



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

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COMMITTEE AGAINST TORTURE

**Written replies by the Government of Iceland\* to the list of issues (CAT/C/ISL/3) to  
be taken up in connection with the consideration of the third periodic report of ICELAND  
(CAT/C/ISL/3)**

[12 March 2008]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

## **Introduction**

1. The present document has been prepared by the Icelandic Authorities, March 2008.

## **Article 2**

**Question 1: Please provide detailed information with respect to the structure and activities of an independent inspection of places of detention and psychiatric facilities.**

2. Regarding the independent inspection of places of detention and psychiatric facilities, there is no authority in Iceland responsible for such inspection; however, the Parliamentary Ombudsman has, at his own initiative, undertaken the examination of certain aspects of the prison system and submitted opinions on them. All criticisms that the Ombudsman has made in connection with the prisons have been taken into account.

**Question 2: The Committee takes note of the information in the report by the State party that Article 3 of the Application of Punishment Act, No 49/2005 abolishes the distinction between prisons for serving sentences and remand prisons. The Committee would welcome further information on the rationale behind such a decision and its practical implications for the prisoners.**

3. As has been stated, under Icelandic law, remand prisoners and those serving sentences may be placed together if isolation is not considered necessary. Remand prisoners have the same rights as other prisoners, e.g. as regards employment, studies, leisure activities, visits and treatment. Commonly, about 8-15 remand prisoners are held in low-security conditions at any one time. To have a special remand prison for this purpose would be highly impractical in view of the small numbers of prisoners and the fact that it would be very difficult to provide them with what could be regarded as a normal level of services, in addition to which they would be in danger of social isolation. It should also be mentioned that it is often necessary to hold remand prisoners separate from each other, either because they have been involved in the same offences or because previous contact between them has involved violence or antagonism. The Prison and Probation Authority considers the current arrangement, by which low-security remand prisoners are held together with other prisoners, to have positive advantages, and to be of such a nature as to avoid or ameliorate the negative consequences that remand custody may have on certain individuals.

**Question 3: Please inform the Committee about the current situation and practice with respect to different places of detention and prisons for women and juvenile offenders.**

4. In this connection it must be stated that the number of women serving sentences is generally of the order of 5-8, comprising very dissimilar individuals. Up to now they have been held in the prison at Kópavogsbraut 17; it has recently been decided to hold women prisoners at the Kvíabryggja Prison, which is an open prison. Two women are now serving their sentences there in a special building, pursuing employment and leisure activities with other prisoners. Young prisoners can be held in all prisons in Iceland. On the other hand, placement of prisoners under the age of 18 is covered by an agreement between the Prison and Probation Authority and the Child

Protection Agency. Under this, attempts are made to have young offenders serve their sentences in treatment centres that are operated under the Act on the Protection of Children and Young People, these centres offering special treatment. In the view of the Prison and Probation Authority, it is vital that young prisoners should be held in such centres, and the authority does not commit prisoners aged 15-18 to prison unless the Child Protection Agency has rejected its application to have the agency accept them for placement. At present, no prisoners under the age of 19 are serving sentences in prison. In the few cases where young people do serve their sentences in prison, efforts are made to house them with older prisoners who are stable and are regarded as model prisoners. Due to the smallness of the population in Iceland, young prisoners have generally known each other for many years and in many cases have committed their offences together. They therefore form a close-knit group which in many cases there are good reasons for splitting up rather than holding them together in the same prison or the same prison ward.

**Question 4: The Committee would welcome information with regard to the Iceland's legal and policy framework, and possible development therein, for the prevention of trafficking in human beings.**

#### **Legal framework**

5. A special provision on human trafficking was inserted in the General Penal Code No. 19/1940 in 2003 as Article 227 a. It reads as follows:

“Anyone becoming guilty of the following acts for the purpose of sexually using a person or for forced labour or to remove his/her organs shall be punished for trafficking in human beings by up to 8 years’ imprisonment:

1. Procuring, removing, housing or accepting someone who has been subjected to unlawful force under Art. 225 or deprived of freedom as per Art. 226 or threat as per Art. 233 or unlawful deception by awakening, strengthening or utilizing his/her lack of understanding of the person concerned about circumstances or other inappropriate method.

2. Procuring, removing, housing or accepting an individual younger than 18 years of age or rendering payment or other gain in order to acquire the approval of those having the care of a child.

The same penalty shall be applied to a person accepting payment or other gain according to clause 2, para. 1.”

6. The Ministry of Justice is responsible for the General Penal Code and has recently put forward a bill in which, e.g., the definition of trafficking in human beings is brought more into line with the definition in the Council of Europe’s Convention on Action against Trafficking in Human Beings. The Bill is currently under consideration by the Parliament’s General Committee.

### **International conventions**

7. The Icelandic government signed the Palermo Convention and the Palermo Protocol on 13 of December 2000. The government also signed the Council of Europe's Convention on Action against Trafficking in Human Beings on 16 May 2005. Legislative amendments are now under consideration for the purpose of ratifying these conventions, and it is hoped that ratification will be complete by the end of 2008.

