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Chairperson: Ms. Majodina

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The meeting was called to order at 10.05 a.m.

Consideration of country situations in the absence of reports, pursuant to rule 70 of the Committee's rules of procedure

Situation in Seychelles considered in the absence of a report (CCPR/C/SYC/Q/1)

1. **Mr. O'Flaherty**, speaking as country rapporteur, said that before considering the situation in Seychelles, he would like to discuss working methods in general for consideration of the situation in States parties in the absence of a report. Provisional concluding observations adopted would not be finalized for one year and therefore would not be immediately useful. The Human Rights Council would consider the universal periodic review of Seychelles in May and, as it had little information to review, it could benefit from the final concluding observations of the Committee. He would be grateful if the Committee could consider speedier ways to finalize the provisional concluding observations.

2. **Sir Nigel Rodley** said that he was unsure that the rules of procedure of the Committee could be changed so quickly. The State party in question had not sent a delegation to the Committee session and had not been consulted in respect of the decision. He would not be comfortable with such a change if it were not allowed in the rules of procedure.

3. **The Chairperson** said that rule 70 stated that States parties that failed to submit reports would be examined in a private session.

4. **Mr. O'Flaherty** said that rule 70, paragraph 3, was open to interpretation in respect of the adoption of final concluding observations. Indeed, there was no reference to how much time had to pass before final concluding observations were adopted. However, the Committee would not be in session again before May and might have to allow the Chairperson to adopt the final concluding observations.

5. **Ms. Chanet** said that the rule granted the Committee the discretion to decide whether to set a date for examination of the situation in the State party. Even if rule 70, paragraph 3, were interpreted differently, the observations could be made public only after having communicated with the State party. It would therefore be difficult to make the observations public for the universal periodic review.

6. **Mr. Thelin** said that while rule 70, paragraph 1, clearly highlighted confidentiality, it was possible under rule 70, paragraph 3, to adopt concluding observations, send them to the State party and then finalize them quickly. He supported such an interpretation.

7. **Mr. Iwasawa** said that while the interpretation of rule 70, paragraph 1, was clear, rule 70, paragraph 3, was less so. It did state that the Committee could proceed to the adoption of final concluding observations. The Committee could therefore decide to proceed after the March session and trust the Chairperson to communicate provisional concluding observations to the State party. After a time, the provisional observations could be made final and then published.

8. **Mr. Rivas Posada** said that he was concerned by the prospect of changing the rules for two reasons. First, it could be construed as discrimination, the precedent being to wait a year before making final the provisional observations. Second, it was simply a gesture to facilitate the work of the Human Rights Council, and the Committee should not necessarily change procedure to accommodate the Council's calendar.

9. **Mr. Salvioli** said that regardless of the decision taken in respect of Seychelles, it was necessary to review rule 70, paragraph 3, for the future. The rule discriminated against States parties that complied with their reporting obligations. While he was not concerned about contributing to the work of the Human Rights Council, finding a way to finalize the concluding observations more quickly without violating the rules of procedure would lead to better compliance. Precedent did not have to be repeated and could be corrected without entering into discrimination.

10. **Mr. Iwasawa** said that in 2009, South Africa, speaking on behalf of the Group of African States, had expressed opposition to the procedure of examining country situations in the absence of a report. Rule 70, paragraph 3, assumed that comments to the provisional concluding observations had been received. It was intended to encourage the State party to submit written comments in lieu of the report and it would not be good to eliminate that opportunity for response. While no States parties had responded to provisional concluding observations, they should be given adequate time to do so if they chose.

11. **Mr. Thelin** said that Seychelles had acceded to the Covenant 18 years earlier and it should have submitted an initial report in 1994. The Committee had waited 17 years before sending the list of issues to the State party and had received no response. While the Committee was not a court, it did have a duty to fulfill. It was possible to comply with rule 70, paragraph 3, and adopt provisional concluding observations, request State party comments, and finalize the concluding observations before the next session. The provisional concluding observations could be adopted at the current session and sent to the State party with a four-week deadline for response. In the unlikely event that the State party submitted comments, they could be taken into account. The Committee could then adopt the final concluding observations by circulation.

12. **Sir Nigel Rodley** said that great caution should be exercised in reinterpreting rules of procedure in light of sensitive political situations. If there were a compelling human rights violation then a change to the interpretation would be justified, but contributing to the work of the Human Rights Council was not a compelling reason. Supporting the suggestion of Mr. Salvioli, he said that the Committee could still make a point by publicly noting that the State party had prepared a report for the universal periodic review but not for the Committee. While it might not be necessary to postpone publication for a full year, it should at least wait until the next session.

