



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

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Committee against Torture

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List of issues prior to the submission of the fourth periodic report of Iceland (CAT/C/ISL/4)*

Specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the Committee's previous recommendations

Articles 1 and 4

1. With reference to previous recommendations of the Committee (para. 5),¹ please provide information on the measures taken by the State party to incorporate the Convention's definition of torture into Icelandic criminal legislation, in order to ensure that all elements of the definition of torture are included and that torture is defined as a specific offence in domestic legislation. Please also provide information on measures taken to ensure that all acts of torture are criminalized and punished in accordance with article 4 of the Convention.

* The present list of issues was adopted by the Committee at its forty-fifth session, according to the new optional procedure established by the Committee at its thirty-eighth session, which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

¹ Paragraph numbers in brackets refer to the previous concluding observations adopted by the Committee, published under symbol CAT/C/ISL/CO/3.

Article 2²

2. Please provide information on measures taken by the State party to guarantee in law and in practice the rights of persons deprived of their liberty as from the very outset of detention, including access to a lawyer and an independent doctor, if possible of their own choice, and the right to inform a family member. Please inform the Committee of any restrictions that may be imposed on these rights and the reasons for such imposition. Please indicate whether all persons detained are registered from the outset of detention.

3. With reference to previous recommendations of the Committee (para. 6), please provide an update on any measures taken to enhance the capacity of the office of the Parliamentary Ombudsman with appropriate human and financial resources to allow it to undertake independent monitoring of places of detention, prisons and psychiatric facilities in an effective and independent way. Please also provide updated information on any measures taken to establish an independent national human rights institution in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).³

4. According to the information before the Committee, violence against women continues to be a problem, in particular domestic violence, rape and sexual assault, even against girls under the age of 16. Also, according to information before the Committee, there is significant disparity between the numbers of investigated cases of sexual offences and the number of prosecutions and convictions and disparity between the numbers of victims of violence, including rape and sexual assault, seeking counselling and shelter, and the number of cases reported. Please provide statistical data on violence against women disaggregated by crime and age of the victim, the number of complaints received and investigated and the number of prosecutions and convictions of offenders, as well as punishment imposed for such crimes during the reporting period.

5. Please also provide information on the measures taken by the State party to strengthen the Plan of Action to Deal with Domestic and Sexual Violence Against Women in view of the results released in February 2010 of the survey conducted by the Ministry of Social Affairs and Social Security on the extent of violence against women, which indicated that 42 per cent of the country's women suffered physical or sexual violence or have been threatened therewith since the age of 16 years.

6. Please provide information on the measures taken by the State party to improve its data collection on the use of and effectiveness of restraining orders since the adoption of Act No. 94/2000, especially with regard to domestic and sexual violence, and raise the awareness of the judiciary and the public about the use of restraining orders. Please provide updated information on the adoption of a specific act on restraining orders presented to Althingi in November 2007.

² The issues raised under article 2 could imply also different articles of the Convention, including but not limited to article 16. As general comment No. 2 (2007) on implementation of article 2 by States parties, paragraph 3, states: "the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter 'ill-treatment') under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture ... In practice, the definitional threshold between ill-treatment and torture is often not clear." See further chap. V of the same general comment.

³ See previous concluding observations of the Committee against Torture (CAT/C/ISL/CO/3, para. 6) and the Committee on the Elimination of Racial Discrimination (CERD/C/ISL/CO/18, para. 16, and CERD/C/ISL/CO/19-20, para. 13).

7. Please also provide information on the measures taken by the State party to allocate sufficient financial resources to ensure that all women – including immigrant women and women of vulnerable groups – who are victims of violence have access to immediate and appropriate protection orders and access to safe and adequately funded shelter throughout the country, as well as legal aid, if necessary.

