and stakeholders. The Gender Secretariat in the Ministry of Social Affairs, Community Development and Sports is in the process of completing the costing the Plan of Action.

B. The Gender Secretariat is in the process of developing a Monitoring and Evaluation framework for the Action Plan. Overall coordination, monitoring and evaluation of the Action Plan are proposed to be done by the National Gender Management Team (NGMT), through sectoral gender committees and implementing bodies. The Gender Secretariat, acting as Secretary to the NGMT will produce an annual report to monitor key indicators collated through this mechanism.

**5. Question Paragraph 116**

**Paragraph 116 of the report indicates that the Gender Secretariat is composed of two staff members.**

**A. Please indicate whether the State party is envisaging increasing the human and financial resources of the Gender Secretariat.**

**B. Please also indicate which percentage of the national budget is allocated to the national machinery for the advancement of women and elaborate on the capacity of the Gender Secretariat to coordinate with different ministries.**

A. The Gender Secretariat is now staffed by three full-time officers, with the addition of a female Research Officer since January 2013. The vacant Research Assistant Post was upgraded to the current post. The goods and services budget allocated to the Gender Secretariat for 2013 is SCR912,380 (USD912,380), which is more than a five-fold increase compared to the actual budget of only SCR151,033 (USD12,833) in 2012.

B. The total government expenditure for 2013 is budgeted at SCR5.94 billion (USD504 million), of which SCR1.21 billion (USD102 million) is spent on goods and services. The allocated budget for the Gender Secretariat for 2013 represents 0.015% of the total government expenditure and 0.075% of the goods and services budget.

With the addition of one more staff member, the Gender Secretariat is in a better position to meet workload demands and coordinate with different ministries; however the unit has been unable to complete work on the National Gender Policy and Plan of Action, which has had to be rescheduled for 2013-2016.

## Temporary special measures

### 6. Question Paragraph 152

**Paragraph 152 indicates that the introduction of temporary special measures without appropriate advocacy and sensitization programmes may produce a harmful backlash.**

**Please indicate whether the State party is considering carrying out sensitization programmes with a view to adopting temporary special measures to accelerate the achievement of de facto equality of women with men.**

The draft National Gender Policy and Plan of Action is aligned to the SADC Protocol on Gender and Development which has a target towards the achievement of 50% women in decision making positions by 2015. These objectives of the National Gender Plan of Action include creating an enabling environment, and raising awareness and building capacity of men and women decision-makers to become gender champions at all levels of government, agencies, parastatals and private sectors. The National Gender Communication Strategy outlines several advocacy and awareness approaches to designing effective advocacy and awareness gender campaigns. The Social Affairs Department's TV Programme Konekte has featured an episode on CEDAW and the achievement of gender equality obligations, including gender parity in decision making.

## Stereotypes

### 7. Paragraph 175

**Paragraph 175 indicates that the Government has been pro-active in combating stereotypes. Please indicate whether the State party has monitored the implementation of these measures and their impact and indicate whether it envisages strengthening the measures to eliminate stereotypes regarding the roles and responsibilities of women and men in family and society.**

Monitoring and evaluating of impact results is a recognised weakness of most government institutions, requiring continued strengthening.

Civil society organisations monitor issues in stereotyping in the electronic and print media. For example, the Gender Commission of LUNGOS has reacted to continued stereotyping in the media, through press releases. The Gender and Media Association, (GEM Plus), monitors the representation of men and women in the media. GenderLinks, alongside The Gender and Media Association, published a report in 2010, namely Southern African Gender and Media Progress Study, Seychelles, where it was found that news sources were predominantly male (69%) compared to only 31% female. Women continued to voice their views on what are deemed "conventional female roles", such as children, domestic violence, health and education. Men predominantly report on issues, such as economics, finance, politics and national security.

The draft National Gender Policy includes objectives to increase women, men, girls and boys access to quality education and training programmes to build a productive work force, free of gender stereotypes. The strategy to achieve this includes the strengthening of policies, programmes and campaigns addressing gender stereotyping in education/training, and linking gender stereotyping to gender-based violence, bullying, alcohol and substance abuse and risky sexual behaviour.

The Policy also includes an objective to mainstream gender in all information, communication, electronic media, and media policies, strategies and laws; and increase programmes for, by, and about women and challenge gender stereotypes in the media.

