

## COMMITTEE ON THE RIGHTS OF THE CHILD

Fifty-eighth session

19 September – 7 October 2011

### Consideration of reports submitted by States parties under article 44 of the Convention Concluding observations: Seychelles

1. The Committee considered the second, third and fourth periodic report of Seychelles (CRC/C/SYC/2-3-4) at its 1654<sup>th</sup> and 1655<sup>th</sup> meetings (CRC/C/SR.1654 and 1655), held on 28 September 2011, and adopted, at its 1668<sup>th</sup> meeting, held on 7 October 2011, the following concluding observations.

#### I. Introduction

2. The Committee welcomes the submission of the State party's second, third and fourth periodic report as well as the written replies to its list of issues and commends the frank nature of the report, which allows a better understanding of the situation of children in the State party. The Committee appreciates the open and fruitful dialogue held with the high-level delegation.
3. The Committee reminds the State party that the present concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's initial report on 9 October 2002, contained in CRC/C/15/Add.189.

#### II. Follow-up measures and progress achieved by the State party

4. The Committee welcomes a number of positive developments in the reporting period, including the adoption of legislative measures taken with a view to implementing the Convention, such as:
  - (a) The Welfare Agency Act, 2008 which guides assistance to needy families;
  - (b) The Children (Amendment) Act, 2005 which introduced the principle of the interest of the child and respect for the views of the child;
  - (c) The Education Act, 2004.
5. The Committee notes with appreciation the ratification or accession to the following human rights instruments:
  - (a) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 10 August 2010;
  - (b) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on 1 March 2011;
  - (c) Rome Statute of the International Criminal Court on 10 August 2010.
  - (d) Convention on the Rights of Persons with Disabilities (ICRPD) on 2 October 2009;
  - (e) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime 2000 (Palermo Protocol) on 22 June 2004;
  - (f) Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime 2000 on 22 June 2004;
  - (g) Convention Against Transnational Organized Crime 2000 on 22 April 2003;

6. The Committee welcomes and commends the adoption of policies and programmes that promote the rights of children, including:

- (a) The Seychelles Framework for Early Childhood Care and Education (2010);
- (b) The National Plan of Action for Children (2005-2009);
- (c) The Education Reform Action Plan (2009-2010);
- (d) The National School Nutrition Policy (2008);
- (e) The National HIV/AIDS Strategic Plan (2005-2009).

### **III. Factors and difficulties impeding the implementation of the Convention**

7. The Committee is well aware that climate change is a major obstacle to the achievement of sustainable development goals in Seychelles, adding pressure on scarce arable land, limited water resources and fragile biodiversity, all of which may have negative impacts on children and the enjoyment of their rights. The State party is also confronted with the scourge of piracy, which represents a new form of vulnerability for the country, results in additional costs affecting budget allocations and puts heavy pressure on the State party's legal, judicial, investigation and detention systems.

### **IV. Main areas of concern and recommendations**

#### **A. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)**

#### **The Committee's previous recommendations**

8. The Committee, while welcoming the State party's efforts to implement the concluding observations on the State party's initial report (CRC/C/15/Add.189 of 2002), notes with regret that a number of the recommendations contained therein have not been given sufficient follow-up.

9. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations on the State party's initial report that have not yet been, or not sufficiently, implemented, including on such issues as minimum age of marriage, coordination, non-discrimination, respect for the views of the child, family environment, children with disabilities, adolescent health, drug and substance abuse and sexual exploitation. In this context, the Committee draws the attention of the State party to its General Comment No. 5 (2004) on general measures of implementation of the Convention on the Rights of the Child.**

#### **Legislation**

10. The Committee welcomes the amendment to several pieces of legislation in the area of child rights, including the Children Act, which contributes to the harmonization of national law with the provisions of the Convention. Nevertheless, the Committee is concerned that certain relevant and important legislation such as on the minimum age of marriage for boys and girls has not yet been amended.

