

REPUBLIC OF SEYCHELLES



Report on the State of Media and Communication
(Media on the threshold)

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February 2014

MEDIA ON THE THRESHOLD

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I. Country Context

Purpose of the study

On the initiative of Mr James Alix Michel, President of the Republic of Seychelles, extensive research was conducted in September 2009¹ to review the media landscape and to assess its role in the rapidly evolving society.

To improve the situation in accordance with international standards, critical recommendations were formulated in the report “Too many strings to the bow”, which was submitted to the government in September 2009.

On the request of Mr Jean Paul Adam, Minister for Foreign Affairs², the present report aims to increase knowledge and capacity for improving freedom of the press in Seychelles.

As such, the identification of the major bottlenecks in the implementation of the agreed recommendations will support governmental efforts towards the modernization of the media.

Country profile

In 1993, after 27 years of single party regime, the Seychelles evolved into a fairly stable and democratic country with the adoption of a new Constitution establishing a multi-party system.

However, since 2008, government efforts have been complicated by the rise of public debt to 175% of GDP, currency devaluation and the loss of purchasing power.

To address the vulnerability of the small island economy, the government initiated important political and economic reforms, with the assistance of the International Monetary Fund (IMF).

These efforts have positively impacted on stability, according to the IMF performance implementation review conducted from the 13th to the 17th of October 2013³.

In the course of the reforms, a proactive stance was adopted in terms of fighting corruption and bad governance. In this context, it is imperative that the emerging democracy strengthens the institutionalisation of free media within the Seychelles.

Indeed, the media landscape is a good reflection of civil society and public debate a fundamental asset for the freedom of expression. As such, the following report will assist the government in assessing the impact of institutional reforms with the aim of guaranteeing diversity and the quality of information.

¹ Too many strings to the bow, Media Report, 2009, Pauline Ferrari and Leonard Vincent, Media Consultants

² Letter of the Minister for Foreign Affairs, Seychelles

³ IMF Review programme 2013: <https://www.imf.org/external/np/sec/pr/2013/pr13423.htm>

Country Snapshot

Seychelles has the highest UN Human Development index in the entire African continent. It is ranked 57th in the UNDP's Human Development report of 2009. Seychelles also boasts the highest literacy rate in the region - 96% (91.8% of adults and 99.1% of youth are literate; Source UNESCO-USI Statistics).

The annual income per capita is US\$25,788 (data World Bank 2012). It remains a welfare state where education is compulsory for 10 years up to 16 years of age and free, medical care is free and transport is subsidized by the government.

The smallest populated country of any African state (87,000), the Seychelles archipelago in the Indian Ocean is a 115-island country spread across a maritime zone of more than 1.3 million sq. km. The islands principally inhabited are Mahé, Praslin and La Digue. All media houses are located in the capital, Victoria.

Seychelles is part of the SIDS, Small Island Developing States (low lying coastal countries that share similar sustainable development challenges, small but growing population, limited resources, isolation and prone to climate change, environmental problems and natural disasters, vulnerable to external shocks and excessively dependent on international trade).

Critical issues

An overview of the small island's cultural and socio-economic background is necessary in the context of this report. Indeed, "the people of Seychelles may suffer from geographic isolation because they are 1,500 kilometres from any other countries. As expensive it is to import and export goods, sending locals abroad and bringing foreigners specialists also remains costly."¹

Communication and the free flow of information are critical issues in terms of fostering economic growth, capacity building, education and knowledge sharing but also in terms of countering the brain drain that is recurrent in Seychelles as to most SIDS. Interconnectivity and the sharing of experiences and information are vital in overcoming geographical obstacles.

The consideration of historical and political events of the past 30 years of this small island nation also sheds light on present difficulties. During the one party socialist state, 1977- 1992, the government had full control over media. It owned the only daily newspaper, The Nation as well as the only television and radio stations. During most of the multi-party era, the situation remained basically the same. Strict libel laws were maintained and used liberally against opposition newspapers.

¹ Small Nations - Definitions, Problems Faced by Small Nations, Benefits Gained by Small Nations, The Range of Provision - StateUniversity.com; <http://education.stateuniversity.com/pages/2423/Small-Nations.html#ixzz2mP3YnGNW>

There were occasional physical attacks and harassment against media workers and extensive censorship and self-censorship. High licensing fees were used to discourage the establishment of independent media outlets. The situation only started to change in the midst of the 2008 economic crisis.

The change of era induced by the IMF programme brought with it a wave of democratic and political changes and reforms. However, years of autocratic rule have resulted in many not knowing how to practice democracy and exercise the freedom of speech. It is clear that the absorptive capacity of the citizens to freedom of expression and democracy is problematic and slow.

Democratic reforms depend on citizens making choices, framing options and initiating change. This can only happen if citizens participate in the democratic process. Public access to information held by government authorities will enable citizens to understand the role of government and the decisions that are being made on their behalf. As such, citizens will be empowered to equally access justice and hold public officials accountable for their actions and decisions.

It is important to note that the government is conscious of this situation and appears ready to take the challenge. It has assessed the risk of corruption that diverts scarce resources from necessary public services. It appears to be dealing with corruption in public administration but government officials who indulge in acts of corruption are rarely made accountable. Although they are dismissed, the reasons of their dismissal are kept secret.

Government is investing more than ever in quality education and training, reflecting universal and national values. The media, the fourth pillar of democracy has also a fundamental role to play in promoting high standards and respect for human rights.

It is absolutely necessary to restore the trust between the public, the media and the government. The media is a reflection of society and if its leadership is dishonest, corrupt, obscene or unethical, it will find it difficult to have the legal political and moral empowerment needed to deliver fairness, tolerance, accuracy and credibility in reporting.

As a result of the difficulties of the past, some journalists indulge the government and in doing so, promote mediocrity. By omission and commission they have themselves failed to strengthen democratic principles and the rule of law. They have failed to push for transparency and accountability of the state institutions and for the respect of human rights.

Now that they are free from state control, they should know that their role is to investigate things that are done either rightly or wrongly and inform the Public but always with a respect for ethics.

They should know that they have a role to educate citizens and that they should promote freedom in society. However it appears that as a result of finally having the floor, they generally engage in outbursts of uncontrolled and dysfunctional speech with a tendency to “run wild”.

It is important to note that everyone is learning democracy in the Seychelles, not only the journalists. The weaknesses and shortcomings inherited from the one-party state is embedded in the mentalities of the citizens.

The media share the same large responsibility as the government, to promote and defend integrity, moral and intellectual values. Examples will have to be set from the top from the highest level of society to the grassroots.

Local communities, civil society (NGOs), religious communities, mass media, socio-cultural groups (education, health, culture and heritage), economic, political and administrative groupings must all be involved in the process. This implies reduction in corruption, malpractices and abuses of power, the enhancement of governance and business ethics, the strengthening of family institutions, the effective empowering of women and investment in quality education.

'We must all start by recognizing that there are many areas that we must improve. And we must also recognize that good governance reforms have no end date, as we should always be seeking ways to better engage with our citizens. This is the core of our governance compact in Seychelles - to put the citizen at the center of development'.

Jean Paul Adam, Minister for Foreign Affairs Seychelles

II. Policy and Legislation

A. Regulatory bodies

Seychelles Media Commission (SMC) Media Watchdog¹

In 2009, the media report "**Too many strings to the bow**" recommended the formation of a media council, to uphold article 22 of the Seychellois Charter Of Fundamental Human Rights and Freedoms.²

As a result, the **Seychelles Media Commission** was established by the **SMC Act 2010**, which was approved by the National Assembly on the 21st of December 2011.

Commission mandate

13. (1) To preserve the freedom of the media, improve and maintain high standards of journalism in Seychelles, require publishers of newspapers, radio and television broadcasters, news agencies and journalists to respect human dignity, freedom from discrimination on any grounds, except as are necessary in a democratic society, and to maintain high standards of integrity and good taste.

¹ Seychelles Media Commission: <http://www.seymediacom.org>

² Constitution of the Republic of Seychelles: http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_127610.pdf

The **SMC** published its first code of conduct for the national media on the 3rd of May 2013 and all media participated in its creation¹. On the 23rd of September 2013, the **SMC** hosted its first Editors Forum, which was chaired by the chairperson Mr Ibrahim Afif. The aim of the meeting was to evaluate the media situation in the country through the views of the local media editors.

According to the attendees, the deliberations were fruitful. Some of the concerns voiced were as follows

- Fabricated stories by fellow editors;
- Expectation of the media in respect to the Commission;
- Need to have a media training;
- Revamping the **Seychelles Media Association (SMA)**;
- Access to information from government departments.

In this context, it was noted that the establishment of the **Seychelles Media Commission (SMC)**, as a regulatory body, has helped to reduce court cases against journalists. Several cases of complaint from the public and from government were initiated.

In a press release of the 14th of February 2014, the **SMC** declared:

'There is even a degree of tolerance towards newspapers that are affiliated to political parties. Should public officials choose to take action against the press for defamation, there would be a suit brought against the press at least every week.'

Additionally, the mission observed that the **SMC** under the chairmanship of Mr Ibrahim Afif is functioning well, although at a slow pace for the following reasons.

