

U.S. DEPARTMENT OF STATE TRAFFICKING IN PERSONS REPORT 2011

COUNTRY REPORT: SEYCHELLES (Tier 2)

Seychelles is a source and possibly destination country for Seychellois children and foreign women and girls subjected to sex trafficking. In January 2011, a local NGO released a qualitative report on the perception of prostitution in Seychelles. Though the findings were anecdotal, respondents agreed that child prostitution exists – particularly on Mahe, the main island – and appears to be increasing. While the magnitude of the problem is unknown, local observers indicate that girls and, to a lesser extent, boys between 13 and 18 years of age are induced into prostitution, including by peers, family members, or pimps. Young drug addicts are at particular risk of being forced into prostitution. Seychellois children are exploited in prostitution in nightclubs, bars, guest houses, hotels, brothels, and on the street. Foreign tourists reportedly contribute to the demand for commercial sex acts in Seychelles. Foreign part-time residents in Seychelles reportedly have created a demand for the import of young women from Eastern Europe and Australia to serve as “party hostesses” in resort hotels and provide sexual services; it is possible that some of these women experience conditions indicative of forced prostitution. In March 2010, a Seychellois man was arrested in Madagascar for allegedly engaging in child sex tourism.

The Government of Seychelles does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government acknowledged that child prostitution was a problem in the country and took initial steps to better understand and raise awareness of the phenomenon. It also established district task forces comprised of government and civil society stakeholders to prevent and respond to, in part, child prostitution; drafted amendments to strengthen existing penal code provisions on child prostitution; and produced proposals for the creation of organizations and processes to combat child prostitution. The government, however, made no efforts during the year to take legal action against the exploiters of children in prostitution or to provide victims with protective services.

Recommendations for Seychelles: Expand existing campaigns to educate government officials and the general public about the nature and dangers of human trafficking; finalize amendments strengthening the penal code’s provisions regarding child prostitution; increase prescribed penalties for forced labor offenses in Section 251 of the Penal Code Act; over the longer-term, consider the feasibility of drafting comprehensive anti-trafficking legislation that clearly defines human trafficking offenses and prescribes sufficiently stringent punishments; utilize existing legislation to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; strengthen penal code penalties prescribed for forced labor and forced prostitution offenses; employ the existing district task force structure to increase the identification and referral of victims of child prostitution to protective services, particularly to safe shelters and counseling; and designate an official coordinating body or mechanism to facilitate anti-trafficking communication and coordination among the relevant ministries, law enforcement entities, working groups, and NGOs.

Prosecution

The government made no known efforts to address trafficking crimes through law enforcement action during the reporting period. Seychelles law does not specifically prohibit human trafficking, though existing penal and labor code statutes prohibit slavery, forced labor, pimping, and brothel keeping, under which traffickers could be prosecuted. Section 251 of the Penal Code Act prohibits and prescribes a punishment of three years’ imprisonment for forced

labor, penalties which are not sufficiently stringent. Section 249 of the penal code outlaws slavery and prescribes sufficiently stringent penalties of 10 years' imprisonment. Sections 155, 156, and 138 of the penal code outlaw brothel-keeping, pimping, and procuring women or girls to engage in prostitution within Seychelles or abroad, prescribing punishments of three years', five years', and two years' imprisonment, respectively. None of these penalties are commensurate with those prescribed for other serious crimes, such as rape. In 2010, the Attorney General's Office conducted a review of the penal code's sections relating to child prostitution and drafted amendments to strengthen these provisions. To date, police have not investigated suspected situations of child prostitution, forced prostitution, or forced labor – either proactively or on the basis of complaints. This is attributed to the likelihood that awareness of human trafficking is extremely low. Laws against exploiting women and girls in prostitution do not appear to be enforced unless accompanied by other criminal acts. The government did not provide any specialized training for its officials in how to recognize, investigate, or prosecute instances of trafficking. In October 2010, two police officers and two attorneys from the Public Prosecution Office attended a foreign government-funded anti-trafficking training in Botswana.

Protection

The government made few efforts to identify trafficking victims or provide them with protective services during the reporting period. Although there are no organizations working to specifically combat trafficking in Seychelles, in 2010 the government provided an unknown amount of funding to NGOs that would care for victims of prostitution or labor exploitation; there is no indication that any NGOs cared for children in prostitution during the reporting period. The government has neither developed a system for proactively identifying human trafficking victims among vulnerable populations, nor created a referral process to systematically transfer such victims to service providers for care. Social workers and police – both members of the district task forces – are responsible for conducting home visits to the families of vulnerable children. The government did not encourage victims' assistance in the investigation and prosecution of trafficking crimes. There were no reports that victims were inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked.

Prevention

The government made initial efforts to prevent the exploitation of individuals in prostitution during the year, particularly through the implementation of its national action plan against social ills. There exists no main coordinating body for collaboration and communication between government agencies or any other organizations on trafficking matters. The Immigration Division of the Ministry for Home Affairs, Environment, and Transport serves as the government's lead on addressing human trafficking, and the Department of Social Development (DSD), part of the Ministry of Social Development and Culture, is responsible for implementing policies to address child prostitution. In 2009, a multi-sectoral task force, chaired by the DSD, drafted a "Plan of Action to Tackle Social Ills in Seychelles (2009 – 2010)" to address the country's increasingly visible sex and drug trades, that called for, among other things, conducting research, reviewing existing legal statutes for sufficiency, creating a police Minor's Brigade to respond to crimes against children, launching public awareness campaigns, and establishing rehabilitative services for victims. This plan was endorsed by the cabinet in late 2009 and, in December 2009, the National Assembly earmarked funds for its implementation. In 2010, the DSD established 25 district task forces on social ills – comprised of social workers, police, community nurses, youth workers, school counselors, NGOs, religious organizations, and other civil society groups – throughout the country to respond to specific situations of concern in each locality; it is unknown

whether any of these task forces intervened in known cases of child prostitution during the reporting period. In May 2010, the DSD commissioned a study to assess the root causes, extent, and nature of prostitution in the country – as called for by the plan – and dedicated \$8,656 to the completion of this research, which was made public in January 2011. During the reporting period, the DSD also spent \$1,739 to conduct two sensitization campaigns on three islands targeting high school youth at risk of exploitation in prostitution and drug abuse. The government drafted a proposal for the creation of a “Minor’s Brigade,” but a lead agency has yet to be selected to implement the proposal. In February 2010, during the State of the Nation address, the president appealed to all stakeholders to intensify efforts to protect children and called for harsher sentences for crimes against children. The government neither made efforts to discourage its citizens from participating in international child sex tourism, nor took law enforcement action against foreign nationals suspected of perpetrating such crimes in Seychelles.