

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**Recommendation CP/Rec(2023)09
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Iceland**

*adopted at the 33rd meeting of the Committee of the Parties
on 15 December 2023*

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/Rec(2019)01 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 15 May 2020;

Having examined the third report concerning the implementation of the Convention by Iceland, adopted by GRETA at its 48th meeting (26-30 June 2023), as well as the comments of the Icelandic Government received on 15 September 2023;

Bearing in mind the focus of the third evaluation round of the Convention on access to justice and effective remedies for victims of trafficking;

Considering the conclusions and proposals contained in Appendix I of GRETA's third report on topics related to the third evaluation round and follow-up topics specific to Iceland;

Welcoming the measures taken and progress achieved by the Icelandic authorities in implementing the Convention, and in particular:

- the amendment of the legal provision criminalising trafficking in human beings, in line with GRETA's previous recommendations;

- the adoption of the third National Action Plan for Combating Human Trafficking, which takes into account the recommendations made in GRETA's second report on Iceland;
- the setting up of a police advisory group on human trafficking, and the training provided to relevant professionals;
- the measures taken to improve the identification of victims of human trafficking, through the issuance of guidelines on human trafficking for police officers and staff of the Directorate of Immigration;
- the setting up of an information portal on human trafficking;
- the steps taken to ensure child-sensitive procedures for obtaining access to justice and remedies;

A. Recommends that the Government of Iceland take measures to address the following issues for immediate action¹ identified in GRETA's report:

1. take additional steps to ensure that cases of trafficking are investigated proactively and prosecuted effectively, leading to effective, proportionate and dissuasive sentences, and in particular:

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

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

3. take further steps to effectively prevent, detect and combat trafficking for the purpose of labour exploitation, taking into account Recommendation CM/Rec(2022)21 of the Committee of Ministers and GRETA's Guidance Note on combating trafficking for labour exploitation. This should include:

¹ The number of the paragraph setting out GRETA's proposals in the report is indicated in brackets.

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- encouraging law enforcement officials, labour inspectors, NGOs and other relevant actors to increase their outreach work to identify victims of human trafficking for the purpose of labour exploitation, paying particular attention to at-risk sectors;
 - strengthening the monitoring of recruitment and temporary work agencies and employers recruiting posted workers to Iceland with a view to preventing the economic exploitation of workers;
 - ensuring that cases of trafficking for the purpose of labour exploitation are not treated as “wage-theft” cases, depriving the person of the rights provided for victims of human trafficking, such as a temporary residence permit and assistance services;
 - ensuring that the mandate and resources of labour inspectors enable them to contribute effectively to preventing and detecting cases of trafficking for the purpose of labour exploitation;
 - providing training for labour inspectors and trade union inspectors, as well as tax and internal revenue officials, law enforcement officers, prosecutors and judges, on human trafficking for the purpose of labour exploitation and the rights of victims;
 - raising awareness among the general public as well as, in a targeted manner, among migrant workers, about the risks of trafficking for the purpose of labour exploitation and the rights of victims of trafficking and migrant workers (paragraph 150);
4. improve the identification of victims of trafficking by:
- setting up a formalised National Referral Mechanism which defines the procedures and roles of all frontline actors who may come into contact with victims of trafficking, in order to improve clarity and legal certainty regarding the identification and referral to assistance of victims, and ensuring that all frontline professionals are trained to apply these procedures and the human trafficking indicators;
 - ensuring proactive identification of possible victims of trafficking among asylum seekers;
 - conducting risk assessments to prevent victims being returned to the country where they first applied for asylum, but where they face the risk of being re-trafficked (paragraph 163);
5. further develop and strengthen the assistance offered to victims of human trafficking, and in particular to:
- provide safe and suitable accommodation for all victims of human trafficking, including men and victims of human trafficking identified amongst asylum seekers, which is adapted to their needs and sustainable;
 - ensure appropriate long-term and sustainable funding for NGOs providing assistance to victims of human trafficking in order to ensure the continuity of victims’ assistance (paragraph 172);
6. take further steps to identify child victims of trafficking, including among unaccompanied children, and, in particular, to establish a clear procedure (National Referral Mechanism) concerning the identification of child victims of trafficking which is integrated into the child protection system, takes into account the special circumstances and needs of child victims, involves child specialists and ensures that the best interests of the child are the primary consideration in all proceedings relating to child victims of human trafficking and children at risk (paragraph 180).
- B. Recommends that the Icelandic authorities take measures to implement the other proposals for action listed in Appendix 1 of GRETA’s third evaluation report.
- C. Requests the Government of Iceland to report to the Committee of the Parties on the measures taken to comply with this recommendation by **15 December 2025**.

D. 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.