

# MEMORANDUM OF UNDERSTANDING

BETWEEN

**ANTI-CORRUPTION COMMISSION SEYCHELLES**

(Duly represented by the Deputy Commissioner of the Anti-Corruption Commission Seychelles)

AND

**CONSTITUTIONAL APPOINTMENTS AUTHORITY**

(Duly represented by the Chairman of the Constitutional Appointments Authority)

AND

**ELECTORAL COMMISSION**

(Duly represented by a Commissioner of the Electoral Commission)

AND

**INFORMATION COMMISSION**

(Duly represented by the Chief Information Commissioner of the Information Commission)

AND

**SEYCHELLES MEDIA COMMISSION**

(Duly represented by the Chief Executive Officer of the Media Commission)

AND

**OMBUDSMAN**

AND

**PUBLIC SERVICE APPEAL BOARD**

(Duly represented by the Chairman of the Public Service Appeal Board)

AND

**SEYCHELLES HUMAN RIGHTS COMMISSION**

(Duly represented by the Chairperson of the Seychelles Human Rights Commission)



## The Parties

**The Anti-Corruption Commission Seychelles (“ACCS”)**, is established under section 4 (1) of the Anti-Corruption Act, 2016, with the mandate to prevent, detect, investigate and prosecute corrupt practices;

**The Constitutional Appointments Authority** is established under article 139 (1) of the Constitution of the Republic of Seychelles (“the Constitution”), with the responsibility to:

1. Propose/Recommend candidates for appointments of Judicial Officers; other Constitutional Appointees; and other Appointees, to the President, as prescribed in the Constitution and any other law;
2. Consider complaints against constitutional appointees (Articles 134 and 165) of misbehavior or inability to perform which may warrant removal from office; and
3. Perform any other functions conferred upon it by the Constitution and any other law;

**The Electoral Commission** is established under article 115 (1) of the Constitution. Its functions/mandate set out under article 116 (1) of the Constitution, are that the Electoral Commission –

- (a) shall be responsible for the conduct and supervision of the registration of voters and of elections and referenda under this Constitution;
- (b) shall keep under continuous review the number and boundaries of the electoral areas into which Mahe and Praslin are divided having regard to article 112(3);
- (c) shall keep under continuous review the practices and working, including such matters as finance, broadcast and advertising, of political campaigns in respect of elections and referenda under this Constitution;
- (d) shall have such other functions as may be prescribed by or under this Constitution or an Act.
- (e) shall review existing legislation governing electoral matters and make recommendations to the Government;

**The Information Commission (“InfoCom”)** is established under section 36 (1) of the Access to Information Act, 2018, with the responsibility of fostering good governance through enhancing transparency, accountability, participation of persons in public service and better administration, including exposing corruption as envisaged in article 28 of the Constitution on the right of access to official information.

In addition, it has the authority for enforcing the Data Protection Act, 2023, for the protection of individuals with regard to the processing of personal data, to recognise the right to privacy

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envisaged in article 20 of the Constitution, to promote and facilitate responsible and transparent flow of information by private and public entities and to provide for other related matters;

**The Seychelles Media Commission** is established under section 3 (1) of the Seychelles Media Commission Act, 2010, with the responsibility of preserving the freedom of the media, improve and maintain high standards of journalism in Seychelles, to require publishers of newspapers, radio and television broadcasters, news agencies and journalists to respect the dignity, freedom from discrimination on any grounds except as are necessary in a democratic society, and to maintain high standards of integrity and good taste;

**The Office of the Ombudsman** is established under article 143 (1) of the Constitution, with the mandate to protect citizens against maladministration and to promote good administrative practices within the public service. In terms of Schedule 5 of the Constitution, the Ombudsman investigates actions and malpractices, including fraud and corruption, by public entities or officers in the exercise of an administrative function; processes human rights abuses; and initiates proceedings relating to the constitutionality of laws;

