



Foreword



I am pleased to present the first Annual Report of the Seychelles Human Rights Commission, a requirement of the Seychelles Human Rights Commission Act 2018.

During this first year members of the Commission were sworn in post in the presence of the President of the Republic of Seychelles and immediately concentrated their efforts on setting up the Commission's physical infrastructure and defining the structure of the organisation that would allow it to implement its mandate.

The goal of the Commission is essentially to ensure respect for the Human Rights of all human beings as a positive investment, with a durable and positive impact for peace, social harmony and sustainable development in a country embracing the rule of law.

Ensuring a Human Rights approach with human rights at the core of everything we do, will bring about the transformation required in our society. We aim to foster progress through training, monitoring the implementation of human rights obligations and review policies and laws addressing issues related to participation, discrimination and neglect of vulnerable groups amongst others.

Over the course of my mandate I wish to bring on board all partners so that we can make the systemic changes that will integrate Human Rights norms in our systems and daily practices. There is a lot of work ahead which hopefully will not be hindered by major financial constraints. We hope in the coming months to staff this nascent national Human Rights institution with adequate and well qualified staff to carry out the tasks before us.

I also take this opportunity to thank all Commissioners and staff for their hard work under constraining circumstances and look forward to continuing this work with all our partners during the year ahead, so that Human Rights can have a positive impact on our socio-economic development and well-being, and strengthen our resilience as a nation.

A strong adherence to Human Rights will enhance Seychelles' reputation in the world when it comes to the well-being of its people, investment and tourism,

A handwritten signature in black ink, appearing to read 'Bernard Renaud'. The signature is fluid and cursive, with a large initial 'B'.

Justice Bernardin Renaud (Retd)

Chairperson
Seychelles Human Rights Commission

Acknowledgements

The Seychelles Human Rights Commission would like to thank the following persons for their contribution to this report:

Members of the Seychelles Human Rights Commission

Justice Bernardin Renaud (Retd)	Chairperson
Ms Michelle de Lacoudraye-Harter	Vice Chairperson
Mrs Barbara Carolus-Andre	Commissioner
Ms Michelle Marguerite	Commissioner
Mr Roger Toussaint	Commissioner

Staff of the Seychelles Human Rights Commission

Mr George Robert – Legal Counsel and Director of Complaints, Investigation and Legal Services

Mrs Nicole Larsen - Senior Monitoring, Inspection and Compliance Officer

Ms Beth Gertrude - Senior Finance and Administration Officer

Ms Sheila Vidot - Administrative Officer

Ms Colvine Julienne - Office /Client Service Assistant

The Commission would like to also extend their thanks to all who have supported the Commission in setting up its offices and procedures.

Special thanks to:

The Office of the President

The Office of the Ombudsman

The Office of the Auditor General

The Office of the Attorney General

The Ministry of Finance

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1. Executive Summary

- 1.1 This report is the first report submitted by the Seychelles Human Rights Commission and covers the period spanning March 2019 to December 2019.
- 1.2 It provides an overview of the Seychelles Human Rights Commission and focuses on the setting up of the Commission in the first nine months of existence. It presents the achievements of the Commission, the challenges encountered and makes recommendations for consideration for the strengthening of the Commission.
- 1.3 The Seychelles Human Rights Commission Act, (Act 7 of 2018), (herein after referred to as 'The Act') was assented to on 9 August 2018, repealing the Protection of Human Rights Act (2009), and establishing the Seychelles Human Rights Commission (SHRC).
- 1.4 In March 2019, the Vice Chairperson and 3 Commissioners were sworn in, with the Chairperson being sworn in on the 1st July 2019. From its inception, the Commission held weekly meetings during the period March to December. It has been forced to tackle mainly administrative and finance issues as no financial provision had been made for the setting-up phase of the institution. The Commission also discussed its mandate, vision and human rights related issues as well as levels of intervention. One of its first tasks was to develop an organisational structure and staffing needs to support the functions of the SHRC.

- 1.5 The Seychelles Human Rights Commission (SHRC) has two main responsibilities legally defined in the Seychelles Human Rights Act 2018 – **to promote** and **to protect** fundamental human rights and freedoms.
- 1.6 The functions consists of adhering to finance and administrative procedures, implementing its national and international obligations, providing human rights education and awareness, monitoring and ensuring compliance to human rights, reviewing laws and policies and investigating human rights issues and complaints.
- 1.7 It is clear that the role of the SHRC is not sufficiently understood. This is evident through the lack of funding for setting up the institution and financial provisions for recruitment of well-trained high calibre professionals to implement the above mentioned areas.
- 1.8 The setting up of a human rights institution requires establishing national and international networks and standards and working towards international accreditation of the institution. The SHRC has participated in a few national fora but has not yet been able to establish links with and participate at international level due to lack of funds and lack of staff. Without the required staff the SHRC will not be able to fully contribute to national and international developments and participate fully and benefit from opportunities available for Seychelles in the development of human rights.
- 1.9 One of the crucial roles of the Commission is to create public awareness of rights, duties and responsibilities as enshrined in the Constitution of Seychelles, their role in defending the Constitution and assuming their civic responsibilities as well as the implementation of training for various

categories of duty bearers. Unfortunately this activity has been axed totally from the budget for 2020, 2021 and 2022.

- 1.10 Another key area of the Commission's work is that of hearing complaints relating to allegations of violations of human rights. The Commission identified general issues that need to be investigated and monitored at a systemic level to avoid future cases of the sort. These include remedial and custodial arrangements for children/minors in contact with the law, treatment and working conditions of migrant workers and procedures to be followed by asylum seekers and refugees.
- 1.11 The Commission received 32 complaints during the reporting period regarding right to work, fair hearing, shelter, property, life and dignity, freedom of expression amongst others. The public perception seems to be that the SHRC is akin to a Citizens Advice Bureau with free legal advice and legal aid. We have therefore had people expecting the SHRC to take their cases to court, to solve ancient neighbourhood disputes as well as resolve old land issue cases. Complainants are also dissatisfied with their lawyers whom they feel have not fairly represented them. The setting up of a citizen's advice bureau or centre able to provide legal advice and support should be seriously considered.
- 1.12 SHRC makes a number of recommendations amongst which the key ones are training of public servants, adequate funding and staffing, so that its team is enhanced, that through the consideration of full time commissioners, the recruitment of senior staff (senior investigation, senior education and senior national and international relations), the Seychelles Human Rights Commission will be enabled to finally develop and implement all areas of its mandate.

