

**CONCLUDING OBSERVATIONS AND RECOMMENDATIONS OF THE AFRICAN
COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD
(ACERWC) ON THE INITIAL REPORT OF THE REPUBLIC OF SEYCHELLES ON
THE STATUS OF THE IMPLEMENTATION OF THE AFRICAN CHARTER ON THE
RIGHTS AND WELFARE OF THE CHILD**

June 2022

I. INTRODUCTION

1. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC/the Committee) extends its compliments to the Government of the Republic of Seychelles and wishes to acknowledge with thanks the receipt of the initial report on the status of the implementation of the African Charter on the Rights and Welfare of the Child (the African Children's Charter/the Charter) which was submitted in accordance with the State Party's obligation under article 43 of the Charter. The Committee congratulates the State for the candid and objective report, written in accordance with the reporting guidelines. . The Committee welcomes the long awaited participation participation of State Party delegation with whom the Members of the ACERWC had a constructive and productive discussion during its 39th Ordinary Session, which was conducted virtually from 21 March to 1st April 2022.
2. The Committee welcomes State Party multidisciplinary Delegation, led by H.E. Mrs Patricia Francourt, Minister of Employment and Social Affairs. The Committee appreciate the well-informed replies given by the delegation in reply to questions posed by Members of the ACERWC. The dialogue helped the Committee better understand the situation of the rights and welfare of children in Seyschelle and the measures the State Party has undertaken towards the implementation of the Charter as well as the challenges it is facing. After careful consideration of the facts in the Report and the information provided by the delegation during the constructive dialogue, the Committee has developed and adopted the following concluding observations and recommendations, which, in the Committee's view, will guide the State Party to strengthen the implementation of the letter and spirit of the African Children's Charter.

II. PROGRESS IN THE IMPLEMENTATION OF THE CHARTER

3. The Committee commends the State Party for the various measures it has taken to implement the provisions of the African Children's Charter. The Committee recognises the efforts of the Republic of Seychelles in creating systems and structures that enable the implementation of children's rights. The Committee notes that since the ratification of the African Children's Charter in 1992, various policies, legislations, and institutional reforms have been carried out, including:
 - The ratification of various international and regional instruments about children's rights, including The Hague Convention on Protection of Children, the United Nations Optional protocol on the involvement of children in armed conflicts and the United Nations Optional Protocol on the sale, child prostitution and pornography;
 - The various amendments of the 1982 children's Act; including:

- the evidence of alternatives for the punishment and rehabilitation of children in conflict with the law, as well as mechanisms to protect children from neglect, exploitation and harmful environments;
 - the establishment of a Family Court with a mandate to provide recourse to families in the event of relationship breakdown;
 - recognition of the guiding principle that the best interests of the child shall be the primary consideration in decisions children;
- The adoption of the Seychelles action plan for children 1995-2000 and 2005-2009.

III. FURTHER DEVELOPMENTS, AREAS OF CONCERN AND RECOMMENDATIONS

A. General measures of implementation

Reporting

4. While commending the State Party for submitting its initial and 2nd to 8th combined report on the status of the implementation of the African Children Charter, the Committee notes with concern that the report was submitted after a long delay. The Committee would then like to urge the Republic of Seychelles to comply with its reporting obligation under article 43 of the Charter by sending its periodic reports in due time. The Committee is also concerned that the consideration of the report was delayed due to unclear channels of communication. The Committee commends the Republic of Seychelles for adopting a consultative process in developing this report and encourages the State Party to involve children further, Civil Society Organizations and other relevant stakeholders in the preparation of the following reports. The Committee also recommends that the Republic of Seychelles take necessary measures to disseminate the contents of these concluding observations among children and all stakeholders and to develop an action plan for the implementation of the recommendations in collaboration with all stakeholders.

