

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



CP(2020)03

**Report submitted by the authorities of Iceland
on measures taken to comply with
Committee of the Parties Recommendation
CP/Rec(2019)01 on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

Second evaluation round

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DIRECTORATE GENERAL OF DEMOCRACY

Directorate of Human Dignity, Equality and Governance

Council of Europe

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Reykjavik, 15 May 2020

Subject: *Recommendation of the Committee of the Parties on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (second evaluation round)*

Dear Ms Nestorova, Executive Secretary, Council of Europe Convention on Action against Trafficking in Human Beings.

GRETA published its *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Iceland (second evaluation round)* 15 March 2019. The Report directly followed up on discussion at the 24th meeting of the Committee of the Parties on 5 April 2019. Following that meeting the Ministry of Justice in Iceland received a letter of 8 April 2019 from the Directorate General of Democracy containing Recommendation CP/Rec(2019)01, on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Iceland which the Committee of the Parties adopted on 5 April 2019.

Since the second evaluation of GRETA, the Icelandic government has worked diligently to respond to the criticism and demands for improvements presented by the Committee in its Report of 15 March 2019. This work and the improvements made are explained here.

I.

New Action Plan

The Ministry of Justice issued a new and updated National Anti-Trafficking Action Plan on 29 March 2019 (see appendice). The Action Plan was drafted in active collaboration with all relevant stakeholders. The new Action Plan includes numerous types of actions to further increase awareness among the general public, provide education and awareness for workers, and increase institutional knowledge on how to better understand and identify the nature of human trafficking. These actions are to be implemented as means to combat human trafficking and labour exploitation, and include the revision of current legislation, regulations and administrative directives on how to identify the victims of human trafficking and other forms of exploitation. The actions are furthermore designed to provide assistance and protection to the victims, guidelines on how to identify instances when children are believed to be the victims of human trafficking as well as measures to provide proper protections for them. These actions will further enhance institutional knowledge among law enforcement authorities, as well as law enforcement officials on the proper police procedures when it comes to investigations and prosecutions, and co-ordinate efforts to co-operate with foreign law enforcement entities in the fight against human trafficking. One section of the National Anti-Trafficking Action Plan is devoted to the importance of use of statistics as means of enforcement. This entails the mandated reporting of information on suspected victims of human trafficking by law enforcement authorities as well as reporting by the prosecuting authorities on charges filed along with reported cases and their resolutions.

The Action Plan specifies and designates which entity is responsible for what action, and the Ministry of Justice will meet with the responsible parties twice each year, or more often if necessary, in order to monitor the progress of actions, what has been accomplished, the challenges and proposed improvements.

During the drafting of the National Anti-Trafficking Action Plan comments and considerations were taken into account from the 2018 review on Iceland by GRETA, along with provisions of the Council of Europe Convention on action against trafficking in Human Beings. Comments and suggestions presented in the annual TIP report for the year of 2018 were also taken into account during the drafting of the Action Plan.

II.

Steering group

During the period of just over one year since the new Action Plan was published work has focused on systematically introducing and implementing it. Following the release of the new Action Plan, a *steering group* was established consisting of the parties responsible for the work on implementation and introduction of actions under the plan, and other stakeholders, including municipalities, NGOs, labour unions, the Red Cross, Icelandair and the airport operator ISAVIA. The authorities consider it important to obtain the views and advice of these parties with knowledge and experience in this field in order to monitor the progress of actions, what has been accomplished, the challenges and proposed improvements.

OSCE human trafficking experts were engaged by the Icelandic government to hold a two-day workshop with the steering group in September 2019 for the purpose of defining its role and preparing it to achieve maximum success in its efforts.

III.

Task forces

Three Task Forces of this large steering group were created. One has the role of working on implementing that part of the Action Plan which concerns preventive measures, the second on investigation and prosecution, and the third on measures for assistance, support and protection. The president of the Icelandic Confederation of Labour (ASÍ) heads the prevention group, the head of the Prosecution Unit and Deputy Chief of the Suðurnes Police (Keflavík airport) the protection group, and a prosecutor at the Director of Public Prosecutions in Iceland the prosecution group. The groups have been working for some time and have made good progress. The prevention task force has delivered its conclusions and the Ministry is reviewing them prior to implementation.

IV.

Family Justice Centers for survivors of violence

Following a two-year pilot project at Bjarkarhlíð, the Reykjavik Family Justice Center for survivors of violence, including human trafficking, a decision was made to continue the operations of the center and make it permanent. It serves the capital and surrounding area.

Another Family Justice Center, called Bjarmahlíð, was opened in Akureyri on 1 April 2019. It is meant to service northern Iceland by providing assistance and services to those who seek it, including victims of human trafficking. The center in Akureyri is considered to be a two-year pilot project and receives funding from the Ministry of Justice and the Ministry for Social Affairs.

