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Excellency,

I write to inform you that, on 11 August 2005, during its 67th session, the Committee on the Elimination of Racial Discrimination reviewed the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in the Republic of Seychelles in the absence of a report.

The Committee regrets the interruption of a dialogue with your Government since 1988. In accordance with article 9 of the Convention, it urges your Government to submit as soon as possible, in one combined document, its fifth to sixth periodic reports due from 1989 to 2005.

The Committee took note with great interest of, and was encouraged by, the report submitted by your Government to the Committee on the Rights of the Child in February 2001 and considered in October 2002, and hopes that similar efforts are underway for the preparation of a report on the implementation of the Convention.

In order to initiate a dialogue on the measures adopted by Seychelles to implement the Convention, the Committee decided to send to your Government a list of questions which I attach to this letter. I would be very grateful if written responses to this list of questions could be provided to the Committee at the latest by 31 January 2006. In the absence of any response from Seychelles by that date, the Committee will proceed with the adoption of concluding observations on Seychelles under its review procedure.

H.E. Mr. Claude Morel
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
Permanent Mission of the Republic of Seychelles
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The Committee wishes to draw the State party's attention to the possibility of availing itself of the technical assistance offered under the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights.

Yours sincerely,

Mario Yutzis
Chairman, Committee on the
Elimination of Racial Discrimination

SEYCHELLES

List of issues in connection with the fifth to fourteenth overdue periodic reports due from 1989 to 2005

UNEDITED VERSION

General Information

1. Please provide detailed data regarding the ethnic characteristics of the population and the socio-economic status of members of the various ethnic groups.¹
2. Please specify the legal status of the Convention in the domestic legal order and explain whether the Convention can be directly invoked in Courts. If so, please provide examples.
3. Does the State party envisage establishing a national human rights institution according to the Paris Principles relating to the status of national institutions (General Assembly resolution 48/134)?

Definition of racial discrimination

4. Does a definition of racial discrimination exist in domestic law? If so, is it in keeping with the definition contained in article 1 of the Convention? Are there any legal exceptions to the principle of non-discrimination?

Article 2

5. As requested in previous concluding observations², please provide updated information on the State party's policy with regard to racial discrimination.

¹ CERD/C/128/ADD.3 §3

² A/43/18 §71

6. Has a Plan of action been adopted in order to implement the Durban Declaration and Programme of Action and have other concrete measures been implemented at the national level?

Article 4

7. Does the State party intend to adopt specific penal internal legislation designed to implement article 4(a) of ICERD, that is, to criminalize and punish the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, acts of violence against any race or group of persons of another colour or ethnic origin and assistance in such activities? If there are no such plans, please indicate the extent to which the provisions of the existing penal laws, as applied by the courts, effectively implement their obligations under article 4 (a)?³

Article 5

8. Please provide information on the legislative, judicial, administrative or other measures which give effect to the provisions of Article 5 of the Convention, in particular measures taken to prohibit racial discrimination and to guarantee the right of everyone, to equality before the law notably in the enjoyment of all human rights.
9. According to the third periodic report of the State party, “the right to participate in the conduct of public affairs, the right to freedom of movement and residence, the right of freedom of thought, conscience and religion as well as the right to access to public places are recognized and enjoyed in practice but not protected by any specific measure”. Please indicate the recent developments in this regard.⁴
10. According to the fourth periodic report of the State party, “the Seychelles Government is of the opinion that education and equal access thereto is a necessary principal factor in personal and national development and has formulated an appropriate policy for its implementation.” Please provide information in this regard.⁵

Article 6

³ CERD/C/128/Add.3 §9

⁴ CERD/C/103/Add.3 January 1994 §17,18,21 and 25

⁵ CERD/C/128/Add.3 §13

11. Please provide information on the number and nature of racial discrimination cases, if any, brought to the Supreme Court of Seychelles. Please also specify the remedies applied to the victim. In the absence of such cases, has the State party taken into consideration that the absence of such cases could be the result of the victim's ignorance of their individual rights, lack of confidence in the police and judicial authorities or the authority's lack of attention or sensitivity to cases to racial discrimination?⁶

Article 7

12. Please provide information on whether there are any specific training programmes and courses for members of the judiciary, law enforcement officials, teachers, social workers and other public officials on the provisions of the Convention and their application.
13. Please provide information on the dissemination of CERD in the State party. Please also specify whether measures have been taken to sensitize and/or train professional groups working in the area of racial discrimination.

Article 14

14. Please indicate if the State party is planning to make the necessary declaration under Article 14 of the Convention for the Committee to receive individual complaints.

Technical assistance/Advisory services

15. According to CERD's concluding observations adopted in 1997 following the review procedure, the Committee suggested that the State party "may wish to avail itself of the assistance offered under the advisory services and technical assistance programme of the OHCHR with the aim of drawing up and submitting as soon as possible an updated report drafted in accordance with the reporting guidelines." Has the State party considered requiring such assistance?⁷

⁶ CERD/C/128/Add.3 §14

⁷ A/52/18 §376 Concluding observations adopted in 1997 under the review procedure