Legislative measures

5. The Committee commends the Republic of Seychelles for the legislative measures it has undertaken in implementing the Charter. The Committee notes with appreciation that following the ratification of various international conventions, the Republic of Seychelles has made efforts to align its laws with those conventions. Several legislative and institutional reforms have been made, as well as policies and programs put in place in this respect, including the adoption of laws on education, the establishment of an early childhood development institute, the prohibition of human trafficking, the establishment of paternity leave, allowance for semi-orphans, etc. The Committee recommends that the State Party allocates sufficient technical and financial resources for the implementation of those measures in the sense that they are of a great contribution to the realisation of the rights of the child.
6. Furthermore, the Committee notes with appreciation that the two main action plans (1995-2000 and 2005-2009) have contributed significantly to the improvement of the protection of the child in Seychelles. However, the Committee regrets that the National Plan of Action for Children for 2005–2009 was not renewed following its

evaluation in 2012. In this regard, the Committee recommends that the Republic of Seychelles ensures that children's rights issues are accorded adequate consideration in the national action plan on social renaissance.

7. The Committee notes an ongoing process of amending the minimum age of marriage for the girl child to the same as for the boy child (18 years of age) as indicated in the report. The Committee urges the Republic of Seychelles to ensure that this process is completed and that the age of marriage is harmonised to prevent child marriage and in accordance with the principle of non-discrimination.

Allocation of resources

8. The Committee notes that the Ministry of Health (MOH) and the Ministry of Education and Human Resource Development are responsible for child survival and development. At the same time, the Ministry of Social Affairs is responsible for the welfare of children. The Committee notes with concern that the shared responsibility (with the MOH receiving the vital part of the resources allocated to children's issues) might undermine the issues of the child. The Committee recommends that the Republic of Seychelles ensures that child rights issues are not overshadowed, and the Ministry's departments dealing with child rights receive sufficient budgetary allocation for implementing the Charter.
9. Furthermore, the Committee regrets that the report does not provide concrete and comprehensive information regarding the resources allocated to children's issues. The Committee recommends that the Republic of Seychelles conducts a comprehensive assessment of the budget needs of children, allocates adequate budgetary resources, and adopt a child-rights approach in planning the State budget by implementing a child's rights based budget tracking system to ensure the sufficiency and efficiency of the allocation and use of resources for children throughout the budget.

Coordination

10. As per the State Party report, many entities are involved in protecting children in the Republic of Seychelles, with statutory and non-statutory obligations. The Ministry of Health (MOH) and the Ministry of Education and Human Resource Development are responsible for child survival and development, while the Ministry of Social Affairs is responsible for the welfare of children. The Committee believes that in such instances, a strong coordination and collaboration system is required from the different entities. Hence, the Committee recommends that the State Party ensures the establishment of an entity mandated with coordination, and that such an entity is adequately resourced and mandated in order to avoid overlap in the tasks performed by the different bodies dealing with child rights issues.

Independent monitoring

11. The committee notes with appreciation the existence of the Observatory of the Rights of the Child of the Indian Ocean in the years between 2004-2008. However, the Committee regrets that the report does not provide sufficient information on the results presented by this body and the fact that its mandate has not been renewed. The Committee encourages the government to work towards the creation of such organs, given that they allow easy monitoring of the state of implementation of the rights of the child. The Committee also commends the efforts of the Government in establishing a National Human Rights Commission in 2009. While appreciating its work, the Committee notes that the Seychelles Human Rights Commission does

not comply with the Paris Principles and hence the Committee recommends that the State Party considers re-structuring the Commission to ensure its independence. The Committee also recommends that a unit which deals with child rights issues is established within the Commission. Moreover, the Committee encourages the State Party to enable its Human Rights Commission to receive complaints from children.

Popularization of the African Children's Charter

12. From the State Party report, the Committee notes that the Charter is not well known at the local level, despite some efforts that have been made over the past few years to disseminate information about the charter in commemoration of the Day of the African Child. The Committee encourages the Republic of Seychelles to carry out more activities to disseminate and popularize the content of the Charter. In this regard, the Committee recommends that the Republic of Seychelles intensifies its efforts to popularize the contents of the Charter, including by translating the Charter to local languages, incorporating the Charter in the education system at all levels, undertaking popularization events among government officials working on child rights issues as well as other stakeholders, and increasing the meaningful participation of children in the celebration of the Day of African Child (DAC).

