



International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

Concluding observations on the second periodic report of Seychelles*

1. The Committee considered the second periodic report of Seychelles¹ at its 578th and 579th meetings,² held on 5 and 6 December 2024, respectively. At its 590th meeting, held on 13 December 2024, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the second periodic report of the State party, which was prepared in response to the list of issues prior to reporting,³ its follow-up report to the concluding observations on its initial report⁴ and the additional information provided by the multisectoral delegation led by the Minister of Employment and Social Affairs, which was composed of representatives of that Ministry, the Ministry of Internal Affairs (Immigration) and the Office of the President (Legal Affairs and also the Secretariat for Trafficking in Persons).

3. The Committee appreciates the open, honest and constructive dialogue held with the delegation, the comprehensive information provided by the representatives of the State party and the constructive and positive approach to the interaction with the Committee, which allowed for the following analysis and conclusions. The Committee welcomes, in particular, the gender composition of the delegation, the majority of which was composed of women. The Committee also commended the consideration by the members of the delegation on the value of the contributions of migrants to the development of their country.

4. The Committee is mindful that the geography of Seychelles and its political and economic progress makes it a hub and a gateway of migration flows, especially for migrants from Africa and Asia. Moreover, the Committee is mindful that Seychelles, as a small island developing State, faces the additional challenges of climate change adaptation and mitigation, including challenges with respect to migration.

* Adopted by the Committee at its thirty-ninth session (2–13 December 2024).

¹ [CMW/C/SYC/2](#).

² See [CMW/C/SR.578](#) and [CMW/C/SR.579](#).

³ [CMW/C/SYC/QPR/2](#).

⁴ [CMW/C/SYC/CO/1/Add.1](#).



B. Positive aspects

5. The Committee commends Seychelles on its ratification of the following international instruments:

(a) The International Convention for the Protection of All Persons from Enforced Disappearance, on 18 January 2017, including its ratification of all nine core human rights treaties;

(b) The International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), on 22 January 2024, which will enter into force for Seychelles on 22 January 2025.

6. The Committee welcomes the adoption of the following legislative measures:

(a) The adoption, in 2018, of the Seychelles Human Rights Commission Act, establishing the Seychelles Human Rights Commission;

(b) The adoption of: amendments to the Seychelles Employment Act, in 2018, which, among other changes, increased the period of maternity leave to 26 weeks and that of paternity leave to 20 days; the Employment (National Minimum Wage) (Amendment) Regulations (2018); the Employment (National Minimum Wage) (Amendment) Regulations (2019); the Employment (Conditions of Employment of Domestic Workers) Regulations (2019); and the Employment (Coronavirus Special Leave) (Temporary Measures) Regulations (2020);

(c) The repeal, in 2016, of paragraphs (a) and (c) of section 151 of the Penal Code;

(d) The promulgation of the Domestic Violence Act (2020) prohibiting acts of domestic violence and providing protection to victims.

7. The Committee also welcomes the following institutional and policy measures:

(a) The adoption of the National Gender Plan of Action 2019–2023;

(b) The adoption of the Sexual and Reproductive Health Policy, 2018;

(c) The adoption of the National Labour Migration Action Plan (2020–2024) and the National Labour Migration Policy (2019);

(d) The work done by the Trafficking in Persons Secretariat and the new Trafficking in Persons Technical Taskforce, as well as increased services and resources offered to victims of trafficking in persons through the dedicated fund, created pursuant to the Prohibition of Trafficking in Persons Act (2014);

(e) The implementation of the Decent Work Country Programme (2019–2023), which prioritized: (i) the creation of decent and productive employment; (ii) strengthening of social dialogue and tripartite institutions; and (iii) the effective implementation of international labour standards.

8. The Committee applauds Seychelles for taking a leadership role by hosting the launch of the Migration Dialogue for Indian Ocean Commission Countries in 2019, a regional initiative to improve migration governance across the Indian Ocean region, which was endorsed in March 2020, with Seychelles chairing the process.

C. Principal subjects of concern and recommendations

1. General measures of implementation (arts. 73 and 84)

Current context

9. The Committee considers that while 17,000 migrants in Seychelles might seem like a small number, the fact that, proportional to the population, the figure represents 19 per cent of the population signals a large number in reality. The Committee recognizes efforts by the State party to strengthen legislative frameworks to protect migrant workers. Nevertheless, it considers that inspection of the working conditions of migrants, in particular those aimed at

guaranteeing that migrant workers, including women, are not subjected to labour exploitation, reportedly occurring, in particular, in the construction, tourism and commercial fishing sectors, and in the Seychelles International Trade Zone, could be strengthened.

