



EVALUATION REPORT

ICELAND

Third evaluation round

Access to justice
and effective remedies
for victims of trafficking
in human beings

GRETA

Group of Experts
on Action against
Trafficking
in Human Beings

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Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) was established pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”), which entered into force on 1 February 2008. GRETA is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party.

In accordance with Article 38, paragraph 1, of the Convention, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions of the Convention on which the evaluation procedure is based.

The first round of monitoring of the Convention provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings, the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims’ access to justice and effective remedies, which is essential for victims’ rehabilitation and reinstatement of rights, and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic, in particular articles 12, 15, 23, 26, 27, 28, 29, 30 and 32.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, access to translation and interpretation, when appropriate, regularisation of the victim’s stay, the right to seek and enjoy asylum, and full respect for the principle of *non-refoulement*. These preconditions, corresponding to various provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA’s previous recommendations on selected topics through a separate country-specific part of the questionnaire. GRETA’s findings and analysis of these topics are presented in a separate chapter.

Executive summary

Since the second round of evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, Iceland has continued to develop the legislative and policy framework relevant to action against trafficking in human beings. Legislative developments include the amendment of the provision criminalising human trafficking offence to include additional forms of exploitation in line with GRETA's previous recommendations. Another development was the adoption of the third National Action Plan for Combating THB, which was followed by the setting up of a Steering Group to advise the government on anti-trafficking policy. However, the financial resources invested by the authorities in combating human trafficking are not commensurate with the actual needs, and GRETA calls on the Icelandic authorities to allocate sufficient funding from the State budget to action against human trafficking.

Iceland remains primarily a country of destination of victims of human trafficking, but is also a country of transit. The continued absence of a victim identification procedure which is independent of the criminal justice process makes it difficult to have an accurate picture of the situation. In the period 2019-2022, the police investigated 71 suspected cases of human trafficking involving 73 presumed victims; only one of them resulted in a prosecution, but the defendant was acquitted on appeal. While there have been no formally identified victims of trafficking, the Bjarkarhlíð Family Justice Centre provided assistance to 25 presumed victims of human trafficking between July 2020 and September 2022. All of them were foreign nationals, and the majority were allegedly subjected to labour exploitation.

The focus of the third evaluation round of the Convention being on trafficking victims' access to justice and effective remedies, the report analyses in detail the implementation of provisions of the Convention establishing substantive and procedural obligations relevant to this topic.

In 2022 the Ministry of Justice published a leaflet on human trafficking which contains a list of human trafficking indicators and explains how to report suspected cases and where to seek assistance. Nevertheless, GRETA considers that the Icelandic authorities should make this leaflet available in the languages of the main countries of origin of presumed victims and sensitise interpreters to the issue of human trafficking and the vulnerabilities of victims.

Victims of trafficking are entitled to free legal aid, which includes legal advice and representation by a lawyer. However, GRETA was informed of several cases with strong indications of human trafficking where victims were not appointed a lawyer because the case was treated as a labour law violation. GRETA considers that the Icelandic authorities should take further steps to facilitate and guarantee access to justice for victims of human trafficking by ensuring that they receive legal assistance and free legal aid.

Icelandic legislation allows victims of trafficking to claim compensation from the perpetrators and the State Treasury, but in the absence of convictions for trafficking, no victims have received compensation. GRETA considers that the Icelandic authorities should guarantee effective access to compensation for victims of trafficking, in particular by including the topic of compensation in the training programmes of police officers, lawyers, prosecutors and judges.

GRETA notes that the failure by the Icelandic police to collect sufficient evidence to prosecute perpetrators in human trafficking cases mainly stems from a severe shortage of means in the police in terms of staff, equipment, and funding, as well as the lack of training. Therefore, GRETA urges the Icelandic authorities to ensure that law enforcement agencies are sufficiently resourced to ensure a prompt and appropriate response in all possible human trafficking cases.

Furthermore, GRETA urges the Icelandic authorities to adopt a specific legal provision on the non-punishment of victims of trafficking and/or develop specific guidance for police officers and prosecutors. Noting that adult victims of crime are usually interviewed in the presence of the defendants in the courtroom, GRETA calls on the Icelandic authorities to make full use of the available measures to protect victims and witnesses of human trafficking and to prevent intimidation during the investigation and during and after the court proceedings.

The report also examines progress made on the implementation of previous GRETA recommendations on selected topics. GRETA is concerned by the limited progress made by Iceland since the second evaluation in combating trafficking for the purpose of labour exploitation, and urges the Icelandic authorities to encourage law enforcement officials, labour inspectors, NGOs and other relevant actors to increase their outreach work to identify victims of human trafficking for the purpose of labour exploitation and ensure that the mandate and resources of labour inspectors enable them to contribute effectively to preventing and detecting cases of trafficking for the purpose of labour exploitation.

Several measures have been taken by the Icelandic authorities to improve the identification of victims of human trafficking, such as guidelines on human trafficking for police officers, a handbook on the identification and interview of possible victims of trafficking for the staff of the Directorate of Immigration, and an information portal for victims with information in several languages on trafficking indicators and where to seek assistance. While welcoming these initiatives, GRETA notes that there are still no formalised procedures which define the roles and responsibilities of all relevant professional groups. GRETA urges the Icelandic authorities to set up a formalised National Referral Mechanism which defines the procedures and roles of all frontline actors who may come into contact with victims of trafficking. Further, the authorities should ensure the proactive identification of possible victims of trafficking among asylum seekers and conduct risk assessments to prevent victims being returned to the country where they first applied for asylum, but where they face the risk of being re-trafficked.

Victims of THB, especially men, face challenges in accessing adequate accommodation. GRETA also notes that NGOs providing support services for victims of human trafficking are underfunded and overbooked. Therefore, GRETA urges the Icelandic authorities to provide safe and suitable accommodation for all victims of trafficking, including men and victims identified amongst asylum seekers, and ensure appropriate funding for NGOs providing assistance to victims of trafficking.

The report highlights several shortcomings in combating child trafficking, including the heavy workload of child protection services and the lack of appropriate training on child trafficking for its staff, as well as the absence of a formalised procedure for the identification and referral of child victims of trafficking. GRETA calls on the Icelandic authorities to take steps to remedy these shortcomings, in particular by establishing a clear procedure concerning the identification of child victims. The authorities should also train frontline professionals working with children, provide information to children about the risks of trafficking, and increase state funding for child protection services.

Finally, GRETA considers that the Icelandic authorities should take further steps to ensure that all presumed foreign victims of trafficking are offered a recovery and reflection period and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period.

I. Introduction

1. The Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) entered into force for Iceland on 1 June 2012. GRETA’s first evaluation report¹ was published on 23 September 2014, and the second evaluation report² on 15 March 2019.
2. On the basis of GRETA’s second report, on 5 April 2019 the Committee of the Parties to the Convention adopted a recommendation to the Icelandic authorities, requesting them to inform the Committee of measures taken to comply with the recommendation within a one-year period. The report submitted by the Icelandic authorities was considered at the 26th meeting of the Committee of the Parties (12 June 2020) and was made public.³
3. On 29 April 2022, GRETA launched the third round of evaluation of the Convention in respect of Iceland by sending the questionnaire for this round to the Icelandic authorities. The deadline for submitting the reply to the questionnaire was 5 September 2022, which had been extended until 25 September 2022 upon the request of the Icelandic authorities, and the authorities’ reply was received on 29 September 2022.⁴
4. In preparation of the present report, GRETA used the reply to the third-round questionnaire by the Icelandic authorities, the above-mentioned report submitted by them in reply to the Committee of the Parties’ recommendation, and information received from civil society. An evaluation visit to Iceland took place from 7 to 9 November 2022 in order to hold meetings with relevant governmental and non-governmental actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:
 - Mr Francesco Curcio, member of GRETA;
 - Ms Dorothea Winkler, member of GRETA;
 - Mr Mesut Bedirhanoglu, Administrator in the Secretariat of the Convention.
5. During the visit, the GRETA delegation held consultations with officials from the Ministry of Justice, the Ministry of Social Affairs and Labour (Directorate of Labour and Directorate of Occupational Health and Safety), the Ministry of Education and Children, the Ministry of Foreign Affairs, the State Prosecutor’s Office, the Police, the Directorate of Immigration, the National Agency for Children and Families, and Reykjavík City social and child protection services. Furthermore, the delegation met the Office of the Parliamentary Ombudsman and the Judicial Affairs and Education Committee of the Icelandic Parliament (*Alþingi*).
6. In the course of the visit, the GRETA delegation visited the Women’s Shelter in Reykjavík, which can accommodate female victims of human trafficking, Bjarkarhlið Family Justice Centre for adult survivors of violence, the Barnahús (Children’s house), as well as the reception centre and emergency accommodation centre for asylum seekers.
7. Separate meetings were organised with representatives of non-governmental organisations (NGOs), trade unions and lawyers representing victims of trafficking in human beings.
8. The list of national authorities, NGOs and other organisations with which the delegation held consultations is set out in Appendix 2 to this report. GRETA is grateful for the information provided by them.

¹ <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680631c6f>

² <http://rm.coe.int/greta-2019-02-fgr-isl-en/16809382d4>

³ <https://rm.coe.int/cp-2020-03-iceland/16809eb4dc>

⁴ <https://rm.coe.int/reply-from-iceland-to-greta-questionnaire-3rd-round-/1680a85ac3>

9. GRETA wishes to place on record the co-operation provided in the preparation and conduct of the visit by Ms Hildur Sunna Pálmadóttir, legal adviser at the Icelandic Ministry of Justice and contact person appointed by the authorities to liaise with GRETA at the time of the visit, and Ms Kristín Jónsdóttir, legal advisor at the same ministry and contact person at the time of the adoption of this report.

10. The draft version of the present report was approved by GRETA at its 47th meeting (27-31 March 2023) and was submitted to the Icelandic authorities for comments. The authorities' comments were received on 13 June 2023 and were taken into account by GRETA when adopting the final report at its 48th meeting (26-30 June 2023). The report covers the situation up to 30 June 2023; developments since that date are not taken into account in the following analysis and conclusions. GRETA's conclusions and proposals for action are summarised in Appendix 1.

II. Overview of the current situation and current trends in the area of trafficking in human beings in Iceland

11. Iceland remains primarily a country of destination of victims of trafficking in human beings (THB) and is to a certain extent also a country of transit. The continued absence of a victim identification procedure which is independent of the criminal justice process makes it difficult to have an accurate picture of the number of identified victims of THB. There are two sets of statistics on the number of presumed victims of human trafficking. Firstly, according to data collected by the National Commissioner of the Icelandic Police, in the period 2019-2022, the police investigated 71 suspected cases of THB involving 73 presumed victims, all foreign nationals originating from a range of countries.⁵ Out of these cases, 25 concerned forced labour, 19 sexual exploitation, 3 forced marriage, and in the remainder the exploitation was not specified; 38% of the presumed victims were female and 11% children. Only one case resulted in a prosecution for THB, but the defendant was acquitted on appeal (see paragraph 72).

12. Secondly, according to statistics collected by the Bjarkarhlíð Family Justice Centre, which has been responsible since July 2020 for co-ordinating support services for victims of human trafficking, between July 2020 and September 2022, 25 presumed victims of human trafficking (including 13 women), all of whom were foreign nationals, were provided with assistance. The majority were presumed victims of labour exploitation (17), followed by sexual exploitation (5) and other forms of exploitation (3).

13. Labour exploitation of migrant workers, including asylum seekers and refugees, is reported to occur mainly in the construction, tourism and catering sectors. There have also been reports about exploitation in volunteer work.⁶ As regards THB for the purpose of sexual exploitation, perpetrators reportedly benefit from the visa-free regime in the Schengen Zone to bring women to Iceland for a short period of time for exploitation in prostitution. Further, the Icelandic authorities have detected suspected cases of Romanian children from Roma communities being exploited in prostitution.

14. According to official data,⁷ the number of asylum seekers in Iceland amounted to 867 in 2019, 654 in 2020, 872 in 2021 and 4 518 in 2022. The important increase in 2022 was mainly due to the arrival of persons fleeing the war in Ukraine (2 345), as well as a large number of applications made by persons coming from Venezuela (1 199). The authorities indicated that between 2015 and 2022, 30 possible victims of human trafficking were detected among asylum seekers and reported to the police. None of them were formally identified as victims of THB.

⁵ Albania, Austria, Bosnia and Herzegovina, China, France, Georgia, Iraq, Lithuania, Malaysia, Nigeria, Palestine, Poland, Romania, Serbia, Somalia, and the Philippines.

⁶ See Stop the Traffick, [2019 STT Report | PDF | Human Trafficking | Sexual Slavery \(scribd.com\)](#), page 26.

⁷ [Statistics | Directorate of Immigration \(island.is\)](#)

III. Developments in the legal, institutional and policy framework for action against trafficking in human beings

15. Since GRETA's second report, the legislative framework related to action against THB in Iceland has evolved. In June 2021, Article 227.a of the General Penal Code (GPC), criminalising THB, was amended to include additional forms of exploitation, in particular forced marriage, slavery, servitude, forced service, begging and criminal activities, which is in line with GRETA's previous recommendations.⁸ Further, the words "by taking advantage of the vulnerable position of the person" were replaced with "by taking advantage of the vulnerable position, ignorance or helplessness of the person, or by taking advantage of a position of superiority with regard to the person". Lastly, aiding and abetting was added to Article 227.a of the GPC.

16. In May 2019, provisions on the chain of responsibility of principal contractors were added to the Public Procurement Act No. 120/2016 (see paragraph 130).

17. In June 2022, amendments were made to the Law on Criminal Procedure (LCP) with a view to facilitating the participation of victims of crime in criminal proceedings and claiming compensation (see paragraphs 53 and 70).

18. In its second report, GRETA urged the Icelandic authorities to take steps to improve the co-ordination of anti-trafficking action, including by designating a national co-ordinator with a mandate and responsibility to bring together all relevant actors, to convene regular meetings of the Steering Group, and to take the lead in developing a new National Action Plan.

19. The third National Action Plan for Combating THB was adopted on 21 March 2019, following a consultation with NGOs and trade unions. It takes into account the recommendations made in GRETA's second report on Iceland.

20. The National Action Plan contains actions in the areas of prevention; assistance, support and protection of victims; investigation and prosecution of THB cases; collaboration and consultation. In the area of prevention, it is envisaged to provide training to relevant professionals, raise public awareness of THB, establish procedures for detecting possible victims among persons applying for residence and work permits, increase inspections in at-risk sectors, review relevant legislation and the rules related to temporary residence permits (such as permits for *au pairs*, volunteer work and internships). The plan envisages the establishment of a National Referral Mechanism (NRM), the setting up of a formal identification procedure for victims, drawing up guidelines for the detection of victims among asylum seekers, ensuring that victims have access to gender- and age-sensitive assistance and protection, and developing procedures and guidelines for the identification of child victims of THB. In the area of investigation and prosecution, the plan envisages the provision of training to police officers and prosecutors, the prioritisation of investigation of suspected THB cases, reviewing the procedures to ensure more active involvement of prosecutors at the investigation stage, the improvement of the identification and seizure of crime proceeds in THB cases, and the improvement of data collection. Lastly, the plan contains actions aimed at strengthening co-operation and communication of the Icelandic police with relevant national actors and foreign law enforcement agencies.

21. The responsibility for the implementation of the National Action Plan is assigned to different state authorities, in the first place the Ministry of Justice and the Ministry of Social Affairs. Unlike the previous two anti-trafficking action plans, the current one is not limited in time and will be valid until superseded by a new one. Only three actions (on further development of the legal framework, reviewing of rules and procedures related to temporary residence permits, and establishment of an NRM) have a specific timeframe for implementation. There is no dedicated budget for the implementation of the plan and all responsible authorities are expected to finance the actions for which they are responsible from their

⁸ See GRETA's first report on Iceland, paragraph 48 and GRETA's second report on Iceland, paragraphs 150 and 151.

budgets, except for the action aiming at establishing and maintaining an NRM, for which the Ministry of Social Affairs allocates approximatively EUR 21 400 per year (see paragraph 24). While welcoming the adoption of a new national action plan against THB, GRETA is concerned that the financial resources invested by the Icelandic authorities in combating human trafficking are not commensurate with the actual needs. Therefore, **GRETA considers that the Icelandic authorities should allocate sufficient funding from the State budget to action against THB.**

22. Since 2017, the responsibility for overseeing the implementation of the National Action Plan lies with the Ministry of Justice. Following the adoption of the third plan in 2019, a new Steering Group was set up by the Ministry of Justice to advise the government on policy in the area of combating human trafficking as well as to support, monitor and evaluate the implementation of the plan. It is composed of representatives of public agencies and NGOs and other persons with expertise in the area of combating THB.⁹ Following the transfer of the Ministry of Justice official fulfilling the role of National Co-ordinator on THB to the Metropolitan Police in Reykjavik, two other officials from that ministry have taken over the role of co-ordinating national action against THB. In September 2019, OSCE human trafficking experts were engaged by the Icelandic authorities to hold a two-day workshop with the members of the Steering Group for the purpose of defining their role and providing guidance on how to perform it effectively. Further, a training was held in September 2022 for members of the Steering Group by a human trafficking expert from the United Kingdom. The Steering Group is supposed to meet at least twice per year, but GRETA was informed that it had been meeting more often (three to four times per year) to discuss topical issues, such as steps with regard to persons fleeing the war in Ukraine, and the judgment issued in April 2022 in a suspected case of THB (see paragraph 87).

23. The Steering Group has set up three task forces: on prevention, protection of victims, and investigation and prosecution of THB cases. In January 2020, the task force on prevention submitted seven proposals for action to the Ministry of Justice, including the setting up of a website on THB, training staff of the helplines on human trafficking, research on THB, training public officials involved in public procurement and employers about human trafficking, conducting a general awareness-raising campaign on THB, as well as a digital campaign targeting the buyers of prostitution.