1. The fact that Mr Ibrahim Afif was previously the CEO of the **Seychelles Broadcasting Corporation (SBC)** cast suspicion amongst the media workers and the public on the independence of the board. The mission believes that Mr Afif and the board have managed to prove its independence and that confidence is now slowly being restored.
2. Most media workers are not really trained journalists. They have joined the profession either for political reasons or for employment purposes. The media landscape is fragmented and divided. As a result, journalists are unable to respect each other and to understand that the union of all media workers together with the **SMC** would benefit the entire profession.
3. The culture of libel prosecutions that has prevailed for many years has deepened the concept of 'victimisation', a means for political mileage. Some editors maintain their position, refusing to respect the rulings of the **SMC** and to recognize its authority as a regulatory body. They would prefer court actions (civil/criminal defamation) rather than conciliation ('Right of Reply' or 'Apology').

¹ Code of Conduct SMC : <http://www.seymediacom.org/resources.html>

Cases and Rulings

On the 28th of November a ruling was made by the Seychelles Media Commission against **Le Seychellois Hebdo LSH** for “unverified and serious allegations”. The ruling can be viewed on the SMC website.¹

The grievance concerned a series of articles that were published in **Le Seychellois Hebdo** on the 13th, 20th and 27th of September and on the 3rd of October 2013. These articles contained serious allegations against the Secretary General in the office of the President, Mrs Lise Bastienne.

The Chief Press Secretary informed the Commission that no attempt was made by **Le Seychellois Hebdo** to contact the office of Mrs Bastienne, to verify these allegations or to give her an opportunity to defend herself.

The Editor of **Le Seychellois Hebdo** turned down a request for an apology by Mrs Bastienne’s lawyer but instead published a list of questions for Mrs Bastienne to answer. According to the complainant, the editor has published the same allegations on Facebook.

The Chief Press Secretary made a complaint on 7th October 2013 to the Commission on behalf of the office of the President. Following the complaint to the Commission, the editor of **Le Seychellois Hebdo** forwarded a set of questions for Mrs Bastienne to the Chief Press Secretary.

Le Seychellois Hebdo stated that it would neither apologise nor retract its accusations in its articles. **LSH**: “Meanwhile we note with interest the SMC’s stance in making its ruling towards **LSH** public. Since this newspaper’s inception in September 2011, it is the first time we have heard of a ruling against any media house made public by the **SMC**. We sincerely hope the decision has nothing to do with the complainant or the name involved in the complaint made! For instance in the case of Nicholas Prea versus **The People**, why was the **SMC**’s ruling not made public”. No court case has followed for the time being.

In the latest **LSH** edition (Friday 18th October 2013) on the front page, the newspaper’s headline read, “**Opposition denounces threat**”. The article engaged in a virulent attack on the government: “**The Seychelles National Party (SNP)** and the **Seychelles United Party (SUP)** are both accusing State sponsored agents for a series of attacks on their activists”.

A complaint was lodged by the government to the **Seychelles Media Commission**. A week later (Thursday 31st of October), the edition’s front article read: “Claimed state house employee released in fraud case”.

It was proven that the accused was not an employee of State House. Another complaint was filed against the newspaper for defamation to the **Seychelles Media Commission**.

¹ Ruling SMC: <http://www.seymediacom.org/rulings.htm>

Furthermore, in response to a mail from the Chief Press Secretary of State House Ms Srdjana Janosevic, the editor published in **Le Seychellois Hebdo** of the 18th September 2013, page 5, an article that clearly implied racism and intolerance against foreigners: "I don't need a reprimand from a Foreigner".¹

Press release

At its sitting of the 24th March 2011, the Seychelles Media Commission deliberated on the complaint lodged by Honourable Nicolas Prea against The People Newspaper. In his letter of complaint, he referred to an article published in the 18th February 2011 edition of The People with the headline, "Mancienne and Prea collect their Rs 250,000 each".

Honourable Prea found the article to be malicious, defamatory, discrediting him as a member of the National Assembly. In its deliberations, the **SMC** noted that although the article clearly stated that Honourable Prea and Mr Mancienne had collected 250,000 Rs, there was nothing in the article proving that they had done so. The article stated that it has "**now been confirmed,**" that the sum would be "**paid starting next month**", meaning March 2011.

The Commission ruled that the headline "**Mancienne and Prea collect the 250,000 SCR each**" published in **The People** was factually incorrect and that the article did not confirm the claim in the headline. It was of the view that by publishing the misleading headline, the editor of **The People** newspaper has fallen short of the journalistic obligation to deliver accurate and truthful information.

Therefore, as mandated by the Seychelles Media Commission Act 2010, the Commission called on the editor of **The People** to publish an apology in respect of the inaccurate headline.²

Complaint by the Seychelles National Party (SNP) against the Seychelles Broadcasting Corporation (SBC)³.

On the 14th of October 2013, the SNP lodged a complaint with the SMC to express discontent at the way the SBC treated the political party's Annual Convention in its news bulletin.

The **SMC** ruled that 'The broadcast report, when considered in the context of the complaint lodged and the defence offered by the SBC, **fails to uphold the principles enshrined in Article 168 of the Constitution of the Third Republic** and also **contravenes Articles 3(3) 3 and 9(2) 4 of the SBC Act 2011**'.

¹ Reference made to Ms Janosevic, who is a Seychellois of Serbian origins;

² Case N. Prea/The People: <http://www.seylii.org/sc/judgment/supreme-court/2007/10>

³ SNP/SBC ruling;

http://www.seymediacom.org/uploads/2/8/2/1/2821898/smc_ruling_on_complaint_by_the_snp_against_the_sbc.pdf

Article 168(1):” the State shall ensure that all broadcasting media which it owns or controls or which receive a contribution from the public fund are so constituted and managed that they may operate independently of the State and of political or other influence of other bodies, persons or political Parties”.

Article 168(2):” the broadcasting media referred to in that clause shall, subject to this Constitution and any other laws, afford opportunities and facilities for the presentation of divergent views”.

SBC ACT 2011: “the Corporation shall be independent and shall operate independently of the State and of the political or other influence of other bodies, persons or political parties. The Board shall, in the discharge of its functions safeguard the citizen's right to be informed freely, truthfully and objectively on all matters of public interest, national or international, and presenting a fair and balanced flow of information including contrasting views without advocating any opinion or ideology of its own”.

In its recommendations, the **SMC** advised the SBC that it should review its editorial policy in respect of coverage of political parties so as to ensure compliance with 1993 Constitution and the **SBC ACT 2011** and ‘whilst the Commission recognises the impact that decisions taken by the ruling party may have on the population, the SBC should be fair and balanced when covering activities of all political parties and matters of public interest’.

Only one newspaper was taken to court in December 2011 (concluding in October 2012).¹

The editor of the opposition newspaper **Le Nouveau Seychelles Weekly (LNSW)**, Ralph Volcere, who is also the leader of the opposition party, the **Seychelles United Party (SUP)**, previously named **National Democratic Party (NDP)**, was found guilty on three counts of contempt of interference in the administration of justice under section 114 (1) of the Penal Code for an article challenging the neutrality of a sitting judge before judgement was delivered in an appeal case. Volcere was required to either publish an apology or pay a fine of SCR10,000 (\$730).

In June 2012, three newspapers printed explicit photographs of a male member of the National Assembly in bed with a consenting adult partner. The incriminating photographs were extracted from a sex tape stolen from the victim’s laptop. As a result, the victim resigned from his post. Despite the violation of his right to privacy that drastically damaged his reputation, he did not take any legal actions against the newspapers.

In August 2012, the Penal Code was amended to widen the definition of the right to privacy and now includes the offence of observing or visually recording a person, in any circumstances whereby that person would expect to be granted privacy.

¹ Case Contempt of Court R. Volcere: <http://www.seylii.org/sc/judgment/supreme-court/2012/36>

Seychelles Media Association (SMA) and the Joint Commission between the SMA and SMC

The 2009 Report suggested that new structures for dialogue and mediation should be set up to unite the media workers and civil society around a common goal. Those structures would in certain circumstances reduce the mandate of the government and the justice system. Powers would be handed over to the media. As such, the media would become more self regulating and responsible, respectful of the public by offering them quality information.

The lack of trust between media workers due to political affiliation has impacted negatively on the establishment of such a Media Association.

The media bodies should act together in order to build capacity and support in response to the many challenges facing the industry (journalism training, duty of excellence, co-operation, networking and innovation, local accountability and democracy).

In late 2009, the **Seychelles Media Association** was re-established after a 10-year gap. Plans were made to elect an executive committee and a draft constitution was presented to the different media houses for amendments and suggestions.

To date, the constitution has neither been ratified nor registered. In this respect it cannot be given official recognition by the state and is therefore for all intents and purposes currently non-existent.

Recommendation

It is urgent that the **Seychelles Media Association** be re-established to fit its purpose and to build cohesion between the media workers and to set up a joint Commission between the **SMC** and the **SMA**. This Commission would meet at regular intervals (or on demand in exceptional circumstances) to expose and resolve problems between the two stakeholders (**SMC/SMA**).

The joint Commission should be composed of one member of the board of the **SMA** and one member of the board of the **SMC** and be supervised by a mediator nominated by the two parties for a one-year non-renewable mandate. The conclusions of the Commission would be made public, endorsed by the mediator and approved unanimously by the members. The mediator would have a consultative role within the government.

The main projects for the Commission could be to undertake the reform of the **Law on Publications** and the drafting of the **Freedom of Information Act**.