2. Introduction & Overview

2.1 Introduction

Section 22 of 'The Act' stipulates:

"The Commission shall, as soon as is possible after the expiration of each financial year and in any event not later than the 31st March in any year, submit to the Minister, and the Minister responsible for finance, an annual report dealing generally with the administration and its activities during the preceding financial year and the Minister shall cause the report to be laid before the National Assembly".

Section 19. (1) also stipulates:

"The Commission shall submit a report to the President and National Assembly every six months on its activities, the performance of its functions and the achievements of its objectives."

2.1.1 This report is the first report submitted by the Seychelles Human Rights Commission. Due to financial constraints and lack of staffing the Commission experienced a slow start in setting up its office. This report will therefore cover the period spanning March 2019 to December 2019, incorporating both the 6 monthly and the annual report as per the above requirements of the Act.

2.1.2 It provides an overview of the Seychelles Human Rights Commission and focuses on the setting up of the Commission in its first year of existence. It presents the achievements of the Commission, the challenges encountered and makes recommendations for consideration by the Executive for the strengthening of the Commission.

2.2 Overview

2.2.1 The Act was passed by the National Assembly and assented to by the President of Seychelles on 9th August 2018, establishing a commission to be known as the Seychelles Human Rights Commission (SHRC), thus repealing the Protection of Human Rights Act (2009). The Act was a result of measures taken to strengthen and reform the existing Human Rights Commission. Recommendations for strengthening this national human rights institution emanated from the Seychelles National Action Plan 2013/2014 and the Second Round of the Universal Periodic Review held in 2016 in Geneva, presented below.

Some Recommendations for Strengthening and Reforming the Human Rights Commission

1. Allocate more resources to its human rights bodies in order to ensure their effective functioning in line with international standards (Turkey);
2. Ensure that the National Human Rights Commission is in line with the Paris Principles and that the Ombudsman is fully independent (United Kingdom of Great Britain and Northern Ireland);
3. Provide the National Human Rights Commission with all the necessary resources to make it fully compliant with the Paris Principles (A Status) (Portugal);
4. Accelerate the on-going exercise to strengthen the National Human Rights Commission and to make it fully compliant with the Paris Principles (Zimbabwe);
5. Complete the process of bringing the national human rights institution in compliance with the Paris Principles and allocating it the adequate resources (Cabo Verde);
6. Continue the necessary legal and institutional steps to reform the National Human Rights Commission so that it meets the Paris Principles (Germany);
7. Provide all necessary resources, including financial and human resources to the National Human Rights Commission to enhance its activities (Mauritius);
8. Ensure the independence and effectiveness of the National Commission on Human Rights, in particular through the allocation of adequate resources in order to bring it in conformity with the Paris Principles (France);
9. Expedite the review of the effectiveness of the current framework of the office of the National Human Rights Commission and Ombudsman (Ethiopia);
10. Proceed to the separation of the Ombudsman's Office and the National Human Rights Commission (Democratic Republic of the Congo);
11. Maintain and strengthen the institutional independence of the Ombudsman and the National Human Rights Commission (Mexico);

2.2.2 The Seychelles National Action Plan on Human Rights (SNAP-HR) is in two parts, the first of which contains background information and a situational analysis of the progress made in the realization of human rights in Seychelles. It shows the progress made in the realization of rights as well as highlighting the gaps and challenges from the duty bearers as well as the right holders' perspectives.

2.2.3 Part Two is a shorter working document to guide implementation of the 5 year Action Plan. It contains a summary of the priority areas for action and is structured around **seven** main thematic pillars which represent the seven broad focus areas. They are as follows:

- Pillar 1: International and Regional Treaty Obligations
- Pillar 2: Human Rights Institutions
- Pillar 3: HR Awareness, Education and Training
- Pillar 4: Vulnerable Groups
- Pillar 5: Civil and Political Rights
- Pillar 6: Economic, Social and Cultural Rights
- Pillar 7: Environmental Rights

2.2.4 Under Pillar 2 (strengthening of National Human Rights Institutions) the Constitutional Review Committee and others proposed that a new body for the promotion and protection of human rights be set up, with a broader mandate and based on the Paris Principles with clear independence /autonomy from Government.

This effectively meant a split from the current arrangement, where the National Human Rights Institution was within the Ombudsman's Office.

2.2.5 The Seychelles Human Rights Commission (SHRC) is a self-governing, neutral and independent national human rights institution with quasi-judicial powers and functions. It is a body corporate having perpetual succession.

2.2.6 The SHRC Act 7, 2018 reflects the Paris Principles which set out the main criteria that National Human Rights Institutions (NHRIs) are required to meet:

- A national institution vested with competence to promote and protect human rights,
- To have as broad mandate as possible, based on universal human rights norms and standards,
- Through adequate funding, to be independent of Government;
- To have its Independence guaranteed by statute or Constitution;
- To guarantee Pluralism of its' members through an official Act, and
- Have adequate powers of investigation and be authorized to hear complaints and petitions.

3. The Commission

3.1 In March 2019, the Vice Chairperson and 3 Commissioners were sworn in, with the Chairperson being sworn in on the 1st July 2019. The members of the Commission are as follows:

Chairperson	Justice Bernardin Renaud (Retd)
Vice Chairperson	Ms Michelle de Lacoudraye-Harter
Commissioner	Mrs Barbara Carolus-Andre
Commissioner	Ms Michelle Marguerite
Commissioner	Mr Roger Toussaint



The President of the Republic, Mr Danny Faure, witnessed the swearing-in of members of the Seychelles Human Rights Commission during a ceremony held at State House.

3.2 Justice Bernardin Renaud (Retd) - Chairperson

Justice Renaud is one of the longest serving public officers. He joined the civil service in 1965 and later served as Labour Commissioner from 1979 to 1985. He was admitted as a Barrister and Attorney-at-Law and was licensed as a Notary Public in 1989. He played a key role in the transition of Seychelles from a One Party State to a pluralistic system when he chaired the meetings of Constitutional Commission that laid out the foundations for the Constitution of the Third Republic. He was the Director of Elections for the Referendum that approved the Constitution, as well as for the first Presidential and National Assembly elections in 1993.

Justice Renaud was Involved in civil society leadership and management, serving as Chairman of LUNGOS for ten years; Chairman of the National Council for the Elderly for over ten years and as Member of the National Council for Children for three years. He was also sworn in as the first Ombudsman of the Republic of Seychelles in November 1993. He was the first Seychellois to be appointed Judge in the Supreme Court in January 2004; whilst on the Supreme Court, he also served on the Constitutional Court.

