

73rd session of CAT

Opening Statement by Iceland in relation to its fourth periodic report under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

20 April 2022

Mr./Madam Chair, Distinguished Members of the Committee, and other guests.

Thank you.

My name is Harald Aspelund, and I am the Permanent Representative to the United Nations Office here in Geneva. With me today in the Icelandic delegation are representatives from several Ministries.

- Ragna Bjarnadóttir, Director General at the Ministry of Justice,
- Þórunn Oddný Steinsdóttir, Deputy Director General at the Ministry of Health,
- Elísabet Gísladóttir, Senior Legal Advisor at the Prime Minister's Office,
- Hanna Rún Sverrisdóttir, Senior Legal Advisor at the Ministry of Justice,
- Rán Þórisdóttir, Legal Advisor at the Ministry of Social Affairs and Labour,
- Ragnheiður Kolsöe, Counsellor at the Permanent Mission **AND**
- Christina Heggli, also from the Permanent Mission.

On behalf of the Icelandic Government, I would like to thank you for the opportunity to present our fourth periodic report on the implementation of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment. The Icelandic Government is committed to continuing working towards the

protection and promotion of human rights of all individuals, and to the prevention of torture and all other forms of cruel, inhuman, or degrading treatment.

We look forward to our dialogue with you here today to discuss Iceland's implementation of the Convention against Torture. This process is a valuable opportunity for us to reflect on our commitments. Your questions, comments and recommendations will provide important input for our future work towards ensuring full respect and fulfilment of the Convention, as well as other human rights obligations.

The Report

First, I would like to apologize for the delay in submitting our report. We have taken several steps to strengthen the reporting process. In the autumn of 2017, a special Government Steering Committee on Human Rights was established. The Steering Committee is the formal human rights consultation and cooperation platform for all Government Ministries. One of the tasks of the Steering Committee is to oversee submission of reports to relevant UN human rights treaty bodies. The Steering Committee has established procedures on the preparation and submission of such reports. It has also put an emphasis on regular and open consultations on human rights issues with civil society and the public.

Mr./Madam Chair. I would now like to address some key issues raised in the list of issues and mention some recent developments.

NHRI

To emphasize the high priority given to human rights within the Icelandic Government, the policy area of human rights was transferred from the Ministry of Justice to the Prime Minister's Office last November. This means that both human rights and gender equality are now placed at the centre of Government,

with the intention to further facilitate human rights and equality mainstreaming throughout the administration.

We are currently working on a comprehensive assessment of the human rights situation in Iceland and the plan is to issue a Green book by the end of the year. We consider this assessment an important step towards the development of a strong national policy on human rights.

Additionally, several steps have been taken in the last few years towards the establishment of a National Human Rights Institution, including the formation of a Working Group in 2021. The coalition treaty of the recently re-elected Government affirms our intention to establish a strong, independent, and effective national human rights institution, in full accordance with the Paris Principles. Preparation is already underway within the Prime Minister's Office and the plan is to present a bill to that end in 2023.

OPCAT

Iceland has ratified several international human rights instruments in the last few years including the Convention on the Rights of Persons with Disabilities, which was ratified in 2016 and the Council of Europe's Istanbul Convention on Preventing and Combating Violence against Women and Domestic Violence, which was ratified in April 2018.

OPCAT - The Optional Protocol to the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, was ratified in 2019 and the Parliamentary Ombudsman was entrusted to be our National Preventive Mechanism and carry out its monitoring.

The Ombudsman has already visited several places of detention and issued reports about the visits. The Ombudsman has raised well-founded questions and made valuable recommendations in these reports. These recommendations are taken seriously, and many steps have already been taken to respond. For example, work is under way to amend the Patients' Rights Act, with the aim of setting a strong legal framework for the procedures in cases of involuntary measures within the healthcare setting. The proposed legal framework would also further reiterate that involuntary measures are a last resort which require clear legal grounds and a transparent procedure, with the patient's best interests at heart.