8. While noting the approval, in line with the previous recommendations, on 17 March 2009 of the first Government action plan against trafficking in human beings, please provide information about the activities of the specialist and coordination team to supervise matters regarding human trafficking in Iceland, which was set up by the Minister of Justice and Human Rights, and, in particular, whether it has established a coordinated Government-wide programme for data collection, monitoring and providing adequate measures to prevent trafficking in persons and provide protection and assistance to victims, including witness protection. Please also provide updated information on the progress in the consideration by the Parliamentary General Committee of the bill submitted to Parliament by the Minister of Justice and Human Rights on 8 October 2009 (see CAT/C/ISL/CO/3/Add.1) proposing, inter alia, amendments of article 227(a) of the General Penal Code in order to amend the definition of trafficking in human beings so as to adapt it to the wording of article 4 of the Council of Europe Convention on Action against Trafficking in Human Beings and article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol). Please also provide information on measures taken to monitor the implementation of Act No. 61/2007 on prostitution.

9. Please provide information on the number of persons trafficked in the State party since the consideration of its previous periodic report in 2008, including disaggregated by professional category and country of origin.

Article 3

10. With reference to previous recommendations of the Committee (para. 10), please provide detailed information on how national security considerations can affect the protection of non-refoulement in accordance with article 3 of the Convention.

11. With further reference to previous recommendations of the Committee (para. 10), please provide information on any measures taken to establish legal and administrative procedures, including review by an independent judicial body concerning rejections of asylum applications, and that due consideration is given to each individual case before a final decision is reached and also that a constant review of the situations in the countries to which individuals may be returned or expelled to is carried out.

12. Again with reference to previous recommendations of the Committee (para. 11), please provide updated information on measures taken to investigate allegations of rendition flights on the State party's territory or in its airspace, including outcomes of such measures or investigations.

Articles 5, 7 and 8

13. Since the consideration of the previous report, please indicate whether the State party has rejected, for any reason, any request for extradition by another State of an individual suspected of having committed an offence of torture, and has started prosecution proceedings as a result. If so, please provide information on the status and outcome of such proceedings.

Article 10

14. With reference to previous recommendations of the Committee (para. 7), please provide information on progress made by the State party in ensuring that prison wardens involved in dealing with female and juvenile prisoners are trained to deal with the necessary sensitivity and characteristics required.

15. With reference to previous recommendations of the Committee (para. 12), please provide information on the training and the periodicity of training provided to law enforcement officials on the provisions of the Convention.

16. Please indicate whether there are any programmes to train personnel involved with detained persons on how to detect and identify signs of torture and ill-treatment and report such cases to the competent authorities on the basis of the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol). Please also indicate whether the Istanbul Protocol constitutes an integral part of the training provided to forensic medical personnel and other officials involved in the documentation and investigation of torture and how many persons have received such training.

17. Please provide information on any additional training for police and investigation and victim support by police in the wake of the May 2008 research on domestic violence conducted by the Icelandic police, in the course of which 32 factors were coded.

18. With reference to previous recommendations of the Committee (para. 14), please provide information about any training and sensitization programmes carried out under the Action Plan on Human Trafficking approved in March 2009. In particular, please provide information on specific training and sensitization programmes on trafficking in human beings that have so far been provided to law enforcement personnel and border guards. Please also provide information on any training provided to border guards with a view to increasing their knowledge about all relevant aspects of refugee protection and about the situation in the asylum-seekers' countries of origin (CERD/C/ISL/CO/18, para. 11).

Article 11

19. With reference to previous recommendations of the Committee (para. 9), please provide updated information on the use of solitary confinement of persons in custody, including the average number of prisoners in custody in police stations, youth facilities and hospitals.

20. Please provide information on any new interrogation rules, instructions, methods, and practices, as well as arrangements for the custody of persons subject to any form of arrest, detention or imprisonment, that may have been introduced since the consideration of the last periodic report, and the frequency with which they are reviewed, with a view to preventing torture or ill-treatment.

