

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review:

2nd Cycle, 26th Session

ICELAND

I. BACKGROUND INFORMATION

Iceland acceded to the *1951 Convention relating to the Status of Refugees* in 1955 and to its *1967 Protocol* in 1968 (hereafter collectively referred to as the *1951 Convention*). Iceland is not party to the *1954 Convention relating to the Status of Stateless Persons* (the *1954 Convention*) or to the *1961 Convention on the Reduction of Statelessness* (the *1961 Convention*).

While not a member of the European Union (EU) and consequently not bound by the Common European Asylum System (CEAS), Iceland seeks to coordinate asylum and migration issues with its neighbours and has in EU enlargement negotiations indicated that it generally applies the EU asylum *acquis*.

The *Act on Foreigners*,¹ together with the *Regulation on Foreigners*,² is the main legislative framework regulating both the material and procedural aspects of asylum applications in Iceland. Additionally, there are relevant acts and regulations relating to, *inter alia*, the right to work and to citizenship, which are relevant in the context of asylum. The Minister of the Interior (MoI) has the overall responsibility for issues covered by the *Act on Foreigners*. The Directorate of Immigration is responsible for handling all asylum applications, e.g., reviewing the applications and deciding at first instance. The Immigration and Asylum Appeals Board, functional since early 2015, examines any appeals to a rejected asylum application.

The number of asylum-seekers arriving in Iceland has remained low compared to its Nordic neighbours. However, the arrival of asylum applicants has gradually increased by relatively high numbers. In 2009, the Directorate of Immigration received 35 asylum applications; in

¹ *Act on Foreigners No. 96/2002*, available at <http://eng.innanrikisraduneyti.is/laws-and-regulations/nr/105>.

² *Regulation on Foreigners No. 53 of 23 January 2003*, with amendments of 8 July 2003 since amended by regulation 769/2004 of 20 September 2004, available at <http://eng.innanrikisraduneyti.is/laws-and-regulations/nr/860>.

2011, 76 applications; in 2013, 172 asylum applications and by the end of 2015, 354 asylum applications had been submitted. The number of asylum-seekers has thus increased by some 900 percent compared to 2009 and 106 percent since 2013, forcing the Directorate of Immigration and the newly established Immigration and Asylum Appeals Board to expand their capacity in order to process the large number of asylum applications within a short period of time.

While the Government and the asylum institutions have taken measures to respond to the increased number of asylum applications, with the aim of implementing a fair and efficient asylum procedure, it has been challenging to adapt the increased capacity of the process and promptly reduce the backlog. The lack of streamlined methodologies and standardized templates and checklists for undertaking assessments of asylum claims has contributed to delays and inconsistencies in decision-making, as noted by UNHCR in the report from the first phase of the Lean Quality Initiative (LQI), *infra* page 3.

Asylum-seekers primarily arrive to Iceland by air. Some asylum-seekers are identified by the border police, while others submit their application for asylum after having entered Icelandic territory. Some asylum-seekers identified by the border police are referred to reception facilities while others are provided accommodation in apartments. Due to the increase in individuals applying for asylum, having previously primarily accommodated asylum-seekers in a hostel or apartments, Iceland opened an official reception centre for asylum-seekers in 2015.

In view of the country's geographic location and the fact that there are no direct flights from the main countries of origin for asylum-seekers, Iceland is seldom a 'first country of asylum.' Consequently, many asylum-seekers who apply for asylum in Iceland are transferred to another Dublin country, pursuant to the *Dublin III Regulation*.

The *Icelandic Nationality Act*³ serves as the key piece of legislation with regards to the granting of Icelandic citizenship. Although challenging to comprehensively verify, most stateless persons have come to Iceland from abroad. They include stateless asylum-seekers, resettled refugees and rejected asylum-seekers who qualify under the *non-refoulement* principle. In 2012-2013, the Icelandic Ministry of the Interior kindly funded UNHCR's mapping of Iceland's compliance with the standards set out in the *1954 Convention* and the *1961 Convention*.⁴ Based on the findings and recommendations from this study, a National Action Plan (NAP) has been jointly developed by the Ministry of the Interior, the relevant institutions, and UNHCR and follows the UNHCR Global Action Plan's format.⁵ The NAP includes actions to align Iceland's legislation and institutional capacity with the requirements in the *1954 Convention* and the *1961 Convention*, thus preparing Iceland to accede to the statelessness conventions. Some of the actions that address the identified gaps have already been translated into proposals in a legislative bill that would revise the *Act on Foreigners*. This bill is currently pending examination by the Parliament.

