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**Human Rights Committee****Concluding observations on the sixth periodic report of Iceland\***

1. The Committee considered the 6th periodic report of Iceland<sup>1</sup> at its 4150<sup>th</sup> and 4151<sup>st</sup> meetings,<sup>2</sup> held on 15 and 16 October 2024. At its 4175<sup>th</sup> meeting, held on 1 November it adopted the present concluding observations.

**A. Introduction**

2. The Committee welcomes the submission of the sixth periodic report of Iceland and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for the oral responses provided by the delegation during the dialogue, and for the supplementary information provided in writing.

**B. Positive aspects**

3. The Committee welcomes the various legislative, policy and institutional measures implemented by the State party during the reporting period, with a view to strengthening human rights protection under the Covenant, including but not limited to:

(a) The passing of legislation in June 2024 for the establishment of an independent national human rights institution with a broad human rights mandate in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), which is set to begin its work on 1 January 2025;

(b) Act No. 79/2021 to amend article 227a of the General Penal Code (No. 19/1940), criminalizing additional forms of trafficking in persons, including forced marriage and forced labour, and adding psychological and financial violence as violent modalities of human trafficking;

(c) Act on Maternity/Paternity Leave and Parental Leave (No. 144/2020), extending the duration of maternity/paternity leave to 12 months;

(d) Act on Equal Status and Equal Rights Irrespective of Gender (No. 150/2020), prohibiting direct and indirect discrimination, as well as intersecting forms of discrimination, establishing an equal pay certification system and mandating public bodies to collect and analyse data disaggregated by gender;

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\* Adopted by the Committee at its 142<sup>nd</sup> session (14 October – 7 November 2024).

<sup>1</sup> [CCPR/C/ISL/6](#).

<sup>2</sup> See [CCPR/C/SR.4150](#) and [CCPR/C/SR.4151](#).

(e) Act on the Administration of Matters Concerning Equality (No. 151/2020), clarifying and expanding the oversight role and functions of the Directorate of Equality and the Equality Complaints Committee;

(f) Amendments to the General Penal Code (No. 19/1940), criminalizing digital sexual violence under article 199a, strengthening protection for victims of psychological violence, and reinforcing the protection of victims of stalking under article 232a;

(g) Act on Termination of Pregnancy (No. 43/2019), giving full autonomy to decide on the termination of pregnancy until the end of week 22 of pregnancy;

(h) Amendments to the Parliamentary Ombudsman Act in 2018 establishing a National Preventive Mechanism function within the Parliamentary Ombudsman's Office in the framework of ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(i) Act No 38/2018 on Services for People with Disabilities that have Long-term Support Needs

(j) Regulation No. 1030 of 13 November 2017 on the certification of equal pay systems of companies and institutions, requiring companies and institutions with 25 or more employees to obtain equal pay certification of their equal pay system and the implementation thereof.

4. The Committee welcomes the ratification of or accession to the following international instruments by the State party:

(a) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2019;

(b) Convention on the Rights of Persons with Disabilities, in 2016.

## C. Principal matters of concern and recommendations

### Constitutional and legal framework

5. Recalling its previous Concluding Observations,<sup>3</sup> the Committee remains concerned that the Covenant has not yet been incorporated into domestic law and therefore that it has not been directly applied or invoked in courts. While it welcomes the State party's withdrawal of reservations to articles 10 and 14 of the Covenant, the Committee remains concerned that it maintains its reservation to paragraph 1 of article 20 (arts. 2 and 20).

**6. The State party should consider incorporating the Covenant into the domestic legal order and reassess the rationale for its reservation to article 20, paragraph 1, of the Covenant with a view to withdrawing it.**

### Anti-corruption measures

7. The Committee appreciates steps taken by the State party to strengthen its anti-corruption framework and welcomes the delegation's indication that a national anti-corruption strategy is currently being developed to ensure coordination of the various stakeholders involved. While acknowledging the complexity of the "Fishrot" case, including the involvement of foreign jurisdictions, the Committee is concerned that those responsible have yet to be held to account despite the several years which have elapsed since the revelations emerged. While welcoming the adoption of Act No. 40/2020 on the Protection of Whistleblowers, the Committee is concerned about its effective implementation, regretting the lack of information received on the utilization of internal whistleblowing reporting procedures established by public and private entities under the new legislation. While also welcoming the adoption of Act No. 64/2020 on the Prevention of Conflicts of Interest within Icelandic Government Offices, the Committee is concerned that the restrictions it provides

<sup>3</sup> CCPR/C/ISL/CO/5, para. 4.

for in regard to the employment of former senior public officials in the private sector may be of insufficient scope and duration to be effective (arts. 2 and 25).

