



International Covenant on Civil and Political Rights

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Human Rights Committee

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List of issues to be taken up in the absence of the initial report of the Republic of Seychelles (CCPR/C/SYC/1)

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. What is the status of the Covenant under domestic law? Can provisions of the Covenant be directly invoked before domestic courts in the Seychelles? If so, please provide details on all cases in which this was done and with what results.
2. Please provide information on the availability of remedies for individuals claiming a violation of the rights contained in the Constitution and the Covenant. Also provide information as to whether persons have applied to the Constitutional Court for redress, as provided for in article 46, paragraph 1, of the Constitution.
3. Please provide information on any national institutions, other than the courts, responsible for supervising the implementation of human rights in the State party and on their mandate. Have such institutions been created in accordance with the principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights adopted by General Assembly resolution 48/134 (Paris Principles)? If no such mechanism exists, is there any initiative to introduce one?

Non-discrimination, rights of minorities and equal right of men and women (arts. 3, 26 and 27)

4. Please indicate the legislative and administrative measures and recent court decisions relating to the protection against discrimination in law and in fact, in any field regulated and protected by public authorities, on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
5. According to information before the Committee, Chagossians residing in the State party are subject to discrimination in various aspects of daily life. Please comment and also indicate whether any measures have been taken to facilitate the naturalization of those Chagossians without proper status.
6. Please provide information on women's status in the political, economic and social life of the country. Please supply information on levels of employment among women, the

proportion of women in positions of responsibility both in the private and public sector, and whether women and men receive equal pay for equal work. Please also indicate the literacy and school enrolment rates for women as compared with those for men. Indicate all legislative and other steps taken to eliminate stereotypes discriminating against women and to put an end to discriminatory actions, both in the public and private sectors, which impair the equal enjoyment of rights by women and men.

7. Please provide detailed information on the extent of the problem of violence against women, in particular domestic violence, on the number of safe shelters and the resources allocated to the assistance of victims of domestic violence. Specify what measures are being taken to ensure that acts of domestic violence are effectively investigated, and perpetrators prosecuted and sanctioned. Also indicate whether other steps have been taken to combat domestic violence, such as training for judges, prosecutors, police and health officers and awareness-raising campaigns for women on their rights and available remedies.

8. According to information before the Committee, girls are not allowed to attend school when they are pregnant and many do not return to school after the birth of a child. Please comment and provide detailed information on school attendance by girls.

9. According to the Criminal Code of 1955, section 151 (c), persons in a homosexual relationship are liable to imprisonment for 14 years. Please provide information on the number of cases, if any, in which this provision has been applied, including the sentences imposed.

States of emergency (art. 4)

10. Please elaborate on the definition of “a grave civil emergency” as one of the grounds for the declaration of a state of emergency, as provided for in Part III of the Constitution.

11. According to article 4, paragraph 2, of the Covenant, no derogation may be made in times of public emergency from articles 6, 7, 8, paragraphs 1 and 2, 11, 15, 16 and 18 of the Covenant. Please explain the lack of reference in article 43, paragraph 3, of the Constitution to the right guaranteed in article 11 of the Covenant. Also explain the lack of reference in article 44, paragraph 1, of the Constitution to the rights guaranteed in articles 11, 15, 16 and 18 of the Covenant.

Prohibition of torture and cruel, inhuman or degrading treatment or punishment (art. 7)

12. Various incidents of maltreatment of detained persons by police officers and/or soldiers have been reported during 2008. The State party is invited to comment on whether ill-treatment and torture of persons under arrest by State forces has indeed taken place, including sexual abuse and rape of women. Please provide information on the measures taken to prevent and punish such practices and whether and to what effect legislation or any other measures have been adopted to ensure the prevention or punishment of torture.

13. According to information before the Committee, corporal punishment is still used in schools, penal institutions and alternative care settings. Please comment and provide information as to whether the law explicitly prohibits this practice in all cases.

