



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

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## Committee against Torture

### Concluding observations on the fourth periodic report of Iceland\*

1. The Committee against Torture considered the fourth periodic report of Iceland<sup>1</sup> at its 1879th and 1882nd meetings,<sup>2</sup> held on 20 and 21 April 2022, and adopted the present concluding observations at its 1903rd meeting, held on 9 May 2022.

#### A. Introduction

2. The Committee expresses its appreciation to the State party for accepting the simplified reporting procedure and submitting its periodic report thereunder, as this allows for a more focused dialogue between the State party and the Committee. It regrets, however, that the report was submitted six years late.

3. The Committee appreciates having had the opportunity to engage in a dialogue with the State party's delegation, and the additional information and explanations provided.

#### B. Positive aspects

4. The Committee welcomes the ratification of or accession to the following international instruments by the State party:

(a) The Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, in 2021;

(b) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2019;

(c) The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, in 2018;

(d) The Convention on the Rights of Persons with Disabilities, in 2016;

(e) The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, in 2012;

(f) The Council of Europe Convention on Action against Trafficking in Human Beings, in 2012;

(g) The United Nations Convention against Transnational Organized Crime, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2010.

\* Adopted by the Committee at its seventy-third session (19 April–13 May 2022).

<sup>1</sup> CAT/C/ISL/4.

<sup>2</sup> See CAT/C/SR.1879 and CAT/C/SR.1882.



5. The Committee also welcomes the State party's initiatives to revise and introduce legislation in areas of relevance to the Convention, including:

- (a) The incorporation of the Convention on the Rights of the Child into Icelandic law, in 2013;
- (b) The incorporation of new provisions on stalking and protection against digital sexual violence and on increasing the judicial protection for victims of human trafficking in the General Penal Code, in 2021;
- (c) The adoption of the Parliamentary Resolution on a Plan on Measures against Violence and its Consequences, for 2019–2022;
- (d) The adoption of the Parliamentary Resolution on Preventive Actions among Children and Young People against Sexual and Gender-based Violence and Harassment, for 2021–2025;
- (e) The amendment of the Act on the Althing Ombudsman, in 2018;
- (f) The adoption of the Act on Services for Persons with Disabilities with Long-Term Support Needs, in 2018;
- (g) The amendment of the General Penal Code concerning the definition of rape, in 2018;
- (h) The adoption of the Act on the Execution of Sentences, in 2016;
- (i) The amendments to the Foreign Nationals Act, in 2010 and 2016;
- (j) The amendment of the General Penal Code to include a specific offence of domestic violence, in 2016;
- (k) The amendment of the Act on Air Transport, in 2015;
- (l) The amendment of the General Penal Code to increase the maximum penalty for the crime of trafficking in persons, in 2011;
- (m) The adoption of Act No. 85/2011 on restraining orders and expulsion from the home, in 2011;
- (n) The amendment of the General Penal Code to specifically criminalize beneficiaries and perpetrators of trafficking and prostitution, in 2009.

6. The Committee commends the State party's initiatives to amend its policies and procedures in order to afford greater protection for human rights, and to apply the Convention, in particular:

- (a) The adoption of Emphasis on Actions to Combat Human Trafficking and Other Forms of Exploitation, in 2019;
- (b) The adoption of the Action Plan for the Handling of Sexual Offences, for 2018–2022;
- (c) The establishment of a steering committee on comprehensive measures to combat sexual violence, in 2018;
- (d) The establishment of the Government Steering Committee on Human Rights, in 2017;
- (e) The establishment of the Police Supervisory Committee, in 2017;
- (f) The adoption of the Action Plan for Immigration, for 2016–2019;
- (g) The establishment of the Centre for Police Training and Professional Development at the Office of the National Police Commissioner of Iceland, in 2016;
- (h) The establishment of the Immigration and Asylum Appeals Board, in 2015;
- (i) The adoption of new rules on procedures concerning domestic violence cases reported to the police and the registration of such cases, in 2014;

(j) The adoption of the National Plan against Trafficking in Persons, for 2013–2016.

7. The Committee welcomes the designation of the Althing Ombudsman as the national preventive mechanism following the legislative amendments of 2018. It also notes that the Althing Ombudsman can conduct monitoring visits to all places of deprivation of liberty, has already conducted nine visits, and can receive complaints from individuals about violence and make non-binding recommendations to the national authorities.