**8. The State party should:**

**(a) Allocate sufficient human and financial resources to ensure prompt and thorough investigation of all alleged corruption cases, including complex cases involving overseas jurisdictions;**

**(b) Ensure effective implementation of Act No. 40/2020 on the Protection of Whistleblowers, including through monitoring the effectiveness of internal whistleblowing channels established by public and private entities under the Act;**

**(c) Consider expanding the scope and duration of restrictions on the employment of former senior public officials in the private sector under Act No. 64/2020 on the Prevention of Conflicts of Interest.**

**Hate speech**

9. The Committee welcomes amendments to the General Penal Code No 19/1940 to include gender identity, ethnic origin and disability as prohibited grounds of discrimination and provide for aggravation of punishment for hate-motivated offences, as well as the 2013 amendment of the Media Act to permit the levying of fines for hate speech. However, amid reports of the rising prevalence of hate speech, notably online, the Committee regrets the lack of information provided on investigation and prosecution of hate crimes and compensation provided to victims. The Committee regrets that the plan of action on addressing hate speech presented to Parliament in 2023 was rejected (arts. 2, 20 and 26).

**10. The State party should continue its efforts to tackle hate speech, including through the adoption of a comprehensive plan of action and by ensuring effective investigation and prosecution of hate crimes as well as the provision of adequate compensation to victims.**

**Violence against women, including domestic and sexual violence**

11. While welcoming the extensive measures taken by the State party to address gender-based violence against women, including training for relevant stakeholders and awareness-raising campaigns, the Committee is concerned that violence against women, including domestic and sexual violence, remains prevalent. The Committee welcomes various legislative reforms, including amendments to the General Penal Code establishing intimate partner violence as a specific punishable offence in 2016 and introducing a consent-based definition of rape in 2018. However, the Committee regrets the lack of information received on the effective implementation of legislation, notably with regard to protective measures, prosecution and conviction rates and compensation provided to victims (arts. 3, 6, 7 and 26).

**12. The State party should intensify efforts to ensure that all reported cases of gender-based violence against women, including sexual and domestic violence, are promptly and thoroughly investigated, prosecuted, and that perpetrators are held accountable with penalties commensurate with the gravity of the offences. It should also ensure that appropriate protective measures are implemented for victims and provide them with effective access to assistance services and compensation.**

**Children with variations in sex characteristics (intersex)**

13. While welcoming the adoption of Act No 154/2020 amending the Act on Gender Autonomy (atypical sex characteristics), which stipulates that carrying out surgical procedures on intersex children who are unable to provide consent is prohibited unless the operation is completely necessary for medical reasons, the Committee is concerned by reports that the Act provides for exceptions to this requirement for certain variations in sex characteristics and that intersex children continue to be subjected to medically unnecessary surgical interventions (arts. 2, 7 and 26).

**14. The State party should take all steps necessary to ensure that all surgical procedures on intersex children who are unable to provide free and informed consent**

are prohibited unless the operation is completely necessary for medical reasons and the best interests of the child have been duly taken into account. This should include the consideration of amendments to the Act on Gender Autonomy (atypical sex characteristics) as amended by Act No 154/2020. The State party should also ensure access to effective remedies, including by ensuring that victims have access to their health records and that statutes of limitation are of appropriate duration to permit victims to seek redress for violations.

**Prohibition of torture and other cruel, inhuman or degrading treatment or punishment**

15. With reference to its previous recommendations (para 8) and while noting the delegation's assurance that legislative action is forthcoming, the Committee remains concerned that torture has still not been established as a specific crime in the Penal Code. While noting the information provided by the delegation on protocols, training and oversight relating to the use of electrostatic weapons by law enforcement officials, the Committee regrets the lack of information received regarding a reported increase in the use of such weapons as well as in the use of pepper spray and spit guards (arts. 2 and 7).

**16. The State party should:**

**(a) Establish torture as a specific criminal offence, punishable by appropriate penalties that take into account its grave nature, and including a definition of torture that is in conformity with article 7 of the Covenant and other relevant international standards.**

**(b) Establish effective safeguards and oversight mechanisms for the use of electrostatic weapons and other less-lethal weapons by law enforcement officials and ensure that the relevant protocols are subject to periodic review and updating.**

**(c) Ensure that information on safeguards and oversight mechanisms for the use of electrostatic weapons and other less-lethal weapons by law enforcement officials is disseminated publicly.**

**Asylum-seekers and non-refoulement**

17. While noting the important steps taken to strengthen the asylum system and acknowledging increased numbers of persons claiming asylum in Iceland, the Committee is concerned about a reportedly significant backlog in processing asylum applications and alleged shortcomings in the quality of legal assistance provided to asylum seekers. The Committee is also concerned about amendments to article 33 of the Foreign Nationals Act (No. 80/2016) in March 2023 which limit the provision of basic assistance to 30 days following the final rejection of their application for international protection, and alleged failures to guarantee respect for the principle of non-refoulement, including the removal of asylum seekers to countries that have already issued deportation orders to third countries where there are substantial grounds to believe they would be exposed to torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm (arts. 6, 7, 9 and 13).