³*Icelandic Nationality Act No. 100/1952*, available at: <http://eng.innanrikisraduneyti.is/laws-and-regulations/english/citizenship/nr/6297>.

⁴ UN High Commissioner for Refugees (UNHCR), *Mapping Statelessness in Iceland*, December 2014, available at: <http://www.refworld.org/docid/54c775dd4.html>.

⁵ UN High Commissioner for Refugees (UNHCR), *Global Action Plan to End Statelessness*, 4 November 2014, available at: <http://www.refworld.org/docid/545b47d64.html>.

Iceland has received groups of refugees for resettlement since 1956. Between 1956 and 2012 a total of 525 refugees resettled in the country as quota refugees. The Icelandic Refugee Committee is the consultative body on quota refugees. The Committee was established in 1996 and since then, the Icelandic Government has overseen the reception of refugees annually or every other year, as a part of the UNHCR Resettlement Programme. The Ministry of Welfare (former Ministry of Social Affairs), through the Icelandic Refugee Committee, is responsible for the selection, admission, and integration of refugees in Iceland while working in close co-operation with other relevant ministries. The Icelandic Refugee Committee is comprised of members from the Ministry of the Interior, the Ministry of Welfare, the Ministry of Foreign Affairs and the Red Cross of Iceland.

In late 2015, in response to the global refugee needs, and the European refugee and migration crisis, the Icelandic Government established a resettlement quota for the coming three years and has accepted 55 individuals for resettlement in 2015.

Despite the relatively high increase in the number of beneficiaries of international protection residing in Iceland, the country does not yet have in place a national integration strategy and programme to facilitate refugees' integration into the society.

In response to the considerable backlog in asylum applications and the significant delays in interviewing and processing applications for asylum, an agreement was reached in 2013 between UNHCR, the Ministry of the Interior, and the Directorate of Immigration, that UNHCR would conduct a *LQI* (Lean Quality Initiative) assessment of the Icelandic asylum procedure. Both efficiency and quality aspects of the first instance process are examined in light of international and European standards. The study is implemented in two phases, first efficiency and then the quality of the process. The Swedish Migration Agency's (SMA) 'lean methodology,' served as a framework during the review of the efficiency of the Icelandic asylum procedure, and experts from the SMA assisted the Directorate of Immigration in developing standardized assessment forms and checklists. An official launch, where the final report of the findings will be published and presented to the public, is envisaged for early 2016.

In 2012, the Icelandic Government begun efforts to review and revise the *Act* in line with international standards in the area of refugee protection. Since then, several amendments to the *Act* have been adopted, a cross-parliamentary Committee appointed to lead this work, and a comprehensive bill with proposed amendments to the *Act* submitted to the Parliament for consideration. UNHCR has provided technical advice and input throughout this process, and most recently submitted its observations⁶ on the draft bill prior to its submission to Parliament. The revised *Act on Foreigners* is envisaged to be adopted in 2016.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Positive developments linked to 1st cycle UPR recommendations

⁶ Observations by the United Nations High Commissioner for Refugees Regional Representation for Northern Europe on the draft Proposal to amend the *Act on Foreigners* in Iceland ("Frumvarp til laga um útlendinga"), available at http://www.unhcr-northerneurope.org/fileadmin/user_upload/Documents/PDF/Iceland/UNHCR_RRNE_comments_on_draft_Proposal_to_amend_ICE_Foreigners_Act_Nov2015.pdf.

Linked to 1st cycle UPR recommendation no 63.4: “Ratify the 1954 Convention relating to the Status of Stateless Persons as well as the 1961 Convention on the Reduction of Statelessness (Slovakia).”

