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Summary record of the 2894th meeting

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Chairperson: Ms. Majodina

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The meeting was called to order at 3.05 p.m.

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

Fifth periodic report of Iceland (CCPR/C/ISL/5; CCPR/C/ISL/Q/5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Iceland took places at the Committee table.*
2. **Ms. Hjaltadóttir** (Iceland) said that the Committee's recommendations concerning the fourth periodic report of Iceland (CCPR/CO/83/ISL) had directly influenced the measures taken to improve the country's implementation of the Covenant. While the human rights situation in Iceland was good by international standards, there was always room for improvement, so that it was important to receive constructive criticism and support from international human rights bodies. The implementation of human rights was a dynamic process and past successes did not mean that Iceland could rest on its laurels.
3. Her Government had committed itself in a policy statement to the adoption of a National Action Plan on human rights in Iceland. A working group composed of representatives of all ministries and a consultative group composed of representatives of civil society and academia had been established in November 2011. The National Action Plan would be submitted to parliament in October 2012. It laid the basis for determining responsibility and coordinating the human rights work of different ministries and organizations, deciding on the ratification of human rights instruments and assessing whether to set up a national human rights institution. Monthly seminars on relevant human rights issues had been held since December 2011.
4. The policy statement also announced the Government's aim to incorporate all human rights instruments to which Iceland was a party into domestic law. The consistency of that aim with Iceland's dualist application of international law would be assessed. Due care would be taken to ensure a continued focus on the substantive rather than merely formal implementation of human rights instruments.
5. A recent extensive restructuring of Government departments had placed increased weight on human rights in public administration. The Government had taken due account of the findings of a parliamentary commission tasked with investigating the collapse of the banking sector in 2008. The newly formed Ministry of the Interior was guided by the three core values of humanity, foresight and professionalism. It was committed to establishing a society based on justice, democracy and a strong infrastructure. All three branches of government increasingly incorporated human rights considerations into their activities. Amendments to the human rights chapter of the Icelandic Constitution had played a key role in that regard.
6. Acting in response to the Committee's Views on communication No. 1306/2004, which had considered Iceland's fisheries management system in the context of human rights, the Government was currently conducting a review of that system. It welcomed the Committee's decision, based on the follow-up information provided, to remove the case from the follow-up procedure.
7. The Icelandic parliament had unanimously adopted legislation in 2010 providing for a gender-neutral definition of marriage, thereby ensuring the same legal status for heterosexual and same-sex married couples. The legislation enjoyed wide support among the public. The legal status of transgender people had also been improved by new legislation that had entered into force on 27 June 2012.
8. The promotion of gender equality was a key Government priority and Iceland had ranked first for the past three years in the World Economic Forum's Global Gender Gap Report. Women occupied an increasing proportion of positions of authority, particularly in

the public sector, and it had recently been reported that they comprised about 35 per cent of the board members of companies listed on the Icelandic stock exchange. The gender pay gap nevertheless persisted and the Government was taking firm action in that regard.

9. The ugly reality of sexual and domestic violence was openly discussed in Iceland. Extensive consultations had been launched under the auspices of the Ministry of the Interior with the participation of academics, the police, NGOs working with rape victims, the State Prosecutor and the judicial branch. The Government had recently held a conference, attended by numerous Icelandic and foreign legal experts, on the handling of sexual offences under the legal system, and the Ministry of the Interior had awarded a grant for research in that area. In addition, the Government was contemplating the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence.

10. The Government was planning to build a new prison. It should be borne in mind, however, that Iceland was a small society and that, on average, fewer than five juveniles a year served prison sentences. The Government was nevertheless searching for appropriate solutions to ensure that all prison facilities and conditions were in line with best practice from a human rights standpoint. Its conviction that overcrowding was unacceptable had frequently led to imprisonment being deferred, sometimes for several years. The new prison was expected to bring substantial improvements to the prison situation across a range of parameters.

