

## SEYCHELLES

### CERD A/34/18 (1979)

448. The initial report of the Seychelles (CERD/C/45/Add. 1) was introduced by the representative of the reporting State, who stated that the Government's objective in presenting the report was to begin a dialogue with the Committee, that all comments made by members of the Committee would be transmitted to his Government and a more comprehensive second periodic report would be presented taking into account the Committee's suggestions and observations.

449. The Committee appreciated the fact that the Seychelles had acceded to the Convention even before adopting its Constitution. Although the initial report submitted by the Government did not fully satisfy the Committee's requirements, it showed nevertheless that the country in framing its Constitution had made a good beginning towards establishing a new society based on equality and freedom. A suggestion was made that in order to assist his Government to improve the form and the substance of the future reports, the representative could bring to the attention of his Government the Committee's guidelines, communications and general recommendations, contained in document CERD/C/36.

450. Members of the Committee requested that fuller text of the relevant provisions of the Constitution should be furnished to the Committee, especially those parts relating to Seychelles' obligations under the Convention, as well as details of other legislation currently in force.

451. It was hoped that the next report would provide demographic information concerning the ethnic composition of the country's population in order that the Committee might have a proper idea of the problems the Government would face in implementing the Convention.

452. The Committee pointed out that it would be helpful to have information on steps taken by the Government to implement all articles of the Convention and on any activities by the country in support of the international movement to combat racism and racial discrimination in southern Africa.

453. With regard to article 5 of the Convention, it was noted that some of the social rights, such as the right to housing, to work, to form trade unions, and to enter or leave the country were omitted in the preamble of the Constitution. Indication was sought of how the principles laid down in the preamble had been transformed into legal obligations in order to ensure the full implementation of that article of the Convention.

454. With reference to article 6 of the Convention, a question was raised whether a person whose rights were violated was entitled, in accordance with the preamble of the Constitution establishing the right to equality before the law without discrimination, to seek reparation through the courts.

455. Some members felt that article 9 of the Convention also made it incumbent upon States parties to provide information concerning economic and social measures bearing on the discharge of their obligations under the Convention. In this connection it was hoped that the second periodic report of Seychelles would contain information on the problems of agrarian reform in that country which was of paramount importance since the majority of the population did not own land.

## **CERD A/36/18 (1981)**

426. The second periodic report of Seychelles (CERD/C/72/Add.1) was considered together with the introductory statement made by the representative of the reporting State who pointed out that the report consisted of two parts: the first dealt with the education policy, national health service, housing, social security, culture, food and the demographic composition of the population, while the second part dealt with the application of the Convention and the implementation of human rights in Seychelles. It also included information in response to questions raised during the consideration by the Committee of the Seychelles' initial report.

427. Members of the Committee noted that the report, which had concentrated on the efforts of Seychelles to build a socialist society, should have provided specific legal texts that implemented provisions of the Convention.

428. With reference to article 2 of the Convention, some members of the Committee requested further detailed information on the component of the ethnic groups in Seychelles.

429. As regards the implementation of article 4 of the Convention, it was pointed out that the information given in the report was too general and did not mention of specific legislation or indicate that Seychelles was still in the process of considering such implementation, as it had promised to do in its initial report. The hope was expressed that in the next periodic report Seychelles would give an indication of the legislation that was being considered or which might have been enacted by that time in compliance with article 4 of the Convention.

430. In connection with the implementation of article 5 of the Convention, it was noted that the preamble of the Constitution of Seychelles was quoted regarding the Government's intention to implement the fundamental rights, but the report had not specified whether there was an actual bill of rights incorporated in the Constitution or any legislation giving effect to such rights. Members of the Committee asked whether the courts in Seychelles had followed the example of the French Council of State in recognizing that the rights recognized only in the preamble to the Constitution also had legal validity. Information was requested on the details of the development plans of Seychelles and it was asked what measures the Government planned to take with respect to the large properties owned by a handful of families who were absentee landowners.

431. With reference to article 6 of the Convention, members pointed out that the Committee needed further information and an assurance that everyone was considered equal before the law. More specific details regarding the court of justice and the legal texts for recourse were also requested.

432. It was observed that the report mentioned measures taken in the field of education, with reference to article 7 of the Convention, but the provisions of that article included other fields such as culture and information, with a view to combatting prejudices which lead to racial discrimination. Members hoped that more details regarding those fields would be given in the next report of Seychelles.

433. Replying to the questions raised by members of the Committee, the representative of the reporting State said that she saw two major difficulties. The first related to statistics. Since

Seychelles was only four years old, it would take some time for the country to develop a statistical service. Secondly, concerning the very serious issue mentioned by members of the Committee, namely, the statement that a handful of families owned large tracts of land, she said that that information was somewhat out of date. The situation had changed since 1977 and while private landownership was still respected, it was not required that the land be developed for the good of the country. Otherwise, after a two-year grace period and following repeated warnings to the landowners, the Government bought the property which was then used for State holdings or parcelled out to persons who owned no land so that they could then build their own homes. Having set the records straight on those two points, the representative stated that she would refer the points raised by the Committee to her Government for a reply in its third periodic report.

## **CERD A/39/18 (1984)**

367. The third periodic report of the Seychelles (CERD/C/103/Add.3) was introduced by the representative of the reporting State, who outlined the main ethnic origins and cultural characteristics of the population of his country and pointed out that his Government prohibited South African aircraft from landing on the islands of the Seychelles as a means of combatting apartheid, although that constituted a heavy sacrifice for his country's economy which was based on tourism.

