

SEYCHELLES

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1 Population indicators

1.1 What is the total population of Seychelles?

According to the World Bank data, the Republic of Seychelles has almost 98 000 inhabitants, three-quarters of whom live on the main island of Mahé.¹

1.2 Describe the methodology used to obtain the statistical data on the prevalence of disability in Seychelles. What criteria are used to determine who falls within the class of persons with disabilities in the Seychelles?

In the Seychelles, the National Council for Disabled Persons Act of 28 March 1994 provides for the promotion and protection of disabled persons. This act considers a 'disabled person' as a person suffering from a physical or mental disability on account of injury, disease, or congenital deformity.

1.3 What is the total number and percentage of people with disabilities in the Seychelles?

With regards to the percentage of people with disabilities in Seychelles, it was reported that they comprise about 3 per cent of the population in the country. The census of 2010 identified 2 169 people above the age of five with characteristics of various type of disabilities.²

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1 The World Bank in Seychelles <https://www.worldbank.org/en/country/seychelles/overview> (accessed 10 March 2022).

2 Seychelles: Initial State Party report to the Committee on the Rights of Persons with Disabilities (2015) <https://www.mindbank.info/item/6621> (accessed 30 May 2022). See also SAF Ocean Indien <https://www.safocanindien.org/les-personnes-handicapees-representent-environ-3-de-la-population-des-seychelles/> (accessed 8 November 2021).

1.5 What is the total number and percentage of women with disabilities in the Seychelles?

This information is not available.

1.6 What is the total number and percentage of children with disabilities in the Seychelles?

This information is not available.

1.5 What are the most prevalent forms of disability and/or peculiarities to disability in the Seychelles?

The answer to this question is not clear. Nonetheless it is worth noting that in January 2011 when the population of the Seychelles was estimated at 88 300 inhabitants, the number of deaf or hard of hearing people was about 600, all ages and types of deafness included.³ Back in 1981, during the International Year of the Disabled, a survey was undertaken to identify all disabled people in the country. A total of 2 908 persons were registered as disabled in this survey. In 1991 a different survey was conducted and found that the total was 732. In 1996 another survey was carried out with 1 496 people recorded. With regards to disability, it emerged that the disabled population was organised into five categories including physical, mental/intellectual impairments and/or sensory impairments (hearing, speech and vision). Out of the 1 496 people registered, an important proportion appeared to have more than one disability.⁴

2 The Seychelles' international obligations

2.1 What is the status of the United Nation's Convention on the Rights of People with Disabilities (CRPD) in the Seychelles? Did the Seychelles sign and ratify the CRPD? Provide the date(s).

The United Nation's Convention on the Rights of People with Disabilities (CRPD) in the Seychelles is not part of the domestic legislation. The Republic of Seychelles has signed the CRPD on 30 March 2007 and ratified same on 2 October 2009.

2.2 If the Seychelles has signed and ratified the CRPD, when is/was its country report due? Which government department is responsible for the submission of the report? Did Seychelles submit its report? If so, and if the report has been considered, indicate if there was a domestic effect

3 Langue des signes et administration de la justice : le cas des Seychelles. <https://www.cairn.info/revue-ela-2016-3-page-343.htm#no199> (accessed 10 March 2022).

4 'Disability in Seychelles and the National Council for the Disabled: Moving Towards Inclusion and Opportunities' *Seychelles Nation* 12 July 2008 <https://www.nation.sc/archive/220152/disability-in-seychelles-and-the-national-council-for-the-disabled-moving-towards-inclusion-and-opportunities>. (accessed 10 March 2022).

of this reporting process. If not, what reasons does the relevant government department give for the delay?

According to section 35 of the CRPD, the Republic of Seychelles had to submit its initial report within two years, that was on 2 October 2011 given that the country ratified the CRPD on 2 October 2009. Instead, the Seychelles submitted its initial report to the CRPD in 2015. The government department in charge of submitting the report is the Ministry of Social Affairs and Family Affairs.

