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OHCHR REGISTRY

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Recipients : ..M.A.M.....
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Dear Sir,

SUBJECT: UN Study on Violence Against Children

The Ministry of Foreign Affairs of the Republic of Seychelles is hereby pleased to enclose for your information, a copy of the completed questionnaire for the United Nations Secretary – General’s Study on Violence Against Children.

Thank You

Yours faithfully,

William M. Bell
Acting PRINCIPAL SECRETARY



United Nations Secretary-General's Study on Violence against Children

Questionnaire to Governments

Advance Version

Introduction

This questionnaire is designed to obtain information from Governments for the United Nations Secretary-General's in-depth Study on the question of violence against children requested by the General Assembly in its resolution 57/190. Mr. Paulo Sergio Pinheiro has been appointed by the Secretary-General as the independent expert to direct the study, in collaboration with the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO), and he has developed a concept paper on the study (E/CN.4/2004/68, annex).

In preparing the report, the independent expert will draw on a variety of sources and available information and statistics in addition to the responses to this questionnaire. These will include reports submitted by States parties under the Convention on the Rights of the Child, as well as other human rights treaties, and information generated by United Nations conferences and summits, and their reviews, including the special sessions of the General Assembly, in particular the twenty-seventh special session of the General Assembly on children. Official statistics available from the United Nations Statistics Division and other statistical information available in the United Nations system, including UNICEF, WHO and the International Labour Organization (ILO) will be used. United Nations field presences will also be asked to provide pertinent information. Information will also be gleaned from non-governmental organizations and from regional and field-level consultations and expert group meetings which will form an integral part of the study.

The Committee on the Rights of the Child has emphasized that the study "should lead to the development of strategies aimed at effectively preventing and combating all forms of violence against children, outlining steps to be taken at the international level and by States to provide effective prevention, protection, intervention, treatment, recovery and reintegration" (A/56/488, annex). The General Assembly called for the study to put forward recommendations for consideration by Member States for appropriate action, including effective remedies and preventive and rehabilitative measures.

Responding to the questionnaire

In providing responses to the questionnaire, Governments are requested to consider approaches which have been adopted at national level with respect to violence generally, and towards children in particular. They are also asked to take account of the fact that responses to all forms of violence against children might not be the task of one Government department only, and depending on your Government's structure may be within the competence of the federal, state, provincial or municipal authorities.

Governments may wish to identify a **focal point** responsible for coordinating responses to the questionnaire, and make this focal point known to the secretariat of the study.

If information called for by the questionnaire has been provided by the Government in another context, for example in reporting under the Convention on the Rights of the Child, reference to that document should be provided, and information contained in that document should not be repeated. Governments are also encouraged to provide copies of relevant laws, policies, reports etc.

The questionnaire is divided into seven parts, which deal with (I) the legal framework, (II) the institutional framework and resources to address violence against children, (III) the role of civil society in addressing violence against children, (IV) children as actors in addressing violence, (v) policies and programmes to address violence against children, (VI) data collection, analysis and research, and (VII) awareness, advocacy and training. Examples of issues and questions which are to be covered under each part of the questionnaire are provided for guidance. Governments are not required to cover each of these issues, but to select those which are most relevant to their national context. Additional issues, over and above those provided as guidance, can also be raised in responses.

Governments are encouraged to provide examples of good practices and innovative approaches to addressing all forms of violence against children, in order to assist in the dissemination and sharing of positive experiences. Governments are also asked to outline obstacles encountered in addressing the issue.

Definition of child

Governments should note that in providing information for this questionnaire, a child is defined as in article 1 of the Convention on the Rights of the Child as "[e]very human being below the age of eighteen years unless, under the law applicable to the child, the majority is attained earlier." Accordingly, information on strategies to address violence against girls and boys under 18 should be provided throughout.

Submission of responses

Responses to this questionnaire should be sent in both hard copy and electronic format in one of the six official United Nations languages no later than 31 July 2004 to:

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QUESTIONNAIRE

I. LEGAL FRAMEWORK

This part of the questionnaire aims to determine how your country's legal framework addressed violence against children, including prevention of violence, protection of children from violence, redress for victims of violence, penalties for perpetrators and reintegration and rehabilitation of victims.

International human rights instruments

1. Describe any developments with respect to violence against children which have resulted from your country's acceptance of international human rights instruments, including, for example, the Convention on the Rights of the Child and its optional protocols, the Palermo Protocol or regional human rights instruments. Provide information on cases concerning violence against children in which your country's courts or tribunal have referred to international or regional human rights standards.

- (i) *The UN Convention on the rights of the child.*
- (ii) *The African Convention on participation of children in Armed Conflicts.*
- (iii) *African Convention on welfare and rights of the child.*
- (iv) *Optional protocol on the rights of the child relating to sale of children, prostitution and pornography – 2001.*

Legal provisions on violence against children

2. Describe how forms of violence against children are addressed in your country's constitution, legislation and subsidiary legislation, and, where appropriate, customary law.

2.1 *The Constitution*

The constitution provides for the "right of minors"

2.2 *Penal Code*

The Penal Code is the main source of Criminal Law addressing the various forms of violence against children.

2.3 *Children Act*

The Children Act contains both public and private law to protect children against violence.

2.4 *Family Violence (Protection of Victims) Act 2000*

It empowers the Family Tribunal to make Protection Orders to protect victims of Family Violence which include children.