11. There had been a considerable increase in the number of asylum seekers in recent years. Owing to the country's size, its small-scale administrative apparatus and funding issues, the Government had been unable to address the matter in accordance with international best practice and processing time was lengthy. Following a comprehensive review by a multi-stakeholder committee appointed in 2009 by the Minister of the Interior, extensive amendments to the asylum chapter of the Foreign Nationals Act had been adopted in 2010. They included a regime for subsidiary protection, more precise rules on residence permits on humanitarian grounds, further legal aid to rejected asylum seekers, partial coverage for asylum seekers during first-instance procedures, rules regarding reception conditions and safeguards for the protection of unaccompanied minors applying for asylum. Further improvements were, however, clearly necessary. Substantive recommendations submitted by an intergovernmental panel to the Minister of the Interior the previous week were intended to serve as the basis for a new Foreign Nationals Act that would adopt a more humanitarian approach. They included the amalgamation of legal provisions concerning foreigners' residence and work permits, the attachment of rights to individuals rather than to residence permits, and recognition as a general rule that the right of residence entailed the right to work. Other proposals included discontinuation of the punishment of asylum seekers for presenting forged identity documents and the establishment of an independent appeal body to which asylum seekers would address all complaints and appeals based on the Foreign Nationals Act. The Ministry of the Interior and the Ministry of Welfare had joined forces to draft a bill based on the proposals which the Government hoped to submit to parliament in autumn 2012.

12. **Ms. Bjarnadottir** (Iceland) said that the 1995 amendments to the Constitution had rendered the connection between the Covenant and the human rights provisions of the Constitution unequivocal. The application of the Covenant in court decisions through legal interpretations of the provisions of the Constitution was reflected in two Supreme Court judgements of 12 April 2011 (Nos. 188/2011 and 189/2011), in which individuals had argued that the Icelandic Government had violated article 26 of the Covenant. Another example was the Supreme Court judgement of 28 October 2011 in case No. 300/2011, which concerned a Dutch local authority's claim relating to the winding-up of an Icelandic bank. Sixty-two plaintiffs had based their case on various premises, including the argument

that provisions of Act No. 125/2008 on Authority for Treasury Disbursements due to Unusual Financial Market Circumstances violated the Constitution and international treaties to which Iceland was a party. The Court had concluded that article 65 of the Constitution, article 26 of the Covenant and article 14 of the European Convention on Human Rights had not been violated. It had ruled in a similar manner on eight further cases brought by different parties.

13. Iceland had entered three reservations to the Covenant. The Government was considering ways to achieve the goal of separating juvenile from adult prisoners in the Icelandic context, notably the geographical distribution of the country's inhabitants and the small number of juveniles involved. It would continue to work towards a solution based on the best interests of the child.

14. There were no plans to withdraw the reservations to article 14, paragraph 7, and article 20, paragraph 1, of the Covenant in the near future, although the matter would be discussed in connection with the preparation of a National Action Plan on human rights.

15. No independent national human rights institution in keeping with the Paris Principles had yet been set up in Iceland. However, during the universal periodic review process in 2011, Iceland had made a voluntary commitment to consider the possibility of establishing such an institution. Various human rights NGOs currently provided the authorities with constructive criticism. The Icelandic Human Rights Centre had assumed some of the functions of a national human rights institution and had been receiving regular funding from the Government since 2008. The Human Rights Institute within the University of Iceland had also played an important role in promoting human rights in an academic and social context and was partly funded by the Government.

16. The Icelandic authorities were drafting a bill to align the country's legislation with European Union (EU) anti-discrimination law; it should be submitted to parliament in autumn 2012. A Media Act adopted in 2011, which was based on the EU Audiovisual Media Services Directive, prohibited hate speech and incitement to criminal behaviour by the media on the basis of race, gender, sexual orientation, religious belief, nationality, opinion, or cultural, economic or social standing in the community. The ban was applicable to all Icelandic media and was monitored by an independent regulatory body, the Media Committee. Media service-providers were punishable under the Act for incitement to criminal behaviour but not for hate speech; however, a bill had been presented to parliament amending the Act so that sanctions would also be applicable to hate speech.

17. The Ministry of Welfare had taken significant action to strengthen the legal and institutional framework for the integration of immigrants. Parliament had adopted a resolution in 2008 on an action plan on immigrant issues and a series of measures financed by the Immigration Development Fund had been taken on that basis.

18. Two Muslim associations had applied to be granted land, without remuneration from the municipality of Reykjavik, to build a mosque and an Islamic cultural centre. The application was being considered within the formal planning and permission process that took into account different land uses from those proposed under the current secondary plan for the municipality.

19. The Ministry of Welfare and the Icelandic Human Rights Centre had received funding under the "Progress programme" to coordinate projects relating to immigration issues, while various NGOs and institutions had taken part in projects to raise awareness, host training, and conduct a media survey concerning anti-discrimination goals and racial diversity.