## **Violence against women**

### **8. Information before the Committee refers to a low conviction rate for cases of rape.**

**A. Please provide detailed information on the current situation and trends with respect to violence against women and girls, including rape, sexual abuses and domestic violence, and provide data on the number of cases of violence against women reported to the police and brought to court, the number of prosecutions and convictions in this regard, and the outcome of the decisions.**

**B. Please explain whether the State party is envisaging establishing a systematic and regular gathering and analysis of data and information on all forms of violence against women.**

**C. Please also provide information on the implementation of the 2010-2011 National Action Plan for Gender Based Violence and indicate whether another plan is envisaged for the coming years.**

**D. Please provide detailed information on the measures taken and envisaged to: (a) enact legislation on violence against women; (b) encourage women to report acts of violence; (c) ensure prosecution and conviction of perpetrators; (d) provide victims with protection, remedies, rehabilitation as well as medical and psychological support; (e) combat stigmatization of victims; and (f) carry out capacity-building and awareness-raising programmes for the judiciary, the police and other law enforcement officers, lawyers, health and social workers, and the public at large.**

A. The information readily available from current Court records is summarised below. As noted above, most domestic violence is dealt with at first instance by the Family Tribunal, which does its own reporting. The Supreme Court hears appeals from the Family Tribunal, including cases involving domestic violence. Information about those appeals is included below:

### **Criminal proceedings in Magistrate's Court**

Available records: Cases filed after 1 January 2012 and/or pending as at 26 April 2013

- Sexual assault (female victim, male accused)
  - Three cases filed
  - All still pending
- Attempted sexual assault (female victim, male accused)
  - One case filed
  - Convicted and sentenced to four years imprisonment
- Sexual assault (juvenile female victim, male accused)
  - 90 cases filed
  - 10 convicted
    - Five had pleaded guilty: sentences ranged from ten years imprisonment to suspended sentences for teenage convicts
    - Five had pleaded not guilty: sentences ranged from seven years imprisonment to a suspended sentence, with one convict yet to be sentenced
  - Six acquitted
  - 13 dismissed

- 22 withdrawn
- 39 still pending
- Indecent assault (juvenile female victim, male accused)
  - Three cases filed
  - All still pending
- Sexual interference with a child (juvenile female victim, male accused)
  - Six cases filed
  - One acquitted
  - One dismissed
  - Four still pending
- Insulting the modesty of a woman (female victim, male accused)
  - Three cases filed
  - One convicted and sentenced to pay fine of SCR1,500.00
  - One acquitted
  - One still pending
- Abortion (performed on self)
- Three cases filed
- All convicted
  - Two received suspended sentences
  - One placed on probation for two years

#### **Criminal proceedings in Supreme Court**

Available records: Cases pending as at and filed after 1 January 2010

- Sexual assault (female victim, male accused)
  - Three cases filed (two in 2012, one dating back to 2004)
  - All still pending
- Sexual assault (juvenile female victim, male accused)
  - Six cases filed involving seven girls (one in 2012, two in 2010, two in 2008, one dating back to 2004)
  - One convicted and sentenced to eight years imprisonment
  - One case withdrawn by prosecution
  - Remaining four cases still pending
- Murder (female victim, male accused)
  - Four cases filed (all in 2011)
  - Three convicted and sentenced to life imprisonment
  - One acquitted
- Grievous bodily harm (female victim, **female** accused)
  - One case, filed in 2009

- Convicted and sentenced to pay fine of SR 90,000.00
- Aggravated robbery (female victim, male accused)
  - One case, filed in 2012
  - Still pending

As noted above, most domestic violence cases are dealt with at first instance by the Family Tribunal, which does its own reporting. The Supreme Court does hear appeals from Family Tribunal cases, including cases involving domestic violence, information about those appeals are included below.

#### **Appeals from Family Tribunal domestic violence decisions (Supreme Court)**

Available records: Cases filed after 1 January 2012 and/or pending as at 29 April 2013

- 1 Successful appeal from sentence of imprisonment
  - Restraining order made, breached by verbal abuse, Family Tribunal imposed sentence of three months imprisonment, sentence originally suspended but later “activated” for further breach
  - Appeal allowed on technical ground that period of suspended sentence had lapsed by time of further breach
- 2 Withdrawn appeal from order granting access rights to father
  - Father had allegedly been violent to both mother and female child in past (but no relevant findings by courts)

#### **Domestic Violence applications before the Family Tribunal**

The Family Tribunal is not administered by the Judiciary, and does its own reporting of all registered cases of family violence and domestic violence and its outcome. See table below for more information.

#### **Domestic Violence Cases registered by the Family Tribunal, 2006-2011**

<i>Description</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
Registered applications	295	362	408	500	472	589
Applications put before Tribunal						
New cases	219	281	321	373	395	429
Old cases	506	643	794	1.119	1.034	1.065
Applications not put before Tribunal	85	127	110	237	204	364

*Source: NBS, 2012 (Crime Justice and Security Statistics Bulletin)*

B. Court records have been substantially computerised since 2011. While criminal case records now include some information about the nature of the charge, information about victims and accused persons is not currently sex disaggregated. It is anticipated that considerably more information (including gender information) will be captured and available for analysis with each passing year. The Judiciary’s Annual Report provides a good overview of the level of detail currently available on the operations of the courts. One of the Assistant Registrars has been providing regular reports to the NBS since 2010 (cross-refer para 38 of the Judiciary of Seychelles Annual Report 2012).

