

SEYCHELLES 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Seychelles is a multiparty republic governed by a president, cabinet of ministers, and the National Assembly. In joint presidential and legislative elections in October 2020 voters elected six-time presidential candidate Wavel Ramkalawan of the opposition party Seychellois Democratic Union with 54.9 percent of the vote. The Seychellois Democratic Union party won 20 of 26 seats in the National Assembly. International election observers determined the elections to have been free, credible, and transparent, despite some reports of vote buying and voter intimidation.

The Seychelles Police Force, which includes unarmed police and an armed paramilitary Police Special Support Wing, the Anti-Narcotics Bureau, and the Marine Police Unit, have primary responsibility for internal security and report to the minister of internal affairs. The Seychelles Defense Forces, composed of the infantry, the special forces, the coast guard, and the air force, assist police with internal security as needed. These military services report to the president, who acts as minister of defense. Civilian authorities maintained effective control over the security forces. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: lack of investigation of and accountability for gender-based violence and violence against children; and the worst forms of child labor.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses or might be involved in corruption. Those mechanisms were used.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically

Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices, and there were no reports that government officials employed them.

Impunity was not a significant problem in the security forces.

Prison and Detention Center Conditions

There were no significant reports regarding government-run prison or detention center conditions that raised human rights concerns. Prison conditions continued to improve during the year with a decrease in the inmate population, an expansion of prison facilities, and fewer incidents of prisoner-on-prisoner violence.

Physical Conditions: According to the nongovernmental organization (NGO) World Prison Brief, in June the country held 285 detainees in facilities with a capacity of 757 persons. The prison population decreased from 340 in 2020. A separate holding facility for pretrial male detainees is situated in Victoria. Juvenile pretrial detainees and juvenile convicted prisoners continued to be held together with adult prisoners. Women were held separately from men.

The Seychelles Prison Service announced investigations into the few incidents of prisoner-on-prisoner violence in the main Montagne Posee prison.

Administration: Generally, authorities allowed religious observances, but for part of the year the Seychelles Prison Services suspended inmate access to visitors due to COVID-19 prevention measures and suspended faith-based volunteer visits. Activities resumed in October. In December faith-based groups noted that they

used virtual platforms to support inmates' spiritual needs.

Independent Monitoring: The government generally permitted independent monitoring of prison conditions by local and international human rights groups. The UN Office on Drugs and Crime (UNODC), local nongovernmental organizations, and community groups visited the facilities during the year.

Improvements: Improvements to the Montagne Posee prison facilities continued during the year. The Prison Services partnered with UNODC to make the prison more environmentally friendly, installing solar panels and solar lighting at Montagne Posee prison. The outlying prison on Coetivy Island reopened in March with 30 male prisoners involved in agricultural activities on the island as part of their rehabilitation.

The Seychelles Prison Service added six local staff in March. All prison staff, including new recruits, had completed the UNODC's online "Nelson Mandela Rules" course on the UN standard minimum rules for the treatment of prisoners.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The law requires warrants for arrests, except for persons arrested under a law that allows police to arrest and detain persons suspected of drug possession, use, importation, and trafficking. Individuals arrested must be brought before a magistrate within 24 hours, with allowance made for travel from distant islands. Police generally respected this requirement. The law provides for detention without criminal charge for up to 14 days if authorized by court order. Authorities generally notified detainees of the charges against them and generally granted family members prompt access to them. Detainees have the right to legal counsel, and indigents generally received free counsel on all cases, including felony cases. Courts allowed bail in most cases.

Pretrial Detention: The law provides that remand (pretrial) prisoners be released on bail after six months of detention if their cases have not been heard. According to World Prison Brief, in June pretrial detainees composed 20 percent of the prison population. Court backlogs led to lengthy pretrial detention in previous years, but the government continued reforms instituted in 2019 to decrease the prison population. Supreme Court processes for both civil and criminal cases continued to improve; the Chief Justice's Office continued to monitor case management, and the court case backlog decreased from 2020.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary. The government generally respected judicial independence and impartiality. Authorities generally respected court orders.