20. Various mechanisms had been put in place to ensure gender equality and affirmative action had been taken in different sectors. An Equal Salary Standards Bill was being

submitted to parliament under the Gender Equality Action Plan. It was based on international standards and would be a useful tool in eliminating the unexplained gender pay gap, which studies placed at just over 10 per cent.

21. The Private Limited Companies Act had been amended in 2010 to improve the representation of women on the boards of companies. In September 2011, parliament had adopted a provision stating that both genders should have representatives on pension fund boards. If a board had more than three members, the gender quota should not be lower than 40 per cent for one gender.

22. The Centre for Gender Equality provided training, support and criticism, and cooperated with schools, institutions and other bodies in raising awareness of gender equality issues. The Gender Equality Complaints Committee had also played an important role in ensuring the implementation of the amended Gender Equality Act.

23. Iceland had taken a firm stand against gender-based violence. The amended General Penal Code prescribed heavier sentences for sexual abuse and other cases involving violence where there was a close relationship between the perpetrator and the victim. The Exclusion Order Act (No. 85/2011), which had replaced Act No. 122/2008, empowered the police to take decisions on restraining orders and the expulsion of accused persons from homes in cases of domestic violence. The police could arrest offenders immediately and keep them in custody for up to 24 hours or until a formal decision was taken concerning a restraining order and expulsion from the offender's home. A Government action plan currently being prepared focused on the investigation of gender-based acts of violence and their prosecution in the judicial system. The Government allocated funds to various NGOs, such as the Women's Shelter in Reykjavik, that offered assistance and protection to women victims of violence.

24. The Government had funded a brochure on women's rights in Iceland which focused on immigrant women. Cards listing the telephone numbers of the rape trauma service centre, the Women's Shelter, an emergency line, the Red Cross and the Counselling Centre for Survivors of Sexual Abuse had been published in five languages and distributed in places such as hotels and health-care centres.

25. Iceland had ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in 2011. The General Penal Code had been amended in June 2012 so that in cases of child prostitution, pornography and trafficking the statute of limitations expired only when a child reached the age of 18, irrespective of his or her age when the violation had taken place. In April 2012, the Government made a three-year commitment to promote cooperation in the prevention of sexual abuse and sexual exploitation of children and to raise awareness of sexual offences among children themselves and among people whose work brought them into direct contact with children. Twenty million Icelandic kronur (ISK) was being allocated in 2012 for the education of children in the 6 to 16 age group, and ISK 5 million would be allocated to awareness-raising for judges, police officers and the prosecution service.

26. Child protection in Iceland was based on the services of child protection committees at the local or regional level. The Government's Child Protection Agency was responsible for coordination work, including monitoring, advice and training. The Children's House ("Barnahus") provided important specialized services relating to child sexual abuse. It was a child-friendly, multiagency and interdisciplinary facility for the investigation of suspected child sexual-abuse cases, and provided specialized treatment and counselling services for child victims and their families.

27. The Child Protection Agency had taken additional measures to deal with violence against children, including: specialized assessment and treatment for children with inappropriate sexual behaviour; a specialized group therapy programme for children who

were victims of physical abuse or had witnessed domestic violence; and a pilot project to support children exposed to domestic violence and to ensure that their voices were heard.

28. Amendments had been made in 2011 to the Enforcement of Punishment Act in order to introduce electronic monitoring as a new enforcement measure and to make it easier to issue community service orders.

29. Iceland had ratified the Council of Europe Convention on Action against Trafficking in Human Beings. Since the adoption of the National Action Plan in 2009, the police had issued a detailed booklet and rules on detection and response measures in possible cases of trafficking and prostitution. The police academy curriculum covered those rules. Pursuant to a 2010 amendment to the Foreign Nationals Act, being a victim of trafficking had been added to the list of possible grounds for obtaining a residence permit. So far, one such permit had been granted.

30. **The Chairperson** invited the Committee to ask questions relating to questions 1 to 9 of the list of issues.

31. **Mr. Flinterman** commended the State party for the measures it had taken to improve the human rights situation in response to the Committee's 2005 concluding observations. While welcoming the informative fifth periodic report and the additional details provided by the delegation, he recalled that the human rights treaty bodies had issued new harmonized reporting guidelines. He urged the State party to ensure that the sixth report adhered to those guidelines, particularly through the submission of a common core document. He regretted that the State party's replies to the list of issues had been sent only two weeks before the Committee's consideration of the fifth report and that the replies had not been aligned with the list of issues.