The Family Tribunal has a registration recording system which is yet to be fully operational due to several challenges. There is a project being developed with the assistance of National Bureau of Statistics (Crime Justice and Security Statistics) for data collection.

### C. Progress report of GBV PoA

The majority of planned activities were not implemented, due to a lack of human and financial resources and commitment from stakeholders. The key provisions of the now outdated Plan of Action has been included in the GBV pillar of the National Gender Policy and Plan of Action. Major achievements include:

- Setting up a multi-sectoral GBV working group to coordinate and monitor the implementation of the GBV Plan of Action.
- Roll out of the Africa UNiTE to End Violence against Women and Girls campaign and launch of the UNiTE for Peace: End GBV campaign, which is the national component of regional and international UNiTE campaigns.
  - Production and dissemination of awareness material, including. T-shirts, posters, pledges, indoor banners, building banners, leaflets, TV spots, print press articles.
  - Impact analysis of the application of the UNiTE awareness material.
  - Development of the National Gender Communication Strategy, work in progress.
  - Provision of a two day training workshop to key partners on effective gender communication and campaign design,
  - Introduction of the GBV Working Together Manual, project not completed due to lack of stakeholder commitment.
  - Lobbying for the development of a Domestic Violence Act and seeking of technical assistance from UN Women and EU to achieve this.

D. (a) The Gender Secretariat in the Ministry of Social Affairs, Community Development and Sports is developing a Domestic Violence Act, in collaboration with the Attorney General's office, UN Women and European Union. UN Women has developed a prototype Domestic Violence Bill for three countries; Lesotho, Swaziland and Seychelles. The prototype Bill is being used as a guide to develop a similar Act for the Seychelles context, as well as the UN Special Rapporteur on violence against women's framework for model legislation on domestic violence. A multi-sectoral drafting committee has been set up to engage key partners in the drafting process. The committee is chaired by Social Affairs, with representation from the Attorney General's Office, Police, Family Tribunal, Probation, Mont Royale Rehabilitation Centre, NGOs and the Gender Secretariat. Six of the committee member representatives attended a regional workshop hosted by UN Women on the Prototype Bill. A local consultant has been secured under the 10th European Development Fund (EDF) programme, to provide technical assistance to support the work of the drafting committee.

(b) As mentioned above the Gender Secretariat has been conducting the UNiTE for Peace: End Gender Based Violence campaign since 2010. Awareness and sensitisation initiatives have also been carried out by several key partners including, local NGO Alliance of Solidarity for the Family (ASFF), the Liaison Unit for Non-Governmental Organization (LUNGOS) and their Gender Commission, and the local gender and media NGO GEM Plus.

(c) The Police maintain a specialised unit, the Family Squad, to manage any cases related to family issues and crimes against morality including child abuse, prostitution, and domestic violence and bullying. This unit continues to experience capacity challenges, which have been responded to in the National Gender Policy and Plan of Action.

(d) The Family Tribunal continues to provide protection orders to victims of family violence. The Tribunal also makes orders for counselling and drug and alcohol rehabilitation. Please see below table for more information.

#### **Domestic Violence – Orders of the Family Tribunal, 2006-2011**

<i>Orders of the Tribunal</i>	2006	2007	2008	2009	2010	2011
Protection	148	242	260	282	276	297
Referral to other agencies:						
Probation	112	99	124	87	120	140
Mont Royale, of which:	10	25	16	9	4	9
Male	9	25	14	7	4	9
Female	1	0	2	2	0	0
Eviction, of which	31	52	78	89	92	92
Male	30	52	71	84	90	84
Female	1	0	7	5	2	8
Prison Sentence for breach, of which	2	16	15	27	26	34
Male	2	15	13	25	26	32
Female	0	1	2	2	0	2

*Source: NBS, 2012 (Crime Justice and Security Statistics Bulletin)*

(e) The Gender Secretariat rolled out the Orange Day campaign during the 16 Days of Activism against Gender Violence in 2012. With financial support from UN Women awareness material were produced and disseminated/displayed. The campaign continues to be supported through banners, official press releases, and print, visual and audio media announcements.

(f) As mentioned previously the Gender Secretariat organised sensitisation for the judiciary and training for law enforcement officials in December 2012. A further one day training workshop is planned for June 2013 under the same project, targeting female police officers specifically.