2.5 *Employment Act*

Regulation 21 sub regulation (1) of S I 34 of 1991 of the Employment Act forbids the employment of a person less than 15 years of age.

Regulation 21 sub regulation

(1) forbids the employment of a person under the age of 18 years in hotel, guest house, boarding house, any place where tourists are accommodated restaurant shop bar night club and dance hall, discotheque or similar place of entertainment or on a ship or aircraft.

3. Provide details of any specific legislative provisions on:

- Prevention of all forms of physical, sexual and mental violence, injury or abuse, neglect or negligent treatment, and sexual abuse;
- Protection of children from all forms of violence;
- Redress, including compensation, for child victims of violence;
- Penalties for perpetrators of violence against children;
- Reintegration and rehabilitation of child victims of violence.

3.1 *The Constitution*

Under article 30 of the Seychelles' constitution, the state acknowledges that it "recognize the right of children and young person to special protection in view of their immaturity and vulnerability, and to ensure effective exercise of this right the state undertakes;

- (a) *To provide that the minimum age of admission to employment shall be fifteen years, subject to exceptions for children who are employed part-time in light work prescribed by law without harm to their health, morals or education.*
- (b) *To provide for a higher minimum age of admission to employment with respect to occupations prescribed by law, which the state regards as*

dangerous, unhealthy or likely to impair the normal development of a child or young person.

- (c) To ensure special protection against social, economic exploitation and physical and moral dangers to which children and young persons are exposed.*
- (d) To ensure, save in exceptional circumstances, that a child of young age is not separated from his parents.*

3.2 The Penal Code (cap 158)

This is the major source of the Seychelles Criminal Law, where the offences dealing with violence against children can be found. The most significant amendment to the code, was made in 1996, through Act No. 15 of 1996. Some of the key provisions of the code which seek to address the problem of violence against children include, inter alia;

- (i) Section 130 deals with sexual assault. Section 130(i) states that "a person who sexually assault another person is guilty of an offence and is liable to imprisonment for 20 years." "Another person" may include a child victim. Under section 130(2) "sexual assault" include;
 - (a) an indecent assault,*
 - (b) the non-accidental touching of the sexual organ of another,*
 - (c) the non-accidental touching of another with one's sexual organ, or*
 - (d) the penetration of body orifice of another for sexual purposes which in some jurisdiction is known as "rape". The offence a - d are listed in order of seriousness.**
- (ii) Section 135 deals with sexual interference with a child. Under section 135(i) a person who commits an act of indecency towards another person who is under the age of fifteen years is guilty of an offence and is liable to imprisonment for 20 years.*

Notwithstanding the fact that under the Civil Code of Seychelles a child is defined as a person who has not attained the age of 18 years, S135(i) of the code provides for a specific offence where the child victim is below the age of fifteen years. In effect, section S135(i) also provides for the age of consent to sex.

- (iii) Section 136(i) deal with sexual interference with a dependent child. Under section 136(i) a person who interferes sexually with another person of the*

age of fifteen years or older, but under the age of eighteen years, referred to in this section as the "victim", who;

- (a) is dependent upon, or is under the legal authority of, the first mentioned person, but is not the spouse of the mentioned person; or*
- (b) is closely related by blood to the first mentioned person is guilty of an offence.*

This provision, seeks to protect children who have attained the age of 15 years but are still minors because they have not attained the age of 18 years, and are dependents of the person who sexually interfere with them. They are thus in a weak and vulnerable position. This provision also protects a minor child against incest (which is also an offence under section 151A(i) of the code) committed by where the father is the perpetrator of the offence of sexual interference with a dependent child for example.

Those offences carry a maximum prison sentence of 20 years at the discretion of the court. Government is seeking to introduce a mandatory sentence of 7 years and 14 years where the convict offends within a period of 10 years from the first offence. The offence of ;

- (a) an indecent assault; and*
- (b) the non-accidental touching of the sexual organ of another which are the two less serious offences under section 130 would be excluded from the mandatory sentence.*

(iv) Section 152(i) of the code contains a number of offences dealing with display of or traffic of "indecent material" all of which seek to protect amongst others, our children from violence. Under section 152(2) indecent material means;

- (a) any indecent or obscene writing, photograph, sketch, drawing or picture, including whether partly or wholly generated by computer,*
- (b) any indecent or obscene printed matter, print, painting poster, drawing, model or cinematographic film cassette or disc*
- (d) any other indecent or obscene object or*
- (e) any other object tending to corrupt morals*

Government is introducing new provisions under section 152(i) that would create two new offences namely;

- (a) to make it an offence for a person to make, take or has in his possession without reasonable excuse an indecent photograph, sketch drawing or picture of a child and
- (b) to make it an offence for a person to willfully or negligently exhibits to a child any indecent material.

Whilst (a) above seek to target paedophile for example, (b) seek to address the ongoing problem where adults, including parents, allow children to get access to pornographic films.

(v) Section 163 of the Penal Code.

The provision states that;

any person who being the parent or guardian or other person having the lawful care or charge of any child of tender years and unable to provide for itself, refuses or neglects (being able to do so) to provide sufficient food, clothes bedding and other necessaries for such child so as thereby to injure the health of such child, commits an offence.

