



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

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Committee against Torture

**Information received from Iceland on follow-up to
the concluding observations on its fourth periodic
report***

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* The present document is being issued without formal editing.



1. Reference is made to the Concluding observations from the Committee against Torture from 9 June 2022 on the fourth periodic report of Iceland (CAT/C/ISL/CO/4). In paragraph 35 the Committee requests that Iceland provides follow-up information by 13 May 2023 in response to the Committee's recommendations relating to: solitary confinement in pre-trial detention; sexual and gender-based violence, and safeguards on non-refoulement, as contained in paragraphs 14(c), 20(a) and 32(a) of aforementioned report. The Government's responses to these recommendations are set out below.

Follow-up information relating to paragraph 14 (c) of the concluding observations (CAT/C/ISL/CO/4)

2. The Ministry of Justice is working on a law proposal concerning amendments to the provisions on remand prison and solitary confinement in the Code of Criminal Procedure no. 88/2008. It is expected that an amendment legislation will be put forth to the Parliament before the end of 2023.

3. During this work, the ministry will consider the concerns and recommendations set out in this report, in particular regarding persons under 18 years old and persons who are mentally sick.

4. The work on the Justice portal, a project run by the Ministry of Justice aiming to digitize the justice system, is a priority within the National Commissioner of the Icelandic Police. The focus is on collecting improved statistical data on, amongst other things, isolation and detention, and connection to other available data. This part of the project is scheduled to be completed by the end of this year.

Follow-up information relating to paragraph 20 (a) of the concluding observations

5. In June 2022 parliament passed a bill by the Minister of Justice on the Code on Criminal Procedure. The amendments are intended to improve the legal position of victims in more serious cases involving physical assault and sexual violence, providing for information disclosure on the progress of the case, greater access to documentation by their legal rights protector, allowing compensation claims to be admitted at the appeal stage despite the acquittal of an accused by the District Court, and authorising the appointment of a legal rights protector for the victim at the appeal stage, even if the victim's claim for compensation is not under review.

6. A new National Action Plan on the process of sexual-violence cases within the judicial system was adopted in March 2023. The theme of the action plan is to decrease the time of the procedure of cases, crime-prevention, increased quality of the case processing and to improve, especially the victims', and accused experience of the process of the case within the judicial system.

7. One of the actions of the National Action Plan relates to supportive measures for victims within the health care system, such as psychological assistance.

8. Funding was allocated by the Minister of Justice to three of the largest police authorities in Iceland, to increase the number of specialists working on sexual crimes, adding a total of twelve positions. The time of the process of cases has already decreased substantially, especially within the Reykjavik Metropolitan Police. This should also result in longer sentences for those convicted, since the slow process of the cases up until 2023 had in some instances the effect of mitigating the sentences.

9. Work is underway on an assessment and audit on the operation and funding of the three centers operated in Iceland for victims of gender-based violence (Bjarkarhlíð, Bjarmahlíð and Sigurhæðir). It is planned that the assessment will be completed by the end of May 2023.

10. In January 2022 the Minister of Justice appointed a working group to implement actions against prevention and awareness-raising of gender-based violence. The group

implemented ten actions. There amongst was an awareness raising campaign in Icelandic on encouraging people to act if they witness a person not feeling well or in a difficult position, especially those visiting night-club and bars. The reason for this theme is that data from the police showed that many rape-cases reported to the police took place on the weekends during night-time and were related to the nightlife. Newest data from the National Commissioner of Police shows an increase in reports to the police of domestic violence in 2022.

11. Since May 2022 the informational portal on www.112.is, funded by the Minister of Justice has been improved. Special information on sexual abuse and harassment has been added along with a guide to the Icelandic justice system for victims of sexual abuse.

Follow-up information relating to paragraph 32 (a) of the concluding observations

12. Art. 42 of the Foreign Nationals Act no. 80/2016 stipulates the principle of non-refoulement: prohibiting expulsion or return of an individual to a place where his/her life or freedom may be in jeopardy. According to the article a foreign national or stateless person may not be sent to a region where he/she has reason to fear persecution, cf. arts. 37 and 38, or where he/she is in imminent danger of being killed or subjected to inhumane or degrading treatment due to circumstances similar to those pertinent to the refugee concept.

13. The same applies to individuals excluded from legal status of refugee under art. 40. That also applies to returning a foreign national to a region where it is not guaranteed that he/she will not be sent on to such a region as defined in para. 1.

14. Protection under paras. 1 and 2 applies to any decisions made under the Act.

15. If the circumstances are as provided in para. 1, but the individual in question is excluded from international protection under arts. 40 or 41, a foreign national may be granted a provisional residence permit under art. 77, with the special provisos stated therein.

16. The Directorate of Immigration and the Immigration Appeals Board are responsible for examining Art. 42 in each case. Such decisions can be subjected to review by Icelandic courts and the Immigration Appeals Board may decide to postpone the legal effect of a final decision if that is deemed warranted.