32. Turning to question 1 of the list, he welcomed the information the State party had provided on its efforts to respond to the Committee's Views on case No. 1306/2004. The Committee would appreciate an update on ongoing discussions concerning the fisheries management system. He asked whether domestic legislation contained any provisions that could be invoked by the authors of individual communications to the Committee in order to ensure the Committee's Views were implemented. It would be useful to know whether there was any difference in the ways in which the State party followed up the Committee's Views and the decisions of the European Court of Human Rights.

33. With regard to question 2, he recalled that it was the Committee's consistent policy to call on States parties to reassess any reservations they had lodged to the Covenant. That was because situations changed over time and also in response to the appeal by States Members of the United Nations, as expressed in the 1993 Vienna Declaration and Programme of Action, for States to regularly review the reservations they lodged to international human rights instruments with a view to withdrawing them. Given that the State party had entered its reservations to article 10, paragraphs 2 (b) and 3, article 14, paragraph 7, and article 20, paragraph 1, of the Covenant in 1979, he was pleased to hear that there were currently plans to reconsider the reservation to article 10, paragraph 3, concerning the separation of juvenile offenders from adult detainees.

34. The State party's reservation to article 14, paragraph 7, indicated that the authorities did not consider it appropriate to revise the detailed provisions contained in the domestic law on procedure for the resumption of cases that had already been tried. He therefore wished to know whether the domestic provisions concerning double jeopardy had been invoked in the period since 1979. If so, the Committee would appreciate examples of such cases. If not, he suggested that the time might have come to review the reservation with a view to withdrawing it.

35. Turning to the reservation to article 20, paragraph 1, he agreed that a prohibition of propaganda for war could limit the freedom of expression. However, he drew the State party's attention to the Committee's general comment No. 34, particularly paragraph 50, which pointed out that any limitation that was justified on the basis of article 20 must also comply with article 19, paragraph 3. Given that the general comment was the fruit of the Committee's many years of experience, he wondered whether the assertion in paragraph 50 might provide an adequate basis for reviewing the State party's reservation to article 20, paragraph 1.

36. In connection with question 8 of the list of issues, paragraphs 66 and 67 of the periodic report contained the clearest recognition he had ever seen from a Government of the difference between *de jure* and *de facto* gender equality. The Committee would appreciate an account of the specific outcomes of the Gender Equality Action Plan, and the lessons learned from the 2006–2011 plan of action to deal with sexual violence and violence in close relationships. He asked which negative gender stereotypes were considered the most persistent in the State party and what had been the result of the steps taken to combat negative gender stereotypes.

37. Concerning the reply to question 9, he asked why implementation of the decisions of the Gender Equality Complaints Committee depended on the complainants. He also invited the delegation to comment on reports that the Government did not often accept the decisions of that Committee, instead referring them to the courts. It would be interesting to know what penalties would be imposed as of 2013 on companies that violated the new provisions of the Private Limited Companies Act to improve women's representation on company boards. He asked why the gender pay gap appeared to be widening and how the Equal Salary Standards Bill, if enacted, would be instrumental in narrowing it, if not eliminating it altogether.

38. **Mr. Iwasawa** welcomed the fact that the composition of the delegation reflected the small gender gap in the State party as compared with many other countries. In relation to question 3 of the list of issues, he welcomed the news that the Government planned to incorporate all the human rights instruments to which Iceland was a party into domestic legislation. The Committee would appreciate an indication of the general view in parliament on that issue. It would be more straightforward to incorporate the provisions of the Covenant than those of the Convention on the Rights of the Child into domestic legislation, given that the Covenant protected rights similar to those enshrined in the European Convention on Human Rights, which had already been incorporated into Icelandic law. He therefore wondered why parliament was giving precedence to the incorporation of the Convention on the Rights of the Child.

39. He welcomed the examples of cases in which legislators had taken the provisions of the Covenant into account in enacting new legislation and cases in which the Covenant had been invoked before the courts. It would be useful to have additional information on case No. 125/2000, particularly the influence of article 26 of the Covenant on the outcome of the case. He requested confirmation that the Icelandic authorities, including the courts, had a legal obligation to interpret domestic legislation, including the Constitution, in accordance with the Covenant. It would be interesting to learn whether the Ombudsman had ever expressed the view that a certain piece of domestic legislation did not conform to the international human rights instruments the State party had ratified.

