



## **G R E T A**

Group of Experts on Action  
against Trafficking in Human Beings

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# **Reply from Iceland to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties**

## **Third evaluation round**

**Thematic focus: Access to justice and effective remedies for  
victims of trafficking in human beings**

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## Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings ("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 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 (THB), 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. Moreover, victims of trafficking, by virtue of their status as victims of human rights violations, are entitled to effective remedies under the European Convention on Human Rights. Access to justice and effective remedies must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of State Parties, irrespective of their immigration status or presence on the national territory and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

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, regularisation of the victim's stay, the right to seek and enjoy asylum, and the application of the principle of *non-refoulement*. These preconditions, corresponding to different 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, rather than including once again questions related to the same provisions in the general questionnaire for the third evaluation round.

States Parties are requested to transmit to GRETA a reply to this questionnaire **within four months** from the date it was sent. The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's second evaluation report. States Parties should provide links, copies or extracts of relevant legislation, regulations, national action plans and case law mentioned in the reply to the questionnaire, in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

## Part I - Access to justice and effective remedies

### 1. Right to information (Articles 12 and 15)

1.1 How, at what stage and by whom are presumed victims and victims of THB informed of their rights, the relevant judicial and administrative proceedings, and the legal possibilities for obtaining compensation and other remedies, in a language that they can understand? Please provide copies of any information materials developed to inform victims of THB, including any materials specifically developed for child victims, in the languages in which they exist.

In Iceland, the process of identifying a potential victim of THB can be initiated by any professional who through their work meets a person they suspect to be a victim. If the first contact made by a presumed victim or a victim of THB is with the police, the interviewing police officer draws the victim's attention to his or her rights and remedies in accordance with national legislation.

A person who is presumed of being a victim of human trafficking is informed of her/his rights by the police, according to the provisions of the Code of Criminal Procedure no. 88/2008 (CCP)<sup>1</sup>, i.e. that the police are obliged, if she/he so wishes, to appoint a legal rights protector for her/him. The police are obliged, Paragraph 1 Article 40 CCP, to instruct the victim about her/his rights according to the law. In terms of other assistance and the rights of victims of human trafficking, Bjarkarhlíð is a Family Justice Centre and serves as National Referral Mechanism (NRM) for victims of human trafficking. Bjarkarhlíð is a joint project of several organizations and associations, including the Metropolitan Police. In Bjarkarhlíð, victims of human trafficking receive information about their rights regarding shelter, healthcare, and social services. A booklet<sup>2</sup> has been published in Icelandic, English and Polish, on the indications of human trafficking, with emphasis on labour trafficking. It is accessible on the website of the emergency line 112.is, where one can find information for victims of human trafficking cases as well as information on where victims can turn to get help. A QR-code in the booklet leads you to the informational hub at 112.is, for further information and resources.

If the victim is a foreigner, the assistance of an interpreter is sought in all cases during the police hearing and/or when more information is given, as mentioned above. The victim is informed as much as possible about the progress of her/his case and how she/he can turn to get the information she/he is entitled for, regarding the case.

The National Commissioner of Police has issued guidelines on the identification of victims of THB based on the Norwegian "Guide to the Identification of Possible Victims of Trafficking".<sup>3</sup> They apply to all Police districts in Iceland and therefore all police officers that encounter presumed victims or victims of THB. The police officers are responsible for informing all presumed victims and victims of THB of their right to have appointed a legal rights protector in accordance with Art. 41 of the CCP. The police are also obliged by law to inform victims of their right to obtain compensation, cf. Art. 18 of the Act on the Payment of Compensation by the Treasury to Crime Victims, No. 69/1995<sup>4</sup>. A THB victim is handed a special form with instructions on how to put forward a civil law claim. Under Art. 45 of the CCP, the role of the legal rights protector is to safeguard his/her client's interests and provide assistance in the case, including the bringing of civil actions. If a victim is a child the child protection committee is informed and a representative from them is present during an interview with the police, and him as well as the legal rights protector, protects the child's rights and interests.

<sup>1</sup> In English: <https://www.government.is/publications/legislation/lex/2019/10/10/Code-of-Criminal/>

<sup>2</sup> [Stjórarráðið | Þekkir þú vísbendingar um mansal? \(stjornarradid.is\)](https://www.stjornarradid.is/pekkir-pu-visbendingar-um-mansal?stjornarradid.is)

<sup>3</sup> The guidelines have been updated regularly and the latest version was published in June 2022.

<sup>4</sup> Only available in Icelandic: <https://www.althingi.is/lagas/152c/1995069.html>

Inside the Reykjavik Metropolitan Police, operates a special THB crime unit that specialises in the investigation of THB cases. They are also responsible for informing presumed victims and victims of THB of their rights in accordance with the relevant Icelandic laws.

Based on the Third National Action Plan (NAP) against Human Trafficking from 2019<sup>5</sup> (NAP) The Directorate of Immigration (DoI) has created a thorough work processes for members of staff to identify possible victims of human trafficking, when processing applications for residence permits or international protection. The Directorate for Labour has created and newly updated work processes for identification of victims of human trafficking.

Only one of the Actions of the NAP was limited to time. That was to establish a National Referral Mechanism no later than in 2020, with the principal role of co-ordinating procedures and responses to suspected trafficking, including by contacting the necessary professionals. Bjarkarhlíð, the Family Justice Centre in Reykjavík, was made responsible for the project, for a trial period of one year from July 2020. The trial period has been prolonged with funding from the government until the end of 2022. Presumed victims or victims of THB get all the information they need at Bjarkarhlíð. They have access to counselling and lawyers free of charge once a week that work for the Icelandic Human Rights Centre<sup>6</sup> and Kvennaráðgjöfin. In February 2019 Bjarmahlíð, a Family Justice Center, opened in Akureyri with the same purpose and service as Bjarkarhlíð.

### **Regarding Immigrants and Asylum Seekers**

The Directorate of Immigration (DoI) has implemented an internal handbook and guidelines about the procedure regarding cases where there is concern about possible THB and the steps that need to be taken with that in regard.<sup>7</sup> If there is any indication of THB the first step is that individuals are informed about their rights, in English or with the help of an interpreter. At the DoI facilities they have pamphlets available that describe human trafficking indicators<sup>8</sup>. No child specific material is available at the DoI.

According to Art. 31 of the Act on Foreign nationals no. 80/2016<sup>9</sup> the Government Agency for Child Protection shall ensure the safeguarding of a minors's interests. This provision applies when the applicant is under the age of legal majority and resides in Iceland without parents or other guardians, or when the parents or guardians cannot fulfil their obligations towards the minor, or when a Child Protection Committee deems a minor's guardianship to be unsatisfactory. This provision also applies to minors who are suspected to be victims of human trafficking. A person safeguarding a minor's interests shall be an expert in the field of child protection and have a clean criminal record.

The Directorate for Equality publishes the booklet Your Rights, with important information for immigrants in Iceland. It was first published in 2010, but is reviewed regularly, most recently in 2019. The booklet discusses the rights of individuals in Iceland when it comes to close relationships and communications, for example, marriage, cohabitation, divorce and separation, pregnancy, maternal care, abortion, child custody, access rights, violence in close relationships, human trafficking, prostitution, complaints to the police, legal aid and residence permits. The booklet was published in printed form and online in Icelandic, English, Polish, Spanish, Thai, Russian, Arabic and French. The text of the booklet was prepared in

<sup>5</sup> [https://www.stjornarradid.is/library/04-Raduneytin/Domsmalaraduneytid/%C3%81HERSLUR%20STJ%C3%93RIVALDA%20%C3%8D%20A%C3%90GER%C3%90UM%20GEGN%20MANSALI%20OG%20ANNARS%20KONAR%20HAGN%C3%9DTINGU%20-%20Copy%20\(1\).pdf](https://www.stjornarradid.is/library/04-Raduneytin/Domsmalaraduneytid/%C3%81HERSLUR%20STJ%C3%93RIVALDA%20%C3%8D%20A%C3%90GER%C3%90UM%20GEGN%20MANSALI%20OG%20ANNARS%20KONAR%20HAGN%C3%9DTINGU%20-%20Copy%20(1).pdf)

<sup>6</sup> [www.humanrights.is](http://www.humanrights.is)

<sup>7</sup> A copy of the handbook can be found in an annex to the questionnaire on the last page, unfortunately it is only available in Icelandic.

<sup>8</sup> <https://www.stjornarradid.is/efst-a-baugi/frettir/stok-frett/2022/03/15/Thekkir-thu-visbendingar-um-mansal/>

<sup>9</sup> <https://www.government.is/publications/legislation/lex/2018/12/07/foreign-nationals-act-2016-80/>

collaboration with the Icelandic Human Rights Centre. The booklet is regularly advertised and is available at public institutions and NGOs where people of foreign origin seek services.

In 2020, New In Iceland, a counselling centre for immigrants<sup>10</sup>, was opened under the auspices of the Ministry of Social Affairs. People can contact the counselling centre with all types of questions, including issues concerning domestic violence, for information on services and remedies for violence. The service is without charge and is carried out in complete confidentiality. Staff at the counselling centre speak English, Polish, Spanish, Portuguese, Arabic, Lithuanian, Russian and Icelandic, and telephone interpreting is available in other languages.

1.2 How is the obligation to provide translation and interpretation services, when appropriate, met at different stages of the legal and administrative proceedings by different agencies?

The right to interpretation services is secured in the Code of Criminal Procedure no. 88/2008. According to Article 12, paragraph 2, the prosecution shall call in an authorised court interpreter if a person is questioned in court who does not have sufficient command of Icelandic. The same applies to the police when questioning a witness, the police must call in an authorised court interpreter or another competent person to interpret the proceedings if needed, cf. Article 63, paragraph 5, of the CCP.

If a legal advisor needs an interpreter to interpret his or her communication with a client outside the courtroom or with the police, the cost will be covered by the court or the police, depending on the outcome of the case.

Regarding administrative proceedings, reforms have been put forward in a parliamentary resolution concerning the implementation plan in immigration matters for the years 2022-2025<sup>11</sup>. In chapter 1.7 the goal of interpretation services in administrative proceedings is outlined. The objective is that persons who do not understand or speak Icelandic get adequate help by a professional interpreter in different fields of the society.

## **2. Legal assistance and free legal aid (Article 15)**

2.1 How, by whom and from what moment is legal assistance provided to victims of trafficking? How is legal assistance provided to children?

According to the Code of Criminal Procedure, Article 41, the police shall appoint victims of THB a legal rights protector as soon as there is reason to do so if they request one.

Children under the age of 18 shall in all cases be nominated a legal rights protector by the police, when the investigation begins, cf. Article 41 of the CCP.

Bjarkahlíð and Bjarmahlíð, Family Justice Centers for survivors of violence, located in Reykjavík and Akureyri offer counselling, support and information for all victims of violence, free of charge. At the Women's Shelter victims of violence can get free counselling from a lawyer. The Icelandic Human Rights Centre also offers free legal assistance to immigrants and Kvennaráðgjöfin, an NGO, offers free legal assistance to women. At Bjarkarhlíð it is possible to get free counselling from a lawyer, that works for the Icelandic Human Rights Centre, once a week.

2.2 Do all presumed victims of THB have access to legal assistance, irrespective of immigration status or type of exploitation?

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<sup>10</sup> <https://newiniceland.is/>

<sup>11</sup> Only available in Icelandic: <https://www.althingi.is/altext/152/s/1364.html>

Yes, see also answer to question 2.1. The access to legal assistance is irrespective of immigration status or type of exploitation.

2.3 What are the conditions for access to free legal aid for victims of THB, including children? For which types of proceedings is free legal aid available? Is free legal aid available to help victims claim compensation and execute compensation orders? Please provide the text of the relevant provisions.

Like stated above, Article 41 of the Code of Criminal Procedure stipulates the criteria one must meet to have the access to free legal aid. Children shall always be appointed a legal rights protector. Article 41 states the following:

“The police shall be obliged to nominate a legal rights protector if the investigation of the case is directed towards an offence under Section XXII of the General Penal Code no. 19/1940 (GPC) and the injured party requests that this be done. A legal rights protector shall be nominated in all cases where the injured party has not reached the age of 18 years at the time when the investigation is begun.

