



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Fifty-sixth session

Summary record (partial)* of the 1174th meeting

Held at the Palais des Nations, Geneva, on Thursday, 10 October 2013, at 3 p.m.

Chairperson: Ms. Jahan (Vice-Chairperson)

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(*continued*)

Combined initial and second to fifth periodic reports of Seychelles (continued)

* No summary record was prepared for the rest of the meeting.

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In the absence of the Chairperson, Ms. Jahan, Vice-Chairperson, took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

*Combined initial and second to fifth periodic reports of Seychelles (continued)
(CEDAW/C/SYC/1-5; CEDAW/C/SYC/Q/1-5 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of Seychelles took places at the Committee table.*

Articles 10 to 14

2. **Ms. Patten** asked when the bills on employment, domestic violence and trafficking in persons would be enacted. She requested clarification on the status of the revised Employment Act referred at the previous meeting. How was sexual harassment defined under the law? She also asked whether the law currently covered penalties for sexual harassment, equal pay for work of equal value and maternity protection, particularly in light of reports of contracts' being unfairly terminated on the grounds of pregnancy. She asked, in addition, whether measures would be taken to reinforce the capacity for labour inspection to ensure that legislation was effectively implemented. She wondered how many resources were being allocated for early childcare services and what was being done to foster men's participation in the upbringing of children, to regulate the private sector, to address vertical and horizontal occupational segregation of women in general and female migrant workers in particular, and to narrow the pay gap in the private and public sectors. Lastly, up-to-date statistics on patterns and rates of female employment would be appreciated.

3. **Mr. Meriton** (Seychelles) said that amendments to the Employment Act were currently under consideration and consultations were being held between the Government, employers and workers. The proposed bill included provisions on equal pay and sanctions for sexual harassment. The bill called for strengthening labour and factory inspection. A new website had been created to inform employers of regulations governing the workplace, and the private sector worked in close cooperation with the Government to fulfil those regulations. Pregnant workers in the public sector whose contracts were unfairly terminated could seek legal redress with the Public Service Appeals Board and those in the private sector with the Employment Tribunal. While companies partly owned by the Government offered pay incentives to higher performing employees, diminishing the pay gap was a Government priority in all sectors, public, private and parastatal. The State party encouraged women to study subjects that prepared them to enter into managerial and professional posts in an effort to combat occupational segregation. The proposed amendments to the Employment Act would provide protection for most categories of migrant workers and the national minimum wage applied to all workers in Seychelles. The National Social Renaissance Plan of Action included provisions to facilitate the equal division of parental responsibility, to encourage fathers to be closely involved in the upbringing of their children and to enable women, who customarily continued to bear most of the responsibility for child-rearing, to return to work when their children were old enough for day care.

4. **Ms. Siu-Roberts** (Seychelles) said that the definition of sexual harassment contained in the current employment bill was the first to be included in labour legislation and Seychelles had worked in close cooperation with the International Labour Organization to ensure that the definition met all the relevant recommendations and standards. It was

expected that the bills on employment, domestic violence and trafficking in persons would be enacted by 2014.

5. **Ms. Nwankwo** asked for clarification on the status of the draft policy on sexual and reproductive health and the time frame for its adoption, and on measures to address the rising rates of teenage pregnancy and associated unsafe abortion. What did the Government plan to do in order to harmonize legislation and address the contradiction between the legal age of consent, which stood at 15 years, and the requirement of parental authorization to obtain contraception for the same age group? Did the Government envisage revising the provisions on abortion, which had driven up rates of clandestine abortion and abortion-related deaths because they were so stringent?

6. **Ms. Haidar**, noting with concern the high HIV/AIDS prevalence among women in the 15–19 age group, asked whether reproductive health-care providers had focused as much attention on that vulnerable group as the rest of the population and why measures to prevent and raise awareness of HIV/AIDS among it had been ineffective. What support, health services and legislation were in place to protect sex workers? What policies had been developed to protect female migrant workers, who were particularly vulnerable in the area of reproductive health and HIV/AIDS?

7. **Mr. Meriton** (Seychelles) said that primary and secondary health care was free in Seychelles. The Government launched information campaigns aimed at women and girls and mothers and fathers to emphasize the need for individuals to take care of their health. Work remained to be done in that area and the Government would act on all of the Committee's concerns with targeted and comprehensive measures.

8. **Ms. Siu-Roberts** (Seychelles) said that the national policy on sexual and reproductive health was under review by the recently restructured Ministry of Health and would be presented to the Cabinet in the near future. The Government was drafting a bill on teenage pregnancy, on which further information would also be sent at a later stage.

9. **Ms. Bonne** (Seychelles) said that 60 per cent of persons with HIV/AIDS in Seychelles were men, which was an anomaly in Africa, and that the overall HIV/AIDS prevalence rate was 1 per cent. While discrimination against persons with HIV/AIDS was not covered by national legislation, policies to protect such persons against discrimination were being implemented.

10. **Ms. William-Melanie** (Seychelles) said that the amendments to the Children Act would extend the provision of reproductive health services, including contraception, to all adolescents.

