



## International Covenant on Civil and Political Rights

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### Human Rights Committee

102nd session

Geneva, 11–29 July 2011

### List of issues to be taken up in connection with the consideration of the fifth periodic report of Iceland (CCPR/C/ISL/5)

#### Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please indicate what procedures are in place for the implementation of the Committee's Views under the Optional Protocol. Please indicate what concrete actions have been taken following the adoption of the Committee's Views in respect of the State party in 2007.
2. Please explain the obstacles preventing withdrawal of the reservations to articles 10, paragraphs 2 (b) and 3, 14, paragraph 7, and 20, paragraph 1, of the Covenant in the near future.
3. Please indicate why the State party does not intend to fully incorporate the Covenant into its domestic legal order in line with the recommendation made by the Committee in its previous concluding observations, in which it encouraged the State party to ensure that all rights protected under the Covenant are given full effect in Icelandic law. In light of information provided by the State party in its report (CCPR/C/ISL/5, para. 30) that even though international conventions, such as the Covenant, have not been incorporated into Icelandic law, their contents are reflected in the Constitution and are frequently referred to, please indicate whether the Covenant can be invoked by complainants before domestic courts and tribunals. If so, please elaborate as to what extent the Covenant is given full consideration by judges in procedural, as well as substantive matters.
4. Please indicate whether the State party plans to establish an independent national human rights institution in the near future in accordance with the Paris Principles.

#### Non-discrimination, minority rights, equality between men and women (arts. 2, para. 1, 3, 18, 26 and 27)

5. Please provide information on the steps taken or planned to adopt comprehensive anti-discrimination legislation addressing all spheres of life and providing effective remedies in judicial and administrative proceedings. Please provide precise, detailed

examples of cases relating to the enforcement of the current anti-discrimination legislation, including article 233(a) of the General Penal Code, by administrative authorities, in particular the Parliamentary Ombudsman, and by the courts, in particular with respect to racial discrimination (CCPR/C/ISL/5, paras. 60-63).

6. Please provide information on the steps taken by the State party to (a) prevent acts of racism, including hate speech on the Internet against foreign nationals; (b) prevent and eliminate prejudice against foreigners and promote and improve their integration into society.

7. Please provide information on the steps taken to prevent manifestations of racism against Muslims. Please also indicate whether Muslims have been granted permission by the municipality to build a mosque and an Islamic cultural centre in Reykjavik.

8. Please provide information on the achievements and progress made in establishing equality between men and women by the different institutions and mechanisms under the Gender Equality Act No. 10/2008 in the public and private spheres (CCPR/C/ISL/5, paras. 67-74). Please indicate whether the State party has adopted the gender equality action plan which, according to the State party report (para. 77), was being prepared by the Minister of Social Affairs and Social Security. If so, please provide information on the main elements of the plan, as well as on its implementation. Please also provide information on the steps taken by the Centre for Gender Equality to eliminate negative stereotypes of women and whether awareness-raising and educational campaigns are held (para. 79).

9. Please provide examples of cases relating to gender discrimination dealt with by the Complaints Committee on Gender Equality, including the decisions taken and their implementation (CCPR/C/ISL/5, paras. 68-69). Please also provide information on the implementation of the new provisions of the Private Limited Companies Act No. 138/1994 of 4 March 2010 to improve the representation of women on boards of companies (para. 78) and the concrete results achieved. Please indicate the current wage gap between men and women for equal work.

**Prohibition of torture and other cruel, inhuman or degrading treatment or punishment, security of person and treatment of persons deprived of their liberty (arts. 7, 9 and 10)**

10. Please provide information on the impact of the amendments introduced to the General Penal Code (CCPR/C/ISL/5, paras. 32-37) on combating violence against women, in particular sexual violence, including rape. Please also indicate to what extent the new Executive Order No. 122/2008, which entered into force on 1 January 2009, is applied and the measures taken by the State party to inform women about the existence of this legislation (para. 37). In addition, please provide information on (a) the number of complaints received; (b) investigations carried out; (c) types of penalties imposed; and (d) compensation awarded to the victims. Furthermore, please provide information on any other steps taken to combat domestic violence, such as training for judges, prosecutors, police and health officers, awareness-raising campaigns for women on their rights and available remedies.

11. Please provide information on the achievements made by the National Action Plan against Domestic and Sexual Violence in addressing violence against women. Please provide information on measures taken to allocate sufficient financial resources for the assistance and protection of women victims of violence, in particular to the Emergency shelters.