13. **Mr. O'Flaherty** said that he was not proposing to violate the rules of procedure, but rather, seeking the guidance of the Committee. He agreed that there was not enough practice under rule 70, paragraph 3, to interpret it rigidly on the basis of precedent. The opportunity to significantly influence the universal periodic review process was extraordinary because the proceedings were webcast live into the country and non-governmental organizations (NGOs) would pay close attention. The State party apparently took that process more seriously than it did consideration by the Committee.

14. **Ms. Chanet** said that she agreed that a different interpretation of the rule would allow the final concluding observations to influence the universal periodic review and perhaps even be enforced. It could be done without violating the rules of procedure, and did not have to be considered in session. The provisional concluding observations could be drafted in accordance with rule 62 and then forwarded to the

State party, which could be given one month to provide comments. If there were no comment from the State party, then the provisional concluding observations could be made final. Any additional information could be considered in session but that ultimately depended on whether the State party submitted comments.

15. **Mr. Fathala** said that the role of the State party was very different under a treaty body than it was under other international legal instruments under which States parties were regularly reviewed. It was important to note that the Committee was responsible in the case of the Covenant. The possibility of informal meetings with States parties should not be disregarded but in the end, the Committee was responsible for implementing the Covenant. He agreed that States parties that complied with reporting requirements were discriminated against.

16. **Mr. Neuman** said that he would like to know, if the State party issued a vague objection and submitted a copy of the universal periodic review as its comment, whether the Committee would wait until the next session to take the response into consideration and finalize the provisional concluding observations.

17. **Mr. O'Flaherty** said that the response could be circulated to the Committee as suggested by Mr. Thelin, and if the Committee felt that the provisional concluding observations needed to be revised, they would not be finalized until the next session.

18. **The Chairperson** said that the suggestion assumed that there was agreement on whether to change the interpretation of rule 70, paragraph 3.

19. **Mr. Flinterman** said that rule 70 had been adopted ten years earlier and there had been little opportunity to apply it. Important changes had occurred since its adoption, including the adoption by the Human Rights Council and the international community of the universal periodic review. That new mechanism should be taken into account in the interpretation of rule 70, paragraph 3. The Committee should not miss the opportunity to have a positive impact on that process.

20. **Sir Nigel Rodley** said that he still did not view the situation as compelling enough to warrant a flexible interpretation of the rule. He proposed waiting to complete the provisional concluding observations before taking a decision on how to interpret rule 70, paragraph 3. The observations might not warrant a

different interpretation of the rule and no immediate decision would need to be made.

21. **Mr. O'Flaherty** said that he agreed with Sir Nigel Rodley, but requested the Secretariat to find out whether there was still time for the Committee to submit its concluding observations to the Human Rights Council.

22. **The Chairperson** said that she took it that the Committee had agreed to adopt the suggestion to continue with the discussion on the human rights situation in Seychelles, write up the draft concluding observations, decide whether they would make any significant contribution to the universal periodic review process — assuming that it was not too late for them to be submitted to the Human Rights Council — before attempting a flexible interpretation of the Committee's rules.

23. **Mr. Fathalla** said that he was unclear whether the discussion was about the Committee sending its recommendations to Seychelles and waiting for its response, or about the procedure for communicating with the Human Rights Council.

24. **Mr. O'Flaherty** said that Sir Nigel Rodley's suggestion was simply to postpone the decision about adopting the new approach until the draft concluding observations had been written. Communication with the Human Rights Council had come up only as a request for the Secretariat to find out whether, under the Human Rights Council's rules of procedure, the Committee could still submit its observations even at a late stage.

25. **Mr. Thelin** said that while being sympathetic to that proposal, the approach was rather backward, in that the Committee wanted the outcome of the process to dictate the approach it would take in respect of Seychelles. It was preferable to take the position that the Committee was master of its own rules and could interpret article 70, paragraph 3, as liberally as it wished.

26. **Mr. Bouzid**, supported by **Mr. O'Flaherty**, said that Sir Nigel Rodley's suggestion should be adopted.

27. **The Chairperson**, noting that there seemed to be general agreement over that suggestion, invited the Committee to consider the situation in Seychelles in the absence of a report.

