



GREVIO

Baseline Evaluation Report Iceland

” Group of Experts
on Action
against Violence
against Women and
Domestic Violence
(GREVIO)



Istanbul Convention

GREVIO's (Baseline) Evaluation Report
on legislative and other measures
giving effect to the provisions
of the Council of Europe Convention
on Preventing and Combating
Violence against Women and Domestic Violence
(Istanbul Convention)
ICELAND

Group of Experts
on Action against Violence against Women
and Domestic Violence (GREVIO)

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Foreword

The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, “the Istanbul Convention”) by the parties to the convention. It is composed of 15 independent and impartial experts appointed on the basis of their recognised expertise in the fields of human rights, gender equality, violence against women and/or assistance to and protection of victims.

GREVIO’s statutory activities include country-by-country monitoring of the Istanbul Convention (evaluation procedure), the initiation of inquiries into specific circumstances within a party to the convention (inquiry procedure) and the adoption of general recommendations on themes and concepts of the convention.

This report is the fruit of the first (baseline) evaluation procedure carried out in respect of Iceland. It covers the Istanbul Convention in its entirety¹ and thus assesses the level of compliance of country legislation and practice in all areas covered by the convention. In light of the scope of the convention – as set out in its Article 2, paragraph 1 – the baseline evaluation focuses on measures taken in relation to “all forms of violence against women, including domestic violence, which affects women disproportionately”. Hence, the term “victim” used throughout this report is to be understood as referring to a woman or girl victim.

Based on this assessment, the report proposes measures to strengthen the implementation of the convention. In proposing such measures, GREVIO has adopted the use of different verbs which correspond to different levels of urgency, noting that all of them are important. These are, in order of priority, “urges”, “strongly encourages”, “encourages” and “invites”. GREVIO uses the verb “urges” where it considers that immediate action is required to bring the party’s legislation or policy into compliance with the Istanbul Convention, or to ensure its implementation. “Strongly encourages” is used where GREVIO has noted shortcomings which need to be remedied in the near future in order to ensure comprehensive implementation of the convention. A third level of urgency is indicated by the use of the verb “encourages”, which is used for shortcomings that require attention though possibly at a later stage. Lastly, the verb “invites” points to small gaps in implementation which the party is requested to consider closing or to proposals made to provide guidance in the implementation process.

The first (baseline) evaluation procedure is made up of several steps, each of which allows GREVIO to obtain critical information upon which to base its report. It is carried out as a process of confidential dialogue with the aim of offering country-specific proposals and suggestions for improvement developed within the national context of the party under review. These include the following:

- submission, by the party, of a report drawn up on the basis of GREVIO’s baseline questionnaire (the state report);
- an evaluation visit to the party under review to meet with governmental and non-governmental representatives working in this field;
- comments by the party on GREVIO’s draft report;
- publication of GREVIO’s report after its adoption together with any comments received from the party.

In addition, GREVIO also collects additional information from various other sources, including non-governmental organisations (NGOs), other members of civil society, national human rights institutions and Council of Europe bodies (Parliamentary Assembly, Human Rights Commissioner and other pertinent bodies), as well as other international treaty bodies. Within the framework of the

1. With the exception of Chapter VIII of the convention, which GREVIO considered as less relevant in assessing the national situation in each contracting party.

evaluation of country, GREVIO received a joint written contribution from the Icelandic Human Rights Centre, the Icelandic Women's Rights Association, the Icelandic Women's Shelter, and Stígamót - Center for Survivors of Sexual Violence.

The state report and the written contributions submitted by civil society have been made public and are available on the official website of the Istanbul Convention.

The analysis, suggestions and proposals contained in this first baseline evaluation report were drawn up under the exclusive responsibility of GREVIO. It covers the situation as observed by the GREVIO delegation during its evaluation visit to Iceland. Where available, significant legislative and policy developments up until 11 October 2022 have also been taken into account.

According to the convention, national parliaments shall receive this report from the national authorities (Article 70, paragraph 2). GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

Executive summary

This report provides an assessment of the measures of implementation taken by the Icelandic authorities with regard to all aspects of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter referred to as the “Istanbul Convention” or “the convention”).

This assessment has been carried out by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent human rights monitoring body mandated to monitor the implementation of the convention. GREVIO’s findings are based on the information obtained during the various steps of the first (baseline) evaluation procedure set out in Article 68 of the convention. These include written reports (a state report submitted by the country authorities and additional information submitted by the Icelandic Human Rights Centre, the Icelandic Women’s Rights Association, the Icelandic Women’s Shelter, and Stígamót – Center for Survivors of Sexual Violence (jointly)) and a five-day evaluation visit to Iceland. A list of the bodies and entities which GREVIO had exchanges with can be found in Appendix II.

The report assesses the wide variety of measures taken by the Icelandic authorities in the area of preventing and combating violence against women and domestic violence. While some of the key legislative provisions like the Gender Equality Act predate the drafting of the Istanbul Convention, important building blocks for the convention’s implementation, such as the introduction of a definition of rape that is based on the absence of consent were introduced with a view to ensuring compliance before the convention’s entry into force. Further alignment with the convention was ensured through the recent introduction of the Act on the Protection of Sexual Privacy and the Act on Stalking. Moreover, a separate criminal offence of domestic violence was introduced. Several successive action plans have addressed domestic and sexual violence against women and children since 2006 and have led to improvements in prevention efforts as well as in the protection and support offered to victims.

The report highlights the clear commitment by the Icelandic Government to the advancement of women’s equality with men, in particular by combating gender-based violence against women, by improving the legal status of victims and by reducing the gender pay gap. Moreover, GREVIO welcomes the fact that Iceland has taken on a pioneering role in teaching gender equality throughout the education system since the first Gender Equality Act was passed in 1976. Other important building blocks in the field of prevention are the many awareness-raising campaigns on the subjects of violence against women and tackling gender stereotypes which the authorities ran, and which focus also on including men and boys in such efforts by promoting positive images of masculinity. Moreover, the report welcomes the specific focus placed on women and girls in the relevant government action plans, which demonstrate a clear understanding of the disproportionate exposure of women and girls to domestic and sexual violence.

In the area of protection of women victims of gender-based violence, the report notes that police officers are well trained on the handling of cases of sexual violence and domestic violence. GREVIO identified as promising the practice that a social worker and, where applicable, a child protection agent accompanies the police to call-outs for domestic violence, offering immediate social assistance to the victim and any children. Moreover, GREVIO commends the Icelandic authorities for their leading role in setting up one-stop-shop models in the form of Barnahus (for children) and the family justice centres Bjarkarhlíð and Bjarmahlíð (for adults), which offer holistic services for victims of sexual and domestic violence under one roof. When it comes to the area of prosecution, the report notes that numerous legislative developments in criminal law, above all the introduction of a consent-based definition of rape and sexual violence, but also criminal provisions on violence against women committed via information communication technology, and many others, demonstrate Iceland’s serious commitment to tackling violence against women and stemming impunity.

However, despite the above achievements and measures implemented, GREVIO points to the urgent need to designate or set up a national co-ordinating body in compliance with Article 10 of the convention – a core requirement of the convention yet to be implemented in Iceland. Greater co-ordination in the implementation of the Istanbul Convention is urgently needed to address remaining shortcomings such as drawing up mandatory guidelines or protocols for relevant professionals on how to respond to cases of violence against women and domestic violence on the basis of multi-agency co-operation. Moreover, there is an urgent need to co-ordinate the harmonisation of data-collection systems between law enforcement agencies and the judiciary. GREVIO's evaluation of the implementation of the convention in Iceland has also shown that appropriate long-term and sustainable funding for NGOs providing specialist support services for women victims of violence and their children must urgently be ensured, given that these NGOs provide the lion's share of counselling and support services in the country. Moreover, the report points to the need of setting up dedicated programmes that cater to the specific needs of women victims of violence in the areas of employment and training, in order to ensure their economic independence and empowerment. Another gap in the implementation of the convention is that no dedicated state-wide, free-of-charge, round-the-clock helpline exists for victims of all forms of violence against women, and that women and girl victims of rape and sexual violence do not always receive the immediate psychological support they need because of long waiting times.

In order to ensure the human rights and safety of victims, the report points out that systematic and gender-sensitive risk assessment and safety management should become standard procedure for all agencies involved in cases relating to violence against women and domestic violence. In that connection, effective multi-agency approaches should be established, and women's rights organisations, shelters and the healthcare sector should be formally included within any risk-assessment and risk-management procedures. Moreover, the report shows that the investigative and prosecutorial capacity of the Icelandic law enforcement and judicial authorities require significant reinforcement – both financially and in terms of adequately trained staff – to counter the delays in the processing of cases of violence against women, and to identify shortcomings in evidence collection. In the same vein, factors which contribute to attrition in rape cases, as well as other cases of violence against women, should swiftly be identified in order to increase the number of convictions. The evaluation has further brought to light that urgent legislative action is required to criminalise forced sterilisation, and that further efforts are required to ensure that sterilisations of women with disabilities are not conducted without their prior informed consent and thorough understanding of the procedure.

Lastly, the report highlights that insufficient consideration is being given to incidents of domestic and sexual violence in decisions on custody and visitation rights in Iceland. Significant efforts need to be made to train all authorities involved in decisions on custody and visitation on the effects violence has on children, to ensure that the safety of children and the abused parent are given primary importance in such proceedings. GREVIO considers that urgent action is needed in order to fully implement Article 31 of the Istanbul Convention. In a similar vein, GREVIO has serious concerns about the mandatory use of mediation in proceedings concerning these family law matters without any screening for a history of abuse in the relationship. Parents with a history of abuse should be granted separate meetings with the District Commissioner in order to reach decisions on matters related to child custody, residence and visitation rights, that are in the child's best interest and do not jeopardise their safety or that of the abused parent.

While GREVIO welcomes Iceland's ratification of the Istanbul Convention and the efforts taken in its implementation, it has identified a number of further issues that require further action by the authorities to comply fully with the convention's provisions. These relate to the need to:

- collect, analyse and disseminate disaggregated administrative data in all areas of relevance to the Istanbul Convention;
- ensure that all professionals dealing with victims or perpetrators of all forms of violence covered by the scope of the Istanbul Convention receive systematic and mandatory initial and in-service training on identifying and responding to such violence, while focusing on the victims' human rights, safety, individual needs and empowerment and the prevention of secondary victimisation;

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- increase the funding and the number of available places for perpetrators of domestic violence and sexual offenders on behavioural change programmes, and work towards uniform standards for such programmes;
 - actively support and promote the involvement of the private sector in the prevention of violence against women in all its forms, including by providing guiding principles for private-sector companies on establishing internal procedures to address sexual harassment and institute complaint mechanisms;
 - implement standardised care paths in the health care sector that include the identification of victims, systematic screening, diagnosis, treatment, documentation of the type of violence and the injuries suffered;
 - ensure that specialist women's support services receive sufficient and sustainable funding, are equipped to provide support to all women victims of violence and their children, and are available in an even geographical distribution;
 - increase the number of dedicated shelter places for women victims of domestic violence and other forms of violence by setting up further shelters in areas not yet serviced;
 - ensure a more adequate application of the offence of violence in close relationships for cases of domestic violence in order to allow this specific offence to take on practical relevance;
 - set up a domestic homicide review mechanism to analyse all cases of gender-based killings of women with a view to preventing them in the future and resolving any systemic shortcomings in the risk-assessment process;
 - make use of restraining orders and eviction orders more frequently, in order to protect the right to safety of women victims of domestic violence and their children, and to illustrate to the perpetrators the seriousness of their behaviour under the law.

Furthermore, GREVIO has identified a number of additional areas in which improvements are required in order to comply fully with the obligations of the convention. These relate, among other areas, to the need to involve NGOs more strongly in policymaking and in multi-agency co-operation; promote awareness-raising campaigns and conduct research on those forms of violence which are currently less explored in Iceland, such as stalking, female genital mutilation, forced marriage, forced sterilisation, forced abortion and violence related to "honour"; and ensure that there are female security staff present in asylum reception centres where women and girls are housed.

Introduction

Iceland ratified the Istanbul Convention on 26 April 2018. It did not enter any reservation upon the deposit of its instrument of ratification of the convention.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights. It covers new ground by asking that root causes of violence against women (such as gender stereotyping, traditions harmful to women and general manifestations of gender inequality) be addressed.

The convention sets up a monitoring mechanism to assess the level of implementation by its parties. This monitoring mechanism consists of two pillars: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the Parties to the Convention.

In accordance with Article 68 of the convention, GREVIO initiated the baseline evaluation in respect of Iceland by letter and transmission of its questionnaire on 2 February 2021. The order of reporting to GREVIO is based on a combination of regional groupings and order of ratification. The Icelandic authorities subsequently submitted their state report on 3 September 2021 – the deadline set by GREVIO. Following a preliminary examination of the country state report, GREVIO carried out an evaluation visit to Iceland, which took place from 28 March to 1 April 2022. The delegation was composed of:

- Iris Luarasi, President of GREVIO
- Marie-Claude Hofner, Member of GREVIO
- Louise Hooper, Barrister, United Kingdom
- Sabrina Wittmann, Administrator at the Secretariat of the monitoring mechanism of the Istanbul Convention

During the evaluation visit, the delegation was welcomed by high-level public figures, including Sigríður Björk Guðjónsdóttir, the National Commissioner for the Police, and Ragna Bjarnadóttir, Director at the Ministry of Justice. In addition, the delegation met with a wide range of governmental and non-governmental representatives working in the area of preventing and combating violence against women. A list of the national authorities, non-governmental organisations and others met is set out in Appendix II of this report. GREVIO is grateful for the valuable information provided by all of them.

The evaluation visit was prepared in close co-operation with Hildur Sunna Pálmadóttir, legal adviser at the Icelandic Ministry of Justice, who was appointed as contact person for the evaluation by GREVIO. GREVIO wishes to extend its gratitude for the co-operation and support provided throughout the entire evaluation procedure and for the constructive approach adopted by the Icelandic authorities.

As part of this first baseline evaluation, GREVIO examined the implementation measures taken by the Icelandic authorities concerning all aspects of the convention. For the sake of brevity, this report gives priority to some provisions over others. While it covers all chapters of the convention (with the exception of Chapter VIII), it does not present detailed assessments and conclusions for each provision.

I. Purposes, definitions, equality and non-discrimination, general obligations

A. General principles of the convention

1. Chapter I of the Istanbul Convention sets out general principles which apply to all the substantive articles contained in Chapters II to VII. These include, among others, that it is a fundamental human right for everyone, particularly women, to live a life free from violence in both the public and the private sphere, that the convention must be implemented without discrimination on any ground and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. They also spell out that a gender perspective must be integrated into the implementation of the convention and the evaluation of its impact.

2. Iceland has a long history of working actively in law and in policy towards gender equality.² In 1975, Icelandic women began a strike that made headlines around the globe.³ By refusing to work for one day, women protested about earning 60% less than their male counterparts, thereby raising awareness of their important role in society. Five years later, in November 1980, Iceland was the first country in the world to democratically elect a female president. Overall, Iceland ranks highly for gender equality.⁴ However, despite the great strides made in Iceland in achieving equality between women and men in law and in practice, there is still a real need to continue to address the different forms of violence against women, including domestic violence. The Saga Cohort, a study conducted by the University of Iceland between 2018 and 2019, found that 40% of women in Iceland have been subjected to physical and/or sexual violence in their lifetime, and 32% have experienced harassment in their workplace.⁵ GREVIO's evaluation procedure has shown that gender stereotypes persist among the population and various professional groups in Iceland, and women subjected to intersectional discrimination are often not considered in policy measures.⁶

3. GREVIO thus welcomes the clear commitment by the current Coalition Government to combat gender-based violence, to improve the legal status of victims, to prioritise the striving for gender equality and to reduce the gender pay gap.⁷ This step comes after several successive action plans which, since 2006, have addressed domestic and sexual violence against women and children in one form or another and which have led to improvements in prevention efforts as well as in the protection and support offered to victims. The agreement on the Platform for the Coalition Government indicates that greater attention will be placed on the handling of sexual offences, complementing previous measures taken.⁸

4. Moreover, a clear commitment to the implementation of the Istanbul Convention is contained in the Gender Equality Action Programme for the period 2020-2023, which stipulates that a national action plan shall be drawn up with regard to enforcing the convention's implementation and complying with the requirement to devise and implement comprehensive policies and collect data on prevalence rates, as well as with regard to the administration of justice in cases of violence against women.⁹ However, this action plan has yet to be developed and a working group has been set up to that end.

2. See Chapter I, Fundamental rights, equality and non-discrimination. For a timeline of Icelandic women's achievements, see the brochure by the Directorate of Equality, p. 2, available at: www.jafnretti.is/static/files/English_gogn_a_ensku_sidu/gender-equality-in-iceland-2021-pdf.pdf.

3. www.bbc.com/news/magazine-34602822.

4. See Chapter I, Fundamental rights, equality and non-discrimination.

5. Áfallasaga kvenna (2021), University of Iceland, description available at: <https://afallasaga.is/english/>; results available at: <https://afallasaga.is/um-rannsoknina/>.

6. See Chapter I, Intersectional discrimination.

7. Agreement on the Platform for the Coalition Government of the Independence Party, the Left Green Movement and the Progressive Party, 2021, p. 21, available at: www.government.is/library/05-Rikisstjorn/Agreement2021.pdf.

8. Ibid.

9. See paragraph.13 of the Action Programme on Gender Equality, available at: <http://www.government.is/library/01-Ministries/Prime-Ministrers-Office/Gender%20Equality%20Action%20Programme%20for%20the%20period%20of%2020202023.pdf>.

B. Scope of application of the convention and definitions (Articles 2 and 3)

5. In light of the scope of the Istanbul Convention set out in its Article 2, paragraph 1, the first baseline evaluation focuses on measures taken in relation to all forms of violence against women, including domestic violence, which affects women disproportionately. Article 3 of the Istanbul Convention sets out key definitions of concepts that are fundamental to its implementation. According to paragraph *a*, the term “violence against women” refers to “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”, whereas the expression “domestic violence” is to be understood as referring to “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”. The definition of “gender-based violence against women” offered in paragraph *d* of Article 3 seeks to ensure more clarity regarding the nature of the violence covered by explaining that this is “violence that is directed against a woman because she is a woman or that affects women disproportionately”.

6. Hence, the violence addressed by the Istanbul Convention differs from other types of violence in that the victim’s gender is the primary motive. It is violence that is perpetrated against a woman that is both a cause and consequence of unequal power relations based on perceived differences between women and men that lead to women’s subordinate status in the public and private spheres. In accordance with the definition given in Article 3*b*, Chapter V of the convention specifies the forms of violence against women that are to be criminalised (or, where applicable, otherwise sanctioned). These are psychological violence, stalking, physical violence, sexual violence, including rape, forced marriage, female genital mutilation, forced abortion, forced sterilisation and sexual harassment. Owing to the seriousness of domestic violence, Article 46 of the convention requires ensuring that the circumstance in which the offence was committed against a former or current spouse or partner, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority, may entail a harsher sentence either as an aggravating circumstance or a constituent element of the offence.

7. GREVIO notes with interest that the Icelandic authorities have introduced a separate criminal offence for violence in a close relationship, essentially criminalising acts of domestic violence. The Icelandic General Penal Code (GPC) in its Article 218*b* defines this offence as repeatedly or seriously posing a threat to the life, health or well-being of a present or former spouse or cohabiting partner, of a descendant, or a descendant of a present or former spouse or cohabiting partner, of an older person in their direct blood-line, or of other persons who live with the perpetrator in the home or are in his or her care, by means of violence, threats, deprivation of freedom, coercion or in another manner. GREVIO notes, however, that the definition does not specifically mention physical, sexual, psychological, or economic harm or suffering. Moreover, “cohabiting partners” means a couple living together, unmarried, and therefore excludes acts of domestic violence occurring between partners who do not share a residence. In that respect, Article 218*b* of the General Penal Code is thus too narrow when compared to the definition of domestic violence in Article 3*b* of the Istanbul Convention, which includes physical, sexual, psychological or economic harm or suffering, regardless of whether the victim and perpetrator share or have shared the same residence. Indications received from several sources, including NGOs and lawyers active in the field of victim protection,¹⁰ and case law examples support the view that the definition of violence in a close relationship in Article 218*b* of the GPC may be too narrow. As this is a fairly recent provision, there is little clarity through case law and judicial interpretation on this matter, and that therefore further legislative action may be required. GREVIO concludes that the Icelandic definition of “domestic violence” is not fully consistent with Article 3*b* of the Istanbul Convention.

8. Article 1 of the Act on Equal Status and Equal Rights Irrespective of Gender states that “the term ‘gender’ in this Act means women, men and persons whose gender is registered as neutral in Registers Iceland, unless otherwise stated”. GREVIO notes that this definition of “gender” is not in line with Article 3*c* of the Istanbul Convention, which stipulates that “gender” shall mean socially

10. Information obtained during the evaluation visit.

constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men.

9. GREVIO notes, moreover, that there are no definitions to be found in Icelandic laws or regulations of the terms “violence against women” or “gender-based violence against women”, as contained in Articles 3a and 3d of the Istanbul Convention. Action is required to fill these terms with meaning under domestic law.

10. In conclusion, GREVIO sees an urgent need to introduce definitions for those terms which are not yet defined under domestic law and to amend the existing definitions to bring them in line with the requirements of Article 3 of the Istanbul Convention. Adopting universally applicable definitions would not only contribute to making the authorities’ work on combating violence against women and domestic violence more coherent, but would equally be important for data-collection purposes and multi-agency co-operation. GREVIO notes, moreover, that the definitions of the different forms of violence against women in domestic criminal law are not always in line with the Istanbul Convention, such as the provisions on forced marriage and female genital mutilation.¹¹

11. The information reviewed in the course of the evaluation procedure showed that many policy measures focus mainly on domestic violence, sexual violence and sexual harassment. GREVIO notes, however, that currently in Iceland no policies, protocols or dedicated service provision exists for other forms of violence against women such as female genital mutilation (FGM), forced marriage, forced sterilisation or violence related to “honour”. While acknowledging the relative infrequency of reports concerning such forms of violence against women, GREVIO notes that they can affect women in Iceland belonging to migrant communities, including those seeking asylum and women with disabilities. While these forms of violence are addressed in Icelandic criminal law, the Istanbul Convention requires a comprehensive approach that complements a criminal justice response with policies, services and dedicated measures addressing each form of violence against women identified and defined by the Istanbul Convention.

12. Expanding the scope of policy measures to forms of violence other than domestic violence, sexual violence and sexual harassment is therefore needed, on the basis of a holistic and comprehensive approach that clearly frames violence against women as a human rights violation and a form of discrimination and that underlines the importance of securing substantive gender equality. More research on forms of violence against women that are covered by the Istanbul Convention but that may be less prevalent is needed to embark on a process of evidence-based policy making. The several working groups and other governmental bodies can easily be tapped into, as should the expertise developed by civil society and women’s rights organisations, including the specialist support services.

13. GREVIO strongly encourages the Icelandic authorities to adopt definitions of the terms set out in Article 3 of the Istanbul Convention and, where such definitions already exist, further align them with the convention.

14. GREVIO strongly encourages the Icelandic authorities to enhance the implementation of the Istanbul Convention in relation to all forms of violence against women, beyond domestic violence, sexual violence and sexual harassment, which are currently less addressed by policies, programmes and support services, with due regard to their gendered nature, and to amplify the application of a gendered perspective in such efforts.

C. Fundamental rights, equality and non-discrimination (Article 4)

1. Gender equality and non-discrimination

15. Achieving full gender equality in law and in practice has long been a policy goal of the Icelandic authorities, resulting in far-reaching international recognition for its progressive approaches

11. See Chapter V, Substantive criminal law.

in this area. The principle of equality of men and women is enshrined in the Icelandic Constitution.¹² As early as 1976 the first act on gender equality was passed by the Icelandic Parliament. The Act on Equal Status and Equal Rights Irrespective of Gender as currently in force aims at preventing discrimination on the basis of gender, as well as maintaining gender equality and equal opportunities in all spheres of society.¹³ A Gender Equality Complaints Committee is tasked with reviewing alleged violations of this law, which often concern issues of discrimination in the workplace.¹⁴ Moreover, Iceland has its own Directorate of Equality, which is responsible for public administration with regard to equality as governed by relevant legislation, such as the Act on Equal Status and Equal Rights Irrespective of Gender, the Act on Equal Treatment Irrespective of Race and Origin and the Act on Equal Treatment on the Labour Market.¹⁵ Among other things, the Directorate of Equality is working on preventive measures against gender-based violence, gender-specific harassment and sexual harassment in collaboration with other authorities and organisations with expertise in this field. In addition, gender equality officers are mandated to monitor gender equality activities, including gender mainstreaming efforts, within each ministry and their respective subordinate bodies.¹⁶

16. Furthermore, a Gender Equality Action Programme for the period 2020-2023 is currently being implemented, which makes the link between achieving equality and preventing gender-based violence against women.¹⁷ GREVIO commends the Icelandic authorities for this official anchoring of a gender equality perspective in all areas of governance and policy making. It welcomes with satisfaction the ranking of Iceland in 2021 – for the 12th time in a row – as the country with the smallest overall gender gap by the World Economic Forum's Global Gender Gap Index.¹⁸

17. However, this does not mean that there is full gender equality in Iceland. For example, women still earn 14% less for similar positions than men. Moreover, the country has yet to close a gap of 24% on the political empowerment indicator,¹⁹ despite women having held the highest political positions in the country for many decades. In 2021, about 40% of parliamentarians and ministers were female, and almost 42% of senior managerial positions in private companies were held by women.²⁰ GREVIO considers that with the above action plans and measures, Iceland has shown strong commitment to their continual striving for gender equality.

2. Intersectional discrimination

18. Article 4, paragraph 3, of the convention requires parties to secure the implementation of their undertakings under the convention without any discrimination. This provision provides an open-ended list of grounds of discrimination which draws on that of Article 14 of the European Convention on Human Rights as well as the list contained in its Protocol No. 12,²¹ and, in addition, includes the grounds of gender, sexual orientation, gender identity, age, state of health, disability, marital status, and migrant or refugee status or other status. This obligation stems from the realisation that discrimination of certain groups of women, for example at the hands of law-enforcement agencies, the judiciary or service providers, is still widespread.²²

12. Article 65 of the constitution, No. 33/1944; also see the Constitutional Law Act, No. 97/1995.

13. See Article 1 of the Act on Equal Status and Equal Rights Irrespective of Gender in its current version, available at: www.government.is/library/04-Legislation/Act%20on%20Equal%20Status%20and%20Equal%20Rights%20Irrespective%20of%20Gender.pdf.

14. See the Ninth periodic report submitted by Iceland to CEDAW, 23 November 2021, CEDAW/C/ISL/9, para. 146.

15. See: www.jafnretti.is/en/directorate-of-equality#:~:text=The%20Directorate%20of%20Equality%20is,151%2F2020.&text=with%20the%20Minister's%20decision

16. Article 13 of the Act on Equal Status and Equal Rights of Women and Men, No.10/2008.

17. www.government.is/library/01-Ministries/Prime-Ministers-Office/Gender%20Equality%20Action%20Programme%20for%20the%20period%20of%2020202023.pdf.

18. The World Economic Forum's Global Gender Gap Index looks at four main factors: Economic Participation and Opportunity; Educational Attainment; Health and Survival; and Political Empowerment. Its 2021 report is available at: www3.weforum.org/docs/WEF_GGGR_2021.pdf.

19. *Ibid.*, pp. 14-15.

20. *Ibid.*, p. 32.

21. The discrimination grounds in question include sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

22. See paragraphs 52-54 of the Explanatory Report to the Istanbul Convention.

19. GREVIO welcomes the numerous legal instruments providing protection from discrimination. In 2020, the amended version of the Act on Equal Status and Equal Rights Irrespective of Gender entered into force, which aims at ensuring protection for marginalised groups, including women with disabilities and women of ethnic origin, to make it easier to address discrimination. Moreover, the Act on Equal Treatment Irrespective of Race and Origin was amended in June 2022. It now bans discrimination outside the workplace on the grounds of race and ethnic origin and also covers religion and belief, disability, age, sexual orientation, sexual identity, sexual characteristics and sexual expression. The Act on Equal Treatment on the Labour Market provides legal protection against discrimination in the workplace. An action plan on persons with disabilities includes certain measures relating to violence prevention and protection.

20. However, despite these legislative measures and action plans, GREVIO has observed a number of barriers which migrant women, women with disabilities and other women exposed to intersectional discrimination face in seeking quality interventions for any of the forms of violence covered by the convention.²³ This is likely to be a direct result of the absence of comprehensive measures, strategies or policy documents that would systematically identify and address the specific situation of these groups of women.²⁴ Factors such as disability, social status or being a migrant woman may create barriers that differ significantly from those experienced by Icelandic women belonging to the majority population. Comprehensive policies are needed that reflect this and thereby serve women of all backgrounds. This is particularly important against the backdrop of the heightened exposure to violence of women with disabilities²⁵ and the fact that migrant women are more likely to be victims of violence.²⁶ Moreover, access to specialist support services for these and other groups of women must be ensured on an equal level, which is currently not always the case, for example for women with addiction issues and who experience domestic or other violence and are in need of a safe shelter.

21. GREVIO strongly encourages the Icelandic authorities to take measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any of the grounds listed in Article 4, paragraph 3, especially in relation to migrant women and women with disabilities, and by placing the rights of victims at the centre of all measures.

D. State obligations and due diligence (Article 5)

22. Aspects of the implementation of Article 5 of the convention are covered in Chapters V and VI of this report.

E. Gender-sensitive policies (Article 6)

23. Article 6 of the Istanbul Convention calls on the parties to include a gender perspective in the implementation and evaluation of the impact of its provisions and to promote and implement policies aimed at achieving equality between women and men and the empowerment of women. This

23. The United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee has repeatedly stated that discrimination against women is inextricably linked to other factors that affect their lives. Such factors may include “ethnicity/race, indigenous or minority status, colour, socioeconomic status and/or caste, language, religion or belief, political opinion, national origin, marital and/or maternal status, age, urban/rural location, health status, disability, property ownership, being lesbian, bisexual, transgender or intersex, illiteracy, trafficking of women, armed conflict, seeking asylum, being a refugee, internal displacement, statelessness, migration, heading households, widowhood, living with HIV/AIDS, deprivation of liberty, being in prostitution, geographical remoteness and stigmatisation of women fighting for their rights, including human rights defenders”. CEDAW General Recommendation No. 35, CEDAW/C/GC/35, p. 4. See also Chapter IV, Protection and support.