V.

National Referral Center

The National Anti-Trafficking Action Plan proposes to open a National Referral Center in 2020. The National Referral Center is designed to co-ordinate procedures and responses when suspicion of human trafficking arises and subsequently activate the relevant actor for the case. The center will also have a role in prevention programs, education and awareness campaigns for the general public.

Work is underway to set up a National Referral Center and to that end, an official of the Ministry of Justice and the director of Bjarkarhlíð Family Justice Center visited the Danish Centre against Human Trafficking (Center Mod Menneskehandel (CMM)) in June 2019 to learn about the activities, structure and role of the Center. They also visited “The International Nest” (Reden International), an independent private institution combating human trafficking and supporting women who are victims of human trafficking in Denmark.

Until a specific National Referral Center is established with the principal role of co-ordinating procedures and responses when human trafficking is suspected, in part by calling on appropriate professionals, a specific Human Trafficking Team led by the Ministry of Social Affairs is notified when a human trafficking case, or suspected case, arises for the purpose of co-

ordinating the work and response of parties involved in welfare services for trafficking victims. Regarding future arrangement for a National Referral Center, a particular attention has been paid to Bjarkarhlíð as a potential location.

VI.

Guidelines on human trafficking cases

The *National Commissioner of Police* has issued information and guidelines on what procedures should be followed to identify possible victims of trafficking and on working procedures for police officers conducting human trafficking investigations, effective as of March 2020 (see appendice). In many instances of trafficking, the police are the first party involved in such cases. It is therefore important that the police have available information on human trafficking, its manifestations and the specific characteristics of this type of crime. Since the police are more often than not the first responder, it is imperative that information be available on how to identify possible trafficking victims. To do so, guidelines are needed for that work. The information is compiled to facilitate this identification and make it more effective.

VII.

Instructions in handling criminal cases, including human trafficking

Further funds were allocated 2019 to the Director of Public Prosecutions, the Metropolitan Police and the National Police Commissioner to update, develop and co-ordinate investigations and prosecutions of sexual offenses. As a result of this work, on 18 March 2020 the *Director of Public Prosecutions* issued instructions to all prosecutors that in the future they should work in accordance with the new work processes it was issuing. The work processes should be followed in handling all criminal cases, including human trafficking. The processes include: a) Investigation terminated, b) Cancellation of case, c) Issue of indictment, d) Postponement of indictment, e) Discontinuation of prosecution, f) Case referred to another authority for indictment, g) Travel ban and h) Remand custody.

VIII.

Police

Funding to the Police was significantly increased in the Government's Financial Plan for the period of 2019-2023. The funding was specifically allocated to combat money laundering, organized crime, and other challenges the growth in tourism might bring, which will improve capacity in this area. Funding was also allocated for capacity building in Border Management in Iceland, more specifically to ensure and support border control at Keflavik Airport, the Reykjavik Metropolitan Police, the Police district in North East Iceland, education and training for border guards and police officers, risk analysis and new management structures in Border Management within the police. Trafficking in human beings is a transnational crime that involves movement of people across borders and therefore border control and management is expected to play an important role in preventing and detecting such crimes.

IX.

Education and training

The Center for Police Training received funding in 2019, in particular, for educational activities concerning organized crime, focusing on the needs of law enforcement and the government's policy to combat human trafficking, money laundering and terrorist financing, as well as international commitments. This is permanent funding, which means that this amount will be allocated annually for this education.

X.

Immigration

Following the adoption of the new Action Plan, a team was set up in the Directorate of Immigration to work on actions laid down in the plan: to have a clear analytical process, effective registration, reporting forms, and collection of statistics by the agency and improved procedures prescribing what actions are to be taken by the agency if a person is identified as a potential victim. The team includes both employees from the protection division and the residence permit division of the Directorate.

XI.

Airports and border control

Icelandic authorities issued in October 2019 their *National Integrated Border Management Strategy 2019-2023* to address cross-border crimes, including migrant smuggling and trafficking in human beings. In training border guards and police officers cross-border crimes and fundamental rights of trafficked persons has been given specific emphasis (see appendice). The strategy's main objective is to specify and define the task of those authorities that are involved in border management. It entails policy-making, the organization of tasks and their implementation. All Schengen member states, including Iceland, are required to implement a strategy for integrated border management, based on Articles 3 and 4 of Regulation (EU) 2016/1624 on the European Border and Coast Guard Agency (Frontex). This strategy is written in line with the Regulation and other European standards. The strategy includes coordination of stakeholders in border management, increased cooperation, measures taken within the Schengen area to combat illegal migration and cross-border crime, quality control, research and innovation, fundamental rights, in addition to other key factors.