24. On 1 July 2020, the Ministry of Social Affairs concluded a service agreement with Bjarkarhlíð Family Justice Centre for adult survivors of violence pursuant to which the latter assumed the role of a national referral centre for THB victims, initially for one year, and subsequently until 1 June 2024. Whenever a presumed victim of THB is referred to the Centre, an operational team comprised of relevant professionals is convened in order to organise the support to be provided to the victim (see paragraph 152).

25. In June 2021, an information portal on human trafficking was launched on the webpage of the 112 national emergency number (www.112.is), with the support of the Ministry of Justice (see paragraph 38). Confidential reporting of cases can be done by calling the emergency number or by email. The helpline personnel can refer the person to Bjarkarhlíð or other relevant authorities or organisations.

⁹ The Steering Group is composed of 34 persons representing the state authorities (the Office of the Prime Minister, the Ministry of Justice, the Ministry of Social Affairs, Ministry of Health, Ministry of Foreign Affairs, Ministry of Finance and Economic Affairs, National Police Commissioner, Reykjavik Metropolitan Police, Chief of Police North-East Iceland, Chief of Police in Suðurnes, State Prosecutor's Office, District Prosecutor, Directorate of Labour, Directorate of Occupational Health and Safety, Directorate of Equality, Icelandair, the Airport Administration, Prison and Probation Administration, National Agency for Children and Families, Directorate of Immigration, the Judicial Administration, City of Reykjavik and the Icelandic Association of Local Authorities), the Confederation of Icelandic Employers, the Icelandic Red Cross, trade unions (the Federation of State and Municipal Employees and the Icelandic Confederation of Labour), NGOs (Bjarkarhlíð Family Justice Centre for survivors of violence, Stígamót Centre for Survivors of Sexual Violence, the Women's Shelter, the Icelandic Human Rights Centre, the Salvation Army, and Stop the Traffik) as well as an academic.

26. GRETA was informed of the preparation of a draft law establishing an independent national human rights institution, to be submitted to Parliament in the autumn of 2023.¹⁰ It is expected that the institution would assume, *inter alia*, the role of National Rapporteur on THB. **GRETA would like to be kept informed of developments in this respect. Reiterating the recommendation made in its second evaluation report, GRETA considers that the Icelandic authorities should entrust the role of National Rapporteur on THB to an independent organisational entity with a view to ensuring effective monitoring of the anti-trafficking activities of state institutions and making recommendations to the persons and institutions concerned (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report).**

IV. Access to justice and effective remedies for victims of human trafficking

1. Introduction

27. Victims of human trafficking, by virtue of their status as victims of crime and victims of human rights violations, have the right of access to justice and effective remedies for any harm committed against them. These rights must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of parties to the Convention, irrespective of their immigration status or presence on the national territory, and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

28. The right to effective remedies is a reflection of the human-rights based approach underpinning the Convention. Regardless of whether a State is implicated in the trafficking or directly responsible for the harm, the positive obligations arising from international human rights law require States to facilitate and guarantee effective access to remedies if they have failed to take reasonable steps to prevent human trafficking, protect potential or actual victims of trafficking, and effectively investigate trafficking offences.¹¹

29. According to the *Basic principles on the right to an effective remedy for victims of trafficking in persons*,¹² the right to an effective remedy is considered to include restitution,¹³ compensation,¹⁴ rehabilitation,¹⁵ satisfaction¹⁶ and guarantees of non-repetition.¹⁷ All victims of trafficking require access

¹⁰ [Government to Establish Independent Human Rights Office \(icelandreview.com\)](https://www.icelandreview.com/government-to-establish-independent-human-rights-office/)

¹¹ *Rantsev v. Cyprus and Russia*, application no. 25965/04, judgment of 7 January 2010; *L.E. v. Greece*, application No. 71545/12, judgment of 21 January 2016; *Chowdury and Others v. Greece*, application No. 21884/15, judgement of 30 March 2017; *S.M. v. Croatia*, application No. 60561/14, Grand Chamber judgment 25 June 2020.

¹² UN General Assembly, Basic principles on the right to an effective remedy for victims of trafficking in persons, Annex to the Report by the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, 6 August 2014, A/69/269, available at: <https://undocs.org/A/69/269>

¹³ Restitution includes restoration of liberty, including release of the victim from detention; enjoyment of human rights and family life, including reunification and contact with family members; safe and voluntary repatriation; temporary or permanent residence status, refugee status, complementary/subsidiary protection or third-country resettlement; recognition of the victim's legal identity and citizenship; restoration of the victim's employment; assistance and support to facilitate social integration or reintegration; return of property, such as identity and travel documents and other personal belongings.

¹⁴ Compensation may cover damages for physical or mental harm; damages for lost opportunities, including employment, education and social benefits; reimbursement of costs of necessary transportation, childcare or temporary housing; material damages and loss of earnings; moral or non-material damages; reimbursement of legal fees and other costs relating to the participation of the victim in the criminal justice process; reimbursement of costs incurred for legal, medical or other assistance.

¹⁵ Rehabilitation includes medical and psychological care, legal and social services, shelter, counselling and linguistic support, independently of the capacity or willingness of the victims to co-operate in legal proceedings.

¹⁶ Satisfaction includes effective measures aimed at the cessation of continuing violations; verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety, privacy and other interests of the victims of their families; an official declaration or a judicial decision restoring the dignity, reputation and rights of the victim; public apologies; judicial and administrative sanction against the perpetrators.

¹⁷ Guarantees of non-repetition include ensuring the effective investigation, prosecution and sanctioning of traffickers; all measures necessary to protect victims from re-trafficking; providing or strengthening training of relevant officials; strengthening the independence of the judiciary; modifying practices that cause, sustain or promote tolerance to trafficking, including gender-

to appropriate and effective remedies, starting with access to justice. The provision of effective remedies serves multiple purposes. The remedy of compensation, for instance, for any injury, loss or harm sustained, can provide critical support in victims' recovery and empowerment, help their social inclusion and prevent re-victimisation. The remedy of rehabilitation can similarly help in the victims' recovery and social inclusion. Of relevance in this respect is also the 1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,¹⁸ and the Council of Europe Committee of Ministers Recommendation CM/Rec(2023)2 on rights, services and support for victims of crime,¹⁹ which outlines the main steps to be taken to improve access to justice, and fair treatment, restitution, compensation and social assistance for victims of crime.

30. The Convention provides specifically for the substantive right of victims of trafficking to compensation and legal redress, as well as for a number of procedural rights necessary to ensure access to them. These include the rights to be identified as a victim of trafficking, to be granted a recovery and reflection period, as well as a residence permit (to enable a victim to remain in the country and seek access to remedies), and to receive counselling, information, legal assistance and free legal aid. Another important procedural right is provided by the non-punishment provision of the Convention (Article 26), according to which victims of human trafficking must not be subjected to penalties for their involvement in unlawful activities that they have been compelled to commit. Further, the Convention requires State Parties to enable the seizure and confiscation of the assets of traffickers, which could be used to fund State compensation schemes for victims.

31. Children need special support to access remedies, the best interests of the child being the primary consideration in all actions concerning trafficked children. The appointment of legal guardians to represent unaccompanied or separated children plays a vital role in enabling child victims of trafficking to access justice and remedies. Further, facilitating family reunification can be an important element of restitution.²⁰

32. Civil society, such as NGOs, trade unions, diaspora organisations and employer organisations, plays a vital role in enabling victims of THB to claim compensation and other remedies.²¹ In this context, reference should be made to the international projects COMP.ACT - European Action on Compensation for Trafficked Persons and Justice at Last - European Action for Compensation of Victims of Crime,²² which aim to enhance access to compensation for trafficked persons.

33. The private sector should also play a role in enabling access to, as well as providing, remedies to trafficked persons, in accordance with the UN 'Protect, Respect and Remedy' Framework and the United Nations Guiding Principles on Business and Human Rights.²³ The role of businesses includes steps to ensure that their supply chains are free of trafficked labour, as well as the adoption and implementation of measures to facilitate access to remedies for victims for any harm that occurs. Further, businesses have the potential to help trafficked persons regain economic autonomy.²⁴ States should therefore ensure that business enterprises implicated in human trafficking are held responsible and take steps to reduce barriers that could lead to a denial of access to remedies.

based discrimination and situations of conflict and post-conflict; effectively addressing the root causes of trafficking; promoting codes of conduct and ethical norms for public and private actors; protecting legal, medical and other professionals and human rights defenders who assist victims.

¹⁸ United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Adopted by General Assembly resolution 40/34 of 29 November 1985, available at: https://www.unicef-irc.org/portfolios/documents/472_un-declaration-crime.htm

¹⁹ Council of Europe Committee of Ministers Recommendation CM/Rec(2023)2 on rights, services and support for victims of crime, available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680aa8263

²⁰ UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 7-8.

²¹ OSCE Compensation for Trafficked and Exploited Persons in the OSCE Region, 2008, pp. 48-53.

²² <http://lastradainternational.org/about-lsi/projects/justice-at-last>

²³ United Nations Guiding Principles on Business and Human Rights, implementing the UN 'Protect, Respect and Remedy' Framework, Doc. A/HRC/17/31 (2011).

²⁴ UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 8-9.

34. Because human trafficking is often a transnational crime, effective international co-operation is essential for fulfilling the obligations with regard to the right to justice and effective remedies. This includes co-operation in tracing and seizing criminal assets, and in returning confiscated proceeds for the purpose of compensation.

2. Right to information (Articles 12 and 15)

35. Victims who are no longer under their traffickers' control generally find themselves in a position of great insecurity and vulnerability. Two common features of victims' situation are helplessness and submissiveness to the traffickers, due to fear and lack of information about how to escape their situation. Article 12, paragraph 1, sub-paragraph d, of the Convention provides that victims are to be given counselling and information, in particular as regards their legal rights and the services available to them, in a language that they understand. Further, pursuant to Article 15, paragraph 1, of the Convention, Parties must ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings, in a language they can understand.

36. The information that victims of trafficking must be provided with deals with essential matters, including availability of protection and assistance arrangements, the various options open to the victim, the risks they run, the requirements for legalising their presence in the Party's territory, the various possible forms of legal redress, how the criminal-law system operates (including the consequences of an investigation or trial, the length of a trial, witnesses' duties, the possibilities of obtaining compensation from persons found guilty of offences or from other persons or entities, and the chances of a judgment being fully and effectively enforced). The information and counselling should enable victims to evaluate their situation and make an informed choice from the various possibilities open to them.²⁵

37. Many victims do not speak, or barely speak, the language of the country they have been brought to for exploitation. Ignorance of the language adds to their isolation and is one of the factors preventing them from claiming their rights. The provision of translation and interpretation, where needed, is an essential measure for guaranteeing access to rights, which is a prerequisite for access to justice. GRETA has stressed the need for ensuring the availability, quality and independence of interpreters.²⁶

38. According to Article 40, paragraph 1, of the Law on Criminal Procedure (LCP), the police is obliged to give victims guidance regarding their rights, including the right to be appointed a lawyer. Within the Reykjavik Metropolitan Police, information is provided to presumed victims of THB by a unit specialised in investigating THB cases. In 2022 a leaflet on human trafficking was produced by the Ministry of Justice in Icelandic, English and Polish and distributed to all the structures which may come across possible victims.²⁷ The leaflet contains a list of THB indicators and explains how to report suspected cases and where to seek assistance. It refers to the services available to victims, such as accommodation, health care, social support, free legal aid and a residence permit. The leaflet refers to the website of the 112 national emergency helpline (see paragraph 25) and provides the contact details of Bjarkarhlið Family Justice Centre and relevant NGOs. The website of the helpline, which is in Icelandic, English and Polish, contains a list of indicators for the identification of victims of THB and information on where victims can seek advice and assistance, but there is no information on the rights of victims of THB and how to access them.

²⁵ See Explanatory Report on the Convention, paragraphs 160-162.

²⁶ See 8th General report on GRETA's activities, paragraphs 168-169.

²⁷ Available at: [Stjórnarráðið | Þekkir þú vissbendingar um mansal? \(stjornarradid.is\)](https://stjornarradid.is/pekkingar-um-vissbendingar-um-mansal/).

39. There is also a general information booklet for victims of crime, which is available on the Icelandic Government's website, only in Icelandic.²⁸ It provides information on the stages of criminal proceedings, support organisations and how to submit a state compensation claim. The authorities indicated that since this booklet is old, updated information on state compensation is given verbally by the police. There is also an information page on the Icelandic justice system for victims of sexual offences, available in Icelandic, English and Polish on the website of the 112 national emergency helpline.²⁹ Additionally, victims receive information from the lawyers representing them in criminal proceedings and the staff of the support services. There are no child-friendly information materials.

40. An information booklet for immigrants in Iceland was developed in 2010 by the Directorate for Equality and updated most recently in 2022. It contains information on the Icelandic justice system, residence permits, how to file a complaint with the police and receive legal aid, and contact details for further information on assistance. It also contains succinct information on THB and the right of victims of THB to receive a residence permit. This booklet is available in Icelandic, English, Polish, Spanish, Thai, Russian, Arabic and French, in printed form as well as online.³⁰

41. In 2020, a counselling centre for migrants ("New in Iceland")³¹ was opened under the auspices of the Ministry of Social Affairs. It provides counselling and information about migrants' rights and the services available to victims in a variety of languages. Staff of the centre speak English, Polish, Spanish, Arabic, Ukrainian and Russian, and a telephone interpreting service is available for other languages.

42. Pursuant to Article 63, paragraph 5, of the LCP, if the person to be questioned by the police does not have sufficient command of Icelandic, the police shall call in an authorised court interpreter or another competent person to provide interpretation into a language they understand. When no interpreter is available, the police use telephone interpreting service. If no authorised court interpreter is available for a courtroom testimony, another person can act as interpreter with the approval of the judge (Article 12, paragraph 2, of the LCP).

43. GRETA welcomes the issuing of a specific leaflet on THB and considers that the Icelandic authorities should take further steps to ensure that presumed victims of human trafficking are given information in a proactive manner, as soon as they come into contact with a competent authority. The information should take into account the victim's age, maturity, intellectual and emotional capacity, literacy and any mental, physical, or other disability which may affect the ability to understand. The information should be provided irrespective of the victim's capacity or willingness to co-operate in criminal proceedings and cover the right to a recovery and reflection period, the services and assistance measures available, state compensation procedure and other relevant civil and administrative remedies and procedures.

44. **Further, GRETA considers that the Icelandic authorities should:**

- **make the leaflet on human trafficking available in the languages of the main countries of origin of presumed victims;**
- **sensitise interpreters who may come into contact with victims of human trafficking to the issue of human trafficking and the vulnerabilities of victims.**

²⁸ www.stjornarradid.is/media/innanrikisraduneyti-media/media/Utgafa/brotatholar.pdf.

²⁹ <https://www.112.is/en/rettarvorsluketid-leidarvisir>

³⁰ [Your right - Important information for immigrants in Iceland | Office of Equality \(jafnretti.is\)](https://www.jafnretti.is/Your-right-Important-information-for-immigrants-in-Iceland-Office-of-Equality)

³¹ <https://newiniceland.is/>

3. Legal assistance and free legal aid (Article 15)

45. Article 15(2) of the Convention obliges Parties to provide in their internal law for the right of victims of trafficking to legal assistance and free legal aid. As court and administrative procedures are often very complex, legal assistance is necessary for victims to be able to claim their rights. It is for each Party to decide the requirements for obtaining such free legal aid. Parties must have regard not only to Article 15(2) of the Convention, but also to Article 6 of the ECHR. Even though Article 6(3)(c) of the ECHR provides for free assistance from an officially appointed lawyer only in criminal proceedings, European Court of Human Rights case-law³² also recognises, in certain circumstances, the right to free legal assistance in a civil matter on the basis of Article 6(1) of the ECHR. Thus, even in the absence of legislation granting free legal assistance in civil matters, it is for the courts to assess whether, in the interest of justice, an applicant who is without financial means should be granted legal assistance if unable to afford a lawyer.

46. GRETA's reports highlight the value of a lawyer being appointed as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before the person makes an official statement and/or decides whether to co-operate with the authorities. Early access to legal assistance is also important to enable victims to take civil actions for compensation and redress.³³

47. The procedure and conditions for appointment of a legal rights protector, i.e. a lawyer to represent a victim of crime, are defined in Articles 33-34 and 41-44 of the LCP. The police are obliged to nominate a legal rights protector if the case is being investigated for certain offences, including THB, the victim requests so and there is a reason to believe that the victim has sustained substantial damage to his or her physical or mental health as a result of the offence, or the offence was perpetrated against the victim by someone closely related to, or associated with, the victim. If these conditions are met and the police consider that the victim is not capable of defending his/her interests properly during the investigation, the police can nominate a legal rights protector even if the victim has not requested one. GRETA was informed by civil society actors and lawyers met during the visit that in all cases qualified by the police as possible THB, a legal rights protector is nominated if the victim requests so. If the victim was a child when the investigation began, a legal rights protector is nominated obligatorily. Once the case is brought before the court, if the above-mentioned conditions are met, the judge shall appoint a legal rights protector for the injured party. In practice, the legal rights protector appointed by the police is usually reappointed by the court.

48. The police and courts shall inform victims of their right to have a legal rights protector free of charge. There is neither a list of legal rights protectors nor formal specialisation among lawyers. If no lawyer was chosen by the victim, the police or the court chooses a lawyer among those who are known as willing to work as legal rights protectors and have experience in the subject-matter of the case. The victim's request for the appointment of a new lawyer shall be granted unless there is a danger that this would delay the examination of the case.

49. Free legal aid is available to all victims, irrespective of their residence status, in civil and administrative proceedings if they have "sufficient reason to initiate proceedings or defend themselves in civil proceedings in court" and if they do not have sufficient financial means (Article 126 of the Code of Civil Procedure, CCP). Legal aid is granted by the Ministry of Justice on the basis of an opinion issued by the Legal Aid Committee, an independent committee composed of three lawyers, nominated respectively by the Minister of Justice, the Icelandic Bar Association and the Judge's Association.³⁴

³² *Airey v. Ireland* judgment, 9 October 1979.

