



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

Distr.: General  
18 October 2024

Original: English  
English, French and Spanish only

---

**Committee on the Protection of the Rights of All  
Migrant Workers and Members of Their Families**

**Second periodic report submitted by Seychelles  
under article 73 of the Convention,  
due in 2020\*\* , \*\*\* , \*\*\*\***

[Date received: 31 January 2024]

---

\* Reissued for technical reasons on 23 October 2024.

\*\* The present document is being issued without formal editing.

\*\*\* The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State party to the Committee's list of issues prior to reporting (CMW/C/SYC/QPR/2).

\*\*\*\* The annexes to the present report are available on the Committee's web page.



## **Replies to the list of issues prior to reporting (CMW/C/SYC/QPR/2)**

### **Reply to paragraph 1 (a) of the list of issues**

1. The Convention was ratified through approval by the National Assembly following recommendation of the Cabinet of Ministers. This process is in line with Article 64(4) of the Constitution of Seychelles, which states “a treaty, agreement or convention in respect of international relations which is to be or is executed by or under the authority of the President shall not bind the Republic unless it ratified by (a) an Act or (b) a resolution passed by the votes of a majority of the members of the National Assembly”.

2. Furthermore, Chapter 3 of the Seychelles Constitution outlines the Seychellois Charter on Fundamental Freedom and Rights and Article 48 of the Seychelles Constitution states that the Chapter, “shall be interpreted in such a way so as not to be inconsistent with any international obligations of Seychelles relating to human rights and freedoms and a court shall, when interpreting the provision of this Chapter, take judicial notice of – (a) the international instruments containing these obligations; (b) the reports and expressions of views of bodies administering or enforcing these instruments; (c) the reports, decisions or opinions of international and regional institutions administering or enforcing Conventions on human rights and freedoms; (d) the Constitutions of other democratic States or nations and decisions of the courts of the States or nations in respect of their Constitutions”.

3. Seychelles does not have specific legislation on migrant workers and their families however national laws does not discriminate them. The Employment Act specifically recognizes the rights of non-Seychellois workers to enjoy the same terms and conditions of employment as are applicable to Seychellois workers and to have additional benefits & privileges as authorized (Section 67).

4. The main legislation which domesticates the Convention are the Constitution of Seychelles, Employment Act 1995, Conditions of Employment Regulations 1991, Occupational Safety and Health Decree, Industrial Relations Act 1994, Immigration Decree Cap 98 and the Trafficking in Persons (TIP) Act 2014. These legislations except the TIP Act are currently under review to bring in line with recent national socio-economic development and to align with international obligations.

5. The following laws and policies related to non-Seychellois workers came into force after 2015: The national Minimum Wage in Seychelles applies to all sectors and industries and for all categories of workers. However, the minimum wage differs between casual workers and workers on continuous employment. From 2016 to 2019, the hourly rate of the national minimum wage was increased and both local and non-Seychellois workers in Seychelles benefitted from the increase. The laws amended in this respect were the Employment (National Minimum Wage) (Amendment) Regulations, 2016; Employment (National Minimum Wage) (Amendment) Regulations, 2018 and; Employment (National Minimum Wage) (Amendment) Regulations, 2019.

6. To improve protection of domestic workers, especially live-in domestic workers the Employment (Conditions of Employment of Domestic Workers) Regulations was introduced in 2019. The Government also approved in 2023 for the ILO Convention on Domestic workers, 2011 (no. 189) to be submitted to the National Assembly for ratification. A presentation was also made with the International Affairs Committee of the National Assembly in September 2023 and in October 2023 the National Assembly approved ratification of the Convention. The instrument of ratification is currently being submitted to the ILO.

7. Following the effects of the COVID-19 pandemic on the labour market, the Employment (Coronavirus Special Leave) (Temporary Measures) Regulations, 2020 were introduced. The Regulations provided temporary paid leave from work for all workers, in the event of being a close contact to an infected person or if infected with the virus.

8. A migration profile is being developed in collaboration with IOM and a migration policy should be developed thereafter.

### **Reply to paragraph 1 (b) of the list of issues**

9. The National Occupational Safety and Health Policy launched in 2017 provides direction on the principles and objectives of an efficient occupational safety and health system for all workers in Seychelles.

10. The National Labour Migration Policy (NLMP) was adopted in 2019 with the technical assistance of the International Labour Organization, which puts forth the priorities to be addressed for an effective labour migration management. The key areas of interventions are: governance of labour migration; protection of the rights of all workers; attracting, retaining and developing skills and; fair and effective recruitment.

11. The action plan 2019–2024 of the NLMP is monitored by a multi-sectoral committee and various activities have been undertaken with technical support of ILO and IOM under the Southern African Migration Management (SAMM) project. Notably launching of the “Work in Seychelles” (WINS) induction programme in March 2023, which provides information on labour rights and responsibilities, social, cultural and economic life in Seychelles for easier integration by the non-Seychellois workers.

12. In 2020, the Government announced that non-Seychellois workers will start contributing for their pension in Seychelles and they will be provided with a percentage of their contributions upon leaving the country. This policy was not implemented due to outbreak of COVID-19 pandemic. In April 2022, the Government directed the Seychelles Pension Fund (SPF) to submit policy proposals for Seychellois living overseas to contribute to the SPF and to extend pension contribution to non-Seychellois workers. Technical support was sought and received from the ILO to collaborate with SPF notably on pension contribution for non-Seychellois workers in Seychelles.

13. The quota system for recruitment of non-Seychellois workers in various economic sectors was revised in July 2016, namely, to increase the quota and integrating new industries. The quota and guidelines for recruitment are currently under review.

14. Government approved for the development of a Succession policy as an extension of the localization plan, which will essentially require certain categories of businesses to draft a succession plan for all their employees, to promote transfer of skills and human resource development.

15. The National Diaspora Policy for the Republic of Seychelles, 2024–2029 is being developed by the Foreign Affairs Department in collaboration with the International Organization for Migration (IOM). The policy is currently nearing its final stages of drafting and is intended to be submitted to the Government by the first quarter of 2024.

16. The Immigration Decree is to date still under review, it is being discussed in the Bills Committee of the National Assembly. There are new proposals on the provision on “Prohibited Immigrants” namely measures against employers if they have not complied with Immigration laws and consequently affecting legal status of the worker in the country.

### **Reply to paragraph 1 (c) of the list of issues**

17. The Government of Seychelles signed a bilateral labour agreement (BLA) with Bangladesh in October 2019, with the aim of strengthening recruitment procedures, protect human and labour rights of non-Seychellois workers and counter trafficking in persons (TIP). In particular, recruitment must be done through designated private recruitment agencies in Bangladesh and all workers from Bangladesh coming to work in Seychelles must have a smart card, which indicates they have followed the established recruitment and selection process. The BLA with Bangladesh is not applicable in the Seychelles International Trade Zone (SITZ) which follows the procedures set out in their separate employment legislation.

18. BLAs with India, Philippines, Nepal and Lesotho are still in discussion and comments were shared by the Ministry of Employment and Social Affairs on draft BLAs for consideration by the countries.

19. The Ministry follows ILO Recommendations and guidelines on BLA namely the Annex in ILO Recommendation no. 86 “Migration for Employment (Revised), 1949” and includes articles for instance on competent authorities and procedures for recruitment, selection, validity of documents, contract of employment, repatriation, supervision of living and working conditions, labour disputes, travel and transportation, trafficking in persons amongst other provisions.

20. These agreements contain Articles that protect non-Seychellois workers’ rights in transit and destination countries and in most instances are subject to national laws and policies. Travel expenses, employers mostly through insurance, are responsible to cover repatriation costs in the event the non-Seychellois worker is ill or injured. Part III Section 10 of the Immigration Decree states the deposit of a sum of money or guarantee in lieu may be requested for persons entering Seychelles. The Ministry of Employment with assistance of the Foreign Affairs Department liaises with the respective country for consular assistance as necessary. Discussions are still ongoing on extending social protection to migrant workers as indicated at point b above however separate agreements may be drafted as necessary. Family reunification currently follows the same policy where non-Seychellois workers in management positions and above are allowed to be accompanied by their family members while working in Seychelles, however discussions have started to review the conditions to be eligible to benefit.

21. To protect Seychellois migrant workers abroad, Immigration Department confirms upon requests of overseas Embassies whether the person is a Seychellois and has hold a previous Seychellois passport.

### **Reply to paragraph 2 of the list of issues**

22. As stated at point 1b above, the National Labour Migration Policy (NLMP) was adopted in 2019 with the technical assistance of the International Labour Organization, which puts forth the priorities to be addressed for an effective labour migration management. The key areas of interventions are: governance of labour migration; protection of the rights of all workers; attracting, retaining and developing skills and; fair and effective recruitment.

23. A list of priority areas to be actioned upon based on the NLMP action plan was agreed upon in order to request technical assistance of ILO and IOM under the SAMM project. Moreover, following a national workshop on labour migration management in July 2022 in collaboration with IOM, some recommendations with specific targets were developed to address shortcomings raised in the workshop. Some specific performance indicators from the NLMP action plan 2020–2024 which are monitored by the tripartite and multi-sectoral committee of which are ongoing or completed:

(a) Advisory Committee for the National labour migration policy established – by Q1 2020. Completed;

(b) Labour migration topics incorporated in National Consultative Committee on Employment (NCCE) agenda – by Q1 2020. Completed and ongoing;

(c) Labour migration priority indicators and data collectors identified – technical support has been received by IOM to assess migration data and address data gaps. Ongoing;

(d) Gap analysis on ILO Migrant Workers Conventions. 97 and No.143 by 2022. Completed.

### **Reply to paragraph 3 of the list of issues**

24. The Immigration Department is responsible for the management of migration whereas the Employment Department is responsible for labour migration management. Since October 2020, the two Departments are now situated under separate Ministries however they

continue to pursue close collaborations. The monitoring committee of the NLMP discusses implementation of national initiatives in line with the Convention and strategic labour migration matters. The Immigration Department is a member of the committee. There is also close collaboration with the Foreign Affairs Department for the development of the National Diaspora Policy.

25. The Immigration and Employment Departments have divisions/ sections/ units responsible to process applications for recruitment of non-Seychellois workers, localization, welfare and enforcement officers. Annual budget is provided by Government of Seychelles for staffing, equipment, transport, customer services, promotional activities, training and other resources. Various results have been obtained through the provision of such resources notably, identification of non-Seychellois workers in labour exploitation cases through inspection and enforcement actions, assistance to workers on labour rights violations reported at the office or through hotline, identification and prosecution of potential trafficking in persons cases and transmission to the Police Department for investigation. Various capacity building workshops have been organized nationally or internationally of which officers of the Department participated.

