

Council of Europe contribution for the 40th UPR session (Oct-Nov 2021) regarding Iceland

Contents

<i>Prevention of torture (CPT).....</i>	<i>2</i>
<i>Council of Europe Commissioner for Human Rights.....</i>	<i>2</i>
<i>Fight against racism and intolerance (ECRI).....</i>	<i>2</i>
<i>Steering Committee on Anti-Discrimination Diversity and Inclusion (CDADI).....</i>	<i>3</i>
<i>Protection of minorities.....</i>	<i>4</i>
<i>Framework Convention for the Protection of National Minorities.....</i>	<i>4</i>
<i>European Charter for Regional or Minority Languages.....</i>	<i>4</i>
<i>Ad hoc Committee of Experts on Roma and Traveller Issues (CAHROM).....</i>	<i>4</i>
<i>Action against trafficking in human beings (GRETA).....</i>	<i>5</i>
<i>Preventing and combating violence against women and domestic violence (GREVIO).....</i>	<i>5</i>
<i>Protection of children against sexual abuse (Lanzarote Convention).....</i>	<i>6</i>
<i>Fight against corruption (GRECO).....</i>	<i>10</i>
<i>Execution of judgments and decisions of the European Court of Human Rights.....</i>	<i>11</i>
<i>Statistical data.....</i>	<i>11</i>
<i>Main cases / groups of cases under the Committee of Ministers' supervision.....</i>	<i>11</i>
<i>Important cases closed recently.....</i>	<i>12</i>
<i>Social and Economic Rights (ECSR).....</i>	<i>13</i>
<i>Venice Commission.....</i>	<i>13</i>

Prevention of torture (CPT)

The 'European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment' organises country visits in order to visit places of detention to assess how persons deprived of their liberty are treated. After each visit, the CPT sends a detailed report to the State concerned. This report includes the CPT's findings, and its recommendations, comments and requests for information.

The CPT's report on the 2019 periodic visit to Iceland:



CPT_inf_2020-4_Iceland.pdf

The main objective of the fifth periodic visit to Iceland was to review the measures taken by the Icelandic authorities in response to the recommendations made by the Committee after previous visits. In this connection, particular attention was paid to the treatment and conditions of detention of persons in police custody and penitentiary establishments. The delegation also examined the treatment, conditions and legal safeguards offered to psychiatric patients.



2020-04-inf-eng-executive-summary.pdf

Government response:



CPT_Iceland_Gov_response.pdf

Council of Europe Commissioner for Human Rights

The Commissioner for Human Rights is an independent and impartial non-judicial institution established by Council of Europe to promote awareness of and respect for human rights in the 47 Council of Europe member States.

n/a

Fight against racism and intolerance (ECRI)

The European Commission against Racism and Intolerance (**ECRI**) is a human rights body of the Council of Europe, composed of independent experts, which monitors problems of racism, xenophobia, antisemitism, intolerance and discrimination on grounds such as "race", national/ethnic origin, colour, citizenship, religion and language. It prepares reports and issues recommendations to member States, in which its findings, along with recommendations are published. These reports are drawn up after a contact visit to the country in question and a confidential dialogue with the national authorities. The country monitoring takes place in five-year cycles. As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.

Conclusions on Iceland (adopted on 10 December 2019 / published on 19 March 2020)



**ECRI_2020_6_Iceland.
pdf**

Fifth report on Iceland (adopted on 6 December 2016 / published on 28 February 2017)



**ECRI_2017_3_Iceland.
pdf**

Steering Committee on Anti-Discrimination Diversity and Inclusion (CDADI)

Under the authority of the Committee of Ministers and bearing in mind the Council of Europe's legal standards, the jurisprudence of the European Court of Human Rights and the findings and recommendations of the relevant monitoring mechanisms, the CDADI steers the Council of Europe's intergovernmental work to promote equality for all and build more inclusive societies, offering effective protection from discrimination and hate and where diversity is respected. The work of the CDADI shall take into account the work of the European Commission against Racism and Intolerance (ECRI), without prejudice to the latter's mandate.