B. Definition of a child

13. The committee notes with satisfaction that the age of majority is 18 years old for both boys and girls. However, the Committee is concerned about the lack of clarity on some issues regarding the other legal minimum ages. The State party report alluded that a 7 years old child cannot be held responsible for a criminal offence, and a child between 7 and 12 can only be held accountable when he/she is considered to understand what they are doing is wrong. The Committee is concerned about the minimum age of criminal responsibility and the basis on which a child between 7 and 12 is considered to understand that what they are doing is wrong. In this regard, the Committee recommends that this age is reconsidered and aligned with international standards. In addition, the Committee would like to recommend that the Republic of Seychelles improves the measures of separation of children from adult detainees and their treatment received by children in prison.
14. The Committee is further concerned that the age of marriage is not in conformity with the Charter as the report indicates that a child below 18 can get married with the consent of his parents, and boys below 18 and girls below 15 can get married with the authorisation of a government official designated by the government. The Committee recommends that the Republic of Seychelles takes measures to prohibit the marriage of children under 18 years old with no exception and to harmonise the age of marriage to 18 years old for both boys and girls.

C. General principles

Non-discrimination

15. The Committee commends the Republic of Seychelles for the measures undertaken to ensure that children are free from discrimination based on their parent's or legal guardian's race, colour, sex, language, religion, political or other opinions, national, ethnic or social origin, property, disability, birth or other status. The Committee nevertheless recommends that the Republic of Seychelles continues to swiftly address all forms of discrimination, including multiple forms of

discrimination, against all groups of children in vulnerable situations and to raise awareness of its harmful impact and combat discriminatory societal attitudes.

16. The Committee notes with appreciation the measures that have been taken to address gender disparities and disadvantages faced by the girl child. However, the Committee recommends that the State party builds on the outcome of these measures to enhance targeted intervention in educating the girl child, with a stronger emphasis on advancing their representation in technical and vocational areas.

Best interests of the child

17. The State Party report indicates certain issues that prevent cases involving children from being given priority in order not to prejudice the well-being of the child. The report also indicates that the situation has improved over the last couple of years with changes to reform the justice system. The Committee appreciates this improvement even though the Report does not give enough information as to which measures have been put in place. Moreover, the Committee recommends that the State Party follows up on the implementation of these measures to ensure that cases involving children are given priority.
18. The Committee stresses that the principle of the best interests of the child has to be the primary consideration in any action affecting the child, including in law enforcement, family setting, schools and in providing other services. In this regard, the Committee encourages the State Party to train judges, the police, social workers, teachers, and health care personnel on how to implement the best interests of the child in their respective sectors; and to create platforms to inform parents, families, and all other stakeholders on how to apply the principle in all settings and in any action affecting the child.

The right to life, survival and development

19. The Committee commends the Republic of Seychelles for the various policies that have repeatedly emphasised the urgency of measures to promote child survival and development, focusing on three sectors equally essential to this goal: education, health, care and housing. The Committee, therefore, encourages the government to multiply such measures and follow up on their implementation to ensure that they respond to the need to protect, promote and fulfill the right to life, survival and development of Seychelles' children.

Child participation

20. The Committee commends the State Party for establishing various assembly platforms for children, enabling them to participate in the public life and allowing them to have their voices heard. The Committee encourages the Republic of Seychelles to ensure that platforms such as the National Youth Assembly of Seychelles are not just existing structures and are not limited to mere consultations but also ensure that children are effectively given the opportunity to make their voices heard and headed and to take active part in decision-making on issues concerning them in line with their evolving capacities. The State party is encouraged to continue to ensure that such participation is transparent and meaningful.