24. See also Chapter II, Comprehensive and co-ordinated policies.

25. A report by the National Commissioner of the Icelandic Police of August 2020 has shown that persons with disabilities, and in particular women and girls with disabilities, are much more likely to be subjected to violence than those without a disability. See also the Council of Europe Commissioner for Human Rights’ statement “Addressing the invisibility of women and girls with disabilities”, 21 April 2022, available at: www.coe.int/en/web/commissioner/-/addressing-the-invisibility-of-women-and-girls-with-disabilities.

26. See the Ninth periodic report submitted by Iceland to CEDAW, 23 November 2021, CEDAW/C/ISL/9, p. 23.

obligation stems from the realisation that in order to put an end to all forms of violence covered by the scope of the convention, it is necessary to promote *de jure* and *de facto* equality between women and men. It also reflects the principle that violence against women is a consequence as well as a cause of gender inequality.

24. GREVIO welcomes the fact that several of the measures contained in the government action plans are aimed specifically at women and thereby take into account that violence affects women disproportionately.²⁷ Gender mainstreaming has been a long-standing policy aim of the Icelandic Government, with many measures already implemented and more in the making.²⁸ At the same time, however, GREVIO has also seen some examples of gender-neutral policies which may have to be readjusted in order to target women more specifically. The agreement of the current Coalition Government, for example, speaks of “gender-based violence” without specifying that such violence is directed against a woman because she is a woman or that it affects women disproportionately, as Article 3*d* of the convention stipulates.²⁹ Such gender-neutral attitudes in policies are likely to result in a lack of gender sensitivity in their implementation and gaps in prevention and protection as a consequence.

25. It is important to systematically recognise in strategy documents that violence against women is a specific, widespread and gender-based form of violence. Sexual violence and rape, stalking, especially ex-partner stalking, sexual harassment and intimate partner violence are forms of violence that affect women disproportionately. The historically unequal relationships between women and men have led to the domination of men over women and are among the root causes of violence against women. The driving motivation behind these forms of violence is power and control over a woman – her body, her mind, her economic situation, her sexuality or her reproductive functions. It is for this reason that they are covered by the Istanbul Convention as manifestations of gender-based violence against women, which is violence that is directed against a woman because she is a woman or that affects women disproportionately. As such, it should not be considered as abuse experienced individually by women but needs to be understood as a social mechanism to keep women in a subordinate position to men. This does not apply in the same way to men who experience violence in intimate relationships. GREVIO recognises the fact that domestic violence against men and boys exists, although research seems to indicate that their experiences of violence are different. Article 2, paragraph 2 of the Istanbul Convention in fact encourages parties to the convention to apply it to all victims of domestic violence, including men and boys. It also, however, emphasises that in doing so, “Parties shall pay particular attention to women victims of gender-based violence in implementing the provisions of this Convention”.³⁰

26. Moreover, in order to assess the level of gender sensitivity of existing legislation and policy measures in Iceland – from the point of view of women’s experiences in relation to the different forms of violence against women covered by the Istanbul Convention and as required by this provision – an evaluation of their impact should be carried out. The convention requires that a gender impact assessment is carried out at the planning stage of any measure which a state party takes in the implementation of the convention. It further means that during the evaluation stage, states parties are required to determine whether there is a gender differential in the impact of the provisions.³¹ This would reveal to what extent the specific needs and experiences of women victims of these forms of violence, which differ from those of men, are addressed by existing laws and policies and their implementation in practice, as well as areas in need of an increased gender perspective.

27. See, for example, the Policy Brief on Iceland’s Roadmap for Ending Gender-based Violence by 2026, issued on the occasion of the Generation Equality Forum, June 2021, available at: www.stjornarradid.is/library/01--Frettatengt---myndir-og-skrar/FOR/Fylgiskjol-i-frett/GEF-Iceland.pdf.

28. See paragraph 5 of the Action Programme on Gender Equality, available at: www.government.is/library/01-Ministries/Prime-Ministrers-Office/Gender%20Equality%20Action%20Programme%20for%20the%20period%20of%2020202023.pdf.

29. Agreement on the Platform for the Coalition Government of the Independence Party, the Left Green Movement and the Progressive Party, 2021, p. 21, available at: www.government.is/library/05-Rikisstjorn/Agreement2021.pdf.

30. See GREVIO’s baseline evaluation report on Denmark, paragraph 7.

31. Explanatory Report, paragraph 61.

27. GREVIO encourages the Icelandic authorities to review any gender-neutral approaches in their policy documents and ensure all policies relating to the prevention and combating of violence against women and domestic violence are gender-sensitive and based on an understanding of the link between violence against women and the structural inequalities between women and men. Existing legislation and policy measures should be evaluated, with the aim of assessing whether there is a gender differential in their impact.

II. Integrated policies and data collection

28. Chapter II of the Istanbul Convention sets out the core requirement for a holistic response to violence against women: the need for state-wide effective, comprehensive and co-ordinated policies sustained by the necessary institutional, financial and organisational structures.

A. Comprehensive and co-ordinated policies (Article 7)

29. Article 7 of the Istanbul Convention requires states parties to ensure that co-ordinated and comprehensive measures to prevent and combat violence against women address all forms of violence against women.

30. The first action plan on domestic and sexual violence in Iceland was introduced in 2006. It was followed by further action plans on gender-based violence, focusing on combating domestic violence, sexual violence against women and children, and aiming at improving the legal status of and facilities for victims of violence. Emphasis was also placed on strengthening preventive efforts against violence. The action plan on the handling of sexual offences 2018-2022 aims at ensuring high-quality, efficient and fair proceedings, shortening their length and increasing trust in the justice system. This action plan is expected to be renewed in 2022. Moreover, the Icelandic Parliament passed a parliamentary resolution on a plan for 2019-2022 on measures against violence and its consequences. It covers physical, sexual and psychological violence, bullying, hate speech and the publication of images that encourage violence on social media. A specific focus was put on vulnerable groups, such as migrants, people with disabilities and elderly people. In addition, a special action team on violence was appointed, co-ordinating work on the implementation of the resolution.³² The action team launched various projects supporting the actions stipulated in the resolution, many of which are still ongoing. Last, there is an action plan for preventive actions among children and young people against sexual and gender-based violence and harassment in force for the years 2021 to 2025.

31. GREVIO welcomes the existence of solid measures relating to domestic violence, sexual violence and sexual harassment, and that many more important new policies and measures are in the planning stage. However, it notes that several other forms of violence that are covered by the Istanbul Convention do not receive any attention at all in the action plans and resolutions. Female genital mutilation, crimes related to “honour”, stalking, forced abortion or forced sterilisation are not covered by any government strategy or policy document. Forced marriage appears to be covered by action plans only in relation to human trafficking, which does not cover all possible scenarios of this specific form of violence. Moreover, certain groups of women subjected to or at risk of intersectional discrimination, such as LGBTI women, women in prostitution, women with addiction issues or women living in rural areas, are not systematically included by the actions set out in the different strategy documents. This is a situation that should swiftly be remedied – action plans should both address all forms of violence covered by the convention and take into account the specific experiences of violence of women subjected to intersectional discrimination.

32. An evaluation of the above action plans has not taken place so far, but considerations are underway to evaluate the actions taken under the parliamentary resolution for a plan for 2019-2022 on measures against violence and its consequences. GREVIO considers that it would be important to conduct impact studies on the action plans – not only quantitative, but also qualitative – in order to assess their impact on all forms of violence of women.

33. Co-ordination in many ways also implies co-operation among the various stakeholders and service providers. For this reason, the implementation of any adopted policies by way of effective

32. Summary of Government Actions against Gender-based and Sexual Violence and Harassment, May 2021, available at: www.government.is/library/01-Ministries/Prime-Ministrers-Office/Summary%20of%20Government%20Actions%20against%20Gender-based%20and%20Sexual%20violence%20and%20Harrassment%20.pdf.

multi-agency co-operation is an important element of Article 7 of the convention.³³ This may, for example, mean the joining of forces of law-enforcement agencies, the judiciary, women's rights NGOs, child-protection agencies and other relevant partners on a particular case. GREVIO has witnessed such co-operation on some levels in Iceland, but also noted that this was not done in an institutionalised manner and was often based on the personal contacts of those involved. It takes note of the current plans for a pilot project which aims at reinforcing co-operation between District Commissioners, the police, social services and child-protection services in matters concerning children and especially those who have experienced domestic violence.³⁴ While GREVIO welcomes these plans, it would be important to have the same amount of co-operation for adult victims of violence, and to also include the healthcare sector, which is often the first point of contact with the authorities for victims of violence. In that context, GREVIO notes that work is currently underway at the Ministry of Health to develop and implement harmonised procedures for healthcare institutions providing services to victims of domestic violence, which include co-operation with social workers, child protection services, lawyers, and the police. It remains to be seen how this project will be implemented. In addition, NGOs should equally not be forgotten in multi-agency co-operation mechanisms. Other forms of multi-agency co-operation such as case conferences or multi-agency risk-assessment conferences do not seem to form part of standard procedure in Iceland, but would greatly benefit victims in high-risk cases.

34. GREVIO strongly encourages the Icelandic authorities to address all forms of violence against women covered by the Istanbul Convention in government strategies and action plans, and to include measures targeting women subjected to or at risk of intersectional discrimination, such as migrant women, women with addiction issues, women in prostitution and women with disabilities.

35. GREVIO strongly encourages the Icelandic authorities to:

- a. increase multi-agency co-operation on a local level and in an institutionalised manner, and to systematically include the healthcare sector and NGOs working in the field of violence against women;**
- b. introduce multi-agency risk-assessment conferences for high-risk cases.**

B. Financial resources (Article 8)

36. In Iceland, government funding for services and measures to prevent and combat violence against women is made available in different ways. General support is offered by the extensive Icelandic welfare system designed to meet the needs of all citizens. In addition, a number of specialist support services and NGOs are fully or partially funded by the Icelandic Government.³⁵

37. GREVIO welcomes the passing of legislation in 2015 which mandated that government budget proposals be gender-responsive, including an analysis of the effects on equality between women and men. The Icelandic authorities issue a yearly status report on gender budgeting, in which the gender situation in every public policy area is mapped out.³⁶ The objective is to respond to and re-evaluate policies, expenditures and sources of income in accordance with objectives for equality.³⁷ A five-year plan on gendered budgeting is in place for the period 2019-2023. Moreover,

33. See GREVIO's baseline evaluation report on Sweden, paragraph 24.

34. See Summary of Government Actions against Gender-based and Sexual Violence and Harassment, May 2021, page 11.

35. For an overview of government funding, see the state report by the Icelandic Government to GREVIO, pp. 11-14.

36. See the State Report by the Icelandic Government to the United Nations Human Rights Council, Universal Periodic Review, A/HRC/WG.6/40/ISL/1, 12 November 2021, paragraph 22, available at: <https://undocs.org/en/A/HRC/WG.6/40/ISL/1>.

37. See the combined seventh and eighth periodic report by the Government of Iceland on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, 30 July 2014, CEDAW/C/ISL/7-8, p. 18, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/ISL/CO/7-8&Lang=En.

spending on gender equality measures has increased on average by 11.4% per year between 2016 and 2021.³⁸

38. However, the Icelandic authorities have informed GREVIO that they do not have a comprehensive overview of the funds and grants allocated to measures taken against violence against women and domestic violence, and thus no indication of the percentage of overall public expenditure in that area.³⁹ Separate budget lines for measures and action to prevent and combat violence against women do not seem to exist. Moreover, GREVIO is concerned that some of the above-discussed action plans⁴⁰ did not receive full or specific funding. The parliamentary resolution on a plan for 2019-2022 for example was not allocated any separate funding at all. Much rather, the ministries responsible had to make shifts in their budget to finance the respective actions that were allocated to them. It would be preferable to have all relevant actions in relation to violence against women and domestic violence fully funded from the outset to ensure effective implementation, with a fixed budget, but also a certain financial flexibility in case additional funding needs arise.

39. NGOs are to a certain extent funded by the government or local municipality, but at the same time have to rely on private donors in order to meet their budgetary needs. GREVIO received information from civil society organisations that the financing of several of the NGOs which are providing crucial specialist services for women victims of violence is therefore not always secured, and that they have to reapply for financial support every year.⁴¹ The insecure and at times low levels of funding are having an impact on their service delivery, with waiting times for victims on the rise. While one-off funding top-ups have been secured for some services, GREVIO points to the urgent need to introduce stable and long-term funding perspectives for women's rights NGOs providing specialist support services for women victims of violence.⁴² Adequate and sustainable funding is of crucial importance in order to secure services for women victims of violence, and also to allow professionals to focus on their core tasks rather than having to search for funding.⁴³ While the Icelandic authorities value the expertise of civil society organisations and involve them in policy making,⁴⁴ GREVIO considers that this should also translate into securing their financial basis. The current situation of insufficient and insecure funding results in long waiting times for counselling and support for women victims of violence and their children and must urgently be remedied.

40. GREVIO urges the Icelandic authorities to ensure appropriate long-term and sustainable funding for NGOs providing specialist support services for women victims of any form of violence covered by the Istanbul Convention and their children.

41. GREVIO strongly encourages the Icelandic authorities to ensure that appropriate funding for state-wide effective policies and measures for women victims of violence, such as the relevant action plans, are available and that they reflect priorities set out in a comprehensive and co-ordinated approach that addresses all forms of violence covered by the Istanbul Convention as gender-based violence against women.

42. To achieve the above, GREVIO encourages the Icelandic authorities to introduce, in all relevant sectors of government, separate budget and funding lines for all policies and measures which form part of the required comprehensive and co-ordinated approach to combating violence against women and domestic violence, in order to be able to monitor government efforts in that respect.

38. See the Ninth periodic report submitted by Iceland to CEDAW, 23 November 2021, CEDAW/C/ISL/9, p. 40, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2fC%2fISL%2f9&Lang=en.

39. State report, p. 10.

40. Chapter II, Comprehensive and co-ordinated policies.

41. Joint NGO submission by the Icelandic Human Rights Centre, the Icelandic Women's Rights Association, the Icelandic Women's Shelter and Stígamót – Center for Survivors of Sexual Violence, p. 6, and information obtained during the evaluation visit.

42. Information obtained during the evaluation visit.

43. See GREVIO's Mid-term Horizontal Review of 17 baseline evaluation reports, paragraph 81.

44. See Chapter II, Non-governmental organisations and civil society.

C. Non-governmental organisations and civil society (Article 9)

43. In Iceland, NGOs play an important role in advocacy, critically following government policies, carrying out awareness-raising campaigns and operating counselling and support services intended to offer the specialist support for women victims of violence which local authorities and the various branches of the social welfare system cannot provide. The Icelandic Women's Rights Association was founded as early as 1907 and has since been lobbying and working for women's social, economic and political rights. The Women's Shelter Association was founded in June 1982 and opened their shelter in December of that year, as the organisation considered it necessary to create a safe place for women fleeing domestic abuse. The number of NGOs which focus on gender equality, and in particular on women facing intersectional discrimination, has increased in the past 15 years.⁴⁵

44. Many of the NGOs working with victims of violence are actively involved by the Icelandic Government in policy making, and NGO representatives are invited and consulted in the preparation of action plans and the authorities value their expertise. Women's rights NGOs active in the field indicated to GREVIO that they considered themselves as being a force for change in government policies, which amounts to a strength in Iceland and is a big asset for the community. GREVIO notes with satisfaction that this matches the strong role of civil society and NGOs envisaged by the Istanbul Convention, expressed in particular by Article 9 of the convention. It would nonetheless be desirable to formalise NGO involvement in policy making, as well as involve them more in multi-agency co-operation. Such involvement currently appears to be based on a case-by-case involvement and without structural engagement.

45. At the same time, GREVIO notes that despite the full recognition for the role of women's rights NGOs in service delivery and, subsequently, policy making, the level of government funding, including the possibilities of obtaining long-term and stable funding, are low, resulting in planning insecurity and at times long waiting lists for women victims of violence.⁴⁶

46. GREVIO invites the Icelandic authorities to formalise NGO involvement in policy making and involve them more strongly in multi-agency co-operation, in order to ensure their involvement in the design of policies and programmes and the provision of services, counselling, advocacy and awareness raising.

D. Co-ordinating body (Article 10)

47. To date, there has been no national co-ordinating body designated or set up in Iceland that is mandated to take on the four functions set out in Article 10 of the Istanbul Convention, namely the co-ordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by the convention. Currently, these tasks are performed jointly by the Ministry of Social Affairs, the Ministry of Justice and the Prime Minister's Office, including by the various working groups that are set up under these ministries.

48. GREVIO welcomes the plans under way to establish a national monitoring body at the level of the Icelandic Human Rights Institute. However, it notes that this will only cover the monitoring and evaluation of measures, which amounts to half of the functions required. The designation or establishment of an official body to ensure the co-ordination and implementation of policies on all forms of violence against women and domestic violence is urgently needed. Without a body that is fully institutionalised and mandated to fulfil its functions with regard to all aspects of Article 10, including the co-ordination of the collection of data referred to in Article 11 of the convention, and that is equipped with the necessary financial and human resources, it will not be possible to develop

45. For an overview, see the joint submission by the Icelandic Human Rights Centre and the Icelandic Women's Rights Association to CEDAW, 2016, p. 19, available at: <https://kvenrettindafelag.is/en/our-work/shadow-reports-on-icelands-implementation-of-cedaw/>.

46. See Chapter II, Financial resources.

the required holistic approach to all forms of violence covered by the convention.⁴⁷ The existing ministerial working groups fulfil an important role and are a first step towards increased co-operation but cannot be regarded as national co-ordinating bodies because of their ad hoc nature. An entity to bring together and co-ordinate existing measures in order to identify gaps and further action on the basis of the requirements of the Istanbul Convention is urgently needed. This would need to involve all levels of government, including all relevant ministries. It would also help in the sharing of good practices across the country and ensuring capacity development across all sectors, as well as developing quality standards, in co-operation with specialist support services run by NGOs.⁴⁸

49. GREVIO urges the Icelandic authorities to designate or establish one or more national co-ordinating bodies that are fully institutionalised and mandated to fulfil all of the functions as set out in Article 10 of the Istanbul Convention, and that are vested with the necessary financial and human resources.

50. GREVIO strongly encourages the Icelandic authorities to ensure, on the one hand, the co-ordination and implementation of policies and measures to prevent and combat all forms of violence against women, and, on the other hand, their independent monitoring and evaluation in order to ensure objectivity in the evaluation of policies. Any monitoring and evaluation should be carried out on a regular basis, using comparable indicators. In addition, the Icelandic authorities should ensure that the co-ordinating body exercises its functions in close consultation with relevant NGOs and civil society and that its work is supported by relevant data.

E. Data collection and research (Article 11)

51. Preventing and combating violence against women and domestic violence requires evidence-based policy making. The collection of systematic and comparable data from all relevant administrative sources is crucial in this regard, as is information on the prevalence of all forms of violence against women.⁴⁹

1. Administrative data collection

52. GREVIO has consistently referred to the need to collect data on all forms of violence against women covered by the Istanbul Convention and to ensure their disaggregation, at the minimum, by sex, age, type of violence, the relationship of the perpetrator to the victim and geographical location.⁵⁰ While this is done to some extent in Iceland, the analysis below shows the importance of investing further in data-collection systems that enable valuable data on the prevalence and characteristics of violence against women and the effectiveness of measures to counter such violence to emerge in Iceland.

53. GREVIO notes that in 2020 Iceland established a working committee on the gathering, use and publication of gendered statistical data.⁵¹ It is tasked with preparing a handbook about statistical data disaggregated by gender, improving the overview of such data and promoting comparable processes for the gathering of such data by the different state authorities. However, according to the authorities, statistics on violence are not currently compiled in a single location.⁵² This means that there is no overview available on the extent of the different forms of violence covered by the Istanbul Convention in Iceland, which must be remedied urgently. GREVIO notes that since February 2022, the National Commissioner for the Police has been publishing data on sexual offences and domestic

47. See Chapter II, Comprehensive and co-ordinated policies.

48. See GREVIO's baseline evaluation report on Germany, paragraph 48.

49. While this section discusses the main considerations related to data collection, Chapters V and VI also offer reflection on data related to specific criminal offences.

50. See GREVIO's Mid-term Horizontal Review of 17 baseline evaluation reports, paragraph 101.

51. Act No. 150/2020 on Equal Status and Equal Rights Irrespective of Gender includes an obligation for public bodies to make a distinction between genders when processing statistical data.

52. State report by Iceland submitted to GREVIO, p. 17.

violence, including homicide and grave physical assault, on a quarterly basis.⁵³ However, not all forms of violence covered by the Istanbul Convention are included in the publication.

a. Law-enforcement agencies and the justice sector

54. Since 2014, the law-enforcement agencies have been registering reported cases of domestic violence as a specific category. The statistics show a steady increase in the reporting of the offence of domestic violence since. In 2021, the police registered around 1 000 such reports. The police collect their data disaggregated by sex, age, nationality, type and place of the offence, and relationship of the perpetrator to the victim. Statistics on sexual violence and domestic violence, including yearly trends, are published on the police website and updated quarterly.⁵⁴ Overall, the police and police prosecutors have a solid data system in place for recording reported offences of sexual violence and domestic violence, forced marriage, forced abortion and female genital mutilation which they actively make use of and monitor open cases to ensure that investigations are concluded speedily. However, it appears that data on other offences covered by the Istanbul Convention, such as forced sterilisation and violence related to “honour”, are not collected in the same way.

55. As regards data collected by prosecution services and criminal courts, however, GREVIO notes that this is less systematically done in relation to the forms of violence covered by the Istanbul Convention. GREVIO regrets that no data on indictments or convictions are being collected or made available publicly. Moreover, the data-collection systems are not harmonised across the different sectors, as the police and the judiciary use different categories that are not comparable. Furthermore, there is no case-management system in place that would enable the tracking of cases of violence against women, from reporting to indictment and beyond, and in relation to all criminal offences required by the convention. The aim of such harmonised data is, *inter alia*, to allow an assessment of conviction, attrition and recidivism rates. Article 11 of the convention requires states parties to set up a common data-collection system for all levels of the judiciary and law-enforcement agencies based on a common set of data categories that includes all forms of violence covered by the Istanbul Convention and is broken down by sex, age of both the victim and the perpetrator, type of violence and the relationship of the perpetrator to the victim. Moreover, it is important to introduce a system that allows cases to be tracked at all levels of the criminal justice system. Equally, it would be important to systematically collect the number of criminal and other sanctions imposed on perpetrators of all forms of violence against women, with an indication of the type of sanctions imposed, and, where appropriate, of their suspended execution, their reduction for any motive and average length of sanctions. In this context, however, GREVIO welcomes the growing awareness among the relevant entities in Iceland of the lack of systematic data collection, which is beginning to translate into action to correct this.

56. GREVIO considers it of equal importance that data be collected on the number of breaches of emergency barring, restraining and protection orders, the number of sanctions imposed as a result of such breaches and the number of cases in which victims are revictimised or murdered as a consequence of such breaches, which is currently not systematically collected in Iceland.

b. Healthcare sector

57. In 2020, a study was published which looked at the number of women who visited the emergency room at the Landspítali National University Hospital in Reykjavik because of domestic violence.⁵⁵ In general, however, data on the number of women and girls who contact the health sector for experiences of violence, including domestic violence, broken down by the victims’ sex, age and relationship with the alleged perpetrator, are not systematically collected. GREVIO notes with interest that the Icelandic Ministry of Health is currently working on a digital data-collection

53. See www.logreglan.is/utgafa/stadfestar-tolur/kynbundid-ofbeldi/

54. The reports and statistics are available on the Icelandic Police’s website www.logreglan.is.

55. Jónasdóttir D., Thorsteinsdóttir T., Ásgeirsdóttir T. L., Lund S. H., Arnarsson E. Ö., Ashikali E., Líndal Þ. and Mogensen B., “Women and intimate partner violence: Prevalence of hospital visits and nature of injuries in the Icelandic population”, *Scand J Public Health*, May 2021, available at: <https://pubmed.ncbi.nlm.nih.gov/32308135/>.

system for the healthcare sector, which will also record hospital and doctor's visits for domestic violence.

c. Social services

58. The Icelandic authorities do not currently collect data on the number of women and girls who contact the social services for help with experiences of violence against women, including domestic violence, broken down by the victims' sex, age and relationship with the alleged perpetrator.

d. Data on the asylum procedure

59. It appears that data on the number of asylum claims on the basis of gender-related prosecution and their outcomes are not collected in Iceland. Statistics are available on how many women and girl asylum seekers are registered each year. In the first quarter of 2022, 393 women submitted an asylum application, of which 113 were girls accompanied by family, and three were unaccompanied girls. Of those, 293 women were from Ukraine, 70 of which were girls. In comparison, in the entire year of 2021, Iceland received 248 applications for international protection from women, and 130 from girls.⁵⁶

60. **GREVIO urges the Icelandic authorities to:**

- a. harmonise the data-collection systems between law enforcement and the judiciary based on a common set of data categories that includes all forms of violence covered by the Istanbul Convention and is broken down by sex, age of both the victim and the perpetrator, type of violence and the relationship of the perpetrator to the victim, and introduce a case-management system that would allow cases to be tracked through all stages of the criminal justice system, with the aim of identifying gaps in the system that may contribute to low conviction rates;**
- b. collect data on the number of cases reported to law enforcement, the criminal charges and indictments brought, criminal convictions, and criminal and other sanctions imposed on perpetrators of all forms of violence against women, with an indication of the type of sanctions imposed, and, where appropriate, of their suspended execution, their reduction for any motive and average length of sanctions;**
- c. collect data on the number of breaches of emergency barring, restraining and protection orders, the number of sanctions imposed as a result of such breaches and the number of cases where the woman was revictimised or murdered as a consequence of such breaches;**
- d. ensure that healthcare and social welfare services collect data on contact made for all forms of violence against women broken down by sex, age of both the victims and perpetrators and the relationship of the perpetrator to the victim;**
- e. prepare and publish an overview of available data on all forms of violence covered by the Istanbul Convention, including an analysis of the data and trends;**
- f. collect data on the number of asylum claims on the basis of gender-related persecution and their outcomes.**

2. Population-based surveys

61. A major population-based survey ("The Saga Cohort") was carried out by the University of Iceland from 2018 to 2019 on the impact of trauma on women's health.⁵⁷ The target population was all women living in Iceland aged 18 to 69 (approximately 110 000). Almost 32 000 women replied to an extensive online auto-reporting questionnaire. The findings were that one in four women in Iceland has been raped or subjected to sexual violence during her lifetime. About the same percentage had been subjected to physical violence. Some 40% reported having experienced

56. Asylum statistics in English, available at: <https://utl.is/en/about-directorate-of-immigration/statistics#outcome-gender>.

57. See <https://afallasaga.is/english/>.

psychological abuse as children or as adults.⁵⁸ These findings corroborated the outcome of a study by the Ministry of Health of 2017, which found that 40.2% of women in Iceland had been subjected to physical abuse in their lifetime, 23.9% had been victims of sexual violence and 35.5% had experienced psychological abuse.⁵⁹ GREVIO welcomes the regular surveys conducted by the Ministry of Health on the health of people in Iceland, including on their experiences of violence. Moreover, GREVIO notes that there are plans to conduct population-based surveys on the healthcare system for victims of violence, and on domestic and gender-based violence.

62. However, these surveys so far have focused almost exclusively on sexual, physical and psychological violence, while the prevalence of other forms of violence covered by the Istanbul Convention remains unknown. There are no data available on the prevalence of stalking, FGM, forced marriage, forced abortion, forced sterilisation or violence related to “honour” in Iceland. According to Article 11, paragraph 2, of the Istanbul Convention, population-based surveys supplement the collection of administrative and judicial data which, by themselves, do not indicate the full extent of women’s experiences of violence. More specifically, the value of prevalence surveys depends on the way in which they reveal the extent, nature, determining factors and consequences of all forms of violence covered by the convention. They are also useful for shedding light on victims’ experiences of violence, the reasons for not reporting the violence, the services that have provided them with support and their opinions of and attitudes towards the violence they experienced. Prevalence surveys also help raise public, political and professional awareness and are an important component of guiding policy making and related budget allocation.⁶⁰

63. GREVIO strongly encourages the Icelandic authorities to include all forms of violence covered by the Istanbul Convention in future population-based surveys.

3. Research

64. Article 11, paragraph 1*b*, of the convention creates the obligation for parties to support research, out of the consideration that it is essential that parties base their policies and measures to prevent and combat all forms of violence covered by the convention on state-of-the-art research and knowledge in this field. As a key element of evidence-based policy making, research can contribute greatly to improving day-to-day, real-world responses to violence against women and domestic violence by the judiciary, support services and law-enforcement agencies.⁶¹

65. GREVIO has consistently underlined the importance of evidence-based policy making, by relying on studies and research that inform the drafting and the evaluation of policies.⁶² In 2010, the Icelandic Ministry of Welfare published a comprehensive report entitled “Male violence against women in intimate partnerships”, which was based on data collected between 2008 and 2010 and included proposals for government measures.⁶³ Regrettably, it appears that this research project has not been repeated or updated since, which means that it remains unknown whether the government measures to combat intimate partner violence in the past decade have produced tangible results.

66. Research in Iceland in relation to women facing intersectional discrimination has focused on women with disabilities⁶⁴ and migrant women.⁶⁵ Several interesting research projects are underway,

58. See https://english.hi.is/news/one_in_four_women_has_been_raped_or_sexually_assaulted.

59. See www.landlaeknir.is/tolfraedi-og-rannsoknir/rannsoknir/heilsa-og-lidan-islendinga/.

60. GREVIO’s baseline evaluation report on San Marino, paragraph 47.

61. Explanatory Report, paragraph 77.

62. See GREVIO’s Mid-term Horizontal Review of 17 baseline evaluation reports, paragraph 52.

63. See www.government.is/publications/reports/report/2012/02/09/Male-Violence-against-Women-in-Intimate-Relationships-in-Iceland/.

64. See, for example, Woodin S. and Shah S. (2014), “Access to Specialised Victim Support Services for Women with Disabilities who have Experienced Violence: Comparative Research Report: Austria, Germany, Iceland and United Kingdom”, available at:

www.researchgate.net/publication/313847166_Access_to_Specialised_Victim_Support_Services_for_Women_with_Disabilities_who_have_Experienced_Violence_Comparative_Research_Report_Austria_Germany_Iceland_and_United_Kingdom.