2.3 While reporting under various other United Nations' instruments, or under the African Charter on Human and Peoples' Rights, or the African Charter on the Rights and Welfare of the Child, did Seychelles also report specifically on the rights of persons with disabilities in its most recent reports? If so, were relevant concluding observations adopted? If relevant, were these observations given effect to? Was mention made of disability rights in your state's UN Universal Periodic Review (UPR)? If so, what was the effect of these observations/recommendations?

Indeed, in its third country report 2006-2019 to the Protocol to the African Charter on Human and Peoples' Rights of Women in Africa, the Seychelles made reference to the rights of persons with disabilities. On this account, the Employment Act of 1995 emphasised the consequences that may result in cases where the employer makes any employment decision such as termination of contract, disciplinary measure based on the worker's age, gender, race, colour, nationality, language, religion and disability among others.⁵ On the other hand, mention was made of disability rights in the Seychelles in the State's UN Universal Periodic Review (UPR). During the 38th session of the Working Group on the Universal Periodic Review held from 3 March to 14 March 2021, the government in Seychelles reported specifically on the rights of persons with disabilities. Under paragraph D entitled 'Persons with disabilities' reference is made about the National Strategic Framework for Disability that has been finalised; a strategic framework that revolves around the theme of 'leaving no one behind'. In the same vein, the same report portrays the extent to which provisions are made for the effective integration of children with disabilities under the special education programme. In doing so, it allows for the provision of educational programmes for students at compulsory school age who by reason of intellectual, communicative, behavioural, and physical or multiple exceptionalities, are in need of special education. To implement this particular measure, a Special Education Needs (SEN) Unit was reinstated with one Principal Education Officer for Special Needs and two Senior Education Officers.⁶ It is worth noting that in Seychelles, the government has initiated the relevant steps to further assist persons with disabilities through programmes and structures including support services provided to children, family members, health and social services professionals; the provision of psychologists, counsellors, personal support to students with visual impairments in mainstream and special education centres; and access arrangements for students during national and international exams.⁷

5 African Commission on Human and Peoples' Rights, Seychelles: 3rd Periodic Report, 2006-2019 <https://www.achpr.org/states/statereport?id=137> (accessed 10 March 2022).

6 Human Rights Council, Working Group on the Universal Periodic Review, Thirty-eighth session, 3-14 May 2021. National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21* Seychelles, 11 March 2021, UN Doc A/HRC/WG.6/38/SYC/1 (2021) <https://www.ohchr.org/en/hr-bodies/upr/sc-index> (accessed 10 March 2022).

7 As above.

In terms of observations, the Committee on the Rights of Persons with Disabilities raised issues about the delays in the review, repeal and amendment of existing domestic legislation that was contrary to the Convention on the Rights of Persons with Disabilities and lack of a specific act or resolution for the domestication of the Convention. It went on to recommend to the government of Seychelles to expedite efforts to review all legislation and policies to harmonise them with the Convention, to promote a human rights model for disability and discard the use of all derogatory language in laws and when referring to persons with disabilities; the Committee further recommended to the government to amend the National Council for Disabled Persons Act (1994) to ensure that disabled persons through their representative organisations, were included at all levels of legislative and policy formulation.⁸ The effect of these observations/recommendations place the state in front of its responsibilities in terms of the promotion and protection of the rights of persons with disabilities. It is in light of such recommendations that relevant steps have been initiated by Seychelles, notably the completion of the National Strategic Framework for Disability that leaves no one behind as well as reforms in education and other sectors.

2.4 Was there any domestic effect on Seychelles' legal system after ratifying the international or regional instrument in 2.3 above? Does the international or regional instrument that had been ratified require Seychelles' legislature to incorporate it into the legal system before the instrument can have force in Seychelles' domestic law? Have the courts of Seychelles ever considered this question? If so, cite the case(s).

Seychelles ratified the African Charter on Human and Peoples' rights on 13 April 1992. Since then the key effect is that the country is a state party to the African Charter. With regards to international agreements ratified by Seychelles, section 64(4) of the Constitution of Seychelles of 1993 provides that 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 is ratified by an Act or a resolution passed by the votes of a majority of the members of the National Assembly. The subsequent paragraph reads that clause (4) shall not apply where a written law confers upon the President the authority to execute or authorise the execution of any treaty, agreement, or convention. One can assume that the ratification of the African Charter in 1992 implies the incorporation of this treaty within the body of the domestic law; even though it is not clear which authority completed such ratification.

