



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

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**Committee against Torture**

**Fourth periodic report submitted by Iceland  
under article 19 of the Convention pursuant to the  
optional reporting procedure, due in 2012\* \*\***

[Date received: 16 October 2018]

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\* The third periodic report of Iceland (CAT/C/ISL/3) was considered by the Committee at its 826th meeting, held on 9 May 2008 (see CAT/C/SR.826). Having considered the report, the Committee adopted concluding observations (CAT/C/ISL/CO/3).

\*\* The present document is being issued without formal editing.

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**Written replies by the Government of Iceland to the list of issues (CAT/C/ISL/Q/4) to be taken up in connection with the consideration of the fourth periodic report of Iceland (CAT/C/ISL/4)**

**Replies to paragraph 1**

1. Article 68.1 of the Icelandic Constitution clearly states that no one may be subjected to torture or any other inhuman or degrading treatment or punishment. The wording of this provision is almost identical to the wording of Article 3 of the European Convention on Human Rights, which has also been incorporated in to Icelandic law. It is accepted that the constitutional provision would be construed in accordance with the Convention and the case-law of the European Court of Human Rights. In the Icelandic criminal legislation there is no special provision concerning torture.

2. As has been described in previous reports, all forms of physical violence are punishable under chapter XXIII of the General Penal Code, and chapter XXIV on violations of personal freedom can also be relevant to this. This applies to torture as well as other forms of physical violence. Chapter XIV contains special provisions criminalizing offences committed in any official capacity. These provisions apply to any conduct described in Article 1 of the Convention. In light of this, it is the view of the Icelandic authorities that the act of torture is sufficiently covered in the Icelandic legislation, despite the fact that no term corresponding specifically to torture as such.

3. It should also be noted that national law is interpreted in accordance with international law. Therefore, should the content of the term be tried before Icelandic courts, it would be interpreted in accordance with the provisions of Article 1 of the Convention.

4. A new Act on the Execution of Sentences was passed by the Icelandic parliament in 2016, cf. Act No 15/2016. The Act provides for the execution of sentences, control and structure of the prison system, prisoners' rights and obligations, procedure and appeals, etc. Additionally, Act No. 15/1990 was enacted because of Iceland's ratification of the European Convention against Torture of 1990. Its provisions specify how Icelandic authorities are to assist the Committee for the Prevention of Torture when it examines the conditions afforded to persons deprived of liberty in Iceland. The committee has visited Iceland four times – in 1993, 1998, 2004 and 2012. The Committee's reports on its visits to Iceland can be found on the CPT website.<sup>1</sup>

5. In addition, Icelandic law provides for measures to protect persons from torture and other inhuman treatment. The danger of such treatment is deemed not only to exist in prisons, but also, for example, where persons have been deprived of their liberty by reason of mental illness and committed to hospitals against their will or where adolescent persons, who cannot be held criminally responsible for their actions because of their age, have been committed to institutions against their will. Such danger is also deemed to exist where an individual is placed in full personal charge of another individual, or where a person is dependent on another person by reason of his or her position. Situations that may be examined in this context include the treatment of children in homes or schools and of patients in hospitals. The law responds to this, to some extent, by protective provisions regulating such situations in order to prevent cruel, inhuman or degrading treatment.

6. Impartial investigation is to be carried out by the authorities in the event of a suspicion that torture has taken place, and persons have the right to press charges if they have been subjected to torture or other inhuman or degrading treatment. In 2015 the Minister of Interior appointed a special committee whose task was to make suggestions on how to improve the handling of complaints against the police to emphasize the importance of these issues and make sure that citizens knew that any complaints they had were given due attention. Article 35 of the Police Act, No. 90/1996, reflects the recommendations given in the committees' report. An independent monitoring committee now oversees the function of the police and receives complaints by those who believe they have been

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<sup>1</sup> See <http://www.coe.int/en/web/cpt/iceland>.

subjected to criminal violations by police officers in the course of their work. Furthermore, a prisoner may lodge a complaint on account of torture by a prison warden. Such complaint can be directed to the prison director, to the Prison and Probation Administration or to the Police Commissioner with jurisdiction in the area where the prison is located.

7. The Parliamentary Ombudsman has, at his own initiative, undertaken the examination of certain aspects of the prison system in recent years and submitted his opinions on them. After one of such opinions from the Ombudsman, the before mentioned committee was appointed and made suggestions on amending the Police Act, as described above.

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

### Replies to paragraph 2

8. The Code on Criminal Procedure, No. 88/2008, protects the rights of arrested persons and remand prisoners in cases of criminal investigations. A defendant arrested by the police due to the investigation of an offence has the right to contact an attorney immediately upon arrest. Furthermore, the defendant has a right to be appointed a defence lawyer, upon request. This is reaffirmed in the Regulation on the legal status of arrested persons and interrogations by the police etc., No. 651/2009. According to Article 1 of the regulation, a person arrested by the police has the right to contact an attorney immediately upon arrest, and to contact close family members. The duty officer or the officer responsible for the investigation may postpone the arrested person contacting relatives if there is reason to believe that this may hinder the investigation. However, the close relatives of a suspect shall be notified as soon as possible of his arrest and where he is being held in custody.

9. According to paragraph 1, Article 20 of Regulation No. 651/2009, the police are to write down in police records detailed information about an arrest and the custody of an arrested person in a detention facility.

10. A special information sheet has been prepared by the Ministry of Interior (now Ministry of justice) in several different languages, e.g. English, French and Polish, detailing the information given to an arrested person as prescribed by law in a simple and concise manner. According to Article 2 of the information sheet, an arrested person is entitled to contact a lawyer as soon as possible after the arrest. Furthermore, an arrested person is entitled to have a defence attorney appointed by the police and consult with the attorney in private. The police have the obligation to comply with the wish of an arrested person of having a certain lawyer appointed.

11. Article 6 of the aforementioned sheet ensures that if an arrested person suffers from an illness or injury the police should rightly procure the aid of a physician. In such cases the person may also request that the police summon a particular physician, but in that case any excess cost will have to be borne by arrested person. Furthermore, Article 99 in the Code on Criminal Procedure (No. 88/2008) ensures remand prisoners an access to a doctor upon their request. Moreover, remand prisoners are entitled to visits. However, the officer in charge of the investigation can ban visits if it is considered necessary for investigative purposes. A remand prisoner should, nevertheless, always be authorized to communicate with and talk privately to the legal counsellor.

12. According to Article 23 of the Act of the Execution of Sentences No. 15/2016 a prisoner serving a sentence shall be authorized to notify his family and his lawyer at the

<sup>2</sup> The issues raised under Article 2 could also imply different articles of the Convention, including but not limited to Article 16. As General Comment n°2 (CAT/C/GC/2), paragraph 3, states “The obligation to prevent torture in Article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter “ill-treatment”) under Article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. (...) In practice, the definitional threshold between ill-treatment and torture is often not clear.” See further Chapter V of the same General Comment.

beginning of the imprisonment. The Article also states that prisons should have a medical examination at the start of their sentence. Furthermore, Article 29 states that prisons are entitled to the same health care service as the general public. Information on the state of health and medical history of the prisoner is to be recorded. Furthermore, portraits should be taken of the prisoner at the beginning of imprisonment. According to Article 77, a doctor should always examine a prisoner which is being put into solitary confinement or when a prisoner is placed in a security cell under Article 76. If possible, a doctor should see prisoners in solitary confinement daily.

13. According to Article 46 of the same Act, remand prisoners, not in isolation, are entitled to visits at least once a week. The prison director can, however, decide that a visit takes place under surveillance, if there is reason to believe that it will be misused, is likely to disturb the order and security in the prison or lead to a criminal offence. Visits from certain individuals can be banned for the same reasons. The reasons for limitations to visitation rights have to be explained in writing. Prisoners are always free to meet with their attorney without supervision, unless the attorney requests otherwise.

14. According to Article 11 of the same Act, prison wardens are authorized to use force under certain conditions if it is considered necessary. A doctor shall immediately be summoned if there is a suspicion that the use of force was harmful, in cases involving disease or if the prisoner requests medical assistance.

### **Replies to paragraph 3**

15. The Parliamentary Ombudsman receives complaints from inmates under consideration. The Ombudsman has also tried to have initiative supervision to some extent. In the budgetary proposals for the recent years, the Ombudsman has repeatedly stressed the need for the office to be able to monitor the incarcerated individuals to a greater extent. He has also taken up the issue in other fora such as during consultations with the constitutional and parliamentary monitoring committee and in annual reports to Parliament. He has expressed his concern about the limited possibilities to conduct such monitoring checks.

16. The Icelandic government is in the process of ratifying the UN Optional Protocol of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). In light of this, a proposal to amend the Act on the Parliamentary Ombudsman was put forward in the spring of 2018. It is expected to be passed by parliament in the fall of 2018, making the Parliamentary Ombudsman the National Prevention Mechanism (NPM) under the optional protocol which will subsequently be ratified. Funding has already been provided and the Parliamentary Ombudsman has begun to prepare for the role.

17. The Icelandic Human Rights Centre (ICEHR) was established in 1994 and serves as Iceland's national human rights institution. Its role is to advance human rights through promotion of research and education, as well as raising awareness. The ICEHR also serves a monitoring role and has commented on both legislative proposals and public policy and provides information to international monitoring bodies on the state of human rights in Iceland. The ICEHR has received funding on a regular basis from the Government since 2008. However, it is not set up by law and therefore does not comply with the Paris Principles. A legal proposal to establish a National Human Rights Institution compliant with the Paris Principles is being prepared by the Ministry of Justice and expected to be ready by spring 2019.

### **Replies to paragraph 4**

18. Combating violence against women is a matter of priority for the Icelandic government. It is a matter of concern that only a small portion of rape victims file charges, and that few charges lead to indictments or convictions. Extensive consultation on the matter has been launched under the auspices of the Ministry of the Interior (now Ministry of Justice), with the participation of academics, the police, NGO's working with rape victims, the Public Prosecutor and the judicial branch.

19. In December 2014 the National Commissioner of the Icelandic Police issued new procedural rules on the procedure and registration of domestic violence cases reported to

the police. The new rules replaced rules on the same matter from 2005. The new procedural rules were based on, inter alia, a pilot programme with a new approach to domestic violence launched by the Police District of Suðurnes, and on Act No. 85/2011 on restraining order and expulsion from home. The rules provide e.g. that victims should be given information about what social and legal measures are available to them. Information on the same matter should also be given to the alleged perpetrator. The General Penal Code contains provisions prescribing heavier sentences in cases concerning sexual abuse and other violent cases where there are close relations between the perpetrator and the victim.

20. Regarding domestic violence cases, please see table below. Police statistics from 2010–2016 show that there are about 1200 to 1700 cases of domestic violence reported annually.

