

Strengthening capacities of the Department of Legal Affairs in the Seychelles

The NIRAS-led Technical Assistance supports a reinforcement of the Seychelles' Department of Legal Affairs to improve efficiency in drafting regulations relating to anti-money laundering, confiscation of crime proceeds, and anti-corruption

#5
Gender equality

#16
Peace, justice and strong institutions



NIRAS expert, Steven Powles is sworn in as State Counsel. From left to right: Seychelles' Chief Justice Twomey, together with litigation attorney from the Attorney General's office, Mrs. Nissa Thompson, Steven Powles, and Deputy Attorney General, David Esparon.



Biljana Kovacevic
Project Manager
T: +381642685134
bko@niras.com

The Seychelles has recently acceded to the World Bank classification of high income countries. This positive development has been accompanied by a need and an ambition to strengthen the country's Department of Legal Affairs.

The small island-state has a hybrid legal system, where public law and criminal law is governed by principles under the English common law, while civil law is governed by the French Napoleonic Code. As part of the Government's executive branch, the Attorney General is in charge of the Department of Legal Affairs, which drafts government bills. The Attorney General's portfolio of duties is extensive and encompasses advising government ministries and their agencies, departments, constitutional commissions, and state corporations on legislative and other legal matters as well as on all matters related to the Constitution, international law, and human rights. In addition, the Attorney General is responsible for drafting legislative proposals for the government and also undertakes criminal proceedings against any person before any court in any offence alleged to have been committed by that person. The Attorney General also makes the final decisions for prosecution - e.g. in money laundering cases - and decides on mutual legal assistance.

NIRAS supports the Department of Justice

Each year, the Department of Legal Affairs is asked to draft or amend on average 55 laws, but this target is not reached. Moreover, given Seychelles commitment to multilateralism and compliance with the intergovernmental Financial Action Task Force (FATF), the Department of Legal Affairs anticipates more requests to law amendments. There are thus capacity constraints, in particular with regard to human resources.

In response to the capacity constraints, the EU has contracted NIRAS to provide a Technical Assistance (TA) aimed at reinforcement of the Department's and other key institutions' capacity. The latter is expected to benefit from spill-over effects particularly related to enhanced efficiency in the drafting of laws. The assignment is also aimed at ensuring gender equality and empowerment of women within the Department.

The TA supports the Department of Legal Affairs in improving its efficiency in drafting key bills and regulations relating to matters such as anti-money laundering, confiscation of proceeds of crime and anti-corruption. This enables Seychelles to uphold its' international obligations and improve reporting to international mechanisms. The assignment also contributes to ensure that sufficient prosecutions related to crimes in these areas and other key urgent cases, as well as the effective management of the civil aspect of litigation cases, while the TA is to guarantee that laws related to these areas are enforced. Finally, the assignments contributes to train and motivate the Department's law officers to properly undertake court cases.

NIRAS' approach

The approach applied in the assignment follows two paths; provision of support to the Attorney General office in legal drafting and support to the Department of Legal Affairs.

To enhance capacity to draft legislative amendments, new legislation, and to finalise the Seychelles modernised legislative framework on anti-money laundering, confiscation of proceeds of crime, and corruption, NIRAS assists the Attorney General in revising the Seychelles legislative framework through

Donor

European Commission, Directorate-General for International Cooperation and Development (SIEA Lot 3)

Location

The Republic of Seychelles

Duration

November 2019 - December 2021



review of existing policies and legislation related to anti-money laundering, confiscation of proceeds of crime, and corruption. This is accompanied by consultation of relevant government bodies, development agencies, and academics. Following this, NIRAS provides support to the Legal Department and the government ministries when draft bills are introduced, laid, and presented to the National Assembly.

Pertaining to the support of the Department of Legal Affairs, NIRAS is conducting an assessment of the existing caseload on anti-money laundering, confiscation of proceeds of crime and corruption, while providing technical inputs to support the staff of the Department in 1) criminal, civil and constitutional law cases before the courts, and in 2) seeking to complete all existing court matters in these areas of law. On this backdrop, a 'points to prove' handbook is developed for investigation and prosecution of cases on money laundering, confiscation of proceeds of crime, and corruption. This is accompanied by mentoring of investigators on effective investigation and evidence collection based on the handbook.

NIRAS assists with:

- Amendment of anti-money laundering laws;
- Confiscation of proceeds of crime laws;
- Amendment of the anti-corruption law;
- Production of a "points to prove" handbook for investigation and prosecution of cases on money laundering, confiscation of proceeds of crime and corruption;
- Development of a training manual for law officers.

Project scope

- + Ensure that legislation in regards to anti-money laundering, corruption and confiscation of proceeds of crime renders the Seychelles compliance with international norms
- + Develop enhanced capacity of the Department of Legal Affairs to respond effectively to requests of government bodies in preparation and drafting of bills and amendments to ensure that the Seychelles complies with international norms
- + Ensure that the Attorney General promptly institutes legal actions and deals with related cases effectively
- + Train and motivate law officers of the Department of Legal Affairs
- + Develop a training of trainers system to ensure continuous training of existing and new counsels