With regard to the question as to whether the courts of Seychelles ever considered this question, no information is available.

2.5 With reference to 2.4 above, has the United Nations' CRPD or any other ratified international instrument been domesticated? Provide details.

It is difficult to say whether the United Nations' CRPD or any other ratified international instrument has been domesticated by Seychelles. The reason is that so far, the key document dealing with the rights of persons with disabilities remains the National Council for Disabled Persons Act of 28 March 1994 relating to the promotion and protection of disabled persons. This Act was enacted prior to the

8 As above.

United Nations' CRPD and therefore it is unlikely that the Act complies with the principles of the CRPD.

3 Constitution

3.1 Does the Constitution of the Seychelles contain provisions that directly address disability? If so, list the provisions and explain how each provision addresses disability.

Indeed, the Constitution of the Seychelles contain provisions that directly address disability. Under the paragraph entitled 'State support for the disabled' section 36 read as follows:

The State recognises the right of the aged and the disabled to special protection and with a view to ensuring the effective exercise of this right undertakes –

- a. to make reasonable provision for improving the quality of life and for the welfare and maintenance of the aged and disabled;
- b. to promote programmes specifically aimed at achieving the greatest possible development of the disabled.

This provision confirms the extent to which a particular category of groups especially the elderly and the disabled can be vulnerable. To prevent such vulnerability, the state commits to provide them with special protection not only when it comes to the quality of their life but also through the implementation of policies and programmes that will enable their full development.

3.2 Does the Constitution of the Seychelles contain provisions that indirectly address disability? If so, list the provisions and explain how each provision indirectly addresses disability.

It can be said that the Constitution of the Seychelles contains provisions that indirectly address disability. Section 27 provides 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 without discrimination on any ground except as is necessary in a democratic society. The expression 'every person' means that the equal protection of the law is applicable to all irrespective of the status, sex, language, religion or disability.

4 Legislation

4.1 Does the Seychelles have legislation that directly addresses issues relating to disability? If so, list the legislation and explain how the legislation addresses disability.

As previously mentioned, the key document framing issues of disability in the country is the National Council for Disabled Persons Act of 28 March 1994. This legislation was designed solely for the promotion and protection of disabled

persons. It considers a 'disabled person' as a person suffering from a physical or mental disability on account of injury, disease, or congenital deformity.

4.2 Does the Seychelles have legislation that indirectly addresses issues relating to disability? If so, list the main legislation and explain how the legislation relates to disability.

Indeed, a number of laws indirectly address issues pertaining to disability in this country. Then section 26 of the Children Act on assumption of parental rights by the Director provides that if it appears to the Director in relation to a child who is in his care under section 25 that his parents are dead and he has no guardian; or a parent or guardian of his suffers from some permanent disability rendering the parent or guardian incapable of caring for the child then the Director can assume parental rights.⁹ Another law that indirectly frames disability is the Civil Code. Under Section VI entitled 'Exemption from guardianship', article 427 provides as follows:

Certain persons holding certain offices or subject to certain disabilities may be exempted from acting as guardians. Except in the case of disabilities, no one shall be deprived without good cause of his right to be a guardian of his own children.¹⁰

In the same vein article 2127 provides in case of a conventional mortgage to be executed in the presence of a notary, that if the inability to execute such instrument is due to physical disability the party shall declare or acknowledge his assent in the presence of the notary and two witnesses.¹¹ Similarly, under the section dedicated to 'The grounds upon which prescription is suspended', article 2252 mentions that prescription shall only run against minors or interdicted persons if, for a minor within two years of reaching majority and for the interdicted person within the two years from the removal of the disability, they or their representatives exercise their rights over the property subject to prescription.¹²

The penal Code of the Seychelles is also a law that indirectly address issues of disability. Article 219 on 'Acts intended to cause grievous harm or to prevent arrests' provides that any person who, with intent to maim, disfigure or disable any person, or to do some grievous harm to any person, or to resist or prevent the lawful arrest or detention of any person will be guilty of a felony, and is liable to imprisonment for life.¹³

Similarly, the Employment Act of 1998 in its article 44 allows a competent officer to provide a disabled person seeking employment with a permit exempting his or her employer from providing the minimum wage and other increments and benefits described in article 40. In the same vein, the 1987 Social Security Law has provisions on persons with disabilities. This Act provides a framework where persons with disabilities, whether employed or not, are taken care of.