Additionally, the Ministry of Social Affairs and Labour, the Ministry of Justice, and the Ministry of Health are currently cooperating to clarify the legal framework and ensure better protection against inhumane treatment in connection with secure custody and secure care. A Bill is being prepared to further ensure that these measures are enforced in a way that respects human rights and legal security, as well as to ensure appropriate support, safety and treatment for those subjected to such measures. Police Stations, Prisons and the Ministry of Justice have also taken several steps to respond to the recommendations of the Ombudsman, including the implementation of a special condition and risk assessment for arrested individuals. A Bill has also been presented to Parliament to amend the Foreign Nationals Act to further outline rules on detention in connection with border checks.

Mr./Madam Chair

In recent years, several steps have been taken to improve legal and procedural safeguards within the justice system.

A new Act on the Execution of Sentences was passed in 2016. Since then, several changes have been made to improve the rights of prisoners, including by giving more convicted individuals the right to execute their sentence in the form of unpaid community service. The Ministry of Justice is also working on measures to reduce the overall length of proceedings within the justice system.

In 2020 the Police Act was amended in order to strengthen and increase the efficiency of the Police Supervisory Committee, which was established in 2017 to handle complaints against the police. The Committee now has the authority to assess each complaint independently and deliver a reasoned opinion on whether the incident in question complies with law and other relevant standards of behavior. If the Committee's conclusion is that a police officer or other employee of the police has engaged in objectionable conduct or failed to uphold the relevant standards of procedure, a complaint shall be sent for further processing to the Police Commissioner.

The Icelandic Government is aware of the criticism regarding the use of solitary confinement in pre-trial detention. We take these concerns seriously and a decision has been made within the Ministry of Justice to examine the legislation and procedures with the view to strengthen the safeguards and to ensure that it is fully reflected in practice that these are exceptional measures and only to be used as such.

Mr./Madam Chair

The European Committee for the Prevention of Torture, the CPT Committee, made its fifth periodic visit to Iceland in 2019. The Icelandic Government has enjoyed excellent co-operation with the Committee and takes its

recommendations seriously. Several steps have been taken to respond to the recommendations, including comprehensive improvements to the prison Litla-Hraun.

One of the most serious concerns of the Committee related to health care for prisoners. To respond to this, the Ministry of Justice and the Ministry of Health worked together to create an action plan to strengthen health care services for prisoners, with a special focus on mental health. Based on the plan, a mental health team for prisoners was established, providing targeted, continuous, and individualized mental health care during detention.

Gender-based violence

Regrettably, gender-based and sexual violence continues to remain one of the greatest human rights challenges globally. This global crisis has deepened with the COVID-19 pandemic, which has brought about conditions that have contributed to an alarming rise in violence against women and children.

The Icelandic Government is committed to preventing and combating all forms of gender-based and sexual violence. To this end, several new policies and legislations have been introduced in the last few years.

For example, several amendments have been made to the General Penal Code. In 2018 amendments were made to the definition of rape to increase the legal protection of victims, and rape is now defined as intercourse or other sexual relations without consent. Additionally, in 2021 new provisions on stalking and on the protection against digital sexual violence entered into force.

A special focus has also been placed on improving the judicial system, ensuring high-quality, efficient, and fair proceedings and to increase trust in the justice system. Efforts have been made to improve victims experience of the judicial

system, including by giving victims further access to information, increasing the efficiency and accessibility of reporting of cases.

I would also like to mention that the Icelandic Government is strongly committed to tackling all forms of human trafficking and has significantly increased its efforts in that regard. In 2021, amendments were made to the General Penal Code to further increase judicial protection of victims of human trafficking.

Mr./Madam Chair

Although much progress has been made in recent years, we fully acknowledge that challenges still remain. The advancement of human rights is an inherently ongoing process, as new challenges are continuously emerging, calling for thoughtful and lasting solutions.

I look forward to hearing your questions.

Thank you.