### **National Action Plan**

8. As of November 2007, issues relating to trafficking in human beings were transferred from the Ministry of Justice to the Ministry of Social Affairs. A group has recently been assembled with the task of drawing up a national action plan against trafficking in human beings. The group's members are from various institutions, including the government, the police, the municipal authorities and NGO's. The group is expected to finish its work in the spring of 2008.

### **Identification**

9. Iceland is mainly considered a country of transit. It is believed that the traffickers come to Iceland from Eastern Europe and the Far East on their way to North America. The border police at Keflavík Airport (Iceland's main international airport) play a key role in the difficult task of identifying the victims.

10. Even though Iceland is mainly considered to be a country of transit, it is also thought to be a country of destination in some cases. The manifestation of human trafficking is considered to take a slightly different form in Iceland compared with other countries, where the victims are forced to work in the sex industry, mainly prostitution. According to the police authorities, the Women's Shelter and Stígamót (both NGOs that deal with violations against women) there are mainly two groups of women that are being abused and exploited. One group is believed to be women who are sexually exploited in the strip clubs in Iceland. These are mainly women from Eastern Europe, Russia, the Ukraine and the Baltic countries. The second group consists of foreign women in abusive marriages with Icelandic men, who in some cases are suspected of "lending" them to other men for sexual purposes. Those women are mainly from the Far East. Local police forces are the main actors in identifying these trafficking victims of these types.

### **Prevention**

11. Due to its geographical position, Iceland is unique in many ways in connection with trafficking in human beings. It has no land borders with other countries so the only way to enter the country is by air or sea. In this context, access to Iceland is more restricted than to most other European countries. The border control in Iceland is very efficient, especially as Iceland is a member of the Schengen Convention. On numerous occasions, people have been stopped on arrival in Iceland with false passports on their way to the USA; these are people who have gone undetected through the border control of other European countries before coming to Iceland. Firm and efficient

border control is therefore an indispensable safeguard in preventing possible traffickers from entering the country or continuing their journeys to other countries.

### **International cooperation**

12. Iceland is a participant in the Council of the Baltic Sea States (CBSS) and in its measures against trafficking in human beings. In addition to the Nordic countries and the three Baltic states, the members of the council include Russia, Germany and Poland. The European Commission is also a member. Under this scheme, regular meetings of experts are held to discuss methods of dealing with trafficking in human beings, the current situation and trends in the individual states, measures taken to give effect to international conventions against trafficking in human beings, etc. Iceland's participant in this group, which has met 2-3 times a year, is a representative of the Ministry of Social Affairs.

13. A representative of the Ministry of Social Affairs, together with one from Stígamót and the Women's Refuge, participate in a pilot project by the European Women's Lobby on assistance and protection for women victims of trafficking in human beings and their repatriation. The government and the NGO's involved work together smoothly on this project. Similar projects are in place elsewhere in the Nordic countries and the Baltic States. The group has met twice each year.

### **Article 3**

**Question 5: The Committee takes note that article 45 of Act on Foreigners (Act No. 96/2002) prohibits also the return of foreign nationals to regions where they have reason to fear persecution given that they are considered as refugees or if there is no guarantee that they will not be sent from there to such regions. Please provide information on how often and in which cases this provision has been applied.**

14. Under Article 45 of the Foreign Nationals Act (No. 96/2002), foreign nationals are granted protection irrespective of whether or not they meet the requirements of Article 46 regarding asylum. The prohibition covered in this Article is covered in the first paragraph of Article 33 of the Convention on Refugees, which prohibits the denial of entry or the repatriation of foreign nationals coming under the definition of refugees. The aim of Article 45 of the Act is to ensure that these foreign nationals are guaranteed a somewhat greater degree of protection, and the prohibition on repatriation is intended to apply also to persons who, for reasons similar to those stated in the Convention on Refugees would be in imminent danger of their lives or of being subjected to inhumane or degrading treatment. This would appear to be the correct course of action in terms of Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: pending a decision on the denial of entry or deportation from Iceland of a foreign national, if it is established that the protective rule should be applied, then such a decision is not to be taken. In instances where the foreign national does not meet the requirements regarding asylum, but it is nevertheless clear for some particular reason that it would not be right to send him back to his country of origin, he is to be afforded protection of some type.

15. Altogether, the Directorate of Immigration took 18 decisions of this type in the period 2001-2005; the foreign nationals involved did not qualify as refugees under the definition of the convention. Cases in which the directorate took these decisions included instances in which it was evident that the foreign nationals involved would not receive appropriate medical treatment in their countries of domicile. The decisions were also taken in cases where it was considered as having been demonstrated that the reason why the persons involved had applied for asylum was that they had fled to avoid doing military service in their country of origin and had reason to fear the consequences if they returned. It is known that the authorities in certain countries may subject military deserters to inhuman treatment on return; in such cases, the Icelandic government has applied the provision on protection where it considers sufficient proof to have been presented.