In all instances, the police shall be obliged to nominate a legal rights protector for the injured party if he or she so requests and if the investigation is directed towards an offence under Section XXIII or XXIV of the General Penal Code, or Articles 251-253 of the General Penal Code, and there is reason to believe that the injured party has sustained substantial damage to his or her physical or mental health as a result of the offence, or that the offence was perpetrated against the injured party by someone who is closely related to, or associated with, him or her. A condition for the appointment of a legal rights protector under this Article shall be that, in the opinion of the police, the injured party needs special assistance from a legal rights protector in order to defend his or her interests in the case.

The police may nominate a legal rights protector for the injured party even if he or she has not requested that this be done, if the conditions of the second paragraph are met and the injured party is not capable of defending his or her own interests properly during the investigation of the case. When the conditions for nominating a legal rights protector under the first, second or third paragraph are met, this shall be done as soon as there is reason to do so. Nomination shall expire automatically if a legal rights protector is appointed under the first paragraph of Article 42; otherwise, the police shall take a decision on the matter in each individual instance.”

THB is punishable in accordance with Article 227. a of the General Penal Code no. 19/1940<sup>12</sup> (GPC) which is part of Section XXIV of the same Code. According to the law it is therefore not mandatory to appoint a legal rights protector in THB cases if the victim does not request one, unless the victim is a child. However, in the Guide to Identification of Possible Victims of Trafficking the police shall inform the victim of this right. There is also the exception in Paragraph 3, Article 41 of the CCP that the police can nominate a legal rights protector even though the victim has not requested one, but then the conditions set out in paragraph 2 of the same article need to be met.

Like stated above, the role of a legal rights protector is to defend the interests of his or her client and to render him or her assistance in the case, including help with submitting civil law claims in accordance with Section XXVI of the CCP.

2.4 Are there lawyers specialised to provide legal aid and represent victims of THB in court? What regulations, if any, are applicable to the provision of such legal aid/representation?

According to the Act on Professional Lawyers no. 77/1999<sup>13</sup> all lawyers must conduct and stand a test to be able to obtain a license to practice law as a district court lawyer. Further requirements are put forward in Art. 6 of the same Act to be granted such a license. According to Art. 18 lawyers shall conscientiously

<sup>12</sup> In English: <https://www.government.is/publications/legislation/lex/2018/01/08/General-Penal-Code-Nr.-19-1940/>

<sup>13</sup> In English: <https://www.government.is/publications/legislation/lex/2018/01/08/Act-on-Professional-Lawyers-No.-77-1999/>  
<https://www.althingi.is/lagas/152b/1998077.html>

perform any tasks committed to them, and shall employ all lawful means to protect the lawful interests of their clients.

2.5 How is the provision of legal assistance and free legal aid for victims of THB funded? Do victims have to pay a fee to obtain legal assistance or start a procedure, or are there other financial barriers in place? If yes, please specify the amount(s).

According to Art. 48 of the CCP remuneration to an appointed legal rights protector shall be determined in the judgment or ruling, if the case is concluded in this manner, unless the legal rights protector has waived remuneration. If the case is not concluded with a judgement, the judge shall determine the remuneration in an entry in the court records, or in another manner in writing. The judge shall determine the remuneration as a single payment if the person who was nominated as the injured party's legal rights protector is subsequently appointed to that position. Otherwise, the District Prosecutor, a commissioner of police or a legally qualified member of their staff shall decide on remuneration to the nominated legal rights protector. Remuneration to the legal rights protector shall be paid by the Treasury and shall be regarded as part of legal costs under Article 233 of the CCP. The Courts Administration has set rules on hourly rates which shall be used as a frame of reference when determining remuneration. Therefore, there are no fees and or other financial barriers in place for victims of THB.

### **3. Compensation from the perpetrators (Article 15)**

3.1 What measures are in place to enable courts to award compensation to victims of THB, including children, from the perpetrators as part of criminal proceedings? What is the role of prosecutors in this respect?

Civil claims in criminal cases are discussed in Chapter XXVI of the Code of Criminal Procedure, No. 88/2008. Under Art. 172 of the Act, a victim and any other persons who consider themselves to have acquired a claim under civil law against an accused due to criminal conduct may seek a judgment on the claim in a criminal case, as provided for in more detail in Chapter XXVI. The claim shall be notified to the prosecutor before the indictment is issued but may also be submitted after the indictment has been issued if certain conditions are satisfied. In accordance with Paragraph 5, Article 173 of the CCP the prosecutor shall check whether the claim has been prepared in the proper manner, when a decision has been taken to proceed with prosecution, and whether the necessary materials have been submitted with it; he or she may grant the claimholder a short period in which to make good any deficiencies that there may be in the claim. The prosecutor shall mention the claim in the indictment or, as appropriate, the supplementary indictment, and enclose the statement of the claim, and other related materials, with the indictment submitted to the district court (cf. Article 154).

Under the CCP, the prosecuting authority must ensure that victims are notified of the status and outcome of cases when a complaint has been dismissed or the investigation of a case has ceased, when a case has been discontinued due to lack of evidence and a decision taken against prosecution in a case. The victim must also be informed of his/her right to request the grounds for such decisions and right to appeal the decision to the Director of Public Prosecution. The victim must also be notified when an indictment has been issued in a case; a legal rights protector safeguards the victim's interests in court and can therefore inform him/her of the court's conclusion or the outcome of the case in other respects.

3.2 How is the amount of compensation calculated and are there specific criteria or models for calculating it? What types of injury/damage and costs are covered? Are there any circumstances/conditions that would lead to a reduction of the amount of compensation?

Compensation is calculated in accordance with the general rules of Icelandic law, including the Damages Act no. 50/1993<sup>14</sup>. Compensation for personal injury as well as property damage can be covered if the general compensation terms are met. As far as personal injury is concerned, the victim can get compensation for lost earnings, health expenses, pain and suffering, permanent injury and loss of earning capacity.

The amount of compensation awarded is determined by the court. In the evaluation of the amount the judge looks to precedents in similar cases and the rules of the Icelandic tort law.

3.3 How are compensation orders/verdicts enforced? What measures are in place to guarantee and ensure effective payment of compensation?

The Treasury pays compensation for damage (injury, property damage, permanent injury and loss of earning capacity if certain requirements are met) resulting from a violation of the GPC, as provided for in the Act on the Payment of Compensation by the Treasury to Crime Victims, No. 69/1995, which entered into force in February 1996. The purpose of the Act is to improve the situation of victims of violent crimes by having the Treasury pay compensation for bodily harm and non-financial loss resulting from violations of the GPC, as the person who causes the crimes is usually not in a position to pay the compensation. The emphasis in the preparation of the Act was particularly on the payment of compensation ordered by a court for serious violent offences.

According to the same Act the Treasury also pays damages for suffering, cf. Article 3. If the victims get damages in accordance with this act the Treasury has a reclaim on the defendant and takes over the victims claim against him, cf. Article 19.

There is a limit to the amount the Treasury will pay for that is enlisted in the Act. According to Art. 7 compensation due to an individual act shall not be paid unless the principal amount of the claim is 400.000 ISK or higher. The Treasury will also not pay an amount greater than; a. 250.000 ISK for damage to property, b. 5.000.000 ISK for personal injury, incl. for permanent suffering or permanent injury, c. 3.000.000 ISK for suffering, d. 2.500.000 ISK for the loss of a provider, e. 1.500.000 for funeral expenses.

3.4 When foreign victims of THB are removed from or choose to leave the country where the exploitation took place, what measures are in place to enable them to obtain compensation and other remedies?

According to Icelandic law, the initiation of a criminal case is not dependent upon a claim by the victim, unless this requirement is set in the relevant penal provision. It is primarily criminal cases involving housebreaking and damage to property which require a claim from the victim. Therefore, a criminal case where a civil claim has been made can continue even though the foreign victim of THB has left the country. It is the role of the legal rights protector to uphold the victims claim until a judgement has been rendered.

Chapter III of the Act on the Payment of Compensation by the Treasury to Crime Victims, No. 69/1995, entails the requirements put forward to obtain compensation. Compensation can be obtained even if the perpetrator is unknown, cannot be found or is unfit to stand trial, but there is a requirement that the crime has been reported to the police without undue delay and that the victim has made a compensation claim against the defendant. The application must also be submitted to the Criminal Injuries Compensation Board two years after the offence was committed, unless there are special reasons for the delayed application.

It is also possible for victims to claim damages related to a criminal offence in civil law proceedings, after the criminal law proceedings have ended. According to the Code of Civil Procedure, no. 91/1991<sup>15</sup>, the

<sup>14</sup> Only available in Icelandic: <https://www.althingi.is/lagas/152c/1993050.html>

<sup>15</sup> In English: <https://www.government.is/publications/legislation/lex/2018/01/15/Act-on-Civil-Procedure-No.-91-1991-Excerpts/>

claimant is obliged to appear before the court during court proceedings, otherwise the court can dismiss the case. If the claimant is unable to appear before the court, he or she must be represented by an attorney.

The claimant can obtain free legal assistance in civil law proceedings under certain conditions regarding the claimant's economic situation and the subject matter, cf. section XX of the Code of Civil Procedure, no 91/1991. If legal aid is granted, it will amongst others cover the expenses for attorney fees.

3.5 What procedures are in place to ensure effective access to compensation for victims of THB for the purpose of labour exploitation? Can such victims bring civil claims for compensation and/or recovery of unpaid wages and social contributions on the basis of tort, labour, employment or other laws? Please specify the relevant measures. Can victims of THB working in irregular employment or without a contract claim unpaid wages and other compensation and if yes, how is the amount of unpaid wages and other compensation established?

Icelandic law provides civil law remedies against perpetrators for victims of violence, including victims of THB for the purpose of labour exploitation. Reference is made to answers to questions 1.1 and 2.1. There is nothing that would prevent a victim to put forward a claim for unpaid wages and social contributions in a civil claim in a criminal proceeding.

In cases where the exploitation of workers is not seen as falling under the definition of trafficking, the workers would have to go through the phases of private law to claim unpaid wages. The labour unions in Iceland provide assistance to workers, who are union members, to claim unpaid wages and offer legal counselling in cases like these.

3.6 What training is provided to build the capacity of relevant professionals, such as lawyers, law enforcement officers, prosecutors and judges, to enable victims of THB to obtain compensation and other remedies?

Reference is made to answer to questions 2.4 and 6.5. No special training is provided on how to obtain compensation and other remedies, but the relevant professionals have general knowledge on how to obtain compensation for victims of THB.

#### **4. State compensation (Article 15)**

4.1 Do the eligibility criteria for State compensation schemes for victims of crimes exclude some victims of THB (e.g. due to irregular residence status, nationality, nature of the offence)? Does access to State compensation depend on the outcome of the criminal case and on failure to obtain compensation from the offenders?

No, there are no victims of THB that are excluded from State compensation and the outcome of the criminal case does not affect access to State compensation. Reference is made to the replies to questions 3.3 and 3.4.

4.2 How is the amount of State compensation calculated so as to address the gravity of the harm endured by the victim?

State compensation in cases where the perpetrator is unknown or cannot be found are decided by the Criminal Injuries Compensation Board. The amount is calculated in accordance with general rules of Icelandic law including the Liability for Damages Act no. 50/1993 and precedents in the field. The amount of State compensation depends upon the nature of the crime as well as the victim's age and personal circumstances. Reference is also made to answers to questions 3.3 and 3.4.

4.3 Is it possible for foreign victims of trafficking to submit claims for State compensation in your country after being returned or repatriated to their countries of origin? Please provide examples of any such cases and indicate the measures stipulating such a possibility.

Yes, the country of residence is not a limitation to the right to state compensation for victims of THB. Most victims would apply through their legal rights protector regardless of where they reside. Unfortunately, we do not have any examples of such cases.

4.4 Are victims seeking State compensation liable for lawyers' costs and fees? Are State compensation awards subject to taxation? Does the receipt of compensation have consequences for access to social security or other benefits?

Reference is made to answer 2.5 in regarding lawyer's costs and fees.  
State compensation awards are not subject to taxation.

## 5. Sanctions and measures (Article 23)

5.1 Please describe the legislative and other measures adopted by your country which allow to:  
i) confiscate or otherwise deprive perpetrators of the proceeds of criminal offences, or property of an equivalent value to those proceeds; and  
ii) identify, trace, freeze or seize rapidly property which is liable to confiscation, in order to facilitate the enforcement of a later confiscation. Do these measures allow the identification, tracing and seizure of property into which the proceeds of illicit activities have been converted?