Although Iceland has not yet acceded to the *1954 Convention* and *1961 Convention*, the government has reiterated its intentions to do so on numerous occasions since the 1st UPR cycle. Furthermore, Iceland has taken concrete steps towards accession through the funding of the Mapping of Statelessness and developing a NAP (National Action Plan), as well as through the incorporation of provisions pertaining to the protection of stateless persons in the bill proposing amendments to the *Act on Foreigners*. The Icelandic Government has expressed its wish to work together with UNHCR in the development of a Statelessness Determination Procedures in the Directorate of Immigration, and has included provisions regarding the establishment of a *Statelessness Determination Procedures* (SDP) in the aforementioned legislative bill.

Additional achievements and positive developments

Revision of the *Act on Foreigners* legislation:

Iceland is currently revising its *Act on Foreigners*, and the draft amendments are currently pending Parliament approval. The new bill, which is likely to enter into force in 2016, has been drafted with legal and policy related support from UNHCR. The draft law includes additional safeguards for vulnerable asylum-seekers (children, victims of trafficking etc.) and provisions allowing Iceland to take charge of asylum cases that would otherwise be the responsibility of another country under the *Dublin Regulation*, if the person in question has links to Iceland. UNHCR also commends the initiative in the bill to immediately grant permanent residence permits to individuals granted international protection. UNHCR also acknowledges the Icelandic authorities’ aim to provide asylum decisions within a reasonable time frame, in that the draft law envisages time limits for the authority procedures⁷.

Implementation of measures aimed at enhancing the quality and efficiency of the first instance asylum procedure:

UNHCR commends the Icelandic authorities for measures already taken in collaboration with UNHCR and the Swedish Migration Agency (SMA), to address the jointly identified challenges. The transfer of responsibility for conducting asylum interviews from the police to the Directorate of Immigration was a successful first step in centralizing asylum and migration matters. Genuine efforts have also been made to implement a “lean management” approach in order to streamline and simplify the asylum system in general, with the help of checklists, standard operating procedures, simplified and shortened decisions, shared databases between authorities, and a focus on refugee and human rights law trainings. These measures, combined with continuous trainings of key staff, have substantially reduced the average processing times of applications and helped the Directorate of Immigration become better prepared at managing possible fluctuations in asylum application numbers.

Independent appeals instance in place:

⁷ Processing of applications shall normally not exceed six months and never exceed twelve months.

In addition to improvements made to the first instance asylum procedure, UNHCR would like to commend Iceland for the development of an independent Immigration and Asylum Appeals Board, which has been fully functional since early 2015.

Resettlement programme:

UNHCR welcomes the decision by the Icelandic Government to increase its reception of quota refugees for the next three years, an expression of international solidarity during a time of substantial increases in asylum-seekers in many European countries.

UNHCR recommends inserting a specific reference to an established multi-year quota and an accompanied promulgated budget in the revised *Act on Foreigners*.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 1st cycle UPR recommendations

Issue 1: Statelessness

Linked to 1st cycle UPR recommendation no 63.4: “Ratify the 1954 Convention relating to the Status of Stateless Persons as well as the 1961 Convention on the Reduction of Statelessness (Slovakia).”

Although Iceland is a State Party to the key human rights conventions containing relevant provisions to the prevention and reduction of statelessness and protection of stateless persons, as well as to the 1997 *European Convention on Nationality*, it has not yet acceded to the *1954 Convention* nor to the *1961 Convention*. However, Iceland has on several occasions expressed its intention to accede to the *1954 Convention* and *1961 Convention*, including during the Human Rights Council’s Universal Periodic Review of Iceland in 2011.

The authorities responsible for registering persons on Icelandic territory apply different criteria due to the lack of a definition of a “stateless person” in Icelandic law and guidelines on the criteria and procedure to determine whether an individual is stateless. Consequently, there are only limited conclusions on the actual number and origin of stateless persons in Iceland.

