

SEYCHELLES 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Seychelles is a multiparty republic governed by a president, a council of ministers, and a National Assembly. In elections held in May 2011, voters reelected President James Michel. International observers deemed the process credible, although local observers cited unfair campaign practices and called for electoral reforms. The president and the Parti Lepep, formerly the Seychelles People's Progressive Front, dominated the country through political patronage and control over government jobs, contracts, and resources. Security forces reported to civilian authorities.

The most significant human rights problems in the country included police brutality, restrictions on freedom of press and assembly, and denial of worker rights, particularly those of foreign workers.

Other human rights problems included prison overcrowding; prolonged pretrial detention; an inefficient judiciary; restrictions on freedom of speech and association; corruption; violence against women and children; trafficking in persons; and forced labor.

The government took steps to punish officials who committed abuses, whether in the security services or elsewhere in the government; however, impunity existed.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices, but there were reports in an opposition newspaper that police and prison officers beat and abused persons, including detainees, to force confessions.

On September 1, an off-duty soldier was admitted to the hospital with a torn scalp, lacerations, and facial bruising, allegedly from a beating by Nepalese Gurkhas hired on contract by the police force. A special government panel of inquiry determined that the victim recanted his testimony of police abuse and had fallen down without police involvement; however, the inquiry was not open or transparent, and the victim's actual testimony was never heard.

At least one demonstrator was beaten and arbitrarily arrested during the year (see section 2.b.).

Prison and Detention Center Conditions

Prison conditions did not meet international standards, notably regarding overcrowding and sanitation.

Physical Conditions: As of October 30, there were 628 prisoners and detainees, consisting of 600 men and 28 women. Pretrial detainees and convicted prisoners were held together. Montagne Posee Prison, the country's main prison, was overcrowded and did not meet international standards. Access to sufficient potable water remained a problem. Sanitation and hygiene were poor, although a part-time doctor and nurse were available to provide medical treatment and oversee dietary needs. Little information was available on conditions at remote prison facilities on Coetivy Island and Marie Louise Island. Prisoners on Coetivy Island were low-risk inmates who reportedly volunteered for the transfer and worked on construction projects as a form of rehabilitation. The prison on Marie Louise Island reportedly held only convicted drug traffickers.

There were no prisoner deaths during the year.

Administration: Authorities did not use alternatives to sentencing for nonviolent offenders, and no steps were taken during the year to improve recordkeeping. An ombudsman may make recommendations to the National Assembly and the president to improve conditions for prisoners and detainees, although the ombudsman has no power to enforce such recommendations. The ombudsman generally issues an annual report that includes complaints of and investigations into cases of human rights abuse and corruption. According to the 2010-11 annual

report, 25 complaints alleging human rights abuses were filed, of which 21 were retained for further investigation and four were dismissed for having no merit.

Authorities allowed prisoners and detainees access to visitors and permitted religious observance. Prison authorities also provided Muslim Somali pirates being held in Montagne Posee Prison with access to imams and permitted daily prayers and other religious observances, such as Ramadan. Prison authorities allowed prisoners and detainees to submit complaints to appropriate authorities and request investigation of credible allegations of inhumane conditions. The government investigated on a case-by-case basis and monitored prison conditions regularly.

In partnership with the UN Office on Drugs and Crime (UNODC), the government provided training for prison guards in tradecraft, leadership, fire safety, and emergency response.

Monitoring: The government generally permitted independent monitoring of prison conditions by local and international human rights groups. The International Committee of the Red Cross held discussions with government authorities but made no requests for prison visits.

Improvements: On June 7, the government initiated a four-year plan to improve prison facilities and prisoner welfare. During the year the government completed a new prison building with recreational facilities, funded by the UNODC, at Montagne Posee. Prison authorities also began providing vocational activities at that facility. New prison facilities also were opened on Coetivy and Marie Louise islands.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions, but individuals posted allegations on social media sites of arbitrary arrest and detention.