³³ 8th General report on GRETA's activities.

³⁴ <https://www.government.is/topics/law-and-order/legal-aid-in-iceland-basic-information/>

50. Legal aid covers the fees of the lawyer and court fees. Unless otherwise specified in the legal aid document, legal aid also covers the cost of enforcing the judgment as well as the cost of bringing an appeal or counter-defence before the higher court if the other party appeals the judgment. The Ministry of Justice may revoke the legal aid if the financial situation of the beneficiary changes, i.e. if the person finds a job. According to GREVIO's report on Iceland, free legal aid in civil proceedings is limited to persons with very low income, to the extent that those on social benefits or with income from social security may well be excluded.³⁵ Furthermore, the fees for free legal aid are reportedly low and lawyers are paid only when the proceedings are finalised, which may take several years.

51. GRETA was informed of several cases with strong indications of human trafficking where victims were not appointed a legal rights protector because the case was treated as a labour law violation (see paragraphs 91 and 92). Victims of such violations can nevertheless ask for legal aid to seek compensation in civil proceedings. Victims of labour exploitation who do not meet the requirements of free legal aid may be supported by trade unions to claim unpaid wages even if they are not a trade union member, as illustrated in the case described in paragraph 91. However, trade unions are not always able to cover court and lawyer fees.³⁶

52. The three existing Family Justice Centres (Bjarkarhlíð, Bjarmahlíð and Sigurhæðir) and the women's shelters located in Reykjavík and Akureyri offer free legal support to victims of violence. Further, the Icelandic Human Rights Centre provides free legal counselling for migrants in accordance with an agreement concluded with the Ministry of Social Affairs. An interpreter is provided free of charge, if necessary.

53. On 28 June 2022, amendments were made to the LCP, aimed at improving the involvement of victims in criminal proceedings, including allowing victims to be present at court hearings held *in camera*, authorising the appointment of a legal rights protector for the victim at the appeal stage, authorising legal rights protectors to put questions to defendants and witnesses, including about matters other than the compensation claims. The amendments provide for a greater access to the investigation file by victims and their legal rights protectors and allow the victim to present evidence in their possession to the court in order to be taken into consideration in the resolution of the case and express themselves before the court.

54. The authorities stated that if a lawyer needs an interpreter to communicate with a client, the cost will be covered by the State, in accordance with Articles 12 and 63 of the LCP. As for civil proceedings, interpretation and translation costs should be covered by the party that lost the case.

55. **GRETA considers that the Icelandic authorities should take further steps to facilitate and guarantee access to justice for victims of human trafficking by ensuring that they receive legal assistance and free legal aid at an early stage, in particular:**

- **appoint a lawyer as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, before the person concerned has to decide whether or not to co-operate with the authorities and/or make an official statement;**
- **encourage the Bar Association to offer training on human trafficking to lawyers with a view to ensuring that trafficking victims are systematically appointed a specialised lawyer.**

³⁵ See also GREVIO's [First baseline evaluation report on Iceland](#), 13 October 2022, paragraph 298.

³⁶ See testimonies from the report of December 2021 "[Hidden People](#)", written by an immigrant labour NGO (the Industrial Workers of the World, IWW) and funded by the Development Fund for Immigration Affairs of the Ministry of Social Affairs.

4. Psychological assistance (Article 12)

56. Human trafficking and exploitation may have serious psychological and physical consequences for the victims, including mental health problems and loss of self-esteem. Psychological assistance is needed to help victims of trafficking overcome the trauma they have been through and achieve a sustained recovery and social inclusion. Some victims require long-term therapeutic attention due to the violence that they have suffered. Every victim of trafficking should have a clinical assessment tailored to include an evaluation of their particular readiness for therapy conducted by an experienced clinician.³⁷

57. Pursuant to Regulation No. 1552/2022, which replaced Regulation No. 1176/2011, of the Ministry of Social Affairs, victims and presumed victims of THB are entitled to emergency health care, regardless of their immigration status. They are also guaranteed health services pursuant to Regulation No. 50/2017 on health services for persons without health insurance. Persons who are granted international protection or a residence permit in Iceland on humanitarian grounds are covered by health insurance, which can cover 90% of the cost of psychological assistance. The social services can provide a foreign citizen without health insurance with psychological assistance and apply to the State Treasury for reimbursement of the costs. Victims can receive psychological assistance from the psychiatric division of the National University Hospital in Reykjavik and the hospital in Akureyri, but there are reportedly delays in accessing it.

58. The Stígamót centre for victims of sexual violence provides free and confidential counselling for survivors of sexual violence. Counselling sessions are offered in Icelandic, other Scandinavian languages and English, and interpretation is provided free of charge, if needed.³⁸ About two-thirds of Stígamót's funding are sourced from the State and the rest from private donors. However, because of insufficient funding, Stígamót is understaffed, and victims need to wait a long time for psychological support and counselling.³⁹ Psychological services for children are offered by the Barnahús, which has eight therapists, but children reportedly have to wait for several weeks due to insufficient capacity of Barnahús.⁴⁰ In its recent report on Iceland the UN Committee on the Rights of the Child raised concern about long waiting lists for children seeking mental health services, partly due to the shortage of specialised staff, and recommended that the Icelandic authorities strengthen mental health services and programmes for children, including by ensuring that the number of qualified professionals is sufficient to meet children's mental health needs in a timely manner.⁴¹

59. **GRETA considers that the Icelandic authorities should guarantee timely access of victims of trafficking to psychological assistance and ensure that it is provided for as long as their individual situation requires in order to help them overcome their trauma and achieve a sustained recovery and social inclusion.**

³⁷ OSCE, *Trafficking in Human Beings Amounting to Torture and Other Forms of Ill-Treatment* (2013), Vienna, p.115.

³⁸ [English | Stígamót \(stigamot.is\)](https://www.stigamot.is/)

³⁹ See GREVIO's [First baseline evaluation report on Iceland](#), 13 October 2022, paragraph 149.

⁴⁰ See GREVIO's [First baseline evaluation report on Iceland](#), 13 October 2022, paragraph 150 and UN Committee on the Rights of the Child's [Concluding observations on the combined fifth and sixth periodic reports of Iceland](#), paragraph 24, June 2022.

⁴¹ UN Committee on the Rights of the Child's [Concluding observations on the combined fifth and sixth periodic reports of Iceland](#), paragraphs 31 and 32, 23 June 2022.

5. Access to work, vocational training and education (Article 12)

60. Article 12, paragraph 4, of the Convention requires State Parties to enable victims of trafficking who are lawfully present in the country to have access to the labour market, vocational training and education. An important element of the recovery and successful social inclusion of trafficked persons is their economic empowerment, which can be achieved through job placement, microbusinesses and social enterprises.⁴² GRETA has stressed the need to develop public-private partnerships with a view to creating appropriate work opportunities for victims of trafficking.⁴³

61. In June 2018, amendments were made to the Act on Foreign Nationals' Right to Work, No. 97/2002, giving the Directorate of Labour competence to grant a temporary work permit to victims or presumed victims of THB who have a residence permit in Iceland. GRETA was informed that only one person had been granted a work permit after being granted a residence permit as a presumed victim of THB. It usually takes at least six weeks to receive a work permit, but this time-lapse has reportedly been shortened to a couple of days after the outbreak of the war in Ukraine. The fact that the temporary residence permit granted to victims of THB does not allow them to work discourages persons employed under exploitative working conditions to file a complaint. Victims need to find an employer willing to apply for a work permit for them and cannot start work before receiving the work permit. According to the representatives of trade unions met by GRETA, the possibility of receiving a temporary residence permit with the right to work would strongly encourage victims of trafficking to come forward and denounce their exploitation.

62. Victims of THB would have access to public employment services on the same basis as other jobseekers. The counsellors of the Directorate of Labour assist persons registered as unemployed to seek employment and training. This includes offering them the possibility to pursue a study programme at upper secondary or university level while receiving unemployment benefits, a grant to be used for training courses, help with registering on job search platforms, as well as guidance and assistance in creating their own business.⁴⁴ The Directorate of Labour has a special programme for refugees, which includes a grant for employers recruiting refugees, provision of Icelandic language classes and social education, as well as job counselling and information on workers' rights and the Icelandic labour market.⁴⁵

63. GRETA considers that the Icelandic authorities should strengthen effective access to the labour market for victims of human trafficking and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst different employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking.

6. Compensation (Article 15)

64. Article 15(3) of the Convention establishes a right of victims to compensation. The compensation is pecuniary and covers both material injury (such as the cost of medical treatment) and non-material damage (the suffering experienced). However, even though it is the trafficker who is liable to compensate the victim, in practice there is rarely full compensation whether because the trafficker has not been found, has disappeared or has declared him/herself bankrupt. Article 15(4) therefore requires that Parties take steps to guarantee compensation of victims. The means of guaranteeing compensation are left to the Parties, which are responsible for establishing the legal basis of compensation, the administrative framework and the operational arrangements for compensation schemes. In this connection, Article 15(4) suggests setting up a compensation fund or introducing measures or programmes for social assistance to,

⁴² Rebecca Surtees, NEXUS Institute, *Re/integration of trafficked persons: supporting economic empowerment*, Issue paper No. 4, King Baudouin Foundation (2012).

⁴³ 8th General report on GRETA's activities.

⁴⁴ See [Counselling, studies and courses | Directorate of Labour \(vinnumalastofnun.is\)](https://www.vinnumalastofnun.is)

⁴⁵ See [Support for Refugees | Directorate of Labour \(vinnumalastofnun.is\)](https://www.vinnumalastofnun.is)

and social integration of, victims that could be funded by assets of criminal origin. Of relevance in this respect is the European Convention on the Compensation of Victims of Violent Crimes, pursuant to which when compensation is not fully available from other sources the State shall contribute to compensate those who have sustained serious bodily injury or impairment of health directly attributable to an intentional crime of violence, as well as the dependents of persons who have died as a result of such crime, even if the offender cannot be prosecuted or punished.

65. Compensation fulfils multiple purposes: payment of reparation for injury, loss or harm caused by the offender, access to justice, empowerment of victims, as well as punishment and deterrence of traffickers. As such, compensation plays a crucial role in the fight against human trafficking, not only as an instrument of restorative justice, but also by way of prevention and recognition by States of human rights violations.

66. Victims often leave the country where they were exploited at the end of the criminal proceedings. This creates obstacles to making civil claims for compensation, which in addition are associated with a number of other barriers, such as high costs, unavailability of free legal aid and victim-support services, as well as the claimant bearing the burden of proof of the amount of the damage. Therefore, state parties should consider adopting a procedure through which victims are entitled to obtain a decision on compensation by the offender as part of the criminal trial, within a reasonable time.

67. The legal framework for the compensation of victims of THB in Iceland has remained unchanged since GRETA's second evaluation report.⁴⁶ Victims of THB can seek pecuniary and non-pecuniary damages from perpetrators in criminal proceedings in accordance with Articles 172 et seq. of the LCP or by filing a civil claim based on the Tort Damages Act, No. 50/1993, in civil proceedings. In criminal proceedings victims can request unpaid wages as well as the amount of money a victim earned from prostitution and was forced to hand to the trafficker. By submitting a compensation claim, the victim does not become a party to the criminal proceedings, but is qualified as the "claimholder". Victims can be granted free legal assistance for the purpose of claiming compensation if they meet the requirements described in paragraphs 47 and 49. Victims can submit evidence in support of the claim, and ask the defendant and witnesses questions regarding matters that are relevant to the claim (Article 176, paragraph 1, of the LCP).

68. A compensation claim should be submitted in writing to the police during the investigation of the case or to the prosecutor before the indictment is issued. It may also be submitted to the prosecutor after the indictment has been issued if the conditions for the issue of a supplementary indictment are met or the defendant gives his/her consent. The prosecutor shall mention the claim in the indictment or the supplementary indictment (Article 173 of the LCP) and the court shall inform the claimholder of the place and time when the case is to be registered for him/her to submit the claim together with the supporting documents.

69. The claimholder and the defendant may enter into a "court settlement" regarding the victim's claim for compensation in accordance with the rules that apply in civil cases (Article 174 of the LCP). Pursuant to Article 74 of the GPC, where the perpetrator, acting on his/her own initiative, made full compensation for the damage that resulted from the offence, the court may decide not to punish the offender or reduce his/her punishment.

70. If the defendant objects to the compensation claim and the judge considers that processing of the claim would result in substantial delays or inconvenience in the conduct of the case, the judge may decide to detach the claim from the case. In that case, the claim would be examined by the same court in accordance with the civil procedure rules (Article 175 of the LCP). If the defendant is convicted, the judge shall decide on the compensation claim and may sentence the defendant to pay legal costs connected to the claim (Article 176 of the LCP). The previously mentioned amendments of 28 June 2022 to the LCP allow the victim's compensation claim to continue at the Court of Appeal even when the accused

⁴⁶ See paragraph 134 of GRETA's second report on Iceland.

has been acquitted by the District Court.⁴⁷ This makes the process simpler and less burdensome for the victim.

71. The victim can receive compensation for property damage and personal injury, which include lost earnings, health expenses, pain and suffering, permanent injury, and loss of earning capacity. The amount of compensation is determined based on precedents in similar cases and the rules of the Icelandic tort law.

72. There has been only one conviction of THB since 2010, delivered by the District Court of Reykjanes on 7 April 2022.⁴⁸ It concerned three foreign children who were allegedly exploited by their stepmother in her workplace. The defendant was convicted to four years' imprisonment and ISK 21 719 623 (around EUR 142 000) in compensation to the children. The Court confiscated the money seized at the defendant's house and on her bank account (ISK 2 379 000, or around EUR 15 300) in order to use it for compensating the victims.⁴⁹ However, this judgment was reversed by a judgment of 17 February 2023 of the Court of Appeal (for more details about the case, see paragraph 87). The authorities do not have information on whether the children applied for state compensation.

73. State compensation is defined in the Act on the Payment of Compensation by the Treasury to Crime Victims, No. 69/1995, and remains as described in GRETA's previous reports.⁵⁰ State compensation is payable to victims of crimes committed within the jurisdiction of Iceland and punishable under the GPC. The nationality or immigration status of the victim has no bearing on the outcome. The State Treasury may in special cases pay compensation for damages resulting from an offence committed outside Iceland, provided the victim is an Icelandic national or resides in Iceland. State compensation is also paid if the offender is unknown, cannot be found or is *non compos mentis*, but the claimant must have reported the offence to the police without undue delay.

74. When a crime is reported, the police are obliged to guide the victim on how compensation can be obtained. There is no obligation to try to collect compensation first from the offender, but the competent compensation committee can postpone its decision on the payment of compensation until the final judgment on the compensation claim against the offender is delivered.⁵¹ The authorities indicated that the victim can receive state compensation even if the accused was acquitted. A claim for compensation must be lodged no later than two years after the offence was committed. An exception to this two-year rule can be made, for example when the victim is a child. The claimant can apply to the compensation committee on his/her own, but in practice almost all claims are made with the assistance of a lawyer. Most applications are received by e-mail or by file transfer, but it is also possible to apply online. The costs of the examination of the claim are paid by the Treasury. If the claimant does not benefit from free legal aid, the compensation committee may decide to partially or fully reimburse the legal representation cost borne by the claimant.

⁴⁷ Before this amendment, if the accused was acquitted by the District Court, and the Director of Public Prosecution appealed the decision to the Court of Appeal, the victim's claim for compensation, which is part of the indictment, was not pursued by the Court of Appeal. Thus, the victim had to bring a separate civil action to claim compensation if the accused was convicted by the Court of Appeal.

⁴⁸ This is the second conviction for a THB offence in Iceland. The first one, delivered by the District Court of Reykjanes on 8 March 2010, was about sexual exploitation. For the details of the case, see GRETA's first report on Iceland, paragraph 175.

⁴⁹ Under Article 69 of the General Penal Code (GPC), confiscation is allowed in respect of objects originating from an offence, are used or intended to be used for its commission or a monetary amount corresponding to such proceeds. Further, can be confiscated items of value belonging to a person who has been convicted of a serious offence or to his/her current or former spouse, or cohabiting partner, or a legal person in which the convicted is in a controlling position, unless they demonstrate that the items in question were acquired lawfully. The confiscated property goes to the State Treasury, but pursuant to Article 69.e of the GPC the court can order in the judgment that the value of the confiscated property be used to compensate the victim.

⁵⁰ GRETA's first report on Iceland, paragraphs 153-154; GRETA's second report on Iceland, paragraph 134.

⁵¹ Article 12 of the Act on the Payment of Compensation by the Treasury to Crime Victims.

75. The maximum amount of state compensation is ISK 5 000 000 (around EUR 36 500) for bodily injury (which covers medical expenses and loss of income), ISK 3 000 000 (around EUR 22 000) for non-pecuniary damage, ISK 2 500 000 (around EUR 18 250) for loss of earning capacity, ISK 1 500 000 (around EUR 11 000) for funeral expenses, and ISK 250 000 (around EUR 1 825) for property damages. State compensation awards are not subject to taxation, but financial assistance that the claimant has received as a result of the damage (e.g. payments made by social security, pension payments and insurance benefits) may be deducted from them. If a compensation was awarded by the court, state compensation shall be paid in the amount determined in the court.⁵²

76. No victims of THB have received compensation from the offender or the State since 2010, when the only final conviction for THB in Iceland so far was handed down.⁵³

77. GRETA was informed by trade unions that they assist workers in recovering unpaid wages, even if they have been illegally employed. The trade union first sends a payment request to the company concerned and if the wage is not paid in the time allocated, a lawyer of the trade union brings a case against the company for the recovery of the wage. In case of the employer's bankruptcy, a person can apply to the State Wage Guarantee Fund to claim up to 18 months of salaries, as illustrated in the case described in paragraph 91.

