



# International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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## Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families Thirty-ninth session

### Summary record of the 578th meeting

Held at the Palais Wilson, Geneva, on Thursday, 5 December 2024, at 3 p.m.

*Chair:* Ms. Diallo

## Contents

Consideration of reports submitted by States parties under article 73 of the Convention  
(continued)

*Second periodic report of Seychelles*

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

**Consideration of reports submitted by States parties under article 73 of the Convention** *(continued)*

*Second periodic report of Seychelles* ([CMW/C/SYC/2](#); [CMW/C/SYC/QPR/2](#))

1. *At the invitation of the Chair, the delegation of Seychelles joined the meeting.*
2. **A representative of Seychelles**, introducing her country's periodic report ([CMW/C/SYC/2](#)), said that her delegation's appearance before the Committee and the submission of the periodic report were tokens of the commitment of Seychelles, which had ratified the Convention in December 1994, to complying with its international reporting obligations and engaging with national stakeholders in efforts to implement the Convention. The preparation of the report, which had been validated by relevant stakeholders, had been informed by the views expressed by representatives of key government institutions and civil society.
3. Seychelles was a small island developing State with around 121,000 inhabitants, of whom 17 per cent were foreign nationals. However, such foreign nationals, on whose skills the growth of the economy depended, accounted for an even larger percentage of the formally employed population. The Ministry of Employment and Social Affairs, which was one of the institutions responsible for the protection of migrant workers' rights, recognized the importance of such workers. Under the Employment Act 1995, migrant workers, like local workers, were ensured fair treatment in the labour market.
4. The progress made in recent years had included the adoption in 2019 of the National Labour Migration Policy, the core areas of focus of which were labour migration governance, protection of the rights of migrant workers, attracting, retaining and developing skilled labour, and fair and effective recruitment. Stakeholder partnerships, including a committee chaired by the Employment Department on which employers and workers were represented, were key to the successful implementation of the Policy. Making social security benefits for migrant workers portable was one of the issues considered by that committee. Other employment policies that had an impact on migrant workers were discussed by the National Consultative Committee on Employment, which she chaired.
5. Migrant workers entering Seychelles had to have a valid work permit. Employers first applied to the Employment Department for authorization to employ a foreign national and, when the authorization was granted, the Immigration Department issued the work permit. The process helped ensure that migrant workers entered Seychelles legally and that their employers complied with labour and other relevant legislation.
6. The Government was developing an online business platform to facilitate the recruitment of migrant workers, improve monitoring of the workers throughout their stay and combat violations of their rights. The National Diaspora Policy for the Republic of Seychelles 2024–2029, launched in July 2024, was a stepping stone for long-term coordination with and connections to nationals of Seychelles living abroad. A diaspora governance council, to be chaired by the country's President, would be set up in 2025.
7. In 2023 and again in 2024, Seychelles, having fully met the minimum standards for the elimination of trafficking, to which migrant workers were more vulnerable than nationals of Seychelles, had been on Tier 1 in the annual reports on trafficking in persons of the Department of State of the United States of America. No other country in Africa had reached that tier. In the period from 2018 to 2024, the country's courts had handed down six convictions for trafficking in persons. What was more, a technical task force had been established to coordinate efforts to combat trafficking in persons and, in 2019, regulations for the employment of domestic workers, including live-in domestic workers, the majority of whom were migrant workers, had been adopted. In January 2024, her country had ratified the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).
8. A mandatory induction programme, entitled "Work in Seychelles", had been launched in 2023. The aims of the programme, which had been endorsed by both ILO and the International Organization for Migration (IOM), were to empower migrant workers, inform them of their rights and of conditions in Seychelles and facilitate their integration. In the

future, migrant workers would also be familiarized with the Convention as part of the induction programme.

9. Seychelles was fortunate to have received technical assistance for its efforts to manage labour migration. Such assistance, which included capacity-building, data assessments and the arrangement of exchange visits, had been provided in the framework of the Southern African Migration Management Project, including by ILO and IOM. Seychelles had also participated actively in the implementation of the labour migration action plan of the Southern African Development Community.

10. Her country, which, as noted in its periodic report, had made progress towards ensuring that migrant workers and members of their families enjoyed the same rights as nationals of Seychelles, would continue to rely on migrant workers. The country's small population, which would remain central when considering the effects of migration, and its limited human capacity were nonetheless an obstacle to the full implementation of the Convention.

