



**Organization for Security and Co-operation in Europe
Office for Democratic Institutions and Human Rights**

**Information Submitted to the
Office of the United Nations High Commissioner for Human
Rights
as a Stakeholder in the
Universal Periodic Review of Iceland**

Warsaw, 15 July 2021



OSCE/ODIHR Submission of Information about an OSCE Participating State or Partner for Co-operation under Consideration in the Universal Periodic Review Process

Participating State: Iceland

UPR Working Group Session and Date of Review: 40th Session, January/February

Background

1. Iceland has been a participating State in Organization for Security and Co-operation in Europe (OSCE) since 1973 and has thus undertaken and recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE Documents.¹
2. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been mandated by OSCE participating States, including Iceland, to assist them in implementing their human dimension commitments. ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, rule of law, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE-Area.
3. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Iceland and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms in Iceland.

Legislation reviewed by ODIHR

4. Upon request by authorities of an OSCE participating State, an OSCE field operation or another OSCE institution, the OSCE/ODIHR reviews draft or enacted legislation of OSCE participating States on topics relating to the human dimension of security for its conformity with OSCE commitments and other international standards.² In 2016-2021, the following legal opinions (on topics other than elections) were issued on legislation or draft legislation of Iceland:

¹ OSCE Office for Democratic Institutions and Human Rights, *Compendium of OSCE Human Dimension Commitments: Volume 1, Thematic Compilation (third edition)*, <http://www.osce.org/odihr/elections/76894> and *Compendium of OSCE Human Dimension Commitments: Volume 2, Chronological Compilation (third edition)*, 2011, <http://www.osce.org/odihr/76895>; OSCE Summit Meeting, Astana 2010, *Astana Commemorative Declaration: Toward a Security Community*, 3 December 2010, <http://www.osce.org/cio/74985?download=true>

² The legal reviews and opinions, often produced in co-operation with the Council of Europe’s Commission for Democracy through Law (Venice Commission), are available at www.legislationline.org. Basic information about the constitutional system and human dimension-related legislation of Hungary is also available in English on www.legislationline.org.

*Opinion on the Draft Act on an Independent National Human Rights Institution of Iceland*³

5. This Opinion on the *on the Draft Act on an Independent National Human Rights Institution of Iceland* (“Opinion” and “draft Act” respectively) was requested on 21 December 2016 by the Ministry of Interior of Iceland. The Draft Act seeks to create a legal framework for the establishment of an independent National Human Rights Institution (NHRI) for Iceland, in compliance with the Paris Principles.⁴
6. Iceland has yet to establish an NHRI, a move ODIHR as well as the European Network of NHRIs would welcome.⁵ ODIHR presented main findings and concerns, recommending:
 - To establish an NHRI, ensuring its financial autonomy, full institutional independence and effective discharge of its responsibilities and functions;

Election-related activities

7. During the reporting period, ODIHR has observed one election in the country, early parliamentary elections in 2017 for which ODIHR deployed an Election Expert Team (EET). The needs assessment mission (NAM) conducted ahead of the 2020 presidential election did not recommend an election-observation activity. The most recent NAM recommended deployment of an Election Expert Team to observe the 2021 parliamentary elections.

Early Parliamentary elections, 28 October 2017

8. ODIHR deployed an EET to observe the 28 October 2017 early parliamentary elections in Iceland. The final report of the EET was published on 2 March 2018.⁶ The final report to the elections noted that “the elections were administered efficiently and professionally with respect for fundamental principles of democratic elections. They were characterized by a high level of public confidence in the election administration and active voter participation. Many of the procedures in place, including for candidate registration, early voting and election day, are grounded in long-standing practice rather than legislation, at times leading to varying implementation. While political and campaign finance is regulated, there are no specific reporting requirements on campaign-related expenditures. Third-party campaigning remains unregulated and the oversight body’s mandate is insufficient”.
9. The EET report offered 15 recommendations, including 6 priority ones, to support efforts to bring the electoral process in Iceland further in line with OSCE commitments and other international obligations and standards for democratic elections.⁷

10. The main recommendations were:

³ Opinion on the Draft Act on an Independent National Human Rights Institution of Iceland, 6 February 2017

⁴ UN Paris Principles for National Human Rights Institutions

⁵ <http://ennhri.org/rule-of-law-report/iceland/>

⁶ Full report available here: <https://www.osce.org/files/f/documents/7/d/374101.pdf>

⁷ In paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”.

- to establish an independent electoral management body with authority over the whole election process;
- to codify the long-standing practice in candidate registration process;
- to harmonize timelines for early voting and candidate registration;
- to streamline various voting procedures and ensuring uniform administration of elections; and
- to regulate political campaigning of third-parties ahead of elections and increasing the transparency of campaign finance.

Presidential election, 27 June 2020

11. Following an invitation from the Permanent Mission of Iceland to the OSCE to observe the 27 June 2020 presidential election, and in accordance with its mandate, ODIHR undertook a NAM from 2 to 8 June 2020.⁸
12. The NAM concluded that “All ODIHR NAM interlocutors expressed full confidence in the integrity of the electoral process and the ability of the election administration to professionally conduct transparent elections. All ODIHR NAM interlocutors welcomed a potential election observation activity, noting the value of previous ODIHR assessments and recommendations. While isolated concerns were raised on media coverage and adjudication of complaints, these were not identified by electoral stakeholders as significantly impacting the upcoming election and benefitting from an additional assessment by ODIHR“.
13. Based on the above, the ODIHR NAM did not recommend deploying any election-related mission for the 27 June presidential election. However, ODIHR reiterated that a number of the previously mentioned recommendations are still valid and reaffirmed its readiness to support the authorities in ongoing electoral reform.

⁸ Full report available here: <https://www.osce.org/files/f/documents/e/c/455056.pdf>