



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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REFERENCE: Follow-up/CAT

29 November 2019

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the initial report of Seychelles (CAT/C/SYC/1) by this Committee, at its 64th session, held from 23 July to 10 August 2019. At the end of that session, the Committee's concluding observations (CAT/C/SYC/CO/1) were transmitted to your Permanent Mission. In paragraph 42 of those concluding observations, the Committee requested, pursuant to its rules of procedure, that the State party provide, within one year, by 10 August 2019, further information regarding areas of particular concern identified by the Committee in paragraphs 17 (a), (b) and (c); 19; 23 (a), (b) and (g); and 27. It also invited the State party to provide information about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations included in its concluding observations (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective (see, doc. CAT/C/55/3).

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's concluding observations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture (cat@ohchr.org). Upon receipt of this information, the Committee will be able to assess whether further action is needed.

Accept, Excellency, the assurances of my highest consideration.

Abdelwahab Hani

Rapporteur for Follow-up to Concluding Observations
Committee against Torture

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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/SYC/CO/1)

SEYCHELLES

(...)

C. Principal subjects of concern and recommendations

(...)

Fundamental legal safeguards

(...)

17. The State party should:

(a) **Guarantee that all detained persons, including juveniles, are afforded, in law and in practice, all fundamental legal safeguards from the very outset of their deprivation of liberty, including the right to be informed immediately of the charges against them; that they have prompt access to a lawyer during all proceeding, or to free legal aid in the case of indigent persons; that they receive free interpretation services; that both adults and juveniles are able to notify a relative or another person of their choice about their detention or arrest; that they have access to a standard medical examination by an independent doctor upon their deprivation of liberty, including by a doctor of their choice upon request; that their deprivation of liberty is recorded in registers at all stages; and that they are brought before a court within 24 hours of their arrest or detention, in keeping with article 18 (5) of the Constitution;**

(b) **Establish a central register of detention with entries on all persons at all stages of their deprivation of liberty, inform the Committee of the type of information recorded and of the specific measures taken to ensure accurate record-keeping;**

(c) **Monitor the compliance by all law enforcement officials with fundamental legal safeguards, penalize any failure on the part of officials to comply and provide information on the number of complaints received regarding failure to respect fundamental legal safeguards and on the outcome of such complaints.**

Prolonged pretrial detention

(...)

19. The Committee recommends that the State party take all necessary measures to ensure that pretrial detention is reduced to the extent possible, is exceptional and is carried out in keeping with the provisions of the Convention. The Committee requests that the State party be provided with information on any cases regarding the legality of detention brought before the Supreme Court and on their outcome. It also urges the State party to promote alternatives to pretrial detention, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures.

(...)

Conditions of detention

(...)

23. The State party should:

(a) Take all necessary measures to improve material conditions in all places of deprivation of liberty, in keeping with the Standard Minimum Rules for the Treatment of Prisoners;

(b) Take further steps to reduce overcrowding, in addition to those resulting from the amendments to the Misuse of Drugs Act, including alternatives to imprisonment in conformity with the United Nations Standard Minimum Rules for Non-custodial Measures;

(...)

(g) As a matter of priority hire additional medical doctors, including specialists, and nurses who are committed to carrying out their jobs and ensure that those on duty are available around the clock, and ensure that referrals are prompt and that ambulances for specialist health care are stationed outside detention facilities;

(...)

National Human Rights Commission

(...)

27. The State party should strengthen the National Human Rights Commission by ensuring adequate financial and staffing resources to enable it to carry out its mandate effectively and independently, in compliance with the Paris Principles, and with the principles of pluralism of staff and their selection by a clear, transparent and participatory process, and should encourage it to seek accreditation by the Subcommittee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. The State party should also expedite the adoption of the Seychelles Human Rights Commission bill.

(...)

Follow-up procedure

42. The Committee requests the State party to provide, by 10 August 2019, information on follow-up to the Committee's recommendations regarding fundamental legal safeguards; prolonged pretrial detention; conditions of detention; and the National Human Rights Commission (see paras. 17 (a), (b) and (c); 19, 23 (a), (b) and (g); and 27). In that context, the State party is invited to inform the Committee about its plans for implementing within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

(...)
