



# **Alternative report to the Committee on the Rights of the Child**

## **Seychelles**

**2017**

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## Initial reporting

Seychelles signed OPAC on 23 January 2001 and ratified on 10 August 2010. Its initial report to the Committee on OPAC became due as of 10 September 2012 but has not yet been submitted. The current state party report on the Convention, para.5. notes that OPAC has been ratified but there is no further mention of relevant issues in the report, either as a separate annex on OPAC or as a subsection under Ch. XI Special Protection measures.

## Recommendations

- The state party should submit its initial OPAC report to the Committee without further delay.

## Minimum enlistment age and safeguards

Seychelles' initial report on the Convention on the Rights of the Child states that:

*There is no conscription in Seychelles, and the minimum age for voluntary military service in the Defence Forces is 18 years of age. Exceptions require the written consent of parent or guardian;<sup>1</sup>*

However, the Defence Act 1981 states:

*Article 23. No person who is under the age of 18 years shall be enrolled without the consent in writing of his parents or his guardian or, when the parents or guardian are dead or unknown, of the President.*

*Article 24.*

*(1) Subject to this section or as may otherwise be prescribed, where a person has received pay as a member of the Defence Force then, notwithstanding any irregularity or error in his enrolment, he is a member of the Defence Force and not entitled to be discharged on the ground of the irregularity or error.*

*(2) Where a person, who by virtue of subsection (1) is a member of the Defence Force, claims his discharge within three months after his first receipt of pay as such a member, he shall, except in time of war, be discharged.*

*(3) Where a member of the Defence Force is under the age of 18 years and was enrolled irregularly or in error without the consent required by section 23, he shall be discharged at the request of his parent or guardian.<sup>2</sup>*

## Questions

- What is the minimum age for enlistment into the armed forces?
- How many persons under the age of 18 have been enlisted into the armed forces in each of the past ten years?

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<sup>1</sup> Committee on the Rights of the Child, Consideration of reports submitted by states parties under article 44 of the Convention, Initial reports of States parties due in 1995, Seychelles, 7 February 2001. CRC/C/3/Add.64, 3 May 2002. Section C, para 27.

<sup>2</sup> Defence Act (1 January 1981, consolidated to June 30 2012). Available at <http://www.seylii.org/sc/legislation/consolidated-act/58>

- What safeguards are in place to ensure that persons under the age of 18 are not forced or coerced into enlistment?

## Recommendations

- In order to best ensure the welfare and best interests of the child, the state party should revise the Defence Act to explicitly prohibit the enlistment of any person under the age of 18 years, in any circumstance.
- For as long as it continues to permit voluntary enlistment of children, the state party should revise the Defence Act to ensure that:
  - the minimum age for voluntary enlistment is specified as less than 16 years;
  - the child's parents or legal guardians are the only persons who can provide consent for enlistment;
  - reliable proof of age is a pre-requisite for enlistment;
  - recruits under the age of 18 years have an ongoing and unconditional right of discharge on request up until at least the date of their 18<sup>th</sup> birthday.

## Binding declaration

Upon ratification of OPAC, Seychelles deposited the following binding declaration:

*Declaration:*

*"... WHEREAS the age of majority in Seychelles is established at 18 years, under the 'Age of Majority Act of 13th October 1980';*

*WHEREAS the 'Constitution of the Republic of Seychelles of 21st June 1993' enshrines the rights of minors in Article 31 where it recognises the right of children and young persons to special protection;*

*WHEREAS pursuant to Section 23 of the Seychelles 'Defence Act of 1st January 1981', no person who is under the age of 18 years shall be enrolled without the consent in writing of his/her parents or his/her guardians;*

*WHEREAS according with the same 'Defence Act of 1st January 1981' whenever a member of the Defence Force is under the age of 18 years and was enrolled irregularly or in error without the consent required by the law of Seychelles, he/she shall be discharged at the request of his/her parent or guardian;*

*WHEREAS the Defence Academy of Seychelles admits children above the age of 15 only with the consent of their parents or guardians;*

*BEARING IN MIND that Article 3, paragraph 4, of the aforesaid Protocol allows each State Party to strengthen its declaration at any time by notification to the Secretary-General of the United Nations;"<sup>3</sup>*