**The Public Service Appeal Board** is established under article 145 (1) of the Constitution with the responsibilities under article 146 (1) of the Constitution to hear complaints by persons aggrieved by—

- (a) an appointment made to an office;
- (b) a promotion to an office;
- (c) disciplinary proceedings taken in respect of an officer;
- (d) the termination of appointment of a person who was holding an office;
- (e) any decision relating to the qualification of a person who has applied for an office or is serving in an office,

in the public service;

And

**The Seychelles Human Rights Commission** which is established under section 3 (1) of the Seychelles Human Rights Commission Act, 2018, with the mandate to promote and protect human rights in Seychelles.

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## Preamble

The Parties:

RECOGNISING that the Constitution establishes Seychelles as a democratic Republic with a system of governance where all the powers of Government come from the will of the people through the Constitution;

RECOGNISING ALSO that the Constitution defines a democratic society as “a pluralistic society in which there is tolerance, proper regard for the fundamental human rights and freedoms and the rule of law and where there is a balance of power among the Executive, Legislature and Judiciary”;

ACKNOWLEDGING that the Constitution has established independent state institutions to monitor and maintain the integrity of the democratic system of governance;

ACKNOWLEDGING ALSO that the State through statute has established additional independent state institutions to monitor and maintain the integrity of the democratic system of governance;

HAVING CONSIDERED that currently there is no clearly set out formal framework or system in place for the effective and efficient cooperation, collaboration and coordination of these independent state institutions;

TAKING INTO ACCOUNT the commitment for integrity, good governance and human rights under Seychelles’ Second Open Government Partnership National Action Plan 2024 to 2025;

EMPHASISING the independence and autonomy of all the above mentioned independent state institutions and the paramount importance of safeguarding their individual independence and autonomy;

HEREBY AGREE to form a National Integrity Coalition as a platform under this Memorandum of Understanding (“MoU”) with the aim of strengthening and reinforcing the integrity of the democratic system of governance in Seychelles.

### Article 1 – Purpose

- 1) To the extent permitted by their respective laws, the Parties agree to form a National Integrity Coalition, as a platform, to strengthen and reinforce the integrity of the democratic system of governance in Seychelles.
- 2) This MoU, which is non-binding, sets forth the intention of the Parties in respect to the National Integrity Coalition Platform and provides guidelines for the operation of the same.

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## Article 2 – National Integrity Coalition Platform

1) The National Integrity Coalition will be a national platform from which independent state institutions may strengthen and reinforce the integrity of the democratic system of governance in Seychelles.

## Article 3 – Mechanisms for Facilitation

- 1) To the extent permitted by their respective laws, the Parties agree to the following scope for the Mechanisms of Facilitation under the Platform:
- (a) Strengthening of the Parties by facilitating cooperation, collaboration and coordination among the Parties to enhance their ability to perform their specific mandates in the most effective and efficient manner possible (Institutional Strengthening Mechanism);
  - (b) Developing a mechanism among the Parties and with the civil society to promote effective, efficient and meaningful engagement that can enable the Parties and the civil society to be better informed and increase their participation in the system of governance (Civil Society Engagement Mechanism); and
  - (c) Developing a mechanism among the Parties and the Government to promote meaningful engagement that can enable more effective and efficient maintenance of the integrity of the constitutional structure and systems of governance and a comprehensive review of the constitutional structure and systems (Government Engagement and Systemic Review Mechanism).
- 2) Upon execution of this MoU the Parties will agree upon the framework(s) for the Institutional Strengthening Mechanism, Civil Society Engagement Mechanism, and the Government Engagement and Systemic Review Mechanism.

## Article 4 – Meetings and Procedures

- 1) The Parties, where necessary for implementation of this MoU, will convene meetings at times and places agreed to by the Parties.
- 2) Upon execution of this MoU the Parties will agree upon procedures for the meetings held under this MoU.

