

Submission to GREVIO

*pursuant to Article 68, paragraph 5 of the Council of Europe
Convention on preventing and combating violence against women
and domestic violence (Baseline Report)*



Reporting group: The Icelandic Human Rights Centre, the Icelandic Women's Rights Association, the Icelandic Women's Shelter, and Stígamót – Center for Survivors of Sexual Violence

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I. Introduction

According to a research conducted by the University of Iceland in 2019 (Áfallasaga kvenna), 40% of women in Iceland have been subject to physical and sexual violence in their lifetime, 32% have been harassed in their workplace and 14% suffer from PTSD.¹

A research conducted by the Surgeon General in 2017 (Heilsa og líðan Íslendinga), showed a total of 36.8% of Icelanders have been subject to violence in their lifetime, men 37% and women 41.1%. Of those, 17,9% had been subject to physical abuse (men 27.5% and women 40.2%), 13.4% had been victims to sexual violence (men 6.9% and women 23.9%), 27% had been subject to psychological abuse (men 28.5% and women 35.5%).²

These two studies show that violence against women and girls is very much present in Icelandic society and to a high level. They also stress the need for the government to take urgent action to combat gender based violence.

This report is based on the questionnaire 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), adopted by GREVIO on March 11, 2016. The report is based on focused issues and areas of competence within the reporting group.

This report lists the concerns of the reporting group with the Icelandic government's adherence to the Istanbul Convention, as well as our recommendations and is neither exhaustive of all articles in the Convention nor the Icelandic government's report.

II. Integrated policies and data collection

Alþingi, the Icelandic parliament, passed a four-year action plan against violence in 2019.³ This plan contains many important actions but very limited funding. Bearing in mind the scale of the problem, as well as the ambitious goal stated in the introduction of the action plan that *Iceland shall be at the forefront when it comes to combating violence in society and how to deal with its consequences*, the inadequate funding for actions proscribed by the plan is unacceptable.

Aside from the lack of funding, the action plan includes neither plans for monitoring the implementation of the action plan nor provisions for supervision or official evaluation of results.

¹ *Áfallasaga kvenna* (2021). University of Iceland. <https://afallasaga.is/nidurstodur/>

² Icelandic Directorate of Health (2017). Unpublished results from the study "Heilsa og líðan Íslendinga". <https://www.landlaeknir.is/tolfraedi-og-rannsoknir/rannsoknir/heilsa-og-lidan-islendinga/>

³ Alþingi (2019). Resolution 35/159. "Þingsályktunum áætlun fyrir árin 2019–2022 um aðgerðir gegn ofbeldi og afleiðingum þess". <https://www.althingi.is/altext/149/s/1749.html>

The reporting group encourages the Icelandic government to increase funding for actions against violence and to establish adequate mechanisms for supervising, monitoring and evaluating the impact of the action plan.

III. Prevention

In 2007, a teacher at Borgarholtsskóli, a secondary school in Iceland, began offering students an optional course in gender studies. Since then, she has trained 60 teachers to teach gender studies at the secondary school level, in classes organized by the Union of Icelandic Teachers, and offered short training sessions to hundreds of teachers at the compulsory school level. This training has given teachers the inspiration and tools necessary to organize their own gender studies courses and integrate gender studies into the teaching of other subjects. Since 2007, optional courses in gender studies have been offered in 23 out of 33 secondary schools in Iceland, at the instigation of teachers, and at least 4 schools have made the subject mandatory for all students.⁴

Since 2011, equality has been one of the six pillars of educational approaches in the Icelandic school system. In 2011, new National Curricula were instituted for schools on the compulsory⁵ and secondary⁶ level in Iceland. The six pillars of education are: literacy; sustainability; democracy; equality; health and welfare; and creativity.

The reporting group encourages the Icelandic government to make gender and equality studies, including education on gender-based violence, a mandatory subject at the compulsory and secondary school level.

In the past four years, hundreds of women in Iceland have told their stories of harassment and violence in the workplace, sharing them on social media under the hashtag #MeToo. These stories have shifted the conversation in Iceland, spurring several legislative changes, such as establishing an office to help sport and youth clubs dealing with harassment and violence.

