



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

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Committee against Torture Seventy-third session

Summary record of the 1879th meeting*

Held at the Palais Wilson, Geneva, on Wednesday, 20 April 2022, at 10 a.m.

Chair: Mr. Heller

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* No summary record was issued for the 1878th meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention

Fourth periodic report of Iceland (CAT/C/ISL/4; CAT/C/ISL/Q/4)

1. *At the invitation of the Chair, the delegation of Iceland joined the meeting.*
2. **Mr. Aspelund** (Iceland), introducing his country's report (CAT/C/ISL/4), said that he wished to apologize for the delay in submitting it. Several steps had been taken to strengthen the reporting process. In 2017, a steering committee on human rights had been established, inter alia, to oversee the submission of reports to the human rights treaty bodies. The steering committee placed emphasis on regular and open consultation with civil society.
3. Responsibility for policy on human rights had been transferred to the Prime Minister's Office in November 2021, thus placing human rights and gender equality at the centre of government. Steps taken towards the establishment of a national human rights institution included the setting up of a working group in 2021 and plans to present a bill for consideration in 2023.
4. The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had been ratified in 2019, with the Parliamentary Ombudsman designated as the national preventive mechanism. The Ombudsman had already visited a number of places of detention, and steps had been taken to respond to the resulting recommendations. For example, the Patients' Rights Act was being amended to establish a strong legal framework for procedures relating to involuntary measures in health-care settings. In addition, the Ministry of Social Affairs and Labour, the Ministry of Justice and the Ministry of Health were cooperating to enhance protection against inhumane treatment in secure custody and secure care. A bill was being prepared to ensure respect for citizens' human rights and legal security in the way that involuntary measures were imposed and to provide for the safety and appropriate support and treatment of persons subjected to such measures. Police stations, prisons and the Ministry of Justice had taken several steps to implement the recommendations of the Ombudsman, including the conduct of risk assessments for persons who had been arrested. A bill had been presented to the parliament that would amend the Foreign Nationals Act to further clarify rules on detention in connection with border checks.
5. Since the introduction of the Act on the Execution of Sentences in 2016, changes to the rights of prisoners had included the option for convicts to serve their sentences in the form of unpaid community service. Efforts were under way to reduce the length of judicial proceedings.
6. The Police Act had been amended in 2020 to strengthen the police supervisory committee so that it could assess complaints against the police independently and deliver reasoned opinions on whether the law and other standards of behaviour had been complied with. In the event that a police officer or other employee of the police was found to have engaged in questionable conduct or to have failed to uphold the relevant procedural standards, the complaint was forwarded to the National Police Commissioner.
7. In response to criticism of the use of solitary confinement in pretrial detention, the Ministry of Justice was examining the relevant law and procedures in order to strengthen safeguards and ensure that solitary confinement was used only as an exceptional measure. Steps had been taken to respond to the recommendations made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its fifth visit to Iceland in 2019. In particular, improvements had been made to the prison at Litla-Hraun and an action plan to strengthen health-care services for prisoners, with a special focus on mental health, had been introduced. Pursuant to the plan, a mental health team had been established to provide individualized mental health care for prisoners.
8. Several new laws had been introduced to prevent and combat all forms of gender-based and sexual violence, including a bill amending the General Penal Code to increase the legal protection of victims of rape and to define rape as intercourse or other sexual relations without consent. New provisions on stalking and on protection against digital sexual violence

had entered into force in 2021. Efforts had been made to increase trust in the justice system and ensure high-quality, efficient and fair proceedings. The experience of victims had been improved by giving them better access to information and making it easier for them to report cases. In 2021, the General Penal Code had been amended to increase the legal protection of victims of trafficking in persons.

9. **Mr. Liu** (Country Rapporteur) said that he took note of the progress made by the State party since the consideration of its third periodic report, in particular the ratification of the Optional Protocol, improvements made to legislation and the systematic approach taken to preventing and combating torture. It was notable, however, that there was no definition of torture in Icelandic law. The State party's political will to establish a strong and effective national human rights institution was welcome, although preparations had been under way for some time. He would appreciate information on the follow-up given to complaints received by the national preventive mechanism and further details on the implementation of its recommendations. He also wished to know whether the mechanism had sufficient staff and funding to execute its mandate.

