



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the sixth periodic report of Seychelles*

1. The Committee considered the sixth periodic report of Seychelles (CEDAW/C/SYC/6) at its 1726th and 1727th meetings (see CEDAW/C/SR.1726 and 1727), held on 25 October 2019. The list of issues and questions raised by the pre-sessional working group is contained in CEDAW/C/SYC/Q/6, and the responses of Seychelles are contained in CEDAW/C/SYC/Q/6/Add.1.

A. Introduction

2. While the Committee appreciates the submission by the State party of its sixth periodic report, it regrets the five-year delay in submitting the report. It also appreciates the State party's follow-up report to the previous concluding observations of the Committee (CEDAW/C/SYC/CO/1-5/Add.1) and its written replies to the list of issues and questions raised on the sixth periodic report, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Minister of Family Affairs, Mitcy Larue, and included representatives of the Ministry of Employment and the Permanent Mission of Seychelles to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2013 of the State party's combined initial to fifth periodic reports (CEDAW/C/SYC/1-5) in undertaking legislative reforms, in particular the following:

(a) Adoption of the Seychelles Human Rights Commission Act establishing the Seychelles Human Rights Commission, in 2018;

(b) Adoption of amendments to the Employment Act to increase the period of maternity leave to 16 weeks and that of paternity leave to 10 days, in 2018;

* Adopted by the Committee at its seventy-fourth session (21 October-8 November 2019).



(c) Repeal of paragraphs (a) and (c) of section 151 of the Penal Code, which banned sexual intercourse against the order of nature, in 2016;

(d) Adoption of the Prohibition of Trafficking in Persons Act, in 2014.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) National gender plan of action for the period 2019–2023, in 2019;

(b) Adolescent sexual and reproductive health policy, in 2018;

(c) Gender-based violence relationship survey carried out by the Social Affairs Department in collaboration with the National Bureau of Statistics and the South African non-governmental organization, Gender Links, in 2016;

(d) National gender policy, which addresses gender inequality in all fields, in 2016;

(e) Referral mechanism to assist victims of trafficking in persons, and standard operating procedure manual, in 2015;

(f) National action plan and strategic framework on trafficking in persons for the period 2014–2015, and establishment of the National Coordination Committee on Trafficking in Persons, in 2014;

(g) National employment policy aimed at promoting gender equality in employment, in 2014.

6. The Committee welcomes the fact that, in the period since the consideration of the previous reports, the State party has acceded to the International Convention for the Protection of All Persons from Enforced Disappearance, in 2017.

C. Sustainable Development Goals

7. **The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.**

D. Parliament

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites the National Assembly, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

E. Principal areas of concern and recommendations

Definition of discrimination against women

9. The Committee notes that changes in relation to the definition of discrimination against women were made in relevant legislation. It remains concerned, however, about the absence of a comprehensive definition of discrimination against women in line with article 1 of the Convention.

10. The Committee, in line with articles 1 and 2 of the Convention and its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, recommends that the State party:

(a) Adopt, without delay, a comprehensive definition of discrimination against women in its Constitution, covering all internationally recognized prohibited grounds of discrimination and encompassing direct and indirect discrimination in both the public and private spheres, including intersecting forms of discrimination against women;

(b) Ensure that the legislation prohibiting discrimination provides for appropriate enforcement mechanisms and sanctions.

Legislative and institutional framework

11. The Committee notes with appreciation the adoption by the State party of a national gender plan of action for the period 2019–2023, which is aimed at reviewing and amending all discriminatory laws by 2021 and conducting periodic gender training for the judiciary, prosecutors and law enforcement officers. The Committee is concerned, however, that the Convention has not yet been fully incorporated into the national law of the State party.

12. The Committee recommends that the State party fully incorporate the provisions of the Convention into its national law and that women and civil society be consulted in the review exercise aimed at repealing all discriminatory laws.

Visibility of the Convention

13. The Committee welcomes the fact that the Convention has been translated into Creole, but notes with concern the limited visibility and lack of awareness of the Convention and the Committee's concluding observations and general recommendations among the general public and legal professionals in the State party, as well as the absence of examples of the Convention being invoked in courts.