78. No training has been provided in the reporting period to police officers, lawyers, prosecutors and judges on compensation for victims of crime. However, in their comments on GRETA's draft report, the Icelandic authorities indicated that the compensation of victims of crime is part of all legal education in universities in Iceland. They stated that at the University of Akureyri, police cadets are taught about their obligation to provide information to victims of crime, including how to submit a civil claim in a criminal case and a state compensation claim.

79. **GRETA considers that the Icelandic authorities should make additional efforts to guarantee effective access to compensation for victims of human trafficking, in particular by:**

- **ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim or loss sustained by the victim, is part of the criminal investigation with a view to supporting compensation claims in court;**
- **making full use of the legislation on the freezing and forfeiture of assets, as well as international co-operation, to secure compensation to victims of human trafficking;**
- **including the topic of compensation in the training programmes of police officers, lawyers, prosecutors and judges, and encouraging them to use all the possibilities the law offers to uphold compensation claims by victims of human trafficking.**

⁵² GRETA was informed that a total of 484 persons claimed state compensation in 2019, 515 in 2020, 469 in 2021 and 452 in 2022. 237 persons received state compensation in 2019, 268 in 2020, 277 in 2021 and 301 in 2022.

⁵³ See paragraph 171 of GRETA's first report on Iceland.

7. Investigations, prosecutions, sanctions and measures (Articles 22, 23 and 27)

80. One of the purposes of the Convention is to ensure the effective investigation and prosecution of THB. Article 27(1) establishes that the investigation or prosecution of THB offences must not depend on victims' reports. The aim is to avoid traffickers' subjecting victims to intimidation so as to deter them from complaining to the authorities. Pursuant to Article 27(2), if the competent authority with which the complaint has been lodged decides that it does not itself have jurisdiction in the matter, then it must forward the complaint without delay to the competent authority of the Party in whose territory the offence was committed. Further, under Article 27(3), each Party shall ensure to non-governmental organisations and other associations, which aim at fighting trafficking in human beings or the protection of human rights, the possibility to assist and/or support the victim (subject to his or her consent) during criminal proceedings concerning the offence of trafficking in human beings.

81. Article 23 requires Parties to match their actions to the seriousness of the offences and lay down criminal penalties which are "effective, proportionate and dissuasive". Further, paragraph 3 of Article 23 places a general obligation on Parties to adopt appropriate legal instruments enabling them to confiscate or otherwise deprive offenders (e.g. by so called "civil" confiscation) of the instrumentalities and proceeds of human trafficking offences. As trafficking in human beings is nearly always engaged in for financial profit, measures depriving offenders of assets linked to or resulting from the offence are an effective anti-crime weapon. The confiscation of criminal assets is crucial for reinforcing the effect of the penalty, as well as ensuring the payment of compensation to the victim. The identified, seized and confiscated illegal profits of trafficking should be used to compensate victims of trafficking, directly or through a victim compensation fund.

82. Further, Article 22 of the Convention requires Parties to ensure that legal persons can be held liable for human trafficking offences committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person who has a leading position within the legal person. Liability under this article may be criminal, civil or administrative.

83. As noted in paragraph 15, in June 2021 Article 227.a of the GPC was amended and the following forms of exploitation were added to the legal definition of THB: forced marriage, slavery, servitude, forced service, begging and forced criminality.

84. Article 227.a of the GPC criminalising THB provides for imprisonment of up to 12 years. Child trafficking is considered as an aggravating circumstance. No other aggravating circumstances are specified in Article 227.a, but the *travaux préparatoires* of the GPC state that the commission of THB offence as part of organised crime should be regarded as an aggravating circumstance. There are also several articles in the GPC allowing to punish more severely the commission of the THB offence by a public official in the performance of his/her duties.⁵⁴

85. There is no reference to the issue of consent in Article 227.a of the GPC. According to the Icelandic authorities, the consent of a person to exploitation does not have a determining effect on whether that person will be recognised as a victim of THB under Icelandic law. In this regard, GRETA refers to paragraph 149 of its second report where it pointed out the benefits in stating explicitly in legislation that consent is irrelevant to determining whether the crime of human trafficking has occurred.

86. There is no plea-bargaining procedure in Iceland.

⁵⁴ According to Article 134 of the GPC, "a public official who misuses his or her position to force a person to do something, submit a person to something or refrain a person from doing something shall be imprisoned for up to 3 years." Article 138 stipulates that "if a public official is guilty of a criminal offence involving an action that must be regarded as a misuse of his or her position but no particular punishment is prescribed for it as an offence in position or function, he or she shall be subjected to the punishment prescribed for the offence but with the addition of up to one half again."

87. As noted in paragraph 72, there was one prosecution for THB in the reporting period, which concerned three foreign children who were allegedly exploited from April 2018 until November 2020 by their stepmother in her workplace. She had applied for the children and their father to receive residence permits in Iceland and arranged for their travel to Iceland. She allegedly made the children work up to 13 hours a day, six to seven days a week, and transferred their wages to her country of origin to finance the construction of a house. She was accused of stopping two of the children from attending school but was acquitted of this charge. By a District Court judgment of 7 April 2022, the defendant was convicted to four years' imprisonment for THB, money laundering and domestic violence. However, this judgment was reversed by judgment of 17 February 2023 of the Court of Appeal (case No. 324/2022),⁵⁵ which acquitted the defendant of all the remaining charges. The Court of Appeal found that the prosecution had not proven that the defendant had transported the children to Iceland for the purpose of forced labour, since both the father of the children and the defendant stated that they had moved to Iceland with the aim of providing a better life for themselves and their family. The Court did not agree that it could be considered coercion that the defendant had threatened the children to send them back to their home country if they did not meet her requirements. In its reasoning, the Court stated that the children had continued going to the workplace even when the defendant was abroad. It was also considered prudent to assume that the registration of work hours according to payslips gave the correct picture of the number of working hours. The Court concluded that it could not be said with certainty that the house that had been built would not belong to both the defendant and the children's father. One judge gave a dissenting opinion according to which the defendant should be convicted of human trafficking since the threshold for coercion in cases of children should be much lower. The investigation in this case lasted nine months and was carried out by a police officer specialised in THB cases. The court proceedings until the judgment of the Court of Appeal took 16 months.

88. As noted in paragraph 11, in the period 2019-2022, 71 cases were investigated by the police with a suspicion of THB, of which 25 concerned forced labour, 19 sexual exploitation, and 3 forced marriage. In the case of the remaining investigations, the form of exploitation was not specified. None of these cases involved public officials or legal persons. Except for the case described in the previous paragraph, none of them resulted in prosecution for human trafficking due to insufficient evidence. Some of the reasons for the failure by the police to collect sufficient evidence in those cases are explained in the following paragraphs.

89. Most of the women engaged in prostitution in Iceland are Nigerian, and a Nigerian criminal network was under investigation for human trafficking, prostitution and drug trafficking. There have reportedly been cases of sexual exploitation of foreign women taking place in champagne clubs, hotels and private apartments.⁵⁶ The short stay of the women in Iceland, and the limited human resources of the police, make the detection of victims of THB amongst these women challenging. Following the release by a journalist of a video footage of lap dancing in a nightclub,⁵⁷ in February 2019, the police raided the club and took nine women working therein to the Family Justice Centre Bjarkarhlíð to be interviewed. They were appointed legal rights protectors, but did not make statements against their employer. Nearly all the women chose to leave the country shortly after their statements were taken. A manager of the club was indicted for employment of undeclared workers, but the charges were subsequently dropped. The club was shut down due to other issues. Prior to the raid, the police had conducted secret surveillance from outside of the club, but no wiretapping was used, which could have helped the police to uncover the nature of the relationship between the employees and the employer.

⁵⁵ The judgment is available in Icelandic at <https://landsrettur.is/domar-og-urskurdir/domur-urskurdur/?id=a7400510-804c-46c0-a1fe-4ec0371a0d6e&verdictid=993f7103-8656-48e9-af89-db8e6a9a3ffc>

⁵⁶ See <https://borgenproject.org/human-trafficking-in-iceland/>

⁵⁷ <https://www.ruv.is/frett/trafficking-and-prostitution-at-shooters?fbclid=IwAR2TuLebtJ4BjByJ3jU4z9YW7GH3oMrN9Sdvn--paINSGi1qDg92ipB8jG4>. See also the Ninth periodic report submitted by Iceland to CEDAW, 23 November 2021, [CEDAW/C/ISL/9](https://www.cedaw.org/ISL/9), paragraph 64.

90. Police officers met by GRETA indicated that in the reporting period there had been a number of drug trafficking cases, sometimes involving boys and girls used as body-packers. Police suspected that some of them may have been trafficked. Nevertheless, due to the absence of a reference to forced criminality in Article 227.a of the GPC at the time of the detection of these cases, the children involved were not identified as THB victims. The guidelines for the police on the identification of victims of THB were updated in June 2022, following the amendments to the GPC, and the police and prosecutors have received training on the amendments. Nevertheless, the police informed GRETA of challenges they face in identifying victims of THB. On the one hand, drug couriers do not give sufficient information to identify the traffickers and on the other hand the police have limited time and staff for investigating such cases. In Iceland there is no time limit for completing an investigation unless the suspect is in custody, in which case the suspect should be indicted within 12 weeks or released. Therefore, persons arrested in drug trafficking cases are indicted for drug trafficking, without sufficient effort being made to identify victims of THB among them, which contravenes the obligation established in Article 26 of the Convention (see paragraph 100).

91. GRETA was also informed of possible cases of THB for the purpose of labour exploitation reported to the police by trade unions. Nevertheless, the police could not gather sufficient evidence of exploitation and the cases were prosecuted as fraud or lesser offences. As noted in GRETA's second evaluation report,⁵⁸ in Icelandic law there is neither a definition of forced labour nor a separate offence of forced labour which would require a lower threshold of proof than THB offence. GRETA was informed of a case involving a dozen Romanian nationals recruited by an employment agency in Romania to work in a food delivery company in Reykjavik. According to their contracts, they should have received the minimum wage, but due to deductions made by the agency (for electricity, food, housing, internet, transportation), they were not paid anything, and were accommodated in an industrial building inappropriate for living. Once the case was discovered, the agency was declared insolvent. The victims could recover their unpaid wages from the State Wage Guarantee Fund. The fee of their lawyer was paid by the Efling trade union.⁵⁹ The lawyer filed a complaint against the agency and the food delivery company in 2018 but, at the time of the evaluation visit, the case was still under investigation and the lawyer did not know if the case was being investigated for THB or another offence.

92. Another case reported to the police by trade unions concerned four Filipino women working in a restaurant. After one of them contacted a trade union for help, trade union inspectors and a police officer carried out a joint inspection at the restaurant. The police officer considered that since the women had their passports on them, no THB had taken place, and the case was treated as wage theft. Trade union representatives noted that the women were in a vulnerable situation because their work permits were linked to their employer, and they had received little payment due to deductions from their salaries. According to trade union representatives, many victims of labour exploitation do not come forward and trade unions cannot encourage them to file a complaint because there is no guarantee that their case would be considered as human trafficking by the police, and they may lose their work and be forced to leave Iceland.

⁵⁸ GRETA's second report on Iceland, paragraph 147.

⁵⁹ The action for non-pecuniary damages against the food delivery company was rejected because it was decided by the court that the company had not been aware of the cuts on the salaries of the employees.

93. There is a severe shortage of means in the police in terms of staff,⁶⁰ equipment and overall funding,⁶¹ which is detrimental to effective and prompt investigation of cases. In this regard, GRETA notes that several cases were communicated to the Icelandic Government in 2021 by the European Court of Human Rights regarding allegations of failure to carry out effective criminal investigations into and prosecute charges for sexual and/or domestic violence.⁶² In their comments on GRETA's draft report, the Icelandic authorities noted that as part of the new Action Plan for the Handling of Sexual Offences by the Judicial System, in July 2022, the police and prosecution authority received an additional sum of ISK 200 million (around EUR 1 300 000) to accelerate the processing time of sexual offences. This sum was used for recruiting more experts for the technical, computer research and prosecution departments as well as three detectives for the sexual offence unit of the Police. As a result, from September 2022 to January 2023, the number of pending cases related to sexual offences decreased by 37%. The authorities also indicated that 20 specialists would be recruited to strengthen the police's investigative and analytical capacity regarding organised crime, and that new investigative teams consisting of police officers, analysts and prosecutors would be set up. GRETA welcomes these efforts.

94. Police investigators and prosecutors met during the evaluation visit noted difficulties they faced due to the lack of co-operation of victims. According to NGOs, victims of sexual exploitation prefer to return to their home country because of inadequate protection and specialised assistance. As for victims of labour exploitation, their primary concern is finding another job and reporting their exploitation does not guarantee that they would obtain a residence and work permit.⁶³ GRETA would like to stress the importance of providing adequate assistance and protection to victims and, where necessary, to their family members, in order to build their trust and facilitate their co-operation with the authorities (see paragraphs 107 and 172). Additionally, it is necessary to further strengthen co-operation between the police, the victim assistance services and trade unions.

95. GRETA stresses that if proceedings are built solely upon the victim's testimony, this puts an exorbitant amount of pressure upon the victim who is often vulnerable and possibly traumatised. It is therefore crucial that the law enforcement authorities collect the necessary evidence also by using special investigative techniques. GRETA was informed that these techniques are used only when investigating large-scale organised-crime groups because of the time and human resources they require. The police reportedly used wiretapping in the investigation of a Nigerian criminal network, but not in other THB cases.

96. The police can seize money and any other items if there are grounds to believe that they may be eligible for confiscation (Article 68 of the LCP). The police can also freeze, upon the order of the prosecutor, any immovable assets of the accused if there is a danger that they would otherwise be disposed of (Article 88 of the LCP). All police districts have their own financial investigators, who are assisted by a Financial Intelligence Unit (FIU) operated by the District Prosecutor. In May 2022, the FIU presented the case described in paragraphs 72 and 87 in a meeting with commercial banks, as an example of the typologies seen in financial flows.

⁶⁰ Since 2010 there have not been any increase in the number of trained police officers, which was 640 in 2020, whereas the number of inhabitants increased: [Iceland: Number of police officers by gender 2020 | Statista](#). Consequently, the number of police officers per 1,000 inhabitants has decreased: the ratio was above 2 per 1,000 inhabitants until 2013, and in 2020, it was just below 1.8. [Iceland: police to population ratio 2020 | Statista](#)

⁶¹ See GRECO's [5th evaluation round report on Iceland](#), paragraph 120, 12 April 2018.

⁶² *R.E. v Iceland and 3 others*, Application Nos. [59809/19 et al.](#) (communicated on 4 March 2021), *B.S. v Iceland and 3 others*, Application Nos. [14407/20 et al.](#) (communicated on 29 June 2021).

⁶³ See Stop the Traffick, [Human Trafficking in Iceland: a Report on Current Manifestations and Eradication Initiatives 2018-2019](#), page 58.

97. **GRETA urges the Icelandic authorities to take additional steps to ensure that cases of trafficking are investigated proactively and prosecuted effectively, leading to effective, proportionate and dissuasive sentences, and in particular:**

- **step up their efforts to ensure that THB offences are classified as such every time the circumstances of a case allow this;**
- **ensure that law enforcement agencies are sufficiently resourced both financially and in terms of adequately trained staff to ensure a prompt and appropriate response in all possible THB cases;**
- **make use of special investigative techniques in order to gather material, documental, financial and digital evidence and not to have to rely exclusively on testimony by victims or witnesses;**
- **strengthen co-operation between members of law enforcement agencies, labour inspectors, trade unions and other civil society actors with a view to collecting the evidence necessary for successfully investigating and prosecuting THB cases;**
- **examine the existing legal provisions with a view to extending the scope of forced labour to include working conditions contrary to human dignity in line with the ILO indicators of forced labour;**
- **state explicitly the irrelevance of the consent of a victim of trafficking to the intended exploitation.**

8. Non-punishment provision (Article 26)

98. Pursuant to Article 26 of the Convention, Parties must provide for the possibility of not imposing penalties upon victims of THB for their involvement in unlawful activities, to the extent that they have been compelled to do so. As previously stressed by GRETA, the criminalisation of victims of THB not only contravenes the State's obligation to provide services and assistance to victims, but also discourages victims from coming forward and co-operating with law enforcement agencies, thereby also interfering with the State's obligation to investigate and prosecute those responsible for THB.⁶⁴ Furthermore, GRETA has noted that the absence of a specific provision on the non-punishment of victims of trafficking entails a risk of differential treatment, depending on the prosecutor in charge of the case.

99. There is still no specific provision in Icelandic law on the non-punishment of victims of trafficking. The authorities have referred to the general provisions of the GPC, in particular Articles 74 and 75 on exculpating circumstances, which could be applied in case a victim of THB commits an offence while being trafficked.⁶⁵ Further, prosecutors can decide not to prosecute if special circumstances apply as per Article 146, paragraph 3.d, of the LCP (e.g. if the accused has suffered considerable pain or other reasons suggest that the case should not be prosecuted and public safety does not require that the case be prosecuted).⁶⁶

⁶⁴ See GRETA's 2nd General Report and the Report of the Special Rapporteur on trafficking in persons, especially women and children on the implementation of the non-punishment principle, 17 May 2021, [UN SR \(A/HRC/47/34\)](#).

⁶⁵ See GRETA's first report on Iceland, paragraph 168.

⁶⁶ This provision was recently applied in a case where a woman had made her 17-year-old daughter carry ten kilos of cocaine. The prosecutor, with the approval of the Director of Public Prosecutions, decided to prosecute only the mother for drug trafficking because it was considered that the child could not say no to her mother.

100. No guidelines have been issued to police officers and prosecutors on the application of the non-punishment provision. GRETA was informed of cases where young adults were prosecuted and convicted for drug trafficking, despite the presence of indications that they might have been victims of THB. GRETA was told by representatives of the law enforcement authorities that due to the lack of human capacity and limited time, the investigations were limited to the drug couriers and did not extend to the criminal groups behind the drug traffic (see paragraph 90).