28. **Mr. O'Flaherty**, speaking as country rapporteur, said that although Seychelles had been a party to the Covenant for nearly two decades, it still had not submitted a report. It was regrettable that Seychelles had not responded to the Committee's invitation to submit a report or even to participate in the meeting as an observer. Information that was available to the Committee had been gleaned from personal research and from a shadow report submitted by a consortium of non-governmental organizations in reply to the list of issues, with the help of the Centre for Civil and Political Rights. Nonetheless, the material provided was rather thin, owing to the limited capacity for human rights analysis among civil society organizations in Seychelles.

29. Turning to question 1 on the list of issues (CCPR/C/SYC/Q/1), he said that Seychelles followed the dualist approach, like the United Kingdom, regarding the status of the Covenant under domestic law. However, there was very little information available about the domestication of the Covenant in the country's courts. Protection and promotion of human rights was based solely on the Constitution and the Charter of Fundamental Rights and Freedoms. However, the contents of that Charter did not mirror the Covenant and it was unclear how rights were protected in practice. As for the legal profession, to be licensed as a lawyer in Seychelles, an applicant must be trained and licensed in the United Kingdom, France or Mauritius, thus creating a curious situation where Seychelles lawyers were under no obligation to study the country's own legal system, except in the unlikely event that it was on the curriculum in one of those countries.

30. With regard to question 2 on the list of issues concerning remedies for individuals claiming a violation of rights, effective access to the Constitutional Court was limited, owing to the tight 30-day time limit and high fees for submission of cases. That lack of access had been corroborated by the United Nations in its Common Country Assessment, conducted by the United Nations Development Programme in cooperation with the Government of Seychelles.

31. With regard to question 3 on the list of issues, the National Human Rights Commission had been established in 2009 and had been welcomed by civil society as an instrument to facilitate access to justice. However, it was headed by the Ombudsman, thus

creating a problem of separation of powers, duties and responsibilities, and leading to confusion. The Commission also reportedly had no staff or office of its own and had not sought accreditation for compliance with the Paris Principles Relating to the Status of National Institutions.

32. He would not address question 5 on the list of issues referring to alleged discrimination against the Chagossians residing in Seychelles, because by all accounts that was not an issue.

33. Turning to questions 4 and 6 on the list of issues regarding discrimination, he said that Seychelles did not have any non-discrimination legislation; although article 27 of the Constitution contained a general statement that every person had a right to equal protection of the law, it did not spell out the grounds for discrimination. Neither the Constitution nor any subordinate legislation dealt adequately with articles 2 and 26 of the Covenant, except in the area of employment.

34. In the case of discrimination based on sexual orientation, male homosexuality was criminalized, while discrimination on the grounds of sexual orientation was prohibited under employment law. As for discrimination against women in general, he found only one reference to women in the Constitution, and it was only in their role as bearers of children; while a gender and population unit had been established within the Ministry of Social Development, gender-disaggregated data were lacking, and all indications were that gender had not been mainstreamed into public policy.

35. Lastly, there had been reports about discrimination against foreign workers; corruption in the judiciary and the police; and citizens' lack of knowledge of their rights and obligations.

36. **Mr. Iwasawa**, drawing attention to the confidential national report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1 (A/HRC/WG.6/11/SYC/1), which indicated that reporting to the human rights treaty bodies and other United Nations bodies constituted a paramount challenge for a micro-State such as Seychelles, considering its limited national resources and capacities (paragraph 107), said that Seychelles should still have been able to submit at least one report to the Committee after ten years, particularly since it had submitted one for the universal

periodic review process. He agreed that the Committee should first examine the list of issues prior to reporting, especially considering that when he and Ms. Keller had discussed the Committee's new approach with other treaty bodies, the response had not been positive.

37. Turning to the issue of domestication of the Covenant in the courts, he said that the key question was whether parties could refer to international treaties in interpreting the Constitution and the Charter of Fundamental Rights and Freedoms.

38. **Mr. Flinterman** said that it was encouraging that women were well-represented in executive and management positions and that 35 per cent of parliamentarians in Seychelles were women, one of the highest ratios in Africa. Yet there was still no clear understanding of gender-specific issues and women's role in the country's development. He wondered whether the reported National Strategy on Domestic Violence 2008-2012 and the National Plan of Action on Gender-Based Violence 2010-2012 had been adopted and implemented; whether Seychelles could be encouraged to use the new reporting guidelines of presenting one substantial core document and then short treaty-specific reports thereafter; and whether the micro-State character of Seychelles would be taken into account in the formulation of the Committee's concluding observations.