11. The review of the Employment Act was expected to conclude in 2025. Reviews of other relevant laws and regulations, including the Immigration Decree, were also nearing completion. Other measures to be taken in the coming months and years would involve enforcement of migration and related laws, collaboration with countries of origin and efforts to implement the proposal to have migrant workers contribute to the Seychelles Pension Fund.

12. **Mr. Ünver** (Country Rapporteur), welcoming the diligence with which the State party's authorities fulfilled their reporting obligations, said that all States parties, not only Seychelles, faced challenges that had an adverse effect on the implementation of the Convention, not least as migration was a multidimensional phenomenon that touched on a wide range of issues. Issues of concern in Seychelles on which he would welcome more information included the inspection of working conditions, which was reportedly inadequate, exploitation and the ability of the domestic courts to exercise judicial authority over matters involving the rights enshrined in the Convention. In the latter connection, he wondered what prevented the State party from ensuring that any person whose rights or freedoms as recognized in the Convention had an effective remedy.

13. He would also welcome further information on the State party's efforts to collect relevant data, appropriately disaggregated, address discrimination in access to healthcare and promote family reunification. Information on the tax regime that applied to migrant workers would likewise be welcome.

14. **Mr. Corzo Sosa** (Country Rapporteur) said that he wished to know why the thousands of Seychelles nationals living as migrants elsewhere had left the country. He would also be interested to hear about any steps the State party was taking to mitigate or otherwise prepare for the migration-related effects of climate change, which were likely to involve challenges. He wished to know, too, what percentage of applications for work permits was accepted and for how long the permits were valid.

15. It would be helpful to learn more about the cases that had culminated in convictions on charges of trafficking in persons. He wondered, for example, where the survivors were from, how old they were and whether they were male or female. He also wondered whether they had been given full redress and, if so, in what form.

16. He would appreciate more information about the approach to raising awareness of the Convention that would be taken in the framework of the mandatory induction programme for migrant workers entering the State party, the introduction of which was a welcome development. It would be interesting to know whether the national human rights institution had participated in the preparation of the periodic report, which should not reflect the views of the authorities alone, and whether a law on the rights of migrant workers and members of their families was set to be adopted in 2025.

17. He wondered whether disability certificates were issued to persons with disabilities to help make it easier for them to exercise their rights. In that connection, it would be interesting to learn exactly what disabilities affected the 21 nationals of other countries mentioned in the State party's periodic report (CMW/C/SYC/2, table 2).

18. He wished to know when the State party would establish a database containing comprehensive information on migration, migrant workers and the work permits issued to them. It was not clear whether both the Ombudsman and the Seychelles Human Rights Commission were still in operation and, if so, what their different mandates were. It would be interesting to know what status had been accorded to the Seychelles Human Rights Commission by the Global Alliance of National Human Rights Institutions and whether it had budgetary and decision-making autonomy.

19. **Mr. Kariyawasam** said that he wished to know whether the State party had established a labour inspectorate that was independent of the Government and, if so, whether it would be the first port of call for migrant workers whose rights had been violated. He would welcome information on the employment conditions established for migrant workers, including whether they were entitled to take at least one day off per week.

20. The Committee would welcome information on any family reunification procedures established in the State party. It would be interesting to learn whether migrant workers were employed in the fishing sector and other maritime industries and, if so, the conditions that applied to them. In particular, it would be useful to know whether they were classified as migrant workers or as seafarers, who were generally subject to a different regime.

21. **Ms. Gahar** said that she would welcome information on the working conditions of migrant women in the manufacturing industry and how they compared to those of local workers in the same jobs. She wondered whether migrant women were exposed to discrimination and exploitation in the workplace, and what protection mechanisms and forms of assistance were available to support them. She would like to know what obstacles migrant women faced in accessing healthcare and other essential services and whether they enjoyed the same rights to maternal and child healthcare services, maternity leave, annual leave and other benefits as other women workers.

22. It would be useful to know how immigration policies affected the status and rights of migrant women employed in the manufacturing industry – including whether they had the right to form and lead trade unions – and what measures would be taken to inform them of their rights and provide them with the resources needed to defend them. She would like to know how companies could cooperate to improve working conditions for such women and ensure that they had access to different kinds of training and empowerment programmes.