In 2020, a committee established by the ministry of welfare following #MeToo stories released a report on mobbing and sexual and gender-based harassment in the Icelandic labor market. This report showed that women were much more likely to have been sexually harassed in the workplace, with 25% of women reporting such harassment compared to 7% of men.⁷

⁴ Icelandic Human Rights Centre and Icelandic Women's Rights Association (2016). *Icelandic Shadow Report to CEDAW*, p. 34. https://kvenrettindafelag.is/wp-content/uploads/2016/02/skuggaskýrsla_web.pdf

⁵ Icelandic Ministry of Education and Culture (2019). *Aðalnámskrá grunnskóla*. https://www.stjornarradid.is/library/01--Frettatengt---myndir-og-skrar/MRN/Adalsnamskra-grunnskola-3.-utg.-2016_2019_master_16082019.pdf

⁶ Icelandic Ministry of Education and Culture (2015). *Aðalnámskrá framhaldsskóla*. https://www.stjornarradid.is/library/01--Frettatengt---myndir-og-skrar/MRN/Adalnamskra%20framhaldsskola_2_utg_breyt_2015_.pdf

⁷ Ásta Snorradóttir, Guðbjörg Andrea Jónsdóttir, Guðný Gústafsdóttir, Guðný Bergþóra Tryggvadóttir,

In 2018, the Ministry of Social Affairs appointed a working group to recommend actions to eradicate sexual and gender-based harassment and violence as well as mobbing in the labor market, and to monitor those actions.⁸ The group was appointed for two years and should have completed their work by now, but their recommendations have still not been published, nor have any actions been undertaken based on their recommendations.

The reporting group encourages the Icelandic government to publish the recommendations of the working group to eradicate sexual and gender-based harassment and violence and bullying in the labor market, to establish and finance the recommended actions, and to establish adequate monitoring and evaluating mechanisms for those actions.

A counseling programme, Heimilisfriður, is open to perpetrators of violence. However, this is not suitable to all those wanting to change their ways or seek counseling and advice. Also, this resource is not enough to meet the overall need for counseling, attitude change and alternate means of communication.

The reporting group encourages the Icelandic government to offer more resources for perpetrators of violence, such as counseling, education, awareness raising and attitude change.

Albeit that the National Police Commissioner, the Commissioner of the Reykjavík Metropolitan Police and other police commissioners are women, women are still underrepresented in the Icelandic police force,⁹ and the number of women police officers who have been sexually harassed is still high. According to a report commissioned by the National Commissioner in 2013, 31% of women police officers have been sexually harassed while working. The harassers were colleagues, superior officers and members outside of the police force.¹⁰

The reporting group encourages the Icelandic government to address harassment in the police force, to guarantee women's right to be free from harassment and to safety at work including in the police force, and to increase the number of women serving within the police.

Hrafnhildur Snæfríðar- og Gunnarsdóttir and Margrét Valdimarsdóttir (2020). *Valdbeiting á vinnustað. Rannsókn á algengi og eðli eineltis og áreitni á íslenskum vinnumarkaði*. Icelandic Ministry of Social Affairs. [https://www.stjornarradid.is/library/04-Raduneytin/Felagsmalaraduneytid/Valdbeiting%20c3a1%20vinnusta%20b0_%20Copy%20\(1\).pdf](https://www.stjornarradid.is/library/04-Raduneytin/Felagsmalaraduneytid/Valdbeiting%20c3a1%20vinnusta%20b0_%20Copy%20(1).pdf)

⁸ Icelandic Ministry of Social Affairs (13 September 2019). "Afhending skýrslu: Valdbeiting á vinnustað – rannsókn á algengi og eðli eineltis og áreitni á íslenskum vinnumarkaði". <https://www.stjornarradid.is/efst-a-baugi/frettir/stok-frett/2019/09/13/Afhending-skyrslu-Valdbeiting-a-vinnustad-rannsokn-a-algengi-og-edli-eineltis-og-areitni-a-islenskum-vinumarkadi/>

⁹ National Police Commissioner, University of Iceland and others (2013). *Vinnumenning og kynjatengsl innan lögreglunnar*, p. 11. <https://www.logreglan.is/wp-content/uploads/2014/12/Vinnumenning-og-kynjatengsl-l%C3%B6greglunnar-%C3%BAtg.-2013.pdf>

¹⁰ National Police Commissioner, University of Iceland and others (2013). *Vinnumenning og kynjatengsl innan lögreglunnar*, pp. 11 and 61. <https://www.logreglan.is/wp-content/uploads/2014/12/Vinnumenning-og-kynjatengsl-l%C3%B6greglunnar-%C3%BAtg.-2013.pdf>

IV. Protection and support

Currently there is no action plan against trafficking in human beings in place but in March 2019, the Ministry of Justice issued the government's *Emphasis on Actions to Combat Human Trafficking and Other Forms of Exploitation*.¹¹