3.3 Family Violence (Protection of Victims) Act 2000

The act seeks to protect victims of family violence including children victims. It does not try perpetrators of violence against children. It merely protects them from actual or threatened violence. Family violence is defined as follows;

“conduct whether actual or threatened by a person towards or towards the person of, a member of the person’s family that causes that or another member of the persons family to fear for or to be apprehensive about, the personal safety or well being of that or the other member of the person’s family.”

Thus, as oppose to what has traditionally come to be known as “domestic violence” which are in effect violence committed within the household domestically in the form of the offences specified above which are found in the Penal Code, family violence is committed not merely within the domestic setting or household, but outside, provided that the perpetrator of the violence and the victims are family related.

Section 3(i) empowers the Family Tribunal to grant a protection order which by virtue of section 4(5)b may last for a maximum period of 2 years. An application for such a protection order may be made by the family member who has been or may be victim of family violence such as for example, a child, with leave of the Tribunal if the child has attained the age of 14 years.

Section 4(i) of the Act provides that a protection order may impose such restraint on the perpetrator or potential perpetrator of family violence as are necessary or desirable to prevent the violence. For example, a protection order may;

- (a) prohibit the perpetrator from being on the premises where the family member (including the child victim) resides, works study or is undergoing vocational training or an apprenticeship scheme.
- (b) Prohibit the perpetrator from approaching within a distance specified in the order granted.

A protection order may be made under the Act against a perpetrator of family violence, prohibiting him or her from being on any premises, or limit the access of the perpetrator to the premises. Thus, even if the perpetrator has a legal or equitable interest in the premises or property, to protect the child victims against family violence, the Tribunal may prohibit the perpetrator from being on the premises where the child victim resides.

The Act does not allow the Family Tribunal to try perpetrators of family violence. It neither confers upon the Family Tribunal penal powers. Where ^{there} is a breach of a protection order by the person against whom the order is made, that person effectively commits an offence, and is liable before the Family Tribunal to a fine of Rs 30,000 or to imprisonment for 3 years, or both.

3.4 Children Act 1982 (amended in 1998 and 1999)

- (i) Part VI of the children Act spells out a number of offences against children. Under section 70(i) of the Act, a person who has the custody, charge or care of a child and who willfully;
 - (a) assaulted or ill-treats that child, or
 - (b) neglect abandons or exposes that child, in a manner likely to cause him unnecessary suffering, moral danger or injury to health commits an offence.

For example under section 70(2), a person who has an obligation to maintain a child under the Act and has his custody, charge or care, is deemed to have willfully neglected or exposed the child in manner likely to cause him unnecessary suffering, moral danger or injury to his health.

(ii) Section 71(i) makes it an offence for a person to use children for begging.

(a) cause or procure a child, or

(b) if he has the custody, charge or care of a child, allow him to be in any place for the purpose of begging, or winning, to allow a child to purchase or allow a child in his custody, care or charge to use or take any control drug.

(v) section 74(i) makes it an offence for a person to use or allow a child to be used or take part in witchcraft.

(vi) Section 75 makes it an offence for a person to cause, procure or allow a child to be used for or take part in the commission of an offence. Penalties for the above offences range from 2 years and above.

iii. Section 72 makes it an offence to give liquor to children, unless the liquor has been prescribed by a medical practitioner or in the case of illness, suspected illness or other urgent causes.

(iv) Section 73(i) makes it an offence for a person to give or sell any controlled drug to a child, or to 15 years imprisonment with a maximum fine of SR 200,000 (US 40,000)

(v) Section 80(i)

Where an application of abuse against a child is received, and there is a prima facie case against an accused person, an application can be entertained to have the child removed and taken to a place of safety for the purpose of compulsory measures of care.

(vi) Section 81(i) empowers the Director of Social Services in the Ministry which deals with Social Affairs to make initial investigation as it may think necessary, where information from any sources is received suggesting that a child need compulsory measures of care.

There are other relevant provisions in the Children Act that seek to protect children. For example, under section 94(i) of the Act, no child under the age of 14 years can be given a prison sentence on conviction for an offence. The Act also provides for different methods of dealing with children charged with offences. For example, a court will not order a child to be committed to a juvenile centre. (or young offenders institution as it is known in some countries) unless it is satisfied that it is expedient for his reform and the prevention of crime that he should undergo a period of training in a juvenile centre.

There are restrictions on the prosecution of children. Section 92(i) states that no child shall be prosecuted except for the offence of murder or on the instructions of the Attorney General. Where a child is charged with an offence and the instruction of the Attorney General for prosecution is obtained, the child is tried in a juvenile court, unless that child is jointly charged with another person who is an adult.

Compensation for child victims

Redress, including compensation, for child victims of violence is found under section 30 of the penal code. Any person who is convicted of an offence may be adjudged to make compensation to any person injured by his offence. Any sum compensation may be either in addition to or in substitution for any other punishment.

Under section 154 of the Criminal Procedure Code, when a court imposes a fine upon conviction for any offence committed against a child, the court may direct that part of the fine be paid to the child victims as compensation.

4. Indicate whether any specific legislative provisions address all forms of violence including physical, sexual and psychological violence, injury or abuse, neglect or negligent treatment and sexual exploitation against children which take place in:
 - The family/ home;
 - Schools and pre-school care and education (both formal and non-formal, state and private);
 - Military schools;
 - Institutions including care, residential, health and mental health;

- The context of law and public order enforcement including in detention facilities or prisons;
- The neighbourhood, street and the community, including in rural areas;
- The workplace (informal and formal);
- Sports and sporting facilities.

