Fighting Domestic Violence - Iceland

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**How to use and navigate this report**

# 1. Legal provisions

## 1.1 What are the relevant statutes and codes?

The primary sources of law in Iceland are as follows:

i. [General Penal Code No. 19, 12 February 1940](http://eng.domsmalaraduneyti.is/laws-and-regulations/nr/1145) ("**Criminal Code**"):

In April 2016, the *Althingi* (Parliament) approved a new provision of the Criminal Code on the punishment of perpetrators who commit violence in close relationships.

Two laws prohibit sexual harassment. The Criminal Code makes sexual harassment punishable by imprisonment for up to two years (Article 218). The Law on Equal Status defines "sexual harassment" more broadly as any type of unfair or offensive physical, verbal or symbolic sexual behavior that is unwanted, that affects the self-respect of the victim and that is continued despite a clear indication that the behavior is undesired. The law requires employers and organization supervisors to make specific arrangements to prevent employees, students and clients from becoming victims of gender-based or sexual harassment. Victims of harassment can report incidents to the Complaints Committee on Equal Status. The law requires only employers with 25 or more employees to provide employees with information on the legal prohibitions against sexual harassment in the workplace. The law establishes fines for violations, but more severe penalties could be applicable under other laws.

ii. Constitution of the Republic of Iceland 1944 (amended in 2013) ("**Constitution**"):

Article 65: Everyone will be equal before the law and enjoy human rights irrespective of sex, religion, opinion, national origin, race, color, property, birth or another status. Men and women will enjoy equal rights in all respects.

Article 66: Every person lawfully residing in Iceland will be free to choose their residence and will enjoy freedom of travel subject to any limitations laid down by law.

Article 67: No one may be deprived of their liberty except as permitted by law.

Article 68: This article includes the following provisions on violence against women. No one may be subjected to torture or any other inhuman or degrading treatment or punishment. No one will be required to perform compulsory labor.

Article 73: Everyone has the right to freedom of opinion and belief.

iii. Other notable legislation:

In June 2011, the *Althingi* approved Act No. 85/2011 that improves the provisions that the authorities have to protect victims of domestic violence.

The Act on Equal Status and Equal Rights of Women and Men No. 10/2008, as amended by Act No. 162/2010 and No. 126/2011, has the following aim, "(...) i. working against gender-based violence and harassment."

It is being implemented through the Centre for Gender Equality.[1]

## 1.2 What is the controlling case law?

Iceland has a civil law legal system; therefore, Icelandic law is characterized by written law. Major sources of law in Iceland include the Constitution, statutory legislation and regulatory statutes. Other legal resources are precedent and customary law. The recognition of the tradition of culture (*eðli máls*) bears significantly on Icelandic law in a variety of contexts. [Act No. 15/2005](http://www.althingi.is/lagas/nuna/2005015.html) stipulates how official material, including adopted acts, is published.

As a civil law country, court practice in Iceland does not have the same authoritative role as in common law countries. A tradition of culture refers to considerations of fairness, justice and feasibility regarding the needs of the society and resembles to some extent the legal term equity. The Supreme Court has no duty to follow its earlier decisions and the district courts are not obligated to adhere to earlier decisions of the Supreme Court. However, in matters of legal uncertainty, the decisions of the Supreme Court have considerable authority for the disposition of future cases. In certain areas of law that did or do not have extensive statutory legislation, e.g., tort, the decisions of the Supreme Court are a source of law of central importance.

The decisions of the *Félagsdómur* (Icelandic courts) have been available [online](http://www.rettarheimild.is/Felagsmala/Felagsdomur/2000)  (only in Icelandic) since 2000.

## 1.3 What are the specific parts of the court system that address domestic violence?

A single court system handles both criminal and civil matters.[2] The district courts and the Supreme Court are considered independent and impartial in civil matters. Lawsuits may seek damages for or the cessation of a human rights violation. Administrative remedies are available as well as judicial remedies for alleged wrongdoing. A new court level was introduced in Iceland on 1 January 2018, replacing the former two tiers with a three-tier system. The new court is called the Court of Appeal (*Landsréttur*) and is a court of second instance, situated between the district courts and the Supreme Court. The introduction of the Court of Appeal is part of a major restructuring of the Icelandic justice system.

All court actions in Iceland commence in the eight district courts (*Héraðsdómstólar*) located around the country. The conclusion of a district court can be appealed to the Court of Appeal, provided that specific conditions for appeal are satisfied. In special cases and after receiving the permission of the Supreme Court, it will be possible to refer the conclusion of the Court of Appeal to the Supreme Court, which will continue to be the country's court of highest instance. In most instances, the judgment of the Court of Appeal will be the final resolution in the case.

The law prohibits domestic violence primarily through the provisions of the Criminal Code. However, violence against women continues to be a problem. The penalties can range from a fine to 16 years in prison, depending on the type of violence committed. In addition, the law permits judges to increase the sentences of persons who commit violence against persons with whom they had a domestic relationship or other close bond. However, there were no domestic violence cases in which judges actually handed down heavier sentences and one respected activist expressed concern that sentences were too lenient.

