



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

Distr.: General  
5 June 2025

Original: English  
English, French and Spanish only

## Committee against Torture

### List of issues prior to submission of the fifth periodic report of Iceland\*

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

##### Issues identified for follow-up in the previous concluding observations

1. In its previous concluding observations,<sup>1</sup> the Committee requested the State Party to provide information on follow-up to its recommendations on solitary confinement in pretrial detention, sexual and gender-based violence, and safeguards against refoulement (paras. 14 (c), 20 (a) and 32 (a), respectively). Noting that replies concerning the information sought by the Committee were provided on 31 May 2023,<sup>2</sup> and with reference to the letter dated 15 September 2023 from the Committee's Rapporteur for follow-up to concluding observations,<sup>3</sup> the Committee considers that the information provided by the State Party concerning the recommendations included in paragraphs 14 (c) and 32 (a) of the previous concluding observations was insufficient to assess their implementation, and that the recommendations contained in paragraph 20 (a) have been partially implemented.

##### Articles 1 and 4

2. With reference to the Committee's previous concluding observations,<sup>4</sup> please indicate whether the State Party's criminal laws have been amended to criminalize torture as a specific offence, in accordance with article 1 of the Convention, and to ensure that acts amounting to torture are punishable by appropriate penalties commensurate with their grave nature, as required by article 4 (2) of the Convention. Moreover, please provide the Committee with information on instances in which the domestic courts have, in practice, applied the constitutional and statutory prohibitions of torture in the light of prohibition of torture under the Convention.

\* Adopted by the Committee at its eighty-second session (7 April–2 May 2025).

<sup>1</sup> CAT/C/ISL/CO/4, para. 35.

<sup>2</sup> CAT/C/ISL/FCO/4.

<sup>3</sup> See

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FISL%2F56188&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FISL%2F56188&Lang=en).

<sup>4</sup> CAT/C/ISL/CO/4, paras. 9 and 10. See also CCPR/C/ISL/CO/6, paras. 15 and 16.



## Article 2<sup>5</sup>

3. In the light of the Committee's previous concluding observations,<sup>6</sup> please provide updated information on the measures taken by the State Party and the procedures in place to ensure that all detainees are afforded, in law and in practice, all fundamental legal safeguards against torture and ill-treatment from the outset of their deprivation of liberty. In particular, please update the Committee on measures taken to guarantee detainees' rights to notify a relative or any other person of their choice that they have been taken into custody. Please clarify whether Regulation No. 651/2009 has been amended so as clearly to require delayed notification to be authorized by a senior police officer unconnected to the investigation or a public prosecutor and to require that any delay in the notification of custody be for as short a time as possible. Please provide information on the number of occasions on which the regulation was applied during the reporting period and explain the procedure followed in those cases. Please provide information on any cases in which the authorities were alleged to have failed to comply with the safeguards, including any cases in which disciplinary or other measures were taken against officials found responsible for violations.

4. Further to the Committee's previous concluding observations<sup>7</sup> and the State Party's follow-up replies,<sup>8</sup> please provide comprehensive information on the outcome of the legislative proposal to amend the provisions of the Code of Criminal Procedure (Act No. 88/2008) regulating remand detention and solitary confinement, and explain how these specific proposed amendments comply with international standards. In particular, please indicate what additional measures have been taken to ensure that solitary confinement is used only in exceptional cases and as a last resort, on the basis of specific grounds and an individualized determination, only when strictly necessary in the interests of the criminal investigation and for the maintenance of security or public order, and for as short a time as possible, and that it is accompanied by strict procedural safeguards.<sup>9</sup> Please provide information on the measures taken to ensure that detainees on remand have prompt and confidential access to a lawyer without delay or to legal aid services to effectively defend their rights in response to a request for the application of such a measure. Furthermore, please explain the steps taken by the State Party to prohibit the imposition of solitary confinement and similar measures on minors and to guarantee health screening and adequate consideration of the health conditions of persons with intellectual, psychosocial or physical disabilities to ensure that solitary confinement is not used when their conditions would be exacerbated by such a measure. Lastly, please provide the text of these legislative amendments, translated into English, as well as detailed statistical data on applications for and the use of solitary confinement, and the number of pretrial detainees, including foreign nationals, placed in solitary confinement during the reporting period.