Gains derived from an offence, or a sum of money partly or fully equivalent to them, may be confiscated in accordance with Article 69 of the GPC. The same applies to items that are purchased with the gains or that have replaced them. Where it is not possible to prove in detail the monetary value of the gains, it may be estimated., cf. Article 69 of the GPC.

Article 69 a of the GPC further describes what may be confiscated:

"The following may be confiscated by a court judgment:

1. Items that have been used, or are intended to be used, in the commission of an offence, or regarding which there is thought to be a danger that they will be used for this purpose.
2. Items that have come into being through an offence.
3. Items that are connected in another manner with the commission of an offence.

Instead of the confiscation of items as provided for in the first paragraph, a sum of money partly or fully equivalent to them may be confiscated.

If a company is dissolved by a court judgment, its assets, books, documents and other possessions may be confiscated."

Items of value belonging to an individual who has been convicted of an offence may be confiscated, in part or in their entirety, when the offence is of a nature to entail substantial gains and it is punishable by at least 6 year's imprisonment. Subject to the same conditions as are stated above, items of value acquired by the current or former spouse of the offender, or by his/her cohabiting partner, may be confiscated, in part or in their entirety, unless the items of value were acquired more than 5 years prior to the commission of the offence or the individuals in question were not married or cohabiting at the time when the items of value were acquired. Subject to the same conditions as are before, items of value that have come into the possession of a legal person in which the individual in question, alone or together with his or her closest relations, is in a controlling position, may be confiscated, in part or in their entirety. The same applies if a substantial part of the revenues of the legal person are channelled to the individual in question. However, confiscation shall not be permitted if the items of value were acquired by the legal person more than 5 years prior to the commission of the offence. If the person in question demonstrates that the items of value were acquired in a lawful manner, they shall not be confiscated. Instead of the confiscation of items

as provided for in the first, second and third paragraphs, a sum of money partly or fully equivalent to them may be confiscated.

If gains derived from an offence have been mixed with possessions that were acquired lawfully, those possessions may be confiscated to the extent of the estimated value of the gains that were mixed with them.

In addition to that Article 69 d states that:

“Confiscation according to Article 69 may be directed at any person who has derived gains from an offence.

Confiscation according to the first and second paragraphs of Article 69a may be directed at the person who has committed the offence and any person for whom he or she worked.

Liens on items that are confiscated may only be lifted in accordance with the decision of a court in cases where the lien-holder is not in good faith.

If any of the persons named in the first and second paragraphs takes measures, after the commission of the offence, regarding ownership or lien rights on gains or items that are to be confiscated, the gains or items may be confiscated from a third party if he or she was aware of the connection between the gains or items and the offence or has demonstrated gross negligence in that regard. The same shall apply in the case of a gift.

Confiscation may not be effected if the person concerned is deceased, except in the case of confiscation under Article 69.”

Where confiscation of gains, objects, items, valuables or possessions other than the offender is demanded, the demand shall be directed towards the owner or the lien-holder. Where the identity of the owner or lien-holder is not known, or where his or her abode in Iceland is not known, the court may then apply confiscation in an action against the offender. Where the identity of the offender, or that of the lien-holder, is not known, confiscation may be effected by a court judgment without any person being indicted. Where items of value have been seized in the course of the investigation of a case and the identity of their owner is not known and no one lays a lawful claim to them within 5 years, they may then be confiscated.

Furthermore, the police may, as surety for the payment of a fine, legal costs and the confiscation of gains acquired through criminal offences, demand the performance of distraint against the accused's property if there is thought to be a danger that items of property would otherwise be disposed of, or lost, or that they would fall significantly in value, cf. Article 88 of the CCP. The execution and effect of distraint under this Article shall be in accordance with the distraint of items of value in general, with the exception that there is no obligation to put up security, no action need be brought in order to have the distraint confirmed and no fees shall be paid for the measures taken.

Article 88 a of the CCP also states that if the owner's consent is not available, it is permitted, upon a judge's court order, to sell items or assets that have been seized or distraint in order to ensure their confiscation or the payment of fines, legal costs and other claims if there is a risk that their value will decrease during the seizure or distraint. In the case of distraint property, the court order may also stipulate the obligation of the owner or line-holder to surrender possession of it.

5.2 In what way do victims of THB benefit from seized and confiscated assets of perpetrators of THB? Do the confiscated assets go directly to victims, to a compensation fund or scheme for victims of trafficking or to other programmes for the assistance or support of victims of THB? Please provide information on seizures and confiscations of assets in THB cases and how they were used.

Article 69 e of the GPC states that if any person suffers loss or damage when the offence is committed, it may be determined in the judgment that the value of the items confiscated is to be used to pay a compensation claim from the person concerned. Where the person convicted of the offence pays compensation to the offended party in such a case following the delivery of the judgment, then the amount to be confiscated shall be correspondingly reduced.

In a newly rendered judgement by the District court of Reykjanes, from 22 April 2022, case no. S-2066/2021, the prosecution put forward a claim for confiscation of money of the perpetrator that were seized during the investigation of the case, cf. Article 69 b. of the GPC. A claim was also put forward by the legal rights protectors of the victims of THB that the money that had been seized would be used to pay the compensation claims from the victims, cf. Article 69 e of the GPC. The judge agreed to the claims and each victim got an equal amount to compensate their claims.

5.3 Is it possible to use plea bargaining or some other form of settlement in cases of THB? If yes, please provide the relevant provisions. What protections are in place for victims of THB to ensure that their right of access to justice and effective remedies is not compromised by the plea bargaining or settlement in the legal process?

No, cases of THB will always be prosecuted if what has been revealed under the investigation of the case is deemed sufficient or likely to lead to a conviction. It is not possible to use settlement in cases of THB.

5.4 What is the average duration of court proceedings in THB cases? In which circumstances are such cases given priority? Do you have a system to fast-track human trafficking-related prosecutions in order to improve the trial process and reduce the burden on victims and witnesses, including children? What safeguards are in place to ensure that judges deal with cases of THB without undue delay?

Only one case has gone to court since 1<sup>st</sup> of January 2015, same case as mentioned in answer 5.2. That case came to the District Prosecutor from the Police on the 20<sup>th</sup> of August 2021. An indictment was issued the 14<sup>th</sup> of October 2021, the case was registered with the District Court of Reykjaness on 7 December 2021, taken in plenum on March 4<sup>th</sup> 2022 and a judgement rendered the 7<sup>th</sup> of April 2022. Total duration of the District court proceedings took 176 days or nearly six months. The accused has appealed the judgement, but a final judgement has not yet been rendered.

Human trafficking cases are of high importance and in the abovementioned case the defendant was subjected to a travel ban during the investigation and trial period so that also expedited the case.

In Article 171 of the CCP states that cases shall be processed as quickly as possible. There are no special rules on the proceedings of THB related cases but as a general rule, criminal cases do have a priority over civil cases. If a perpetrator is held in custody or travel ban, such a case will have an even higher priority. According to the Director of Public Prosecutions office in Iceland most cases where THB is under investigation a claim for custody will be put forward pursuant to the CCP no. 88/2008, both during the investigation and when the case is before the courts, because of the severity of the crime. Like stated before, cases of that nature do get fast-tracked. The Director of Public Prosecutions has also issued instructions to prosecutors, no. 4/2017<sup>16</sup>, that cases regarding physical and sexual violence shall be processed quickly. Special priority shall be given to cases of sexual assault, such as rape, cases involving violence against children, domestic violence and cases where the perpetrator is under the age of 18.

The Director of Public Prosecutions organises and provides education and training of prosecutors and has put special emphasis on the process of THB cases. In 2021 the DPP held a seminar on THB legislation in Iceland and the changes made to the Icelandic penal code and in the other Nordic countries. Prosecutors from Norway, Denmark and Sweden gave presentations on cases they had worked on during the seminar.

5.5 How do you ensure that sanctions for THB offences are effective, proportionate and dissuasive?

Article 227 a of the General Penal Code criminalizes human trafficking and provides for a penalty of imprisonment for a term by up to 12 years.

The provision reads as follows:

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<sup>16</sup> Only available in Icelandic: <https://www.rikissaksoknari.is/fyrirmaeli/malsmedferdartimi>

“Anyone convicted of the following acts, one or more, for the purpose of sexually using a person or for forced labour or to remove his/her organs shall be punished for human trafficking by up to 12 years’ imprisonment:

1. Procuring, transporting, handing over, housing or accepting someone who has been subjected to unlawful compulsion under Article 225 or deprived of freedom [as covered by the first paragraph of Article 226, or threatened as defined in Article 233 or subjected to unlawful deception by awakening, strengthening or utilizing the lack of understanding concerning circumstances or by exploiting the position of vulnerability of the person concerned.

2. Procuring, transporting, handing over, housing or accepting an individual younger than 18 years of age.

3. Rendering payment or other gain in order to acquire approval from a person who has control of another person’s actions for the exploitation of that person.

The same penalty shall be applied to a person accepting payment or other gain under indent 3 of the first paragraph.

If a violation under the first paragraph is committed against a child, this shall be considered as an aggravating factor when deciding the severity of the punishment. The same penalty shall be applied to anyone convicted of the following acts, one or more, for the purpose of facilitating human trafficking:

1. Forging a travel or identity document.

2. Acting as an intermediary in obtaining, or providing, such documents.

3. Retaining, removing, damaging or destroying the travel or identity documents of another individual.”

Preparatory work with Article 277 a of the GPC states that it should be taken into consideration when deciding on a penalty for a violation of the Article if the victim is a child or if the act is part of organized crime. If those factors are present, they should lead to a heavier penalty.

When the prosecutor must decide on the claim of punishment in THB cases the emphasis is – as in all other criminal cases – placed on the gravity and the seriousness of the offence. In assessing this, the damage, danger, age of the victim and violation associated with the offence are considered. Article 70 of the GPC is also cited when punishment is decided. The Article holds an authorisation to aggravate the punishment if the factors listed in the Article are present in the case. Article 70 is as follows:

“When punishment is decided, the following factors, in particular, are to be considered.

1. The importance of the object of the offence.

2. The extent of the damage or loss caused.

3. How much of a threat the action posed, particularly when consideration is given to when, where and how it was carried out.

4. The age of the perpetrator.

5. The perpetrator’s former conduct.

6. The strength and degree of the perpetrator’s resolve.

7. The perpetrator’s motive.

8. The perpetrator’s conduct after committing the offence.

9. Whether he gave, on his own initiative, assistance or information that was of substantial significance for the establishment of his offence, the participation of other persons in the offence or other offences.

Where more than one person collaborated in the commission of the offence, this shall normally be considered as aggravating the punishment. If the action was directed against a man, woman or child closely related to the perpetrator, and the relationship between them is considered as having aggravated the seriousness of the offence, this shall normally be considered as aggravating the punishment.”

## **6. Ex parte and ex officio applications (Article 27)**

6.1 What is the procedural position of a victim of THB in criminal proceedings? What steps are taken to assist victims of THB, including children, to enable their rights, interests and views to be presented and

considered during the criminal proceedings against offenders? Who is entitled to assist victims of THB in court? Can victims of THB be represented by NGOs in criminal proceedings?

The Act on Criminal Procedure, No. 88/2008, provides for the rights of victims. Pursuant to Art. 40 of the Act the police are obliged, if appropriate, to advise victims of their rights under the law. Under Art. 41 the police are obliged to appoint a legal rights protector for victims of human trafficking. Remuneration to the victim's legal rights protector is paid from the National Treasury as provided for in the Act on Criminal Procedure. Under Art. 45, the role of the legal rights protector is to safeguard their client's interests and provide assistance in the case, including the bringing of civil actions. The legal rights protector is the one assisting the victim to enable their rights, interests and views during the proceedings against offenders and is the only one entitled to assist victims of THB in court, therefore victims of THB cannot be represented by NGO's in criminal proceedings. In the spring of 2022 parliament passed a bill on amendments to the articles on legal rights protectors of the CCP. The amendments improve the legal position of victims in more serious cases, providing for information disclosure on the progress of the case, greater access to documentation by the legal rights protector, allowing compensation claims to be admitted at the appeal stage despite the acquittal of an accused by the District Court, and authorising the appointment of a legal rights protector for the victim at the appeal stage even if the victim's claim for compensation is not under review. Also, legal aid has been ensured at all stages if a case has to go back before the courts as a civil claim case.