4.1 *There are no specific legislative provisions under which perpetrators of violence against children on different premises are prosecuted. Perpetrators of violence against children wherever inflicted, and in various forms such as for example, physical and sexual, are prosecuted under the provisions of the Penal Code as discussed above. Thus, violence against children within the family, at school, residential care institutions in the street, the community and at the workplace is dealt with under the provisions of the Penal Code but in different ways depending on the seriousness of the offences committed.*

4.2 *As discussed above, at section 70(1) the Children Act does contain certain provisions to take legal actions against a person who willfully assaults, ill-treats, neglects abandons or exposes a child in a manner likely to cause her unnecessary suffering, moral danger or injury to her health. However, that person must have in his custody, charge or care of that child.*

5. Indicate if corporal punishment of children, in any setting, including in the family, is explicitly prohibited in your legal system. Provide details of any legal defences available to those who administer corporal punishment to children, including in the family. Provide information on penalties applicable to those who administer corporal punishment to children, including in the family.

5.1 *Corporal punishment is not explicitly prohibited in the family even though technically, it constitutes common assault under section 235 Chapter xxiv of the Penal Code. Thus, where corporal punishment is administered reasonably, such as where a parent uses corporal punishment in the upbringing of a child and to punish the child with intent to teach him right and wrong, it is unlikely that the person who administers the punishment would be prosecuted, unless the amount of force used constituting the assault was excessive and unreasonable. In other words, parental chastisement is acceptable, and the act would not be unlawful.*

However, strictly speaking, any person who administers corporal punishment whether in the family or in schools for example, commits an offence under the

Penal Code such as common assault or assault occasioning actual bodily harm, for example, and is liable to prosecution. Therefore, corporal punishment is not allowed in any educational institutions in Seychelles.

Both, the offence of common assault and assault occasioning actual harm are misdemeanors. The former carries a maximum prison sentence of 2 years, whereas the latter carries a maximum prison sentence of five years. The court may impose a fine in substitution or in addition to any prison sentence or any other sentences specified at section 25 of the code including, payment of compensation. Depending on the seriousness of the offence committed, under the Penal Code, the offence would either be a misdemeanor or a felony.

6. Provide information on whether the penal code permits corporal punishment and/ or capital punishment as a sentence for crimes committed by under 18 years olds.

Corporal punishment and capital punishment are both not prescribed by law as sentences which the court may imposed for crimes committed by under 18 years old, or over 18 years old. The type of sentences which a court is empowered to impose upon conviction, on a child or adult, are found in the provision of section 25 of the Penal Code which include the following;

- (i) Imprisonment
- (ii) Fine
- (iii) Payment of compensation
- (iv) Finding of security to keep the peace and of good behaviour
- (v) Liability to police supervision and others as provided by the code or by any other laws.

Article 15(1) of the constitution confers upon every citizen of Seychelles a right to life. To protect such right, by article 15(2), the constitution forbids the enactment of any laws that would empower the court to impose a death sentence on a convict. Thus, the constitution protects both a child and an adult convict from capital punishment.

7. Provide details on whether bullying/ hazing and sexual harassment are explicitly addressed by legislation.

Bullying and sexual harassment are not explicitly address by legislation. However they may constitute an offence under the Penal Code, such as the

offence of assault, or the offence of threatening violence under Section 89 for example.

8. Provide information on the way in which harmful or violent traditional practices, including but not limited to female genital mutilation, child marriage or honour crimes are addressed in your country.

We have none of those harmful or violence tradition practices as is the case in many of the African countries, for example. Consequently, we have no law to regulate those practices. Child marriage is permitted in the case of a female child provided that she is 15 years of age or older, (but not 18 years) and the consent of the parent has been obtained.

9. Provide information on the applicability of specific provisions to address all forms of violence against children to non-citizens and stateless children, including asylum seekers and displaced children. If specific provisions do not apply to such children, provide details of protection offered to them.

There is no specific provision to address violence against children to non-citizens and stateless children and displaced children. So long as the child victim is within the jurisdiction, the various pieces of legislation specified above, including the Penal Code, will provide him or her with the necessary protection.

10. Provide information on any difference in the definition of violence and the applicable legal framework according to:

- The sex or sexual orientation of the victim and/ or the perpetrator;
- The age of the victim and/ or of the perpetrator;
- The relationship between the victim and the perpetrator, including, but not limited to infanticide, sexual violence in marriage, incest and sexual abuse within the family, and physical chastisement.

10.1 Besides other provisions specified above, chapter XV of the Penal Code, contains a number of offences against morality. They include amongst others, the following;

- (i) abduction of girls under 18 years from the custody or care of their custodial parents or other persons, to be unlawfully and carnally known by any man (S133A).*
- (ii) Abduction of girls under 15 years (which is more serious). Section 134*

- (iii) *Procuring, enticing or leading away for the purposes of prostitution, another person with consent of not. (S144).*
- (iv) *Any male person who has carnal knowledge of a female person, who is to his knowledge his grand-daughter, daughter, sister, or mother commits the offence of "Incest by males". If the female person is under the age of 13 years, the offender is liable to life imprisonment. Section 155(1).*
- (v) *Similarly, any female person of or above the age of 16 years who with consent permits her grandfather, father, brother or son to have carnal knowledge of her (knowing him to be her grandfather, father, brother or son, as the case may be) commits the offence of "incest by females".*

11. Provide information on any recent comprehensive review of the legal framework to address violence against children.

The 1996 amendment to the Penal Code, known as the Penal Code (amendment) Act 1996, was the latest comprehensive review of the legal framework to address violence against children.