40. Turning to question 4, he requested an update on the State party's examination of the possibility of establishing a national human rights institution in keeping with the Paris Principles. It would be useful to know what time frame was in place for a decision in parliament on the establishment of such an institution. Additional information would be appreciated on the activities and role of the Icelandic Human Rights Centre and the Government's financial contribution to the Centre since 2008.

41. As to question 5, he asked whether the bill bringing domestic legislation into line with the European Commission directives on combating discrimination in the labour market would be submitted to parliament in autumn 2012. He wished to know whether the bill merely incorporated the two directives into Icelandic legislation rather than constituting comprehensive anti-discrimination legislation to combat discrimination in all spheres of life. If that was the case, he wondered whether the State party intended to adopt such comprehensive legislation, and if not, why not.

42. Additional information should be provided on the proposed functions of the anti-discrimination complaints committee and the general anti-discrimination contact point at the Centre for Gender Equality. He also wished to know whether the Government planned to amend articles 233 (a) and 180 of the General Penal Code in order to provide protection for transgender people.

43. **Mr. Neuman**, recalling that Iceland had entered no reservations to article 20, paragraph 2, of the Covenant, and in the light of the recently published report of the European Commission against Racism and Intolerance, asked whether or not the new system for oversight of the media contained sanctions against incitement to hostility or discrimination, and whether it applied only to institutional actors rather than individuals who used the Internet to advocate unlawful acts. Given the Government's replies to questions 5 and 6 of the list of issues, he asked whether the delegation would agree that further action was required to publicize the principle that it was wrong to discriminate against foreign residents in appointing members of the board in businesses open to the public, and whether the Government had any plans in that regard.

44. Welcoming the integration measures mentioned by the Government, he expressed concern that in the current economic climate integration efforts — such as the teaching of the Icelandic language and literacy training — had ebbed owing to a lack of funding. He asked whether the Government acknowledged that problem and what measures it planned to take.

45. With regard to incitement to hatred and discrimination against Muslims in particular, the Committee had received reports of delays of more than a decade in granting a building permit for a mosque, citizens protesting against building plans involving a mosque, and delays in the granting of planning permission for an Islamic cultural centre. He asked the delegation to respond to concerns that the delays were the result of discriminatory treatment. What steps was the Government taking to facilitate completion of the planning process at the municipal level?

46. **Ms. Chanet**, referring to a matter relating to article 9 of the Covenant which did not feature on the list of issues, asked for clarification regarding access to legal advice or medical assistance for persons in detention. She wished to know at what point following their arrest a person would have access to a lawyer or doctor.

47. With regard to pretrial detention, she requested clarification as to whether a defendant might also be held on remand if the offence of which he or she was accused would only be punishable by a fine. She found it difficult to believe that a person could be detained if the alleged offence was not punishable by a prison sentence. Perhaps there was an error in the text of the report.

48. The report contained numerous references to legislation on criminal procedure to which the Committee did not have access. She asked the delegation to provide details of the relevant new legal provisions.

49. **Mr. Ben Achour**, referring to question 7 of the list of issues, asked whether municipalities provided grants for places of worship without need for a permit. As he understood it, Muslim associations were also able to purchase land directly. Was the rule

that land was provided free of charge to religious associations in order to build places of worship respected in all cases?

50. **Mr. Sarsembayev** asked whether article 33 of the Icelandic Constitution, which stated that citizens were not able to vote if they were of unfit character or if there were questions about their property, was considered obsolete or whether it continued to apply. If the article did indeed still apply, did the delegation not think that it was undemocratic?

51. **Ms. Hjaltadottir** (Iceland) said that the late submission of the report was the result of far-reaching government reforms, including the creation of a new Ministry of the Interior, and apologized to the Committee. The delegation took note of comments on the need to respect guidelines and update core documents, and assured the Committee that those steps would be taken in the future. The Committee's Views on case No. 1306/2004 contributed to an ongoing debate in Iceland on the future of the quota system in the fisheries sector. However, she took note of the Committee's comments and would present the matter for discussion in parliament.