65. See for example, a list of doctoral theses and research papers made available by the Women’s Shelter Organisation, available at: www.kvennaathvarf.is/research/?lang=en.

for example a study conducted by the National Commissioner of Police with the aim of analysing violence against the elderly and persons with disabilities, and a study on gender-based violence against women of foreign origin, for which the Educational Research Institute has received a government grant. Moreover, GREVIO welcomes the fact that research is underway to assess the justice system's response to domestic violence in proceedings concerning custody and visitation. A “Children's dashboard”, which will include indicators on children's exposure to violence, is expected to be operative by the end of 2022.

67. Overall, and in a similar way to that covered above in relation to population-based surveys, while there is research available on more prevalent forms of violence (such as physical, sexual and psychological violence, digital manifestations of violence⁶⁶ and sexual harassment),⁶⁷ other forms of violence (such as stalking, FGM, forced marriage, forced sterilisation, forced abortion and violence related to “honour”) are much less explored. In addition, violence experienced by some groups of women, such as elderly women, women with addiction issues (including alcohol addiction) and LGBTI women is currently under-researched.

68. GREVIO encourages the Icelandic authorities to fill the gaps in research on forms of violence which are currently less explored in Iceland, such as stalking, FGM, forced marriage, forced sterilisation, forced abortion and violence related to “honour”, and to ensure that women subjected to or at risk of intersectional discrimination and the violence they experience also form part of ongoing and future research projects.

66. See the study “Online violence against women in the Nordic countries”, funded by the Nordic Council of Ministers – The Nordic Gender Equality Fund, 2017, available at: www.kun.no/uploads/7/2/2/3/72237499/2017_onlineviolence_web.pdf.

67. For an overview, see the Report submitted by Iceland pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report), pp. 19-21.

III. Prevention

69. This chapter contains a number of general and more specific obligations in the area of prevention. These include early preventive measures such as changing social and cultural patterns of behaviour of women and men, eradicating prejudices and gender stereotypes, and measures to involve all of society, including men and boys, in achieving gender equality and the prevention of violence against women. It also includes more specific preventive measures such as awareness raising and campaigning, ensuring the adequate training of all professionals, education in schools and other settings and, last but not least, measures such as perpetrator programmes to prevent further victimisation.

A. General obligations (Article 12)

70. Article 12 delineates the fundamental foundations of the parties' duty to prevent violence against women. These include the parties' determination to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men. Moreover, flowing from the premise that violence against women is a cause as much as a consequence of gender inequality, Article 12 requires further that parties adopt specific measures to empower women and to achieve greater gender equality in order to reduce women's vulnerability to violence.

71. The Icelandic population generally has a high level of awareness of the issue of violence against women. There are broad discussions among the public and victims have started to speak out, with less stigma being attached to them by society. The Icelandic #metoo wave seems to have had a profound impact on Icelandic society and has prompted a change in mentality on sexual violence and harassment, sparked discussions around the importance of consent in sexual relations and led to a rise in demand for counselling for women victims of sexual violence.⁶⁸ Iceland appears to be in the promising, but also difficult, phase where the awareness of domestic violence and violence against women is elevated and more such cases are being reported to the police. At the same time, the Icelandic authorities are investing further in awareness raising while increasing efforts to ensure the detection of violence. This is translating into increased reporting and help-seeking, which needs to be matched with sufficient resources for all relevant stakeholders, including law-enforcement agencies, healthcare providers, social services, specialist (NGO) support services and the judiciary, or else momentum will be lost and victims' willingness to act undermined. Moreover, without additional and sustainable resources, professionals will be discouraged from detecting and reporting violence against women, and they will lose confidence in the will of the authorities if adequate action does not follow.

72. The Icelandic authorities have run several awareness-raising campaigns on the subjects of violence against women and tackling gender stereotypes in the past few years, aimed at primary prevention. In recent years, there has also been a focus on including men and boys in violence prevention in Iceland. The 2020-2023 Gender Equality Action Plan includes a project in that respect, which is being implemented by the Directorate of Equality. The declared aim is to raise awareness about the responsibilities and roles of men with regard to the #metoo movement, disclosure of harmful masculinities and gender-based and sexual harassment and violence. The project will, *inter alia*, cover the interconnection between gender-based and sexual harassment and violence on the one hand and ideas about masculinity, boundaries and consent on the other. A steering committee for the project has been appointed.⁶⁹ Based on the principle of reinforcing the idea of positive masculinity, the approach taken by the Icelandic authorities is one of involving, as a long-term effort, men and boys in violence prevention, which GREVIO welcomes. This is demonstrated by the fact

68. See, for example: <https://grapevine.is/mag/feature/2021/06/04/icelands-metoo-movement-breaking-the-cycle/>.

69. See the Policy Brief on Iceland's Roadmap for Ending Gender-based Violence by 2026 issued at the occasion of the Generation Equality Forum, June 2021, available at: www.stjornarradid.is/library/01--Frettatengt---myndir-og-skrar/FOR/Fylgiskjol-i-frett/GEF-Iceland.pdf.

that the material which is currently being developed for the purposes of this project is designed specifically to be used for longer periods and further campaigns, and also by numerous different channels such as social media, print and TV.

73. Moreover, GREVIO notes with interest the project “Break free from gender stereotypes”, which is equally overseen by the Directorate of Equality and focused on creating material for pupils to eliminate gender stereotypes and gender-based choices in education and work. The material that has been produced during the project is available on a website for teachers nationwide. It appears, however, that none of these campaigns and projects have been evaluated, which would be an important tool for measuring how the perception of people living in Iceland has changed over time regarding gender stereotypes, sexism and gender-based violence against women. In addition, an evaluation would contribute to ensuring that the campaigns do not have any undesired effects, for example in the form of a backlash by the parents of those students who have been addressed by the campaign. In that context, it would be sensible to inform and involve parents in campaigns in order to prevent any resistance or backlash from their side.

B. Awareness raising (Article 13)

74. GREVIO notes with satisfaction that awareness-raising campaigns in Iceland are numerous and make use of many different media channels. They tend to focus, however, on sexual violence, domestic violence and sexual harassment, and less so on other forms of violence covered by the Istanbul Convention. While GREVIO is aware that not all forms of violence against women covered by the Istanbul Convention are equally prevalent in Iceland, it points to the importance of targeting, through awareness-raising campaigns, forms of violence which society is currently less aware of in order to help remove stigma and other factors which may keep women from speaking out. This would be particularly important for stalking, including post-separation stalking, but also for forms of violence which may be less prevalent in Iceland such as forced marriage and FGM. It appears that the experiences of violence of women and girls subjected to intersectional discrimination are not specifically incorporated either.

75. Noteworthy examples of past and present awareness-raising campaigns run or supported by the Icelandic Government include the “Sick Love” campaign by Stígamót, the centre for victims of sexual violence, which aims to teach young people about gender-based violence and harassment. The ongoing project “Together against violence” was started by the city of Reykjavik, together with the Metropolitan Police Department, the women’s shelter and the health centres in the capital area.⁷⁰ It educates about the different forms of violence and how to recognise them, and provides resources for help, both for victims and perpetrators. The most recent campaign focuses on sexual violence associated with nightlife, as a result of a drop in reported rapes between Friday evening and Sunday morning while restrictions were in place during the Covid-19 pandemic. These restrictions had included, for a certain period, the closing of bars, restaurants and nightclubs, during which the number of reported rapes dropped by 43%, prompting a specific campaign targeting nightlife entertainment. During the Covid-19 pandemic, an awareness-raising campaign on violence in close relationships was launched in the media and on social media with the slogan “Tell Someone”. The campaign was implemented in stages, each stage also focusing on reaching individual vulnerable groups, including migrant women and people with disabilities.

76. Moreover, an awareness-raising campaign to counter violence against migrant women, “You are worth it!”, was financed by the government and run by the NGO W.O.M.E.N. It was aimed at raising awareness and increasing access to information, services, support and empowerment for migrant women. The 2020 parliamentary resolution on sexual violence against children and young people included an educational campaign which aimed at raising awareness among children of the forms and consequences of digital violence. GREVIO welcomes these various campaigns and considers it important to have their process and impact evaluated.

70. See <https://reykjavik.is/en/saman-gegn-ofbeldi>.

77. **GREVIO encourages the Icelandic authorities to pursue their efforts to promote awareness-raising campaigns or programmes on the different manifestations of all forms of violence against women and girls covered by the scope of the Istanbul Convention, not only focusing on sexual and domestic violence and sexual harassment, but also targeting other forms of violence, such as stalking, and those which may be less prevalent, such as FGM, forced marriage and violence based on “honour”. Moreover, awareness-raising campaigns should include women and girls subjected to or at risk of intersectional discrimination. In addition, the impact of such campaigns should be evaluated.**

C. Education (Article 14)

78. Attitudes, convictions and behavioural patterns are shaped very early in life. Educational establishments therefore have an important role to play in promoting equality between women and men and human rights. Article 14 therefore requires the design of teaching material that promotes equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, the right to personal integrity and that informs learners of the different forms of gender-based violence against women.

79. GREVIO commends Iceland for almost half a century of commitment and experience in teaching gender equality in schools: preparing boys and girls for equal participation in family and work life has been obligatory in Iceland since the first Gender Equality Act was passed in 1976. Equality has been one of the six pillars of compulsory and secondary education in Iceland since 2011. Article 15 of the Act on Equal Status and Equal Rights Irrespective of Gender (No. 150/2020) contains the obligation that pupils must receive appropriate education on gender and equality, including on gender stereotypes, gender-based study and career choices, persons with disabilities and issues of sexual and gender identity and orientation. Many secondary schools offer classes in gender studies and feminism.

80. The actions contained in the 2020 parliamentary resolution and the related action plan on preventive actions among children and young people against sexual and gender-based violence and harassment for 2021-2025 include the development of educational material to prevent these forms of violence, for children as young as those in preschool and going up to secondary-school pupils. Teaching staff and volunteers in schools, leisure centres and sports and youth centres receive training on sexual and gender-based violence and harassment and how to prevent them, and the respective teaching materials are adapted to the age and development of the learners. So far, about 80% of compulsory schools have teams in place – consisting of the school psychologist, teaching staff, youth centre and after-school programme staff, the school nurse and a member of the school administration – to raise awareness of and teach about sexual and gender-based violence and harassment. However, it is not clear whether these measures focus specifically on women and girl victims of violence and whether all forms of violence contained in the Istanbul Convention are covered by the education material.

81. The other three elements of Article 14 of the convention, namely mutual respect, non-violent conflict resolution and the right to personal integrity, are taken into account when teaching material is revised and new material is drawn up.

82. In relation to Article 14, paragraph 2, of the convention, it is notable that in 2020 a new post was created for a Sports and Youth Activities Communication Counsellor, which is held by a clinical psychologist with knowledge on gender issues. This is an independent entity that can assist and guide those who are victims of violence and harassment in sports and youth activity settings. While GREVIO welcomes this initiative, it is not clear whether the counsellor is trained on all forms of violence covered by the Istanbul Convention. In 2021, the counsellor received 79 complaints, 30 of which concerned sexual harassment or sexual violence, 13 concerned bullying and four cases concerned physical violence. It appears that these data are not broken down by sex and age of the victims, even though this would be important in order to see how far women and girls are affected by sexual violence and harassment in the sports and leisure sector.

83. **GREVIO invites the Icelandic authorities to pursue their efforts to provide teaching materials on the subjects covered by Article 14 of the Istanbul Convention, in particular on all the forms of violence covered by the convention as well as on mutual respect, non-violent conflict resolution in interpersonal relationships and the right to personal integrity.**

D. Training of professionals (Article 15)

84. The standard set by the convention in its Article 15 is that of systematic initial and in-service training of the relevant professionals who deal with victims or perpetrators of all acts of violence. The training that is required must cover the prevention and detection of such violence, equality between women and men, the needs and rights of victims and the prevention of secondary victimisation.

85. In Iceland, some professional groups receive mandatory initial and/or in-service training on some forms of violence against women and their detection, but other groups less so.

86. In the healthcare sector, the Landspítali hospital in Reykjavik (LSH) and the Developmental Centre for Primary Healthcare in Iceland co-operate on education on domestic violence. In 2021, over 200 healthcare professionals were trained on this form of violence, mostly nurses and service staff. Only very few medical doctors participated, which is concerning, as they generally receive little initial training on the different forms of violence against women. GREVIO received information from civil society representatives that doctors appear to be less interested in such training.⁷¹ However, more training and guidelines for medical doctors are being planned. Nurses and midwives, on the other hand, already receive a certain level of initial and in-house training on some of the forms of violence covered by the Istanbul Convention, and also have protocols and guidelines available to them on how to detect and handle cases concerning victims of violence.

87. GREVIO notes with satisfaction that the current action plan on persons with disabilities focuses on training to increase awareness of violence among physiotherapists, sports therapists, staff working in homes for persons with disabilities and others. This is an important step for preventing violence and for adequately reacting when it materialises. However, it is unclear on what forms of violence the training on awareness focuses, whether all forms of violence against women covered by the Istanbul Convention are included and whether it will be ensured that these professional groups are also trained on knowing how to react to violence against women with disabilities on the basis of existing protocols.

88. All teaching staff receive as part of their initial training a course on how to intervene in situations of neglect and violence. They are introduced to methods on how to detect students at risk of emotional abuse and social neglect, including at risk of domestic violence. A continuing education course on sexual violence and harassment has been introduced, and by the end of 2022 it will be complemented by an online course on these issues. A course on physical and psychological violence and cyberbullying is only mandatory for educational staff working with children at risk of abuse, but it appears that many other teachers elect to take this course. GREVIO regrets that this course is not mandatory for all educational staff and that these efforts do not appear to extend to digital expressions of violence such as online sexual harassment and stalking, including image-based abuse.

89. GREVIO welcomes the increase in the education and training of police officers and police prosecutors on the handling of sexual offences as a result of the Action Plan on the Handling of Sexual Offences 2018-2022. The police, police prosecutors and public prosecutors generally appear to have a good level of knowledge on sexual and domestic violence, which is included in their basic training as well as continuing education. However, the training of judges on the forms of violence against women covered by the Istanbul Convention is not mandatory at the level of initial training or at that of in-service training. GREVIO notes that the Judicial Administration has conducted courses for judges about rape, in line with Article 194 of the General Penal Code. However, these courses are voluntary in nature and do not ensure that all serving judges are trained in the traumatising nature of rape and what this may mean for the criminal justice process. Moreover, the absence of any

71. Information obtained during the evaluation visit.

mandatory training for judges or for medical doctors and other health professionals on any of the other forms of violence against women means that two professional groups of significant importance for the delivery of justice for women victims of domestic and sexual violence are insufficiently trained in this area. GREVIO points to the urgent need to remedy this by stepping up training efforts for legal and medical professionals, at the level of tertiary education as well as at the level of in-service training.

90. GREVIO is satisfied that asylum officers are trained in gender-sensitive interviewing and the effects of gender-based violence against women on the handling of cases and their outcome, either by completing the European Asylum Support Office (EASO) module themselves, or by being trained by other individuals who have completed that module. However, judges sitting in asylum appeal cases do not receive any training on gender-based violence, which should be remedied as soon as possible.

91. No information has been provided to GREVIO on any mandatory or in-house training of social workers, such as staff working in the Child Welfare Offices.

92. In sum, GREVIO considers that only some of the relevant professional groups receive sufficient initial and in-house training, while for other groups mandatory training on the areas covered by Article 15 of the convention is lacking. Training focuses heavily on domestic and sexual violence, but knowledge of other forms of violence covered by the Istanbul Convention, such as sexual harassment, stalking, FGM, forced marriage, forced abortion, forced sterilisation and violence related to “honour” appears to be lacking across basically all professional fields. While GREVIO is mindful that there may only be very few cases of these forms of violence, this may not always stay this way. Indeed, because of the lack of training on these forms of violence, the victims may be overlooked and thought to be non-existent, when it often takes a trained eye to spot what remains hidden to others. Moreover, it is, after all, an obligation under the Istanbul Convention to include all its forms of violence against women in training, policy making, law-making and in general and specialist services provision. In addition, training should also convey knowledge of how violence affects women who are subjected to or at risk of intersectional discrimination, such as women with disabilities, LGBTI women, migrant women and women with addiction issues, including alcohol dependency.

93. In addition, the establishment of up-to-date, clear protocols and guidelines for all relevant professional groups in the respective fields for dealing with the different forms of violence covered by the convention would be necessary, which take into account the characteristics of each form, their interconnectedness, the risk factors for re-victimisation and how violence can affect the ability and willingness of persons with different backgrounds to disclose the violence to the police or other public authorities, and how children exposed to violence are equally victims of violence.

94. **GREVIO strongly encourages the Icelandic authorities to ensure that all professionals dealing with victims or perpetrators of all forms of violence covered by the scope of the Istanbul Convention receive systematic and mandatory initial and in-service training on identifying and responding to such violence, while focusing on the victims’ human rights, safety, individual needs and empowerment and the prevention of secondary victimisation. This should include training on the specifics of intimate partner violence (the cycle of violence), on the necessity to protect children exposed to violence and on lesser-known forms of violence such as FGM, forced marriage, forced abortion, forced sterilisation and violence committed in the name of “honour”, and should take into account how violence affects women at risk of or subjected to intersectional discrimination. Clear protocols and guidelines should be established to set the standards that staff are expected to follow in their respective fields.**

E. Preventive intervention and treatment programmes (Article 16)

1. Programmes for perpetrators of domestic violence

95. In Iceland, voluntary programmes for perpetrators of domestic violence are run by an NGO, Heimilisfriður,⁷² which offers outpatient preventive intervention and treatment for perpetrators of violence across the country on the basis of a programme called “Alternative to violence”. Treatment is offered in person in Reykjavik and Akureyri, and via video-consultation in other parts of the country. The organisation receives financial support from the government. In 2020, around 100 individuals of all sexes received treatment for violent behaviour, but the demand rose significantly during the Covid-19 pandemic. Perpetrators either contact the NGO of their own volition or they are referred to the organisation by child-welfare services, social services, the police or courts. However, judges do not seem to be sufficiently aware of the possibility of referring perpetrators of domestic violence and/or sexual violence to attend such programmes on a voluntary basis. The legal possibility to order attendance as part of probation or another measure does not exist. Treatment at Heimilisfriður consists of individual therapy, carried out by specially trained psychologists and there is also one therapy group. GREVIO notes that the demand for group therapy is much higher, but that the existing financial resources do not permit the programme to offer their group sessions to more perpetrators.⁷³ GREVIO learned that the programme is not institutionalised and the therapists are working freelance.

96. GREVIO welcomes the opportunity for the intimate partner of a perpetrator to be interviewed by Heimilisfriður in order to ensure their and their children’s safety, which is in line with the required victim-centred approach. Furthermore, the NGO is in close contact with child-protection services, who also refer perpetrators of violence to the organisation. However, GREVIO is concerned that no guidelines exist which would set a threshold for reporting cases of serious risk. This decision is left to the individual therapist and thus depends considerably on their experience and sensibility, not to mention the responsibility they have to carry in taking this decision.

97. In prison settings, the Prison and Probation Administration offers a course on anger management to perpetrators who have used violence in close relationships. The course is offered annually or according to demand, but it is not mandatory and its impact has not been evaluated.

2. Programmes for sex offenders

98. The first outpatient programme for sexual offenders in Iceland, Taktu skrefid (“Take the step”),⁷⁴ was only set up in 2021 through funding from the Ministry of Social Affairs. It offers treatment for people who have used or feel they are likely to use sexual violence, whether online or in person. It employs five psychologists with experience in this field. As this programme is fairly new, no evaluation is yet available. It appears that no similar programme is available for sex offenders in prison.

99. **GREVIO strongly encourages the Icelandic authorities to:**

- a. increase the number of available places for perpetrators of domestic violence and sexual offenders on behavioural change programmes in custodial and non-custodial settings and ensure pathways to their attendance, including by raising awareness among judges of the possibility to refer perpetrators of domestic violence to behaviour change programmes on a voluntary basis, and by incorporating these programmes into the criminal justice system, including the prison and probation services, as a tool to reduce recidivism;**

72 See. <https://heimilisfridur.is/>.

73. Information obtained during the evaluation visit.

74. See <https://taktuskrefid.creo.is/>.

- b. work towards uniform standards which place the safety of, support for and the human rights of victims at the centre, including by co-operating closely with specialist support services for victims as required by Article 16, paragraph 3, of the Istanbul Convention;**
- c. increase funding for perpetrator programmes;**
- d. initiate independent evaluations of the impact of the programmes for perpetrators of domestic violence and those for sex offenders.**

F. Participation of the private sector and the media (Article 17)

100. Article 17 of the Istanbul Convention⁷⁵ requires parties to actively encourage the media and the private sector to participate in the prevention of violence against women through participation in the elaboration and implementation of policies, and to establish self-regulation mechanisms and codes of ethics, both as employers and as producers of media content and services. It also requires that parties develop and promote, in co-operation with private sector actors, skills among children, parents and educators on how to deal with the information and communications environment that provides access to degrading content of a sexual or violent nature which might be harmful.⁷⁶

101. The Icelandic Media Act prohibits the media from inciting hatred on the basis of race, gender, sexual orientation, religious beliefs, ethnicity or cultural, economic, social or other status in society. A complaints mechanism is in place for media content which is in contravention of the Media Act. Apart from this bill, however, the Icelandic authorities have not taken any steps to encourage domestic media to adopt, apply and monitor the use of self-regulatory standards in relation to the non-stereotypical and non-sexist portrayal of women in the media, including in the context of reporting on violence against women. No such standards exist to date, which should be remedied.

102. A number of co-operation projects exist between government agencies and the media, as well as with private companies. In 2021, the Action Team on Violence, which was instituted in the wake of the Covid-19 pandemic, launched a project to increase education about domestic violence and human trafficking, including educational material for schools. It is being carried out by the union representatives for the Icelandic Confederation of Labour (ASÍ) and the Federation of State and Municipal Employees (BSRB). In addition, the Icelandic National Broadcasting Service (RÚV) has addressed the issue of domestic violence in various ways, for example by broadcasting an episode of a popular news commentary programme on the increased risk of domestic violence during the Covid-19 pandemic and by raising awareness about this form of violence in a children's show. The awareness-raising project "Break the silence" was developed and implemented in close co-operation with the private sector and the media.

103. As regards sexual harassment at work, a recent initiative by the ASÍ and the BSRB aims to devise processes for responding to complaints of sexual harassment in the workplace by their union members. Many individual private companies appear to have their own internal processes concerning sexual harassment complaints, which were strengthened in the wake of the #metoo movement, but not all appear to be effective. Representatives of the private sector have indicated to GREVIO that there are groups of vulnerable employees which have very little factual protection because of their employment status or other factors, in particular migrant women, au pairs and self-employed private cleaners.⁷⁷ More must be done to ensure that all women have complaints procedures available and made known to them when facing sexual harassment in the workplace. GREVIO thus points to the obligation on the Icelandic authorities, under Article 17, to encourage those in the private sector to take part in the creation of policies for the prevention and combating of violence against women, including sexual harassment. Nascent efforts to strengthen the protection of women from sexual harassment at work taken by the private sector itself should therefore be supported.

75. See the Council of Europe Publication on Article 17 of the Istanbul Convention, available at: <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016805970bd>.

76. See GREVIO's Mid-term Horizontal Review of 17 baseline evaluation reports, paragraph 205.

77. Information obtained during the evaluation visit.

104. **GREVIO strongly encourages the Icelandic authorities to:**

- a. **actively support and promote the involvement of the private sector, such as the information technology sector and parties in the labour market, in the prevention of violence against women in all its forms, including by providing guiding principles for private-sector companies on establishing internal procedures to address sexual harassment and other forms of violence covered by the scope of the Istanbul Convention, and to review the existing complaint mechanisms with a view to ensuring their wider use in the private sector, and consider devising new complaint mechanisms where they are lacking;**
- b. **encourage domestic media to adopt, apply and monitor the use of self-regulatory standards in relation to the non-stereotypical and non-sexist portrayal of women in the media, including in the context of reporting on violence against women, and to introduce channels for lodging complaints about degrading content in the media.**

IV. Protection and support

105. Chapter IV of the Istanbul Convention aims at a multifaceted, professional and victim-oriented support structure for any woman who has experienced any of the forms of violence covered by the convention.

A. General obligations (Article 18)

106. Article 18 of the Istanbul Convention sets out a number of general principles to be respected in the provision of both general and specialist protective and supportive services. One of these principles is the need for services to act in a concerted and co-ordinated manner with the involvement of all the agencies concerned, taking into account the relationship between victims, offenders, children and their wider social environment. Addressing the complexity of violence against women requires establishing an intervention system which involves all relevant policy sectors, administrative levels and actors. Multisectoral and multi-agency interventions across the national, regional and local levels are key to ensuring an effective and cohesive response to all forms of violence. Effective co-ordination at local level is particularly important in terms of ensuring that responses fit the community needs and of providing “one-stop-shop” services to victims.

107. Iceland’s procedural approach to domestic violence since 2014 has relied on increased co-operation, knowledge sharing and procedures between various stakeholders such as the police, social services and child-welfare services, which GREVIO welcomes.⁷⁸ From the information reviewed, GREVIO notes with satisfaction that multi-agency co-operation and effective communication between the different services and agencies is a widely established practice and that it is based on recognition for their respective expertise. At the same time, this seems to be the result of the goodwill and proactive approach of individual professionals rather than rooted in protocols or institutionalised practices. Institutionalising multi-agency co-operation at the national level as well as the local level would be an important step to take. Moreover, the healthcare sector is not systematically included either in multi-agency co-operation. GREVIO considers that more attention should be paid to this field, as it is often one of the first entry points for women victims of violence into the official system. In addition, systematically involving NGOs as well as the victim’s perspective in these mechanisms would contribute to providing victims with a comprehensive package of services.

108. A good example of multi-agency co-operation for the development of policies at the national level in Iceland is the consultation group that was appointed in 2016 for the handling of sexual offences, which was composed of experts from the Ministry of Justice, the police, the bar association, the public prosecutors’ offices, the National University Hospital and the courts, and resulted in the creation of the action plan on the handling of sexual offences for the period 2018-2022.

109. GREVIO considers that it is also crucial to have efficient and smooth intervention systems at the local level involving a wide variety of parties, in order to serve the best interests of individual victims who often face a set of interconnected issues. Iceland has such an intervention system in place when there is a call-out to the police for domestic violence, based on a fixed procedure. If a child is present in the household, the police inform the child-protection agency, who sends an agent to accompany the police intervention. If there are no children in the household, a social worker is called to the scene and offers assistance to the victim and also to the perpetrator (for example by recommending contacting an NGO working with perpetrators). GREVIO welcomes this promising and victim-friendly practice but notes that it does not seem to systematically include women’s specialist support services, in particular shelters, and GREVIO also learned that there may not always be social workers or child-protection agents available at any given time or place of intervention.

78. Joint NGO submission by the Icelandic Human Rights Centre, the Icelandic Women’s Rights Association, the Icelandic Women’s Shelter and Stígarmót – Center for Survivors of Sexual Violence, p. 5.

110. Moreover, the above example focuses exclusively on cases of domestic violence. Similar measures do not exist for other forms of violence against women covered by the Istanbul Convention. This is particularly striking in the context of the urgent need to offer a comprehensive approach to respond to sexual violence and rape. Other forms of violence, such as stalking, FGM, forced marriage and violence committed in the name of “honour”, would also greatly benefit from a multi-agency approach, in order for change to take root. Co-ordination exists among NGOs, but not structurally with local authorities.

111. Good examples of one-stop-shop models implemented in Iceland are the family justice centres Bjarkarhlíð in Reykjavik and Bjarmahlíð in Akureyri, where adult victims of violence can find many services and counselling under one roof. They are also provided with the opportunity to have their interview with the police concerning their case on the premises of the family justice centre. The equivalent for children is Barnahus, where forensic examinations are conducted in addition to the above services.⁷⁹ GREVIO commends the Icelandic authorities for their leading role in this field.

112. GREVIO encourages the Icelandic authorities to significantly increase efforts at all relevant levels in order to embed the provision of services for victims of all forms of violence covered by the Istanbul Convention in multi-agency co-operation structures that involve all relevant parties, including women’s specialist support services and professionals working in the healthcare sector, and that operate in accordance with protocols and guidelines for co-operation, based on a gendered understanding of violence against women and domestic violence and focusing on the human rights and safety of victims, as well as on their empowerment and economic independence.

113. To this end, GREVIO urges the Icelandic authorities to establish mandatory guidelines and/or protocols for relevant professionals on how to respond to cases of violence against women covered by the Istanbul Convention on the basis of multi-agency co-operation.

B. Information (Article 19)

114. The focus on secondary prevention in Iceland has been on improving access to information and support, which can be found on the website of the national emergency phone number, 112.is. GREVIO welcomes the provision on this site of information and contact details for general and specialist support services for victims of sexual and domestic violence, and information on counselling services for migrant women, young persons, women with addiction issues and women with disabilities, as well as on treatment programmes for perpetrators. However, GREVIO notes that little to no specific information for victims of FGM, forced marriage or other forms of violence against women that may be less common in Iceland can be found on this site. Another site called “You have hope” has been set up to be a source of information for victims of violence in close relationships, which also aims at reaching migrant women. GREVIO welcomes these easily accessible sources of information, including in easy-to-understand language for children and people with cognitive impairments. Visitors to the 112.is site can contact counsellors via a webchat function, which has proven useful especially during the Covid-19 pandemic when access to physical services was limited. There is also an app for sign language users and anyone in general who cannot or does not want to make a phone call. GREVIO notes that the site being available in Icelandic, English and Polish is useful, but considers it necessary to assess the need for more languages.

115. In the context of police interventions in cases of domestic violence, Article 8 of the National Commissioner of Police’s protocols for handling and documenting such cases obliges police officers to be aware of available remedies for victims and to inform them of their rights. Moreover, the police must inform victims of an information booklet for victims of crime which is available on the Icelandic Government’s website.⁸⁰ While GREVIO welcomes the active role played by police officers in informing victims of crimes of their rights, it points to the need to hand out the information on paper in addition to referring to digital information sources only.