**18. The State party should:**

**(a) Take the necessary measures to clear the reported backlog in asylum applications;**

**(b) Ensure that all asylum-seekers have access to effective legal assistance and an appeals process that is in line with international standards, including by ensuring that the lodging of appeals has a suspensive effect on deportation, expulsion and extradition proceedings;**

**(c) Consider revising the recent amendments to article 33 of the Foreign Nationals Act in March 2023 which limit the provision of basic assistance to 30 days following the issuance of a final decision rejecting their application for international protection;**

**(d) Ensure respect for the principle of non-refoulement by ensuring that asylum-seekers and any persons in need of international protection are not deported, expelled or extradited to a country in which there are substantial grounds for believing that there is a real risk of irreparable harm, such as that set out in articles 6 and 7 of the Covenant. This includes ensuring that asylum seekers are not removed to countries that have already issued deportation orders to third countries where such a risk exists.**

#### **Trafficking in persons**

19. The Committee welcomes steps taken by the State party to combat trafficking in human beings, including the amendment to the General Penal Code in 2021 criminalizing additional forms of trafficking in human beings, including labour exploitation and forced labour. The Committee is concerned however by reports that migrant workers, particularly those in sectors such as construction, tourism, and domestic service, are vulnerable to trafficking for labour exploitation, and that women and children are trafficked for sexual exploitation. The Committee regrets the lack of statistical information on complaints, investigations, prosecutions and convictions as well as on the number of victims and the provision of legal, medical and psychological assistance, which does not allow for an informed assessment of the effectiveness of the measures taken (arts. 3, 7 and 8).

20. **The State party should:**

**(a) Ensure that all cases of trafficking in persons are investigated thoroughly, that perpetrators, if convicted, are punished in a manner commensurate with the gravity of the acts committed and that victims have access to effective remedies and assistance, including rehabilitation and reintegration support services;**

**(b) Enhance the provision of training for law enforcement officials, prosecutors, and judges on human trafficking for the purpose of labour exploitation and the rights of victims;**

**(c) Strengthen the labour inspection regime to enhance prevention and detection of trafficking for the purpose of labour exploitation, including through enhanced monitoring of recruitment agencies and employers recruiting posted workers;**

**(d) Implement campaigns to raise awareness about the risks of trafficking for the purpose of labour exploitation and the rights of victims of trafficking and migrant workers, including tailored campaigns for migrants and other vulnerable groups such as asylum seekers and foreign students;**

**(e) Ensure the systematic collection of disaggregated statistical data on all cases of trafficking in human beings.**

#### **Solitary confinement in pretrial detention**

21. While noting the small number of suspects who are held in pretrial detention, the Committee is concerned about the high percentage of them who are subjected to solitary confinement, including for prolonged periods. The Committee is further concerned about the seemingly disproportionate application of solitary confinement to foreign nationals (2, 7, 14, 24 and 26).

22. **Echoing the recommendations issued by the Committee Against Torture (CAT/C/ISL/CO/4, para. 14), the Committee calls on the State party to:**

**(a) Ensure that solitary confinement is used only in exceptional cases and as a last resort, based on specific grounds and an individualized determination, only when strictly necessary in the interests of criminal investigations and for the maintenance of security or order, and for as short a time as possible (no more than 15 consecutive days), and that it is accompanied by strict procedural safeguards in accordance with rules 43–46 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), and includes access to a defence lawyer who has full ability to effectively defend his or her client against the request for the application of such a measure;**

**(b) Observe the prohibition on imposing solitary confinement and similar measures on minors; and guarantee health screening and sufficient consideration of the health conditions of the person concerned in order to ensure that solitary confinement of persons with intellectual, psychosocial or physical disabilities is prohibited when their conditions would be exacerbated by such measures (see rule 67 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and rule 45 (2) of the Nelson Mandela Rules)**

**(c) Ensure that solitary confinement is not disproportionately applied to foreign nationals;**

**(d) Ensure the collection and publication of disaggregated data on solitary confinement cases, including by nationality and the grounds for its application, to be able to better understand the recourse to and implications of this measure and to inform future legal and policy reforms.**

#### **Freedom of conscience and religious belief**

23. The Committee welcomes Act No 6/2013 amending the Registered Religious Communities and Philosophical Organisations Act (No 108/1999), which provides that all registered religious or philosophical organisations are allocated a portion of the parish tax through a monthly contribution, proportionate to the number of individuals aged 16 years or over registered with each organisation. The Committee is concerned however that the criteria for registration are defined in vague terms, and that children are automatically registered with the organisation in which their parents have registered and do not systematically receive information on their right to change affiliation or opt for non-affiliation, upon reaching the age of sixteen (art. 18).