Justice Renaud was a Member of the SADC Election Advisory Council since 2011 to date observing elections in many countries as an International Observer with Commonwealth, French Parliamentarians and SADC. He also undertook a special election mission to Liberia on behalf of the United Nations.

For over six years he was an Examiner of the Bar Examination for prospective lawyers for admission as Attorney-at-Law and was exposed to Humanitarian Law, Human Rights Law and Law of the Sea at the University of Pretoria, South Africa.

He also trained as a Mediator with the National Judicial College, Reno, Nevada, USA; and was appointed by the President as sole Commissioner to undertake various special enquiries.

In May, 2017 he was elevated to Justice of the Seychelles Court of Appeal until his retirement in June 2019, when he was appointed to serve as Chairman of the Seychelles Human Rights Commission.

3.3 Ms Michelle de Lacoudraye-Harter – Vice Chairperson

A keen advocate of universal human rights, Ms de Lacoudraye-Harter has focused her energy on gender equality – she was heavily involved in various NGO's, starting one called 'Famn dan sesel denozour' in the 1980's. This was followed by her active participation on several boards – Seychelles Women's Commission, Seychelles Women's Economic Empowerment Scheme, as well as the Health and Social Welfare Commission. She served

as Managing Director of the Craft Sector for eight years, running the EU Craft Project, collaborating closely with Industry to privatise the sector. Her advocacy of gender related issues continued while she was President of Soroptimist International in 1986, as well as when serving on the National Vocational Board for two years.

During this time she was Seychelles Representative on the Comité de l'Océan Indien as well as serving on the National Arts Council for six years.

Ms de Lacoudraye-Harter started her professional life in tourism, enjoying a fifteen year career both in Seychelles and overseas during which she worked on the inner and outer islands. She left the sector to become a Psychologist through the University of Southampton in 1989, later publishing an academic paper. In 2005, she completed her PGCE at Leicester University, focusing on tertiary education and research which she continued after her return to Seychelles in 2011, all the while practicing as a Psychologist.

3.4 Mrs Barbara Carolus-Andre - Commissioner

Mrs Carolus-Andre has as a particular interest in developing human rights education programmes, to foster public awareness of human rights and in working collaboratively with government agencies, independent bodies and civil society organisations for the promotion of human rights.

Her previous experiences include working with the Ministry of Foreign Affairs as project manager on EU and UNDP Human Rights Projects from 2008- 2014 with Civil Society, Seychelles Police Force, Seychelles Prisons, the Judiciary and the Ministry of Foreign Affairs Treaty section for Human Rights Treaty Reporting; being a member of the Human Rights Treaty Committee and participating in the development of Seychelles Nation Action Plan for Human Rights in collaboration with the Commonwealth; promoting International Humanitarian Law within the Red Cross as a Red Cross volunteer and as President of the Red Cross Society of Seychelles; developing the personal and social education curriculum and civics education programmes for Primary and Secondary schools, training of teachers for implementation of the curriculum in schools and working as a nurse and health educator.

3.5 Ms Michelle Marguerite – Commissioner

Currently employed as a Legal Advisor to PUC, Ms Marguerite first studied Sociology and Development Studies at the University of Manchester and worked for 13 years at the Ministry responsible for Social Affairs where she had the opportunity to represent the department on the Treaty Affairs Committee. Part of duties was also to compile, submit,

present and defend reports on the implementation of various human rights instruments to which Seychelles is a party.

Ms Marguerite obtained her Bachelor of Law (LLB) from the University of London in 2011, and completed a Master's degree in Law (LLM) in 2017 with specialisation in Mediation and Conflict Resolution. She then passed the local Vocational Bar Course with the University of Seychelles in 2014.

She is currently serving as a Member of the Appeal Board of the IECD and the Health Professional Council, and has been a Member of the National Commission for Child Protection for the last ten years.

3.6 Mr Roger Toussaint - Commissioner

Mr. Toussaint obtained his Diploma in Management & Accountancy and followed this with a BA in Banking and Finance from Victoria University of Technology, Australia. He then went on to obtain his Master's Degree in Leadership and Sustainability from the University of Cumbria, UK, whilst serving as the Head of two banking institutions; namely Seychelles Savings Bank and the Seychelles Development Bank of Seychelles for a combined period of twenty eight years.

During this time, he was appointed to serve as an Advisor to the then Ministry of Finance, Trade and Blue Economy for a period of three years. He was then appointed CEO of the Public Monitoring Commission for a period of 8 months, prior to being named as the Principal Secretary of the Department of Industry and Entrepreneurship Development from July 2017 to February 2019.

Mr Toussaint has always been interested in politics and democracy, serving 14 years as an elected Member of the National Assembly, as well as being appointed as Chairman and Board Member of several Public Enterprises.

Mr Toussaint was appointed as General Manager of Al Salam Bank-Seychelles from August, 2019 - a post which he currently holds.

- 3.7 The Commissioners are empowered, through the Act, *“to create a means by which (they) can engage in mediation, conciliation and negotiation; to enable (them) to investigate, detect and make recommendations to the government and to provide for matters connected therewith or incidental thereto”*.

Please refer to 'The Act', to be found in Appendix I for further details.

4. Functions and Responsibilities

4.1 The SHRC is mandated under the Seychelles Human Rights Act 2018 to carry out the following functions:

Administration, Human Resources and Finance
Set up the Commission Ensure self-governance of SHRC as a self-governing legal body Ensure respect of legal requirements for financial and administrative management of SHRC Maintain Statement of accounts in form approved by auditor general Prepare documents for audit Maintain Proper accounts and relevant records Prepare financial reports Prepare all documents for auditing purposes
National and International Relations
Compliance of SHRC to Paris Principles as well as to HRI regional and international obligations and accreditation Maintain close liaison with other agencies promoting human rights Foster common policies and practices Receive suggestions for the promotion of human rights Prepare and submit SHRC Reports Promote HRBA in the development and implementation of government legislation, policies and programmes
Human Rights Education and Training
Disseminate functions and roles of the SHRC Establish a rolling programme for education to enhance respect for human rights

Promote HR Approaches - Ensure Public Information and Education
Develop HR education programmes in other organisations through activities
Promote awareness of the constitution; rights, duties and responsibilities
Educate people to defend the constitution from violation and abuse
Promote civic responsibilities and appreciation of rights and responsibilities