12. Provide information on any studies and surveys, which have been undertaken to assess the impact of legal measures to address violence against children.

- (i) *The 1998 National Youth study to some extent*
- (ii) *Review of Child Protection Services in 1999*
- (iii) *Review of the Family Tribunal 2001*
- (iv) *Report of the working party on Child Protection 2002*

Courts tasked with addressing violence against children

13. Identify those parts of the court structure in your country tasked with addressing violence against children. Indicate if your family of juvenile courts has specific responsibility for this issue.

By virtue of Section 3(1) of the Family Violence (Protection of Victims) Act 2000, the Family Tribunal is empowered to grant a Protection Order an application by a minor child, with leave of the Tribunal, if the child has attained the age of 14 years, or by the parent or guardian of the child or the Director of Social Services, in the Ministry responsible for Social Affairs.

Under section 93(1) of the Children Act, a child (i.e. a child under the age of 18 years) who is charged with an offence is tried in a juvenile court, unless he is charged with an adult. On an application to be released on bail, by a person charged with an offence against a child, the court may impose a condition for granting bail, that the accused finds alternative housing accommodation if the person charged and the child victim lives in the same household.

Minimum age for sexual activity

14. Provide information on any legislative defined minimum age required for valid consent to sexual activity. Is this age different for girls and boys? Is this age different in respect of heterosexual and homosexual activities?

By virtue of section 130(3) b of the Penal Code of Seychelles, the age of consent to sexual activity is 15 years. Thus a child below the age of 15 years cannot consent to sex. The word "a person: does mean that the age of consent is the same for girls and boys.

15. Provide information on the minimum age of marriage for women and men.

Section 40 of the Civil Status Act (cap 34) allows a woman to marry at the age of 15 and above. If the woman is still a minor, ie. She is still under 18 years of age, by section 46(1) and 47(1) parental consent is required. A man below the age of 18 years cannot get married.

Heterosexual and homosexual activities are unlawful under Section 151 of the Penal Code which reads;

Any person who:-

- (a) has carnal knowledge of any person against the order of nature; or*
- (b) has carnal knowledge of an animal; or*
- (c) permits a male person to have carnal knowledge of him or her against the order of nature*

is guilty of a felony, and is liable to imprisonment for fourteen years.

16. Sexual exploitation of children

Provide information on legislation and other measures to prevent the commercial sexual exploitation of children, including through prostitution and other unlawful sexual activities. Provide details on means to ensure that child victims of such exploitation are not criminalized. Provide information on legislation or other measures to prohibit all forms of sale or trafficking in children, including by their parents.

See previous.

Pornography and harmful information

17. Provide information on legislation and other measures to prohibit the production, possession and dissemination of child pornography. In particular, please provide information on any control on pornography produced and/ or disseminated via the Internet.

Section 152(1) of the Penal Code discussed above, deals with amongst other things, pornograph and harmful information.

18. Provide information on any legislation or guidelines to protect children from injurious information and material transmitted through the media, Internet, videos, electronic games, etc.

As above.

Reporting obligations relating to violence against children

19. Provide information on legislation, regulations or administrative directives requiring reporting of all forms of violence against and abuse of children in all settings to appropriate bodies. If reporting legislation, regulations or administrative directives exist, please indicate whether all citizens are required to report, or whether the obligation falls on certain professional groups only. Provide details of any sanctions for non-reporting.

19.1 Under Section 380 of the Penal Code, there is a legal obligation for persons who knowing that a person designs to commit or is committing a felony, to use reasonable means to prevent the commission, or the completion of such felony. Thus every citizens are under a legal obligation to report all forms of violence against children which constitutes a felony, (i.e a serious offence) under the Penal Code. Failure to "use reasonable means" to prevent the

commission or the completion of a felony under the code, would render a person liable for a misdemeanor i.e a less serious offence which can carry a maximum prison sentence of 2 years. Persons under the code include competent authorities, professional groups, bodies etc.

Complaints procedures

20. Provide information on any complaints procedures relating to all forms of violence against children perpetrated in:
- The family/ home;
 - Schools and pre-school care and education (both formal and non-formal, state and private);
 - Military schools;
 - Institutions including care, residential, health and mental health;
 - The context of law and public order enforcement including in detention facilities or prisons;
 - The neighbourhood, street and the community, including in rural areas;
 - The workplace (informal and formal);
 - Sports and sporting facilities.

There is a working together approach in child protection which outlines procedures and agency roles. Referrals may take different forms and may be referred by individuals and/or agencies and/or children themselves through the children helpline. Wherever the violence has taken place and whatever the source of referral approach as outlined in the working together document remains the same.

21. Indicate whether children or persons acting on their behalf can access these procedures. Indicate whether legal aid available to facilitate submission of complaints, and the circumstances in which legal aid will be available.

