



**Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings**

**Recommendation CP(2014)15
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Iceland**

*adopted at the 15th meeting of the Committee of the Parties
on 5 December 2014*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as 'the Convention'), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Iceland on 23 February 2012;

Having examined the Report concerning the implementation of the Convention by Iceland, adopted by GRETA at its 20th meeting (30 June - 4 July 2014) in the framework of the first evaluation round;

Having examined the comments of the Icelandic Government on GRETA's report, submitted on 17 September 2014;

Welcoming the measures to combat trafficking in human beings taken by the Icelandic authorities, and in particular:

- the development of the legal and institutional framework for action against trafficking in human beings and the adoption of two national action plans against trafficking;
- the steps taken to prevent trafficking for the purpose of sexual exploitation through awareness-raising campaigns and measures to discourage demand for sexual services;
- the framework for State compensation of victims;
- the provision in Icelandic law of a recovery and reflection period of six months, which is longer than the minimum of 30 days envisaged in the Convention;
- the fact that Icelandic legislation envisages the issuing of residence permits to victims of trafficking both on the basis of their personal situation and when co-operating in the investigation or criminal proceedings;

Taking note of the areas where further action is required in order to improve the implementation of the Convention by Iceland, in particular:

- strengthening action to combat trafficking for the purpose of labour exploitation, including through raising public awareness, discouraging demand and improving the identification of victims of trafficking among migrant workers;
- taking further steps to ensure that all victims of trafficking are properly identified and assisted, in particular by introducing a national referral mechanism and promoting multi-agency involvement to victim identification and a proactive approach by front-line actors;
- setting up a procedure for the identification and referral of child victims of trafficking;
- strengthening efforts to provide assistance to victims and presumed victims of trafficking, including safe and suitable temporary accommodation;
- setting up the institutional and procedural framework for the return of victims of trafficking;
- taking additional measures to ensure that human trafficking offences are investigated and prosecuted effectively, leading to proportionate and dissuasive sanctions.

1. Recommends that the Government of Iceland implement the proposals of GRETA listed in Appendix I to the Report concerning the implementation of the Convention by Iceland (see addendum);

2. Requests the Government of Iceland to inform the Committee of the Parties of the measures taken to comply with this recommendation by 5 December 2016;

3. Invites the Government of Iceland to continue the ongoing dialogue and co-operation with GRETA and to keep GRETA informed of the measures taken in response to its proposals.

Addendum

List of GRETA's proposals concerning the implementation of the Convention by Iceland

Definition of "trafficking in human beings"

1. GRETA considers that the Icelandic authorities should ensure that all the means including in the Convention are appropriately taken into account.
2. GRETA urges the Icelandic authorities to include slavery, practices similar to slavery and servitude as types of exploitation in the legal definition of trafficking in human beings.
3. GRETA considers that stating explicitly in law the irrelevance of the consent of a victim to the intended exploitation could improve the implementation of anti-trafficking provisions and provide victims with greater confidence in self-reporting to NGOs and public authorities.

Comprehensive approach and co-ordination

4. GRETA urges the Icelandic authorities to strengthen action to combat THB for the purpose of labour exploitation.
5. GRETA also considers that the Icelandic authorities should take further steps to involve NGOs and trade unions in the development, implementation and evaluation of anti-trafficking policy.
6. Further, GRETA invites the Icelandic authorities to introduce an independent evaluation of the implementation of the Action Plan as a tool for assessing the impact of the activities and for planning future policies and measures to combat human trafficking, and to consider the establishment of an independent National Rapporteur or designating an existing independent mechanism for monitoring the anti-trafficking activities of State institutions (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report).

Training of relevant professionals

7. GRETA invites the Icelandic authorities to take further steps to ensure that all relevant professionals are trained periodically on preventing THB, identifying victims and referring them to assistance. Such training should be provided in particular to law enforcement officials, prosecutors, judges, border guards, customs officers, labour inspectors, social workers, child welfare staff, health-care staff, and diplomatic and consular staff. Future training programmes should be designed with a view to improving the knowledge and skills of relevant professionals which enable them to identify victims of trafficking, to assist and protect them, to facilitate access to compensation and to secure convictions of traffickers. The training should also stress the need to apply a human rights-based approach to action against THB on the basis of the Council of Europe Convention and the case-law of the European Court of Human Rights.

Data collection and research

8. GRETA urges the Icelandic authorities to develop and maintain a comprehensive and coherent data collection system on trafficking in human beings by compiling reliable statistical information from all main actors and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination), for the purpose of preparing, monitoring and evaluating anti-trafficking policies. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database.

9. GRETA considers that the Icelandic authorities should conduct and support research on THB issues, including when such studies are carried out by civil society, as an important source of information for future policy measures. Areas where research is needed in order to shed more light on the extent of human trafficking in Iceland include trafficking for the purpose of labour exploitation and trafficking in children.

International co-operation

10. GRETA commends the efforts made by the Icelandic authorities in the area of international co-operation and invites them to continue developing this aspect with a view to preventing human trafficking, assisting victims of trafficking, and investigating and prosecuting human trafficking offences, including through exploring further possibilities for co-operation with governmental and non-governmental actors in the main countries of origin of persons trafficked to Iceland.

Measures to raise awareness and discourage demand

11. GRETA urges the Icelandic authorities to carry out information and awareness-raising campaigns on THB with the involvement of civil society and on the basis of previous research and impact assessment. Special attention should be paid to raising awareness of THB for the purpose of labour exploitation.