A positive step has been taken with the establishment of a coordination team run by the reception center Bjarkahlíð for victims of violence and the helpline 112 for trafficking notifications, but further action is needed. A steering group on human trafficking has been appointed by the government, bringing together voices from the government, civil society organizations and the labor unions. The Icelandic parliament passed an amendment to the Icelandic penal code in 2021 to make it easier to investigate and prosecute human trafficking.¹²

Three task forces were created from the steering group and they made good recommendations to the government on actions to combat human trafficking. One task force deals with the role of implementing preventive measures, the second with investigation and prosecution, and the third with measures regarding assistance, support and protection. The Icelandic government has started the implementation of these recommendations and is currently working on actions against trafficking which include identification of victims of human trafficking, both adults and children. This material will be widely disseminated and available on the Ministry of Justice website. Plans and material for awareness raising are also being developed, for example educational materials for supervisors and union representatives but also for the public. There are also in place plans for awareness raising on exploitation of labour, corporate liability and chain/subcontracting liability. The government has also stated that it intends to instigate research into the trafficking situation in Iceland.

The reporting group encourages the Icelandic government to adequately fund all actions for combating human trafficking and to issue a comprehensive action plan on trafficking in human beings. The Icelandic government is encouraged to address the structural conditions which enable and perpetuate human trafficking, which include lack of safe legal routes for refugees and migrants, poverty and massive human rights violations in countries of origin.

The procedural approach to domestic violence since 2014 relies on increased cooperation, knowledge sharing and procedures in domestic violence cases between the police, social services, and child welfare services. The aim of the project includes ensuring the safety of city residents in their homes, providing better services to victims and improving the situation of

¹¹ Government of Iceland (2019). *Áherslur stjórnvalda í aðgerðum gegn mansali og annars konar hagnýtingu*. [https://stjornarradid.is/library/04-Raduneytin/Domsmalaraduneytid/%C3%81HERSLUR%20STJ%C3%93RNVALDA%20%C3%8D%20A%C3%90GER%C3%90UM%20GEGN%20MANSALI%20OG%20ANNARS%20KONAR%20HAGN%C3%90TINGU%20-%20Copy%20\(1\).pdf](https://stjornarradid.is/library/04-Raduneytin/Domsmalaraduneytid/%C3%81HERSLUR%20STJ%C3%93RNVALDA%20%C3%8D%20A%C3%90GER%C3%90UM%20GEGN%20MANSALI%20OG%20ANNARS%20KONAR%20HAGN%C3%90TINGU%20-%20Copy%20(1).pdf)

¹² Alþingi. Almenn hegningarlög nr. 19/1940 (General Penal Code of Iceland). Article 227. <https://www.althingi.is/lagas/nuna/1940019.html>

children and others in vulnerable situations living with domestic violence.¹³ Victims of violence can get help from grass-root associations and social service.¹⁴ A treatment and knowledge center on violence in close relationships offers treatment to perpetrators of domestic violence.¹⁵ The Reykjavík Metropolitan Police also instituted changes in its organization in 2015, whereby more emphasis is placed on human trafficking and sexual violence.¹⁶

The reporting group encourages the Icelandic government to provide adequate financial resources to the Icelandic Police and other institutions party to this coordinating mechanism to carry out assistance to victims of sexual violence and conduct investigations in a satisfactory manner.

The reporting group commends the government on their support to the service centres for victims of violence such as Bjarkarhlíð, Bjarmahlíð and Sigurhæðir and also to most of the partners offering their services at the centers. However, the Women’s Counseling, which offers free legal and social work advice to women, received only 400,000 ISK from the government for their operations in 2020 and no funding at all for 2021. Albeit that the lawyers and social workers are volunteering, administration, rent, telephone, web site, email, internet, travel costs and other costs need to be paid for. If this situation continues the Women’s Counseling will have to discontinue their operations (which have been ongoing since 1983) and then the situation will be that immigrant women will have access to legal advice at the Icelandic Human Rights Centre but Icelandic women will not.

The reporting group encourages the Icelandic government to provide adequate financial resources to the Women’s Counseling to carry out free legal advice to those in need of it and victims of gender based violence.

V. Substantive law

According to Art. 202 of the General Penal Code the age of sexual consent is 15 years.¹⁷ The article has also been interpreted by the Icelandic courts as to no punishment being given to those claiming not to know the victim’s real age. In effect, statutory rape has no practical status here in Iceland.

The reporting group encourages the Icelandic government to revise Art. 202 of the General Penal Code for a more realistic age of sexual consent, for example to 17

¹³ Government of Iceland. “Aðgerðir gegn ofbeldi”.