Iceland has adopted a NAP (National Action Plan) that includes actions necessary to end statelessness domestically. Required actions were identified under four of the areas outlined in the UNHCR Global Action Plan⁸, namely Action 2: Ensure that no child is born stateless, Action 6: Grant protection status to stateless migrants and facilitate their naturalisation as nationals of Iceland, Action 9: Accede to the UN Statelessness Conventions, and Action 10: Improve quantitative and qualitative data on stateless populations. The findings and recommendations contained in the Statelessness Mapping contributed to the ongoing dialogue between UNHCR, the Icelandic Government, civil society, and other relevant actors on the steps that may need to be taken in order to bring national legal frameworks, institutional capacity, and practice fully in line with the international and European standards in the areas of prevention and reduction of statelessness and the protection of stateless persons.

⁸ UN High Commissioner for Refugees (UNHCR), *Global Action Plan to End Statelessness*, 4 November 2014, available at: <http://www.refworld.org/docid/545b47d64.html>

In order to address the current statelessness problems and to reduce statelessness in Iceland, it is of utmost importance to fully incorporate the definition of a stateless person in Article 1 of the *1954 Convention* into Icelandic legislation, law, and practice. This can be accomplished through the establishment of proper SDPs and providing guidance on statelessness matters among relevant authorities in order to ensure homogenous registration systems of all stateless individuals. Recognition of stateless persons should also be accompanied by the issuance of a residence permit carrying the rights outlined in the *1954 Convention*. Particular attention should be paid to infants who are potentially born stateless.

Recommendations:

UNHCR recommends that the Government of Iceland:

- a. Accede to the *1954 Convention relating to the Status of Stateless Persons* and to the *1961 Convention on the Reduction of Statelessness*;
- b. Introduce a legal framework and mechanism for the effective identification, determination, and protection of stateless persons in Iceland;
- c. Pay particular attention to recommendations in the Statelessness Mapping pertaining to children potentially born stateless in Iceland, specifically regarding legal domicile, application time limits etc.; and,
- d. Take further legal, policy and/or practical steps to reduce statelessness, by facilitating naturalization or other measures, and consider UNHCR's readiness to assist in these efforts within the context of its recommendations included in the National Action Plan.

Additional protection challenges

Issue 3: Improve quality and efficiency of the asylum system

UNHCR commends the willingness of the Icelandic Government to improve its asylum procedure, and the constructive dialogue experienced between UNHCR and the Government during the LQI. UNHCR would also like to commend the progress already made on the deficiencies identified during the LQI. As mentioned above, the LQI was conducted aiming to assess two aspects of the Icelandic asylum procedures:

Efficiency

UNHCR's clearest overall finding in 2013 on the first phase of the LQI, was that there was a strong desire and commitment to promptly improve the efficiency of the asylum procedure among key stakeholders. During the assessment, challenges were identified primarily in the following areas:

The newly hired decision-makers in the Directorate of Immigration did not have comprehensive induction programs nor access to training modules. In addition, the wide range of countries of origin among the asylum-seekers made it difficult for the Directorate and its decision-makers to develop an expertise in assessing asylum claims from different nationalities. Procedures for registering asylum applications and sharing requisite data between the police and the Directorate before scheduling asylum interviews was also not established in clear standard operating procedures.

The multiple interviews for all asylum-seekers conducted by the police slowed down the system. A lack of standard operating procedures which set out consistent working procedures were also a source of concern. Furthermore, there was a lack of clear and consistently used electronic filing systems, as well as streamlined methodologies and standardized templates and checklists for assessing asylum claims.

The lack of government resources is a challenge to improving the backlog of asylum applications. Given the number and range of actions needed to develop a resilient, efficient and high quality asylum procedure that could respond to changes in applicant numbers and profiles, additional resources were perceived as essential to lead the development and implementation of the agreed upon changes.

Quality

The assessment of the quality of the initial asylum decisions was conducted using several research methods, including desk-based research, selection, and review of interview transcripts, observation/monitoring of asylum interviews, and interviews with the interpreters involved in asylum interviews. In terms of regional standards, the assessment was based on the standards set out in the recast *EU Qualification Directive* (recast *QD*), the recast *EU Asylum Procedures Directive* (hereinafter recast *APD*) and the *Dublin III Regulation*, as well as relevant jurisprudence from the European Court of Human Rights (ECHR).