Director Social Services (DSS) is mandated under the Children Act to act on behalf of children. Through her Legal Counsel, she takes matters of violence against children to the Family Tribunal for the appropriate protection orders.

The DSS Legal Counsel acts on behalf of children in matters in which the child's rights have been and are being violated.

Legal aid is available to children charged with serious criminal offences.

22. Describe steps, which have been taken to raise awareness of possibilities to submit complaints about violence against children.

The government Ministry responsible for Social Affairs together with several NGO's have and continue to work in partnership to sensitise the general members of the public through the media and other means including posters for example. Thus much public education has been done and is on-going on issues of child protection. The children Helpline is very well known to children and the public.

23. Provide information on any special procedural or evidential rules, which may apply in proceedings with respect to violence against children.

Section 11 A of the Evidence Act (Cap 74) as amended, admits the evidence of a child at any trial, unless it appear to the court that the child is incapable of giving intelligible evidence. Under Section 11 B(2) of the Act, where the court is of the opinion that it is desirable and practicable that special arrangement be made for the taking of evidence from a vulnerable witness;

- (d) to protect the witness from embarrassment or distress*
- (e) to protect the witness from being intimidated by the atmosphere of the court room and*
- (f) for any other proper reason, and that special arrangement would not prejudice a party to the proceedings, the court may, subject to this section, make an order accordingly. Special arrangement under Section 11 B(1) of the Act, include, giving evidence outside a court room and simultaneously transmitted to the court room by means of cases circuit, television, or obscuring a witness' view of a party whom the evidence of the witness relates or allowing a witness to be accompanied by a relative or friend for the purpose of providing emotional support to the witness.*

24. Provide information on the usual outcome of complaints of violence against children (e.g. compensation, punishment of perpetrators, perpetrator rehabilitation, family therapy).

24.1 *Where complaint of violence against children are reported, the complaint is investigated as per established procedures within the philosophy of "working together" by the various actors or agency, within the child protection system. The police, which is also one of the key actors, is called in for investigation into possible crime. Where there are sufficient evidence, the alleged perpetrator of the violence is charged and subsequently prosecuted. If convicted, the court would impose the appropriate sentences which may include compensation for the victim as discussed above.*

Counselling and other therapies maybe provided based on experts recommendations, not only to the child victim, but also to close relatives as well where necessary. A care plan would normally be drawn with intent to provide the child victim with the necessary therapy and supports to enable him or her life to revert to normality. In some cases, the child may be temporarily removed from the premises where the crime against him or her was committed, in particular, if the crime was committed within the family.

If convicted and given a prison sentence, the perpetrators of violence against children, will go through rehabilitation programmes designed by the prison authority, in prison. The programmes would normally seek to integrate the convict into society after completion of his or her prison sentence. The abused child is managed through child protection system through support, therapy, recovery etc. The process also involves family members. Probation Services co-ordinate appropriate intervention vis à vis perpetrators who receive non-custodial sentences.

25. Provide information on the usual outcome of legal proceedings in which children and juveniles are found guilty of perpetrating violence (e.g. imprisonment, corporal punishment, community service, perpetrator rehabilitation, family therapy).

By virtue of Section 15 of the Penal Code, a person under the age of 7 years is not criminally responsible of any act or omission. Thus a child under 7 years old cannot be prosecuted and be found guilty of perpetrating violence. But if the child is under the age of 12 years, he is not criminally responsible for an act or omission, unless it is proved that all the time of doing the act or omission he had capacity to know that he ought not to do the act or make the

omission. A male person under the age of 12 years is presumed to be incapable of having carnal knowledge.

A child convict would be sent to the Youth Residential Treatment Centre (YRTC) for a term as the Juvenile Court may order. During his or her detention the child is provided with the necessary therapies and follow several rehabilitation programmes to prepare him to reintegrate in society when he is released from the centre. Hence convicted juveniles may be dealt with in the following ways:

Detention at the Youth Residential Treatment Centre (YRTC).

Probation supervision with the following conditions:

- Community Service*
 - Curfew*
 - Special residence*
 - Special re-orientation*
- *Suspended supervised prison sentence.*

II. INSTITUTIONAL FRAMEWORK AND RESOURCES TO ADDRESS VIOLENCE AGAINST CHILDREN

The aim of this section is to establish if your country has an institution coordinating multisectoral activities concerning violence, which include prevention, protection, redress, reintegration and rehabilitation.

26. Are there any Governmental authorities, structures and mechanisms, including at federal, state/ provincial, municipal and local level which are currently responsible for addressing violence against children?

If YES, identify these authorities, structures and mechanisms and describe how coordination is ensured.

*National Commission for Child Protection
Inter Agency Child Protection Committee
Child Protection Units in Social Services, Health, Police and Education
Family Tribunal
Probation Services*

National Council for Children

All the actors are represented on the inter Agency Child Protection Committee, chaired and coordinated by the Department of Social Services in the Ministry responsible for Social Affairs.

27. Is there a lead Government authority tasked with responsibility for addressing violence against children?

If YES, provide details.

The Ministry of health and Social Services ensures co-ordination. The Director of Social Services in the Ministry of Health and Social Services is mandated under the Children Act to take the lead in protecting children. The Ministry is also responsible for the management of cases of violence against child and related policy matters.

