



General Assembly

Distr.: General
5 June 2014

English only

Human Rights Council

Twenty-sixth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the Special Rapporteur on trafficking in persons, especially women and children, Ms. Joy Ngozi Ezeilo, following the visit to Seychelles (27-31 January 2014)

Addendum

**Mission to Seychelles: comments by the Government on the report of
the Special Rapporteur***

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GE.14-04365 (E)



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Report of the Special Rapporteur on trafficking in persons, especially women and children, Ms. Joy Ngozi Ezeilo, following the visit to Seychelles (27-31 January 2014)

1. The following are the comments and proposed amendments to the report of Special Rapporteur on Trafficking in Persons, by the Ministry of Foreign.

2. The Statement on Page 7, point 3, indicating that “In February 2013, as a result of increased complaints from Malagasy domestic workers regarding their treatment in the Seychelles, Madagascar instituted a ban on sending additional Malagasy citizens to the Seychelles for such work.”

3. The Embassy of Madagascar in Mauritius, as well as the Seychelles Honorary Consul based in Madagascar have both confirmed that, as a result of violence perpetrated against Malagasy workers in Lebanon and the Gulf Region in general, the Malagasy authorities have made a decision to suspend the recruitment of Malagasy workers in Middle Eastern countries. This matter does not concern the Seychelles in anyway.

4. The Head of Migration Services at the Ministry of Labour in Madagascar, who manages all the contracts of outgoing Malagasy workers, through our Honorary Consul in Madagascar, has further confirmed the same, and has stated that there has been only positive feedback of Malagasy workers who have been or are currently based in the Seychelles. Therefore, reiterating that there has been no reason to deny Seychelles of such human resources from Madagascar. The following persons have been direct sources of the aforementioned information regarding the case of the Malagasy workers:

- Mr. Richard VIA, Chargé d’Affaires for Madagascar, Embassy of Madagascar in Mauritius.
- Mr. Sylvain DE COMARMOND, Honorary Consul General of Seychelles in Madagascar.
- Madame Aurette Marguerite RAZANAZAFY, Head of Migration Services at the Ministry of Labour in Madagascar

Please kindly refer to the official Note Verbale N°: 057 / 14 / SDC as an annex by the Ministry of Foreign Affairs in Madagascar, confirming the above information.

5. The following are the recommended amendments to information regarding the Department of Social Affairs at the Ministry of Social Affairs, Community Development and Sport :

Proposal for Amendments to the Report of the Special Rapporteur on Trafficking in Persons submitted by the Department of Social Affairs.

Page 10

- **Paragraph 30:** While not directly working on anti-trafficking issues, the Department of Social Affairs under the Ministry of Social Affairs, Community Development and Sports aims inter alia, to restore social functioning and alleviate social problems by safeguarding the interest and promoting the well-being of children as well as integrating and protecting marginalized and vulnerable groups. Social workers of the Community Social Work Section deal with cases of domestic violence, substance abuse, mental health, placement, anti-social behaviour, teenage pregnancy and neglect. Cases are identified through their regular visits to schools, health centers and police stations as well as the Department’s 24 hour Children’s

helpline. Cases are identified through their regular visits to schools, health centres and police stations as well as the Department's 24 hour Children's helpline. The majority of the cases are also identified through clients who walk in at headquarters or at the district administration Offices where the community social workers are based.

Page 11

- **Paragraph 31:** A shelter for orphans and a child in need up to the age of eighteen, namely The Presidents Village, is run under the patronage of the First Lady. Three other homes for children are run by the Catholic Church.

Page 12

- **Paragraph 39:** Identification of victims is further exacerbated by the lack of clear legal distinction between prostitution and internal trafficking for sexual purposes. In this regard, social workers of the Department of Social Affairs related cases whereby some Seychellois men force their girlfriends into prostitution in order to earn money for the couple's drug addiction. The Department also identified 580 sexual related abuses committed on children from 2009 to 2013. Unfortunately, neither these cases nor other similar ones have been correctly identified as trafficking in persons for the purpose of sexual exploitation.

Page 13

- **Paragraph 43:** At the time of the Special Rapporteur's visit, there were no shelters and psycho-social support specifically intended for victims of trafficking. However, the Social Affairs Department runs homes which provide welfare assistance to children in need and in other difficult living situations up to 18 years, who are subject to protection measures and assist with their reintegration into the society. It also runs a children's telephone hotline for victims of violence.
- **Paragraph 44:** The Special Rapporteur the President's village shelter managed by the Department of Social Affairs which had 54 children up to the age of 18 years, including infants. The centre provides a family environment to orphans and children whose parents are faced with socio-economic difficulties. This includes educational and vocational support, medical and psychosocial services to children. The Special Rapporteur notes the overall adequate standard of the facility and services provided.

Page 15

- **Paragraph 56:** In addition, the potential of key institutions such as the Ministries of Tourism; Employment; Social Affairs; Health; law enforcement authorities

6. The Ministry of Labour and Human Resource Development have made the following proposals for amendments to the report :

Response on report of the Special Rapporteur on trafficking in persons, especially women and children, Dr. Joy Ngozi Ezeilo – Mission to Seychelles from 27 to 31 January 2014 submitted by the Ministry of Labour and Human Resource Development

Page 6

Paragraph 13:

- “A significant portion of migrants work within the Seychelles International Trade Zone where adherence to all national labour and immigration laws is not required. This renders workers more vulnerable to possible situations of forced labour”

Comments from the Ministry of Labour and Human Resource Development:

- The Employment Act 1995 is not applicable to the Seychelles International Trade Zone (SITZ) however the International Trade Zone (Employment) Regulations 1997 and the International Trade Zone (Conditions of Employment) Order 1997, are applicable and do not make the workers any more vulnerable to situations of forced labour than workers who work outside of the SITZ. In addition, forced or obligatory labour is prohibited in Article 17 of the Constitution and in Section 251 of the Penal Code which are both applicable to workers outside of and within the Seychelles International Trade Zone.

