



Seychelles Human Rights Commission

MONITORING PROGRAMME PROCEDURES

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MONITORING PROCEDURES

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Contents

1. Introduction.....	2
2. Identifying Monitoring Programmes.....	4
3. Monitoring Report on Programme Outcome.....	4
4. Consultation on Recommendations contained in Report.....	5
5. Transferring Matter to Another Process of the Commission.....	5
6. Publication.....	6
7. Forms.....	7

1. Introduction

1.1 The Seychelles Human Rights Commission (hereinafter “the Commission”) is established under section 3 of the *Seychelles Human Rights Commission Act, 2018* (hereinafter “the Act”). Pursuant to section 3 (2) of the Act, *the Commission shall be a self-governing, neutral and independent body and shall not be subject to the direction or control of any person or authority.*

1.2 The mandate of the Commission is to promote and protect human rights in Seychelles, and, to facilitate the Commission to execute this mandate, the Act provides the Commission with a broad range of powers and functions.

1.3 Section 14 (1) (b) (vi) of the Act provides that *the Commission-*

Shall monitor the implementation of, and compliance with, international and regional conventions and treaties, international and regional covenants and international and regional charters relating to the objects of the Commission.

1.4 Article 3 (b) of the *Principles relating to the Status of National Institutions* (hereinafter “The Paris Principles”), adopted by the General Assembly Resolution 48/134 of 20 December 1993, provides

A national institution shall, inter alia, have the following responsibilities:

(b) *To promote and ensure the harmonization of national legislation, regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation.*

1.5 As such, it is essential to recognise that the Commission has a key role to play in the monitoring of international human rights obligations and the investigation of human rights issues within the governance mechanisms of the Government, and the reinforcement of the Rule of Law.

1.6 As such, given the above, the Government has an obligation to afford the Commission's proposals for a monitoring programme, including any recommendations that arise therefrom, with the utmost respect, and give them serious consideration when making decisions.

1.7 The Commission's Procedures for executing a monitoring programme are, therefore, critical for providing well-rounded monitoring programmes.

1.8 Thus, these Procedures aim to guide all persons as to how the Commission runs monitoring programmes and makes its recommendations.

1.9 The Commission is continually reviewing these Procedures to be as effective and efficient as possible. As such, the Commission, from time to time, may amend these Procedures where necessary.

1.10 These Procedures shall be read with the Act, supported by internal standard operating procedures and staff directives.

1.11 For the avoidance of any doubt, any action under these Procedures that may be performed physically may also be performed electronically.

1.12 There may be times in certain circumstances when the Commission may need to deviate from these Procedures. Where such deviation is necessary, the Commission shall provide written reasons.

2. Identifying Monitoring Programmes

2.1 The Commission shall identify the international human rights treaties that the Government of Seychelles is bound by and use the interconnections of the Commission's units to collaboratively monitor the Government's adherence to and implementation of the same.

2.2 Once the Commission identifies the monitoring programme that it wishes to conduct, it shall request for qualitative and quantitative information from the responsible government body, which may involve interviews with government officials, having access to documents or conducting site visits to government facilities where the Commission may observe and collect said information, including through digital means, to enable it to monitor adherence and implementation.

3. Monitoring Report on Programme Outcome

3.1 To enable the Commission to provide a detailed outcome of any monitoring programme that it conducts, including any recommendations that may arise therefrom, the Commission may prepare a Monitoring Report (hereinafter "the Report").

3.2 The Report shall contain the following (see Form 1 in the Annex):

- (a)** The Mandate of the Commission;
- (b)** The Monitoring Visit(s);
- (c)** Methodology;
- (d)** Observations from Visit(s);
- (e)** The Relevant Human Rights Standard;
- (f)** Analysis;
- (g)** Compliance Ratings; and
- (h)** Conclusion and Recommendations.

3.3 Once the Commission has executed the Report, the Commission shall make any opinion or recommendation in respect of any concern identified by it during the course of the monitoring programme known to the responsible government body and may publish the same on its website.