Several case files rendering decisions adopted in 2010-2014, including cases channeled into the *Dublin Regulation* procedures, were sampled for review. The review also included written asylum decisions, and interview transcripts. The subsequent analysis focused on the structure, sequencing and methodology of the decisions, credibility assessment, decision structure, and the quality and pertinence of the legal analysis in relation to the eligibility criteria for granting international protection. There was also an assessment of the quality of the asylum interviews. This section of the LQI also provides concrete recommendations to the Icelandic government on how to improve the quality of decisions. The conclusive report is set to be finalized in early 2016.

Through maintaining a proactive approach and allocating the funds needed, providing continuous training to its staff, streamlining procedures, and improving interview and decision quality, the Icelandic government can further align its asylum system in compliance with its international obligations.

Recommendation:

UNHCR recommends that the Government of Iceland:

- a. Address deficiencies identified in the conclusions of the LQI reports, in relation to both the efficiency and quality of the Icelandic asylum procedures.

Issue 3: Align the Act on Foreigners with international standards

UNHCR welcomes and supports the efforts made by the Government of Iceland to harmonize the relevant Icelandic legislation with international and regional standards on refugee protection when drafting the revised *Act on Foreigners*. In addition to official comments already provided to the Ministry of the Interior, UNHCR wishes to highlight a few subjects of particular concern below:

Non-penalization of illegal entry

Entering Iceland on a forged document or look-alike document (e.g. a stolen document), is a criminal offense in Iceland. However, according to varying information obtained by UNHCR during the LQI reports, the practice and policies that penalise asylum-seekers for entering Iceland on forged documents seem to vary. UNHCR however notes with concern that the Icelandic authorities continue to penalise asylum-seekers for illegal entry. In UNHCR's view, penalising asylum-seekers for illegal entry does not comply with Iceland's international obligations under the *1951 Convention*.

There is a non-penalization clause in Article 31 of the *1951 Convention*. The rationale behind this clause is that the position of asylum-seekers differs fundamentally from that of ordinary migrants, and thus circumstances may compel a refugee or asylum-seeker to resort to fraudulent documentation when leaving a country in which his/her physical safety or freedom are endangered.

Although the *1951 Convention* does not specify penalties, the object and purpose of Article 31 indicates the avoidance of penalization on account of illegal entry or illegal presence.

Respect for non-refoulement obligations

To ensure an approach consistent with international law, UNHCR recommends that the language on *non-refoulement* in the draft of the revised *Act on Foreigners* be in line with Article 33 of the *1951 Convention* and Article 3 of the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)*.

Accelerated procedures and appeals

UNHCR acknowledges the sharp increase in asylum-seekers in Iceland in recent years as well as the resulting pressure placed on the Icelandic authorities to support the asylum-seekers. As many asylum-seekers in Iceland come from a "safe third country," UNHCR also understands the need to establish accelerated asylum procedures for certain cases.

The draft *Act on Foreigners* provides grounds for the use of accelerated procedures. In this respect, UNHCR notes with concern that the draft permits considering an application accepted for a substantial examination manifestly unfounded, where the concerned applicant is a stateless person who "has previously had regular residence" in a safe country of origin. In UNHCR's view, protection can only be considered available in another country when a stateless person a) is able to acquire or reacquire nationality through a simple, rapid, and non-discretionary procedure, that is a only a formality; or b) enjoys permanent residence status in a country of previous habitual residence to which immediate return is possible.

UNHCR would also like to emphasize the importance of the right to an "effective remedy," which requires suspension of enforcing the initial decision in order to allow the applicant to remain in the country until a final decision has been rendered on the asylum application. UNHCR wishes to note its concern about the potential risk of *refoulement* where such derogations apply and to underline the importance of ensuring safeguards under these circumstances.

It is furthermore important to note that the right to be heard when applying for asylum also applies to children in the appeals process, including both unaccompanied minors (UAM) and accompanied minors. UNHCR is also concerned about the proposed provision in the pending draft law that appeals proceedings “shall normally be in writing,” as it seems to overly restrict the right to be heard.