Human Rights Monitoring, Inspection and Compliance

Develop and review the Seychelles National Action Plan for Human Rights
Monitor the implementation of the SNAP HR
Set up and manage Human Rights reporting committee
Undertake studies for reporting on or relating to human rights
Review government laws and policies related to human rights
Monitor compliance with treaties and conventions
Recommend adoption of new legislation
Make recommendations and advise ministries at all levels of government
Report to the President laws contrary to Chapter 3 or International human rights law
Promote HRBA in the development and implementation of government legislation policies and programmes
Identify issues for research and spearhead special programmes

Legal Affairs, Complaints and Investigation

To receive and investigate on its own initiative or as a result of a complaint
Mediation, conciliation or negotiation emanating from or constituting a violation
Assist complainants to lodge their complaint
Arrange to provide assistance to enable proceedings to be initiated in a competent court or direct complainant to appropriate forum

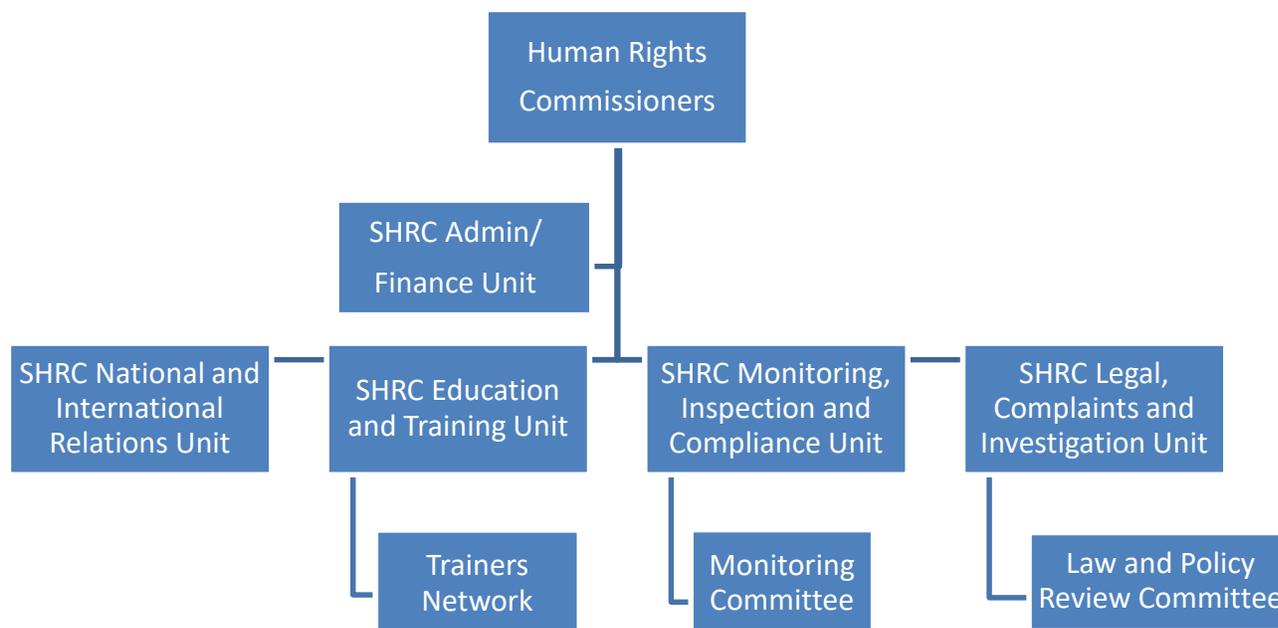
Initiate proceedings in a competent court including proceedings relating to the constitutionality of a law or the provisions of a law.

5. Administration and Finance

5.1 Administration

From its inception, the Commission focused on tackling financial and administrative issues - mainly because insufficient provisions had been made for the setting-up phase of the Institution. It had no premises and no clear financial structure (see Finance below). The Commission held weekly meetings during the period March to June to discuss these issues – its' first challenge was to find a suitable location and premises for its operations. The current premises were allocated to the SHRC by the President's Office in June – these premises were shared with the Truth, Reconciliation and National Unity Commission (TRNUC) from June until early October 2019.

5.1.1 Once the TRNUC left the building, the SHRC was able to install its telephone system and purchase some essential equipment with the limited funds available. These included some desks, office chairs and computer equipment. We are grateful to the landlord for allowing us to keep some of their existing furniture until today. The weekly meetings continued until December 2019 so that Commissioners could discuss its mandate, vision and other human rights related issues as well as levels of intervention. One of its first tasks was to propose an organisational structure (see below) together with adequate staffing needs, to support the functions of the SHRC.



SHRC Proposed Organisational Structure

5.1.2 The physical address of the SHRC is:

Bel Air Complex, Bel Air Road, Victoria

P.O. Box 1423, Tel: 4303220 email:

info@seychelleshumanrights.com

5.1.3 A competition was organised in collaboration with Arterial Seychelles (an association of graphic artists) for the design of the Commission's official logo. The competition was won by Silkwater Graphics in late September 2019 – they were awarded the first prize of SR 8,000. Work is complete in the installation of signboards, the letterhead, business cards and office stamps.

5.1.4 A Web designer has been given a contract to design and install the website which is expected to be operational in the second quarter of 2020.

5.2 Finance

5.2.1 An estimate of the funds needed to set up and equip the offices of the SHRC in 2019 (**SR 5million**) was sent to the Ministry of Finance in April 2019; a budget to cover the initial setting up of the Commission, including renting of an office, recruitment of administrative and technical staff, and purchase of basic goods and services (e.g. furniture, computers, etc..)

5.2.2 An initial budget of **SR 1,003,000** had been allocated in 2019 to the Ombudsman's office where the previous National Human Rights Commission was located. The Ministry of Finance agreed to the Commission's request to have a commercial bank account and assisted the Commission in setting up the appropriate mechanism to receive the funds and establish accounting procedures. During this time, the Ministry of Finance handled all payments until the 5th September 2019 when an outstanding balance of **SR 256,733.88** (from the original budget of SR1,003,000) was transferred to the SHRC bank account at Al Salam Bank. A certain portion (**SR 124, 540.**) was held back by the Ministry for wages and salaries.

5.2.3 Unfortunately, this sum proved inadequate (we had requested SR5 million in April) and the SHRC was obliged to organise (again with the agreement of the Ministry of Finance) an overdraft of **SR 500,000** from AlSalam bank, granted on the 25th September 2019.

