

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



**Recommendation CP/Rec(2019)01  
on the implementation of the Council of Europe Convention  
on Action against Trafficking in Human Beings  
by Iceland**

*adopted at the 24th meeting of the Committee of the Parties  
on 5 April 2019*

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;

Recalling Committee of the Parties' Recommendation CP(2014)15 of 5 December 2014 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Iceland and the report of the Icelandic authorities on measures taken to comply with this recommendation, submitted on 17 February 2017;

Having examined the second report concerning the implementation of the Convention by Iceland adopted by GRETA at its 33rd meeting (3-7 December 2018), as well as the comments of the Icelandic Government received on 8 March 2019;

1. Welcomes the progress made since the first round of evaluation in the following areas:
  - the further development of legislative framework relevant to action against trafficking in human beings (THB), through amendments to the Act on Foreigners and the Act on Foreign Nationals' Right to Work;
  - the development of the institutional framework for combating trafficking in human beings, with the setting up of two teams by the Ministry of Welfare to provide assistance and services to victims of trafficking, a human trafficking team at the Directorate of Labour, and an investigation unit at Reykjavik Metropolitan Police to deal with cases of human trafficking and prostitution;
  - the efforts to provide training on human trafficking to an increasing range of relevant professionals, following a multi-agency approach;

- the involvement of the Directorate of Labour and trade unions in the co-ordination and implementation of measures to combat trafficking for the purpose of labour exploitation;
- the decision to interview all unaccompanied and separated children at Barnahus (Children's House), thus avoiding the subjecting of children to repeated interviews by many agencies in different locations;
- the setting up of Bjarkarhlíð, a multi-disciplinary service centre for adult survivors of violence, which provides opportunities for improving the identification of victims of trafficking and providing specialised services to them;
- the involvement in international co-operation and the co-operation established between the authorities and civil society in the area of combating human trafficking.

2. Recommends that the Icelandic authorities take measures to address the following issues for immediate action identified in GRETA's report:

- take steps to improve the co-ordination of anti-trafficking action, including by designating a national co-ordinator body with a mandate and responsibility to bring together all relevant actors, convene regular meetings of the Steering Group and take the lead in developing a new National Action Plan;
- adopt such a plan as a matter of priority, in consultation with all relevant actors, and to support it with budgetary resources reflecting the requirements of a co-ordinated and effective human rights-based approach to combating human trafficking. The new plan should address all victims of trafficking for all forms of exploitation, while taking into account the gender-dimension of trafficking and the particular vulnerability of children;
- provide further training on THB to police officers, prosecutors and judges with a view to improving the criminal justice response to THB across the country and protecting victims' rights;
- 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. Statistics regarding victims should be collected from all main actors, including reception centres for asylum seekers, be harmonised and allow disaggregation concerning sex, age, type of exploitation, country of origin and/or destination. This should be accompanied by all the necessary measures to ensure 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. The introduction of a National Referral Mechanism for victims of trafficking would be conducive to improving data collection;
- take further steps in the area of preventing trafficking for the purpose of labour exploitation, in particular by:
  - sensitising relevant professionals (police officers, labour inspectors, tax and internal revenue officials, prosecutors, judges) about THB for the purpose of labour exploitation and the rights of victims;
  - raising awareness among the general public as well as, in a targeted manner, among migrant workers, about the risks of THB for the purpose of labour exploitation;
  - strengthening the monitoring of recruitment and temporary work agencies and reviewing the legislative framework for any gaps that may limit protection or preventive measures;
  - strengthening the monitoring of employers registered in other EU countries and recruiting posted workers to Iceland with a view to preventing the economic exploitation of these workers, paying particular attention to the construction sector;
  - reviewing the regulations concerning au pairs to ensure that they are not subject to abuse;

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- ensuring that the mandate of labour inspectors enables them to contribute to preventing and detecting cases of THB for economic exploitation, including in domestic households
  - envisaging expanding the scope of the amended Act on the Rights and Obligations of Foreign Companies to all economic sectors;
  - working closely with trade unions, civil society and the private sector to raise awareness of trafficking for the purpose of labour exploitation, prevent trafficking in supply chains and strengthen corporate social responsibility, drawing on the Guiding Principles on Business and Human Rights and Recommendation CM/Rec(2016)3 on human rights and business;
- further improve the identification of victims of trafficking by:
    - setting 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;
    - harmonising the indicators and criteria used by different stakeholders to identify presumed victims of trafficking and ensuring that all frontline professionals are trained to apply this procedure and the indicators;
    - drawing up guidelines for dealing with cases where a possible victim of THB is an asylum seeker, which are part of the NRM, taking into account the UNHCR Guidelines on International Protection No. 7, and ensuring proactive identification of possible victims of trafficking among asylum seekers to avoid them being subjected to the accelerated procedure;
    - pursuing a proactive approach to the identification of victims of trafficking for the purpose of labour exploitation by encouraging regular and co-ordinated multi-agency inspections in sectors most at risk;
    - preparing a brochure for possible victims of THB, with information on their rights as victims of THB, available in a variety of languages;
  - strengthen their efforts to provide assistance to victims of trafficking, including measures to:
    - 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;
    - review the legislation in order to ensure access to work and vocational training for victims of trafficking who are lawfully resident in the country;
    - provide training on THB to staff working at the Women's Shelter, municipal welfare staff and health-care staff;
  - take further steps to identify child victims of trafficking and, in particular, to:
    - establish a clear procedure (National Referral Mechanism) concerning the identification of child victims of THB which is integrated into the child protection system 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 in all proceedings relating to child victims of THB and children at risk;
    - ensure that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB. In this context, reference is made to the recommendation concerning the provision of training to relevant professionals;

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- include slavery, practices similar to slavery and servitude as types of exploitation in the legal definition of trafficking in human beings;
  - take further measures to ensure compliance with Article 26 of the Convention by adopting a specific legal provision on the non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so, and/or developing detailed guidance for police officers and prosecutors on the aims and scope of the non-punishment provision, as well as including the non-punishment provision in the training of police officers, prosecutors, judges and lawyers;
  - ensure that THB cases are investigated proactively, prosecuted successfully, and lead to effective, proportionate and dissuasive sanctions, including by:
    - reviewing the investigation/prosecution procedure with a view to identifying and addressing gaps (e.g. in relation to trafficking for the purpose of labour exploitation/forced labour);
    - ensuring that police units investigating THB offences are properly resourced;
    - continuing to improve the knowledge of police investigators, prosecutors and judges about the seriousness of THB, the severe impact of exploitation on the victims and the need to respect their human rights.
3. Requests the Government of Iceland to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by **5 April 2020**.
4. Recommends that the Government of Iceland take measures to implement the further conclusions of GRETA's second evaluation report.
5. Invites the Government of Iceland to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.