## C. Principal subjects of concern and recommendations

### Pending follow-up issues from the previous reporting cycle

8. In its previous concluding observations,<sup>3</sup> the Committee requested the State party to provide information on its implementation of the Committee's recommendations on solitary confinement, trafficking in human beings and violence against women and children.<sup>4</sup> While noting with appreciation the replies submitted by the State party on 22 December 2009 under the follow-up procedure<sup>5</sup> and referring to the letter dated 19 November 2010 from the Committee's Rapporteur for follow-up to concluding observations addressed to the Permanent Representative of Iceland to the United Nations Office and other international organizations in Geneva, the Committee finds that the information received from the State party was not sufficient to assess and conclude that the recommendations in its previous concluding observations had been fully implemented. Those issues are covered in paragraphs 13–14, 21–22 and 19–20 of the present document.

### Definition and criminalization of torture

9. While noting the existing constitutional provision prohibiting torture and ill-treatment, and the legislation making all forms of physical violence punishable under the General Penal Code, as well as the principle of the domestic courts interpreting the constitutional prohibition in the light of the Convention, the Committee regrets that the State party has not yet criminalized torture as a specific crime in its domestic legislation in accordance with article 4 (2) of the Convention. Moreover, the Committee remains concerned at the continued absence in the State party's domestic legislation of a definition of torture consistent with article 1 of the Convention. In this regard, the Committee takes note of the State party's commitment to revisit the existing legislation to bring it into line with the Convention. Lastly, the Committee also regrets that the State party has not provided it with information on instances when the domestic courts have, in practice, interpreted the constitutional prohibition of torture in the light of Convention's prohibition (arts. 1–2 and 4).

10. **The Committee reiterates its previous recommendations to the State party<sup>6</sup> and urges it to take effective legislative measures to include torture as a specific offence in domestic laws, punishable by appropriate penalties that take into account its grave nature, and to adopt a definition of torture that covers all the elements contained in article 1 of the Convention. It again draws attention to its general comment No. 2 (2007) on the implementation of article 2, which states that serious discrepancies between the Convention's definition of torture and that incorporated into domestic law create actual or potential loopholes for impunity.<sup>7</sup>**

### Fundamental legal safeguards

11. The Committee takes note of the procedural safeguards to prevent torture and ill-treatment that are set forth in the Code on Criminal Procedure and Regulation No. 651/2009, including the provision of an information sheet to persons deprived of their liberty detailing their rights in several languages. However, the Committee remains concerned that article 1

<sup>3</sup> CAT/C/ISL/CO/3, para. 20.

<sup>4</sup> Ibid., paras. 9 and 14–15.

<sup>5</sup> CAT/C/ISL/CO/3/Add.1.

<sup>6</sup> CAT/C/ISL/CO/3, para. 5.

<sup>7</sup> See para. 9.

of Regulation No. 651/2009 allows duty officers or officers in charge of investigation to exceptionally delay the notification of custody, despite the delegation's assurances that the decision to postpone arrestees' right to contact relatives or other persons of their choice about their detention may only be taken by an official who has not conducted the investigation (arts. 2, 11 and 16).

**12. The State party should ensure that all persons who are arrested or detained are afforded, in law and in practice, all fundamental safeguards against torture from the very outset of their deprivation of liberty, including the right to notify family members or any other person of their choice that they have been taken into custody. It should also ensure that Regulation No. 651/2009 is 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 is for as short a time as possible.<sup>8</sup>**

#### **Solitary confinement in pretrial detention**

13. The Committee is seriously concerned at the legal framework allowing up to four weeks of solitary confinement in pretrial detention, and an even longer period for persons accused of an offence that carries a 10-year prison sentence or longer. It is also concerned at reports that solitary confinement on remand has been used for prolonged periods ranging between 9 and 33 days in 2020, and up to 37 days in 2021. In this connection, the Committee welcomes the State party's willingness to examine the legislative and procedural framework further. While taking note of the assertion by the State party's delegation that only 2 per cent of arrested persons are detained on remand and that solitary confinement is subject to a high level of scrutiny by prosecutors and judges and is employed only when strictly necessary, the Committee observes with concern that about 54 per cent – but possibly even more – of pretrial detainees were placed in solitary confinement between 2012 and 2021, and 98.77 per cent of the requests for solitary confinement on remand were granted by judges between 2016 and 2018. The Committee is particularly concerned at reports that persons with psychosocial disabilities and, on an exceptional basis, children, might be among those subjected to solitary confinement (arts. 2, 11 and 16).