368. The Committee congratulated the Government of the Seychelles on its excellent report submitted in accordance with the Committee's guidelines. It noted with appreciation that, although the Seychelles was a small country, its reports were submitted regularly according to the periodicity established by the Convention and that its Government had been able to send a representative, thus showing the importance it attached to the dialogue with the Committee.

369. The members of the Committee would like to receive a statistical breakdown of the linguistic distribution of the people of the Seychelles. They asked, in particular, what proportion of the population spoke each of the country's three languages and how many people speaking each of the three languages occupied positions of power in the Seychelles.

370. With reference to article 3 of the Convention, members of the Committee took note with appreciation of the action taken by the Government of the Seychelles, at great economic cost, against the racist régime of South Africa. However, it was noted that certain limited trade relations still existed between the Seychelles and South Africa and it was asked what proportion of the country's total trade such transactions represented.

371. With reference to article 4 of the Convention, clarification was requested about the provision of section 50 of the Penal Code of Seychelles concerning the prohibition of certain publications. It was asked, in particular, whether that provision concerned publications published outside the country only or whether it could also affect those published inside the country and whether the presidential prerogative provided for in section 50 was in any way controlled by the judiciary.

372. The Committee expressed disagreement with the statement in the report that, since there was no racial discrimination in the Seychelles, legislation in accordance with article 4 of the Convention was not a priority issue in the country. The Committee recalled that there was a clear obligation for States parties in that regard under article 4 of the Convention and hoped that the Seychelles Government, as promised in paragraph 11 of its report, would soon enact appropriate legislation in accordance with its obligations under the Convention. In this connection, it was observed that the Seychelles was a newly independent country and it could be asked whether in fact all traces of colonialism had been completely eradicated. Lack of legislation preventing any resurgence of racial discrimination might, therefore, prove dangerous to the State and lead to racial conflict in the future. Similarly, the Committee felt that specific legislation should be adopted in the Seychelles to implement fully the various provisions of articles 5, 6, and 7 of the Convention. It was observed that obiter dicta and judgements of the Supreme Court such as that in the Laporte case, referred to in the report, were not really an adequate substitute for specific legislation implementing articles 4 and 5 of the Convention.

373. Referring to article 5 of the Convention, members of the Committee wondered whether the preamble of the Constitution of the Seychelles represented an adequate protection of the rights to freedom of thought, movement and residence and the right to leave and return to the country. It was also asked to what extent the Government had acquired land in pursuance of the 1983 Land Acquisition Amendment Act and how it had been parcelled out or developed. In addition, specific information was requested on the measures being taken by the Government in the field of housing and education.

374. In connection with article 6 of the Convention, it was asked what recourse, if any, was available, in the Seychelles, to persons wishing to express individual grievances and whether the provisions of the Convention could be enforced in the courts.

375. In connection with article 7 of the Convention, clarification was requested on school curricula in the Seychelles.

376. In reply to some of the questions raised by members of the Committee, the representative of the Seychelles explained that Creole was a national language in his country; business could be conducted in Creole in the Government; it was taught in primary schools and parents who did not know how to read and write Creole were being taught in the language, which they could use if they wished. The first obligatory language in school was Creole, from the age of six onwards; the second language was English. No one spoke English as a mother tongue in the Seychelles; the tradition of French was maintained by some. All children went to public school, which was free; from there they went on to the national youth service, where those able to follow academic pursuits did so. Others carried on vocational training leading to polytechnics.

377. The representative assured the Committee that he would convey its comments to his Government and that all the points raised would be dealt with in his Government's next periodic report.

**CERD A/43/18 (1988)**

70. The fourth period report of Seychelles (CERD/C/128/Add.3) was considered by the Committee at its 816<sup>th</sup> meeting, held on 2 August 1988 without the participation of a representative of the State party (CERD/C/SR/816), a fact regretted by the Committee.

71. Noting the assertion in the report of the absence of racial problems in the multi-ethnic and multicultural society of Seychelles, members of the Committee expressed a desire for more information on the positive aspects of racial integration in that State. Regret was expressed at the very general character of the report and it was hoped that the next report would give a detailed picture of the Government's policy with regard to racial discrimination.

72. Members of the Committee generally expressed a desire for information on the measures taken by the Government to fulfil its obligations under the Convention.

73. In connection with article 4 of the Convention, members of the Committee noted the indication in the report that, in the absence of racial discrimination in Seychelles, there was no need to give high priority to legislation on the subject. In that connection, they pointed out that it was the duty of States parties to comply with both the spirit and the letter of the Convention and that, even if there were no racial discrimination in a country at a given time, no one could predict that unfortunate events would not alter that situation in the future.

74. In connection with article 5 of the Convention, it was asked how the property of Seychelles nationals residing abroad was administered.

**CERD A/52/18 (1997)**

374. At its 1213th meeting, held on 21 March 1997 (see CERD/C/SR.1213), the Committee reviewed the implementation of the Convention by Seychelles based upon its previous reports (CERD/C/128/Add.3) and their consideration by the Committee (see CERD/C/SR.816). The Committee noted with regret that no report had been submitted to the Committee since 1986.

375. The Committee regretted that Seychelles had not responded to its invitation to participate in the meeting and to furnish relevant information. The Committee decided that a communication should be sent to the Government of Seychelles setting out its reporting obligations under the Convention and urging that the dialogue with the Committee be resumed as soon as possible.

376. The Committee suggests that the Government of Seychelles may wish to avail itself of the technical assistance offered under the advisory services and technical assistance programme of the United Nations High Commissioner for Human Rights/Centre for Human Rights, with the aim of drawing up and submitting as soon as possible an updated report drafted in accordance with the reporting guidelines.