Hearings of children under the age of 15 are done in Barnahus. During the investigation hearings of children are done at the court level, meaning that a judge and the defence attorney are present during the hearing. This is done so the child does not have to give a statement more than once during the proceedings of the case, to prevent re-traumatisation. As well as being appointed a legal rights protector, the police are obliged to report all cases concerning violence against children to child protective services, in the municipality of the home of the child. A representative from child protective services is allowed to be present all hearings of the child and is always present in the most serious crimes, such as human trafficking. The hearing is carried out by a forensic psychologist.

6.2 If the authorities fail to discharge their obligation to effectively investigate and prosecute suspected cases of trafficking, what possibilities for redress exist for victims of THB and their families? To what extent have victims of trafficking, including children, access to complaint mechanisms, such as Ombudsman institutions and other national human rights institutions?

If, in the victim's opinion, the authorities have failed in their obligation to take the necessary preventive remedies and protective measures in their area of responsibility, the victim can claim compensation from the National Treasury, settlement of which is in the hands of the Attorney General, or may bring an action against the state for compensation. The Attorney General handles the defence of civil cases brought against the state, as provided for in the Act on the Attorney General, No. 51/1985. No statistics are available on claims to the Attorney General.

If the victim considers that they has been wronged by the authorities, the victim can lodge a complaint with the Althingi Ombudsman, whose role is to supervise state and local government administration, ensuring that it complies with law. If the Ombudsman's investigation gives cause to suspect that an infringement has taken place, the office may propose the waiver of costs for an action which it deems appropriate be brought before a court for resolution.

According to an agreement of the Ministry of social welfare and labour with the The Icelandic Human Rights Center the IHRC provides free legal counselling for immigrants and provides people in general with information on their rights.

Bjarkarhlíð and Bjarmarhlíð, family justice centres, located in Reykjavík and Akureyri, give victims of violence free legal aid. Free legal aid is also provided at the Women's shelter located both in Reykjavík and Akureyri.

6.3 What reporting and complaint mechanisms are in place for victims of trafficking who are in an irregular migration situation and/or in detention?

Answers to questions 6.1, 6.2 and 6.3 apply to victims in irregular migration situations. In addition applicants for international protection are appointed a legal representative to assist them with their application and possible appeals etc.

6.4 Can victims of THB bring claims against the State or its officials for:  
i) direct involvement in THB;

Yes, the same applies for claims when the perpetrator is an official of the State or has direct involvement in a THB case. A special investigation unit under the District Prosecutors office, investigates criminal offences of public officials.

ii) failure to prevent THB or protect them from THB? Have there been cases where State agents or persons acting on behalf, or at the direction, of the State were found responsible for engagement in THB and/or failure to prevent it or protect victims from THB by third parties? Please provide information on any prosecutions against diplomatic and consular staff for alleged involvement in THB.

If, in the victim's opinion, the authorities have failed in their obligation to take the necessary preventive remedies and protective measures in their area of responsibility, the victim can claim compensation from the National Treasury, settlement of which is in the hands of the Attorney General, or may bring an action against the state for compensation. The Attorney General handles the defence of civil cases brought against the state, as provided for in the Act on the Attorney General, No. 51/1985.

There have been no cases or prosecutions against State agents or persons acting on behalf or at the direction, of the State have been found responsible for engagement in THB or failure to prevent or protect victims, nor against diplomatic and consular staff for alleged involvement in THB.

6.5 What steps have been taken to strengthen and maintain the capacity of prosecutors to effectively prosecute trafficking cases?

The Centre for Police Training and Professional Development is responsible for educating and training the staff of police and in some instances prosecutors as well. The Director of Public Prosecution is responsible for the training and education of prosecutors. The Ministry of Justice puts efforts in inviting staff of police and prosecutors to various seminars and conferences on the topic of human trafficking, both internationally and nationally.

Following is a list of seminars and conferences delegates from Iceland have attended:

10 December 2020	Virtual anti-THB training hosted by the U.S. Department of Justice on coercion based human trafficking investigations and prosecutions. (9 prosecutors from Iceland Attended).
24 September 2021	A seminar organized by the Centre for Police Training and Professional Development on amendments to the penal-code and different manifestations of THB, attended by prosecutors. (Aprox. 10 prosecutors attended).
8-9 November 2021	Roundtable on overcoming challenges related to prosecution of trafficking in human beings' cases through a victim-centred approach, in Vienna,

	Austria, by THB-unit at OSCE. (Three prosecutors from Iceland attended).
18 November 2021	Seminar on Nordic Best Practices against Trafficking in Human Beings in Helsinki. Organized by the Finish presidency of the Nordic Council of Ministers. (Four prosecutors from Iceland attended).
3 December 2021	A seminar organized by the Director of Public Prosecution on the amendments to the penal code on the article on THB, Icelandic case-law and on best practices in the Nordic countries, where three prosecutors from different Nordic countries spoke about THB cases they had worked on in their home countries. (most prosecutors in Iceland attended).

The National co-ordinator for human beings attends various meetings on the topic under the auspices of the Council of Europe, OSCE, The UN etc. When possible, the National Co-ordinator invites both police, prosecutors and other relevant actors to join the seminar and conferences.

## **7. Non-punishment provision (Article 26)**

7.1 Please indicate what measures are taken to ensure that victims of THB, including children, are not punished for their involvement in unlawful activities (criminal, civil, administrative offences), to the extent they were compelled to do so, providing any concrete examples of their implementation.

The general provisions in art. 74 and 75 of the GPC contain exculpatory circumstances which can be applied in cases of THB where a victim commits an offence while being trafficked. Article 146, par. 3.d. of the Code of Criminal Procedure gives prosecutors the permission to waive prosecution if special circumstances apply such as 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. The same applies for children and according to art. 14 of the GPC, no person shall be punished for a deed committed before he or she attained the age of 15 years.

7.2 Can persons who have breached national laws in the course, or as a consequence, of being trafficked have access to remedies for victims of trafficking, including State compensation?

Yes. The same applies for victims in that position, as all other victims as well as the provisions mentioned under 7.1. would apply.

## **8. Protection of victims and witnesses (Articles 28 and 30)**

8.1 How are victims of THB protected in practice against potential retaliation or intimidation before, during and after legal proceedings? How is the assessment of the needs for protection performed and who recommends the application of the protection measures? Who is responsible of the implementation of the protection measures?

In Icelandic legislation there are no formal articles on witness protection. However several articles in both the CCP and GPC are made to protect witnesses during in both police investigation and court hearings. These are art. 65, 66 and 122 and 123 in the CCP and article 108 of the GPC.

The police and prosecution authority evaluates in every case if a special protection for victims and witnesses is needed and tries according to their wishes to protect them as much as possible, in accordance to the former mentioned provisions of the law.

The police has f.ex. assisted female victims of violence staying at the Women's shelter, by standing guard outside the shelter and drive victims to places they need to visit, such as a doctor's appointment etc.

8.2 How do you ensure that victims are provided with realistic and practical information about the progress of the case and whether the perpetrator has been detained or released?

According to the instructions of the Director of Public Prosecution to prosecutors, No. 1/2020, prosecutors shall ensure that the victim and legal rights protector are informed if the accused is remanded in custody and when he/she is released from custody, in a case concerning a violation of the sexual offences and violent offences chapters of the GPC, or when the circumstances of the case are such that it must be considered important for the victim to be informed of the above. The Director of Public Prosecution also notifies the victim and his/her legal advisor of the appeal of an acquittal and other judgments of which the victim would otherwise be unaware.

With the aforementioned amendments to the GPC in June 2022 a new paragraph was added to art. 97 of the CCP that the police and prosecutor shall inform the victim or the legal rights protector if the defendant has been remanded in custody or released from custody. The Prison and probation authority has also been given victims information on when a prisoner is given a home leave for a day or conditional release.

8.3 How do you ensure respect for the victims' right to safety, privacy and confidentiality during court proceedings?

See answer to question 8.1.

8.4 In how many cases were witness protection measures used for the protection of victims and witnesses of THB, including children? If witness protection measures/programmes are not applied to victims of trafficking, what are the reasons?

Witness protection measures have not been needed and therefore not used in the cases reported and investigated from the year 2015.

8.5 When victim protection is provided by NGOs, how are NGOs resourced and supported to perform this function and how do the police and the prosecution co-operate with NGOs?

Measures on witness protection are only provided by the judicial system in Iceland, not NGO's.

8.6 How do you ensure that child victims of THB are treated in a child-sensitive way and are provided with protection before, during and after judicial proceedings in accordance with the Council of Europe Guidelines on Child Friendly Justice? Are interviews with children conducted in specially designated and adapted spaces by professionals trained to interview children? What measures are taken in order to ensure a limited number of interviews?

Hearings of children under the age of 15 are done in Barnahus. During the investigation hearings of children are done at the court level, meaning that a judge and the defence attorney are present during the hearing. This is done so the child does not to give a statement more than once during the proceedings of the case, to prevent re-traumatisation. As well as being appointed a legal rights protector, the police are obliged to report all cases concerning violence against children to child protective services, in the municipality of the home of the child. A representative from child protective services is allowed to be present all hearings of the child and is always present in the most serious crimes, such as human trafficking. The hearing is carried out by a forensic psychologist.

According to art. 31. of the Foreign Nationals Act no. 80/2016 The Government Agency for Child Protection shall ensure the safeguarding of a minor's interests [...]. This provision applies when the applicant is under the age of legal majority and resides in Iceland without parents or other guardians, or when the parents or guardians cannot fulfil their obligations towards the minor, or when a Child Protection Committee deems a minor's guardianship to be unsatisfactory. *This provision also applies to minors who are suspected to be victims of human trafficking.* A person safeguarding a minor's interests shall be an expert in the field of child protection and have no records of criminal conduct. The Government Agency for Child Protection shall ensure a minor is provided with a foster home or other suitable placement, that the minor's interests are given priority and that the Child Protection Committee fulfils the minor's needs in an appropriate manner as provided in the Child Protection Act, for instance, regarding residence, healthcare services and educational opportunities. The Government Agency for Child Protection shall ensure, among other things, that a member of Child Protection staff: a. is present when the minor is questioned and in other interviews with representatives of authorities, b. is present and safeguards the minor's interests during age assessment, if an age assessment is requested, c. assists the minor in availing him/herself of services of the legal representative in seeking his/her family members as necessary, d. receives information on the status of the minor's application and is in contact with the minor's advocate, cf. art. 30 (1), and e. ensures a safe residence for the minor as provided for in the Child Protection Act; however a minor from age 15 onwards may reside in a reception centre, cf. art. 27, until an appropriate residence is found. The Child Protection Committee staff member shall take account of a minor's nationality, gender, language, and religious and cultural origin, e.g. by ensuring adequate communication with the minor through an interpreter.

The Government Agency for Child Protection's responsibility for safeguarding the minor's interests concludes formally when: a. a minor reaches the age of legal majority, or a minor who claimed to be under the age of legal majority is deemed to have legal majority by a decision of the Directorate of Immigration, b. a minor is granted a residence permit in Iceland and the Child Protection Committee assumes guardianship under the Child Protection Act, c. a minor leaves or is escorted from Iceland, d. the parents or guardian of a minor can fulfil their custodial responsibilities satisfactorily. The cost of safeguarding a minor's interests is paid by the Treasury.

As mentioned before in all cases of serious crime, such as human trafficking, and where a child is the victim the police is obliged to report the case to the child protective services and they handle all matters related to the child's wellbeing.

## **9. Specialised authorities and co-ordinating bodies (Article 29)**

9.1 What budget, staff and resources, including technical means, are put at the disposal of law enforcement bodies specialised in combating and investigating THB?

A special law enforcement body, specialised in combating and investigating THB is operated at the Reykjavik Metropolitan Police, the largest police department in Iceland. There are 2-3 investigators working in the department at each time. The department is a sub-entity of the investigation department investigating organised crime in the Metropolitan area. Therefor segregated data is not available for

resources put at the disposal of the department. Yearly the budget provided to the THB-department is approx. 268.000 euros.

