

ICELAND

Follow-up - State Reporting

(i) Action by Treaty Bodies, including reports on missions

CCPR, A/60/40 vol. I (2005)

CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

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233. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the comprehensive table presented below. Since 18 June 2004, 15 States parties (Egypt, Germany, Kenya, Latvia, Lithuania, Morocco, the Netherlands, the Philippines, Portugal, the Russian Federation, Serbia and Montenegro, Slovakia, Sweden, Togo and Venezuela) have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, only six States parties (Colombia, Israel, Mali, Republic of Moldova, Sri Lanka and Suriname) have failed to supply follow-up information that had fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

224. The table below details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided to take no further action prior to the period covered by this report.

<u>State Party</u>	<u>Date Information Due</u>	<u>Date Reply Received</u>	<u>Further Action</u>
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Eighty-second session (March 2005)

Iceland	31 March 2006	-	-
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CCPR, CCPR/C/SR.2392 (2006)

HUMAN RIGHTS COMMITTEE

Eighty-seventh session

SUMMARY RECORD OF THE 2392nd MEETING

Held at the Palais Wilson, Geneva,

on Wednesday, 26 July 2006, at 11 a.m.

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FOLLOW-UP TO CONCLUDING OBSERVATIONS ON STATE REPORTS AND TO VIEWS
UNDER THE OPTIONAL PROTOCOL (agenda item 7)

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Report of the Special Rapporteur for follow-up on concluding observations
(CCPR/C/87/CRP.1/Add.7)

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[Mr. RIVAS POSADA, speaking as Special Rapporteur for follow-up on concluding observations]

54. At its eighty-third session in March 2005, the Committee had requested additional information by 31 March 2006 from five States parties. Reminders had been sent to Greece and Iceland on 6 July 2006. Kenya had submitted what seemed to be a complete reply on 12 June 2006, noting, however, that it had not had time to implement some of the Committee's recommendations. Mauritius had also submitted a complete response with comprehensive statistical annexes. No further action was recommended with regard to either of those two States parties. Although Uzbekistan had not provided the information requested, it had informed the Committee through the Chairperson that the death penalty would be abolished on 1 January 2008 and that a number of committees had been mandated to undertake a corresponding review of the country's legislation.

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CCPR, A/61/40 vol. I (2006)

CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

234. In chapter VII of its annual report for 2003 (A/58/40, vol. I), the Committee described the framework that it has set out for providing for more effective follow-up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/60/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2006.

235. Over the period covered by the present annual report, Mr. Rafael Rivas Posada continued to act as the Committee's Special Rapporteur for follow-up to concluding observations. At the Committee's eighty-fifth, eighty-sixth and eighty-seventh sessions, he presented progress reports to the Committee on intersessional developments and made recommendations which prompted the Committee to take appropriate decisions on a State-by-State basis.

236. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table. Over the reporting period, since 1 August 2005, 14 States parties (Albania, Belgium, Benin, Colombia, El Salvador, Kenya, Mauritius, Philippines, Poland, Serbia and Montenegro, Sri Lanka, Tajikistan, Togo and Uganda) have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, only 11 States parties (Equatorial Guinea, Greece, Iceland, Israel, Mali, Moldova, Namibia, Suriname, the Gambia, Uzbekistan and Venezuela) have failed to supply follow-up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

237. The table below details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided to take no further action prior to the period covered by this report.

State party	Date information due	Date reply received	Further action
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<i>Eighty-third session (March 2005)</i>			
...			
Iceland	31 March 2006	-	A reminder was dispatched on 6 July 2006.
Fourth periodic report examined	Para. 11		
...			

CCPR, A/62/40 vol. I (2007)

CHAPTER VII. FOLLOW-UP ON CONCLUDING OBSERVATIONS

220. In chapter VII of its annual report for 2003 (A/58/40, vol. I), the Committee described the framework that it has set out for providing for more effective follow-up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/61/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2007.