11. **The Committee reiterates its previous recommendation (CRC/C/15/Add.189) and urges the State party to accelerate the amendment of the remaining legislation that contradicts the Convention and ensure that all the principles and provisions of the Convention are fully incorporated into the domestic legal system.**

## Coordination

12. The Committee notes the State party's submission that the Ministry of Social Development and Culture is currently responsible for coordinating activities related to children's rights. It is however concerned that the Ministry, especially its Social Development Department, does not have adequate human, technical and financial resources to effectively coordinate the implementation of the Convention at national and district levels. The Committee also notes the establishment of the advisory National Commission for Child Protection, but is concerned that this Commission has not functioned effectively for several years.
13. **The Committee recommends that the State party take necessary measures to provide the coordinating Ministry, especially its Social Development Department, with adequate support, including human, technical and financial resources, to fulfil its role effectively at national and district levels. It also recommends that the State party urgently review the mandate, membership and working conditions of the National Commission for Child Protection.**

## National Plan of Action

14. The Committee, while noting the adoption of a National Plan of Action for Children for the period of 2005-2009, is concerned that the Plan has not been evaluated and that no subsequent comprehensive plan or strategies for children have been adopted.
15. **The Committee recommends that the State party adopt a new national plan of action in relation to children's rights under the Convention on the basis of an evaluation of the implementation of the 2005-2009 plan, and with linkages to the national strategy for development, "*Strategy 2017: Creating our nation's wealth together*" and provide for its effective implementation, monitoring and evaluation. The new plan of action should clearly specify the roles and responsibilities of all implementing agencies and contain specific time-bound and measurable goals and targets, as well as necessary budgetary allocations.**

## Independent monitoring

16. The Committee notes the State party's information that the National Human Rights Commission established in 2009 is responsible for monitoring the fulfilment of children's rights. However, it is concerned that the mandate of the Commission does not refer to children's rights explicitly. It also regrets the lack of information on mechanisms established to receive and investigate complaints from and on behalf of children on violations of their rights.
17. **The Committee recommends that the State party review the mandate of the National Human Rights Commission with a view to ensuring that children's rights are explicitly covered and given priority. It reminds the State party that the status and mandate of the Commission should be in compliance with the Paris Principles (General Assembly resolution 48/134), and take into account the Committee's General Comment No. 2 on the role of independent national human rights institutions in the promotion and protection of the rights of the child (CRC/GC/2002/2). The Committee further recommends that the State party ensure that the National Human Rights Commission is empowered with appropriate mechanisms to receive and investigate complaints from, or on behalf of, children regarding violations of their rights in all areas covered by the Convention.**

## Allocation of resources

18. The Committee notes the State party's information that the budgetary allocations to programmes and services for children and families has improved. It however regrets that the State party did not provide any more details or figures on the allocations, while there are indications that the resources for children are inadequate.

19. The Committee recommends that the State party in planning its future budgets take into account its recommendations during the Day of General Discussion in 2007 on "Resources for the Rights of the Child - Responsibility of States" and specifically:

- (a) Allocate adequate budgetary resources to the maximum extent possible in accordance with article 4 of the Convention for the implementation of the rights of children and in particular increase the budget allocated to the social sectors;
- (b) Build capacity to utilize a child rights approach in the elaboration of the State budget and implement a tracking, monitoring and evaluation system for the allocation and the use of resources for children by all relevant sectors throughout the budget, thus providing visibility to the investment on children. The Committee also urges that this tracking system is used for impact assessments on how investments in any sector may serve the best interests of the child, ensuring that the differential impact of such investment on girls and boys is measured;
- (c) Conduct a comprehensive assessment of budget needs and establish clear allocations for those areas that progressively address the disparities in indicators such as gender, disability and geographical location related to children's rights;
- (d) Define strategic budgetary lines in general and sectoral allocations for children in disadvantaged or vulnerable situations that may require social measures (such as girls and children with disabilities) and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies.

## Child rights and the business sector

20. The Committee notes with appreciation the establishment of a Trust Fund for Early Childhood Care and Education (ECCE) to which businesses are encouraged to make contributions, and upon which they obtain tax exemptions. However, the Committee is concerned that, while tourism and fisheries constitute the two pillars of the Seychelles economy, the State party has not yet adopted measures to protect children from violations of their rights, such as child sex tourism, child prostitution and child labour, arising in particular from tourist activities. The fishing industry which impacts on the environment, already acutely challenged by climate change in the world, may also affect the rights and wellbeing of children and families living in the island State.

