

SEYCHELLES (2017-2018)

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR

Protocol of 2014 (P029) to the Forced Labour Convention

REPORTING	Fulfillment of Government's reporting obligations	Yes.	
	Involvement of Employers' and Workers' organizations in the reporting process	2017-2018 ARs: Yes: the Association of Seychelles' Employers (ASE) and the Seychelles Federation of Workers Unions (SFWU) have been consulted by means of communication of a copy of the Government's report.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2018 AR: No. 2017 AR: Observations by ASE.	
	Workers' organizations	No.	
EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL	Ratification	Ratification status	Seychelles has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		Ratification intention	2017-2018 ARs: The Government will start national consultations with all relevant partners and stakeholders with a view to assess the legal gaps between the national legislation and practices, challenges encountered in the ratification of the concerned instruments, and therefore to take a decision on the possible ratification of the 2014 Protocol to Convention No.29.
	Existence of a policy and / or plan of action for the suppression of forced or compulsory labour	2017-2018 ARs: There are national policies and plans of actions for the prevention of all forms of forced labour as well as for combatting trafficking in persons. The Seychelles National Strategic Framework and Action Plan to combat Trafficking in Persons sets out objectives to detect, report and combat the offence of trafficking in persons in Seychelles, and to provide protection and assistance to victims and other vulnerable groups in compliance with international obligations.	
	Measures taken or envisaged for systematic and coordinated action	2017-2018 ARs: The Government is responsible for the promotion and coordination of the multi-institutional and comprehensive efforts and active participation of all stakeholders in the implementation of the National Strategic Framework and Action Plan, for developing a monitoring and evaluation system to track the implementation of the Plan, taking into account qualitative and quantitative aspects of implementation. This ensures that the structures and tools will persevere through the entire period by allocating appropriate financial and human resources, adjusted to the changeable conditions. The overall coordination responsibility for this plan remains with the National Coordinating Committee on Trafficking in Persons (NCCTIP) under the mandate of the Ministry of Home Affairs and Transport, chaired by the Department of Social Affairs and the Department of Home Affairs. NCCTIP developed the Standard Operating Procedures (SOP) and Referral Mechanism (RM). The Standard Operating Procedure ('SOP') and Referral Mechanism ('RM') detail the mode of identification and referral of victims of trafficking in persons, and standardizes the procedures to be followed. The SOP & RM identify the actors involved and describe the role of each actor at every stage of the response, from identification of the victim(s) through to their repatriation or	

		<p>reintegration. The SOP & RM aim to strengthen national coordination, and ensure a holistic, inter-agency, multi-disciplinary response to TIP. This will result in greater effectiveness in the prevention and prosecution of the crime and the provision of protection as well as assistance to victims. Accordingly, all stakeholders involved in the identification, referral and assistance to Victims of Trafficking in Seychelles are expected to strictly adhere to and uniformly apply these SOP and RM. The Labour Monitoring and Compliance Section, within the Employment Department of the Ministry of Employment, Immigration & Civil Status, conducts regular inspections visits in all sectors to verify the working conditions as well as safety and health in the workplace, in all industries and sectors. This is being done in terms of routine visits, follow up visits and investigations. If violations are found during an inspection, officers may issue a range of compliance tools, including compliance orders, orders to pay wages/fees. In some cases, prosecution may be considered, and employers may also be re-inspected at a later date.</p>
	<p>Measures taken or envisaged to prevent forms of forced labour</p>	<p>2017-2018 ARs: The measures taken or envisaged include: a) Information, education and awareness raising targeting especially people in vulnerable situation and employers: The Seychelles National Strategic Framework and Action Plan to combat Trafficking in Persons stipulates public awareness and trainings for counter-trafficking stakeholders to increase knowledge and skills, an in-depth study for evidence-based policy making, and the establishment of a centralized database to collect TIP statistics and qualitative information from all stakeholders involved in the response to TIP. Additionally, the Ministry of Employment, Immigration and Civil Status has established the Internal Committee on Trafficking in Person to allow for immediate responses and coordination amongst the relevant Sections within the Employment Department to potential Trafficking in Persons Cases. Several leaflets are distributed to employees to explain their rights and procedures to register grievances in case of unfair treatment by their employer; b) Strengthening and broadening of the coverage of legislation, particularly labour law: a list of hazardous types of work in the Conditions of Employment Regulations has been drafted and the necessary measures to have them adopted will be considered upon further discussion on the review of the Employment Legislation. A workshop was held in 2013, directed by ILO [IPEC] on determining hazardous types of work for children; c) Regulation and supervision of the labour recruitment and placement process: The Welfare Officer in the Labour Migration Section of the Ministry of Employment, Immigration and Civil Status is the direct contact for employees and act as the focal person to establish a link between workers and the Ministry, as well as guiding workers on their rights. However, no procedures to regulate and oversee specifically labor recruitment agencies have been implemented; d) Capacity building for the competent authorities: Officials of the Ministry have undertaken the trainings on identifying and investigating cases of forced labour and trafficking, (Turin, Italy, 22-26 May 2017) and on Human Trafficking and Child Exploitation Course (Gaborone, May 2017) with a view to contribute to an improvement in the successful prosecution of cases that may arise out of forced labour and trafficking for labour exploitation; and e) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations: the right of citizens of the country to form and join associations and unions is a fundamental right guaranteed under the Industrial Act (Chapter 96A) and covers all workers.</p>
	<p>Measures taken or envisaged to protect victims of forced labour</p>	<p>2017-2018 ARs: The following measures have been taken or envisaged: a) Training of relevant actors for identification of forced labour practices; b) Legal protection of victims: The Prohibition of Trafficking in Persons Act, which was enacted in April 2014, was the outcome of multi-stakeholder consultation and discussion at</p>