The CDADI advises the Committee of Ministers on all questions within its mandate, including preventing and combating hate speech and discrimination on the grounds covered by ECRI, with a particular focus on fighting anti-Gypsyism and improving the active participation and inclusion of Roma and Travellers in society, safeguarding the rights of persons belonging to national minorities and the use of regional or minority languages, and promoting intercultural integration.

The CDADI promotes and facilitates thematic exchanges and peer reviews of experience and good practice among Council of Europe member States to develop common policy responses, analyse implementation and fulfil any other task assigned to it by the Committee of Ministers.

Based on the study "[COVID-19: An analysis of the anti-discrimination, diversity and inclusion dimensions in Council of Europe member states](#)" adopted in 2020, Committee formed a working group with a task to compile promising and good practices and draft Guidelines of the Committee of Ministers of the Council of Europe on upholding equality and protecting against discrimination and hate during the COVID-19 and similar crises, together with an Explanatory memorandum, which were adopted by the Committee of Ministers on 5 May 2021.



**COVID-19_An analysis
of the anti-discriminal**



**CM_2021_37_CDADLp
d**

Protection of minorities

Framework Convention for the Protection of National Minorities

The monitoring procedure for this convention requires each state party to submit a report within one year following the entry into force of the Framework Convention and additional reports every five subsequent years. State reports are examined by the [Advisory Committee](#), a body composed of 18 independent experts responsible for adopting country-specific opinions. These opinions, on which States Parties have an opportunity to comment, are meant to advise the Committee of Ministers in the preparation of its resolutions, containing conclusions and recommendations to the State concerned.

n/a

European Charter for Regional or Minority Languages

The [Charter's monitoring procedure](#) is based on state reports, as each State Party is required to present its first report within the year following the entry into force of the Charter with respect to the Party concerned. Since the entry into force, in July 2019, of the reform of the monitoring mechanism, the subsequent reports are presented at five-yearly intervals. A committee of independent experts examines the state's periodical report and addresses an evaluation report to the Committee of Ministers, including proposals for recommendations.

n/a

Ad hoc Committee of Experts on Roma and Traveller Issues (CAHROM)

Following the High-Level meeting, intergovernmental work on Roma issues has been upgraded: on 16 February 2011 the Ministers Deputies adopted terms of reference for a new Committee of Experts (CAHROM) to be answerable directly to the Committee of Ministers. The [terms of reference](#) - which have been renewed by the Ministers Deputies for the years 2018-2019 - place emphasis on the analysis and evaluation of the implementation of national policies and thematic exchanges of experience and good practices. European Union institutions, international organisations, the European Roma and Travellers Forum and other relevant (Roma and Traveller) organisations are associated as observers to the CAHROM.

n/a

Action against trafficking in human beings (GRETA)

The Council of Europe Convention on Action against Trafficking in Human Beings was adopted by the Committee of Ministers of the Council of Europe on 3 May 2005, following a series of other initiatives by the Council of Europe in the field of combating trafficking in human beings. The Convention entered into force on 1 February 2008, following its 10th ratification. While building on existing international instruments, the Convention goes beyond the minimum standards agreed upon in them and strengthens the protection afforded to victims.

The Convention has a comprehensive scope of application, encompassing all forms of trafficking (whether national or transnational, linked or not linked to organised crime) and taking in all persons who are victims of trafficking (women, men or children). The forms of exploitation covered by the Convention are, at a minimum, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs.

The main added value of the Convention is its human rights perspective and focus on victim protection. Its Preamble defines trafficking in human beings as a violation of human rights and an offence to the dignity and integrity of the human being. The Convention provides for a series of rights for victims of trafficking, in particular the right to be identified as a victim, to be protected and assisted, to be given a recovery and reflection period of at least 30 days, to be granted a renewable residence permit, and to receive compensation for the damages suffered.

Another important added value of the Convention is the monitoring system set up to supervise the implementation of the obligations contained in it, which consists of two pillars: the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Committee of the Parties.