10. Given reports of excessive use of solitary confinement and a legal framework that permitted four weeks of continuous pretrial solitary confinement, or an unlimited period for persons accused of offences that carried prison sentences longer than 10 years, he would welcome information on the scale of the practice, its implications for human rights and the action taken to address it. It would be helpful if the delegation could state what percentage of all pretrial detainees were placed in solitary confinement annually and what percentage of requests for placement were authorized by judges. Details would be appreciated of the legal and procedural safeguards in place to ensure that the use of pretrial solitary confinement was exceptional, necessary and proportionate, and that the measure was never applied to children or persons with mental ill health.

11. The delegation should elaborate on prisoners' access to psychiatric care and psychological assistance, in view of the findings of CPT following its visit to the State party in 2019. He wondered whether access to a doctor for persons held in police custody was guaranteed in law and whether assistance was available for prisoners with drug-related problems. He also wished to know what efforts had been made to secure adequate financial and human resources for the prison system, introduce a centralized record of injuries acquired in prison and provide access to dental treatment for prisoners without the means to pay for it.

12. Greater efforts were needed to develop psychiatric care in the community and address shortcomings in psychiatric inpatients' access to daily outdoor exercise. The practice of involving police officers in the management of agitated patients in psychiatric institutions was a cause for concern. The delegation should indicate whether nursing staff in psychiatric institutions received regular training on dealing with such patients. In addition, it should provide further details of efforts to improve legal safeguards in the context of involuntary hospitalization, including the amendments made to the Act on Legal Competence in 2015. In that connection, he would like to underscore that the restriction of a person's rights should not be based on the mere facts of mental disorder and involuntary hospitalization, as was still provided for in the Act.

13. He wished to know whether it was true that reports of domestic violence had increased during the coronavirus (COVID-19) pandemic. The delegation was invited to explain its interpretation of the results of the Saga Cohort national survey conducted in 2018, which had revealed the scale of sexual assault of women and their lack of confidence in the justice system, and to comment on the results of a 2013 report requested by the National Police Commissioner that had revealed that 31 per cent of women police officers had been harassed while working. He wondered what additional measures the Government had taken to support and empower migrant women in abusive relationships, given their disproportionately high recourse to the help of the women's shelter in Reykjavik according to a 2020 survey.

14. In view of reports of low conviction rates for cases of rape and sexual violence and of a failure by the courts to apply the new consent-based definition of rape, the delegation should indicate whether adequate funding was provided for the investigation and prosecution of sexual offences and domestic violence and for related training for police, prosecutors and judges. It would be helpful to know whether mandatory screening of professionals in regular

contact with children was in place to prevent the recruitment to such positions of persons convicted of sexual exploitation or abuse of children.

15. He would be interested to hear the Government's position on the introduction of civic education and awareness-raising programmes to combat violence against persons with disabilities and facilitate the prosecution of persons involved in the sexual abuse and exploitation of persons with disabilities, particularly women and girls. He would appreciate an update on the status of the bill on amendments to criminal procedure law, intended to improve the status of victims with disabilities in the criminal justice system.

16. He would like to have an explanation of how the individual assessment of applications for international protection would be guaranteed under proposed amendments to the Foreign Nationals Act, given reports that appeals from persons previously granted international protection in a "first country of asylum" would no longer have suspensive effect. He also wished to know whether the provisions on "repeat applications" would apply only in cases in which the previous claim had been considered on the merits with all appropriate procedural safeguards. Given the five-day deadline for the filing of appeals by persons from safe countries of origin, he wondered whether the appellate authority was empowered to give suspensive effect to such appeals in exceptional cases.

17. He wished to know whether the reception facility used to house unaccompanied asylum-seeking children offered a child-friendly environment. He would appreciate comments on reports that migrant workers were not sufficiently protected from exploitation by employers and that attempts had been made to deport asylum seekers in the midst of the COVID-19 pandemic.