21. The Committee recommends that the State party ensure that the business sector complies with international and domestic standards on corporate social responsibility and it adopt preventive measures to protect children from violations of their rights arising in particular from the tourism and fisheries industries. In doing so, the Committee urges the State party to consider regulating business activities, including by establishing the obligation to conduct social and environmental impact assessments prior to new economic agreements with or investments by these and other industries. It also recommends that the State party encourage operators in the travel and tourism industry to adopt a Code of Conduct to respect the rights of children. Furthermore, the Committee recommends that the State party be guided by the UN Business and Human Rights Framework which was adopted unanimously in 2008 by the Human Rights Council and which outlines the duty of States to protect against human rights abuses by businesses; corporate

responsibilities to respect human rights; and the need for more effective access to remedies when violations occur.

#### Data collection

22. The Committee appreciates that the State party has provided some data in relation to mortality rate, immunization, medical screenings in schools, children with disabilities, as well as in relation to children in detention, victims of sexual abuse and children involved in drug and substance abuse. Nevertheless, the Committee is concerned that there is no effective system of data collection covering all areas of the Convention, which also allows for assessment, analysis and evaluation of the data. While noting that the project “Child Well Being” aims to collect data on the well-being of children in Seychelles, the Committee is still concerned that it has not received any information on the progress of the whole project, including follow-up to its promising first report.
23. The Committee urges the State party to build the capacity and establish a comprehensive data collection system capable of analyzing and evaluating data on progress achieved in the realization of child rights and providing a basis for designing policies and programmes to implement the Convention. The data should be disaggregated by age, sex, geographic location, ethnicity and socio-economic background of all children. The Committee also encourages the State party to provide information on progress of the implementation of the “Child Well Being” project and the follow-up to its initial research.
24. The Committee welcomes the setting up the Observatory of the Rights of the Child in the Indian Ocean region (ODEROI), as an effort in regional cooperation by several countries in the Indian Ocean Region for monitoring compliance on children's rights, but regrets that the Observatory has not been active since 2010.
25. The Committee encourages the State party to take necessary measures, in cooperation with other countries in the region and the international community, to re-activate the Observatory.

#### Dissemination and awareness raising

26. The Committee welcomes the various initiatives conducted by the State party to raise awareness on the Convention amongst the public, including translating the Convention into Creole, and organizing workshops, trainings and TV programmes with participation of children. However, the Committee remains concerned that, due to traditional attitudes in the State party, children are not seen as rights holders but are rather treated as possessions of their parents or custodians which leads to limitations in the enjoyment of their rights.
27. The Committee recommends that the State party take necessary measures, including a study of the socio-cultural factors that may impede the full implementation of the Convention, to implement appropriate information and communication programmes, including campaigns, to strengthen awareness and deepen the knowledge of the public at large on the principles and provisions of the Convention. The Committee encourages the State party to intensify its efforts to disseminate the Convention to parents, the wider public and children, including through appropriate materials tailored specifically for children in different communities as well as to legislators and judges with a view to ensuring that the principles and provisions of the Convention are applied in the legislative and judicial processes. In this regard, the Committee further encourages the State party to seek technical assistance from, among others, UNICEF, OHCHR and IPU.

## Training

28. While noting that the State party has some ongoing training for professionals, including teachers, on the Convention, the Committee is nevertheless concerned that this training is not systematic and does not cover all professionals including judges, lawyers, legal draftsmen and draftswomen, police, social workers, health personnel, media personnel and foreign professionals recruited to work in areas relating to children.
29. **The Committee recommends that the State party take necessary measures for the systematic training of all professionals, national and foreign, working with and for children at national and district levels on the principles and provisions of the Convention. The Committee encourages the State party to seek technical assistance in this regard from, inter alia, UNICEF and OHCHR.**