26. One notable achievement in 2023 was the upgrading of Seychelles to Tier 1 of the Trafficking in persons report of the United States of America, States Department. The new ranking is as a result of revamping of the TIP secretariat with staff, new TIP technical taskforce, new shelter (remains anonymous) which provides medical, legal and counselling services, employment reintegration, food, personal hygiene and internet facilities; new hotline 144 which is free of charge. A TIP fund is planned to be created as per the TIP Act for national and international budget support.

#### **Reply to paragraph 4 of the list of issues**

27. Table 1 shows that in 2022 there were 19,948 non-Seychellois citizens in Seychelles and the proportion of the non-Seychellois population was almost one fifth of the total Seychelles population. There were more non-Seychellois male than female hence causing the total male population in Seychelles to be higher. Non-Seychellois male represented a bigger proportion at 82% amongst the total non-Seychellois population.

28. A very minimal number of the non-Seychellois population are persons with disability however data in Table 2 is limited to guide further conclusion on the subject.

29. Table 3 shows 3 out of 4 non-Seychellois (75%) are in their prime working age from 20 to 44 years old and they are mostly males. 77% of the total non-Seychellois male are in this age group compared to 66% of total non-Seychellois female. 1 in every 25 non-Seychellois (0.04%) is a child aged less than 15 years.

30. Non-Seychellois from India accounted for a higher proportion (40%) of this population in Seychelles as per Table 4. Moreover, more than half (55%) of non-Seychellois were from India, Sri Lanka and Bangladesh. However, the distribution by nationality of non-Seychellois men and women varies. The top three nationalities of non-Seychellois males were Indian, Sri Lankan and Bangladeshi, compared to the top three nationalities for non-Seychellois females which were Indian, Malagasy and Kenyan.

31. Table 5 illustrates the distribution of non-Seychellois working age population (15 years and above) that were in employment in Seychelles, by occupation. This represented 89% out of the total non-Seychellois population. Almost two thirds of the non-Seychellois employed population was in occupations in the Craft and related trades workers (43%), Service and sales workers (12%) and Elementary (10%). These areas reflect the economic sectors where demand for labour is high and cannot be met by local labour supply.

32. Table 6 further confirms the above data whereby the three main industries where majority of employed non-Seychellois population were working were, Construction 35%, Accommodation and food service activities (22%) and Manufacturing (13%).

Table 1  
Population distribution by Seychellois and non-Seychellois citizen

	Male	%	Female	%	Both sexes	%
Seychellois	39 921	71%	42 743	92%	82 664	81%
Non-Seychellois	16 305	29%	3 643	8%	19 948	19%
<b>Total</b>	<b>56 226</b>	<b>100%</b>	<b>46 386</b>	<b>100%</b>	<b>102 612</b>	<b>100%</b>

Source: Population & Housing Census 2022, National Bureau of Statistics.

Note: An individual is classified as Seychellois only if they hold citizenship of Seychelles.

Table 2  
Distribution of non-Seychellois population by disability status and sex

Disability Status	Male	%	Female	%	Both sexes	%
Persons without disability	3 392	21%	1 538	42%	4 930	25%
Persons with disability	12	0%	9	0%	21	0%
Missing/Not specified	12 901	79%	2 096	58%	14 997	75%
<b>Total</b>	<b>16 305</b>	<b>100%</b>	<b>3 643</b>	<b>100%</b>	<b>19 948</b>	<b>100%</b>

Source: Population & Housing Census 2022, National Bureau of Statistics.

Note: The majority of the non-Seychellois population were not asked this question because they were administered the shorter version of the questionnaire.

Table 3  
Number of non-Seychellois population by age and sex

5-year Age Group	Male	Female	Both sexes
<1	21	22	43
1–4	129	117	246
5–9	168	143	311
10–14	101	99	200
15–19	135	60	195
20–24	1 234	207	1 441
25–29	2 452	505	2 957
30–34	3 215	666	3 881
35–39	3 243	548	3 791
40–44	2 476	488	2 964
45–49	1 512	325	1 837
50–54	931	242	1 173
55–59	402	128	530
60–64	164	49	213
65–69	69	20	89
70–74	33	10	43
75–79	11	9	20
80–84	5	1	6
85–89	3	2	5
90–94	1	1	2
95+	-	1	1
<b>Total</b>	<b>16 305</b>	<b>3 643</b>	<b>19 948</b>

Source: Population & Housing Census 2022, National Bureau of Statistics.

Table 4  
**Number of non-Seychellois population by nationality and sex**

<i>Nationality</i>	<i>Male</i>	<i>Female</i>	<i>Both sexes</i>
Algerian	-	2	2
American	10	5	15
Angolan	1	-	1
Argentinian	1	2	3
Armenian	1	-	1
Australian	12	4	16
Austrian	5	2	7
Azerbaijani	2	-	2
Bangladeshi	1 136	7	1 143
Barbadian	1	-	1
Basotho	2	3	5
Belarusian	-	3	3
Belgian	20	8	28
Bhutanese	5	-	5
Botswanan	3	3	6
Brazilian	4	3	7
British	115	63	178
Bulgarian	1	1	2
Burmese	3	4	7
Burundian	1	-	1
Cambodian	4	-	4
Cameroonian	63	10	73
Canadian	11	5	16
Cape Verdean	1	-	1
Central African	1	-	1
Chadian	4	2	6
Chinese	159	51	210
Comorian	1	-	1
Congolese	7	1	8
Costa Rican	2	-	2
Croatian	2	1	3
Cuban	64	46	110
Cypriot	1	-	1
Czech	3	2	5
Danish	2	1	3
Djiboutian	3	3	6
Dutch	10	4	14
Egyptian	71	19	90
Emirati	2	1	3
Ethiopian	6	4	10
Fijian	1	-	1
Filipino	242	264	506
Finnish	1	-	1
French	124	78	202

<i>Nationality</i>	<i>Male</i>	<i>Female</i>	<i>Both sexes</i>
Gambian	2	-	2
Georgian	2	3	5
German	29	15	44
Ghanaian	112	181	293
Greek	3	3	6
Guinean	13	9	22
Honduran	1	-	1
Hungarian	6	5	11
Indian	7 391	644	8 035
Indonesian	229	68	297
Irish	7	1	8
Israeli	4	2	6
Italian	43	42	85
Ivorian	4	5	9
Jamaican	-	1	1
Japanese	3	5	8
Jordanian	5	1	6
Kazakhstan	5	9	14
Kenyan	631	442	1 073
Kyrgyzstani	2	2	4
Lao	-	1	1
Latvian	1	2	3
Lebanese	19	2	21
Liberian	1	-	1
Libyan	12	5	17
Macedonian	3	1	4
Malagasy	469	609	1 078
Malawian	8	2	10
Malaysian	9	5	14
Maldivian	8	-	8
Malian	2	-	2
Maltese	3	4	7
Mauritian	317	108	425
Mexican	2	3	5
Missing/Not Specified	1 332	116	1 448
Moldovan	-	1	1
Montenegrin	1	1	2
Moroccan	12	4	16
Mozambican	4	5	9
Namibian	1	-	1
Nepali	897	72	969
New Zealander	2	-	2
Nicaraguan	1	-	1
Nigerian	107	19	126
Omani	1	-	1
Pakistani	40	15	55



<i>Nationality</i>	<i>Male</i>	<i>Female</i>	<i>Both sexes</i>
Panamanians	-	2	2
Persian	-	1	1
Polish	2	3	5
Portuguese	15	8	23
Refusal	1	1	2
Reunionese	2	1	3
Romanian	1	1	2
Russian	60	64	124
Rwandan	4	1	5
Senegalese	27	4	31
Serbian	5	3	8
Sierra Leonean	-	1	1
Singaporean	-	1	1
Slovakian	2	5	7
Slovenian	-	2	2
Somalian	1	-	1
South African	257	102	359
South Korean	-	1	1
Spanish	32	4	36
Sri Lankan	1 657	166	1 823
Sudanese	3	-	3
Swedish	1	1	2
Swiss	8	7	15
Syrian	8	-	8
Taiwanese	2	2	4
Tanzanian	56	35	91
Thai	21	46	67
Tongan	-	2	2
Togolese	4	-	4
Tunisian	1	2	3
Turkish	30	7	37
Ugandan	57	30	87
Ukrainian	14	23	37
Uzbek	5	-	5
Venezuelan	1	-	1
Vietnamese	-	3	3
Zambian	82	70	152
Zimbabwean	65	28	93
Unable to classify	29	1	30
<b>Total</b>	<b>16 305</b>	<b>3 643</b>	<b>19 948</b>

*Source:* Population & Housing Census 2022, National Bureau of Statistics.

Table 5  
Distribution of non-Seychellois employed population by occupation and sex

<i>Occupation (ISCO-08)</i>	<i>Male</i>	<i>%</i>	<i>Female</i>	<i>%</i>	<i>Both sexes</i>	<i>%</i>
1 – Managers	1 217	8%	187	8%	1 404	8%
2 – Professionals	1 051	7%	366	16%	1 417	8%
3 – Technicians and associate professionals	1 179	8%	159	7%	1 338	8%
4 – Clerical support workers	220	1%	123	5%	343	2%
5 – Service and sales workers	1 766	12%	373	16%	2 139	12%
6 – Skilled agricultural, forestry and fishery workers	676	4%	15	1%	691	4%
7 – Craft and related trades workers	6 902	45%	623	27%	7 525	43%
8 – Plant and machine operators, and assemblers	597	4%	178	8%	775	4%
9 – Elementary occupations	1 590	10%	234	10%	1 824	10%
0 – Armed forces occupations	6	0%	0	0%	6	0%
X – Not elsewhere classified	138	1%	57	2%	195	1%
<b>Total</b>	<b>15 342</b>	<b>100%</b>	<b>2 315</b>	<b>100%</b>	<b>17 657</b>	<b>100%</b>

Source: Population & Housing Census 2022, National Bureau of Statistics.