12. Please provide information on specific measures taken by the State party to: a) protect immigrant female victims of domestic violence, including rape; and b) inform them of their rights, in particular their rights to lodge a complaint and to seek assistance.

13. Please describe the results of the different measures taken by the State party to combat sexual and other forms of violence against children, in particular the results of the work of the Government Agency for Child Protection and other child committees, as well as the cases investigated and sanctioned by the courts on this issue. Please also indicate the effective impact of the Child Protection Act No. 80/2002 on preventing and combating violence against children (CCPR/C/ISL/5, paras. 184 and 187).

14. Please indicate efforts taken by the State party to introduce in its domestic legislation all elements of the definition of torture, in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

15. Please indicate whether the State party intends to modify its legislation to ensure the separation of juvenile pretrial detainees from adults in detention facilities, and female from male detainees in prisons (CCPR/C/ISL/5, para. 112). Please indicate measures taken by the State party to address prison conditions in some facilities, including overcrowding. Please also indicate steps taken to avoid the excessive use of solitary confinement of detained persons.

### **Elimination of slavery and servitude (art. 8)**

16. Please provide information on (a) the results and impact of the National Plan against Trafficking in Human Beings adopted on 17 March 2009, particularly in terms of training and educating law enforcement officials and other professionals (CCPR/C/ISL/5, para. 41); (b) the number of prosecutions of those smuggling and trafficking human beings (paras. 45, 47 and 48); (c) international cooperation (paras. 42-44); and (d) assistance to victims (para. 40). Please indicate whether the State party has already adopted and implemented the amendment to the Foreign Nationals Act regarding the reflection period and issuance of residence permits to victims of trafficking (CCPR/C/ISL/5, para. 51). Please also indicate the final decisions taken and sanctions imposed in the cases of trafficking decided by the Reykjanes District Courts (para. 48) and which might have been subject to appeal by the legal counsels of the accused persons, as well as the decision of the Director of Public Prosecutions to indict one individual, following the investigation conducted by the police (para. 49).

### **Expulsion of foreigners (arts. 2, 7, and 13)**

17. Please indicate how the State party implements its obligation of non-refoulement with regard to national security considerations set out in article 45 of the Foreign Nationals Act No. 96/2002.

18. Please indicate whether the State party intends to grant suspensive effect to appeals lodged by asylum seekers. Please also indicate measures taken to grant free legal aid to those interviewed at the Directorate of Immigration in connection with their asylum requests. Please indicate whether the State party has adopted and implemented the comprehensive review of the Foreign Nationals Act aimed at ensuring improvements in the handling of asylum applications (CCPR/C/ISL/5, para. 126).

19. Please clarify what requirements must be met for a permit to be issued to foreigners on humanitarian grounds. State the maximum time foreigners can stay in Iceland with such

permit and whether permit holders are allowed to work. Please provide statistical details on how many people are seeking asylum in Iceland, and in how many cases asylum is granted.

### **Right to a fair trial and the judiciary (art. 14)**

20. Please indicate whether the State party has increased the number of district court judges to respond to the expected rise in the number of civil and criminal disputes resulting from the financial crisis and the collapse of the banks (CCPR/C/ISL/5, para. 129). Please also indicate whether the State party has adopted and implemented the amendments to the Judiciary Act No. 15/1998 to effectively guarantee the independence of the judiciary, in particular the appointment process for judges of district courts and the Supreme Court (paras. 130-131).

21. Please indicate whether the State party intends to revise article 198 of its Code of Criminal Procedure which restricts appeals to a higher tribunal for persons convicted of a minor criminal offence, except in exceptional circumstances and with the authorization of the Supreme Court (CCPR/C/ISL/5, para. 55).

### **Freedom of conscience and religious belief (art. 2, 18 and 26)**

22. Please provide information on the treatment of the Evangelical Lutheran Church, in light of Article 62 of the Icelandic Constitution, compared to other churches. Please also provide information on the status of non-religious organizations, with regard to funding, compared to religious organizations. Please further provide information on whether children from non-religious families are obliged to attend religious classes as well as activities relating to religion.

### **Protection of family life and the right to marry (arts. 2, 23 and 26)**

23. Please provide information on the measures taken by the State party to revise its current legislation on the distribution of assets upon divorce, taking into consideration the gender equality between spouses.

### **Dissemination of information relating to the Covenant and the Optional Protocol**

24. Please provide information on the steps taken to disseminate information on the Covenant and the Optional Protocols, the submission of the periodic report of the State party, and its examination by the Committee. Please also provide more detailed information on the involvement of representatives of ethnic and minority groups, civil society and non-governmental organizations in the preparatory process for the report.