



***Concluding observations of the Human Rights Committee :
Iceland. 25/04/2005.
CCPR/CO/83/ISL. (Concluding Observations/Comments)***

Convention Abbreviation: CCPR
HUMAN RIGHTS COMMITTEE
Eighty-third session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

Concluding observations of the Human Rights Committee

ICELAND

1. The Human Rights Committee considered the fourth periodic report of Iceland (CCPR/C/ISL/2004/4) at its 2258th and 2259th meetings (CCPR/C/SR.2258 and 2259), held on 16 March 2005, and adopted the following concluding observations at its 2272nd meeting (see CCPR/C/SR.2272), held on 28 March 2005.

A. Introduction

2. The Committee welcomes the high quality of the report, which was submitted by the State party in a timely manner, and the written information submitted by the delegation in reply to the Committee's list of issues. The information was thorough and informative. The Committee expresses its appreciation for the dialogue it had with the State party's delegation.

B. Positive aspects

3. The Committee commends the State party for its generally positive record in the implementation of Covenant provisions. It notes with appreciation the extensive legislative and other measures that have been taken for the promotion and protection of rights guaranteed under the Covenant since the examination of the third periodic report. Of particular interest in this respect are the adoption of the Act on the Protection of Children, No. 80/2000; the Law governing Parental Leave, Act No. 94/2000; the Act on Equal Status and Equal Rights of Women and Men, No. 96/2000; and the Children's Act, No. 76/2003.

4. The Committee welcomes the adoption of Act No. 62/1998 amending the Icelandic Citizenship Act, which abolished important elements of the previous legislation with respect to discrimination against children born out of wedlock.

5. While the State party is aware that there are still sex-related differences in rates of pay, the average difference being 15 per cent in 2004, the Committee notes with satisfaction that the burden of proof rests with the employer, who must demonstrate that any difference in wages paid to men and women for work of equal value is based on factors other than the gender of the employees.

6. The Committee welcomes the establishment of the Equal Rights Office.

7. The Committee is pleased to observe the State party's concern to integrate human rights into actions to combat terrorism, in part by maintaining an outright ban on extradition, refoulement or expulsion to a country where the individual concerned might be exposed to the death penalty and violations of articles 7 and 9 of the Covenant.

C. Principal subjects of concern and recommendations

8. The Committee regrets that Iceland maintains its reservations to several provisions of the Covenant.

The State party is invited to withdraw its reservations.

9. The Committee regrets that, despite the recommendation it made in 1998 and the incorporation into domestic law of articles 3, 24 and 26, the Covenant itself has not been incorporated into Icelandic law, whereas the European Convention on Human Rights (ECHR) has. The Committee notes in this regard that several Covenant provisions, including articles 4, 12, 22, 25 and 27, go beyond the scope of the provisions of the ECHR.

The Committee encourages the State party to ensure that all rights protected under the Covenant are given effect in Icelandic law.

10. The Committee expresses concern that Act 99/2002 amending the General Penal Code sets out a vague and broad definition of terrorism (art. 100 (a)), which might encompass and consequently jeopardize legitimate activity in a democratic society, in particular participation in public demonstrations (articles 2 and 21 of the Covenant).

The State party should formulate and adopt a more precise definition of terrorist offences.

11. The Committee notes with concern the high number of reported rapes in the State party, in comparison with the number of prosecutions undertaken on this ground. The Committee recalls that doubt is an obstacle to conviction, but not to prosecution, and that it is in the province of the courts to determine whether a charge is proven or not (articles 3, 7 and 26 of the Covenant).

The Committee recommends that the State party ensure that rape does not go unpunished.

12. While the Committee welcomes the measures taken to provide support to victims of domestic violence, it expresses its concern about the efficacy of restraining orders (articles 3, 7 and 26 of the Covenant).

The State party is invited to take all necessary steps to ensure appropriate protection of women from domestic violence.

13. The Committee takes note of the enactment of Act No. 40/2003 amending the General Criminal Code and introducing a new definition of "trafficking in persons", but is concerned at the growing phenomenon of trafficking in the State party (article 8 of the Covenant).

The State party should implement without delay a national action plan on this issue.

14. The Committee has noted with concern the delegation's information that, in the case of minor offences (misdemeanours), the convicted person cannot appeal against the conviction and sentence to a higher tribunal, except in exceptional circumstances where the Supreme Court may so authorize (article 14, paragraph 5, of the Covenant).

The State party should recognize the right of everyone convicted of a criminal offence to have his/her sentence and conviction reviewed by a higher tribunal.

15. The State party should disseminate widely the text of its fourth periodic report and the present concluding observations.

16. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide within one year information on the implementation of the Committee's recommendation in paragraph 11 above. The Committee requests the State party to provide in its next report, which it is scheduled to submit by 1 April 2010, information on the other recommendations made and on the implementation of the Covenant as a whole.



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Geneva, Switzerland**