**Number of domestic violence cases in the years 2010–2016:**

	2010	2011	2012	2013	2014	2015	2016
Cases of domestic dispute	923	892	971	974	1116	880	844
Cases of domestic violence	297	304	341	374	413	807	823
<b>Total</b>	<b>1 220</b>	<b>1 196</b>	<b>1 312</b>	<b>1 348</b>	<b>1 529</b>	<b>1 687</b>	<b>1 667</b>

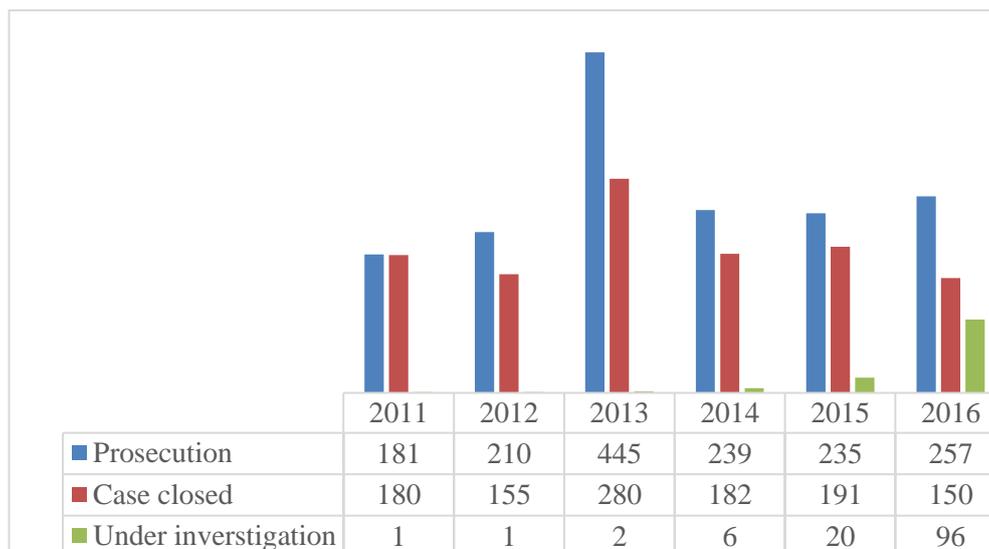
21. The increase in domestic violence cases can be explained by the new procedural rules on the procedure and registration of domestic violence cases reported to the police introduced late in 2014. A higher caseload suggests that public awareness about domestic violence is increasing and that cases are being registered more accurately.

22. Data from the years 2006 and 2007 indicated that most of the victims of domestic violence are 18–34 years old, or around 54% of all the cases. Following that are victims in the age group 35–51 years old, or 36% of all the cases. In only two cases the victim was younger than 18 years old and in one case the victim was older than 68 years old. In 54% of the above-mentioned cases, cases were closed without investigation, and in 34% of the cases investigation was closed. Only 12% of the cases led to prosecution. Of the 59 cases that were prosecuted during the period, there was a court ruling in 53% of the cases, but the statistical data does not show if it was an acquittal or a conviction.

23. As previously mentioned, new rules on the procedure and registration of domestic violence cases reported to the police were adopted at the end of 2014, following a successful pilot project by the Suðurnes Police. The aim of this new programme is to provide an integrated support system for victims. The police, social and child protective services, as well as schools and healthcare providers, work together in a coordinated fashion to respond effectively to domestic violence. Results from the pilot project between 2010 and 2015 show what more cases resulted in police interventions and more investigations were being referred to courts because of the new procedure. Furthermore, according to a study by the Institute for Gender, Equality and Difference at the University of Iceland from 2016, victims were overall satisfied with the new system and believed it was designed to meet their needs.

24. Regarding rape specifically, pursuant to Article 194 of the General Penal Code, that were reported to the police during the years 2009 to 2011; One-third of the victims were younger than 18 years old, and 41% were 18–24 years old. The youngest victim was 11 years old. This shows that in total 74% of the victims of rape were 11–24 years old.

25. Statistical data of sexual violence cases reported to the police in 2016, shows that 503 sexual violence cases were reported to the police. Of those, 159 were rape cases, 59 sexual violence against children and 37 sexual exploitation.

**Sexual violence cases reported to the police between 2011 and 2016:****Statistical data of sexual offences reported and prosecutions:**

	<i>Sexual offences reported</i>			<i>Prosecutions*</i>		
	2015	2016	2017	2015	2016	2017
Indecent behaviour	44	91	60	20	58	26
Pornography/child pornography	33	61	26	13	53	9
Sexual offence against children	131	106	97	80	67	46
Sexual harassment	45	45	69	22	17	9
Rape (194)	178	185	213	96	98	67
Prostitution	7	5	9	5	2	1
Sexual offences, other	4	5	3	3	1	0

\* *Preliminary numbers.*

**Statistical data of rape cases brought to the public prosecutor in the years of 2008–2014:**

	2008	2009	2010	2011	2012	2013	2014
Cases sent to the Public Prosecutor	41	44	39	55	64	70	69
Prosecutions	10	16	19	22	25	26	6
Convictions in the district court	5	9	13	13	14	16	3
Acquittals in the district court	5	7	6	9	10**	3	0
Not yet adjudicated in the district court						7	3
Appeals	4	7	12	13	13	17	3
Convictions in the Supreme Court	4	6	9	9*	7	11	1
Acquittals in the Supreme Court	0	1	3	3	3***	2	0
Not yet adjudicated in the Supreme Court					1	4	2

\* *One case was remanded and has not yet been adjudicated.*

\*\* *Charges were dropped in one case.*

\*\*\* *In one case the act was categorized under a different Article (physical assault).*

26. Regarding disparity between figures, the number of investigated cases of sexual offences is based on number of cases reported to the police that year. The number of prosecution and conviction is based on the number of cases that prosecutors received that year. Some of these offences were reported to the police the year before or even earlier. Not

all women that report violence or sexual violence go to shelters and not all women that go to shelters report the violence.

### Gender of victims in serious assaults

27. The Icelandic police database holds information about offenders of crime. However, information about victims cannot be gathered as easily. Reports have to be read to gather information on gender and age of victims.

28. The following statistics have been gathered regarding serious assaults (218.2. Article of the General Penal Code nr. 19/1940) reported to the police in 2014. In 2014, a total of 98 serious assaults were reported to the police, with 116 victims. Thereof, 21 were female, or 18% of victims. Female victim was in no case younger than 15 years of age. The figures are too small to show the age of victims per age group.

### Victims of serious assaults reported to the police in 2014:

	<i>Victims</i>	<i>%</i>
Male	95	81.9
Female	21	18.1
<b>Total</b>	<b>116</b>	<b>100</b>

### Female victims – prosecution and convictions

29. Two cases of 21 were still in investigation process at the police level when the data was gathered. In total 4 cases were closed without going to the state prosecutor. In total 11 cases (52%) were sent to the state prosecutor.

30. In these 11 cases, two cases were dismissed by the state prosecutor (dismissed according to 145 art., law nr. 88/2008), 2 cases were finished at the district court and 7 cases are still in process at the prosecutor level.

### Replies to paragraph 5

31. In 2002, the Minister of Justice introduced a special information booklet for crime victims, the first of its kind published by the government. It contains practical information on issues related to procedures and investigations in criminal proceedings, e.g. where to press charges and by what time, the police's duty to instruct victims, the victims' right to have a legal counsellor, access to case documents, witness protection, investigative procedure with the police and procedures before the courts, the right to payments from the Treasury as a victim of crime etc. The pamphlet was distributed to police stations throughout the country as well as to several relevant governmental institutions and non-governmental organizations.

32. In 2006 the Government launched an action plan (Plan of Action to deal with Sexual Violence and Violence in Close Relationships, 2006–2011), containing 37 actions to fight sexual and domestic violence. The chief objective of the plan was to combat domestic and sexual violence directed towards women and children and to improve services for victims of such violence and those who are at risk. The actions included: strengthening preventative measures, training of staff, ensuring appropriate assistance to victims and breaking the vicious cycle of violence by improving treatment available to perpetrators. A report of the Minister of Welfare presenting the results of the action plan was published in 2011.

33. Examples of the achieved actions are:

- Educational material for professionals: Books on violence in close relationships, including one general textbook for university students and four sector specific textbooks for civil servants working in the field;
- Educational seminars: For representatives of the police, social services, health sector and the Universities. The seminars provided a platform for professionals to meet and share their knowledge and experiences on the issue;

- Research on violence against women: An extensive research project was undertaken to assess the extent and nature of violence against women in close relationships. The research had 6 components that included a phone survey including 3000 women aged 18–80 (based on the International Violence against Women Survey – IVAWS), and 5 qualitative studies researching the following sectors: municipal social services, child protection, pre- and elementary schools, health services, police and civil society organizations;
- The Project called Home Peace, formerly known as Men taking responsibility, is a certified treatment program for perpetrators of domestic violence all over the country, funded by the Ministry of Welfare. The programme offers group therapy sessions as well as private sessions and from the year 2015 has been made available for female perpetrators as well. Action plans for municipalities to combat sexual violence: The municipalities of Reykjavík and Akureyri adopted such plans.

34. A collaborative team on domestic violence was appointed in 2013, consisting of representatives from the Ministry of Welfare, the Ministry of the Interior, the Centre for Gender Equality, the Women’s Refuge, the Association of Local Authorities, the police and the Child Protection Agency. Its role is to apply a coordinated policy on measures against domestic violence adopted in 2011, to enter into service agreements and to oversee experimental projects. It is also intended to establish permanent collaboration between the social services, the child welfare authorities, the health services, the Centre for Gender Equality, the police and NGOs.

35. Furthermore, in May 2013 the first study in Iceland on violence against disabled women was funded and published by the Ministry of Welfare.

36. In December 2014, the Minister of Social Affairs and Housing decided on additional funding for the new position of a psychologist at the National University Hospital which will provide treatment for victims of violence. In the year 2015 the Minister decided on funding for the University of Akureyri, for a new position of a psychologist, providing treatment and support for victims of violence.

37. A nationwide survey from 2010 on violence against women showed that there was a higher occurrence of violence against women in a particular area of the country, called Sudurnes in South Iceland, that had been hit hard by the economic crisis. The survey called for special actions by authorities. As a response, the police, social services and the local health authorities entered into cooperation on domestic violence. The project was called “Keeping the window open” and was awarded a prize for innovation in public administration. The methods of the project have subsequently been successfully implemented in the Capital area and in various other areas in the country. The project is a cross-sectorial co-operation project aimed at improving the first response of the police and the quality of investigations, to prevent repeated offences and provide better support for victims and perpetrators as well as make better use of the available measures such as restraining and expulsion orders.

38. The National Police Commissioner published new rules in December 2014, on procedures for the registration in cases of domestic violence reported to the police. The rules were to replace rules on the same subject from October 2005. The rules have been referred to the Public Prosecutor, the Ministry of Interior (now Ministry of Justice) and the chiefs of police. During the revision of the rules, the primary inspiration has been the aforementioned Act No. 85/2011 on Restraining Orders and Expulsion from the home, as well as the experience from the project mentioned above “Keeping the window open”.

39. As a part of the project the Ministry of Welfare and the local municipalities produced a brochure in three languages, entitled: “Is domestic violence a part of your life?”, and distributed it to every household in the region. The brochure addresses different types of violence and provides information on the available help and support.

40. In 2016 the General Penal Code was amended as a part of the ratification process of the Istanbul Convention (ratified in April 2018). Special article about domestic violence was added to the criminal legislation. Article 218 (b) para. 1 of the General Penal Code states that any person who intimidates repeatedly partner’s or children’s welfare or life shall be imprisoned for up to 6 years. The Article touches on partners and children who suffer

intimidation or violence from person living under the same roof or are in connected to the victim. The purpose of the Article is to increase protection for women and children from intimidation, violence, threats and rape from a person in close connection. If the offence is particularly dangerous punishment for the offence shall take the form of up to 16 years imprisonment.

41. In March 2017, four Ministers of the newly appointed Government signed a Declaration on cooperation, stating their intention to cooperate fully in the fight against violence. The Ministers involved are the Ministers of Social Affairs and Equality, Justice, Health and Education, Science and Culture. There is an emphasis on children, people with disabilities and other vulnerable groups. Further, the Declaration focuses on communication, cohesion and coordination at the local level as well as the national level. A Steering Committee with representatives from the relevant Ministries is currently doing a round of consultation meetings across the country with local authorities, professionals and NGOs, to bring the relevant parties together and open up the discussion on how regional cooperation can be strengthened.