**Question 6: Please inform the Committee on criteria used for determining whether an asylum seeker should be granted a permit to stay in Iceland based on humanitarian grounds.**

16. The provision covering the granting of a residence permit on humanitarian grounds is to be found in the second paragraph of Article 11 of the Foreign Nationals Act. Foreign nationals who would not qualify for protection under Articles 44 or 45 of the Act may be covered by this provision. Neither the Foreign Nationals Act nor the regulations under the Act contain any further definition of the term “humanitarian considerations”; however, the Directorate of Immigration has applied the provision where it has been viewed as appropriate. Reference should also be made to the reply to Question 5.

**Question 7: Please indicate whether it is the practice of authorities in Iceland to seek diplomatic assurances from a third country to which an individual is to be extradited, returned or expelled. Please also provide examples of cases in which the authorities considered whether to proceed or not with the extradition, refoulement or expulsion of an individual for fear that the person concerned would be tortured. On the basis of what information were the final decisions taken?**

#### **Extradition of criminals**

17. Under Article 11 of the Act on the Extradition of Criminals and Other Assistance in Criminal Cases, No. 13/1984, one of the conditions to be set for extradition is that the application of the death penalty in the case of the person to be extradited is not permitted. As far as is known, the Ministry of Justice always imposes this condition.

18. No cases are known where there has been considered to be a danger that a person would be subjected to torture following extradition.

## **Denial of entry and expulsion**

19. Denial of entry and expulsion of foreign nationals are the province of the International Department of the Office of the National Commissioner of Police. When the Directorate of Immigration has decided to turn down asylum applications and this involves the denial of entry into Iceland, or expulsion from the country, it refers the decision to the International Department for service and execution. In cases where foreign nationals are not able to produce travel documents, the procedure is generally that the International Department contacts one of the embassies of the foreign national's home country and requests to have travel documents issued for him. Such requests by the International Department do not state that the case involves an asylum-seeker who has been refused asylum, but merely that he has been denied entry into, or expelled from, Iceland. In particular cases, the International Department also contacts the authorities in the foreign national's home country.

20. In 2004, a foreign national from Eritrea sought asylum in Iceland. Following a comprehensive examination of his testimony and the available materials in his case, the Directorate of Immigration was not able to establish that he had been the victim of systematic harassment or persecution by the authorities in his homeland. Thus, the provision of the Refugee Convention did not apply. Therefore, the directorate examined whether the protection rule should be applied. It examined the application to establish whether humanitarian considerations applied to the applicant's case. Foreign reports on the applicant's country were examined. Little information was to be found concerning the fate of individuals who had been returned to Eritrea against their will following unsuccessful applications elsewhere for asylum; this was partly due to the fact that the Eritrean authorities had denied human-rights organisations access to the country's prisons. Data was found showing, for example, that individuals from Eritrea who had applied unsuccessfully for asylum in Malta in 2002 had been arrested on arrival in Asmara and placed in solitary confinement. The Eritrean government neither confirmed these reports nor gave the families of those involved, or the general public, any information about their whereabouts. Various sources reported that these people had been made to carry out forced labour and had been subjected to interrogation and torture. It was also stated that they had been given little food and no access to medical attention, and it was even alleged that some of the prisoners had died from disease or injuries. The Directorate of Immigration examined a report from the UNHCR which revealed that in the view of the commission, the human-rights situation in Eritrea had deteriorated seriously in recent years, and that human-rights abuses towards deserters were particularly serious. The commission considered it could not rule out the possibility that those who were forcibly returned to the country would suffer similar treatment. The UNCHR recommended that states should proceed cautiously when it came to the forcible repatriation to Eritrea of individuals who had been refused asylum, and that these persons should be given protection for the time being. In the light of this, the Directorate of Immigration considered that the individual involved should be granted some form of protection, even though many aspects of his case were unclear. However, he was in possession of a valid passport, had left his country of domicile legally and had a clean criminal record. Thus, the directorate's conclusion was that in view of the uncertainty surrounding his possible fate if he were to be returned to Eritrea following an unsuccessful attempt to gain asylum, it was not possible, for the time being, to return him to his country of domicile.

**Question 8:** The Committee notes the information provided in Articles 15 to 18 of the State party report. The Committee would welcome further clarification related to the information therein that no cases of asylum during the last five years have been accepted. Please provide also information on the countries of origin of the registered asylum applications filed and to which countries the applicants were subsequently deported to.

21. The reasons for the asylum applications lodged in Iceland in the period 2001-2005, and the personal circumstances of the individuals involved, did not fall under the definition of the term “refugee” given in the UN Convention on the status of Refugees. It should be pointed out in this connection that the Directorate of Immigration has permitted groups of refugees to enter Iceland in accordance with government decisions following the recommendation of Iceland’s Refugee Council.

22. Please see the enclosed information on the nationality of the persons who sought asylum in Iceland in the period 2001-2005 and the countries to which they were returned.

## **Article 5**

**Question 9:** Please provide detailed information on the legislative provisions establishing the State party’s jurisdiction over acts of torture in cases where the alleged offender is present in any territory under its jurisdiction, either to extradite or prosecute the person (universal jurisdiction), in accordance with the provisions of the Convention. Please also refer to any actual cases where this would have occurred.