Page 6:

Paragraph 13:

- “According to official statistics, the vast majority of the migrant workers, which constitutes about 1/5 of the population of the country, are employed in the fishing and construction sectors, comprising nearly one-third of the total workforce.”

Comments from the Ministry of Labour and Human Resource Development:

- The highest numbers of foreign workers are employed in the Manufacturing and Construction industries instead of fishing.

Page 6:

Paragraph 14:

- “Over the past two years, a number of public demonstrations held by groups of migrant workers to peacefully protest about their working conditions resulted in their deportation”

Comments from the Ministry of Labour and Human Resource Development:

- The groups of migrant workers being referred to above left the country voluntarily as a consequence of the breach of their working conditions by their respective employers, after payment of their dues and claims of airfare tickets was ordered and enforced by the Employment Tribunal.

Pages 8–9:

Paragraph 22

- “Minimum labour protection standards, including working hours, paid leave and, regular payment of wages are set out in the Employment Act, which governs the relationship between workers and their employers. With regards to migrant workers, the Employment Act extends its scope to Non-Seychellois workers and contains provisions that prohibit labour exploitation. However, this and other national laws such as immigration laws do not apply to migrant workers within the Seychelles International Trade Zone as well as migrant domestic workers which may be victims of trafficking”.

Comments from the Ministry of Labour and Human Resource Development:

- The Employment Act 1995 does not apply to migrant workers within the Seychelles International Trade Zone, but the International Trade Zone (Employment) Regulations 1997 and the International Trade Zone (Conditions of Employment) Order 1997 are applicable. Working hours, paid leave and regular payment of wages, which are minimum labour protection standards regulated in the Employment Act, are also regulated in these two pieces of legislation, which also extend their scope to Non-Seychellois workers (Regulation 41 of the Trade Zone (Employment) Regulations 1997). It can be noted that the process of recruitment of migrant workers within the Seychelles International Trade Zone is also overseen in the above pieces of legislation and the compulsory attestation of contracts reduces the risks of trafficking.

Page 7:**Paragraph 15 & 16**

- “A case in point involves nine Pakistani fishermen allegedly abandoned in a port in Victoria for nine months.”
- “A case in point involves a Mauritian victim of domestic servitude identified by a health worker who realised that her passport was withheld by her employer and that she had not received payment for her work.”

Comments from the Ministry of Labour and Human Resource Development:

- The Industrial Relations section does not have records of the two cases cited.

Page 12:**Paragraph 38**

- “Additionally, in spite of the increasing number of foreigners engaged in domestic work, and allegation of abuses, victims of trafficking for domestic servitude have not been identified because of the hidden nature of their work, the fact that they fall outside the purview of the Labour law and that labour inspections are not conducted in private homes.”

Comments from the Ministry of Labour and Human Resource Development:

- The Employment Act 1995 does apply to migrant domestic workers who therefore benefit of the same minimum labour protection standards as other workers. Hence they do not fall outside the purview of the labour law.



**Consulat Général
des Seychelles**

N° : 057 / 14 / SDC

Le **Consulat Général des Seychelles** présente ses compliments au **Ministère des Affaires Étrangères de la République de Madagascar** et a l'honneur de lui exposer ce qui suit.

Les Seychelles font actuellement l'objet d'une entreprise de désinformation, par ignorance ou par malice, en ce qui concerne le sort des ouvriers malgaches employés par des sociétés seychelloises.

Ainsi, dans son dernier rapport sur le trafic d'êtres humains, le Département d'État américain affirme que les Seychelles ont été classées, par Madagascar, comme « pays à haut risque » et donc comme l'un des pays concernés par le décret N° 2013-594 du 6 août 2013 portant suspension de l'envoi de travailleurs migrants malgaches dans les pays à haut risque. Ces informations erronées risquent malheureusement d'être reprises par le rapporteur des Nations Unies sur le trafic d'êtres humains et ainsi de souiller durablement la bonne réputation des Seychelles.

Afin de contrer ces allégations et d'éviter que la réputation des Seychelles ne soit ternie, sans aucune raison valable, le Consulat Général des Seychelles prie le Ministère des Affaires Étrangères de bien vouloir lui faire savoir, officiellement, si son pays se trouve ou non dans cette liste de « pays à risques » et si l'envoi de travailleur malgaches aux Seychelles est autorisé ou non.

Le **Consulat Général des Seychelles** remercie par avance le **Ministère des Affaires Étrangères de la République de Madagascar** de son aimable collaboration et saisit cette occasion pour lui renouveler les assurances de sa très haute considération.



ANTANANARIVO, LE 16 MAI 2014

MINISTÈRE DES AFFAIRES ÉTRANGÈRES
DE LA RÉPUBLIQUE DE MADAGASCAR
Anosy

ANTANANARIVO

NOTE VERBALE