B. Reform of the Law

Law on Publications¹

The applicable statutes in the Penal Code include several provisions criminalising defamation (sections 184 – 191), which is formally in contravention of standards of democratic countries. In terms of civil defamation, the law applicable remains that of England as of 1976. Not only does this undermine the sovereignty of the Seychelles Republic but it also prevents judicial decisions being adapted to suit the realities of the country.

Due to the necessity to accelerate reforms and to implement the recommendation of the 2009 report on the laws on Publications, as well as the ongoing Constitutional Review Process the Attorney General has been invested with the mandate to initiate the process.

Recommendation

It is fundamental that space for public discussion be created before the enactment of the law, to ensure that civil society fully participates in the democratic process. Particular attention should be given to criminal and civil defamation.

The purpose of the reform would be the simplification of relevant laws, through the elaboration of clear definitions of offenses and proportionate penalties in keeping with modern realities and Seychellois society.

Possible penalties could include:

1. **Reminder** – A caution by the court that takes note of the possibility that the author may have acted in good faith and warns him of the consequences of a repeat offence;
2. **Judicial publication order** – The obligation to publish, in an appropriate place in the offending publication, the measures stipulated in the judicial decision: an apology, a retraction, a correction, a judicial statement, etc....
3. **Payment of a fine** – This can range from a symbolic One Rupee to an amount corresponding to reparation for damages. This amount should be reasonable so as to not jeopardize the media company's ability to remain in business.

Draft Freedom of Information Act

The government has become more responsible and responsive towards journalists, and the media are free from overt government censorship and harassment. Nevertheless, the media are constantly in contact with the government in terms of information gathering. They depend on it for most local news. In this context, some journalists might argue that the media are subject to government control because of their reliance on official sources.

¹ Bar Association of Seychelles <http://www.bas.sc>

More importantly, editors complain about self-censorship and difficulties in accessing information from certain public authorities. Even with the designation of public relation officers in diverse government departments, follow up on information requests can take weeks and phone calls are never returned.

To enhance performance, some government administrations, such as the **Ministry of Foreign Affairs**, the **Ministry of Health, Environment and Natural Resources** and the **Ministry of Culture and Tourism**, have opened their doors to the media without distinction.

However, the editor in chief of **LSH** Mr Gervais Henrie wrote an open letter to the minister for Home Affairs, stating that he believed 'LSH had been improperly denied access to information'. The same newspaper complained about the un-cooperative attitude of the police in sharing press releases and information. The mission met with the Minister of Home affairs to clarify those allegations.

The minister confirmed refraining from interviews with editors of political newspapers because of a systematic manipulation of his comments, in a biased and unethical way. The minister agreed that they urgently needed to recruit a PR officer for the purpose of liaising with the media.

Un-cooperative attitudes in high government institutions as well as in the police department could be explained by the politics of secrecy and self-censorship that had operated for so many years in the country.

This would have created a persisting fear by officials in giving information to the public. Another explanation is the serious shortage of journalists in the country. The government is struggling to recruit PR officers for various ministries, agencies and departments.

Joint declaration 2004 by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression¹ "The right to access information held by public authorities is a fundamental human right which should be given effect at the national level through comprehensive legislation (for example Freedom of Information Acts) based on the principle of maximum disclosure, establishing a presumption that all information is accessible subject only to a narrow system of exceptions."

Recommendation

In accordance with Article 28 of the Constitution, the **Freedom of Information Act** should be enacted by the National Assembly to allow access to information to citizens and journalists.

A Commission should be set up to draft the FIA and should be composed of judges, practitioners and stakeholders with the participation of the **Seychelles Media**

¹Joint Declaration 2004 OSCE: www.osce.org/fom/99558?download=true

Association and the Seychelles Media Commission. This work should be done with the assistance of a consultant who would conduct research and produce a report with recommendations. Draft legislation would then be prepared and proposed to Parliament to be voted on.

Areas of concern

1. The Regime of Exceptions

It is necessary to balance the right to access information with the protection of public and private interests (security issues, right to privacy).

2. The obligation to share information

It is essential to ascertain the degree of dissemination/publication of information necessary, in line with modern communication tools. Some other concerns include: how the law ensures public interest in disclosure, access of citizens to their medical files and personal information, including information about human rights violation.

3. Checks and balances in the information request process

Civil servants are currently facing pressure and resource constraints that should be mitigated by giving access to affordable information in due time. Access to information should never legitimise personal vendetta.

4. Right of appeal

Written requests should be sent to the Public Information Officer (PIO) whose duty is to provide information to citizens within 30 days. The ground for complaints of individual requests should be ascertained and the objection deemed justified or not. All public information refusals should be in written form. Refusals without justifications should be sanctioned. Information concerning human rights abuses by security agencies should be provided within 30 to 45 days. In cases of emergency-life or the liberty of a person, the PIO should have to answer within 48 hours.

5. Appointment of Public Information Officers (PIO)^{1 2}

Access to information from some specific government departments, is one of the major complaints from most media workers in the Seychelles. All information (apart from those that are legally exempted) held by government and their agencies, should be published. Dissemination and sharing of information will help restore trust between the media, the citizens and the government. Openness in government increases the participation of the citizens more directly in administration and governance. It is part of the democratic process that leads to better informed decision-making.

Any citizen should be able to question decisions and policies and their implementation by government. This reduces the scope for abuse and corruption in public administration, increases accountability and promotes good governance. It also facilitates effective business practices and maximises the potential for sustainable development.

Through the right to information, citizens fully enjoy their rights to health and education. It also further progresses women's rights and gender equality.

¹ African Commission on Human and Peoples' Rights. Draft Model Law FOI
<http://www.achpr.org/instruments/access-information/>

² A Model FOI Law ARTICLE19 <http://www.article19.org/data/files/pdfs/standards/modelfoilaw.pdf>

In this respect, there has been a very positive response from the Attorney General in relation to the planned reform of the Law on Publications and the drafting of the Freedom of Information Act in the very near future.

UNESCO promotes Freedom of Information as a tool for women's empowerment. "The right to access to information used in a strategic way by the human rights organizations can also contribute to expose cases of violation of women's rights and help to mobilize the government to better ensure their protection" (source UNESCO communication and information sector)¹

The Public Order Act²

In July 2012, the Electoral Commission submitted a proposal to President Michel outlining the new Public Order Act to modernize out-dated statutes accompanying constitutional guarantees for freedoms of speech and assembly. The new POA Act is the result of the necessity to level the playing field for future elections.

General context of the Law

The POA Act was the first of the reforms initiated by the government after the 2011 general elections call for electoral reforms.

This call had resulted in a sixth amendment to the 1993 constitution. The Seychelles Electoral Commission was established in July 2011 to review existing legislation governing electoral matters and make recommendations to government.

A forum for electoral reform was established with representatives of all registered political parties and civil society. The views of voters were sought through a series of regional public meetings and other avenues of direct communication with the EC. The deliberations of the forum for electoral reform have been open to the public. Many of the issues debated were taken up in the local media.

In line with article 23(2) of the Constitution, the new Public Order Act restricts the right to assemble in a limited number of circumstances in the interest of defence, public safety, public order, public morality or public health. The restrictions imposed derive from the UK 1986 Public Order Act and are justified by the necessity to ensure the right balance between the freedom to assemble and the protection of public order.

This law has been the subject of a strong controversy because of the restrictions imposed to the freedom to assemble and the right to publish photographs and videos of police officers on duty. As such, the organic independence of the Appeal Board is one of the major concerns brought forward. Indeed, this entity aims to control the proportionality of the restrictions imposed by the Commissioner of Police.

Meetings were held with the Attorney General and the Minister for Home affairs who have expressed their will to strengthen their communication tool for a better understanding of the law by the civil society. It was suggested that a webpage could

¹ UNESCO Freedom of Information in Africa <http://www1.chr.up.ac.za/index.php/comments.html>

² <http://www.seylii.org/sc/legislation/act/2013/22>

be hosted by the National Assembly website to clarify some of the individuals' queries. Another suggestion was to create a public place for debate.

Concurrently, a debate was hosted by LUNGOS, the umbrella for NGOs in Seychelles together with government officials to address these issues. It was opposed that the Appeal Board would be only composed of members appointed by the President. In response, the AG has ensured that the list of the candidates to be nominated by the President would reflect the interests of all civil society. Furthermore, the decision of the appeal board should be challengeable before the jurisdiction.

The mission recommends that further clarification be brought to the public to ensure that the civil society can effectively contest the decision of the appeal board before the court in a reasonable time and manner.

III – State of Media & Communication Platforms

A. The Printing Press

Media pluralism ensures that citizens have access to a variety of information sources, opinions and voices and that they are able to form their own opinion without the undue influence of one dominant opinion forming party. On the other hand the right of freedom of expression is accompanied by responsibilities and obligations.

The duty of the press is to serve the public interest. This is accompanied by professionalism and proper ethical conduct promoting public trust and confidence in the institutions. Pluralism does not depend on the quantity of media houses in a country but on the quality and diversity of news and public affairs coverage. The representation of different cultural groups and divergent political and ideological opinions plays an important role in the consolidation of democracy.

Since the 2009 report, the media landscape has incorporated new actors. **Coco Magazine** and **Potpourri** have begun publication in 2012. Other publications for holidays and tourism investment have flourished like **Review**, **Business Seychelles** and **VIOAS** (Voice of the Indian Ocean and Arabian seas)¹.

