



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

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COMMITTEE AGAINST TORTURE

Thirtieth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 555th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 2 May 2003, at 3 p.m.

Chairman: Mr. BURNS

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 19 OF THE CONVENTION (continued)

Second periodic report of Iceland (continued)

* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.555/Add.1.

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 19 OF THE CONVENTION (agenda item 4) (continued)

Second periodic report of Iceland (continued) (CAT/C/59/Add.2)

1. At the invitation of the Chairman, the members of the delegation of Iceland took places at the Committee table.
2. Ms. SIGURGEIRSDÓTTIR (Iceland), having expressed her thanks to the Committee for its positive remarks, said that her delegation had endeavoured to answer all the questions asked by Committee members during the consideration of Iceland's second periodic report (CAT/C/59/Add.2) but that, unfortunately, it had not proved possible to obtain all the statistical information that had been requested.
3. Her delegation was fully aware of the Committee's two main concerns: first, that torture was not defined as a specific crime in Icelandic law, and second, that Icelandic legislation did not expressly prohibit the use in court of evidence or confessions obtained as the result of torture. With regard to the first, she explained that, while her Government recognized its obligations to implement the provisions of the human rights treaties within the domestic legal system, it believed that there were different ways of achieving that commitment. The method chosen - and successfully implemented - by Iceland was to adapt its legislation to bring it into line with the provisions of the international instruments. Its legislation thus contained provisions prohibiting all forms of torture and was in full compliance with the provisions of the Convention. With regard to the second area of concern, her delegation had already explained the Government's position and did not wish to repeat the reasoning. It would, nevertheless, relay the Committee's concerns to the relevant authorities in Iceland.
4. Several members of the Committee had remarked on the fact that Iceland did not automatically give international human rights instruments the force of domestic law. In that connection, she drew attention to paragraphs 23 and 24 of Iceland's initial report (CAT/C/37/Add.2), which stated that Iceland was among the States that adhered to the doctrine of the duality of international and national law.
5. It was often difficult to interpret the provisions of international instruments while clarity and transparency were the cornerstones of Icelandic legislation. Her authorities strove to ensure that Icelandic citizens were fully aware of their rights and obligations under international law. If it emerged that the authorities' understanding was incorrect, or if attitudes towards the interpretation of a certain commitment changed, the legislation was changed accordingly.
6. With respect to the question why the Convention did not have the same legal status as the European Convention on Human Rights, she referred the Committee to paragraph 25 of Iceland's initial report, which explained the matter thoroughly.

7. Replying to a question concerning the amendment of the Extradition Act, she explained that the Act prohibited extradition on grounds of political offence. When Iceland had ratified the 1977 European Convention on the Suppression of Terrorism, it had entered a reservation, stating that it would not extradite persons on the ground of political offences. However, when Iceland became a party to the Schengen Agreement, the decision had been taken not to apply that reservation to the other States parties to the Agreement. That solution was both a simple one and one in conformity with Iceland's international commitments. The Committee had also asked to be told more about the rules applied when considering extradition of a person suspected of a terrorist act to a State where there was a risk of that person being tortured. The answer was very simple: extradition was never applied if there was such a risk, regardless of whether or not the crime in question was a terrorist one.

8. A question had been asked regarding the Supreme Court case outlined in paragraph 14 of the second periodic report, in which the Court had refused to extradite a couple to the United States of America because of a significant danger that they would not receive a fair trial there. The husband had requested a passport from the United States Embassy in Iceland and had agreed to take responsibility for his own actions. He had left for the United States as a free person and had turned himself in to the authorities there. After serving his sentence in the United States, he had returned to Iceland, where he currently resided.

9. Clarification had been requested concerning the way in which a detained person could inform relatives of his or her situation. Notification could be made either by the police or by a lawyer, or by the detained person if that would not interfere with the investigation of the case. As for the question whether detainees were informed in writing of their rights from the outset of their detention, there was a written document available in five languages in all police stations, specifying the rights of detainees.

10. The reason why complaints against prison wardens were not investigated by the General Prosecutor's Office, as complaints against police officers were, was because a different authority - namely the Prison and Probation Administration - was responsible for suspending prison wardens and for supervising the investigation of the case.

11. A member of the Committee had asked why police officers were hired for a period of only five years. In the past, police officers had been offered lifelong contracts, making it impossible to suspend any inefficient and inadequate employees. Her Government took the view that individuals performed more enthusiastically when given short contracts.

12. The question had also been asked whether prison deaths were always followed by a formal inquest. Whenever a death occurred in a prison or in police custody, a special police and forensic investigation was carried out. As for the query whether any independent bodies had access to prisons and places of detention to ensure that conditions were satisfactory, there were no provisions in Icelandic legislation to allow such visits by non-governmental organizations (NGOs). However, the Parliamentary Ombudsman received complaints from prisoners and had the authority to investigate cases and examine detention conditions. Prisoners frequently contacted the Ombudsman by telephone and sent him written complaints.

13. As for the choice of educational material used in Iceland regarding human rights, she said that, although a wide range of material was available, her administration was relatively small and lacked the facilities to conduct a thorough comparison. The material provided by the Council of Europe had proven to be of a good quality and was easily accessible, which was why it was used. However, that did not mean that other material was not as good or even better.