## Article 5 – Representatives

- 1) The Parties to this MoU will be represented by persons nominated by each respective Party in writing.
- 2) The nominated persons will represent the respective party under this MoU for a period of two (2) years.
- 3) A Party may change its nominated representatives by providing written notice to the Parties.

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### **Article 6 – Other Independent State Institutions**

- 1) An independent state institution which is not a party to this MoU may become a party to this MoU by written request to the Parties.
- 2) An independent state institution, for the purposes of this MoU, is an independent state institution that is established by law.
- 3) An independent state institution, which is not a party to this MoU, may participate in the work under this MoU on an ad hoc basis at the invitation of the Parties or through a written request to the Parties.

### **Article 7 – Confidentiality**

- 1) To the extent permitted by their respective laws:
  - (a) The Parties will ensure the confidentiality of any information provided under this MoU and will not disclose it to any third party without the prior written consent of the Party which provided the information;
  - (b) Any privileged information or document obtained under this MoU will be used for the purpose relevant to the Purpose of this MoU; and
  - (c) Any information or document obtained under this MoU will not be used for any purpose other than as described in the request without prior written consent of the disclosing Party.

### **Article 8 – Dispute Settlement**

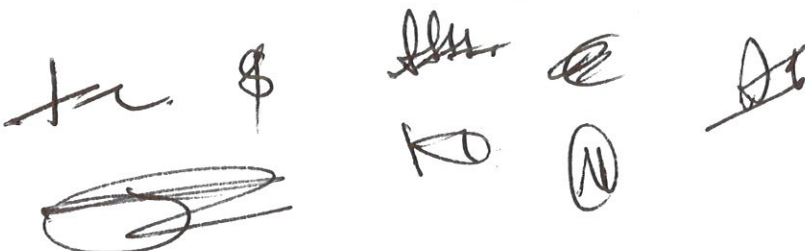
- 1) The Parties will endeavour to amicably resolve any dispute or conflict arising out of the interpretation or implementation of this MoU by consultation or negotiation.

### **Article 9 – Amendments to this MoU**

- 1) Any Party may request changes to this MoU. Any changes, modifications, revisions or amendments to this MoU which are mutually agreed upon by and among the Parties of this MoU will be incorporated by written instrument, and effective when executed and signed by the Parties to this MoU.

### **Article 10 – Term, Withdrawal, and Termination**

- 1) This MoU will become effective upon the day and date it is signed and executed by the duly authorised representatives of the Parties and will be reviewed after a period of two (2) years.
- 2) Any Party may withdraw from this MoU at any time by informing the other Parties in writing of its intention to withdraw from this MoU. The withdrawing Party will stand

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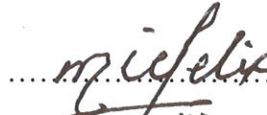
withdrawn from this MoU thirty (30) days after the receipt of such notification by the other Parties.

3) This MoU may be terminated by consent of the Parties in writing.

**This Memorandum of Understanding** is signed on this 1<sup>st</sup> day of March 2024, in eight (8) duplicate copies, by the duly authorised representatives of the Parties below.



.....  
**Mr. Denis Joubert**  
**Deputy Commissioner**  
**Anti-Corruption Commission Seychelles**




.....  
**Mr. Michel Felix**  
**Chairman**  
**Constitutional Appointments Authority**



.....  
**Mr. Patrick Hoareau**  
**Commissioner**  
**Electoral Commission**



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**Ms. Mumtaz Hasan**  
**Chief Information Commissioner**  
**Information Commission**



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**Mr. Ibrahim Afif**  
**Chief Executive Officer**  
**Seychelles Media Commission**



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**Mrs. Nichole Tirant-Gherardi**  
**Ombudsman**



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**Mr. Bryan Julie**  
**Chairman**  
**Public Service Appeal Board**



.....  
**Justice Bernardin Renaud (Retired)**  
**Chairperson**  
**Seychelles Human Rights Commission**