Apart from those publications, the Seychellois people have at their disposal an array of six newspapers. Considering the size of the population, (87,000 inhabitants) one could easily say that pluralism has been respected.

The two daily newspapers, **Seychelles Nation** (public) and the **Today in Seychelles** (private), **The Victoria Times**, tri weekly (private) and the three political weekly newspapers, **The People (Parti Lepep)**, **Le Seychellois Hebdo (SNP)** and **Le Nouveau Seychelles Weekly (SUP)**, sell the majority of their 2000 to 4000 copies on Mahé, where they are set up and printed. The distribution on Praslin and La Digue remains difficult.

¹ SMC Media directory : <http://www.seymediacom.org/media-directory.html>

Two newspapers have closed down.

- the **Rising Sun**, property of a businessman and ex-Chairman of the Seychelles Chamber of Commerce and Industry (**SCCI**) Dr Ramadoss.
- **REGAR**, the **SNP** opposition newspaper which has been replaced by **Le Seychellois Hebdo LSH**.

It was generally observed that while the printing press has benefited from the freedom of speech and opinion, many journalists, especially those of state owned media and television still practice self-censorship denying the citizen the right to information. Many journalists in Seychelles are still fearful of what might happen to them if they publish certain information or criticise the government although this fear may no longer be legitimate.

The emergence of more partisan media, in a small population where politics has always been omnipresent, has also contributed to political polarisation. Three of the six newspapers **The People**, **Le Seychellois Hebdo** and **Le Nouveau Seychelles Weekly** dominate the media landscape. Political media alignments were shaped largely in the early nineties after multi-party was restored. It served as a breeding ground for political debate.

The three newspapers are highly politicised and polarized into two diametrically opposed camps. Each camp claims to know and represent best the interest of civil society. While one tends to hold the government responsible for all the ills of society, the other is overwhelming biased towards the government.

The opposition mouthpieces devote themselves to exploiting state scandals, thus undermining government in order to fulfil their not-so-hidden political agenda. These attacks induce systematically non-ethical responses from political adversaries generating a spiral of threats and uncertainties.

Among the editors of opposition newspapers, one has partially admitted that he would like to be less biased but he fears for his means of livelihood. It is very difficult to ascertain whether the six media houses are independent. It is nevertheless an essential condition for democratic pluralism. It would appear that most newspapers are either state-owned, affiliated to a political party or to businessmen with specific agendas. Most editors do not deny this fact.

A large percentage of the public, especially activists from the different political parties are supporting such “deviant behaviours”. This is an area of great concern, since it encourages mediocrity and holds back the promotion of fundamental ethical and democratic values. A small proportion of the public has expressed its wish for a fair and honest media, admitting to boycotting most newspapers. Those readers complained that it is common to be “taken in” by sensational headlines on the front pages only to realise that there is little in substance in the article that merits the headlines.

There have also been unconfirmed reports of extortion amongst journalists. As such, a particular media house has been singled out. Some reports state that people have received threats of being exposed in this particular paper if they do not pay. The

mission recommends that further investigation be conducted to validate these allegations.

It was observed that government authorities are less inclined to bring journalists to court and prefer to empower the **Seychelles Media Commission** to act in cases of defamation. On the other hand, it is obvious that certain political affiliated newspapers would rather be brought to court as a mean to pursue their political agenda. They even go to extremes of defamation and provocation in order to push the authorities to their limits.

B. Newspapers

Le Nouveau Seychelles Weekly

The Chief Editor of **Le Nouveau Seychelles Weekly LNSW**, Ralph Volcere is the leader of the opposition party **Seychelles United Party (SUP)**. His strategy is to continue bashing and exposing the government until the playing field is levelled.

The articles are based on “inside” stories of current political developments. The scandals exposed involve prominent political figures and are sometimes potentially defamatory.¹

Le Seychellois Hebdo

Le Seychellois Hebdo LSH replaced the opposition newspaper **REGAR**. It was launched prior to the 2011 parliamentary elections and started publication in September 2011.

It is officially owned by a private company **Le Seychellois Hebdo Pty Ltd**. The Chief Editor Mr Gervais Henrie claims he owns the paper together with his partner Lindy Vital, an ex-journalist from the **Seychelles Broadcasting Corporation SBC**.

Unlike **REGAR**, the opposition Party **SNP** has no stake in **Le Seychellois Hebdo**. However the Chief Editor is a member of the executive board of the **Seychelles National Party (SNP)**. The paper employs three people including two trained journalists, Gervais Henrie and Lindy Vital as well as a freelance reporter. Financially, its viability depends on the loyalty and faithfulness of its readership **SNP** activists.

Unlike other Newspapers, **LSH** has no advertisements. The paper like the **LNSW** has a very vociferous stance against the government and is clearly advocating the **SNP**'s propaganda. The leader of the **SNP** opposition, Mr Ramkalawan, writes a special column every week. The **LSH** has also an online subscription and a Facebook page.²

¹ Website: www.lenouveauseychellesweekly.com

² LSH Blog: <http://leseychelloishebdo.blogspot.fr>

The People

The People Newspaper, representing the interests of **Parti Lepep (PL)**, the party in power, occasionally attacks the opposition (Lepep i note), through poor quality journalism. During the last survey in 2009 the editor promised to end the “deviant behaviours” and to concentrate more on enhancing societal values.¹

The Victoria Times

The Victoria Times and **Today in Seychelles** belong to two prominent businessmen in the country. They are private newspapers, financially viable, but facing many difficulties.

The Victoria Times (TVT) is a tri-weekly newspaper, whose objective is to promote business in the Seychelles. It belongs to Barry Laine, a Seychellois businessman specialised in Alternative Medicine, who has set up an institute ‘**The Wishing Well**’ as well as **The Academy of High Performance**, coaching courses on improving individual capacities. He is also a member of the advisory board of the **Seychelles University Foundation**.

The TVT was launched in April 2013 and has definitely deviated from its original status becoming an opinionated paper. It is of poor standard, frivolous, and full of shortcomings. Nonetheless, Mr Laine has voiced his ambition of setting up a radio station; **Seashells Sound FM**, as well as a TV station in the near future. The **TVT** is functioning with one trained journalist the editor in chief also recruited from **The Seychelles Nation**, Mr George Thande.

Today in Seychelles

The **Today in Seychelles** was launched on the 1st of March 2011 as the archipelago’s leading daily independent colour newspaper. It was designed to overtake **The Seychelles Nation** in popularity, by focusing on local and international news (economy, business, sports and leisure). It has an online subscription and a Facebook page.²

Two years later, the paper is found struggling with a shortage of staff and trained professionals. It is operating without any trained journalists. Three of its media workers are GOP’s (expatriates) and do not master the creole language.

The paper previously hired a team of professionals, three of whom had been recruited from **The Seychelles Nation**. They have all resigned. Lately a Franco Seychellois journalist was hired but his contract was terminated after three months. Although financially viable because of paid advertisements and commercials, the news content are more or less opinionated, with a liberal slant on politics and drastically lack investigative journalism.

¹ The People: <http://people.partilepep.com/thepeople/> Website: www.people.partilepep.com

² Today in Seychelles: <http://www.todayinseychelles.co>; Website: www.today.sc

The Editor in Chief, Mrs Nicole Tirant, complained about the extensive workload, partially due to undertrained staff. She pointed out the difficulties in accessing information, leading to the impossibility of extensive news coverage.

The question of independence has also been raised. It appears that self-censorship is practised so as not to upset companies that advertise in the newspaper as well as shareholders. During the conduct of this report, one company pulled out its commercial contract with the newspaper because of a conflict of interest.

The Seychelles Nation

The National Information Services Agency (**NISA**) publishes **The Seychelles Nation**.¹ It is a corporate body financially self-sustainable. Indeed, the government no longer funds the daily.

However, it remains under the auspices of the Ministry of Information. Its main function is to produce the newspaper. **NISA** also provides support to the printing and publishing industries. Paid advertising represents about 60% of space in the daily.

The turnover for advertisement is such that the newspaper pays out a dividend to the state. It has a circulation of about 3500 copies during weekdays and 4000 copies during weekends. From 12 pages in black and white in 2009, the newspaper has been revamped in November 2012 to 20 pages on weekdays of which 4 are in colour and 24 pages on weekends in colour. Editorial pages have increased from 4 to 8, and there are 11 publicity pages in black and white.

The paper covers national regional and international news. There is a specialised section that includes sections such as: Up Close, Life & Style, Environment, Education, Business, Science, Technology and Sports. The Newspaper costs SCR5 and is the cheapest in the country. Critics are of the view that the newspaper publishes everyday events organised by the government and rarely publishes news critical of the government.

The Chief Editor denied these allegations and confirmed that the newspaper was not subject to any political pressure or censorship. Notwithstanding those critics, the daily is believed to be the most read newspaper in the country.

The Chief Editor also voiced his concern about the shortage of trained professionals. Since 2010, the daily has lost a total of about seven journalists who have left their posts mainly due to low salaries. On average, the salary is a third of those of management and half the salary of journalists at the **SBC**.

Some journalists take up PR jobs in the government civil service that are more attractive and less constraining in terms of work hours. Others join other newspapers. Until now, the editor and his deputy have been able to keep in house only four young and inexperienced employees. They hold the title of journalist despite non-or limited training in the field. The editor in chief is the only staff to hold a degree in journalism.

