

ICELAND

I. Sexual offences

1. Does your legal system criminalize conduct that is intended to lead to a sexual assault? *e.g.* grooming, spiking a victim's drink, trespassing on property with the intent to commit a sexual offence, etc.

☒ Yes ☐ No

If yes, provide details and refer to any problems with the prosecution of these types of offences.

Answer:

In Icelandic criminal law, the rules governing criminal liability for attempt are of wide scope. They may cover any preparatory activity, provided criminal intent is established. Remote acts of preparation would however hardly come into consideration, as one may expect that criminal intent cannot be established in such cases. These principles concerning criminal liability for attempt also apply to sexual offences.

Enticing a child under the age of 18 years to sexual intercourse or other sexual acts by deception, gifts, or otherwise, is punishable by imprisonment for up to four years. Making a payment to a child under the age of 18 years in return for sexual intercourse or other sexual acts is also punishable by up to 2 years in prison.

2. (a) Are there legislative provisions or evidentiary rules in your legal system preventing or limiting the interrogation/cross-examination of a sexual complainant about his/her prior sexual conduct?

☐ Yes ☒ No

If yes, provide details. Are hearings on these issues held in public?

☐ Yes ☒ No

- (b) Are there legislative provisions or evidentiary rules in your legal system that limit the access of an accused person to private records of the complainant (*e.g.* psychiatric or medical records) in a sexual assault trial?

☐ Yes ☒ No

If yes, provide details. Are hearings on these issues held in public?

☐ Yes ☒ No

3. In your legal system, can the prosecution introduce evidence of other sexual offences committed by the accused person at his/her sexual assault trial?

☐ Yes ☒ No

If yes, do any special rules apply to this type of evidence?

☐ Yes ☐ No

If yes, provide details.

4. Are there special protections available in your legal system for the complainant in a sexual assault investigation and trial? *e.g.* use of out-of-court video-taped testimony of complainant, use of screens to protect the privacy of the complainant in the courtroom, presence of a support person in the courtroom while the complainant testifies, self-represented accused prevented from interrogating/cross-examining complainant, etc.

☒ Yes ☐ No

If yes, provide details.

Answer:

Under Icelandic law on legal procedure a judge may decide that a defendant shall leave the courtroom while testimony is being received, if a request is made to this effect and the judge considers that the defendant's presence may cause the witness particular anguish or influence the statement. Provision is also made, in cases of serious nature, for the appointment of a legal representative for the victim. This applies for instance to sexual offences.

5. In your legal system, what is the age of consent to sexual activity? *e.g.* 14 years of age, 16 years of age, or some other age.

Answer:

The age of consent to sexual activity in Iceland is 15 years.

6. (a) Have Guidelines been established in your legal system for sentencing sexual offenders

(including aggravating/mitigating factors)?

☐ Yes ☒ No

If yes, provide details.

(b) Does your legal system have special sentencing provisions for sexual offenders? e.g. preventing them from being in the presence of children under 18, from being near schools or playgrounds, requiring them to register with the local police?

☐ Yes ☒ No

If yes, provide details.

(c) Do special provisions exist in your legal system that deal at the sentencing hearing with the impact of the sexual abuse on the complainant? e.g. victim impact statements, submissions to sentencing judge by legal representative of sexual complainant, etc.

☐ Yes ☒ No

If yes, provide details.

II. Sex trade offences

7. Has your legal system adopted international conventions and/or its own legislative provisions relating to human sexual trafficking such as prostitution and sexual slavery? e.g. UN Convention against transnational organized crime, UN (Palermo) Protocol to prevent, suppress, and punish human trafficking, etc.

☒ Yes ☐ No

If yes, provide details.

Answer:

Iceland has not yet ratified the UN Convention against transnational organized crime, or the UN (Palermo) Protocol to prevent, suppress, and punish human trafficking, etc.

Human trafficking is however criminalised by law, including for purposes of prostitution and sexual slavery, and made punishable by imprisonment for up to 8 years. This penal provision, which was enacted in 2003, has not been a subject of any criminal judgments yet.

Do these international conventions/laws, protocols play an active role in decision-making by the Courts?

☐ Yes ☐ No

III. Internet child pornography

8. Has your legal system adopted special legislative provisions against the possession and distribution of internet child pornography?

☒ Yes ☐ No

If yes, provide details.

Answer:

In Icelandic criminal law, distribution and possession of child pornography is punishable by imprisonment for up to two years.