Legislation and application

10. While it is noted that the Convention is applicable in Seychelles by virtue of approval by the National Assembly, there remains a lack of comprehensive measures to disseminate it. In addition, the provisions of the Convention have not been invoked in domestic courts.

11. Similarly, whereas the National Occupational Safety and Health Policy was launched in 2017 and the National Labour Migration Policy was adopted in 2019, the State party has yet to ratify several ILO conventions that deal, inter alia, with health and safety, minimum wages and labour migration. Although Seychelles has enacted regulations pertaining to minimum wages, the State party has yet to ratify or accede to the ILO Minimum Wage Fixing Convention, 1970 (No. 131).

12. Moreover, Seychelles has yet to approve its National Action Plan on Trafficking in Persons 2022–2025 and has not adopted amendments to the Immigration Decree that would prohibit the retention of a passport of a foreign worker by an employer. Challenges remain in the implementation of the National Labour Migration Policy, including difficulties in assessing labour market needs, protecting the rights of migrant workers and coordinating efforts across the public and private sectors.

13. **The Committee recommends that Seychelles:**

(a) **Expedite the adoption of the National Action Plan on Trafficking in Persons 2022–2025 and initiate the development of a new action plan thereafter;**

(b) **Take necessary steps to ensure adequate dissemination of the Convention, including undertaking training programmes for legal practitioners and the judiciary on how the Convention can, and should, be applied in domestic law and judgments;**

(c) **Formulate a stand-alone domestic law giving effect to the Convention, including ensuring that deprivation of liberty is only used under exceptional circumstances;**

(d) **Monitor the impact of the Labour Migration Policy, in particular in tackling discriminatory attitudes and stereotypes based on the race, colour or national extraction of men and women migrant workers and the promotion of equality of opportunity and treatment in this regard.**

Declarations and reservations, including under articles 76–77

14. As to the previous indication, in 2015, by the delegation with regard to the constructive dialogue with the Committee, in which the Government of Seychelles was considering making declarations under articles 76 and 77 of the Convention in recognition of the competence of the Committee to receive and consider communications from States parties and individuals,⁵ the Committee was informed by the delegation that the current position of the State party was currently that such declarations were not favourably considered because of ongoing legislative overhauls.

15. **The Committee recommends that the State party remain seized with the matter of the declarations under articles 76 and 77 of the Convention, with a view, in particular, to revisiting the earlier favourable position once the legislative environment is conducive.**

Ratification of relevant instruments

16. The Committee notes with satisfaction that the State party has ratified the main human rights treaties and fundamental ILO conventions, including, recently, the ILO Domestic Workers Convention, 2011 (No. 189), coming into force on 22 January 2025, following its

⁵ CMW/C/SYC/CO/1, para. 10.

ratification on 22 January 2024. However, the Committee observes that the State party has still to ratify the following ILO instruments:

- (a) Migration for Employment Convention (Revised), 1949 (No. 97);
- (b) Safety and Health in Construction Convention, 1988 (No. 167);
- (c) Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29);
- (d) Occupational Safety and Health Convention, 2005 (No. 187);
- (e) Violence and Harassment Convention, 2019 (No. 190);
- (f) Private Employment Agencies Convention, 1997 (No. 181);
- (g) Minimum Wage Fixing Convention, 1970 (No. 131);
- (h) Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180);
- (i) Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143);
- (j) Night Work for Young Persons (Industry) Convention, 1919 (No. 6).

17. The Committee recommends that the State party ratify or accede to the above-mentioned instruments as soon as possible.

Independent monitoring

18. The State party is commended for the establishment of the Seychelles Human Rights Commission, especially its mandate, which covers the monitoring of all human rights treaties, including the Convention. The Committee is concerned, however, about the non-accreditation of the Commission, in line with international standards, such as the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), although it is encouraged by indications from the State party that plans for accreditation are being pursued. The Committee considers that it is important for the State party to harmonize the mandates of the Office of the Ombudsman and the Seychelles Human Rights Commission. The Committee is also concerned about the monitoring of places of detention and of the Seychelles International Trade Zone.

19. The Committee recognizes the constraints faced by the State party in identifying resources for the Seychelles Human Rights Commission, which has only one staff member in its monitoring unit to monitor implementation and compliance with all nine core United Nations human rights treaties, including the Convention. Its education and training unit also has only one staff member to develop, conduct and manage public information and education programmes. No training programmes on the rights of migrant workers and members of their families, or the Convention specifically, have been undertaken.