9 Children Act of 15 July 1982 <https://seylil.org/akn/sc/act/1982/16/eng@2016-07-11> (accessed 3 April 2022)

10 Civil Code of Seychelles Act of 1 January 1976 <https://seylil.org/akn/sc/act/1976/13/eng@2015-12-31> (accessed 3 April 2022).

11 As above.

12 As above.

13 The Penal Code of 1 February 1955 <https://seylil.org/akn/sc/act/1952/12/eng@2020-06-01> (accessed 3 April 2022).

5 Decisions of courts and tribunals

- 5.1 Have the courts (or tribunals) in Seychelles ever decided on an issue(s) relating to disability? If so, list the cases and provide a summary for each of the cases with the facts, the decision(s) and the reasoning.**

This information is not available.

6 Policies and programmes

- 6.1 Does the Seychelles have policies or programmes that directly address disability? If so, list each policy and explain how the policy addresses disability.**

For the past years, Seychelles has been working on a National Policy and Plan of Action on Disability. At the time of submitting its initial report in 2015 the National Policy was validated by stakeholders and a second draft of the National Plan of Action was finalised for consultation with relevant stakeholders. The following is an extract from the introduction to such National Policy:

This first National Policy on Disability of the Government of Seychelles is aimed at addressing the barriers that have been preventing persons with disabilities from reaching their full potential. It recognises that whilst a lot has been done to give persons with disabilities opportunities a lot still remains to be done to meet the aspirations of the Seychellois disabled population and attain full compliance to the CRPD.¹⁴

- 6.2 Does the Seychelles have policies and programmes that indirectly address disability? If so, list each policy and describe how the policy indirectly addresses disability.**

There are a few available policies that indirectly address disability in the Seychelles. The Inclusive Education Policy of 2015 is one of these documents. Under the section dedicated to the Overview of Inclusive Education and National Development, paragraph 1.1.4 reads as follows:

- i. Mainstream schools are accessible to children with disabilities and teachers are equipped with the necessary skills to work with children with disabilities (*Article 9*).
- ii. Education policies that clearly articulate the types of provision necessary for children with disabilities are in place and have access to appropriate adaptive aids/equipment which will facilitate their learning (*Article 24*).
- iii. Data is available on the numbers of children with disabilities in educational institutions and monitoring and evaluation systems are in place (*Article 31*).¹⁵

Another policy that indirectly addresses disability in the Seychelles is the National Policy for Open and Distance Learning published in 2015. It came to replace the

¹⁴ Seychelles: Initial State Party Report (n 2).

¹⁵ UNESCO 'Seychelles' <https://education-profiles.org/sub-saharan-africa/seychelles/~inclusion#School%20Organization> (accessed 26 April 2022).

National Distance/Open Learning Policy launched in 2003. Under the section entitled guiding Principles and Values, paragraph 2.5.4 on equity provides that Open and Distance Learning providers shall ensure the enhancement of the conditions for optimum achievement by every individual or groups, including the gifted, the slow learner and the learning disabled; and for both genders to succeed.

7 Disability bodies

7.1 **Other than the ordinary courts or tribunals, does the Seychelles have any official body that specifically addresses the violation of the rights of persons with disabilities? If so, describe the body, its functions and its powers.**

There exists in the Seychelles the National Council for Disabled Persons, an entity in charge of the promotion and protection of the rights of the disabled. As a body, article 4(1) provides that the Council shall consist of not more than ten members, appointed by the Minister, from amongst persons who, in the opinion of the Minister, represent the organisations connected with matters relating to disabled persons. With regard to its functions, article 5(1) of the above mentioned 1994 Act outlines the following:

5.(1) The functions of the Council are –

- (a) to co-ordinate the activities of public or private organisations and other persons engaged in the welfare of disabled persons;
- (b) in collaboration with public or private organisations and other persons -
 - (i) to provide care and assistance to disabled persons;
 - (ii) to promote, develop and organise services and programmes for rehabilitation and employment of disabled persons;
 - (iii) to provide and secure employment for disabled persons;
- (c) to cooperate with public or private organisations and other persons in furtherance of the welfare of disabled persons;
- (d) to assist public or private organisations and other persons in promoting and organising projects and income generating activities for the benefit and welfare of disabled persons;
- (e) to advise the Government on education, sports, training programmes, employment and vocational training courses for disabled persons;
- (f) to assist public or private organisations and other persons in organising sporting activities for disabled persons;
- (g) to assist in the provision of facilities considered by the Council to be necessary or desirable for the welfare of disabled persons;
- (h) to undertake any other activities in furtherance of the functions of the Council.

7.2 **Other than the ordinary courts or tribunals, does the Seychelles have any official body that though not established to specifically address the violation of the rights of persons with disabilities, can nonetheless do so? If so, describe the body, its functions and its powers.**

This information is not available.

8 National human rights institutions, Human Rights Commission, Ombudsman or Public Protector

- 8.1 Does the Seychelles have a Human Rights Commission or an Ombudsman or Public Protector? If so, does its remit include the promotion and protection of the rights of persons with disabilities? If your answer is yes, also indicate whether the Human Rights Commission, Ombudsman or Public Protector of the Seychelles has ever addressed issues relating to the rights of persons with disabilities.**

There exists in the Seychelles both a Human Rights Commission and an Ombudsman. The Human Rights Commission is a self-governing, neutral and independent national human rights institution, being a statutory authority, whose role is to promote and protect human rights. The institution was established to carry out its mandate under the Seychelles Human Rights Commission Act 7 of 2018 (the Act). Given that the role of this body is to promote and protect the rights of everyone, it is obvious that its mandate also includes the protection of the rights of people with disabilities. There is no available information as to know whether the Human Rights Commission of the Seychelles has ever addressed issues relating to the rights of persons with disabilities.¹⁶

The Office of the Ombudsman is established by the Constitution of the Republic of Seychelles 1993 in articles 143 and 144. The Ombudsman is appointed by the President from candidates nominated by the Constitutional Appointments Authority and serves a term of seven years which is renewable. Schedule 5 of the Constitution defines the powers of the Ombudsman. The Ombudsman may investigate any public authority up to and including the President (Schedule 5, 1(1)(a)). The investigations include complaints of violations of fundamental human rights and allegations of corruption by public officials (Schedule 5, 1(1)(b); 1(2)(a)). Schedule 5 also places restrictions on what may be investigated.¹⁷

9 Disabled peoples organisations (DPOs) and other civil society organisations

- 9.1 Do you have organisations that represent and advocate for the rights and welfare of persons with disabilities in the Seychelles? If so, list each organisation and describe its activities.**

In the Seychelles, there are indeed organisations that represent and advocate for the rights and welfare of persons with disabilities. The Seychelles Disabled Persons Organisation (SDPO) is one of these organisations. It is a network of national organisations or assemblies of disabled people, established to promote human rights of disabled people through full participation, equalisation of opportunity and

16 Seychelles Human Rights Commission 'Who we are' <https://www.seychelleshumanrights.com/index.php/about-us/who-we-are> (accessed 26 May 2022).

17 Seychelles: Office of the Ombudsman <https://www.eisa.org/wep/seagency.htm> (accessed 26 May 2022).

development.¹⁸ The goal of this organisation is to promote the human rights of disabled persons, promote economic and social integration of disabled persons and develop and support organisations of disabled persons.¹⁹ It is mentioned that people with disabilities in the country are able to associate and collectively identify needs and priorities to participate in the planning, implementation and evaluation of services and measures concerning the lives of persons with disability. Various organisations that promote and protect the rights of disabled persons provide their members the opportunity to develop skills in various fields and provide mutual support among members.²⁰ In addition to the Seychelles Disabled Persons Organisation (SDPO), many other NGOs dedicated to the promotion and protection of the rights of the disabled are listed under LUNGOS; the national NGO platform. These include Association for the Hearing Impaired (APHI), Faith and Light (church based) Blind Association, Parents of Disabled Association (PODAS), and Special Olympics.²¹

9.2 In the countries in the Seychelle's region (Indian Ocean) are DPOs organised/coordinated at national and/or regional level?