14. The Committee recommends that the State party:

(a) Raise awareness of the Convention, in collaboration with the media and civil society, with particular emphasis on the concept of substantive equality;

(b) Strengthen legal training and capacity-building programmes for judges, prosecutors, lawyers and other legal professionals and ensure that the Convention, the Optional Protocol, the Committee's general recommendations and the Committee's views on individual communications and inquiries are made an integral part of their professional training, so as to enable them to apply, invoke and/or refer to the provisions of the Convention directly and to interpret national legislation in line with the Convention.

Access to justice

15. The Committee welcomes the State party's efforts to increase access to justice by women and girls, including through the establishment of a family tribunal and the issuance of protection orders under the Family Violence Act. Nevertheless, it remains concerned about the limited awareness among women and girls of their rights, the physical and economic barriers that they face in gaining access to courts and the underreporting of cases of gender-based violence against women.

16. Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:

(a) Intensify efforts to address the physical and economic barriers to access to justice for women and girls by investing in modern information and communications technologies and accessibility in order to enhance awareness among women and girls of their rights and the remedies available to them, using the media, text messaging and other channels, and in cooperation with civil society organizations and community-based women's associations;

(b) Strengthen the judicial system, including through the allocation of sufficient human, technical and financial resources and through regular capacity-building on women's rights and gender equality for judges, prosecutors, lawyers, police officers and other law enforcement officials.

National machinery for the advancement of women

17. The Committee commends the State party on the adoption of a national gender plan of action for the period 2019–2023, which identifies goals and targets for the monitoring and acceleration of the substantive equality of women and men, and on the appointment of the National Gender Management Team as focal point for the Convention. It notes with concern, however, that the Gender Secretariat, which promotes the implementation of the Convention and supports gender mainstreaming across all sectors, lacks adequate human, technical and financial resources.

18. The Committee recommends that the State party allocate adequate human, technical and financial resources to the Gender Secretariat in order to effectively implement the Convention and national policy and strengthen collaboration with partners from the public and private sectors and civil society.

National human rights institution

19. The Committee welcomes the establishment of the Seychelles Human Rights Commission in 2018 and the request for its accreditation by the Global Alliance of National Human Rights Institutions. It is concerned, however, that the Commission is not yet compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and that issues of women's empowerment and gender equality are not yet included as part of its mandate.

20. The Committee recommends that the State party:

(a) Ensure the independence of the Seychelles Human Rights Commission, in compliance with the Paris Principles, and provide it with a strong mandate to promote and protect women's rights;

(b) Allocate adequate human, technical and financial resources to the Commission to enable it to effectively monitor, promote and protect women's rights.

Temporary special measures

21. The Committee notes with concern the limited understanding within the State party of the nature and importance of temporary special measures for accelerating the achievement of the substantive equality of women and men, and the absence of a strategy for formulating, adopting and implementing such measures.

22. **In line with article 4 (1) of the Convention and its general recommendation No. 25 (2004) on temporary special measures, the Committee reiterates its previous recommendation (CEDAW/C/SYC/CO/1-5, para. 19) and further recommends that the State party:**

(a) **Adopt temporary special measures, including statutory quotas for women's representation, to achieve the substantive equality of women and men at both the national and local levels;**

(b) **Intensify efforts to raise awareness among government officials, parliamentarians, employers and the general public about the non-discriminatory nature and importance of temporary special measures for the achievement of the substantive equality of women and men in all areas in which women are underrepresented or disadvantaged, including in the parliament and in the foreign service;**

(c) **Introduce a minimum quota of 30 per cent for the representation of women in the parliament.**

Discriminatory gender stereotypes and harmful practices

23. The Committee welcomes the adoption of a national gender plan of action for the period 2019–2023, which addresses gender equality in all fields, including discriminatory gender stereotyping in education and gender mainstreaming in the media and laws. It is nevertheless concerned about the persistence of discriminatory gender stereotypes and patriarchal attitudes regarding the roles and responsibilities of women and men in the family and in society, which may exacerbate gender-based violence against women, in particular domestic violence.