9.2 If your country has specialised units for financial investigations, financial intelligence units and asset and recovery units, please describe whether and how are they used in investigating and prosecuting THB cases. Which special investigation techniques do these units use? Which public and/or private bodies do these specialised financial investigation units co-operate with in relation to THB cases?

The Reykjavík Metropolitan Police operates a specialized unit for financial investigations. The unit consists of 9 personnel, including 3 non-police financial experts. The unit also specializes in asset recovery. The Metropolitan Police does not operate a specific ARO office. The techniques that are implied today, in regard to financial investigations related to THB, are in accordance with the latest trends and MO's. Key stakeholders are Western Union and Moneygram among other local financial institutions. It is worth mentioning that good cooperation with the border Police is also a key factor in the investigations. When preparing an investigation regarding THB, the money flows need to be analysed with the purpose of gathering information on who is the main target and who gets the financial benefits from THB. The financial investigation needs to be conducted parallel to the THB investigation for optimal results. The Reykjavik Metropolitan Police rely both on case studies, case law and public private partnership in their investigations and cooperation with foreign counterparts.

The District Prosecutor operates a Financial intelligence unit (FIU). According to article 20, act no. 140/2018, the FIU receives suspicious transaction reports and suspicious activity reports on suspicion of money laundering or terrorist financing. The FIU is responsible for analysing reports received, obtaining necessary additional information and to disseminate the analysis to competent authorities. The role of the FIU is not to investigate or prosecute, cases on THB are disseminated to the Metropolitan Police in Reykjavik.

The FIU's operational analysis focuses on individual cases or specific subjects and strategic analysis intended to identify developments and trends in money laundering and terrorist financing.

As mentioned above the FIU does not investigate but in their operational analysis the FIU uses guidance's and open-source information on trends/typologies on THB. The FIU published reports from FATF on their website on Financial Flows from Human Trafficking.

The FIU also has access to wide range of databases e.g. national registry, government payroll systems, tax information, police system, flight lists and passenger information. The FIU is also a member of the Egmont Group and can exchange information with other financial intelligence unites rapidly through Egmont Secure Web.

The FIU is in very good cooperation with the police in Iceland which receives the FIU's operational analysis and with other competent authorities.

The FIU is in a public/private participation (PPP) with the biggest commercial banks in Iceland. The FIU meets with them ones a month and discuss the emerging risk, trends and typologies in relation to money laundering and terrorist financing.

In May 2022 the FIU presented a human trafficking case from April 2022 in the PPP meeting with the commercial banks. The FIU gathered information from the Police district in Suðurnes, which investigated the case, and presented the typologies seen in the financials flows so the banks could use the information in their supervision.

## **10. International co-operation (Article 32)**

10.1 How does your country co-operate with other countries to enable victims of THB to realise their right to redress and compensation, including recovery and transfer of unpaid wages after they leave the country in which the exploitation occurred?

Iceland has signed the European Convention on the Compensation of Victims of Violent Crimes.

10.2 Has your country co-operated with other countries in the investigation and prosecution of THB cases through financial investigations and/or Joint Investigation Teams? Please provide statistics on such cases and examples from practice.

The Reykjavík Metropolitan Police (RMP) has not co-operated with other countries in the investigation and prosecution of THB cases. Neither through financial investigations nor Joint Investigation Teams. The THB unit at RMP's participate in various international forums regarding THB with the emphasis on Europol projects, both EMPACT THB and AP Phoenix. Also, a forum between the Nordic countries.

10.3 How many mutual legal assistance requests and/or European Investigation Order have you made in THB cases and what was their outcome?

Out of all of the requests for mutual legal assistance, no requests have needed to be made in those cases. Iceland is not a part of the European Investigation Order.

10.4 What forms of international co-operation have proven to be particularly helpful in upholding the rights of victims of trafficking, including children, and prosecuting alleged traffickers?

In the cases that have been investigated in Iceland from the year 2015, the Icelandic police authorities have been in co-operation with member countries of Europol through the services and assistance of Europol.

10.5 What international co-operation measures are in place to ensure protection and assistance to victims on return from your country to their countries of origin following their participation in criminal proceedings?

Victims of trafficking who have applied for international protection in Iceland may be eligible for Assisted Return and Reintegration (AVRR) assistance with the International Organization for Migration (IOM) in Helsinki. No return program is in place for victims of trafficking who hold a different immigration status. However, victims who have legally resided in Iceland for less than two years or hold a tolerated stay status in Iceland – may be eligible for municipal support to purchase a flight ticket to their country of origin.

10.6 What international co-operation measures are in place to protect and assist victims of THB for the purpose of sexual exploitation through online streaming where the perpetrator is a national or habitual resident of your country and elements of the crime have occurred in your country's jurisdiction?

The Icelandic authorities are in good co-operation with international bodies and foreign authorities in the fight against child sexual exploitation. The Icelandic authorities have f.ex. sent material for cross-matching to Europol and have access to a Danish database for cross-matching purposes as well. The Icelandic police is also in good co-operation with NCMEC. Several police investigators have participated in seminars on investigations of CSEM cases at Interpol.

## **11. Cross-cutting questions**

11.1 What steps are taken to ensure that victims of THB have equal access to justice and effective remedies, irrespective of their immigration status and the form of exploitation?

See answers above (f.ex. 2.1.). Victims of THB have equal access to justice and effective remedies irrespective of their immigration status. When victims are referred to the NRM they receive all assistance needed such as from the Directorate of immigration, meaning the assistance is irrespective of their immigration status and also the form of exploitation.

11.2 What steps are taken to ensure that criminal, civil, labour and administrative proceedings concerning victims of THB are gender-sensitive?

In Iceland the legislation is gender neutral in general and that applies to the General Penal Code and Code on Criminal Procedure as well as other legislation concerning the protection and rights of victims of human trafficking. In Iceland specialists have had training and education on the specific needs of people in vulnerable position and on gender-based violence.

11.3 What steps are taken to ensure that procedures for obtaining access to justice and remedies are child-sensitive, readily accessible to children and their representatives, and give weight to the child's views?

In June 2022 parliament passed a bill on amendments to the Child Protection Act. The changes, among others aim at strengthening the right to participation within the child protection system as well as increasing the right to child friendly information and a child friendly environment. According to art. 4. par. 2 of the Child Protection Act child protection authorities shall, in their work, take account of children's views and wishes, in accordance with the age and maturity of the child. The child shall be given information about their case in a child friendly manner, in accordance with the age and maturity of the child.

As mentioned before, when a child is a victim of a crime in Iceland, it is obligatory that a representative from the child protective services handles all matters relating to the child's best welfare during the and after the proceedings of the case. All hearings of children are done in Barnahus, by a forensic psychologist.

11.4 What steps are taken to ensure that private entities take steps to prevent and eradicate trafficking from their business or supply chains and to support the rehabilitation and recovery of victims? What options exist for victims of trafficking to access effective remedies from businesses implicated in human trafficking?

One of the actions of the NAP is to prevent labour exploitation. One form of action that is mentioned is to promote awareness raising on corporate social responsibility and the chain of responsibility.

In October 2018 the Minister of Social Affairs and Children appointed a working group to combat social dumping on the domestic labour market. The group was composed of representatives from the government and the social partners. In January 2019 the working group submitted its report; one of its main suggestions was to increase focus on appropriate assistance and protection for victims of trafficking and forced labour. In the aftermath of the report, in September 2019, a working group was appointed by the Minister of Social Affairs and Children, composed of the representatives from the social partners and government to develop a legislative framework to combat social dumping in the domestic labour market.

On the initiative of the Minister of Social Affairs and Children in November 2019 an agreement was concluded between the governmental agencies that oversee the labour market to formalise their co-operation and consultation. The main aim of the agreement is to ensure that all employees are working according to Icelandic law and collective agreements.

In June 2018 amendments were made to the Act on Foreign Nationals' Right to Work, No. 97/2002, giving the Directorate of Labour the power to grant a temporary work permit in Iceland to persons who are victims or potential victims of human trafficking and have been granted a residence permit in Iceland. In June 2018 amendments were also made to various legal acts, including Act on Posted Workers and the Obligations of Foreign Service-Providers, No. 45/2007, Act on Temporary-Work Agencies, No. 139/2005

and Act on Working Environment, Health and Safety in Workplaces, No. 46/1980. The aim of the amendments is to strengthen the legal framework and give Icelandic authorities better oversight of the labour market, as well as implementing Directive 2014/67/EU concerning the posting of workers in the framework of the provision of services.

The Directorate of Labour (DoL) has maintained a three-person team to respond to suspected trafficking cases and educate government employees on trafficking cases and on identifying potential victims.

The government and the social partners operate the website [www.posting.is](http://www.posting.is). The site contains key information on the rights and obligations of foreign service companies and their employees who are temporarily posted in Iceland.

Last year, provisions on the chain of responsibility of principal contractors were added to the Public Procurement Act which entered into force on 1 January 2020. Some preparatory work was undertaken on a broad basis with relevant government agencies and stakeholders and guidelines issued following that work. Articles on the chain of responsibility had previously been incorporated into Acts No. 139/2005 and 45/2007.

11.5 What legal, policy and practical measures are taken in your country to prevent and detect situations where corruption facilitates human trafficking and infringes the right of victims of THB of access to justice and effective remedies? Please provide information on any known or proven cases of corruption or related misconduct of public officials in THB cases and any sanctions issued.

There have not been any cases of corruption in relation to THB in Iceland. Various protocols are in place within government entities on ethics.

## Part II – Country-specific follow-up questions

12. Please provide information on new developments in your country since GRETA's second evaluation report concerning:

- emerging trends of trafficking in human beings (new forms of exploitation, new recruitment methods, vulnerable groups, gender-specific aspects of trafficking, child trafficking);

According to the data available on THB in Iceland labour exploitation, as well as sexual exploitation, are the most common form of exploitation known in Iceland. According to data labour exploitation it is most often seen in the travel industry, such as in restaurants and in companies providing services to tourists. The most vulnerable groups are immigrants and applicants for international protection or refugees. There is a rise in immigrants from Romania of the Roma culture, where children are a part of the group and suspicion is on sexual exploitation as well as begging etc.

- the legislation and regulations relevant to action against THB (e.g. criminalisation of THB, identification and assistance of victims of THB, recovery and reflection period, residence permit, supply chains, public procurement);

In June 2021 parliament passed a bill on amendments of article 227. a. of the GPC on human trafficking. The changes aim at the culpability of human trafficking in the purpose of strengthening protection of victims and increase the probability of indictments and convictions. With the amendments more means of exploitation were added to the article, f.ex. forced marriage and aiding and abetting. Also, the word prostitution has been added to the article to emphasise that human trafficking in Iceland seems to be most common when it comes to prostitution. Another change that is important is that a threat does not have to be a threat of a punishable act as it was before.

In June 2018 amendments were made to the Act on Foreign Nationals' Right to Work, No. 97/2002, giving the Directorate of Labour the power to grant a temporary work permit in Iceland to persons who are victims or potential victims of human trafficking and have been granted a residence permit in Iceland. In June 2018 changes were also made to various legal acts, including Act on Posted Workers and the Obligations of Foreign Service-Providers, No. 45/2007, Act on Temporary-Work Agencies, No. 139/2005 and Act on Working Environment, Health and Safety in Workplaces, No. 46/1980. These strengthen the legal framework and give Icelandic authorities better oversight of the labour market, as well as implementing Directive 2014/67/EU concerning the posting of workers in the framework of the provision of services.

Provisions on the chain of responsibility of principal contractors were added to the Public Procurement Act which entered into force on 1 January 2020. Some preparatory work was undertaken on a broad basis with relevant government agencies and stakeholders and guidelines issued following that work. Chain responsibility had previously been incorporated into Acts No. 139/2005 and 45/2007.

- the institutional and policy framework for action against THB (bodies responsible for co-ordinating national action against THB, entities specialised in the fight against THB, national rapporteur or equivalent mechanism, involvement of civil society, public-private partnerships);

Following the new NAP in 2019, a steering group was established to implement the actions set out in the action plan. The aim of the steering group is to combat human trafficking by advising the government on policy in this area and supporting and monitoring the implementation of the Action Plan. The group meets regularly and has received guidance from OSCE to perform its role as effectively as possible. The steering group has formed three task forces led by experts in the fields in which each is active. The task forces work on developing and implementing actions under the government's new Action Plan. One in the field of prevention, another in the field of protection and the third in the field of investigation and prosecution. In an annex there is a list of participants in the group. The group consists of entities who have a touchpoint with the fight against THB in Iceland.