23. Under item 9 of Article 6 of the General Penal Code, No. 19/1940, punishments are to be imposed under the code for conduct specified in the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984, even though the offence is committed outside Iceland and irrespective of the identity of the perpetrator. However, proceedings are only to be instituted in accordance with an order by the minister of justice.

24. Under Article 1 of the Act on the Extradition of Criminals and Other Assistance in Criminal Cases, No. 13/1984, persons may be extradited if they are suspected, in a foreign state, of having committed a criminal offence, or have been charged or sentenced for such an offence. This provision would apply to persons who violate the Convention. Under Article 2 of the same act, however, Icelandic citizens may not be extradited. Thus, an Icelandic citizen who is suspected of the conduct described in the Convention would have to be prosecuted in Iceland. A separate act, No. 7/1962, applies to extraditions to Denmark, Norway, Finland and Sweden; under this, Icelandic citizens may be extradited to those countries if certain conditions are met.



25. This arrangement has never been put into effect in Iceland.

#### Article 7

**Question 10: According to the information in the second and third reports by the State party, the Committee notes an increase in the number of convictions during the last five years while the level of remand prisoners remained at the same level. Please provide information on measures or undertaken or reasons explaining the increase.**

26. The number of convictions has risen in line with an increase in the number of cases. Regarding the question of why the number of remand prisoners has not risen correspondingly, the reason may be that there has been a proportionately greater increase in minor offences, such as traffic violations and minor assaults, which do not necessitate detention on remand.

#### Article 8

**Question 11: Has the State party rejected, for any reason, any requests for extradition by another State of an individual suspected of having committed a crime of torture, and thus engaging its own prosecution as a result?**

27. No.

#### Article 10

**Question 12. Please provide information on how border guards, peace keepers and health care personnel are trained in the application of human rights norms and Iceland's international obligations. The Committee would also welcome information on how and by whom such training is monitored, evaluated and the impact assessed.**

28. The training of personnel going to peacekeeping and monitoring assignments abroad is conducted both in Iceland and in co-operation with the international organisation to which Iceland deploys personnel in the field. As Iceland has no military, all personnel deployed are civil experts. All personnel receive training by UNIFEM regarding the special situation of women in post-conflict regions and vulnerable areas. The ICRU deploys personnel on the basis of a special legislation, and Code of Conduct for the deployed personnel, which is largely harmonised with Code of Conduct for UN peacekeeping personnel. Icelandic criminal law applies to personnel deployed abroad, as well as all international obligations, and all personnel are given an introduction to these basic issues before they leave on their assignments. A specific clause in the Act on ICRU states that it is the obligation of the deployed personnel to inform ICRU and their authorities if they find that international law, human rights agreements or humanitarian law is being abused or ignored in the mission where they serve, irrespective of who might be the perpetrator.

29. Monitoring of personnel and evaluation of their work is done in co-operation with the international organisation they are deployed to (for example, NATO, the EU, UNICEF, UNIFEM, WFP); a debriefing with the ICRU Director or Deputy is mandatory, as is an interview with a psychologist.

30. Regarding the training of border guards/border police: In general, it can be said that police training as regards the matters referred to in the question takes account of Article 2 of the Police Act, which states that police officers are to respect the international obligations that Iceland has undertaken. These obligations are covered specially in the basic training of police officers.

31. These matters are also covered in the Secondary Division of the Police College; particular mention should be made of the Schengen Courses I and II, which were attended by more than 100 police and customs officers before Iceland joined the Schengen scheme.

32. When police officers begin work on border surveillance under the direction of the Suðurnes Police Commissioner, certain border surveillance procedures are demonstrated to them and they are urged to observe courtesy and good manners in executing their border surveillance functions.

33. In cases where individuals are stopped at the border and prevented from continuing their journey, attention is always given to their physical condition and all aspects of their human rights are respected.

#### Article 11

**Question 13: Please indicate whether detention measures are regularly reviewed by a competent, independent and impartial authority or judicial body, and if so which and what are the procedures followed.**

34. There is no such independent body. As has been mentioned in the answer to Question 1, the Parliamentary Ombudsman has made a number of examinations of prison issues. It should also be mentioned that the number of complaints made by prisoners to the Ombudsman has fallen substantially in recent years.

#### Article 13

**Question 14: The Committee notes with appreciation the information in the State party report that the number of complaints about police brutality has gone down during the last five years of the period covered and is now at almost zero. Please provide information on possible measures undertaken explaining the decrease or other reasons for such a decrease.**

35. Unfortunately, it is not possible to concur that there has been a reduction in the number of complaints; rather, this apparent trend is due to a considerable variation in the numbers from year to year.

36. According to a report by the Directorate of Public Prosecutions, 17 such cases were received for investigation in 2006. Ten of these related to the circumstances of the arrest of those who lodged the complaints and involved allegations of unlawful arrests and/or brutality or physical assault in connection with their arrest or committal to police cells. One case involved an allegation of police violence that was not related to the arrest of the person lodging the complaint. Two cases involved allegations of leaks of information by the police to unrelated parties. One involved the disappearance of money from a wallet following a search of the wallet by a police officer. One involved the alleged refusal by the police to accept a complaint, together with the allegation that the police had entered the home of the person concerned without permission. One involved police methods when a person who had been arrested by the police suffered a cardiac and respiratory seizure and died a week later. One complaint was withdrawn.