11. **Ms. Nwankwo** asked the delegation to provide further information on the sentences handed down in abortion cases pursuant to articles 147 and 148 of the Criminal Code.

12. **Ms. Haidar** asked what measures had been taken to allow girls' access to contraceptives and HIV testing without parental consent.

13. **Mr. Vipin** said that abortion was punishable under articles 147 and 148 of the Penal Code by a prison sentence of between 7 and 14 years unless it was performed on the grounds specified under the Termination of Pregnancy Act. The sentences handed down for such offences depended on a variety of factors, including whether medical intervention had been sought and the presence of aggravating factors. The courts were normally lenient in their sentencing in abortion cases but the conviction of offenders had been used in certain cases as a deterrent.

14. **Ms. Bonne** (Seychelles) said that the Government recognized the need to tackle the high teenage pregnancy rate and had taken steps to increase awareness of sexually transmitted diseases and teenage pregnancy among the adolescent population. The national

youth health centre provided young persons with information and counselling on sexual and reproductive health matters and, following the adoption of the draft national policy on sexual and reproductive health, young persons would have much greater access to a wider range of sexual and reproductive health services, including contraceptives and HIV testing, without parental consent.

15. **Mr. Meriton** (Seychelles) said that a recent national survey had shown that young persons were aware of safe sex principles but were often failing to apply their knowledge in practice. The Government, with support from NGOs and private sector stakeholders, had therefore decided to continue with its focus on sexual and reproductive health education and targeted its national sexual and reproductive health campaigns at three distinct groups, namely HIV/AIDS sufferers, sexually active persons and persons who are not sexually active.

16. **Ms. Patten** asked whether the Government intended to repeal articles 147 and 148 of the Penal Code on abortion.

17. **Mr. Meriton** (Seychelles) said that abortion was not illegal if carried out under the Termination of Pregnancy Act and sexual and reproductive health services and programmes were readily available to those over 18 years. Nevertheless, a certain legal threshold must be in place to ensure that the rights of the unborn child were taken into consideration. The Government therefore did not intend to repeal articles 147 and 148 of the Code.

18. **Ms. Bailey** expressed concern at women's lack of access to financial resources and underscored the importance of gathering sex-disaggregated data on access to credit in an effort to evaluate the impact of the State party's gender strategies and programmes. Noting the sexual stereotypes and segregation that affected female loan applicants, she asked whether any efforts had been made to encourage women's participation in non-traditional income-generating activities. Had the State party taken steps to ensure that alternative forms of collateral were accepted by lenders in an attempt to enable more women to qualify for loans? She also wished to know whether women who took out loans received gender-sensitive financial advice and whether any training programmes had been established to respond to the particular needs of women entrepreneurs.

19. **Ms. Pomeranzi** asked what measures had been taken to protect women from the adverse social and economic consequences of the 2008 Macroeconomic Reform Programme. She wished to know whether the State party had developed new opportunities for the social and economic empowerment of women, including the provision of information and communications technology training programmes, and whether it had implemented the temporary special measures described in its report to increase the number of women entrepreneurs. Lastly, she asked whether the Government had fulfilled its pledge to provide women with equal access to cultural activities.

20. **Mr. Meriton** (Seychelles) agreed that a lack of sex-disaggregated data was one of the major weaknesses hampering the mainstreaming of gender in policies and programmes in Seychelles. The Government was committed to improving its data-collection processes and the National Statistics Bureau had recently started to devise a framework in which to evaluate the impact of Government policies and strategies on women.

21. In terms of women's access to financial resources, it was true that negative gender stereotypes persisted and men continued to be six times more likely to be approved for a loan than women. In response, the Government had created a number of institutions designed to facilitate women's access to credit and had encouraged women to find alternative forms of income generation.

22. Turning to the recent macroeconomic reform, he said that the Government had offered small businesses the chance to bid for various government services available for

outsourcing, including cleaning, security and catering contracts, which had benefited many women. Training and support for women entrepreneurs was also provided by the Small Enterprise Promotion Agency.

23. **Ms. Bonne** (Seychelles) said that information and communications technology training was included as part of the national school curriculum and specific training programmes had been established to help young entrepreneurs to manage their businesses online.

24. **Ms. Bailey** said that very few of the existing programmes for women entrepreneurs provided gender-sensitive training and she urged the State party to consider the gender perspective when designing any future training programmes or materials.

25. **Ms. Zou Xiaojiao** asked whether measures had been taken to strengthen sex-disaggregated data on, and integrate gender mainstreaming policies into, the State party's agricultural, food security, climate change and disaster risk reduction strategies. Regarding the disaster management bill, she asked whether women had participated in the drafting process and whether the bill had incorporated a gender perspective. Lastly, she wished to know whether the bill had been adopted as scheduled in August 2013.

26. **Mr. Meriton** (Seychelles) said that developing agriculture was crucial to economic development and food security, which was paramount to the State party, particularly in light of climate change and the increasingly common occurrence of natural disasters, such as the tropical cyclone that had hit the country in 2013. Seychelles had committed to eradicating hunger by 2025 within the framework of the African Union and had adopted several measures to support national agriculture and boost food production. In addition, it was developing a national investment programme to optimize the use of its arable land, which was extremely scarce. The lack of disaggregated data was a recognized weakness, which the State party would seek to address before the next report.