101. GRETA once again urges the Icelandic authorities to take further measures to ensure compliance with Article 26 of the Convention by adopting a specific legal provision on the non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so, and/or developing detailed specific guidance for police officers and prosecutors on the aims and scope of the non-punishment provision, and including it in the training of police officers, prosecutors, judges and lawyers.

9. Protection of victims and witnesses (Articles 28 and 30)

102. Under Article 28 of the Convention, Parties must take the necessary measures to provide effective and appropriate protection from potential retaliation or intimidation to victims and witnesses of human trafficking, as well as to members of civil society organisations supporting victims during criminal proceedings and, where appropriate, to victims' family members. Intimidation of victims and witnesses is nearly always aimed at suppressing evidence against defendants. Effective protection can be of various types (physical protection, relocation, identity change...) and depends on the assessment of the risks that victims and witnesses run. In addition, Article 28(3) provides that a child victim shall be afforded special protection measures, taking into account the best interests of the child. Regarding the period during which the protection measures are to be provided, the Convention aims in a non-exhaustive manner at the period of investigation and of the proceedings or the period following them. The period in which protection measures have to be provided depends on the threats to the persons concerned. Moreover, because trafficking in human beings is often international and some countries are small, Article 28(5) encourages Parties to enter into agreements or arrangements with other countries so as to implement Article 28.

103. Further, Article 30 of the Convention requires Parties to adapt their judicial procedure so as to protect victims' privacy and ensure their safety, including special protection measures for child victims. While the measures provided for in Article 28 address extra-judicial protection, the measures referred to in Article 30 are concerned with the procedural measures to be introduced. The following means can be used, in accordance with the European Convention on Human Rights and the case-law of the European Court of Human Rights, to achieve the objectives of Article 30: non-public hearings, audio-visual technology, recordings of testimony, and anonymous testimony.

104. As explained in GRETA's previous reports,⁶⁷ Iceland does not have a witness protection programme, but the LCP provides for a range of protection measures in the context of criminal proceedings, including witness anonymity, holding court sessions *in camera*, use of video conferencing, giving separate evidence in court, and change of identity documents and physical appearance. There is also a possibility of issuing a restraining order to prevent a person going to a place or area or contacting the victim. Victims can be equipped with an emergency button connected to a security company.

105. According to the Instructions of the Director of Public Prosecutions, No. 1/2020, prosecutors shall ensure that victims and their legal rights protectors are informed when the accused is remanded in custody or released from custody in cases related to crimes falling under Chapters XXII-XXIV of the GPC (which include THB offence). This information duty was added to Article 97 of the LCP. Additionally, the authorities noted that the Prison and Probation Administration is given victims' contact details with a view to informing them when a prisoner is given a home leave for a day or conditional release.

⁶⁷ See GRETA's first report on Iceland, paragraphs 182-183 and GRETA's second report on Iceland, paragraph 174.

106. GRETA was informed that not all court buildings are equipped with video equipment for witness testimony and that adult victims of crime are usually interviewed in the presence of the defendants in the courtroom. Article 166 of the LCP allows the judge to order the defendant to leave the courtroom when a witness gives testimony. According to lawyers met during the evaluation visit, judges require a report from a psychologist indicating that the presence of the defendant will affect the victim's testimony. GRETA's attention was also drawn to the risk for the victim to come across the perpetrator while waiting for the testimony as there are neither separate waiting areas at the courts nor standardised procedures to avoid such contacts.

107. GRETA considers that the Icelandic authorities should make full use of the available measures to protect victims and witnesses of human trafficking and to prevent intimidation during the investigation and during and after the court proceedings. This should include creating separate waiting areas in court buildings for victims and defendants and other measures to avoid that the victim comes across the defendant while waiting for the testimony.

10. Specialised authorities and co-ordinating bodies (Article 29)

108. Under Article 29(1) of the Convention, Parties have to adopt the necessary measures to promote specialisation of persons or entities in anti-human-trafficking action and victim protection. Each country must have anti-trafficking specialists in sufficient numbers and endowed with appropriate resources. The staff of specialised authorities and coordinating bodies should, as far as possible, include both women and men. To combat trafficking effectively and protect its victims, it is essential that proper training is provided to relevant officials.

109. The Reykjavík Metropolitan Police has an investigation unit on THB and prostitution, whose staff was recently increased from two to three police investigators. Where necessary, it can receive assistance from specialised investigators of the organised crime unit and the cyber-crime unit. There are no specialised units or police officers dealing specifically with THB in the other parts of the country. Suðurnes District Police Department, which covers the border police at Keflavík International Airport (the main point of entry into Iceland), has built up experience in the investigation of THB cases.

110. In 2021, the National Commissioner of the Icelandic Police set up a police advisory group on human trafficking, in co-operation with the Ministry of Justice. The group's role is to provide advice to all Icelandic police departments on the identification and investigation of suspected THB cases, disseminate information to police department staff, collect statistics and exercise oversight of the human trafficking situation in the country. The group has access to the notifications of human trafficking to the 112 emergency hotline. If there are grounds for further action, the advisory group can contact a relevant police authority to investigate the situation. Since June 2021, when the human trafficking portal on the website of the 112 hotline was published, the information sharing process has been activated five times.

111. In Iceland, there is no specialisation of prosecutors and judges to deal with THB cases.

112. The Centre for Police Training and Professional Development and the Director of Public Prosecutions are responsible for the practical training of police officers and prosecutors and have recently received additional funding to enhance the training regarding sexual offences and organised crimes, including human trafficking. In 2021, border guards received a one-hour course on THB from the Centre for Police Training on how to identify possible victims of THB. In autumn 2022, police officers received human trafficking training from an eminent British expert. In September 2021, 10 prosecutors and several police officers attended a seminar organised by the Centre for Police Training on the amendments to the GPC concerning THB and different manifestations of THB. In December 2021, the Director of Public Prosecutions organised a seminar on the GPC amendments, Icelandic case-law and best practices in the Nordic countries, which was attended by most prosecutors in Iceland. Additionally, the Ministry of Justice invites police officers and prosecutors to attend seminars and conferences on the topic of human trafficking

abroad. By way of example, in December 2020, nine prosecutors from Iceland attended online anti-THB training hosted by the U.S. Department of Justice on human trafficking investigations and prosecutions. In November 2021, three Icelandic prosecutors took part in a roundtable on overcoming challenges related to prosecution of THB cases through a victim-centred approach, held by the OSCE in Austria. In the same month, four Icelandic prosecutors participated in a seminar on Nordic Best Practices against THB, organised by the Finnish presidency of the Nordic Council of Ministers in Helsinki. As for judges, their last specific training on THB dates back to 2018, and was organised by the Judicial Administration, an independent administrative body established in 2018 to oversee the training and education of judges and other court employees.

113. As regards training on THB provided to other relevant professionals, GRETA was informed that a total of 269 professionals (from the Directorate of Immigration, the Ministry of Justice, the Ministry of Foreign Affairs, law enforcement authorities, municipalities, the Directorate of Labour, the Directorate of Occupational Health and Safety, the Prison and Probation Administration, Stígamót, Bjarkarhlíð, and ISAVIA - Air Navigation and Air Traffic Services) attended online training sessions on THB organised by the Icelandic Red Cross from 1 March to 14 April 2021. A special training course held for the crew members of Icelandair was attended by 183 persons. In 2021 the staff of the 112-emergency helpline followed three training seminars on the identification and referral of victims of THB. An employee of the Directorate of Immigration attended the European Asylum Support Office's human trafficking course and became a trainer for other staff of the Directorate. Soon after the outbreak of the war in Ukraine, the Ministry of Justice gave online training on THB to about 200 persons responsible for helping Ukrainian refugees.

114. During the evaluation visit, it was highlighted by both state officials and civil society representatives that all frontline officials (including police officers, staff of the 112 helpline, labour inspectors, and social workers) and judges would benefit from further training on THB issues.

115. While welcoming the recent increase in the number of inspectors of the Reykjavík Metropolitan Police dealing with human trafficking cases and the training provided to relevant professionals, GRETA considers that the Icelandic authorities should take additional steps to ensure that all relevant professional groups are regularly trained in preventing human trafficking, detecting and interviewing victims, referring them to assistance and enabling them to effectively exercise their rights. The training should be embedded in the regular training curricula of different professional groups, including law enforcement officials, prosecutors, judges, border guards, immigration and asylum officials, labour inspectors, social workers, child welfare and education staff, health-care staff, and diplomatic and consular staff.

11. International co-operation (Article 32)

116. Article 32 of the Convention requires parties to co-operate to the widest extent possible to prevent and combat THB, to protect and to provide assistance to victims, and to investigate and prosecute cases of THB. International co-operation between parties to the Convention is also essential for enabling access to effective remedies for victims of trafficking. Parties must co-operate with one another "to the widest extent possible". This principle requires them to engage in extensive co-operation with one another and to minimise impediments to the smooth and rapid flow of information and evidence internationally. As regards international co-operation in criminal matters for the purposes of investigations or proceedings, the Convention neither cancels nor replaces relevant international or regional instruments⁶⁸ on mutual legal assistance and extradition, reciprocal arrangements between Parties to such instruments and relevant provisions of domestic law concerning international co-operation.

⁶⁸ For example, the European Convention on Extradition, the European Convention on Mutual Assistance in Criminal Matters and its protocols, Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member states, the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

117. As regards international police co-operation, Iceland has a liaison officer at Europol, which has proven very useful for the information flow. The police investigators of the Reykjavík Metropolitan Police working on human trafficking cases participate in Europol's projects on human trafficking, EMPACT THB and AP Phoenix. The Icelandic authorities have also co-operated with Europol in the fight against child sexual exploitation.

118. In the reporting period, the Icelandic Police have not made any requests for mutual legal assistance in THB cases. GRETA stresses that effective international co-operation is indispensable to the successful investigation and prosecution of transnational human trafficking crime.

119. Iceland has supported several international development projects to combat sexual abuse, including human trafficking, by allocating ISK 20 million (around EUR 130 000) to a project in South Sudan and ISK 36 million (around EUR 235 000) to a project in Togo.

120. In June 2022, the Nordic Ministers of Justice established a working group on human trafficking within the Nordic Council of Ministers, which includes Iceland, Denmark, Finland, Norway and Sweden. During Iceland's presidency of the Council in 2023, the Icelandic authorities intend to organise training on THB for professionals from Nordic countries and set up a sub-group for police officers within the working group on THB with a view to improving exchange of information on specific cases and best practices among relevant authorities of Nordic countries.

121. GRETA welcomes the Icelandic authorities' participation in multilateral and bilateral international co-operation related to combating THB, and invites them to further strengthen international co-operation in the investigation and prosecution of THB cases and the protection of victims of THB.

12. Cross-cutting issues

a. gender-sensitive criminal, civil, administrative and employment proceedings

122. As noted in the Committee on the Elimination of Discrimination against Women (CEDAW) General recommendation No. 33 on women's access to justice, discrimination against women, based on gender stereotypes, stigma, harmful and patriarchal cultural norms and gender-based violence, which affects women in particular, has an adverse impact on the ability of women to gain access to justice on an equal basis with men.⁶⁹ The Council of Europe Gender Equality Strategy 2018-2023 notes that while accessing justice might be difficult for everyone, it is even more so for women, due to gender inequality in society and in the justice system, and therefore one of the objectives of the Strategy is to ensure the equal access of women to justice.⁷⁰ GRETA notes that in the case of THB, gender stereotypes, prejudices, cultural barriers, fear and shame impact women's access to justice, and these barriers may persist during investigations and trials. This is particularly true for some groups of women, such as victims of gender-based violence, migrant, refugee and asylum-seeking women, ethnic minority women and women with disabilities. On the socio-economic level the obstacles include lack of awareness of one's legal rights and legal procedures or of how to access legal aid, which can stem from gender differences in educational levels, and access to information. A further obstacle may be the lack of financial resources, including the means to pay for legal representation, legal fees, judicial taxes, transportation to courts or childcare.⁷¹ Such obstacles, and remedies to them, are listed in a Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, as well as in the publication "Women's Access to Justice: Guide for Legal Professionals".⁷²

⁶⁹ CEDAW General recommendation No. 33 on women's access to justice, paragraph 8, CEDAW/C/GC/33 of 3 August 2015.

⁷⁰ Council of Europe Gender Equality Strategy 2018-2023, pages 24-26, <https://rm.coe.int/prems-093618-gbr-gender-equality-strategy-2023-web-a5/16808b47e1>

⁷¹ Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, page 13 available at <https://rm.coe.int/training-manual-women-access-to-justice/16808d78c5>

⁷² Available at: <https://rm.coe.int/factsheet-womens-access-to-justice/16808ff44e>

123. An Action Plan for Gender Equality for the period of 2020-2023 was adopted by the Icelandic Parliament in 2019.⁷³ A new Law on Equal Status and Equal Rights Irrespective of Gender, Act No. 150/2020, entered into force in January 2021. The Directorate of Equality monitors the implementation of the legislation in the field of equality.

124. A law passed in 2015 mandated that government budget proposals be gender-responsive, including an analysis of the effects on gender equality. A status report on gender budgeting is issued annually by the Icelandic authorities, mapping out the gender situation within every public policy area.⁷⁴ The National Commissioner of Police took several measures in response to these reports, including a 50/50 split in terms of gender of new intake since 2015. As a result, the percentage of women among trained police officers has risen from 13% in 2014 to 21% in 2021.⁷⁵

125. GRETA was informed that some public officials had received training on the specific needs of persons in vulnerable position and asylum officers were trained in gender-sensitive interviewing. Women victims of violence can request to be interviewed by a female police officer. However, according to GREVIO's report on Iceland, although applicants for asylum can also request an interviewer and interpreter of the same sex, they are not always informed of this right.⁷⁶

b. child-sensitive procedures for obtaining access to justice and remedies

126. In June 2022, Parliament passed amendments to the Child Protection Act, aimed at clarifying the accountability of those who work in the field of child rights and protection, promoting children's participation in the handling of child protection cases, and increasing the rights of children to receive child-friendly information about matters that concern them.

127. The police are obliged to report all cases concerning violence against children to the child protection services and a representative from the latter should be present during interviews of child victims of serious crimes, including human trafficking. Interviews with children are conducted at the Barnahús (Children's House). The concept of Barnahús, which was described in GRETA's second report,⁷⁷ is to avoid subjecting the child to repeated interviews by many agencies in different locations, including the courtroom. The child is interviewed in a special room by an interviewer trained in forensic interviewing and the interview is observed in a different room by a judge, who is formally in charge of the procedure, a social worker from the child protection authorities, the police, the prosecution, the defence lawyer and the child's legal guardian and lawyer. The interview is videotaped for multiple purposes, including criminal investigation and as court testimony. Since February 2016, all unaccompanied or separated children have been interviewed at the Barnahús. At the time of the visit, six interviewers, eight therapists, two doctors and one nurse were working there. In 2019, a local branch of Barnahús was opened in Akureyri to ensure better access to necessary professional services for children living outside the capital.

128. GRETA welcomes the steps taken to ensure child-sensitive procedures for obtaining access to justice and remedies and invites the Icelandic authorities to continue their efforts to ensure that child victims of human trafficking are in practice afforded special protection measures.

⁷³ <https://www.government.is/library/01-Ministries/Prime-Ministers-Office/Gender%20Equality%20Action%20Programme%20for%20the%20period%20of%2020202023.pdf>

⁷⁴ See the State Report by the Icelandic Government to the United Nations Human Rights Council, Universal Periodic Review, paragraph 22, 12 November 2021, [A/HRC/WG.6/40/ISL/1](https://www.unhcr.org/refugees/40/ISL/1).

⁷⁵ The Ninth periodic report submitted by Iceland to CEDAW, paragraph 66, 23 November 2021, [CEDAW/C/ISL/9](https://www.unhcr.org/refugees/40/ISL/9).

⁷⁶ See GREVIO's [First baseline evaluation report on Iceland](https://www.grevio.org/en/first-baseline-evaluation-report-on-iceland), 13 October 2022, paragraphs 90 and 313.

⁷⁷ See GRETA's second report on Iceland, paragraphs 67 and 117.

c. role of businesses

129. Article 68 of the Public Procurement Act No. 120/2016 provides for the exclusion of a company from public procurement procedures if the company or a member of its administrative, management or supervisory body or a person who has powers of representation, decision or control therein was convicted by final judgment for child labour or trafficking in human beings. Where the period of exclusion has not been set by final judgment, that period shall not exceed five years from the date of the final judgment.

130. In 2019, Parliament included a supply chain responsibility provision in the Public Procurement Act, which applies to public entities and companies formed by them. A new Article 88a provides that principal contractors must ensure that all employees of their subcontractor(s) receive wages, have insurance and enjoy other rights in accordance with the applicable collective bargaining agreements and laws. This provision authorises the contracting authority to make a payment to subcontractors and other employees who are responsible for wage-related payments, at the expense of the principal contractor who is in arrears with wage payment of employees. The authorities noted that some preparatory work was undertaken by the prevention task force of the Steering Group with relevant government agencies and stakeholders on the chain of responsibility revolving around public procurement, and guidelines were issued following that work. Further, the Icelandic authorities stated that following a consultation with stakeholders, it appeared that the main difficulty in fulfilling the requirements of the new provision is the potential conflict with the right to protection of personal data and privacy. GRETA was informed that the Ministry of Finance was preparing a review of the Public Procurement Act, which may result in amending the Act to overcome this difficulty. **GRETA would like to be kept informed of developments in this respect.**

131. **GRETA considers that the Icelandic authorities should strengthen engagement with the private sector, in line with the UN Guiding Principles on Business and Human Rights⁷⁸ and Council of Europe Committee of Ministers Recommendations CM/Rec(2016)3 on human rights and business⁷⁹ and CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation,⁸⁰ with a view to raising awareness of the important role and responsibility of businesses to prevent human trafficking, support the rehabilitation and recovery of victims, and provide access to effective remedies.**

132. **Further, GRETA considers that the Icelandic authorities should adopt legislation integrating the prevention of human trafficking and labour exploitation in public procurement policies and promoting transparency in supply chains to enable scrutiny of companies' performance to prevent human trafficking and labour exploitation.**

d. measures to prevent and detect corruption

133. Trafficking in human beings may be engaged in by organised criminal groups, which frequently use corruption to circumvent the law and money laundering to conceal their profits, but it can occur in other contexts. Consequently, other Council of Europe legal instruments are also relevant to combating human trafficking, in particular those designed to combat corruption, money laundering and cybercrime.