Elimination of slavery and servitude (art. 8)

14. Please provide information as to whether and to what extent trafficking in persons occurs on the territory of the State party and on the legislation aimed at preventing, combating and punishing trafficking in persons, if any.

Right to liberty and security of person and treatment of persons deprived of their liberty (arts. 9 and 10)

15. Please provide information on permissible grounds of deprivation of liberty and on redress mechanisms in place to address instances of unlawful arrest or detention. Also comment on reports according to which various incidents of arbitrary arrest were recorded in 2008. Furthermore, please provide information on the legislative requirements for placing persons in police custody and pretrial detention, including the maximum length of custody and pretrial detention. Also elaborate on the rights of persons while in police custody, for example access to a lawyer, and on the maximum period of detention before an individual is brought before a judge.

16. Please provide detailed information on legislative and all other rules regarding the treatment of persons deprived of their liberty and on the concrete measures taken to monitor their effective application. Also explain what procedures exist whereby a complaint of ill-treatment by prison officials or other authorities in places of detention, including in psychiatric institutions, can be filed and duly investigated, perpetrators brought to justice, and victims offered redress and compensation. Please also provide information on the number of complaints received during recent years regarding incidents of ill-treatment by law enforcement officials.

17. Please provide information as to whether the provisions of article 10, paragraph 2, of the Covenant, concerning the separation of accused from convicted persons and of juveniles from adult prisoners, is respected in practice?

18. The Committee notes reports regarding bad conditions at the Youth Residential Treatment Centre, the low number of programmes for rehabilitation or education for juveniles in the Centre, and about the remote location of the Centre, preventing regular family visits. Please provide updated information in this regard.

Right to a fair trial (art. 14)

19. Please explain the procedure for granting legal aid. Please comment, in particular, on the availability of legal aid for constitutional motions.

20. Please provide information on specific measures taken to guarantee the independence and impartiality of the judiciary, for example through the Constitution or laws establishing clear procedures and objective criteria for the appointment, remuneration, tenure, promotion, suspension and dismissal of the members of the judiciary and disciplinary sanctions taken against them, including in cases of corruption.

21. Please comment on reports of exceptionally long periods of pretrial detention, in some cases more than three years, and on mechanisms and measures taken with a view to reducing the duration of such detention.

Freedom of opinion and expression (art. 19)

22. Please provide detailed information on: (a) how freedom of opinion and expression is guaranteed in law and in practice, including on all aspects of circulating information in any form and through any media; (b) the legal regime that regulates the ownership and licensing of the press and the broadcasting media; and (c) the existence of non-State controlled media.

23. Please provide detailed information on the legislative framework for filing lawsuits of libel against journalists and its implementation in practice. Furthermore, provide details on the circumstances and reasons for the fining of the newspaper “Regar” and on the circumstances of the arrest of the editor of “Le Nouveau Seychelles Weekly” in November 2008.

Marriage, family and measures for the protection of minors (arts. 23 and 24)

24. Please provide information on the legislative and practical measures adopted to combat child abuse, which is reportedly a problem in Seychelles.

25. Please provide information on the measures taken to ensure the full implementation of article 24 of the Covenant, for example to align the legal age of marriage of girls to that of boys and to ensure that all children have equal rights, irrespective of the marital status of their parents.

26. Has the State party contemplated establishing a single minimum age for criminal responsibility without any exceptions?

Public participation, elections (art. 25)

27. According to information before the Committee, there were incidents of police and military violence and intimidation before and after the last elections. Please comment on such information.

28. Please provide information on the circumstances under which a person can enter the public service, and on the main grounds for disqualifying individuals from obtaining employment in the public service. What regulations exist providing for a judicial or other review of any such disqualification?

Rights of persons belonging to minorities (art. 27)

29. Please provide information on the existence and size of ethnic, religious and linguistic minorities in Seychelles, and describe how their rights under article 27 of the Covenant are guaranteed.

Dissemination of information relating to the Covenant (art. 2)

30. Please indicate the steps taken to raise awareness and understanding of the Covenant among judges, lawyers, law enforcement officials and teachers as well as among the general public.