5. Taking note of the Committee's previous concluding observations,<sup>10</sup> please provide updated information on the steps taken during the period under review to strengthen the mandate of the Althing Ombudsman in accordance with the Optional Protocol to the Convention, including the allocation of sufficient human and financial resources, as requested by the Ombudsman, to enable the national preventive mechanism to conduct frequent and regular visits to all places of deprivation of liberty, including follow-up visits. Please clarify whether the staff of the mechanism are employed on a full-time or part-time basis, and whether they carry out the work of the mechanism exclusively or whether they

<sup>5</sup> The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2, 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 under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps 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 also section V of the same general comment.

<sup>6</sup> CAT/C/ISL/CO/4, paras. 11 and 12.

<sup>7</sup> Ibid., paras. 13 and 14.

<sup>8</sup> CAT/C/ISL/FCO/4, paras. 2–4.

<sup>9</sup> CCPR/C/ISL/CO/6, paras. 21 and 22.

<sup>10</sup> CAT/C/ISL/FCO/4, paras. 25 and 26.

have other responsibilities. Please provide information on the steps taken to ensure the financial independence of the mechanism and specify whether its budget is autonomous from the overall budget of the Althing Ombudsman with regard to allocation, management and disbursement. Furthermore, please provide information on any legislative measures taken to enable the mechanism to comment on relevant existing or draft legislation and policies, in accordance with article 19 (c) of the Optional Protocol to the Convention. Please provide information on the measures taken by the State Party in response to the recommendations made by the mechanism during and after its visits. Please inform the Committee of the individual complaints received by the Althing Ombudsman and referred to the national authorities for further action, as well as their outcomes.

6. Taking note of the Committee's previous concluding observations,<sup>11</sup> and the State Party's follow-up replies,<sup>12</sup> please provide updated information on the legislative or other measures taken during the period under review to combat all forms of sexual and gender-based violence against women and girls, especially cases involving actions and omissions by State authorities or other entities that engage the international responsibility of the State Party under the Convention. Please include statistical data, disaggregated by the age and ethnicity or nationality of the victims, on the number of complaints, investigations, prosecutions, convictions and sentences recorded in cases of sexual and gender-based violence, including with respect to children, migrant women, women and girls with disabilities, and women from minority backgrounds, since the consideration of the State Party's previous periodic report. Please indicate steps taken to harmonize data-collection systems for cases reported to the police and for those referred to the judiciary, including with regard to follow-up on their outcomes. In addition, please explain whether any in-depth analysis of the high number of acquittals and low number of convictions in cases of violence against women, particularly rape and sexual violence, has been conducted, whether any challenges in evidence collection and analysis in those cases have been identified and, if so, how they have been addressed.<sup>13</sup> Please also inform the Committee about the impact of the remedial actions taken to tackle gender-based violence and sexual harassment within the police force, as noted by the Committee on the Elimination of Discrimination against Women,<sup>14</sup> and about any progress made with respect to the work culture therein.

7. Please provide updated information on the measures adopted to strengthen protection and support services available to victims of gender-based violence, including prompt access to trauma care and psychological services for victims of rape and sexual violence, State-funded social rehabilitation services, shelters and crisis centres. Please explain the steps taken to ensure sustainable and adequate funding for civil society organizations providing specialist support services for victims of gender-based violence. Please indicate whether a dedicated nationwide, free-of-charge, and 24-hour helpline exists for victims of all forms of gender-based violence. Please also provide updated information on any mandatory guidelines or protocols developed for relevant professionals on how to respond to cases of violence against women and domestic violence, training programmes on the prevention and investigation of gender-based violence, notably sexual and domestic violence, for judges, lawyers, law enforcement officers, social workers, healthcare professionals and others who interact with victims, as well as awareness-raising campaigns on all forms of violence against women carried out during the reporting period.