⁷⁸ http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

⁷⁹ [Recommendation CM/Rec\(2016\)3](#) of the Committee of Ministers to member States on human rights and business, adopted by the Committee of Ministers on 2 March 2016 at the 1249th meeting of the Ministers' Deputies.

⁸⁰ [Recommendation CM/Rec\(2022\)3](#) of the Committee of Ministers to member States on preventing and combating trafficking in human beings for the purpose of labour exploitation and [Explanatory Memorandum](#), adopted by the Committee of Ministers on 27 September 2022 at the 1444th meeting of the Ministers' Deputies.

134. The Council of Europe body with the main role to play in the fight against corruption is the Group of States against Corruption (GRECO). GRETA refers to GRECO's most recent evaluation report on Iceland,⁸¹ which notes that Iceland has no dedicated policy documents (strategy or action plan) on corruption. According to the report, law enforcement agencies, and first and foremost the Police, are among the most trusted public institutions in Iceland. In its report, GRECO identified in the case of law enforcement agencies several areas where further improvements should be made. This includes ensuring that the resources allocated to the Icelandic police are sufficient enough to carry out their work effectively, and developing regular training programmes and awareness-raising measures on integrity and professional ethics for law enforcement bodies, including integrity checks in the recruitment process of the law enforcement agencies. GRECO also recommended that clear rules on whistle-blower protection be developed and implemented for law enforcement officers.

V. Follow-up topics specific to Iceland

1. Data collection

135. In its second evaluation report, GRETA urged the Icelandic authorities to develop and maintain a comprehensive and coherent data collection system on THB by compiling reliable statistical information from all main actors and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination).

136. The prosecution task force of the Steering Group has amended the work procedure rules on THB for law enforcement agencies with the aim of ensuring consistency in the registration of cases between different police districts. Data collected by the police cover, among others, sex, age, nationality and forms of alleged exploitation. Efforts have been made to receive as many reports of THB through the 112 helpline, launched in June 2021 (see paragraph 25).

137. Since July 2020, Bjarkarhlið Family Justice Centre has been collecting comprehensive data on victims of THB seeking assistance. The data are disaggregated by sex, age, nationality, and form of exploitation of the victim, nationality of the perpetrator, and state authority or NGO that reported the case to Bjarkarhlið and to which the case was referred. GRETA welcomes this initiative, but notes that there is no data on the type of assistance provided to victims (such as medical, psychological, legal). Further, there is no data on the number of presumed victims of THB who were returned to other countries from Iceland.

138. GRETA considers that the Icelandic authorities should continue developing a comprehensive and coherent system for the collection and analysis of data on measures to protect and promote the rights of victims of THB, which should ensure the participation of all relevant actors that can contribute to the provision of data, including NGOs and other service providers, law enforcement and immigration officials, labour inspectorates, health-care providers, prosecution services and others involved in the identification of victims of trafficking, and the investigation and prosecution of THB and related offences.

2. Measures to prevent and combat trafficking for the purpose of labour exploitation

139. In its second evaluation report, GRETA urged the Icelandic authorities to take further steps in the area of preventing trafficking for the purpose of labour exploitation, in particular by sensitising relevant professionals about THB, strengthening the monitoring of recruitment and temporary work agencies, reviewing the regulations concerning *au pairs*, ensuring that the mandate of labour inspectors enables them to contribute to preventing and detecting cases of THB, and working closely with trade unions, civil society and the private sector to raise awareness of trafficking for the purpose of labour exploitation.

⁸¹ See GRECO's [5th evaluation round report on Iceland](#), 12 April 2018.

140. The third National Action Plan against THB contains a section on prevention of labour exploitation which envisages establishing procedures for detecting possible victims of labour exploitation when processing applications for residence and work permits, increasing inspections in at-risk sectors, and raising awareness on corporate social responsibility. As already noted, an information portal on THB was set up on the website of the 112 national emergency hotline (see paragraph 25). In 2022 the Ministry of Justice issued a leaflet on THB for relevant professionals which contains a list of indicators for adult and child trafficking (paragraph 38). The Directorate of Labour has maintained a website providing information in Icelandic and English on the rights of foreign workers in Iceland and the resources available to them.⁸² Additionally, the government and the social partners operate a website⁸³ providing information in Icelandic and English on the rights and obligations of foreign service companies and their employees who are temporarily posted in Iceland. Further, the Ministry of Social Affairs has tasked the Icelandic Human Rights Centre with providing information and free legal counselling to migrants. While welcoming these efforts, civil society actors noted the need for more awareness-raising activities targeting the general public and greater outreach to potential trafficking victims.

141. On 9 June 2023, amendments were made to the Act on Foreigners, introducing the monitoring of the conditions of *au pairs* by a special supervisor, including interviewing the host family and the *au pair* individually and ensuring that the *au pair* agreement is respected.

142. In 2019 a study of the possibilities for migrants to work in the public sector in Iceland was carried out through a grant from the Icelandic Development Fund for Immigration Issues. The study shows that there are obstacles to the recruitment of migrants by public bodies. Comparisons show that Iceland is behind the other Nordic countries as regards specific actions to ensure the adaptation of migrants to both the public and private labour markets.⁸⁴ Following this study, on 16 June 2022, Parliament adopted a resolution concerning the implementation plan in immigration matters for 2022-2025,⁸⁵ with several objectives to facilitate migrants' integration into Icelandic society. One of them is to strengthen the position of migrants in the labour market through measures that reduce unemployment, ensure that migrants are paid the same wages and enjoy the same benefits as others for the same work, make information about the rights and obligations of employees and employers more accessible, and revise the law on the employment rights of foreigners in order to simplify their access to the labour market by, for example, ensuring that people who receive a residence permit on the basis of humanitarian considerations simultaneously receive a work permit.

143. In October 2018, a working group was set up by the Ministry of Social Affairs to combat social dumping. In January 2019, the working group submitted a report, which recommended to strengthen assistance to and protection of victims of trafficking and forced labour. In September 2019, another working group was appointed by the Ministry of Social Affairs to develop a legislative framework to combat social dumping in the domestic labour market. A draft law⁸⁶ prepared by the group was submitted to Parliament but was not adopted due to strong opposition of trade unions, which found the draft too lenient. The draft law provides for a minimum wage and more powers for the labour authorities to check whether employers pay the wage stated in the contract or the minimum wage, order the payment of wages and sanction the employers who do not comply with the order. The draft law is expected to be rediscussed by Parliament in the spring of 2023. GRETA was informed by trade unions that current Icelandic legislation does not provide for sanctions for employers who violated the rights of an employee regarding wages. Trade unions can make wage claims and bring a civil action against the employer, but the recovery of unpaid wages may take a long time.

⁸² [Frontpage | Directorate of Labour \(vinnulastofnun.is\)](https://www.vinnulastofnun.is/)

⁸³ www.posting.is

⁸⁴ See the Ninth periodic report submitted by Iceland to CEDAW, 23 November 2021, [CEDAW/C/ISL/9](https://www.cedaw.org/ISL/9), paragraph 115.

⁸⁵ <https://www.althingi.is/altext/152/s/1364.html> (in Icelandic).

⁸⁶ The text of the draft law is available in Icelandic at <https://www.althingi.is/altext/152/s/0831.html>

144. On the initiative of the Ministry of Social Affairs, a working group was set up in November 2019 with representatives of the governmental agencies that oversee the labour market with the aim of formalising co-operation and consultation of the relevant authorities (i.e. police, tax office, Directorate of Labour, and Directorate of Occupational Safety and Health) and ensuring that all employees work in accordance with Icelandic law and collective agreements. Trade union representatives noted that this group did not have any funding, met infrequently, and did not respond promptly to tips and information sent by trade unions, even in serious labour exploitation cases.

145. The Directorate of Labour has maintained its three-person team on human trafficking, mentioned in GRETA's second report on Iceland, which focuses on disseminating knowledge on THB within the Directorate and its team of workplace inspectors and increasing co-operation with other government agencies. Further, handbooks on the identification of possible victims of THB and their referral to assistance were prepared for the staff of the Directorate.

146. The Directorate of Labour has carried out 139 workplace inspections since 2019, including 22 joint inspections with trade union inspectors in 2022. Joint inspections are usually conducted when there are suspicions of labour exploitation. Trade union inspectors are also entitled to inspect workplaces on their own initiative and check work-related documents (work contracts, pay slips, etc.). Trade union inspectors are trained on recognising indicators of THB, but they are not entitled to inspect all sectors (e.g. workplaces in the fishing sector and shops). These workplaces can be inspected by the Directorate of Labour and Directorate of Occupational Safety and Health, but their mandates cover only certain aspects of working conditions and they have a limited number of inspectors who are not trained to detect THB cases.⁸⁷ GRETA stresses that it is crucial that the Directorate of Labour and Directorate of Occupational Safety and Health conduct regular inspections in workplaces which are not covered by trade union inspectors, especially in at-risk sectors such as fish processing.

147. Migrant workers working in the sectors of tourism,⁸⁸ restaurants and construction are at particular risk of THB. GRETA was told that workers from Eastern European countries are less aware of their rights and are reluctant to report exploitative conditions because of fear of losing their jobs and work permits, which are linked to the employers. Article 11 of the Act on Foreign Nationals' Right to Work No. 97/2002 allows the authorities to grant a new work permit to an employee who lost his/her job, but the person should first be considered as a presumed victim of THB and receive a residence permit on that ground (see paragraph 182).

148. Trade union inspectors have referred a number of cases to the police for investigation (see paragraph 91), but they have not received any follow-up. Information that the labour authorities can share with trade unions is also very limited.

149. GRETA was not made aware of any specific measures taken by the authorities to provide more protection for posted workers or to strengthen the monitoring of recruitment and temporary work agencies.

⁸⁷ The Directorate of Occupational Safety and Health has about 40 inspectors who check compliance with health and safety regulations but have no mandate to monitor the payment of wages, which is within the remit of the trade unions. The Directorate of Labour has much narrower scope. It has only six inspectors and acts only upon tips and complains. Its principal role is to assist persons seeking employment. It administers the Unemployment Insurance Fund, the Maternity/Paternity Leave Fund and the Wage Guarantee Fund, issues work permits to foreign nationals and supervises seconded workers and the activities of temporary work agencies with the aim of preventing social dumping on the labour market.

⁸⁸ Tourism in Iceland has grown considerably in economic significance in the past 15 years. As of 2016, the tourism industry is estimated to contribute about 10% to the Icelandic GDP; the number of foreign visitors exceeded 2,000,000 in 2017, while it was under 500,000 in 2010: <https://www.ferdamalastofa.is/en/research-and-statistics/numbers-of-foreign-visitors>; [Tourism in Iceland – Lack of Accommodation and Overtourism | .TR \(tourism-review.com\)](#)

150. While welcoming the amendments to the Act on Foreigners, which introduced the monitoring of the conditions of *au pairs*, GRETA is concerned by the limited progress made since the second evaluation in combating trafficking for the purpose of labour exploitation. Consequently, **GRETA once again urges the Icelandic authorities to take further steps to effectively prevent, detect and combat trafficking for the purpose of labour exploitation, taking into account Recommendation CM/Rec(2022)21 of the Committee of Ministers⁸⁹ and GRETA's Guidance Note on combating trafficking for labour exploitation.⁹⁰ This should include:**

- **encouraging law enforcement officials, labour inspectors, NGOs and other relevant actors to increase their outreach work to identify victims of human trafficking for the purpose of labour exploitation, paying particular attention to at-risk sectors;**
- **strengthening the monitoring of recruitment and temporary work agencies and employers recruiting posted workers to Iceland with a view to preventing the economic exploitation of workers;**
- **ensuring that cases of THB for the purpose of labour exploitation are not treated as "wage-theft" cases, depriving the person of the rights provided for victims of THB, such as a temporary residence permit and assistance services;**
- **ensuring that the mandate and resources of labour inspectors enable them to contribute effectively to preventing and detecting cases of THB for the purpose of labour exploitation;**
- **providing training for labour inspectors and trade union inspectors, as well as tax and internal revenue officials, law enforcement officers, prosecutors and judges, on human trafficking for the purpose of labour exploitation and the rights of victims;**
- **raising awareness among the general public as well as, in a targeted manner, among migrant workers, about the risks of THB for the purpose of labour exploitation and the rights of victims of trafficking and migrant workers.**

3. Identification of victims of trafficking

151. In its second evaluation report, GRETA urged the Icelandic authorities to set up a formalised National Referral Mechanism (NRM) defining the procedures and roles of all frontline actors who may come into contact with victims of trafficking, harmonise the indicators and criteria used by different stakeholders to identify presumed victims of trafficking, and ensure that all frontline professionals are trained to apply this procedure and the indicators. Further, GRETA urged the authorities to draw up guidelines for dealing with cases where a possible victim of THB is an asylum seeker and ensure proactive identification of possible victims of trafficking among asylum seekers to avoid them being subjected to the accelerated procedure.

152. There is still no NRM for the identification and referral to assistance of victims of trafficking in Iceland. As noted in paragraph 24, on 1 July 2020 the Ministry of Social Affairs concluded a service agreement with Bjarkarhlið Family Justice Centre for adult survivors of violence for it to co-ordinate the provision of assistance to victims and presumed victims of THB on a trial basis until 1 March 2023. Whenever there is a possible victim of THB who needs assistance, the case is referred to Bjarkarhlið and an operational team composed of three persons from the NGO Stígamót, Bjarkarhlið, and the Icelandic Human Rights Centre is convened (online or in the premises of Bjarkarhlið) to discuss the case. Victims do not attend the meeting. The team provides emergency assistance immediately and calls other professionals to organise the provision of further assistance. The team has a contact person within the

⁸⁹ https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a83df4

⁹⁰ <https://rm.coe.int/guidance-note-on-preventing-and-combating-trafficking-in-human-beings-/1680a1060c>

Police, who has experience in THB cases. This operational team replaced a previous team, which was convened at the level of the Ministry of Social Affairs and composed of more members than the current team.⁹¹ The current team can react more quickly to possible cases of THB, but during the evaluation visit GRETA was told that Bjarkarhlið does not want to continue to assume this role because most of the cases are referred to it by trade unions and concern trafficking for the purpose of labour exploitation, whereas Bjarkarhlið is specialised on working with victims of violence in a close relationship and sexual violence. None of the members of the operational team has sufficient experience and knowledge on labour exploitation and labour legislation. At the time of the visit, there was a discussion as to whether Bjarkarhlið should continue to co-ordinate the assistance, or if the co-ordination should be located somewhere else. In their comments on GRETA's draft report, the Icelandic authorities noted that the Ministry of Social Affairs had prolonged the service agreement with Bjarkarhlið until 1 June 2024 and that the operational team members had gained more experience and knowledge on THB cases and had built up an important network of service providers at different levels, which had resulted in a better process of cases.

153. The National Commissioner of Police issued on 31 March 2020 an updated version of the guidelines on human trafficking for police officers. The guidelines provide information on the definition, characteristics and various forms of THB, and the difference between THB and smuggling of migrants. They contain identification indicators for THB, and explain how to interview and refer presumed victims. The Icelandic authorities noted that while there is no formal victim identification process, presumed victims are granted all the necessary assistance without formal identification. The final declaration of victim status remains in the hands of the courts and depends on a conviction for THB.

154. As noted in paragraph 25, an information portal for THB victims was opened on the website of the 112 national hotline with information available in English, Icelandic, and Polish on trafficking indicators for various forms of THB and places where victims can seek advice and assistance. An awareness-raising campaign was launched in the media and on social media to promote the portal.⁹² In 2021, the police trained all operators of the hotline on indicators of THB and referral of victims and developed a procedure for the identification and referral to assistance of possible victims of THB. Any public official coming across a possible case of THB is supposed to call the 112 helpline to get informed about the procedure to be followed. According to civil society actors, the hotline staff would benefit from further training on THB and the procedure to be followed.

155. The Suðurnes Police collaborated with Keflavik Airport to sensitise airport employees on trafficking and has produced for this purpose a video explaining the different types of trafficking, how victims can be identified and to whom any suspicion of trafficking should be notified. Posters in Icelandic and English were distributed at the airport. The police conducted training for frontline personnel of the Icelandair airline and instituted in early 2019 notification procedures for them to respond to human trafficking and smuggling situations. GRETA was informed that the employees of the Icelandair have identified at least two possible cases of THB on the basis of a list of THB indicators included in the company's manual for passengers and alerted the authorities. Considering that all the presumed victims detected by the authorities in the reporting period are foreign nationals, a variety of languages should be used in future awareness-raising activities.

⁹¹ See GRETA's second report on Iceland, paragraphs 21 and 88.

⁹² See the Ninth periodic report submitted by Iceland to CEDAW, 23 November 2021, [CEDAW/C/ISL/9](#), paragraph 50.

156. GRETA visited a reception centre for applicants of international protection, opened in April 2022 in Reykjavik.⁹³ The centre brings together under one roof all the main services needed to assist asylum seekers in the first contact upon their arrival in Iceland. There is a medical room for a first check-up and to deal with urgent medical problems of asylum seekers. A first interview is conducted in the centre by a police officer and then a more detailed interview is carried out by an immigration officer with the help of an interpreter to register the application for international protection. Within the centre there is also a multicultural information centre offering assistance and counselling in Icelandic, English, Polish, Serbian/Croatian, Thai, Spanish, Lithuanian and Russian.

