



THE NATIONAL ASSEMBLY OF SEYCHELLES

REPORT OF THE INTERNATIONAL AFFAIRS COMMITTEE

ON THE

Optional Protocol to the Convention of the Rights of the Child on a Communications Procedure

(Submitted for Ratification as per Article 64 (4) of the Constitution)

The Committee has considered this International Agreement and presents its report thereon to the 7th Assembly. This is the International Affairs Committee's first special report on treaties, or international agreements, laid before Parliament in accordance with Article 64 (4) of the Constitution of the Third Republic of Seychelles.

The International Affairs Committee (IAC), has the parliamentary responsibility for scrutinizing all international agreements submitted to the National Assembly by Recommendation of the President of the Republic of Seychelles.

This report addresses this Optional Protocol that has been reviewed and considered at the meeting of the IAC on *Thursday 11th March 2021* with the Assistance of the Department of Social Affairs, represented by the *Principal Secretary, Mrs. Linda William*.

Other Officials from the Department of Social Affairs who accompanied the Principal Secretary:
Mrs. Beryl Laboudallon – Director of Social Services
Ms. Michelle Marguerite – Legal Officer

THE INTERNATIONAL AFFAIRS COMMITTEE is mandated to work closely with the Ministry of Foreign Affairs, other governmental and non-governmental organizations on international affairs, peace, security and defence and contribute thereon as and when necessary; maintain existing and establish new ties with foreign parliamentary organizations of interest; and perform any other tasks as may be assigned by the National Assembly.

Powers

The Committee is a Standing Sessional Committee, the powers of which are set out in the National Assembly Standing Orders, 2020, principally, SO 88-92.

Committee Staff

The Committee is assisted by the following Parliamentary Staff of the Secretariat:
Ms. Alexandria Faure (Secretary) and Mrs. Nada Delafontaine (Secretary Assistant)

Contact

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The following Members of the International Affairs Committee undersigned, submit this Report dated Tuesday 30th March 2021:

Hon. Waven William
Chairperson



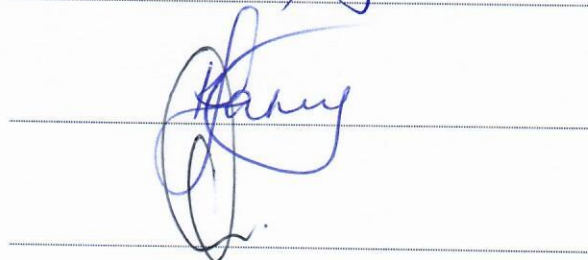
Hon. Wavel Woodcock
Vice-Chairperson



Hon. Egbert Aglae
Member



Hon. Kelly Samynadin
Member



Hon. Wallace Cosgrow
Member



Hon. Philip Monthy
Member



Hon. Philip Arissol
Member



1 SYNOPSIS OF THE PROTOCOL AND CONTENTS

- 1.1 The Committee recognizes that the Convention of the Rights of the Child was unanimously adopted by the General Assembly of the United Nations on 20 November 1989, and that Seychelles was one of the first countries to ratify the Convention in 1990.
- 1.2 The Committee notes that from the year 2000, the UN Committee on the Rights of the Child began to elaborate certain articles of the convention into instruments called Optional Protocols. The Seychelles ratified *The Optional Protocol on the Involvement of Children in Armed Conflict (OPAC)* in August 2010 and following from this ratified the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC)* in December 2012.
- 1.3 The Committee recognizes that at the 77th Session of the UN Committee on the Rights of the Child Seychelles was asked to join other States in the Ratification of the Optional Protocol on a Communications Procedure.
- 1.4 The Committee also notes that the Seychelles is not new to such protocols and is already party to a similar communication procedure under the *Convention on the Elimination of Discrimination against Women (CEDAW)* since 2011.
- 1.5 The Committee has prepared the following short synopsis of the salient contents of the Optional Protocol and presents the below observations:

The Optional Protocol makes the provisions to allow the United Nations Committee on the Rights of the Child (the CoRC) to hear complaints alleging that a child's rights have been violated when all appropriate channels of the State Country have been exhausted.