**24. The State party should review and, where necessary, amend its legislation to ensure that criteria for registration of religious or philosophical organisations are defined clearly. It should ensure that all children are systematically informed prior to the age of sixteen years on their right to change affiliation or opt for non-affiliation upon reaching the age of sixteen.**

#### **Involuntary hospitalisation and non-consensual psychiatric treatment**

25. While noting that a bill amending the Patients' Rights Act (No. 74/1997) is at its final stages before adoption, the Committee is concerned that the State party's legislation does not yet provide adequate safeguards in regard to involuntary hospitalisation and non-consensual psychiatric treatment (2, 7, 9 and 26).

**26. The State party should expedite the adoption of the bill amending the Patients' Rights Act (No. 74/1997) ensuring it provides adequate safeguards in regard to involuntary hospitalisation and non-consensual psychiatric treatment, including that patients have the right to appeal decisions before a judicial body regarding the use of coercion or challenge its use even in the absence of a formal decision.**

#### **Violence against children**

27. The Committee welcomes the measures taken by the State party to raise awareness about violence against children, including violence among children, noting with appreciation actions taken to enhance training for professionals working with children and strengthen coordination in the provision of services to child victims of violence. The Committee is concerned about reports that resources allocated to these services remain insufficient, particularly for children from migrant families and those living in rural areas. The Committee regrets the lack of statistical information on the prevalence of different forms of violence against children, which hinders the Committee's ability to assess the impact of the various measures implemented (2, 7 and 24).

**28. The State party should continue its efforts to address violence against children, including violence among children. It should ensure the provision of adequate resources to child protection and assistance services, particularly for children from migrant**

**families and those living in rural areas and ensure the systematic collection of disaggregated data on the prevalence of different forms of violence against children.**

#### **Right to privacy**

29. The Committee is concerned that recent amendments to the Police Act (No. 90/1996) grant the police broad powers to conduct surveillance without adequate judicial oversight. The Committee notes with concern that following the amendment, police are able to conduct surveillance in the public domain for up to four months without authorisation from a judge, on the basis of a suspected direct link to organized crime or certain serious offenses against the state such as terrorism (arts. 2, 17 and 26).

**30. The State party should review recent amendments to the Police Act No. 90/1996 to ensure that police powers to use surveillance are in line with the provisions of the Covenant, including by ensuring that such powers are subject to adequate judicial authorisation and oversight.**

#### **Freedom of expression**

31. The Committee is concerned by reports that journalists who had been investigating a company allegedly implicated in the “Fishrot” corruption scandal were subjected to a protracted police investigation following allegations made against them by an employee of that company. Noting that the investigation against the journalists was eventually closed without indictments being issued, the Committee is concerned about the potentially chilling effect of this case on investigative journalism in Iceland. The Committee is also concerned about the broad range of vaguely defined defamation offences in the General Penal Code and that defamation is a criminal offence which can be punished with imprisonment. It is also concerned at reports that men accused of domestic violence have used defamation provisions to lodge counter-charges against their accuser (arts 2 and 19).

**32. The State party should:**

**(a) Ensure that investigative journalists can carry out their activities without fear that they will face legal harassment and smear campaigns designed to intimidate them or stifle their work;**

**(b) Ensure that all allegations of intimidation, harassment and arbitrary detention of journalists and human rights defenders, including those working on anti-corruption or other issues of public interest, are investigated promptly and effectively, that perpetrators are prosecuted and, if found guilty, punished with adequate sanctions and that victims are provided with effective remedies;**

**(c) Amend articles 228 -242 of the Penal Code to ensure that defamation offences are narrowly and clearly defined including so that they do not impede the right of individuals to seek redress in domestic violence cases;**

**(d) Take concrete steps to decriminalize defamation or at least restrict the application of criminal law to the most serious defamation cases, bearing in mind that imprisonment is never an appropriate penalty for defamation.**

### **D. Dissemination and follow-up**

33. **The State party should widely disseminate the Covenant, the two Optional Protocols thereto, its sixth periodic report and the present concluding observations, with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the periodic report and the present concluding observations are translated into the official language of the State party.**

**34. In accordance with rule 75 (1) of the Committee’s rules of procedure, the State party is requested to provide, by 8 November 2027, information on the implementation**

of the recommendations made by the Committee in paragraphs 8. (Anti-corruption measures), 20. (Trafficking in persons) and 32. (Freedom of expression) above.

35. In line with the Committee's predictable review cycle, the State party will receive in 2030, the Committee's list of issues prior to the submission of the report and will be expected to submit within one year its replies, which will constitute its seventh periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in Geneva in 2032.

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