18. It would be helpful to hear about any measures taken to prevent trafficking in persons for the purpose of labour exploitation; to incorporate slavery, practices similar to slavery and servitude into the legal definition of trafficking; to improve the identification of victims, including child victims; to improve the provision of assistance to victims; and to adopt a specific legal provision on the non-punishment of victims of trafficking for their involvement in unlawful activities. He wondered whether the State party had envisaged adopting a comprehensive national plan of action to combat trafficking, including measures to improve public awareness of that phenomenon. He would appreciate more details on the current and future strategy for anti-trafficking actions, including on the role of new technologies. He also wished to know how the authorities would ensure adequate funding for such efforts and how the structural conditions enabling trafficking would be addressed.

19. He would like to hear the delegation's response to reports that intersex persons continued to face discrimination and unnecessary medical interventions despite the legal provisions prohibiting such interventions and did not have sufficient access to psychosocial support or mechanisms of complaint and redress. He would be interested to learn of any measures taken to guarantee the rights of intersex persons.

20. **Mr. Tuzmukhamedov** (Country Rapporteur) said that, given the absence in national law of a concise and uniform definition of torture in line with the Convention, he would like to know what definition would be used if a prisoner lodged a complaint of torture against a prison guard. He wondered whether it was possible to complain directly to the independent police supervisory committee or whether other avenues first needed to be exhausted. He would appreciate clarification regarding the status, terms of reference, composition and funding of the committee. He wished to understand whether, in the event that the committee found abuses had occurred, it could impose disciplinary measures or initiate judicial proceedings.

21. He would like to hear about the specific constitutional and legislative provisions that ensured that national law was interpreted in accordance with international law and to know whether international treaties such as the Convention took precedence over national statutes. Given the dualistic nature of the national legal system, he wondered whether the law on ratification of the Convention was sufficient to incorporate the instrument into national law or whether another law would be necessary to achieve that. He would be interested to learn about any references made by the courts to the Convention or the Committee's jurisprudence. The delegation should provide information about the specific legislative provisions that

ensured protection from torture and ill-treatment and examples of their application. More details on the activities of the Parliamentary Ombudsman would also be welcome.

22. He would like to know whether there was any limit on police officers' application of the power to postpone contact with relatives by an arrested person if that might hinder the investigation and whether the arrested person could appeal against such a decision. He wished to understand what means and tools were permitted under the legal provision authorizing the use of force by prison guards and to know which authority was responsible for making decisions on the use of force and how it could be held accountable for any abuse. He would appreciate information on the number of complaints filed for excessive use of force by police officers and the outcomes of those complaints, including criminal and administrative proceedings. He wondered whether police interrogations were generally recorded using audio and video or were transcribed and signed. He would welcome an update on the judicial decisions of the Supreme Court in the two cases of trafficking in persons heard in 2010 and mentioned in the State party's report.

23. He wished to know who evaluated the level of danger posed to a foreign national in applying the legal provision under which decisions on deportation or refusal of entry were not implemented until the person concerned was no longer at risk and how that determination was made. He would appreciate clarification as to whether the Immigration and Asylum Appeals Board had judicial status and authority. In the light of the statement that Iceland had not rejected any requests by another State for extradition of persons suspected of having committed an offence of torture, he wondered whether any such requests had been received.

24. He wished to know what improvements, if any, had been made to the training of prison guards with regard to the treatment of juvenile and female prisoners. He would appreciate confirmation as to whether police officers were educated in civilian universities as well as specialized institutions. If military personnel and persons deployed on international missions received training on the Convention, he would like to know what manuals were used and whether the instructors were military or civilian officials.

25. He would be grateful for information about the application of restrictions related to the COVID-19 pandemic in prisons and other places of deprivation of liberty, and the steps taken to ensure that such restrictions complied with the State party's obligations under the Convention. In particular, he would be interested to hear how social care institutions had coped with the pandemic. If they had been closed, he wished to know what had happened to the patients and whether the institutions had now reopened.

26. **Ms. Maeda** said that she wished to know specifically how the provisions of the Foreign Nationals Act relating to the principle of non-refoulement had been made clearer and which specific articles contained such provisions. It would be helpful to have further information about how the Convention against Torture and the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto had been reflected in the Act and how discrepancies between the two conventions in terms of limits on, and exemptions from, the principle of non-refoulement had been addressed. She wondered whether temporary residence permits issued to beneficiaries of subsidiary protection were subject to renewal.

