

SEYCHELLES

CRC CRC/C/121 (2002)

160. The Committee considered the initial report of Seychelles (CRC/C/3/Add.64), submitted on 7 February 2001, at its 815th and 816th meetings (see CRC/C/SR.815 and 816), held on 23 September 2002, and adopted, at the 833rd meeting (CRC/C/SR.833), held on 4 October 2002, the following concluding observations.

A. Introduction

161. The Committee welcomes the submission of the State party's initial report which follows the guidelines for reporting, is self-critical and presents numerous recommendations for addressing the problems. The Committee also welcomes the written replies to its list of issues containing considerable statistical data (CRC/C/Q/SEY/1), which gave a clearer understanding of the situation of children in the State party. It further notes with appreciation the open and constructive dialogue and the positive reactions to the suggestions and recommendations made during the discussion.

B. Positive aspects

162. The Committee notes the State party's continuous efforts to reform the Children's Act of 1982 and bring it fully into conformity with the Convention.

163. The Committee notes the State party's strong commitment to education and child and maternal health and the significant improvements that have been made in these areas, as well as with respect to health indicators in general.

164. The Committee notes the State party's prohibition of corporal punishment in the home, schools and all other institutions involved in the care or protection of children.

C. Factors and difficulties impeding the implementation of the Convention

165. The Committee acknowledges that, despite a relatively high standard of living, the State party still faces socio-economic conditions which place limitations upon the State party's financial and human resources.

D. Principal areas of concern and recommendation

1. General measures of implementation

Legislation

166. The Committee, while noting that the State party has recently initiated a review of its

legislation on children, nevertheless remains concerned that reforms ensuring the conformity of all domestic laws with the Convention have not been fully realized.

167. The Committee encourages the State party to continue its efforts at legislative reform and take all necessary measures to ensure that its domestic legislation in all areas concerning children conforms fully with the principles and provisions of the Convention.

Coordination

168. While noting the State party's efforts to establish inter-agency committees, such as the National Commission on Child Protection, the Committee remains concerned that, as the State party itself has recognized, coordination between ministries and agencies working with and for children is insufficient, which limits their effectiveness.

169. The Committee recommends that the State party strengthen its efforts to coordinate policy and programmes and ensure a holistic approach to children's issues both at the national and local levels, in particular by ensuring that coordination mechanisms receive the necessary financial and human resources.

Independent monitoring structures

170. The Committee welcomes the creation of various helplines to allow children to discuss their problems in confidence, and notes that children may send complaints to the National Council for Children. Nevertheless, the Committee remains concerned at the absence of an independent mechanism with a mandate to regularly monitor and evaluate progress in the implementation of the Convention and which is empowered to receive and address individual complaints by children.

171. The Committee encourages the State party to pursue its efforts to develop and establish an independent and effective mechanism, provided with adequate human and financial resources and easily accessible to children, in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (The Paris Principles) (General Assembly resolution 48/134, annex), that would:

- (a) Monitor the implementation of the Convention;
- (b) Deal with complaints from children in a child-sensitive and expeditious manner;
- (c) Provide remedies for violations of their rights under the Convention.

Allocation of budgetary resources

172. The Committee notes with concern that budgetary allocations for children are insufficient to ensure that professionals and other staff dealing with children in all services are adequately trained and have sufficient capacity to respond to national and local priorities for the protection and promotion of children's rights.

173. While recognizing the existing economic difficulties, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children “to the maximum extent of ... available resources”. Furthermore, the Committee recommends that the State party undertake an evaluation of spending and resources in the public and private sectors, including by NGOs, to assess the cost, accessibility, quality and effectiveness of services for children.

Data collection

174. The Committee is concerned at the lack of disaggregated data and indicators for all areas covered by the Convention and in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies and programmes adopted with respect to children.

175. The Committee recommends that the State party:

(a) Develop a system of data collection and indicators consistent with the Convention, disaggregated by gender and age, as well as by island. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including child victims of abuse, neglect or ill-treatment, children with disabilities, children in conflict with the law, and children living in poverty;

(b) Use these indicators and data for the formulation and evaluation of policies and programmes for the effective implementation of the Convention;

(c) Seek technical assistance from the United Nation’s Children’s Fund (UNICEF) or other organizations in this regard.

Dissemination

176. While noting the initiatives of the State party to promote awareness of the principles and provisions of the Convention, the Committee is concerned that professional groups, children, parents and the public at large are still not sufficiently aware of the Convention and the rights-based approach enshrined therein.