In addition, Iceland is also currently working on implementing a new API-PNR passenger system that will enable systematic screening of travellers at all ports of entry. The system will be an important law enforcement tool to prevent, detect and investigate cross-border crimes, such as drug smuggling, human trafficking and other serious crimes.

ISAVIA, the airport operator, has produced a video on human trafficking in collaboration with the Suðurnes Police and Saga Film. It explains what trafficking is, its main types, how it can be identified and to whom any suspicion of trafficking should be notified. The video is to be used to educate all Keflavik airport employees, i.e. employees of ISAVIA, the Duty Free Store, the Directorate of Customs and several smaller companies located there. The video also has been shown to the public on TV and is accessible on YouTube. Posters in Icelandic and English were distributed to workplaces at the terminal.

Icelandair has begun systematic training and instituted procedures for its frontline personnel to respond to situations of suspected human trafficking or smuggling. Icelandair has focused on the awareness of frontline personnel, i.e. cabin crew and passenger services. As it gains more

experience of such training, Icelandair will continue to look for ways to strengthen the training program and expand it to include all relevant parties within its operations. In early 2019, following the training of crew members, Icelandair instituted notification procedures for its crew to use when they suspected human trafficking or people smuggling. These procedures were developed in co-operation with the Icelandic Police and Icelandair Area Station Managers at stations other than Keflavík, Iceland, to ensure the information reaches the correct individuals as quickly as possible. The notification procedure has been well received and crews have already used it at least twice to alert authorities of potential human smuggling/trafficking. Icelandair has for several years included in its manuals for passenger services (for frontline personnel at the airport) a list of suspicious indicators of human trafficking. As these employees deal with disruptive passengers and difficult communications daily, these indicators are part of more comprehensive awareness efforts in their work.

XII.

Forced labour

With regard to labour trafficking, 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 the 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 representatives of 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 changes 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 the 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.

The Directorate of Labour (DoL) maintains 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. The site contains key information on the rights and obligations of foreign service companies and their employees who are temporarily posted in Iceland.

In 2019, 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 of responsibility had previously been incorporated into Acts No. 139/2005 and 45/2007.

XIII.

International co-operation

Co-operation between the Icelandic government and officials in the Baltic Council and through GRETA has been effective and has increased Iceland's expertise and skills to deal with domestic human trafficking and to contribute to international co-operation.

Iceland has a police representative at Europol and ODIHR Democratic Institutions and Human Rights. As part of this co-operation many employees have participated in meetings connected to Europol. Representatives from the police and prosecution authorities attended meetings abroad on human trafficking and people smuggling. Employees of the Directorate of Immigration have attended conferences and meetings organised by governments and NGOs on human trafficking.

The Directorate of Labour participates in European co-operation to combat social dumping and black employment (European Platform for Undeclared Work), which is aimed at reducing labour market violations and labour exploitation. Through this same forum, the Nordic countries, together with Estonia and Latvia, co-operate specifically in addressing crime on a broad basis, including measures against trafficking. This co-operation involves co-ordinated supervision, mutual education and knowledge sharing, as well as co-operation on preventive measures and dissemination of information to the labour market.

XIV.

Website

The Salvation Army maintains the website www.anti-trafficking.is where information on trafficking in persons can be found, and people are encouraged to notify law enforcement if suspicion of human trafficking arises, either as customers or in their places of employment. The Salvation Army is actively seeking partners for the project “Safe House Philemon Iceland”, which is meant for males who are the victims of human trafficking, and the project is tailored to their needs. The goal of the project is to identify victims and provide practical assistance.

XV.

Legislation

Work is underway to establish an expert group entrusted with reviewing legislation, administrative provisions and rules in this field in a comprehensive manner. This includes reviewing rules and procedures in connection with temporary residence permits, such as permits, for example, for au-pairs, volunteer work and internships or vocational training. This will include, for example, to the General Penal Code, No. 19/1940; Foreign Nationals Act, No. 80/2016; Act on Foreign Nationals’ Right to Work, No. 97/2002; Act on Posted Workers and Obligations of Foreign Service Providers, No. 45/2007; Act on Temporary Work Agencies, No. 139/2005; Act on Workplace Identification and Workplace Supervision, No. 42/2010; Public Procurement Act (chain of responsibility), No. 120/2016; Act on the Freedom of Employment and Residence of Workers within the European Economic Area, No. 105/2014; Act on Withholding of Public Levies at Source, No. 45/1987; Act on Value-added Tax, No. 50/1988; Act on Income Tax, No. 90/2003; and Act on Facilities, Hygiene and Safety in the Workplace, No. 46/1980.

Attached to this report are three appendices:

- 1) Government Emphasis in Actions against Human Trafficking and other Types of Exploitation (March 2019)
- 2) Human trafficking: Information and Guidelines on Implementation for the Police (March 2020)
- 3) National Integrated Border Management Strategy for Iceland 2019-2023 (Oct 2019)



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