D. Civil rights and freedoms

Name, nationality, identity and registration at birth

21. The Committee notes with satisfaction the various legislative measures taken by Republic of Seychelles to ensure that children of Seychelles enjoy their rights to a name, nationality and birth registration. However, the Committee encourages the State Party to ensure that the process for child registration is accessible to all children born on the territory. In this regard, the Committee draws the attention of the State Party to General Comment 6 (2) of the African Charter on the Rights and Welfare of the Child that provides that "every child shall be registered immediately after birth". The Committee urges the State Party to make this right effective, universal, free and accessible immediately upon the child's birth.
22. Regarding children born to unknown parents or abandoned by their parents on the territory of the State party, the Committee recommends that the State Party take measures to ensure those children are recognised as citizens and not rendered stateless.
23. Based on the State Party report and the constrictive discussions with the delegation, the Committee was able to identify several restriction for the adoption of children from Seychelles, especially regarding international adoption. While recognising the basis for some of these restrictions, the Committee recommends swift implementation guided by and, prioritising the best interest of the child. The Committee reminds the Republic of Seychelles that for the best interest of the child, domestic adoption should be prioritised. However, in the case of international adoption, the Committee recommends that the State put in place a robust system for monitoring purposes.
24. The Committee is equally concerned about the possibility of changing the name of the child in case of divorce without the child's consent. The Committee recommends that the State Party ensures that the views of the child are taken into account in this process and that his best interest is prioritised.

Freedom of expression

25. The Committee commends the Republic of Seychelles for the efforts undertaken to guarantee freedom of expression for children. However, the committee notes that according to the State Party report, the general consensus among children is that in many cases, in their family life, their views and opinions are not sufficiently respected or recognised. According to the report, it is due to cultural beliefs and perceptions that freedom of expression, like many other rights, is often seen as an affront to adult authority or traditional approaches to child-rearing. The Committee, therefore, recommends that the Republic of Seychelles takes measures to sensitise families and communities on the importance of children's views, especially on issues that concern them.
26. The Committee also commends the Republic of Seychelles for establishing different platforms that enable children to express their views freely. The Committee encourages the State to ensure as much as possible that those platforms are accessible to all categories of children, including children with specific needs.

Freedom of thoughts, Conscience and Religion

27. The Committee is concerned that children below 18 cannot fully exercise their freedom of religion as this right is conditioned by the consent of the child's parent

or guardian concerning religious instruction or observance in any school or institution, which the child may attend or hold. The Committee recommends that taking into account the evolving capacity of the child, this restriction is reconsidered. The Committee also recommends that the principle of best interest of the child is given due consideration in the implementation of this measure. In addition, the Committee recommends that the Republic of Seychelles ensures that no form of pressure is exercised on children with regard to the choice of their religion. The Committee further recommends the State Party to continue sensitizing parents and caregivers on the right of children to freedom of religion, thought, and conscience.

Right to privacy

28. The Committee commends the Republic of Seychelles for the constitutional guarantees of the Right to privacy. The Committee would, however; like to recommend that the state takes specific legislative measures that are child rights-based oriented in order to fill the gaps between the laws and the practice. More specifically, the Committee is concerned about the issue of the unauthorized portrayal of a protected child living in children's homes in the media. The Committee encourages the State Party to adopt policies and put in place strategies to address this issue. This can be done through training journalists and media practitioners about the necessity to consider the sensitivities related to children's rights issues in general, and protecting children in this case while processing information.

Prevention of torture, inhuman and degrading treatment

29. The Committee notes with appreciation the State Party's efforts to ensure that children are free from all sorts of torture or cruel, inhuman and degrading treatments, including corporal punishment. The Committee notes that measures have been taken to prohibit corporal punishment in schools. The Committee encourages the Republic of Seychelles to keep following up on the implementation of this measure. Moreover, the State Party is urged to take measures to prohibit corporal punishment in all settings, including in families and homes.
30. The State party is invited to closely follow the procedure that the Department of Social Affairs and the Attorney General's office started to remove all references to corporal punishment from the Children's Act in order to move towards zero corporal punishment in all settings.