Table 6  
Distribution of non-Seychellois employed population by industry/economic activity

<i>ISIC Rev 4</i>	<i>Male</i>	<i>%</i>	<i>Female</i>	<i>%</i>	<i>Both sexes</i>	<i>%</i>
A – Agriculture, forestry and fishing	558	4%	15	1%	573	3%
B – Mining and quarrying	0	0%	0	0%	0	0%
C – Manufacturing	1 268	8%	970	42%	2 238	13%
D – Electricity, gas, steam and air conditioning supply	31	0%	2	0%	33	0%
E – Water supply; sewerage, waste management	55	0%	0	0%	55	0%
F – Construction	6 199	40%	29	1%	6 228	35%
G – Wholesale and retail trade; repair of motor vehicles and motorcycles	990	6%	81	3%	1 071	6%
H – Transportation and storage	260	2%	7	0%	267	2%
I – Accommodation and food service activities	3 301	22%	519	22%	3 820	22%
J – Information and communication	76	0%	10	0%	86	0%
K – Financial and insurance activities	33	0%	3	0%	36	0%
L – Real estate activities	1 130	7%	30	1%	1 160	7%
M – Professional, scientific and technical activities	87	1%	30	1%	117	1%
N – Administrative and support service activities	337	2%	53	2%	390	2%
O – Public administration and defence; compulsory social security	346	2%	142	6%	488	3%
P – Education	183	1%	144	6%	327	2%
Q – Human health and social work activities	130	1%	82	4%	212	1%
R – Arts, entertainment and recreation	157	1%	65	3%	222	1%
S – Other service activities	54	0%	29	1%	83	0%
T – Activities of households as employers	51	0%	70	3%	121	1%
U – Activities of extraterritorial organization bodies	16	0%	10	0%	26	0%

<i>ISIC Rev 4</i>	<i>Male</i>	<i>%</i>	<i>Female</i>	<i>%</i>	<i>Both sexes</i>	<i>%</i>
X – Not elsewhere classified	80	1%	24	1%	104	1%
<b>Total</b>	<b>15 342</b>	<b>100%</b>	<b>2 315</b>	<b>100%</b>	<b>17 657</b>	<b>100%</b>

*Source:* Population & Housing Census 2022, National Bureau of Statistics.

33. The countries of the Accelerated Programme for Economic Integration (APEI) concluded the “Memorandum of Understanding for Facilitation of Movement of Business Persons and Professionals Between APEI Countries,” which came into force on 16th September 2016. The APEI Business Travel Card (ABTC) provided for by the MOU aims to expedite short-term entry procedures for the business community within the APEI region.

34. The management and implementation responsibility of the APEI Business Travel Card (BTC) lies with the Immigration Department and the National Planning Department (NPD) acts in the capacity of coordinator. A virtual meeting was held in November 2022 with regard to key APEI projects. This included discussions on the ABTC for Professionals and Business persons. The meeting stated that the design of the APEI BTC had been finalized but its implementation remains pending and is subject to access to donor funding.

#### **Information on measures taken to establish a coherent and comparable system of data collection, including measures aimed at making the information public**

35. The Ministry of Employment and Social Affairs is in the process of implementing the Labour Market Information System (LMIS) with the support of ILO. The LMIS is a centralized statistical tool to store, compile and produce labour market data from key institutions for production of statistical reports. Once operational, labour market statistics through the LMIS is supposed to be accessible online for members of the public or any user. The Government through the Ministry of Investment and Entrepreneurship has launched the “Ease of doing business” project in 2023 which aims to create a centralized platform of services including recruitment of migrant workers. The platform will facilitate in data collection and data production. The Ministry of Employment and Social Affairs is also in the process of developing its internal information system to digitalize its internal operations, provide online services to clients and link with other key information system such as Immigration Department for management and monitoring of non-Seychellois workers.

36. The Immigration Department is collaborating with the Department of Information Communication and Technology to address gaps identified within the Immigration information system/ module. In 2023, e-certificates are provided for birth, death and adoption certificates and the project is expected to be completed later in 2023.

#### **Qualitative and statistical data or, studies or estimates, on migrant workers in an irregular situation in the State party and abroad, in particular those working in less regulated sectors such as fishing and agriculture and domestic service**

37. In addition, the final draft of the “Assessment of migration data in Seychelles” (2023) developed through the technical assistance of IOM under the SAMM Project, states that Seychelles has very low numbers of irregular migration, based on consultation with the Ministry of Immigration and Civil Status. The draft report further elaborates that one of the few examples is irregular fishermen being apprehended (Sri Lanka and Iran). In this instance, for inadmissible migrants, there is an “Inadmissible Persons Holding Facility” exists in the airport, however it is not detention. If it is a labour migration, which needs to return as inadmissible, it is the employer, who is responsible for the repatriation. If there are no employer responsible, then the Police Department is responsible. Based on recommendations of the report, the MICS plans to implement measures to address the situation however this is also subjected to budget availability for the enforcement unit.

38. Moreover, in November 2019 Seychelles agreed to participate in the “Migration Governance Indicators” (MGI) process with the technical support of IOM. The MGI,

Republic of Seychelles, Profile 2020<sup>1</sup> includes qualitative information on institutional structures in place in the country to ensure that migration takes place in a safe and orderly manner. These are border control and security authority i.e. MICS; inter-ministerial National Coordinating Committee on Trafficking in Persons (NCCTIP), revamped of the Trafficking in Persons Secretariat in 2021 which administers the Trafficking in persons Act (2014), and Welfare Unit for non-Seychellois workers in the Ministry of Employment and Social Affairs.

39. Under the Access to Information Act, enacted in 2018 and S.I 18 of 2023 Access to information (proactive disclosure and mandatory publication) Regulations, 2023, all public bodies should make the records that fall under this Regulations, available notably via their respective website. The Information Commission advise this approach systematically promotes knowledge and good practices, and accelerates actionable steps towards an open, accountable, and transparent Government.

### **Reply to paragraph 5 of the list of issues**

40. The Seychelles Human Rights Commission Act 2018 established a new commission with more powers, named the Seychelles Human Rights Commission (SHRC). Under the previous Protection of Human Rights Act 2009, this office was called the National Human Rights Commission and was headed by a Chairperson who was also the Ombudsman. Both offices had separate powers and functions but were headed by the same person. Since the establishment of the SHRC, the ombudsman office and the SHRC are two separate bodies headed by two different persons.

41. The SHRC is led by five Commissioners, a Chairperson, a Deputy Chairperson and three Commissioners. In March 2019, the Deputy Chairperson of the SHRC and three commissioners were sworn in and the Chairperson was sworn in July 2019. To assist in implementing its mandate, the SHRC recruited a Chief Executive Officer in January 2021 as at the end of December 2022, the SHRC had a total of thirteen full time employees.

42. The functions of the SHRC consist of adhering to financial and administrative procedures, implementing its national and international obligations, providing human rights education and raising awareness, monitoring and ensuring compliance to human rights as outlined in the Constitution of Seychelles (Chapter III), reviewing laws and policies and investigating human rights issues and complaints.

43. The SHRC is mandated to independently monitor the human rights situation in the country. As per Section 3 (2) of the SHRC Act, 2018, “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.” Moreover, this is reflected in the principles relating to the Status of National Institutions (Paris Principles).

44. The SHRC has set up the following units to promote and protect fundamental human rights and freedoms as per its mandate:

- Complaints and investigations;
- Monitoring;
- Education and training;
- Communications;
- Administration and finance.

45. As per Section 14 (4) (a) of the SHRC Act, 2018, the SHRC is competent “to investigate on its own initiative or on receipt of a complaint, any alleged violation of human rights.” The SHRC addresses all complaints based on its internal procedures and this also applies to complaints received from a non-Seychellois worker or a member of their family.

46. The mandate of the SHRC covers the monitoring of all human rights conventions, treaties and covenants, including the Convention on the Protection of the Rights of All

---

<sup>1</sup> <https://publications.iom.int/system/files/pdf/mgi-seychelles-2020.pdf>.

Migrant Workers and Members of Their Families. As stated in the SHRC Act, 2018 in Section 14(1) b (vi) “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”.

47. The monitoring unit of the SHRC, due to budget constraints, has only one staff member. This unit has started monitoring the implementation of and compliance with the nine core UN Human Rights treaties that Seychelles has ratified, which includes the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

48. Currently, the Education and Training unit has also only one staff member. As stated in the SHRC Act, 2018 in Section 14(1) b (i) “the Commission shall develop, conduct or manage information programmes and education programmes to foster public understanding and awareness of Chapter 3 of the Constitution, this Act and the role and activities of the Commission.” To date, the Education and Training Unit has not undertaken trainings in relation to the rights of all migrant workers and members of their families. With adequate budgetary and human resources, the SHRC will be able to focus more on the rights of non-Seychellois workers and members of their families under the Convention.

### **Reply to paragraph 6 of the list of issues**

49. Limited national activities have been organized during the reporting period to promote and raise awareness on the Convention specifically. Reference to obligations of the Conventions are made mostly in meetings and discussions with Government Ministries and stakeholders, notably with regards to the rights of non-Seychellois workers. For example, amongst government officials, labour inspectors, law enforcement officials and other stakeholders during discussions on labour migration issues, trafficking of persons and labour migration policy matters.

50. Activities organized during the reporting period include workshop organized by Citizens Engagement Platform of Seychelles (CEPS) on human trafficking in 2019 with labour inspectors, Industrial Relations officers of the Employment Department, Immigration Department and other stakeholders.

51. Human trafficking as a subject has been included in the curriculum of the Police academy and same will be undertaken with the National Institute of Health and Social Studies (NIHSS), to train potential first responders as per the Prohibition of trafficking in Persons Act, 2014. TIP secretariat conducted media campaign on the Ministry’s Facebook page, main newspaper and there was special mention during international awareness Day against trafficking in person.

52. On 18th December 2015, the Ministry responsible for Employment published a newspaper article on the occasion of the international migrant workers’ day, to inform the general public on role of non-Seychellois workers in Seychelles and mechanism in place to protect their rights and dignity. In 2022, the Ministry of Employment and Social Affairs in collaboration with the ILO under the Southern African Migration Management project partnered for a campaign on contribution of non-Seychellois workers in Seychelles. To date the promotional materials showing statistics and qualitative information of non-Seychellois workers’ role in Seychelles have been published on social media. It is anticipated to extend the campaign to the media and general public.

53. The Association for Rights Information and Democracy (ARID) also promoted the Convention by posting a newspaper article on international migrants day on 20 December 2022, to promote the rights of non-Seychellois workers and their contributions in society.