Trial Procedures

Both the constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right.

Defendants are considered innocent until proven guilty, have the right to be present at their trials, and to appeal convictions. Defendants have the right to be informed promptly and in detail of the charges against them, with free interpretation as necessary from the first court appearance through all appeals. The law makes provision for defendants to present evidence and witnesses and to cross-examine witnesses in court. The law provides for defendants to consult with an attorney of their choice, to have one provided at public expense in a timely manner if unable to afford one, and to be provided adequate time and facilities to prepare a defense. Defendants may confront prosecution or plaintiff witnesses and present their own witnesses and evidence. They may not be compelled to testify or confess guilt. The law extends these rights to all defendants.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals or organizations may seek civil remedies for human rights abuses through domestic courts.

Property Seizure and Restitution

In October the government launched a scheme to return underdeveloped land forcefully acquired or purchased by the state from 1977 to 1993. Applicants had three months to lodge a claim. The government abolished a tribunal set up in 2012 to deal with compensation for forced land acquisitions and passed the mandate of the tribunal to the Ministry for Lands. The government established the Truth, Reconciliation, and National Unity Commission (TRNUC) in 2019 to investigate and settle claims of forced land acquisitions and human rights abuses stemming from the 1977 military takeover. As of September the TRNUC had conducted hearings for 193 of 360 admissible cases (see also section 5, Government Human Rights Bodies). Regarding land acquisition claims, claimants demanded compensation for properties seized by the government without due process beginning in 1977. The former government generally targeted supporters of opposition political parties or private citizens deemed a threat to the government's control. The government refused to consider the claims for many years but established the TRNUC because of international and domestic pressure and to unify the country's population. Persons who had claims on lands and properties had the option of keeping their case with the TRNUC for a determination or lodging a claim through the government scheme.

In June President Ramkalawan received the report of the commission of inquiry into the winding up of the former Plantation Club, a former high-profile resort and one of the oldest open cases alleging forced divestment of a property by the government. As of December, President Ramkalawan had not made the contents of the report public, nor had he decided on a course of action based on the findings and recommendations of the report. Former president Danny Faure set up the commission in June 2020 to investigate the sale of the Plantation Club Hotel. In 2008 the government petitioned the courts to dissolve Ailee Development Corporation (ADC) and dispose of its assets, including the Plantation Club Hotel, since the Seychelles Licensing Authority (SLA) denied the ADC's license renewal.

The SLA determined that the Plantation Club had fallen into disrepair and could no longer operate as a hotel. The ADC strongly opposed the SLA's determination and the government's petition and believed that it was an expropriation attempt by the government. The government subsequently sold the property to a foreign investor, who had reportedly tried to purchase the property from the ADC.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and there were no reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of speech and press, including for members of the press and other media, and the government generally respected this right. An independent press and judiciary, and a functioning democratic political system, combined to promote freedom of expression, including for the press.

Freedom of Expression: Following the 2020 elections, individuals continued to be more willing to exercise their freedom of speech, criticizing the government with less fear of reprisal, such as harassment by police or the loss of jobs or contracts as was the case in previous years. For example, the Seychelles Broadcasting Corporation hosted several programs on current affairs often critical of government including *Lopinyon* (Opinion), which allowed multiple voices to air their opinions on government decisions and current affairs. Members of the opposition United Seychelles Party said that individuals were fearful to express their opinions due to insults on social media. In December 2020 Veronique Adeline was arrested and detained for "inciting mutiny" after she called, via Facebook, for military officers to revolt. The case was still pending in court.

Censorship or Content Restrictions: The law allows the minister of information technology to prohibit the broadcast of any material believed to be against the

“national interest” or “objectionable.” The law also requires telecommunication companies to submit subscriber information to the government. Although authorities did not enforce the law, after more than 40 years of working in a controlled press environment, journalists continue to practice some self-censorship. The high cost for requesting documents from the Land Registrar’s Office limited journalists’ access to information regarding land transactions, which were important documents when investigating corruption.