177. The Committee recommends that the State party strengthen its efforts to ensure that the principles and provisions of the Convention are widely known and understood by adults and children alike. In this regard, the Committee encourages the State party:

(a) To ensure that the Convention is translated in its entirety into all three official languages;

(b) To undertake a systematic education and training programme on the principles and provisions of the Convention for children, parents and all professional groups working for and with children, in particular judges, lawyers, members of the Family Tribunal, law enforcement officials, staff of

the Youth Residential Treatment Centre, teachers, health-care personnel, social workers, staff in orphanages, parliamentarians and religious leaders.

Cooperation with civil society

178. While noting the participation of the civil society in child protection activities, the Committee is concerned that insufficient efforts have been made to involve civil society in the full implementation of the Convention and the reporting process.

179. The Committee recommends that the State party continue to involve systematically communities and other elements of civil society, including children's associations, throughout all stages of the implementation of the Convention, including the formulation of policies and programmes, and in the drafting of the next report to the Committee.

2. Definition of the child

180. The Committee is concerned that:

- (a) Under law there is a different minimum age of marriage for boys and girls;
- (b) The age of compulsory education is not clear, giving rise to uneven enforcement.

181. The Committee, therefore, recommends that the State party:

- (a) Review its legislation with a view to rectifying differences in the minimum age of marriage by raising the age for girls to that for boys;
- (b) Establish a clear age for compulsory schooling and ensure that it is enforced.

3. General principles

182. The Committee is concerned that the principles of non-discrimination, the best interests of the child, the right to life, survival and development of the child and respect for the views of the child are not fully reflected in the State party's legislation and administrative and judicial decisions, as well as in policies and programmes relevant to children at both national and local levels.

183. The Committee recommends that the State party:

- (a) Appropriately integrate the general principles of the Convention, in particular the provisions of articles 2, 3, 6 and 12, in all relevant legislation concerning children;
- (b) Apply them in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children;
- (c) Apply these principles in policy-making and planning at every level, as well as in actions taken

by social and health welfare and educational institutions, courts of law, including the Family Tribunal, and administrative authorities.

184. Furthermore, the Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of the Committee's General Comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).

Best interests of the child

185. Noting the recognition of the best interests principle in the Children's Act, the Committee remains concerned that the principle is not fully recognized and implemented in all legislation, policies and programmes for children.

186. In light of article 3, the Committee recommends that the State party ensure that the best interests principle is reflected in all relevant legislation, policies and programmes for children, in particular in the proceedings and decisions of the Family Tribunal.

Respect for the views of the child

187. While noting the State party's efforts to ensure child participation, including through youth and school councils, the Committee remains concerned that children have limited opportunities in schools, institutions, courts, administrative processes and in the home to express their views freely.

188. In light of article 12 of the Convention, the Committee recommends that the State party ensure that children's views are given due consideration in courts, schools, relevant administrative and other processes concerning children and in the home through, inter alia, the adoption of appropriate legislation, the training of professionals working with and for children and the use of information campaigns. The Committee further recommends that the State party undertake consultations with children on matters affecting them.

4. Civil rights and freedoms

Right to preservation of identity

189. The Committee is concerned that the right of children born out of wedlock to know their biological fathers can be limited, inter alia, owing to the right of the mother not to reveal the name of the father, and that children of divorced or separated parents may not be able to preserve their identity.

190. In light of article 8, the Committee recommends that the State party review its legislation in order to ensure that all children born out of wedlock have, as far as possible, the legal right to know and maintain contact with both their biological parents, and that all children of divorced or

separated parents have the legal right to maintain their identity.

Ill-treatment and other forms of violence

191. While noting that the State party has prohibited corporal punishment, the Committee remains concerned that children may still be subject to violence in the home, schools or institutions, and that corporal punishment may be reintroduced in schools.

192. The Committee recommends that the State party:

- (a) Carry out public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment;
- (b) Provide further training for all professional groups working with or for children, including police and detention officials, on alternative forms of discipline and on how to detect and address signs of ill-treatment in a child-sensitive manner;
- (c) Ensure that child victims of ill-treatment have access to psychological counselling and recovery services;
- (d) Establish a complaints mechanism that is accessible to all children.

5. Family environment and alternative care

193. While acknowledging the State party's efforts to destigmatize and streamline judicial proceedings with respect to family issues through the creation of the Family Tribunal, the Committee is concerned that the functioning of the Tribunal is not always in conformity with the principles and provisions of the Convention.