The Convention is not restricted to Council of Europe member states; non-members states and the European Union also have the possibility of becoming Party to the Convention.

GRETA evaluation report (2nd evaluation round)



[Press release](#)

Preventing and combating violence against women and domestic violence (GREVIO)

The Council of Europe Convention on preventing and combating violence against women and Domestic violence ([Istanbul Convention](#), CETS No. 210) is the most far-reaching international treaty to tackle this serious violation of human rights. It aims at zero tolerance for such violence and is a major step forward in making Europe and beyond safer. Preventing violence, protecting victims and prosecuting the perpetrators are the cornerstones of the convention. It also seeks to change the hearts and minds of individuals by calling on all members of society, in particular men and boys, to change their attitudes. In essence, it is a renewed call for greater equality between women and men, because violence against women is deeply rooted in the inequality between women and men in society and is perpetuated by a culture of intolerance and denial.

The Council of Europe Istanbul Convention provides for two types of monitoring procedures:

1. a country-by-country evaluation procedure;
2. and a special inquiry procedure in exceptional cases where action is required to prevent a serious, massive or persistent pattern of any acts of violence covered by the Convention.

GREVIO, the Group of Experts on Action against violence against women and domestic violence, is the independent body responsible for monitoring the implementation of CETS No. 210. GREVIO launched its first evaluation procedure in spring 2016, after adopting a questionnaire on legislative and other measures giving effect to the Istanbul Convention.

The Convention is not restricted to Council of Europe member states; non-members states and the European Union also have the possibility of becoming Party to the Convention.

n/a

Protection of children against sexual abuse (Lanzarote Convention)

The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, also known as “**the Lanzarote Convention**”, requires criminalisation of all kinds of sexual offences against children. It sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators.

The “Lanzarote Committee” (i.e. the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse) is the body established to monitor whether Parties effectively implement the Lanzarote Convention. To do so, the Committee evaluates the information which has been provided by the national authorities and other sources in their replies to questionnaires developed by the Committee itself. This monitoring procedure is divided by rounds, each round concerning a theme. At the end of each round, the Lanzarote Committee adopts “implementation reports” which contain its assessment of the situation with respect to the monitored Parties.

Iceland ratified the Lanzarote Convention on 20 September 2012 and it entered into force in its respect on 1 January 2013.

1st monitoring round on the “Protection of children against sexual abuse in the circle of trust”

This was carried out between 2013 and 2018 and focused on the protection of children against sexual abuse in the circle of trust. It led to the adoption of two implementation reports, one related to the legal framework and the other to the strategies to tackle the phenomenon.



Framework_Lanzarote.pdf



Strategies_Lanzarote.pdf

Here are the information submitted by Iceland in the context of the 1st monitoring round:

The recommendations requiring Iceland to take steps to implement the Lanzarote Convention effectively in the context of this monitoring round were as follows:

On the criminalisation of sexual abuse of children in the circle of trust, the Lanzarote Committee:

- **Urges** Iceland to review its legislation to ensure effective protection of children from situations where abuse is made of a recognised position of influence (R1).

On the collection of data on child sexual abuse in the circle of trust, the Lanzarote Committee:

- **Urges** Iceland to take the necessary legislative or other measures to set up or designate mechanisms for data collection or focal points at national or local level and in collaboration with civil society, for the purpose of observing and evaluating in terms of quantitative data collection the phenomenon of the sexual exploitation and sexual abuse of children in general and child sexual abuse committed in the circle of trust, in particular (R13).