8. With reference to the Committee's previous concluding observations,<sup>15</sup> please provide statistics on the number of complaints, investigations, prosecutions and sentences recorded in cases of trafficking in persons since the consideration of the State Party's previous periodic report, and on claims for compensation processed and awarded, including in the absence of convictions for trafficking. Please also provide information on:

<sup>11</sup> CAT/C/ISL/CO/4, paras. 19 and 20.

<sup>12</sup> CAT/C/ISL/FCO/4, paras. 5–11.

<sup>13</sup> E/C.12/ISL/CO/5, paras. 38 and 39; and CEDAW/C/ISL/CO/9, paras. 25 and 26.

<sup>14</sup> CEDAW/C/ISL/CO/9, paras. 35 and 36.

<sup>15</sup> CAT/C/ISL/CO/4, paras. 21 and 22.

(a) Any new laws or measures that have been adopted to prevent and combat trafficking in persons and all its forms of exploitation;

(b) Measures adopted to allocate sufficient funding for action aimed at preventing and combating trafficking and to ensure appropriate resources for law enforcement to carry out investigations and evidence collection effectively;

(c) Steps taken to ensure that victims of trafficking, including asylum-seekers and migrants, have access to effective support and services, including safe and suitable accommodation and access to legal assistance or free legal aid, and to ensure that non-custodial accommodation is provided, with full access to appropriate medical and psychosocial support, for potential victims of trafficking while identification processes are carried out;

(d) Measures taken to provide specialized training on early detection and identification, as well as referral, of victims of trafficking, with a particular focus on children who are victims of trafficking and asylum-seekers, on the treatment of persons in situations of vulnerability and on a trauma-informed, victim-centred approach to conducting initial interviews and trials, as well as on access to compensation for victims of trafficking.

### **Article 3**

9. In the light of the Committee's previous concluding observations,<sup>16</sup> the State Party's follow-up replies<sup>17</sup> and the legislative amendments to the Foreign Nationals Act adopted in March 2023,<sup>18</sup> please indicate the measures taken to ensure that no person is returned to a country where he or she would be in danger of torture. Specifically, please explain the guarantees and safeguards in place to ensure that: (a) all individuals under the State Party's jurisdiction, including those considered to be from "safe" countries of origin, have the effective right to seek international protection in practice and receive appropriate and individual consideration of their application for international protection by the competent authorities; and (b) all asylum-seekers are afforded sufficient time to access legal aid and to seek an individual judicial review of negative decisions on asylum applications, with automatic suspensive effect. Please provide information on the measures taken to identify persons in vulnerable situations seeking asylum in Iceland, including victims of torture and ill-treatment, and victims of sexual and gender-based violence and trafficking in persons, and to provide them with adequate access to healthcare and psychological services.

10. Please indicate the number of asylum applications received during the period under review, the number of successful applications and the number of asylum-seekers whose applications were accepted because they had been tortured or ran the risk of being tortured if returned to their country of origin. Please provide updated information on any appeals that have been lodged and their outcomes. Please include information, disaggregated by sex, age and country of origin, on the number of persons who have been returned, extradited or expelled since the consideration of the State Party's previous report. Please provide details on the grounds on which they were sent back and the list of countries to which individuals were returned. Furthermore, please indicate the number of returns, extraditions and expulsions carried out by the State Party during the reporting period on the basis of diplomatic assurances or the equivalent thereof and provide information on any instances in which the State Party has offered such diplomatic assurances or guarantees. Please indicate the minimum contents of any such assurances or guarantees, whether given or received, and what measures have been taken in such cases with regard to subsequent monitoring.

### **Articles 5–9**

11. Please provide information on any new legislation or measures that have been adopted to implement article 5 of the Convention. Please inform the Committee of any extradition treaties concluded with other States and indicate whether the offences referred

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<sup>16</sup> Ibid., paras. 31 and 32.

<sup>17</sup> CAT/C/ISL/FCO/4, paras. 12–16.