42. In March 2017 a new Family Justice Centre called “Bjarkarhlíð” opened in the Capital area. The Centre is an example of cross-sectorial cooperation which has proven to be successful in the fight against violence in Iceland. The Centre is run in cooperation between the Ministry of Welfare, the Ministry of Justice, the City of Reykjavik, the Metropolitan Police and several NGOs working with and for the victims of violence. In the Centre, institutions and grass root movements are joined together in providing comprehensive support and counselling to adult survivors of violence. Meeting the needs of survivors in a safe and caring environment, has given many survivors the strength and courage needed to deal with the aftermath of violence. The plan is to open a similar Centre in Akureyri, in the North part of Iceland.

43. Further, the Centre for Gender Equality started on 1 April 2017 a project against gender-based violence and has received funding from the Rights, Equality and Citizenship Programme of the EU. The project will be carried out in cooperation with i.a. the Ministry of Welfare, the Ministry of Justice, the National Commissioner of the Icelandic Police, the Metropolitan Police and the cities of Reykjavik and Akureyri. The main purpose of the project is to eliminate gender-based violence in Iceland and the goal is to increase the number of formal complaints of violence to the police with approximately 20%, during the duration of the two-year project.

44. The core of the project is to share experiences of working methods that have been proven to work, connect the different entities that work in the area, provide education and bring about an awareness awakening for the whole population. The work is not going to focus on new services but to strengthen the existing and available services and increase the knowledge and ability of professionals in detecting violence. There will be a particular focus on vulnerable groups, which research have shown, in this context, to be women with an immigrant background, disabled women and pregnant women. The project is for the whole country, divided by Police Districts.

#### **Replies to paragraph 6**

45. Out of all domestic violence cases reported nationwide, 68% are reported in the Capital Region. On 12 January 2015, the Mayor of Reykjavík and the Chief of Police in the Capital Region signed an agreement on combating violence. The aim of the agreement was to increase knowledge and improve practice in cases of domestic violence, to secure the safety of citizens in their homes, increase assistance for victims and perpetrators and improve the situation of children living with domestic violence.

46. In January 2015 new rules on procedures for the registration in cases of domestic violence reported to the police entered into force. According to the rules, cases are to be registered as cases of “domestic violence” given that the victim and the perpetrator are close, connected or related. If there is no suspicion of violence, the case reported is to be registered as a “dispute between related or connected persons”. The police are to grant thorough assistance and instructions to the victim and the perpetrator. The police need to know all the recourses available to the victim, such as services of non-governmental

organizations and the State Hospital. If, in the opinion of the police, the victim is in a vulnerable situation towards the perpetrator, the police should hand the victim an information booklet for victims of crime. Furthermore, in such a situation, the victim should be informed of their rights and appointed a legal counsellor. Finally, the victim is to be informed of Act No. 85/2011 on Restraining Orders and Expulsion from the home.

47. According to the abovementioned rules, cases registered as “domestic violence” or “dispute between related or connected persons” shall be reviewed monthly by directors or other managers within the police which have been assigned that task. The review should be aimed at assessing whether the case was registered in a correct manner and whether the response of the police was in accordance with the rules.

48. Regarding assistance to victims of trafficking it can be noted that in December 2014, the Minister of Social Affairs and Housing and the Women’s Shelter signed a contract which guarantees a place in the Women’s Shelter for victims and potential victims of trafficking, while the case is being investigated by police authorities and the circumstances of the victim are being looked into by social services. A team of experts will then consider every case to provide for assistance, security and protection after the end of the stay in the Women’s shelter.

49. In December 2014, a Declaration of Cooperation was signed by the Minister of Social Affairs and Housing, the Minister of the Interior and the Minister of Education and Culture, providing for a cooperation throughout the country between social services, child protection authorities, the educational system, the health care system, the police and the prosecution authorities. This cooperation targets violence against women, children, sexual, physical and mental violence and violence against disabled people and other vulnerable groups. The cooperation will further target hate speech. The Declaration placed an emphasis on improving working methods and to increase preventive measures and education, for the general public as well as professionals.

50. With the Act on Restraining Orders and Expulsion from the home No. 85/2011 two fundamental changes were made in this area. Firstly, the police are now authorized to impose a restraining order, which must be confirmed by a district court judge within three days. Secondly, the police are authorized to expel an alleged perpetrator from his home in cases of domestic violence, i.e. “the Austrian-Model”. The main aim with the Act was to further strengthen the legal status of the victims, especially those who endure domestic violence. According to the general comments of the bill the passing of the law was a part of the government’s commitment to take action and eliminate gender-based violence. Now, that the decision-making power has been moved to the police, the time of procedure is shorter than it was before. According to former legislation, the judge had 48 hours to reach a verdict, whilst, according to the current law a decision shall be made within 24 hours of receipt of a request.

51. Since 2016 domestic violence is considered a serious offence in the General Penal Code, see also answer to question 5.

#### **Replies to paragraph 7**

52. Icelandic authorities allocate funding to the state hospital and various NGO’s that work conscientiously to ensure that all women, who are victims of violence, have access to immediate and appropriate protection orders and access to safe and adequately funded shelters.

53. Regarding the immediate and appropriate protection for victims of violence, the state hospital offers a special reception service for victims of sexual abuse. New and larger service for victims of sexual assault was opened on 10 January 2018 at the state hospital with improved facilities. The service is free of charge and is unrelated to whether the victims seeks to file charges or not. Counselling and support are provided and starts with a meeting with a nurse before the victim is medically examined. The purpose is to ensure wellbeing, treat injuries and collect evidence. A legal representative is available for all victims free of charge, both for general counselling or to be present when report is given and to prepare a claim for damages if the victim chooses to press charges. The service for victims of sexual assaults seeks to support all aspects, including psychological support and

counselling based on the victim's needs. Treatment in the aftermath of the trauma is offered when recommended. It is up to victims whether they accept all services available or specific parts and the service is always available.

54. Several NGO's in Iceland specialize in helping women and children that have been subjected to abuse or sexual violence. Many are part of the budget appropriation but most also receive grants from the private sector as well as from various ministries (such as the Ministry of Welfare). For example, The Women's Shelter is a shelter for women and their children who have suffered abuse in their home by a family member. Stígamót is another NGO, which specializes in education and counselling survivors of sexual abuse and violence. Aflið, located in Akureyri, offers counselling for victims of sexual abuse and domestic violence. Drekaflóð was established in 2010 and is an education and counselling centre for victims of any forms of violence and their relatives. Bjarkarhlíð is the most recently established centre for victims of violence, located in Reykjavik. It provides support, education and counselling for victims. Gæfuspor is a program for victims of violence which was established in 2011. Lastly Blátt áfram is a grass root child sexual abuse (CSA) prevention organization established in 2004.

55. Below is a table of these NGO finances, both what they have received from the state budget and in grants from the government. Grants from the private sector is not included. The NGOs aim to help victims, each having their unique feature.

	2014	2015	2016	2017
The Women's Shelter	56.3	65.1	68.1	74.0**
Stígamót	71.8	65.5	68.5	74.5**
Aflið	.5	3.0	13.0	14.5
Blátt áfram	2.5	<i>n/a</i>	<i>n/a</i>	0.7
Drekaflóð	5.0	5.0	7.0	10
Gæfuspor	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	3.6
Bjarkarhlíð***	<i>n/a</i>	<i>n/a</i>	10.0	20.0

\* *All figures in million Icelandic krona.*

\*\* *Estimated final figure for this year.*

\*\*\* *Established in 2017.*

56. The findings of a quantitative study of violence against disabled women by the University of Iceland's Social Science Institute for the Ministry of Welfare were published in May 2013. This was the first study of its kind to be carried out in Iceland and is seen as providing an important insight into the many manifestations of violence against disabled women, illustrating the circumstances in which it occurs and the consequences it has. It was based on interviews with thirteen women who had all suffered violence in many forms both in childhood and as adults. The aim was to describe the nature of violence against disabled women and to examine the difference between violence perpetrated by individuals against disabled women, on the one hand, and institutionalised violence on the other. It was also designed to illustrate the circumstances in which violence of this type occurs and the consequences it has, how the danger of its occurrence is linked to the standing of disabled women in society and, finally, to propose methods of preventing violence against disabled women.

57. Since December 2014, the Ministry of Welfare and the Women's Shelter in Reykjavik have collaborated in providing an emergency shelter for women who are suspected victims of human trafficking and the project is funded by the Ministry. During the stay in the Women's shelter support can be provided to the victim by the municipal social services and other recognized parties while the case is being investigated by the police.

**Replies to paragraph 8**

58. Iceland is party to the UN Convention against Transnational Organized Crime and its optional protocols, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. Iceland is also party to the Council of Europe Convention on Action against Trafficking. Iceland is determined to fulfil its obligations and prevent any form of human trafficking in Iceland. The Icelandic Penal Code was amended in 2003 where human trafficking was explicitly made punishable with up to 12 years of imprisonment.

59. The National Action Plan against trafficking in human beings from 2009 has come into action in various ways:

(a) The police issued a detailed booklet and procedures on detecting and responding in possible cases of trafficking and prostitution. These include detailed information on pertinent legislation, both national and international, guidelines on how to identify victims of trafficking as well as the treatment of victims in cases of detection. In addition, the Police Academy curriculum takes note of the procedures;

(b) Iceland actively participates in the Council of Baltic Sea States Task Force against Trafficking in Human Beings;

(c) NGO's that specialize in helping women and children that have been victims of abuse or sexual violence have for many years been a part of budget appropriation in Iceland;

(d) In 2010, the Foreign Nationals Act was amended by the Act of Amendments No. 116/2010, which introduced two new types of residence permits for the benefit of victims of trafficking. The first new provision is a temporary residence permit for six months which the Directorate of Immigration shall provide for a person if he or she is suspected to be a victim of trafficking. The second provision authorizes the Directorate of Immigration to grant a victim of human trafficking a one-year renewable residence permit due to personal circumstances and/or due to cooperation with authorities during criminal investigations or criminal proceedings. The bill was drafted in the Ministry of Justice and Human Rights for the purpose of ratifying and implementing the European Convention on Action against Trafficking in Human Beings from May 3, 2005, and the United Nations Convention against Transnational Organized Crime (the Palermo Convention) of 15 November 2000, as well as the Protocol to the latter Convention, to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol);

(e) A new Act on Foreigners was passed by the parliament in 2016, replacing the Foreign Nationals Act mentioned in d). The main provisions are the same regarding victims of human trafficking. Temporary residency permits can now be up to 9 months, as opposed to 6 in the previous act. The renewable one-year residency permit is the same in the new Act on Foreigners;

(f) In 2003, Article 227(a) was added to the General Penal Code by the Act of Amendment No. 40/2003. The provision contains an independent definition of trafficking as a criminal act, based on Article 3 of the Palermo Protocol. The provision has now been amended by the Act of Amendment No. 149/2009, to be more in accordance with the wording of Article 3 of the Protocol, as well as Article 4 of the European Convention. The Article is intended to criminalize specifically the beneficiaries and perpetrators of trafficking and prostitution. These changes are meant to further strengthen the protection of women in vulnerable situations;

(g) Since the Act of Amendments No. 149/2009 came into force, there have been two Supreme Court judgments concerning a violation of Article 227(a), in Case No. 105/2010 and Case No. 224/2010. In the former case, the alleged perpetrator was acquitted but in the latter case, five out of six alleged perpetrators were convicted. For further information see the answer to question 9.