12. GRETA considers that the Icelandic authorities should strengthen their efforts to discourage demand for the services of trafficked persons for the purpose of labour exploitation in economic sectors at higher risk of human trafficking, such as construction, hotels, catering and entertainment. GRETA also invites the Icelandic authorities to consider establishing as a criminal offence the use of services which are the object of labour exploitation, with the knowledge that the person is a victim of trafficking in human beings.

Social, economic and other measures for groups vulnerable to THB

13. GRETA considers that the Icelandic authorities should integrate the prevention of human trafficking in the policies for unaccompanied children, migrant workers and asylum seekers.

Border measures to prevent THB and measures to enable legal migration

14. GRETA welcomes the drawing up of this information sheet and invites the Icelandic authorities to have it translated into a range of languages and to ensure that foreign nationals arriving in Iceland are provided with written information, in a language that they can understand, in order to alert them to the risks of THB, inform them of their rights and where to turn for advice and assistance.

15. GRETA also considers that the Icelandic authorities should make further efforts to:

- detect and prevent THB through border control measures;
- introduce a checklist to identify potential THB-related risks during the visa application system.

Identification of victims of trafficking in human beings

16. GRETA urges the Icelandic authorities to set up a formalised national referral system defining clear procedures and roles of all frontline actors who may come into contact with victims of trafficking, and in particular to:

- ensure that the formal identification of victims of human trafficking, including Icelandic and EU/EEA nationals, is not dependent on the initiation of criminal proceedings;
- promote multi-agency involvement in victim identification and referral to assistance by formalising the role and input of specialised NGOs and involving other relevant actors, such as labour inspectors;
- provide regular training on the identification of victims of THB to all frontline staff who may come into contact with possible victims, including operational indicators, guidance and toolkits for the identification of victims of trafficking;
- ensure that law enforcement officials, social workers, labour inspectors and other relevant actors adopt a more proactive approach and increase their outreach work to identify possible victims of trafficking, regardless of the possibility of initiating criminal cases;
- improve the identification of victims of trafficking among migrant workers and asylum seekers;
- set up a procedure for the identification and referral of child victims of trafficking, which takes into account the special circumstances and needs of child victims and involves child specialists, child protection services and specialised police and prosecutors.

Assistance to victims

17. GRETA urges the Icelandic authorities to strengthen their efforts to provide assistance to victims of trafficking, including measures to:

- regulate the provision of assistance to victims of THB regardless of whether the person is legally resident in Iceland;
- provide safe and suitable temporary accommodation for all victims of trafficking, which is adapted to their needs, gender and age;
- provide information for victims on the services and assistance measures available and how to access them, in an appropriate range of languages;
- ensure access to education, vocational training and the labour market for victims of trafficking who are lawfully resident in the country in order to help their reintegration into society and to avoid re-trafficking.

Recovery and reflection period

18. GRETA urges the Icelandic authorities to ensure, in compliance with Article 13 of the Convention, that all possible victims of trafficking are offered a recovery and reflection period as well as all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period. Police and immigration officers should be issued with clear instructions stressing the need to offer the recovery and reflection period as defined in the Convention, i.e. not making it conditional on the victim's co-operation and offering it to victims before formal statements are made to investigators.

Residence permits

19. GRETA welcomes the fact that Icelandic legislation envisages the issuing of residence permits to victims of trafficking both on the basis of their personal situation and when co-operating in the investigation or criminal proceedings related to THB and encourages the authorities to ensure that victims of trafficking can fully benefit in practice from the right to obtain a renewable residence permit.

Compensation and legal redress

20. GRETA welcomes the framework for State compensation of victims in Iceland and invites the Icelandic authorities to ensure that victims of THB are systematically informed of the possibilities for compensation and are ensured effective access to legal aid.

Repatriation and return of victims

21. GRETA urges the Icelandic authorities to set up the institutional and procedural framework for the repatriation and return of victims of trafficking in order to ensure that return is conducted with due regard to the rights, safety and dignity of the person and the principle of *non-refoulement*, as well as the status of relevant legal proceedings.

Substantive criminal law

22. GRETA invites the Icelandic authorities to ensure that all the aggravating circumstances included in the Convention are appropriately taken into account in cases of THB.

Non-punishment of victims of trafficking in human beings

23. GRETA urges the Icelandic authorities to ensure compliance with Article 26 of the Convention through the adoption of a provision on non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so, or by further developing relevant guidance. Public prosecutors should be encouraged to be proactive in establishing whether an accused person is a potential victim of trafficking and to consider trafficking as a serious violation of the rights of the victim. While the identification procedure is ongoing, potential victims of trafficking should not be penalised for immigration-related offences.

Investigation, prosecution and procedural law

24. GRETA urges the Icelandic authorities to take additional measures to ensure that THB offences are investigated and prosecuted effectively, leading to proportionate and dissuasive sanctions, in particular by:

- continuing efforts to train police officers to detect cases of THB and step up proactive investigations, including through co-operation with other relevant actors in the country and abroad;
- encouraging the police and the Prosecutor's Office to develop their specialism in THB with a view to successfully investigating and prosecuting trafficking cases;
- improving the knowledge of investigators, prosecutors and judges about THB, the severe impact of exploitation on the victims and the need to respect their human rights.

Protection of victims and witnesses

25. GRETA invites the Icelandic authorities to make full use of all measures available to protect victims/witnesses of THB and to prevent intimidation during the investigation and during and after the court proceedings.