#### Article 14

**Question 15: Please provide information, including disaggregated statistical data by sex, age and ethnicity and type of crime, on the number of cases where redress and/or compensation measures have been ordered by the courts, and on those actually provided to victims of torture or cruel inhuman or degrading treatment or punishment, or their families, during the past five years.**

37. No compensation of this type has been ordered or provided in cases of this type. Compensation has, on the other hand, been awarded by the courts in cases involving the application of coercive measures, as is provided for under Articles 175 and 176 of the Code of Criminal Procedure (No. 19/1991).

#### Article 16

**Question 16: Please provide detailed information concerning the legal and policy framework, including the status of the Plan of Action 2006-2011, for the prevention and combat of the phenomenon of violence against women and girls, including domestic violence. Please provide information on how this issue is monitored by the authorities and information on any awareness-raising programmes, health-care personnel for the prevention and recognition of such phenomenon, and information on actual court cases, and available mechanisms of redress for possible victims.**

**Legal framework for the prevention and combating of violence against women**

##### *Domestic violence*

38. Draft legislation to amend the General Penal Code, No. 19/1940, was presented to the Althingi during its 132<sup>nd</sup> legislative session in 2005-2006; the amendments concerned the provisions dealing with domestic violence and the amendment proposed was part of the campaign against domestic violence by the Ministry of Justice and Ecclesiastical Affairs. The minister decided to put greater emphasis on these measures in response to indications he had received, in

view of public discussion of the issue and appeals by NGOs to the government to adopt a comprehensive strategy on gender-based violence.

39. The aim of the amendments introduced by the bill was to make the legal remedies in cases of domestic violence more effective. It was thought necessary to have Icelandic criminal legislation give a more clear reflection of the legislature's view that offences of this type between people who are intimately connected are in a class of their own.

40. The bill, which was passed on 3 April 2006, provided as follows: Punishments may be increased in cases where a family or intimate relationship between perpetrator and victim is seen as adding to the grossness of the violation. It was also proposed that a new provision be introduced into the General Penal Code as Article 233 *b*, replacing Article 191, providing for up to two years' imprisonment in cases where a person insults or humiliates his/her spouse or former spouse, child or another person intimately connected with the perpetrator and the action is considered to be grossly libellous or slanderous. Finally, provision was made for offences against Article 233 *b* to be the subject of a criminal indictment.

#### *Restraining orders*

41. Under the Act No. 94/2000, amending the Code of Criminal Procedure, courts may demand that the police impose what is known as a restraining order, involving a prohibition on a person going to a particular place or entering a specific area, or following, visiting or contacting the person protected by the order in any other way. In order for this order to be imposed, there must be reason to believe that the person concerned would commit an offence or in some other way disturb the peace of the other person. This amendment was introduced with the aim of protecting the victim and preventing the occurrence of further violence or abuse. In general, only the police are able to request a restraining order by a court; this is generally done at the request of the person who needs protection, but the police may also take the initiative in applying for it. Under the Penal Code, violations of a restraining order are punishable by fines or imprisonment of up to one year, and by imprisonment of up to two years in the case of repeated or gross violations.

42. The Minister of Justice has submitted a bill on restraining orders to the current (2007-2008) legislative session of the Althingi, proposing far more detailed rules on restraining orders as regards the position of those who apply to the police for such orders to be imposed. Specifically, it is proposed that a person should be able to apply to the police with a reasoned request for a restraining order to be sought, and that the police be obliged to adopt a position on such a request at the earliest opportunity, at the latest two weeks after receipt of the request. It is also proposed that provision be made for the handling of cases in which the police do not consider there is sufficient reason to seek a restraining order; this is to ensure the legal position of the party applying for the order. Under this provision, the police will have to inform the applicant of their decision in cases where they do not consider there to be reason to request an order, and in such cases the applicant will be able to appeal against such a decision, subject to the same rules as apply in cases where the police decide to drop a criminal investigation.

### *Protection of witnesses*

43. Under an act of amendment, No. 39/2000, a provision on the protection of witnesses was introduced into Article 108 of the General Penal Code. It provides for up to six years' imprisonment, or a fine in cases where there are special mitigating circumstances, in cases where a person applies physical violence, unlawful coercion or a threat (as referred to in Article 233 of the General Penal Code) against another person or that person's close relatives or other persons connected with him, in connection with testimony given to the police or to a court.

44. This provision applies not only in cases where the offences are directed at the witness himself, but also against his family or other persons connected with him, provided that perpetration of the offence can be traced to the fact that the witness has given or intends to give testimony. The introduction of this provision was part of a campaign to improve the protection of witnesses, taking account of the recommendation of the EU Council of Ministers, No. (97) 13 of 10 September 1997, on threats against witnesses.