## Cooperation with civil society

30. The Committee notes with appreciation the extensive involvement of civil society in the implementation of children's rights in the State party. However, it is concerned that the State party is more and more dependent on NGOs and that it delegates many of its implementation obligations under the Convention to the civil society, including NGOs, without ensuring the necessary framework or capacities for rights-based support to children.
31. **The Committee reminds the State party that it has primary responsibility for implementation of the Convention and recommends that the State party take necessary measures to increase and strengthen its capacity to implement its obligations under the Convention in close cooperation with NGOs and other the civil society organizations and children themselves. The Committee encourages the State party to establish a framework for cooperation with NGOs ensuring a focus on the principles and provisions of the Convention and the role of NGOs in policy formulation, budget discussions and other decision making affecting children, as well as the monitoring and evaluation of the implementation of the Convention. Cooperation with NGOs and other civil society organizations should ensure participation of children, focus on their best interests and respect for their views in all matters concerning them.**

### B. Definition of the child (art. 1 of the Convention)

32. The Committee remains deeply concerned that despite its previous recommendation, the State party has not amended its legislation to raise the minimum age of marriage of girls, which is between 15 and 17 years with parental consent, to that of boys, which is 18 years, thus maintaining gender disparity among children.
33. **The Committee reiterates its previous recommendation and urges the State party to take all necessary measures to harmonise the minimum age of marriage of girls with that of boys, by raising the minimum age of marriage for girls to 18 years.**

### C. General principles (arts. 2, 3, 6 and 12 of the Convention)

## Non-discrimination

34. The Committee welcomes the mechanisms introduced by the Ministry of Education and the Gender Secretariat of the Policy, Planning and Cooperation Division to mainstream gender in education as well as programmes to provide gender sensitive career guidance and counselling. However, it remains concerned about the absence of legislation combating discrimination against girls, children with disabilities, children from poor families and ethnic minorities.

35. The Committee reiterates its previous recommendations and urges the State party to:

- (a) amend its legislation to prohibit discrimination on the basis of gender, disability, socio-economic background and ethnicity;
- (b) adopt and implement a comprehensive strategy addressing all forms of discrimination, including multiple forms of discrimination against all groups of children in vulnerable situations and combating discriminatory societal attitudes;
- (c) collect disaggregated data to enable effective monitoring of de facto discrimination.

#### Best interests of the child

36. The Committee notes with appreciation the Children (Amendment) Act of 2005 which establishes and provides for consideration of the “interest of the child” who is the subject matter before the Family Tribunal. The Committee, however, regrets that the Act is ambiguous and does not refer to the best interests of the child as contained in the Convention.

37. The Committee recommends that the State party take all appropriate measures to ensure that the principle of the best interests of the child, in accordance with article 3 of the Convention, is adequately integrated and consistently applied in all legal provisions, as well as in judicial and administrative decisions and programmes, projects and services that have an impact on children. The legal reasoning of all judicial and administrative judgments and decisions should also be based on this principle. It further recommends that the State party evaluate the decisions taken by the Family Court and analyse how many of the cases have been resolved in the best interests of the child and take necessary action.

#### Respect for the views of the child

38. While noting the State party’s information that there are school councils and the National Youth Assembly, which developed a ten year program reflecting the opinion of the youth in various areas, the Committee is concerned that children have limited opportunities in schools, institutions, courts, administrative processes and in the home to express their views freely. In particular, children in secondary schools claim that their opinions are not taken into account in matters affecting them both in schools and in the home.

39. In light of article 12 of the Convention and the Committee’s general comment No. 12 (2009) on the right of the child to be heard, the Committee reiterates its previous recommendation that the State party ensure that children’s views are given due consideration in courts, schools, relevant judicial, administrative and other processes as well as in the home in all matters concerning them. . This may be achieved through, *inter alia*, the adoption of appropriate legislation, the training of professionals working with and for children and the use of information and communication strategies, including campaigns. The Committee further recommends that the State party undertake regular consultations with children and take into account their opinion on matters affecting them.

#### D. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)

##### Name and nationality / Preservation of identity

40. The Committee is concerned that despite its previous recommendation in this regard, no law has been enacted to ensure the right of children born out of wedlock to know their biological fathers, *inter alia*, owing to the right of mothers not to reveal the name of the father.

41. The Committee reiterates its previous recommendation and urges the State party to review and enact 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.

#### Violence against Children, including corporal punishment

42. The Committee remains concerned that various forms of violence against children occur in the State party. In particular, corporal punishment is allowed under the common law in Seychelles as a right to inflict “reasonable chastisement” on children, thus making it lawful at home, and there is no explicit prohibition of corporal punishment in schools, and alternative care institutions.