On the best interest of the child and child friendly criminal proceedings, the Lanzarote Committee:

- **Considers** that when sexual abuse is inflicted by someone in the child's circle of trust, the child victim is in a particularly delicate situation of having to report a crime made by someone who he or she trusted, respected and possibly loved. This situation which can create a serious disturbance on the child's family life and overall wellbeing, needs to be addressed specifically (R22).
- **Considers** that information and advice should be provided to child victims in a manner adapted to their age and maturity, in a language they understand, and which is gender and cultural sensitive (R23).
- **Considers** that Iceland should address and encourage as much as possible the co-ordination and collaboration of the different players who intervene for and with the child victim during criminal proceedings. This comprehensive and interdisciplinary approach offers extra support to the child victim and in some cases, the possibility for intervention not to be delayed and appropriate support to be provided immediately after the disclosure (R24).
- **Considers** that interventions and measures which are taken in the context of domestic violence operate on a different modus operandi to those established in child sexual abuse cases. An explicit mention of sexual abuse should therefore be included in all protection measures with regard to domestic violence (R28).

On child participation, the Lanzarote Committee:

- **Considers** that Iceland should further encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual abuse of children in the circle of trust specifically (R1).

On the participation of civil society, the Lanzarote Committee:

- **Considers** that, if it has not yet done so, Iceland should encourage the participation of the civil society in the elaboration and implementation of policies to prevent sexual abuse of children in the circle of trust also by providing financial support to them (R2).
- **Considers** that, if it has not yet done so, Iceland should cooperate with civil society organizations engaged in assistance to victims and provide, by means of legislative or other measures, in accordance with the conditions provided for by internal law, the possibility to assist and/or support the victims with their consent during criminal proceedings concerning the offences established in accordance with this Convention (R3).

On raising awareness on sexual abuse of children in the circle of trust, the Lanzarote Committee:

- **Considers** that the possibility of sexual abuse of children occurring within the family should be explicitly addressed in awareness raising efforts, with the intent to prevent it (R7).

On awareness raising strategies on sexual abuse of children in the circle of trust, the Lanzarote Committee:

- **Considers** that awareness raising actions targeting children should be age appropriate and make use of interactive methods as well as of information and communication technologies (R8).
- **Considers** that awareness raising actions focused on the risks and realities of sexually abused children in the circle of trust should be continuous and systematic. Parties should envisage including these activities in their national action plans for children's rights (R9).

On education for children, the Lanzarote Committee:

- **Considers** that Iceland should provide information on the risks of sexual exploitation and abuse within the general context of sexuality education (R12).

On ensuring that candidates for professions whose exercise implies regular contacts with children have not been convicted of acts of sexual exploitation or abuse of children, the Lanzarote Committee:

- **Urges** Iceland to extend mandatory screening to the recruitment of all professionals (public or private) in regular contact with children (R19).

On assisting person who fear they might commit sexual offences against children, the Lanzarote Committee:

- **Urges** Iceland to put in place effective intervention programmes or measures for persons, including children, who fear they may offend to prevent the risk of offences being committed (R24).

On assisting offenders to prevent repeated offences of a sexual nature against children, the Lanzarote Committee:

- **Urges** Iceland to put in place a tool or procedure to make an assessment of the dangerousness and possible risks of repetition of sexual offences against children (R26).

- **Urges** Iceland to put in place a tool or procedure to evaluate the effectiveness of the intervention programmes or measures (R27).

On intervention or measures offered during the different stages of judicial proceedings, the Lanzarote Committee:

- **Urges** Iceland to put in place effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed, in the pre-trial phase of the procedure (R29).
- **Urges** Iceland to put in place effective intervention programmes or measures in prison (R31).
- **Considers** that if Iceland has alternatives to imprisonment, it should ensure that intervention programmes and measures are in place (R32).

Urgent monitoring round on “Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse”

On victim identification, the Lanzarote Committee:

- **Considers** that Iceland should put in place effective mechanisms for data collection with a specific focus on children affected by the refugee crisis who are victims or presumed victims of sexual exploitation and sexual abuse and review the possible removal of obstacles to the collection of such data, in particular, where they exist, legal restrictions to do so, with due respect for the requirements of personal data protection (R7).