Disabled People's Organisations in the Indian Ocean appears to be largely organised at national levels. In the case of the Seychelles, except the Seychelles Disabled Persons Organisation (SDPO) that is a network of national organisations or assemblies of disabled people, DPOs in the country seem to be organised on a cluster basis, that is, according to the different categories of disabilities. This information derives from the list of other DPOs listed under the national NGO platform such as the Association for the Hearing impaired (APHI), Faith and Light (church based) Blind Association, Parents of Disabled Association (PODAS) and others.

9.3 If the Seychelles have ratified the CRPD, how has it ensured the involvement of DPOs in the implementation process?

It is clearly mentioned that the government consulted with people with disability and other entities involved in disability in the course of supporting and then ratifying the Convention. This has included the participation of NGOs and associations which represent people with disability.²²

9.4 What types of actions have DPOs themselves taken to ensure that they are fully embedded in the process of implementation?

This information is not available. Nonetheless, given that the goal of a DPOs such as for instance the Seychelles Disabled Persons Organisation (SDPO), a network of national organisations of disabled people to promote the human rights of disabled people through full participation, equalisation of opportunity and development one can imagine that these actions can be done through advocacy and awareness campaigns.

18 Seychelles Disabled People's Organization SDPO <https://wiser.directory/organization/seychelles-disabled-peoples-organization-sdpo/> (accessed 26 May 2022).

19 As above

20 Seychelles: Initial State Party Report (n 2).

21 As above.

22 As above.

9.5 What, if any, are the barriers DPOs have faced in engaging with implementation?

As emphasised in the Seychelles 2020 Human Rights Report, although the Constitution and law provide for special protections for persons with physical, sensory, intellectual, and mental disabilities, including reasonable provisions for improving the quality of life, no laws address access to public buildings, transportation, or government services, and the government did not provide such services.²³ Added to this, the DPOs do not have enough funding to achieve their objectives.

9.4 Are there specific instances that provide ‘best-practice models’ for ensuring proper involvement of DPOs?

This information is not available.

9.5 Are there any specific outcomes regarding successful implementation and/or improved recognition of the rights of persons with disabilities that resulted from the engagement of DPOs in the implementation process?

It is observed that before the ratification of the Convention, the government sought wide input from disability organisations, the disabled community and service providers on the principles enshrined in the Convention. At the time, emphasis was then placed on the promotion and sensitisation of the population on the rights of persons with disabilities. A gradual change in mindset has been forthcoming through a gradual embracing of the social model of disability.²⁴

9.6 Has your research shown areas for capacity building and support (particularly in relation to research) for DPOs with respect to their engagement with the implementation process?

This information is not available.

9.7 Are there recommendations that come out of your research as to how DPOs might be more comprehensively empowered to take a leading role in the implementation processes of international or regional instruments?

It emerged from this research that DPOs in the Seychelles require seasoned experts in the field to help achieving their goals notably by engaging and networking with the government. As a result, capacity building is required to allow DPOs to make the relevant impact through their involvement with the implementation process. DPOs in the Seychelles need to be further organised and be more visible notably on the internet. It was difficult to gather information about them and what they do as they do not have a website to communicate on their activities. It is imperative to build the capacity of DPOs in the Seychelles and relevant government departments

23 Seychelles 2020 Human Rights Report <https://www.state.gov/wp-content/uploads/2021/03/SEYCHELLES-2020-HUMAN-RIGHTS-REPORT.pdf> (accessed 8 June 2022).

24 Seychelles: Initial State Party Report (n 2).

and civil society organisations for disability mainstreaming at all levels of legislative, budgetary and governmental action should play a role.

It is important facilitate advocacy on and popularisation of the ADP and MDL through organisations of persons with disabilities, CSO, CBOs and other stakeholders for the signing and ratification of the Protocol to the ADP and domestication of the MDL.

