



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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COMMITTEE AGAINST TORTURE

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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture

ICELAND

1. The Committee against Torture considered the third periodic report of Iceland (CAT/C/ISL/3) at its 826th meeting, held on 9 May 2008 (CAT/C/SR.826), and adopted, at its 831st meeting on 15 May 2008 (CAT/C/SR.831), the concluding observations as set out below.

A. Introduction

2. The Committee welcomes the third periodic report of Iceland, which was prepared in accordance with the Committee's guidelines and submitted on time. The Committee welcomes also the comprehensive written responses provided to the list of issues (CAT/C/ISL/Q/3/Add.1) and appreciates the fruitful and constructive dialogue with the State party's delegation.

B. Positive aspects

3. The Committee welcomes the State party's ongoing efforts to comply with its obligations under the Convention and to prevent and eliminate any acts or conduct contrary to its provisions. The Committee notes, *inter alia*:

(a) The new Application of Punishments Act, No. 49/2005, including its two regulations on the application of punishment and the training of prison warders;

(b) The provisions of the Penal Code, article 227 (a), that provide a framework for punishment for trafficking in human beings, and the signing of the Council of Europe Convention on Action against Trafficking in Human Beings, in May 2005;

(c) The enactment of laws amending the Criminal Penal Code and the establishment of a plan of action with the aim of a more comprehensive response to violence against women and domestic violence, in particular with respect to legal remedies and in cases of sexual offences;

(d) The issuance of ethical rules for police concerning excessive use of physical force and verbal abuse.

4. The Committee again notes with satisfaction that no complaints of torture have been received from Iceland.

C. Principal subjects of concern and recommendations

Definition of torture and criminalization

5. While noting the explanations provided by the State party in its second and third periodic reports and in the written replies to the list of issues with regard to the interpretation of the definition of torture and its use in domestic criminal legislation, the Committee regrets that no change has taken place with regard to the State party's position not to fully incorporate the definition of torture as defined in article 1 of the Convention, nor to incorporate torture as a specific crime into domestic criminal legislation (arts. 1 and 4).

The Committee reiterates its previous recommendation, namely that the definition of torture according to article 1 of the Convention be introduced into Icelandic criminal legislation in order to ensure that all elements of torture are included, and that torture be defined as a specific offence in domestic laws. The Committee also draws the attention of the State party to its general comment No. 2 on the implementation of article 2.

Independent monitoring

6. The Committee notes with appreciation the information provided in the State party report and the written replies to the list of issues that monitoring and inspection of places of detention, prisons and psychiatric facilities can be undertaken by the Parliamentary Ombudsman on his or her own initiative and that recommendations made based on such visits are fully taken into consideration. The Committee is, however, concerned that no legal or administrative system of independent monitoring or inspection of such facilities, in particular of psychiatric facilities, is in place (arts. 2 and 13).

The State party should enhance the capacity of the office of the Parliamentary Ombudsman through appropriate human and financial resources to allow it to undertake monitoring of places of detention, prisons and psychiatric facilities, and establish an independent monitoring and inspection system for such facilities. The State party should also consider the possibility of establishing a national human rights institution in accordance with the Paris Principles.

Prevention of torture and other cruel, inhuman and degrading treatment or punishment

7. The Committee notes with appreciation the information provided in the State party report and the written replies concerning female and juvenile prisoners and that for practical reasons no separate prisons exist for housing female or juvenile prisoners. The Committee emphasizes that, in the framework of prevention of torture and other cruel, inhuman or degrading treatment or punishment, female prisoners should be separated from male prisoners and juvenile prisoners should be in clearly distinct and separated facilities from adult prisoners (arts. 2 and 11).

The State party should ensure that female and male prisoners are held in separate facilities and, in particular, that juvenile prisoners are held separately from adults. It should also ensure that the prison wardens involved in dealing with female and juvenile prisoners are trained to deal with the necessary sensitivity and characteristics required.

8. The Committee is concerned about some reported cases of inappropriate handling of incidents by law enforcement officers and border guards, in particular at detention centres, airports and in conjunction with manifestations and demonstrations (arts. 2 and 7).

Regardless of the frequency and gravity of such incidents, the State party should ensure that all allegations are investigated. The State party should provide further detailed information on investigations and the results in its next periodic report.

Solitary confinement

9. The Committee is concerned about the reported cases of frequent and excessive use of solitary confinement for persons in custody (art. 11).

The State party should investigate promptly the issue of excessive use of solitary confinement and adopt effective measures to prevent such practice.

Non-refoulement and asylum-seeking

10. The Committee welcomes the information provided during the dialogue on the State party report with regard to cooperation with the United Nations High Commissioner for Refugees. The Committee is however concerned that only two asylum applications have been approved in the past 20 years, and that the State party is reluctant to issue residence permits, even on humanitarian grounds (art. 3).