39. **Mr. O'Flaherty**, while acknowledging the burden of reporting obligations on such a small State as Seychelles, said that it was regrettable that it had not submitted even a courtesy document to the Committee.

40. **Mr. Neuman** said that he agreed that the micro-State nature of Seychelles should be taken into consideration because the country might not reasonably be expected to have the resources to set up the types of apparatus required for implementation of the Covenant. He did not take issue with the fact that the Human Rights Commission and the Ombudsman were essentially the same person, considering that the country as a whole had only nine judges. Yet it still had a duty to report.

41. **Mr. Iwasawa** said that while the State's plight was understandable, it was unacceptable that it had not sent even one representative to attend the meeting, even if only as an observer. Turning to question 8 on the list of issues about girls not being allowed to attend school when they were pregnant and many not

returning after the birth of their child, he said that it was not clear whether that was because they were prohibited by law or because of social and cultural factors.

42. With regard to question 9 referring to section 151 (c) of the Criminal Code of 1955, which stipulated that homosexual relationships were liable to imprisonment of 14 years, it seemed that that applied in practice only to male homosexuality and not to female homosexuality. Although no case had ever been brought against alleged perpetrators, the Committee should look further into that situation and urge the Government to repeal that law.

43. **Mr. Flinterman** said that he agreed with Mr. Iwasawa that the social and cultural factors that forced pregnant girls to stop attending school were a form of de facto discrimination. However, a legal issue was involved as well: according to a European Community report on the Seychelles, the age of sexual consent was 14 years for girls, which did not afford them much protection. That age limit should be reviewed by the State party, for it was probably one of the reasons behind the predicament of the girls against whom the discrimination was practiced.

44. **Mr. Rivas Posada**, referring to question 7, said that further information on the extent of domestic violence in Seychelles was required. The Committee also needed to know whether any shelters for the victims of domestic violence had been established and what financial resources, if any, had been allocated to that end. The Committee would appreciate information from the State party on the prevalence of domestic violence and on training programmes to help individuals combat that phenomenon; in that regard, the only information received by the Committee had been provided by the Liaison Unit for Non-Governmental Organisations of Seychelles, which had drawn attention to a national strategy to combat domestic violence that focused on preventative measures and on creating an environment that promoted the rehabilitation of victims. It was of particular concern that, according to that NGO, the number of cases of domestic violence reported to the police had doubled in the previous six years. Attention should be drawn to that matter in the Committee's observations.

45. **Sir Nigel Rodley**, referring to question 10, noted that, according to the NGO response, certain provisions

of the Constitution of Seychelles seemed to be based on the Covenant. Inter alia, the Constitution provided for no circumstances in which the right to life could be suspended, or for torture, cruel, inhuman or degrading treatment or punishment to be meted out. Furthermore, the provisions authorizing administrative detention provided for safeguards to be afforded to detainees. Certain provisions of the Constitution were in line with article 4 of the Covenant, as well. However, he was unaware that Seychelles had declared any states of emergency, and therefore it had not been possible to establish the extent to which Seychelles complied with the Covenant in practice.

46. **Mr. Thelin** referring to question 11, said that the Committee needed to ascertain whether, under its Constitution, Seychelles complied with its obligations regarding the non-derogable articles of the Covenant. The State party's submission to Human Rights Council under the universal periodic review had revealed that the Constitution had been amended; it was possible that issues of concern to the Committee had been addressed through those amendments. In the absence of sufficient information, the Committee should not follow up on question 11.

47. Turning to question 12, he said that allegations had been made regarding forced confessions, beatings and other forms of maltreatment of detained persons, but that it was extremely difficult to prosecute alleged cases of ill-treatment. In February 2011, an individual had been found guilty of meting out ill-treatment, although an appeal had been lodged against that verdict. Sufficient information was available for the Committee to voice its concern about ill-treatment of detained persons; that issue should be included in its provisional concluding observations.

48. With regard to question 13, he said that the State party's submission to the Human Rights Council had stated that corporal punishment had been prohibited in schools since 1982. In practice, however, corporal punishment remained a widespread phenomenon in Seychelles. The issue of corporal punishment remained a cause for concern and should be reflected as such in the concluding observations.

49. Turning to question 15, he said that the State party's submission had not been very informative but that, according to the NGO report, the rule that a person could only be held for 24 hours unless further procedural measures were taken was often ignored. Of

greater concern was the fact that, on average, persons were held in pretrial detention for two years and could be held for up to three years. That was an issue of serious concern and should be reflected in the provisional concluding observations.

