

I am grateful for the opportunity to participate in this Constitution Day event, as we reflect on 50 years of Independence and 33 years of Constitutionalism in Seychelles.

These anniversaries invite us to ask a simple but profound question: are the promises made at independence, and later entrenched in our Constitution, being experienced in the daily lives of our people?

The theme before us — “Justice, Democracy, and the Rule of Law: 50 Years of Independence, 33 Years of Constitutionalism” — goes to the heart of the constitutional role of the Ombudsman. The Ombudsman is an independent constitutional guardian of administrative justice and constitutional coherence, ensuring that the exercise of public power remains lawful, fair, reasonable, accountable, and aligned with the Constitution.

That role is directly connected to access to justice. For many citizens, justice is not first encountered in a courtroom. It is encountered in an administrative decision, a public service, a delay, a refusal, or an institution that is difficult to navigate. If administrative justice is weakened, access to justice is weakened before a person ever reaches the courts.

A strong Ombudsman institution can therefore prevent some disputes from becoming court cases. Where public authorities respond constructively to Ombudsman recommendations, administrative failures may be corrected without litigation. Where they do not, Seychelles should consider whether a strengthened Ombudsman framework could, in carefully defined cases, help unresolved matters reach judicial determination.

This is the bridge to legal aid. Legal representation is essential when a matter must go to court, but access to justice also depends on institutions that prevent disputes, resolve grievances early, and guide citizens to the appropriate remedy.

Access to justice does not simply mean that the courthouse doors are open. It means that a person understands their rights, can obtain legal advice or representation where the law provides, can navigate procedures, and can obtain a timely and effective remedy.

Seychelles has long recognised that justice cannot be reserved only for those who can afford lawyers. The Legal Aid Act of 1985, which came into force in 1986, created a formal statutory framework for legal aid in civil and criminal proceedings, subject to financial eligibility and the terms of the Act. That commitment was later reinforced by the Constitution of 1993, through the right to a fair hearing and representation at public expense where the law so provides.

But a legal aid law that was progressive in 1985 may not be sufficient for 2026. Our society has changed. The cost of living has changed. The nature of disputes has changed. Public expectations of fairness, accessibility, and accountability have changed. Therefore, our legal aid framework must also evolve.

At present, legal aid in Seychelles continues to serve an essential function. It enables persons of limited means to obtain representation in civil and criminal proceedings where they meet the statutory requirements. Yet the system also faces structural challenges.

The current model is administered through the Judiciary. Judges determine applications for legal aid. The Registrar administers the Legal Aid Fund and related processes. Legal aid is granted through certificates, and legal practitioners are assigned to provide representation.

Let me be clear: the Judiciary has carried this responsibility honourably, often with limited resources. The question is not whether the Judiciary has fulfilled its role; it has. The question is whether, in 2026, we should continue to place this administrative burden primarily on the Judiciary, or whether the State should establish a dedicated institution specifically structured for legal aid.

This question becomes more pressing because the system also relies significantly on private legal practitioners. Under the Legal Aid Rules, legal practitioners are assigned from a maintained list, generally in rotation. In addition, the regulatory framework now makes clear that legal practitioners are required, through conditions attached to their practising licences, to take legal aid cases when assigned, unless exempted. Non-compliance may be taken into account in the regulation or renewal of those licences.

That reflects a strong tradition of public service within the legal profession. It also raises a serious institutional question: can a sustainable access-to-justice system depend so heavily on private practitioners working within a system of fixed statutory fees, when access to justice is, ultimately, a responsibility of the State?

When legal aid is under-resourced, the person who suffers most is the person whose liberty, family situation, livelihood, or dignity may depend on effective legal assistance.

This brings us to the comparative question. When we compare Seychelles with other Commonwealth jurisdictions, the issue is not simply whether legal aid exists. The real question is: who carries the burden, and how is the system organised?

Seychelles stands out because our present model combines three elements: a statutory legal aid framework, court-based administration, and a professional obligation on private practitioners to take assigned legal aid matters.

Other Commonwealth jurisdictions show different possibilities. South Africa has a national legal aid institution with dedicated offices and legal practitioners. Queensland, Australia, offers a mixed model, where legal aid is delivered through a statutory authority, its own structures, and partnerships with private practitioners and community organisations. Ontario, Canada, provides another example, using staff lawyers, duty counsel, private lawyers through certificates, and legal clinics.

These examples do not provide a single model for Seychelles to copy. Our size, resources, legal profession, geography, and institutional history are our own. But they show that legal aid can be organised through a dedicated public structure: a legal aid authority, a public defender service, a commission, or a hybrid model.

What matters is the principle. Legal aid should not rest primarily on professional obligation alone. It should be organised as a structured public service — supported by the legal profession,

but delivered through a framework specifically designed to provide legal aid effectively, sustainably, and accountably.

From that principle, the reform choices become clearer. Seychelles may consider a Legal Aid Authority with responsibility for administration, planning, monitoring, and funding. It may consider a Public Defender's Office, particularly for serious criminal matters. Or it may consider a hybrid system: a modest public legal aid unit working alongside private practitioners who are fairly supported and properly integrated into the system.

The point is not to import a foreign model. The point is to design a Seychellois model that reflects our constitutional values and our practical realities.

Such a model could reduce the administrative burden on the courts, improve consistency in legal aid delivery, support the legal profession, and give citizens a clearer pathway to assistance.

But legal aid reform should not be designed in isolation. Many citizens do not know whether their problem is legal, administrative, social, or constitutional. They may experience the justice system not as one connected pathway, but as a series of separate doors.

This is why the wider justice ecosystem matters. A properly resourced Ombudsman, responsive public authorities, accessible courts, social services, civil society, and a committed legal profession all contribute to access to justice.

In that way, legal aid does not carry the burden alone. It is supported by institutions that prevent injustice, resolve grievances early, and ensure that matters requiring judicial determination reach the courts through an appropriate route.

The task before us is therefore clear: to move from a legal aid system that exists, to one that is deliberately structured, properly supported, and capable of meeting the needs of modern Seychelles.

After 50 years of Independence and 33 years of Constitutionalism, access to justice must be more than a constitutional aspiration. It must be a practical guarantee.

No person in Seychelles should be denied effective representation or meaningful access to justice merely because they lack the financial means to obtain legal assistance.

That principle honours our Constitution, strengthens democracy, and gives life to the rule of law.

Thank you.