Recommendations:

UNHCR recommends that the Government of Iceland:

- a. Bring national legislation into compliance with Article 31 of the *1951 Convention* by specifying a safeguard clause ensuring that persons exercising the right to seek asylum are released from any criminal liability for illegal entry or stay in the *Act on Foreigners*;
- b. Ensure proper assessment of *non-refoulement* obligations in order to guarantee that any return of an individual to a third country or territory shall be preceded by an in-depth assessment to confirm that the applicant’s life or freedom will not be at risk in that country or territory;
- c. Introduce the right to rebut a presumption of safety in cases where an asylum application is rejected on the basis of a safe country of origin and a safe third country procedure. Ensure suspension of decisions in the context of accelerated procedures, in order to safeguard the right to an appeal; and,
- d. Continue to recognize the importance of an oral hearing in appeals when needed. Acknowledge the right of the child to be heard in his or her own right, including accompanied children.

Issue 4: National integration strategy

UNHCR commends Iceland for increasing its resettlement quota. While only nine refugees were resettled in 2014, the Icelandic Government made a decision to accept 55 individuals in 2015 and 40 persons in 2016. So far, 15 refugees from the 2015 allocation have arrived (13 Syrians). UNHCR has received indications that a higher quota will be maintained for 2017 and 2018. The Icelandic government has also recognized the need to strengthen the planning of its resettlement programme as well as the integration support in order to ensure the sustainability of the programme over time.

UNHCR still notes with concern, however, that despite these measures and the increase in the number of refugees, Iceland lacks a formal integration strategy. The Icelandic Red Cross and representatives from municipalities receiving resettled refugees have also conveyed concerns in relation to the integration challenges that Iceland is currently facing.

Three key issues that will be essential in planning and decision making in the context are: the lack of housing, the lack of interpreters, and the lack of psychological counselling and support to refugees. UNHCR has offered to assist the Icelandic Government in undertaking an assessment and analysis of refugee integration opportunities and challenges in Iceland, including helping carry out a participatory assessment with beneficiaries of international protection in Iceland. UNHCR hopes that such an assessment could inform the development of a comprehensive national integration strategy and programme.

Recommendation:

UNHCR recommends that the Government of Iceland:

- a. Conduct an assessment and analysis of refugee integration opportunities and challenges with the support of UNHCR; and,
- b. Develop a comprehensive national integration strategy and programme aimed at facilitating the integration of persons with a recognized need of international protection.

Human Rights Liaison Unit
Division of International Protection
UNHCR
March 2016

ANNEX

Excerpts of Recommendations from the 1st cycle Universal Periodic Review, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedures mandate holders

ICELAND

We would like to bring your attention to the following excerpts from the 1st cycle UPR recommendations, UN Treaty Monitoring Bodies' Concluding Observations, and recommendations from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to Iceland.

I. Universal Periodic Review

Recommendation ⁹	Recommending State	Position ¹⁰
Racial discrimination		
61.6. Include in Icelandic legislation a definition of racial discrimination;	Australia	Supported
61.7. Incorporate all of the substantive provisions of the Convention on the Elimination of All Forms of Racial Discrimination into domestic law, with a view to ensuring comprehensive protection against racial discrimination;	Canada	Supported
61.15. Pursue vigorously preventive and awareness-raising policies in combating discrimination based on race or ethnicity, in addition to the measures already taken;	Algeria	Supported
61.16. Continue vigorously to address issues around gender inequality and racial/ethnic discrimination;	United Kingdom	Supported
61.17. Embark on public sensitization programmes and adopt anti-discrimination legislation to address all forms of racism, racial discrimination, xenophobia and related intolerance;	Ghana	Supported
61.18. Undertake measures to tackle all manifestations of racism, racial discrimination, xenophobia and related intolerance;	Iran	Supported
61.19. Reinforce efforts in combating all manifestations of racism, xenophobia and other related intolerance;	Slovakia	Supported
61.20. Consider adopting comprehensive anti-discrimination legislation, addressing all manifestations of racism, racial discrimination, xenophobia and related intolerance in all spheres of life;	Israel	Supported
Violence against women		

⁹ All recommendations made to Iceland during its 1st cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review: Iceland" (16 December 2011) [A/HRC/19/13](#).

¹⁰ Iceland's views and replies can be found in: *Addendum* (7 March 2012) [A/HRC/19/13/Add.1](#).

