



Seychelles Human Rights Commission
OPINION ON BILLS PROCEDURES

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1. Introduction

1.1 The Seychelles Human Rights Commission (hereinafter “the Commission”) is established under section 3 of the *Seychelles Human Rights Commission Act* of 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) (vii) of the Act provides that *the Commission-
Shall prepare and submit reports to the National Assembly pertaining to any such convention, treaty, covenant or charter relating to the objects of the Commission.*

1.4 Section 14 (3) of the Act provides that
If the Commission is of the opinion that any proposed legislation or any written law is contrary to Chapter III of the Constitution or to norms of international human rights law which forms part of the laws of the Republic or to other relevant norms of international law, it shall immediately report that fact to the President.

1.5 Section 14 (b) (iv) of the Act provides that *the Commission
Shall consider such recommendations, suggestions and requests concerning the promotion of human rights as it may receive from any source.*

1.6 Article 3 (a) (i) 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:

(a) *To submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights; the national institution may decide to publicize them; these opinions, recommendations, proposals and reports, as well as any prerogative of the national institution, shall relate to the following areas:*

(i) *Any legislative or administrative provisions, as well as provisions relating to judicial organizations, intended to preserve and extend the protection of human rights; in that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures.*

1.7 As such, it is essential to recognise that the Commission has a critical role to play within the governmental structure relating to the institutionalisation of human rights within the governance mechanisms of the Government and the reinforcement of the Rule of Law.

1.8 As such, given the above, the Government has an obligation to afford the Commission’s opinions on Bills and its recommendations with the utmost respect, and give them serious consideration within its decision-making process.

1.9 The Commission’s Procedures for issuing opinions on Bills are, therefore, critical for providing well-founded opinions and recommendations in the most effective and efficient way possible.

1.10 Thus, these Procedures aim to guide all persons as to how the Commission issues its opinions on Bills and makes its recommendations.

1.11 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.

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

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

1.14 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 Bills for Review

2.1 Once a Bill is presented to the National Assembly, the National Assembly shall transmit a copy of the same to the Commission.

2.2 Once a Bill is published in the Official Gazette, the Government shall inform the Commission of the same.

2.3 Should the Government wish to have the Commission's opinion and recommendations on a draft Bill prior to it being published in the Official Gazette, the Government shall provide the Commission with at least fourteen (14) days notice of the same.

2.4 Once the Commission receives a copy of the Bill or draft Bill, after receiving a request by the Government or the National Assembly, or on its own initiative, it shall then review the same to identify whether it has any human rights issues.

2.5 The Commission shall, where applicable, identify the human rights concern and the appropriate international and domestic human rights standards.

2.6 The Commission may, where it sees it necessary, request further information from the responsible government body to which the Bill or a draft Bill relates, which may involve the Commission interviewing government officials, accessing 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 analyse the human rights issue.

3. Opinion on Bills Report

3.1 To enable the Commission to issue any necessary recommendations relating to any identified human rights concern contained in a Bill or draft Bill, the Commission may prepare a Opinion on Bills 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 Human Rights Issue;
- (c)** The Relevant Human Rights Standard;
- (d)** Analysis; and
- (e)** Conclusion and Recommendations.

3.3 Once the Commission has issued the Report, the Commission shall make any opinion or recommendation in respect of an identified human rights concern contained in a Bill or draft Bill known to the Government and/or the National Assembly, and shall publish the same on its website.

3.4 The Commission shall be available to the Government and/or the National Assembly to provide any guidance necessary contained within the Report.

4. Annex – Forms

a) Form 1

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Seychelles Human Rights Commission

Opinion on Bills Report

Subject:

Reference Number:

Responsible Government Body:

Date:

1. **The Mandate of the Commission;**
2. **The Human Rights Issue;**
3. **The Relevant Human Rights Standard;**
4. **Analysis;**
5. **Conclusion and Recommendations.**

For Seychelles Human Rights Commission

Justice Bernardin Renaud (Retired)

Chairperson of the Seychelles Human Rights Commission