3.4 The responsible government body, unless directed otherwise in the interest of preventing any possible or likely human rights violations, shall, within sixty (60) days after being made aware of any opinion or recommendation, respond, in writing, to the Commission, indicating whether the responsible government body agrees with the Report and, thus, intends to take any steps to give effect to any such opinion or recommendation, if any such step is proposed.

4. Consultation on Recommendations contained in Report

4.1 Should the responsible government body agree with the Commission's opinion and recommendations, as contained in the Report, the responsible government body shall consult with the Commission to determine the most appropriate manner possible, founded on a Human Rights Based Approach, through which to bring effect to any such opinion or recommendation.

- The responsible government body is invited to use Form 2 in the Annex as a template for issuing its response to the Commission.

5. Transferring the Matter to Another Process of the Commission

5.1 Should the responsible government body not agree with the Report, it shall provide full reasons as to why they disagree, including any supporting documents, within the time frame stipulated by the Commission, but in any event, not more than sixty (60) days after receiving notice of the Report, as per section 19 (4) of the Act.

5.2 Should the Commission receive a response from the responsible government body, the Commission may maintain its opinion and recommendations in the Report and, where it sees the need to, may transfer the matter to another process of the Commission by sending to the responsible government body a Final Position after Response. The Final Position after Response shall include the following (see Form 3 in the Annex):

- (a) The Response;
- (b) The Position of the Commission;

- (c) Conclusion, including an option for further discussion before transferring matter to another process of the Commission.

5.3 Should the responsible government body fail to respond within the time frame stipulated by the Commission, given that the responsible government body is statutorily required to respond, as per section 19 (4) of the Act, the Commission will interpret a non-response from the responsible government body as a tacit acceptance of its opinion or recommendations and, where it sees the need to, shall transfer the matter to another process of the Commission.

6. Publication

6.1 Notwithstanding anything detailed in these Procedures, the Commission shall, where the Commission deems that it is in the public interest to do so, publish on the website of the Commission any Report, Response from the responsible government body, and any other relevant document or information relating to these Procedures.

7. Annex – Forms

a) Form 1

Dreamgate Complex, Ile Du Port
P.O. Box 1423, Victoria, Mahe
Republic of Seychelles



Tel: 248 4 303 220

Email: info@seychelleshumanrights.com

www.seychelleshumanrightscommission.com

Seychelles Human Rights Commission

Monitoring Report

Subject:

Reference Number:

Responsible Government Body:

Date:

1. **The Monitoring Visit(s);**
2. **Methodology;**
3. **Observations from Visit(s);**
4. **The Relevant Human Rights Standard;**
5. **Analysis;**
6. **Compliance Ratings;**
7. **Conclusion and Recommendations.**

For Seychelles Human Rights Commission

Justice Bernardin Renaud (Retired)

Chairperson of the Seychelles Human Rights Commission

b) Form 2

(Letterhead of the Responsible Government Body)

**Response to the Monitoring Report by the Seychelles Human Rights
Commission**

Subject:

Reference Number:

Responsible Government Body:

Date:

Should the responsible government body **agree** with the Report:

- Detail that the responsible government body agrees with Report and how it wishes to consult with the Commission in respect to the same.

Should the responsible government body **disagree** with the Report:

- Detail that the responsible government body disagrees with the Report and provide full reasons as to why they disagree, including any supporting documents.

Designated signatory of Responsible Government Body

c) Form 3

Dreamgate Complex, Ile Du Port
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Email: info@seychelleshumanrights.com

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Seychelles Human Rights Commission

Final Position after Response

Subject:

Reference Number:

Responsible Government Body:

Date:

- 1. The Response;**
- 2. The Position of the Commission;**
- 3. Conclusion, including option for further discussion before transferring the matter to another process of the Commission.**

For Seychelles Human Rights Commission

Justice Bernardin Renaud (Retired)

Chairperson of the Seychelles Human Rights Commission