27. **The Chairperson**, speaking in her capacity as expert, asked for more information about the country's disaster management framework and whether it contained a gender perspective.

28. **Ms. Zou Xiaojiao** asked whether the disaster management bill had already been approved by the parliament, as it had been expected to be passed before August 2013.

29. **Mr. Meriton** (Seychelles) said that the disaster management bill was ambitious and had required further consideration, particularly after the tropical cyclone that had struck the country and devastated the economy. The Government had worked with various agencies and communities and had completed an initial draft of the bill. However, more consideration must be given to the roles of the various players and how they should cooperate with one another, as well as post-disaster rehabilitation. The final document would be sure to contain a gender perspective.

Articles 15 and 16

30. **Ms. Halperin-Kaddari** asked the State party to elaborate on the review of the Civil Code and on its plan to repeal discriminatory regulations and wished to know what progress had been made and what the time frame for the completion of the review was, given that the initial target date of the end of 2013 was already near. Also, she urged the State party to dispense with anachronistic legislative holdovers from British colonial rule, such as the Status of Married Women Act of 1948.

31. She said that the minimum age of marriage for women under the Civil Status Act was far below the international standard and indicative of a discriminatory attitude towards women, given that the minimum age for marriage for men was 18. However, noting that a designated government official could waive the minimum age requirement on certain

grounds, she wished to know what those grounds and who the designated official were. As the law also distinguished between legitimate and illegitimate minors when it came to marriage, she wished to know what the general legal and social status of children born out of wedlock and their mothers was. That matter was particularly pertinent as many households included couples who were not married and children born out of wedlock.

32. She also enquired about the division of property upon separation. Was property acquired during the marriage or a de facto union divided equally? Did property have to be registered under a woman's name for it to be divided equally? She also asked what the implications of separation for women who worked at home were.

33. **Mr. Benjamin** (Seychelles) said that a review of the Civil Code was under way to address some of the inconsistencies that had been mentioned. However, it was difficult to predict when that review process would be completed. The division of property was a contentious issue, but there were ongoing discussions about dividing up property acquired since the beginning of marriages and de facto partnerships even when such relationships ended. The Code contained certain contradictory provisions and there had been contradictory court rulings on such matters in recent years; thus, the aim of the review of the Civil Code was to produce a clear, harmonious legislative framework.

34. **Ms. Siu-Roberts** (Seychelles) said that proposals to repeal laws such as the Status of Married Women Act were being discussed.

35. **Mr. Meriton** (Seychelles) said all legislation at odds with the provisions of the Convention would be subject to revision, with amendments submitted to the parliament for approval. All anachronisms would be addressed. The minimum age for marriage should be 18 for men and women alike. Illegitimate children enjoyed the same rights as legitimate children, but there were areas which required additional work.

36. **Ms. Halperin-Kaddari** said that issues such as the minimum age for marriage could be resolved very easily on an individual basis and should not be left until the end of the review process. She wished to know if and how property was divided on the dissolution of marriages and de facto unions.

37. **Mr. Benjamin** (Seychelles) said that there was little concrete information on property disputes, as the State rarely intervened in such matters. Upon the dissolution of de facto unions, one spouse, typically the male spouse, might elect to divide his property with his spouse and grant her the use thereof. However, that did not imply ownership or devolution of property.

38. **Mr. Meriton** (Seychelles) said that the State party would submit further information on the matter at a later date.

39. **Ms. Bareiro-Bobadilla** said that gender discrimination pervaded Seychelles in the worst possible way: it dominated the private world of women. Discrimination in family settings and the marriage of young girls were accepted practices. She called on the State party to implement all of the provisions of the Convention and the Convention on the Rights of the Child in order to prevent extreme discrimination against women and girls.

40. **Ms. Patten** sought reassurances from the State party that all discriminatory measures contained in the Civil Code would be omitted in the revised version. She urged the State party to enshrine the rights of women in de facto relationships, particularly with regard to the division of property, in the new Civil Code, while stressing the importance of acting on the Committee's other recommendations.

41. **Mr. Meriton** (Seychelles) said that all contentious areas of national legislation would be addressed. The political will was definitely there to redress imbalances and inequalities. The Committee's comments and recommendations would be taken into

account, but the State party's actions would speak louder than words. The State party would consider adopting special measures and work with the Committee to build capacity and generate the necessary resources for the advancement of women. Much more recognition should be given to the fact that women were required to be mothers, educators and carers and play an active role in the country's economic, political, social and cultural life. Those two sides of women's lives were not mutually exclusive. He thanked the Committee for its frank comments, recommendations and understanding.

42. **The Chairperson**, recognizing the State party's strong political will and efforts to improve the position of women in Seychelles, said that the Committee looked forward to receiving additional written information.

The discussion covered in the summary record ended at 4.45 p.m.