23. She wondered how climate change was affecting marine and terrestrial ecosystems and what implications it had for local and migrant communities. She would appreciate information on any climate change-related problems, such as rising sea levels or extreme weather events, that were prompting people, particularly women and children, to consider migration. She would like to know what measures the State party was taking to adapt to the effects of climate change while protecting the rights of migrants and whether migration policies took account of those effects, including the possible need to resettle vulnerable communities. Was the State party working with other maritime countries to address the effects of climate change and cope with the resulting migration flows?

24. **Mr. Ceriani Cernadas** said that he wished to know what criteria were used to determine that certain migrants were “prohibited immigrants” (CMW/C/SYC/QPR/2, para. 1 (b)). He would welcome information on the procedure for determining refugee status that the State party was considering developing and on any persons whose asylum applications had been rejected, including persons deported to countries that many people were leaving in search of protection, such as Afghanistan and the Central African Republic.

25. In the light of article 33 of the Constitution, which provided that only nationals had the right to education, it would be interesting to know whether foreign children did in fact enjoy access to education, as some reports indicated, and, if so, whether the State party might consider amending the Constitution to bring it into alignment with practice. Given that non-nationals made a significant contribution to the economy, it would be interesting to know why university education was free only to nationals.

26. He would like to know whether children born in Seychelles to migrant parents were registered at birth, what nationality was assigned to them and what measures were taken to ensure that no child born in Seychelles was stateless. He would appreciate information on the

criteria used to determine migrants' eligibility for healthcare. It would be useful to learn whether all migrant workers had equal access to comprehensive healthcare and, if not, whether any steps would be taken to remedy that situation.

27. He would appreciate the delegation's comments on reports that, in certain sectors, such as fishing and construction, migrant workers did not receive the same wages as local workers and were subjected to abuse and exploitation. He would be grateful if the delegation could confirm that, under the law, only nationals were eligible to receive the so-called thirteenth-month bonus. He would welcome information on the conditions established for migrant workers employed in the Seychelles International Trade Zone.

28. **Mr. Charef** said that he would appreciate information on the broad measures taken under programmes to harmonize migration policies and monitor their implementation. Information on the outcome of the programmes would also be appreciated. He would be grateful for details of the geographical distribution of migrants from Seychelles and the purpose of the National Diaspora Policy. What links did the Government maintain with the diaspora and what did the diaspora contribute to the development of the country?

29. **Mr. Oumaria** said that he wished to know whether the State party had established a policy to integrate migrants who had been in the country for a long time, as was the case of many persons from Guinea, into society or whether they would continue to be classified as migrant workers and required to hold work permits.

30. **The Chair** said that she would welcome information on any court cases in which the Convention had been invoked before a national court and any cases in which migrants had invoked their economic, social and cultural rights, including their right to housing and other rights provided for in the Convention.

31. She would be grateful for information on any measures taken to support the diaspora and facilitate the transfer of funds to the State party to support families and promote the development of the national economy. Details of any steps taken to support nationals of Seychelles who had been affected by natural disasters abroad would also be welcome.

*The meeting was suspended at 4.10 p.m. and resumed at 4.40 p.m.*

32. **A representative of Seychelles** said that between 1977, when a coup d'état had taken place in Seychelles, and 1993, when it had become a multi-party State, many people had left the country. Those people had not been economic migrants but had left primarily out of fear that they could be killed or suffer discrimination. The current Government – which had come to power in 2020 and was working to implement the recommendations of the Truth, Reconciliation and National Unity Commission, established in 2018 – included persons who had been forced to flee Seychelles as a result of the coup d'état and who, consequently, understood the importance of migrants' rights from personal experience.

33. The National Bureau of Statistics estimated that there might be more than 60,000 Seychelles nationals living abroad. The departure of so many people had resulted in a skills gap in the country. The Government had launched the National Diaspora Policy in 2024 in order to identify such persons who lived abroad and the skills that they possessed and encourage them to return to Seychelles and use their skills for the country's benefit. Seychelles was represented in more than 100 countries by over 90 consular missions, through which the Government was able to assist its nationals – inter alia by issuing them with travel documents – and encourage them to return to the country.