28. Are specific financial and/ or human resources allocated by your country to address violence generally?

If YES, indicate the extent of these allocations

A budget is allocated to the Ministry of Health and Social Services, the Ministry of Education and Youth, Ministry of Local Government and Sport, the Police and to NGOs working in the field. There is however no specific breakdown allocated to anti-violence activities. Social Services as the main coordinator keeps a budget specially for child protection.

29. Does your country allocate specific financial and/ or human resources to activities to address violence against children?

If YES, provide details.

As above.

30. Do international or bilateral donors provide resources to your country for activities to address violence against children?

If YES, indicate the extent of these resources and the way in which they are used.

No. Our GDP unfortunately does not entitle us to donor aid.

31. Does your country provide any assistance to other countries efforts to respond to the problem of violence against children?

If YES, provide details.

Yes, through exchange of information and sharing of experience. For example, the exchange between Mauritius and Seychelles in child protection.

32. If your country has a national human rights institution, such as a human rights commission or ombudsman, or a child-specific human rights institution, does it have any role or complete in the area of violence against children, including receiving complaints?

If YES, provide details.

The Ombudsman's Office deals with general matters which may include issues relating to children. The possibility of a Children Ombudsman is currently being discussed.

Children with grievances however, may discuss through different existing structures for e.g the School based Counsellor, National Council for Children, Social Services Children Helpline etc.

33. Are there any particular parliamentary structures (for example special committees) to address violence against children?

If YES, provide details.

No, but the idea is being considered.

34. Have there been any recent parliamentary initiatives to address violence against children?

If YES, please give details.

Members of the National Assembly have followed a couple of sensitization sessions on child protection. Recently the National Assembly approved a motion calling on government to strengthen efforts in the fight against child abuse.

III. ROLE OF CIVIL SOCIETY IN ADDRESSING VIOLENCE AGAINST CHILDREN

The aim of this section is to elicit information on civil society activities relating to violence against children.

35. Describe significant civil society initiatives addressing violence against children in your country, including the types of institutions involved (such as academic institutions, professional associations, women's associations, community-based groups, faith-based groups, child and youth-le groups, trade unions, employer's organizations, national non-governmental organizations, international non-governmental organizations) and the major activities engaged in (including advocacy, awareness raising, research, prevention, rehabilitation and treatment of children harmed by violence, provision of services, provision of resources).

The main NGOs working in the area of violence against children are the National Council for Children (NGO) and the campaign for Awareness, Resilience and Education (CARE) which deals with substance abuse related.

Other NGOs like the ASFF, APSHF and others to some extent at some stage also address the issue of family violence which includes violence against children.

The National Council for Children promotes the CRC and does a lot of work in the area of raising awareness, advocacy, preventive measures and treatment of children harmed by violence. CARE advocates against substance abuse through awareness raising. Treatment is provided for both adults and children at the Drug Rehabilitation Centre, Mont Royale.

36. Describe the support provided by your Government for these activities and the efforts made to coordinate civil society and government initiatives.

Government gives a grant to the above organizations and is supportive of activities. NGOs are represented on Government committees.

37. Describe the role played by the media in addressing violence against children.

The media does not initiate programmes on violence against children but broadcasts and prints material submitted by government and non-government agencies.

IV. CHILDREN AS ACTORS IN ADDRESSING VIOLENCE

This section is designed to extract information on children's activities to address violence.

38. Provide information on the involvement and consultation of children in designing activities, and in implementation and monitoring of programmes and policies to address violence against them. Provide details, including ages and other details of the children involved.

Children are educated on how to protect themselves from violence through the personal social education programme which is incorporated in the mainstream curriculum of the Ministry of Education, Child Protection Officers of different agencies or actors, also conduct special session with children. N.C.C's on going training for Teachers in Child Protection also covers issues of violence against children. Children are consulted and are involved in matters of violence against children through workshops, discussion organized by different groups.

39. Describe the involvement, if any, of children in designing special procedural or evidentiary rules applying in court proceedings with respect to hearings concerning violence against children. Provide details including ages and other details of the children involved.

As at 23 above.

40. Describe the amount and type of resources made available to support children's participation in activities violence against children.

No specific amount of resources are put aside, because the resources both financial and human are activity based.

V. POLICIES AND PROGRAMMES TO ADDRESS VIOLENCE AGAINST CHILDREN

A comprehensive policy for dealing with violence against children is one that addresses multiple forms of violence against children, that works across the different settings in which violence occurs, and which includes components for prevention, protection, victim medical, psychological, legal and social assistance, victim rehabilitation and reintegration, and perpetrator interventions. Such policy is distinguished from specific programmes that address selected sub-types of violence against children or its effect in specific populations and settings.

41. Does your Government have a comprehensive policy concerning violence against children?

If YES, provide details and describe any gender-specific provisions included in the policy.

The working-together approach provides guidelines for practice in Child Protection. The NCCP deals with related policies and programmes to address violence against children. Related national reports for example the CRC, the National Programme of Action outlines the position and practices relating to Child Protection.

42. Does your Government deliver, or provide direct support for delivery by other agencies, of specific programmes aimed at preventing and responding to violence against children?

Government gives an annual budget to NCC which amongst other things, provides training to practitioners in Child Protection for capacity building to deal with issues of violence against children. Government fully funds two residential homes and provides a child support allowance as well as funds for employees to two churches managing children's homes. All those homes provide places of safety for abused children.