### *Sexual offences*

45. Amendments to the section of the General Penal Code covering sexual offences were passed in spring 2007. These were aimed at increasing the protection given under the law to women and children, bringing the provisions up to date and seeking to ensure as far as is possible in legislation, that individuals' privacy, right of self-determination, sexual freedom and freedom of action are respected. Amongst other changes, the definition of the term "rape" was greatly expanded as compared with that in the older legislation. In addition, provisions were introduced covering a number of factors intended to introduce heavier punishments for rape, e.g. in cases where the victims are very young. General provisions on criminal liability in cases of sexual harassment were also introduced.

46. The punishment for sexual intercourse or other sexual relations with children under the age of 14 was increased and brought into line with that for rape, i.e. imprisonment of 1 to 16 years. This emphasises the seriousness of offences of this type against children, rape and intercourse with children under the age of 14 being considered the most serious type of sexual offence; in the older form of the legislation, rape was the only offence in this category. In addition, the lapse of liability (limitation) was abolished in the case of the most serious types of sexual offence against children.

### *Act on Compensation Payments from the Treasury to the Victims of Offences*

47. The aim of the Act on Compensation Payments from the Treasury to the Victims of Offences, No. 69/1995, is to improve the position of the victims of criminal actions by having the State Treasury pay compensation for physical injury and non-pecuniary damage resulting from offences against the General Penal Code, and also for damage to objects resulting from these offences. In many cases, the perpetrator of the offence proves to be unable to pay the victim the

compensation determined in the sentence; in such instances, the victim has a claim in law against the Treasury for payment of compensation, providing that certain conditions specified in the act are met. If the Treasury pays compensation, it acquires the right of recourse against the perpetrator, who is normally required to pay the sum if his identity can be established.

*Other legislation*

48. In addition to the General Penal Code and the Code of Criminal Procedure, the principal statutory provisions on the protection of children are to be found in the Child Protection Act, No. 80/2002; it is not considered appropriate to go into further details on the provisions of that Act in this context.

**Plan of Action 2006-2011**

*Committee on violence against women*

49. The Committee on measures to combat violence against women is still working, having been reappointed in 2007 for a period of four years. By a resolution adopted by the Government on 18 October 2005, it was entrusted with the task of discussing measures against violence against children and also to prepare an action plan in connection with domestic violence and sexual violence. This was done at the instigation of the Minister of Social Affairs and the Minister of Justice and Ecclesiastical Affairs.

50. The committee worked on an action plan which was approved by the Government at its meeting of 26 September 2006. This plan is intended to run until 2011, and the main task of the committee will be to monitor the plan dealing with domestic violence and sexual violence. In drawing up the plan, attention was given to, amongst other things, a draft action plan on gender-related violence that had been drawn up by a non-governmental organisation and sent to some of the government ministers in April 2005.

51. The main aim of the action plan is to work against domestic violence and sexual violence which is directed against women and children, and also to improve the care facilities available for those who have suffered such violence or are at risk of doing so. It is divided into two parts. One covers measures against violence in the homes and sexual violence against children; the other covers domestic violence and sexual violence against women. In each part, there are four main guiding principles. The first of these is to increase preventive measures aimed at stimulating public discussion of violence against children and gender-related violence and to encourage a change of public attitudes. Secondly, the aim is to give support to staff of institutions so as to enable them to identify the signs and consequences of violence against children and gender-based violence, and to assist the victims. Thirdly, the aim is to ensure suitable assistance for the victims of domestic violence and sexual violence, and the fourth aim is to strengthen methods designed to provide

treatment for the perpetrators in order to break the vicious circle which is often a feature of this violence.

52. The action plan is wide-ranging, comprising 37 separate measures covering all aspects of the problem that are considered likely to have an affect in reducing violence in the homes of children and sexual violence, including preventive measures, support to employees in public institutions so as to enable them to identify indications of violence, measures to ensure appropriate assistance and, last but not least, to break the vicious circle in which violence often thrives. Each measure, together with the aims involved, is described in detail. The project is administered by the Ministry of Justice and Ecclesiastical Affairs, the Ministry of Social Affairs, the Ministry of Health and Social Security and the Ministry of Education, Science and Culture, and the Union of Local Authorities in Iceland participates in some of the individual parts.

### **Other**

**Question 17: Please inform the Committee about the status of the Regulation on Punishments that is to be issued under the new Act on the Application of Punishments (No. 49/2005).**

53. Two regulations have been issued under the Act on the Application of Punishments: No. 961/2005, on the application of punishments, and No. 347/2007, on the training of prison warders. The former consists of 25 articles containing detailed provisions on the role of the Prison and Probation Authority, treatment and placement schedules, work in the prisons, study, work or vocational training outside the prisons, the presence of infants in the prisons, the structure and monitoring of visits, authorisation to prisoners to grant interviews to the media, conditions for probationary release, remand, remand prisoners and the processing of personal data.