- the current national strategy and/or action plan for combating trafficking in human beings (objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results);

In an annex, please find a copy of the current National Action Plan. The steering group mentioned in the answer above is responsible for its implementation. Funding followed one of the actions, mainly the establishment of an NRM, an amount of aprox. 21.400 euros per year. Regarding the other actions funding was considered to fit within the government budget. Since the steering group is assembled of stakeholders both from the government, the private sector and NGO's, the steering group itself evaluates and monitor the results of the implementation of the NAP in its regular meetings over the year.

- recent case law concerning THB for different forms of exploitation.

Since the 2<sup>nd</sup> evaluation of GRETA there has been one prosecution and conviction for THB in Iceland, on 7 April before the Reykjaness District court. Case no. S-2066/2021, same as mentioned above.

A Filipino female was convicted of labour exploitation of three of her Filipino stepchildren, all under 18 years of age at the time, in a laundromat she was the manager of. This took place from April 2018 until November 2020. She married their father when he was living in the Philippines. She handled the applications for all their residence permits in Iceland. From the beginning of the children living in Iceland, they worked at the laundromat for up to 13 hours per day, 6-7 days a week. They were made to work before attending school in the morning and after school as well and were not allowed to do any extracurricular activities. The convicted paid them salary, but either transferred the money to her own bank account or made the children withdraw the salary from an ATM and hand it over to her, for a total of approx. 116.400 euros. She used the money to finance her purchases of a real estate in the Philippines. The convicted was sentenced to a 4-year imprisonment and was made to pay the victims in total 155.000 euros.

13. Please provide information on measures taken in your country in respect to the following recommendations made in GRETA's second evaluation report:

- develop and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data on measures to protect and promote the rights of victims as well as on the investigation, prosecution and adjudication of human trafficking cases;

One of the actions of the NAP, launched in 2019, is regarding statistics. According to the action the NRM, district prosecutor, police authorities and the Judicial Administration are responsible for ensuring recording of information about potential victims of human trafficking and the registration of information by the police and prosecution authorities of complaints and notifications regarding suspicion of human trafficking and how they are handled. Since the NAP was introduced the NRM has published thorough data on those seeking assistance from them. The Prosecution task force of the steering group has amended the work procedure rules on THB for law enforcement, with the aim to ensure consistency in the registration of cases between different police districts nation-wide. Regarding data collection efforts have been made to receive as many reports of THB through the same canal, namely the emergency services 112. In June 2021 an informational hub on human trafficking was launched at [www.112.is/en/mansal](http://www.112.is/en/mansal). The Government has created this informational portal as a help for victims to seek assistance and for awareness raising. In the informational hub you find all information you need on the indicators of human trafficking, the various types of the manifestation of human trafficking and all available resources in Iceland. On the webpage you can also report to the police anonymously or not, by writing a message instead of calling the 112 emergency number. The emergency personnel answering your call or message can refer you to the NRM or other relevant resources.

With the new 112.is portal in place, the ability of the 112 emergency services personnel to identify victims of human trafficking needed to be strengthened. During 2021 the emergency services personnel had three training seminars on identification and referral of victims of human trafficking. In parallel to the trainings, a work process for the emergency response personnel was developed.

The aim of the work process is to further improve the identification of victims, provide tools for evaluation of the needs for immediate assistance and strengthen the know-how of the emergency services personnel so that they are better equipped to give victims information where to seek assistance. In addition to providing victims of human trafficking a platform to get information and access to assistance, the 112 emergency services, and the 112.is, serve a secondary function: data collection. When a suspected victim contacts the 112, general data is collected to better understand the scope of human trafficking phenomenon in Iceland. The data, including for instance the type of exploitation, can be used to make the Icelandic authorities and civil society actors more prepared to prevent human trafficking. The 112 emergency personnel have a possibility to share information on human trafficking with a police advisory group. This information, saved in a shared file that the police advisory group has access to, can include

anonymous tips on suspected exploitation and data on cases – as long as the victim has agreed to cooperate with the law enforcement. 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 section in 112.is was published, the information sharing process has been activated five times.

- set up a formalised National Referral Mechanism (NRM) 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;

One of the actions of the NAP from 2019 was to establish a national referral mechanism, no later than the year 2020. On 1 July 2020 an NRM was established within the framework of Bjarkarhlíð, a family justice centre in Reykjavík. It was a trial period for one year, that has been prolonged until the end of 2022. The role of the NRM is to co-ordinate procedures and responses to suspected trafficking, including by contacting the necessary professionals, as well as handling prevention and education and awareness-raising within the community. The work of the NRM has mainly focused on the former of contacting the necessary professionals. A team of relevant professionals from various entities, such as the police, the health care system, labour unions, justice centres for victims, social system etc. is summoned to provide the victim with necessary and relevant assistance.

- establish a clear procedure concerning the identification of child victims of trafficking which is integrated into the child protection system and 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;

One of the actions of the NAP is on identification, assistance and protection of children. The child protection authorities shall prepare clear and effective procedures for identifying children suspected of being victims of human trafficking. Guidelines shall be provided and procedures for professionals working with children if a child is suspected of being a victim of trafficking.

In the fall of 2021 the prevention task-force of the steering group on human trafficking made a leaflet on information of indications of human trafficking. In the leaflet there is a special section on children. A lawyer from the National Agency for Children and Families took part in deciding on the index of the leaflet.<sup>17</sup>

The Directorate of Immigration has made thorough work-procedures for their staff when suspicion of human trafficking arises. There it is especially stated that if a victim is a child, the best interest of the child should be ensured, and child protective services made aware of their situation.

- provide safe and suitable temporary accommodation for all victims of trafficking, which is adapted to their needs, gender and age;

The Women's shelter provides female victims of THB and their children with temporary safe house. The Women's shelter is now also located in Akureyri. In other rare cases the municipalities that provide male victims of THB with social service would assist with providing housing solutions. Since the increase of people applying for international protection in Iceland, the Directorate of Immigration has available housing if needed, especially for men, and has expressed their willingness to assist the social services if housing is needed. If a child would be a victim of THB the child protection services would provide with safe housing as well as comprehensive support. In most of the cases reported either to the NRM or the police, the majority of victims were women. There have not been any implications with providing victims with accommodation.

<sup>17</sup> [Human Trafficking – Indicators, leaflet issued by the Ministry of Justice in 2022](#)

- strengthen efforts to discourage demand for the services of trafficked persons, for all forms of exploitation;

Efforts have been made to strengthen awareness raising on human trafficking in Iceland. Referral is made to the discussion on the informational hub on [www.112.is](http://www.112.is), f.ex. in question 1.1. The hub is intended to help victims to seek assistance and also for awareness raising. There you can find information on all forms of exploitation in the form of text and videos. To advertise the informational hub, advertising banners were put up on one of the largest news-media website in Iceland, [www.visir.is](http://www.visir.is). The banners were both in Icelandic and English. The banner on the Polish part of the media-website got most of the "clicks" out of all of the banners on the website. The [112.is/mansal](http://112.is/mansal) website has been visited over 5500 times from it launch, aprox. 15 times per day.

The Reykjavik Metropolitan Police has regularly initiated investigations on buyers of prostitution, where several buyers have been ordered to pay a fine (in case of their first violation) for their conduct. A press release is often issued in continuation of the investigation, with the aim to discourage demand for exploitation of people in the sex-industry.

- include slavery, practices similar to slavery and servitude as types of exploitation in the legal definition of trafficking in human beings.

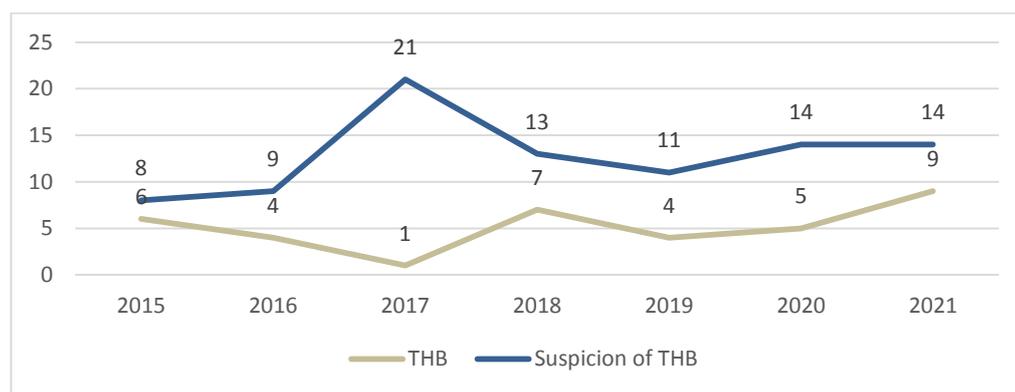
In June 2021 parliament passed a bill on amendments of article 227. a. of the GPC on human trafficking. The changes aim at the culpability of human trafficking in the purpose of strengthening protection of victims and increase the probability of indictments and convictions. With the amendments more means of exploitation were added to the article, such as slavery, forced labour, forced servitude including begging, forced marriage, forced criminality and aiding and abetting. Also, the word prostitution has been added to the article to emphasise that human trafficking in Iceland seems to be most common when it comes to prostitution, as well as labour trafficking. Another change that is important is that a threat does not have to be a threat of a punishable act as it was before.

### Part III - Statistics on THB

14. Please provide the following statistics, **per year starting with 2015**, where available disaggregated as indicated below:

- Number of presumed victims and identified victims of THB in the sense of having been recognised by a state institution or mandated NGO as bearers of rights to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

In 2015-2021 there have been total of 36 cases that took place in these years and were registered as trafficking in human beings (THB), by the Icelandic Police, according to data from the National Police Commissioner in Iceland. Moreover, 90 case have been registered as suspicion of THB.



**Figure 1.** Number of THB cases and “suspicion of THB” cases in 2015-2021, by date of occurrence.

**Table 1.** Number of THB cases and suspicion of THB in 2015-2021 by date of occurrence

	2015	2016	2017	2018	2019	2020	2021	Total
THB	6	4	1	7	4	5	9	36
Suspicion of THB	8	9	21	13	11	14	14	90
<b>Total</b>	<b>14</b>	<b>13</b>	<b>22</b>	<b>20</b>	<b>15</b>	<b>19</b>	<b>23</b>	<b>126</b>

**Table 2.** Type of THB cases and suspicion of THB in 2015-2021 (date of occurrence)

	THB	Suspicion of THB
Forced labor	11	41
Sex trafficking or exploitation	11	34
Forced marriage	5	1
No information	9	14
<b>Total</b>	<b>36</b>	<b>90</b>

If we look more deeply into the cases that occurred in the years 2020-2021, there have been total of 14 cases that took place in these years and were registered as trafficking in human beings (THB), by the Icelandic Police with total of 38 recognized victims\*.

Moreover, 28 cases have been registered as suspicion of THB, with 33 recognized victims (see table 3 and 4).

\*There were 5 cases registered as THB with date of occurrence 2020 and 2021, with the same perpetrator, and with total of 31 recognized victims. This was an extensive case where the offender was suspected of digital sexual violence and he was suspected simultaneously for THB. All the victims were Icelandic and the average age 15 years (all under 18 years old, except for one).

**Table 3.** Number of THB cases and suspicion of THB in 2020-2021

	2020	2021	Total
THB	5	9	14
Suspicion of THB	14	14	28
<b>Total</b>	<b>19</b>	<b>23</b>	<b>42</b>

**Table 4.** Number of cases and recognized victims in THB cases and suspicion of THB in 2020-2021

	Number of cases	Number of victims
THB	14	38
Suspicion of THB	28	33
<b>Total</b>	<b>42</b>	<b>71</b>
Thereof cases where victims not recognized/found	4	

In 38 cases, total of 71 victim was recognized. In four cases the victims were not recognized.

When all cases (THB and suspicions) are included 13 cases fall under the category "forced labor" and 21 cases under the category "sex trafficking or sex exploitation". In 7 cases the type of exploitation was not clear.

**Table 5.** Type of THB cases and suspicion of THB in 2020-2021

	THB	Suspicion of THB
Forced labor	1	12
Sex trafficking or exploitation	9	12
Forced marriage	1	0
No information	3	4
<b>Total</b>	<b>14</b>	<b>28</b>

Most often the case was at first reported to the police, sometimes as THB or suspicion of THB (23 out of 42), and in some cases as other offence at first, and the police identified it as THB or suspicion of THB when they arrived at the scene.