60. The Icelandic Police Commissioner issued guidelines on procedures on human trafficking and how police departments in Iceland should handle such cases. The guidelines are from 2010, but they have been under constant revision. They provide information for

police officers on identifying victims of human trafficking and how to be aware of any symptoms possible victims may show at any point. Witness protection for victims of human trafficking has also been extensively revised to provide them with special protection.

61. The Metropolitan Police has made some changes to their investigation units and added an investigation unit focused on human trafficking and prostitution. They have also set up a special email address for tip-offs or inquiries about possible human trafficking.

62. In 2013 the Government approved an Action Plan against Human Trafficking. The plan was the result of a consultative process between various parties at the governmental and municipal level. The main emphasis of the Action Plan was divided into two parts. Firstly, to strengthen the judicial system to combat trafficking and, second, to provide victims of human trafficking support. The Action Plan was divided into four main parts to achieve the aforementioned goal. It defined actions to promote enhanced prevention and education on human trafficking, to ensure victims of human trafficking the necessary protection and support, to co-ordinate the approach and co-operation of police departments, social services, human rights organizations and other stakeholders, and lastly to improve the efficiency of effective research and prosecution in this field.

63. The 2013–2016 Action Plan for the prevention and protection against trafficking in human beings, recognizes that women and girls (children) are in particular risk of becoming victims of trafficking and servitude including sexual exploitation, forced labor or services or as surrogates, and its linkages with organized crime. It also stresses the relationship between human trafficking (supply side) on one hand and pornography and prostitution (demand side) on the other. A new action plan is being developed by the Ministry of Justice.

64. Two teams were established to address welfare services for survivors of human trafficking in 2015. A specialist and co-ordination team were established and tasked with overseeing the implementation of the abovementioned action plan. The team consists of representatives from the Ministry of Justice, Ministry of Welfare, Directorate of Immigration, National Police Commissioner, the Police Departments in Reykjavik and Sudurnes (where the national airport is located), the Icelandic Human Rights Centre and the Human Rights Office of Reykjavik as well as the Federation of General and Special Workers in Iceland. A smaller operational team is called together every time there is a victim, or suspicion of human trafficking, to exchange information on individual cases, focusing on how to assure that survivors of trafficking have appropriate welfare services and the co-operation between different service providers.

65. The main focus has been to educate the relevant sectors for identification and response. The emphasis is on municipalities and bringing together e.g. police, labour unions, health care workers and social workers from the same municipality. The aim is to get the different entities together, educate them and set up a response plan within the municipality. Thus, the process is brought much closer to possible victims. A more comprehensive collection of data began in 2014, with different entities and NGO's collecting the data. It should give a better overview of statistics and trends.

66. Over 70 programs have been held with over 2000 participants, all persons working with victims and suspected victims of human trafficking. In the years 2013–2016 over 43 million ISK has been arranged to factors related to human trafficking. Large part of the amount went to NGOs Stígamót and Kristínarhús which are shelters that support female victims of violence including human trafficking and prostitution. Other factors were financial support to victims, travel cost for victims, health service, education for personnel and foreign cooperation.

67. In 2015 the government and the Icelandic Red Cross signed an agreement stipulating that the latter would place special emphasis on providing support to victims of human trafficking. Under the agreement the Red Cross was to open a special "hot-line" for victims of human trafficking, provide assistance and make resources more visibly available. The Red Cross would also provide training for experts within the judicial system as well as raise awareness on the signs of human trafficking. Lastly, the agreement aimed to increase and strengthen the cooperation between various institutions and stakeholders.

68. Representatives from the Women's Shelter, Directorate of Immigration, The Icelandic Human Right Centre, The Ministry of Welfare, the Police, Women of Multicultural Ethnicity Network, City of Reykjavik, Multicultural Centre and Gender Equality Centre published a brochure on the rights of women which focused on immigrant women. The brochure focussed on their rights, particularly their legal rights regarding marriage, divorce, custody, finance, domestic violence and how and where to seek assistance. The brochure was published in nine languages and distributed in health care centres, social service centres and at the District Magistrate etc.

69. Small cards have been published with contact numbers for the rape trauma service centre, Women's Shelter, Emergency line, Red Cross and Counselling Centre for Survivors of Sexual Abuse. These cards are in five languages and have been distributed in various places such as hotels and healthcare centres.

70. In 2011 the Ministry of Welfare contracted the Icelandic Human Rights Centre for four million ISK to offer free legal counselling for immigrants with an interpreter. It has since become apparent that there is much need for this service. Most cases regard family matters, divorce, custody of children, etc., and in half of the cases violence was the reason for the divorce. The Ministry of Welfare also has an agreement with the Womens shelter to provide female victims and their children with a temporary safe house.

71. Authorities have put greater focus on addressing labour exploitation. Close knit co-operation between police, tax authorities and labour inspectors includes work-site inspections where conditions are reviewed as well as rights of workers and possible forced labour. A human trafficking team has been set-up at the Department of Labour and work procedures put in place. Specific measures at the Department of Labour include: increased employee awareness, increased cooperation with other government agencies e.g. police, tax authorities and trade unions, review of the process of work permits, temporary work agencies and posted workers cases are handled. Increased cooperation between supervisory bodies with special focus on social dumping and inspectors have had some training on how to spot possible trafficking cases.

### **Replies to paragraph 9**

72. Since the specialist and co-ordination team was established it has assisted and analysed about 20 alleged victims of human trafficking, using international guidelines as well as the guidelines set by the National Commissioner of the Icelandic Police. One of the key objects of the Action Plan on Human Trafficking 2013–2016 was to gather more detailed statistics on these alleged victims of human trafficking. This work will continue to be one of the main objects in a new Action Plan on Human Trafficking.

73. Two cases have been brought to the Supreme Court regarding human trafficking in recent years, namely in 2010. (See cases no. 105/2010 and case No. 224/2010) The former concerned a woman charged with several violations, including drug offences, assault, trafficking and financial exploitation of other women. She was alleged to have tricked a foreign woman to come to Iceland with unlawful deception, under the pretence that she would be coming for summer vacation. The accused woman was alleged to have forced her to work as a prostitute. However, she was acquitted of violation of Art. 227 (a) of the General Penal Code, which criminalizes human trafficking.

74. In the latter case however, five people were found guilty of human trafficking according to Art. 227 (a) of the General Penal Code for transferring a Lithuanian woman to Iceland by coercion and deprivation of liberty, in order to exploit her sexually. The defendants were sentenced to 4–5 years of imprisonment.

## **Article 3**

### **Replies to paragraph 10**

75. Since the last report, various changes have been made to the Act on Foreigners. In 2010 extensive amendments were made to the international protection chapter of the Act. The main purpose of the amendments was to further strengthen and ensure the protection of

rights of applicants of international protection, i.e. rules on procedures regarding applications for international protection. The amendments also included a regime for subsidiary protection, more precise rules regarding residence permits on humanitarian grounds and further legal aid to those whose application for asylum has been rejected. The principle of non-refoulement was incorporated to the Act on Foreigners in a clearer way than before. The principle was based partly on Article 3 of the Convention against Torture and the Convention and Protocol relating to the Status of Refugees.

76. The 2010 amendments also included a provision stating that a decision on deportation or refusal of entry would not be implemented until the danger posed to the foreigner is no longer impending.

77. The Act on Foreigners was completely revised in 2016. The revision was made by a committee consisting of representatives from all political parties in the parliament. The chapters on international protection were revisited and updated in accordance with international progression. More emphasis was placed on humanitarian approach and efficiency in procedures and services in cases regarding international protection. Changes were also made regarding residence permits on the grounds of international protection. The abovementioned amendments were mostly kept unchanged in the new Act, if anything the rules regarding the return of applicants of international protection have been made clearer and more accessible. In Article 37 of the new Act, a foreigner will now be granted international protection on the grounds of subsidiary protection if there is credible reason to believe that the person is in danger of being subjected to torture, other inhuman or degrading treatment or punishment or be sentenced to death if returned to their country. This applies even though the foreigner does not fall under the definition of a refugee according to the International Convention on the Status of refugees. In Article 42 it is stated that a person excluded from refugee status and other forms of international protection can be granted a temporary residence permit if their return to their home country would violate non-refoulement.

### **Replies to paragraph 11**

78. In 2014 further amendments were made to the Act on Foreigners. Despite the Act having been extensively revised in 2016, the amendments have been kept mostly in place. One of the main objectives of the 2014 amendments was to shorten the time that applicants for international protection must wait for a decision regarding their application.

79. An independent Immigration and Asylum Appeals Board was established as of 1 January 2015. The role of the board is to review the decisions of the Directorate of Immigration, whereas the Ministry of Interior (now Ministry of Justice) was previously responsible for such review. The Board consists of seven legal experts, but in addition the board has several experts in the field of immigration, refugee law and international human rights law at its disposal. The revision of the Act on Foreigners in 2016, see answer to question 10, also made changes to the Board, to further speed-up the application process. To this end for example the number of board members was increased from three to seven.

80. According to the provisions of the revised Act on Foreigners, the general rule is that when an appeal has been lodged by an applicant for international protection the legal effects of the decision are suspended. For example, if an asylum seeker has been denied international protection, he/she can lodge an appeal to the Immigration and Asylum Appeals Board and will not be forced to leave the country until the board has decided on his/her case. However, there are exceptions to this general rule, listed in Art. 35, para. 2, of the Act on Foreigners. The exceptions only apply when an application has been deemed manifestly unfounded and the applicant is a citizen of a country that the Directorate of Immigration has qualified as a safe country of origin.

81. Paragraph 6, Art. 104 of the Act on Foreigners states that legal action in court requesting invalidation of a final decision ordering a foreigner to leave Iceland does not suspend its legal effects. However, on the request of the foreigner in question the Appeals Board is authorized to suspend said legal effects in such cases where the decision is brought before Icelandic courts for reasons deemed justified. A request to that effect shall be filed not later than seven days from the date of notification of a final decision. Suspension of

legal effects is subject to the condition that the foreigner in question brings the case to court within five days from the date of notification of a decision on suspension of legal effects and applies for a rapid procedure. Where a request for rapid procedure is denied, legal proceedings shall be instituted within seven days from the date of the denial of the aforementioned request. The appeals committee for foreigners' affairs may however decide to suspend its implementation if it is established that the situation has changed significantly from when the decision ordering the foreigner to leave was taken.

82. It can also be noted that the Ministry of the Interior (now Ministry of Justice) and the Icelandic Red Cross signed an agreement in 2014 to, inter alia, expedite the processing of application for asylum and improve case handling procedures. The agreement was renewed on 8 March 2018.

### **Replies to paragraph 12**

83. On 27 June 2007, the Minister for Foreign Affairs decided to establish a working group to examine allegations of rendition flights on Icelandic territory or in its airspace. The working group was entrusted with examining underlying information provided by the various stakeholders in Iceland, including the mapping of traffic of relevant activity in Icelandic airspace during the period September 2001–July 2007. The working group concluded that aircrafts that may have been involved in alleged rendition flights had entered Icelandic airspace, including transit at Keflavik and Reykjavik airports, during the period in question but was unable to determine whether they had or not.

84. Following the publication in December 2014, of the Executive Summary of the US Senate Select Committee of Intelligence's Study of the Central Intelligence Agency's Detention and Interrogation Program, US authorities were requested to grant Icelandic authorities access to the study or, if full access is not possible, to provide information on whether Iceland figures in the study and, in that case, grant access to information pertaining to Iceland. US authorities informed the Icelandic authorities that they cannot grant access to the study or provide further information. However, the extensive summary of the aforementioned report was published and gave no further indication that the alleged rendition flights had a stopover in Iceland or that such flights had used Icelandic airspace.