On the distinction made between victims prior to the entry on territory and after entry, the Lanzarote Committee:

- **Considers** that, while providing adequate protection to child victims irrespective of where the exploitation/abuse occurred, Iceland should do its utmost to be able to distinguish between sexual exploitation and sexual abuse occurring prior to the entry of the child victim on its territory and after the entry (R11).
- **Considers** that Iceland should fulfil obligations to prosecute the offenders and to provide international co-operation between the Parties in instances where the offence occurred prior to arrival on the territory for the purpose of investigation and prosecution (R12).

On the Parties’ approach to protecting children affected by the refugee crisis from sexual exploitation and sexual abuse, the Lanzarote Committee:

- **Considers** that Iceland should encourage the co-ordination and collaboration of the different actors who intervene for and with children affected by the refugee crisis to ensure that preventive measures in regards to protection from sexual exploitation and sexual abuse are in place and protective measures are taken as speedily as possible (R13).

On preventing children affected by the refugee crisis from being sexual exploited and sexually abused, the Lanzarote Committee:

- **Considers** that information and advice concerning prevention of and protection from sexual exploitation and sexual abuse should be provided to children affected by the refugee crisis in a manner adapted to their age and maturity, in a language they understand and which is sensitive to gender and culture (R15).
- **Considers** that Iceland and other Parties to the Convention should exchange information on awareness raising activities which specifically focus on the risks faced by children affected by the refugee crisis with respect to sexual exploitation and sexual abuse (R17).
- **Urges** Iceland, in line with Article 5 of the Convention, to effectively screen all persons who by their professions have regular contact with children affected by the refugee crisis for convictions of acts of sexual exploitation or sexual abuse of children in line with its internal law (R18).

On the protection of children affected by the refugee crisis from sexual exploitation and sexual abuse, the Lanzarote Committee:

- **Considers** that Iceland should ensure that its specific recommendations on the child-friendly handling of proceedings involving children victims of sexual abuse be implemented also in the context of proceedings involving children affected by the refugee crisis (R31).
- **Considers** that, if it has not yet done so, Iceland should encourage and support the setting up of specific information services such as telephone or Internet helplines to child victims of sexual exploitation and sexual abuse affected by the refugee crisis as well as persons wishing to help them to provide advice in a language which is understandable to them (R32).

On co-operation in protecting children affected by the refugee crisis from sexual exploitation and sexual abuse, the Lanzarote Committee:

- **Considers** that Iceland and other Parties to the Convention should agree on common strategies/procedures to effectively deal with the phenomenon of cross-border missing children (R35).

On data collection and coordination in protecting children affected by the refugee crisis from sexual exploitation and sexual abuse, the Lanzarote Committee:

- **Considers** that Iceland and other Parties to the Convention should reinforce or put in place a coordinated approach between the different agencies in charge in order to facilitate the prevention and protection of children affected by the refugee crisis from sexual exploitation and sexual abuse (R37).

Fight against corruption (GRECO)

The 'Group of States against Corruption' (GRECO) monitors all its 50 members through a peer review evaluation procedure within thematic evaluation rounds. The evaluation reports contain recommendations aimed at furthering the necessary legislative, institutional and practical reforms. Subsequently, the implementation of those recommendations is examined in the framework of a "compliance procedure", assessing whether they have been implemented satisfactorily, partly or have not been implemented 18 months after the adoption of the evaluation report. GRECO has also an Ad hoc procedure for situations requiring urgent action.

Iceland was evaluated in 2017 under the Fifth Round Evaluation on “Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies”. The corresponding 5th Round Evaluation report was adopted by GRECO Plenary and made public in 2018. GRECO’s 5th Round compliance report assessing the implementation of recommendations was made public in 2020. Additional information from the authorities are due by 30 April 2022.



**GRECO_Eval5Rep(2017)
74_Iceland.pdf**



**GRECO_RCS_2020_5_I
celand.pdf**

Concerning the Fourth Evaluation Round on “Prevention of corruption in respect of members of parliament, judges and prosecutors”, the publication of the Second Addendum to the Second Compliance Report terminates the compliance procedure in respect of Iceland.