24. **The Committee recommends that the State party:**

(a) **Implement and regularly monitor and review measures taken under the national gender plan of action for the period 2019–2023;**

(b) **Promote dialogue among the general population to foster understanding of the negative effects of discriminatory gender stereotypes in order to facilitate and accelerate the necessary societal change and create an enabling environment that is supportive of gender equality.**

Gender-based violence against women

25. The Committee commends the State party on the submission of the national domestic violence bill to the National Assembly as announced during the dialogue, the inclusion of the offence of marital rape therein and the announcement of the construction of a one-stop centre for women and girls who are victims of gender-based violence. It also welcomes the pilot study on the economic costs of gender-based violence and the proposed amendments to the Children Act, which would ban corporal punishment of girls and boys and remove language permitting reasonable chastisement by parents. The Committee nonetheless notes with concern that the incidence of gender-based violence in the State party continues to be among the highest in the region and that the estimated costs of gender-based violence against women and girls amount to 1.2 per cent of the gross domestic product of the State

party. It also notes with concern the underreporting of gender-based violence against women and the limited availability of support services, including adequate shelters, for women who are victims of gender-based violence.

26. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:

(a) **Expediently adopt the national domestic violence bill and legislation criminalizing other forms of gender-based violence, including sexual harassment, and provide specialized training to judges, prosecutors, lawyers, police officers and other law enforcement officials, health personnel, social workers and non-State actors on gender-sensitive protocols, based on the principle of confidentiality, for working with women and girls who are victims of gender-based violence;**

(b) **Update its strategy on gender-based violence to combat all forms of gender-based violence against women and adopt a new adequately funded national action plan to combat gender-based violence;**

(c) **Provide support to victims and survivors of gender-based violence, including domestic violence, and ensure that they have adequate access to shelters and support services, and to that end, establish well-resourced public and accessible shelters and support civil society organizations running shelters and providing victim support;**

(d) **Ensure that perpetrators of all forms of gender-based violence against women are prosecuted and adequately punished.**

Trafficking and exploitation of prostitution

27. The Committee notes with appreciation the adoption of the Prohibition of Trafficking in Persons Act (2014) and the establishment of the National Coordinating Committee on Trafficking in Persons. Nonetheless, it notes with great concern that victim identification is inefficient, in particular in cases of trafficking in women and girls for purposes of sexual exploitation and as regards women migrant workers, including domestic workers.

28. The Committee recommends that the State party:

(a) **Put in place an adequate and well-resourced system with specific tools and protocols for the early identification of victims of trafficking and their referral to appropriate services;**

(b) **Provide training programmes for judges, prosecutors, police officers, immigration officers, border police officers and lawyers, as well as for labour and health inspectors and social workers, on their role in preventing and combating trafficking in women and girls;**

(c) **Enhance the skills of civil society organizations in providing support to victims of trafficking, and build the capacity of the media with regard to gender-sensitive reporting on trafficking in persons;**

(d) **Carry out a national baseline study to collect data on trends, forms and manifestations of trafficking, and its causes and consequences.**

29. The Committee notes that, under the Penal Code, soliciting and exploitation of prostitution are criminalized, and expresses concern that provisions relating to women in prostitution use derogatory language. It is also concerned about the lack of information on the connection between the extent of trafficking in women and girls and the increase in sex tourism in the State party. It is further concerned about the

lack of exit programmes and alternative income-generating opportunities for women wishing to leave prostitution.

30. The Committee recommends that the State party:

(a) **Amend section 154 of the Penal Code in order to exempt women and girls in prostitution from criminal liability in respect of acts of prostitution, and repeal sections 138 (a) and (b) and 139 (b), which use derogatory language;**

(b) **Undertake a study on the link between trafficking in women and girls and the increase in the sex tourism industry in the State party;**

(c) **Provide exit programmes and alternative income-generating opportunities for women who wish to leave prostitution, as well as adequate protection and rehabilitation services for women and girls who are victims of exploitation of prostitution.**

Participation in political and public life

31. The Committee welcomes the increased representation of women in leadership positions in the State party, in particular in the Cabinet of Ministers, where 5 out of 10 ministers are women, and the fact that the Designated Minister, the Chief Justice and the Governor of the Central Bank are all women. It remains concerned, however, that women remain underrepresented at the decision-making level of political life, including in the parliament, the foreign service and academic leadership positions.