**14. The State party is urged to bring its legislation and practice regarding solitary confinement into line with international standards. In particular, it should:**

(a) **Ensure that solitary confinement is used only in exceptional cases and as a last resort, based on specific grounds and an individualized determination, only when strictly necessary in the interests of criminal investigations and for the maintenance of security or order, and for as short a time as possible (no more than 15 consecutive days), and that it is accompanied by strict procedural safeguards in accordance with rules 43–46 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), and includes access to a defence lawyer who has full ability to effectively defend his or her client against the request for the application of such a measure;**

(b) **Observe the prohibition on imposing solitary confinement and similar measures on minors; and guarantee health screening and sufficient consideration of the health conditions of the person concerned in order to ensure that solitary confinement of persons with intellectual, psychosocial or physical disabilities is prohibited when their conditions would be exacerbated by such measures (see rule 67 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and rule 45 (2) of the Nelson Mandela Rules);**

(c) **Inform the Committee about the progress of any legislative review undertaken concerning solitary confinement on remand, and about its outcome, as well as about the monitoring of such process at the multisectoral level; and compile comprehensive and disaggregated data, in particular on the requests made and the**

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<sup>8</sup> As noted by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in paragraph 17 of the report on its May 2019 visit to Iceland.

**solitary confinement imposed, and on the number of pretrial detainees placed in solitary confinement as a percentage of the total number of pretrial detainees.**

#### **Conditions of detention**

15. The Committee welcomes the ongoing prison reform, efforts to strengthen access to health care in prison, including medical checks upon admission, and the ongoing implementation of the action plan to improve mental health care in prisons. Nevertheless, the Committee remains concerned at reports that therapy for drug users, including harm reduction measures, and persons with intellectual or psychosocial disabilities, remains insufficient. While welcoming the 2011 amendments to the Execution of Sentences Act, which extended the application of non-custodial measures, the Committee is concerned that the amended Act does not require an individual plan to be drawn up for every sentenced prisoner.<sup>9</sup> In the view of the Committee, this negatively affects prisoners' development and their access to work and other activities in prisons and may hamper their subsequent full social rehabilitation (arts. 2, 11 and 16).

16. **The State party should:**

(a) **Continue promoting and effectively applying existing alternatives to detention;**

(b) **Increase access to rehabilitation and social reintegration programmes for all persons deprived of liberty and ensure in law and in practice that they participate in designing their individual sentence plan for full rehabilitation;**

(c) **Continue strengthening its ongoing efforts to increase health care in prisons, including medical checks upon admission as well as psychiatric and psychological care, and ensure, in cooperation with public health services, the continuity of medical treatment in prison, particularly for persons with drug and alcohol dependency and for persons with disabilities.**

#### **Evidence obtained as a result of torture**

17. In the absence of a separate offence of torture, the Committee regrets that the State party has taken no steps in its domestic legislation to explicitly exclude any evidence obtained as a result of torture (art. 15).

18. **The State party should amend its legislation to explicitly prohibit the use of evidence obtained through torture, except as evidence against the person accused of torture.**

#### **Sexual and gender-based violence, including domestic violence and other forms of abuse**

19. The Committee welcomes several legislative steps taken by the State party, including the amendments to the General Penal Code, as well as progress made at the policy and institutional levels to prevent and combat sexual and gender-based violence, protect victims and afford them access to medical services, shelter, counselling and other support, also during the coronavirus disease (COVID-19) pandemic. The Committee notes the State party's information concerning the higher number of reported cases of sexual and gender-based violence, and the increased funding provided to the police districts to strengthen investigations and prosecutions of sexual offences and to develop a digital plan in the police records system. Nevertheless, it remains concerned at the following reported shortcomings:

(a) The number of cases of domestic and sexual violence, including rape, remains high, including with respect to children, migrant women, women and girls with disabilities and women from minority backgrounds,<sup>10</sup> and the number of prosecutions, in view of the number of reported incidents, seems limited. The number of dismissals of charges in cases

<sup>9</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment report on its May 2019 visit to Iceland, para. 23.