9.8 Are there specific research institutes in the region where the Seychelles is situated (Indian Ocean) that work on the rights of persons with disabilities and that have facilitated the involvement of DPOs in the process, including in research?

No such institutions were found.

10 Government departments

10.1 Does the Seychelles have a government department or departments that is/are specifically responsible for promoting and protecting the rights and welfare of persons with disabilities? If so, describe the activities of the department(s).

The Ministry of Social Affairs and Family Affairs is the government department in charge of protecting and promoting the rights and welfare of persons with disabilities. In terms of its mission, the ministry of Social Affairs and Family Affairs enhances social functioning at all levels of society by promoting, empowering and supporting the functions and responsibilities of individuals and families. This Ministry aims at offering family support services especially for children, elderly and disabled. This government department is the parent Ministry to 3 Councils and one Agency that include the National Council for Children, National Council for the Elderly, National Council for the Disabled and Agency for Social Protection.²⁵ Finally, regarding its mandate, the Ministry of Social Affairs and Family Affairs of the Seychelles aims to offer intervention and counselling services to support child protection. It further offers alternative care which can be adoption, foster care, children in residential care or night shelter.²⁶

25 Ministry of Social Affairs and Family Affairs https://www.seybusiness.com/Ministry_of_Social_Affairs_and_Family_Affairs/2944 (accessed 15 June 2022).

26 As above.

11 Main human rights concerns of people with disabilities in the Seychelles

11.1 Describe the contemporary challenges of persons with disabilities, and the legal responses thereto, and assess the adequacy of these responses.

The lack of comprehensive legislation to promote and protect the right of persons with disabilities remains a key challenge in the realisation of the rights of persons with disabilities in the Seychelles. In addition to this, the lack of a proper national policy on disability contributes to the challenges experienced by the disabled. As previously mentioned, the country's human report for the year 2020 outlines some of such challenges. Reference is made to the fact that although the Constitution and law provide for special protections for persons with physical, sensory, intellectual, and mental disabilities, including reasonable provisions for improving quality of life, no laws address access to public buildings, transportation, or government services, and the government did not provide such services.²⁷ Some of these challenges also emerged from the Seychelles' initial report which portrayed the extent to which many people with disabilities experience poorer outcomes in health, education, employment as well as constraints in the attitudes of some people, who see them as less than equal.²⁸ There are also physical and environmental barriers that continue to limit the development and participation of persons with disabilities and the lack of data on this group of the population remain a major impediment to progress in this area.²⁹

11.2 Do persons with disabilities have a right to participation in political life (political representation and leadership) in the Seychelles?

In the Seychelles, article 14 of the Constitution provides as follows:

A person who is a citizen of Seychelles and has attained the age of eighteen years is entitled to be registered as a voter unless the person is disqualified from registration under an Act on the ground of:

- (a) Infirmary of mind;
- (b) Criminality; or
- (c) Residence outside of Seychelles.

From this provision, it can then be observed that in Seychelles the disabled have the same right to vote as everyone else. Their right to participation in political life is reinforced by the fact that additional assistance is needed during election times. Such assistance 'includes having someone to assist them when they cast their vote and making available transportation, mobility aids and making reasonable accommodation where necessary'.³⁰ Despite these clarifications, it is worth noting that on the ground, persons with disabilities in the country are grossly underrepresented in political and public life. There are no programmes available aimed at encouraging persons with disabilities to take up civil roles.³¹

27 Seychelles 2020 Human Rights Report (n 20).

28 Seychelles: Initial State Party Report (n 2).

29 As above.

30 Seychelles: Initial State Party Report (n 2).

31 As above.

11.3 Are persons with disabilities' socio-economic rights, including the right to health, education and other social services protected and realised in the Seychelles?