50. Turning to question 16, he said that, in its report to the Human Rights Council, the State party had stated that new prisons were under construction. However, insufficient information was available and the NGO report was silent on that matter. It would therefore be difficult for the Committee to pursue question 16, which should not be taken up in the concluding observations.

51. Turning to question 17, he said that the NGO report had stated that young offenders were often housed with more mature prisoners. The Committee should highlight its concerns about that matter.

52. **Sir Nigel Rodley** asked why question 14 had been included in the list of issues when no footnote had been provided that cited a source for any concern about trafficking in persons. Furthermore, the NGO report had not directly addressed the issue of trafficking in persons and had not referred to any cases of slavery or servitude in the Seychelles. Unless further information was forthcoming in that regard, it would not be possible to address that issue in the Committee's concluding observations.

53. **Mr. O'Flaherty** said that because large numbers of foreign workers, many of whom worked in an extensive tourist industry, travelled to and from Seychelles, the question of trafficking in persons merited further investigation. He suggested that the Committee should consult research carried out by the United States Department of State and by UNICEF on trafficking before it decided to remove that issue from the draft concluding observations.

54. **The Chairperson** explained that no footnote had been provided for question 14 as it was standard question in the list of issues.

55. **Sir Nigel Rodley** said that the Committee should indeed conduct further research into human trafficking issues. Because certain standard questions might be not be relevant to all States parties, however, the Committee needed to consider whether it should continue to submit a set of standard questions.

56. Turning to question 19, he said that, apart from the information provided in the NGO report, no

information about legal aid had been received. According to that report, the application for legal aid was a very simple process. Although in theory, legal aid was available to all persons who requested it, problems related to access to justice had been reported. He wondered whether legal aid was made available to all persons who requested it, including persons who wished to mount constitutional challenges. He was unsure as to how the Committee should proceed with a view to investigating that matter further.

57. **Mr. Iwasawa**, referring to question 22, said that, freedom of expression was enshrined in article 22, paragraph 1, of Seychelles Constitution. However, paragraph 2 of that article placed wide-ranging restrictions on that freedom. Those restrictions were apparently more severe than restrictions permitted under article 19, paragraph 3, of the Covenant.

58. Turning to question 23, he noted the ease with which it was possible to file civil lawsuits against journalists for alleged libel. Journalists could therefore be deterred from criticizing the Government because they feared becoming the victims of acts of reprisal. In 2008, the editor of *Le Nouveau Seychelles Weekly* had been detained when he publicly criticised the Government's economic reforms. Furthermore, the *Regar* newspaper was sued for libel by the Government in 2006 and had ceased operations when it had been subjected to an exorbitant fine.

59. Regarding question 24, he said that the Committee had learned that a total of 164 cases of child abuse had been reported in 2009 and that 80 per cent of those cases involved girls and 61 per cent involved sexual abuse. No information had been provided by the Government on legislative or practical measures to combat that phenomenon.

60. With regard to question 25, he noted that, under legislation in force in Seychelles, the legal age of marriage was different for men and women. In its concluding observations, the Committee must highlight the fact that such legislation was incompatible with the Covenant. Furthermore, the Committee had received no information on measures taken to ensure that all children had equal rights, irrespective of the marital status of their parents.

61. **Mr. O'Flaherty**, referred to question 20 and said that the United Nations Common Country Assessment had acknowledged that there were serious concerns about corruption and perceptions of bias in the judicial

sector. However, although that Assessment had provided data on programmes designed to address those issues, it had not provided precise data on the issues themselves.

62. The NGO report had stated that a significant number of senior judges working in Seychelles were foreigners and that it was possible that some of those judges feared that their contracts would not be renewed if they did not act in a certain fashion. In its concluding observations, the Committee should state that if judges needed to be appointed from abroad, measures needed to be taken to ensure their independence.

63. **Mr. Rivas Posada** suggested that question 18 should be deleted as the only information on conditions at the Youth Residential Treatment Centre had come from an NGO that was no longer involved with that centre. The Committee was still unaware of any institutions or programmes that had been established with a view to rehabilitating minors and which could, therefore, serve as a basis for comments in its concluding observations.

64. Turning to question 26, he said that the Committee did not have sufficient information on the age of criminal responsibility in the Seychelles. In particular, it was unclear whether or not the age of criminal responsibility was the same for men and women.