5.2.4 Of the funds requested in April 2019 (SR 5 million) for the setting up of the Commission, only **SR 1,774,180** was given and that only on 11th November 2019.

This meant that the SHRC was given a total of **SR 2,030,913** for meeting its total overheads for 9 months, from a requested budget of SR 5 million.

5.2.5 A breakdown of the expenditure can be found in Appendix VI (Treasury - March to September) and Appendix VII (SHRC - September to December).

5.2.6 As the Commission was unable to set up properly in 2019, it proposed a budget of **SR 14,691,555** for 2020 to organise staffing, obtain equipment and start to meet its mandate through Training and Education, Monitoring and offering a complaints investigation service.

5.2.7 The Ministry of Finance advised the SHRC in December of its 2020 budget allocation – **SR 6,654,000**.

The 2021 budget request of SR 13,493,925 was reduced to **SR 6,674,000**.

The 2022 budget request for SR 13,375,325 was reduced to **SR 6,684,000**

5.2.8 One of the key Paris Principles is:

“Through adequate funding, to be independent of Government” – this is clearly not the case with the SHRC. The Commission spent several months discussing how to best structure the organization to meet its mandated requirements, as well as coming up with a realistic staffing plan, split over two and a half years (April 2019, 2020 and 2021), projecting a needs-based analysis of the work force with capacity building training plans.

5.2.9 In our considered opinion, it is not reasonable for a National Human Rights Commission to have its legal mandate curtailed for no other reason than financial expediency.

5.2.10 A key recommendation is therefore to meet the Paris Principles by establishing autonomy through adequate funding to properly carry out its national and international obligations, human rights education, human rights monitoring and review of legislation, receiving complaints and investigating them.

5.2.11 The Commission recommends that when the National Assembly passes a bill for setting up a new institution, the required resources for setting up are also voted upon. Finance and Administration staff should also be made available to ensure that all finance and administrative procedures are adhered to in line with standards set by the Auditor General.

6. Staffing

6.1 Part IV, 24 (1) of the Act states that

“The Commission shall employ such employees as may be reasonably necessary to assist the Commission in the performance of its functions”,
and again in section 24 (2)

“The employees shall be employed on such terms and conditions and receive such remuneration, allowances and other benefits as the Commission may, subject to the approval of the Minister, determine”.’

6.1.1 Following careful research and analysis, the SHRC came up with a recommendation of the minimum staff needed to carry out its mandated activities which was duly sent to the Minister responsible for the SHRC (The President) on the 9th July 2019. It was also sent to the Minister of Finance, together with the budget proposal in August 2019.

Figure 1: Recommended minimum staff

Administration, Human Resources and Finance
CEO or Director Personal Secretary to the Commission / Office Assistant Administrative Officer Finance Officer Documentation Officer IT Officer Data Administrator Driver Security Cleaner
National and International Relations
Director National and International relations Information/Liaison officer Research Officer Office Assistant
Human Rights Education and Training
Director HRE and Training Education and Training Officers x 2 Research Officer Office Assistant

Human Rights Monitoring, Inspection and Compliance
Director Human Rights Monitoring Monitoring Officers x 2 Research Officer Office Assistant
Legal Affairs, Complaints and Investigations
Legal Counsel Legal Officer Investigation Officers x 2 Office Assistant

6.1.2 In October 2019, the Commission contracted a temporary Administrative Officer for the period of October – December 2019 and a Cleaner from the Cleaners' Cooperative.

6.1.3 Based on our recommendations, the following 7 Posts were advertised at the beginning of November:

- Director Complaints, Investigation, and Legal Services/ Legal Counsel
- Senior Investigation Officer
- Senior Finance and Administrative Officer
- Office/Client Service Assistant
- Senior Monitoring, Inspection and Compliance Officer
- Senior Education and Training Officer
- Senior National and International Relations Cooperation Officer

6.1.4 Candidates were shortlisted and interviews carried out at the end of November. Given the current shortage of qualified staff of the caliber needed to fill our posts, the Commission resolved that the salary package

offered should be attractive and designed to keep successful applicants over the long term. Also included was built-in training (internal and external) to educate staff in the concept of human rights, so that they could better 'protect and promote' these, both internationally and locally. The SHRC felt it better to establish a 'team', where most staff could work across specialisms and multi-task.

6.1.5 The following posts were filled in December; staff starting either in December or after the New Year, depending on their notice period:

- Director Complaints, Investigation, and Legal Services/ Legal Counsel
- Senior Finance and Administration Officer
- Administrative Officer
- Office/Client Service Assistant
- Senior Monitoring, Inspection and Compliance Officer

6.1.6 In December, the SHRC was advised of its final 2020 budget, which was less than half of what had been requested. The Staffing structure was also severely cut by the Ministry of Finance, with no discussion or debate as to proposed cuts. The Commission is now facing an uncertain future, with both less money as well as less manpower to achieve our mandated goals.

6.1.7 The Commissioners have meanwhile played an active role in setting up the Commission and attending to the daily requirements of the institution, with the Vice Chair handling daily administration matters, budget elaboration and finance management until the 1st December, when the Legal Counsel joined the team.

6.1.8 The possibility of the SHRC to employ highly qualified staff in the short-term is questionable – this will clearly affect its' ability to fulfil its' mandate and may require that the Commissioners take an even more active role in the daily operation. The Act 2018 and the Paris Principles supports the practice of Commissioners working fulltime as required.

6.1.9 SHRC recommends that a review of the S.I. 45 of 2019 (Seychelles Human Rights Commission (Salary and Allowances of Chairperson, Deputy Chairperson and Commissioner) Regulations, 2019) is undertaken, for the Commission to be able to suitably remunerate Commissioners who can assume work with the Commission on a full-time basis and adjust allowances for those who will continue on a part-time basis.

6.1.10 The SHRC therefore earnestly recommends that the Government adheres to The Act, and ensures that its departments carry out their tasks with due respect for the Paris Principles, in order that the SHRC can duly fulfil its mandate in line with Section 9, 3. of The Act.

7. National and International Relations

7.1 'National and International Relations' refers to the following :

- Compliance of SHRC to Paris Principles as well as to HRI regional and international obligations and accreditation
- Maintaining close liaison with other agencies promoting human rights
- Fostering common policies and practices
- Receiving suggestions for the promotion of human rights
- Preparing and submitting SHRC Reports
- Promoting HRBA in the development and implementation of government legislation, policies and programmes

7.2 Letters of Introduction

7.2.1 The Commission has officially sent letters of introduction to Government Ministries, Civil Society and non-governmental organisations to inform them that the Commission is now operational.