79. See Chapter IV, Protection and support for child witnesses.

80. See www.stjornarradid.is/media/innanrikisraduneyti-media/media/Utgafa/brotatholar.pdf.

116. Regarding information for migrant women, the Ministry of Social Affairs has tasked the Icelandic Human Rights Centre with offering free legal counselling to migrants. It has also published an information booklet for migrants entitled “Your rights” in several languages, which is regularly updated and advertised.⁸¹ Most recently, the New in Iceland counselling centre for migrants in Reykjavik was opened. In addition, the NGO W.O.M.E.N. offers counselling and advice to migrant women.

117. For persons with disabilities, “rights protection officers” have been instituted,⁸² who are tasked with informing those with disabilities of their rights and ensuring that their rights are not violated, among other things. Anyone who believes that the rights of a person with disabilities are not respected are obliged to report this to a rights protection officer, which means, for example, that the police must call such an officer if a woman with disabilities reports being a victim of violence. GREVIO welcomes this proactive approach but notes that it is not always implemented in practice.⁸³ According to data available on the work of rights protection officers, in 2021, 3 096 cases were reported to rights protection officers, but only about half of them could be taken on, mainly because of a lack of human resources.⁸⁴ In the years 2019 and 2020, about 80 to 90 cases concerned violence against persons with a disability, and around 80% of the victims were women.

118. However, not much information or support seems to be available for women who are victims of forms of violence which may be less prevalent, such as FGM, forced marriage, forced sterilisation, forced abortion and crimes related to “honour”. More efforts are needed to include all forms of violence covered by the Istanbul Convention in informational material. In addition, it would be important to make information for victims of violence available in easy-to-understand language and in formats that are accessible to persons with disabilities.

119. GREVIO encourages the Icelandic authorities to continue their efforts to proactively and systematically provide easily accessible information on available support services and legal measures in all relevant languages, including in easy-to-understand language and in formats that are accessible to persons with disabilities and other women at risk of or exposed to intersectional discrimination, and to include information on all forms of violence covered by the Istanbul Convention.

C. General support services (Article 20)

120. In terms of general services for victims of violence (such as public healthcare services) and specialist services (such as shelters or counselling services), there is much on offer for victims of domestic violence and sexual violence. However, when it comes to women subjected to or at risk of intersectional discrimination, such as women with disabilities, migrant women and women with addiction issues, the offer of services is more limited. GREVIO has been alerted to the fact that it is much harder for these groups to reach out and receive the services they need.⁸⁵ Efforts need to be stepped up so that the specific needs of these women are systematically addressed through any general support services provided and that their access to such support is ensured – geographically and by reducing structural barriers. In addition, knowledge among staff of all general support services on forms of violence other than sexual and domestic violence needs to be improved.

1. Social services

121. As GREVIO has had occasion to note in its previous reports, it is of fundamental importance to support women victims of domestic violence through housing schemes to enable them to rebuild

81. See https://dev.logreglan.is/wp-content/uploads/2019/06/R%C3%A9ttur-%C3%BEinn-isl_enska-%C3%BAtg-2019.pdf.

82. Articles 4-6 of the Act on the Protection of the Rights of Disabled Persons, No. 88/2011.

83. Information obtained during the evaluation visit.

84. Ibid.

85. Ibid.

their lives.⁸⁶ In a similar vein, it is crucial to ensure access to the labour market for women victims of domestic violence by developing specific schemes such as co-operation with public or private-sector employers, and to provide them with vocational training opportunities, to fast-track their reintegration into the workforce and thus contribute to their economic independence.

122. Despite Iceland's strong social welfare system, GREVIO notes with concern that with the exception of the provision of housing to victims of domestic violence in Reykjavik, little effort has been made to involve social welfare agencies and bodies in Iceland in the preventing and combating of violence against women and to ensure the economic empowerment of victims who are in the process of rebuilding their lives. Since 2021, 18 halfway apartments, run by the Women's Shelter Organisation, have been made available by the social welfare services in Reykjavik. They offer women who no longer require safe accommodation in a domestic violence shelter a place to stay and to gain independence, while benefiting from continued support and counselling if needed. It allows for a significant reduction in the average length of a woman's stay at a shelter. Moreover, the Icelandic state provided funding to the city of Reykjavik to finance housing for persons in need of a place to live, including victims of domestic violence.

123. As regards measures for the empowerment of women who have experienced violence, GREVIO notes that no specific initiatives exist in Iceland to offer assistance in finding employment or further education and training. Women victims of domestic violence have access to public employment services, including counselling and placement services, on the same basis as other jobseekers in Iceland, but GREVIO was not made aware of any fast-tracking procedures or public-private partnerships that would allow women victims of domestic violence to be fast-tracked into employment. GREVIO therefore points to the urgent need to further explore the potential of the Icelandic social welfare state to contribute to the set of comprehensive measures of protection and support services required under Chapter IV of the Istanbul Convention.

124. In order to be able to adequately recognise and address the needs of victims of violence, training of all relevant professionals, such as housing officers, labour market officials, youth welfare officers and healthcare providers, on the forms and consequences of violence against women is crucial. However, such education does not seem to be part of the standard training of public officials working in social services, meaning that victims of violence attempting to gain economic independence may not be met with the understanding they need.

125. GREVIO urges the Icelandic authorities to set up dedicated programmes that cater to the specific needs of women victims of violence in the areas of employment and training, thus ensuring their economic independence and empowerment.

2. Healthcare services

126. Healthcare workers are often the first to come into contact with a woman victim of violence, which is why their ability to identify victims and react sensitively to their needs is crucial.⁸⁷ This can be achieved through training initiatives, including practitioners in public as well as private healthcare settings, to make medical professionals into knowledgeable points of first contact for victims.⁸⁸

86. See GREVIO's baseline evaluation reports on Austria, paragraph 95; Portugal, paragraph 127; and Serbia, paragraphs 110 and 115.

87. The World Health Organization states in that respect that: "While preventing and responding to violence against women requires a multi-sectoral approach, the health sector has an important role to play. The health sector can: advocate to make violence against women unacceptable and for such violence to be addressed as a public health problem; provide comprehensive services, sensitize and train healthcare providers in responding to the needs of survivors holistically and empathetically; prevent recurrence of violence through early identification of women and children who are experiencing violence and providing appropriate referral and support; promote egalitarian gender norms as part of life skills and comprehensive sexuality education curricula taught to young people; generate evidence on what works and on the magnitude of the problem by carrying out population-based surveys or including violence against women in population-based demographic and health surveys, as well as in surveillance and health information systems". See www.who.int/news-room/fact-sheets/detail/violence-against-women.

88. See GREVIO's baseline evaluation report on Denmark, paragraph 110.

127. A specific issue relating to service provision in Iceland is that it is sparsely populated, with the population mainly concentrated in the greater Reykjavik area. General and specialist services for women victims of violence are mainly located in this area, serving about two thirds of the total population (around 240 000 people) and in the northern city of Akureyri, with about 20 000 inhabitants,⁸⁹ while women in the west and the south of the country may have to travel far to receive the services they urgently need. This is demonstrated by the findings of a recent study according to which Icelanders in rural areas evaluate their health as being worse than the inhabitants of the capital area if they do not have access to diverse specialist healthcare in the region where they live.⁹⁰ Iceland thus will have to face the challenge of making health services more evenly accessible geographically, by trying new approaches such as mobile teams. In addition, the accessibility of healthcare services for women with disabilities who are victims of violence needs to be improved, as systemic and physical barriers still exist. This is even more worrisome in light of the fact that they are more likely to suffer violence than women without disabilities.⁹¹

128. GREVIO welcomes the carrying out of systematic screening for violence against pregnant women, but is concerned that there is no such systematic screening during consultations at health centres or general practitioners' offices, nor at the hospitals' emergency departments. However, GREVIO notes with interest the plans to introduce an electronic procedure which aims at improving healthcare workers' response to domestic violence, and where information about violence can be shared with authorised staff across the country, including within the police and child protection services. Moreover, an expert has been appointed by the Ministry of Health to formulate and implement harmonised procedures for healthcare institutions providing services to victims of domestic violence. However, these plans do not include systematic screening for domestic violence.

129. Guidelines have existed since 2007 for nurses on screening, assessment and first response to domestic violence against women. In 2013, clinical guidelines for health professionals for responding to violence in close relationships were published for healthcare personnel, including an offer of courses on this topic. GREVIO welcomes these guidelines as a first step but is concerned that no guidelines for any other forms of violence covered by the Istanbul Convention seem to exist, which should be remedied as soon as possible.

130. Last, GREVIO notes that the healthcare sector in Iceland is not embedded in multi-agency co-operation structures and therefore seems to work in isolation from specialist support services and other institutions for victims of violence. This should be addressed in order to ensure that victims of violence receive the holistic support they need and to strengthen the detection and care system, the sharing of interprofessional experiences and better collaboration within the network.

131. GREVIO strongly encourages the Icelandic authorities to implement standardised care paths that include the identification of victims, systematic screening, diagnosis, treatment, documentation of the type of violence and the injuries suffered, and referral to the appropriate specialist support services for all forms of violence, beyond domestic violence, and to promote and institutionalise multi-agency co-operation between the healthcare sector and specialist services. Moreover, barriers to accessing the healthcare system for women in rural areas of Iceland and for women with disabilities should be reduced.

D. Specialist support services (Article 22)

132. The aim of specialist support is to ensure the complex task of empowering victims through optimal support and assistance catered to their specific needs. Much of this is best ensured by women's organisations and by support services provided, for example, by local authorities with specialist and experienced staff with in-depth knowledge of gender-based violence against women. It is important to ensure that these services are sufficiently spread throughout the country and are accessible to all victims. Moreover, these services and their staff need to be able to address the

89 See. www.statice.is/statistics/population/inhabitants/.

90. See the Ninth periodic report submitted by Iceland to CEDAW, 23 November 2021, CEDAW/C/ISL/9, p. 26.

91. Ibid.

different types of violence covered by the scope of the Istanbul Convention and to provide support to all groups of victims, including hard-to-reach groups.

133. There are several specialist services available for victims of domestic and sexual violence in Reykjavik, Akureyri and Selfoss, all run by civil society organisations and usually financially supported by the government. The family justice centres Bjarkarhlíð and Bjarmahlíð offer holistic services for all victims of violence, on the basis of the one-stop-shop principle. The NGO Stígamót offers counselling for victims of sexual abuse and provides support to women in prostitution. About 40% of Stígamót's clients have disabilities. At least one NGO specialises in counselling and support for persons with disabilities, but various other NGOs equally offer their specialist services to them. Nonetheless, GREVIO has been alerted to the fact that it is much more difficult for women with disabilities to receive the services they need, as the knowledge on disability among the specialist services that offer counselling to all women may not always be sufficient.⁹² LBTI women receive counselling by the NGO Samtökin '78, and trans women can turn to the NGO Trans Island. The NGO Rótin is working with women with addiction issues and has been allocated a grant by the Ministry of Health to develop an outpatient ward for this group of women.

134. In sum, specialist services are available for the prevalent forms of violence such as sexual violence, domestic violence, stalking and sexual harassment, but for women victims of other forms of violence such as FGM, forced marriage, forced sterilisation and violence related to "honour" there is little to nothing on offer. GREVIO is mindful that these forms of violence may not be as prevalent as others in Iceland and therefore no specific NGOs exist to date. To counterbalance this situation, knowledge by other specialist services on these forms of violence that are less prevalent should be improved. Moreover, many of the above specialist services cater for all victims of violence, which may indicate a lack of a gendered understanding of violence against women.

135. Moreover, GREVIO notes that specialist services in Iceland are heavily centred in the capital area and Akureyri, but that in other more remote areas permanent availability of counselling or support is not guaranteed. While several specialist services indicated that they travelled more or less regularly to other areas of the country to offer counselling, this may not suffice and is even more worrisome in light of the fact that Iceland does not have a round-the-clock women's telephone helpline that complies with the standards of the convention.⁹³ More needs to be done to ensure an even geographical distribution of specialist services.

136. In addition, the funding of specialist services does not appear to be sufficient to ensure the long-term and sustainable functioning of several NGOs.⁹⁴ One NGO reported that the waiting time for counselling for victims of violence was 14 weeks, owing to a lack of resources.⁹⁵ The NGO Women's Counselling, which has been providing legal advice to women in Iceland since 1983, received no government funding at all in 2021, which threatens its very existence.⁹⁶ Moreover, GREVIO received indications from NGOs active in the field that government funding was not sufficient to allow them to perform any outreach work in addition to providing their main services. It frequently leaves no capacity for networking, co-ordination or advocacy work. Sustainable financial support by the government needs to be increased in order to ensure that NGOs can offer sustainable specialist support for experiences of all forms of violence while also building synergies and co-ordination through networking and channelling their expertise towards advocacy, where relevant.

137. GREVIO strongly encourages the Icelandic authorities to ensure that specialist women's support services receive sufficient and sustainable funding and are able to provide counselling and support on all forms of violence covered by the Istanbul Convention.

92. Information obtained during the evaluation visit, and Ninth periodic report submitted by Iceland to CEDAW, 23 November 2021, CEDAW/C/ISL/9, paragraph 132.

93. See Chapter IV, Telephone helplines.

94. See Chapter II, Financial resources.

95. Information obtained during the evaluation visit.

96. Joint NGO submission by the Icelandic Human Rights Centre, the Icelandic Women's Rights Association, the Icelandic Women's Shelter and Stígamót – Center for Survivors of Sexual Violence, p. 6.

138. Furthermore, GREVIO strongly encourages the Icelandic authorities to take measures to expand such services and to ensure the provision of specialist women's support services with a gendered approach, providing immediate, short- and long-term support to all women victims of violence and their children, and to ensure that specialist services are available in an even geographical distribution throughout Iceland.

E. Shelters (Article 23)

139. The Icelandic Women's Shelter Organisation was founded in 1982 and opened the first women's shelter in Reykjavik the same year. It currently has 13 rooms. In 2020, a new shelter with three rooms was opened in the northern city of Akureyri, meaning that the target of one family place per 10 000 head of population is not reached (which would amount to 37 family places for Iceland).⁹⁷ However, GREVIO was ensured that no woman seeking safety has to be turned away, and no woman has to be asked to move out of the shelter because of lack of space. Staying at the shelter is free of charge for all women. GREVIO welcomes the opening of a second shelter for women in the northern area of Iceland, which means that women do now not have to relocate to the capital area when fleeing violence. Moreover, NGOs working in the field have reported that some women prefer to stay in a shelter in a different city, thus it offers women from Reykjavik the opportunity to move further away from their perpetrator if they so wish. There is also an emergency/homeless shelter for women, which is open every day from 5 p.m. until 10 a.m. However, as GREVIO has had occasion to note,⁹⁸ emergency accommodation for the homeless is not suitable for women victims of violence, and even less so when they have children, as homeless shelters, even if they are only for women, often lack specific approaches and protocols for the prevention of violence and for the provision of protection and support to victims of domestic violence.

140. GREVIO welcomes the agreement between the Women's Shelter Association and hotels that ensures accessibility for women with disabilities while at the same time offering them the same level of counselling and support. Work is underway to construct a new shelter in Reykjavik, which will replace the existing facilities, and barrier-free accessibility for the new halfway house will be improved. GREVIO welcomes these measures to ensure that women victims of violence have a place to seek refuge. However, GREVIO also notes that the eastern and southern parts of Iceland do not currently have their own shelters, failing to meet the convention's requirement to provide shelters in an adequate geographical distribution.

141. In 2012 a shelter was established specifically for women trying to escape prostitution but was closed down after two years, partly due to a lack of funding.⁹⁹ In addition, women with addiction issues are not admitted to the main domestic violence shelter. GREVIO notes with concern the situation that some women in Iceland find themselves in, as no dedicated safe accommodation seems to exist to address in an adequate and non-stigmatising manner their intersecting issues of victimisation, homelessness and addiction.¹⁰⁰ There seems to be an insufficient provision of dedicated support to homeless women with addiction issues who are in prostitution, and the responses currently provided by professionals and service providers do not seem to comprehensively address their needs, including, on the one hand, the need for protection from violence at the hands of intimate partners, at the hands of customers or those providing them with drugs, and on the other hand, providing support and treatment for their addiction issues. The non-discrimination principle established in Article 4, paragraph 3, of the Istanbul Convention requires that offers of protection and support be made to all women exposed to or at risk of violence, in particular those exposed to intersecting forms of discrimination, such as women with addiction issues and women in prostitution.

97. Explanatory Report, paragraph 135.

98. See GREVIO's baseline evaluation reports on France, paragraph 153, and on Germany, paragraph 175.

99. See the joint submission by the Icelandic Human Rights Centre and the Icelandic Women's Rights Association to CEDAW, 2016, p. 22.

100. Information obtained during the evaluation visit.

142. **GREVIO strongly encourages the Icelandic authorities to increase the number of dedicated shelter places for women victims of domestic violence and other forms of violence by setting up further shelters in areas not yet serviced, to reach the minimum standard of one family place per 10 000 head of population as set out in the Explanatory Report to the Istanbul Convention, and by ensuring access to such shelters for all women.**

143. **GREVIO strongly encourages the Icelandic authorities to take the necessary measures to ensure that women with addiction issues and women in prostitution are provided with safe accommodation as well as legal and psychological counselling and support, in order to meet their needs as victims of violence, and are provided with other relevant services in a manner that can address their specific needs.**

F. Telephone helplines (Article 24)

144. GREVIO notes with great concern that there is no national women's helpline in Iceland that complies with the standards of Article 24 of the Istanbul Convention. While the www.112.is online portal is certainly a good place for victims of violence, their friends and family, and even perpetrators to search and find resources and help, GREVIO notes that the call centre which the portal operates is a general emergency helpline, primarily set up to reach the police and other emergency services. Those taking the calls are not qualified counsellors and are not trained in all forms of violence against women. They are not in a position to offer advice other than referring a woman victim of violence to specialist counselling services. However, if a woman calls in the middle of the night, no such counselling service would be open, and she will be left alone with her situation. The idea behind a round-the-clock helpline is to offer women in distress qualified counselling and advice at any time of day or night and in a language they are able to understand, by trained professionals.

145. GREVIO notes that there is a telephone helpline (1717.is) and webchat operated by the Icelandic Red Cross which receives government funding and can be reached 24 hours a day. It offers counselling and assistance from volunteers and peers. However, GREVIO stresses that this helpline does not comply with Article 24 of the convention either, as the people taking the calls are not qualified counsellors and are not specifically trained in all forms of violence covered by the Istanbul Convention. GREVIO therefore recalls that generic helplines do not meet the requirements of the convention and considers it of utmost important to introduce a dedicated national helpline on violence against women and domestic violence to operate 24/7.

146. **GREVIO urges the Icelandic authorities to set up a state-wide, free-of-charge, round-the-clock helpline dedicated to all forms of violence against women that is capable of providing crisis support and counselling to victims, with due respect for the confidentiality and anonymity of all callers and operated by trained staff.**

G. Support for victims of sexual violence (Article 25)

147. With two emergency reception centres for victims of sexual violence – at the National University Hospital (LSH) in Reykjavik and the hospital in Akureyri – GREVIO notes with satisfaction that Iceland meets the target of one such centre per 200 000 inhabitants.¹⁰¹ Moreover, rape kits are available at all hospitals in Iceland, and LSH staff regularly train doctors and nurses at other hospitals to apply the same standards as in Reykjavik and Akureyri.

148. Both emergency reception centres are open 24 hours and offer the forensic collection of evidence and any necessary medical services free of charge. It is accessible for everyone, regardless of their insurance or residence status. The service is not contingent upon lodging a complaint with the police. The teams at the emergency reception centres consist of specialist nurses and trained gynaecologists and obstetricians. GREVIO notes with satisfaction that the above practice complies with the requirements of Article 25 of the Istanbul Convention.

101. Explanatory Report, paragraph 142.

149. In addition, victims of sexual violence will receive a call from a psychologist from the hospital's psychiatric division the next working day following their visit to the emergency ward, offering an appointment within a week. However, GREVIO considers that a psychologist should be called immediately when a victim of sexual violence is examined at the emergency ward, to provide them with immediate trauma support and counselling, as required under Article 25 of the convention. The staff in the emergency reception centres also refer their clients to NGOs such as Stígamót, the centre for victims of sexual violence, the family justice centres Bjarkarhlíð and Bjarmahlíð, or other NGOs which offer counselling. However, because of their financial situation and resulting human resources shortages,¹⁰² there are long waiting times at Stígamót for example, which should urgently be remedied. GREVIO recalls that women victims of sexual violence may need support and help at any point in time, including months or years after the offence. Furthermore, due to the traumatic nature of sexual violence, many of them may need longer-term professional support and care, regardless of whether the traumatic event happened recently or in the past. GREVIO thus points out the urgent need to provide solutions to remedy this shortcoming in service provision.

150. GREVIO is equally concerned that victims of sexual violence below the age of 18 have to wait for several weeks for psychological support, as Barnahus¹⁰³ does not have sufficient capacity, there is a waiting list and the centres do not have access to psychologists working in the psychiatric wards of hospitals. This needs to be remedied as soon as possible. On a positive note, GREVIO learned that, as of age 16, Iceland considers children as independent users of the health system, meaning that they can agree to a forensic examination without parental consent. As concerns children under the age of 16, the hospital staff can obtain the consent of the child-protection agency, if there is a suspicion that the perpetrator of the sexual violence is a parent or guardian.

151. GREVIO was informed that forensic evidence is stored for one year and irrespective of the willingness to report to the police, but that in practice victims are told that the storage time is only four months. This is of concern to GREVIO, as it may cause women and girls in Iceland to make decisions regarding the pressing of charges for rape and sexual violence without making full use of the time available. It is precisely the time for reflection and advice that is essential in such situations.

152. Women victims of rape or sexual violence receive free legal counsel at the hospital emergency centre for victims of sexual violence, which GREVIO welcomes. The legal counsel gives advice on possible criminal and civil proceedings (e.g. for claiming compensation). If the victim wants to report her case immediately, a police officer is called to the emergency centre, or the legal counsel accompanies the victim to the police station. GREVIO welcomes this practise, as offering the services of a free legal counsel may in fact increase a victim's willingness to report the violence she has suffered and is hence important.

153. **GREVIO urges the Icelandic authorities to:**

- a. **ensure that victims of sexual violence receive immediate trauma care and counselling, by arranging for a psychologist to attend the victim's examination;**
- b. **ensure that girl victims of sexual violence receive immediate, short- and long-term psychological support on an equal footing with adult victims;**
- c. **ensure that short- and long-term psychological counselling is available to all victims without undue delay, regardless of whether they were victims of sexual violence recently or in the past.**

H. Protection and support for child witnesses (Article 26)

154. The obligation set out in this article is to ensure that whenever children have witnessed domestic violence, rape, sexual harassment or other forms of violence covered by the convention, the services provided to direct victims are also equipped to address the needs and rights of any

102. See also Chapter II, Financial resources.

103. See Chapter IV, Protection and support for child witnesses.

children exposed to such violence. While this is most relevant to domestic violence cases, it is important to bear in mind that children may also be exposed to other forms of violence.

155. Research has shown that children who witness one of the parents assaulting the other one in the home often develop emotional problems, cognitive functioning disorders and accept attitudes around violence that need to be addressed in the long term.¹⁰⁴ It is thus of crucial importance to ensure their access to psychological counselling and therapy as soon as they come to the attention of the authorities.

156. GREVIO welcomes the fact that in Iceland children who have witnessed violence are regarded as victims of violence just as much as when they are subjected to any form of violence. This is fully in line with the requirements of the Istanbul Convention. As early as 1998, well before the Istanbul Convention was drafted, Iceland introduced the Barnahus¹⁰⁵ one-stop-shop model in Reykjavik and has been a pioneer in this field.¹⁰⁶ In 2019, a local branch was opened in the northern city of Akureyri. Child victims of sexual and domestic violence and neglect are provided with all the necessary services they need under one roof – child-protection services, psychological support, forensic examinations, social support and law-enforcement services, based on a multi-agency approach and free of charge. The Icelandic Barnahus concept has been copied and implemented in many other European countries. GREVIO commends the Icelandic authorities for this child-friendly practice, which aims to prevent secondary victimisation and helps keep the strain of judicial proceedings on children to a minimum.

157. However, GREVIO is concerned that there are lengthy waiting times for children to receive psychotherapy at Barnahus. GREVIO takes note that children in urgent need of therapy are given priority and that the Agency for Children and Family attempts to find alternative treatment options if the waiting list is too long. However, this only shifts the problem and does not resolve it in the long term. From the information made available to GREVIO, the human resources situation at Barnahus is generally tight, as the cases referred to this institution are constantly rising. This is a situation that should be urgently remedied, in order for child victims of violence to receive the specialised psychological and other support they need without delay. While there is no similar service to Barnahus for child victims of violence in other parts of the country, children only need to travel to Reykjavik once, in order to record their interview for the court hearing. All subsequent psychotherapy sessions are offered in or near the child's municipality.

158. GREVIO welcomes Iceland's recognition of the specific needs of children staying with their mothers at women's shelters. Since 2020, there has been a children's social worker at the shelter in Reykjavik, in order to link all the bodies that work with children, such as child-protection services and social services. The social worker also tends to the children's basic needs such as schooling, leisure activities and clothing. Children who need psychological support are offered consultations with a counsellor or an appointment at Barnahus.

159. In 2020, a family treatment programme called Alternatives for Families was introduced in Reykjavik, providing family members who have abused their children with cognitive behavioural therapy, with emphasis on preventing violence, conflict and coercion in families. In that context, GREVIO recalls the obligations placed on states parties by Article 31, paragraph 2, of the Istanbul Convention, which stipulates that the safety of child victims of violence must come first in the exercise of custody and visitation rights.¹⁰⁷ GREVIO recalls that the cessation of all violence is a fundamental condition for authorising the exercise of custody or visitation rights.

104. "Problems associated with children's witnessing of domestic violence", Jeffrey L. Edleson, VAW Net, available at http://vawnet.org/sites/default/files/materials/files/2016-09/AR_Witness.pdf.

105. See www.bvs.is/english/about-us/.

106. The Committee of the Parties to the Lanzarote Convention referred to the Icelandic Barnahus model as an example of a promising practice in its 2015 implementation report. Barnahus is a child-friendly, multidisciplinary and interagency response model to child sexual abuse and provision of services for child victims and witnesses of violence. Available at: <https://edoc.coe.int/en/children-s-rights/8003-protection-of-children-against-sexual-exploitation-and-abuse-child-friendly-multidisciplinary-and-interagency-response-inspired-by-the-barnahus-model.html>.

107. See Chapter V, Custody, visitation rights and safety.

160. In one region of Iceland, the authorities are testing a tool called “Trappan”, which is a resource designed for children who have experienced domestic violence. It gives children the opportunity to speak about their experiences of domestic violence and allows professionals to assess whether there is a need for a more specialised treatment for them.

161. **GREVIO urges the Icelandic authorities to improve the human resources allocated to Barnahus to spare child victims of violence long waiting times to receive the psychosocial support they need.**

I. Reporting by professionals (Article 28)

162. In Iceland, a general rule of confidentiality applies for medical professionals, social workers and other professionals who are in contact with victims of violence. However, where there are grounds to believe that further serious acts of violence will be committed, the relevant professionals may decide to call the police even without the victim’s consent. There is no formalised procedure or criteria for the reporting of professionals, but GREVIO notes with interest that the Ministry of Health is considering putting such a procedure in place for healthcare personnel. Where children are believed to be exposed to violence, all persons are required to inform a child-protection committee.¹⁰⁸ This equally applies when there is reason to believe that an expectant mother is exposed to violence.

163. **GREVIO encourages the Icelandic authorities to introduce harmonised criteria for the reporting by all relevant professionals (health professionals, social workers and others) if they have reasonable grounds to believe that a serious act of violence covered by the scope of the Istanbul Convention has been committed and further serious acts of violence are likely to be committed.**

108. Article 16 of the Child Protection Act.

V. Substantive law

164. Chapter V of the Istanbul Convention covers a range of provisions related to substantive law, in the area of both civil and criminal law. Their aim is to help create, in all parties to the convention, the necessary legislative framework to prevent violence against women, protect them from further victimisation and to ensure robust intervention and prosecution by law-enforcement agencies. In the interest of prioritisation, this section of the report addresses several but not all provisions of Chapter V of the convention.

A. Civil law

1. Civil remedies against the state – ensuring due diligence (Article 29)

165. A core aim of the convention is to end impunity for acts of violence against women. This not only requires that individual perpetrators be held accountable through criminal law and other measures, but also that legal avenues be available to challenge and address any failure of state actors to comply with their due diligence obligation to prevent, investigate and punish acts of violence (Article 5, paragraph 2, of the convention).

166. If a victim considers that the authorities have failed in the handling of their case, they have the right to complain to the Icelandic Parliament's (Alþingi) ombudsman, whose role is to supervise state and local government administration, ensuring that it complies with the law. If the ombudsman's investigation gives cause for suspicion that an infringement of rights has taken place, he/she may make recommendations to the relevant authority to remedy the situation. Should this require court action, the ombudsman may propose that legal aid be made available to the complainant. According to the ombudsman's database, examples of cases of relevance to the Istanbul Convention include a complaint about a decision given by the Committee for Compensation which considered the claim to have been lodged out of time, while the ombudsman concluded that an exception should have been applied, as they had been abused when they were children. Another case concerned the lack of guidance by the police on how to claim compensation.

167. According to Articles 140 and 141 of the GPC, a fine or imprisonment of up to one year may be imposed if a civil servant refuses to fulfil or neglects her/his duties. From the information available, it seems that there have been no cases where police officers have been charged under these provisions in cases that fall under the scope of the Istanbul Convention.

168. Moreover, a victim can demand pecuniary and/or non-pecuniary compensation from the National Treasury, on the basis of general regulations for damages or compensation, if, in their opinion, the authorities have failed in their obligation to take necessary preventive remedies and protective measures in their area of responsibility. Publicly available statistics indicating the number of women who have claimed such compensation are not accessible.

169. In 2016, an amendment was made to Police Act No. 90/1996, according to which the Committee on the Surveillance of the Police was established. The Minister of Justice appoints three of the five members of the committee, while one is nominated by the Icelandic Human Rights Centre and one by the Icelandic Bar Association. According to the Police Act, the public may complain about the police, a conduct or modus operandi of an employee of the police in the exercise of their authority. Complaints concerning alleged criminal conduct are forwarded to the District Prosecutor or the State Prosecutor, while disciplinary offences are dealt with by the committee. However, civil society organisations drew GREVIO's attention to the lack of knowledge of the committee's existence and functioning among the population, which GREVIO regrets.¹⁰⁹

109. Information obtained during the evaluation visit.

170. GREVIO welcomes these various possibilities for victims to complain to the above bodies. However, short of statistics on their use, it is not possible to assess whether these remedies are actually made use of and are effective in practice. Moreover, GREVIO considers that greater efforts must be made by the authorities to ensure that victims of violence are duly informed of the various complaint mechanisms available to them to be able to make an informed choice.