157. After a first interview, asylum seekers are placed in an emergency accommodation centre where they stay for a few days until other accommodation is found. This centre, visited by GRETA, was opened because of the increase in the number of asylum seekers following the outbreak of the war in Ukraine. It received its first guest on 1 October 2022. In the centre, there is a security guard 24 hours per day and seven days a week. Staff of the centre speak various languages (English, Spanish, Arabic, Chinese, Ukrainian and Polish). For other languages, they use interpretation by telephone or google translation.

158. In 2019, a handbook on the identification and interview of possible victims of THB and their referral to assistance was prepared for the staff of the Directorate of Immigration and published on its internal website. GRETA was informed that 20 persons had been identified as possible victims of THB as part of asylum procedure in the period 2015-2021, and 10 persons in 2022. According to civil society actors, the initial screening of asylum seekers by public officials (healthcare staff, police, immigration officer) is superficial and does not leave them sufficient time to detect vulnerabilities. As noted in paragraph 14, there was a significant increase in the number of asylum seekers in 2022. Due to the failure of the authorities to take the necessary measures in a timely manner, this situation led to delays in the registration and processing of applications for international protection and a deterioration of reception and accommodation conditions, and weakened the ability of the authorities to assess vulnerabilities of applicants.⁹⁴ Across Iceland there are 12 hostels providing housing to about 1 158 asylum seekers, including about 29 unaccompanied children. They stay in these facilities while the authorities are examining their applications, which may take up to four years, in cases where a negative decision is challenged first before the Appeals Board and then before a district court.

159. Civil society actors have expressed concerns over the return of West African asylum seekers, in particular Nigerians, to the country where they had initially entered the EU, under the Dublin Regulations, or their country of origin, even when they had provided detailed accounts demonstrating they had been trafficked prior to arriving in Iceland.⁹⁵ According to data of the Directorate of Immigration, in 2021 three Nigerians were granted international protection while 14 Nigerians' applications were rejected, and 37 Nigerians were returned under the Dublin Regulations.⁹⁶ Media reports suggest that the deportation of Nigerians continued in 2022.⁹⁷

⁹³ [New reception centre open for applicants for international protection - Fjölmenningarsetur \(mcc.is\)](https://www.mcc.is/en/news/2022/04/13/new-reception-centre-open-for-applicants-for-international-protection-fjolmenningarsetur)

⁹⁴ [Asylum Applications at a Seven-Year High \(icelandreview.com\)](https://www.icelandreview.com/news/2022/04/13/asylum-applications-at-a-seven-year-high)

⁹⁵ See <https://grapevine.is/news/2021/01/13/survivor-of-human-trafficking-fears-deportation/>; <https://www.visir.is/g/20212069585d>; <https://grapevine.is/news/2021/02/05/survivor-of-human-trafficking-facing-deportation/>; <https://grapevine.is/news/2021/04/20/human-trafficking-survivor-facing-deportation-challenges-decision-in-court/>; <https://grapevine.is/news/2021/02/16/justice-minister-handed-45000-signature-petition-urging-protection-for-human-trafficking-survivor/>; <https://grapevine.is/news/2021/02/09/new-details-on-deportation-case-indicate-human-trafficking-aspect-was-ignored/>

⁹⁶ [Statistics | Directorate of Immigration \(island.is\)](https://www.island.is/en/immigration/statistics) In 2020 out of 654 applicants for international protection 37 were Nigerians (12 women and 6 girls). In the same year 3 Nigerians were granted international protection and 41 received humanitarian permit while 37 Nigerians' applications were rejected, and 9 Nigerians were subjected to the Dublin Procedure.

⁹⁷ [Iceland planning to deport 200 asylum seekers – despite widespread protest - InfoMigrants.](https://www.mcc.is/en/news/2022/04/13/iceland-planning-to-deport-200-asylum-seekers-despite-widespread-protest-info-migrants)

160. GRETA refers to a report⁹⁸ issued by the Icelandic Red Cross in January 2023 drawing attention to the legal limbo in which 64 persons, mostly from the Kurdistan Region of Iraq and from Nigeria, find themselves. The report refers to the case of two Nigerian women who allegedly escaped from sex trafficking in Italy, and whose applications for international protection were rejected in Iceland. However, they cannot be sent back to Nigeria because they do not have valid identity documents. For the same reason, they cannot obtain a temporary residence permit in Iceland which is necessary to access a work permit. They have lived for many years in social housing for asylum seekers, with limited access to health care. Excluded from social and professional life, they are at risk of being (re-)trafficked.

161. Displaced persons from Ukraine are entitled to temporary collective protection in Iceland. They can pre-register online to speed up the registration of their application for collective protection when they arrive in Iceland. They receive a residence permit for humanitarian reasons for one year, renewable for up to three years, which enables them to benefit from health and social services. They can have access to labour market if they find a prospective employer willing to apply for a work permit for them. There is a dedicated website⁹⁹ with information about rules of entry and accommodation of displaced persons from Ukraine.

162. While welcoming the work carried out at Bjarkarhlíð, GRETA is concerned that there are still no formalised procedures which define the roles and responsibilities of all relevant professional groups. Further, several interlocutors expressed frustration at not receiving any follow-up when reporting a possible case of THB to the police or other authorities. Not knowing whether the cases reported have resulted in investigation or any other actions (e.g. identification and protection of the victim) from competent authorities discourage many frontline actors to report new cases.

163. **GRETA once again urges the Icelandic authorities to improve the identification of victims of trafficking by:**

- **setting up a formalised National Referral Mechanism which defines the procedures and roles of all frontline actors who may come into contact with victims of trafficking, in order to improve clarity and legal certainty regarding the identification and referral to assistance of victims, and ensuring that all frontline professionals are trained to apply these procedures and the human trafficking indicators;**
- **ensuring proactive identification of possible victims of trafficking among asylum seekers;**
- **conducting risk assessments to prevent victims being returned to the country where they first applied for asylum, but where they face the risk of being re-trafficked.**

4. Assistance to victims

164. In its second report, GRETA urged the Icelandic authorities to strengthen their efforts to provide assistance to victims of trafficking, including safe and suitable temporary accommodation.

165. As noted in paragraph 152, since July 2020, the co-ordination of support services for victims and presumed victims of THB is located in Bjarkarhlíð Family Justice Centre. GRETA visited once again Bjarkarhlíð, which is a multi-disciplinary service centre for adult survivors of violence financed by the state authorities. It provides a holistic approach to victims on the basis of the one-stop-shop principle. The staff of the centre is composed of three counsellors and a manager, who offer individual counselling and group support to victims. Additionally, a policewoman with experience on THB is present in Bjarkarhlíð three days a week to advise victims and inform them about the way the police work and the process of their cases. Persons of foreign origin receive interpretation services if necessary. A pilot project with the same

⁹⁸ [People in Tolerated Stay in Iceland: a claim for a dignified life.](#)

⁹⁹ <https://island.is/v/ukrainian-citizens>

approach has been operating in Akureyri since 2019 (“Bjarmahlíð”).¹⁰⁰ Further, the centre Sigurhæðir which opened in 2021 in Selfoss is also structured in a similar way, although the service there is only aimed at women.¹⁰¹

166. Between July 2020 and September 2022 Bjarkarhlíð assisted 25 presumed victims of THB (including 13 women), who were referred to it by trade unions (13 victims), the police (5), social services (2), the women’s shelter (1), Stígamót (1) and other agencies (3). 17 persons were identified as presumed victims of labour exploitation, 5 as presumed victims of sexual exploitation, and 3 as presumed victims of other forms of THB. The presumed victims originated from the following countries: Romania (3 victims), China (2), Bulgaria (2), Poland (2), Philippines (2), Nigeria (2), Somalia (2), Mali (1), Vietnam (1), Ghana (1), Salvador (1), Thailand (1), Nepal (1), Malaysia (1), Pakistan (1), Albania (1), and Lithuania (1). They were assisted by Bjarkarhlíð irrespective of their immigration status or their capacity or willingness to cooperate in criminal proceedings. The case is not reported to the police without the consent of the victim. Bjarkarhlíð provides emergency assistance to victims and refer them to other services for further support and assistance.

167. The Icelandic authorities indicated that during the reporting period the police interacted with 30 persons who were suspected of being subjected to sexual exploitation, and all of them were handed information on human trafficking and were made aware of the services and resources available to them, but none of them showed interest in reaching out for assistance, although the police did not have information on whether they did in fact subsequently seek assistance.

168. As explained in GRETA’s second report, pursuant to the Municipalities’ Social Services Act No. 40/1991, the municipalities shall provide all their residents with necessary services and assistance. Persons without legal residence in Iceland are provided with necessary assistance from the municipality where they are located. All expenses regarding such persons are refunded by the Ministry of Social Affairs. Victims of THB who are not domiciled in Iceland receive financial support on the basis of Regulation 735/2018 for local financial assistance to non-EEA foreign nationals who are not domiciled in Iceland. The financial assistance covers food, rent, transportation and other basic needs.

169. As noted in GRETA’s second report, in December 2014, the Ministry of Social Affairs concluded an agreement with the Women’s Shelter for victims of domestic violence in Reykjavík,¹⁰² pursuant to which all women who are presumed to be victims of THB can stay at the shelter (accompanied by their children, if any). GRETA once again visited that shelter. With 14 rooms and a maximum capacity of 30 persons, it was working at full capacity at the time of the visit. The shelter is funded by the municipality and through private donations. GRETA was told by the manager of the shelter that although the agreement concluded with the Ministry was not in force anymore, the shelter had continued to accommodate victims of THB because no other solutions had been found (no such victims were at the shelter during GRETA’s visit). However, in their comments on GRETA’s draft report, the Icelandic authorities stated that the agreement remained in force until the end of 2022 and would be renewed for 2023. Victims of THB are offered a place in the shelter as an emergency accommodation and on condition that the local social services provide the specialised support which victims need. The Women’s Shelter Association opened a new women’s shelter in Akureyri in August 2020 to provide the same services as the shelter in Reykjavík.

170. There is still no accommodation for male victims of THB in Iceland. GRETA was told that if needed male victims would be accommodated by the Ministry of Social Affairs in a guest house or an accommodation centre for asylum seekers, which are, however, not adapted to the specific needs of victims of THB. GRETA was informed that some men victims of labour exploitation had left Iceland due to the lack of accommodation places. GRETA was also informed that the Salvation Army had been looking for funding to set up a shelter for men victims of THB for more than two years without success.

¹⁰⁰ <https://bjarmahlid.is/407-2/>

¹⁰¹ <https://www.sigurhaedir.is/>

¹⁰² [The Women's Shelter – Kvænnaathvarfið](#)

171. Trade union representatives highlighted the lack of initiative and engagement of the authorities to assist victims of labour exploitation. Despite Bjarkarhlið Family Support Centre assuming the role of support co-ordinator, in many cases the support for possible victims of labour exploitation (e.g. accommodation, employment, financial support for returning to home country) has been organised by trade unions. As for victims of sexual exploitation, GRETA was told that women's rights NGOs providing support services for women victims of violence, including human trafficking, such as Stígamót, are underfunded and overbooked, resulting in long waiting times for victims to receive counselling and support.

172. **GRETA urges the Icelandic authorities to further develop and strengthen the assistance offered to victims of human trafficking, and in particular to:**

- **provide safe and suitable accommodation for all victims of trafficking, including men and victims of THB identified amongst asylum seekers, which is adapted to their needs and sustainable;**
- **ensure appropriate long-term and sustainable funding for NGOs providing assistance to victims of THB in order to ensure the continuity of victims' assistance.**

5. Measures to prevent trafficking of children, identify child victims of trafficking and assist these children

173. In its second report, GRETA urged the Icelandic authorities to establish a clear procedure (National Referral Mechanism) concerning the identification of child victims of THB which is integrated into the child protection system and takes into account the special circumstances and needs of child victims, and to ensure that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB. GRETA also recommended to the Icelandic authorities to enhance their efforts in the area of prevention of child trafficking, by continuing to sensitise and train frontline professionals working with children and providing information to children about the risks of trafficking.

174. In January 2022, the Prosperity Act, No. 86/2021, came into force in Iceland with the aim of facilitating access to integrated services for children and families in need. According to the Ministry of Education and Children, the new law would contribute to the prevention of child trafficking, but its implementation would take from three to five years as it requires fundamental changes to the child protection system through the adaptation of the relevant legislative framework, issuance of regulations, and conducting projects.

175. There is still no formalised procedure for the identification and referral of child victims of trafficking. The identification and referral of child victims works in the same manner as outlined in GRETA's second report.¹⁰³ Under Article 16 of the Child Protection Act, all persons who have reasons to believe that a child is a potential victim of THB is required to inform the child protection services, who are responsible for ensuring accommodation and other services for children. All presumed child victims of THB as well as all unaccompanied and separated children are interviewed at Barnahús in Reykjavík in the presence of a representative of the child protection services. In 2022, around 25 unaccompanied or separated children were interviewed at Barnahús. Some of these children were interviewed because they had been accompanied by adults without any clear documents proving that they were the child's family members. GRETA commends this practice, which, in addition to preventing secondary victimisation of the child, help prevent child trafficking and detect possible victims among child asylum seekers.

¹⁰³ See GRETA's second report on Iceland, paragraphs 64 and 115-116.

176. In the reporting period, the child protection services reported to the police several cases where there was a suspicion of child trafficking. In one case a 15-year-old Romanian girl from the Roma community was reported to the child protection services by the staff of a hospital where she had given birth. She was in a common law marriage with a man who was seven years older and there was a suspicion of her being exploited in prostitution by the family who had brought her to Iceland. The girl was placed in a foster family for two months, but the case was not confirmed as THB and she returned to live with her husband. GRETA notes with concern the heavy workload of child protection services and the lack of appropriate training on child trafficking for its staff, which impede their ability to detect possible victims of THB.

177. In Reykjavik there is an emergency accommodation house of the child protection services for children in danger, which can accommodate possible victims of THB before their placement in a foster family. It is intended for children of up to 12 years and has a capacity to accommodate seven children, but usually houses around 10 children. GRETA was told that finding a foster family is challenging, especially for children with trauma. In this regard, GRETA notes with satisfaction that the National Agency for Children and Families has recently started to train foster families on how to deal with children with trauma.

178. In Reykjavik there is also an emergency accommodation house for children older than 12 years, which is used for accommodating unaccompanied children. It usually works at full capacity. Although there have been no cases of disappearance of unaccompanied children, GRETA was informed that unaccompanied children, while waiting for their placement in foster care, remain, sometimes for months, at an accommodation centre for asylum seekers (see paragraph 158) without appropriate care from a child protection official.¹⁰⁴ Moreover, they are put at risk of abuses as they are accessible by unrelated adults who reside in the centre.

179. There has been no specific awareness raising of THB in schools in Iceland. GRETA was told that there was a high demand from education staff for training on all forms of child abuse but was not made aware of any plans to organise specific training on human trafficking for this category of professionals.

180. GRETA once again urges the Icelandic authorities to take further steps to identify child victims of trafficking, including among unaccompanied children, and, in particular, to establish a clear procedure (National Referral Mechanism) concerning the identification of child victims of THB which is integrated into the child protection system, takes into account the special circumstances and needs of child victims, involves child specialists and ensures that the best interests of the child are the primary consideration in all proceedings relating to child victims of THB and children at risk.

181. Further, GRETA considers that the Icelandic authorities should enhance their efforts in the area of prevention of child trafficking, by continuing to sensitise and train frontline professionals working with children and foster families, providing information to children, including in school, about the risks of trafficking, including through recruitment via the Internet, increasing state funding for child protection services and ensuring a protective environment, including safe and suitable accommodation, for unaccompanied or separated children.

¹⁰⁴ See UN Committee on the Rights of the Child's [Concluding observations on the combined fifth and sixth periodic reports of Iceland](#), paragraph 41, June 2022.

6. Recovery and reflection period and residence permit

182. According to Article 75 of the Act on Foreigners, a foreign national who is suspected to be a victim of THB and his/her child present in Iceland may be granted a temporary residence permit for up to nine months. The residence permit can be refused if there are reasons to suspect that the person is claiming to be a victim solely in order to gain a residence permit or if the granting of the permit is against public order. It is explained in the *travaux préparatoires* of the Law that a temporary residence permit is given in order to allow possible victims of THB to recover, escape the influence of the perpetrators and take a decision on whether to co-operate with the state authorities. The first paragraph of Article 75 states that the police shall assist the Directorate of Immigration in investigating the case, e.g. in assessing the circumstances of the person concerned. Representatives of the Directorate of Immigration met by GRETA indicated that in practice the police are always consulted prior to granting a temporary residence permit but this permit may be granted even if the person does not agree to co-operate with law enforcement authorities or the police give an opinion stating that the person is not a presumed victim of THB.

183. As indicated in GRETA's second report, pursuant to Article 76 of the Act on Foreigners, a victim of human trafficking and his/her child present in Iceland may be granted a renewable residence permit for one year when necessary: a) for reasons of the individual's personal circumstances, or b) for the purpose of co-operation with the authorities in the investigation and criminal proceedings, at the request of the police.¹⁰⁵

184. GRETA was informed that only two persons had been issued with residence permits on the grounds of being a presumed victim of THB: a Moroccan woman was issued with a temporary residence permit in February 2019 and a Filipino woman was issued with a residence permit in May 2021. Representatives of the Directorate of Immigration explained the low number of permits issued by the fact that most presumed victims are issued with residence permits on the grounds of international protection or for humanitarian reasons, which are considered first as they provide better rights and standards for victims.¹⁰⁶ Only if the person does not fulfil the requirements of these permits, is the issuance of a permit on the grounds of being a presumed victim of THB considered. However, the authorities could not provide statistics on the number of presumed victims of THB granted with residence permits on other grounds. Media reports suggest that the asylum applications of Nigerian persons who had reportedly been trafficked were rejected, and they faced the risk of being sent back to Nigeria (paragraph 159). GRETA was also given the example of an Albanian national who had reportedly fallen victim to THB abroad and was sent back to Albania after his request for a temporary residence permit had been rejected.