43. The Committee reiterates its previous concerns and concluding observations (CRC/C/15/Add.189, paras. 32 and 33) and encourages the State Party to take into account its General Comment No. 13 (2011) on the right of the child to freedom from all forms of violence and General Comment No. 8 (2006), on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment in adopting measures to combat all forms of violence against children.

The Committee recommends that the State party:

- (a) Prohibit explicitly by law corporal punishment and so-called “reasonable chastisement” of children in the family, schools, alternative care settings and penal institutions;
- (b) Introduce sustained public education and awareness raising and social mobilization programmes involving children, families and communities on the harmful effects of corporal punishment with a view to changing attitudes and promoting alternative, positive and non-violent forms of child-rearing and discipline;
- (c) Prioritize the elimination of all forms of violence against children, and ensure the effective implementation of the recommendations of the United Nations study on violence against children (A/61/299), taking into account the outcome and recommendations of the Eastern and Southern Africa Regional Consultations (held in Johannesburg, South Africa, 18-20 July 2005);
- (d) Provide information concerning the implementation by the State party of the recommendations of the above-mentioned study in its next periodic report, particularly those highlighted by the Special Representative of the Secretary-General on violence against children, in particular:
  - (i). The development in each State of a national comprehensive strategy to prevent and address all forms of violence and ill-treatment against children; GC No. 13, para. 64 and Alternative Report, p. 43;
  - (ii). The introduction of an explicit national legal ban on all forms of violence against children in all settings; and
  - (iii). The consolidation of a national system of data collection, analysis and dissemination, and a research agenda on violence and ill-treatment against children.

- E. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)

#### Family environment

44. The Committee notes with appreciation the adoption of the Employment (Conditions of Employment) Amendment Regulations 2007, which increases maternity leave from 12 to

14 weeks as well as the efforts to create more day care facilities and, together with NGOs, and provide education on parenting responsibilities including a focus on the positive role of men and fathers. However, the Committee expresses its concern at the increasing rate of family disintegration and rise in the number of single parent families as well as cases of child neglect.

45. The Committee reiterates its previous recommendation and urges the State party to continue its efforts at legal reform with regard to parental responsibilities and develop measures for preventing family disintegration and strengthening of the family. The Committee recommends that the State party consider ratifying the relevant Hague Conventions, namely, Convention No. 23 on the Recognition and Enforcement of Decisions relating to the Maintenance Obligations, Convention No. 24 on the Law Applicable to Maintenance Obligations, and Convention No. 34 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children.

#### **Children deprived of family environment**

46. The Committee notes the establishment of the Children's Homes Foundation, which is responsible for management of all children's homes in the State party. It also welcomes the information that the foster care system has been strengthened with the backing of the Social Security Fund. Nevertheless, the Committee remains concerned that due to traditional practices, a large proportion of orphaned children or children who cannot live with their parents enter into informal fostering by relatives with no State oversight or assessment.
47. The Committee reiterates its previous recommendation that the State party review its policies on alternative care for children deprived of a family environment with a view to developing a more integrated, rights-based and accountable system with particular focus on the best interests of the child, and ensure effective monitoring and assessment of placements of children. The Committee recommends the State party to take into account the Guidelines for the Alternative Care of Children annexed to the United Nations General Assembly resolution 64/142 of 20 December 2009.

#### **F. Basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)**

#### **Children with disabilities**

48. The Committee welcomes the Education Act of 2004 and Education Policy Statement "Education for a Learning Society" which encompass the principle of inclusive education, as well as the appointment of a Council for the Disabled. However, the Committee is concerned that children with disabilities are still not fully integrated into the education system due to lack of facilities to cater for their needs, as well as lack of access to public transport and public buildings for children in wheelchairs.
49. The Committee recommends that the State party take necessary measures to provide children with disabilities with facilities and access to public transportation and public buildings with the aim of their full integration in mainstream public schools and public life, taking into account the Committee's general comment No. 9 (2006) on the rights of children with disabilities.