20. The Committee recommends that the State party:

- (a) **Strengthen and adequately capacitate the Seychelles Human Rights Commission with financial and human resources, in order to allow it to effectively discharge its mandate, and seek accreditation, as soon as possible, with the Global Alliance for National Human Rights Institutions to bring it into line with international standards towards its full independence; it is important to harmonize the mandate of the Commission with that of the Office of the Ombudsman;**
- (b) **Grant the Seychelles Human Rights Commission unhindered access to places of detention, including holding facilities for inadmissible persons and the Seychelles International Trade Zone, in order that the Commission may execute its functions without fear or favour.**

Data collection

21. The Committee notes with satisfaction the steps taken by Seychelles to build the capacity of relevant institutions to capture migration data. It nevertheless observes that Seychelles faces several challenges with regard to the collection and utilization of migration-related data. Currently, limited data exists to assess labour market needs or

migration trends, making it challenging to align migrant labour with areas where it could most effectively address labour shortages.

22. Furthermore, the Committee acknowledges efforts by the State party, including through its national census and assessment of migration data in Seychelles (2023), to collect comprehensive data on migration, including quantitative and statistical data on migrant workers in an irregular situation. However, at present, only estimated numbers are available.

23. The Committee recommends that the Seychelles Statistics Bureau collect comprehensive data both on labour market trends and on migration, which should cover all aspects of the Convention. In particular, the Committee recommends that data on migrant workers in irregular situations be collected, disaggregated by sex, age, disability and nationality, and that data on persons living with disability be further disaggregated by sex, age and nationality.

2. General principles (arts. 7 and 83)

Non-discrimination

24. The Committee is concerned that migrants may not have full access to workplace benefits, including social protections, notwithstanding that the State party has indicated that it is considering this aspect through a proposal to cover social protections and another to cover pensions for migrants.

25. The Committee understands that, despite a recent agreement on the status of the Chagos Islands being declared to be a sovereign part of Mauritius, the agreement does not recognize Chagos Islanders living in Seychelles as nationals and notes that Seychelles is aiding Chagos Islanders living in Seychelles desirous of attaining Mauritian nationality to regularize their status. Nevertheless, the Committee is concerned that, in the interim, Chagos Islanders in the State party are in a condition of statelessness.

26. The Committee recommends that the State party realize the full enjoyment of workplace benefits, including social protection by migrant workers and their families, commensurate with those enjoyed by nationals of Seychelles.

27. The Committee further recalls the previous recommendation of the Committee against Torture⁶ and recommends that the State party expedite the facilitation of the attainment of Mauritian nationality by Chagos Islanders living in the State party and effectively address their situation of statelessness.

3. Human rights of all migrant workers and members of their families (arts. 8–35)

Expulsion (art. 22)

28. The Committee understands that, at present, there are few means by which the State party can sanction instances of a lack of due process in expulsion proceedings. The Committee is concerned about the lack of effective enforcement measures against employers who violate immigration procedures, especially the amount of time required to track repeat offenders, owing, in part, to the shortage of human resources and the lack of a centralized database to share records between immigration and employment departments. As a result, employers are oftentimes granted work permits in spite of unpaid fees or evidence of the unjustified dismissal of their former migrant-worker employees.

29. Noting the lack of effective enforcement measures, the Committee recommends that the State party put in place safeguards to ensure that, in immigration-related proceedings, including expulsion proceedings, migrant workers and members of their families, in particular those in an irregular situation, are provided with due process, that they are only expelled from the territory of the State party pursuant to a decision taken by a competent authority, following a procedure established by law and in conformity with the Convention, that decisions in that respect can be reviewed on appeal, that remedies have a suspensive effect, including, but not limited to, in

⁶ CAT/C/SYC/CO/1, para. 30.

proceedings pursuant to the Immigration Decree of 1981, and that such proceedings are held before courts of law.

Due process, detention and equality before the law (arts. 16, 17 and 18)

30. The Committee is concerned about reports of people being sent back at border entries, sometimes immediately or in less than 48 hours, despite having declared their intention to seek asylum, including those who, prima facie, may be considered eligible on the basis of country of origin. The State party informed the Committee of six such cases in 2024, and pointed to a lack of domestication of the Convention relating to the Status of Refugees (1951) and the 1967 Protocol relating to the Status of Refugees as the impediment. Nevertheless, the Committee remains concerned that the State party is not fulfilling its obligations with regard to people seeking international protection.