171. GREVIO encourages the Icelandic authorities to ensure that victims are duly informed of the various legal remedies and complaints mechanisms available to hold to account public officials who have failed to diligently prevent, investigate and/or prosecute acts of violence covered by the Istanbul Convention, and to monitor progress in this area by regularly collecting data on the number of civil claims and their outcome.

2. Compensation (Article 30)

172. Victims can claim compensation from the perpetrator for damages arising from any criminal conduct, either by filing a civil claim based on the Tort Damages Act in civil proceedings or by bringing a civil claim during their criminal procedure pursuant to Chapter XXVI of the Act on Criminal Procedure (ACP). According to Article 172 of the ACP, a victim or any other person who considers 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. In practice, almost all claims for compensation by victims are filed within the framework of criminal proceedings. However, in the absence of data on the number of claims and compensation awarded, broken down by type of offence, it is not possible to assess to what extent claims filed by victims of violence in criminal proceedings are successful.

173. Pursuant to the Act on the Payment of Compensation by the Treasury to Victims of Crime, the Icelandic National Treasury pays compensation for damages resulting from a violation of the General Penal Code, if the perpetrator is not in a position to do so. The Compensation Committee decides on such claims. According to section 7 of this act, compensation is not paid for a single act unless the damage amounts to at least 400 000 Icelandic krónur (ISK) (around €2 900), as the purpose is to first and foremost compensate victims of serious violent crime. The maximum amount of compensation paid for bodily injury is ISK 5 000 000 (approximately €36 500) and ISK 3 000 000 (around €22 000) for non-pecuniary damage. These amounts have not been increased since 2012 and have thus not been adjusted to inflation.

174. According to information from the Compensation Committee, which decides on such claims, 87 applications for compensation by women victims of sexual violence were accepted in the years 2019 to 2020, and 64 applications by women victims of domestic violence.

175. GREVIO encourages the Icelandic authorities to pursue their efforts to collect data, disaggregated by sex, age, type of violence, the relationship of the perpetrator to the victim and geographical location, on compensation claims made and granted under the Act on the Payment of Compensation and those made and granted in the context of criminal proceedings, in order to assess their efficiency. Moreover, information should be collected on the awards granted.

3. Custody, visitation rights and safety (Article 31)

176. Custody and visitation decisions in relation to families with a history of abuse require a careful balancing of the different interests at stake. Article 31 of the convention seeks to ensure that incidents of violence covered by the convention, in particular domestic violence, are taken into account in decisions on custody and visitation rights to ensure that the exercise of these rights does not harm the rights and safety of the victim or children.

177. In Iceland, decisions on custody and visitation rights are handled by the civil courts. Cases that only concern visitation or access rights are dealt with by the District Commissioners.

178. According to Article 42, paragraphs 1 and 2, of the Law in Respect of Marriage, spouses who have decided to seek legal separation or divorce are entitled to a conciliation procedure. If either or

both spouses have a child of minor age in their custody a conciliation procedure before the District Commissioner is obligatory (Article 33 of the Children's Act).

179. GREVIO notes, in that context, that the system based on parents reaching agreements in the best interests of their children might not pose any difficulty for most separated parents. However, it is not appropriate for couples whose relationships have been marred by violence. GREVIO recalls that violence between partners is indicative of a power imbalance in the relationship which may impair the ability to negotiate fairly and come to a mutually acceptable agreement. A woman who has been a victim of domestic violence will usually need specific support to negotiate agreements with the other parent who has been violent.¹¹⁰

180. Moreover, GREVIO is concerned that this conciliation procedure might amount to mandatory mediation, which the convention prohibits in cases with a history of abuse. GREVIO reiterates that mediation can only be fruitful if both parties enter the process on an equal footing, which is rarely the case after domestic violence. GREVIO recalls that the safety of the victim of violence and the child must be a central factor when deciding if it is in the best interests of the child to maintain visitation and/or custody for the abusive parent, whether this is by agreement between parents or on a decision by the District Commissioner or courts.

181. While it is now possible, after a change in the law, for spouses to ask for a first meeting separately with the District Commissioner, experts in the field have alerted GREVIO to the fact that women victims of violence are not automatically informed thereof. The possibility of separate meetings as provided for by the Children's Act should be regularly offered and made mandatory if requested by a victim of domestic violence. This would allow for information on the abuse to be disclosed which would, in turn, allow the District Commissioner to arrive at a more comprehensive view of the situation of the child. Incidents of violence by one parent against another have a severe impact on children. Exposure to such violence breeds fear, causes trauma and adversely affects their development¹¹¹ and is recognised as a form of mental violence.¹¹² Both parties before the District Commissioner must be given the opportunity to disclose information on violence and abuse and for it to be taken into account when assessing the best interests of the child. Where joint meetings with the separating parties are being proposed, risk assessments should be carried out prior to the decision, based on information not only from both parties but from the criminal justice sector and specialist support services as well.¹¹³

182. Supervised visits are possible and are usually carried out by someone with training in social work or with a relevant university degree. These visits could take place anywhere – a playground or the District Commissioner's office – but in practice it appears that they often take place in the home of the parent who has custody. While this practice may be appropriate in cases where there is no history of violence of one parent against the other, GREVIO is concerned that it could contribute to a perpetuation of the abuse in those cases with a history of violence, which the Icelandic authorities should pay more attention to.

183. Should parents not be able to reach an agreement on visitation rights before the District Commissioner, the case is transferred to the civil courts. According to Article 31, paragraph 1, of the Children's Act, joint custody of a child is the norm after divorce or when there is a dissolution of a registered cohabitation, unless otherwise decided. Where parents disagree on custody or their child's domicile, and/or if they failed to reach an agreement on visitation rights, a judge decides on these issues, in accordance with the best interests of the child. The judge shall take account of several factors, including children's exposure to violence, which GREVIO welcomes. It is unclear, however, whether this is being systematically ensured in practice, as no guidelines or other measures exist on how to take into account instances of violence by one parent against the other or against the child when deciding on custody, residence or visitation. While there have been cases in

110. See GREVIO baseline evaluation report on Denmark, paragraph 150.

111. Explanatory Report, paragraph 143.

112. UN Committee on the Rights of the Child, General Comment No.13, adopted on 18 April 2011, paragraph 21 e, CRC/C/GC/13, which lists exposure to domestic violence as a form of mental violence as prohibited by Article 19, paragraph 1, of the United Nations Convention on the Rights of the Child.

113. See GREVIO baseline evaluation report on Denmark, paragraph 151.

which the violence perpetrated against the non-abusive parent has not been taken into account at the level of the Supreme Court,¹¹⁴ GREVIO is encouraged by more recent examples of case law that do give the violence perpetrated by one parent against the other more weight.¹¹⁵

184. Moreover, NGOs and expert lawyers in this area have drawn GREVIO's attention to the role of expert witnesses in custody and visitation cases, in particular that special knowledge of gender-based violence against women is not required from them¹¹⁶ – despite their expert opinions often being decisive for the decision on custody and visitation rights.

185. In addition, GREVIO notes with grave concern that experts in this area indicated that there was a rather widespread practice by the District Commissioner and the courts of considering a woman who raises the issue of domestic violence as a reason for not agreeing to custody or visitation, or who, for safety reasons, fails to attend joint meetings being seen as a parent who is unwilling to co-operate with the other parent and thus unfit for parenting.¹¹⁷ Furthermore, GREVIO notes with concern the indications from women's rights organisations and experts active in the field that the notion of "parental alienation" is being invoked by the relevant authorities and/or expert witnesses (evaluators) in relation to custody and visitation decisions. GREVIO stresses the high risk of the use of "parental alienation" and similar concepts contributing to violence against women and their children remaining undetected and/or contested, since they ignore the gender-based nature of domestic violence and essential aspects of child welfare.¹¹⁸ As GREVIO has had the opportunity to note, "parental alienation syndrome" as a concept lacks a scientific basis and should not be used.¹¹⁹ GREVIO underscores that this or related notions are often invoked without a proper understanding of the dynamics of domestic violence against women and its effects on children, and in the absence of a thorough risk assessment and case-by-case examination of the specifics of each situation at hand. More must be done to ensure a more thorough understanding of how post-separation abuse manifests itself in family law proceedings concerning custody and visitation rights in Iceland. GREVIO is thus gravely concerned that in Iceland the Istanbul Convention's principle of "safety first in proceedings concerning custody and visitation" is not respected in the authorities' and courts' practice in this field.¹²⁰

186. No data are available on the impact of domestic violence on decisions in visitation cases. Moreover, there is no information on the number of cases where further incidents of violence (including homicide) occurred after an agreement was made through the District Commissioner, nor is there any systematic recording of the number of cases or number of parents who had residence, visitation or custody rights removed temporarily or permanently for reasons of domestic violence against the child or the other parent. Such data, however, are crucial for any attempts to assess how the current system is working and for an independent review of such cases. However, GREVIO notes that the Icelandic Parliament requested the government to draw up a report on this topic and is hopeful that the results will be used by the Icelandic authorities to bring their practice in line with the requirement of ensuring safety for victims of domestic violence and their children in any custody and visitation arrangements as set out in Article 31 of the Istanbul Convention. Until this becomes available, GREVIO points to research emanating from other countries, revealing the extent to which the position of children during separation and in post-separation parenting is overlooked, in particular

114. For example, case no. 38/2009 of the Supreme Court.

115. For example, case no. 497/2021 of the Court of Appeal, and case no. 8/2021 of the Supreme Court.

116. Information obtained during the evaluation visit.

117. *Ibid.*

118. See the statement dated December 2017 from the European Association for Psychotherapy (EAP) warning that the concepts of "parent alienation syndrome" and "parental alienation" are unsuitable for use in any psychotherapeutic practice. This statement from the EAP, which consists of 128 organisations of psychotherapists from 41 European countries, serves as a guideline for psychotherapists across Europe.

119. See, for example, GREVIO's baseline evaluation report on France, paragraph 106.

120. For further information on GREVIO's stance on Article 31 of the convention, see the Third General Report on GREVIO's Activities covering the period from January 2021 to December 2021, Focus section: Child Custody, Visitation and Domestic Violence, pp. 66 et seq.

in cases where intimate partner violence has preceded the separation.¹²¹ The ensuing custody and visitation decisions and their enforcement are frequently used by domestic abusers to continue the pre-separation tactics of power and control.

187. In this context, GREVIO noted a striking absence of specialist knowledge of the effects of sexual and physical violence on children in the context of custody and visitation proceedings among child-protection experts in Iceland. This includes a lack of understanding of the need to assess, on a case-by-case basis, whether a perpetrator of domestic violence should be able to have further contact with his children or not. It is with grave concern that GREVIO heard from the child-protection agency that they did not even consider proven counts of sexual abuse of a child as a strong argument against visitation rights of a perpetrator. The prevailing view among the Icelandic authorities appears to be that it is a child's right to have contact with both parents, regardless of whether there have been (proven) incidents of domestic or sexual violence in the family. While Article 1 of the Child Protection Act clearly states that "no child may ever be subjected to violence or any other degrading treatment", this provision is at odds with the practice of the Icelandic authorities, which appears to place the child's right to contact with both parents before his or her right to live free from violence. While GREVIO fully supports the right of the child to maintain its ties with both parents as enshrined in Article 9, paragraph 3, of the UN Convention on the Rights of the Child, exposure to domestic violence requires exceptions to be made in the best interests of the child. This is in recognition of the fact that the abuse by a perpetrator of intimate partner violence frequently continues after separation and may shift towards harming children during visitation and may include not only physical harm but also sexual abuse and serious psychological violence.

188. In sum, it appears that insufficient consideration is being given to incidents of domestic and sexual violence in decisions on custody and visitation in Iceland. Significant efforts need to be made to train all authorities involved in decisions on custody and visitation on the effects violence has on children, to ensure that the safety of children and the abused parent are given primary importance in custody and visitation proceedings and to highlight to the authorities the fact that perpetrators of violence often use visitation arrangements to perpetuate the violence. GREVIO considers that urgent action is needed in order to fully implement Article 31 of the Istanbul Convention. GREVIO welcomes, in that context, the Icelandic child-protection services being able to set an ultimatum for a perpetrator of domestic violence to participate in a perpetrator programme; failure to do so forfeits his visitation rights.

189. GREVIO urges the Icelandic authorities to take the necessary legislative and other measures, including the development of appropriate guidelines and the provision of specialised training, to ensure:

- a. that all relevant professionals, including social workers, child-protection officers, members of the judiciary, court experts and child psychologists, when deciding on custody and visitation, are duly aware of and take into account incidents of violence by one parent against the other, in line with Article 31 of the Istanbul Convention;**
- b. that screening processes are introduced for domestic violence and risk assessment in order to ensure wider use is made of the right under the Children's Act to convene separate initial meetings with the District Commissioner, required to agree on custody and residence rights, for parents with a history of abuse.**

121. Anna Nikupeteri and Merja Laitinen (University of Lapland), "Children's everyday lives shadowed by stalking: post-separation stalking narratives of Finnish children and women", *Violence and Victims*, 2015, Vol. 30, No. 5, pp. 830-45, at p. 831. Interviews conducted with children show the extent to which the shadow of violence and abuse they have lived with continues because of visitation arrangements; Holt S., Buckley H. and Whelan S. (2008), "The impact of exposure to domestic violence on children and young people: A review of the literature", *Child Abuse and Neglect*, 32, 797-810; Callaghan J. E., Alexander J. H., Sixsmith J. and Fellin L. C. (2018), "Beyond 'Witnessing': Children's Experiences of Coercive Control in Domestic Violence and Abuse", *Journal of Interpersonal Violence*, 33(10), 1551-1581; McLeod D. (2018), "Coercive Control: Impacts on Children and Young People in the Family Environment", *Totnes: Research in Practice*; and Katz E. (2016), "Beyond the Physical Incident Model: How Children Living with Domestic Violence are Harmed by and Resist Regimes of Coercive Control", *Child Abuse Review*, 25(1), 46-59.

190. **GREVIO further urges the Icelandic authorities to evaluate the effects on the safety of women victims of domestic violence and their children of the current practice by the District Commissioners and the civil courts of deciding on custody and visitation rights, to analyse relevant case law and to collect data on the use that is made by judges and District Commissioners of limiting or withdrawing parental or visitation rights in the context of domestic violence.**

191. **GREVIO strongly encourages the Icelandic authorities to ensure that disaggregated data are collected that could show to what extent reports of domestic violence and abuse are taken into account by courts and the District Commissioners, and how the safety of all family members is ensured. Such steps would allow the Icelandic authorities to assess the effectiveness of the system of deciding on custody/visitation/residence of children in families affected by domestic violence. GREVIO strongly encourages the Icelandic authorities to engage in such an assessment and to identify possible avenues for policy improvement.**

B. Criminal law

192. Some of the provisions criminalising the forms of behaviour covered by Articles 33 to 40 of the Istanbul Convention were already contained in the Icelandic GPC before the country ratified the convention. Others were enacted following a report of 2012 by the Icelandic Institute of Human Rights, supported by the Ministry of Interior, which analysed, among other things, the GPC's conformity with the Istanbul Convention. These include the introduction of a consent-based definition of rape and the adoption of a separate offence for domestic violence, as well as the criminalisation of defamation between closely connected persons and of stalking and the introduction of a ban on forced marriage and other similar ceremonies. In February 2021, the Act on the Protection of Sexual Privacy was adopted, with the objective of increasing the protection against digital sexual violence and strengthening the sexual liberty of individuals. At the same time, the Act on Stalking was passed, which strengthened further the protection of persons subjected to stalking. GREVIO commends the Icelandic authorities for the numerous legislative developments in the area of criminal law, demonstrating Iceland's serious commitment to tackling violence against women and stemming impunity.

1. Psychological violence (Article 33)

193. Psychological violence is addressed in various provisions of the GPC, for example the new Article 218*b* of the GPC on violence in close relationships, which entered into force in 2016. It criminalises threats to the life, health or well-being of the victim, by means of violence, threats, deprivation of freedom, coercion or in another manner. It is punishable by imprisonment of up to six years, and up to 16 years if the violence is severe. GREVIO welcomes this provision, which potentially allows for the prosecution of psychological abuse and coercive control exerted by domestic abusers over their victims, most often their female partners and spouses. It notes, however, that it does not apply to psychological violence committed against former or current partners and former spouses unless they share a residence or in certain limited circumstances.¹²² It remains to be seen from its application in practice whether the means required (violence, threats, deprivation of liberty, coercion or another manner) are comprehensive enough to cover the course of conduct that psychological violence in a domestic violence setting entails.

194. Other criminal law provisions covering acts of psychological violence are Article 233 of the GPC covering threats and Article 233*b* of the GPC which criminalises insulting and humiliating persons close to the perpetrator but may not necessarily cover all possible intentional conduct of seriously impairing a person's psychological integrity, as required by Article 33 of the convention. The Child Protection Act outlaws using psychological or physical punishment, threats or intimidation against a child or other degrading conduct towards a child.

122. See Chapter I, Scope of application of the convention and definitions.

195. Although the authorities have confirmed that there have been cases where domestic violence has been prosecuted on the basis of Article 218*b* of the GPC for psychological violence alone – in particular in those cases which entailed a course of conduct which the drafters of Article 33 had in mind¹²³ – it is difficult to draw conclusions as to how operational this or other provisions are in holding domestic abusers accountable for psychological violence, as no statistical data are being collected on the number of prosecutions and convictions for psychological violence in abusive relationships.

196. GREVIO encourages the Icelandic authorities to further align their criminal legislation with the requirements of Article 33 of the Istanbul Convention, in particular as regards the type of relationships that Article 218*b* of the General Penal Code applies to so as to include psychological violence committed against a partner irrespective of whether they live together or have shared a residence.

2. Stalking (Article 34)

197. GREVIO welcomes the new provision of Article 232*a* of the GPC on stalking. Under this offence, anyone who repeatedly threatens, follows, watches, contacts or in any other similar way follows the movements of another person, in a manner likely to cause fear or anxiety, shall be subjected to a fine or imprisonment of up to four years. While GREVIO considers the definition of stalking to be in principle in line with Article 34 of the convention, it notes that the convention not only covers such behaviour that is targeted directly at the victim, but may also be extended to behaviour towards any person within the social environment of the victim, including family members, friends and colleagues. The experience of stalking victims shows that many stalkers do not confine their stalking activities to the victim.¹²⁴ Data show that as of September 2022, five indictments have been issued on the basis of Article 232*a* of the GPC. Two of them led to a conviction and included facts of cyberstalking while the remaining three are pending. GREVIO welcomes that this new provision is applied to situations of stalking through the use of ICTs.

3. Physical violence (Article 35)

198. Physical violence is addressed in various provisions of the GPC, including under the new provision on violence in close relationships in Article 218*b* of the GPC.¹²⁵ Sections 217 (minor bodily harm) and 218 (serious bodily harm) of the GPC cover physical violence in general. Infringements of Article 217 of the GPC are punishable by imprisonment of up to six months, or up to one year if the conduct involved is particularly reprehensible. Article 218 of the GPC carries a prison sentence of up to three years or a fine if there are extenuating circumstances. Where serious physical injury, damage to health or death results from the assault, the sentencing range is up to 16 years.

199. According to NGOs and expert lawyers there has been a strong tendency to uphold a strict and narrow interpretation of the personal and material scope of Article 218*b* of the GPC by the domestic courts, and the threshold for using Article 218*b* appears to be high in practice.¹²⁶ This results in acts of domestic violence being considered under Article 217 (minor bodily harm) of the GPC instead of invoking the more specialist offence of violence in close relationships. However, more clarity as to the application of Article 218*b* of the GPC appears to be emerging from recent jurisprudence. In a judgment of 2022, the Supreme Court overruled a decision of the Court of Appeal, which had classified a case where a man held his seven-year-old stepson in a chokehold as minor bodily harm, rather than violence in a close relationship. The Supreme Court, however, found this to be a serious case of domestic violence under Article 218*b* and thus lowered the threshold for the application of this provision.¹²⁷ In a similar case, where a man pushed his former girlfriend down the stairs and took her in a chokehold, the Supreme Court found these acts to fall under Article 218*b*. It

123. See paragraph 181 of the Explanatory Report: “This provision refers to a course of conduct rather than a single event. It is intended to capture the criminal nature of an abusive pattern of behaviour occurring over time – within or outside the family”.

124. Explanatory Report to the Istanbul Convention, paragraphs 182 and 185.

125. See also Chapter I, Scope of application of the convention and definitions.

126. Information obtained during the evaluation visit.

127. Supreme Court, case no. 42/2021, the *State Prosecutor v. X*, 9 March 2022.

clarified that repeated assaults were not required, but that one single incident could also constitute violence in close relationships pursuant to that section.¹²⁸

200. In 2019, there were 136 convictions for physical violence (covering minor and major physical assaults, attempted murder and murder), while in 2020 there were 119 such convictions. However, it is not possible to identify the number of cases arising from situations of domestic violence because data on the sex, age and relationship of victim and perpetrator are not collected. As regards physical violence in close relationships (Article 218*b* of the GPC), the number of convictions were 20 in 2019 and 14 in 2020. The number of prosecutions or the type of sentences handed down, however, is not known.

201. GREVIO encourages the Icelandic authorities to take legislative or other measures to ensure a more adequate application of the offence of violence in close relationships for cases of domestic violence in order to allow this specific offence to take on practical relevance.

4. Sexual violence, including rape (Article 36)

202. Provisions on sexual offences, including rape, can be found in Chapter XXII of the GPC. While recognition of a consent-based approach to rape and sexual violence had long formed part of the explanatory report to the GPC on sexual offences, GREVIO welcomes the amendment, in 2018, of these offences to specifically include the notion of consent in the elements of the crime, in order to obtain consensus within society on the definition of rape, to prompt a change in culture for professionals dealing with such cases and to provide victims with sufficient protection. Rape is now defined as sexual intercourse or other sexual relations with a person without her or his consent, which is considered to have been given if it is freely stated. "Other sexual relations" include oral and anal intercourse, including, among other things, the practice of inserting objects or fingers into the vagina or rectum. Consent is not considered to have been given if violence, threats or other forms of unlawful coercion are employed. "Violence" includes deprivation of freedom of action by means of confinement, drugs or other comparable means. The use of deception or the exploitation of a person's misconception of the situation, of her or his psychiatric disorder or other mental disability or of the fact that, for other reasons, she or he is not in a condition to be able to resist the action or to understand its significance, in order to have sexual intercourse or other sexual relations with her or him, shall also be considered as rape. A person found guilty of rape shall be imprisoned for a minimum of one year and a maximum of 16 years.

203. The personal scope of Article 194 of the GPC covers all persons and groups, and no persons or groups are excluded from protection of the provision.

204. According to Article 195 of the GPC it shall be considered an aggravating factor a) if the victim is a child under the age of 18, b) the violence employed by the perpetrator is severe, and/or c) the offence is perpetrated in a manner which caused particular pain or injury.

205. While GREVIO considers the Icelandic legal definition of rape and sexual violence to be in line with the requirements of Article 36 of the Istanbul Convention, NGOs and experts in the field have drawn GREVIO's attention to a certain lack of enforcement of these provisions in judicial practice, and a rather conservative interpretation of the notion of consent.¹²⁹ They raised particular concerns about the high number of dismissals of charges of rape and other sexual violence by the State Prosecutor and the low number of convictions in those cases. This is echoed by the CEDAW Committee in its report on Iceland.¹³⁰ Twenty-nine convictions were handed down for rape and sexual violence in 2019, and 46 in 2020. In that connection, GREVIO recalls the need to collect data that would allow cases to be tracked along the criminal justice chain – from reporting to prosecution to the convictions and sanctions – in order to assess any gaps in the institutional and judicial response to sexual violence and provide an in-depth analysis of the reasons for attrition.¹³¹

128. Supreme Court, case no. 47/2021, the *State Prosecutor v. X*, 30 March 2022.

129. See Chapter VI, Conviction rates.

130. CEDAW "Concluding observations: Iceland, 10 March 2016", UN Doc. CEDAW/C/ISL/CO/7-8, paragraph 20.

131. See Chapter II, Administrative data collection.

206. GREVIO recalls that the prosecution of the offences of rape and sexual violence will require a context-sensitive assessment of the evidence in order to establish on a case-by-case basis whether the victim has freely consented to the sexual act performed. Such an assessment must recognise the wide range of behavioural responses to sexual violence and rape which victims exhibit and shall not be based on assumptions of typical behaviour in such situations. It is equally important to ensure that interpretations of rape legislation and the prosecution of rape cases are not influenced by gender stereotypes and myths about male and female sexuality.¹³² The training of judges and law-enforcement officials is of crucial importance in order to adequately implement the provisions of the GPC pertaining to rape and sexual violence.¹³³

5. Forced marriage (Article 37)

207. According to Article 225 of the GPC, a person who forces another person into marriage shall be imprisoned for up to four years. The penalty is the same for forcing another person to undergo a similar ceremony, even if such ceremony has no legal validity, which GREVIO welcomes.

208. According to Article 227a of the GPC, anyone who is guilty of procuring, transporting, handing over, housing or accepting someone who has been subjected to violence, compulsion, deprivation of freedom, abduction, threat or unlawful deception, or of “awakening, strengthening or utilizing the lack of understanding concerning circumstances or ... exploiting the position of vulnerability of the person concerned”, or by exploiting one’s superior position, *inter alia*, with the intention of forcing someone into marriage, shall be imprisoned for human trafficking for up to 12 years.

209. There are thus two separate provisions in the GPC which both criminalise certain forms of forced marriage, which, in addition, potentially overlap. Forced marriage may be linked to sexual exploitation, labour exploitation and financial or other benefits to the wider family, such as immigration sponsorship. However, this is also a stand-alone offence in Icelandic criminal law, carrying a significantly lower sentence than forced marriage in the context of human trafficking. In view of these two provisions covering forced marriage in Iceland, GREVIO stresses the need for conceptual clarity and an operational distinction between them, as this could otherwise present challenges in practice. Thorough investigations into each individual case can help to assess fully its circumstances and the purposes for which women and girls have been forced to marry.

210. GREVIO notes, moreover, that the offence contained in Article 37, paragraph 2, of the Istanbul Convention is currently not fully reflected in Icelandic criminal law. While “the intentional conduct of luring an adult or a child to the territory of a Party or State other than the one he or she resides in with the purpose of forcing this adult or child to enter into a marriage” could be covered by Article 227a of the GPC, this provision does not necessarily cover all possible constellations of this crime. Equally, the provision in the GPC on aiding and abetting a criminal offence (Article 227a of the GPC) may not be sufficient to fully implement Article 37, paragraph 2, of the convention. Legislative action is thus required to bring the GPC in line with this article and close any possible gaps.

211. No data are available on prosecutions or convictions for any of the offences covering the conduct of forcing another person into a marriage.

212. According to Article 7 of the Law on Marriage, the minimum age for concluding a marriage is 18 years. The Icelandic authorities may grant an exemption for those below the age of 18, given that the opinion of the custodians has been heard. GREVIO considers that there is a lack of clarity as to the circumstances under which such exemptions can be granted. It would be advisable to closer define the grounds for exemption. While acknowledging the differences between underage and forced marriages, GREVIO underlines that the young age of brides means that they are at a higher

132. Explanatory Report to the Istanbul Convention, paragraph 192.

133. See Chapter III, Training of professionals.

risk of not being able to express their full and free consent to a marital union or to resist a forced marriage.¹³⁴

213. **GREVIO encourages the Icelandic authorities to:**

- a. **take legislative or other measures to ensure conceptual clarity and an operational distinction between the two different provisions on forced marriage in the General Penal Code;**
- b. **criminalise the intentional conduct of luring an adult or a child to the territory of another state with the purpose of forcing this person into a marriage, as required by Article 37, paragraph 2, of the Istanbul Convention;**
- c. **more closely define the exemption for persons below the age of 18 on concluding a marriage.**

6. Female genital mutilation (Article 38)

214. According to Article 218a of the GPC, anyone who causes bodily harm to a girl or a woman through a physical attack fully or partially removing her genitals shall be imprisoned for up to six years. The same applies if the victim is a person with female genitalia who has changed their registered sex. An attack that is particularly reprehensible or results in gross bodily harm or damage to the health of the victim, or resulting in her death, is punishable by up to 16 years in prison.

215. GREVIO notes, however, that the inciting, coercing or procuring of a woman or a girl to undergo any form of FGM is currently not criminalised, as required by Article 38b and c. GREVIO recalls that Article 38c requires the criminalisation of behaviour that involves the intentional exertion of influence on a girl who herself does not harbour the intention of undergoing FGM, which is behaviour currently not covered by the GPC. It differs from aiding or abetting the commission of FGM in terms of the constituent element of the crime (*actus reus*) and the scope of intent (*mens rea*). The aim of Article 38c of the convention is to ensure that criminal liability incurs, for example, where relatives or community members incite, coerce or procure a girl to undergo FGM but do not take an active part in ensuring the procedure is carried out.

216. While GREVIO recognises the low prevalence of FGM in Iceland, it considers it necessary to align Icelandic criminal law with the requirements of all elements of Article 38 of the Istanbul Convention in order to offer a complete set of criminal offences. Moreover, it considers it necessary to take action to assess to what extent women and girls in Iceland, arriving as asylum seekers or forming part of migrant communities, come from countries in which FGM is practised. The current lack of data is not conducive to the development of holistic approaches to prevention, protection and prosecution for cases of FGM, and to the training of professionals to detect and treat victims of this specific form of violence against women.

217. **GREVIO encourages the Icelandic authorities to take the necessary legislative and other measures to align the General Penal Code with the requirements of Article 38b and c of the Istanbul Convention so as to ensure that the conduct of procuring a woman or inciting and procuring a girl to undergo an act of female genital mutilation is criminalised.**

7. Forced abortion and forced sterilisation (Article 39)

218. According to Article 216, paragraph 2, of the GPC a person who kills a foetus or carries out an abortion without the consent of the mother shall be imprisoned for a minimum of two years and a maximum of 12 years. This provision on forced abortion is in line with the requirements of Article 39a of the Istanbul Convention.