7.2.2 ***The Commission recommends that information sessions be held with the heads of institutions to explain the role of the SHRC, and of the cooperation and collaboration required from government ministries and non-governmental organisations.***

7.3 Press conference

7.3.1 The Commission has been open to the public (though not fully functional) during 2019. A press conference is planned in the second quarter of 2020 to inform both media and public that the Commission is now operational, as well as to advise them of the functions and roles of the Commission.

7.3.2 ***The Commission recommends the development and implementation of a communication plan to regularly inform the public of its activities and of matters related to human rights.***

7.4 Networking

7.4.1 It is generally accepted that a key part of any organisation's effectiveness is based on its networking, and the SHRC is no exception to this rule. The Commission has established several key partnerships in the past year, working both on a local and international level wherever possible, despite its financial constraints.

7.5 Local networking

7.5.1 The SHRC met with the Ombudsman on several occasions following their swearing-in; the Ombudsman has offered every assistance to the Commissioners from the outset, from the use of meeting rooms to her expertise and valuable experience. During the latter part of 2019, she sent over the NHRC files from her office as well as some of the items bought with the funds of the National Human Rights Commission – furniture and sundry office equipment.

7.5.2 In December, the Commission was invited by Agency for the Prevention of Drug Abuse and Rehabilitation (APDAR) for the launching of the National Drug Control Master Plan 2019-2023. The conference was attended by a Commissioner, Mrs B. Carolus-Andre, who chaired a session of their workshop. She reported back that APDAR has requested further assistance by SHRC, namely to lead a working group for Theme 1 of Strategic Area 3: Human Rights and Proportionate Policies.

7.6 International Networking

- 7.6.1 In May 2019, members of the Commission met with the Chairperson of the Human Rights Commission from Mauritius, **Mr Dheerujall B. Seetulsingh**. He gave a brief overview of the Mauritius Human Rights Commission and how they initially set up their Commission. He shared the Commission's report of 2018 as well as some materials produced by the Mauritian Commission. Mr Seetulsingh offered assistance and extended an invitation for the Seychelles Commission to visit their organisation in Mauritius. The encounter was very insightful.
- 7.6.2 Late September saw an invitation for the Chair, Justice Bernardin Renaud, to attend the 65th Ordinary Session of the African Commission on Human and Peoples Rights, to be held in the Gambia, from 21st to 10th November 2019. This was turned down due to lack of funds.
- 7.6.3 In October, the SHRC met with a Political Officer, **Mr Mike Elkin** from the Embassy of the United States of America in Mauritius. Discussions were had as to areas for possible future cooperation, such as technical assistance such as the secondment of a Research Officer to the SHRC. This offer is on hold right now.
- 7.6.4 This was followed by an invitation for participation in a Member States Validation Workshop on the Draft Ten-Year Action and Implementation plan on Human and Peoples' Rights in Africa, scheduled to take place in Addis Ababa from 9 -11th December 2019. Unfortunately, this also had to be turned down for lack of funds.

7.6.5 Also in December, the Commission was invited to participate in the Training Workshop for Women Rights Stakeholders on African Union 10 years Action and Implementation plan on Human and Peoples' Rights in Africa being held in Nairobi, Kenya, on the 13-15th December 2019. The invitation was received on the 25th November, but due to a lack of funds and the short notice period, the SHRC was unable to send any representative.

7.6.6 ***The Commission recommends that the SHRC, together with the Government, strive towards establishing accreditation of the SHRC with the Global Alliance of National Human Rights Institutions (GANHRI). This is an organisation set up by the OHCHR which evaluates national human rights institutions with reference to the UN Paris Principles; these are the international standards by which NHRIs promote and protect human rights effectively and in an independent manner.***

8. Education and Training

8.1. The Education and Training role comprises the following:

- Disseminate functions of the SHRC
- Establish an education programme to enhance respect for human rights
- Promote HR Approaches - ensure Public Information and Education
- Assist organisations to develop their HR education programmes and activities
- Promote awareness of the constitution; rights, duties and responsibilities
- Educate people to defend the constitution from violation and abuse
- Promote civic responsibilities and appreciation of rights and responsibilities

8.1.1 One of the main Paris Principles states that the national institution be 'vested with the competence **to promote** and protect human rights'; it is also well recognised that general human rights awareness, as well as the training of rights holders and duty bearers is the most crucial element of promoting human rights in a democratic society.

8.1.2 This includes ensuring the public's awareness of their rights, duties and responsibilities as enshrined in the Constitution of Seychelles, their role in defending the Constitution and assuming their civic responsibilities. This can only be done through the development of human rights programmes and materials, as well as the implementation of training for various categories of rights holders and duty bearers.

8.1.3 A budget was submitted to the Ministry of Finance for this purpose but was unfortunately axed totally from the budget for 2020, 2021 and 2022.

This is all the more perplexing given that an assessment was carried out by SHRC, together with the MFTIEP. The SHRC had to provide Performance

Indicators (P.I.'s) which will be used next year to assess the performance of the SHRC in its two mandated areas – protection and promotion of human rights in Seychelles.

8.1.4 Three key P.I.'s for the promotion of Human Rights proposed were:

Performance Indicator 1:

'the actual number of awareness and training sessions carried out on the functioning of the Commission and on Human Rights' – 12 sessions were to be carried out in 2020'

Performance Indicator 2:

'the number of staff development initiatives in government institutions and the private sector' – 6 training sessions were to be carried out during the course of the year, and

Performance Indicator 3:

'the actual number of media coverage relating to human rights' – again 6 were planned for this year.

8.1.5 There is no funding currently allocated to this activity in the budget. This puts the SHRC in a quandary – were there to be an officer in post, they could increase the capacity of the Commission to link up with human rights education organisations outside Seychelles, to submit project proposals for funding and request technical support from international partners. However, with funds for neither the activity nor the post – the future of this unit is unclear.