If YES, please provide available summary reports, or URLs, of these programmes, and indicate using the table below, which settings and types of violence are addressed by these programmed:

There is a political will to combat Violence and structures have been put in place.

	Physical	Sexual	Psychological	Neglect	HTPs	Other
Family/ Home	√	√	√	√		
Schools	√	√	√	√		
Institutions	√	√	√	√		
Neighbourhood/ Community	√	√	√	√		
Workplace	√	√				
Law enforcement	√	√	√	√		
Other						

43. Does your Government monitor the impact of these policies and programmes directed towards violence against children?

If YES, describe the monitoring systems and provide a URL or other reference where the system and outcomes are described in greater details.

*Government monitoring is through the Child Protection Inter-Agency Committee
N.C.C.P*

44. Does your Government participate in any internationally coordinated activities concerning violence against children?

If YES, please provide details.

Yes through participation in international conferences, ratification of conventions.

VI. DATA COLLECTION, ANALYSIS AND RESEARCH

This section aims to provide an overview of information systems and information about violence against children that may be used to inform, plan and monitor policy, legal and programmatic interventions concerning violence against children.

45. Over the past five years, has there been any victimization, epidemiological or other population-based surveys of any forms of violence against children in your country?

If YES, provide details or references, or attach.

We do not undertake population based survey. We do however keep data on cases of violence against children through the child Protection Register.

46. Have there been any small-scale or representative interview studies with parents and children on violent victimization of children?

If so, please details.

No, but we conduct on going interviews with parents over reported cases of violence against their children.

47. Over the past five years, has your Government conducted or commissioned any scientific research projects on the problem of violence against children?

If YES, indicate the subject of this research of this research and where the findings of these projects may be consulted in more details.

The National Youth Study in 1998. The report may be consulted at the National Youth Health Centre, Mont Fleuri (Ministry of Health and Social Services).

48. Have studies or surveys been undertaken into the impact of legal measures to address violence against children?

If YES, provide details or references, or attach.

i. The 1998 National Youth study

ii. The 1999 Review of Child Protection Services in Seychelles

49. Does your Government have a system for formal inquiries into all child deaths in which it is known or suspected that violence may have played any part?

Provide details.

It is done on a case by case basis where the cause of death is suspicious.

50. Are regular (e.g. annual) reports published describing the statistical profile of the known or suspected violent deaths investigated by the system?

If YES, what proportion of all homicide deaths are under the age 18?

No, but it is thought that the idea should be introduced.

51. If reports on the national profile of known and suspected violent deaths are published by your Government, indicate how the date is broken down for the purpose of reporting (check all that apply):

Sex	
Age	
Ethnicity	
Manner of death (Homicide, suicide, undetermined)	
External causes of death (firearm, strangulation etc.)	
Geographical location of incident (address)	
Scene of occurrence (home, school, etc.)	
Time and date of incident	
Victim-perpetrator relationship	
Other	

52. Provide the total number of reported cases of violence against children in 2000, 2001, 2002 and 2003.

Type	2002	2003	2004
Sexual Abuse	61	59	90
Physical abuse	58	30	36
Emotional Abuse	10	9	37
Neglect	32	30	9

53. Provide the total number of convictions and reported cases for the various categories of crimes of violence recorded against children in 2000, 2001, 2002 and 2003.

Child Abuse Statistics					
Type	2000	2001	2002	2003	2004
Sexual Abuse					
Cases Reported	45	48	35	30	45
Convicted	10	9	2	1	10
Physical Abuse					
Cases Reported	28	0	0	30	28
Convicted	6	0	0	6	6
Emotional Abuse					
Cases Reported	28	14	11	19	28
Convicted	5	1	0	1	5
Neglect					
Cases Reported	6	0	0	6	6
Convicted	0	0	0	0	0

VII. AWARENESS, ADVOCACY AND TRAINING

This second is aimed at gathering information on any awareness-raising, advocacy and training activities relating to violence against children which may have been conducted by your Government.

54. Over the last five years has your Government conducted or commissioned any campaigns for raising awareness of and preventing violence against children?

If YES, please describe any recent campaigns, including the settings and types of violence that were the subject of the campaigns and the target audience (general public, caregivers, teachers, etc.).

Campaigns against domestic violence, substance abuse, Child abuse including sexual, physical emotional and neglect are on-going.

55. How were the campaign messages and information disseminated (check all that apply)?

Print media	√
Radio	√
Television	√
Theatre	√

Schools	√
Others	√

Billboards, banners and leaflets.

56. Over the last five years, have your Government provided, commissioned or sponsored training programmed in the area of violence against children?

If YES, indicate which of the following areas were addressed by the last such training programmes and which provider groups receives training (check all that apply).

	Prevention	Protection	Redress	Rehabilitation	Penalties
Medical Professionals (including paediatricians, nurses, psychiatrists and dentists)	√	√	√	√	
Public health practitioners	√	√	√	√	
Social Workers and Psychologist	√	√	√	√	
Teachers and other educators	√	√	√	√	
Court officials (including judges)	√	√	√	√	√
Police	√	√	√	√	
Prison Officers	√	√	√	√	
Juvenile offenders personnel	√	√	√	√	
Institution Personnel					
Parents/ guardians					
Other (please specify) NGOs	√	√	√	√	

Please provide details.