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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 considered the third periodic report of Iceland (CAT/C/ISL/3) at its 826th meeting, held on 9 May 2008 (CAT/C/SR826), and adopted, at its 831st meeting on 15 May 2008 (CAT/C/SR831), the following Concluding observations.

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 further welcomes 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 i.e. application of punishment and training of prison warders;
- b) The provisions of the Penal Code, article 227 a), that provide the framework for punishment for trafficking in human beings, and the signing of Council of Europe's Convention on Action Against Trafficking in human Beings in May 2005;
- c) Enactment of laws, amending the Criminal Penal Code, and 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 notes again 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 into domestic criminal legislation torture as a specific crime (arts. 1 and 4).

The Committee reiterates its previous recommendation that the definition of torture according to article 1 of the Convention is introduced into Icelandic criminal legislation in order to ensure that all elements of torture are included, and that torture is defined as a specific offence in the domestic laws. The Committee further draws the attention of the State party to its General Comment number 2 on the implementation of article 2.

Independent monitoring

6. The Committee notes with appreciation the information provided in the State party report and in 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 however is concerned that no legal or administrative system of independent monitoring or inspection of such facilities, in particular the psychiatric facilities, is in place (arts. 2 and 13).

The State party should enhance the capacities of the Office of the Parliamentary Ombudsman through appropriate human and financial resources to undertake monitoring of place 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 complying 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 in 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 emphasises 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 composition of 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 boarder guards, in particular at detention centers, 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 such 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 against person 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 over the last 20 years, and that the State party is reluctant to issue residence permits even based 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 further 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 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 (art 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 Iceland's international obligations. Furthermore the Committee notes that the new Coast Guard Act No 52/2006 states that coast guards shall 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 boarder guards have not handled all incidents with the respect due to the human rights of the individuals (art. 10).

The State party should ensure that all law enforcement personnel receive adequate and regular training on Iceland's international obligations, in particular with respect to the 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 under United Nations, NATO 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 could have been obtained through torture still may be used in judicial proceedings (art. 15).

The Committee reiterates its previous recommendation that the State party should bring its domestic criminal legislation in 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 that incidents of trafficking both through and within 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 effectively this phenomenon (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 for assistance to victims.

The State party should also adopt specific training and sensitization programmes for law enforcement personnel and boarder 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 increased punishments 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 address attitudes and opinions in the society (arts. 4 and 16).

The State party should continue its efforts to address domestic violence through legislative and policy measures, in particular with respect to

criminalization of rape, including marital rape, and ensure that the part of the Plan of Action 2006 to 2011 covering protection and assistance to victims receives sufficient funding and 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 further address attitudes and stereotypes leading to violence against women. The State party should provide further detailed information with respect to 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 it 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 i.e. the International Convention on the Protection of Rights of All Migrant Workers and Member of their Families, the International Convention on the Rights of Persons with Disabilities and its Optional Protocol, and the International Convention on the Protection of All Persons from Enforced Disappearance.

18. The Committee invites the State party to submit its core document in accordance with the requirement of the Common Core Document in the Harmonized Guidelines on Reporting, as approved by the international human rights treaty bodies and contained in document HRI/GEN/2/Rev.4.

19. The Committee request the State party to widely disseminate its report, 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.