85. The working group also concluded that the Ministry for Foreign Affairs had not been aware of any traffic in Icelandic airspace, or transit at Keflavik or Reykjavik airports, that involved prisoners or alleged terrorists who were neither protected by nor treated in accordance with international human rights treaties. Furthermore, it was noted while the transfer of prisoners as such, is not in breach of international law, any transfer through Icelandic airspace or landing at Icelandic airports involving prisoners subject to torture or other inhumane treatment in breach of international human rights treaties, would not be with the consent of the Government of Iceland and in violation of the Constitution of Iceland. Furthermore, the Working Group concluded that Icelandic authorities had not received any requests for overflight and landing of such aircraft and would not have authorised any such air traffic.

86. A co-ordination group was entrusted with the task of examining ways to strengthen surveillance of aircraft transiting in Iceland. The co-ordination group concluded that although surveillance was considered satisfactory, amendments were proposed that stipulate that in the case of any aircraft containing detained passengers, the pilot in command of such aircraft from a State not taking part in the Schengen Cooperation, must inform Icelandic authorities thereof. This amendment of the Icelandic Aeronautical Information Publication (AIP) entered into force on 10 April 2008.

87. It should also be noted that the Act on Air Transport was amended in 2015 so that Icelandic authorities can request further information on aircrafts as well as put in place further rules for arrivals and the transportation of foreign aircrafts in Icelandic airspace.

88. In 2017 Iceland joined "Global Alliance to end Trade in Goods used for Capital Punishment and Torture" and in September 2018 participated in its meeting in New York at the United Nation General Assembly.

## Articles 5, 7 and 8

### Replies to paragraph 13

89. Iceland has not rejected any requests for extradition by another State of an individual suspected of having committed an offence of torture.

## Article 10

### Replies to paragraph 14

90. The Prison and Probation Administration operates the Prison Wardens State Academy. The role and purpose of the Academy is to improve professional methods of prison wardens, increase their open-mindedness and knowledge of their profession and strengthen training in general. In the Academy special emphasis is placed on behaviour towards the prisoners and the handling of their cases with respect the fundamental principle. In the training there is, inter alia, an emphasis on how to deal with female prisoners and how some groups or individuals need to be shown special consideration. The psychologists and social workers at the Prison and Probation Administration are among teachers in the Academy. Furthermore, the Prison Wardens State Academy will further improve the curriculum of the Academy and aims to pay special attention into how to deal with juvenile and female prisoners.

91. According to Article 44 of the Act of Execution of Sentences prisoners under 18 years of age shall serve a sentence under the supervision of child protection authorities. The confinement of prisoners under the age of 18 in prison is not permitted unless a specialist evaluation is available showing that it is in their best interest, due to special circumstances and in accordance with the United Nations Convention on the Rights of the Child.

### Replies to paragraph 15

92. The Centre for Police Training and Professional Development at the National Police Commissioner of Iceland was established June 1 2016 as a result of changes to legislation regarding police education. Legislative amendments aim at increasing the quality and capacity of the police, dictating a restructuring of Police education. The education of police officers has been shifted to the university level and a NCIP Centre of Police Training and Development will be in charge of special training and development within the Police.

93. Transferring basic education from the police into the general education system was a complex move and thus Parliament decided to form a Centre for Police Training and Professional Development at the National Police Commissioner of Iceland. The main role of the Centre is to carry out practical training and oversee placements of police students, to oversee continuing education of police officers within the police, organise and supply specialised courses, to advise the authorities on matters concerning police education, and handle international relations at the level of police education.

94. The curriculum includes psychology, ethics, criminology along with law courses that aim to educate basic legal knowledge and the fundamental rights of citizens. Other subjects that are consider to benefit daily law enforcement are also obligatory. The primary aim is that police officers are conscious of Iceland's Human Rights commitments and aware of main conventions.

### Replies to paragraph 16

95. A special Steering Committee on comprehensive measures to combat sexual violence was established in 2018. The role of the committee is to develop progressive and well-adjusted measures for authorities to react to sexual violence and gender based and sexual harassment that corresponds with the Istanbul protocol.

96. There are no formal programmes for prison personnel on how to detect and identify signs of torture and ill-treatment. However, prison wardens are trained specially for their job, and two psychologists and two social workers meet detained persons and have

qualified training to detect their problems. The psychologists are notified by prison wardens if there is something in the detained person character or behaviour that is believed to be abnormal, thus warranting follow-up. The psychologists would subsequently meet the individual in question. Moreover, the psychologists and certain prison wardens pay special attention to all detained persons that are in solitary confinement because of temporary custody. A medical doctor also examines all detained persons as they begin serving their sentence. Furthermore, the option remains to send for other professionals within the Public Health System if necessary.

#### **Replies to paragraph 17**

97. Since 2008 the Icelandic National Police College has given both cadets in basic training and police officers attending courses for further training, the opportunity to get a better understanding of the term domestic violence. The College participates in CEPOL (European Police College) as an Associate Country and has been able to send specialists to attend courses there. Afterwards they teach and train at the National Police College (see also information about recent changes in police education in answer to question 16).

98. Furthermore, as was mentioned in the answer to question 4, new procedural rules were issued on the procedure and registration of domestic violence cases reported to the police in December 2014. The new procedural rules were based on, inter alia, the above-mentioned pilot programme<sup>3</sup> launched by the Police District of Suurnes, and on Act No. 85/2011 on restraining order and expulsion from home.

#### **Replies to paragraph 18**

99. The Government has made various efforts in training of law enforcement personnel and border guards on trafficking in human beings.

100. Iceland participates actively with Frontex, with special emphasis on human rights in relation to border controls. The border police at Keflavík International Airport has also sought extensive training for their personnel on human rights and human trafficking, e.g. identification of victims of human rights. Furthermore, the police have issued a detailed booklet and working rules on detecting and responding in possible cases of trafficking and prostitution. These include detailed information on pertinent legislation, both national and international, guidelines on how to identify victims of trafficking as well as the treatment of victims in cases of detection. In addition, the Police Academy curriculum takes note of the working rules.

101. Classes designed for the Border Police were provided in the years 2006–2009. The target group was police officers working specifically on land- and sea borders of Iceland. The goal of the courses was mainly to update the knowledge of the practitioners but also to fulfil the standards required by Frontex for knowledge of Border Police Officers. Three intensive courses for over 50 police officers were run on the subject and one of the topics was trafficking in human beings and measures available for the authorities to police those crimes as well as other cross border crimes. Organizers requested and received a visit from OSCE, whereby an expert gave a lecture on trafficking in human beings as part of one of the courses. The courses were followed by study visits to the Border Police in Keflavík International Airport and for some with study visits to Norway and Denmark.

102. In the year 2009 the Police College hosted an awareness seminar on trafficking in human beings with participant from the Police, the Minister of Justice, and the board of the Icelandic Police officers trade union. In the years 2007, 2008 and 2009 Iceland co-organized and hosted CEPOL-courses for 60 participants from Iceland and many EU-countries on measures against organized crime and about analysing crime trends in Europe. The courses were Octa-related with special emphasis on trafficking in human beings.

103. In annual courses designed for detectives and investigators, lecture time is dedicated to organized crime discussions and awareness of trafficking in human beings. In addition, the Icelandic National Police College sent one deputy police commissioner and two police

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<sup>3</sup> See also answer to question 5.

officers to the CEPOL-course Trafficking in Human Beings (2010/67) in Vilnius, Lithuania in 2010. That was done to increase knowledge of the phenomenon inside the Icelandic Police. Subsequently the College has informed the Police in Iceland about similar CEPOL-courses and advertised them inside the Police organization in Iceland. In December 2010 the High command of the College met with the Expert and co-ordination team on trafficking in human beings and the College subsequently made a new strategy plan on capacity building in that area of the Icelandic police through training and education.

104. In May 2016 the Ministry of Interior (now the Ministry of Justice), Ministry of Foreign Affairs and the Metropolitan Police held an open seminar about trafficking in human beings with the focus on labor exploitation. In September 2017 The Federation of General and Special workers in Iceland (SGS), the Centre for Police Training and Professional Development, City of Reykjavik, Metropolitan Police held an open seminar where the main focus was on modern day slavery.

105. The Centre for Police Training and Professional Development at the National Police Commissioner of Iceland was established 1 June 2016 as a result of changes to legislation regarding police education in Iceland. The Centre had courses for police officers in the field of human trafficking. Human trafficking is a special topic in one of the obligatory courses in Police Science at the University of Akureyri.

106. As outlined in answer to question 8 above, a specialist and co-ordination team was established that held over 70 educational programs around Iceland for over 2000 experts in this field, i.e. police officers, health care workers, social service workers and others who work with victims of human trafficking.

107. The Council of the Baltic States organized several seminars on trafficking in children, with eight representatives from Iceland participating; the Government Agency for Child Protection, the Ministry of Welfare, the Reykjavik Metropolitan Police and the Directorate of Immigration. The Ministry of Welfare participated in IOM's expert group on improving counter-trafficking efforts worldwide regarding Nordic health care professionals and counter-trafficking actors. The aim was to enhance health sector capacity to identify and respond to needs of victims of trafficking and to share Nordic counter-trafficking expertise. A seminar for diplomats was held in May 2017 in co-operation with the MFA and CBSS.

## Article 11

### Replies to paragraph 19

108. Regarding the use of solitary confinement of persons in custody disaggregated with reference to the average number of prisoners in custody in police stations, please see the table below:

<i>Year</i>	<i>Convicted prisoners (1)</i>	<i>Remand prisoners (2)</i>
2008	138.4 (20.8)	14.6 (4.2)
2009	137.1 (20.7)	20.1 (4.5)
2010	151.4 (17.2)	17.8 (4.2)
2011	158.4 (22.7)	16.2 (2.7)
2012	156 (31.8)	22.1 (2.8)
2013	163.4 (28.1)	17.5 (2.8)
2014	174.8 (37)	11.7 (1.8)
2015	160.0 (34.6)	16.9 (2.7)
2016	134.6 (27.9)	18.0 (1.9)

(1) *The daily average number of convicted prisoners serving non-probational imprisonment (thereof persons that are serving sentence outside of prison, at Vernd, a half-way house, hospitals, rehabilitation facilities, in electronic monitoring (from 2012) etc.).*

(2) *The daily average number of remand prisoners (thereof those who are in solitary confinement).*

109. In column 1 there is the daily average number of convicted prisoners serving unconditional prison sentences, within and outside of prisons, from 2008 to 2016. The numbers within the brackets show how many of them were serving their sentences outside prisons such as in Vernd, a half-way house, in rehabilitation facilities, hospitals, electronic monitoring (from 2012) etc. In column 2, there is the daily average number of remand prisoners, including those who have been in solitary confinement, from 2008 to 2016. The numbers within the brackets show how many of them were in solitary confinement on average per day each year.

110. Regarding convicted prisoners, the number has been growing from 2008 to 2014 but decreasing 2015 and 2016 due to fewer prison cells in use because of closing of one prison in 2015 and another in 2016. In 2008 there were on average 138,4 convicted prisoners serving their sentence per day while in 2014 there were on average 174,8 convicted prisoners serving their sentence per day. And then there were 160 prisoners serving their sentence per day in 2015 and 134,6 per day 2016. Regarding convicted prisoners serving a sentence outside prisons there were on average 20,8 convicted prisoners per day in 2008 while in 2014 there were 37. In 2015 and 2016 the number was slightly lower.