### **Reply to paragraph 7 of the list of issues**

54. There are presently no such training programmes however it may be considered as part of the National Diaspora Policy that is being finalized by the Foreign Affairs Department, in collaboration with the IOM. However, through the National Diaspora Policy there will be

more engagement with Seychellois workers abroad which also means increased consular assistance to better inform Seychelles migrant workers abroad of their rights. Furthermore, officials in the Consular section of the Foreign Affairs Department are provided with training on consular assistance upon recruitment and acquire knowledge and know-how on the job as they gain working experience in the field.

### **Reply to paragraph 8 of the list of issues**

55. The Government has strong diplomatic relations with international organizations in relevance to the Convention, notably the ILO and IOM. For instance, ILO provided technical assistance for the development of Seychelles National labour migration policy in 2019, social protection for migrant workers, implementation of various labour migration activities under the Policy and the Seychelles decent work country programme (2019–2023). The IOM is also supporting Government with the development of a national diaspora policy, assessment of migration data, migration profile and other capacity building activities. Training/meetings by the TIP Secretariat was conducted with IOM, UNODC and SADC.

56. The Government also has fairly good and mutually beneficial relationship with civil society organizations in Seychelles, in particular migrants' organizations. At present there is mainly one non-governmental organization named Association for Rights and Information Democracy (ARID). The relevant Ministries such as Ministry of Employment and Social Affairs, the Ministry of Internal Affairs, Immigration Department, the Ministry of Health recognize ARID and cooperate as necessary namely by providing information or assistance on individual cases related to working and living conditions of non-Seychellois workers and to improve policy and legal challenges. ARID was consulted in the development and drafting of the report whereby their input has been considered.

### **Reply to paragraph 9 (a) of the list of issues**

57. The Ministry of Employment and Social Affairs adopts various measures to provide information to non-Seychellois workers on their rights and responsibilities. In particular, in March 2023, the Ministry launched the "Work in Seychelles" (WINS) induction programme, which comprises of sessions organized with groups of migrant workers, especially new migrants, to provide information on labour rights and responsibilities, social, cultural and economic life in Seychelles for easier integration in society. The sessions are conducted by Welfare officers of the Ministry and where necessary, they are accompanied by officers from Immigration Department. The programme is presently targeting more vulnerable industries for example construction, farming, domestic workers, wholesale and retail trade. Moreover, the Ministry also provides information to non-Seychellois workers during labour inspections at the workplace, during visits of welfare officers at non-Seychellois workers' accommodation and upon registration of a grievance at the Ministry. During labour inspections, all workers including non-Seychellois workers are interviewed, in the absence of their employers, and have the opportunity to voice out any concerns they have. It is also an opportunity to educate them on their rights and obligations. Enforcement actions are taken in cases on non-compliance. Advice can be sought in person and by phone.

### **Replies to paragraphs 9 (b) and (c) of the list of issues**

58. In case of death during the contract period, the employer should arrange and discuss with all parties concerned on the repatriation of the remains and personal belongings and savings at the expense of the foreign recruitment partner. Private employment agencies also encourage employers to have personal life and accident insurances for their workers. If the non-Seychellois worker is not to the employer's expectations, the foreign recruitment partner is responsible to organize and cover the costs of repatriation.

**Reply to paragraph 9 (d) of the list of issues**

59. The Employment Act regulates the operations and functions of the private employment agencies, and the Employment services section in the Ministry of Employment and Social Affairs is responsible for monitoring the agencies. They are given a certificate by the Ministry along with conditions under which they have to operate. Their license is then issued by the Seychelles Licensing Authority. The PEAs are monitored by the Ministry to ensure that they abide to legislation.

**Reply to paragraph 9 (e) of the list of issues**

60. There were complaints lodged to Employment Department namely by an NGO on a recruitment agency with regards to non-compliance with the Employment Act. Such cases are investigated by the Police Department and the Employment Department collaborates with the Police and provides requested information. It must be noted that the Department has a section which monitors these agencies, and the Act makes provision for penalties in case of offences. The Department has taken action against the agencies, namely suspension of their certificate which allows them to obtain a license, and this was in relation to non-compliance with legal obligations for statistical returns.

**Reply to paragraph 9 (f) of the list of issues**

61. The Ministry of Employment and Social Affairs is working on a proposal to introduce Regulations to provide additional legal provisions on the operations of private employment agencies, particularly with regards to recruitment of non-Seychellois workers. The proposal will also consider the status of recruitment agents and persons applying for posts of non-Seychellois works on behalf of employers.

**Reply to paragraph 9 (g) of the list of issues**

62. In 2022, the Ministry of Employment and Social Affairs conducted a preliminary gap analysis on the ILO Private Employment Agencies Convention, 1997 (No. 181) against current laws, policies and practices. However, the gap analysis is subject to further discussion and to date the Convention has not been ratified.

**Reply to paragraph 10 of the list of issues**

63. The principles as espoused by the Convention are principles which underpin not only the current employment and immigration laws in the private and public sector that are currently enacted and enforceable in the country, but they emanate from Seychelles' penultimate source of law which is the Constitution. Seychelles acceded to the Convention in 1994, and this is obvious in the enactments that flowed in all of our sectors governing the rights of workers and their families. Irrespective of the provenance of the person, all persons located in the jurisdiction of Seychelles are entitled to equal protection under our laws.

64. Non-Seychellois worker's families are not precluded from accompanying them provided the non-Seychellois worker is able to show that he/she will be able to afford their provision unless they are also going to be working under a Gainful occupation permit as issued by the department of Immigration. There is also nothing precluding them to enter and exit the country as visitors in the jurisdiction.

65. The Convention has not specifically been evoked to date, however the principles as espoused by the Convention are principles which underpin not only the current employment and immigration laws that are currently enacted and enforceable in the country, but they emanate from our penultimate source of law which is our Constitution.

66. Seychelles ratified/acceded to the Convention in 1994, and this is obvious in the enactments that flowed in all of our sectors governing the rights of workers and their families.

Irrespective of the provenance of the person, all persons located in the jurisdiction of Seychelles are entitled to equal protection under our laws.

### **Reply to paragraph 10 (a) of the list of issues**

67. The relevant regulating authority depending on the sector in which the worker is employed is as follows:

- (a) Public sector – The Public Service Appeal Board;
- (b) Private sector – The Ministry of Employment and Social Affairs and Employment Tribunal;
- (c) International Trade Zone – The Financial Services Authority and ITZ Board;
- (d) In respect of any other claims parties are able to make their claims before the Supreme Court of Seychelles with a right of Appeal to the Court of Appeal.

68. In addition, there is a mechanism for complaints to be lodged at the Employment Department by any workers including non-Seychellois workers either by phone, email or in person. Complaints are investigated accordingly through site visit or other appropriate medium. In most cases the names of the complainant are not disclosed except the issue related to the complaint only. Following the investigation, a report is drafted and direction is issued for employer to attend to anomalies within a given timeframe. Cases are referred for legal action, when the employer fails to comply with given directions.

### **Reply to paragraph 10 (b) of the list of issues**

69. From April 2023, 37 cases registered at the Employment Tribunal (Judiciary): 35 Males, 02 Females.

70. Types of complaints:

- Unauthorized deduction;
- Unjustified termination;
- Annual leave;
- Unpaid salary;
- Adjustment of salary;
- Overtime;
- Compensation for length of service;
- Refund of air fares & GOP;
- 09 consent agreements marked as withdrawn.

71. In 2022, 65 complaints were registered with the Labour Monitoring and Compliance section. It is not mandatory to provide contact details, anonymous complaints are accepted as most of the time they affect more than one person. The Labour Monitoring and Compliance section also refers non-compliance cases for legal action i.e. for punitive actions and the tribunal may provide directions on legal anomalies e.g. may give direction to effect payment in cases of non-payment of salary.

72. 719 grievances were registered from 2016 to 2022, and 12 cases were prosecuted during the same period involving 1246 non-Seychellois workers (See Annex).

### **Reply to paragraph 10 (c) of the list of issues**

73. Parties are free to seek advice from counsel or elect counsel to represent them and their interests in any proceedings before the relevant boards and the Court. There are also



trade union representatives that operate within the jurisdiction to assist all workers with advice and having their claims adjudicated upon.

### **Reply to paragraph 10 (d) of the list of issues**

74. There has been no direct application of a claim for compensation under the Convention, although there are grounds to do so as per Article 48 of the Seychelles Constitution as stated above. However, orders for compensation and payments are generally made in application of the national legislation which govern the rights of workers in our jurisdiction generally.

### **Reply to paragraph 10 (e) of the list of issues**

75. The regulating authorities in each area being:

- (a) The Public Service Bureau and the relevant departments and authorities depending where the worker is engaged in their work, and legal practitioners generally;
- (b) The Ministry of Employment and Social Affairs, and legal counsel generally;
- (c) The Financial Services Authority for international trade zone, and legal practitioners generally.

76. Interpreters are generally accepted in proceedings to ensure that all parties understand the proceedings. It also is to be noted that most of the information to advise people in general in respect of their rights are freely available online and all legislations are available on Seylii.org.

77. In a particular case in 2021 with non-Seychellois workers, the Police Department secured interpretation whilst the Judiciary paid travel expenses for the interpreters. The High commissions office or consuls also assist with interpretation.

### **Reply to paragraph 11 of the list of issues**

78. Non-Seychellois workers and their families were restricted to return to Seychelles from countries on the restricted list for entry in 2020, which was updated regularly based on the level of COVID-19 infections in the countries abroad. The Government through discussion with employers and workers representatives/ associations introduced a temporary Gainful Occupational Permit (GOP) framework related to the labour migration challenges brought about by the pandemic.

79. The GOP framework allowed for extension of work permit/GOP to legalize status of non-Seychellois workers in the country, in case where an employer decides not to renew the permit and where international airports are closed. The extension of the GOP was free of charge and the process was allowed from 1st July until 31st December 2020. Further extension was evaluated on a case-to-case basis, if borders were still closed. With this arrangement, the employer remained responsible to provide shelter and food to the workers.

80. Furthermore, provisions were made for employers who wanted to renew the GOP of its workers who were in the country or overseas, or who had laid-off their workers and wanted to revalidate the permit to cover unused period spent away from work, had to apply directly to the Immigration Department, subject to local labour market testing as applicable.