Role of the Police and Security Apparatus

The president controls the security apparatus, which includes the Seychelles People's Defense Forces (SPDF), Presidential Protection Unit, Coast Guard, and police. The police commissioner, who reports directly to the minister for home affairs and transport, commands the unarmed police and the armed paramilitary

Police Seychelles Support Unit, which together have primary responsibility for internal security. When necessary, the SPDF assisted police on matters of internal security. During the year the police force contracted with Nepalese Gurkhas to accept positions as security officers to support the work of the local police force.

Security forces were effective, although impunity was a problem. Police brutality and corruption, particularly the solicitation of bribes, occurred.

Authorities rarely used the Enquiry Board, a police complaint office. In practice private attorneys filed complaints with the police or published them in opposition party newspapers such as *Le Seychellois Hebdo* and *Le Nouveau Seychelles Weekly*.

Although human rights were included as a core precept in officer training, such training was limited.

Arrest Procedures and Treatment While in Detention

The law requires warrants, except for persons being arrested under the Misuse of Drugs Act, which allows police and agents of the national Drug Enforcement Agency to arrest and detain persons without warrant. The law provides for detention without charge for up to 14 days if authorized by court order. Persons arrested must be brought before a magistrate within 24 hours, with allowances for boat travel from distant islands, although police did not always respect this requirement. The law provides that detainees be promptly notified of charges against them and be allowed prompt access to family members, although authorities did not always respect these rights. Detainees have the right to legal counsel, and indigents generally received free counsel. Courts accepted bail in most cases.

Pretrial Detention: The constitution provides that remand (pretrial) prisoners be released after six months of detention if their cases have not been heard within that period; however, prolonged pretrial detention was a problem. Prisoners sometimes waited more than three years for trial or sentencing due to case backlogs. Approximately 24 percent of the prison population consisted of pretrial detainees.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the judiciary was generally independent and impartial. However, court processes were

inefficient, and both civil and criminal court cases generally lasted years. Authorities did not always respect court orders.

Two Supreme Court judges, two appeals court judges, and four magistrate court judges were citizens by birth. All other justices were either naturalized citizens or citizens of other Commonwealth countries. Judges were generally impartial. According to Freedom House, however, there were reports that the executive branch interfered in the recruitment of foreign justices, who sometimes were hesitant to rule against the executive branch for fear of losing their jobs.

During the year the chief justice, who was appointed in 2009, continued efforts to increase judicial efficiency by increasing the number of judges, introducing alternative dispute resolution techniques, and automating judicial records.

An 18-member, part-time family tribunal heard and decided all matters relating to access, care, custody and maintenance of children, domestic violence, family disputes, and other family related cases. Most members of the tribunal were not legally trained and were affiliated with the Parti Lepep.

Trial Procedures

Defendants have the right to a fair public trial, are considered innocent until proven guilty, and have the right to be present at their trials and to appeal. Defendants have the right to be informed promptly and in detail of the charges against them. Only cases involving murder or treason used juries. The constitution makes provision for defendants to present evidence and witnesses and to cross-examine witnesses in court. Defendants have the right to access government-held evidence; however, in practice, such requests were often delayed. The law provides the right of defendants to consult with an attorney of choice or to have one provided at public expense in a timely manner and to be provided adequate time and facilities to do so. These rights were enjoyed equally by all citizens.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The constitution and law provide for an independent and impartial judiciary in civil matters; however, case backlogs impeded judicial efficiency. The UNODC funded

prosecutors to decrease the backlog in the Attorney General's Office. The National Human Rights Commission, which investigates allegations of human rights abuse, recommended cases for prosecution as well as for out-of-court settlements (see section 5).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice. However, widespread suspicion of government monitoring of private communications without legal process intensified during the year.

On December 4, opposition members attending a funeral of the child of New Democratic Party leader Ralph Volcere reported that an agent of the National Drugs Enforcement Agency monitored and took notes on those in attendance, actions the members considered intimidating.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press; however, the government did not respect these rights in practice. The government monopolized radio and television and used strict libel laws to intimidate and harass independent journalists. Journalists practiced self-censorship.

Freedom of Speech: Individuals who criticized the government publicly or privately sometimes suffered reprisals, such as harassment by police or the loss of jobs or contracts.