194. The Committee recommends that the State party:

- (a) Ensure that the general principles of the Convention, in particular the best interests principle and respect for the views of the child, are integrated into all proceedings and decisions of the Family Tribunal;
- (b) Improve the professionalism and qualifications of all staff and members of the Family Tribunal through further training which includes the principles and provisions of the Convention;
- (c) Ease the burden on child witnesses and victims by minimizing delays and postponements, ensuring their right to privacy and providing training for staff on how to work with these victims and witnesses in a child-sensitive manner.

Parental responsibility

195. The Committee notes with deep concern the spreading phenomenon of family disintegration in the State party, including the large number of single-parent families.

196. In light of article 18 of the Convention, the Committee recommends that the State party:

- (a) Continue ongoing efforts at legal reform with regard to parental responsibilities;
- (b) Continue to develop measures for the prevention of family disintegration and the strengthening of family development together with public agencies, civil society organizations and families themselves.

Alternative care

197. Acknowledging the State party's efforts to develop a foster care system, the Committee is concerned at the persistent lack of alternatives to residential care for children deprived of a family, and at the high proportion of children placed in institutions because of social or economic problems affecting their families. Furthermore, the Committee is deeply concerned that there is no periodic review of private or public alternative care facilities and that private and public institutions are not subject to the same standards or procedures.

198. The Committee recommends that the State party review its policies on alternative care for children deprived of a family with a view to developing a more integrated and accountable system of care and support by:

- (a) Strengthening and expanding the foster care system through improved training of social workers and increased counselling and support for foster families;
- (b) Enhancing coordination between all persons involved in the care of children deprived of a family environment, including police, social workers, foster families and the staff of public and private orphanages;
- (c) Establishing a set of standards and procedures for all public and private organizations working with these children that encompass the principles of the best interests of the child and respect for the views of the child and that ensure that their placement is periodically reviewed, in accordance with article 25 of the Convention.

Abuse and neglect

199. The Committee expresses its concern at the lack of reliable data and information on child abuse and neglect in the home and in care institutions, which, nevertheless, the State party recognizes to be a problem.

200. The Committee recommends that the State party:

- (a) Undertake studies on domestic violence, ill-treatment and abuse, including sexual abuse,

within the family in order to assess the extent, scope and nature of these practices;

(b) Develop awareness-raising campaigns, with the involvement of children, in order to prevent and combat child abuse;

(c) Ensure that all victims have access to recovery and social reintegration programmes;

(d) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervening where necessary;

(e) Investigate effectively cases of domestic violence and ill-treatment and abuse of children, including sexual abuse, through a child-sensitive inquiry and judicial procedure in order to ensure better care and protection of child victims, including the protection of their right to privacy.

6. Basic health and welfare

201. While acknowledging the State party's strong commitment to child and maternal health, the Committee is concerned at the limited access to safe drinking water and sanitation on some islands and at the lack of mental health professionals and services for children and adolescents throughout the State party.

202. The Committee recommends that the State party:

(a) Enforce existing environmental regulations so as to ensure universal access to safe drinking water and sanitation;

(b) Establish specialized mental health services specifically for children and adolescents staffed with specially trained and qualified professionals.

Children with disabilities

203. The Committee is encouraged by the State party's efforts, together with the National Council for the Disabled, to combat discrimination against children and adults with disabilities. Nevertheless, the Committee is concerned that children with disabilities have limited access to public facilities and services because the physical environment is not appropriately designed or because staff and programmes have not been designed to ensure integration of children with disabilities.

204. Taking note of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and the results of the Committee's day of general discussion on the rights of children with disabilities, held on 6 October 1997 (see CRC/C/69, paras. 310-339), the Committee recommends that the State party continue its cooperation with the National Council for the Disabled and other relevant civil society organizations, in particular in:

- (a) Developing and implementing a policy aimed at the full integration of children with disabilities into the mainstream school system;
- (b) Assessing the extent to which current services and public facilities are accessible and appropriate for the needs of children with disabilities with a view to improving the physical environment, the coordination of service delivery and the capacity of all staff and professionals working for and with children to include children with disabilities in their programmes, thereby facilitating their active participation in society at large.

Adolescent health

205. The Committee is concerned that:

- (a) Adolescents face health risks, including from sexual exploitation, maltreatment, smoking, drug and alcohol abuse, and HIV/AIDS and sexually transmitted diseases;
- (b) The rate of teenage pregnancies and illegal abortions is high;
- (c) Adolescents do not have full access to reproductive health counselling and services.