<https://www.stjornarradid.is/verkefni/almannaoryggi/adgerdir-gegn-brotastarfsemi/adgerdir-gegn-ofbeldi/>

¹⁴ City of Reykjavík. “Help for victims of violence”. <https://reykjavik.is/en/help-victims-violence>

¹⁵ City of Reykjavík. “Aðstoð fyrir gerendur”. <https://reykjavik.is/adstod-fyrir-gerendur>

¹⁶ National Police Commissioner (2015). *Mat ríkislögreglustjóra á skipulagðri brotastarfsemi*, pp. 8-11. <https://www.logreglan.is/wp-content/uploads/2015/09/Skipul%C3%B6g%C3%B0-gl%C3%A6pastarfsemi-mat-GRD-september-2015.pdf>

¹⁷ Alþingi. Almenn hegningarlög nr. 19/1949 (General Penal Code of Iceland). <https://www.althingi.is/lagas/nuna/1940019.html>

years. It is also recommended that the existing stipulation on impunity if both parties are of a similar age or level of maturity be continued.

VI. Investigation, prosecution and procedural law and protective measures

It has been noted with concern by various human rights treaty bodies, such as the CEDAW¹⁸ and CERD,¹⁹ that the number of reported rapes to the police in Iceland is high, in comparison with the number of rape prosecutions undertaken.²⁰ It has also been pointed out that doubt is an obstacle to conviction, but not to prosecution, and that it is the role of the courts to determine whether a charge is proven or not.

The reporting group expresses its concern at the high number of dismissals of charges of rape and other sexual violence by the State Prosecutor and the low number of convictions in cases of rape and other sexual violence.²¹ In March 2021, a group of nine women filed a complaint against the Icelandic State before the European Court of Human Rights for violation of their right to a fair trial. The women reported rapes, domestic violence and sexual harassment to the police, but all cases were dropped by the prosecution authorities. The ECHR has requested for the Icelandic state to answer why eight of the women's cases were dropped and whether that was in accordance with the European Convention on Human Rights. According to the plaintiffs there was evidence in all of the cases which should have led to them going to trial. The Icelandic state has until fall 2021 to answer the Court's questions.²² Most reports on violence made by women to the police never go to court. For example, in 2013 (the most recent overview) only 17% of rape cases ended with prosecution and only 13% in conviction. Cases were dropped due to passing of statute of limitations, witnesses were not called in for questioning, evidence such as injuries, certificates from psychologists, phone video recordings, even crime scene evidence were given little merit

¹⁸ UN Committee on the Elimination of Discrimination against Women (CEDAW). "Concluding observations: Iceland, 10 March 2016", UN Doc. CEDAW/C/ISL/CO/7-8, para. 20 (b). https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/ISL/CO/7-8&Lang=En

¹⁹ Un Committee on the Elimination of Racial Discrimination (CERD). "Concluding observations: Iceland, 18 September 2019", Un Doc. CERD/C/ISL/CO/21-23, p. 4. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fISL%2fCO%2f21-23&Lang=en

²⁰ See also *Tilkynntar nauðganir til lögreglu á árunum 2008 og 2009*, a report by Hildur Fjóra Antonsdóttir and Þorbjörg Sigríður Gunnlaugsdóttir, published in 2013, p. 2. <https://edda.hi.is/wp-content/uploads/2014/04/Einkenni-og-me%C3%B0fer%C3%B0-nau%C3%B0gunarm%C3%A1la-okt%C3%B3ber-2013.pdf>

²¹ Hildur Fjóra Antonsdóttir and Þorbjörg Sigríður Gunnlaugsdóttir (2013). *Tilkynntar nauðganir til lögreglu á árunum 2008 og 2009*. University of Iceland and Edda Center for Excellence, p. 2. <https://edda.hi.is/wp-content/uploads/2014/04/Einkenni-og-me%C3%B0fer%C3%B0-nau%C3%B0gunarm%C3%A1la-okt%C3%B3ber-2013.pdf>

²² RUV (10 June 2020). "MDE krefst svara frá ríkinu um málsmeðferð 4 kvenna". <https://www.ruv.is/frett/2021/06/10/mde-krefst-svara-fra-rikinu-um-malsmedferd-4-kvenna>

etc.²³ Recent changes in the General Penal Code, namely the change of the legal definition of rape to a consent-based one, do not seem to be reflected in judgements in rape cases, older criteria are still being used.