Freedom of Press: The government operated a daily newspaper, and there were two privately owned daily newspapers and three political party weeklies.

The government owned the only television station and all radio stations. The law allows for independent radio and television, and the government granted licenses for two independent radio stations during the year.

Violence and Harassment: On July 10, police confiscated the camera of the editor of opposition newspaper, *Le Seychellois Hebdo*, and deleted photos he had taken while reporting on an antinarcotics operation in Mont Fleuri.

In October a court convicted *Le Nouveau Seychelles Weekly* chief editor Ralph Volcere of contempt and sentenced him to “delivering an apology” to an Appeals Court judge. In December 2011 Volcere had been arrested and charged with contempt of court for allegedly discrediting the judge in a December 2011 newspaper article.

Censorship or Content Restrictions: The law allows the minister of information technology to prohibit the broadcast of any material believed to be against the “national interest” or “objectionable.” The law also requires telecommunications companies to submit subscriber information to the government. The law was not enforced during the year.

Libel Laws/National Security: The law provides restrictions “for protecting the reputation, rights, and freedoms of private lives of persons” and “in the interest of defense, public safety, public order, public morality, or public health.” As a result civil lawsuits could be filed to penalize journalists for alleged libel.

The Media Commission, a media regulatory body created in 2010, had as members media professionals widely viewed to be ruling party supporters.

Internet Freedom

Opposition activists claimed that the government blocked access to their party Web sites. There also were reports that the government monitored e-mail and Internet chat rooms.

For example, on September 5, police arrested and detained Micheal Sabadin, a popular blogger on a social network site, after he posted pictures of a young soldier allegedly beaten by Nepalese contract law enforcement officers (see section 1. c.). Sabadin, who was also arrested in 2010 for his comments on a social network site, was released without charge.

According to 2011 International Telecommunication Union statistics, 43 percent of the population used the Internet.

Academic Freedom and Cultural Events

Opposition activists claimed that the government limited academic freedom by not allowing educators to reach senior positions in the academic bureaucracy without

demonstrating at least nominal loyalty to the Parti Lepep. The government controlled faculty appointments to the Polytechnic, the University of Seychelles, and boards of educational institutions.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly; however, the government did not always respect this right in practice.

For example, on May 4, police arrested, beat, and charged a lone protestor with “acting in a manner to cause a breach of the peace” after he stood by the clock tower in Victoria with a placard protesting the government’s ineffectual response to drug dealing in his neighborhood.

On December 10, the Ministry of Labor issued a notice in the government-owned daily *Seychelles NATION* warning workers that they were not allowed to gather in public places to protest. The warning followed several demonstrations by foreign construction workers protesting denial of worker rights (see section 7.d.).

Freedom of Association

The constitution and law provide for freedom of association; however, civil servants allegedly refrained from participating in opposition party activities for fear of political reprisal.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation. The government generally respected these rights in practice.

Foreign Travel: The law allows the government to deny passports to any citizen if the minister of defense finds that such denial is “in the national interest,” but the law was not invoked during the year.

Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. However, the country is a party to the 1951 Convention Relating to the Status of Refugees and cooperated with the UN High Commissioner for Refugees (UNHCR), which monitored and assisted refugees in the country through a Memorandum of Understanding with the UN Development Program. According to the UNHCR, the country hosted approximately 40 recognized refugees.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: In presidential elections held in May 2011, voters reelected incumbent president and ruling Parti Lepep candidate James Michel to a third term. Michel received 55percent of the vote, while opposition Seychelles National Party (SNP) candidate Wavel Ramkalawan received 41percent. International observers deemed the process credible, although they cited allegations of unfair campaign practices. The Francophonie Observer Group, the Commonwealth Expert Team, and the Southern African Development Community called for electoral reforms, such as a cap on campaign spending, a credible and accurate voters’ register, and restrictions on the use of state resources. As in previous elections, the government did not allow the Center for Rights and Development (CEFRAD) and other local nongovernmental organizations (NGOs) to monitor the 2011 presidential election, although the government allowed local NGOs to monitor legislative elections five months later.