<sup>10</sup> CERD/C/ISL/CO/21-23, paras. 21–22.

of rape and other sexual violence remains high, and information on in-depth analysis of the high number of acquittals, for example in sexual violence cases, is lacking.<sup>11</sup> The Committee also regrets the lack of the latest statistics on the prosecuted cases of all forms of gender-based violence, and their outcomes, and information on victims' redress;

(b) While taking note of the efforts made by the State party to deal with gender-based violence and sexual harassment against women police officers while on duty, noting that 24 cases were reported between 2014 and 2020 to the professional council of the National Police Commissioner, the Committee regrets the lack of information on the remedial action taken. However, it welcomes the planned research to examine the work culture within the police (arts. 2 and 16).

20. **The State party should:**

(a) **Strengthen its ongoing efforts to ensure that all cases of sexual and gender-based violence, especially those involving actions or omissions by State authorities or other entities which engage the international responsibility of the State party under the Convention, are thoroughly investigated, that the alleged perpetrators are prosecuted and, if convicted, are punished appropriately, and that the victims receive redress, including adequate compensation and rehabilitation services;**

(b) **Compile and provide the Committee with statistical data, disaggregated by the age and ethnicity or nationality of the victims, on the number of complaints, investigations, prosecutions, and convictions and sentences recorded in cases of sexual and gender-based violence, as well as on the measures adopted to ensure that victims have access to effective remedies and reparation, and monitor the effectiveness of complaints mechanisms, including the follow-up to reported incidents;**

(c) **Inform the Committee about the remedial actions taken to tackle gender-based violence and sexual harassment within the police force and about any progress made with respect to the work culture therein;**

(d) **Continue to provide mandatory training on the prosecution of sexual and gender-based violence and methods of interviewing the victims, to all justice officials and law enforcement personnel, as well as training to social and medical professionals on how to identify indications of trafficking and protect effectively victims of sexual and gender-based violence, and continue awareness-raising campaigns on all forms of violence against women.**

### **Trafficking in human beings**

21. The Committee welcomes the State party's ongoing efforts and multisectoral approach to tackle human trafficking, and the statement by the State party's delegation about the 2021 amendments to the General Penal Code aimed at increasing judicial protection of trafficking victims. It looks forward to receiving the full wording of new provisions concerning the legal definition of trafficking in human beings, covering all types of exploitation for all purposes, in line with the State party's other international obligations. While noting the strengthened safeguards in the labour market, the Committee is concerned at reports that further protection of migrant workers against exploitation is needed.<sup>12</sup> The Committee also notes with concern the mere handful of prosecuted cases concerning the offence of trafficking compared to the number of potential cases that have been reported<sup>13</sup> during the reporting period (arts. 2 and 16).

22. **The State party should:**

(a) **Allocate sufficient funding for action aimed at preventing and combating trafficking, and monitor its implementation and evaluate the results;**

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<sup>11</sup> CEDAW/C/ISL/CO/7-8, paras. 19–20.

<sup>12</sup> CERD/C/ISL/CO/21-23, paras. 19–20.

<sup>13</sup> CERD/C/ISL/CO/21-23, paras. 17–18.

(b) **Confirm that the recent legislative changes made to the General Penal Code contain a legal definition of trafficking in human beings that properly covers all forms of exploitation, including slavery, slavery-like practices and servitude;**

(c) **Continue to strengthen the criteria for evaluating the vulnerability of a person subjected to human trafficking, and ensure that cases of human trafficking in its various forms are thoroughly investigated, that the alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims have access to effective protection and redress, including fair and adequate compensation, and as full rehabilitation as possible;**

(d) **Continue to provide specialized training to law enforcement officials, border guards, immigration officials, prosecutors, labour inspectors, medical professionals and other relevant actors on detecting and identifying victims of trafficking in persons, with a specific focus on persons in vulnerable circumstances;**

(e) **Keep conducting national prevention campaigns exposing the criminal nature of human trafficking.**

#### **National human rights institution**

23. The Committee regrets the State party's long delay in complying with its commitment made already during the 2016 universal periodic review,<sup>14</sup> but takes note of the information provided by the State party on the creation of a working group in 2021 with the aim of establishing an independent national human rights institution and making a plan to present the bill to that effect in 2023 (art. 2).