#### **9. Question Paragraph 691**

**Paragraph 691 indicates that the law fails to recognize domestic violence as a criminal offence.**

**A Please indicate whether the State party is envisaging amending the legislation to criminalize domestic violence.**

**B Please also provide information on the monitoring and implementation of the 2008-2012 National Strategy for Domestic Violence and indicate the measures taken to ensure and promote its effective implementation (para. 71).**

**C Please further indicate the steps taken to provide remedies and assistance, including shelters, as well as counselling and rehabilitation services to all victims of domestic violence.**

A. The proposed Domestic Violence Act which is currently being drafted will criminalise domestic violence. See answers 3 and 8D (a) for more information.

B. Main achievements in regards to the implementation of the 2008-2012 National Strategy for Domestic Violence include:

- Wide dissemination of hard copies of the Strategy to stakeholders and made available for download on [www.genderseychelles.gov.sc](http://www.genderseychelles.gov.sc).

- Conducted a two day training workshop on strategic communication and planning in collaboration with GEM Plus and Gender Links in June 2008.
- Produced and disseminated a Situational Analysis of Institutional Response to Domestic Violence in December 2008.
- Commemorated 16 Days of Activism against Gender Violence annually, activities included sensitisation and training workshops on domestic violence and GBV, production and national dissemination of a series of different leaflets in Creole and English, sexual harassment talks in the workplace, print press articles and domestic violence TV spots using well known role models – including local music artists.
- Integration of domestic violence into the draft National Sexual and Reproductive Health Policy and Strategic Plan. Please note that the Policy and Strategic Plan is still in draft form.
- Seek funding resources for implementation of the strategy, including funding from government, technical assistance and funding from international partner organizations.

C. The Social Affairs Department, through the Probation Services and Community Social Workers continues to provide mediation, make reports and recommendations to assist courts and the Family Tribunal as necessary, and offers one to one counselling and family sessions.

Civil Society Organisations and Religious Based Organisations are committed to providing sensitization program on Gender based violence, such as “End it Now”, which primarily aims at capacity building and awareness raising focusing on service providers. A second target group is the military, where on the occasion of Women’s International Day; a sensitization talk was given during a national conference that was held by the Ministry of Social Affairs, Community Development and Sport, to commemorate the day. A third group is the general public at large with the object of encouraging women to recognize acts of violence and to report.

There are three NGO’s that provide services such as counselling and support to victims of gender based violence, namely, The Alliance of Solidarity for the Family, Women in Action and Solidarity Organisation as well as the “Nou La Pou Ou” NGO under the Anglican Church, meaning “We are here for you”.

## **Trafficking and exploitation of prostitution**

### **10. Question Paragraph 196**

**Paragraph 196 mentions that the following offences are punishable by law: forced detention, abduction of women, maintenance of a brothel and living off the earnings of the prostitution of another person.**

**A Please indicate whether the State party is envisaging carrying out a study to investigate the scope, extent and causes of human trafficking, particularly of women and girls, including through the collection and analysis of data on trafficking of women.**

**B. Please also indicate whether the State party is envisaging enacting a law and developing a strategy to address trafficking and exploitation of human beings.**

A. The Ministry of Social Development and Culture published a study on Prostitution in Seychelles in 2011 with general funds from the EU. The report highlighted the existence of child prostitution in Seychelles and the vulnerability of young women and girls addicted to heroin to trafficking. The report was referenced in the USA Trafficking in Person’s 2011 report, when Seychelles was first included in the report and ranked tier 2. Seychelles

subsequently slid down into the tier 2 watch list in the 2012 report due to insufficient response to the issue.

In 2010, the Drug and Alcohol Council (DAC), which fell under the parent Ministry of Social Development and Culture at that time, conducted a study entitled "Situational Analysis Amongst Commercial Sex Workers in Seychelles". The purpose of the report was to observe the underlying causes and its consequences. Respondents of the study included mostly women (82%) aged between 18-34 years, most of whom are educated up to secondary school level and do not possess marketable skills. The key findings were that the vast majority (94%) of the respondents admitted to abusing drugs on a daily basis, 97% of whom admitted intravenous drug use.

B. Seychelles signed the Convention Against Transnational Organized Crime on 12 December 2000, and ratified in 22 April 2003. The Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children was signed in 33 July 2002 and ratified on 22 June 2004.

The Ministry of Foreign Affairs has initiated drafting of a National Strategy on Human Trafficking and a Trafficking In Persons (TIP) Act, with technical support from the United Nations Office on Drugs and Crime (UNODC). A National Action Plan to combat human trafficking is being put together by the Seychelles Human Trafficking Committee under the assistance of the UNODC.

A workshop was hosted in May 2013, by The Ministry of Foreign Affairs and the UNODC, as an educative and brainstorming initiative for the development of the Action Plan and Legislative Framework on TIP in Seychelles.

Media awareness campaigns are also being developed for Seychelles under the International Organisation for Migration. The Legislation, Action Plan and Media Campaign will also address issues of Sex Tourism.