81. In order to control entry of individuals in the country for health and safety reason, employers had to make a formal request to the Employment Department, by 30th June 2020, to inform which of their non-Seychellois workers will be maintained in their organization or needs to return only for purpose of collecting their personal belongings. Permission to return to Seychelles was granted by the Employment Department based on guidelines from the Public Health Authority.

82. In July 2020 in public interest and in accordance with Section 17 (9) of the Immigration Decree 1979, the Government announced that all GOPs of non-Seychellois

workers out of the country were revoked with the exception of those in the Medical, Agricultural, and Fisheries Sectors. As such a GOP Assessment Committee was created to assess the return of such workers notably as statistics showed increasing redundancies and jobseekers.

83. During late 2020 to early 2021, as the airport and other ports started to allow flights and ships back, non-Seychellois workers could return subject to having approved work permits and approved dependent permits from the Immigration Department for their families even for those travelling from countries on the restricted list provided they completed quarantine as required. There were no restrictions imposed to voluntary return to their country of origin provided the airport was open and flights operating from Seychelles airport.

### **Reply to paragraph 11 (a) of the list of issues**

84. The vaccination was available to both nationals and non-Seychellois workers and their families although the vaccine was given on a basis of priority based on associated risk factors such as age, medical condition, type of occupation (essential workers were prioritised) etc... Victims of human trafficking had access to free vaccination against Covid 19; free antigen test and free PCR test when not feeling well and for those being repatriated. Government bared all cost. Precaution against Covid 19 was followed through as per the national set guidelines at the TIP Shelter.

### **Reply to paragraph 11 (b) of the list of issues**

85. Access was unrestricted.

### **Reply to paragraph 11 (c) of the list of issues**

86. There were no restrictions, the workplace Standard Operating Procedures (SOPs) applied to all workers, both nationals and migrants.

### **Reply to paragraph 11 (d) of the list of issues**

87. Same procedures applied as for pre-pandemic years-no restrictions or limitations were imposed.

### **Reply to paragraph 11 (e) of the list of issues**

88. No restrictions from a Health perspective. SOPs were developed to guide employers on Infection Prevention Control (IPC) measures in living quarters for non-Seychellois workers including guidance on quarantine and isolation protocols to follow.

### **Reply to paragraph 12 of the list of issues**

89. Article 27(1) of the Constitution guarantees that every person “has a right to equal protection of the law including the enjoyment of the rights and freedoms set out in this Charter [on fundamental freedoms and rights] without discrimination on any ground except as is necessary in a democratic society.” This clause guarantees that non-Seychellois workers are treated in a non-discriminatory manner with regards to the protections guaranteed to citizens of Seychelles.

90. The Employment and Occupational Safety and Health legislation protects all workers in Seychelles including non-Seychellois workers. Labour inspection is one main mechanism in place to monitor and ensure that the rights of non-Seychellois workers are being respected.

91. Section 46A of the Employment Act makes provision for prevention of discrimination by stating “Where an employer makes an employment decision against a worker on the

grounds of the worker's age, gender, race, colour, nationality, language, religion, disability, HIV status, sexual orientation or political, trade union or other association, the worker may make a complaint to the Chief Executive stating all the relevant particulars." To note as part of the ongoing review of the Employment Act, proposals have been made to extend the scope of the above provision to include other grounds in the list of grounds of discrimination.

92. The Employment Act makes provision in Article 67 that "Non-Seychellois workers, not exempt from the provisions of this Act, shall enjoy the same terms and conditions of employment as are applicable to Seychellois workers but may be given such additional benefits and privileges as the competent officer may authorize." It also makes provision for the Employment Tribunal which functions as a quasi-judicial Court.

93. To note, Health services are available to non-Seychellois workers on a chargeable basis. Education from crèche to secondary level is provided free of charge to all persons, including the children of non-Seychellois workers. Post-secondary education is available on a chargeable basis. In comparison, crèche to the end of post-secondary education is free for citizens of Seychelles at State schools.

94. The Social Affairs Department offers various services, including counselling services for adults (on issues such as domestic violence), child protection services, and probation services (which often looks at mediation processes when there are neighbourhood disputes). There is also a Community Social Work Section, which is composed of social workers in each district who deal with any issues that arise within the community. All these services are available free of charge to non-Seychellois workers and their families, on the same basis as for Seychelles citizens.

95. As indicated previously, the Seychelles Pension Fund is working on introducing a policy to extend pension contribution to non-Seychellois workers with the technical assistance of the ILO.

### **Reply to paragraph 13 of the list of issues**

96. As part of the implementation of the National Labour Migration Policy, a gap analysis started in 2022 by the International Labour Organization in collaboration with the Ministry of Employment and Social Affairs, on ILO Convention Migration for Employment (Revised) no. 97 and Convention Migrant workers no. 143 and national laws and practices. The gap analysis has included inputs from various stakeholders including the Attorney General office. The validation of the analysis will be conducted soon and relevant measures will be considered as appropriate to address the gaps.

97. As explained previously the Ministry of Employment and Social Affairs launched the Work in Seychelles (WINS) induction programme in March 2023, as a measure to sensitize new non-Seychellois workers in the country on their rights and responsibilities. The Welfare Unit in the stated Ministry conducts the induction sessions and is also responsible to monitor the welfare of non-Seychellois workers, through visits to their workplace and accommodation, by attending to phone calls of the hotline amongst other means of monitoring.

98. The Employment Act is being reviewed as a whole and consultations have been held on the possibility to extend to non-Seychellois workers the scope of application of the provision mandating the payment of a thirteenth month pay and to adopt comprehensive anti-discrimination legislation. In December 2023, the Public Service Bureau advised in a circular that certain non-Seychellois employees in the public sector who are on a contract of continuous employment or fixed-term are eligible for payment of the thirteenth month pay. Additional measures to ensure non-discrimination are cited at question 12 above.

99. There have been no reports regarding racism and xenophobic incidents in Seychelles.

100. Nevertheless, the Office of the Ombudsman receives complaints from aggrieved or distressed persons, who may be citizens or foreign nationals, against Government ministries, departments, agencies (MDAs) or specific public officials and has the power to investigate, mediate, negotiate, issue reports and recommend corrective action. Recommendations made

by the Office of the Ombudsman emphasize improvement of service delivery; the establishment and maintenance of proper communication channels between the MDAs and complainants; ensuring policies are clear and procedures and processes are put in place; and that the rule of Law is followed, all with the objective of adhering to the standard of open, transparent and good governance.

101. Before a complaint is lodged, it has to be shown to the Ombudsman's satisfaction that the complainant has formally complained to the service provider in writing and that a final response has been given. The complainant must have explored all remedies available in law before complaining to the Ombudsman. Referrals are made to the more appropriate institutions or agencies where the Ombudsman does not have the mandate to investigate the complaint (See Table 7).

Table 7

**Number of complaints received from non-Seychellois**

<i>Year</i>	<i>No. of cases</i>	<i>Subject</i>	<i>Action taken</i>
2017	1	Refusal of Residency / G.O.P.	Written enquiries and recommendations made to Immigration
	1	P.I. (Prohibited Immigrant) notice	Written enquiries and recommendations made to Immigration
2018	1	P.I. (Prohibited Immigrant) notice	Written enquiries and recommendations made to Immigration
2019	1	Discrimination	Advised to seek the services of a private lawyer
2020	3	P.I. (Prohibited Immigrant) notice	Referral to Immigration
	1	Refusal G.O.P.	Written enquiries and recommendations made to Immigration
	1	Violation	Referral as it was against a private company
	1	Exploitation	Referral to Human Rights
2021	1	P.I. (Prohibited Immigrant) notice	Written enquiries and recommendations made to Immigration
		Benefits and dues	Referral to Employment
2022	2	P.I. (Prohibited Immigrant) notice	Written enquiries and recommendations made to Immigration
2023	1	Refusal to renew G.O.P	Referral to Immigration as all procedures had not been followed
	1	Revocation of G.O.P.	Immigration reviewed its decision
	1	Victimization	Referral to Human Rights

*Source:* office of the Ombudsman.

*Note:* Please note that we could not find any data relating to your request for 2015 and 2016.

### Reply to paragraph 14 of the list of issues

102. A National Integrated Emergency Management Plan (NIEMP) was developed in 2019 by the Disaster Risk Management Division (DRMD), which outlines the national framework and approach to disaster preparedness and response in an inclusive manner for all persons residing in Seychelles, including non-Seychellois workers. District contingency plans state that the Seychelles Broadcasting Corporation is responsible to inform the population about crises and provide update in English, French and Creole. Since 2022 the DRDM has adopted the Sendai framework and is working on the national emergency preparedness action plan. Trainings have been conducted for key stakeholders and each are required to develop its sectorial emergency plan. Employment Department being a stakeholder is required to include in its sectorial plan early warning strategies and emergency plan involving non-Seychellois workers, employers and workers in general.

### Reply to paragraph 15 of the list of issues

103. Current national legislation protects migrant workers from labour exploitation and as stated above, the Employment (Conditions of Employment of Domestic Workers) Regulations was introduced in 2019 to improve protection of domestic workers, especially live-in domestic workers. In May 2023, the Government recommended ratification of the ILO Convention on Domestic workers, 2011 (no. 189) and in October 2023, the National Assembly approved ratification of the Convention. The instrument of ratification is in the process of being submitted to the ILO.

104. The Labour Monitoring and Compliance section in the Employment Department conducts routine inspections to the work sites of migrant workers. There are presently 16 labour inspectors. The labour inspectors conduct visit in all economic sectors including agriculture although Seychelles has not ratified the ILO Labour Inspection (Agriculture) Convention and there is currently no plan to ratify the said Convention.

Table 8

#### Number of labour inspections in agriculture, forestry and fishing industry

2016	2017	2018	2019	2020	2021	2022	January – November 2023
42	28	21	27	42	67	17	23

Source: Employment Department.