8.1.6 ***The Commission urgently recommends that allocating the funds for recruiting a Senior Education and Training Officer, and for carrying out its mandated goal of promoting Human Rights through awareness and education activities for 2020, be considered a high priority.***

9. Monitoring, Inspection and Compliance

9.1 Monitoring, Inspection and Compliance involves the following areas of intervention:

- Develop and review the Seychelles National Action Plan for Human Rights (SNAP - HR)
- Monitor the implementation of the SNAP HR
- Set up and manage Human Rights reporting committees
- Undertake studies for reporting on or relating to Human Rights
- Review government laws and policies related to Human Rights
- Monitor compliance with treaties and conventions
- Recommend adoption of new legislation
- Make recommendations and advise ministries at all levels of government
- Report to the President laws contrary to Chapter 3 of the Constitution of Seychelles or International Human Rights Law
- Promote HRBA (Human Rights Based Approach) in the development and implementation of government legislation policies and programmes
- Identify issues for research and spearhead special programmes

9.1.1 The Commission has employed one Senior Monitoring Officer to help further the objectives of the Commission as described above.

9.1.2 The Seychelles National Plan of Action for Human Rights (SNAP- HR) 2015-2020 is under review. This document will guide the elaboration of the SNAP HR 2021 onwards and includes 7 Pillars which cover areas such as the Rights of Vulnerable Groups, Civil and Political Rights and Environmental Rights.

9.1.3 The Commission received complaints which have been identified as General Issues in that they need to be investigated at a generic level to avoid future cases of the sort. The HRBA is proposed as the way forward for

dealing with and solving these issues. This approach includes examining international instruments and national provisions, outlining issues of concern, carrying out a causality analysis, identifying gaps and responsible entities for addressing the gaps, outlining actions and deadlines for implementation of actions. The SHRC will then monitor, assist and report on the status of implementation.

9.1.4 Some of the General Issues identified and prioritised for action include:

- Remedial and custodial arrangements for children/minors in contact with the law,
- The treatment of migrant workers, their working conditions and contracts, as well as upon termination of employment and ensuing legal actions,
- The protocol governing asylum and refugee seekers, and procedures to be followed by asylum seekers,
- An overview of the legal system specifically establishing a code of conduct for lawyers, re-assessing court costs, and other access to justice issues.

9.1.5 ***The Commission recommends that a Human Rights Based Approach (HRBA) for addressing the issues collaboratively with the concerned government parties is accepted and adopted.***

9.1.6 The Commission has also received complaints resulting from entities rigidly enforcing policies and not taking into account the human rights dimensions in their decision-making.

9.1.7 ***The Commission recommends that all public service officers follow basic Civil Service training which includes a human rights dimension; this to ensure that they are aware of the rights of citizens they serve in a well-informed manner, avoiding discriminatory and unfair practices.***

10. Legal Affairs, Complaints and Investigations

10.1 An important part of the Legal Affairs Section is:

- To receive and investigate complaints or act on its own initiative
- To set up mediation, conciliation or negotiations as a result of an investigation
- To assist complainants to lodge their complaints
- To provide assistance to enable proceedings to be initiated in a competent court or direct a complainant to an appropriate forum
- To initiate proceedings in a competent court including proceedings relating to the constitutionality of a law or the provisions of a law

10.1.1 Complaint handling is an important part of the SHRC's mandate as it allows the people of Seychelles to seek redress in circumstances where they believe that their human rights have been violated. As such it behoves the SHRC to make this (complaint handling) process as clear, efficient and effective as possible.

10.1.2 The Seychelles Human Rights Commission must therefore publish and disseminate these procedures to the people of the country in order to ensure accountability and transparency, thus strengthening the national human rights framework.

10.2 Lodging a complaint

A complainant may lodge a complaint, using an official complaints form:

- in person at our Bel Air office
- by mail or email

10.2.1 If a person has difficulty filling in the form, they can ask for assistance from a member of the Investigation team. The form is in Appendix IIIIV, and can be completed in English, Creole or French.

10.2.2 The Commission practices 'Procedural Fairness' which means that the information or complaint received by one party must also be provided to the other party, though this can be done anonymously to maintain confidentiality.

10.2.3 Once the complaint is fully completed, it is evaluated by the Legal Department of the SHRC to ensure that it does in fact fall within the mandate of the Human Rights Commission. Should the Commission feel it does not, the individual will be guided to the appropriate institution, or advised on another course of action.

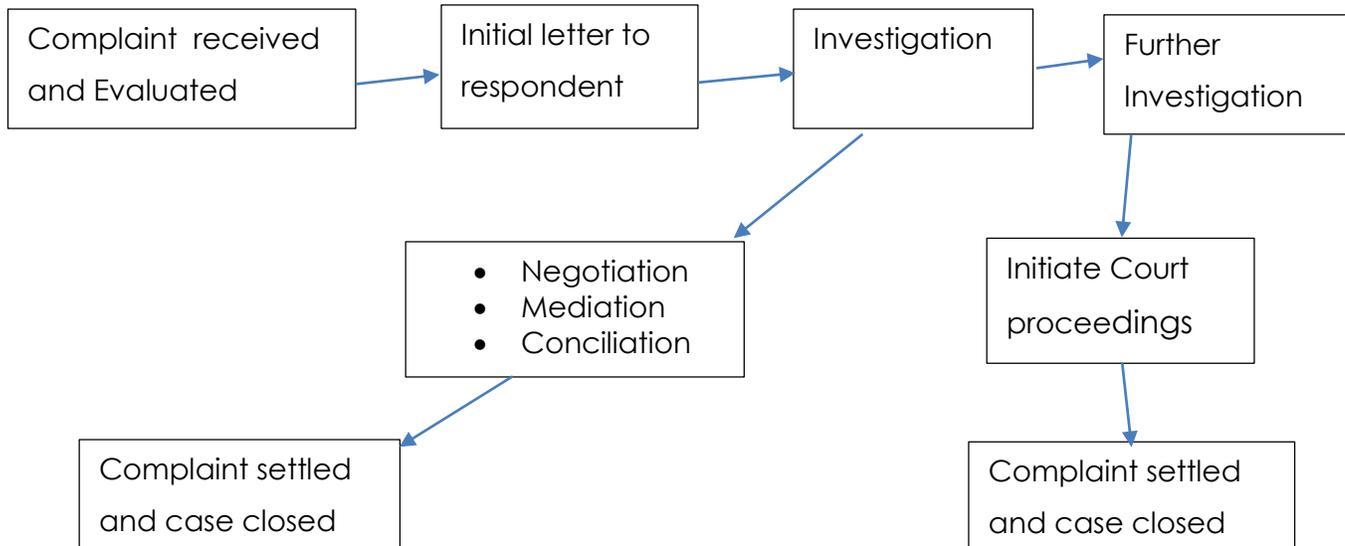
10.3 Evaluation criteria are:

1. that the complaint is consistent with the Charter of Human Rights and Fundamental Freedoms of the Constitution of Seychelles, the Charter of the United Nations, the Universal Declaration of Human Rights and other applicable instruments in the field of human rights law
2. that the complaint provides a factual description of the alleged violation/s
3. that the complainant has not received redress for the complaint
4. where adequate means to redress the complaint are available, and the complainant must show that they have exhausted all of these, and
5. that the matter is not currently under consideration by any Court or Tribunal.