134. See Resolution 175 of the United Nations General Assembly and the Joint General Recommendation No. 31 by the CEDAW Committee and Committee on the Rights of the Child, and general comment 18 of the Committee on the Rights of the Child.

219. However, GREVIO notes with grave concern that there is no legislation in force in Iceland that would criminalise the act of performing surgery which has the purpose or effect of terminating a person's capacity to naturally reproduce without prior and informed consent or understanding of the procedure (forced sterilisation). While the general offence of bodily harm as set out in Article 218 of the GPC can be invoked, it does not address the act of forced sterilisation itself and may hence be insufficient to cover all possible constellations of forced sterilisation. As a general offence, it masks the specific criminal intent behind forced sterilisation and does not allow for any awareness raising of this being a crime. Urgent legislative action is needed to remedy this situation.

220. According to Article 3 of the Act on Sterilisation, terminating a woman's capacity to naturally reproduce is permitted at her request if she has reached the age of 18 years. Sterilisation of anyone below the age of 18 is only allowed if the fertility of the person could have a serious impact on the life or health of the person. In addition, the consent of two medical doctors and of a specially appointed guardian must be obtained.

221. Moreover, very little data seem to be available on the extent of forced sterilisations in Iceland. This issue may arise in particular in relation to women with mental disabilities, who, according to indications received from civil society sources, have been sterilised at hospitals without their knowledge and without having given their informed consent.¹³⁵ GREVIO notes with concern that there is no legislation in force in Iceland that would ensure that the sterilisation of women with mental or physical disabilities is done on the basis of prior and informed consent and understanding of the procedure as required by Article 39 of the Istanbul Convention. There is no standardised procedure for the assessment of the free will of women with intellectual disabilities either. Such procedures should, in addition, conform with medical-ethical rules and standards. These are matters that urgently need to be addressed.

222. GREVIO urges the Icelandic authorities to criminalise forced sterilisation, in line with Article 39b of the Istanbul Convention.

223. GREVIO urges the Icelandic authorities to ensure that for any sterilisation of women with mental or physical disabilities their prior and informed consent is obtained on the basis of a thorough understanding of the procedure.

8. Sexual harassment (Article 40)

224. Sexual harassment is punishable with imprisonment for up to two years, according to Article 199 of the GPC. The offence refers to, among other things, stroking, fingering or probing the genitals or breasts of another person, whether under or through clothing, and also to suggestive behaviour or language which is offensive, repeated or of such a nature as to cause the victim fear. While GREVIO welcomes the criminalisation of sexual harassment in all spheres of life, it regrets that the offence does not cover non-verbal conduct of a sexual nature. This would include any expressions or communication on the part of the perpetrator that do not involve words or sounds, for example facial expressions, hand movements or symbols.¹³⁶

225. GREVIO welcomes the clear stance Iceland has taken against violence against women in the digital sphere.¹³⁷ The newly introduced Article 199a of the GPC incriminates image-based abuse and sharing or distributing such content without the consent of the victim.

226. Moreover, Article 14 of the Act on Equal Status and Equal Rights Irrespective of Gender obliges employers and the directors of institutions, civil society organisations and sports and youth organisations to take special measures to protect their employees, students and clients from gender-based violence, gender-based harassment or sexual harassment in the workplace or institution, social activities or schools. Sexual harassment is defined in Article 3 of this act as any

135. Information obtained during the evaluation visit.

136. Explanatory Report to the Istanbul Convention, paragraph 208.

137. See also GREVIO's General Recommendation No. 1 on the digital dimension of violence against women, adopted on 20 October 2021, Council of Europe, 2021, available at: <https://rm.coe.int/grevio-rec-no-on-digital-violence-against-women/1680a49147>.

kind of sexual behaviour having the purpose or effect of offending the dignity of the person affected by it, especially when this behaviour creates circumstances that are threatening, hostile, degrading, humiliating or insulting for the person in question. The behaviour can be verbal, non-verbal and/or physical. GREVIO notes with satisfaction that contrary to the GPC this act fully incorporates the definition of sexual harassment as set out in Article 40 of the Istanbul Convention.

227. According to Article 16 of the Act on Equal Status and Equal Rights Irrespective of Gender, all forms of discrimination are prohibited. Sexual harassment constitutes discrimination under the act, as does all unfavourable treatment of an individual that may be attributed to the fact that the individual has rejected sexual harassment or has submitted to it. Employers shall ensure that employees are not subjected to injustice in their work, for example in terms of job security, terms of employment or performance assessment, on the grounds of having submitted a complaint or provided information on sexual harassment. The same applies to directors of schools and other educational institutions, after-school activity centres and sports and leisure activities; they shall ensure that pupils, practitioners or clients are not made to suffer for having made a complaint about gender-based or sexual harassment.

228. Moreover, a regulation by the Minister of Labour and Social Affairs is in force on measures against harassment, sexual harassment, gender-based harassment and violence in the workplace, which prescribes in detail how to deal with such cases.

229. GREVIO strongly encourages the Icelandic authorities to close the gap in their legislation regarding sexual harassment by criminalising or otherwise sanctioning non-verbal conduct of a sexual nature with the purpose or effect of violating the dignity of a person, as required by Article 40 of the Istanbul Convention.

9. Sanctions and measures (Article 45)

230. Applicable sanctions under the GPC for forms of violence against women covered by the scope of the Istanbul Convention range from fines to 16 years of imprisonment. Homicide can be sanctioned with life imprisonment according to Article 211 of the GPC, but in most cases of homicide the punishment is between 14 and 16 years, depending on various factors such as the brutality of the offence, the age of the perpetrator, etc.

231. No comprehensive data are available on sentences applied in practice for cases of rape and domestic violence. According to information received from Icelandic judges and prosecutors, the average prison sentence for rape is between two- and four-years' imprisonment, and sanctions for domestic violence are often less than one year of imprisonment. However, if the victim is a child, then the sentences tend to be stricter.

232. Parental rights such as custody and visitation can be withdrawn if a parent assaults his/her child. In that case, the child-protection authorities or the other parent can instigate a claim with the civil courts, requesting the withdrawal of the perpetrator's custody of the child or his access rights to the child.

233. **GREVIO encourages the Icelandic authorities to:**

- a. collect and publish data on the sentences given for all forms of violence against women covered by the scope of the Istanbul Convention, disaggregated by the sex and age of the victim and the perpetrator, their relationship, geographical location and type of violence, in order to obtain an overview of the relevant court practice;**
- b. use such data to assess whether sentencing in cases of violence against women is commensurate to the gravity of the offence and preserves the dissuasive function of penalties.**

10. Aggravating circumstances (Article 46)

234. Most of the aggravating circumstances contained in Article 46 of the Istanbul Convention form part of the Icelandic legislation, either in Article 70 of the GPC or as a part of the provisions of the substantive criminal law or child-protection law. The exception is Article 46c of the convention, where an offence is committed against a person made vulnerable by particular circumstances.

235. **GREVIO encourages the Icelandic authorities to take legislative measures to ensure that if an offence is committed against a person made vulnerable by particular circumstances, it can be taken into consideration as an aggravating circumstance in the determination of the sentence.**

11. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

236. According to Article 174 of the Code of Criminal Procedure, in a criminal case, the victim and perpetrator may enter into a court settlement concerning the victim's claim for compensation, just as they can in civil cases. This is an option which is up to the victim to choose; there are thus no mandatory alternative dispute resolution processes or sentencing in criminal law cases in Iceland. There are no available data on the use of this possibility, but according to indications received by legal experts, it is not often used.¹³⁸

237. In civil proceedings, according to Article 33a of the Children's Act, parents are obliged to attempt to reach an agreement through mediation before requesting a ruling or instituting a court action on custody, domicile, access, day-rate fines or enforcement measures. However, where there is information on violence in the family, the standard procedure is to inform those involved that they may request separate mediation meetings. On 1 January 2022, a new regulation on counselling, mediation, and conversation based on the Children's Act entered into force.¹³⁹ According to Article 14 of the regulation, parents are in principle obliged to attend mediation meetings together. However, the regulation states explicitly that the mediator can accept either parent's request to attend the mediation meeting separately if either parent invokes facts of violence, or if the mediator believes that there is a risk of violence.

238. GREVIO notes that while the letter of the law speaks of obligatory mediation in proceedings concerning custody and visitation rights, exceptions can be made in practice, according to the authorities. However, it appears that there is no active screening for a history of abuse in the relationship, which raises concerns. In GREVIO's view, the practice of joint meetings between the abusive and non-abusive parent to reach an agreement on child custody/residence/visitation at this stage of the procedure further exacerbates the danger inherent in mandatory mediation for victims of domestic violence. In addition to the fact that mediation processes need to be entered into by both parties on a level footing, which is not the case where one party has been abusive to the other, it raises serious safety concerns because it offers the perpetrator an opportunity to continue the abuse. Moreover, women victims of domestic violence who put their safety concerns before the requirement to attend joint meetings in this mediation process and do not attend may face serious repercussions (such as being considered unfit for parenting).¹⁴⁰ GREVIO thus points out that cases concerning custody and visitation rights should actively be screened by the competent authorities for a history of violence in the family concerned

239. **GREVIO strongly encourages the Icelandic authorities to recognise the power imbalances in relationships marred by violence and to actively ensure that parents with a history of abuse are granted separate meetings with the mediator in order to reach a decision in the child's best interests on child custody/residence/visitation which does not jeopardise the rights and safety of the mother and her children.**

138. Information obtained during the evaluation visit.

139. <https://island.is/reglugerdir/nr/1450-2021>.

140. See Chapter V, Custody, visitation rights and safety.

VI. Investigation, prosecution, procedural law and protective measures

240. Full accountability for all acts of violence against women requires an adequate response from law-enforcement agencies and the criminal justice sector. Chapter VI of the Istanbul Convention establishes a set of measures to ensure criminal investigations, prosecutions and convictions of the various forms of violence covered therein.

A. General obligations, immediate response, prevention and protection (Articles 49 and 50)

241. A key principle of an adequate response to violence against women is that of swift and effective investigations and judicial proceedings that are based on a gendered understanding of these types of offences and that take into consideration the rights of the victim during all stages.

1. Reporting to, immediate response and investigations by law-enforcement agencies

242. In Iceland, incidents of domestic violence reported to the police increased from 1 500 in 2014 to 2 102 in 2021. Most of these reports (80%) concerned male perpetrators.¹⁴¹ Protocols for police officers dealing with cases of domestic violence were issued by the National Commissioner for Police as early as 2005, updated in 2014 and 2018, which GREVIO welcomes.¹⁴² These protocols are comprehensive and provide a model of good practice consistent with the requirements of the Istanbul Convention. GREVIO further welcomes the efforts of the Icelandic authorities to ensure that all officers are trained or retrained on its contents, as well as the overall effort to provoke a change in culture among law-enforcement agencies. However, indications received from both the authorities and NGOs suggests that implementation of the established protocols remains inconsistent and further effort is required in that respect.¹⁴³ Moreover, similar protocols for other forms of violence covered by the scope of the convention, outside of sexual and domestic violence, do not appear to exist and should urgently be added.

243. In relation to multi-agency co-operation, the procedural approach by the police since 2014 has involved greater co-operation, knowledge sharing and standardised procedures between the police, social services and child-welfare services.¹⁴⁴ For example, while en route to an incident of domestic violence, police officers retrieve any existing information on the victim and/or perpetrator in the police files. The police unit responding to an incident of domestic violence aims to arrive at the scene within 10 minutes and is required to start a live recording with bodycams or other equipment from that point as a measure to safeguard and preserve evidence from the scene. Coupled with the obligation to prosecute *ex officio* all offences of relevance under the Istanbul Convention, GREVIO welcomes the proactive approach to evidence collection that in theory contributes to robust case building in cases of intimate partner violence that does not exclusively rely on the statement of the victim.¹⁴⁵ However, GREVIO also notes that, in practice, these solid measures do not lead to sufficient prosecutions, as the chapters below on effective investigation and prosecution and on conviction rates show. The Icelandic authorities should therefore urgently look into the reasons why their generally very good theoretical approaches to case building do not produce the expected results in practice.

244. The police will be accompanied by a social worker and a child-protection agent where a child is involved in a call-out for domestic violence, which GREVIO welcomes as a particularly

141. "Society more vigilant against domestic abuse' Police Commissioner Says", 28 March 2022, available at: www.icelandreview.com/news/society-more-vigilant-against-domestic-abuse-police-commissioner-says/.

142. Available in Icelandic: <https://dev.logreglan.is/wp-content/uploads/2019/06/Verklagsreglur-um-heimilisofbeldi-13.09.2018.pdf>.

143. Information obtained during the evaluation visit.

144. NGO submission, p. 5.

145. See Chapter VI, *Ex parte* and *ex officio* prosecution.

victim-friendly approach. The procedures on the treatment and registration of domestic violence cases require the police to take particular care to gather information related to children. Moreover, police are entitled to arrest a person if there is reasonable suspicion that an offence has been committed that can be prosecuted, provided that it is necessary to prevent further offences, to ensure the safety of others, or to prevent the suspect from corrupting evidence or from absconding.

245. Victim support in Iceland is designed to be available upon police arriving at the crime scene. A booklet for victims of crime explaining their rights is available and police officers are asked to offer this information to victims. The police also have a general duty to inform the victim about their rights and explain the procedures in the case and the possibility to either apply for a restraining or eviction order or for such orders to be issued on the spot by the police should they consider it necessary. If a victim is particularly vulnerable or at particular risk, there is the possibility of providing an emergency button connected to an approved security company.

246. Outside of police interventions, online reporting is available for victims of crime, including women and girl victims of violence, and progress in the handling of the case can also be checked online. The main police station in Reykjavik has an interview room designed by a psychologist to facilitate taking evidence from victims. While women victims of violence can request to be interviewed by a female police officer, there may not always be one available, as only one in five police officers in Iceland are female.

247. GREVIO notes with satisfaction that special procedures are in place within the Icelandic police for informing people with disabilities of their rights. Police officers have received special training on conducting interviews with persons with mental disabilities and they have a duty to inform the rights protection officer,¹⁴⁶ who can be present during an interview to ensure the person's rights are safeguarded. However, GREVIO was informed that this was not systematically done in every case and considers that the Icelandic authorities should look into the reasons why.

248. Nevertheless, other groups of women face difficulties in reporting incidents of violence against them to the police. NGOs and women's rights organisations indicated to GREVIO that migrant women in particular often do not report violence against them for fear of either jeopardising their migration status or being removed from the country.¹⁴⁷ Raising the awareness of law-enforcement officials is needed to address the specific challenges which women at risk of intersectional discrimination face.

249. GREVIO strongly encourages the Icelandic authorities to issue guidelines and protocols for law-enforcement officials on all forms of violence covered by the scope of the Istanbul Convention, which follow a gendered perspective and duly take into account the different situations women victims of violence subjected to intersectional discrimination may face.

2. Effective investigation and prosecution

250. Following a study conducted in 2013 and 2014 which found that acquittal rates for sexual offences were high in Iceland,¹⁴⁸ an Action Plan on Sexual Offences was passed by the parliament in 2017, upon the initiative by the Ministry of Interior. It included several measures to improve the situation, in particular aimed at increasing the rate of prosecutions and convictions of perpetrators of sexual offences. It also provided for 15 new full-time police officer positions which have been added to the police departments all over the country, and an additional ISK 40 million to update procedures and investigative equipment.¹⁴⁹ An electronic protocol for the handling and investigation of sexual offences was introduced that must be used in the investigation of serious sexual offences and domestic violence, and police officers and prosecutors have been trained in dealing with sexual

146. See Chapter III of the Act on the protection of the rights of disabled persons, No. 88/2011, available at: www.government.is/media/velferdarraduneyti-media/media/acrobat-enskar_sidur/Act-on-the-protection-of-the-rights-of-disabled-persons-No-88-2011-as-amended-16.pdf.

147. Information obtained during the evaluation visit. On this topic, see also Chapter VII, Residence status.

148. See the Ninth periodic report submitted by Iceland to CEDAW, 23 November 2021, CEDAW/C/ISL/9, p. 9.

149. Summary of Government Actions against Gender based and Sexual Violence and Harassment, May 2021.

offences.¹⁵⁰ GREVIO welcomes the fact that the Reykjavik Metropolitan Police has divisions specialising in sexual crimes and technology-facilitated violence. Both divisions are staffed by police officers specially trained in these issues, including in the taking of electronic evidence.

251. In addition to the above measures, Instruction No. 2/2018 from the Director of Public Prosecutions¹⁵¹ requires an investigation plan to be prepared for the investigation of rape offences, sexual offences against children and offences in close relationships, in order to standardise good practice. When a case is entered into police records concerning rape, sexual harassment, sexual offences against children or violence in close relationships, a list of measures that need to be undertaken is automatically provided. The Director of Public Prosecution's instructions "Procedure Time RS: 4/2017" require cases involving physical and sexual violence to be expedited with special priority being given to rape cases, cases involving violence against children and violence in close relationships as well as where the perpetrator is under 18. The District Prosecutor and the Chiefs of Police are required to send a list of these cases and their progress to the Attorney General on 1 January and 30 June each year.¹⁵²

252. However, echoing the concluding observations of CEDAW in 2016,¹⁵³ significant concerns were raised with GREVIO by NGOs and women's organisations in respect of the persistently high number of dismissals of charges in cases alleging rape and other sexual violence and the number of cases that did not proceed to prosecution, despite the above-mentioned measures. There are a number of reasons given for the failures of these investigations, including systemic delays, failure to take statements from the accused, failures to collect and preserve evidence, including medical evidence and evidence from specialist entities such as Barnahus, and failures to bring cases to prosecution on the grounds that they are not likely to lead to a conviction, as well as expiry of the limitation periods.¹⁵⁴

253. In addition, GREVIO learned that where the police had deployed more resources to investigations, this created a new bottleneck in prosecutions. In order to remedy this situation, two additional prosecutors have already been appointed. However, without an increase in judicial resources, this in turn increased the workload of judges. Moreover, women's organisations and NGOs active in the field indicated to GREVIO that they considered that victim involvement in the investigation and prosecution was insufficient, resulting in valuable evidence not being obtained or used by the authorities.¹⁵⁵ Overall, these delays and shortcomings are detrimental to effective investigation and prosecution, leading to cases being dropped or lost and resulting in women being denied protection. GREVIO notes, in that context, that on 28 June 2022 amendments to the Act on Criminal Procedure were adopted by the Icelandic Parliament, aimed at improving victim involvement in criminal proceedings.¹⁵⁶ Moreover, a new consultation group was appointed by the Minister of Justice in spring 2022, composed of experts from the Ministry of Justice, police and prosecution authorities, judges and experts from NGOs working with victims of sexual violence (Stígamót, Bjarkarhlíð and Aflið), with the purpose of renewing the action plan on the handling of sexual offences. Its main goal will be to shorten the processing of cases of sexual violence within the judicial system. The Icelandic Government should actively supervise whether these measures suffice to expedite cases concerning all forms of violence covered by the scope of the Istanbul Convention.

254. The argument made above is further supported by the fact that several cases were communicated to the Icelandic Government in 2021 by the European Court of Human Rights

150. CEDAW/C/ISL/9, paragraph 40.

151. See www.rikissaksoknari.is/fyrirmaeli/rannsoknaraetlanir-og-greining-sakamala.

152. Instructions in Icelandic available at: www.rikissaksoknari.is/fyrirmaeli/malsmedferdartimi.

153. "Concluding Observations: Iceland 10 March 2016", UNDoc. CEDAW/C/ISL/CO/7-8, paragraph 19: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/ISL/CO/7-8&Lang=En.

154. Information obtained during the evaluation visit.

155. Information obtained during the evaluation visit.

156. The changes intend to give victims of serious cases of violence, such as physical and sexual violence, better access to investigations and criminal proceedings, for example by providing for disclosure of information on the progress of the case to the victim, greater access to documentation by legal counsels, 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 counsel for the victim at the appeal stage even if the victim's claim for compensation is not under review; see: <https://www.althingi.is/altext/152/s/1396.html>.

regarding allegations of failure to carry out effective criminal investigations into and prosecute charges for sexual and/or domestic violence.¹⁵⁷ The female applicants reported rapes, domestic violence and sexual harassment to the police, but all cases were dropped by the prosecution authorities. In one of the cases, the prosecution of an alleged rape became time-barred after the police had waited for over two years to take a first statement from the alleged perpetrator. In that case, the National Commissioner for Police publicly apologised to the victim. A further case relates to the alleged failure of the authorities to properly consider allegations of repeated domestic violence at the hands of the applicant's husband when assessing her plea of self-defence resulting in her trial and conviction for assault and conviction for assault against her husband.¹⁵⁸

255. However, GREVIO welcomes the fact that there is good awareness among the Icelandic police, prosecutors and judiciary of the significance of the systemic delays in the police and justice system and the steps being taken at all stages to try and identify key problems and remedy this. A very recent decision of the Supreme Court of Iceland described delays by the National Court of 19 months between an appeal being heard and the verdict as "reprehensible".¹⁵⁹ Steps taken to try and resolve these systemic problems include a research project to identify what causes cases of sexual violence to progress quickly or slowly, including trying to identify existing bottlenecks and trialling various measures to improve the system. However, while GREVIO recognises these positive steps and increases in training, retraining and personnel and understands that they will take time to show results, it does not appear that the financial means and human resources currently employed match the demand.

256. GREVIO was also informed on several occasions by members of civil society of the particular difficulties faced in Iceland as a country with a small population where status and connections can have a significant impact on protection outcomes and also on investigations and other administrative procedures.¹⁶⁰

257. GREVIO welcomes the positive steps in relation to women victims of violence with disabilities taken by the Icelandic authorities in respect of training the police and judiciary. The Attorney General's Instructions on the Treatment of Sexual Offences involving disabled defendants and/or victims were introduced in 2018 and are based on the understanding that the investigations must be adjusted to the needs of the individual. However, the subsequent report of the National Commissioner in August 2020 found that women with disabilities have been identified as being both much more likely to be subjected to violence and abuse and far less likely to obtain a conviction than women without disabilities. NGOs active in the field indicated to GREVIO that, in their view, some of the measures in the instructions were not implemented in practice.¹⁶¹ Moreover, GREVIO notes that similar guidelines or protocols available for women subjected to intersectional discrimination do not exist beyond women with disabilities, nor do they exist for law-enforcement authorities on forms of violence other than sexual and domestic violence. This gap should be closed urgently.

258. Last, a report commissioned by the National Commissioner for Police in 2013¹⁶² identified high levels of sexual harassment and bullying within the police force itself – around 40% of police officers reported having experienced these forms of violence at work. The National Commissioner took several measures in response to this report, including a 50/50 split in terms of gender of new intake since 2015 which has resulted in the percentage of women among trained police officers rising from 13% in 2014 to 21% in 2021.¹⁶³ The National Commissioner has introduced guidelines on bullying and sexual harassment and accompanying rules have been introduced by the Reykjavik

157. *R.E. v Iceland and 3 others*, Application Nos. 59809/19 et al. (communicated 4 March 2021), available at <https://hudoc.echr.coe.int/eng?i=001-209021>, *B.S. v Iceland and 3 others*, Application Nos. 14407/20 et al. (communicated 29 June 2021), available at <https://hudoc.echr.coe.int/eng?i=001-211455>.

158. *N.W. v Iceland*, Application Nos. 31606/19 and 11840/20 (communicated 29 June 2021): <https://hudoc.echr.coe.int/eng?i=001-211456>.

159. See www.haestirettur.is/domar/_domur/?id=bbf12005-b4c1-45c6-876c-f7990176c789.

160. Information obtained during the evaluation visit.

161. Information obtained during the evaluation visit.

162. National Commissioner for Police, University of Iceland and others (2013), *Vinnumening og kynjatengslinnar lögreglunnar*, pp. 11 and 61, available at: www.logreglan.is/wp-content/uploads/2014/12/Vinnumeningog-kynjatengsl-%C3%B6greglunnar-%C3%BAtg.-2013.pdf.

163. CEDAW/C/ISL/9 paragraph 66.

police force. Exams have been designed to remove gender bias from promotion. A special independent board has been established to handle cases of gender-specific and sexual harassment, which is staffed by a lawyer, a gender equality specialist and a psychologist, although the relatively low number of complaints handled does not reflect the number of instances. It is expected by the police that these changes coupled with improvements directed at culture change made since 2015 will have an impact in the longer term but it was recognised that this may take some time. A follow-up study is planned to examine whether the culture within the police force has changed.¹⁶⁴

259. GREVIO urges the Icelandic authorities to significantly reinforce their investigative and prosecutorial capacity and to take immediate measures to ensure a prompt and appropriate response by law-enforcement agencies in all cases of violence against women as required by Article 50, paragraph 1, of the Istanbul Convention, including to:

- a. ensure that a holistic multi-agency assessment is undertaken at all stages of the criminal investigation process to identify existing failures in evidence collection and delays in processing cases;**
- b. ensure that law enforcement is sufficiently resourced both financially and in terms of adequately trained staff to enable such measures to be implemented.**

3. Conviction rates

260. Data on the number of reported and prosecuted cases of rape and sexual violence are available from 2008 and 2009, during which period 189 such cases were reported to the police: 88 were referred to the State Prosecutor; 31 charges were brought against individuals; and 23 perpetrators were convicted. During the same period, 248 victims of sexual violence visited the rape crisis centre in Reykjavik and 463 new counselling cases were reported by Stígamót, an NGO offering counselling for victims of sexual abuse and violence.¹⁶⁵ Similarly, two studies published in 2013-2014 by the research centre EDDA in co-operation with the Ministry of Interior found, among other things, that there was a high rate of acquittals in sexual offences' cases.¹⁶⁶ In reaction to these findings, the Ministry of Justice drew up the above-mentioned Action Plan on Sexual Offences, which was in force between 2018 and 2022.¹⁶⁷

261. GREVIO considers it important to evaluate the impact of the actions contained in the Action Plan on Sexual Offences, in particular to see whether the number of prosecutions and convictions rose. NGOs and lawyers working with victims of sexual violence indicated that, according to their experience, the conviction rate for sexual violence remains low.¹⁶⁸ The most recent statistics available from 2013 show that only 17% of rape cases end in prosecution and only 13% in conviction. GREVIO is concerned by this low rate of convictions for rape and sexual violence, and equally by the fact that a large number of victims apparently decide not to report the perpetrator. Moreover, women's organisations and NGOs voiced their concern that recent changes to a consent-based definition of rape and the consequence of that for investigation and prosecution is not yet reflected in judgments in rape cases and the old criteria are still being used. The consistent training of law-enforcement officials and judges on all forms of violence against women covered by the scope of the Istanbul Convention would be a first remedy to improve the situation, followed by measures to build the trust of women victims of violence.

262. Another concern is that cases are being discontinued. These decisions are often taken on the basis of there being insufficient prospects of obtaining a conviction where there is an issue to be tried between the perpetrator and the victim. NGOs and lawyers active in the field indicated that they had identified multiple causes for this, including: the limitation period expiring; witnesses not being called for questioning; and evidence such as injuries, certificates from psychologists, phone or video recordings and crime scene evidence being given little weight. While attempting to clear backlogs in

164. CEDAW/C/ISL/9 paragraph 98.

165. See the joint submission by the Icelandic Human Rights Centre and the Icelandic Women's Rights Association to CEDAW, 2016, p. 24.

166. See the Ninth periodic report submitted by Iceland to CEDAW, 23 November 2021, CEDAW/C/ISL/9, p. 9.

167. See Chapter VI, Effective investigation and prosecution.

168. Information obtained during the evaluation visit.

the system it is essential that justice is done and seen to be done in all cases. Concerns were raised by NGOs and women's organisations that older or more difficult cases were being sacrificed to show improvements in processing times.¹⁶⁹

263. In terms of domestic violence, the lack of statistics in respect of interventions, prosecutions and convictions makes it difficult to assess the effectiveness of the system. Numerous concerns were raised by NGOs and women's organisations in respect of the delays in getting to court leading to reduced or suspended sentences and unduly negative approaches to women victims of violence at District Court and Court of Appeal level.¹⁷⁰

264. GREVIO urges the Icelandic authorities to swiftly identify and address any factors which contribute to attrition in rape cases, as well as other cases of violence against women, in order to increase the number of convictions. This should include ensuring that older and more difficult cases are not further deprioritised or discontinued while taking these steps.

265. GREVIO further encourages the Icelandic authorities to ensure that law-enforcement officials, prosecutors and judges are adequately trained and provided with guidance on changes to the legal definitions and case law relating to sexual violence and domestic violence.

B. Risk assessment and risk management (Article 51)

266. Concern for the victim's safety must lie at the heart of any intervention in cases of all forms of violence covered by the Istanbul Convention. Article 51 thus establishes the obligation to ensure that all relevant authorities, not just law-enforcement authorities, effectively assess and devise a plan to manage the safety risks a victim faces on a case-by-case basis, according to standardised procedures and in co-operation with each other.

267. The Icelandic police have available to them the standardised risk-assessment tools B-Safer,¹⁷¹ CARE and PATRIARCH. However, risk assessments are not carried out systematically, despite the requirements of the 2018 Police Protocol to conduct a risk assessment in every domestic violence case. At present, structured risk assessment is only used in the most serious cases, which is partly owing to a lack of trained staff and because there are too many cases. In most cases, police do their own assessment on a case-by-case basis, including in cases of stalking. GREVIO takes the view that this represents a lost opportunity to prevent the escalation of harm. However, GREVIO was informed that a triage system is being developed with the creators of B-Safer and Spousal Assault Risk Assessment (SARA)¹⁷² and police will be provided with tablet computers containing a checklist to try and instigate a change in culture in relation to systematic risk assessments. Moreover, work is being done to create threat assessments in sexual violence cases. These are steps in the right direction, but ultimately only risk assessments that are systematically carried out can contribute to a greater level of safety for women victims of violence.

268. Risk-management measures that are available to the Icelandic police include the ability to change the locks where an emergency barring order is issued and the provision of an emergency button for a woman at risk of violence. If a woman calls the police in an emergency situation, this automatically links the officers to her history in the database, and an alert is sent to police officers on duty to respond to her address and enable them to react quickly. There is also the possibility to hide the woman's new address from the national registry. However, this can cause certain problems in practice, such as an inability to access bank accounts. Because the risks are not being systematically identified and assessed, it appears that there is no real system of risk management. GREVIO notes with concern that this is a significant issue, as it creates a real risk of escalation and failure of protection.