52. With regard to Iceland's reservations to the Covenant, she referred the Committee to its replies to the list of issues, and said that all reservations would be discussed during the process of drafting the National Action Plan and that the Committee would be informed of the outcome.

53. On the issue of the incorporation of international instruments into the national legal framework, she referred to her earlier statement and the policy statement in the report. On the basis of the political debate which had taken place the previous year, she was of the opinion that the political will existed to incorporate all international human rights instruments ratified by Iceland into national legislation. However, it was necessary to take into account the dualist approach adopted by Iceland and the provisions of the Constitution. Although there was no specific legal obligation to do so, Icelandic courts tended to interpret domestic law in accordance with international legal instruments. The Government was currently engaged in the process of drawing up the National Action Plan, which would describe in greater detail how the Government's political statements would be implemented.

54. With regard to the contribution made by NGOs to human rights work in Iceland, their roles included providing the authorities with constructive criticism, publishing treaty body "shadow reports", articles and other material, and holding seminars and lectures. NGOs were respected by the Icelandic authorities and, in her opinion, they operated in an effective manner. Iceland had no specific independent human rights institution established in accordance with the Paris Principles.

55. **Ms. Bjarnadottir** (Iceland) said that lessons learned from the first action plan on domestic and sexual violence, which had been backed by extensive research, had been used in preparing the second general action plan, which provided for the creation of certain structures at government and local authority level and was nearing completion. Other projects included a programme entitled "Men take responsibility" and measures to encourage municipalities to organize their own gender action plans, as two of the largest municipalities had indeed done. With regard to negative gender stereotypes, she said that people in Iceland were aware of gender equality issues, and that prevalent stereotypes included the association of certain professions, such as those of nurse or builder, with a specific gender.

56. The Ministry of Welfare was close to completing the drafting of anti-discrimination legislation, which would be presented before parliament later that year. The new legislation had originally been designed to integrate EU directives into national law, but it would in fact be even more comprehensive in scope.

57. With regard to provisions on hate speech, the Government had stated in its replies to the list of issues that concerns had been raised regarding the effectiveness of existing legal provisions. One of the measures taken to address the problem was the proposed amendment to the Media Bill, which parliament had not adopted. The Committee's concerns were noted and the Government would do its utmost to ensure that legislation relating to hate speech was effective.

58. The effect of the financial crisis on opportunities for foreigners to learn Icelandic as part of national integration measures did cause concern. The Government's response focused on young people, and Iceland had requested the Organization for Economic Cooperation and Development for assistance with a project to prevent young foreigners from dropping out of secondary school.

59. **Mr. Flinterman** requested a more specific response from the delegation on two issues mentioned earlier, which were important to the Committee. He asked what procedures were in place to implement the Committee's Views under the Optional Protocol and the rulings of the European Court of Human Rights, and whether the two procedures differed.

60. With regard to Iceland's reservations to certain provisions of the Covenant, his interpretation of the delegation's reply was that it agreed that it was vital to regularly review the reasons for the reservations in order to ensure that they remained valid. For example, few other States had entered reservations to article 14, paragraph 7, and he asked whether, since 1979, Iceland had ever had cause to apply its reservation. If it had not, that fact in itself could constitute a good reason for withdrawing the reservation.

61. As to article 20, paragraph 1, he asked the delegation to respond to the suggestion that the recently adopted general comment No. 34 on article 19 could serve as a basis for further reflection on retaining reservations to the Covenant.

62. **Ms. Hjaltadóttir** (Iceland), responding to the question on the application of article 14, paragraph 7, with regard to the reopening of cases, said that it had indeed been used in at least one criminal case. The matter had been the subject of debate.

63. **Ms. Bjarnadóttir** (Iceland) said that there was no established framework in place to implement the Committee's Views under the Optional Protocol as no precedent existed. The general procedures prescribed in the European Convention on Human Rights were used to implement rulings issued by the European Court of Human Rights as that Convention formed part of the national legislative framework. The matter was currently the subject of debate and the Committee's Views would have an impact on how human rights were perceived and discussed in Iceland.

64. **Mr. Rivas Posada** said that it had been difficult for the Committee to navigate through the Government's written replies to the list of issues because they were presented as a single body of text with no indication of which question each paragraph was meant to answer. In future, the Government should follow the reporting guidelines in order to facilitate the Committee's work.