14. The question had been asked why prisoners did not make more frequent use of their right to refer a decision on solitary confinement to a judge. One of the members of the Committee had also remarked that some prisoners requested to be placed in solitary confinement, perhaps because they considered it to be more comfortable and safe than standard detention or prison conditions. Solitary confinement during pre-trial detention was not considered by her delegation to be a luxury but, according to the law, remand prisoners could choose to be placed in solitary confinement. Other prisoners did not have the same legal right but they would be placed in solitary confinement if they so requested. An examination was always carried out into the underlying reasons for such a request, which might include fear of particular prisoners or of violence by other prisoners, or psychological problems. It was difficult to say why remand prisoners did not refer decisions on solitary confinement to the courts; perhaps their lawyers considered that their request was unlikely to be successful.

15. Her delegation acknowledged that the perpetrators of crimes received lighter punishments in Iceland than in many other countries and that the prison population was among the smallest in the world. In recent years, there had been much debate surrounding the issue of violent sex crimes, as many people considered the punishments to be too mild. In fact, the maximum penalty for such crimes, according to the law, was relatively high in comparison with the penalties for other offences. However, it was up to each individual judge to decide. Penalties for such crimes were gradually getting stiffer. Although disaggregated statistics were not available on the number of remand prisoners or on the rate of inter-prisoner violence, no cases of inter-prisoner sexual violence had been reported to the authorities.

16. Her delegation had been asked to provide further information about the measures adopted to investigate sexual violence against mentally disabled persons. A committee, recently established under the auspices of the Ministry of Social Affairs, had submitted a report on the issue. Although no legislative changes had been made as a result of the report, it had helped to increase awareness of the risks that could arise. A question had also been asked about the action that was taken when members of the institutional staff were accused of sexually abusing inmates. All such accusations were reported to the police and fully investigated.

17. In answer to a question as to whether male prisoners were sometimes kept in women's prisons, she said all female prisoners not in pre-trial detention were held in Kópavogur prison. Because the total number of women prisoners was very low, men were also held in that prison and her Government had no intention to change that procedure. All other prisons in Iceland contained only men.

18. A member of the Committee had asked to be told more about the rule concerning the rights of children and the use of coercion in treatment centres, which stated that any coercion applied must be in proportion to the conduct it was designed to control. While there were no written rules on how to interpret that concept of proportionality, staff members were responsible for determining, after a discussion and on a case-by-case basis, whether the coercive measure had been in proportion to the conduct.

19. A question had been asked as to whether doctors were specially trained to examine asylum-seekers. Although doctors in Iceland received no special training in that field, all asylum-seekers were housed in the care of the Icelandic Red Cross, whose staff was experienced in assisting torture victims. There were no specially trained prison doctors in Iceland either. However, the report on the visit to Iceland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) outlined the procedures followed by the medical services in prisons. Further information had been requested on the recommendation made in paragraph 24 of the CPT report with respect to access to a doctor for persons in police custody. No specific provisions had so far been adopted regarding that right.

20. A question had been asked whether the Icelandic authorities would consider applications from asylum-seekers who had travelled through another Schengen State where they could have applied for asylum, but had not done so. The Icelandic authorities had a legal obligation to accept all such applications. In reply to a question about whether residence permits issued to asylum-seekers were indefinite or conditional, she said that, if a person was granted asylum, he or she would receive an indefinite residence permit, in accordance with the 1951 Convention relating to the Status of Refugees. However, residence permits were more usually granted on humanitarian grounds. In such cases, they were issued for one year. In most cases, they were then prolonged for a period of three years and, subsequently, were issued for an indefinite period. In reply to a question as to whether there were many deportations to other Nordic countries, she said she regretted that no statistics were available. Asylum-seekers arriving in Iceland from other Nordic countries did not receive any special treatment.

21. In answer to the request for further information regarding Iceland's compliance with article 5 of the Convention, she said that the Minister of Justice was responsible for deciding whether or not a case came under the provisions of the Convention. If so, the normal procedures would be followed.

22. Mr. EL MASRY, Country Rapporteur, congratulated the delegation of Iceland on its elaborate and extensive answers and said that the Committee appreciated its commitment to relay the observations members had made to the competent authorities in Iceland. Further information should be provided, in the third periodic report, about the efforts made by the Ministry of Justice to prevent suicides in prisons. It would be useful to know whether any steps had been taken to implement the recommendations made by the Committee in that regard.

23. Mr. MAVROMMATIS, Alternate Country Rapporteur, expressed his satisfaction with the replies that had been given. He noted that there was a marked tendency in Europe to give priority to the human rights mechanisms and documentation established by the Council of Europe. That was quite acceptable, as long as the various provisions were implemented in a

satisfactory way. Decisions on which model to use were at the discretion of each Government. He hoped, however, that the Icelandic authorities would act on the Committee's comments regarding its two main issues of concern.

24. Ms. SIGURGEIRSDÓTTIR (Iceland), replying to an additional question by Mr. MARIÑO MENÉNDEZ, said that Iceland had adapted its legislation to bring it into line with the provisions of the Schengen Agreement.

25. The CHAIRMAN commended the State party for its excellent human rights record. It was a rare and positive sign when no observers or NGOs attended the meetings held between a Government and the human rights treaty bodies.

The public part of the meeting rose at 3.40 p.m.