169. Information obtained during the evaluation visit.

170. Information obtained during the evaluation visit; see also the Icelandic Supreme Court's judgment in case No. 47/2021, 30 March 2022, www.haestirettur.is/domar/_domur/?id=bbf12005-b4c1-45c6-876c-f7990176c789.

171. See <https://protect-international.com/product/brief-spousal-assault-form-evaluation-risk-b-safer-manual-2/>.

172. See <https://protect-international.com/product/spousal-assault-risk-assessment-guide-sara-3rd-ed-worksheets-50pk/>.

269. Although there is ad hoc co-operation between the different authorities and with specialist women's support services, and in particular shelters, it is not organised, systemic or institutionalised and often seems to depend on the initiative of individuals. Multi-agency risk-assessment conferences (MARACs) are currently only used in one district of Iceland and should be rolled out nationwide. In addition, the healthcare sector, which is often the first entry point for women victims of violence into the official system, is not systemically included in risk assessment or risk management. Moreover, GREVIO stresses that for women at high risk who live in rural areas, women with disabilities and women with a migrant background, the protection offered must be adapted to their specific requirements and address their specific risks. Women must be heard and their own assessment of the risk they face must be taken into account.¹⁷³

270. GREVIO wishes to point out that the European Court of Human Rights recently rendered a judgment in the case of *Kurt v. Austria*¹⁷⁴ in which it specified the obligations relating to risk assessments and risk management under Article 2 of the European Convention on Human Rights. Notably, the Court held that authorities had to respond immediately to allegations of domestic violence. They must establish whether there exists a real and immediate risk to the life of one or more identified victims of domestic violence by carrying out an autonomous, proactive and comprehensive risk assessment. The reality and immediacy of the risk must be assessed taking due account of the particular context of domestic violence cases ... If the outcome of the risk assessment is that there is a real and immediate risk to life, the authorities' obligation to take preventive operational measures is triggered. Such measures must be adequate and proportionate to the level of the risk assessed.¹⁷⁵

271. The Court found that once a risk has been established, rapid sharing of information among and co-ordination of relevant stakeholders is part of a comprehensive response to domestic violence, including information from child-protection agencies, schools and other childcare facilities, should children be involved.¹⁷⁶ GREVIO fully endorses these findings and stresses that an effective risk assessment and ensuing risk management can save lives and should be an integral part of the authorities' response to cases of violence covered by the Istanbul Convention.

272. GREVIO welcomes the fact that for the purpose of assessing an offender's conditional release, including perpetrators of violence against women, the Prison and Probation Administration uses a risk-assessment tool developed in order to assess the likelihood of further violent behaviour. It is used for persons who have been sentenced to three or more years' imprisonment. GREVIO considers that this tool could also be used for perpetrators of violence against women who have received lesser sentences.

273. Last, a domestic homicide review mechanism is not currently in place in Iceland, which GREVIO regrets. However, in May 2022 the National Commissioner published a statistical report on homicides in Iceland covering the period 2010 to 2020, with homicides disaggregated by sex, age, relationship between victim and perpetrator, and the manner of the killing.¹⁷⁷ Some 14% of killings are known to be family-related, and 38% took place in a close relationship. However, the exact relationship between victim and perpetrator is not discernible from the publication. Although the number of homicides each year is very low in the country (between one and three cases per year between 2010-2022), it is all the more alarming that during the first wave of the Covid-19 pandemic in Iceland in spring 2020, two women were murdered, apparently in the context of domestic violence.¹⁷⁸ and two more women were killed the same year. However, these statistics are not part of a regular homicide review mechanism, and the cases do not seem to have been analysed for any gender-based motives behind the killings, or whether there had been a previous history of violence against the victims. It would be important to analyse all cases of killings of women and to assess

173. See GREVIO's baseline evaluation report on Germany, paragraph 309.

174. *Kurt v. Austria* [GC], Application No. 62903/15, §§ 167-176, 15 June 2021.

175. *Ibid.*, § 190.

176. *Ibid.*, § 180.

177. Available at: www.icelandreview.com/society/two-deaths-in-iceland-raise-concerns-of-rise-in-domestic-violence/.

178. Available at: www.icelandreview.com/society/two-deaths-in-iceland-raise-concerns-of-rise-in-domestic-violence/.

whether they were gender-based, with the aim of preventing them in the future and holding to account both the perpetrator and the multiple agencies that come into contact with victims.

274. GREVIO urges the Icelandic authorities to ensure that in cases of all forms of violence covered by the Istanbul Convention, systematic and gender-sensitive risk assessment and safety management become standard procedure for all agencies involved. GREVIO further urges the Icelandic authorities to ensure that an effective multi-agency approach is taken to such a risk assessment in order to ensure the human rights and safety of the individual victim, and to ensure that women's organisations, shelters and the healthcare sector are formally included within the risk-assessment and risk-management process.

275. GREVIO strongly encourages the Icelandic authorities to set up a domestic homicide review mechanism to analyse all cases of gender-based killings of women with a view to preventing them in the future and resolving any systemic shortcomings in the risk-assessment process.

276. GREVIO invites the Icelandic authorities to make use of the Prison and Probation Administration's risk-assessment tool in all cases where perpetrators have been sentenced for any form of violence against women covered by the Istanbul Convention.

C. Emergency barring orders and restraining or protection orders (Articles 52 and 53)

277. The Icelandic Act on Restraining Orders and Evictions dates from 2011 and gives the Chief of Police (or their legal representative) power to issue a restraining order, evict a perpetrator from the home or issue both at the same time. The act was amended in 2019 to simplify the process and strengthen the legal position of victims. Article 4 of the Act on Restraining Orders and Evictions provides that a restraining order may be applied if there is a reasonable suspicion that the defendant has committed or is likely to commit a criminal offence or otherwise disturb the peace. This type of order can be issued to prevent a person going to a place or area or contacting the victim in any manner. Article 5 of this act provides for an eviction order to be issued if there is a reasonable suspicion that the defendant has violated certain provisions of the General Penal Code or there is a risk they will do so. Children and pregnant women are particularly protected under the Icelandic Child Protection Act, which in its Article 37 authorises child-protection committees to take court action to prohibit a perpetrator of violence from approaching or contacting a child or pregnant woman, and to request that a person be excluded from their home.

278. A request for a restraining order and/or eviction from the home can be made by the victim, their family or another person close to them. It is possible to request a restraining order and an eviction order at the same time and they can in principle be issued for any form of violence covered by the Istanbul Convention. In the case of a child, a legal guardian or a representative of social services or the municipality child-protection committee in which the child is resident may also apply. In a domestic violence case, the police are required to inform the victim about the Act on Restraining Orders and Evictions and that they can make a request for such an order. Where the victim does not seek a restraining order but the police are of the view that one is necessary, they can seek a restraining or eviction order without the victim's consent. Victim and perpetrator must be informed that a violation of the restraining order may result in fines or imprisonment and that the offence is subject to public prosecution. Any eviction of a perpetrator from a house where a child lives shall be reported to the child-protection committee of the relevant municipality.

279. GREVIO notes that the decision on restraining orders and eviction can be made at the home of the victim either on the basis of a request, or if there is a public interest, private interest or interest in an investigation or court proceedings or criminal cases require it to be made. Such cases must be expedited and a decision on eviction made by the police in any event no later than 24 hours after the request was received. No later than 72 hours after the request was received, the district court must decide on the eviction request. Eviction orders must be issued for a specified period of time and for no longer than four weeks at a time. At the time of expiry, a new request can be granted, provided the conditions are still met. The victim must be informed of the duration of the eviction order

and can be equipped with a personal safety alarm, if deemed necessary. A decision on a restraining order must be given no later than 72 hours after the request was made. Restraining orders can last for up to a year and can be extended if necessary and upon request. During that time, the perpetrator must stay away from the victim and/or her home, as the police usually combine an eviction order with a restraining order.

280. If a perpetrator of domestic violence has child visitation rights, these rights do not take precedence over a judge's ruling on a restraining order and/or eviction order if the child is included in the restraining order or eviction order, therefore prohibiting the perpetrator from approaching the child. However, if the restraining order or eviction order is only issued with regard to the mother, child visitation rights can still be exercised. In such cases, a third party can be engaged to deal with the communication between the victim and perpetrator concerning the child. It is not clear whether in such cases enough is done by the authorities involved to ensure that the perpetrator's access rights do not perpetuate the pattern of abuse against the mother, through the childcare arrangements.

281. Although the legal framework appears to be compliant with the Istanbul Convention, GREVIO received indications from civil society that its implementation in practice remains insufficient.¹⁷⁹ First and foremost, restraining and eviction orders are sometimes ordered for only a short amount of time and not continued thereafter. Moreover, in practice the courts have been reluctant to enforce an eviction order against a person who owns a property. Data available on evictions support this view: in 2019, only 23 cases were registered involving a request or decision to evict. In 2016, there were 16 such cases. No information is available on any violations of eviction orders. Statistics provided by the Icelandic authorities show that restraining orders are made use of slightly more often. In 2019 there were 86 requests or decisions on restraining orders registered in the police records system and 34 violations. In 2020, those numbers increased to 100 and 60 respectively. According to the authorities, 37% of the breaches in 2020 were prosecuted. It is unclear what happened to the remainder and what the outcome was in the 37% of cases that did proceed to prosecution. The penalty for violating a restraining order is a fine or imprisonment of up to one year, or two years if the violation is repeated or serious (Article 232 of the General Penal Code).

282. GREVIO is concerned by these very low numbers, as they point towards a practice of not evicting a perpetrator of violence from the home, compared with the number of registered police reports for domestic violence (2 102 reports in 2021).¹⁸⁰ Eviction orders are an important tool for breaking the cycle of violence against women and children and the police should consider making better use of it.

283. GREVIO strongly encourages the Icelandic authorities to step up efforts to make use of restraining orders and eviction orders more frequently, in order to protect the right to safety of women victims of domestic violence and their children, and to illustrate to the perpetrators the seriousness of their behaviour under the law. In order to review the implementation of emergency barring orders, GREVIO strongly encourages the Icelandic authorities to collect administrative data on the numbers of such orders issued by the police, the number of perpetrators who did not comply with the orders and the number and type of sanctions applied as a result of non-compliance.

284. GREVIO furthermore encourages the Icelandic authorities to ensure that, in practice, use is made of restraining orders in relation to forms of violence beyond domestic violence, notably stalking and sexual harassment, including those offences that have a digital dimension.

179. Information obtained during the evaluation visit.

180. "Society more vigilant against domestic abuse", Police Commissioner says", 28 March 2022, available at: www.icelandreview.com/news/society-more-vigilant-against-domestic-abuse-police-commissioner-says/.

D. Ex parte and ex officio proceedings (Article 55)

1. Ex parte and ex officio proceedings

285. Article 55, paragraph 1, of the Istanbul Convention places on parties the obligation to ensure that investigations into a number of categories of offences shall not be wholly dependent upon the report or complaint filed by a victim and that any proceedings underway may continue even after the victim has withdrawn her statement of complaint.

286. GREVIO notes with satisfaction that the Icelandic General Penal Code provides for *ex officio* initiation of legal proceedings in relation to all of the offences listed in Article 55, paragraph 1, of the convention. Pursuant to Article 52 of the Act of Criminal Procedure (ACP), the police shall, wherever necessary, commence an investigation based on the knowledge or suspicion that a criminal offence has been committed, whether or not they have received a formal complaint.

287. Police procedures in domestic violence cases provide for evidence to be collected to ensure that *ex officio* proceedings can be brought or continued even if a victim withdraws their participation in the prosecution. This includes the use of body cams, taking photographs and recording the evidence at the scene, checking for signs of a dispute or fight (such as broken items) and the requirement to record the victim's account of the events immediately and have it signed if possible. Moreover, police are instructed to obtain testimonies from witnesses on the ground and neighbours. Where a victim refuses to give a report to the police the officer is required to make their own report and to inform the victim that the case may be continued by the police even if the victim changes their statement if it is suspected that the perpetrator has committed an offence. GREVIO welcomes this proactive approach to evidence collection by the Icelandic police. However, according to information received from civil society representatives, these procedures are not always followed in practice, which is why further training and awareness raising may be needed.¹⁸¹

2. Victim support in legal proceedings

288. With a view to empowering victims and to encouraging them to go through with criminal proceedings, paragraph 2 of Article 55 requires parties to ensure that victims' organisations, specifically trained domestic violence counsellors or other types of support/advocacy services may assist and support victims during investigations and judicial proceedings.

289. Under the Icelandic Act on Criminal Procedure (ACP), a legal rights protector can be appointed to represent the rights of a victim of sexual and other serious offences, including domestic violence,¹⁸² during the investigation and trial process. Article 46 of the ACP provides that they may be present while the client is questioned and can attend all court sessions. Moreover, since amendments to the ACP were enacted in June 2022, the role of the legal rights protectors has been improved and they are now allowed to ask short and concise questions during the trial. In addition, they can request the police or judge to ask about particular matters which have a special bearing on the injured party's civil law claims. GREVIO welcomes this improvement of the role of the legal rights protector in assisting victims through the criminal process.

290. Service centres for victims of violence offering legal support such as Bjarkarhlíð, Bjarmahlíð and Sigurhæðir and their partners are supported by the Icelandic Government and provide valuable legal and other services to women. GREVIO also welcomes the provision of legal advice to migrant women provided by the Icelandic Human Rights Centre and New in Iceland. However, funding for Women's Counselling has ceased, which could lead to a drop in provision of legal support for Icelandic women in particular.¹⁸³

181. Information obtained during the evaluation visit.

182. In criminal proceedings under Sections XXII-XXIV of the General Penal Code, Articles 251-253, and where there is reason to believe 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 by someone closely related to or associated with the injured party.

183. NGO submission, p. 6.

291. Several measures are set out in the above-mentioned recently adopted parliamentary bill amending the Code of Criminal Procedure and are aimed at improving the legal position of victims of sexual offences, including: proposals to increase the obligation of the police to give information to victims and access of the victims' legal representatives to case documents; the ability to file a request for compensation at the appellate stage even though the accused has been acquitted by the district court; the assistance of a legal representative when giving a statement before the Court of Appeal; special provisions for victims with disabilities, including taking statements in specially equipped premises and expert assistance.

292. Through a new project called the "Virtual courtroom", witnesses can come and see the court before they testify. Three students from the University of Iceland created a virtual copy of the main courtroom in Reykjavik where most criminal cases at first instance are tried. The victim can visit the courtroom with the help of virtual reality glasses and see where the judge, the prosecutor and the defendant are situated, so they can be prepared for their testimony. The aim of this pilot project is to assess whether this preparation for the court affects clinical anxiety in victims, which is one of the reasons why victims do not want to go to court. NGOs are invited to propose victims who would like to practise. GREVIO considers this to be a particularly promising practice.¹⁸⁴

293. GREVIO encourages the Icelandic authorities to continue the support for and engagement with victim support service centres and to ensure that NGOs providing quality legal advice and assistance are adequately funded.

E. Measures of protection (Article 56)

294. The Director of Public Prosecution's instructions "Notifications to victims and law enforcement" (RS: 1/2020) provide for a victim to be notified about the status and handling of a case where a complaint is dismissed and an investigation stopped, where the prosecution is dropped, where an indictment is issued and where the conclusion of a judgment has not safeguarded the interests of the victim in court. In addition, notification should be given about a perpetrator being remanded in custody and released from custody in cases where there is a violation of Chapters XXII-XXIV of the General Penal Code or if the circumstances of the case are such that it is important for the victim to be informed. The State Prosecutor is also required to inform the victim and the legal guardian of any acquittals or other judgments of which the victim is not aware.¹⁸⁵

295. However, women's organisations and NGOs active in the field indicated to GREVIO that although measures exist to protect women and assist their access to justice, they are often not used.¹⁸⁶ These include the ability to use screens in court. Moreover, in practice it is not always possible to ensure that victims and perpetrators remain separate in court. GREVIO considers that emphasis should be put on respecting and actively making use in all cases of the available victim-protection measures.

296. GREVIO strongly encourages the Icelandic authorities to make systematic use of available victim-protection measures in criminal proceedings.

F. Legal aid (Article 57)

297. Where the police or a judge appoint a legal rights protector for the injured party when it is necessary to protect their interests, this is paid for out of the Icelandic National Treasury. Adequate compensation for the representative in that case is not determined on an hourly rate but on the basis of what the police or court deem reasonable, and the amount is capped. However, according to indications received from civil society, this leads to varying quality of representation.¹⁸⁷

184. See www.statum.is/.

185. Available in Icelandic: www.rikissaksoknari.is/fyrirmaeli/tilkynningar-til-brotathola-og-rettargaeslumanna-1.

186. Information obtained during the evaluation visit.

187. Information obtained during the evaluation visit.

298. The Act on Civil Procedure provides for a person to bring a civil suit to receive legal aid to cover court costs if certain conditions are satisfied. However, GREVIO was alerted to the fact that the system is limited to people with very low income, to the extent that those on social benefits or with income from social security may well be excluded.

299. GREVIO welcomes the provision to women victims of sexual violence of free legal counselling when turning to the emergency reception centres in Akureyri and Reykjavik and deciding to report the crime to the police.¹⁸⁸ However, GREVIO was informed by legal practitioners that the payment they receive from the state for their services is far below the usual rate they would receive as lawyers. Moreover, it appears that they only get paid when the proceedings are terminated, which means that they may have to wait two to three years for their remuneration in those cases which go to trial. In order to ensure quality legal counselling for women victims of violence, adequate and timely remuneration of legal counsels should be considered.

188. See Chapter IV, Support for victims of sexual violence.

VII. Migration and asylum

300. In the area of migration and asylum, the main requirement of the Istanbul Convention is to ensure that residence status laws and asylum procedures do not turn a blind eye to the realities of women living in abusive relationships or subjected to sexual violence and exploitation and other forms of gender-based violence. Residence status laws shall provide for the possibility of obtaining autonomous residence permits for women in specific circumstances (Article 59). Asylum procedures, on the other hand, must be gender-sensitive and allow women to disclose their stories in full, and grounds for persecution shall be interpreted in a gender-sensitive manner. This can only be achieved if, in turn, reception procedures and support services for asylum seekers are sensitive to the needs of women victims or those at risk of violence (Article 60).

A. Residence status (Article 59)

301. The Act on Foreign Nationals governs all issues of entry and residence in Iceland relating to EU and third-country nationals.¹⁸⁹ Its Article 70 provides for the possibility of applying for an independent residence permit in the case of relationship breakdown where the separation is caused by abuse or other forms of violence from the partner that have been reported to the police or child-protection authorities or if there are other records to indicate this. Although the law suggests a minimum residence and relationship length of two years and compliance with support provisions, the explanatory notes to the Act on Foreign Nationals makes clear that no situation should be created in which a foreigner feels compelled to remain in a marriage or cohabitation to retain a residence permit where they or their children are being abused.

302. Moreover, GREVIO welcomes the fact that, in practice, most applications for a residence permit on the grounds of domestic violence are granted even where the strict conditions as to time limits and support are not met. Between 2008 and 2020 there were 31 recorded applications, of which seven were refused with two of those being overturned on appeal. The shortest period of residence prior to relationship breakdown where a permit was granted was two months. It is unclear how many of these applications were lodged by women and whether these data are available broken down by sex and nationality of the applicants.

303. Unfortunately, this flexibility does not appear to be well understood by migrant women in Iceland. GREVIO received indications from NGOs working in the field of asylum and migration that migrant women in abusive relationships find it difficult to report their problems and obtain the necessary evidence, and are generally reluctant to apply until reaching at least two years' residence.¹⁹⁰ Although the police procedures require foreign nationals to be informed that termination of their relationship or marriage does not preclude them from obtaining a residence permit, there is a requirement for the police to report such cases of separation to the immigration authorities. GREVIO is concerned that this may contribute to women being too scared to seek assistance and their spouses abusing the system to keep women in abusive marriages. However, important steps for a more comprehensive informing of migrants of their rights have been taken through a pilot project of the Icelandic Ministry of Social Affairs, which established the New in Iceland counselling service following a parliamentary resolution from 2019.¹⁹¹ Migrants have the chance to seek advice from this service, in confidence and anonymously, about their residency status, including in connection with domestic violence. The organisation is not obliged to report migrants living in Iceland without residence permits to the authorities and hence represents an important step in reducing barriers to help-seeking in connection with domestic violence. It is also a rare example of prioritising access to services for those with irregular migrant status, which GREVIO welcomes.

189. Act on Foreign Nationals No. 80/2016, available in English: www.government.is/library/04-Legislation/Foreign_Nationals_Act.pdf. It is supplemented by an Explanatory Report (available in Icelandic: www.althingi.is/atext/pdf/145/s/1180.pdf) and Regulation 540/2017 on Foreigners (available in Icelandic: www.reglugerd.is/reglugerdir/eftir-raduneytum/dmr/nr/0540-2017).

190. Information obtained during the evaluation visit.

191. See <https://newiniceland.is/>.

304. As to Article 59, paragraph 2, of the convention, GREVIO notes with satisfaction that women victims of violence can apply for an independent residence permit regardless of whether their initial permit was linked to that of a partner or spouse, including in cases where expulsion proceedings have been initiated against the spouse (see Article 78 of the Act on Foreign Nationals).

305. GREVIO welcomes the provision in Article 70c of the Act on Foreign Nationals enabling the granting of a residence permit where the foreign national demonstrates that owing to the social or cultural situation in their home country, they could have difficulty returning to that country as a result of divorce or separation. The explanatory notes to the act explicitly recognise that women from certain countries may be in a worse position after divorce and that this could even result in their exclusion from society. GREVIO welcomes this as an example of heightened awareness of the gendered impact of divorce for certain migrant women, which may render them more vulnerable to certain forms of violence if returned. Moreover, renewable residence permits can be issued to foreign nationals under Article 79 of the Act on Foreign Nationals if this is necessary for their co-operation with the competent authorities. Equally, such permits can be issued to foreign nationals who have special connections with Iceland due to their personal situation (Article 78 of the Act on Foreign Nationals).

306. However, GREVIO regrets that there appears to be no formalised process of giving consular assistance to women and girls forced into marriage abroad to help them to return to Iceland. It is unclear whether a prolonged stay abroad of such a victim would result in them losing their residence permit.

307. GREVIO invites the Icelandic authorities to increase the awareness among migrant women of the overriding objective of Article 70 of the Act on Foreign Nationals – namely that no foreign national should be compelled to remain in a marriage or cohabitation to retain a residence permit where they or their children are being abused – and the flexibility in its application when it comes to abusive relationships.

B. Gender-based asylum claims (Article 60)

1. Gender-sensitive asylum determination procedure

308. Since 2015, the number of asylum applications in Iceland has remained at a substantially higher level than in previous years, now averaging around between 800 and 1 000 applications per year. In 2021, Iceland received 872 applications for international protection, of which 248 were from women and 130 from girls, which marks a significant increase in the number of applications from women since 2020 (130).¹⁹² This increase was mainly due to a large number of applications made by nationals from Venezuela. In 2022, there has also been a large influx of Ukrainian refugees, mainly women and girls.¹⁹³

309. Resettlement programmes are handled by the Refugee Committee with an observer from the Icelandic Red Cross and have a focus on the most vulnerable groups, among them female-headed households. The vulnerability assessment is carried out by the United Nations High Commissioner for Refugees (UNHCR).

310. Outside of refugee resettlement programmes, the asylum procedure requires an asylum applicant to submit an application to the police anywhere in Iceland. The police are responsible for examining the applicant's travel route and identification and the applicant is then referred to the Directorate of Immigration for further processing. The reception team at the Directorate for Immigration conducts a first interview and uses guidelines and checklists to identify victims of gender-based persecution and violence, human trafficking victims and other asylum seekers who may be in a vulnerable position.

192. Asylum statistics in English, available at: <https://utl.is/en/about-directorate-of-immigration/statistics#outcome-gender>.

193. Ibid.

311. Article 38 of the Act on Foreign Nationals recognises gender as a ground for persecution, which GREVIO welcomes. The explanatory notes to this act set out some examples, such as women who have suffered or who are afraid of being subjected to sexual violence, genital mutilation and other forms of violence and who would, in the broadest terms, have in common their gender as the reason for their persecution.¹⁹⁴ Data are not available on the number of cases where refugee status has been recognised on the basis of gender, which should in the future be collected in order to obtain an overview of the situation.

312. GREVIO notes that, in general terms, asylum procedures in Iceland are carried out with a good level of compliance with the requirements of the Istanbul Convention. The Directorate of Immigration have addressed challenges identified in “Rising to the Challenge: Improving the Asylum Procedure in Iceland”¹⁹⁵ and have developed guidelines regarding asylum claims made by LGBTI individuals as well as guidelines on interviewing suspected victims of human trafficking. Officers are trained in gender-sensitive interviewing and the effects of gender-based violence against women on the handling of cases and their outcome, either by completing the European Asylum Support Office (EASO) module themselves or by other individuals who have completed that module.

313. Asylum officers use a set of standardised questions based on EASO and UNHCR modules and recommendations. They equally take into account the UNHCR “Guidelines on International Protection No. 1: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees (HCR/GIP/02/01)”¹⁹⁶ when interpreting the provisions of Icelandic asylum law and the Geneva Convention Relating to the Status of Refugees. Although applicants for asylum can request an interviewer and interpreter of the same sex they are not informed of this right, a practice which should be reconsidered. Interpretation is mostly provided over the phone, as there are too few interpreters for the relevant languages available in Iceland. And if there are any such interpreters in Iceland, they usually form part of the small community to which the respective asylum seekers belong, which is why the authorities prefer to resort to telephone interpretation.

314. Negative asylum decisions can be appealed against to the immigration and asylum appeals board. Thereafter, asylum seekers can take their cases to court. However, GREVIO notes that judges in asylum cases do not receive specific training on asylum issues, and even less so on gender-based persecution and violence. Such training should be provided to judges deciding on asylum appeals.

315. GREVIO notes with satisfaction the particular efforts made by the Directorate of Immigration to inform migrant women and girls about their rights in Iceland. All women and girls over the age of 16 arriving for refugee family reunion meet with a specialist lawyer and are provided with information about their rights and access to support and assistance. These interviews take place separately from their family members after arriving in Iceland. However, GREVIO regrets that these interviews and efforts to provide information are not offered to women joining an Icelandic spouse – a missed opportunity to empower such women to seek help for abuse or other experiences of violence if necessary.

316. Legal aid is available in asylum cases. Previously this was provided by the Icelandic Red Cross but now includes any lawyer willing to take on asylum cases. Some NGOs active in the field of asylum and migration indicated that they were concerned that this removal of funding would result in a loss of experience and expertise.¹⁹⁷ GREVIO welcomes the requirement of lawyers taking such cases to provide information on their experience or knowledge of asylum law and that the Directorate of Immigration is planning to provide specialist courses for them. GREVIO considers that such courses would be a good opportunity to provide knowledge on all forms of violence covered by the Istanbul Convention and how they relate to gender-based asylum claims.

194. Explanatory memorandum in respect of Article 38 of the Act on Foreign Nationals.

195. UN High Commissioner for Refugees (UNHCR), *Rising to the Challenge: Improving the Asylum Procedure in Iceland*, April 2016, available at: www.refworld.org/docid/5772773e4.html.

196. See www.unhcr.org/publications/legal/3d58ddef4/guidelines-international-protection-1-gender-related-persecution-context.html.

197. Information obtained during the evaluation visit.

317. **GREVIO invites the Icelandic authorities to:**

- a. **collect data on the number of cases where refugee status has been recognised on the basis of gender-related persecution, disaggregated by sex and age of the person concerned;**
- b. **inform women asylum seekers of the right to request an interviewer and/or interpreter of the same sex;**
- c. **extend the possibility of meeting with a specialist lawyer to migrant women arriving under domestic migration procedures in order to better inform them of their rights and access to support and assistance;**
- d. **ensure that legal aid counsels are competent to provide gender-sensitive representation to women asylum seekers;**
- e. **ensure that judges dealing with appeals in asylum cases are trained on gender-based asylum claims and gender-based violence.**

2. Accommodation

318. The current system of reception and accommodation in Iceland provides evidence of gender-sensitive good practice. Preference is given to accommodating asylum seekers in individual apartments rather than reception centres, and families, women and children are given preference in that respect. The Directorate of Immigration has an agreement with three different municipalities to accommodate asylum seekers. Individual flats are provided that are shared by women, particularly those with children or women travelling alone. Generally, women have their own bedroom and usually do not have to share bathrooms.

319. Women are accommodated in asylum reception centres only if there is no space available in flats. These are closed to the public but there are no restrictions on residents such as curfews. In the larger centres women are accommodated either in separate wings of the building or may stay where families are accommodated. Security guards at the centres are all male. The practice is that guards are not allowed to enter the rooms of asylum seekers unless there is an emergency. Security cameras are in use as an additional safety measure. GREVIO considers that it would be much more preferable to have female guards in asylum accommodation where women are staying.

320. Asylum seekers are provided with a prepaid phone card and there is wireless internet in the reception centres enabling most applicants to access the internet. GREVIO welcomes this practice, as it enables women to call for help and assistance if necessary and to be contacted themselves. There is a significant amount of information available on websites in multiple languages provided by both the government and NGOs, for example by the Multicultural Information Service, New in Iceland and W.O.M.E.N.¹⁹⁸ These organisations equally provide walk-in advice and counselling for migrant women and asylum seekers.

321. **GREVIO invites the Icelandic authorities to ensure that there are female guards present in asylum reception centres where women are housed.**

C. Non-refoulement (Article 61)

322. Article 61 of the convention entails the obligation under international law for states to respect the principle of *non-refoulement* in relation to women victims of gender-based violence who may fear persecution if returned. According to this principle, states shall not expel or return an asylum seeker or refugee to any country where their life or freedom would be threatened. Article 3 of the European Convention of Human Rights also prevents a person being returned to a place where they would be at real risk of being subjected to torture or inhuman or degrading treatment or punishment. The obligation to respect the *non-refoulement* principle applies equally to victims of violence against

198. New in Iceland, available at: <https://newiniceland.is/>; the Multicultural Information Centre, available at: www.mcc.is/; and W.O.M.E.N. – Women Of Multicultural Ethnicity Network in Iceland, available at: <https://womeniniceland.is/en/we-are-w-o-m-e-n/>.

women who are in need of protection, irrespective of the status or residence of the women concerned.¹⁹⁹

323. In Iceland, the principle of *non-refoulement* is enshrined in Article 42 of the Act on Foreign Nationals. A foreigner may not be sent to a region where he or she has reason to fear persecution, including on the basis of gender, or where he or she is in imminent danger of being killed or subjected to inhumane or degrading treatment due to circumstances similar to those pertinent to the refugee concept. The same applies to returning a foreign national to a country where it is not guaranteed that he or she will not be sent on to such a region.

