

## Seychelles

### 1. Discrimination in the family

#### a) Overarching legal framework for marriage

The Civil Status Act of 1893 provides women and men equal rights to enter marriage (Part IV). Marriage is legally registered only if the ceremony is conducted by a civil officer, leaving customary, religious, or informal unions unrecognised.

#### b) Child marriage

The minimum legal age of marriage is 15 years for women and 18 years for men. The marriage of a minor (under the age of 18 years) needs the consent of the father, however if the father is deceased or incapable of doing so, the consent of the mother is needed. Should the parent or guardian refuse marriage, a minor may apply for the consent of a judge to appeal the refusal. Moreover, in exceptional circumstances, a minister can authorize those under the minimum legal age to contract marriage (Laws of Seychelles, Civil Status Act, 1893). There is limited data on child marriage in the country, but it has been reported that it is not a widespread problem (US State Department, 2016).

#### c) Household responsibilities

The Seychelles is reported to be matriarchal, where it is quite common to have households headed by women (Seychelles National Bureau of Statistics, 2010). In the civil code, each spouse is responsible to contribute to the financial obligations of their home, yet it also states that “the husband is primarily responsible for the family charges; he must supply his wife with all her necessities, according to his means and standing” (Civil Code, Article 214, 2005).

With regard to raising children, women and men have the same rights as well as the same responsibilities as legal guardians. This is also the case if they do not have custody of the children. The parent who does not have custody or does not live with the child is required by law to pay “maintenance”, providing financial support for the child (Law of Seychelles, Chapter 28, Children’s Act, amended 2005).

#### d) Divorce

Both women and men can petition the court for divorce provided there are sufficient grounds to do so (e.g. adultery, desertion) (Laws of Seychelles, Matrimonial Causes Act, 1992). Moreover, both parties have the equal right to petition for custody of their children. Custody cases are under the jurisdiction of a Family Tribunal which is responsible for determining matters on care, custody and maintenance of the child (Matrimonial Causes Act, 1992; Law of Seychelles, Chapter 28, Children’s Act, amended 2005).

### e) **Inheritance**

According to the Civil Code, male and female descendants have equal rights to inherit the property of their parents. With regard to surviving spouses, women and men also have equal rights to inherit property from their deceased spouses (Seychelles Civil Code, 1976).

## 2. **Restricted Physical integrity**

### a) **Violence against women**

In 2006, the Seychelles ratified the protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa ("The Maputo Protocol"). To date, there is no comprehensive law addressing violence against women, but some laws in place prohibit different forms of violence against women, including family violence, rape, and sexual harassment. There are also various awareness-raising initiatives on violence against women and efforts to draft a domestic violence bill (CEDAW, 2013). Yet, concerns remain about the relatively high rate of violence against women, the lack of legal provisions criminalizing acts of domestic violence, the limited training for service providers, police and legal officers on violence against women, and the absence of shelters for victims of domestic violence (CEDAW, 2013).

### b) **Domestic violence**

The Constitution of the Seychelles ensures that each person is treated with dignity and is protected from torture or cruel, inhuman or degrading treatment or punishment (Constitution of the Republic of the Seychelles, 1993). In 2000, the Family Violence (Protection of Victims) Act was adopted to protect family members from the threat of violence, including spousal abuse. The act however does not criminalize acts of domestic violence, rather it offers protection orders that if breached may result in legal actions against the offender (Family Violence Act, 2000; CEDAW, 2013).

There are mechanisms to support the implementation of such legislation, including national action plans and strategies. In 2008, the Seychelles developed its first National Strategy on Domestic Violence. Developed by its Gender Secretariat in collaboration with its Ministry of Health and Social Development, the strategy provided a new framework for addressing gender based violence in the country and comprised specific objectives, targets and activities. To accompany the strategy, a national action plan on gender-based violence was developed in 2010. To date, there is no evidence of an updated strategy on gender-based violence. Other mechanisms include the establishment of a specialized police unit, the Family Squad, to address domestic violence and other domestic issues (US Department of State, 2017). Reportedly, the specialised unit is underfunded and ineffective (Ibid).

Domestic violence against women continues to be a problem and is often underreported (US Department of State, 2017). This is partially due to the limited capacity and lack of response by police and service providers, the slowness of the justice system, frequent case dismissals, and the light sentencing of perpetrators (US Department of State, 2017; CEDAW, 2013).

### **c) Rape**

Sexual assault is a criminal offense in the Seychelles where any person convicted of the offense is liable to imprisonment for 20 years (Penal Code, 1955). There are no legal provisions criminalizing marital rape (CEDAW, 2013).

### **d) Sexual harassment**

Sexual harassment in the workplace is prohibited by law, but there are no stipulations for harassment in public space, educational establishments, or cyberspace (Employment Act, 1955; Public Officers Ethics Act, 2008).

### **e) Female genital mutilation**

There is no specific legislation prohibiting the practice of female genital mutilation (FGM) and there is no evidence that FGM is practiced in the Seychelles (US State Department, 2015).