32. The Committee recommends that the State party:

(a) **Introduce temporary special measures, including minimum quotas and reserved seats for women, to ensure gender parity in appointed and elected positions;**

(b) **Raise awareness among politicians, community leaders, the media and the general public of the fact that the full, free and democratic participation of women on an equal basis with men in political and public life is an essential requirement for the full implementation of the human rights of women;**

(c) **Build the capacity of women candidates in leadership, negotiation skills and political campaigning, including by seeking technical assistance from international bodies, in particular the Inter-Parliamentary Union, to enable them to compete effectively in politics, and provide incentives for political parties that promote women as candidates in elections.**

Education

33. The Committee welcomes the efforts made by the State party to improve the education of women and girls about sexual and reproductive health and rights under the Personal, Social and Civic Education programme in secondary and primary schools. It also welcomes the announcement during the dialogue of the establishment of a new technical school in 2021. It is concerned, however, about the following:

(a) The concentration of women and girls in traditionally female-dominated fields of study and their underrepresentation in the fields of science, technology, engineering and mathematics at the secondary and tertiary levels;

(b) The lack of data, disaggregated by age and other relevant factors, on the dropout rate among pregnant girls and their re-entry rate following childbirth.

34. In line with its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party:

(a) **Address gender stereotypes and structural barriers that may deter girls from enrolling in traditionally male-dominated fields of study and take the measures necessary, including scholarships and other incentives, to encourage them to choose non-traditional fields of study, including science, technology, engineering and mathematics;**

(b) **Ensure the effective retention and reintegration of pregnant girls and young mothers into the school system, including by reviewing the teenage pregnancy policy to include out-of-school educational support for teenage mothers;**

(c) **Provide, in its next periodic report, data, disaggregated by age and other relevant factors, on school dropout rates among adolescent girls and young women owing to early pregnancy and their re-entry rates following childbirth.**

Employment

35. The Committee welcomes the amendments to the Employment Act to increase the period of maternity leave to 16 weeks and paternity leave to 10 days, and the announcement by the delegation of the State party during the dialogue that a new employment bill will be submitted in the National Assembly in 2020, which will address discrimination and harassment in employment and include provisions on equal pay for women and men for work of equal value. The Committee remains concerned, however, that women frequently face occupational segregation with concomitant wage differentials, and that the high achievements of girls in education do not translate into labour market opportunities, in particular in the private sector. It is also concerned by the lack of specific measures to support the participation of women with disabilities in the labour force.

36. **The Committee recommends that the State party adopt and implement policies to eliminate occupational segregation and achieve the substantive equality of women and men in the labour market, such as incentives to hire or wage subsidies, with a view to encouraging women to choose non-traditional career paths and eliminating horizontal and vertical occupational segregation. It also recommends that the State party develop national policies to ensure that progress in education for women and girls translates into improved employment prospects for them. It further recommends the introduction of specific measures, such as a quota for women with disabilities, to promote their inclusion in public and private employment.**

Economic and social benefits

37. The Committee welcomes the provision of loans to small and medium-sized enterprises by the Development Bank of Seychelles. It notes, however, that women continue to face factual barriers in gaining access to loans and other forms of financial credit and remain dominant in the cottage and home-based industries.

38. **The Committee recommends that the State party:**

(a) **Develop a deliberate strategy to move women from microenterprises to medium-sized and large enterprises;**

(b) **Promote women's access to loans and other forms of financial credit, including seed funds, guarantee schemes and the provision of financial literacy, and promote the establishment and scaling-up of small enterprises;**

(c) **Develop a national policy on the Joint Declaration on Trade and Women's Economic Empowerment in the context of the Agreement Establishing the African Continental Free Trade Area.**

Health

39. The Committee takes note of the Termination of Pregnancy Act (1994), which allows for the termination of pregnancy on account of, inter alia, rape, incest or defilement, mental disorder or threats to the life or health of the pregnant woman and serious fetal impairment. It notes that the Cabinet of Ministers approved an adolescent sexual and reproductive health policy, that the State party is reviewing its national policy on reproductive health with support from the International Labour Organization and that modern contraceptive methods are available freely in all health centres. It notes with concern, however, that:

(a) No national policy on sexual and reproductive health has been adopted by the State party;

(b) Girls between 16 and 18 years of age need parental consent to obtain contraceptives and HIV testing, a circumstance that contributes to early pregnancy;

(c) In 2016 and 2017, respectively, 33.8 and 34.1 per cent of women's requests for termination of pregnancy were refused by the Board of the Ministry of Health;

(d) There is a high prevalence among heroin-dependent mothers of babies delivered with neonatal abstinence syndrome;

(e) There remains a high suicide rate among women.