#### **11. Question Paragraph 194**

**Paragraph 194 of the report refers to the 2009 Plan of Action on Social Ills that includes a study on prostitution, a review of laws and training of law enforcement officials, educational programmes and rehabilitation services.**

**A. Please provide information on the status of implementation of this Plan of Action and indicate whether the study covers the scope, extent and causes of prostitution.**

**B. Please also provide detailed information on measures taken to discourage the demand for prostitution, including sexual tourism, and to introduce exit programmes, as well as rehabilitation and reintegration measures for women involved in prostitution.**

A. The Plan of Action on Social Ills has been implemented successfully at varying degrees; two studies were conducted (see answer 10a); the review of laws and introduction of TIP Act is work in progress; District Task Force has responded in part to prostitution; targeted sensitization including Youth At Risk initiatives and parenting education programmes by the Social Affairs Department, ASFF, Association for the Promotion of Solid and Humane Families (APSHF) and the National Council for Children (NCC); continued efforts of Child Protection Unit and Community Social Workers; community based awareness on identification of TIP; and local NGO Nou La Pou Ou working with people on the streets since 2012 including counselling for prostitutes. The Ministry of Social Affairs, Community Development and Sports continue to seek assistance to set up a Rehabilitation Center for Prostitutes working on the streets. This is aligned to the National Social Renaissance Plan of Action 2012-2016, which is led by the Ministry of Social Affairs, Community Development and Sports.

B. The Ministry of Social Affairs, Community Development and Sport have developed a draft project proposal that was communicated to the to the United Nations Office on Drugs and Crime (UNODC) for a rehabilitation centre where provisions will be made for prostitutes. The rehabilitation programme for prostitutes at the proposed centre will address preventive measures, so as to suppress individuals from engaging in sex work in future, and in order to rehabilitate those who are Commercial Sex Workers at present. The Ministry is still awaiting a response from the UNODC, and in the meantime are trying to identify a site and funding for the project.

The Communicable Disease Control Unit (CDCU) conducted an outreach activity in collaboration with local NGO Nou La Pou Ou targeting commercial sex workers. On the 4th-5th April 2013 a team of one doctor and two nurses went to the streets of Victoria, to identify the CSW hotspots. All CSW identified were counselled, condoms and CDCU bookmarks with information on them were distributed the sex workers. On a voluntary basis, their blood was drawn for HIV, Hep B, C and RPR/TPHA. In total eleven CSW were identified during the two days, of the target 25-30. A third night was dedicated to continue with the outreach. Follow-up work is being undertaken by the CDCU staff with those who have accepted the services

The Centre D'Accueil De La Rosière includes a unit that provides rehabilitation for female addicts who may also be prostitutes.

**12. A. Please indicate the steps taken to assess the risk for women and girls engaged in activities related to tourism, to be involved in commercial sex exploitation.**

**B. Please also indicate the steps taken to prevent and combat sexual exploitation of women and girls and to raise awareness of the actors directly related to the tourism industry (travel agencies, hotels, bars and restaurants).**

A. Risk assessment of women and girls in the tourism industry remains a gap and is envisaged to be incorporated into the proposed TIP National Plan of Action.

B. The Government of Seychelles, the Ministry of Tourism and Culture, and the Seychelles Tourism Board (STB) do not recognise Seychelles as a sex tourism destination. The Ministry of Tourism has recently signed the World Tourism Organisation (WTO) Global Code of Ethics, which promotes sustainable tourism that includes provisions for the prevention of sex-tourism.

The STB launched its Sustainable Tourism Label Programme in 2011 and is implementing Tourism Label criteria with all hotels and guesthouses that are required to possess in their company policy, a Sustainable Policy against Sex Tourism and Sex Trafficking, in order to become a certified and licensed hospitality business.

The Seychelles Human Trafficking legislation, the National Action Plan to combat Human Trafficking, and the media awareness campaign being developed under the International Organisation for Migration, shall all also cover issues regarding Sex Tourism.

**Political participation and decision-making**

13. Most of the data provided on women's participation in political and public life and on women's access to decision-making positions are prior to 2009.

Please provide updated data in this regard, at national and local levels.

Some key high level nominations have been made since 2009 to increase the proportion of women in decision making levels. The President of the Republic announced a Cabinet reshuffle on the eve of International Women's Day 2012, making reference to the achievement of MDG goals by nominating three women Ministers into his new Cabinet and several women into senior economic leadership roles. Following the last parliamentary elections, Seychelles is currently ranked 5th highest in the world by the Inter-Parliamentary

Union for its representation of women parliamentarians. Please see table below for further gender statistics.