### **f) Abortion**

Abortion is illegal in the Seychelles, with the exception of specific circumstances. These include if the continuance of the pregnancy would endanger the life or physical or mental health of the pregnant woman or if the continuance of the pregnancy would increase the risk of physical or mental abnormalities of the child to be born (Termination of Pregnancy, 1994). Such circumstances for an abortion would also need to be approved by three medical practitioners (the medical practitioner attending the pregnant woman, the practitioner to conduct the abortion, and the Director of Health Services) in order to ensure the legality of the procedure (Termination of Pregnancy, 1994). Additionally, an abortion can be authorized by a Judge who determines that the pregnancy is the direct result of rape or incest, or if the woman is unfit to care for the child due to a mental handicap. In all instances, the pregnancy is required to be terminated before the end of the 12<sup>th</sup> week of pregnancy (Termination of Pregnancy, 1994).

## **3. Restricted Access to productive and financial resources**

### **a) Secure access to land and assets**

Under the state's constitution, each citizen, woman or man, has the right to acquire, own, and manage property both individually and jointly (Constitution, 1993). To further protect the rights of married woman, the state enacted the Status of Married Women Act (1948) which maintains the woman's right to hold property as if she was not married and to manage the property without the consent of her husband. For women who are in informal unions, there are no evident protections under the law given that informal unions are not recognised, thus do not benefit from property laws relating to married unions. Regarding the property of children, there is a preference given to the father of the child when dealing with the administration of the property (Civil Code, Art. 389).

### **b) Secure access to formal financial resources**

By law, women have equal access to credit as men. In practice, women have not reported experiencing gender-based discrimination in accessing credit (Morna, Lowe, et al., 2016). Several institutions

promote financial literacy and support services for both women and men. Moreover, there are institutions that also specifically promote the economic empowerment of women, including the Small Enterprise Promotion Agency (SEPA) which provides women entrepreneurs with technical advice and assistance, and several local NGOs such as Women in Action and Solidarity Organisation (WASO), Association of Women Entrepreneurs (SAWE), Entreprenre au Féminin Ocean Indien (EFOI), and LUNGOS (Morna, Lowe, et al., 2016).

### **c) Workplace rights**

Broadly speaking, the Seychelles is a matriarchal society and it has been documented that the responsibilities in the home are shared by women and men, enabling women to participate better in the economy (CEDAW, 2013). The female labour force largely falls in the sectors of manufacturing, accommodation, public administration, education and health and social work (Seychelles National Bureau of Statistics, 2010). Yet, it should also be noted that there are also traditional stereotypes regarding the roles of women and men that continue to prevail in society limiting the participation of men in child-raising and the participation of women in specific jobs, such as construction (CEDAW, 2013; Seychelles National Bureau of Statistics, 2010).

Civil law provides specific protections for women in the workforce, namely if, for example, they are pregnant or working mothers. In these instances, women are afforded special protections before and after childbirth including the right to Maternity Leave consisting of 12 weeks paid leave (Constitution of the Republic of the Seychelles, Art. 20 The Right of Working Mothers, 1993). There is however no provisions for paternity or family leave.

## **4. Restricted Civil liberties**

### **a) Citizenship rights**

While the Constitution of the Republic of the Seychelles (1993) does not explicitly recognise or prohibit gender discrimination (World Bank, 2016), women are afforded the same citizenship rights as men in the law. Specifically, women have equal rights as men to acquire, change or retain to nationality. Moreover, women and men may equally confer their nationality to their spouse or their children. It is also noted that both women and men have the right to the freedom of movement within and outside the country, including the authority to obtain passports and other travel documents for their children (Constitution of the Republic of the Seychelles, 1993).

### **b) Voting**

Women's right to vote and run for election was introduced in 1948 (Page, Jha, 2009) and reinforced as a fundamental right in the Constitution, allowing every citizen aged 18 years or over to vote and participate in public life (Constitution, of Seychelles, 1993).

### **c) Political voice**

In the Seychelles, women and men have equal rights to participate in and access political and public life (LUNGOS, 2013). An increasing number of women are nominated for high-level leadership

positions, including chief positions of government agencies as well as judge seats on the Court of Appeals and Supreme Court.

#### **d) Access to justice**

Under Article 27 of the Constitution, women and men have equal access to justice and equal protection under the law, including access to Legal Aid as needed (Constitution of the Republic of the Seychelles, 1993; Legal Aid Act, 1986). Yet, in practice, women face specific challenges in seeking justice. For example, rape or domestic violence crimes are often underreported by women due to fear of reprisal or social stigma as well as lack of resources dedicated to legal enforcement and judicial services (US State Department, 2016). Those who do seek to pursue often times cannot access justice as the proceedings take place in English, rather than in their mother tongue Seychelles Creole (Morna, Dube, 2016).

There are however some procedural measures that may help facilitate justice for women, taking into account their particular needs and interests. One such measure is the allowance of special arrangements for witnesses in rape or domestic violence cases. Special arrangements could include allowing testimony of a witness to be given outside of courtroom through closed circuit television, obscuring the witness from view to protect their identity from the conflicting party, and/or allowing a witness to be accompanied by a relative or a friend to the proceedings in order to provide emotional support (Evidence Act, 2014). Additionally, in 2012, the Gender Secretariat of the Government of the Seychelles developed the *Gender and the Law Manual* to provide parliamentarians, judges, lawyers and law enforcement agencies with legal guidance, information and resources on gender sensitivity (Ministry of Social Affairs, Community Development and Sports, 2012).

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