In addition, the Protocol is assuring the right of all Children to be able to approach the CoRC if the State country's National Legal System concerned has not been able to provide remedy for the alleged violation. Notwithstanding, the articles of the Optional Protocol provide an official channel of reporting and communication.

The CoRC through the provisions made in this Protocol will be able to hear complaints from children, groups of children or their representatives against any State that has ratified the Optional Protocol of the Conventional of the Rights of the Child.

This Optional Protocol also provides the CRC with the powers to launch investigations on its own (suo motto) into grave or systemic violations of children's rights and States are able to bring complaints against each other, if they accept this Communications Procedure (see Section 2 for concerns raised by the Committee on State-to-State Reporting of Violations).

Lastly, the Optional Protocol allows the CoRC to hear a complaint about an alleged violation of any right guaranteed under the Convention on the Rights of the Child (CRC), the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography (OPSC), or the Optional Protocol to the CRC on the involvement of children in armed conflict (OPAC), if the relevant State has also ratified those treaties

2 MAIN DISCUSSION POINTS

2.1 State-to-State Reporting of Violations

The IAC discussed concerns of Sovereignty especially regarding the provisions made for State-to-State Reporting in Article 12 and 13 of the Communications Procedure, as well as the consequences that this mechanism can pose for Seychelles. The Officials of the Department of Social Affairs reassured the Committee that the investigations will be similar to Report submissions and will mostly involve reporting on grave violations. The Officials also reassured the Members that procedure is less about sanctioning States but more about reforming and aligning the Convention with State Laws.

2.2 Requirement of a Local Committee to Address the Communication Procedure

The IAC queried as to whether a local Committee in Seychelles would have to be set up in order to process and address the communications procedure and whether additional local resources would be required. The Department of Social Affairs confirmed that this would not be the case and also reiterated that there are local channels in place for reporting violations of the Rights of Children and only once all of these channels have been exhausted with no recourse can a case then be submitted to the UN and the CoRC.

2.3 Constraints of Small Island Developing States

The Committee discussed that within the framework of such International Agreements the contextual issues faced by small island developing states to comply with the provisions is not taken into account. The Committee expressed this concern with the Department of Social Affairs so that when future Reporting occurs this can be brought to light, especially concerning infrastructural and human resource limitations.

3 RECOMMENDATIONS

The IAC recognises the major efforts of Seychelles in having made progress in certain areas detailed in the 2018 Report Submitted to the United Nations¹ relating to the Convention by the ratification and accession of the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, on 11 December 2012 and the legislative and policy reforms as below:

- the adoption of the *Children (Amendment) Act, 2016*, concerning the Family tribunal
- the enactment of the *Prohibition of Trafficking in Persons Act, 2014*
- the adoption of the *Probation of Offenders (Amendment) Act, 2014*
- the passing of the *Education (Amendment) Bill* by the National Assembly
- the leadership shown at the regional level by the State party in the field of early childhood care and education, as recognized by the International Bureau of

¹ United Nations - Concluding observations on the combined fifth and sixth periodic reports of Seychelles CRC/C/SYC/CO/5-6

Education of the United Nations Educational, Scientific and Cultural Organization in 2017.

Taking the above points into consideration the Members of IAC present the following recommendations:

3.1 Juvenile Justice and Juvenile Center

That further assistance is called upon for the implementation and administration of juvenile justice, in particular the minimum age of criminal responsibility.

3.2 Challenges of SIDS

That going forward the plight of the small island developing states is brought forward especially concerning technical and financial resources are allocated for the implementation of legislation providing for children's rights are sufficient and adequate

3.3 Ensure Multi-stakeholder Coordination

Coordination within the public bodies, locally, nationally and regionally should be forged and encouraged in order to implement the necessary policies and measures to protect the rights of children. Especially where it concerns data collection and statistical updates.

Furthermore, that civil society and multi stakeholders merge resources together to educate the population on the Convention, the Communications Procedure, Violations of the Rights of Children and advocate for the cause.