185. GRETA considers that the Icelandic authorities should take further steps to ensure that all presumed foreign victims of trafficking are offered a recovery and reflection period and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period. Staff performing identification should be issued with clear instructions stressing the need to offer the recovery and reflection period as defined in the Convention, i.e. not making it conditional on the victim's co-operation, offering it to victims before formal statements are made to investigators and in case of children, bearing in mind the best interests of the child.

186. Further, GRETA invites the Icelandic authorities to ensure that victims of trafficking can fully benefit from the right to obtain a residence permit, including due to their personal circumstances.

¹⁰⁵ Foreign nationals of states covered by the EEA (European Economic Area) Agreement or EFTA (European Free Trade Association) Treaty are entitled to enter Iceland without a specific permit and reside in Iceland for up to three months. Pursuant to Article 81, paragraph 2, of the Act on Foreigners, these persons can also apply for residence permits foreseen for victims of human trafficking by Articles 75 and 76 of the Act on Foreigners.

¹⁰⁶ According to Articles 73 and 74 of the Act on Foreigners, a residence permit on the grounds of international protection is valid for four years, while a permit for humanitarian reasons is valid for one year. They are both renewable and, unlike the permit for victims of human trafficking, can form the basis for a permanent residence permit.

Appendix 1 - List of GRETA's conclusions and proposals for action

The position of the proposals for action in the text of the report is shown in parentheses.

Topics related to the third evaluation round of the Convention

Right to information

- GRETA considers that the Icelandic authorities should take further steps to ensure that presumed victims of human trafficking are given information in a proactive manner, as soon as they come into contact with a competent authority. The information should take into account the victim's age, maturity, intellectual and emotional capacity, literacy and any mental, physical, or other disability which may affect the ability to understand. The information should be provided irrespective of the victim's capacity or willingness to co-operate in criminal proceedings and cover the right to a recovery and reflection period, the services and assistance measures available, state compensation procedure and other relevant civil and administrative remedies and procedures (paragraph 43);
- GRETA considers that the Icelandic authorities should:
 - make the leaflet on human trafficking available in the languages of the main countries of origin of presumed victims;
 - sensitise interpreters who may come into contact with victims of human trafficking to the issue of human trafficking and the vulnerabilities of victims (paragraph 44).

Legal assistance and free legal aid

- GRETA considers that the Icelandic authorities should take further steps to facilitate and guarantee access to justice for victims of human trafficking by ensuring that they receive legal assistance and free legal aid at an early stage, in particular:
 - appoint a lawyer as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, before the person concerned has to decide whether or not to co-operate with the authorities and/or make an official statement;
 - encourage the Bar Association to offer training on human trafficking to lawyers with a view to ensuring that trafficking victims are systematically appointed a specialised lawyer (paragraph 55).

Psychological assistance

- GRETA considers that the Icelandic authorities should guarantee timely access of victims of trafficking to psychological assistance and ensure that it is provided for as long as their individual situation requires in order to help them overcome their trauma and achieve a sustained recovery and social inclusion (paragraph 59).

Access to work, vocational training and education

- GRETA considers that the Icelandic authorities should strengthen effective access to the labour market for victims of human trafficking and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst different employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking (paragraph 63).

Compensation

- GRETA considers that the Icelandic authorities should make additional efforts to guarantee effective access to compensation for victims of human trafficking, in particular by:
 - ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim or loss sustained by the victim, is part of the criminal investigation with a view to supporting compensation claims in court;
 - making full use of the legislation on the freezing and forfeiture of assets, as well as international co-operation, to secure compensation to victims of human trafficking;
 - including the topic of compensation in the training programmes of police officers, lawyers, prosecutors and judges, and encouraging them to use all the possibilities the law offers to uphold compensation claims by victims of human trafficking (paragraph 79).

Investigations, prosecutions, sanctions and measures

- GRETA urges the Icelandic authorities to take additional steps to ensure that cases of trafficking are investigated proactively and prosecuted effectively, leading to effective, proportionate and dissuasive sentences, and in particular:
 - step up their efforts to ensure that THB offences are classified as such every time the circumstances of a case allow this;
 - ensure that law enforcement agencies are sufficiently resourced both financially and in terms of adequately trained staff to ensure a prompt and appropriate response in all possible THB cases;
 - make use of special investigative techniques in order to gather material, documental, financial and digital evidence and not to have to rely exclusively on testimony by victims or witnesses;
 - strengthen co-operation between members of law enforcement agencies, labour inspectors, trade unions and other civil society actors with a view to collecting the evidence necessary for successfully investigating and prosecuting THB cases;
 - examine the existing legal provisions with a view to extending the scope of forced labour to include working conditions contrary to human dignity in line with the ILO indicators of forced labour;
 - state explicitly the irrelevance of the consent of a victim of trafficking to the intended exploitation (paragraph 97).

Non-punishment provision

- GRETA once again urges the Icelandic authorities to take further measures to ensure compliance with Article 26 of the Convention by adopting a specific legal provision on the non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so, and/or developing detailed specific guidance for police officers and prosecutors on the aims and scope of the non-punishment provision, and including it in the training of police officers, prosecutors, judges and lawyers (paragraph 101).

Protection of victims and witnesses

- GRETA considers that the Icelandic authorities should make full use of the available measures to protect victims and witnesses of human trafficking and to prevent intimidation during the investigation and during and after the court proceedings. This should include creating separate waiting areas in court buildings for victims and defendants and other measures to avoid that the victim comes across the defendant while waiting for the testimony (paragraph 107).

Specialised authorities and co-ordinating bodies

- GRETA considers that the Icelandic authorities should take additional steps to ensure that all relevant professional groups are regularly trained in preventing human trafficking, detecting and interviewing victims, referring them to assistance and enabling them to effectively exercise their rights. The training should be embedded in the regular training curricula of different professional groups, including law enforcement officials, prosecutors, judges, border guards, immigration and asylum officials, labour inspectors, social workers, child welfare and education staff, health-care staff, and diplomatic and consular staff (paragraph 115).

International co-operation

- GRETA invites them to further strengthen international co-operation in the investigation and prosecution of THB cases and the protection of victims of THB (paragraph 121).

Child-sensitive procedures for obtaining access to justice and remedies

- GRETA invites the Icelandic authorities to continue their efforts to ensure that child victims of human trafficking are in practice afforded special protection measures (paragraph 128).

Role of businesses

- GRETA considers that the Icelandic authorities should strengthen engagement with the private sector, in line with the UN Guiding Principles on Business and Human Rights and Council of Europe Committee of Ministers Recommendations CM/Rec(2016)3 on human rights and business and CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation, with a view to raising awareness of the important role and responsibility of businesses to prevent human trafficking, support the rehabilitation and recovery of victims, and provide access to effective remedies (paragraph 131);
- GRETA considers that the Icelandic authorities should adopt legislation integrating the prevention of human trafficking and labour exploitation in public procurement policies and promoting transparency in supply chains to enable scrutiny of companies' performance to prevent human trafficking and labour exploitation (paragraph 132).

Follow-up topics specific to Iceland

Developments in the legal, institutional and policy framework for action against trafficking in human beings

- GRETA considers that the Icelandic authorities should allocate sufficient funding from the State budget to action against THB (paragraph 21);
- Reiterating the recommendation made in its second evaluation report, GRETA considers that the Icelandic authorities should entrust the role of National Rapporteur on THB to an independent organisational entity with a view to ensuring effective monitoring of the anti-trafficking activities of state institutions and making recommendations to the persons and institutions concerned (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report) (paragraph 26).

Data collection

- GRETA considers that the Icelandic authorities should continue developing a comprehensive and coherent system for the collection and analysis of data on measures to protect and promote the rights of victims of THB, which should ensure the participation of all relevant actors that can contribute to the provision of data, including NGOs and other service providers, law enforcement and immigration officials, labour inspectorates, health-care providers, prosecution services and others involved in the identification of victims of trafficking, and the investigation and prosecution of THB and related offences (paragraph 138).

Measures to prevent and combat trafficking for the purpose of labour exploitation

- GRETA once again urges the Icelandic authorities to take further steps to effectively prevent, detect and combat trafficking for the purpose of labour exploitation, taking into account Recommendation CM/Rec(2022)21 of the Committee of Ministers and GRETA's Guidance Note on combating trafficking for labour exploitation. This should include:
 - encouraging law enforcement officials, labour inspectors, NGOs and other relevant actors to increase their outreach work to identify victims of human trafficking for the purpose of labour exploitation, paying particular attention to at-risk sectors;
 - strengthening the monitoring of recruitment and temporary work agencies and employers recruiting posted workers to Iceland with a view to preventing the economic exploitation of workers;
 - ensuring that cases of THB for the purpose of labour exploitation are not treated as "wage-theft" cases, depriving the person of the rights provided for victims of THB, such as a temporary residence permit and assistance services;
 - ensuring that the mandate and resources of labour inspectors enable them to contribute effectively to preventing and detecting cases of THB for the purpose of labour exploitation;
 - providing training for labour inspectors and trade union inspectors, as well as tax and internal revenue officials, law enforcement officers, prosecutors and judges, on human trafficking for the purpose of labour exploitation and the rights of victims;
 - raising awareness among the general public as well as, in a targeted manner, among migrant workers, about the risks of THB for the purpose of labour exploitation and the rights of victims of trafficking and migrant workers (paragraph 150).

Identification of victims of trafficking

- GRETA once again urges the Icelandic authorities to improve the identification of victims of trafficking by:
 - setting up a formalised National Referral Mechanism which defines the procedures and roles of all frontline actors who may come into contact with victims of trafficking, in order to improve clarity and legal certainty regarding the identification and referral to assistance of victims, and ensuring that all frontline professionals are trained to apply these procedures and the human trafficking indicators;
 - ensuring proactive identification of possible victims of trafficking among asylum seekers;
 - conducting risk assessments to prevent victims being returned to the country where they first applied for asylum, but where they face the risk of being re-trafficked (paragraph 163).

Assistance to victims

- GRETA urges the Icelandic authorities to further develop and strengthen the assistance offered to victims of human trafficking, and in particular to:
 - provide safe and suitable accommodation for all victims of trafficking, including men and victims of THB identified amongst asylum seekers, which is adapted to their needs and sustainable;
 - ensure appropriate long-term and sustainable funding for NGOs providing assistance to victims of THB in order to ensure the continuity of victims' assistance (paragraph 172).

Measures to prevent trafficking of children, identify child victims of trafficking and assist these children

- GRETA once again urges the Icelandic authorities to take further steps to identify child victims of trafficking, including among unaccompanied children, and, in particular, to establish a clear procedure (National Referral Mechanism) concerning the identification of child victims of THB which is integrated into the child protection system, takes into account the special circumstances and needs of child victims, involves child specialists and ensures that the best interests of the child are the primary consideration in all proceedings relating to child victims of THB and children at risk (paragraph 180);
- GRETA considers that the Icelandic authorities should enhance their efforts in the area of prevention of child trafficking, by continuing to sensitise and train frontline professionals working with children and foster families, providing information to children, including in school, about the risks of trafficking, including through recruitment via the Internet, increasing state funding for child protection services and ensuring a protective environment, including safe and suitable accommodation, for unaccompanied or separated children (paragraph 181).

Recovery and reflection period and residence permit

- GRETA considers that the Icelandic authorities should take further steps to ensure that all presumed foreign victims of trafficking are offered a recovery and reflection period and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period. Staff performing identification should be issued with clear instructions stressing the need to offer the recovery and reflection period as defined in the Convention, i.e. not making it conditional on the victim's co-operation, offering it to victims before formal statements are made to investigators and in case of children, bearing in mind the best interests of the child (paragraph 185);
- GRETA invites the Icelandic authorities to ensure that victims of trafficking can fully benefit from the right to obtain a residence permit, including due to their personal circumstances (paragraph 186).

Appendix 2 - List of public bodies and civil society actors with which GRETA held consultations

Public bodies

- Ministry of Justice
- National Commissioner of the Icelandic Police
- Reykjavík Metropolitan Police
- District Commissioner of Police in Suðurnes
- Centre for Police Training and Professional Development
- Directorate of Immigration
- State Prosecutor's Office
- Ministry of Social Affairs and Labour
- Ministry of Education and Children
- Ministry of Foreign Affairs
- Directorate of Labour
- Directorate of Occupational Safety and Health
- National Agency for Children and Families
- Social and child protection services of the City of Reykjavík
- Office of the Parliamentary Ombudsman
- Judicial Affairs and Education Committee of the Icelandic Parliament (*Alþingi*)

NGOs and other civil society organisations

- Federation of General and Specialised Workers in Iceland (SGS)
- Icelandic Confederation of Labour (ASÍ)
- Icelandic Human Rights Centre (*online meeting*)
- Red Cross
- Salvation Army
- Stígamót - Center for Survivors of Sexual Violence
- Stop the Traffik

Government's comments

GRETA engaged in a dialogue with the Icelandic authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Icelandic authorities on 10 July 2023 and invited them to submit any final comments. The comments of the authorities, submitted on 15 September, are reproduced hereafter.



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Council of Europe

Reykjavík September 15, 2023
Reference: DMR22050021/30.16.54

Subject: Comments of the Icelandic Government on GRETA's Final Report on Iceland

Dear Ms. Nestorova,

We convey our appreciation to the members of GRETA and the Executive Secretary of the Council of Europe Convention on Action against Trafficking in Human Beings for all your efforts in preparing the third evaluation report on Iceland. We especially thank the delegation that visited Iceland in November 2023 for all its work.

We want to submit the following few comments on the final report:

Paragraph 41: In 2020, a counselling centre for migrants ("New in Iceland") was opened under the auspices of the Ministry of Social Affairs.

New in Iceland was later moved from the Ministry of Social Affairs and Labour and is currently running as a project under the Directorate of Labour since April 2023.

Paragraph 93, subparagraph 62: GRECO's 5th evaluation report on Iceland.

The Ministry of Justice would kindly like to draw GRETA's attention to GRECO's second compliance report, published 6 December 2022, page 7, paragraph 34 where it states: „GRECO takes note of the information provided, in particular as regards substantial increases in the budget of the Police and the development of basic training on police ethics and integrity-related matters. This increased budget, in addition to the implementation of the PPD which facilitates a more efficient allocation of resources and increases awareness in the form of training and courses held on ethics and integrity matters, are tangible evidence that increased resources have been allocated for the police to carry out their work, including regarding integrity related policies.“.
<https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680a93b8e>

Paragraph 104: Victims can be equipped with an emergency button connected to a security company.

The emergency button is provided by a security company, but it is connected to the emergency operators who send police officers with priority to the victim.

Paragraph 109: The Reykjavík Metropolitan Police has an investigation unit on THB and

prostitution, whose staff was recently increased from two to three police investigators.

Unfortunately, the unit on THB now only has one police investigator due to changes in staff, but the police are looking for another investigator to work in the THB unit.

Paragraph 137. GRETA welcomes this initiative, but notes that there is no data on the type of assistance provided to victims (such as medical, psychological, legal).

Bjarkarhlíð has data on what type of assistance the victims (or presumed victims) are provided with. In the cases reported to Bjarkarhlíð the victims have mainly received financial support, temporary housing and counselling (including legal counseling).

Paragraph 143: The draft law is expected to be rediscussed by Parliament in the spring of 2023.

The draft law is expected to be rediscussed by the Parliament in the beginning of the year 2024.

Paragraph 152: “none of the members of the operational team has sufficient experience and knowledge of labour exploitation and labour legislation.”

This was true at the time of the visit but since then changes have been made to the team and now good knowledge and experience are among the members of the team. In the year 2023 the operational team has also attended specific trainings abroad on human trafficking to further increase their knowledge. Further training has been organized later this year.

Paragraph 170: There is still no accommodation for male victims of THB in Iceland.

Male victims of human trafficking have access to an emergency accommodation in a new reception center for refugees that is operated by the Directorate of Labour. This resource is meant to bridge the gap from when a case is reported until a victim receives assistance (financial aid, secure accommodation etc.) from local social services.

Paragraph 174: The Prosperity Act

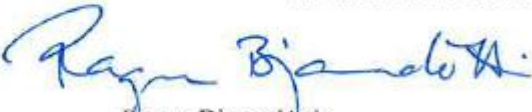
The Ministry of Education and Children would like to add the following comments to paragraph 174:

In January 2022, the Act on the Integration of Services in the Interest of Children’s Prosperity No 86/2021 came into force in Iceland, intending to facilitate access to integrated services for children and families in need. According to the Ministry of Education and Children, the new law would contribute to the prevention of child trafficking as the systems around the children should be able to identify vulnerable children and children in need of early intervention and support and mobilize personalized support to the child and their family and thus address the child’s vulnerability. Further, the provision of the act would greatly benefit a child that has been trafficked to meet their overall physical, psychological, and mental needs and recover from the traumas they have endured. The Act places a duty on all service providers listed in Article 14 of the act to engage in good general cooperation, emphasizing interdisciplinary expertise and mutual instruction. Service providers must monitor, note, and identify evidence that the child’s needs are not sufficiently met and respond accordingly. Full implementation of the Act is estimated to take three to five years as it requires fundamental changes to the child protection system through adapting the relevant legislative framework, issuance of regulations, and conducting projects.

Additionally the Ministry of Education and Children, in cooperation with the National Agency for Children and Families and in consultation with front-line workers in child protection, are working on renewing the procedures for services to unaccompanied minors, including those that may have been trafficked. Further, there has recently been a training on child trafficking for social services front-line staff. Additionally, authorities are working on creating a procedure for screening for child trafficking intended for service providers working with children.

The Icelandic government would like to put on record that GRETA's recommendation will be taken into account in the continuing work and actions in the fight against trafficking in human beings in Iceland.

On behalf of the Minister of Justice


Ragna Bjarnadóttir
Director of Public Security and Criminal Justice


Kristín Jónsdóttir
Legal Adviser