In National Assembly elections held in September and October 2011, the Parti Lepep won all seats due to an opposition boycott of the elections. The newly formed Popular Democratic Party won a proportional representation seat in the

National Assembly following a Constitutional Court and Court of Appeals battle. Both the SNP and New Democratic Party opted out of the election, charging that the ruling party obstructed their activities, particularly in the National Assembly. Despite the boycott international observers found the election credible and transparent. Citizens Democracy Watch, the first domestic observer group allowed to monitor an election, expressed concern about “the sudden dissolution of the National Assembly; the use of state funds and resources during the election period; intimidation of candidates and activists; media coverage of events during the cooling-off period; and nonadherence to rules and procedures agreed upon during campaigning.”

The government did not allow prisoners awaiting trial to vote in the legislative elections, despite a July 12 Constitutional Court ruling that provided them the right to vote.

Political Parties: The Parti Lepep assumed power in a 1977 coup and continued to dominate the country through a pervasive system of political patronage and control over government jobs, contracts, and resources.

Opposition parties claimed that they operated under restrictions and outside interference. When it had members in the National Assembly, the SNP claimed that dissent was sometimes penalized. SNP members who walked out of the assembly in protest, for example, lost their “sitting fee,” the equivalent to a day’s salary. The speaker sometimes ordered individual opposition members to leave the chamber if debate tactics became contentious. Some opposition members claimed that they lost their government jobs because of their political affiliation and were at a disadvantage when applying for government licenses and loans.

Participation of Women and Minorities: There were 14 women in the 32-seat National Assembly, 11 elected directly and three appointed by proportional representation. Three of the 13 cabinet members were women.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, but the government did not always implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. The World Bank’s most recent Worldwide Governance Indicators reflected that corruption was a problem.

Police corruption remained a problem.

The ombudsman has legal authority to investigate and report on allegations of official fraud and corruption; however, no cases were reported or investigated during the year.

Although public officials and citizens serving on boards were subject to financial disclosure laws upon taking office, they did not always comply.

There are laws allowing public access to government information, but the government did not comply with them. Citizens generally had no access to such information.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A small number of international human rights NGOs and three domestic human rights groups--CEFRAD, Association of Concerned Citizens of Seychelles, and Friends of Prison--generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to the views of international NGOs. With the exception of Friends of Prison--which provided a platform for prisoners' families to register their concerns--the government was less cooperative with local NGOs, which it perceived as aligned with the opposition.

Government Human Rights Bodies: The National Human Rights Commission (NHRC) is mandated to investigate allegations of human rights abuse, including those committed by members of law enforcement agencies. The NHRC operated without government or party interference and had adequate resources; however, the public perceived the NHRC as aligned with the government and rarely used it.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law affirm the right to be free from all types of discrimination but do not prohibit discrimination based on specific factors. In practice there was no overt discrimination in housing, employment, education, or other social services based on race, gender, ethnicity, nationality, or disability; however, there were anecdotal reports that discrimination based on political membership occurred.

Women

Rape and Domestic Violence: Rape, spousal rape, and domestic abuse are criminal offenses punishable by a maximum of 20 years' imprisonment; however, rape was a problem, and the government did not enforce the law effectively. The police registered 11 sexual assault cases for the year, although most rape cases went unreported due to fear of reprisal or social stigma. No information was available on the number of sexual assault cases prosecuted during the year.

Domestic violence against women was a problem. Police rarely intervened in a domestic dispute unless it involved a weapon or major assault. Authorities often dismissed the few cases that reached a prosecutor; in the few cases that continued, the court generally ordered light sentences for perpetrators.

The Social Affairs Division of the Ministry of Social Development and Culture and the Women in Action and Solidarity Organization (WASO), a local NGO, provided counseling services to victims of rape and domestic violence.

Sexual Harassment: The law prohibits sexual harassment, but enforcement was rare. The penal code provides no penalty for sexual harassment, although the court can order a person accused of such conduct to "keep a bond of peace," which allows the court to assess a fine if the harasser fails to cease the harassment.