¹ the Seychelles Nation: <http://www.nation.sc>

The mission observed that the President of the Republic of Seychelles is less present in the headlines than four years ago.

It is encouraging to see that topics such as health, environment and education have achieved a fair coverage. However, sports and paid advertisements account for at least 70% of the space. The editorial contents are clearly unbalanced. They occupy only 8 pages out of a total of 20.

C. Broadcasting

Some of the most important factors taken into account by the Press Freedom NGO **Reporters Without Borders**¹ affecting considerably a country's ranking on the Press Freedom Index are:

- The absence of private radio;
- The level of self-censorship (or suspicion of) on public media houses;
- The lack of quality and diversity in the coverage of news and public affairs by broadcasters and journalists.

In 2012, there was an amendment to the **Seychelles Broadcasting and telecommunication Act**. Fees for radio and TV licences became more affordable. For radio stations, it was brought down from SCR 800,000 per year to SCR 100,000. This has enabled one private radio station, **Pure FM** to be launched.

Licence fees for TV was also brought down to SCR 250,000 per year (SCR 20,833 per month). For subscription TV, it was reduced to SCR 800,000 per year (SCR 67,000 per month).

Pure FM²

Seychelles first private and commercial Radio Station, **Pure FM entertainment Pty**, was launched in June 2013. The owner of the radio is a Maldivian naturalised Seychellois businessman specialised in the hotel industry, Ahmed Mahir Didi.

The radio broadcasts 24 hours of news, music, magazine styled programmes, entertainment and sports. The station has a staff of about 23 employees. 16 are employed on a full time basis and seven on part-time, including the Chief Editor Russel Vidot, a trained radio specialist. The post of CEO is vacant. The Mayor of Victoria, Mrs Jacqueline Moustache Belle is a consultant to the project. She worked previously for the SBC as the presentator of the most famous talk show Face à Face. As a presentator she was known to have strong opinions which sometimes rubbed people the wrong way but which is an asset for good journalism.

The programmes touch a diverse spectrum of issues of interest to the Seychellois public and it was noted that the debates and news are free from any influence or

¹ Reporters Without Borders website: <http://fr.rsf.org>

² Pure FM Website: <http://www.purefm.sc>

control. Yet there seems to be slight self-censorship in relation to local political issues but opinions and viewpoints on most issues other than local politics are diverse and of quite good quality.

There is still room for improvement. As in all media house, **Pure FM** faces understaffing and a lack of trained professionals. Nevertheless, the radio enjoys overwhelming public support. The mission hopes that this breath of “fresh air” will continue to be beneficial to the freedom of expression generally in Seychelles.

Seychelles Broadcasting Corporation

The **SBC** runs the nation’s only television station and two radio stations, **Paradise FM** and **AM Radio**. 85% of its budget is in the form of a government subsidy and 15% comes from advertising. It continues to face accusations of political influence and self-censorship. The 2009 media report “**Too many strings to the bow**”, recommended a reform of the legal structure to render it more independent from executive control. In reaction, a new **Seychelles Broadcasting Corporation Act** was passed in 2011.¹ The objective of the legislation was to replace the **Seychelles Broadcasting Act 1992**.

SBC Act 2011 on the nomination of the Board and Chairperson, Part 11, Broadcasting corporation of Seychelles²

- 1) The Board shall consist of a Chairperson and six other members all of whom shall be appointed by the President;
- a) The Chairperson and two members shall be appointed by the President, selected from 3 candidates proposed by the Constitutional Appointment Authority constituted under Article 139 of the Constitution, in each of the following category.

A review of the text reveals that the appointment of the Managing Director and other members of the board is made by the President, in violation of article 168 (1) of the Constitution. Consequently it has not succeeded in removing suspicion of executive control by the government of the **SBC**.

Article 168 (1) of the Constitution

“The state shall ensure that all broadcasting media which it owns or controls or which receives a contribution from the public fund are so constituted and managed that they may operate independently of the state.”

To guarantee conformity with the Constitution, it is necessary to establish the organic independence of the broadcasting media. In this context, the following principles have to be implemented:

- The board should operate independently from any political party, corporate body or group of individuals;
- The government should ensure freedom of the media;

¹ Seychelles Media Commission: <http://www.seymediacom.org/index.html>

It is important to state that the Riley Report was very much in line with “Too many strings to the Bow

² Broadcasting Corporation Act 2011

http://www.seymediacom.org/uploads/2/8/2/1/2821898/sbc_act_2011.pdf

- It should guarantee harmonious and equitable development of radio and television broadcastings;
- It should improve the standards of journalism.
- In this respect, the 2009 report recommended a new system for selecting persons to serve on the **SBC** board:
- The 10 members designated by the President of the Republic of Seychelles, upon consultation of the leader of the opposition, should be appointed hereafter by the President under the recommendation of the **Seychelles Media Commission**;
- The managing director should be designated by the 10 elected members. He would then be accountable to the board. This would reinforce the authority of the corporate board and remove any suspicion of government control.

Recommendation

While the 2011 SBC Act represents a move towards improving the representation of the board, the SBC Act still requires amendment in conformity with Article 168 (1) of the Constitution, and in line with the recommendations of the 2009 report “**Too many strings to the Bow**” and the **Riley Report** for the nomination of the managing director.

The President is entitled by the SBC ACT 2011 to appoint and revoke the chairman of the **SBC**. This breach of editorial independence sends the wrong message to the press freedom NGOs such as **Reporters Without Borders (RSF)** and to the people of Seychelles. The right of journalists and broadcasters to exercise their professions should be free from any sort of executive interference.

For psychological and historical reasons, the **SBC** holds a monopolistic position in the Seychelles broadcasting landscape that further decreases public trust and confidence in the media. Replacing the government appointed director with a strictly non-partisan governing body will mitigate these risks.

At the same time, the current situation is undermining the work and independence of the managing director Mr Antoine Onezime. Indeed, many critics expressed the view that “**he has to please his master in order to keep his job**”. The time has come to encourage and transform state broadcasters into genuine public broadcasters.

Judge Riley Report under the SBC Act 1992- Suggestion

“The managing Director of the SBC should be recruited by the Board of the SBC using similar principles to those set out for the recruitment of members of the Board. He should be appointed by the Board and be accountable to it. His term of office and conditions of employment should be agreed between him and the Board and should be clearly set out in his contract of employment with the SBC. Removal of the Managing Director should be a matter for the Board.”

This report also recommends that LUNGOS as a citizen-based organisation be represented on the SBC Board.

SBC Radio/ Television¹

Since 2009, a series of reforms have been implemented to improve and modernize the functioning and output of the organisation. To achieve these objectives, a content development division was set up to develop the ability of research and creativity amongst the producers and to enhance the quality and quantity of the local productions.²

The management team has now a new quality control system. Control divisions were re-organised and a performance based reward system was introduced. **SBC TV** producers developed a '2 seasons' schedule to generate programmes. A variety of new programmes have been launched. Season 1 runs from February to May and season 2 from July to November. Incentives such as the staff welfare unit were created to boost performance.

There is a live debate style programme “**An direk**” which has phone-ins and that receives a large number of participants, debating on prostitution, drug abuse, cancer treatment and many other social problems on a monthly basis.

The News Division has been rebranded into news, current affairs and sports division and is considered the flagship of the organisation.

The **SBC** short-term plan for digital migration has been a great success. The commissioning of the test digital transmitter was successfully implemented during 2011 and covers the area in and around Victoria.

The “**News Extra**” is a daily programme where individuals from all walks of life, are interviewed just after the news. The public is invited to freely express their opinion. The **SBC** is finally becoming their television. The Seychellois audience now wakes up to “**Bonzour Sesel**” the morning show, which is 100% local.

The BBC and RFI both have independent agreements with the SBC and they pay the SBC for the running costs and maintenance of their equipment. The SBC also broadcasts foreign television services: **BBC News, CNN World, CCTV News, France 24, Russia Today** and **Korea Broadcasting System's KBS World**.

There is good coverage, programmes and activities that focus on children to promote awareness on development and education, in collaboration with NGOs like **NCC (National Council for Children) CARE (The Committee for Awareness, Resilience and Education)**. There is an estimated 14,000 TV sets in the country.

The **AM Radio** channel for the general domestic audience aims to provide community services, the reading of private announcements notices and messages. It is broadcasted in mono on 219 meters, 1368 KHz. The broadcasts are done in the 3 official languages, French, English and Creole. They cover music, news, documentaries, panel games, drama and children's programmes. Productions are both local (40%) and international (60%). **Paradise FM** Radio channel broadcasts 24hrs a day, predominantly music services.

¹ Website: www.sbc.sc

² Recommendation of media report Ferrari/Vincent 2009 " Too many strings to the bow"

Despite the numerous reforms and the establishment of an in-house Learning Academy, the organisation is facing the same issue of human capacity as other media houses. The number of employees since 2009 has not changed. There is 240 staff including 20 journalists. Unfortunately, journalists are trained on the go, without the support of specialisation programmes.

A journalist cannot be good in everything, especially in aspects where he is not gifted. This calls for specialised reporting once the journalist has mastered the basis of journalism. Incidentally, salaries are quite low (from SCR 6000 to SCR 20000) despite the creation of an incentive allowance as well as a 6th day allowance. Additionally, understaffing is a cause of extra workload for employees, increasing their stress and causing dissension. In general, most of the young inexperienced media workers have neither the necessary motivation nor the proper training to deliver quality based work.