**Question 18: The Committee welcomes Iceland's signing of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in September 2003. In this regard, please indicate the status with regard to the ratification process.**

54. The Government of Iceland is currently examining the measures necessary to meet the obligations undertaken by the signing of the optional protocol. No systematic monitoring of the places where persons who have been deprived of their freedom are held exists, as is called for by the protocol. Monitoring of this type has, however, been carried out by the Parliamentary Ombudsman to some extent, and by the European Committee on Measures Against Torture (Evrópunefnd um varnir gegn pyndingum). However, monitoring by the Ombudsman is not regular.

55. Experts at the Ministry of Justice have examined the provisions of the protocol, and are giving particular attention to the question of whether a special institution or committee should be

established with the role of carrying out regular monitoring in accordance with the optional protocol. In this context, attention is being given to the question of how such a committee would be appointed, how it would be composed, how its members would be selected and what authority it would have. It is not considered appropriated to entrust these functions to any already existing body.

**Question 19: Please indicate whether there is any legislation aimed at preventing and prohibiting the production, trade, export and use of equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatment. If so, please provide information about the content and implementation of such legislation. If not, please indicate whether the adoption of such legislation is being considered.**

56. Icelandic legislation includes a Weapons Act, No. 16/1998. "Weapon" is defined for the purposes of the Act in Article 1 as any device or substances that can be used to kill, or to damage the health of humans or animals, temporarily or permanently, there being reason to assume that the use of the device or substance is intended, in terms of the circumstances, for this purpose. This definition is intended to cover all devices that could be categorised as weapons of attack under specific circumstances.

57. The Weapons Act applies to a) firearms, b) ammunition, c) explosives, d) fireworks, e) other weapons such as knuckledusters, bows and arrows, weapons designed for administering blows; stabbing weapons and weapons with blades, electric weapons, gas weapons and f) substances and devices which, under the definition of the first paragraph of Article 1 are not considered to constitute firearms, ammunition, explosives or fireworks but possess similar properties and effects and g) imitations of the weapons listed in items a-f.

58. It was stated in the general comments on the Weapons Act when it was presented as a bill that weapons are dangerous and that in general, efforts should be made to prevent their use, exceptions being made when there are valid reasons for doing so. The comments also state that the connection between weapons and crime is recognised as a problem all over the world, for which reason every effort should be made to restrict the ownership of weapons. The fundamental principle of the Act is stated as being that all weapons should be banned unless they are specifically permitted by law.

59. The Weapons Act imposes restrictions on the manufacture, importing and exporting of weapons, trading in weapons and their use. Thus, no person is permitted to manufacture, import, export or trade in firearms, ammunition, explosives or fireworks for commercial purposes except with a licence from the National Commissioner of Police and after meeting certain conditions set forth in detail in the Act.

60. The Act contains provisions specifically prohibiting the importation or manufacture of: a) automatic or semi-automatic pistols, b) automatic or semi-automatic rifles, c) automatic shotguns



and semi-automatic or manually-loaded shotguns with magazines taking more than two cartridges. Also, the importation and manufacture of imitation weapons is prohibited, providing there is reason to consider that it is difficult to tell them apart from their originals. Moreover, it is not permitted to import, manufacture or own particularly dangerous types of weapon, or parts thereof, which are intended solely for use in warfare, and ammunition, fireworks and explosives of that type.

61. The Act also imposes restrictions on the handling of weapons as defined above. Thus, no person may own or use firearms without first obtaining a firearms licence issued by the National Commissioner of Police. Applicants for firearms licences must meet conditions which are set forth in detail in the Act. They must have reached the age of 20 and may not have been deprived of their legal competence; they may not have committed violations of the General Penal Code, the Alcoholic Beverages Act, the Addictive Drugs Act, the Act on the Protection and Hunting of Wild Birds and Mammals or the Weapons Act, and must have sufficient knowledge in order to handle firearms, be of sound mind and be capable, in other respects, of handling firearms. In addition, applicants for firearms licences must attend a course in the handling and use of firearms and pass a test at the end of it. Licences may only be issued for the use of fireworks for a specific purpose, e.g. in connection with work, for the purpose of collection, for the pursuit of marksmanship sports or for hunting. Furthermore, no person is permitted to handle explosives or carry out blasting work without meeting conditions set forth in the Act and having received a licence from a police commissioner.

62. The Weapons Act also prohibits the importation, manufacture, ownership or possession of blade-weapons with blades longer than 12 cm unless they are intended for use in housekeeping or in connection with work, flick-knives, flick-daggers, butterfly knives, butterfly daggers, stabbing weapons or other such weapons, weapons intended to administer blows such as knuckle-dusters, spiked maces, coshes, clubs that are not intended for use in sport and also electric weapons, swords, weapons that are combinations of striking and bladed weapons, throwing stars, throwing knives and other such weapons, crossbows, longbows, boluses and other such weapons, and also arrowheads. The aim of this provision is to prevent the importation and use of all types of concealed and street-fighting weapons. However, the National Commissioner of Police may grant licences for the weapons listed above if they have value as collectors' items or other particular circumstances favour the granting of such licences. These exceptions have been applied very seldom. Persons other than the police are not permitted to import, manufacture or own handcuffs or fetters made of metal or other substances. The same applies to spray-weapon such as gas weapons and teargas weapons.