61.21. Take measures to reduce the gender pay gap and eliminate gender -based violence;	United States of America	Supported
61.22. Increase the research, collection and analysis of data on the prevalence, causes and consequences of violence against women, including information on the relationship between the perpetrator and the victim in cases of violence as well as the possible causes for the reluctance of victims to lodge complaints;	Uruguay	Supported
62.6. Continue efforts to combat all forms of violence against women with a particular emphasis on the most vulnerable groups of society;	Israel	Supported
62.7. Establish a community education program to raise awareness of domestic violence against women and options open to them to bring an end to this crime;	Australia	Supported
62.8. Reflect the findings of the new action plan to examine gender -based acts of violence and their prosecution and handling in the judicial system in the next national UPR report ;	Norway	Supported
62.9. Fight against domestic violence through more effective measures against perpetrators, and especially by protecting and avoiding the deportation of migrant women victims of gender violence;	Spain	Supported
62.10. Adopt comprehensive legal and other measures to combat all forms of violence against women and particularly violence in the home and sexual violence;	Uruguay	Supported
63.22. Take measures to eliminate the obstacles for women victims of domestic and sexual violence faced when bringing complaints and seeking protection;	Republic of Moldova	Supported ¹¹
Ratification of the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness		
63.4. Ratify the 1954 Convention relating to the Status of Stateless Persons as well as the 1961 Convention on the Reduction of Statelessness;	Slovakia	Supported
Refugees		
62.18. Ensure that the procedure to request and recognize refugee status be in compliance with the 1951 Convention relating to the Status of Refugees and its 1967 Protocol;	Uruguay	Supported
Trafficking		
62.12. Prosecute perpetrators of human trafficking;	United States of America	Supported
62.13. In view of the trajectory in recent years of increased instances of human trafficking to and via Iceland, the government may need to pay continued attention to help victims of trafficking;	Afghanistan	Supported
62.11. Take effective measures to tackle trafficking in human beings, domestic violence and sexual offences;	Iran	Supported

¹¹ **Addendum:** “Iceland is currently in the process of considering ratification of the Council of Europe Convention on Prevention and Combating Violence against Women and Domestic Violence.”

II. Treaty Bodies

Committee on the Rights of the Child

Concluding Observations, 58th session (23 January 2012), [CRC/C/ISL/CO/3-4](#)

Sale and trafficking

54. The Committee welcomes the significant efforts made by the State party by introducing amendments to the Penal Code whereby the use of prostitution, in particular involving children, is criminally punishable, and the adoption of a National Plan of Action against Trafficking in 2009. Nevertheless, the Committee reiterates its concern (CRC/C/OPSC/ISL/CO/1) about the principle of “double criminality” in article 5 of the General Penal Code, which requires that a person who has committed a serious or lesser offence abroad can be punished in Iceland only if the act is punishable under the law of the country in which it was committed. The Committee is concerned that this requirement limits the possibility of the prosecution of offences on sale, prostitution and pornography involving children, and therefore limits the protection of children against these crimes.

55. The Committee reiterates its previous recommendation that the State party amend its legislation in order to abolish the requirement of double criminality for prosecution in Iceland of offences committed abroad.

Human Rights Committee

Concluding Observations, 105th session (31 August 2012) [CCPR/C/ISL/CO/5](#)

6. The Committee is concerned that the State party has not yet adopted comprehensive anti-discrimination legislation. It is also concerned that the Media Act No.38/2011 only prescribes sanctions against media service providers on incitement to criminal behaviour and not on hate speech (arts.2, 20, and 26).

The State party should take steps to adopt comprehensive anti-discrimination legislation, addressing all spheres of life and providing effective remedies in judicial and administrative proceedings. The State party should also adopt the pending Bill amending the Media Act so as to ensure that the sanctions prescribed also apply to hate speech, and ensure that its enforcement also extends to social media.

7. While welcoming the adoption of the Gender Equality Act and the establishment of the Centre for Gender Equality, the Committee is concerned that there is a significant, and an again increasing, wage gap between women and men. It is also concerned that women continue to be underrepresented in decision-making positions, in particular in the Foreign Service, the judiciary and academia (arts. 2 and 3).