Intelvision

Intelvision started operation in October 2004. It is one of the three local ISPs alongside **Atlas** and **Kokonet**. It also provides telephone and cable TV services. Like its competitors, **Intelvision** relies entirely on satellite technology for connectivity.

Seychelles News Agency (SNA)

The Department of information will launch a Seychelles News Agency this year, to create awareness of the Seychelles both regionally and internationally as a Small Island Developing State (SIDS), with the aim of becoming the leaders in Seychelles online news distribution and cultural diplomacy. They will be working with freelance journalists both in Seychelles and the Indian Ocean region and will be administered through a website with an online text and photo news service in French and English.

Online and Mobile Media (Social Media)

In 2012, Seychelles was connected to the Eastern Africa Submarine Cable System, providing the country with higher bandwidth. Internet is available to all and is unrestricted. About 47% of the population accessed the Internet in 2012. Internet access remains slow and expensive but usage is growing. Several media outlets have websites, online subscriptions and Facebook pages.

The creation of media pages or groups enables media users to interact and dialogue, exchange news, photos as well as gossips across the country and provides connectivity with the other inhabited islands. Facebook is more popular than blogs and user numbers are relatively high. People have turned to Internet to voice their concern on topical issues. There is an increasing phenomenon of anonymous political blogging. Both the opposition and the government supporters are using such blogs especially on Facebook. It has become part of everyday life.

A few political blogs operate through anonymous comments. One in particular is administered by the leader of an opposition party. It displays poor ethical standards and has a racist and xenophobic stance.

Facebook groups have administrators who keep track of the discussions and delete

members who violate the code of conduct set up by the group themselves. Internet is also becoming an important hub for international news. Finally, access to mobile phones have increased rapidly in the past years and has become an important device for communication and Internet access.¹

Case study, July 2012

An Internet opposition activist on Facebook posted photographs of a Seychellois soldier with head injuries alleging that he had been beaten up by Nepalese police officers (former GHURKAS). The activist said that no explanation as to why he had been arrested was provided to him and that he had been detained for three hours. On this occasion, he declared that he had been pressured to reveal the source of the incriminating photographs. According to the police, he was questioned in order to provide evidence concerning the assault. An investigation should be conducted to verify these allegations and proper measures adopted to prevent any unlawful deprivation of liberty and suspicion of media control.

Observations

Television allows the support of democratic change through fair representation and equal participation of all citizens and eligible political parties in its broadcasts. Indeed, a fair political dialogue is vital for the development and institutionalization of political pluralism.

However, during the elections, rival political parties complained that they had limited access to television and that pro-government activists are still leading debates in the television programmes.

According to the statistics given by the **SBC**, coverage given during elections is ensured to give a fair balance to all political parties. However, due to its monopolistic position in the broadcasting landscape, the SBC should be more pro-active in encouraging fair public debates and giving more air access to all political parties outside election periods.

Estimated Internet Users per 100 inhabitants	47.08	2012
Fixed telephone subscriptions	28,865	2012
Fixed telephone subscriptions per 100 inhabitants	33.11	2012
Mobile cellular telephone subscriptions	138,272	2012
Mobile cellular telephone subscriptions per 100 inhabitants	158.63	2012

¹ ICT data: <http://www.cto.int/media/ICT-data/seychelles.pdf>

Parliament and Democracy¹

The live re-transmission twice a week of debates in the National Assembly by the **SBC** is a good step forward but much more has to be done. Broadcasting parliamentary proceedings lead to first hand political education of the citizen so that they understand how laws are made. Parliamentarians should find new ways of engaging with the public, including civil society, to enable them to contribute to the legislative process but also to understand the laws that are debated and enacted. The National Assembly website should include a space where the citizens could interact with government officials and members of Parliament through written questions.

IV – Capacity building

Of serious concern is the fact that over 70% of print media journalists are not trained. The mission thinks that there is an urgent need to invest in human resources and capacity building to strengthen the professionalism of media workers. In this respect, the youth is an important asset for development. Indeed, 11 % of the economically active population is aged between 18 and 25 years old. More efforts should be made to empower them.

A. Journalist training

In 1985, the Commonwealth Secretariat convened a seminal meeting on education in small nations. The report concluded ‘The style of educational development... is too frequently modelled on what is appropriate and fashionable in large states. Small countries are not simply a scaled-down version of large countries. They have ecology of their own. We believe there is a cluster of factors, which suggest particular strategies in the smaller states of the world.’²

As a small island nation (less than 100,000 inhabitants), the Seychelles faces the problem of manpower and skills. ‘Despite the opening of the University of Seychelles in 2009, capacity constraints in human resources and certain relevant institutions continue to pose a challenge for sustaining medium-to long-term growth. Currently, the Government intends to continue filling this gap by either hiring expatriates from overseas or using technical assistance, provided mainly through bilateral agreements with countries including China and India.’³

Indeed, the University must form partnerships with external institutions for particular courses or for distant education. Efficiency should be increased by focusing on the few specialities that are more needed for the Seychelles.

¹ Website National Assembly: <http://www.nationalassembly.sc>

² Small States Priorities: <http://www.cedol.org/wp-content/uploads/2012/02/31-33-2009.pdf>

³ ADB: <http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Seychelles%20-%20CSP%20%2020112015.pdf>

One of the major bottlenecks in the evolution of the media landscape is that the growing media environment is poisoned by a latent lack of ethical regulation. The problem is exacerbated by an acute shortage in trained professionals. The need for basic reporting skills and investigative journalism as well as other specialist fields like human rights reporting, must imperatively be backed up with education on ethics. Basic knowledge of institutions, civil rights and entrepreneurship should be secured along with a better understanding of geopolitical issues.

Freelance reporters should be encouraged to work alongside other reporters and traditional organizations. The linguistic competency standards are currently of very poor quality. This is certainly an area of concern in terms of citizens' education, if we are to see the country moving forward. The media training institutions should give students enough opportunities to achieve proficiency in the national languages. This should stimulate more critical minds. Training must also focus on media laws and regulations.

As per the 2009 report, it is recommended that the **University of Seychelles** offers a work space for the students, within the framework of a University campus¹. This would allow students to host electronic media workshops and a website where they could publish free news coverage, reports and documentary films and promote their work through the various media available in the country. Media incentives in the student community would develop new skills (live reports via Twitter, YouTube, etc....) and generate new challenges and business opportunities, and even perhaps, a new profession, merging with the evolving communication technologies.

In terms of qualifications, there are no specific requirements for journalists nor any restriction by any legal body for qualification to practice as a journalist. No professional licences or Press cards are needed. Eventually, the profession will have to be formalised so as to bring up the standards of journalism in Seychelles.²

- In this regard, the **SMC** should have the responsibility to deliver licences and press cards;
- University qualification should be the recommended path. However, in the current situation, there is an important number of untrained media workers in the media houses. The **SMC** should in this context define clear accreditation objectives;
- University students should undertake a one-year training session at the end of which they should receive a government-accredited diploma. The **SMC** will correlatively deliver a temporary one-year press card;
- It is only after the completion of an internship with a local media, that a permanent press card should be delivered. A final accreditation as a professional journalist recognised by the state will then be granted;
- The press card should be renewed each year. It should be surrendered if the journalist leaves the profession. It is very important that no favouritism be exercised by the **SMC** in the accreditation of trained and untrained journalists so as to prevent a lack of cohesion, undue rivalry and poor team spirit amongst the media workers.

² Media Report 2009 Ferrari/Vincent: "Too many strings to the bow".

² Proposition from the editor of Today in Seychelles Mrs Nicole Tirant

In secondary school a “**Media Awareness Club**” should be set up to attract future journalists. Children could monitor media productions (open a radio) as well as set up websites, for example, on subjects like climate change and environmental issues.

B. UNESCO/IPDC

The 2009 report had recommended that post graduate modules for journalist training be set up at the **University of Seychelles** (press, radio and television). This should be made accessible to young Seychellois graduates.

As such, a one-year journalism certificate course was introduced in September 2010 by the **Seychelles Institute of Management (SIM)** in partnership with the **UNESCO** to better respond to the **Millennium Development Goals post 2015 (MDGs)** the aim of which was to build the institutional capacity of the **SIM** to offer media training in the Seychelles.

The **UNESCO** contributed through the **International Programme for the Development of Communication (IPDC)**, with aid amounting to SCR 415,000. The course was monitored from its office in Tanzania. The **SIM** provided the lectures and met the course’s overheads amounting to SCR 289,000.

The implementation of the project started in July 2009 with the signature of a memorandum of understanding between the **SIM** and the **SBC Seychelles Broadcasting Corporation**, an important partner in the project, which provided training and technical support for the students. Eleven reporters from local newspapers and the **SBC** took part in the training.