27. The delegation should indicate how many cases had been brought before the Immigration and Asylum Appeals Board and how many appeals had been upheld. Given that the Government had put forward legislative amendments to remove the suspensive effect of appeals in cases where asylum applications were considered manifestly unfounded, she would be grateful for an explanation, with examples, of what might constitute a manifestly unfounded application. In the case of appeals from persons already granted international protection in another country, she wondered whether factors such as treatment in line with international human rights standards and eligibility for residency in the country where protection had been granted were taken into account on a case-by-case basis. She wished to know what other reasons might justify suspension of the legal effect of a court decision ordering expulsion. The deadline for filing requests to suspend the legal effect of an expulsion order was reportedly seven days. While she understood the desire for expediency, she was concerned that that was too short a period in which to file the relevant submissions. Lastly, she asked what role the Icelandic Red Cross played in expediting the processing of asylum

applications and improving the handling of cases pursuant to its agreement with the Ministry of Justice.

28. **Mr. Iscan** said that it would be useful to have statistical data on the number of asylum applications and court appeals to better understand the practical impact of the legislative amendments concerning the asylum system.

29. **Mr. Buchwald**, speaking via videolink, said that he wondered how the State party filled the apparent gap between its legislation, which criminalized all forms of physical violence, and the definition of torture under the Convention, which recognized psychological as well as physical forms of torture and ill-treatment. He enquired whether Icelandic legislation took account of other specific aspects, such as the fact that the right not to be subjected to torture or ill-treatment was non-derogable.

30. **Mr. Rouwane** asked whether there was any deadline by which the working group set up in 2021 must prepare a plan for the establishment of a national human rights institution.

The meeting was suspended at 11.25 a.m. and resumed at noon.

31. **Ms. Bjarnadóttir** (Iceland) said that the preparatory work for the drafting of certain constitutional provisions made specific reference to the Convention. Icelandic judges attached significant weight to preparatory work when interpreting legal provisions and, therefore, the constitutional prohibition on torture would be interpreted in line with the Convention. While there was no general provision prohibiting torture, a special law on penalties for genocide, crimes against humanity, war crimes and crimes against peace had been in force since 2018. The prohibition on all forms of physical violence encompassed torture, and certain provisions also dealt with psychological violence. The provisions of the General Penal Code on offences committed in an official capacity covered torture-related offences as defined in article 1 of the Convention and were applicable even when the offences had been committed outside the national territory.

32. **Ms. Gísladóttir** (Iceland) said that work to create an independent human rights institution had begun in the spring of 2018 and that plans to that end had been published on the Government's online consultation portal the following spring. However, progress had stalled because no budgetary provision had been made for such an institution. In early 2021, a working group had been formed to secure the necessary budget allocation. Following elections in the autumn of that year, the re-elected Government had guaranteed the necessary funding as part of its coalition treaty. The Office of the Prime Minister was currently preparing a bill on the creation of a national human rights institution, which was expected to be presented in 2023.

33. **Ms. Bjarnadóttir** (Iceland) said that, under the Code of Criminal Procedure, the police were permitted to detain a suspect for no more than 24 hours without charge. Where more time was required to gather evidence, the period could be extended by court order.

34. Individuals could be placed in pretrial solitary confinement, and the period of solitary confinement extended, only where that was strictly necessary in the interests of the investigation. The accused had the right to legal counsel at all times to ensure that the judge had all relevant information when deciding on a request for placement. It was the responsibility of the prosecutor to determine whether the requirements for placement in solitary confinement had been met, taking into account, among other factors, the seriousness of the case and the situation of the accused. If the requirements had not been met, no request for such a measure should be made.

35. The court would agree to a request for pretrial solitary confinement only when there was reason to believe that the accused would hinder the investigation or where the measure was necessary to protect the accused from being attacked or influenced by other persons. Accordingly, if used at all, solitary confinement was most commonly applied during the initial stages of a police investigation and, in accordance with the principle of proportionality, the court was obliged to first determine whether less severe measures might be more appropriate.