40. **In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party:**

(a) **Expedite the adoption of the national policy on sexual and reproductive health, as well as the action plan on reproductive health, and establish a permanent body to coordinate and monitor their implementation;**

(b) **Ensure that adolescents have confidential access to modern forms of contraceptives and information on sexual and reproductive health and rights, and eliminate discriminatory gender stereotypes and attitudes regarding the sexuality of women and girls;**

(c) **Repeal sections 147 to 149 of the Penal Code to decriminalize abortion in all cases, and ensure access to safe abortion services and post-abortion care;**

(d) **Provide appropriate human resources, infrastructure and training to better manage the recovery of heroin-addicted mothers from drug addiction;**

(e) **Undertake a study on the root causes of the high rate of suicide among women.**

Disadvantaged groups of women

41. The Committee notes with concern the insufficient information on the situation of women facing intersecting forms of discrimination, including women heads of household, women with disabilities and older women.

42. **The Committee recommends that the State party provide information in its next periodic report on women facing intersecting forms of discrimination, including women and girls with disabilities, women heads of household and older women, and on measures taken to address the obstacles that they face.**

Lesbian, bisexual and transgender women

43. The Committee notes that consensual same-sex relationships have been decriminalized. It is concerned, however, about acts of gender-based violence and persistent societal discrimination against lesbian, bisexual and transgender women.

44. **The Committee recommends that the State party make the necessary legislative changes and implement a policy to eliminate gender-based discrimination and violence against lesbian, bisexual and transgender women, including by prosecuting and adequately punishing perpetrators, and conduct awareness-raising activities to eliminate their stigmatization within society.**

Disaster risk reduction and climate change

45. The Committee notes the State party's efforts, such as the adoption of the Disaster Risk Management Act in 2014 and the establishment of the National Vulnerability Assessment Committee, to address the adverse impact of climate change and disasters on women's enjoyment of their rights in the State party. Nevertheless, the Committee is concerned about the lack of a gender perspective in policies and programmes on climate change, disaster response and disaster risk reduction.

46. **In line with its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party integrate a gender perspective into national policies and programmes on climate change, disaster response and disaster risk reduction that reflects the needs and concerns of women, to ensure that women participate in the development and implementation of such policies and programmes. It also recommends that the State party assess their impact on women's rights and their overall well-being.**

Marriage and family relations

47. The Committee welcomes the information provided during the dialogue that the Civil Code of Seychelles bill, which has been under review for a long time and which, inter alia, raises the legal minimum age of marriage to 18 years for both girls and boys, has now been introduced in the National Assembly. It is concerned, however, that the bill does not provide for the protection of the inheritance rights of unmarried women and of their children.

48. **In the context of the ongoing review of the Civil Code, the Committee recommends that the State party:**

(a) **Provide for the protection of the inheritance rights of unmarried women and of their children upon the demise of their partner and father, respectively, in the Civil Code of Seychelles bill;**

(b) **Ensure that the Civil Code of Seychelles bill, as revised, is adopted and implemented expeditiously.**

Amendment to article 20 (1) of the Convention

49. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

Beijing Declaration and Platform for Action

50. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in the context of the 25-year review of the implementation of the Declaration and Platform in order to achieve substantive equality between women and men.**

Dissemination

51. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the parliament and the judiciary, to enable their full implementation.

Follow-up to the concluding observations

52. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 18, 28 (a) and 40 (a) above.

Preparation of the next report

53. The Committee requests the State party to submit its seventh periodic report, which is due in November 2023. The report should be submitted on time and cover the entire period up to the time of its submission.

54. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).