Libel/Slander Laws: In October the National Assembly voted to amend the Penal Code and remove criminal defamation as an offense.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content and there were no reports that the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for freedoms of peaceful assembly and association, and the government generally respected this right.

Freedom of Peaceful Assembly

The law requires organizers of gatherings of 10 or more persons to inform the police commissioner five working days prior to the date proposed for the planned gathering. The police commissioner may impose conditions or deny the right to assemble on security, morality, and public safety grounds. The commissioner may also set conditions on the timing and location of gatherings.

The government limited the exercise of the freedoms of peaceful assembly during the year due to the COVID-19 pandemic. As of April 2020, authorities banned large public gatherings, including political rallies. Because of these restrictions, there were few public demonstrations and marches during the year. In October

after the health authorities allowed gatherings of no more than 30 persons, a labor union and members of the opposition party protested certain government decisions every Saturday in central Victoria.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights. Nevertheless, during the year authorities severely restricted internal movement and foreign travel due to the COVID-19 pandemic. In August most visitors were prevented from traveling to the island of La Digue, and those who did travel required negative COVID-19 tests. In November the government renewed restrictions on foreign travel from southern African countries due to the emergence of the omicron variant.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. Nevertheless, the country cooperated with UNHCR, which registered asylum seekers and conducted refugee status determinations.

g. Stateless Persons

The constitution provides citizenship to individuals with one parent who is a citizen. Existing laws do not provide safeguards to prevent statelessness of children born to parents whose nationality is unknown. Amendments to the law make provisions to register children who were abandoned by their parents after 60 days if the identity of the child has not been established. An amendment to the Civil Status Act during the year introduced a deadline of two months to register a birth and created a registry for births and deaths abroad. Declaring births and deaths abroad is now required.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government through free and fair periodic elections held by secret ballot and based on universal and equal suffrage; however, citizens residing overseas were not permitted to vote.

Elections and Political Participation

Recent Elections: In the October 2020 joint presidential and legislative elections, Wavel Ramkalawan of the opposition Seychellois Democratic Union (LDS) party won 54.9 percent of the vote, incumbent president Danny Faure of the United Seychelles Party won 43.5 percent, and third-party candidate Alain St. Ange won 1.6 percent. The LDS also won 20 of 26 seats in the National Assembly, with the former ruling party United Seychelles winning the remaining six seats. The LDS received an additional five proportionately elected National Assembly seats, and United Seychelles received an additional four proportionately elected seats.

Approximately 78 percent of the electorate voted in the elections, with 1.9 percent of ballots spoiled. International election observers from the East Africa Standby Force determined the elections to have been free, credible, and transparent, despite some reports of vote buying and voter intimidation. The result was the first peaceful democratic transition of power since independence in 1976, and President Ramkalawan took office in October 2020.

Participation of Women and Members of Minority Groups: No laws limit participation of women and members of minority groups in the political process,

and they did participate. Following the October 2020 National Assembly elections, women held eight of 35 seats compared with seven seats in the previous assembly. Women continued to hold five of 12 ministerial positions in the cabinet. There were no openly lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons in the government. Naddy Zialor became the first member of the National Assembly with disabilities after the October 2020 election.

The Electoral Commission Seychelles makes provision for the participation of persons with physical disabilities by installing temporary ramps at polling stations. Persons with physical disabilities can request assistance from the officer in charge of the polling station to vote. There was no provision for persons with visual disabilities to have braille ballot papers.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of corruption by officials, and the government implemented the law effectively. There were isolated reports of government corruption during the year.