34. The Work in Seychelles induction programme included measures for protecting migrant workers' safety, well-being and rights. Seychelles was a small country and reports of violations of human rights on its territory spread rapidly on social media; a helpline that received such reports was also in operation and the Government took steps to raise awareness of the importance of safeguarding those rights among the public. The programme had been designed to take into account the perspectives and feelings of both migrants and Seychelles nationals with respect to, inter alia, integration in the workplace and the community. Under the programme, the Government worked closely with its relevant diplomatic missions to conduct presentations for prospective migrant workers in languages they understood in order to provide them with information about, inter alia, the country's history and culture; the availability of support in matters including housing and mental health; their rights as workers,

the terms of their contracts and available grievance procedures; and relevant contact information. Employers were asked to attend such presentations in order to ensure that they were aware of their obligations toward migrant workers.

35. The Minister for Employment and Social Affairs visited workplaces on a monthly basis and listened personally to migrant workers' concerns about their well-being and safety. Each year, a week of activities was organized in conjunction with the World Day for Safety and Health at Work, with a special focus on workplace hazards and the safety of migrant workers, who were a vulnerable group. Persons who wished to report abuse or exploitation in the workplace could call the free helpline or inform the relevant workers' union, which would transmit the report to the Government. Steps were taken to ensure that workers were confident that they could report cases of exploitation or abuse without fear of reprisal.

36. **A representative of Seychelles** said that labour inspections were carried out by the Labour Monitoring and Compliance Section of the Ministry of Employment and Social Affairs in order to uphold migrant workers' rights and ensure that they enjoyed appropriate working conditions. Its officers were empowered to enter workplaces and inspect relevant documentation pursuant to the Employment Act and the Occupational Safety and Health Decree. Their visit schedule prioritized the industries that were associated with the majority of workplace issues. The Section also carried out investigations in response to complaints, which could be submitted by calling either the Section directly or one of two free helplines that operated around the clock. Joint visits were also carried out with the Ministry of Health in the context of health and safety inspections, while visits by the Minister for Employment and Social Affairs took place with the participation of a group of officers who were responsible for all aspects of employment and could respond rapidly to any issues identified. The role of welfare officers – who supported foreign workers in all matters, including housing and non-payment of wages – had been introduced several years previously. Relevant information was provided in leaflets distributed during the Work in Seychelles induction programme.

37. Pursuant to the Employment Act, migrant workers enjoyed access to justice on an equal footing with Seychelles nationals and could be represented by a lawyer or a representative from a workers' union. They also enjoyed all the protections accorded to citizens, including maternity and annual leave. In accordance with an established tradition, foreign workers benefited from free travel home every two years in order to enjoy the leave that they had accumulated during that period. Employers who so wished were permitted by law to pay a thirteenth salary each year to foreign workers who earned less than 45,450 rupees, as they could to Seychelles nationals whose earnings were beneath that threshold, in order to assist them with additional expenses at the end of the year. The majority of foreign workers benefited from free housing, utilities, transportation to and from work and access to Wi-Fi, which nationals of the country did not. Around 1,500 of the approximately 20,000 foreign workers in Seychelles worked in the Seychelles International Trade Zone and were therefore protected under the International Trade Zone Act, pursuant to which they enjoyed approximately 90 per cent of the protections that were accorded to foreign workers under the Employment Act. The majority of workers in the manufacturing sector were women, primarily because women formed the greater part of the workforce of the large tuna processing factory, which employed almost 95 per cent of foreign workers in the Trade Zone.

38. **A representative of Seychelles** said that foreign workers enjoyed the same rights and privileges as Seychelles nationals enjoyed under the Constitution, including the rights to education, to healthcare services and to shelter. Provision for family members to join foreign workers in the country could be made under employment contracts. Due to a shortage of accommodation, family members of foreign workers such as masons and carpenters – who normally lived in dormitory accommodation that was unsuitable for families – could not enter the country under those workers' permits unless they could be provided with suitable family accommodation by their employers. If family members of foreign workers could not enter the country under their work permits, they could, nevertheless, normally enter and reside in Seychelles for one year pursuant to the Immigration Decree. Work permit applications submitted by foreign workers' spouses who were already resident in the country were looked upon favourably. Although children of migrant workers who were born in Seychelles could not automatically claim citizenship, which could only be transferred to them by a parent who

was a national of Seychelles, they were permitted to reside in the country under a parental work permit, to attend school and to enjoy all of the rights and privileges enjoyed by the main permit holder.