10.3.1 Criterion 4 is often a sticking point as complainants proclaim a lack of trust in the judicial system and are extremely reluctant to disburse further quite considerable sums to lawyers, especially as this is to correct what is seen

as a miscarriage of justice in the first place. This issue has been assessed as a General Issue (see Monitoring above).

10.3.2 A diagram of the procedure clarifies it:



The Complaint Procedure

10.4 Cases

10.4.1 The SHRC received 154 archived files and 2 active files from the Ombudsman's Office; these were cases from the previous National Human Rights Commission,

10.4.2 The Commission received a total of 32 complaints during 2019, which can be categorised as follows:

Table 1. Record of Cases from March 2019 to December 31st 2019

No of cases	Rights Allegedly Violated	Status
4	Right to work	Open (1 closed)
3	Right to living peacefully	Open
3	Right to property	Open (1 closed)
2	Right to Liberty	Open
1	Right to Family	Open
4	Right to a fair hearing	Open
2	Freedom against Torture	Open
2	Right to Life and Dignity	Open
2	Right to shelter	Open
1	Right to Freedom of Expression	Open
8	Under investigation	Open

Source: Legal Affairs, Seychelles Human Rights Commission

10.4.3 Some complainants have highlighted a considerable lack of satisfaction with their lawyers and ensuing lack of trust. They are therefore also reluctant to pursue judicial reviews which will necessitate disbursement of large sums of money (for a second or third time) which they can ill afford.

10.4.4 Whilst the investigation of all complaints is a very important part of the SHRC's mandate, it is also clear from the cases which have presented that there is considerable confusion regarding the exact role and function of this Commission.

10.4.5 The public perception seems to be that the SHRC is akin to a Citizens Advice Bureau with free advice and legal aid. We have therefore had

people expecting the SHRC to take their cases to court, to solve ancient neighbourhood disputes as well as resolve old land issue cases.

10.4.6 It is the sentiment of the Commission that the breadth of the SHRC's role is not fully understood by some within the Executive and the Legislative. If the SHRC is to fulfil its mandate as per The Act, then its role as an investigator must be put into the larger context.

10.4.7 As can be seen in the diagram – once a complaint is accepted, the SHRC writes to the main respondent to ask for files or information. Obtaining this information is proving quite difficult because those in positions of power have little idea of the extent of our roles and functions as set out in Section 14 of The Act.

10.4.8 The Commission currently employs one Legal Counsel, who receives clients, evaluates complaints, carries out research, as well as making recommendations for action and implementing follow up investigative actions.

10.4.9 ***The Commission recommends that funds be made available for employing a competent and experienced Senior Investigation Officer in the very near future.***

10.4.10 ***It also recommends that training is provided for the client support staff who receive complaints, so as to better equip them to quickly assess clients in the first instance.***

10.4.11 ***The Commission recommends that a legal advice mechanism is set up so that complainants will receive advice from competent legal practitioners on how to go forward on their issues.***

11. Summary of Recommendations

- 11.1 This chapter consists of all the recommendations found throughout this report for ease of reading. Please refer to the section to see the analysis and challenges which have given rise to the recommendations.
- 11.2 *A key recommendation is therefore to meet the Paris Principles by establishing autonomy through adequate funding to properly carry out its national and international obligations, human rights education, human rights monitoring and review of legislation, receiving complaints and investigating them.*
- 11.3 *The Commission recommends that when the National Assembly passes a bill for setting up a new institution, the required resources for setting up are also voted upon. Finance and Administration staff should also be made available to ensure that all finance and administrative procedures are adhered to in line with standards set by the Auditor General.*
- 11.4 *SHRC recommends that a review of the S.I. 45 of 2019 (Seychelles Human Rights Commission (Salary and Allowances of Chairperson, Deputy Chairperson and Commissioner) Regulations, 2019) is undertaken, for the Commission to be able to suitably remunerate Commissioners who can assume work with the Commission on a full-time basis and adjust allowances for those who will continue on a part-time basis.*
- 11.5 *The SHRC therefore earnestly recommends that the Government adheres to The Act, and ensures that its departments carry out their tasks with due*

respect for the Paris Principles, in order that the SHRC can duly fulfil its mandate in line with Section 9, 3. of The Act.

- 11.6 *The Commission recommends that information sessions be held with the heads of institutions to explain the role of the SHRC, and of the cooperation and collaboration required from government ministries and non-governmental organisations.*
- 11.7 *The Commission recommends the development and implementation of a communication plan to regularly inform the public of its activities and of matters related to human rights.*
- 11.8 *The Commission recommends that the SHRC, together with the Government, strive towards establishing accreditation of the SHRC with the Global Alliance of National Human Rights Institutions (GANHRI). This is an organisation set up by the OHCHR which evaluates national human rights institutions with reference to the UN Paris Principles; these are the international standards by which NHRIs promote and protect human rights effectively and in an independent manner.*
- 11.9 *The Commission urgently recommends that allocating the funds for recruiting a Senior Education and Training Officer, and for carrying out its mandated goal of promoting Human Rights through awareness and education activities for 2020, be considered a high priority.*
- 11.10 *The Commission recommends that a Human Rights Based Approach (HRBA) for addressing the issues collaboratively with the concerned government parties is accepted and adopted.*

- 11.11 *The Commission recommends that all public service officers follow basic Civil Service training which includes a human rights dimension; this to ensure that they are aware of the rights of citizens they serve in a well-informed manner, avoiding discriminatory and unfair practices.*
- 11.12 *The Commission recommends that funds be made available for employing a competent and experienced Senior Investigation Officer in the very near future.*
- 11.13 *It also recommends that training is provided for the client support staff who receive complaints, so as to better equip them to quickly assess clients in the first instance.*
- 11.14 *The Commission recommends that a legal advice mechanism is set up so that complainants will receive advice from competent legal practitioners on how to go forward on their issues.*