In January 2013, the **SIM** merged with the **University of Seychelles (UNISEY)** to boost tertiary education in Seychelles. The merging of the two institutions aimed to build **UNISEY**’s capacity further and to take tertiary education and professional training in Seychelles to a higher level.¹

The Seychelles Minister of Education, Mrs Macsuzy Mondon declared at the **UNESCO** General Conference on Education of the 8th of November 2013, that the Seychelles would ‘continue to look to UNESCO for support in the areas of TVET (Technical and vocational Education and Training) and higher education, teacher development and ICT in education. Also in the areas of youth development, the enhancement of science and technology in education and society, heritage and cultural industries, and media development’²

It is recommended that further collaboration with the **UNESCO-IPDC** be pursued for journalism training. In this respect, the **UNESCO** has developed model curricula for journalism education that could be beneficial to the **UNISEY**.

¹ http://www.unesco.org/education/wef/countryreports/seychelles/rapport_1.html

² http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/GBS/37GC/pdf/Speeches_FR.pdf

UNICEF, the African Development Bank (**ADB**), the Nigerian Trust Fund (**NTF**), **WFP**, **USAID** and the **UNESCO** have been the Seychelles principal partners in education. Sadly, because of Seychelles' high GDP, some of these partners have ceased to operate in the country.

C. MEDIA ET FRANCOPHONIE

Au Sommet de la Francophonie à Montreux 2010, le Président James Alix Michel et le Secrétaire Général de l'OIF, M. Abdou Diouf, ont signé le « Pacte Linguistique », en vue de renforcer le principe d'un trilinguisme équilibré aux Seychelles.

Le plan d'action du Pacte d'une durée de 4 ans – du 1er janvier 2011 au 31 décembre 2014 – a pour but

- D'agir dans le système éducatif (renforcer la place du français dans tous les secteurs d'enseignement) ;
- D'encourager la population à s'exprimer oralement en français, en parallèle avec les autres langues officielles – l'anglais et le créole ;
- De créer un environnement francophone et de faciliter l'accès de la population aux productions et supports francophones ;
- De renforcer la place du français dans la vie publique et administrative pour tendre vers le trilinguisme effectif.

- Le Trilinguisme (anglais, français, créole) est inscrit dans la Constitution Seychelloise de 1979. Dans ce contexte, le SBC ACT article 9. 2 (d) prévoit la garantie d'une protection adéquate des langues nationales des Seychelles.¹

- Le créole, d'origine française.

- Le créole est parlé par 92,1 % des foyers Seychellois.

5 % de ces foyers utilisent l'anglais et 0,8% utilisent le français.

Recommandation

Sous les auspices du Président de la République, James Alix Michel, le gouvernement Seychellois entend parvenir à un « Trilinguisme équilibré » entre les trois langues nationales des Seychelles. Pour y parvenir, il serait important d'améliorer la formation des journalistes en langue française. L'idée serait de créer un environnement francophone au travers des médias et faciliter l'accès à la population aux productions et matériels francophones.¹

¹ Situation linguistique Seychelloise : DR. Fabrice Barthelemy - <http://ressources-cla.univ-fcomte.fr/gerflint/Algerie8/fabrice.pdf>

Pour mieux cerner les besoins d'intervention, le présent tableau dresse l'état des lieux des taux actuels de diffusion médiatique par langue.

	Seychelles Nation	Télévision SBC	Station radio SBC/AM	Paradise FM	Pure FM	Radio France Internationale BBC ¹
anglais	83%	45%	25%	80%	90%	50%
français	15%	35%	25%	5%	0%	50%
créole	2%	20%	50%	15%	10%	

Dans ce contexte, la mission recommande

- la mise en place d'un module de formation journalistique à l'**Université des Seychelles** pour la Presse écrite, la Radio et la télévision. Celui-ci serait accessible aux jeunes Seychellois disposant d'un diplôme d'études supérieures (par exemple une licence de français) ;
- la mise en place d'un accord de coopération technique entre une école de journalisme française et les médias Seychellois. De jeunes diplômés d'écoles françaises de journalisme seraient conviés dans l'Archipel dans le cadre de leur « stage de fin d'études » (en contrepartie par exemple, d'un logement et de frais de transport gratuit) ou dans celui de la couverture d'un événement spécifique (élections, Jeux des îles, festivals, etc.). Cet accord s'adresserait également à des jeunes diplômés francophones souhaitant se former à l'écriture journalistique en anglais et vice-versa ;
- l'organisation de missions de recyclage auprès du programme Francophone de la **SBC** en collaboration avec la mission de coopération de l'Ambassade de France, l'**Organisation Internationale de la Francophonie**, l'**OIF** et l'**UNESCO** pour la formation journalistique (tenue de conférences et débats à l'**Université des Seychelles** par des journalistes, conférenciers francophones et des ONG de défense de la liberté de la Presse en l'occurrence **Reporters Sans Frontières RSF**).

Coopération universitaire

S'appuyant sur la coopération régionale, l'Université des Seychelles élargit son offre de formation dès la prochaine rentrée avec l'ouverture d'une licence de français en partenariat avec l'Université de la Réunion.

Après avoir obtenu cette licence en trois ans, les étudiants qui le souhaitent auront la possibilité de suivre une formation professionnalisante qui les préparera aux métiers de l'enseignement, des médias, de la traduction, du tourisme, des affaires ou encore des relations internationales.

La licence de français leur permettra également de s'inscrire dans une université européenne ou internationale, en vue de préparer un master. A ce titre, l'Ambassade de France mettra à la disposition de l'Université des Seychelles

- un Conseiller universitaire de haut niveau (ancien président de l'université Sorbonne nouvelle - Paris 3, placé auprès du Vice-chancelier de l'Université des Seychelles ;
- une Volontaire internationale (VIA) qui participera à la formation des futurs professeurs de français et assura le tutorat de 5 enseignantes préparant à distance une licence de sciences du langage avec l'Université de Toulouse." ¹

V - Education and Human Rights

Since the adoption of the Universal Declaration of Human Rights, the United Nations General Assembly has called on Member States and all segments of society to disseminate information and education about this fundamental document.

In 1993, the Vienna World Conference on Human Rights re-affirmed the importance of human rights education, training and public information, declaring that it is 'essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace.'

Following that path, the government of Seychelles has extended its invitation to the United Nations bodies under the Universal Periodic Review mechanism to assess the country's commitments to Human Rights.

The first foreign expert to respond to the invitation was the United Nations Special Rapporteur on the right of education, Mr Kishore Singh. He visited the Seychelles for one week to review the education landscape. He noted that over the last years, Seychelles had made remarkable progress in achieving the universal right to education.

- A legal framework on the right to education, based on the charter of fundamental rights and freedoms, had been established in the Constitution of Seychelles;
- Seychelles has reached all education targets of the Millennium Development Goals (**MGDs**), including universal access to education for all children as well as parity in education for boys and girls;
- **The Seychelles National Action Plan on Human Rights** is being currently developed. It is an important step for mainstreaming Seychelles international human rights obligations into teaching programmes and curriculum contents;
- The government enhanced the protection and promotion of human rights in line with their international reporting obligations through **the Seychelles Human Rights Treaty Committee**;
- **An Education Sector Medium Term Strategy (2013-2017)** was developed to build a comprehensive system of quality education and training, reflecting

¹ Ambassade de France Seychelles, 15 Décembre 2010: <http://www.ambafrance-sc.org>

universal and national values. This will help reviewing the educational system (from early childhood education to tertiary education);

- In March 2011, the Seychelles submitted its **Report on Human Rights to the Human Rights Council** HRC of the UN in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1.¹

EU and UNDP COOPERATION

The UNDP and EU Economic Development Programme (EDF)²

The 9th EDF National Capacity building Programme for State and non-State actors was conducted from October 2006 to December 2009. It was carried out by **LUNGOS Liaison Unit of NGOs**.³

The programme was designed to provide training to NGOs, information sharing, networking and preparation of a strategic plan for the civil society. This strategic plan was published in late 2009.

The **Ministry of Foreign Affairs (MFA)** and **UNDP** acted as implementation partners. It was also aimed at strengthening the police and prison officers' capacity in Human rights practices.

Additionally, the goal was to sensitize the judiciary, the media and the civil society on gender and human rights issues. Some of these programmes were delivered in 2012-2013.

The 10th EDF/Seychelles programme

The overall objective of the 10th five-year **EDF** programme, which started in 2009, was to support the efforts of state and non-state actors to continue improving and strengthening governance capacity in the Seychellois society. Particular emphasis was placed on sustainable and equitable development for Seychelles in the area of human rights.

Under the 10th programme, a total of US \$ 759,721 was disbursed, of which US \$ 350,000 were awarded to the **Seychelles' Governance Small Grants Programme**. This programme targeted the most vulnerable groups in society such as children, youths, prisoners and disabled persons. Consequently, 13 organisations received grants, ranging from US \$10,000 to US \$ 40,000.

¹ Workshop on National Human Rights action Plan
UNITED NATIONS: National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/langues officiels Seychelle
http://www.mfa.gov.sc/uploads/files/filepath_43.pdf

²EDF:http://www.undp.org/content/mauritius_and_seychelles/en/home/ourwork/democraticgovernance/successstories/seychelles-capacity-building/

³ LUNGOS Website: <http://www.civilsociety.sc>

Among the outputs achieved were:

- Training courses for the police and prison officers;
- Training of artists of on copyright issues;
- The production of a report on the status of human rights treaties to which Seychelles is a signatory;
- The modernisation of existing family and children's laws;
- The strengthening of non-governmental organisations (NGOs);
- A **Prison Strategic Plan**, a **Prisoners' Rehabilitation and Management Plan** and a **Human Rights National Plan of Action** have also been drafted.