24. **Recalling its previous recommendation,<sup>15</sup> the State party should expedite its ongoing efforts with a view to establishing a national human rights institution with a broad human rights protection mandate and adequate human and financial resources, in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).**

#### **Althing Ombudsman as the national preventive mechanism**

25. The Committee is concerned at the Althing Ombudsman's reportedly limited staffing, which restricts it in carrying out its mandate as the national preventive mechanism fully, including in undertaking the frequent visits and follow-up visits regularly. The Committee appreciates the information provided on the steps taken by the State party to implement several recommendations made by the Althing Ombudsman in its capacity as the national preventive mechanism following its monitoring visits, and expects further information on the implementation of all its recommendations. In addition to its preventive mandate, the Committee notes the Althing Ombudsman's competence to receive individual complaints, but regrets the lack of further details on the follow-up to such complaints, including their outcome (arts. 2 and 11).

26. **The Committee recommends that the State party continue its ongoing efforts to strengthen the Althing Ombudsman, including sufficient human resources as requested by it, to enable it to fully implement its mandate in accordance with the Optional Protocol to the Convention, notably to ensure proper follow-ups to visits undertaken to places of deprivation of liberty. It should also continue ensuring that the Althing Ombudsman's recommendations resulting from its visits as the national preventive mechanism are implemented. Furthermore, it should ensure that individual complaints received by the Althing Ombudsman and referred to national authorities are properly addressed, that victims obtain redress and compensation, including medical and psychosocial rehabilitation, and that a register of all complaints received and acted upon, including their outcome, is kept.**

<sup>14</sup> [A/HRC/34/7](#), paras. 115.26–115.40; and [CERD/C/ISL/CO/21-23](#), paras. 11–12.

<sup>15</sup> [CAT/C/ISL/CO/3](#), para. 6.

**Psychiatric establishments and involuntary hospitalizations**

27. While the Committee notes the ongoing revision of the Patient Rights Act, with the pending bill providing a clearer legal framework and legal safeguards for secure custody and care, as well as the planned review of the Act of Legal Competence, it regrets the existing shortcomings in legal safeguards concerning involuntary hospitalizations, as observed by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.<sup>16</sup> Issues of concern include the following: The Act still provides for compulsory deprivation of legal competence in the case of an extension of involuntary hospitalization beyond the 12 weeks originally ordered by a court. The initial placement and continuation of involuntary hospitalization of civil and forensic patients lacks proper criteria of absolute necessity. Automatic judicial review at regular intervals is not required with respect to the need to continue hospitalization concerning involuntary placement for an unspecified period (or a placement that exceeds six months). The Committee is also concerned at reports that the patients in some psychiatric establishments lack access to daily outdoor exercise and that use of the police to manage distressed patients is not sufficiently regulated (arts. 2, 11 and 16).

**28. The State party is urged to:**

(a) **Continue its ongoing legislative reforms, and in particular step up its efforts to revise legislation regulating involuntary hospitalization, from the initial placement to its continuation, so as to include specific criteria, safeguards and additional medical opinions to comply with the absolute necessity principle when depriving a person of their liberty, and subject such placement orders to judicial review at all times;**

(b) **Embark on its plan to reform the psychiatric establishments and increase its efforts in providing therapeutic and rehabilitation activities to patients and in developing psychiatric community care;**

(c) **Strictly limit the use of the police in dealing with patients in psychiatric establishments and ensure that all medical and non-medical staff continue to be regularly trained on de-escalation measures and methods of non-violent and non-coercive care.**

**Excessive use of force and the police supervisory committee**

29. The Committee takes note of the information provided by the State party that the police supervisory committee dealt with 30 cases of alleged ill-treatment between 2017 and 2019. It observes that most allegations concerned excessive use of force by police during arrests. The Committee is concerned at the low number of prosecutions: out of the 30 above-mentioned cases, charges were brought in 2 cases and 5 cases were sent to the relevant police commissioner for internal follow-up. Moreover, the Committee regrets that the State party has not presented information on complaints registered since 2019, on cases referred and their outcome, and on the impossibility of disaggregating the available data by type of offence, including torture, owing to the legislative loophole identified in paragraphs 9–10 above (arts. 2, 12–13 and 16).