Even if there is no section or chapter in the Seychelles' Constitution dedicated to socio-economic rights as a whole, there are articles that focus on rights that belong to this specific category. With regard to education, article 33 observes that the State recognises the right of every citizen to education. The state is committed to providing 'compulsory education, which shall be free in State schools for such minimum period, which shall not be less than ten years, as may be prescribed by law'. The expression 'every citizen' means that disable education is open to everyone including persons with disabilities who should not be left behind. Within this context, article 15(1) of the Education Act of 2004 on Special Education provides that 'the Minister shall provide special education programmes for learners of compulsory school age, who, by reason of intellectual, communicative, behavioural and physical or multiple exceptionalities, are in need of special education'. At the time of its initial report in 2015 Seychelles made reference to the establishment of 33 government pre-schools or crèches, located next to the 23 district primary schools, and 10 secondary schools.³² It was also observed that most children with disabilities attend the School for the Exceptional Child, a mixed disability school. The same report went on to observe that Seychellois with disabilities have equal rights of access to education, including in the early childhood, secondary and tertiary but the reality is that very few children with disabilities complete the full cycle of mainstream education owing to barriers of physical access and barriers in perceptions and attitudes.

Concerning the right to health, article 34 of the Constitution provides that the State recognises the right of every citizen to adequate and decent shelter conducive to health and well-being and undertakes either directly or through or with the co-operation of public or private organisations to facilitate the effective realisation of this right. In the same vein, as emphasised in the National Strategic Plan, 2006-2016 by the Ministry of Health, the National Health Policy in the country is based on the principle of 'Health for all and Health by all'. The Primary Health Care remains the key to attaining the goal of health for all and it forms an integral part of the national health system. During its initial report, reference was made to the government's strategy that is to ensure that healthcare services are accessible to all Seychellois and that access is based on need and not ability to pay.³³ In fact, the Primary Health Care is available free of charge. The government funds a comprehensive range of personal health services, including mental health services, sexual and reproductive health services and health information, for both disabled and non-disabled people. Similarly, free immunisation programmes for all children, to prevent illnesses which could result in secondary disabilities are also free of charge.

In terms of challenges, it is worth noting that public health campaigns do not cater for different types of disability. As a result, addressing multiple impairments remains a concern. More importantly, the health sector is one sector that is burdened by limitations in qualified human resources.³⁴ It is observed that accessible health services and health information is a major challenge. Whilst there is a reasonable understanding about wheelchair and ambulatory mobility issues, there is less of an understanding about barriers that are faced by people with intellectual, mental or sensory disabilities.³⁵

32 As above.

33 As above.

34 As above.

35 As above.

With regard to other social services, it has to be noted that in Seychelles, the Social Welfare System aims to ensure that all Seychellois enjoy an adequate standard of living. In so doing, attention is given to those who are considered as less fortunate to ensure that they do not live in poverty. The range of benefits and services provided that directly or indirectly benefit Seychellois families include old age pensions, sickness benefits and special assistance programmes for disadvantaged groups, such as the chronically ill, and persons with disabilities.³⁶ It is within this framework that benefits are provided to people who are unable to work due to disability. In the same vein specialised supplementary income assistance is provided to assist people with disability who face additional costs of living.³⁷

When it comes to challenges, reducing the dependency on the social benefits system remains a concern. Persons with disability who can gain employment refrain from doing so owing to the fact that once they enter the world of work, their benefit is discontinued as per the provisions of the Social Security Act. In addition, access to employment is mostly to low paying jobs hence these people see little benefit to gaining employment and therefore prefer to remain at home and access social benefits.³⁸

11.4 Case studies of specific vulnerable groups

This information is not available.

12 Future perspective

12.1 Are there any specific measures with regard to persons with disabilities being debated or considered in the Seychelles at the moment?

As echoed in its Initial Report, the reality in the Seychelles is that very often in the home persons with disabilities are discouraged by parents, relatives or guardians who fear for their safety and adopt the view that they should be protected and prevent them from trying out the world of work and remain dependent on the welfare system. Changing this mindset is one of the activities that is being focused on by the Council in its sensitisation programmes and on a one-to-one basis.³⁹

12.2 What legal reforms would you like to see in the Seychelles? Why?

Seychelles has ratified the CRPD but not its Optional Protocol. Time has come for authorities to enact a genuine domestic legislation that complies with the provisions of the CRPD. This will provide a conducive environment allowing a genuine promotion and protection of persons with disabilities.

36 As above.

37 As above.

38 As above.

39 As above.