#### **Health care and Health services**

50. The Committee welcomes that the State party was placed among the 4 best places of 54 countries for a girl child to be born in a study published by the Royal Commonwealth

Society this year, despite the recent global economic crisis, and that Seychelles has achieved many of the Millennium Development Goals. The Committee also welcomes the National School Nutrition Policy (2008), which aims at improving nutritional wellbeing of all school children in Seychelles. However, it remains concerned at increasing obesity among children, which is linked to advertising and consumption of processed food, including junk food, sugary and fatty foods.

51. **The Committee recommends that the State party take measures to raise public awareness on negative health impacts of processed food and establish regulations to restrict and monitor advertising and marketing of unhealthy foods.**

#### **Breastfeeding**

52. The Committee welcomes the significant increase in the State party in breastfeeding rate upon discharge of mothers and babies from hospital, as well as policies to train health personnel on breastfeeding and supporting baby friendly hospitals. However, it remains concerned that the rates of exclusive breastfeeding after discharge at 6 weeks and 6 months are very low.

53. **The Committee recommends that the State party strengthen its efforts to promote exclusive and continued breastfeeding by providing access to materials, and educating and raising awareness of the public on the importance of breastfeeding and risks of artificial feeding. The Committee urges the State party to strictly enforce the International Code of Marketing of Breast-milk Substitutes.**

#### **Adolescent health**

54. While noting the National HIV/AIDS Strategic Plan for 2005-2009, the Committee expresses concern that the prevalence rates of HIV/AIDS including mother to child transmission, and of sexually transmitted diseases are increasing. It is also deeply concerned that the rates of teenage pregnancies and abortions remain very high and access to contraceptives for adolescents below the age of 18 is a problem.

55. **The Committee recommends that the State party take all necessary measures to educate children, adolescents and their families about HIV/AIDS and other sexually transmitted diseases, as well as on negative consequences of early pregnancy and abortions. It urges the State party to strengthen its adolescent reproductive health programmes, including life skills education, and allow access to contraceptives for adolescents under the age of 18. The Committee recommends the State party to ensure comprehensive health services, confidential counselling and support for pregnant girls.**

#### **Drug and substance abuse**

56. The Committee welcomes the amendments to the State party legislation establishing age limits for consumption of alcohol and tobacco. It also welcomes the fact that advertising of alcohol and tobacco is prohibited in the state media. However, it notes with serious concern that, despite the measures taken by the government to address drug and alcohol abuse by children, the number of children facing rehabilitation and sanction in schools due to alcohol abuse has increased and the number of children using hard drugs such as heroin is high.

57. **The Committee reiterates its previous recommendation and strongly urges the State party to take all appropriate measures, including administrative, social and educational measures, to protect children from use of illicit narcotic drugs and alcohol and provide supportive rehabilitation, reintegration and recovery programmes, including psychological counselling, specifically designed for child victims of drug and substance abuse. The**

Committee also recommends that, given the gravity of the situation, the State party impose legal prohibition on advertising of tobacco and alcohol also by privately owned media and advertising companies.

#### Standard of living

58. The Committee commends the State party in taking timely measures in social security and social assistance to mitigate the impact of the ambitious macro-economic reforms of 2008 on children and families in vulnerable situations, including the enactment of the Welfare Agency Act 2008, which revised social security benefits, as well as allocation of funds to assist needy students and development of programmes to strengthen coping skills of families. While relative poverty is not common in Seychelles, the Committee encourages the State party to take proactive measures to analyze the “pockets of poverty” identified by the UN Country Team’s *United Nations Seychelles Common Country Assessment (CCA), 2006-2008* and develop a comprehensive policy to eliminate such pockets of poverty particularly as they involve single women headed households and constantly monitor the trends in poverty with a view to ensuring adequate standard of living for all children in line with article 27 of the Convention.

#### G. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

##### Education, including vocational training and guidance

59. The Committee welcomes the free compulsory education and early childhood education programmes with almost universal enrolment, as well as the adoption of a new Education Act 2004 and Education Reform Action Plan (2009-2010) to further strengthen the “Education For All” policy and the establishment of the first University in Seychelles. However, the Committee remains deeply concerned at the high dropout rates, truancy and absenteeism, especially among boys, inadequate vocational training for girls and the high rates of drug and substance abuse among male and female students, all of which undermine the already limited human resources and human capital of Seychelles. The Committee is also concerned at the lack of research conducted in this area of the education system. Furthermore, the Committee is deeply concerned about the inadequate training of teachers and at the lack of trained teachers for children with disabilities.