**Table 6.** Body which identifies the THB and suspicion of THB

	THB	Suspicion of THB	Total
Police identifies	1	8	9
Police and customs at the border	2	5	7
NGO/help line/union	0	3	3
Victim or other reporting to the police (and/or police identifies as THB/suspicion of THB)	11	12	23
<b>Total</b>	<b>14</b>	<b>28</b>	<b>42</b>

In table 7 and 8 the figures for victims have been aggregated by gender and age groups in cases including THB cases and suspicion of THB cases, where the victims are recognized.

**Table 7.** THB cases and suspicions of THB, victims by gender in 2020-2021.

	THB	Suspicious of THB	Total	%
Male	1	10	11	15%
Female	37	23	60	85%
<b>Recognized victims</b>	<b>38</b>	<b>33</b>	<b>71</b>	<b>100%</b>

**Table 8.** Suspicion of THB and THB cases 2020-2021, victims by age groups

	THB and suspicions of THB	%
0-15 ára	31	44%

16-20	10	14%
21-30	15	21%
31-40	9	13%
41-50	5	7%
Unknown	1	1%
<b>Recognized victims</b>	<b>71</b>	<b>100%</b>

The nationality of victims in THB cases and suspicions of THB cases was Iceland, Nigeria, Romania, Somalia, Poland, Albania, Ivory Coast, Lithuania, South Korea, Philippine Islands, Ghana, Greece, China, Latvia, Malaysia, Nepal and Czech Republic.

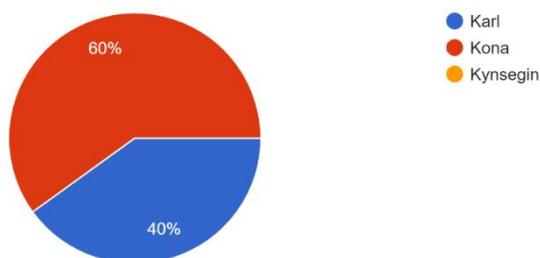
Like stated above Bjarkarhlíð, the Family Justice Centre in Reykjavík, was made responsible for the THB project, for a trial period of one year from July 2020. The trial period has been prolonged with funding from the government until the end of the year 2022. Therefore, statistics from them are only available from 1. July 2020 until 1 September 2022.

During the period of 1 July 2020 – 1 July 2021 15 cases were reported to Bjarkarhlíð

Sex:

Hvert er kyn þolanda?

15 svör

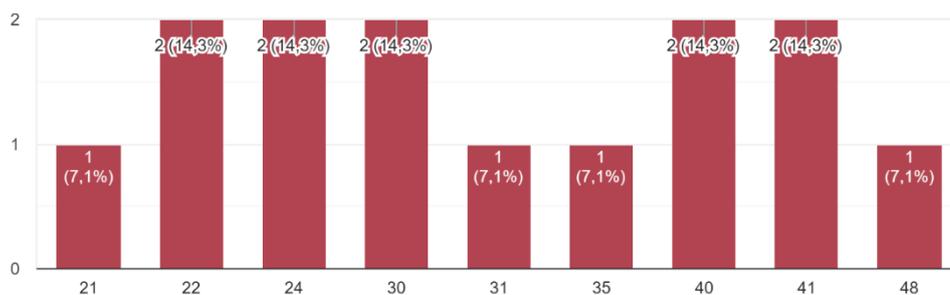


What is the sex of the victim? 15 answers, blue: male, red: woman, yellow: non-binary.

Age:

Aldur þolanda

14 svör



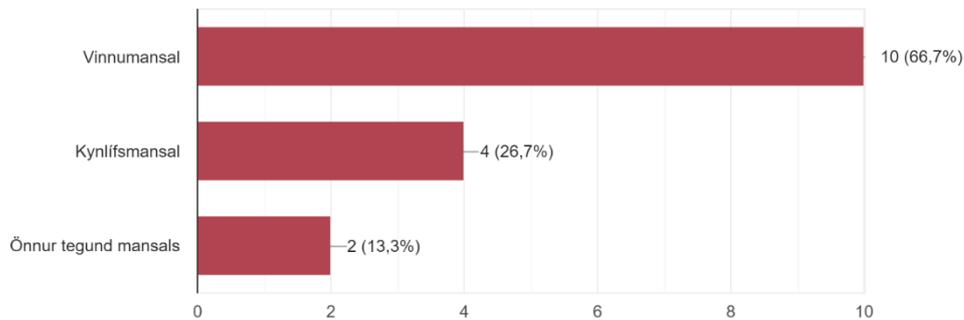
Age of the victim, 14 answers

**Nationality:**

Chinese, Philippines, Vietnamese, two from Nigeria, Ghanaian, Salvadorian, Thai, Malian, Polish, Nepalese, two from Somalia, two from Romania.

**Form of exploitation:****Tegund mansals**

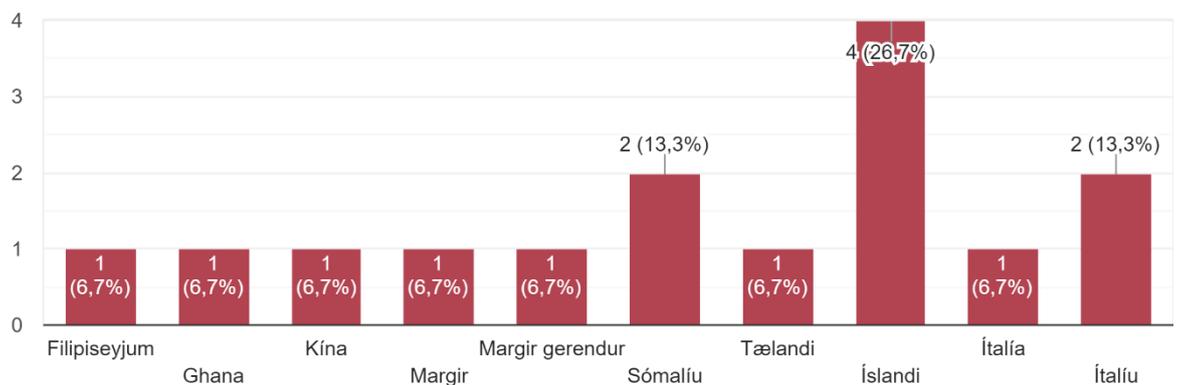
15 svör



Form of exploitation, 15 answers, forced labour (10), prostitution (4), other forms of exploitation (2)

**Internal or transnational trafficking:****Frá hvaða landi er gerandi/gerendur?**

15 svör



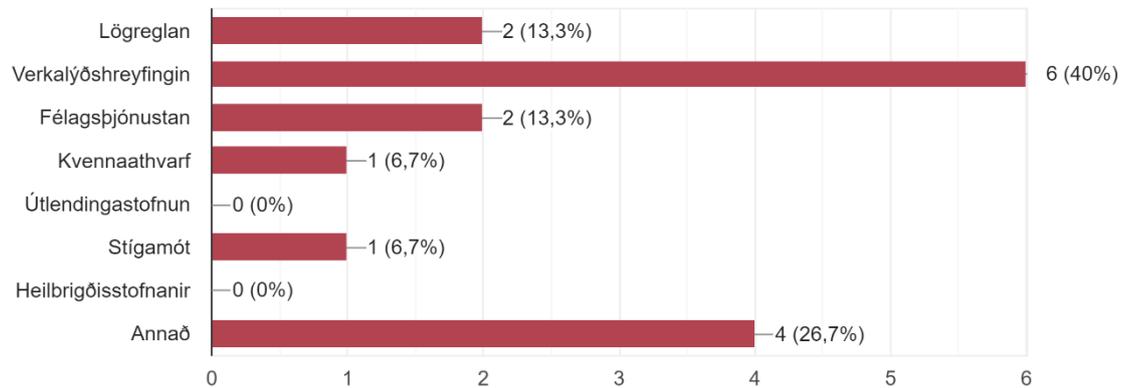
From what country was the perpetrator/perpetrators? 15 answers.

Philippines, Ghana, China, Many, Many perpetrators, Somalia, Thailand, Iceland, Italy, Italy.

**Body which identified them:**

### Hvernig kemur mál á borð Bjarkarhlíðar?

15 svör



Who reported the case to Bjarkarhlíð? 15 answers

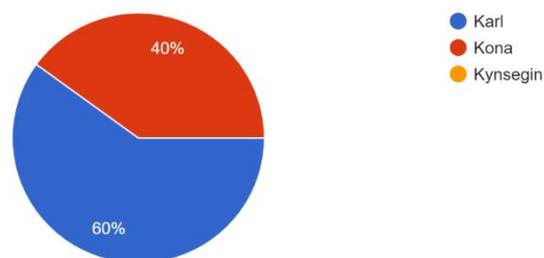
The police (2),  
 The unions (6),  
 Social services (2),  
 The women 's Shelter (1),  
 The Directorate of Immigration (0),  
 Stígamót (NGO) (1),  
 Health care facilities (0),  
 Other (4)

During the period of 1 July 2021 – 1 September 2022 10 cases were reported to Bjarkarhlíð:

Sex:

Hvert er kyn þolanda?

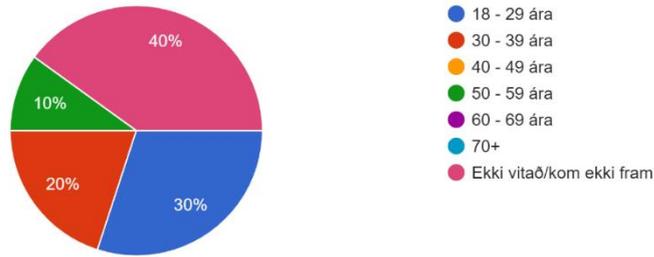
10 svör



What is the sex of the victim? 10 answers, blue: male, red: woman, yellow: non-binary.

Age:

Aldur þolanda  
10 svör



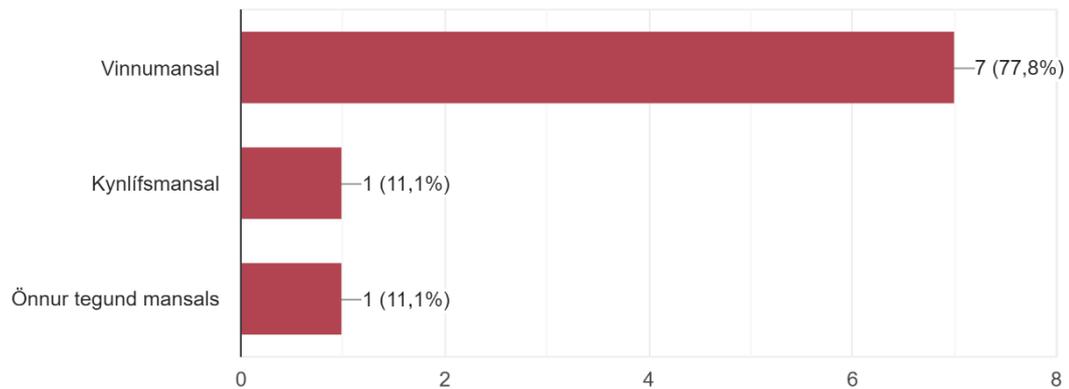
Age of the victim, 10 answers,  
Ára = age  
Ekki vitað/kom ekki fram = unknown

Nationality:

Albanian, two from Bulgaria, Philippines, Chinese, Lithuanian, Malaysian, Pakistani, Polish og Rumanian.

Form of exploitation

Tegund mansals  
9 svör

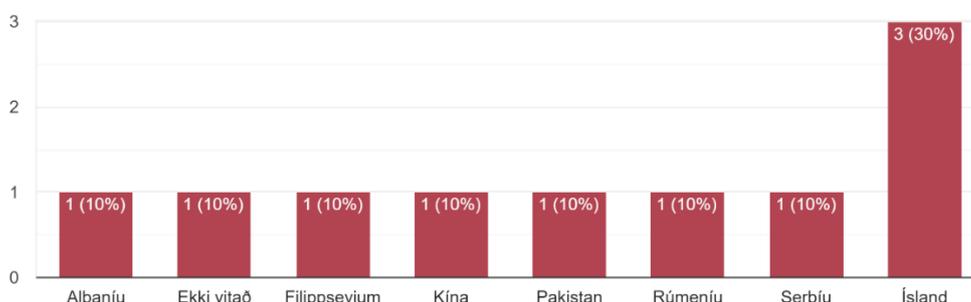


Form of exploitation, 9 answers, forced labour (7), prostitution (1), other forms of exploitation (1)

## Internal or transnational trafficking:

Frá hvaða landi er gerandi/gerendur?