The State party should continue to take steps, in particular through the Centre for Gender Equality and a speedy adoption of equal salary standards, to continue to address

the persistent and significant wage gap between women and men, guaranteeing equal pay for work of equal value. It should also introduce measures to increase the representation of women in decision-making positions, in particular in the Foreign Service, the judiciary, and academia.

10. The Committee notes that only a very limited percentage of asylum seekers receive refugee status. It is concerned that article 45 of the Act on Foreigners contemplates exceptions to the right to non-refoulement in cases where return would violate articles 6 or 7 of the Covenant. The Committee is also concerned that permits granted on humanitarian grounds do not specify the period of stay (arts. 2, 7 and 13).

The State party should review its legislation on refugees to ensure that it fully complies with the Covenant and international standards on refugees and asylum seekers. It should also more precisely define the length of stay in the State party of persons who have been granted a permit on humanitarian grounds.

Committee on Economic, Social and Cultural Rights

Concluding Observations. 49th session (11 December 2012) [E/C.12/ISL/CO/4](#)

5. The Committee regrets that the State party, as yet, does not have a comprehensive anti-discrimination law. The Committee is particularly concerned that persons with disabilities face discrimination with regard to their rights to education, housing and social assistance. (art.2)

The Committee recommends that the State party take steps to adopt comprehensive anti-discrimination legislation. It also recommends that the State party ensure that measures are taken to combat and prevent discrimination, especially against persons with disabilities, in particular with respect to the right to education and housing, as well as social assistance under article 9 of the Covenant.

15. The Committee is concerned that domestic violence is not specifically defined as a crime, despite the explanations given by the State party in paragraph 43 of its replies to the list of issues. It is concerned about persisting attitudes and stereotypes leading to violence against women. The Committee is also concerned that immigrant women remain insufficiently aware of the amendments to the Act on Foreigners, which states that a family reunification permit may still be extended when a marriage/cohabitation ends due to domestic violence (art. 10).

The Committee recommends that the State party take steps to specifically define domestic violence as a crime, and preferably in the Penal Code. The Committee recommends that the State party continue its efforts to conduct national public information campaigns and stimulate broader public discussion with the aim to address attitudes and stereotypes leading to violence against women. It also recommends that the State party intensify its efforts to reach out to immigrant women to inform them of their rights in the context of domestic violence.

III. Special Procedures

Report of the Working Group on the issue of discrimination against women in law and in practice - Mission to Iceland (16 September 2014) [A/HRC/26/39/Add.1](#)

Recommendations

100. The Working Group wishes to make the following recommendations:

(b) In relation to violence against women, the Working Group recommends that the Government improve guarantees for access to justice for all victims of gender-based violence and specifically:

- (i) Introduce domestic violence legislation to improve the mechanisms for prevention, punishment and protection in relation to domestic violence;
increase the effectiveness of protection orders, including by immediate implementation of restraining orders and lengthening the duration of protection orders; and also provide additional shelters accessible to all women who experience violence;
- (ii) Base the definition of rape on lack of consent by the victim so that proof of physical violence by the perpetrator or physical resistance or mental incapacity of the victim are not required elements of the crime;
- (iii) Ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence;
- (iv) Undertake awareness-raising and educational campaigns to deter violence against women, aimed at both women and men, with particular attention to the increased use of social media as a platform to disseminate pornography, sexist hate speech, and continue to integrate training on non-violence, including sexual violence, in materials in the core gender syllabus;
- (v) Establish a standard methodology tool to assess post-traumatic stress disorder, as well as a Special Prosecutor for sexual violence, introduce the right to appeal against a prosecutor's decision not to prosecute; and reinstate rape clinics as specialized units in hospitals;
- (vi) Intensify measures to raise awareness and train judges, prosecutors, police and health officers on gender-based violence, including domestic violence;
- (vii) Develop awareness-raising campaigns targeted at Icelandic women and those of foreign origin on their rights to protection against gender-based violence and available remedies;
- (viii) Step up efforts to implement both the law on prostitution and the ban on strip clubs and provide adequate resources for law enforcement agencies, including through the establishment of trained police teams specialized in those issues and taking measures banning prostitution.