



International Covenant on Civil and Political Rights

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Human Rights Committee

Consideration of reports submitted by States parties under article 40 of the Covenant

Concluding observations adopted by the Human Rights Committee at
its 105th session, 9-27 July 2012

Iceland

1. The Committee considered the fifth periodic report submitted by Iceland (CCPR/C/ISL/5) at its 2894th and 2895th meetings (CCPR/C/SR.2894 and 2895), held on 9 and 10 July 2012. At its 2916th meeting (CCPR/C/SR.2916), held on 24 July 2012, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the fifth periodic report of Iceland (CCPR/C/ISL/5), and the information presented therein, as well as the written replies to the Committee's list of issues (CCPR/C/ISL/Q/5/Add.1). It expresses appreciation for the constructive dialogue with the State party's delegation on the measures that the State party has taken during the reporting period to implement the provisions of the Covenant.

B. Positive aspects

3. The Committee commends the State party for its generally positive record in the implementation of Covenant provisions. In particular, it welcomes:

- (a) The adoption of Law No.85/2011 on Exclusion Orders;
- (b) The adoption on 17 March 2009 of the National Plan against Trafficking in Human Beings;
- (c) The entry into force on 1 January 2009 of a new Code of Criminal Procedure, No.88/2008, in particular improving the legal position of accused persons;
- (d) The passing of Act No.149/2009, amending the General Penal Code, in order to ratify the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;

(e) The entry into force on 18 March 2008 of a new Gender Equality Act, No.10/2008.

C. Principal matters of concern and recommendations

4. While taking note of the State party's aim to incorporate all human rights instruments to which it is a party into domestic law, the Committee regrets that the Covenant has not yet been incorporated into the domestic legal order. The Committee is also concerned that the State party has still not withdrawn all reservations to the Covenant (art.2).

The State party should consider incorporating the Covenant into the domestic legal order. The State party is invited to reassess the reasons for having entered reservations to articles 10, paragraphs 2 (b) and 3, 14, paragraph 7, and 20, paragraph 1, of the Covenant with a view to withdrawing them.

5. The Committee notes that the State party has not yet established a consolidated national institution with competence in the field of human rights, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) (art. 2).

The State party should take steps to establish a national human rights institution with a broad human rights mandate and provide it with adequate financial and human resources, in line with the Paris Principles .

6. The Committee is concerned that the State party has not yet adopted comprehensive anti-discrimination legislation. It is also concerned that the Media Act No.38/2011 only prescribes sanctions against media service providers on incitement to criminal behaviour and not on hate speech (arts.2, 20, and 26).

The State party should take steps to adopt comprehensive anti-discrimination legislation, addressing all spheres of life and providing effective remedies in judicial and administrative proceedings. The State party should also adopt the pending Bill amending the Media Act so as to ensure that the sanctions prescribed also apply to hate speech, and ensure that its enforcement also extends to social media.

7. While welcoming the adoption of the Gender Equality Act and the establishment of the Centre for Gender Equality, the Committee is concerned that there is a significant, and an again increasing, wage gap between women and men. It is also concerned that women continue to be underrepresented in decision-making positions, in particular in the Foreign Service, the judiciary and academia (arts. 2 and 3).

The State party should continue to take steps, in particular through the Centre for Gender Equality and a speedy adoption of equal salary standards, to continue to address the persistent and significant wage gap between women and men, guaranteeing equal pay for work of equal value. It should also introduce measures to increase the representation of women in decision-making positions, in particular in the Foreign Service, the judiciary, and academia.

8. The Committee is concerned that torture is not included as a specific crime in domestic penal legislation, and that the coverage of acts of torture by various other crimes with overlapping definitions does not ensure adequate punishment or reparation for victims (art.7).

The State party should introduce torture as a specific crime in its Penal Code, employing a definition in line with article 7 of the Covenant, and carrying sanctions appropriate to the gravity of the crime.