111. Regarding remand prisoners, the number of remand prisoners has been growing from 2008 to 2016. In 2008, there were on average 14,6 remand prisoners per day while in 2016 there were on average 18 remand prisoners per day. Regarding the number of remand prisoners in solitary confinement there were on average 4,2 remand prisoners per day in 2008, and similar in the following years, but the number has lowered significantly in recent years and was only 1,9 in 2016.

#### **Replies to paragraph 20**

112. Regarding interrogation rules, instructions, methods and practices, the Police Academy has implemented new methods to their curriculum on the physical use of force, including carrying out an arrest. These methods were developed in Norway and representatives from the Norwegian Police Academy visited Iceland to assist and instruct with the implementation. The new methods on physical use of force are thought to be more secure and effective, along with being more consistent with the principle of proportionality and humanitarian points of view. The rationale for the new methods is to minimize damage, harsh treatment or other discomfort for the individual concerned in the case of an arrest or other physical use of force by the Police.

113. Additionally, the State Prison and Probation Administration have, in collaboration with medical personnel at the prison Litla Hraun, prepared specific regulations regarding individuals held in security cells at the prison. The rules were based on, inter alia, comments from the report of the Committee for the Prevention of Torture (CPT) after its visit in 2012, and the procedural rules for the psychiatric ward of the National University Hospital of Iceland. Preparations are also underway for a specialist to give appropriate training to prison wardens, e.g. regarding the special equipment that is used in the security cells.

114. A new prison was built and taken into service in June 2016. It is a reception- and a pre-trial detention facility with 56 cells and a part of it is for women to serve their sentences. The old prison Hegningarhúsið in Reykjavík and the prison in Kópavogur have been closed.

#### **Replies to paragraph 21**

115. It can hardly be said that prisons in Iceland are overcrowded, since the general rule is one prisoner per cell, and more prisoners are not added to the cells even though there is a lack of space in the prisons. To be precise, the utilisation of prison cells is about 90–95% for security reasons. As mentioned before, the old prison Hegningarhúsið in Reykjavík is now closed (from 1 June 2016) as well as Kópavogur prison (from 22 May 2015).

116. Several measures have been taken to deal with the list of persons that have been convicted of crimes and are unable to serve their sentences. For example, amendments were

made in 2011 on the Execution of Sentences Act stipulating, inter alia, electronic monitoring as a new enforcement measure. The purpose of the changes is to monitor offenders who have been sentenced to unconditional prison sentence. According to the current legislation, when a sentence is 12 months the prisoner can complete serving the last 60 days at home which increased by 5 days for each sentenced month up to maximum 360 days. These individuals must work, study or participate in other activities to better prepare for social reintegration, as well as uphold certain conditions such as no alcohol or drug abuse. The prisoner must qualify to be monitored electronically such as to have a permanent residence which the prison service approves of. The prisoners' partner, guardian, closest relative or the homeowner must give permission for electronic monitoring in their home. A prisoner who has violated conditions of electronic monitoring in the previous 3 years or a prisoner who is being investigated by the police or has a case pending in the criminal justice system in which he is charged for a criminal offence does not qualify for electronic monitoring.

117. Additionally, the authority to enforce a sentence with community service was expanded with the amendments in 2011. When a person had been sentenced to up to nine months non-conditional imprisonment, it was possible to execute the sentence in the form of unpaid community service, if certain conditions were met. Before the amendments it was limited to a six months' prison sentence. According to the new Execution of Sentences Act from 23 March 2016 it has now been expanded to 12 months nonconditional imprisonment.

118. The following table shows numbers of persons on summons list over the past 8 years:

2010	2011	2012	2013	2014	2015	2016	2017	2018
300	368	446	455	486	498	525	570	536

119. In the year 2011 the division between genders was 23 women and 345 men waiting for serving sentences. 169 persons were in the age 21–30 years old. The summons list reached 618 persons on 1 November 2017 and is decreasing.

120. The following table shows the time passed since The Prison and Probation Administration received a judgement of conviction and until the execution of the sentence. Most convictions are due to so-called petty crimes.

1 year or less	2 years or less	3 years or less	4 years or less	5 years or less	Over 5 years
38%	22%	16%	12%	8%	4%

121. The following table shows the number of persons convicted who are unable to serve their sentence due to lack of space in prisons among other reasons. Convictions can reach expiration limits due to reasons such as the person moves to another country and extradition is not possible.

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018 <sup>4</sup>
0	1	2	3	6	9	20	35	32	34	28	20

122. The numbers do not always accurately describe how often the lack of space in prison impacts the time passed before the serving of a sentence starts. It should be considered that some persons ask for the execution to be postponed, others apply for community service etc. The Prison and Probation Administration prioritizes summons and among points that are considered are the length of sentences, persons considered dangerous and those who apply for starting their sentence sooner.

<sup>4</sup> Until 30 August 2018.

## Articles 12 and 13

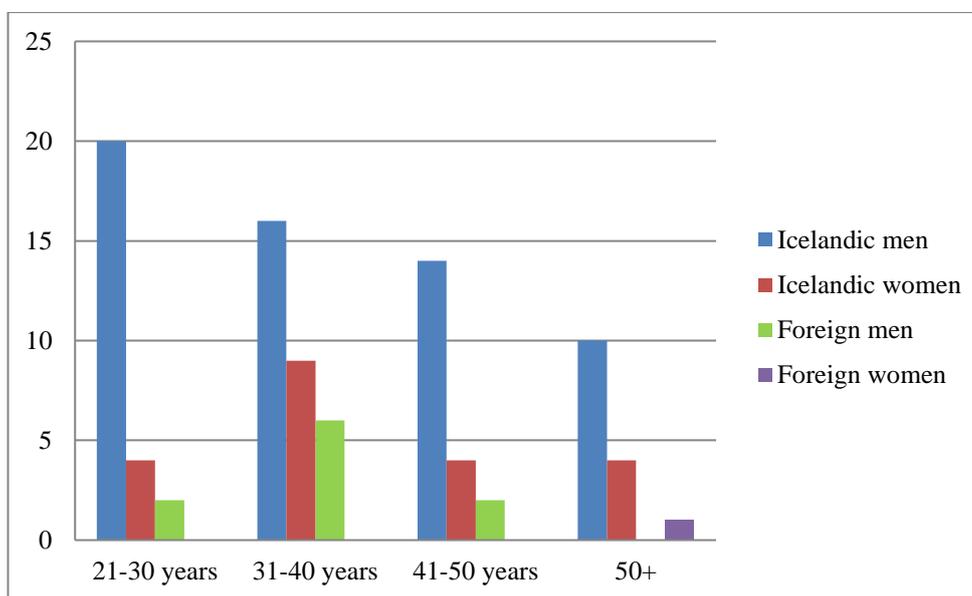
### Replies to paragraph 22

123. Regarding allegation of cases of inappropriate handling, the data refers to all law enforcement officers and border guards and is not disaggregated by their position within the police. For further information see the answer to question 23.

### Replies to paragraph 23

124. In total, 92 individuals filed complaints against law enforcement officials in the years 2008–2014. Out of these 81 were Icelandic (around 88%) and 11 were foreign (around 12%); from Albania (2), Lithuania (1), Norway (1), Pakistan (1), Poland (4) and Germany (2). 22 complaints were filed by women and 70 by men. 21 of the women were Icelandic and one was foreign whilst 60 of the men were Icelandic and 10 were foreign.

### Allegations against law enforcement officials in 2008–2014, disaggregated by gender, age and nationality of the complainant:



125. Prosecution took place in four cases. The complainants were all Icelandic, one woman and three men, all at the age of 24–31 years old. Of those four cases, all relevant officials were convicted of at least one charge. Regarding the penal/disciplinary sanctions applied, two of the officials concerned were sentenced to pay a fine, one was sentenced to prison for 30 days and suspended for two years, and in the last case the sentence was suspended for two years.

### Results in cases of allegations against law enforcement officials in 2008–2014:

Case dismissed	53%
Investigation cancelled	39%
Prosecution and conviction	4%
Prosecution cancelled	2%
Accusations withdrawn	1%
Did not give rise to investigation	1%

126. Since the Icelandic legislation does not have one definition of torture, there is no statistical data defined as such. Out of the abovementioned cases concerning alleged ill-treatment, 77 concerned allegations of duress (e.g. tough or insensitive treatment during arrest and/or whilst in prison cell). Other complaints concerned degrading treatment, threat,

death in police custody, ill-treatment, physical assault and physical injury due to recklessness.

**Types of ill-treatment allegedly committed by law enforcement officials in 2008–2014:**

Duress, e.g. during arrest	83%
Degrading treatment	10%
Threat	1%
Death in police custody	1%
Ill treatment	2%
Physical assault	1%
Physical injury due to recklessness	1%
No information	1%

**Replies to paragraph 24**

127. The Centre for Gender Equality has published a pamphlet for foreign women in Iceland called *Your right*, in cooperation with NGOs working with and for victims of violence, the Ministry of Social Affairs and Social Security (now the Ministry of Welfare), the Directorate of Immigration, Women of Multicultural Ethnicity Network, the Metropolitan Police and the Women's Shelter.

128. The pamphlet is available online and printed copies are available widely. It has been translated to seven languages and provides useful information on the Icelandic justice system, the equal rights of women and men according to Icelandic legislation, residence permits, divorces, custody of children, financial issues, violence in close relationships and personal threats. It also contains references to further information, including addresses, telephone numbers and websites of several institutions and organizations providing help and support.

129. The Women's shelter has been funded by the Government for 263,5 Million ISK in the years 2014–2017. The annual report of the Women's Shelter from 2015 states that women from 38 countries had stayed at the shelter. In the annual report of the Women's Shelter from 2017 it is stated that 68% of women using the services of the shelter were Icelandic, 19% of the women came from other countries within the Europe and 13% from countries outside of Europe. According to a study conducted by the head of the Women's Shelter on the situation of immigrant women who visit the shelter, there is a great difference in experience and situation of the women by geographic origin because of the regulation on free movement of workers within the European Economic Area (EEA).

130. The Multicultural and Information Centre provides information to immigrants on various issues by telephone and online through the webpage of the centre.

131. The Ministry of Welfare has entered into a contract with The Icelandic Human Rights Centre, an independent organization regarding the provision of legal counselling to immigrants. The services are free of charge for the users.

132. For further information on this topic, see answer to question 7.

**Article 14**

**Replies to paragraph 25**

133. The Icelandic criminal legislation does not define torture as a specific offence, as was mentioned in the answer to question 1. Every conduct liable to endanger or threaten people's life or limbs, including torture, is punishable by the General Penal Code in Iceland, and victims of such conducts can seek damages before the courts, either in a criminal or a civil matter.

**Replies to paragraph 26**

134. Compensation is paid to persons that have been victims of actions that are punishable under the General Penal Code, No. 19/1940. Domestic violence can be classified under various sections of the Penal Code. As mentioned in answer to question 5 there is a special Article about domestic violence.

135. Rape, sexual assault and sexual exploitation are punishable under section XXII, Article 194, through Article 210. Assault, battery and homicide are punishable under section XXIII, Article 211, Article 217 and Article 218 (b). Intimidation, coercion and unlawful deprivation of liberty are punishable under section XXIV, Article 225, through Article 227a. It is not a condition for compensation that the culprit has been convicted for the crime, although the condition must be met that it is beyond reasonable doubt that a crime has been committed against the person in question. The incident must have been reported to the police without an unnecessary delay. The criminal incident must also have been committed within the jurisdiction of the Icelandic state. It does not matter if the victim is an Icelandic citizen or of another nationality, given that not both the victim and the culprit are tourists.