65. He welcomed the recent legislative improvements concerning sexual violence against women, but said that the Committee would appreciate further information on the practical steps taken to implement that legislation, along with data such as the number of complaints of sexual violence received, investigations carried out, perpetrators identified, types of penalties imposed and compensation awarded to victims.

66. The fact that juvenile and adult prisoners were not treated differently constituted considerable discrimination against juveniles and was incompatible with the Covenant, and particularly the concept that the essential aim of the penitentiary system should be the prisoners' rehabilitation. He proposed that the Government should conduct a thorough

study of the factors that could enable the country to withdraw its reservations to the Covenant, especially the reservation to article 10, paragraphs 2 (b) and 3.

67. **Mr. Neuman** said that while new legislation had been passed to combat violence against women, studies had shown that in practice the effects of that legislation were limited. He asked the delegation to reflect on why so few women victims of violence filed complaints and why so few complaints resulted in official action. The Council of Europe Commissioner for Human Rights had previously expressed concern about the attitudes of male government officials; perhaps more needed to be done to change those attitudes. He asked whether it was correct that the only shelter for women victims of violence was the shelter in Reykjavik, and whether the Government was seeking solutions to the problem of geographical distribution of resources.

68. He noted the Government's statement that the lack of a definition of torture in domestic legislation did not pose a problem in practice because perpetrators could be punished under laws for offences such as assault or abuse of office. In the Committee's view, however, such sanctions might not be sufficiently severe and did not provide the victims with a remedy or appropriate recognition of the harm they had suffered. Moreover, the expressive effect of the criminalization of torture should not be underestimated.

69. **Mr. Flinterman** welcomed the measures taken to protect immigrant female victims of domestic violence, such as allowing them to extend their residence permits and publishing information brochures in several languages. He wished to know what the practical impact of those measures had been, specifically whether immigrant women victims did in fact file complaints and whether they received legal or other assistance in doing so.

70. He welcomed the fact that Iceland had adopted the National Plan against Trafficking in Human Beings and had become a party to relevant international instruments. He asked if the shelter for women wishing to escape prostitution and women victims of human trafficking mentioned in paragraph 72 (d) of the written replies was the same as the shelter for women victims of domestic violence. He wished to know how many women the shelter had accommodated thus far and how many of those women were foreigners. He wondered how many victims of trafficking had applied for a residence permit under the 2010 amendment to the Foreign Nationals Act, and how many applications had been rejected.

71. He asked if the revocation of authorization for striptease shows had had the desired effect of reducing trafficking in human beings. He wished to know the underlying reasons for, and impact of, the new prohibition on the purchase of sexual services, and whether there had been any prosecutions thus far.

72. **Mr. Iwasawa** welcomed the ratification by Iceland of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and the resulting changes in law and practice. However, since January 2009 the Supreme Court had handed down only six convictions for the sexual abuse of children. He asked the delegation to comment on that low number and wondered if the Government would consider educating all persons working with children about violence and sexual assault against children.

73. **Ms. Hjaltadottir** (Iceland) said that sexual violence against women and children was a problem of the utmost concern to the Government, which recognized that the efforts made thus far to address the problem were far from sufficient. The Government was focusing its current efforts on three main areas: awareness-raising, education and training for all persons concerned, and enforcement. It aimed to ensure that the police took action on all complaints of sexual violence and that they had the necessary tools to do so.

74. **Ms. Bjarnadottir** (Iceland) said that her Government simply did not have the requested data on cases of sexual violence against women, which indicated that its data collection methods should be improved. It nevertheless shared the Committee's views on the importance of the issue.

75. There was political will in Iceland to withdraw the reservation to article 10, paragraphs 2 (b) and 3, but the Government was struggling to find a way to do so, given the very low number of juvenile offenders in a country with a population of only 320,000. Currently there were no children serving prison sentences in Iceland, and the Government was of the view that it would not be in the best interests of a child to serve a sentence in isolation simply because he or she was the only minor serving a sentence at that time. All convicted minors had the option of serving their sentence in a youth facility, but doing so meant that they had to stay clean and sober and participate in the activities organized by the youth facility. If they did not agree to those terms, then the only other option was an ordinary prison.

76. It was true that the Government considered the current regulatory framework on torture to be sufficient, given that there had never been any reported cases of torture in the country. Her delegation took note of the Committee's views on the issue, however, and would give the matter further close consideration.

The meeting rose at 5.55 p.m.