The reporting group recommends that the government ensures adequate funding to the investigation and prosecution of sexual offences and domestic violence cases as well as to the training of police, prosecutors and judges on the legislative intent as regards penal stipulations on sexual offences and violence in abusive relationships, in particular as regards the Penal Code stipulation on rape which is based on voluntary consent.

A report issued in August 2020 by the National Commissioner of the Icelandic Police states that people, especially women and girls with disabilities are much more likely to be subject to violence than people who are not living with disabilities and that convictions in cases of violence and abuse of people with disabilities are far less likely compared to cases of non-disabled victims.²⁴ A bill on amendments to the Act on Criminal Procedures, i.a. aimed at improving the status of victims with disabilities in the criminal justice system, has been presented to parliament.²⁵ However, more efforts and education are needed.

The reporting group recommends for the government to establish education programs for the police, prosecutors and judges on methods for questioning victims with disabilities and other measures necessary to ensure as fair and thorough procedure as possible.

#MeToo stories by immigrant women shared in 2018 confirmed that immigrant women often lack knowledge of resources available and avoid seeking help for fear of deportation. Despite good efforts made by the government in recent years, the ratio of migrant women seeking help from the Women's Shelter in Reykjavík continues to be disproportionately large. In 2020, 22% of all women seeking help and advice from the Women's Shelter were immigrant women and as for women seeking refuge at the Shelter, 64% were immigrant women. Both are a higher ratio of immigrant women than in society.²⁶ According to the Women's Shelter's study from 2020 this disparity can at least in part be traced to the fact that migrant women do not have the same family safety net as Icelandic women.²⁷

²³ Hildur Fjóra Antonsdóttir and Þorbjörg Sigríður Gunnlaugsdóttir (2013). *Tilkynntar nauðganir til lögreglu á árunum 2008 og 2009*. University of Iceland and Edda Center for Excellence, p. 4. <https://edda.hi.is/wp-content/uploads/2014/04/Einkenni-og-me%C3%B0fer%C3%B0-nau%C3%B0gunarm%C3%A1la-okt%C3%B3ber-2013.pdf>

²⁴ National Police Commissioner (2020). *Ofbeldi gegn fötludum á Íslandi*, p. 3. <https://www.logreglan.is/wp-content/uploads/2021/01/Ofbeldi-gegn-fotludum-2020.pdf>

²⁵ Alþingi. Parliamentary document 1197/151, case no. 718. "Frumvarp til laga um breytingu um meðferð sakamála (réttarstaða brotþola, fatlaðs fólks og aðstandenda)".

<https://www.althingi.is/thingstorf/thingmalalistar-efrir-thingum/ferill/?ltg=151&mnr=718>

²⁶ Icelandic Women's Shelter - Samtök um kvænnaathvarf (2020). *Ársskýrsla 2020*, p. 16.

<https://kvænnaathvarf.is/wp-content/uploads/2021/05/Arsskyrsla-2020.pdf>

²⁷ Icelandic Women's Shelter - Samtök um kvænnaathvarf (2020). *Ársskýrsla 2020*, p. 17.

<https://kvænnaathvarf.is/wp-content/uploads/2021/05/Arsskyrsla-2020.pdf>

The reporting group encourages the Icelandic government to continue providing support to migrant women in abusive relationships and keep up efforts for assisting and empowering these women.

VIII. Migration and asylum

Immigrant women from third countries, i.e. not EEA or EU citizens, hold a family reunification residence permit and hesitate to leave their abusive partners for fear of being turned out of the country. Even if they do not need a residence permit after three years of residence and marriage, they fear what will happen if they divorce or leave their partner, and those not having stayed for three years even more so, because they have to apply for a different type of permit (not family reunification), and fear that their application will not be approved. Albeit that there is a stipulation in the Act on Foreigners on a family reunification permit to be extended if a marriage or cohabitation has ended due to violence on the partner's behalf, many complain that they are hard to obtain.²⁸

Even though many steps have been taken to meet the needs and ensure the well-being of immigrant women in abusive relationships, the reporting group encourages the Icelandic government to instigate further actions and research into violence faced by immigrant women in Iceland.

The reporting group also encourages the Icelandic government to change the legislation so that work and residence permits are not dependent on the status of partners. We consider this legislative change to be necessary in order to meet with the stipulations of the Istanbul Convention.

²⁸ The Icelandic Human Rights Centre, the Women's Rights Association, Barnaheill - Save the Children Iceland, Humanists Iceland, the National Association of Intellectual Disabilities and Amnesty International (2021). Submission to the Universal Periodic Review of Iceland. https://www.humanrights.is/static/files/Skyrslur/UPR/upr_5.7.202_loka.pdf