The 10th **EDF** programme permitted the promotion of the rights and access to the disabled. At this occasion, the local **UNDP** representative declared, 'among the 13 funded projects nine will be implemented by NGOs, projects, which will change the lives of many Seychellois and will bring a wider collaboration between the state and the civil society'.

The UK Government and the Seychelles

Equally, **the UK Government and the Seychelles** have set human rights in the Seychelles as a priority.

The UK and the Seychelles are currently working closely through the United Nations and other international channels to ensure a co-ordinated approach in fighting against human rights abuses around the world.

The British High Commission has facilitated the development of public and private partnerships (PPP) to better finance institutions that promote democratic values and to address human rights issues, such as electoral reform and gender-based violence.¹

The Eastern African Journalist Association / International Federation of Journalists

In August 2012, the Eastern Africa Journalist Association (**EAJA**) in partnership with the **International Federation of Journalists (IFJ)** conducted a three day intensive human rights and conflict reporting media training workshop in the Seychelles.²

Human Rights Violations

Between 2011 and early 2013, there were no journalist killed, attacked, kidnapped or imprisoned in the Seychelles. There were few allegations of threats to journalists reported. One journalist, who is the editor of a political newspaper, has alleged being the victim of a contract to kill after he published a corruption scandal story in his newspaper. To this day, he remains alive and well.

¹ Website: www.gov.uk/government/world/Seychelles

² <http://jiinwabi.net/?p=407>

The editor of the political newspaper **Le Seychellois Hebdo**, in the front headline of Friday 11th of October 2013, reported that he had received threatening phone calls from someone who claimed to be a close relative of the Secretary General in the office of the President.

On the 28th of November 2013, in a ruling of the **Seychelles Media Commission**, the same editor was asked to publish in his next edition, with due prominence, an apology for publishing unverified and serious allegations against the Secretary General.

Ombudsman & National Human Rights Commission (NHRC)

Some of the key institutions for human rights are very weak. This applies to the National Human Rights Commission. The **NHRC** is made up of three members. The terms of two of them have expired early this year. Until then, they have not been replaced. The **National Human Rights Commission NHRC** is mandated to investigate allegations of human rights abuse, including those committed by members of law enforcement agencies.

There are major bottlenecks in the functioning of this entity

- There is a drastic lack of resources, compromising efficiency;
- The **NHRC** has no office;
- It is not clear where complaints to it should be made;
- The President nominates its members.

The Ombudsman is appointed by the President among candidates that have been nominated by the Constitutional Appointments Authority (**CAA**). He/she serves a renewable term of seven years. The Ombudsman is the chairperson of the **NHRC**, which poses a problem in terms of checks and balances. This also creates confusion for the persons who want to report human rights abuses.

The fact that the **NHRC** has only one member and lacks resources is a serious matter. There is an urgency to restore the full Commission and strengthen its capacity as well as its independence.

The second United Nations expert to respond to the invitation of the Seychelles government was the Special Rapporteur on Human Trafficking, Mrs Joy Ngozi Ezeilo. At the end of her first official visit she called for a more effective and adequately funded National Human Rights Commission in accordance with the Paris Principles.

CHART 2009-2014

Number of fulltime journalists	47 (approximately)
Number of journalists killed	0
Number of journalists imprisoned	0
Number of journalists physically attacked	0
Number of journalists threatened	1 (not by the authorities as reported to the SMC)
Number of journalist taken to court for libel	2
Number of journalists taken to court for invasion of privacy	0
Number of journalists taken to court for contempt of court	1 (December 2011)
Number of journalists fired for their reporting	0
Number of state agency newspapers	1
Number of private newspapers	6
Number of magazines	6
Number of news websites	3
Number of public TV stations	1
Number of public radio	2
Number of private radio stations	1 (August 2013)
Number of complaints to the Seychelles Media Commission	24
Number of websites blocked/banned by authorities	0
Number of newspapers shut down by authorities	0

Newspapers & Magazines (Circulation and website) as at 25th February 2014

Name of Publication	Circulation	Website
1. Business & Finance	10,000 Monthly	
2. Business Seychelles	5,000 Monthly (free)	
3. Coco Magazine (Currently not publishing)		
4. Isola Bella	1,850 Monthly	
5. L'Echo des Iles	Could not contact the Editor	
6. Le Nouveau Seychelles Weekly	3,000 Weekly	www.seyweekly.com
7. Le Seychellois Hebdo	2,500 Weekly	
8. Potpourri	3,000 Monthly	
9. Seychelles Nation	3,300 Daily	www.nation.sc
10. Today In Seychelles	2,500 Daily	www.today.sc
11. The People	2,500 Weekly	
12. The Victoria Times	1,000 Tri-Weekly	
13. Voice of the Indian Ocean and the Arabian Sea (VIOAS)	5,000 Bi-Monthly	www.thevioasmagazine.com

Currently, there are approximately 47 full time journalists employed. Most are employed by the public broadcaster.

Reporters Without Borders - World Press Freedom index (WPFI)

In a Press release of the 14th of February 2014, the Seychelles Media Commission declared that it was ‘surprised’ at the decline of the ranking of Seychelles on the World Press Freedom Index. Indeed, Seychelles has dropped down to the 103rd place among 180 countries in the 2014 World Press freedom index released by the French based Press Freedom Organisation Reporters Without Borders².

SMC Press release: Extracts

‘The media is allowed to carry on with their business without interference from government. For example, in 2013 no journalist was imprisoned, killed or beaten while doing their job. However, there is room for improvement in areas of transparency and legislative framework.....Seychelles has made quite a few leaps in liberalising the media and promoting press freedom. There is even a degree of tolerance towards newspapers that are affiliated to political parties. Should public officials choose to take action against the press for defamation, there would be a suit brought against the press at least every week. Furthermore, one of the reasons for not granting the Seychelles Media Commission powers to sanction is because the authorities did not wish it to be perceived as a body that has been created to stifle press freedom. However, there are deficiencies in certain areas that need to be addressed. In October last year, the Commission held an Editors’ Forum and one of the issues raised was the lack of cooperation on the part of some government ministries and organisations. The Press need to have access to information being held by public officials and this will be ensured by the promulgation of a Freedom of Information Act. It is also be important that some public officials recognise that apart from the national broadcaster (SBC) and the government-owned newspaper (Seychelles Nation), there are other players on the field and that they should all be treated with fairness. The SBC should also abide to Article168 of the Constitution and the SBC Act 2011 allowing for a wider scope for divergent views to be presented on the public radio and television.’¹

Year	Ratings
2002	60
2003	93
2004	83
2005	71
2006	95
2007	104
2008	74
2009	72
2010	65
2011	73
2012	73
2013	93
2014	103

What could affect the ranking of Seychelles in the WPFI-RSF

“— Pluralism, meaning the representation of different views in the media; — Independence of the media vis-à-vis political, economic, religious and military centres of power; — Quality of the legislation governing the media; — Transparency of the bodies regulating the media; — Performance of the infrastructure supporting the media; — Overall climate for freedom of information.”

¹ SMC- <http://www.seymediacom.org>

² WPFI -<http://rsf.org/index2014/en-index2014.php>

VI CONCLUSION

The present study has revealed the fragility and the complexity of the democratization process in the Seychelles. The economic reforms helped to put the country back on track but it will take time to yield positive results, which will benefit the population generally. The archipelago is a very young nation, with a very small population. It has scarce resources and is geographically isolated and vulnerable to climate change.

The country still lacks the political culture and the historical experience to nurture democratic institutions, even if the political will is there and the efforts appreciable. As a result of scarce funds and low human capacity, the assistance of foreign professionals is critical. In this context, the international community has a major role to play in facilitating the democratic transition through the respect for human rights and the promotion of good governance. The present insight into the country specificities will help the international community in assisting the government and civil society in the process of sustainable democratisation.

The media is a powerful tool for democratic change but it must fulfil its role through citizen awareness and public debates. A strong and mobilized media association will be one of the key factors in terms of improving the media landscape in the Seychelles.

On the other hand, democratic changes will not happen as long as the civil society and the journalists are not aware of their respective responsibilities and do not work together with the government to push for the necessary reforms. It is this compromise that will permit the Seychellois people to take control of their own destiny.

VII- ANNEX

Freedom of Information Laws; English speaking countries

<http://home.broadpark.no/~wkeim/foil.htm#english>

Commonwealth Human Rights Initiative

http://www.humanrightsinitiative.org/programs/ai/rti/international/laws_&_papers.htm

African Commission on Human and Peoples' Rights

Draft Model: http://www.achpr.org/files/instruments/access-information/achpr_instr_draft_model_law_access_to_information_2011_eng.pdf

The Robing Room Blog Seychelles legal environment

<https://sites.google.com/site/theseychelleslegaleenvironment/>

Right to Information Act India

<http://supremecourtfindia.nic.in/rti.htm>

Citizens Democracy Watch Seychelles

<http://www.citizensdemocracywatch.org>

The Media and Politics in Spain: from Dictatorship to democracy

http://ddd.uab.cat/pub/worpaper/1999/hdl_2072_1288/ICPS176.pdf

PACMAS-Pacific Media Assistance Scheme

http://www.pacmas.org/wp-content/uploads/2013/10/PACMAS-REGIONAL-REPORT_FINAL.pdf

Western Indian Ocean