60. In light of the General Comment No. 1 on the aims of education (2001), the Committee reiterates its previous recommendation and urges the State party to:

- (a) Undertake research on the reasons why students drop out of schools in order to develop durable solutions, including introduction of more motivating school curricula that ensure the children’s continuing educational or vocational training, and enhance their opportunities for employment and integration into society;
- (b) Take necessary steps to increase relevant and more productive vocational training for girls without gender stereotyping;
- (c) Take urgent measures to improve teacher training for primary and secondary schools, for inclusive education of children with disabilities and for education of children with special needs.

#### H. Special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)

##### Economic exploitation including child labour

61. The Committee notes that the Conditions of Employment Regulations of 1991 prohibit employment of children under the age of 15, but regrets lack of information about

employment of children in the informal sector and in the tourism industry as well as on the monitoring processes, including through labour inspection. It is also concerned that national laws and regulations do not define the types of hazardous work prohibited to persons under 18 years.

62. The Committee recommends that the State party study and provide information in its next periodic report on the employment of children in the informal sector and in the tourism industry, and take measures to reinforce the labour inspection system to monitor and detect children working in these sectors. It urges the State party to define a list of hazardous work and establish the legal requirement on the types of work where children under the age of 18 cannot be employed in accordance with ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

### **Sexual exploitation and abuse**

63. The Committee notes with appreciation the State party's efforts to raise awareness of harmful consequences of violence against children, including sexual exploitation and abuse, by adopting, among others, the National Strategy on Domestic Violence (2010-2011) and by producing TV clips and leaflets to educate the public. The Committee however is deeply concerned at the prevalence of sexual exploitation and abuse of children, both boys and girls, the incidence of child sex tourism, and the lack of data on the children victims of these violations and on the number of complaints, investigations and prosecutions conducted in this regard. The Committee also expresses concern that no comprehensive study has been conducted on these issues and that social attitudes and misconceptions toward victims of sexual exploitation and abuse continue to regard them more as instigators and active participants rather than as victims.

64. In light of its General Comment no. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee urges the State party to:

- (a) Continue its efforts to raise awareness of the public and strengthen early detection, prevention and protection mechanisms;
- (b) Conduct research on the nature and extent of sexual exploitation and abuse of boy and girl children, including child sex tourism, and provide data on the number of complaints, investigations and prosecutions conducted in this regard;
- (c) Undertake a comprehensive study of the root causes of child sexual exploitation and child prostitution which also assesses the magnitude of the problem, proposes durable solutions that address the root causes and evaluates the availability and appropriateness of preventive measures as well as services for the care, protection, recovery and social reintegration of victims;
- (d) Ensure that judiciary and law-enforcement officials are specifically trained to handle expeditiously sensitive cases involving children and to change any misconceptions toward the child victims.

The Committee recommends that the State party take into account the outcome documents adopted at the 1996, 2001 and 2008 World Congresses against Sexual Exploitation of Children held, respectively, in Stockholm, Yokohama and Rio de Janeiro.

### **Trafficking**

65. The Committee is concerned that there is no law that specifically defines and prohibits human trafficking including child trafficking. It is also concerned about the lack of mechanisms to identify child trafficking victims and provide them with protection and

rehabilitation services as well as lack of coordinating mechanisms on trafficking among government entities.

**66. The Committee recommends that the State party:**

- (a) Introduce a law that clearly defines human trafficking including child trafficking and establish penalties commensurate with the gravity of the crime;
- (b) Strengthen measures to protect children who are victims of trafficking and prostitution, and bring perpetrators to justice;
- (c) Train law enforcement officials, judges and prosecutors on how to receive, monitor and investigate complaints in a child-sensitive manner that respects confidentiality and the best interests of the child and establish a coordinating mechanism among the relevant entities;
- (d) Implement appropriate policies and programmes for the prevention, recovery and social reintegration of child victims, in accordance with the outcome documents adopted at the first, second and third World Congresses against Sexual Exploitation of Children in 1996, 2001 and 2008;
- (e) Prioritize the rehabilitation of child victims of trafficking and ensure that education and training, as well as psychological assistance and counselling, are provided to them;
- (f) Negotiate bilateral agreements and multilateral agreements with countries concerned, including neighbouring countries, to prevent the sale, trafficking and abduction of children, and develop joint plans of action between and among the countries involved.