		<p>national level with the assistance of international partners, IOM, SADC Secretariat and UNODC. The purpose of the Act is to provide for matters of human trafficking; from punishment of traffickers to protection of victims of trafficking (VoTs). It shows that Seychelles does not tolerate trafficking in persons and will ensure that identified VoTs are protected and perpetrators of human trafficking are severely punished; c) Material assistance for victims; d) Medical and psychological assistance for victims; e) Measures for the rehabilitation and social and professional reintegration of victims (Medical/Health Care Services, counselling; mediation, financial assistance, legal Assistance, reinsertion into the Educational System, vocational training, MicroEnterprise and Income-Generating Activities, Job Placement, Wage Subsidies, Apprenticeship Programmes, and Housing and Accommodation; f) Protection of privacy and identity; g) Appropriate accommodation; h) Specific measures for children; and i) Specific measures for migrants: The Labour Migration section ensures that all contracts for migrant workers are attested by the Ministry to guarantee these are as per established requirements. The timing of the signature of the contract is determined by the employer. Any anomalies detected in the contract is being placed to the attention of the employer for rectification and if need be it is referred for further investigation. Employers who fail to abide to instruction given may be prosecuted under the Employment Act 1995. The Ministry of Employment, Immigration and Civil Status is currently working on the development of the Labour Migration Policy for Seychelles in order to provide a proper framework for the management and control of migration, at all levels of the society, and reduce misuse and abuse of such provisions, especially for employment and other social activities. The Policy will entail reviewing national policies, legislation and institutional arrangements in the light of international norms and good practices.</p>	
	Measures taken or envisaged to facilitate access to remedies	<p>2017-2018 ARs: The following measures have been taken or envisaged: a) Information and counselling for victims regarding their rights; b) Free legal assistance; c) Cost-free proceedings; d) Development of forced labour indicators; and f) Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges.</p>	
	Non-prosecution of victims for unlawful acts that they would have been forced to carry out		
	Cooperation with other Member States, international / regional organizations or NGOs		
	Promotional activities		
	Special initiatives/Progress		
CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL	According to the social partners	Employers' organizations	
		Workers' organizations	
	According to the Government	<p>2018 AR: The Government identifies the following obstacles: a) Lack of awareness; b) Lack of information and data; c) Lack of resources in the institutional framework; d) Challenges linked to the labour recruitment and placement process; e) Challenges linked to migration policies; f) Lack of resources in employers' organizations; and g) Lack of resources in workers' organizations.</p>	

<p>TECHNICAL COOPERATION NEEDS</p>	<p>Request</p>	<p>2017-2018 ARs: The Government indicated the need for technical cooperation with the ILO in the following areas: a) Awareness-raising and mobilization activities; b) Collection and analysis of data and information; c) Capacity building for the competent authorities; d) Inter-institutional coordination; e) Promotion of fair recruitment and placement practices; f) Promotion of fair migration policies; g) Guidance on supporting due diligence; h) Capacity building for employers' and workers' organizations; i) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations; j) Exchange of experiences between countries or regions; international cooperation; k) Assessment, in cooperation with the ILO, of the obstacles identified and their impact on the realization of the principle; l) Guidance on the development of the national policy and plan of action; m) Strengthening the legal framework; and n) Vocational training, job-creation and income-generation programmes for at-risk populations.</p>
	<p>Offer</p>	