<sup>18</sup> CCPR/C/ISL/CO/6, paras. 17 and 18.

to in article 4 of the Convention are included as extraditable offences in such treaties. Please indicate what measures have been taken by the State Party during the period under review to comply with its obligation to extradite or prosecute (*aut dedere aut judicare*). In particular, please provide information on cases in which the State Party has agreed to extradite a person accused of torture or related offences. Please also indicate whether the State Party has rejected, for any reason, the request of a State Party for the extradition of an individual accused of having committed torture and whether it has started prosecution proceedings against such an individual as a result. If so, please provide information on the status and outcome of the procedures. Please give details of the mutual legal assistance treaties or agreements that the State Party has entered into and indicate whether such treaties or agreements have led in practice to the transfer of any evidence in connection with prosecutions concerning torture or ill-treatment.

#### Article 10

12. Please provide up-to-date information on educational programmes developed by the State Party to train public officials involved in the custody, interrogation and treatment of persons deprived of liberty on the provisions of the Convention, including the use of force in custodial settings and especially on preventing and minimizing violence during arrest. Please indicate whether the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials have been incorporated into such training. Please indicate whether these training activities are mandatory or optional, how often they are conducted and how many officials have already completed them in relation to the total number of such officials. Please indicate whether the State Party has developed a methodology to assess the effectiveness and impact of training and educational programmes in reducing cases of torture and ill-treatment and, if so, please provide information on it.

13. Please describe the steps taken to update and improve methods of investigation, including training programmes on non-coercive interrogation techniques, and specify whether they incorporate the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles). Please provide updated information on any training programmes developed for judges, prosecutors, forensic doctors and medical personnel dealing with persons deprived of liberty on detecting and documenting the physical and psychological sequelae of torture, including specific training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised.

#### Article 11

14. Please describe the procedures in place for ensuring compliance with article 11 of the Convention and provide information on any interrogation rules, instructions, methods and practices or arrangements for custody that may have been introduced since the consideration of the previous periodic report. Please indicate the frequency with which they are reviewed.

15. Please provide updated information on protocols revised, initial and continuous in-service training provided and effective safeguards and oversight mechanisms established for the use of electrical discharge weapons and other less-lethal weapons by law enforcement officials.<sup>19</sup> Please clarify whether electrical discharge weapons form part of the regular equipment of custodial staff in prisons or any other place of deprivation of liberty. Please provide information on complaints and incidents registered relating to the potential misuse of such devices by law enforcement officials and custodial staff and on the outcomes of any investigations into those cases.

16. Please provide updated information concerning measures that have been adopted to promote the use of alternatives to pretrial detention and imprisonment and assess the impact of those initiatives. Please provide updated statistical data covering the period under review – if possible, broken down by place of detention and the gender, age group (minor/adult), ethnicity and nationality of the detained person – on the capacity and occupancy rate of all

<sup>19</sup> Ibid., paras. 15 and 16.

places of detention, specifying the number of persons in pretrial detention and the number serving sentences.

17. Please indicate whether the State Party has taken any measures to improve material and living conditions in places of deprivation of liberty during the reporting period, including construction or refurbishment plans. Please provide comprehensive information on the efforts made to increase access to rehabilitation and social reintegration programmes for all persons deprived of liberty, while ensuring the detainees' participation in designing their individual sentence plan to achieve full rehabilitation, in accordance with the Committee's recommendations.<sup>20</sup> Please provide specific details on measures adopted to provide persons with disabilities with individualized reasonable accommodation and accessibility adaptations in prisons, and indicate any protocols put in place to accommodate detainees with specific needs, including in terms of safety, security and access to rehabilitation programmes, notably for older persons and lesbian, gay, bisexual, transgender and intersex persons. Please provide information on the efforts made to address the specific situation and needs of women, as well as foreign nationals deprived of liberty in remand and prison facilities, including with regard to access to adequate health, sanitation and hygiene facilities, rehabilitation and reintegration programmes, including meaningful activities, vocational training and education and to ensure that foreign prisoners do not face language barriers in that regard.