Corruption: On November 18, the Anti-Corruption Commission of Seychelles (ACCS) arrested businessman and former government official Mukesh Valabhji and his wife for their alleged involvement in the 2002 embezzlement of \$50 million in aid from Abu Dhabi. The investigation led to more high-profile arrests. As of November 29, authorities had arrested six persons, including the widow of former president Albert Rene, a high-ranking military officer who was Rene's son, and the former minister of finance. The investigation continued at year's end.

The government made several amendments to the anti-money-laundering and financial crimes laws during the year to improve transparency.

The law gives the ACCS law enforcement powers, authority, and privileges. On September 10, the government appointed a new advisory council of the ACCS to replace the board of the commission. The restructuring was part of the administration's efforts to give new impetus to the organization. The ACCS may investigate and prosecute cases of corruption outside the purview of the Attorney

General's Office. The president and the public had in the past criticized the ACCS for a lack of prosecutions, despite the agency's assurance that it had many cases under investigation.

The law makes provisions on how citizens may access government information that is not classified sensitive for security and defense reasons, how agencies should respond to requests, mandates proactive disclosure and a duty to assist requesters, and defines information that is deemed classified for security and defense. In October the National Assembly voted to allow commissioners on the Information Commission to hold other jobs, since few persons wanted to serve on the commission as it restricted employment in other areas. Commissioners served on a part-time basis.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights groups generally operated without government restriction, investigating, and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views. The Office of the President has the responsibility to engage with NGOs. The government consulted NGOs on most matters of national concern and appointments to boards of national organizations and agencies. An umbrella organization grouping various NGOs, Citizens Engagement Platform Seychelles, is the focal point for all NGO activities and receives funding from the government for projects and general operations, and the government regularly consulted it regarding the introduction of new legislation.

Government Human Rights Bodies: In October the Human Rights Commission embarked on a series of educational campaigns to improve the public's knowledge and understanding of human rights. The commission also received a grant from the EU to do a three-year project for the promotion of human rights in the country. The project is expected to include training for government officials, including law enforcement officers as well as media and civil society.

The TRNUC heard cases of alleged human rights abuses and property

expropriations throughout the year. Sessions were generally closed to the public due to COVID-19 restrictions but were televised and streamed online; however, during the year the TRNUC had most of its sessions postponed due to COVID-19 shutdowns. Many of the hearings were held in closed sessions in the year due to criticisms and attacks of complainants and witnesses on social media. The TRNUC heard cases regarding unlawful killings, disappearances, forced land acquisitions, and victimization related to the 1977 military takeover. The TRNUC may recommend amnesty, compensation, and refer crimes to the attorney general for prosecution. As of September the TRNUC heard 193 of the 360 admissible cases. The TRNUC chairperson criticized the government for not giving the commission the necessary resources to achieve its mandate. Two commissioners resigned, and the reasons for their resignation has not been made public. Those seeking amnesty from the TRNUC were called upon to complete procedures. The timeline to seek amnesty has since expired.

The constitution established the Office of the Ombudsman in 1993, and the ombudsman is appointed by the president from candidates nominated by the Constitutional Appointments Authority. The ombudsman may investigate any public authority up to and including the president, including complaints of abuse of fundamental rights and allegations of corruption by public officials.

Authorities rarely used the inquiry board (a police complaint office) but instead established independent inquiry commissions. Private attorneys generally filed complaints with police or published them in media outlets.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape, spousal rape, and domestic abuse of women and men are criminal offenses for which conviction is punishable by up to 20 years' imprisonment. Rape was a problem, and the government generally did not enforce the law effectively. Authorities in general did not prioritize domestic abuse cases, and police were undertrained in handling sexual assault cases. Many survivors did not report rape due to social stigma and a reluctance to enter into lengthy court cases.

Domestic violence against women was a widespread problem. During the year a Child Law Reform Commission, headed by former chief justice Mathilda Twomey, was set up to review cases of the Penal Code and proposed a dedicated law to address sexual offenses committed against children and women. The Social Affairs Division of the Ministry of Youth Sports and Family and NGOs provided counseling services to survivors of domestic violence and conducted gender-based violence training sessions. During the year a shelter for survivors of gender-based violence run by an NGO was closed due to lack of funding.