Table 9

#### Trafficking in persons statistics, 2018–2023

	2018	2019	2020	2021
Investigation	5	13	2	10
Prosecution	4	1	12	
Conviction	2	0	2	1
<b>Total no. of victims</b>	<b>25</b>	<b>346</b>	<b>93</b>	<b>10</b>
Female victims	1	221	84	0
Male victims	24	125	9	10
<i>Type of trafficking</i>	<i>Forced labour</i>	<i>Forced labour/ Sexual exploitation</i>	<i>Forced labour/ Sexual exploitation</i>	<i>Forced labour / Sexual exploitation</i>
Nationalities by country	Bangladesh (9) Indian (2) Kenyan (7)	Philippines (18) Indonesia (8) China (2)	India (2) Nepal (4) Kenya (7)	Kazakhstan (1) Bangladesh (5) Nepal (1)

	2018	2019	2020	2021
	Cameroon (7)	Nepal (3) Bangladesh (32) India (16) Sri Lanka (52) Madagascar (4) Seychelles (204) Unknown (7)	Seychelles (80)	India (1) Unknown (2)
	2022		2023	
Investigation	34	Investigation	42	
Prosecution	0	Prosecution	2	
Conviction	0	Conviction	0	
<b>Total no. of victims</b>	<b>34</b>	<b>Total no. of victims</b>	<b>22</b>	
Female victims	0	Female minor victims	3	
Male victims	34	Male victims	19	
<i>Type of trafficking</i>	<i>Forced labour</i>	<i>Type of trafficking</i>	<i>Child trafficking</i>	
		Nationality	Seychelles (3)	
		Type of trafficking	Forced labour	
Nationalities by country	Bangladesh (18) Indian (16)	Nationality	Bangladesh (19)	

Source: Trafficking in Persons secretariat, Police Department (2023).

### Reply to paragraph 16 of the list of issues

105. Social Affairs Department is represented on the TIP Technical Committee alongside Immigration, Police and Employment Department. To date no cases of potential non-Seychellois minor TIP victims have been reported.

106. As stated above, the Work in Seychelles (WINS) induction Programme provide non-Seychellois workers with information on their rights and responsibilities as well as social and cultural life of Seychelles. The labour inspectors and officers from the Welfare Unit conduct visits, enforce the law as applicable and assist migrants to protect them from all of forms of exploitation, a hotline is also available for reporting of complaints.

107. The Employment Act 1995 is under review and concerning hazardous work for children 18 years, it is proposed that a provision is inserted in the Act to adapt the working age of children for a list of work which the State regards as dangerous, unhealthy or likely to impair the normal development of a child or young person; exploitation and physical and moral dangers to which children and young persons are exposed. The proposals for a new Employment Bill include the insertion of the conditions of employment into the Employment Act, when they currently constitute only regulations, and are expected to be presented for consultation soon.

### Reply to paragraph 17 of the list of issues

108. The immigration-related offences referred to above are criminal offences therefore they are more protective as court of law is different from administrative. As indicated previously, the court provides legal aid and interpreter at no cost to non-Seychellois workers and members of their family, it is paid by the Judiciary. Translation is also facilitated through

Foreign Affairs Department or a designated person. Criminal offenses are handled by the Police Department and Immigration Department handles repatriation.

### **Reply to paragraph 18 of the list of issues**

109. The Seychelles Regional Centre for Operational Coordination (RCOC) which its establishment was agreed in 2016, currently operates on 24/7 basis to implement the regional Maritime Security Architecture for Eastern and Southern Africa and the Indian Ocean (ESA-IO). The main function of RCOC is to conduct joint actions at sea and one of its key responsibilities is to participate in the search and rescue of life at sea, within the framework of already existing devices. In addition, local authorities namely the Police Department, Seychelles coast guard, marine police and other authorities collaborate as appropriate in the event there are non-Seychellois missing at sea.

110. The draft Migration Profile currently in being developed, indicates that asylum applications are not common potentially due to the size and strategic location of the country. The Immigration Department is therefore considering developing an administrative procedure for asylum seekers.

### **Reply to paragraph 19 of the list of issues**

111. The Immigration Department has one only inadmissible persons holding facility based at the airport. This facility is mainly used for persons who have been refused entry in the country and awaiting repatriation and persons in the country and who have been declared as Prohibited Immigrants (P.Is.) and awaiting removal from the country, if such cannot be done on the same day. The Immigration Department can allow the non-Seychellois worker to stay at his or her current accommodation and apply detention as a last resort. Nonetheless if the migrant worker does not leave the country after the first condition / attempt or do not comply, the Immigration Department detains the person.

112. The Inadmissible Persons Holding Facility at the Seychelles international airport was built as per International Civil Aviation Organisation (ICAO) Convention. It provides basic necessities such as meals, beverages, medical attention and hygiene/ toiletries. The facility is handled by the Seychelles Civil Aviation Authority through Aviation security (AVSEC).

### **Reply to paragraph 20 of the list of issues**

113. The Employment Act provides safeguards against unlawful Termination of contract (Section 47), Lay off (Section 48) and Redundancy of workers (Section 51). However non-Seychellois workers can challenge any attempt of collective expulsions by initiating the grievance procedures under the Employment Act or challenge any administrative decisions way of Judicial Review before the Supreme Court under Article 125 of the Constitution and the Supreme Court can give interlocutory orders by way of injunctions to secure the ends of justice (Rule 18(1) of the Supreme Court (Supervisory Jurisdiction over Subordinate Courts, Tribunals and Adjudicating Authorities) Rules).

### **Reply to paragraph 21 of the list of issues**

114. Seychelles does not have specific provisions prohibiting collective expulsions. The Employment Act provides safeguards against unlawful Termination of contract (Section 47), Lay off (Section 48) and Redundancy of workers (Section 51). However non-Seychellois workers can challenge any attempt of collective expulsions by initiating the grievance procedures under the Employment Act or challenge any administrative decisions way of Judicial Review before the Supreme Court under Article 125 of the Constitution and the Supreme Court can give interlocutory orders by way of injunctions to secure the ends of justice (Rule 18(1) of the Supreme Court (Supervisory Jurisdiction over Subordinate Courts, Tribunals and Adjudicating Authorities) Rules).

### Reply to paragraph 22 of the list of issues

115. Representatives of the Government of Seychelles through the Seychelles Embassy or its Honorary Consuls are in place to provide necessary consular assistance to Seychelles' non-Seychellois workers abroad. Although the Government does not have a policy of covering the legal costs of any litigations Seychelles' citizens may face abroad, assistance and advice can be provided in obtaining appropriate legal counsel, including in cases of expulsion. The Government also assists in the facilitation of the repatriation process.

### Reply to paragraph 23 of the list of issues

116. As stated above, labour inspections are conducted in all workplaces to monitor and ensure that the rights of the workers are being respected. In case of non-compliances, directions are given for rectification and instances where the employers fail to comply, the cases are referred for legal action. During the inspection, relevant documents such as contract and payslip are verified to ensure that the working conditions are in line with the legal requirements.

117. The Ministry of Employment and Social Affairs verifies and attests employment contracts of non-Seychellois workers following their entry into the country to ensure the contracts align with the Employment Act.

118. Also as indicated a national Diaspora policy is being developed by the Diaspora Unit in the Foreign Affairs Department which can consider measures to promote the rights of Seychellois migrant workers abroad.

### Reply to paragraph 24 of the list of issues

119. The Employment Act of Seychelles applies equally to non-Seychellois workers as they do to citizens of Seychelles. This includes the minimum wage, which is applicable to all persons on the basis, and allows for equal pay for equal work.

120. Although by law, non-Seychellois workers are not entitled to a thirteenth month pay like the nationals, employers are allowed to provide this benefit to migrant workers if they decide to do so and it is the case in practice. Accordingly in December 2023, the Public Service Bureau advised in a circular that certain category of non-Seychellois employees in the public sector who are on a contract of continuous employment or fixed-term are eligible for payment of the thirteenth month pay.

### Reply to paragraph 25 of the list of issues

121. Article 33 Constitution- Education from crèche to secondary level is provided free of charge to all persons, including the children of non-Seychellois workers. Post-secondary education is available on a chargeable basis. In comparison, crèche to the end of post-secondary education is free for citizens of Seychelles at State schools. Table 10 indicates that non-Seychellois population were attending various education institutions in Seychelles in 2022 out of which 80% were attending primary, secondary and post-secondary schools.

122. No measures have been taken to ensure that children of non-Seychellois workers from the Seychelles residing abroad have access to education at all levels.

Table 10

#### Attendance of non-Seychellois population in educational institutions, 2022

<i>Education institution</i>	<i>Non-Seychellois students</i>	<i>%</i>
Pre-school (including Daycare)	12	2%
Creche	51	9%
Primary school	261	44%



<i>Education institution</i>	<i>Non-Seychellois students</i>	<i>%</i>
Secondary school	145	25%
Post-secondary school/ Professional centers	62	11%
University	33	6%
Not specified	25	4%
<b>Total</b>	<b>589</b>	<b>100%</b>

*Source:* Population & Housing Census 2022, National Bureau of Statistics.

*Note:* Question on present school attendance was asked to Population 4 to 29 years old.

### **Reply to paragraph 26 of the list of issues**

123. Occupational Health Services are provided to migrant workers as needed with all cost borne by the employer. Non-Seychellois workers do not benefit from social protection benefits in the same way as Seychellois citizens. Hence, they do not receive financial assistance from social security after incapacity for work. For injury at work, they are covered by insurance paid for by the employer, if available. However, contribution to pension is being considered for non-Seychellois workers by the Seychelles pension fund with support of the ILO. However, during a recent calamity in December 2023 that affected the country, urgent medical care for non-Seychellois workers was free of charge for the first visit.

### **Reply to paragraph 27 of the list of issues**

124. The birth of non-Seychellois children is registered by the Civil Status and a birth certificate is issued as per normal procedure, if the birth occurred in Seychelles. The child however is not given Seychellois citizenship. Government approved the Citizenship Bill in 2022 whereas Immigration Decree is still being reviewed.

### **Reply to paragraph 28 of the list of issues**

125. There are no capital controls in place in Seychelles and non-Seychellois workers are free to transfer money abroad using the facilities provided by authorised dealers, namely commercial banks and bureaux de change, with the exception of certain jurisdictions classified/perceived as high risk. In such instances, there is legal framework in place to allow the non-Seychellois to physically carry the cash, subject to the necessary declarations. The charges for transfer of funds abroad would depend on the intermediary performing the transaction on behalf of the client.

### **Reply to paragraph 29 of the list of issues**

126. There are currently no pre-departure programmes or information on rights and obligations in the state of employment for Seychellois nationals considering emigration. Information/ advise may be available upon enquiry from the Ministry of Employment and Social Affairs.

127. Certain countries of origin which have a high number of their nationals working in Seychelles, provide information on labour rights and obligations and the social and cultural life prior to departure of the non-Seychellois workers. As stated previously, the Ministry of Employment and Social Affairs launched the work in Seychelles (WINS) induction programme in March 2023 for new non-Seychellois workers. The sessions with the non-Seychellois workers are conducted by the Welfare officers of the Ministry. A proposal for additional provisions on operation of private recruitment agencies and agents is being worked on by the Ministry.