Reproductive Rights: The government recognized the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. The government permitted health clinics and local health NGOs to operate freely in disseminating information on family planning under the guidance of the Ministry of Health. There were no restrictions on the right to access contraceptives, but few couples reportedly used these measures. The government provided free childbirth services, although women traditionally preferred using nurses or midwives during childbirth and for prenatal and postnatal care unless the mother or child suffered serious health complications. Men and women received equal access to diagnosis and treatment for sexually transmitted infections. There were no legal, social, cultural, or other barriers that limited access to these services.

Discrimination: Women generally enjoyed the same rights as men, and the society was largely matriarchal. Unwed mothers were the societal norm, and the law requires fathers to support their children. There was no officially sanctioned discrimination in employment, and women were well represented in business. There was no economic discrimination against women in employment, access to credit, equal pay for equal work, or owning or managing a business. Inheritance laws do not discriminate against women.

Children

Birth Registration: Citizenship is derived by birth in the country or from parents, and births were generally registered immediately. Failure to do so, however, did not result in denial of public services.

Education: The law requires children to attend school through grade 10 and made free public education available through the secondary level until age 18.

Child Abuse: The law prohibits physical abuse of children, but child abuse was a problem. According to government social workers, sexual abuse of children, usually perpetrated by stepfathers and older brothers, occurred. According to WASO, most rapes of girls under age 15 went unreported for fear of reprisal or social stigma. Authorities prosecuted few child abuse cases in court due to lack of efficient working relations between government agencies. The strongest public advocate for young victims was a semiautonomous agency, the National Council for Children.

Child Marriage: The minimum age for marriage is 15, with parental consent; however, child marriage was not a problem. Girls were allowed to attend school while pregnant, and many returned to school after giving birth.

Sexual Exploitation of Children: The law criminalizes the prostitution and sexual exploitation of children and specifically prohibits the procurement, recruitment, or exploitation of girls under age 21 for the purposes of prostitution. The law also prohibits the procurement or detainment of any girl against her will with the intent to engage in sexual conduct or for the purposes of prostitution. The law does not protect boys from commercial sexual exploitation to the same extent as girls. The law provides for a minimum 14 years' imprisonment for the first conviction of sexual assault on a person under age 15 and 28 years' imprisonment for a second conviction. There were reports of commercial sexual exploitation of children, although no complaints were filed with the police, and no abusers were prosecuted during the year. No cases of child pornography, which is illegal, were reported during the year.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

The Jewish community numbered fewer than 10 persons. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

Although the constitution and law provide for the right of persons with disabilities to special protection, including reasonable provisions for improving quality of life, no laws provide for access to public buildings, transportation, or state services; and the government did not provide such services. There was discrimination against persons with disabilities. For example, there were reports that some employers did not pay their employees with disabilities if the latter were already receiving disability social aid. Most children with disabilities attended specialized schools. The National Council for Disabled, a government agency under the Ministry of Community Development and Social Affairs and Sports, developed work placement programs for persons with disabilities, although few employment opportunities existed.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Consensual same-sex activity between men is punishable by 14 years' imprisonment; however, the law was not enforced. There were no reports of discrimination against gay men and lesbians; however, stigma was likely a factor preventing incidents of abuse from being reported.

Other Societal Violence or Discrimination

There were no reports of violence or discrimination against persons with HIV/AIDS. Nevertheless, government policies require a foreign citizen marrying a Seychellois to undergo an HIV test. If the test is positive, the couple will be refused the right to marry in the country. Citizens applying for loans and life insurance are also required to undergo an HIV test.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows all workers--excluding police, military, prison, and firefighting personnel--to form and join independent unions and to bargain collectively. Strikes are illegal unless arbitration procedures are first exhausted. The legislation requires that two-thirds of union members need to vote for a strike in a meeting specifically called to discuss the strike, and provides the government with the right to call for a 60-day cooling off period before a strike starts. Anyone found guilty of calling for an illegal strike can be fined 5,000 rupees (\$383) and up to six months' imprisonment. The law provides discretionary powers to the registrar to refuse the registration of unions; however, the legislation was not used during the year. The law prohibits antiunion discrimination, but is silent regarding the rights of foreign or migrant workers to join a union. The government has the right to review and approve all collective bargaining agreements in the public and private sectors. The law also imposes compulsory arbitration in all cases where negotiating parties do not reach an agreement through collective bargaining. In the Seychelles International Trade Zone (SITZ), the country's export processing zone, the government did not require adherence to all labor, property, tax, business, or immigration laws. The Seychelles Trade Zone Act supersedes many legal provisions of the labor, property, tax, business, and immigration laws.