221. Over the period covered by the present annual report, Mr. Rafael Rivas-Posada continued to act as the Committee's Special Rapporteur for follow-up to concluding observations. At the Committee's eighty-fifth, eighty-sixth and eighty-seventh sessions, he presented progress reports to the Committee on intersessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State. In view of Mr. Rivas-Posada's election to the Chair of the Committee, Sir Nigel Rodley was appointed the new Special Rapporteur for follow-up on concluding observations at the Committee's ninetieth session.

222. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table.¹ Over the reporting period, since 1 August 2006, 12 States parties (Albania, Canada, Greece, Iceland, Israel, Italy, Slovenia, Syrian Arab Republic, Thailand, Uganda, Uzbekistan and Venezuela) have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, only 12 States parties (Brazil, Central African Republic, Democratic Republic of the Congo, Equatorial Guinea, Mali, Moldova, Namibia, Surinam, Paraguay, the Gambia, Surinam and Yemen) and UNMIK have failed to supply follow-up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

223. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided before 1 August 2006 to take no further action prior to the period covered by this report.

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Eighty-third session (March 2005)

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State party: Iceland

Report considered: Fourth periodic

Information requested: Measures to ensure rapes did not go unpunished (arts. 3, 7, 26).

Date information due: 1 April 2006

Action taken:

6 July 2006 A reminder was sent.

20 September 2006 A further reminder was sent.

Date information received:

25 July 2006 The State party sent an email indicating that the reply would be sent in early September 2006.

13 October 2006 Complete response.

Recommended action:

At its eighty-eighth session the Committee decided no further action needed to be taken with regard to the fourth periodic report of the State party.

Next report due: 1 April 2010

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Note

1/ The table format was altered at the ninetieth session.

Follow-up - Reporting

ii) Action by State Party

CCPR CCPR/CO/83/ISL/Add.1 (2005)

Comments by the Government of Iceland on the concluding observations of the Human Rights Committee

1. Reference is made to earlier correspondence regarding the advance unedited version of the concluding observations of the Human Rights Committee on the fourth periodic report of Iceland (CCPR/C/CO/83/ISL), paragraph 14 of which states:

"The Committee has noted with concern the delegation's information that, in the case of minor offences (misdemeanours), the convicted person cannot appeal against the conviction and sentence to a higher tribunal, except in exceptional circumstances where the Supreme Court may so authorize (article 14, paragraph 5, of the Covenant)."

2. According to article 150 of the Code of Criminal Procedure, No. 19/1991, cases where the defendant is sentenced to deprivation of liberty or to confiscation of property can always be appealed to the Supreme Court. Criminal offences that are sanctioned by a fine under a certain amount (currently about ISK 420,000) are, however, not subject to appeal to the Supreme Court unless the Court permits. Thus, lower court judgements in minor cases can be subject to appeal following a decision by the Supreme Court to grant leave to appeal. Such leave to appeal, depending on the circumstances, will be granted if a different conclusion is not deemed unlikely or if important interests are involved. In practice, three Supreme Court judges decide, on the basis of all relevant documents and information, whether to grant an appeal or not.

3. According to statistics from the Supreme Court, 18 requests for appeal of cases where the fines imposed were within the specified limits were made to the Court in 2004. Five leaves to appeal were subsequently granted. Icelandic authorities are of the opinion that the wording in paragraph 14 ("the person convicted cannot appeal against the conviction and sentence to a higher tribunal, except in exceptional circumstances where the Supreme Court may so authorize") (emphasis added) does not correctly reflect the situation described above. The words "exceptional circumstances" imply that leaves to appeal are granted very infrequently. In light of the fact that requests for appeal were granted in 5 out of 18 cases last year, Icelandic authorities find this wording misleading. Accordingly, it is proposed that the words "exceptional circumstances" be replaced by the words "certain circumstances", as the latter will more precisely portray the current situation in Iceland.

4. The Permanent Mission of Iceland kindly requests that these minor amendments, as proposed, be reflected in the final version of the Committee's concluding observations. For further information, the Permanent Mission of Iceland remains at the disposal of the Committee.