39. All persons wishing to enter Seychelles were required to apply for authorization at least 10 days prior to their arrival. The border authorities gathered statistics on prohibited immigrants that were disaggregated by age, sex, nationality and offence. In 2023, more than 220 persons had been refused entry for reasons that included false travel documents, insufficient funds or a failure to comply with the requirements of the Immigration Decree. In the same year, more than 570 foreigners had been declared prohibited immigrants upon their departure, mostly after they had overstayed their work or visitor permits. In 2024, more than 200 persons had been refused entry and almost 400 had been declared prohibited immigrants upon departure.

40. The Immigration Decree addressed the offences that constituted grounds for declaring a person a prohibited immigrant, with provisions on deportation arrangements, suspected prohibited immigrants, detention and appeals. Appeals must be lodged at the ministerial level, by either the individual in question, a legal representative or a member of a trade union, within 48 hours of receipt of a deportation notice. The Decree had been in force for several decades and required alignment with more recent international instruments and national legislation. There was also a need for procedural manuals to ensure that migrants' rights were respected during the processes set out in the Decree, and efforts were required to close data gaps by ensuring that government agencies were not working in silos. To that end, work was under way to draft a national migration policy.

41. Although both the 1951 Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees, of 1967, had been ratified, they had yet to be incorporated into domestic law. A delegation from the Office of the United Nations High Commissioner for Refugees was due to visit Seychelles in January 2025 to launch consultations on that process, and government representatives were participating in a workshop on the provisions of the 1951 Convention. Six persons had applied for asylum in 2024; four of the applications had been denied, while two persons had been allowed to remain in the country after receiving work permits, since there was no administrative process to grant refugee status.

42. When considering applications for work permits, the Immigration and Civil Status Department took into account a range of factors, including the character, reputation, health and qualifications of the migrant and members of his or her family, where relevant; the availability of workers already in Seychelles; and the migrant's potential economic and social contribution. A need to avoid increasing the migrant population and therefore placing strain on the country's already limited ability to provide accommodation meant that not all applications were approved.

43. **A representative of Seychelles** said that the Government's approach to trafficking in persons, which was based on international standards, included the Trafficking in Persons Act, which provided for up to 14 years' imprisonment and fines of up to 500,000 rupees for perpetrators, rising to up to 25 years' imprisonment and fines of up to 800,000 rupees if the victim was a child. Other legislation, including the Children Act, had been harmonized with the Trafficking in Persons Act, and the default sentence for trafficking had been increased from 6 months' to 2 years' imprisonment. Victims and presumed victims of trafficking in persons, who were mostly migrants, received free services, including healthcare, shelter, psychosocial support and legal assistance, according to their individual needs; specific provision for those services was made in the State budget. Presumed victims of trafficking were placed immediately in protective shelters and granted legal migration status. Trafficking hotlines were run by several government departments. Significant efforts, such as the establishment of a trafficking in persons secretariat to assist the National Coordinating Committee on Trafficking in Persons, had been made to enable the country to reach Tier 1 ranking in the annual Trafficking in Persons Report published by the United States Department of State.

44. **A representative of Seychelles** said that, under the Trafficking in Persons Act, victims of trafficking could not be detained, charged or prosecuted for entering Seychelles illegally. The Office of the Ombudsman, which predated the Seychelles Human Rights

Commission, had originally been tasked with investigating the actions of the Government and public authorities, assisting persons whose human rights had been breached, initiating proceedings in relation to the constitutionality of legislation and investigating corruption. The Ombudsman had been established under the Constitution and had therefore not been abolished after the creation of the Commission. There was a considerable degree of overlap in the functions of the two bodies, particularly with regard to constitutionality and the human rights aspects of legislation, although effort had been made to establish a clear division, with the Commission focusing on promoting human rights and the Ombudsman on providing assistance to victims and complainants in cases of violations. Moreover, the Ombudsman no longer investigated corruption, which was tackled by a dedicated commission.

45. A range of legislative reforms was planned to give effect to the Convention, including amendments to the Employment Act that would, for example, require all migrant workers to open a bank account in order to safeguard their rights in terms of wages and that grievances relating to harassment and discrimination be addressed by an employment tribunal, rather than at the ministerial level. The Immigration Decree would be updated by means of an Act on immigration that would include, *inter alia*, provision for the establishment of an asylum process. The Trafficking in Persons Act would also be reviewed in order to better reflect the reality on the ground and to establish a specific compensation fund for victims.

*The meeting rose at 5.55 p.m.*