36. In any case, pretrial custody in general was applicable only in the most serious of offences such as homicide, serious violence or sex offences, and then only where other

measures under the Code of Criminal Procedure were deemed insufficient. Custody must be terminated as soon as it was no longer necessary, even if the court order had not expired. The accused could also be held in a hospital or other appropriate institution if the prosecutor and the court determined that it was in the accused's best interests. In practice, nearly all suspects were released from custody within the first 24 hours. Most never came before a court and therefore did not show up in the statistics, but it was possible to state that around 1 to 2 per cent of those arrested were placed in pretrial detention and of those some 50 per cent were put in solitary confinement for a very short period. The legislation on pretrial detention and solitary confinement was currently under review, in part with the aim of clarifying their status as exceptional measures.

37. Again in accordance with the principle of proportionality, children aged under 18 were not to be remanded in pretrial detention unless it was quite clear that other measures under, for example, the Child Protection Act, could not be applied. In recent years there had been only three such cases, and those individuals had soon been transferred to the care of the child protection services. Cases of minors placed in solitary confinement were extremely rare.

38. **Ms. Sverrisdóttir** (Iceland) said that, under the relevant legislation and regulations, prison detainees were entitled to the same health care as the general public. Such services were supervised by the health, prison and probation authorities working in consultation. Prisoners were given a medical examination at the start of their sentence and as needed in the course of their prison term. Medical records were kept and prisoners could be permitted to serve all or part of their sentence in a medical facility.

39. In the light of the serious concerns about access to health care in prisons raised by CPT in its 2019 report, the Ministry of Health and the Ministry of Justice had stepped up their cooperation considerably. The ultimate aim was to integrate prison health care into the public primary health-care system. The action plan produced by the ministries' joint working group, and now being implemented, covered mental health care, including addiction and mental disorders; clarification of health procedures on admission and the role of prison staff; and prevention of distribution of illegal substances in prisons.

40. Individuals in solitary confinement and pretrial detention had the same access to health-care professionals as other prisoners, and in some cases better access, since the prison mental health team considered them to be a priority. Details of their health status and any medical support needed were noted on admission, a doctor could be called immediately on request and, in any case, they were seen by a doctor twice a week, or even daily, for those in solitary confinement.

41. Individuals under arrest were given an information sheet available in several languages, detailing their rights. A physician should be called to assist anyone suffering illness or injury and prisoners on remand were entitled to confidential meetings with a doctor on request.

42. Police training comprised an academic, university-level course and practical training at the Centre for Police Training and Professional Development. Training covered topics such as basic policing techniques, investigation, communication with first responders, suspects, victims, witnesses and the general public, as well as dealing with difficult or dangerous individuals and the use of firearms. Some of the tutors were also active police officers.

43. Courses also addressed issues such as violence and power, with an emphasis on sexual offences, child sexual abuse and violence in intimate relationships, and the investigation of trafficking in human beings and gender-based violence. Trainees were encouraged to debate ethical issues arising in law enforcement and to explore ethical theories and concepts of human rights. In sessions designed to raise awareness of diversity and to recognize hate speech, trainees were also expected to deal with their own prejudices.

44. **Ms. Bjarnadóttir** (Iceland) said that tackling gender-based violence had long been a priority for the Icelandic authorities. The first action plan on domestic violence and sexual violence had been introduced in 2006 and the current Government had set itself the task of updating the 2018 action plan on the handling of sexual offences, due to expire at the end of 2022. That action plan had been devised by a consultation group, appointed by the Minister of Justice in 2016 and bringing together Ministry experts, the police, the Bar Association,

prosecutors and the courts, and the National University Hospital. The aim had been to enhance citizens' legal security, ensure speedy, efficient and caring procedures, improve cooperation among the various units of the system and increase trust in the justice system. There was a strong emphasis on action relating to victims and accused persons, prevention and education. Increased funding had enabled police districts to take on more investigators and prosecutors, and also to develop an electronic platform to raise the quality of investigations and expedite the handling of cases.