**Question 20: Please provide information on the legislative, administrative and other measures the State party has taken to respond to the threat of terrorism acts, and please describe if, and how, these measures have affected human rights safeguards in law and practice. Please describe the relevant training given to law enforcement officers, the number and types of convictions under such legislation, the legal remedies available to persons subjected to anti-terrorism measures, the number of complaints of non-observance of international standards, and the outcome of these complaints.**

## **Legislative and administrative measures adopted in relation to terrorism**

### *Public Announcement No. 867/2001*

63. Based on Act No. 5/1969 regarding the Implementation of United Nations Security Council Resolutions, the Icelandic Government decided to implement Security Council Resolution 1373 by a Public Announcement, No. 867/2001, on 14 November 2001.

64. Public Announcement No 867/2001 prohibits Icelandic citizens, Icelandic entities, foreigners who stay in Iceland and foreign entities engaged in activities in Iceland to collect money or other kinds of financial means for the purpose of financing acts of terrorism which are criminalised under certain sections of the General Penal Code. The Announcement also prohibits those persons and entities mentioned above to release money or other valuables in their keeping which are the property of persons who have committed, or attempted to commit, the offences referred to, or of accessories to such offences or others who have supported such actions in other ways. The same persons are forbidden to establish funds for those who have committed or attempted to commit terrorist acts, or their accessories or other assistants, and to manage their assets or render them other types of financial services, directly or indirectly.

65. Furthermore, according to the Announcement it is obligatory for natural or legal persons who are authorized to provide financial services to the public to report suspicious transactions that might be linked to terrorist activities to the National Commissioner of the Icelandic Police. The Announcement provides that persons and legal persons authorized to provide financial services to the public are under legal obligations to report suspicious transactions that might be linked to terrorists. According to Icelandic law only authorized persons or legal persons can undertake transactions of money and other financial means for the public. Transactions in this respect apply to a wide range of activities and not only to traditional banking services. Disregarding or acting in contravention of the provisions of the Public Announcement are subject to a maximum penalty of two years imprisonment.

### *Act No. 99/2002 amending the General Penal Code*

66. By Act No. 99/2002 the General Penal Code (GPC) was amended in order to fulfil the obligations of Iceland under the International Convention for the Suppression of Terrorist Bombings of 15 December 1997 and the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999. The purpose of the amendment was also to enact into the Penal Code the substantive part of the Security Council Resolution No. 1373/2001. With the amendment three provisions relating to the financing of terrorism, i.e. Articles 100 (a), 100 (b) and 100 (c), were added to the GPC.

67. *Article 100 (a).* Under the Article terrorism is criminalized, subject to a penalty of a maximum of life imprisonment. In order to fall under the scope of the Article, the purpose of acts committed must be at least one of the following:

- (a) To cause considerable fear among the public;
- (b) To illegally force Icelandic authorities, foreign authorities or international organisations to take action or to refrain from taking action.
- (c) To weaken or cause harm to constitutional, political, economical or social foundations of any state or international organisation.

68. The acts in question must involve at least one of the following crimes which are subject to a penalty according to the GPC:

- (a) Manslaughter;
- (b) Assault;
- (c) Deprivation of liberty;
- (d) Threat to traffic safety, causing disorder to public transport or causing considerable damage to property, and be committed in such way that they threaten human life and could cause considerable damages to property;
- (e) Hijacking of aircraft or causing threat to people staying in international airports;
- (f) Arson, causing explosions, circulation of dangerous gases, causing flooding, shipwreck, accident or failure of trains, cars or aircraft, general shortage of drinking water or contaminating water sources or water pipes or poisoning or placing dangerous substances in merchandise or objects for public use.

69. It is a further condition that the actions, considering their nature and circumstances when and where they were committed, must have the potential possibility to seriously harm a state or international organisation. It is subject to the same penalty under this Article to threaten to commit terrorist acts.

70. *Article 100 (b)*. The Article criminalizes the financing of an act of terrorism and terrorist groups and is mainly based on paragraphs 1-3 of Article 1 of Security Council Resolution 1373. According to the article it is a criminal activity to support, both directly or indirectly, by granting money or other financial means to a person, association or group of people that aim to commit acts of terrorism as defined in Article 100 (a). Furthermore, it is unlawful to provide or collect capital for such person, association or group of people or make capital available to them in any other way. The penalty for committing these kinds of acts is a maximum of ten years imprisonment.

71. *Article 100 (c)* addresses support to terrorist groups. The Article makes it subject to penalty to assist, by words or actions, persuasion, motivation or by some other means to support the criminal acts described in Articles 100 (a) and 100 (b) or to express support for the policy of an association or group which have committed such crimes as described in Articles 100 (a) and 100 (b) and which activities or policy imply that such crimes are committed. The maximum penalty for such crimes is six years' imprisonment.

72. No persons have been prosecuted or convicted in Iceland for activities related to terrorism and there have been no cases where the measures listed above have been invoked.

73. Regarding the training of police officers, reference should be made to the reply to Question 12 above.

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