65. **Ms. Chanet**, referring to question 26, said that while there was nothing in the Covenant specifically about a minimum age for criminal responsibility, the Committee could certainly express concern under article 14, paragraph 4, as to the appropriateness of judicial procedures in the case of minors.

66. **Mr. Rivas Posada** said that, with regard to question 29, the only information received by the Committee had come from an NGO that had provided input on the situation of foreign workers, rather than on ethnic, religious and linguistic minorities. The Committee must decide if article 27 of the Covenant covered the situation of foreign workers in a State party. As it was possible that their situation was not covered by that article, the Committee needed to decide whether a reference should be made to foreign workers in the concluding observations.

67. **Mr. Fathalla**, referring to question 29, said that the concluding observations should distinguish between ethnic or religious minorities in the Seychelles

and the foreigners present in the country, the latter known to comprise 25 per cent of its labour force. Because unemployment was so low, foreigners were obviously needed to fill certain posts. The fact that universities had been established only recently probably accounted for the many foreign judges in the Seychelles, since at the moment law students probably had to get legal training abroad. A similar situation existed in some of the Arab countries. The Committee should encourage the State party to develop its own legal programmes.

68. **Mr. O'Flaherty** noted that a very reliable website had indeed confirmed the absence of any legal training in the Seychelles. However, any citizen who had qualified as a lawyer in either Mauritius, France or Britain was automatically entitled to become a practicing lawyer in the Seychelles.

69. **Ms. Chanet** said that the concluding observations should not confuse articles 26 and 27 of the Covenant. The Committee could ask if the rights of minorities were being respected under article 27. Foreign nationals were instead covered by article 26.

70. **Sir Nigel Rodley**, referring to question 26, noted that, although the age of criminal responsibility in the Seychelles was 12 years, minors between 8 and 12 years of age could be criminally prosecuted in certain circumstances. He asked whether the Committee should require States parties to establish a fixed age of criminal responsibility and, if so, what that age should be. It was unclear what positions had previously been taken by the Committee in connection with minimum ages for juvenile justice. The Committee should research that issue with a view to making clear and consistent decisions in that regard.

71. With regard to question 28, the NGO report had stated that security clearance for certain public service positions was required and that appointments were based on political affiliation. While security clearance requirements were understandable for certain positions, it was extremely troubling that Seychelles appointed staff on the basis of their political affiliation, unless the aim of those appointments was to promote a culture of objectivity by ensuring that staff were hired from across the political spectrum.

72. With regard to question 30, the only response received by the Committee was that an NGO had been working to promote awareness of Constitutional rights provisions, which were very similar to certain

provisions in the Covenant. No information was available on actions taken by the State party in that regard. He invited the other members of the Committee to decide whether, in the absence of a response from the State party, sufficient information was available for it to make a concluding observation on that issue.

73. **Mr. O'Flaherty** said that question 27 had originally been included in the list on the basis of the findings of the African Commission's visit to the Seychelles. Non-governmental organizations, however, said that there were no reported cases of electoral violence or intimidation. Given the complete lack of any other information on the matter, the Committee had presumably not been in a position to resolve that conflict.

74. **Ms. Chanet** said that she wanted to endorse Sir Nigel's position against the automatic inclusion of concerns in concluding observations, especially if the Committee decided to adopt new procedures.

75. **Mr. Rivas Posada** said that, despite the tendency to follow precedent, the concluding observations should indeed never include routine concerns that were not pertinent to the country at issue. The same applied to the lists of issues.

76. **Mr. O'Flaherty** agreed that standard questions that did not apply should be avoided. A case in point was the question regarding unsubstantiated trafficking in the Seychelles.

77. **Mr. Thelin**, supported by **Mr. Fathalla**, reiterated his view that, following a broad interpretation of rule 70, paragraph 3, of the rules of procedure, the Committee should proceed to adopt its provisional concluding observations and submit them to the Seychelles before making them public.

78. **Ms. Chanet** said that to do so was to follow not a broad interpretation but a strict interpretation of rule 70, paragraph 3.

79. **Sir Nigel Rodley**, supported by **Mr. O'Flaherty**, recalled the consensus reached earlier in the meeting that the Committee would wait to see the final text of the provisional concluding observations before adopting them and reaching any other decision.

80. **Mr. O'Flaherty** said that when the Committee then returned to the matter, it should deal very summarily with it and simply take a decision on the text.

81. **The Chairperson** said she took it the Committee wished to defer any action on the provisional concluding observations until it had the final text.

82. *It was so decided.*

The discussion covered in the summary record ended 12.30 pm.