Sexual Harassment: The law prohibits sexual harassment, but enforcement was rare. The law provides no penalty for conviction of sexual harassment, although a court may order a person accused of such conduct to “keep a bond of peace” that allows a court to assess a fine if the harasser fails to cease the harassment. In the workplace, the Employment Act states, an employer may not harass a worker.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Health clinics and local NGOs operated freely in disseminating information on family planning under the guidance of the Ministry of Health. There were no restrictions on access to contraceptives for persons age 18 or older, but the law prohibits access to contraceptives for individuals younger than 18 even though the legal age of consent is 15. First-time mothers from the country’s outer islands were required to travel to the main island of Mahe to give birth. Midwives were used for delivery unless the services of a doctor were required due to health concerns involving either the mother or the child, or a cesarian section was required. Nurses were responsible for both prenatal and postnatal care unless the mother or child had health concerns.

Men and women had access to diagnosis and treatment for sexually transmitted diseases. The country’s high adolescent birth rate of 61 births per 1,000 women between the ages of 15 and 19 was a concern. All services related to reproductive health, as well as other health matters, were free of cost in state-operated facilities. Information on government assistance to survivors of sexual assault was not available.

Discrimination: Although society is largely matriarchal, the law provides for the same legal status and rights for men as for women, including under family, religious, personal status, and nationality laws, as well as laws related to labor, property, inheritance, employment, access to credit, and owning or managing businesses or property. There were no reports of women experiencing discrimination in marriage, divorce, child custody, education, the judicial process, in other institutions, or in housing. The government enforced the law effectively. While unwed mothers traditionally bear the burden of supporting their children, the law requires fathers to support their children financially. The law provides fathers with 10 days of paid paternity leave upon the birth of a child; mothers are provided with 112 days of leave. The law provides equal rights to all children, including in the sharing of inheritance. The law also addresses the sharing of property in married or unmarried intimate-partner relationships.

There was no officially sanctioned economic discrimination against women in employment, access to credit, equal pay for equal work, or owning or managing a business. Women were well represented in both the public and private sectors. Inheritance laws do not discriminate against women.

Systemic Racial or Ethnic Violence and Discrimination

The constitution specifically provides equal protection to all persons, but there are no laws that provide specific protections to racial or ethnic minorities from violence or discrimination. The country does not have an indigenous population. The entirety of the population consists of immigrants and descendants of French and English settlers, enslaved laborers from Africa, indentured laborers from South Asia, and settlers from East Asia. This population is uniquely homogenous in its racial and ethnic culture. Local society viewed all citizens on the island as ethnically Creole. The government did not distinguish other ethnicities along with that identification (e.g., Franco-Creole, Indo-Creole, etc.). Because of generations of intermarriage between all races on the island, there was little inequality, discrimination, or violence based on race or ethnicity. During the year there were no such incidents. Social media, however, has grown as an outlet for racial vitriol directed at specific communities in the country. During the year there were no reports that these messages fueled violence.

Children

Birth Registration: Citizenship is derived by birth in the country or, if born abroad, from citizen parents, and births in the country were generally registered immediately. New laws in the year established requirements for registration of births, including a two-month deadline for registration, that a newborn be examined by a doctor before registration, and the creation of a registry for overseas births. Under the law local committees must make sure all births are registered, even if the child's parents are unknown, so there was no danger that children could fail to receive public services.

Child Abuse: Although the law prohibits physical abuse of children, child abuse was a problem. According to NGOs, physical abuse of children was prevalent. The strongest public advocate for young victims was a semiautonomous agency, the National Council for Children. The law prohibits corporal punishment in schools and at home.