206. The Committee recommends that the State party:

- (a) Increase its efforts to promote adolescent health, including mental health, by focusing, in particular, on the issues of reproductive health, substance abuse and health education in schools and institutions;
- (b) Consider means of reducing teenage pregnancy, including through strengthened reproductive health education and access to contraception without parental consent for adolescents;
- (c) Ensure the provision of comprehensive health services, counselling and support for pregnant girls.

7. Education

207. The Committee is encouraged by the existence of free compulsory education and early childhood education programmes with virtually universal enrolment. Nevertheless, the Committee is concerned about the high drop out rates and absenteeism.

208. In light of the Committee's General Comment No. 1 on article 29, paragraph 1, of the Convention (aims of education), the Committee recommends that the State party:

- (a) Consider creating study groups in schools involving students at higher and lower levels in order to contribute to the improvement of the achievements of students with learning difficulties;
- (b) Undertake a study of the reasons why students drop out of school in order to develop solutions that ensure their continuing educational or vocational training, and further opportunities for

employment and integration into society;

(c) Review the curriculum and teacher training programmes with a view to incorporating human rights education, including children's rights, into the curriculum and implementing more participatory teaching methods;

(d) Ratify the Convention against Discrimination in Education, of 1960 of the United Nations Educational, Scientific and Cultural Organization.

8. Special protection measures

Sexual exploitation

209. The Committee is concerned at the lack of data and information on the problem of sexual exploitation of children, including child prostitution and pornography.

210. The Committee recommends that the State party undertake a comprehensive study of child sexual exploitation and prostitution which assesses the magnitude of the problem, proposes possible solutions that address its root causes and evaluates the availability and appropriateness of services for the care and protection, recovery and social reintegration of the victims, taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.

Substance abuse

211. The Committee is concerned at the increasing use of marijuana and other illicit substances by children in the State party and at the lack of adequate data and treatment programmes specifically for children abusing drugs.

212. The Committee recommends that the State party:

(a) In light of article 33 of the Convention, continue to take all appropriate measures, including administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and to prevent the use of children in the illicit trafficking of such substances;

(b) Support rehabilitation, reintegration and recovery programmes specifically designed for child victims of drug and substance abuse.

Juvenile justice

213. The Committee is concerned that although the minimum age for criminal responsibility is 12 years, prosecution of children between the ages of 8 and 12 is possible under certain conditions. In addition, the Committee is concerned that conditions at the Youth Residential Treatment Centre are very poor, that it has few programmes for rehabilitation or education and that its location limits contact between children and their families. Finally, the Committee is also concerned about the

lack of community-based rehabilitation alternatives for juvenile offenders.

214. The Committee recommends that the State party take additional steps to reform legislation and the system of juvenile justice in line with the Convention, in particular articles 37, 40 and 39, and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System.

215. The Committee further recommends that the State party:

(a) Increase the number of probation officers and community-based alternatives to detention for juvenile offenders;

(b) Establish a clear minimum age of criminal responsibility at an internationally acceptable level and ensure that children under that age are not held in police custody or other forms of detention;

(c) Improve the conditions at the Youth Rehabilitation and Treatment Centre and ensure that rehabilitation and education programmes are provided while continuing consideration of the possibilities of relocating the Centre to the main island in order to facilitate contact between children and their families.

9. Optional Protocols to the Convention on the Rights of the Child and amendment to article 43, paragraph 2, of the Convention

216. The Committee notes that the State party has not ratified the two Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

217. The Committee recommends that the State party continue to pursue its efforts to ratify the two Optional Protocols to the Convention on the Rights of the Child.

10. Dissemination of documents

218. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

11. Next report

219. The Committee, aware of the considerable delay in the State party's reporting, wishes to underline the importance of a reporting practice which is in full compliance with the rules set out

in article 44 of the Convention. Children have the right to have the Committee on the Rights of the Child, as the responsible body, regularly examine the progress made in the implementation of their rights, and it should have the opportunity to do so. Regular and timely reporting by States parties is crucial in this regard. Moreover, the Committee understands that the State party has had difficulties with timely and regular reporting. In order to help the State party return to reporting in full compliance with its obligation under the Convention, the Committee invites the State party, by way of exception, to submit its second (due on 6 October 1997), third (due on 6 October 2002) and fourth periodic reports in one consolidated report before 6 October 2007.