This declaration does not comply with OPAC Article 3(2) which requires states parties to deposit a binding declaration which **'sets forth the minimum age'** at which it will permit voluntary recruitment into its national armed forces **and a description of the safeguards** it has adopted to ensure that

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<sup>3</sup> Declaration of Seychelles deposited upon ratification of OPAC, available at [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11-b&chapter=4&lang=en#EndDec](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-b&chapter=4&lang=en#EndDec).

such recruitment is not forced or coerced' (emphasis added). Seychelles' declaration does not specify the minimum age for voluntary recruitment into the armed forces.

## Recommendations

- The state party should take immediate steps to amend its binding declaration to clarify the minimum age for voluntary enlistment and the safeguards in place to ensure that persons under the age of 18 are not forced or coerced into enlistment.

## Military schools – Defence Academy of Seychelles

It is unclear whether the Defence Academy of the Seychelles referred to in the state party's binding declaration (above) is a military school (as per Article 3(5) of OPAC) or a military training centre for armed forces recruits. If the latter, Seychelles would be in violation of Article 3(1) of OPAC which requires states to raise in years the minimum age for voluntary recruitment into the armed forces to a minimum of 16 years.

Information on the Defence Academy is not contained in the Defence Act. Media reports indicate that the Defence Academy is a training site for enlisted and commissioned personnel. A news article in national media recording the 25<sup>th</sup> anniversary of the opening of the Defence Academy refers to it 'the premier training institution for the Seychelles People's Defence Forces (SPDF)' whose purpose is 'to offer high-level and adapted training for its different cadres'.<sup>4</sup> The same article states that 'Training conducted at the SDA varies from basic recruit training for personnel joining the force to; leadership development, promotion and technical courses for non-commissioned officers, up to courses for officers cadets as well as commissioned officers'. An online news article from February 2016 refers to joint military exercises with the Indian army and Seychelles Peoples Defence Force taking place at the Defence Academy.<sup>5</sup> A Youtube video purporting to be of the Defence Academy shows soldiers undertaking military training exercises.<sup>6</sup>

Media reports also state that the Defence Academy has been involved in youth programmes, including 'through short training, visits and various other interactions hosted for school clubs and other groupings, especially during school holidays. Recently, the SDA has partnered with the Ministry of Education to host an alternative education programme for students with behavioural issues. Instead of going to their respective schools, the students attend classes at the SDA and follow a programme formulated by the ministry, with necessary support and inputs from the academy.'<sup>7</sup>

## Questions

- What is the minimum age for students/recruits entering the Defence Academy?

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<sup>4</sup> 29 May 2015, 'Seychelles Defence Academy celebrates silver jubilee (1990-2015)', *Seychelles Nation* available at <http://www.nation.sc/article.html?id=245564>

<sup>5</sup> PTI (14 February 2016), 'India, Seychelles joint military exercise begins tomorrow', *The Economic Times*, available at <http://economictimes.indiatimes.com/news/defence/india-seychelles-joint-military-exercise-begins-tomorrow/articleshow/50987279.cms>.

<sup>6</sup> 'Seychelles Defence Academy 1', posted by SPDF0, available at <https://www.youtube.com/watch?v=WfppuN0HtI>.

<sup>7</sup> 29 May 2015, 'Seychelles Defence Academy celebrates silver jubilee (1990-2015)', *Seychelles Nation* available at <http://www.nation.sc/article.html?id=245564>.

- Are students/recruits in training at the Defence Academy military personnel, subject to military law?
- How many persons under the age of 18 were in training at the Defence Academy over the past ten years?
- Is the Defence Academy a recognised military site?
- Do students/recruits who train at the Defence Academy have an obligation to enlist into the SPDF following graduation?

## **Recommendations**

The state party should amend relevant legislation and regulations to ensure that:

- Students in military schools who are under the age of 18 years should be regarded as civilians and their rights as children respected. The civilian status of students in military schools should be established in law.
- Students in military schools who are under the age of 18 years should not receive weapons training and in no circumstances should they be used in hostilities in any role.