**Reply to paragraph 30 of the list of issues**

128. Section 18 of the Industrial Relations Act allows non-Seychellois workers to register as members of a trade union irrespective of their migration status. The Employment Act and the Industrial Relations Act remain under review.

**Reply to paragraph 31 of the list of issues**

129. In accordance with article 113 of the Constitution of Seychelles, all registered voters in Seychelles residing abroad have the right to vote if they are in Seychelles when the election is taking place. The law requires for the voter to come in person at the polling station to vote on election day(s).

130. Moreover, Section 5 (3) of the Elections Act makes provision for citizens of Seychelles living overseas to be registered as a voter. The conditions are that the person must be issued with a National Identity Card and the person resides in an electoral area for a minimum period of three months immediately prior to registration. The Electoral Commission of Seychelles is undergoing a review on the legislation that the Commission administers however there is no specific review on the above provision.

131. As indicated above, the draft of the National Diaspora policy is yet to be presented to Government for consideration. There are no restrictions for these rights and non-Seychellois workers may vote and be elected in their States of Origin whilst employed in Seychelles.

**Reply to paragraph 32 of the list of issues**

132. The Immigration Decree is still under review.

**Reply to paragraph 33 of the list of issues**

133. The S.I. 113 of 2022 Customs Management (Tariff and Classification of Goods) Regulations, 2022, provides for the duties applicable to Personal and Household effects. Those items are classified under the HS Codes 9904.0000 “Personal and Household effects that have been in the importer’s use and possession for more than 12 months immediately prior to importation into Seychelles” and are subject to 0% customs duties. Also, take note that Note (3) of Chapter 99 makes provision for the Personal and Household effect to be exempted from the payment of VAT. Please note that Seychelles does not apply export duties.

134. The following persons are exempted from payment of import taxes on their used personal and household effect as follows:

- Returning resident (Citizen of Seychelles);
- Expatriate (which in this case the non-Seychellois workers will be covered);
- Returning students and graduates (citizens studying abroad for a continuous period of 12 months);
- Other visitors or passengers changing residence;
- Diplomatic Corps establishing permanent residence.

135. However, it is to be noted that the provision has a timeframe during which the expatriate can apply for the exemption after entering the country and this is normally up to 6 months. If the person applies after the 6 months period, the exemption will not be applicable.

136. There is currently no established policy on social security portability however as stated previously as part of the National Labour Migration Policy, the Seychelles Pension Fund is working on a proposal to extend pension contribution to migrant workers.

137. With regards to facilitating remittances, there are no capital controls in place in Seychelles and non-Seychellois workers are free to transfer money abroad using the facilities provided by authorised dealers, namely commercial banks and bureaux de change, with the

exception of certain jurisdictions classified/perceived as high risk. In such instances, there is legal framework in place to allow the migrants to physically carry the cash, subject to the necessary declarations.

138. Table 11 shows outward remittances had increased by 20% from 2013 to 2019 before the outbreak of the COVID-19 pandemic. However, with the effects of the pandemic on the economy and decrease in demand of labour, the remittances in year 2022 returned to similar trend as in year 2013.

Table 11  
**Estimated outwards remittances**

<i>In US dollars (US\$m)</i>	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Remittances	61.16	57.66	74.21	62.95	67.96	74.89	73.36	44.86	48.91	61.47

*Source:* Central Bank of Seychelles.

139. As stated previously, the Government of Seychelles signed a bilateral labour agreement (BLA) with Bangladesh in October 2019, aims at the implementation of proper procedures for employment and repatriation of non-Seychellois workers; protection of their rights; prevention of trafficking in persons and illegal employment. It allows for relevant authorized bodies in Seychelles to conduct inspections and monitoring of living and working conditions of the non-Seychellois workers. The non-Seychellois workers also have access to dispute settlement procedures.

140. The list of countries which Seychelles has concluded agreements for double taxation avoidance are published on the website of the Seychelles revenue commission <https://src.gov.sc/agreements/#DATAA>.

141. During the reporting period no double taxation avoidance agreements were signed.

### **Reply to paragraph 34 of the list of issues**

142. A gainful occupational permit allows non-Seychellois workers to reside and to work in Seychelles and the same period of time is authorized for residence and employment. Non-Seychellois workers must be sponsored by an employer to work in a specific post in order for the GOP to be granted and the related permit is no longer valid upon expiry of the employment contract.

143. There is currently one type of work permit which is the gainful occupational permit however for the International Trade Zone the permit is exempted from payment of fee. Residence permit are granted for persons who only intend to live in Seychelles for more than three months, has immovable property, intends to make significant social/ economic contribution and is not a prohibited immigrant. Permanent residence permit are for non-Seychellois workers who are considered as “priority workers” (highly skilled workers) and who have resided in Seychelles for more than 5 years.

144. Non-Seychellois workers are authorized to remain in the country in the event they are victims of human trafficking or they have registered a labour grievance, prior to expiration of their work permit. The Immigration Decree currently under review, will consider new provisions to ensure that non-Seychellois workers have a specific legal status or temporary permit whilst in the country in the event they have a grievance case or are a TIP victim.

### **Reply to paragraph 35 of the list of issues**

145. A seasonal worker would have a contract for a fixed term for a minimum of 3 months and have equal treatment as national workers in respect of remuneration and conditions of work. Monitoring would be carried out by the Employment Department.

**Reply to paragraph 36 of the list of issues**

146. There are currently no measures undertaken to address irregular migration of nationals of the State Party migrating overseas.

**Reply to paragraph 37 of the list of issues**

147. There are currently no cooperation programmes in place. The Foreign Affairs Department is developing the National Diaspora Policy which may consider such programmes.

**Reply to paragraph 38 of the list of issues**

148. The TIP secretariat was created in 2021 and introduced a TIP technical multi-stakeholders' committee to complement the work of the National TIP coordinating committee. TIP secretariat is developing an action plan to address the recommendations of the US State Department Trafficking in Persons report. Additional staff were recruited for the secretariat, and it created a new TIP technical taskforce. Based on visit conducted by the taskforce, two human trafficking cases were identified. A shelter (anonymous) was introduced for TIP victims which provides medical, legal and counselling services, employment reintegration of TIP victims, food, personal hygiene and internet facilities at the shelter; new 24/7 hotline 144 which is free of charge. A TIP fund is planned to be created as per the TIP Act for national and international budget support. Seychelles is now Tier 1 of the Trafficking in persons report of the United States of America, States Department.

149. Bilateral labour agreement signed and those anticipated for signing state that recruitment of non-Seychellois workers must be undertaken through designated recruitment agencies as a means to ensure fair and ethical recruitment and to prevent trafficking in persons. Countries such as Philippines and Madagascar request for contracts of employment of their citizens to be attested prior to entry in Seychelles, of which this is adhered to by the Ministry of Employment and Social Affairs.

**Reply to paragraph 38 (a) of the list of issues**

150. Three identified Criminal Investigation Department (CID) officials are dedicated to TIP cases and one identified official from Attorney General's office to assist and guide on TIP cases. The Supreme Court of Seychelles also notifies on cases referred to the Court and outcome/penalties imposed:

*2016*

- 1 case was filed and accused was sentence to 3 years' imprisonment on four counts and sentence was to run concurrently. In addition, a fine of SR100,000.00 on each counts out of which SR50,000.00 from each count was to be paid to the victim in the case.

*2018 (2 cases were filed)*

- Case 1: Part heard before Court;
- Case 2: Accused was fine SR170,000.00 out of which half of that amount was to be paid to the victim in default to 6 months' imprisonment.

*2019*

- 1 case was filed and accused was sentenced to 3 years' imprisonment on three counts in addition to a fine of SR25,000.00 out of which SR10,000.00 to each of the three victims.

2020 (2 cases were filed)

- Case 1: Part heard before Court;
- Case 2: Accused was sentenced to 10 years' imprisonment.

2021 (2 cases were filed)

- Case 1: All 14 accused persons were sentenced to 14 years' imprisonment;
- Case 2: Accused 1 sentenced to 20 years' imprisonment, Accused 2 sentenced to 18 years' imprisonment and Accused 3 sentenced to 15 years.

Table 12

**Statistics of trafficking in persons cases**

	2018	2019	2020	2021	2022
Investigation	5	13	2	10	34
Prosecution	4	1	12		0
Conviction	2	0	2	1	0
Type of Trafficking in Persons	Forced Labour	Forced Labour and Sexual Exploitation	Forced Labour and Sexual Exploitation	Forced Labour and Sexual Exploitation	Forced Labour

*Source:* Trafficking in Persons Secretariat.

### **Reply to paragraph 38 (b) of the list of issues**

151. Training was conducted for front liners such as Social Services, labour inspectors, Police, Immigration Officers, AG's representative and media houses in relation to victims' identification and referral. In 2021, IOM conducted a foundational training on TIP and the Smuggling of Migrants, and a similar training initiated by the TIP Secretariat and IOM is planned to be conducted for labour inspectors. The TIP Secretariat also provided training to officials from the Attorney General's Office and media officials in regard to Trafficking in Person and also conducted Scenario based training to assess the effectiveness of National Anti-Trafficking in Person Legislation. Key participants were the Foreign Affairs Department, Judiciary, Police Department, Customs Department and Immigration Department.

### **Reply to paragraph 38 (c) of the list of issues**

152. Joint visits by labour inspectors, Immigration officers and Social Services form part of the National Coordinating Committee on Trafficking in Persons and TIP Technical committee.

### **Reply to paragraph 38 (d) of the list of issues**

153. Opening of the TIP Secretariat in 2021 with a director and office assistant to coordinate and assist the National Coordinating Committee on Trafficking in Persons. There has been an increase in the last three years on budget allocation by Government in each preceding year.

### **Reply to paragraph 38 (e) of the list of issues**

154. Development of manual and training by TIP Secretariat for front liners in relation to victims' identification and assistance. Labour inspectors use an inspection checklist during inspection visits which contains labour-related indicators of human trafficking to further assist with identification of potential cases of human trafficking. Four cases have been

referred to the Police from 1st February 2022 to September 2023 for further investigations. A “Standard Operating Procedure and Referral Mechanism for Assistance to Victims of Trafficking” has been drafted which clearly outlines the definition of Trafficking in Persons, procedures to be undertaken in such cases and responsibilities of the parties concerned. The document states that all suspicions of trafficking or presumed victims should be referred to the Police Department and in cases involving children, Social Services should also be notified.