18. Please provide information on the efforts made by the State Party to strengthen healthcare services in prisons, including psychiatric and psychological care. Please provide statistical data on persons deprived of liberty with drug and alcohol-related problems. Please also explain the measures taken to prevent the spread of infectious diseases and drug use, ensure the continuity of medical treatment in prison and implement any harm reduction programmes for persons deprived of liberty with or at risk of drug and alcohol use disorder. Has the State Party considered the possibility of carrying out a thorough review of relevant laws criminalizing drug possession?<sup>21</sup>

19. With reference to the Committee's previous concluding observations,<sup>22</sup> please provide information on any steps taken during the period under review:

(a) To revise legislation regulating involuntary hospitalization, from the initial placement to its continuation, so as to include specific criteria, effective legal safeguards and a requirement for additional independent medical opinions to comply with the principles of absolute necessity, proportionality and last resort when depriving a person of his or her liberty and to subject such placement and continuation orders to periodic judicial review. Please indicate whether information about the treatment to be prescribed is shared with the person concerned directly and whether he or she is given an opportunity to refuse the treatment or any other medical intervention. Please provide information on the number of persons deprived of their liberty on the basis of impairment in psychiatric hospitals and other institutions for persons with intellectual or psychosocial disabilities, including care homes;

(b) To ensure that any involuntary hospitalization in psychiatric institutions is monitored by an outside body that is mandated to carry out such monitoring and is independent from the health authorities. Please indicate whether an independent and accessible complaint mechanism is available to persons voluntarily and involuntarily hospitalized in psychiatric institutions to lodge complaints of violations of the Convention effectively; and provide data on complaints of torture and ill-treatment in psychiatric institutions and the results of the investigation of such allegations;

(c) To prevent the institutionalization of persons with intellectual or psychosocial disabilities and to develop community-based mental health services, outside psychiatric settings, in line with the human rights model of disability;<sup>23</sup>

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<sup>20</sup> CAT/C/ISL/CO/4, para. 16.

<sup>21</sup> E/C.12/ISL/CO/5, paras. 48 and 49.

<sup>22</sup> CAT/C/ISL/CO/4, paras. 27 and 28. See also CCPR/C/ISL/CO/6, paras. 25 and 26.

<sup>23</sup> Committee on the Rights of Persons with Disabilities, guidelines on deinstitutionalization, including in emergencies (CRPD/C/5); and general comment No. 6 (2018) on equality and non-discrimination.



(d) To provide training on de-escalation measures and methods of non-violent and non-coercive care provided to medical and non-medical staff in psychiatric institutions and to strictly limit the use of the police in dealing with patients in psychiatric establishments, as well as any protocols adopted in this regard.

20. With regard to the Committee's previous concluding observations,<sup>24</sup> please provide information about the measures taken to adopt a holistic approach to the reception of unaccompanied child asylum-seekers and ensure adequate reception and care arrangements, including safe and suitable accommodation adapted to their needs.<sup>25</sup> Moreover, please provide information on the efforts made by the State Party to guarantee proper healthcare and educational and psychosocial support for those children. Please explain the procedures in place to monitor the conditions and needs of children in the reception centres regularly.

#### **Articles 12 and 13**

21. Further to the Committee's previous concluding observations,<sup>26</sup> please provide updated statistical data, disaggregated by sex, age, ethnic origin or nationality, and place of detention, on complaints of acts of torture and ill-treatment, including acts of excessive use of force, recorded during the reporting period. Please include information on investigations, disciplinary and criminal proceedings, convictions and the criminal or disciplinary sanctions applied. Please provide examples of relevant cases and/or judicial decisions.

#### **Article 14**

22. Please provide information on redress and compensation measures, including the means of rehabilitation, ordered by the courts or other State bodies and actually provided to the victims of torture and/or ill-treatment, including excessive use of force by police during arrests, or their families, since the consideration of the State Party's previous periodic report. That should include the number of requests for compensation that have been made, the number granted, and the amounts ordered and actually provided in each case. Please also provide information on any ongoing reparation programmes, including for the treatment of trauma and other forms of rehabilitation, provided to victims of torture and ill-treatment, and on the material, human and budgetary resources allocated for their effective functioning.