31. The Committee recommends that the State party:

(a) **Ensure that due process safeguards, including access to a lawyer and an interpreter, in situations of investigation, arrest, detention or expulsion of migrants, including migrant workers and members of their families, as well as potential asylum-seekers, for immigration-related offences, including after expulsion, are in place; principles of non-refoulement and prohibition of arbitrary and collective expulsion should be central to such processes and related decisions;**

(b) **Guarantee that asylum applications by migrant workers and members of their families, independent of their migration status, are registered in due time, that they are duly assessed and that the right to appeal is upheld;**

(c) **Establish a legal or policy framework for granting asylum or refugee status and for providing protection for refugees.**

Labour exploitation and other forms of ill-treatment

32. The Committee notes that the Seychelles International Trade Zone is not covered by the Seychelles Employment Act (2018) as it falls under the Ministry of Finance, and that it is the Ministry's Financial Services Authority that undertakes labour inspections. Nevertheless, the Committee is concerned about the number of reports of weak compliance with labour standards, property taxes and business or immigration law, with information on the confiscation of passports, lower wages and restrictions on movements outside of working hours.

33. While appreciating that the State party is undertaking several legislative reviews of provisions covered by the Convention, including the Employment Act (2018) and the Immigration Decree (1981), the Committee recommends that the State party:

(a) **Undertake routine and regular inspections of the working conditions of migrant workers in the Seychelles International Trade Zone;**

(b) **Expedite pending legislation prohibiting retention of passports by employers of migrant workers;**

(c) **Ensure that all other legislative reforms are in line with the Convention.**

Medical care (art. 28)

34. The Committee observes that while migrant workers employed by the State have the same rights as nationals in accessing primary healthcare services, those not employed by the State have access to emergency healthcare only. Non-nationals, even those with permanent residence permits, are not entitled to free medical services, whereas nationals have free access to healthcare. Furthermore, a prescription fee is levied on medications for non-nationals. Migrant workers not employed by the State pay all fees associated with medical services and products. The Committee appreciates the additional information received that migrant workers have free access to healthcare services related to drug rehabilitation.

35. The Committee appreciates that the law provides that employers advertising jobs targeted at non-nationals of Seychelles must include health insurance as part of job packages.

However, it regrets that there are no specific regulations on the scope or extent of coverage to be provided by employers, nor on employer obligations regarding workplace accidents, disability benefits or the treatment of chronic diseases, including human immunodeficiency virus (HIV).

36. The Committee recommends that the State party consider extending the same healthcare benefits to all migrant workers and their families on an equal standing with that provided to nationals and migrants employed by the State and also extend the coverage provided by employers to obligations regarding workplace accidents, disability benefits and the treatment of chronic diseases, including HIV.

Freedom to join and take part in meetings of trade unions (arts. 26 and 40)

37. Despite that the Constitution and the law in Seychelles allow workers (aside from the police, military, prison and firefighting personnel) the right to join unions and collectively bargain, the Committee is concerned that they do not explicitly give foreign workers the right to join unions.

38. The Committee recommends that the State party take all appropriate measures to facilitate the exercise of the freedom of migrants to join unions and to take part in collective bargaining as members of unions.

Birth registration and nationality (art. 29)

39. The National Assembly of Seychelles approved the Citizenship (Amendment) Bill in December 2023, making adjustments to the conditions for gaining citizenship through naturalization and registration, including when a person has rendered distinguished service to the State party. Notwithstanding those amendments, the Committee is concerned that they did not provide any measures or enhanced protections for the children of migrant workers. The Committee further notes information provided by the State party that citizenship remains *jus sanguinis*, with at least one parent required to be a national of Seychelles.

40. The Committee reiterates its previous recommendation⁷ that the State party take appropriate measures to ensure the protection of the children of migrant workers from statelessness, including a clear statelessness determination procedure. Furthermore, it recommends that the State party consider ratification or accession to the Convention relating to the Status of Stateless Persons (1954) and the Convention on the Reduction of Statelessness (1961).

Education (art. 30)

41. While taking note of information by the State party that, in practice, all migrants and their families have access to education similar to that of nationals, in the form of Government-funded compulsory primary and secondary education, the Committee is nevertheless concerned that, in law, access to education in Seychelles is reserved for nationals only, pursuant to article 33 of the Constitution.

42. The Committee reiterates its previous recommendation⁸ and recommends that the State party recognize the right to education of all migrant workers and their families on an equal standing as that of nationals, both in law and in practice.