E. Family environment and alternative care

Parental responsibility and family support

31. The Committee commends the Republic of Seychelles for the various policies that have been put in place to ensure that parents fulfil their responsibilities, as well as to support the family unit. The Committee recommends that more actions are taken in this regard, especially in a context where the family unit in Seychelles has experienced a radical change, which has had various consequences on the way to approach parenthood.

Alternative care

32. The Committee notes with appreciation the efforts undertaken to ensure an adequate alternative care for children deprived of family environment. However, the Committee notes from the State Party Report that there are still issues around the alternative care provided to those children. Therefore, the Committee recommends

that the existing policies are revised to include the best interests of the child in providing alternative care services.

33. The Committee further recommends that the Republic of Seychelles takes necessary measures to ensure effective monitoring and assessment for the placement of children. Additionally, the State should take measures to expand the foster care system for children who cannot stay with their families, with a view to reducing the institutionalisation of children. Along the same line, the State is encouraged to allocate enough technical, human, and financial resources to alternative care centers and other child protection services.

F. Basic health and welfare

Children with disabilities

34. The State party report indicates that children with disabilities in Seychelles still face direct and indirect discrimination and continue to be marginalised from most mainstream activities because of barriers that prevent them from enjoying the same opportunities as other children. While recalling the principles of non-discrimination and equal access to basic services, the Committee recommends that the Republic of Seychelles takes all necessary measures to substantially address this deficiency and ensure that children with disability have meaningful access to day-care facilities as well as to schools.
35. Furthermore, the reports indicate that some general services for children, including leisure and recreational facilities, still do not cater for children with disabilities. It also points to the inaccessibility of public facilities to disabled persons, including children. On this basis, the Committee recommends the State to take measures to ensure that recreational facilities are disability-friendly and, most importantly, that public facilities are accessible to persons with disability, including children.

Health and health services

36. The Committee notes with appreciation that there are constitutional guarantees for the Right to health in Seychelles, as well as legislative measures and policies put in place to ensure that health care services, including sexual and reproductive health, are accessible to all including children. However, despite these guarantees, the Committee notes an increase in teenage pregnancies. This can significantly be attributed to the fact that there is a gap between the minimum legal age for sexual consent (15 years) and access to sexual health services without parental consent (18 years). The Committee, therefore, recommends that this measure is reviewed to enable full access to sexual and reproductive health care services to children with the minimum age of sexual consent.
37. The Committee encourages the State Party to take concrete action. The Committee, therefore, recommend that the State Party consider to:
- a. Deliberate developing programmes on the inclusion and teaching of sexual and reproductive health and rights in schools.
 - b. Engage in mass sensitisation and dissemination of information on the right to health as contained in the Constitution and ratified instruments.
 - c. Deal with the problem of teenage pregnancies by addressing root causes and other societal problems like gender inequalities and poverty - to prevent or minimise the manipulation of children in relationships.
38. In relation to HIV/AIDS, the Committee notes with satisfaction the efforts undertaken by the Republic of Seychelles to eradicate HIV, especially for children,

through the actions to prevent the mother to child transmission. The Committee encourages the State Party to intensify these actions and to multiply its efforts to raise awareness on HIV/AIDS with no complacency, including by providing HIV/AIDS prevention education in schools.