Child, Early, and Forced Marriage: Child marriage was not a significant problem. In 2019 the National Assembly set the minimum age for marriage at 18 for men and women and rescinded a provision that had permitted girls as young as age 15 to marry with parental consent.

Sexual Exploitation of Children: The law defines a child as a person younger than age 18 and criminalizes practices related to child pornography, using children for commercial sexual exploitation, and child sex trafficking. The minimum age for consensual sex is 15, but a person younger than 18 cannot legally access contraceptives.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The Jewish community numbered fewer than 10 persons. There were no reports of

anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

Although the constitution and law provide for special protections for persons with physical, sensory, intellectual, and mental disabilities, including reasonable provisions for improving quality of life, no laws address access to public buildings, transportation, or government services, and the government did not provide such services. The government provided universal access to health services. Most children with disabilities were segregated in specialized schools. During the year the National Council for the Disabled, a government agency under the Ministry of Family Affairs was closed, with the portfolio for disability transferred to the Ministry of Sports, Youth and Family. The Vocational Training Center, which had trained young persons with disabilities, was not operational during the year.

HIV and AIDS Social Stigma

There were no reports of violence or discrimination against persons with HIV or AIDS. An independent National AIDS Council oversees all laws, policies, and programs related to HIV and AIDS.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

In 2016 consensual same-sex sexual conduct between men was decriminalized. Same-sex sexual conduct between women was never criminalized. There were few reports of discrimination against LGBTQI+ persons, although activists stated discrimination and stigma were common. LGBTQI+ activists stated that there had been no progress in furthering their rights since the change in the law. LGBTQI+ persons stated that the government discriminated against them when applying for social housing or resident and work permits for same-sex spouses.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows all workers, excluding police, military, prison, and firefighting personnel, to form and join independent unions and to bargain collectively. The law confers discretionary powers to the registrar to refuse registration of unions. Strikes are illegal unless arbitration procedures are first exhausted. Legislation requires that two-thirds of union members vote for a strike in a meeting specifically called to discuss the strike, and it provides the government with the right to call for a 60-day cooling-off period before a strike starts. The law provides for the minister responsible for employment to declare a strike unlawful if its continuance would endanger “public order or the national economy.” Anyone convicted of calling an illegal strike may receive a substantial monetary fine and be imprisoned for up to six months.

Between 15 percent and 20 percent of the workforce was unionized. The law prohibits antiunion discrimination, but it does not specifically state that foreign or migrant workers have the right to join a union. The government has the right to review and approve all collective bargaining agreements in the public and private sectors. The law also imposes compulsory arbitration in all cases where negotiating parties do not reach an agreement through collective bargaining. In the Seychelles International Trade Zone (SITZ), the country’s export-processing zone, the government did not require adherence to all labor, property, tax, business, or immigration laws. The Seychelles Trade Zone Act supersedes many legal provisions of the labor, property, tax, business, and immigration laws. The Employment Tribunal handles employment disputes for private-sector employees.

The Public Service Appeals Board handles employment disputes for public-sector employees, and the Financial Services Agency deals with employment disputes of workers in SITZ. The law authorizes the Ministry of Employment and Social Affairs to establish and enforce employment terms, conditions, and benefits, and workers frequently obtained recourse against their employers through the ministry or the employment tribunal.

The government did not effectively enforce applicable laws and penalties, which

were levied in the form of fines that were not commensurate with those prescribed for analogous violations related to civil rights. Cases involving citizens were often subject to lengthy delays and appeals, while foreigners were often deported.