The State party should ensure through legal and administrative procedures, including review by an independent judicial body concerning rejections, that due consideration is given to each individual case before a final decision is reached and that a constant review of the situations in the countries individuals may be returned or expelled to is carried out.

The State party should also include in its next report more detailed information on how national security considerations can affect the protection of non-refoulement, in accordance with article 3 of the Convention.

11. While noting the information provided in relation to investigations in the framework of the Council of Europe and alleged rendition flights in Europe, the Committee remains concerned about the reported rendition flights through Iceland and the inadequate response to the allegations by the authorities (arts. 3 and 4).

The State party should provide further information in its next periodic report on measures taken to investigate allegations of rendition flights on Icelandic territory or in its airspace, including outcomes of such measures or investigations.

Education and information

12. The Committee notes that basic police training and training of prison warders include elements of human rights and the international obligations of Iceland. Furthermore, the Committee notes that the new Coast Guard Act No. 52/2006 states that coast guards should comply with the Police Act and the Criminal Procedure Code. The Committee is, however, concerned that, in some instances, at police stations and airports, police officers and border guards have not handled all incidents with the respect due to the human rights of the individual (art. 10).

The State party should ensure that all law enforcement personnel receive adequate and regular training on the international obligations of Iceland, in particular with respect to its obligations under the Convention against Torture. In addition, the State party should introduce formal training in human rights and humanitarian law for peacekeepers and other personnel assigned to international monitoring missions with the United Nations, the North Atlantic Treaty Organization and the European Union.

Evidence in accordance with article 15

13. The Committee, while noting the information provided in the State party report and during the dialogue, remains concerned that evidence that might have been obtained through torture may still be used in judicial proceedings (art. 15).

The Committee reiterates its previous recommendation, namely that the State party should bring its domestic criminal legislation into line with the provisions of article 15 of the Convention so as to exclude explicitly any evidence obtained as a result of torture.

The State party should also review its practices with regard to video and tape recordings of interrogation procedures with a view to primarily protecting the defendant.

Trafficking in human beings

14. The Committee notes the developments in the legal and policy frameworks with respect to trafficking in human beings, in particular the new draft bill currently under consideration by the Parliament and the preparations for a national plan of action against trafficking in human beings.

The Committee is, however, concerned at the fact that incidents of trafficking both through and inside the country have been reported and that the State party does not have a system to monitor and assess the extent and impact of or to address this phenomenon effectively (arts. 2 and 16).

The State party should ensure that the plan of action receives adequate financial support for its implementation, and establish a coordinated government-wide programme for data collection, monitoring of the actual situation and providing adequate measures to prevent trafficking in persons and assistance to victims.

The State party should also adopt specific training and sensitization programmes for law enforcement personnel and border guards, and public awareness-raising campaigns revealing the current situation of trafficking in human beings in the country.

Violence against women and children

15. The Committee notes the recent developments in the national legislative and policy framework on measures to address violence against women and children and domestic violence, in particular the amendments providing for greater punishment when violence has occurred within the family, restraining orders and the expansion of the term of rape. The Committee is of the view that more emphasis could be given to adequate medical and legal services and assistance to victims of violence against women and domestic violence, and to addressing attitudes and opinions in society (arts. 4 and 16).

The State party should continue its efforts to address domestic violence through legislative and policy measures and ensure that the part of the Plan of Action 2006 to 2011 covering protection and assistance to victims receives sufficient funding and the human resources necessary for its implementation. The State party is encouraged to develop national public information campaigns and stimulate broader public discussions in order to address attitudes and stereotypes leading to violence against women further. The State party should provide further detailed information with respect to the assistance and services available for victims in its next periodic report.

16. While noting the State party's signature of the Optional Protocol to the Convention against Torture, the Committee encourages the State party to proceed to its ratification at the earliest possible date.

17. The Committee invites the State party to ratify other United Nations human rights treaties to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, and the International Convention for the Protection of All Persons from Enforced Disappearance.

18. The Committee invites the State party to submit its core document in accordance with the requirements of common-core documents in the harmonized guidelines on reporting, as approved by the international human rights treaty bodies (HRI/GEN/2/Rev.4).

19. The Committee requests the State party to disseminate its report widely, together with the written answers to the Committee's questions and the concluding observations and summary records of the Committee, through official websites, the media and non-governmental organizations.

20. The Committee requests the State party to provide, within one year, information on its responses to the recommendations contained in paragraphs 9, 14 and 15 above.

21. The State party is invited to submit its next report, which will be the fifth periodic report, by 30 June 2012.