10 svör

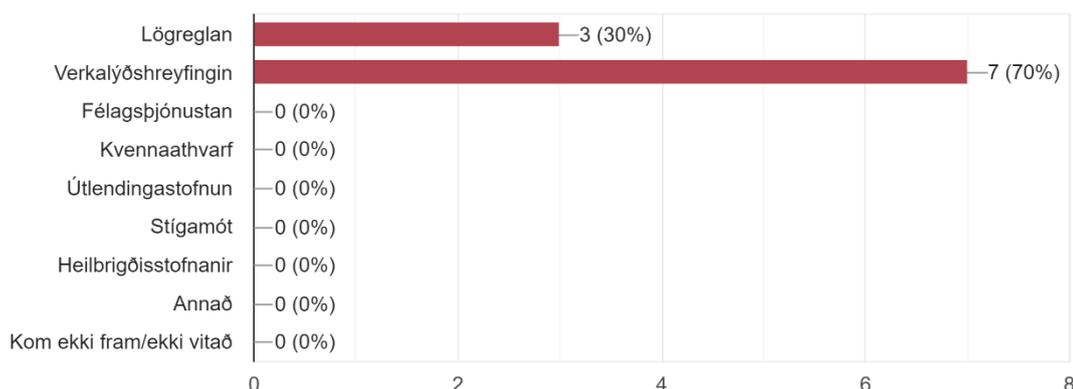


From what country was the perpetrator/perpetrators? 10 answers.  
Albania, Unknown, Philippines, China, Pakistan, Rumania, Serbia, Iceland.

## Body which identified them:

Hvernig kemur mál á borð Bjarkarhlíðar?

10 svör



Who reported the case to Bjarkarhlíð? 10 answers

The police (3),  
The unions (7),  
Social services (0),  
The women's Shelter (0),  
The Directorate of Immigration (0),  
Stígamót (NGO) (0),  
Health care facilities (0),  
Other (0)  
Unknown (0)

- Number of victims of THB identified as part of the asylum procedure (disaggregated by sex, age, nationality, form of exploitation).

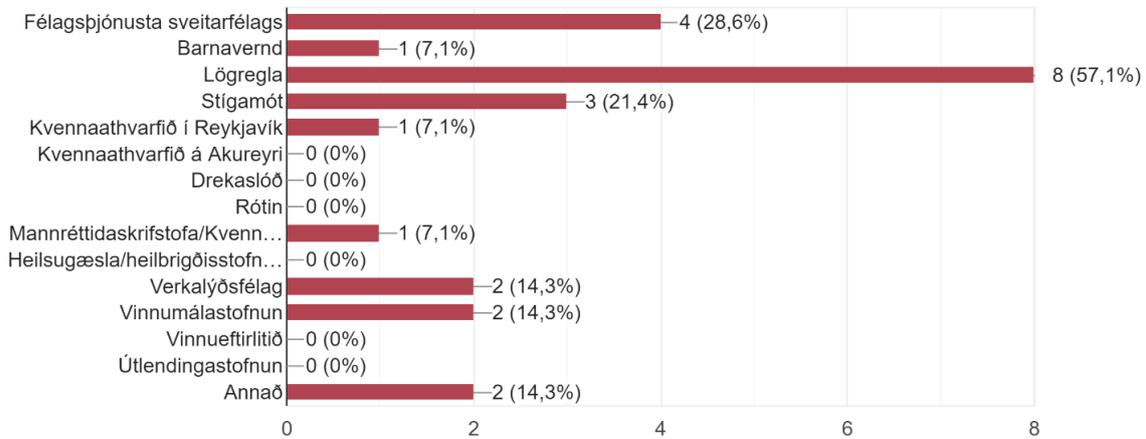
Twenty individuals were identified as possible victims of THB during the asylum procedure. Information on how many of them were actual victims is not available.

- Number of victims of THB who received assistance (disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).

Statistics from Bjarkarhlíð from 1 July 2020 to 1 July 2021

## Tilvísun innan velferðarþjónustu eftir að Bjarkarhlíð kemur að máli þolanda.

14 svör

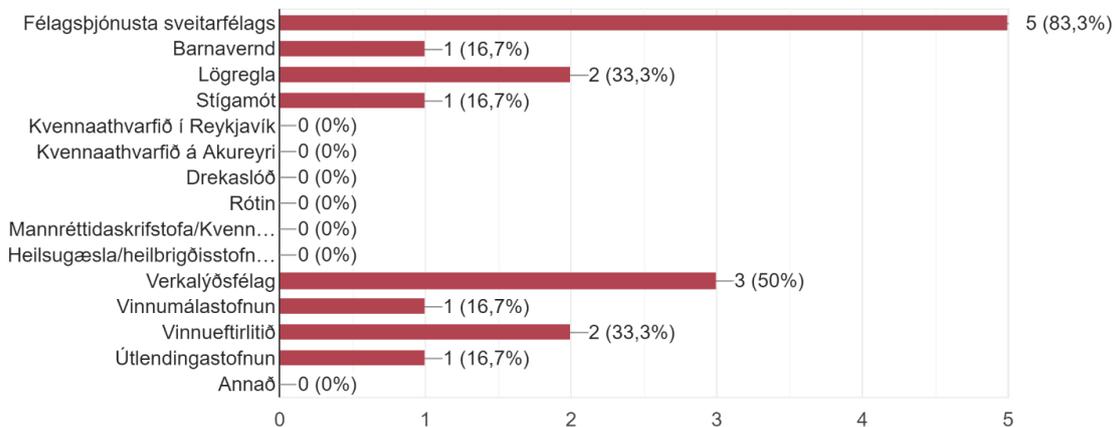


Cases referred to entities after Bjarkarhlíð has reviewed a case of a victim of THB, 14 answers,  
 Social services of municipalities (4),  
 Child protection committee (1),  
 The police (8),  
 Stígamót (3),  
 Women's Shelter in Reykjavík,  
 Women's Shelter in Akureyri,  
 Drekaslóð (NGO),  
 Rótin (NGO),  
 Icelandic Human Rights centre (1),  
 Health care facilities,  
 The Unions (2),  
 Directorate of Labour (2),  
 The Administration of Occupational Safety and Health (AOSH)  
 The Directorate of Immigration  
 Other (2)

## Statistics from Bjarkarhlíð from 1 July 2021 to 1 september 2022

## Tilvísun innan velferðarþjónustu eftir að Bjarkarhlíð kemur að máli þolanda.

6 svör



Cases referred to entities after Bjarkarhlíð has reviewed a case of a victim of THB, 6 answers,

Social services of municipalities (5),  
 Child protection committee (1),  
 The police (2),  
 Stígamót (1),  
 Women's Shelter in Reykjavík,  
 Women's Shelter in Akureyri,  
 Drekaslóð (NGO),  
 Róttín (NGO),  
 Icelandic Human Rights centre,  
 Health care facilities,  
 The Unions (3),  
 Directorate of Labour (1),  
 The Administration of Occupational Safety and Health (AOSH) (2),  
 The Directorate of Immigration (1)  
 Other

- Number of child victims of THB who were appointed legal guardians.
  - No available statistics.
- Number of victims of THB granted a recovery and reflection period (disaggregated by sex, age, nationality, form of exploitation).
  - Two women were granted a temporary residence permit based on recovery and reflection. Due to limited number of victims, further disaggregation could not be provided.
- Number of victims of THB granted a residence permit, with an indication of the type of the permit and its duration (disaggregated by sex, age, nationality, form of exploitation).
  - One woman was granted a residence permit as a victim of THB. Due to limited number of victims, further disaggregation could not be provided.
- Number of persons given refugee status or subsidiary/complementary protection on the grounds of being victims of THB (disaggregated by sex, age, nationality, form of exploitation).
  - These numbers are not available.
- Number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation (disaggregated by sex, age, nationality, form of exploitation, with an indication of whether the compensation was provided by the perpetrator or the State, and the amount awarded).
  - In the one case that the District Prosecutor has prosecuted, three victims were granted compensation. Female born in 2002, compensation IKS 8.271.025 + interest, Male, born in 2003, compensation ISK 9.096.413 + interest, female born in 2005, compensation ISK4.352.185 + interest. All victims are from the Philippines and were victims of forced labor. The state guarantees the compensation to a certain amount. One victim in the case, a female born in 2009 asked for compensation but the accused was acquitted for offences against her so the claim was rejected.
- Number of victims of THB who received another form of financial support from the State, with the indication of the amount received.
  - These numbers are not available.
- Number of victims of THB who received free legal aid.
  - These numbers are not available.
- Number of victims of THB who were returned or repatriated to/from your country (disaggregated by sex, age, country of destination, form of exploitation).
  - These numbers are not available.
- Number of investigations into THB cases (disaggregated by type of exploitation, with an indication of the number of victims concerned).

**Table 9.** Suspicion of THB and THB cases 2020-2021, where further investigation took place

	THB	Suspicious of THB	Total
Number of cases	14	28	42
Thereof investigation took place:	13	9	22
Investigation took place (%)	93%	32%	52%

**Table 10.** Suspicion of THB and THB cases 2020-2021, number of victims were a further investigation took place

	THB	Suspicious of THB	Total
Male	1	3	4
Female	37	6	43
<b>Total</b>	<b>38</b>	<b>9</b>	<b>47</b>

**Table 11.** Suspicion of THB and THB cases 2020-2021, age of victims were a further investigation took place

	THB and suspicions of THB	%
0-15	28	68%
16-20	5	12%
21-30	3	7%
31-40	2	5%
41-50	3	7%
<b>Recognized victims</b>	<b>41</b>	<b>100%</b>

Nationality of victims in investigated cases: Iceland, Somalia, Poland, Romania, Ivory Coast, South Korea, Ghana, Latvia, Lithuania, Malaysia, Nigeria.

**The data:** The data were taken out of the police data system the 1st of September 2022. The figures might be different from earlier reports, whereas when further investigation take place in cases, the offence „THB” or „suspicion of THB” can be added to the case. More over all cases were reviewed thoroughly and if a case was registered twice (first as suspicion and later as THB) only the THB case was taken into these figures.

In the later part of an investigation more offences can be added to the case, f.ex. when the prosecution process of the case takes place.

The reports only include offenses that took place in 2015-2021.

#### Data annex:

##### THB and suspicion excluding the extensive sexual offence case 2020-2021:

	THB and suspicions of THB	%
Male victim	10	25%
Female victim	30	75%
<b>Total</b>	<b>40</b>	<b>100%</b>

##### THB and suspicion excluding the extensive sexual offence case 2020-2021:

	THB and suspicions of THB	%
0-15 ára	5	13%
16-20	6	15%

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21-30	15	38%
31-40	9	23%
41-50	4	10%
Unknown	1	3%
<b>Recognized victims</b>	<b>40</b>	<b>100%</b>

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- Number of prosecutions in THB cases (disaggregated by type of exploitation, with an indication of the number of victims and defendants concerned).
  - One, same case as mentioned above.
- Number of convicted perpetrators of THB (disaggregated by sex, age, nationality, form of exploitation).
  - One, a 59-year-old woman originally from the Philippines. Found guilty of THB, forced labor of stepchildren.
- Number of convictions for THB, with an indication of the form of exploitation, whether the victim was adult or child, the type and duration of the penalties, and whether they were effectively enforced or suspended.
  - Same case as mentioned above. The victims were children. Judgement 4 years in unconditional prison.
- Number of judgments in THB cases resulting in the confiscation of assets.
  - Same case as mentioned above.
- Number of convictions of legal entities for THB.
  - None

**Annex:**

1. The DoI's internal handbook and guidelines on the procedure regarding cases where there is concern about possible THB – only available in Icelandic.
2. National Action Plan - Government Emphases in actions against human trafficking and other types of exploitation
3. List of participants in the NAP steering group.