136. The amount of the compensation is in most cases based on precedent and customary law in accordance with the compensation act of 1993, which gives determinative guidelines to the decision of the amount. If the compensation is settled in a court case, the state is bound to pay the amount that has been set by the court. The victim has an option though to raise its claims further at later stages, especially if the injury is sustained or permanent. That applies to both mental and physical injury. The litigant in each case can claim his compensation directly from the state and has no obligation to try to collect it first from the culprit. A claim for compensation must be put forward no later than two years after the criminal incident took place, unless the victim was of young age.

137. Compensation is limited to emotional and physical harm and expenses, such as legal fees and medical expenses. No special fee is paid for redress or rehabilitation. In the case of a sexual crime the victim gets free legal aid if requested and free legal aid is mandatory if the victim is under 18 years of age. In the case of an assault or battery no free legal aid is offered unless the victim has suffered a significant damage on the body or its mental health caused by the offence, or if the police have reasonable grounds to believe that the victim does not understand the procedure or has a special need for legal assistance. It is a provision for free legal aid that the crime has been reported to the police.

138. No government-funded shelters are found throughout the country, bearing in mind that the nation consists of 348,450 people, of whom about two thirds live in Reykjavík and surrounding municipalities. There is one shelter in Reykjavík which accepts both women and their children from throughout the country. It is run by a non-governmental organisation with a contribution from the state and the city council of Reykjavík, but also, to a lesser extent, from other municipalities and from private providers. In the budget for 2013 the contribution of the state was 47 million ISK (300,000 EUR) which is about 2/3 of the cost of running the shelter each year and the contribution of the city council of Reykjavík was 11 million ISK.

139. In 2011 a new legislation entered into force which gives the police increased resources to protect victims of domestic violence, such as issuing a restraining order and expulsion from home to the perpetrator for a shorter or longer period. About 350 individuals come to the shelter each year. It can also be noted here that the government funds an emergency phone number 112, which is available 24/7 and it includes the work of child protection services.

**Article 15****Replies to paragraph 27**

140. As mentioned in answer to question 1 (see also 25), Icelandic legislation does not define torture as such. Article 68.1 of the Icelandic Constitution clearly states however that no one may be subjected to torture or any other inhuman or degrading treatment or

punishment. The wording of the constitutional provision is almost identical to Article 3 of the European Convention on Human Rights, which has been incorporated into Icelandic law.

141. Consequently, there is no specific provision that explicitly excludes any evidence obtained as a result of torture. Nonetheless, evidence obtained as a result of torture would, according to domestic legislation, *inter alia*, the Code on Criminal Procedure, be dismissed by Icelandic courts.<sup>5</sup>

#### **Replies to paragraph 28**

142. Regulation No. 651/2009 on the legal status of arrested persons, interviews by the police etc. prescribes how interviews of suspects and witnesses are to be recorded.

143. According to the regulation the police may record interviews, in audio and video, of suspects and witnesses. The interviewed person and others present should be notified that the interview will be recorded. Interviews that are recorded should be recorded in entirety, including read-out passages and any kind of narrative. The police are obligated to record in audio and video interviews in an investigation of, *inter alia*, sexual violence, manslaughter and bodily injuries and when interviewing a child younger than 15 years old.

144. If an interview of a suspect and witnesses is not recorded with video and tape recordings, it is important that the interview is copied word by word.

### **Article 16**

#### **Replies to paragraph 29**

145. In the new prison at Hólmsheiði female and male prisoners are held in separate facilities, including outdoor facilities. The female and male prisoners are only together when they are at work or in school in the prison and always under supervision. Female prisoners were serving in Kópavogur prison that did not meet the highest standards, but in the new prison the female prisoners have proper facilities that meet the highest standards.

146. The matter of juvenile prisoners has been a subject of wide discussion in Iceland as the Parliament, in a Parliamentary Resolution from 2009, instructed for the Convention on the Rights of the Child to be incorporated into domestic law. In 2013 the Convention on the Rights of the Child was incorporated into domestic law. Concurrently, amendments were made to the Execution of Sentences Act No. 49/2005. The Act stipulated that prisoners under the age of 18 should generally be placed in a home run by child protection authorities. As mentioned before this is the same in the new Execution of Sentences Act from 23 March 2016. According to Regulation about children serving sentences No. 533/2015 children from 15–18 years old should also be placed in a home run by child protection authorities also while remanded in custody. It is stated in article 13 in the abovementioned regulation that the personnel working at the home run by child protection authorities should have fundamental training before children start detention. The management of such homes should attempt to give personnel opportunity to increase their knowledge and training when possible.

### **Other issues**

#### **Replies to paragraph 30**

147. Iceland has suffered no domestic terrorism incidents and no activity related to terrorism has been subjected to criminal investigation. Regular analytical threat assessments are issued by the National Security Unit of the National Commissioner of the Icelandic Police. Until 2015 the risk of terrorism was assessed as low, but the threat level was then

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<sup>5</sup> See for example Articles 53.3, 62.2 and 63.3 (Chapter VII and VIII) of the Icelandic Code on Criminal Procedure (Act No. 88/2008).

raised to medium, given current threat assessments in Europe. In the report from 2017 the results are that the risk of terrorism cannot be excluded due to conditions in other countries.

148. The most relevant rules of Icelandic legislation regarding terrorists are Article 100 a, 100 b and 100 c of the General Penal Code and Act No. 64/2006 against Money Laundering and the Financing of Terrorism. According to Article 100a of the Penal Code acts of terrorism can result in a life-long prison sentence. No specific regulation on the handling of terrorists has entered into force since the last periodic report. No one has ever been convicted for violations of the abovementioned articles about terrorism.

149. Regarding any relevant training given to law enforcement officers, the Education Police program offers general training on the use of force. According to the rules on police training, there are different levels of training depending on the different roles of officers. Police officers who are on the emergency call list must complete training stage three, which includes 69 hours of weapon and arrest training under guidance of coaches from The Centre for Police Training and Professional Development at the National Police Commissioner of Iceland along with coaches from Special Unit of the National Police Commissioner. Stage two training includes 129-hour training program which includes arrest and weapon training, crowd control practices and security training for extensive preparation. The Special Unit of the National Police Commissioner has to complete stage one training, which means the officers are specially trained for armed policeing, security, terrorism and extensive violence. The Special unit is in constant training and has an important role for imminent terrorism threats in Iceland.

### **Replies to paragraph 31**

150. As has been described in relation to question 3 above, the Icelandic government is currently in the process of ratifying the UN Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). This process was to be concluded in 2017 but for various reasons, mainly a premature parliamentary election being called for late that year, the process was put on temporary hold. The government is however determined to conclude the ratification process before the end of 2018. The Parliamentary Ombudsman is expected to take over the role of NPM.

151. Regarding the progress of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Iceland has ratified the ILO conventions on workers' rights. Moreover, many provisions of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families are already in Icelandic law. However, Iceland has decided not to ratify the convention as it is believed that necessary human rights instruments are already in place.

152. Decent working conditions and respect for worker's rights are considered essential elements for fair and balanced social development. Trade unions are well established and the vast majority of workers in Iceland are unionized. In addition, the Icelandic Constitution specifically safeguards trade unions but also contains a special provision guaranteeing the right to remain non-unionized.

153. The Convention on the Rights of Persons with Disabilities (CRPD) was signed by Iceland in 2007 and ratified in 2016. As a part of the ratification process, the parliament agreed upon an action plan regarding matters of disabled persons in the summer of 2012, which was renewed in 2017. The Ministry of Interior led the work of a cross-ministry committee to prepare the Convention's ratification. The ministries reviewed the relevant legislations in their field and proposed changes to the law in accordance with the provisions of the Convention.

154. Also, as a part of the ratification process, the parliament this summer passed a new Act on Service for Persons with Disabilities who have Long Term Support Needs, No. 38/2018. The purpose of this Act was to implement certain provisions of the Convention into the Icelandic legislation, which is a part of Iceland's ratification process.

155. As for the Optional Protocol to the Convention, Iceland has not determined whether to ratify or not. This is currently being evaluated by the Icelandic government.

156. Iceland has decided to ratify the Convention for the Protection of All Persons from Enforced Disappearance. According to experts, the ratification of the Convention will not involve extensive material legal amendments. The primary changes that need to be done are those regarding jurisdiction and extradition.

157. Iceland has ratified the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. In 2010 the Act on Foreigners was amended and introduced two types of residence permits for the benefit of victims of trafficking. According to the provisions, the Directorate of Immigration was authorized to grant a person residency permit for six months and up to one year if the person was suspected to be a victim of human trafficking. In the new Act on Foreigners from 2016 the Directorate of Immigration has the authority to grant a suspected victim of human trafficking temporary residency permit from nine months and up to one year.

158. This adds to the changes made to the General Penal Code, but in 2003 a new provision was added (Art. 227 (a)) which contained an independent definition of trafficking as a criminal act. The Article was further amended in 2009 and updated to be more in accordance with the wording of Article 3 of the Protocol, as well as Article 4 of the European Convention. The Article criminalizes specifically the beneficiaries and perpetrators of trafficking and prostitution. These changes further strengthen the protection of women in vulnerable situations.

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

### **Replies to paragraph 32**

159. The Icelandic legal system is based on a dualistic theory, i.e. international law and domestic law constitute two separate legal systems, each of which applies in its respective area: international law between nations and domestic law within each state. Consequently, the principles of international law, including provisions of international conventions, do not form a part of domestic law unless they have been specifically incorporated into domestic law in accordance with the Constitutional law of the relevant country. The United Nations Convention on the Rights of the Child was ratified by Iceland in 1992 and incorporated into Icelandic law in 2013. Consequently, the provisions of the Convention can now be directly invoked in court as domestic legislation.

160. In April 2009 the Minister of Justice appointed a committee to research asylum applications' procedure in Iceland. The committee was composed of a professor at the University of Iceland, a project manager at the Red Cross, a district court attorney and a lecturer, a lawyer at the Ministry and an assistant professor at the University of Iceland. Following a thorough report, published in August 2009, the Legal Institute of the University of Iceland was requested to draft a bill amending the Act on Foreigners. The Act was consequently amended. The main changes were, firstly, that the definition of a refugee was now to be found in this Act. Secondly, the amendments introduced supplementary protection of people who were not considered refugees as defined by the 1951 International Convention on the Status of Refugees. According to the supplementary protection a foreigner could be considered a refugee, even if he did not fit into the abovementioned definition, if he was at a risk of being subjected to the death penalty, torture or other inhuman or degrading treatment or punishment, if he was returned to his home country. Thirdly, the amendments introduced clearer rules regarding the granting of a residence permit on humanitarian ground. Lastly, the amendments provided clarity about the procedure of asylum applications and the legal status of asylum seekers.

161. In 2014 the Minister of Interior (now Minister of Justice) appointed a cross-party committee, who were to review the Act on Foreigners and to make recommendations on the Icelandic immigration policy. The committee was also to make recommendations to ensure compassion for those who seek international protection in Iceland and how to improve the speed and efficiency of their matters within the Icelandic administration. As a result of the committee's work, a new Act on Foreigners was passed by the parliament in 2016. The

relevant provisions regarding international protection have been completely revised in the new Act and updated to comply with international developments in these matters. The new Act implements various EU directives such as 2011/95/EU, 2013/32/EU and 2013/33/EU, all of whom focus on the matters and protection of those in need of international protection. In line with the objective of the new Act, the Directorate of Immigration must conduct individual research on the status of each person seeking international protection, and a special 'welcome centre' is to be established where various stakeholders are to come together to provide persons with necessary services to persons seeking international protection.