### **Reply to paragraph 38 (f) of the list of issues**

155. New trafficking in persons secretariat created in 2021, recruitment of additional staff and development of data base. The Labour Monitoring and Compliance Section of the Employment Department uses a checklist during inspection visits which also contains labour-related indicators of trafficking to further assist with identification of potential cases of human trafficking. Four cases have been referred to the Police from 1st February 2022 to date for further investigations.

### **Reply to paragraph 38 (g) of the list of issues**

156. Through an established process at the Employment Department and upon its approval, victims of trafficking can change employer. Since the new TIP technical committee comprises of key stakeholders such as Immigration Department, Employment Department and Police Department, the process for the non-Seychellois worker to be provided a new work permit is fast tracked. The Immigration Decree is currently under review and will consider new provisions to ensure that non-Seychellois workers have a specific legal status or temporary permit whilst in the country in the event they have a grievance case or are a TIP victim.

### **Reply to paragraph 39 of the list of issues**

157. Employers are highly urged to renew the work permit of non-Seychellois workers well in advance to ensure legal status of the worker is maintained. Challenges faced are gaps in existing laws. delayed renewal of work permit by employers and the immigration system is unable presently to notify expired GOPs. In practice, the immigration Officers retrieve the list of expired GOPs manually and conducts the necessary follow up with employers to regularize the worker’s status. The Immigration Decree currently under review, will consider new provisions to ensure that non-Seychellois workers have a specific legal status or temporary permit whilst in the country in the event they have a grievance case or are a TIP victim.

158. The Employment Department also intends to introduce additional provisions for private employment agencies through a Regulations in particular to ensure that agencies acting on behalf of employers, submit applications timely to regularize the legal status of non-Seychellois workers.

### **Reply to paragraph 40 (a) of the list of issues**

159. Bills or laws and their respective regulations:

- Constitution of Seychelles 1993;
- Employment Act 1995 and Conditions of Employment Regulations 1991 establish the principle of equality of treatment, specifying that migrant workers are protected by the same terms and conditions of employment as Seychellois workers. For mediation at Employment Department for individual cases, migrant workers can be represented including by an NGO;
- Employment (National Minimum wage) (Exemption) Order 2010 sets mandatory minimum wage for all workers regardless of nationality;

- Industrial Relations Act 1994 provides the right of all workers to form and join independent unions and to bargain collectively and to be represented by trade unions in dispute settlement processes;
- Occupational Safety and Health Decree 1978 obliges employers to ensure that employees are not exposed to health and safety risks provides powers of labour inspectors;
- Immigration Decree (Decree No.18 of 1979) and Immigration Regulations of 1981 (Statutory Instruments 32 of 1981) and its amendments, regulate the entry and stay of foreigners in Seychelles;
- Prohibition of Trafficking in Persons Act 2014 provides the prohibition, prevention and combat of trafficking in persons and measures to protect and assist victims;
- International Trade Zone (Employment) Regulations, (1997) and International Trade Zone (Conditions of Employment) Order, 1999 regulate employment in the ITZ.

### **Reply to paragraph 40 (b) of the list of issues**

160. Ministry of Employment and Social Affairs – Employment Department aims to play a vital role through employment and labour market policies in order to build a productive and self-sufficient workforce for the country’s development and to ensure the people of Seychelles enjoys decent work and enhanced quality of life.

161. Immigration and Civil Status Department is responsible to regulate migration, border security and management of entry and departure, processing of visitors and work permits for non-Seychellois.

162. The Ministry of Employment, Immigration and Civil Status created in 2016 was restructured and became separated Departments as of October 2020.

163. Opening of the country’s first Trafficking in Persons Secretariat in 2021 which assists the National coordinating committee on TIP with its activities, serve as an information centre which ensures documentation, data collection and act a liaison with NGO’s from local regional and international organisations. Financial assistance to implement the TIP Act is funded by Government from the consolidated fund.

164. Foreign Affairs Department is responsible for implementing the country’s foreign policy, which includes advancing and defending the country’s interests in bilateral and multilateral forums, as well as mobilizing international aid and assistance, among other things. The Department is, therefore, the gatekeeper for Seychelles’ national interests by providing a link with members of the international community and vice versa. It is also responsible to develop and implement the national Diaspora Policy.

165. Ministry of Education regulates the education system in Seychelles. The Ministry aims to provide quality education and make it accessible the Seychelles citizens and its residents which includes non-Seychellois.

166. Ministry of Health’s vision is for the attainment, by all people living in Seychelles, of the highest level of physical, social, mental and spiritual health and living in harmony with nature.” Non-Seychellois workers have access to all medical services including emergency at a fee that is covered by the employer. The Public Health Authority is responsible to issue certificates of approval for accommodation to be occupied by migrant workers.

167. The mission of the Central Bank of Seychelles (CBS) is to promote price and financial system stability. It also collects, analyses and monitors data on inward and outward remittances.

### **Reply to paragraph 40 (c) of the list of issues**

168. Policies, programmes and action plans covering migration and their scope and financing:

- National Employment Policy, 2014;
- National Health Policy, 2015;
- Occupational Safety and Health Policy, 2017;
- National Labour Migration Policy, 2019;
- National Diaspora Policy (draft 2023);
- Work in Seychelles (WINS) induction programme, 2023.

169. The Policies and programmes are normally funded by the Government of Seychelles budget and financial support is also sought from international development partners.

### Reply to paragraph 40 (d) of the list of issues

170. As indicated above, a gap analysis started in 2022 by the ILO in collaboration with the Ministry of Employment and Social Affairs, on ILO Convention Migration for Employment (Revised) no. 97 and Convention Migrant workers no. 143. The validation of the analysis will be conducted soon, and ratification of the Conventions will be considered as appropriate based on the identified gaps.

171. The Government and National Assembly approved for the ratification of the ILO Domestic Workers Convention no. 189 in 2023, and the instrument of ratification is being submitted to the ILO.

### Reply to paragraph 40 (e) of the list of issues

172. Studies carry out focus mainly on non-Seychellois workers excluding members of their families:

- Migration Governance Indicators 2019;
- Migration Profile draft 2023.

### Reply to paragraph 41 (a) of the list of issues

173. Based on data from 2016, 2019 & 2022 illustrated in Table 13, the highest number of migrants (non-Seychellois) leave Seychelles for long term due to the end of their employment contract, whereas the highest number of Seychellois left for emigration purpose.

Table 13

#### Number of long-term departures of residents by purpose of visit, 2016, 2019 and 2022

Purpose of visit	2016			2019			2022		
	Seychellois	Non-Seychellois	Total	Seychellois	Non-Seychellois	Total	Seychellois	Non-Seychellois	Total
Holiday	35	1	36	85	4	89	149	2	151
Emigration	1 625	979	2 604	1 546	903	2 449	1 079	633	1 712
Education	496	15	511	478	10	488	388	12	400
Business/Employment	187	2	189	183	5	188	96	7	103
End of Contract	0	5 330	5 330	0	6 139	6 139	0	4 126	4 126
Medical Treatment	0	0	0	0	0	0		1	1
Others	19	3	22	18	0	0	191	12	203
<b>Total</b>	<b>2 362</b>	<b>6 330</b>	<b>8 692</b>	<b>2 310</b>	<b>7 061</b>	<b>9 371</b>	<b>1 903</b>	<b>4 793</b>	<b>6 696</b>

Source: National Bureau of Statistics from embarkation cards.

Note: (1) long term departure means more than one year.



## Reply to paragraph 41 (b) of the list of issues

174. Table 14 shows that the nationality of migrant workers in Seychelles prison are mainly from Asian countries, Africa and neighbouring islands.

Table 14

### Number of foreign persons detained in Seychelles Prison by nationality and status, 2016–2023

Nationality	Status		Total
	Convict	Remand	
Bangladesh	2	1	3
India	4	-	4
Kenya	-	6	6
Madagascar	1	-	1
Mauritius	1	1	2
Nepal	1	-	1
Nigeria	2	-	2
Philippine	1	-	1
Sri Lanka	8	1	9
<b>Total</b>	<b>20</b>	<b>9</b>	<b>29</b>

Source: Seychelles Prison Service.

Note: The foreign persons were migrant workers at the time of the arrest.

Table 15

### Type of offenses committed by foreign persons detained in Seychelles Prison, 2016–2023

Offences	Count of Offences
Agreeing with another person or persons that a course of conduct shall be pursued and if pursued will amount to importation of controlled drugs	1
Assault causing etc..	1
Fishing without a foreign fishing license	1
Fishing without a foreign fishing vessels	1
Indecent Assault	1
Manslaughter	1
Non-payment of fine	2
Receiving property stolen or unlawfully obtained	6
Recruiting, harbouring, transferring and receiving a child etc..	1
Sexual Assault	2
Taking a marine alive or dead in Seychelles water	6
Trafficking in person	2
Unlawfully entering and unlawfully being present in Seychelles	1
Unlawfully entering in Seychelles	1
Willfully interrupting the proceeding of the board	1
Trafficking in a controlled drug	1
<b>Total</b>	<b>29</b>

Source: Seychelles Prison Service.

**Reply to paragraph 41 (g) of the list of issues**

175. The volume of remittances received from Seychellois nationals working abroad is minimal/ negligible and the Central Bank of Seychelles currently does not have the complete data set for such.

**Reply to paragraph 41 (h) of the list of issues**

176. Please refer to statistics and information provided in response to question 15 in this report.

**Reply to paragraph 41 (i) of the list of issues**

177. As indicated previously, the court provides legal aid and interpreter at no cost to migrant workers and members of their families. Representatives from the Seychelles Embassy or its Honorary Consuls are in place to provide necessary consular assistance to Seychellois nationals working abroad. Assistance and advice can be provided in obtaining appropriate legal counsel. The Government also assists in the facilitation of the repatriation process.

**Reply to paragraph 42 of the list of issues**

178. The Foreign Affairs Department has set up an inter-ministerial human rights committee to monitor reporting status and obligations of human rights treaties and conventions signed by Seychelles, including the Convention on migrant workers and protection of their families.

179. Seychelles does not envisage during this reporting cycle to accept the declarations under Articles 76 and 77 of the Convention.

**Reply to paragraph 43 of the list of issues**

180. The common core document is not available for this reporting.

---