The government enforced the law and generally respected workers' right to participate in union activities and collective bargaining. Two new labor unions were registered during the year, increasing union activities. The International Labor Organization continued to urge the government to review provisions of the Industrial Relations Act concerning trade union registration and the right to strike. The law allows employers or their organizations to interfere by promoting the establishment of worker organizations under their control. Collective bargaining improved during the year with the COVID-19 unemployment crisis, and there were no reports of workers dismissed for union activity.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, but government enforcement was ineffective. Penalties were not commensurate with those prescribed for analogous crimes such as human trafficking and kidnapping. Resources, inspections, and remediation were also inadequate. There were reputable NGO and media reports that forced labor occurred in the fishing, agriculture, and construction sectors, where most of the country's nearly 19,000 migrants worked. Investigations into labor trafficking increased, and the government did not provide sufficient resources for victim assistance. There were several reports by the Association of Rights Information and Democracy and the Trafficking in Persons Secretariat concerning cases of forced labor, appalling living conditions, and nonpayment of salaries.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law does not prohibit all the worst forms of child labor because it allows children as young as age 15 to perform work normally prohibited to children younger than 18. The law established the minimum age for employment at 15,

“subject to exceptions for children who are employed part time in light work prescribed by law without harm to their health, morals, or education.” The law notes working in a family-owned shop as an example of “light work.” The law, however, does not provide for children performing hazardous work to receive adequate training or protect their health and safety in accordance with international standards. Criminal law enforcement agencies and coordinating bodies did not adequately implement laws and policies related to the worst forms of child labor, including commercial sexual exploitation, sometimes because of human trafficking.

The Ministry of Employment and Social Affairs was responsible for enforcing child labor laws. The penalty for employing a child younger than age 15 was not commensurate with those prescribed for analogous violations. The ministry did not report any cases requiring investigation during the year.

See the Department of Labor’s *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations prohibit discrimination based on race, age, gender, color, nationality, language, religion, disability, HIV status, sexual orientation, or political or professional association.

The government effectively enforced these laws and regulations. Penalties levied came in the form of fines and were commensurate with those for similar violations.

Employment discrimination against women as it relates to pay and job conditions was relatively low, and the law prohibits discrimination in employment based on gender. By law women may register a business in the same way as men, but there were no laws mandating equal pay for equal work or equal access to credit.

e. Acceptable Conditions of Work

Wage and Hour Laws: The government set mandatory minimum wage rates for employees in both the private and public sectors. The minimum wages were above the poverty line.

The legal maximum workweek varied from 45 to 55 hours, depending on the economic sector. Regulations entitled each full-time worker to a one-hour break per day and a minimum of 21 days of paid annual leave, including paid annual holidays. Regulations permitted overtime up to 60 additional hours per month. The law requires premium pay for overtime work.

Occupational Safety and Health: The Ministry of Health issued comprehensive occupational health and safety regulations that were up to date and appropriate for the main industries. The law allows citizen workers to remove themselves from dangerous or unhealthy work situations, to report the employer to the Health and Safety Commission of the Department of Employment, and to seek compensation without jeopardizing their employment. The law provides for the protection of foreign workers.

The government did not effectively enforce the law. Resources, inspections, and remediation were inadequate. Penalties levied were not commensurate with those prescribed for analogous violations, such as fraud.

The Ministry of Health, the Department of Employment, and the Trafficking in Persons Task Force are responsible for visiting and inspecting worksites and workers' accommodations. An inadequate number of safety and health inspectors did not effectively enforce compliance with health and safety laws.

Migrant workers in the formal sector, including individuals from Bangladesh, India, People's Republic of China, Kenya, Madagascar, Philippines, and other countries in South Asia, made up approximately 20 percent of the working population. The number of migrant workers decreased slightly at the height of the COVID-19 pandemic. They were employed primarily in construction, agriculture, and commercial fishing sectors where traffickers sometimes subjected them to forced labor, including nonpayment of wages, physical abuse, fraudulent recruitment schemes, delayed payment of salaries, and failure to provide adequate housing, resulting in substandard living conditions. There were also reports of employers confiscating passports to prevent workers from changing employers prior to the end of their two-year contracts.

Occupational accidents occurred most frequently in the accommodations, food

services, transport, and storage industries.

Informal Sector: According to the Ministry of Employment and Social Affairs, informal employment was approximately 15 percent in 2020, and this remained a challenge for the country.