162. Iceland has seen a great increase in the numbers of refugees and asylum seekers in recent years. 172 persons sought asylum in Iceland in 2012 and rose to 354 persons in 2015. In 2016 Iceland had 1132 asylum seekers and 1096 in 2017. On average about 65% of these applications were considered manifestly unfounded where applicants came from safe countries.

163. To improve the efficiency of the administration process regarding persons who are seeking protection, a new independent committee was established in 2014 and tasked with revising decisions of the Directorate of Immigration. Such revisions were previously done by the Ministry of Interior (now the Ministry of Justice). The new Act on Foreigners, passed in 2016, also saw further changes made to the composition of the committee. Members were increased to further speed-up the appeal process, increasing its efficiency due to the rising numbers of persons seeking international protection and increasing the overall procedures in these matters.

164. Iceland has been resettling quota refugees in cooperation with the UN High Commissioner for Refugees (UNHCR) since 1996 and has been accepting on average 20 persons every other year. Due to the growing number of refugees seeking international protection, the government decided to accept up to 100 persons in the years 2015 and 2016, which is a considerable increase from previous years.

165. Due to the ratification of the Convention of the Rights of Child, every member state has a special obligation under international law to ensure special protection for children applying for international protection (see Article 22 of the Convention). The new Act on Foreigners contains special provisions regarding the rights of children seeking international protection.

166. Furthermore, the new Act on Foreigners makes further amendments to ensure compliance with the 1954 Convention relating to the Status of Stateless persons and the 1961 Convention on the Reduction of Statelessness, both of which Iceland intends to ratify in the near future.

167. Iceland has participated twice in the United Nations Universal Periodic Review (UPR), in 2011 and 2016. On both occasions Iceland has received numerous recommendations to establish a new independent human rights institution based on the Paris Principles. The Icelandic government has accepted these recommendations and is currently in working on establishing such an institution.

168. In 2010 the Minister of Interior and Human Rights appointed a committee whose task was to revise the Act on the Enforcement of Sentences. The Act regards the rights and obligation of prisoners. Based on the committee's work, a new act was passed by the parliament in 2016. The main aim of the new Act is, inter alia, to clarify the rules and strengthen the legal basis of various enforcement provisions. Deprivation of liberty is among the greatest interventions into a person's life, it is therefore extremely important that any legislation thereto is clear.

169. The new Act also aims to ensure legal certainty for the general public and secure the law's preventative effect. Furthermore, it aims to reduce the recurrence of prisoners in jail, support them towards a drug-free lifestyle and improve their education. The Parliamentary Ombudsman and the Auditor General of Iceland have in recent years suggested improvements to this end, and the new Act is, inter alia, based on those suggestions.

170. The primary object of the Act is to prepare the convicted person to actively participate in society and minimize the damage from which exclusion from society

inevitably entails. According to the new Act community service becomes a more viable option on executing sentences. Another option for executing sentences is to allow a convict to serve under the supervision of the Prison Authorities under certain conditions.

171. The lack of prison capacity in Iceland has caused prison authorities some difficulties in recent years. The aforementioned changes in executing sentences have alleviated the pressure on the prison authorities to some extent. In 2013 work began on building a new prison in the outskirts of Reykjavik. It was opened late 2016 and replaced two prisons in the capital area, which have subsequently been closed. The new prison will be able to detain 56 persons at any given time and will be divided between genders. It also has a state of the art facility for pre-trial detainees and for children visiting their parents or other family members.

### **Replies to paragraph 33**

172. As described in answers to question 3 and 31, the Icelandic authorities have been working towards ratifying the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The Icelandic government intends to complete the necessary changes to relevant domestic law in 2018 for the Parliamentary Ombudsman to be able to take over the role as the National Prevention Mechanism.

173. As was mentioned in relation to question 32 above, Iceland has participated in the Universal Periodic Review and submitted their first report in 2011. After receiving the recommendations, the Icelandic government established a working group consisting of experts from various ministries to prepare the second report, which was submitted in 2016. Iceland received various recommendations that have been taken under review.

174. In the summer of 2016 the Ministry of Interior (now the Ministry of Justice) put forward a report to the parliament on the status of human rights in Iceland. One of the suggestions in the report was to use the aforementioned working group as a comprehensive steering committee on human rights in Iceland. The steering committee was established in 2017. While the Ministry of Justice is responsible for supervising the status of human rights in Iceland, human rights are indeed issues that touch upon the work of every ministry in one way or another. The role of the steering committee is to provide a platform for every ministry to have their say on human rights matters in Iceland, give them further importance within the administration and making sure that these matters remain unaffected by any political changes that might happen at any given time. This platform also provides a contact point for various stakeholders in Iceland intent on making contributions to further the progress of human rights in Iceland.

175. As already mentioned in relation to question 31 above, Iceland ratified the Convention on the Rights of Persons with Disabilities in 2016. To implement the Convention, various changes had to be made to Icelandic legislation.

176. Icelandic authorities are currently in the process of establishing a new independent human rights institution which will be based on the Paris Principles, see answer to question 32.

177. For measures regarding gender-based violence, see answers to questions 5, 6 and 7. Combating violence against women is a matter of priority for Icelandic authorities. Various stakeholders have collaborated in recent years and many initiatives and measures have been implemented to this end. For example, the National Police Commissioner issued new procedural rules regarding domestic violence in 2014 based on, inter alia, a pilot program with a new approach to domestic violence launched by the Police District of Suðurnes and Act No. 85/2011 on restraining orders and expulsion from home. The Act now dictates that the police are now able to impose a restraining order, although this has to be brought before a district court within three days. The Act also authorizes the police to expel an alleged perpetrator from his home in cases of domestic violence. The General Penal Code has been amended to this end as well.

178. Iceland ratified the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (known as the Lanzarote Convention) in 2012. In

2018, Iceland ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (known as the Istanbul Convention). In 2016 the General Penal Code was amended as a part of the ratification process of the Istanbul Convention.

179. Furthermore, procedural changes were made for the registration in cases of domestic violence reported to the police to further inform the suspected victim of such cases on available assistance for victims of domestic violence, i.e. information on Act No. 85/2011 on Restraining Orders and Expulsion from Home, legal assistance etc. The Women's Shelter in Reykjavik provides a place for victims of domestic violence and victims of trafficking.

180. In 2014 three ministries signed a declaration of cooperation, providing for cooperation throughout the country between social services, child protection authorities, the educational system, the health care system, the police and the prosecution authorities. The goal of the cooperation is to target violence against women, children, sexual, physical and mental violence and violence against disabled persons and other vulnerable groups. In September 2018, five ministers and the Icelandic Association of Local Authorities signed a declaration about better co-operation regarding the well-being of children.

181. Bjarkarhlíð is a new multidisciplinary pilot project which was established on 1 February 2017. It is a service centre for adult victims of violence. It is built on an American Model, Family Justice Centre, where the goal is to provide survivors of violence with necessary support at one location. Social Workers, Police officers and NGO's provide counselling and support. Bjarkarhlíð is cooperation between the Ministry of Welfare, The Ministry of Justice, the city of Reykjavík, The Metropolitan Police, the Women's' shelter, the human rights office of Iceland, Stígamót – Education and Counselling Centre for Survivors of Sexual Abuse and Violence and Drekaslóð – several NGO's. In 2017, 316 survivors of violence received assistance in Bjarkarhlíð, 91% were women and 9% men. Most cases involve domestic violence, but also sexual violence and physical violence in close relationships. A similar Centre is to open in Akureyri, in northern Iceland.

182. In 2018 the Prime Minister established a special Steering Committee on comprehensive measures to combat sexual violence. The steering committee's main task is to develop progressive and well-adjusted measures for authorities to react to sexual violence and gender based and sexual harassment. The steering committee should work correspondence with the Istanbul protocol and focus on discrimination against foreign women, women with financial insecurity, disabled women and LGBTQ+ women.

183. Numerous measures have been taken to assist suspected victims of human trafficking. Many of them have been described above; see answers to questions 8 and 9.

184. The government supported the establishment of a specialized shelter for women wanting to get out of prostitution and women who have been victims of human trafficking in 2012. The shelter was run by an NGO whose sole purpose is to combat sexual abuse and assist persons subjected to sexual abuse. The shelter was closed in 2014 but the Minister of Social Affairs and Housing and the director of the Women's Shelter reached an agreement for the latter to provide shelter for women who have been or are suspected to be victims of human trafficking.

185. Concerns have been raised in recent years that foreign women coming to Iceland based on a family formation by marriage may, in some instances, be in a vulnerable position and possibly stay in violent relationship for the statutory period to apply for a residence permit. In response to this, amendments were made to the previous Act on Foreigners. A new Act on Foreigners came into force in 2016. It contains special provisions about residency permits for victims and suspected victims of human trafficking. Suspected victims can now be granted up to nine months residence permit and victims of human trafficking can be granted a one-year renewable residence permit due to their personal circumstances and/or due to cooperation with the authorities during criminal investigation or criminal proceedings.

186. The General Penal Code has contained a provision regarding human trafficking since 2003. The provision contained an independent definition of trafficking as a criminal

act and was based on Article 3 of the Palermo Protocol. In 2009 the provision was amended to be more in accordance with the wording of Article 3 of the Protocol as well as Article 4 of the European Convention of Human Rights.

#### **Replies to paragraph 34**

187. As mentioned previously, Iceland is in the process of ratifying the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). A proposal to amend the Act on the Parliamentary Ombudsman which will make Ombudsman the National Prevention Mechanism (NPM) will be introduced in parliament in 2018 and subsequently the protocol will be ratified.

188. Iceland is also in the process of establishing a new independent human rights institution. While the Icelandic Human Rights Centre has assumed the functions of a national human rights institution, it does not comply with the Paris Principles, mainly because it was not established by law. The new human rights institution will be based on the Paris Principles. New legislation will most likely be introduced in 2019 establishing an independent human rights institution.

189. Combating violence, particularly against women and various minority groups, is a matter of priority for the Icelandic government. The fact that only a small portion of rape victims file charges – and only a few charges lead to indictments or convictions – is of particular concern to every stakeholder in Iceland. Various initiatives have been implemented to combat violence against vulnerable people in recent years. As mentioned previously, changes have been made to the General Penal Code and the Act on Restraining Orders to this end, as well as new procedural rules with the National Commissioner of the Icelandic Police regarding domestic violence as described above.

190. The Act on Foreigners was completely revised in the years 2014–2016 and a new Act passed by the parliament in 2016. The new Act was drafted by representatives from all political parties in parliament at the time and in close co-operation with the United Nations High Commissioner for Refugees. According to the new Act, the Directorate of Immigration can now grant a residency permits to those who are in a particularly vulnerable position, such as if the person is or is suspected to be a victim of human trafficking or if the person is in dire need of international protection, i.e. for health reasons.

191. The Act was based in part on three European Union directives regarding applications for international protection and the status of refugees. The use of coercion is only to be used as a matter of last resort, i.e. only when necessary and other remedies are believed not sufficient. The aim of the new Act was, amongst other things, to speed up the application process of persons seeking international protection. To this end a special appeals committee was set up where those whose initial application has been turned down by the Directorate of Immigration can appeal such decision.

192. The new Act also contains special provisions regarding the legal status of unaccompanied children who are seeking international protection, in line with their rights according to the UN Convention on the Rights of the Child. Furthermore, some necessary amendments were made to ensure compliance with the 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness as Iceland intends to ratify those conventions.

193. Regarding the status of prisons in Iceland, as previously mentioned a new prison has been built since the Iceland's last review. The new prison is a state of the art facility, built to meet the OHCHR Standard Minimum Rules for the Treatment of Prisoners.