

**PENAL CODE (AMENDMENT) BILL, 2025***(Member's Bill No 3 of 2025)***EXPLANATORY STATEMENT OF OBJECTS OF AND REASONS  
FOR THE BILL**

In 2024, the Penal Code was amended to classify hate speech as a criminal offence and included “political affiliation” as a protected characteristic. While this change aimed to curb discrimination, it sparked widespread concern about its potential to suppress free speech. With presidential and general elections approaching, the public and stakeholders worry that this law could be exploited and misused to stifle political debate and dissent, potentially leading to self-censorship among citizens and media.”

According to our Constitution, a democratic society must allow for free and open debate, which is the bedrock of good governance and accountability. Free speech is fundamental, and while hate speech must be curtailed, it should not come at the expense of legitimate political discourse.

The main objective of the Bill is proposing is to refine the offence of hate speech under section 89B of the Penal code. We propose to remove “political affiliation” from the list of protected characteristics. This change is to ensure that our laws protect against discrimination without suppressing essential democratic freedoms.

Political speech, while inherently intense and contentious, is vital for democratic engagement. By removing political affiliation from the list of protected categories under hate speech provisions, we prevent potential abuses that could stifle essential political discussions, ensuring a robust and healthy democratic debate environment in Seychelles.

This amendment underscores our commitment to maintaining a balance between protecting citizens from hate speech and preserving the vibrant, democratic discourse essential for Seychelles' governance. By proposing this change, we aim to foster a democratic environment where political ideas can be freely expressed and debated.

**Dated 16<sup>th</sup> of May, 2025.**

**HON. CHURCHILL GILL  
MEMBER OF THE NATIONAL ASSEMBLY  
BAIE STE ANNE DISTRICT**

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## **PENAL CODE (AMENDMENT) BILL, 2025**

*(Member's Bill No.3 of 2025)*

### **ARRANGEMENT OF SECTIONS**

#### **Sections**

1. Short title
2. Amendment of section
3. Insertion of section

**PENAL CODE (AMENDMENT) BILL, 2025**

*(Member's Bill No. 3 of 2025)*



**A BILL**

**FOR**

**AN ACT TO AMEND THE PENAL CODE ACT.**

**ENACTED BY THE PRESIDENT AND THE NATIONAL ASSEMBLY**

**Short title**

1. This ACT may be cited as the “Penal Code (Amendment) ACT, 2025.”

**Amendment to section 89B of the Penal Code (Cap. 158)****INSERTION OF NEW SECTION 5**

**2.** Section 89B of the Penal Code, Cap.158, is amended by inserting a new subsection (5) after subsection (4) as follows —

“(5) For the purpose of this section, “political affiliation” shall not apply, and is excluded from, the definition of “protected characteristics.”