9. The Committee, while welcoming the efforts made by the State party to combat and eliminate domestic violence, is concerned that victims as well as professionals do not have full access to information on the problem, as well as on victims' rights and remedies available (art.7).

The State party should take steps to intensify measures to raise awareness on domestic violence, including through training for judges, prosecutors, police and health officers, as well as awareness-raising campaigns targeted at Icelandic and immigrant women on their rights and available remedies.

10. The Committee notes that only a very limited percentage of asylum seekers receive refugee status. It is concerned that article 45 of the Act on Foreigners contemplates exceptions to the right to non-refoulement in cases where return would violate articles 6 or 7 of the Covenant. The Committee is also concerned that permits granted on humanitarian grounds do not specify the period of stay (arts. 2, 7 and 13).

The State party should review its legislation on refugees to ensure that it fully complies with the Covenant and international standards on refugees and asylum seekers. It should also more precisely define the length of stay in the State party of persons who have been granted a permit on humanitarian grounds.

11. The Committee is concerned that the principle of separation of juvenile detainees from adults in detention facilities is not guaranteed, as witnessed by the State party's reservation to article 10, paragraph 2(b), of the Covenant. The Committee is also concerned that the State party does not have an independent mechanism mandated to monitor detention conditions (arts. 9 and 10).

The State party should ensure that the principle of separation of juvenile detainees from adults in detention facilities is guaranteed, including through reassessing its reservation to article 10, paragraph 2(b), of the Covenant. The State party should also take steps to establish a system of regular and independent monitoring of places of detention, including psychiatric facilities.

12. The Committee is concerned that article 198 of the Code of Criminal Procedure restricts the right of appeal for persons convicted of a minor criminal offence, except in certain circumstances and with the authorization of the Supreme Court (art.14).

The State party should revise article 198 of its Code of Criminal Procedure to allow all persons convicted of a minor criminal offence to appeal to a higher court without exception, and without the need for prior authorization of the Supreme Court, as required by article 14, paragraph 5, of the Covenant.

13. The Committee is concerned that the State party levies a church tax from citizens, regardless of whether they are members of a religious organization. It is also concerned that unlike the Evangelical Lutheran Church other religious and non-religious life stance organizations cannot receive State funding (art.18).

The State party should take steps to ensure that the church tax is not levied indiscriminately. It should also amend the Act on religious organizations to ensure that all religious and non-religious life stance organizations have access to State funding.

14. While appreciating that the criteria for the receipt of residence permits based on marriage have been amended, the Committee notes that the 2008 amendment of the Act on Foreigners provides for an investigation of all married couples in which one of the individuals is under 24 years of age, potentially adversely affecting the enjoyment of the right to family life, marriage and the choice of spouse (arts. 2, 23 and 26).

The Committee urges the State party to assess the impact of the new criteria for such permits on the enjoyment of the right to family life, marriage and choice of spouse. Such a study should assess whether criteria should be amended to better respect the right to family life.

15. The Committee is concerned that very few cases of sexual abuse of children that are reported to child protection services lead to prosecution, and even fewer to conviction of the perpetrator. (arts 2 and 24)

The State party should take urgent steps to ensure that all cases of sexual abuse of children are effectively and promptly investigated, and that perpetrators are brought to justice. It should take steps to establish Government-coordinated measures aimed at prevention of sexual abuse of children. The State party should also ensure that education about child sexual abuse and prevention become a formal part of the curriculum in faculties training teachers and other professionals working with children, as well as for faculties training health professionals, lawyers and police officers.

16. The State party should widely disseminate the Covenant, the Optional Protocols to the Covenant, the text of the fifth periodic report and the present concluding observations so as to increase awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public. The Committee requests the State party, when preparing its next periodic report, to broadly consult with civil society and non-governmental organizations.

17. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations made in paragraphs 7 and 15 above.

18. The Committee requests the State party, in its next periodic report, due to be submitted by 27 July 2018, to provide, specific, up-to-date information on all its recommendations and on the Covenant as a whole.