4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36–56)

Taxes (art. 48)

43. The Committee is concerned that amendments to tax regulations, adopted in June 2018, apply higher income tax rates to migrant workers compared to nationals, by establishing that non-nationals, unlike nationals, cannot benefit from a tax exemption threshold. The State party informed the Committee that non-nationals also receive benefits

⁷ CMW/C/SYC/CO/1, para. 27.

⁸ Ibid., para. 35.

that nationals do not. The Committee is of the view, however, that taxation should not be employed as a measure to be balanced with contractual benefits, such as free accommodation and transportation.

44. The Committee recommends that the State party consider removing the differential application of taxes that results in migrants paying higher taxes than nationals, thus bringing the law on taxation into conformity with the Convention.

Work permits (art. 49)

45. The Committee notes that, under the current Gainful Opportunity Permit system, migrant workers are sponsored by a single employer in order to obtain authorization to enter the country. Once inside Seychelles, migrant workers cannot change employers and the termination of work contracts through dismissal or quitting implies termination of legal migration status in the country. The Committee is concerned that this can create a high level of dependency of migrant workers on their employers, which, in turn, may foster vulnerability to abuse and exploitation. Employers who fail to renew Gainful Occupational Permits cause migrant workers to fall into irregular status, putting them at risk of deportation and classification as “prohibited immigrants”. No such sanctions exist for employers, who can continue to hire migrant workers even if they fail to respect Gainful Occupational Permit regulations for prior foreign employees.

46. The Committee recommends that the State party assess this situation, with a view to reducing the vulnerabilities for migrants associated with tying their residency to their work permits.

47. The Committee notes that, following years of emigration of nationals from Seychelles, which has formed a part of the country’s history, there is a sizable diaspora community, spanning the globe. The Committee regards the Seychelles National Diaspora Policy 2024–2029, adopted in 2024, in a positive light.

48. The Committee recommends that the State party effectively implement the National Diaspora Policy 2024–2029 and ensure that consulate services in the various countries hosting nationals of Seychelles are appropriately aligned therein.

5. Promotion of sound, equitable, humane and lawful conditions in connection with the international migration of workers and members of their families (arts. 64–71)

Trafficking in persons and smuggling of migrants (art. 68)

49. While appreciating measures taken by the State party aimed at combating trafficking in persons, including the Trafficking in Persons Act, 2014, the creation of a National Coordinating Committee on Trafficking in Persons and the establishment of a fund for assisting victims of trafficking in persons, the Committee is concerned about the lack of regular and effective inspections of the migrant working conditions in the Seychelles International Trade Zone, despite continued reports of trafficking in the Zone.

50. The Committee is especially concerned about reports of forced labour occurring in the fishing, agriculture and construction sectors, where most of the country’s nearly 17,000 migrants work. The Committee commends the prosecution of the first case on forced labour in the construction sector in 2017.

51. The Committee recommends that the State party:

(a) **Strengthen efforts to ensure labour inspections in the Seychelles International Trade Zone and other under-inspected areas, such as the islands of Praslin and La Digue, and adopt the National Action Plan on Trafficking in Persons 2022–2025;**

(b) **Reinforce the capacity of relevant governmental authorities with inspection functions to identify and prosecute situations of forced labour, while improving support mechanisms for victims of exploitation.**

6. Dissemination and follow-up

Dissemination

52. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels, including to government ministries, the legislature, the judiciary and relevant local authorities, as well as to non-governmental organizations and other members of civil society.

Technical assistance

53. The Committee recommends that the State party further avail itself of international and intergovernmental assistance for the implementation of the recommendations contained in the present concluding observations, as well as the 2030 Agenda for Sustainable Development. It also recommends that the State party continue its cooperation with the specialized agencies and programmes of the United Nations.

Follow-up to concluding observations

54. The Committee requests the State party to provide, within two years (that is, by 1 January 2027), written information on the implementation of the recommendations contained in paragraphs 51 on trafficking, 31 on asylum, 33 on the Seychelles International Trade Zone, 36 on medical care and 40 and 27 on statelessness.

Next periodic report

55. The State party's third periodic report is due by 1 January 2030. The Committee will adopt a list of issues prior to reporting under the simplified reporting procedure at one of its sessions preceding that date, unless the State party has explicitly opted for the traditional reporting procedure. The Committee draws the State party's attention to its harmonized treaty-specific guidelines.⁹

⁹ [HRI/GEN/2/Rev.6](#).