The government did not always respect rights to union participation and collective bargaining or effectively enforce applicable laws. Between 15 and 20 percent of the workforce was unionized. Collective bargaining rarely occurred. In the public sector, which employed more than 50 percent of the labor force, the government set mandatory wage rates for employees. The Ministry of Finance, Trade, and Investment determined the minimum wage rate for the private sector; however, employers generally set wages through individual agreements with the employee.

Although the law prohibits antiunion discrimination, there were unofficial reports that such discrimination occurred.

The law authorizes the Ministry of Labor and Human Resource Development to establish and enforce employment terms, conditions, and benefits, and in practice workers frequently obtained recourse against their employers through the ministry or the Employment Tribunal.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, there were reports that such practices occurred in the fishing and construction sectors.

For example, on August 25, local media reported that 18 Bangladeshi workers filed allegations of abuse by their employer, D&C construction. Complaints included detention, threats of deportation, denial of food, and nonpayment of wages for more than three months. During the year Indian workers made similar complaints about a Chinese company.

c. Prohibition of Child Labor and Minimum Age for Employment

The law states that the minimum age for employment is 15, “subject to exceptions for children who are employed part time in light work prescribed by law without harm to their health, morals, or education.” It is otherwise a criminal offense punishable by a fine of 6,000 rupees (\$460) to employ a child under age 15. The law does not specifically prohibit children from engaging in hazardous work or provide a comprehensive list of hazardous work prohibited to minors.

In practice the government adhered to these requirements, and the Ministry of Labor and Human Resource Development effectively enforced child labor laws. The ministry handled such complaints within its general budget and staffing and did not report any case requiring investigation. No children were reported to be working in the fishing, tourism, agricultural, boat-building, or processing industries. Five ministry inspectors conducted regular checks to ensure that children were actually attending school. No cases involving the worst forms of child labor were reported during the year (see section 6, Children).

Also see the Department of Labor’s findings on the *Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

There is no official private sector minimum wage. The government encouraged but did not require the private sector to grant the minimum public sector wage. The minimum wage was 22.80 rupees (\$1.75) per hour. Private employers generally paid higher wages than the government to attract and retain qualified workers.

The legal maximum workweek varied from 45 to 55 hours, depending on the economic sector. Regulations entitled each full-time worker to a one-hour break

per day and a minimum of 21 days of paid annual leave. Regulations permitted workers to work overtime up to 60 additional hours per month. The law requires premium pay for overtime work.

The Ministry of Health has responsibility for drafting the government's comprehensive occupational health and safety regulations. The law allows workers to remove themselves from dangerous or unhealthy work situations, report the employer to the Health and Safety Commission of the Department of Employment, and seek compensation without jeopardizing their employment. Foreign workers are not covered by these laws.

The government generally supported these standards but did not effectively enforce them in all sectors. Safety and health inspectors rarely visited job sites.

Foreign workers--mainly employed in the construction and commercial fishing sectors--enjoyed the same legal protections as citizens, even though they are not specifically identified in the labor law. However, companies in the SITZ sometimes paid foreign workers lower wages, delayed payment of their salaries, forced them to work longer hours, and provided them with inadequate housing, resulting in substandard conditions.

On June 26, the *Today in Seychelles* daily newspaper reported that 92 Indian workers filed a complaint with the Ministry of Labor against their employer, Trojan General Contractor LLC, for nonpayment of salary on a timely basis. The ministry initiated legal action against the company.

There were 79 cases of occupational accidents, which occurred most frequently in the construction, marine, and port industries.