21. Please provide information on measures taken by the State party to deal with overcrowding in prisons, in particular in the main prison at Litla-Hraun and the principal pretrial detention facility in Reykjavik. Please provide an updated list of persons convicted of crimes who are unable to serve their sentences because of lack of space in prisons.

Articles 12 and 13

22. With reference to previous recommendations of the Committee (para. 8), please provide information about any investigations into allegations of 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, and the results thereof.

23. Please provide detailed statistical data, disaggregated by crime committed, ethnicity, age and gender, on complaints relating to torture and ill-treatment allegedly committed by law enforcement officials, on related investigations, prosecutions, convictions and the penal or disciplinary sanctions applied.

24. Please provide information on support services provided by the State party to immigrant women and women from vulnerable groups with a view to helping them report domestic and sexual violence, bring complaints and seek protection and redress.

Article 14

25. Please provide information on redress and compensation, including the means of rehabilitation, ordered by the courts and actually provided to victims of torture, or their families, since the examination of the last periodic report in 2008. This information should include the number of requests made, the number granted, the amounts of compensation ordered and those actually provided in each case.

26. Please provide information on redress, compensation, including rehabilitation measures, provided to victims of domestic violence, including rape and sexual assault. Please provide information on the financial resources allocated by the State party to ensure that women and children who are victims of violence have immediate access to safe and adequately funded shelters throughout the country, as well as to legal aid, if necessary (see A/63/38, para. 223).

Article 15

27. With reference to previous recommendations of the Committee (para. 13), please provide information on whether domestic criminal legislation has been brought into line with the provisions of article 15 of the Convention so as to exclude explicitly any evidence obtained as a result of torture. Please also provide information of any case where evidence has been held inadmissible under article 15.

28. With reference to previous recommendations of the Committee (para. 13), please provide information on any review undertaken by the State party with regard to its practices regarding video and tape-recordings of interrogation procedures with a primary view to protecting the defendant.

Article 16

29. With reference to previous recommendations of the Committee (para. 7), please provide information on measures taken by the State party to ensure that female and male prisoners are held in separate facilities and that juvenile prisoners are held separately from adults. Please also provide information on measures taken by the State party to ensure that pretrial detainees are held separately from convicted prisoners in appropriate facilities and not in local police station jails.

Other issues

30. Please provide updated information on measures taken by the State party to respond to any threats of terrorism and please describe if, and how, these anti-terrorism measures have affected human rights safeguards in law and practice and how it has ensured that those measures comply with all its obligations under international law, especially the Convention, in accordance with relevant Security Council resolutions, in particular resolution 1624 (2005). Please describe the relevant training given to law enforcement officers; the number and type of persons convicted under such legislation; the legal safeguards and remedies available to persons subjected to anti-terrorist measures in law and in practice; whether there have been complaints of non-observance of international standards; and the outcome of such complaints.

31. With reference to previous recommendations of the Committee (paras. 16 and 17), please provide updated information on the progress regarding the State party's ratification of the Optional Protocol to the Convention against Torture. Please provide updated information on the consultations held with regard to the organizational form of the future national protection mechanism and whether civil society organizations have been included in the discussions. In addition, please provide information on progress regarding the ratification of 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, the International Convention for the Protection of All Persons from Enforced Disappearance and the Palermo Protocol.

General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention

32. Please provide detailed information on the relevant new developments on the legal and institutional framework within which human rights are promoted and protected at the national level that have occurred since the third report, including any relevant court decisions.

33. Please provide detailed relevant information on the new political, administrative and other measures taken to promote and protect human rights at the national level, that have occurred since the third periodic report, including on any national human rights plans or programmes, and the resources allocated thereto, their means, objectives and results.

34. Please provide any other information on new measures and developments undertaken to implement the Convention and the Committee's recommendations since the consideration of the last report in 2008, including the necessary statistical data, as well as on any events that occurred in the State party and are relevant under the Convention.