### Gender Parity at Decision Making Positions 2013

<i>Post title</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>	<i>% Women</i>	<i>% Men</i>
Minister	3	8	11	27.3%	72.7%
Principal Secretary	8	10	18	44.4%	55.6%
Chief Executive Officer	16	29	45	35.6%	64.4%
Member of National Assembly	14	18	32	43.8%	56.3%
Director General	27	29	56	48.2%	51.8%
District Administrator	18	9	27	66.7%	33.3%
Judge of the Court of Appeal	1	4	5	20.0%	80.0%
Judge of the Supreme Court	1	4	5	20.0%	80.0%
Magistrate Judge	4	2	6	66.7%	33.3%
Central Bank Governor	1	0	1	100.0%	0.0%
Mayor of Victoria	1	0	1	100.0%	0.0%
Vice-chancellor of UniSey	1	0	1	100.0%	0.0%
Pro-vice-chancellor of UniSey	1	0	1	100.0%	0.0%
Ambassador	5	9	14	35.7%	64.3%
Leader of Government Business, National Assembly	1	0	1	100.0%	0.0%

*Source: State House, 2013*

### Education

14. **Paragraph 320 indicates that girls remain traditionally clustered in female oriented schools and therefore remain in a limited range of professions linked to caring activities.**
- A. Please provide information on the measures taken and envisaged to encourage women and men to choose non-traditional fields of training and education.**
- B. Please also indicate whether the State party has monitored the implementation of the teenage pregnancy policy aimed at the reintegration of teenage mothers into secondary schools and has put in place corrective measures as necessary (paragraph 356).**
- C. Please also provide updated information on the measures taken to eliminate stereotypical attitudes about the roles and responsibilities of women and men in textbooks, curricula and teacher training.**
- A. The policy of equal access to scientific, technical/vocational education and training is implemented throughout the primary, secondary and post-secondary stages of education and training. Institutionalised careers guidance is also in place at the level of secondary and post-secondary stages of education and training. However girls continue to be significantly under-represented in technical/vocational subjects in spite of their good academic performance. Although some shifts towards more technical/vocational subjects by girls in certain post-secondary institutions are observable, this remains statistically insignificant in relation to the proportion boys' enrolment.
- As part of Education Reform Plan 2009- 2010, the following strategies may assist in better addressing this issue:

- The implementation of the Revised National Curriculum Framework (2013) in which emphasis on greater sensitivity to gender issues has been placed.
- The implementation of a New Structure and Curriculum for Secondary Education which includes the consolidation of careers Guidance and its possible expansion into primary.

As mentioned in question 7, the draft National Gender Policy and Plan of Action has a pillar on Education and Training which includes provisions to strengthen policies, programmes and campaigns addressing gender stereotyping in education/training. There is also an objective to increase the proportion of girls entering Science, Technology, Engineering and Mathematics (STEM) subjects.

B. All teenage mothers are free to continue their secondary education, as for corrective measures they are encouraged to use reliable forms of contraceptive with close follow up to prevent future pregnancy. The Policy which was first implemented in 1996 was first revised in 2005. Further revision was initiated in 2011 and the 2nd revised version of the policy is expected to be implemented in 2013/2014. Institutional opportunities to better address this issue in the future include the re-establishment of the Health Promotion Unit with the Schools Division in 2013 and the employment of a Health Promotion Coordinator.

C. The majority of textbooks used at the level of secondary schools (and to a great extent the primary schools) and post-secondary institutions are imported textbooks.

There is no strong documented evidence to establish the level of which the issue of gender stereotyping analysis influenced the final decisions on the importation of these books.

At the level of locally produced textbooks/teaching and learning materials, the same argument is valid.

At the level of teacher training, there is insufficient documented evidence to establish the degree to which this issue received qualitative attention at both pre-service and in-service levels.

In 2002, the Ministry of Education undertook a study which revealed differential treatment of boys and girls in schools and higher expectations for girls on the part of the teachers. The Commonwealth funded a similar study in 2006, which was designed to measure the extent of gender bias in secondary schools. The outcome revealed that girls were the ‘preferred’ gender in schools and teachers held high expectations of them while boys were labelled as ‘lazy, irresponsible and lacking motivation’. The recommendations of the study included: “Gender to be integrated into all teacher training programmes” “The issues of boys underachievement needs to be integrated in the new education strategic plan by defining clear targets and strategies and taking on board the recommendations of the study” and “Schools must work individually and collectively with parents to improve student performance”

In 2008 there was a UNESCO funded project in two secondary schools (Anse Boileau and Mont Fleuri schools).

The aims were to:

- to integrate gender into the school and classroom,
- to reduce gender disparity in the school. 14 teachers were engaged in an action research within their own classroom. They adopted a whole school approach including students and non teaching staff.

During a recent inspection by the Inspectorate Unit in the Ministry of Education it was noted that:

- Both genders are being catered for equally

- ii) There is no evidence of stereotyping in the school.

The following development within the context of Education Reform Plan 2009/2010 provides opportunities to better address these issues.