#### **Article 15**

23. Please provide information on the specific measures taken to ensure respect, in law and in practice, for the principle of the inadmissibility of any evidence or information derived from statements obtained through torture and ill-treatment. Please provide examples of any cases that have been dismissed by the courts owing to the introduction of evidence or testimony obtained through torture or ill-treatment.

#### **Article 16**

24. Please provide information on measures taken to collect data comprehensively and systematically on reported incidents of hate crime. In addition, please provide statistics on reported and investigated instances of hate crime based on racist, xenophobic or ethnic grounds or on the grounds of sexual orientation or gender identity during the period under review, disaggregated by type of motive or basis of discrimination and by the sex, gender, age group and ethnic origin or nationality of the victim.<sup>27</sup> Please indicate for each case whether the perpetrator was a public official. Please provide information on the results of such investigations, including redress afforded to victims. In addition, please indicate whether the State Party has taken any steps to publicly condemn all forms of discrimination and hate crime, to organize awareness-raising campaigns, to encourage victims to report such incidents and to provide them with adequate protection in this regard. Please indicate

<sup>24</sup> CAT/C/ISL/CO/4, paras. 33 and 34.

<sup>25</sup> CRC/C/ISL/CO/5-6, paras. 41 and 42.

<sup>26</sup> CAT/C/ISL/CO/4, paras. 29 and 30.

<sup>27</sup> CCPR/C/ISL/CO/6, paras. 9 and 10.

what training is provided to police officers, prosecutors and judges regarding the investigation and prosecution of hate crimes.

25. Please provide information on any measures adopted to explicitly criminalize forced sterilization in criminal legislation and to ensure that such procedures are not performed on women and girls with intellectual or psychosocial disabilities and that their prior and informed consent for a sterilization procedure is always obtained and their thorough understanding is always confirmed.<sup>28</sup>

26. Following the adoption of Act No. 154/2020 amending the Act on Gender Autonomy (atypical sex characteristics), please clarify whether any amendments have been made to ensure that no exceptions whatsoever exist to the prohibition stipulated by this law on carrying out surgical procedures on intersex children who are unable to provide their free and informed consent, unless such an operation is absolutely necessary for medical reasons, as recommended by other human rights treaty bodies.<sup>29</sup> Please explain what further steps have been taken to prevent and protect intersex children from being subjected to medically unnecessary surgical intervention. In addition, provide information on victims' right to access effective remedies for such violations and any redress awarded in such cases, including compensation and rehabilitation.

### **Other issues**

27. Please provide updated information on the measures taken by the State Party to respond to threats of terrorism. Please describe whether those measures have affected human rights safeguards in law and in practice and, if so, how they have affected them. Please also describe how the State Party has ensured that counter-terrorism measures are compatible with all its obligations under international law, especially the Convention. Furthermore, please indicate what training is given to law enforcement officers in this area; the number of persons who have been convicted under legislation adopted to combat terrorism; the legal remedies and safeguards available in law and in practice to persons subjected to counter-terrorism measures; and whether there have been complaints of the non-observance of national and international standards in applying measures to combat terrorism and, if so, what the outcomes were.

### **General information on the human rights situation in the country, including new measures and developments relating to the implementation of the Convention**

28. Please provide detailed information on any other relevant legislative, administrative, judicial and other measures taken since the consideration of the State Party's previous periodic report in 2022 to implement the provisions of the Convention or the Committee's recommendations, including institutional developments, plans and programmes. Please indicate the resources allocated and provide statistical data. Please also provide any other information that the State Party considers relevant.

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<sup>28</sup> CEDAW/C/ISL/CO/9, paras. 23 and 24; and CRC/C/ISL/CO/5-6, para. 26.

<sup>29</sup> CCPR/C/ISL/CO/6, paras. 13 and 14; and CRC/C/ISL/CO/5-6, para. 26.