**GRECO_RCA_2018-8_I
celand.pdf**

Execution of judgments and decisions of the European Court of Human Rights

Statistical data

On 30 April 2021, there were four cases against Iceland pending before the Committee of Ministers (“CM”) for supervision of their execution. Among these four cases, two were leading cases evidencing different problems and one of them was under enhanced supervision (the procedure for complex and/or structural problems). In 2020, eight cases against Iceland (including six friendly settlements) were transmitted by the Court for supervision by the CM. One leading and one repetitive case were closed in 2020, and six friendly settlements related to the same problem were closed in 2021. In addition, one leading and one repetitive case have been closed so far in 2021 (see below).

Main cases / groups of cases under the Committee of Ministers’ supervision

1. [Guthmundur Andri Astrathsson v. Iceland](#), Grand Chamber judgment of 1 December 2020, enhanced supervision (complex problem). This case concerns the violation of the applicant’s right to a “tribunal established by law” on account of manifest and grave breaches of

domestic rules in the appointment procedure of one the judges on the Court of Appeal (Article 6 § 1).



**GUTHMUNDUR
ANDRI ASTRATHSSON**

2. [Johannesson and others v. Iceland](#), lead judgment of 18 May 2017 (two repetitive cases), standard procedure. This group of cases concern violations of the applicants' right not to be tried or punished twice (Article 4 of Protocol 7). First, the tax-authorities had imposed surcharges on the applicants' taxes due to the applicants' failure to declare all relevant information. Later, the applicants were criminally indicted and convicted for the same offences.



**JOHANNESSEN AND
OTHERS v. Iceland.pdf**

For a fuller overview of the pending cases against Iceland and the main reforms adopted in the past, see the Department for the Execution of Judgments of the European Court of Human Rights' Country factsheet and the Committee of Ministers' [Annual Reports](#) on its supervision activity. More detailed information on the status of execution of closed and pending cases can also be found on [Hudoc EXEC](#).



EJCHR Factsheet_Iceland.pdf



Supervision_of_the_judgements_and_decisions

Important cases closed recently

In 2020, one leading case ([Styrmir Thor Bragason v. Iceland](#)) and one repetitive case ([Julius Thor Sigurthorsson v. Iceland](#)) were closed by a [final resolution](#). These cases concern the violation of the applicants' right to a fair trial, because the Supreme Court overturned the applicants' acquittals without rehearing the applicants or any witness testimonies (Article 6 § 1). Until recently, the Supreme Court had acted as both the second and highest instance and generally did not rehear testimonies. As part of a general reform of the judicial system, a Court of Appeal was established on 1 January 2018. One of the goals of the reform was to secure the direct assessment of evidence on appeal. Six friendly settlements concerning the same problem were closed by a [final resolution](#) in February 2021.



**STYRMIR THOR
BRAGASON v. Iceland**



JULIUS THOR



CASE OF STYRMIR



**CASE OF AMAZEEN
R. BRAGASON AGAINST ICELAND AN**

In February 2021, the CM also decided to close its supervision by a [final resolution](#) of one leading ([Sigurdur Einarsson and others v. Iceland](#)) and one repetitive case ([Sigrithur Elin Sigfusdottir v. Iceland](#)) concerning the violation of the applicants' right to a fair trial for financial offences due to the lack of objective impartiality of one of the judges (Article 6 § 1).



Social and Economic Rights (ECSR)

The European Committee of Social Rights (ECSR) monitors compliance with the [European Social Charter](#) under two procedures: the national periodic reporting system and the collective complaints procedure. Following a decision taken by the Committee of Ministers in 2006, the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.



Venice Commission

The [European Commission for Democracy through Law](#) (Venice Commission) is the Council of Europe's advisory body on constitutional matters. It provides States and international organisations working with it (EU, OSCE/ODIHR) with legal advice in the form of opinions.

Since 2015, concerning Iceland, the Commission, upon the request by the Prime Minister of Iceland, adopted in 2020 the Opinion on four draft constitutional bills on the protection of the environment, on natural resources, on referendums and on the president of Iceland, the government, the functions of the executive and other institutional matters (CDL-AD(2020)020).