- Establishment and Development of the Centre for Curriculum Assessment and Teacher Support (CCATS) in place since 2009.
- Revision and Implementation of the National Curriculum Framework (2013)
- Transfer of Teacher Education and Development under the mandate of the Ministry of Education from University of Seychelles in 2013-2014

The Association of Building contractors undertook a special project to encourage girls and boys to consider a career in Engineering and Construction industries. The 2012 statistics of the Seychelles Institute of Technology (SIT), registered five girls out of a class of seventeen in the studying for an Advanced Certificate in Electrical and Electronics, which was previously a male dominated course.

## **Employment**

### **15. Question Paragraphs 376 and 377**

**Paragraphs 376 and 377 refer to the absence of a definition of sexual harassment in the legislation.**

**A. Please indicate whether the State party considers adopting specific legal provisions which: (a) define and prohibit sexual harassment in the workplace; (b) require that employers take measures to prevent sexual harassment; and (c) provide for adequate sanctions.**

**B. Please also indicate whether the State party envisages adopting legal provisions which include the reversal or alleviation of the burden of proof in discrimination cases as a measure to favour women employees, so that employers must explain why women hold positions of lower rank have fewer responsibilities and earn lower wages.**

A. (a) The Ministry of Labour and Human Resources is currently reviewing the Employment Act and drafting the second National Employment Policy. The draft definition for sexual harassment in the workplace is

“Any physical, verbal or non-verbal conduct of a sexual nature and other conduct based on sex affecting the dignity of women and men, which is unwelcome, unreasonable and offensive to the recipient; and a person’s rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for a decision which affects the person’s job”.

(b) The proposed amendments to the Employment Act would also guarantee that the employer has an obligation to ensure that no act of harassment is committed in the enterprise, as harassment can be practiced by other workers or clients of the enterprise and not only by the employer.

(c) If sexual harassment is made an offence, sanctions will be automatic.

B. Seychelles does plan to adopt legal provisions which include shifting the burden of proof on employers once a worker/complainant has produced plausible or prima facie evidence of discrimination so that the onus be placed on the employer to show that it did not discriminate against the worker/complainant

**16. Question Paragraph 386**

**Paragraph 386 indicates that the 1995 Employment Act prohibits the termination of contract when a woman is pregnant. However, information before the Committee indicates that this provision is often not respected by employers.**

**A. Please indicate the measures taken or envisaged to monitor the implementation of this provision and provide data on the number of cases brought to court in this regard and on the outcome of the decisions.**

**B. Please also indicate the measures envisaged to increase the number and capacity of public day-care nurseries (paragraph 404).**

**C. Please further provide information on the measures taken to ensure the application of the provision of the principle of equal pay for women and men for work of equal value.**

A. The intentment of this provision is mainly to eliminate discrimination against pregnant women and as indicated, this prohibition is not absolute since termination of a woman who happens to be pregnant may be justified but a safeguard against discrimination is the need for the authorisation of the competent officer. Monitoring of the implementation of this provision can only be effected if the woman brings her case to the attention of the Ministry of Labour and Human Resource Development. In the past years, only two cases have been brought to court. In this regard the first case is where the claimant informed her boss that she was pregnant and was unfairly dismissed, filed her case before the Employment Tribunal on 28th January 2013, won and has now started to receive payment from the employer. The second case is ongoing, involving claims of maternity benefits, for which the next mention is set for 28th May 2013.

B. There are 10 Day Care Centre facilities owned by the Districts (Local Administrations) within the 25 Districts. However, Government plans to build one additional Day Care Centre annually to meet the demands from other Districts. This is included in the Early Childhood and Care (ECCE) Strategy and Action Plan.

C. The adoption of legal provisions which include shifting the burden of proof on employers once a worker/complainant has produced plausible or prima facie evidence of discrimination will apply to alleged discriminatory pay.

**Health****17. Paragraphs 459 and 474**

**Paragraphs 459 and 474 indicate that teenage pregnancy rates remain significantly high and girls aged 15-17 need parental consent to access to contraceptives and HIV testing. Paragraph 475 of the report further mentions that a National Policy on Sexual and Reproductive Health is being drafted.**

**A. Please indicate whether this policy has been finalized.**

**B. Please also indicate whether it provides for affordable access to contraceptives, introduces education on sexual and reproductive health and rights in school curricula, ensures that all women and girls have adequate access to sexual and reproductive health services, and allows teenagers' access to contraceptives and HIV testing without parental consent.**

A. The National Policy on Sexual and Reproductive Health remains in draft form and is yet to be approved by the Cabinet. However, as discussed below, access to adolescent reproductive health services without parental consent will be improved under the legal amendments of the Children Act.

B. The national policy on Sexual and Reproductive health is awaiting approval of Cabinet. One of the policy statements of accessing of SRH services is already being implemented by ASFF.