**30. The State party should:**

(a) **Ensure that all allegations of excessive use of force by law enforcement officials are investigated promptly, thoroughly and impartially, that alleged perpetrators are duly tried and, if found guilty, punished in a manner commensurate with the gravity of their acts, and that victims are provided with adequate redress;**

(b) **Ensure that in cases of excessive use of force, the suspected perpetrators are suspended from duty immediately and for the duration of the investigation, with the presumption of their innocence observed, particularly when there is a risk that they**

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<sup>16</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment report on its May 2019 visit to Iceland, paras. 62–68.

might otherwise be in a position to repeat the alleged act, commit reprisals against the alleged victim or obstruct the investigation;

(c) Continue its efforts to systematically provide training to all law enforcement officials on the use of force, especially on preventing and minimizing violence during arrest, taking also due account of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

(c) Compile and publish comprehensive disaggregated statistical information relevant to all complaints and reports received of excessive use of force, including information as to whether such complaints led to investigations, and if so, by which authority, whether the investigation resulted in the imposition of disciplinary measures or prosecutions and whether the victims obtained redress.

#### **Safeguards against non-refoulement**

31. The Committee notes the comprehensive revision of the Foreign Nationals Act, concluded in 2016, and the establishment of the administrative Immigration and Asylum Appeals Board in 2015, which reviews the decisions of the Directorate of Immigration. It also notes the State party's increased rate of cases of international protection (in 2021, it granted protection in respect of 354 out of 872 applications). However, the Committee is concerned at reports that the appeals procedure before the Board has, in general, a suspensive effect, except as regards applications from "safe" countries of origin that are considered manifestly unfounded. Subsequent court proceedings have no automatic suspensive effect. The Board can grant such suspension for reasons "deemed justified", which seems to be left to its discretion, and is considered only upon request of the applicant made within a short deadline and following a specific procedure. In addition, the pending draft legislative proposal to amend the Foreign Nationals Act reportedly maintains a short five-day deadline for appeals concerning cases from "safe" countries of origin deemed manifestly unfounded (arts. 2–3 and 12–13).

#### **32. The State party should:**

(a) Ensure that the non-refoulement principle enshrined in article 42 of the Foreign Nationals Act is applied with full respect for the principle of non-refoulement enshrined in article 3 of the Convention and that any forthcoming legislative amendments fully respect this principle;

(b) Guarantee that all foreign nationals at risk of deportation, including those from "safe" countries of origin, have access to fair procedures, notably a detailed and thorough interview to assess the risk that they may be subjected to torture and ill-treatment in their country of origin in view of their individual circumstances;

(c) Ensure that persons at risk of deportation are able to seek an individual judicial review of the deportation order and that doing so has suspensive effect;

(d) Ensure rapid and appropriate identification of persons in a vulnerable situation, including survivors of torture and ill-treatment, and of sexual and gender-based violence, and provide them with adequate access to health-care and psychological services;

(e) Provide information on cases relating to non-refoulement of possible victims of torture that the Immigration and Asylum Appeals Board has considered since its establishment, on the number of cases submitted and the number decided, on the case outcomes, including the number of cases resulting in deportation, on successful claims that led to the reversal of a deportation order, and on the number of appeals and the outcomes of those appeals.

#### **Asylum-seeking children**

33. While acknowledging the low number of unaccompanied asylum-seeking children (10 in 2022 and 16 in 2021), the Committee is concerned at information received regarding their situation in a designated reception facility (Baejarhraun), administered by the Directorate of Immigration, where they are hosted before their placement with a foster family or at a

reception centre for adults. It is noted that the child protection authorities are responsible for their care in this facility, but reports suggest that this facility is unfit for children, as it lacks child-friendly spaces or areas for recreation, and clear safety procedures, and does not fully respond to children's needs (arts. 11 and 16).

**34. The State party should 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, and should guarantee proper health-care, educational and psychosocial support. It should also monitor the conditions and needs of children in the reception centres regularly.**

#### **Follow-up procedure**

35. The Committee requests the State party to provide, by 13 May 2023, information on follow-up to the Committee's recommendations on solitary confinement in pretrial detention, sexual and gender-based violence, and safeguards against non-refoulement, as contained in paragraphs 14 (c), 20 (a) and 32 (a) respectively of the present document.

#### **Other issues**

36. The Committee invites the State party to consider ratifying the United Nations human rights treaties to which it is not yet party, namely the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

37. The State party is requested to widely disseminate the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations.

38. The Committee requests the State party to submit its next periodic report, which will be its fifth, by 13 May 2026. To that end, and in view of the fact that the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its fifth periodic report under article 19 of the Convention.

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