**Helplines**

67. The Committee notes that the Social Services Division and the National Council for Children operate two helplines to assist children. The Committee recommends that the State party consider consolidating these helplines into a single national helpline for greater efficiency. The helpline should cover the whole country, be accessible 24 hours and should have adequate financial and technical resources as well as personnel trained to respond to children and analyze the calls for appropriate action. The Committee further recommends that the State party seek technical assistance in this regard from, inter alia, UNICEF and Child Helpline International.

**Administration of juvenile justice**

68. The Committee is concerned that despite the official minimum age of criminal responsibility of 12 years, children between 8 and 12 years can be prosecuted under certain conditions. The Committee is also concerned that no new correctional facility for children in detention has been built after the closure of the Youth Rehabilitation and Treatment Centre and that some children are detained with adults in the Montagne Posee prison, where the conditions are not satisfactory. It is further concerned about the prolonged pre-trial detention, including of children, in the State party, which accounts for a substantial percentage of its prison population.

69. The Committee recommends that the State party continue and strengthen its efforts to ensure the full implementation of juvenile justice standards, in particular articles 37, 39 and 40 of the Convention and other relevant international standards, such as 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) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules), taking into account the Committee's General Comment No. 10 on children's rights in juvenile justice (CRC/C/GC/10). It reiterates that the State party:

- (a) Strictly observe the minimum age of criminal responsibility and do not prosecute children under the age of 12 under any circumstances;
- (b) Take necessary measures to expedite trials involving children with a view to reducing the period of pre-trial detentions;
- (c) Ensure that children are held in detention only as a last resort and for as short a time as possible and that their detention is carried out in compliance with the law;
- (d) Ensure that children are not detained together with adults, that they have a safe, child-sensitive environment, and that they maintain regular contact with their families and are provided with food and education including vocational training;
- (e) Promote alternative measures to detention such as diversion, probation, counselling, community service or suspended sentences, wherever possible;
- (f) Make use of the technical assistance tools developed by the United Nations Interagency Panel on Juvenile Justice and by its members, which include UNODC, UNICEF, OHCHR and NGOs, and to seek technical advice and assistance in the area of juvenile justice from the members of the Panel.

#### Child victims and witnesses of crimes

70. The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes, e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, including those perpetrated by State and non-State actors, are provided with the protection required by the Convention and that it take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).

#### H. Ratification of international human rights instruments

71. The Committee urges the State party to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The Committee also recommends that the State party ratify the core United Nations human rights instruments to which it is not yet a party, namely the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the International Convention for the Protection of all Persons from Enforced Disappearance, and the 1961 Convention on Reduction of Statelessness.

#### I. Cooperation with regional and international bodies

72. The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of the Child of the African Union, especially in its reporting obligations towards the implementation of the African Charter on the Rights and Welfare of the Child.

#### J. Follow-up and dissemination

#### Follow-up

73. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to

the Head of State, the Supreme Court, Parliament, relevant ministries and local authorities for appropriate consideration and further action.

#### Dissemination

74. The Committee further recommends that the combined second, third and fourth periodic report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available in the languages of the country, including (but not exclusively) through the Internet to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.

#### K. Next report

75. The Committee invites the State party to submit its combined 5<sup>th</sup> and 6<sup>th</sup> periodic report by 6 April 2016 and to include in it information on the implementation of the present concluding observations. The Committee draws attention to its harmonized treaty specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the guidelines. In the event that a report exceeding the page limitation is submitted, the State party will be asked to review and resubmit their report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, translation of the report for purposes of examination by the treaty body cannot be guaranteed.
76. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved by the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3). The treaty-specific report and the common core document together constitute the harmonized reporting obligation under the Convention on the Rights of the Child.