324. In decisions on returns and deportations, including in the context of the Dublin regulations or on the basis of “safe country” lists, the Icelandic authorities assess, among other things, any risk of gender-based violence if a person is expelled.

325. Between 2019 and 2021, 59 women and 34 girls were forcibly removed from Iceland. These numbers include returns under the Dublin regulations, women from safe countries of origin and women who had already received a form of protection in another European country.

199. Explanatory Report to the Istanbul Convention, paragraph 322.

Concluding remarks

326. GREVIO welcomes the comprehensive action taken by the Icelandic authorities over the past decades to advance women's rights and gender equality in Iceland. Several action plans are being implemented in order to prevent and prosecute acts of violence against women more efficiently and to afford victims the protection they need. These steps have been complemented in recent years by measures that align the Icelandic laws and regulations more closely with the requirements of the Istanbul Convention, such as the introduction of a consent-based definition of rape and sexual violence, the creation of a separate criminal offence of violence in a close relationship and the Act on the Protection of Sexual Privacy, which includes provisions to counter digital sexual violence.

327. Moreover, GREVIO has observed numerous promising practices in the implementation of the Istanbul Convention in Iceland. For example, innovative and targeted awareness-raising campaigns have been designed to counter violence against women; a yearly status report on gender budgeting maps out the gender situation in every public policy area; Sports and Youth Activities Communication Counsellors have been designated to assist and guide those who are victims of violence and harassment in sports and youth activity settings; and a digital courtroom project aims to reduce anxiety in victims before they give testimony in court.

328. However, while the Icelandic authorities have focused their attention on victims of sexual violence, sexual harassment and domestic violence, GREVIO notes that women victims of other forms of violence, such as stalking, crimes related to "honour", forced sterilisation, forced marriage and female genital mutilation have been afforded little to no attention. In a similar vein, women subjected to or at risk of intersectional discrimination, such as migrant women, women with disabilities, women in prostitution or women with addiction issues, do not always find a place in the current system of service provision. The setting up of a national women's helpline that operates around the clock and where trained staff are capable of providing crisis support and counselling to victims is urgently needed. In general, the funding of NGOs providing specialist services, such as counselling and psychological support, is not secured in the long run and requires more financial commitment by the Icelandic authorities.

329. GREVIO's evaluation procedure has shown a lack of harmonised data collection and co-ordination between relevant services, in particular the police, prosecuting authorities, the justice sector and the healthcare sector. The Istanbul Convention's requirement of multi-agency co-operation structures that involve all relevant parties, including women's specialist support services, and that operate in accordance with protocols and guidelines for co-operation needs to be given more importance in practice. The designation of a national co-ordinating body is thus urgently needed in order to ensure co-ordination, implementation, monitoring and evaluation of Iceland's policies and measures in relation to the Istanbul Convention. These and other points have been developed further in this report.

330. Notwithstanding the above, GREVIO notes a high degree of commitment on the part of the Icelandic authorities to continue to improve and further develop the way in which the different sectors and stakeholders respond to violence against women and thus contribute to a comprehensive level of implementation of the standards of the Istanbul Convention. With the present report, GREVIO wishes to support the Icelandic authorities in this endeavour and invites them to keep it regularly informed of developments with regard to the implementation of the Istanbul Convention. GREVIO looks forward to continuing its fruitful co-operation with the Icelandic authorities.

331. With a view to facilitating the implementation of its suggestions and proposals, GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

Appendix I

List of proposals and suggestions by GREVIO

I. Purposes, definitions, equality and non-discrimination, general obligations

B. Scope of application of the convention and definitions (Articles 2 and 3)

1. GREVIO strongly encourages the Icelandic authorities to adopt definitions of the terms set out in Article 3 of the Istanbul Convention and, where such definitions already exist, further align them with the convention (paragraph 13).

2. GREVIO strongly encourages the Icelandic authorities to enhance the implementation of the Istanbul Convention in relation to all forms of violence against women, beyond domestic violence, sexual violence and sexual harassment, which are currently less addressed by policies, programmes and support services, with due regard to their gendered nature, and to amplify the application of a gendered perspective in such efforts (paragraph 14).

C. Fundamental rights, equality and non-discrimination (Article 4)

2. Intersectional discrimination

3. GREVIO strongly encourages the Icelandic authorities to take measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any of the grounds listed in Article 4, paragraph 3, especially in relation to migrant women and women with disabilities, and by placing the rights of victims at the centre of all measures (paragraph 21).

E. Gender-sensitive policies (Article 6)

4. GREVIO encourages the Icelandic authorities to review any gender-neutral approaches in their policy documents and ensure all policies relating to the prevention and combating of violence against women and domestic violence are gender-sensitive and based on an understanding of the link between violence against women and the structural inequalities between women and men. Existing legislation and policy measures should be evaluated, with the aim of assessing whether there is a gender differential in their impact (paragraph 27).

II. Integrated policies and data collection

A. Comprehensive and co-ordinated policies (Article 7)

5. GREVIO strongly encourages the Icelandic authorities to address all forms of violence against women covered by the Istanbul Convention in government strategies and action plans, and to include measures targeting women subjected to or at risk of intersectional discrimination, such as migrant women, women with addiction issues, women in prostitution and women with disabilities (paragraph 34).

6. GREVIO strongly encourages the Icelandic authorities to (paragraph 35):

- a. increase multi-agency co-operation on a local level and in an institutionalised manner, and to systematically include the healthcare sector and NGOs working in the field of violence against women;
- b. introduce multi-agency risk-assessment conferences for high-risk cases.

B. Financial resources (Article 8)

7. GREVIO urges the Icelandic authorities to ensure appropriate long-term and sustainable funding for NGOs providing specialist support services for women victims of any form of violence covered by the Istanbul Convention and their children (paragraph 40).

8. GREVIO strongly encourages the Icelandic authorities to ensure that appropriate funding for state-wide effective policies and measures for women victims of violence, such as the relevant action plans, are available and that they reflect priorities set out in a comprehensive and co-ordinated approach that addresses all forms of violence covered by the Istanbul Convention as gender-based violence against women (paragraph 41).

9. To achieve the above, GREVIO encourages the Icelandic authorities to introduce, in all relevant sectors of government, separate budget and funding lines for all policies and measures which form part of the required comprehensive and co-ordinated approach to combating violence against women and domestic violence, in order to be able to monitor government efforts in that respect (paragraph 42).

C. Non-governmental organisations and civil society (Article 9)

10. GREVIO invites the Icelandic authorities to formalise NGO involvement in policy making and involve them more strongly in multi-agency co-operation, in order to ensure their involvement in the design of policies and programmes and the provision of services, counselling, advocacy and awareness raising (paragraph 46).

D. Co-ordinating body (Article 10)

11. GREVIO urges the Icelandic authorities to designate or establish one or more national co-ordinating bodies that are fully institutionalised and mandated to fulfil all of the functions as set out in Article 10 of the Istanbul Convention, and that are vested with the necessary financial and human resources (paragraph 49).

12. GREVIO strongly encourages the Icelandic authorities to ensure, on the one hand, the co-ordination and implementation of policies and measures to prevent and combat all forms of violence against women, and, on the other hand, their independent monitoring and evaluation in order to ensure objectivity in the evaluation of policies. Any monitoring and evaluation should be carried out on a regular basis, using comparable indicators. In addition, the Icelandic authorities should ensure that the co-ordinating body exercises its functions in close consultation with relevant NGOs and civil society and that its work is supported by relevant data (paragraph 50).

E. Data collection and research (Article 11)

1. Administrative data collection

d. Data on the asylum procedure

13. GREVIO urges the Icelandic authorities to (paragraph 60):

- a. harmonise the data-collection systems between law enforcement and the judiciary based on a common set of data categories that includes all forms of violence covered by the Istanbul Convention and is broken down by sex, age of both the victim and the perpetrator, type of violence and the relationship of the perpetrator to the victim, and introduce a case-management system that would allow cases to be tracked through all stages of the criminal justice system, with the aim of identifying gaps in the system that may contribute to low conviction rates;

- b. collect data on the number of cases reported to law enforcement, the criminal charges and indictments brought, criminal convictions, and criminal and other sanctions imposed on perpetrators of all forms of violence against women, with an indication of the type of sanctions imposed, and, where appropriate, of their suspended execution, their reduction for any motive and average length of sanctions;
- c. collect data on the number of breaches of emergency barring, restraining and protection orders, the number of sanctions imposed as a result of such breaches and the number of cases where the woman was revictimised or murdered as a consequence of such breaches;
- d. ensure that healthcare and social welfare services collect data on contact made for all forms of violence against women broken down by sex, age of both the victims and perpetrators and the relationship of the perpetrator to the victim;
- e. prepare and publish an overview of available data on all forms of violence covered by the Istanbul Convention, including an analysis of the data and trends;
- f. collect data on the number of asylum claims on the basis of gender-related persecution and their outcomes.

2. Population-based surveys

14. GREVIO strongly encourages the Icelandic authorities to include all forms of violence covered by the Istanbul Convention in future population-based surveys (paragraph 63).

3. Research

15. GREVIO encourages the Icelandic authorities to fill the gaps in research on forms of violence which are currently less explored in Iceland, such as stalking, FGM, forced marriage, forced sterilisation, forced abortion and violence related to “honour”, and to ensure that women subjected to or at risk of intersectional discrimination and the violence they experience also form part of ongoing and future research projects (paragraph 68).

III. Prevention

B. Awareness raising (Article 13)

16. GREVIO encourages the Icelandic authorities to pursue their efforts to promote awareness-raising campaigns or programmes on the different manifestations of all forms of violence against women and girls covered by the scope of the Istanbul Convention, not only focusing on sexual and domestic violence and sexual harassment, but also targeting other forms of violence, such as stalking, and those which may be less prevalent, such as FGM, forced marriage and violence based on “honour”. Moreover, awareness-raising campaigns should include women and girls subjected to or at risk of intersectional discrimination. In addition, the impact of such campaigns should be evaluated (paragraph 77).

C. Education (Article 14)

17. GREVIO invites the Icelandic authorities to pursue their efforts to provide teaching materials on the subjects covered by Article 14 of the Istanbul Convention, in particular on all the forms of violence covered by the convention as well as on mutual respect, non-violent conflict resolution in interpersonal relationships and the right to personal integrity (paragraph 83).

D. Training of professionals (Article 15)

18. GREVIO strongly encourages the Icelandic authorities to ensure that all professionals dealing with victims or perpetrators of all forms of violence covered by the scope of the Istanbul Convention receive systematic and mandatory initial and in-service training on identifying and responding to such violence, while focusing on the victims’ human rights, safety, individual needs and empowerment

and the prevention of secondary victimisation. This should include training on the specifics of intimate partner violence (the cycle of violence), on the necessity to protect children exposed to violence and on lesser-known forms of violence such as FGM, forced marriage, forced abortion, forced sterilisation and violence committed in the name of “honour”, and should take into account how violence affects women at risk of or subjected to intersectional discrimination. Clear protocols and guidelines should be established to set the standards that staff are expected to follow in their respective fields (paragraph 94).

E. Preventive intervention and treatment programmes (Article 16)

19. GREVIO strongly encourages the Icelandic authorities to (paragraph 99):
- a. increase the number of available places for perpetrators of domestic violence and sexual offenders on behavioural change programmes in custodial and non-custodial settings and ensure pathways to their attendance, including by raising awareness among judges of the possibility to refer perpetrators of domestic violence to behaviour change programmes on a voluntary basis, and by incorporating these programmes into the criminal justice system, including the prison and probation services, as a tool to reduce recidivism;
 - b. work towards uniform standards which place the safety of, support for and the human rights of victims at the centre, including by co-operating closely with specialist support services for victims as required by Article 16, paragraph 3, of the Istanbul Convention;
 - c. increase funding for perpetrator programmes;
 - d. initiate independent evaluations of the impact of the programmes for perpetrators of domestic violence and those for sex offenders.

F. Participation of the private sector and the media (Article 17)

20. GREVIO strongly encourages the Icelandic authorities to (paragraph 104):
- a. actively support and promote the involvement of the private sector, such as the information technology sector and parties in the labour market, in the prevention of violence against women in all its forms, including by providing guiding principles for private-sector companies on establishing internal procedures to address sexual harassment and other forms of violence covered by the scope of the Istanbul Convention, and to review the existing complaint mechanisms with a view to ensuring their wider use in the private sector, and consider devising new complaint mechanisms where they are lacking;
 - b. encourage domestic media to adopt, apply and monitor the use of self-regulatory standards in relation to the non-stereotypical and non-sexist portrayal of women in the media, including in the context of reporting on violence against women, and to introduce channels for lodging complaints about degrading content in the media.

IV. Protection and support

A. General obligations (Article 18)

21. GREVIO encourages the Icelandic authorities to significantly increase efforts at all relevant levels in order to embed the provision of services for victims of all forms of violence covered by the Istanbul Convention in multi-agency co-operation structures that involve all relevant parties, including women’s specialist support services and professionals working in the healthcare sector, and that operate in accordance with protocols and guidelines for co-operation, based on a gendered understanding of violence against women and domestic violence and focusing on the human rights and safety of victims, as well as on their empowerment and economic independence (paragraph 112).

22. To this end, GREVIO urges the Icelandic authorities to establish mandatory guidelines and/or protocols for relevant professionals on how to respond to cases of violence against women covered by the Istanbul Convention on the basis of multi-agency co-operation (paragraph 113).

B. Information (Article 19)

23. GREVIO encourages the Icelandic authorities to continue their efforts to proactively and systematically provide easily accessible information on available support services and legal measures in all relevant languages, including in easy-to-understand language and in formats that are accessible to persons with disabilities and other women at risk of or exposed to intersectional discrimination, and to include information on all forms of violence covered by the Istanbul Convention (paragraph 119).

C. General support services (Article 20)

1. Social services

24. GREVIO urges the Icelandic authorities to set up dedicated programmes that cater to the specific needs of women victims of violence in the areas of employment and training, thus ensuring their economic independence and empowerment (paragraph 125).

2. Healthcare services

25. GREVIO strongly encourages the Icelandic authorities to implement standardised care paths that include the identification of victims, systematic screening, diagnosis, treatment, documentation of the type of violence and the injuries suffered, and referral to the appropriate specialist support services for all forms of violence, beyond domestic violence, and to promote and institutionalise multi-agency co-operation between the healthcare sector and specialist services. Moreover, barriers to accessing the healthcare system for women in rural areas of Iceland and for women with disabilities should be reduced (paragraph 131).

D. Specialist support services (Article 22)

26. GREVIO strongly encourages the Icelandic authorities to ensure that specialist women's support services receive sufficient and sustainable funding and are able to provide counselling and support on all forms of violence covered by the Istanbul Convention (paragraph 137).

27. Furthermore, GREVIO strongly encourages the Icelandic authorities to take measures to expand such services and to ensure the provision of specialist women's support services with a gendered approach, providing immediate, short- and long-term support to all women victims of violence and their children, and to ensure that specialist services are available in an even geographical distribution throughout Iceland (paragraph 138).

E. Shelters (Article 23)

28. GREVIO strongly encourages the Icelandic authorities to increase the number of dedicated shelter places for women victims of domestic violence and other forms of violence by setting up further shelters in areas not yet serviced, to reach the minimum standard of one family place per 10 000 head of population as set out in the Explanatory Report to the Istanbul Convention, and by ensuring access to such shelters for all women (paragraph 142).

29. GREVIO strongly encourages the Icelandic authorities to take the necessary measures to ensure that women with addiction issues and women in prostitution are provided with safe accommodation as well as legal and psychological counselling and support, in order to meet their

needs as victims of violence, and are provided with other relevant services in a manner that can address their specific needs (paragraph 143).

F. Telephone helplines (Article 24)

30. GREVIO urges the Icelandic authorities to set up a state-wide, free-of-charge, round-the-clock helpline dedicated to all forms of violence against women that is capable of providing crisis support and counselling to victims, with due respect for the confidentiality and anonymity of all callers and operated by trained staff (paragraph 146).

G. Support for victims of sexual violence (Article 25)

31. GREVIO urges the Icelandic authorities to (paragraph 153):

- a. ensure that victims of sexual violence receive immediate trauma care and counselling, by arranging for a psychologist to attend the victim's examination;
- b. ensure that girl victims of sexual violence receive immediate, short- and long-term psychological support on an equal footing with adult victims;
- c. ensure that short- and long-term psychological counselling is available to all victims without undue delay, regardless of whether they were victims of sexual violence recently or in the past.

H. Protection and support for child witnesses (Article 26)

32. GREVIO urges the Icelandic authorities to improve the human resources allocated to Barnahus to spare child victims of violence long waiting times to receive the psychosocial support they need (paragraph 161).

I. Reporting by professionals (Article 28)

33. GREVIO encourages the Icelandic authorities to introduce harmonised criteria for the reporting by all relevant professionals (health professionals, social workers and others) if they have reasonable grounds to believe that a serious act of violence covered by the scope of the Istanbul Convention has been committed and further serious acts of violence are likely to be committed (paragraph 163).

V. Substantive law

A. Civil law

1. Civil remedies against the state – ensuring due diligence (Article 29)

34. GREVIO encourages the Icelandic authorities to ensure that victims are duly informed of the various legal remedies and complaints mechanisms available to hold to account public officials who have failed to diligently prevent, investigate and/or prosecute acts of violence covered by the Istanbul Convention, and to monitor progress in this area by regularly collecting data on the number of civil claims and their outcome (paragraph 171).

2. Compensation (Article 30)

35. GREVIO encourages the Icelandic authorities to pursue their efforts to collect data, disaggregated by sex, age, type of violence, the relationship of the perpetrator to the victim and geographical location, on compensation claims made and granted under the Act on the Payment of

Compensation and those made and granted in the context of criminal proceedings, in order to assess their efficiency. Moreover, information should be collected on the awards granted (paragraph 175).

3. Custody, visitation rights and safety (Article 31)

36. GREVIO urges the Icelandic authorities to take the necessary legislative and other measures, including the development of appropriate guidelines and the provision of specialised training, to ensure (paragraph 189):

- a. that all relevant professionals, including social workers, child-protection officers, members of the judiciary, court experts and child psychologists, when deciding on custody and visitation, are duly aware of and take into account incidents of violence by one parent against the other, in line with Article 31 of the Istanbul Convention;
- b. that screening processes are introduced for domestic violence and risk assessment in order to ensure wider use is made of the right under the Children's Act to convene separate initial meetings with the District Commissioner, required to agree on custody and residence rights, for parents with a history of abuse.

37. GREVIO further urges the Icelandic authorities to evaluate the effects on the safety of women victims of domestic violence and their children of the current practice by the District Commissioners and the civil courts of deciding on custody and visitation rights, to analyse relevant case law and to collect data on the use that is made by judges and District Commissioners of limiting or withdrawing parental or visitation rights in the context of domestic violence (paragraph 190).

38. GREVIO strongly encourages the Icelandic authorities to ensure that disaggregated data are collected that could show to what extent reports of domestic violence and abuse are taken into account by courts and the District Commissioners, and how the safety of all family members is ensured. Such steps would allow the Icelandic authorities to assess the effectiveness of the system of deciding on custody/visitation/residence of children in families affected by domestic violence. GREVIO strongly encourages the Icelandic authorities to engage in such an assessment and to identify possible avenues for policy improvement (paragraph 191).

B. Criminal law

1. Psychological violence (Article 33)

39. GREVIO encourages the Icelandic authorities to further align their criminal legislation with the requirements of Article 33 of the Istanbul Convention, in particular as regards the type of relationships that Article 218b of the General Penal Code applies to so as to include psychological violence committed against a partner irrespective of whether they live together or have shared a residence (paragraph 196).

3. Physical violence (Article 35)

40. GREVIO encourages the Icelandic authorities to take legislative or other measures to ensure a more adequate application of the offence of violence in close relationships for cases of domestic violence in order to allow this specific offence to take on practical relevance (paragraph 201).

5. Forced marriage (Article 37)

41. GREVIO encourages the Icelandic authorities to (paragraph 213):

- a. take legislative or other measures to ensure conceptual clarity and an operational distinction between the two different provisions on forced marriage in the General Penal Code;
- b. criminalise the intentional conduct of luring an adult or a child to the territory of another state with the purpose of forcing this person into a marriage, as required by Article 37, paragraph 2, of the Istanbul Convention;

- c. more closely define the exemption for persons below the age of 18 on concluding a marriage.

6. Female genital mutilation (Article 38)

42. GREVIO encourages the Icelandic authorities to take the necessary legislative and other measures to align the General Penal Code with the requirements of Article 38b and c of the Istanbul Convention so as to ensure that the conduct of procuring a woman or inciting and procuring a girl to undergo an act of female genital mutilation is criminalised (paragraph 217).

7. Forced abortion and forced sterilisation (Article 39)

43. GREVIO urges the Icelandic authorities to criminalise forced sterilisation, in line with Article 39b of the Istanbul Convention (paragraph 222).

44. GREVIO urges the Icelandic authorities to ensure that for any sterilisation of women with mental or physical disabilities their prior and informed consent is obtained on the basis of a thorough understanding of the procedure (paragraph 223).

8. Sexual harassment (Article 40)

45. GREVIO strongly encourages the Icelandic authorities to close the gap in their legislation regarding sexual harassment by criminalising or otherwise sanctioning non-verbal conduct of a sexual nature with the purpose or effect of violating the dignity of a person, as required by Article 40 of the Istanbul Convention (paragraph 229).

9. Sanctions and measures (Article 45)

46. GREVIO encourages the Icelandic authorities to (paragraph 233):

- a. collect and publish data on the sentences given for all forms of violence against women covered by the scope of the Istanbul Convention, disaggregated by the sex and age of the victim and the perpetrator, their relationship, geographical location and type of violence, in order to obtain an overview of the relevant court practice;
- b. use such data to assess whether sentencing in cases of violence against women is commensurate to the gravity of the offence and preserves the dissuasive function of penalties.

10. Aggravating circumstances (Article 46)

47. GREVIO encourages the Icelandic authorities to take legislative measures to ensure that if an offence is committed against a person made vulnerable by particular circumstances, it can be taken into consideration as an aggravating circumstance in the determination of the sentence (paragraph 235).

11. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

48. GREVIO strongly encourages the Icelandic authorities to recognise the power imbalances in relationships marred by violence and to actively ensure that parents with a history of abuse are granted separate meetings with the mediator in order to reach a decision in the child's best interests on child custody/residence/visitation which does not jeopardise the rights and safety of the mother and her children (paragraph 239).

VI. Investigation, prosecution, procedural law and protective measures

A. General obligations, immediate response, prevention and protection (Articles 49 and 50)

1. Reporting to, immediate response and investigations by law-enforcement agencies

49. GREVIO strongly encourages the Icelandic authorities to issue guidelines and protocols for law-enforcement officials on all forms of violence covered by the scope of the Istanbul Convention, which follow a gendered perspective and duly take into account the different situations women victims of violence subjected to intersectional discrimination may face (paragraph 249).

2. Effective investigation and prosecution

50. GREVIO urges the Icelandic authorities to significantly reinforce their investigative and prosecutorial capacity and to take immediate measures to ensure a prompt and appropriate response by law-enforcement agencies in all cases of violence against women as required by Article 50, paragraph 1, of the Istanbul Convention, including to (paragraph 259):

- a. ensure that a holistic multi-agency assessment is undertaken at all stages of the criminal investigation process to identify existing failures in evidence collection and delays in processing cases;
- b. ensure that law enforcement is sufficiently resourced both financially and in terms of adequately trained staff to enable such measures to be implemented.

3. Conviction rates

51. GREVIO urges the Icelandic authorities to swiftly identify and address any factors which contribute to attrition in rape cases, as well as other cases of violence against women, in order to increase the number of convictions. This should include ensuring that older and more difficult cases are not further deprioritised or discontinued while taking these steps (paragraph 264).

52. GREVIO further encourages the Icelandic authorities to ensure that law-enforcement officials, prosecutors and judges are adequately trained and provided with guidance on changes to the legal definitions and case law relating to sexual violence and domestic violence (paragraph 265).

B. Risk assessment and risk management (Article 51)

53. GREVIO urges the Icelandic authorities to ensure that in cases of all forms of violence covered by the Istanbul Convention, systematic and gender-sensitive risk assessment and safety management become standard procedure for all agencies involved. GREVIO further urges the Icelandic authorities to ensure that an effective multi-agency approach is taken to such a risk assessment in order to ensure the human rights and safety of the individual victim, and to ensure that women's organisations, shelters and the healthcare sector are formally included within the risk-assessment and risk-management process (paragraph 273).

54. GREVIO strongly encourages the Icelandic authorities to set up a domestic homicide review mechanism to analyse all cases of gender-based killings of women with a view to preventing them in the future and resolving any systemic shortcomings in the risk-assessment process (paragraph 274).

55. GREVIO invites the Icelandic authorities to make use of the Prison and Probation Administration's risk-assessment tool in all cases where perpetrators have been sentenced for any form of violence against women covered by the Istanbul Convention (paragraph 275).

C. Emergency barring orders and restraining or protection orders (Articles 52 and 53)

56. GREVIO strongly encourages the Icelandic authorities to step up efforts to make use of restraining orders and eviction orders more frequently, in order to protect the right to safety of women victims of domestic violence and their children, and to illustrate to the perpetrators the seriousness

of their behaviour under the law. In order to review the implementation of emergency barring orders, GREVIO strongly encourages the Icelandic authorities to collect administrative data on the numbers of such orders issued by the police, the number of perpetrators who did not comply with the orders and the number and type of sanctions applied as a result of non-compliance (paragraph 282).

57. GREVIO furthermore encourages the Icelandic authorities to ensure that, in practice, use is made of restraining orders in relation to forms of violence beyond domestic violence, notably stalking and sexual harassment, including those offences that have a digital dimension (paragraph 283).

D. Ex parte and ex officio proceedings (Article 55)

2. Victim support in legal proceedings

58. GREVIO encourages the Icelandic authorities to continue the support for and engagement with victim support service centres and to ensure that NGOs providing quality legal advice and assistance are adequately funded (paragraph 292).

E. Measures of protection (Article 56)

59. GREVIO strongly encourages the Icelandic authorities to make systematic use of available victim-protection measures in criminal proceedings (paragraph 295).

VII. Migration and asylum

A. Residence status (Article 59)

60. GREVIO invites the Icelandic authorities to increase the awareness among migrant women of the overriding objective of Article 70 of the Act on Foreign Nationals – namely that no foreign national should be compelled to remain in a marriage or cohabitation to retain a residence permit where they or their children are being abused – and the flexibility in its application when it comes to abusive relationships (paragraph 306).

B. Gender-based asylum claims (Article 60)

1. Gender-sensitive asylum determination procedure

61. GREVIO invites the Icelandic authorities to (paragraph 316):

- a. collect data on the number of cases where refugee status has been recognised on the basis of gender-related persecution, disaggregated by sex and age of the person concerned;
- b. inform women asylum seekers of the right to request an interviewer and/or interpreter of the same sex;
- c. extend the possibility of meeting with a specialist lawyer to migrant women arriving under domestic migration procedures in order to better inform them of their rights and access to support and assistance;
- d. ensure that legal aid counsels are competent to provide gender-sensitive representation to women asylum seekers;
- e. ensure that judges dealing with appeals in asylum cases are trained on gender-based asylum claims and gender-based violence.

2. Accommodation

62. GREVIO invites the Icelandic authorities to ensure that there are female guards present in asylum reception centres where women are housed (paragraph 320).

Appendix II

List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations

National authorities

- Directorate of Equality
- Directorate of Immigration
- Directorate of Public Prosecution
- Government Agency for Child Protection
- Government Working Group on GREVIO
- Icelandic Association of Local Authorities
- Judicial Administration
- Ministry of Culture and Business Affairs
- Ministry of Education and Children
- Ministry of Health
- Ministry of Infrastructure
- Ministry of Justice
- Ministry of Social Affairs and Labour
- National Commissioner for the Icelandic Police
- Prison and Probation Administration
- Rights Protection Officer for People with Disabilities
- Statistics Iceland
- Steering Committee Generation Equality Forum UN Women

Regional authorities

- Eyjafjörður Child Protection Services
- Eyjafjörður Social Services
- North-East Iceland Police
- Reykjavík Child Services
- Reykjavík Metropolitan Police
- Reykjavík Social Service
- Reykjavík Welfare Service Center

Public bodies

- District Court of Reykjanes
- District Court of Reykjavík
- District Prosecutor's Office
- Hospital of Akureyri
- Landspítali National Hospital & Emergency Center Reykjavík
- Multicultural Information Center
- New in Iceland
- Ombudsman for Children
- University of Iceland – Centre for Disability Studies

Non-governmental organisations

- Aflið
- ASI (Icelandic Confederation of Labour)
- Bergið Headspace
- Bjarkarhlíð
- Bjarmahlíð
- Heimilisfriður
- Icelandic Human Rights Centre
- Icelandic Journalists' Association
- Icelandic Red Cross
- Icelandic Women's Rights Association
- Líf án ofbeldis
- Öfgar
- Rotin
- RUV (Icelandic Broadcasting Union)
- Samtökin '78
- Stígamót – Center for Survivors of Sexual Violence
- Taktu Skrefið
- Trans Island
- W.O.M.E.N. in Iceland
- Women's Counseling
- Women's Shelter Akureyri
- Women's Shelter Reykjavík

Lawyers

- Sigrún Ingibjörg Gísladóttir
- Sigrún Jóhannsdóttir
- Þorbjörg I. Jónsdóttir

GREVIO, the *Group of Experts on Action against Violence against Women and Domestic Violence*, is an independent human rights monitoring body mandated to monitor the implementation of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention) by the Parties.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights.

This report contains an overall analysis of the implementation of the provisions of the Istanbul Convention. It highlights positive initiatives in preventing and combating all forms of violence against women at national level and provides suggestions and proposals to improve the situation of women facing such violence.

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union.

All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law.

The European Court of Human Rights oversees the implementation of the Convention in the member states.

COUNCIL OF EUROPE



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