Contraceptives are free of charge for all citizens of the Seychelles including the youth. At present consent of parents is required for any treatment of minors below 18 years of age. However, medical professionals, especially at the Youth Health Centre, utilise provisions under the Public Health Act for minors to access treatment, including contraceptive, HIV Testing, in the best interest of the child through a medical officer when the parent refuses.

In 2011 a total of 2,130 clients were seen for various services during the year 2011, of which 52% of clients were recorded as current users on various contraceptives, 8% new acceptors to receive contraceptives mainly combine pills, 10% were seen by the Medical Officer for STI treatment and other medical interventions and some required parental consent for interventions and 693 visits were for medical information and other screening tests. A total of 430 HIV tests were done by YHC staff, three cases were confirmed HIV positive and received psychosocial support, counselling and appropriate referrals. A total of 147 pregnancy tests were done, whereby 52 were recorded positive. A total of 13 cases were referred to medical board for Termination of Pregnancies (TOP) upon request. A total of 144 pap smears were also done, of which 42 cases were referred to Communicable Disease Control Unit (CDCU) for further diagnostic tests and management.

The Ministry of Social Affairs, Community Development and Sports have secured technical assistance under the 10th EDF programme to make amendments to the Children Act. Proposed changes include the introduction of provisions to cater for the age of consent to sex at 16 and harmonisation of the age of access to reproductive health services without parental consent at 16 years. The recommendations for legislative amendments are targeted to be completed by the end of 2013, subject to approval by the Cabinet, followed by drafting by the Attorney General's Office and approval from the National Assembly.

The ASFF is offering Family planning services from 1600hrs to 1800 hrs, at the times that government Sexual Reproductive Health facilities are closed.

Personal and Social Education (PSE) has been institutionalised into the national school curriculum and covers sex education.

## **Natural disasters**

### **18. Question Paragraph 603**

**Paragraph 603 indicates that gender specific impacts of climate change in the areas of energy, water, food security and disaster management are absent or not sufficiently analysed. Please provide information on whether the State party envisages incorporating a gender perspective into national disaster management and in relief and recovery strategies.**

The Disaster Management Bill, which is targeted to be completed and submitted to Cabinet for approval before August 2013 will take into account gender perspective including all Standard Operation Procedure (SOP) manuals currently being drafted. The SOP manuals encompass relief and recovery strategies and the Disaster Management Bill is more policy level. It is envisaged that the Gender Secretariat will be included in the consultative

The Ministry of Health, in conjunction with local NGO Alliance of Solidarity for the Family (ASFF), is actively involved in the sensitization of key stakeholders on the impact of natural disasters on SRH needs including sensitivity towards sexual violence, family planning needs or unexpected home deliveries and others.

UNFPA has provided training to health professionals, social workers and other partners on the Minimum Initial Service Package (MISP) for reproductive Health in crisis situations from 13th – 15th May.

## **Marriage and family relations**

**19. Please indicate whether the State party is envisaging withdrawing all discriminatory legal provisions, including those:**

(a) providing for disparities in the minimum age for marriage of girls and boys (article S 40 of the Civil Status Act);

(b) making husbands primarily responsible for the family charges (article 214, paragraph 2, of the Civil Code); and

(c) advantaging the father as regard: (i) the administration of the child's property (article 389 of the Civil Code); (ii) the consent to the child's marriage (articles 46 (1) and 47 (1) of the Civil Status Act); and (iii) the domicile of the child.

**Please also indicate whether the State party is envisaging adopting legislation governing de facto unions in order to provide women with protection and redress in case of separation.**

The Civil Code is currently under review with a targeted deadline of the end of 2013. The Steering Committee mandated with this task is under the patronage of the President of the Court of Appeal and is chaired by the female Judge of the Court of Appeal, Justice Twomey. All recommendations for legislative amendments are subject to approval and drafting by the Attorney General's Office and ultimate approval by the National Assembly.

(a) It is the intent of the Steering Committee to propose that all discriminatory legal provisions in respect of marriage are removed from the provisions of the Civil Code.

(b) It is proposed that all discriminatory legal provisions in respect of the family will be repealed/amended in the Civil Code.

(c)

(i) Recommendations will be made for the removal of all gender discriminatory provisions of the Civil Code concerning status and ownership of property.

(ii) Same as 19(b) above.

(iii) It is the intention of the Steering Committee to propose new provisions to address de facto unions and the equal treatment of partners in terms of family issues and division of co-owned property after the dissolution of such unions.

## **Amendment of article 20, paragraph 1**

**20. Please indicate any progress made with respect to the acceptance of the amendment to article 20, paragraph 1, of the Convention.**

The Seychelles will be accepting the amendment shortly and the Ministry of Foreign Affairs is preparing the instrument of accession