45. Measures to prevent gender-based violence specifically included the introduction of teaching materials into formal education curricula, support programmes for perpetrators and sex offenders, and the development of protocols and guidelines within relevant institutions. Measures to protect and support victims of gender-based violence included general support services, health and social services and specialist women's support services, as well as changes in the legal framework aimed at ensuring fair and reasonable police investigations and judicial procedures.

46. In June 2019, the parliament had adopted a plan on measures against violence and the consequences of violence. The plan had been drawn up by an interministerial steering group, in consultation with State institutions, non-governmental organizations (NGOs) and other stakeholders, and covered physical, sexual and psychological violence. Its main components were awareness-raising, response actions and empowerment, i.e., support for victims of violence. It provided for annual consultations with those same stakeholders and the academic community and required ministries to cooperate in a systematic response to violence in society. The parliament was due to debate a new plan in the autumn of 2022.

47. Similarly, in 2020, the parliament had adopted an action plan for the period 2021–2025, to prevent sexual and gender-based violence and harassment among children and young people. The emphasis was on integrating prevention into activities in schools, in leisure and community centres and in youth sports. A special steering group led by the Office of the Prime Minister was responsible for monitoring and coordinating work under the plan, in which the Association of Local Authorities and the Directorate of Education were also closely involved.

48. With regard to measures to prevent violence during the COVID-19 pandemic, she noted that the Ministry of Justice and the Ministry of Social Affairs and Labour had realized very early on that there would be an increased need for supportive measures and awareness-raising and had allocated extra funding for related programmes. That action had yielded fruit, in the form of an increase in the number of reports received by the police: it was not possible to say whether that was a result of increased violence, but it seemed at least to indicate greater trust in the system among victims and a greater willingness to report violence.

49. Efforts had been made in recent years to make restraining orders more effective in the area of domestic violence. Individual risk assessments were carried out by the police in all cases of domestic violence in order to determine any immediate risk of serious violence and to prepare an action plan to ensure victims' safety. Implementation of the action plans was closely monitored, notably to ensure that the perpetrators could not reach the victims. The police and social services cooperated closely with child protection and health services.

50. Such measures could be requested by any person: the victim, a family member or any other person close to the victim; the victim's legal guardian or a person acting on the victim's behalf from the social services or local child protection authority; or the chief of police acting on his or her own authority. A decision on a restraining order was to be made no later than 72 hours after a request was received. If the criteria under the Act on Restraining Orders and Expulsion from the Home were met, the police could issue a restraining order on their own initiative, in order to avoid leaving the choice to request such an order to the victim.

51. A decision on expulsion from the home was the responsibility of the chief of police in the victim's place of residence, subject to confirmation by the court and to be taken no later than 72 hours after the request. Expulsion should be for a specified period not exceeding four weeks and could be extended provided the criteria were still met. Violation of expulsion orders was subject to heavy penalties. Victims in highly vulnerable or dangerous situations could be issued with a personal safety alarm.

52. The Government's Emphases on Actions to Combat Human Trafficking and Other Forms of Exploitation, adopted in March 2019, was effectively the country's third action plan on trafficking in human beings. It covered preventive measures, assistance, support and protection, investigation and prosecution, and cooperation and consultation. The Ministry of Justice had set up a group to oversee implementation, comprising State institutions, NGOs, municipalities and private companies, and three subgroups of experts in the areas of protection, prevention and prosecution. Trafficking in human beings in Iceland had tended to be for the purposes of prostitution. A new national referral mechanism had facilitated the provision of assistance to victims of trafficking, while the victims of human trafficking for sexual purposes were also entitled to assistance from other sources such as the Women's Shelter and the State Hospital's emergency reception for victims of sexual violence.

53. Police guidelines and procedures had been issued for dealing with trafficking, the National Police Commissioner had set up a team of consultants to advise police authorities on detection and investigation, and the General Penal Code had been amended to incorporate the relevant international obligations and broaden protection.

54. A web portal had been created to provide information to victims on the help and resources available, and to raise awareness among the general public and enable individuals to recognize the signs of trafficking.

55. A district court had recently handed down a conviction for trafficking in human beings for the purposes of labour exploitation, the first such judgment in 10 years. The appeal was pending.

The meeting rose at 12.50 p.m.