G. Education, leisure and cultural activities

Education

39. The Committee notes with satisfaction that the Right to Education is enshrined in the Constitution and that legal measures are taken to realize this constitutionally recognised Right. The Committee notes from the State Party Report that the State has taken effective steps to provide free and compulsory education in state schools for at least ten years. Furthermore, the State party is making an effort to ensure that everyone has equal access to educational opportunities and facilities beyond the period of compulsory education.
40. However, the Committee identifies some issues that must be addressed to enable a practical realisation of the right to education for all children in Seychelles. One crucial issue is that there is a shortage of highly educated Seychellois teachers due to difficult working conditions and limited career prospects for them. This subsequently affects the quality of education that the children receive.
41. In this regard, the Committee recommends that the State Party improves funding to the education sector for the retention of teachers to inform the quality of education.
42. The State Party Report also identifies concerns about the protection and safety of the school environment, particularly the prevalence of aggressive behaviour among students and assault of teachers by relatives of students. The Committee is concerned about the security and the safety of children and their teachers, as this will create an environment not conducive to realising the Right of children to education. The Committee recommends that the State Party takes measures to rectify the situation and promptly reinforce school security.

Leisure

43. The Committee commends the State Party for the various leisure and cultural activities made available in the Republic of Seychelles. However, the Committee recommends that the State party ensure that these activities are accessible to all children, including children with disabilities and children from low-income families, to make the enjoyment of the rights to leisure and recreational activities effective and free from discrimination.

H. Special protection measures

Children in conflict with the law

44. The Committee commends the Republic of Seychelles for the measures taken to ensure that children in conflict with the law are protected and their rights respected as much as possible. The Committee reiterates its recommendation on ensuring the effective participation of children during the court proceeding and taking into account their best interests. The Committee furthermore reiterates its recommendation on raising the minimum age of criminal responsibility as well as the improvement of prison facilities.

The Committee furthermore recommends that the Republic of Seychelles strengthens the measures of separating children from adult detainees and improves the treatment received by children in prison.

Reform, family reintegration and social rehabilitation

45. The Committee is concerned about the fact that once a parent is incarcerated in Seychelles, their children face considerable difficulty maintaining regular or meaningful contact, and that they are allowed only one visit per month, lasting between half an hour and an hour. The Committee stresses that this situation negatively affects the child's right to parental care and has consequences on their development. The Committee, therefore, recommends that the State Party takes necessary actions to ensure a non-custodial sentence will always be first considered when sentencing parents. In this regard, the Committee recommends the State Party refer to the guidance provided in the Committee's General Comment No1 on article 30 of the Charter.

Sexual exploitation and abuse

46. The Committee commends the Republic of Seychelles for the action undertaken to address the issue of sexual abuse. The Committee encourages the State to intensify effort in order to stop the rising number of cases of sexual exploitation in Seychelles, including online sexual exploitation and sexual exploitation of children in tourism. The State Party may refer to the ACERWC's General Comment No seven on article 27 of the charter.

Other forms of abuse and exploitation; include street begging

47. The Government of Seychelles recognises that a small group of children are involved in begging. The report mentions that this is often linked to the drug issue. The Committee recommends that the Republic of Seychelles look closely into the phenomenon and find the root causes and solutions while the case is still early.

I. Responsibilities of the child

48. The Committee encourages the State Party to include the responsibilities of the child in its legislative framework and ensure that the responsibility of the child does not result in the violation of children's rights enshrined in the African Charter on the Rights and Welfare of the Child. The Committee further calls upon the State Party to raise awareness among children, parents, and caregivers regarding children's responsibilities towards their family, society, and the State and to ensure that children are given responsibilities taking into account their age, maturity and ability in accordance with its General Comment on article 31 of the African Charter on the Rights and Welfare of the Child.

A. Conclusion

49. The African Committee of Experts on the Rights and Welfare of the Child appreciates the measures undertaken and efforts invested by the Government of Seychelles towards the implementation of the African Children's Charter. The Committee is confident that the State Party will spare no effort towards the implementation these recommendations. The Committee would like to indicate that it will undertake a follow-up mission to assess the implementation of these

recommendations in the foreseeable future. The Committee would also like to invite the State Party to submit its periodic report in July 2025 in accordance with article 43 of the Charter.

50. The African Committee of Experts on the Rights and Welfare of the Child takes this opportunity to renew to the Government of the Republic of Seychelles the assurances of its highest consideration.