## 1.4 What are potential causes of action?

Please refer to Section 4.

# 2. Introduction: framework guiding domestic violence law

## 2.1 Are there civil and criminal legal remedies for domestic violence victims?

A single court system handles both criminal and civil matters. All court actions in Iceland commence in the eight district courts located around the country.[3]

Criminal remedies are available under the Criminal Code and the penalties can range from a fine to 16 years in prison, depending on the type of violence committed. In addition, the law permits judges to increase the sentences of persons who commit violence against persons with whom they had a domestic relationship or another close bond. However, there are no domestic violence cases in which the judges actually handed down heavier sentences.[4]

Although the courts could issue restraining orders, advocates have expressed concern that such orders are ineffective because courts grant them only in extreme circumstances and the court system takes too long to issue them. Victims of sex crimes are entitled to lawyers to advise them of their rights and to help them pursue charges against the alleged assailants; however, a large majority of victims has declined to press charges or chosen to forgo trial, in part to avoid publicity.[5]

## 2.2 Is domestic violence identified in national law as a human right (noting that at a European level protection from domestic violence has not been explicitly identified as a human right but is indirectly captured by the other provisions)?

The Country Report on Human Rights Practices in Iceland calls for Icelandic legislation to prohibit domestic violence.[6]

## 2.3 Has your country signed and ratified the Council of Europe's Istanbul Convention (2011) preventing and combating violence against women and domestic violence (CETS No. 210)?

Iceland ratified the convention in April 2018 and it supposedly came into force in August of the same year. However, in our inquiries to the Ministry of Justice, the Judicial Administration and the Judges' Association, we received no confirmation that Iceland's judges have been educated in the convention's provisions.[7]

## 2.4 If it has ratified the Istanbul Convention, how has this convention been implemented into national law?

Signed: 11 May 2011

Ratified: 26 April 2018

Entry into force: 1 August 2018[8]

The *Althingi* made an amendment to the Criminal Code in 2016. This change was made to fulfill the Istanbul Convention, which was signed by Iceland in 2011. The changes include an amendment on stalking, more severe punishment for domestic abuse and the extension of the statute of limitations for victims under 18 years old.[9]

## 2.5 If it has not ratified or signed the Istanbul Convention, is it envisaged that your country will do so?

Iceland ratified and signed the Istanbul Convention as follows:

Convention signed: 11 May 2011

Ratified: 26 April 2018

## 2.6 If it has ratified the 1979 Convention, how has the recommendations part of General Comment No. 35 been implemented into national law?

On 14 July 2017, the Committee on the Elimination of Discrimination Against Women ("**CEDAW Committee**") adopted General Recommendation No. 35 on gender-based violence against women, updating General Recommendation No. 19, which elaborates on the gender-based nature of this form of violence, building on the work of the CEDAW Committee and other international human rights mechanisms, as well as developments at national, regional and international levels as follows:

It recognizes that the prohibition of gender-based violence has become a norm of international customary law:

Iceland was commended on the adoption, by the *Althingi*, of the Act on Equal Status and Equal Rights of Women and Men (Act No. 10/2008), as well as the acts amending provisions of the Criminal Code on organized crime and trafficking in human beings (Act No. 40/2003), on domestic violence (Act No. 27/2006) and on sexual offenses (Act No. 61/2007). However, Article 1 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which defines "discrimination against women," is not fully reflected in the regulations and there could be greater awareness of the CEDAW, its provisions, its optional protocol, and the CEDAW Committee's views on communications considered and its general recommendations among judges, prosecutors, lawyers and other legal professionals.

It expands the understanding of violence to include violations of sexual and reproductive health rights:

Iceland included sexual offenses in the understanding of violence (Act No. 61/2007).

It stresses the need to change social norms and stereotypes that support violence, in the context of a resurgence of narratives threatening the concept of gender equality in the name of culture, tradition or religion:

The CEDAW Committee had concerns about the persistence of stereotypical attitudes toward women that threaten to undermine the full enjoyment of their rights on equal footing with men. The CEDAW Committee encouraged the strengthening of measures to change stereotypical attitudes about the responsibilities and roles of women and men in society to promote the reconciliation of private and family life and work responsibilities between women and men, in accordance with Articles 5(a) and 11.1(b) and (c) of the CEDAW.

It clearly defines the different levels of liability of the state for acts and omissions committed by its agents or those acting under its authority — in the territory of the state or abroad — and for failing to act with due diligence to prevent violence at the hands of private individuals and companies, to protect women and girls from it, and to ensure access to remedies for survivors.

It unequivocally calls for the repeal of all laws and policies that directly and indirectly excuse, condone and facilitate violence.

It emphasizes the need for approaches that promote and respect women's autonomy and decision-making in all spheres of life:

The *Althingi* adopted a new action plan on gender equality for the period 2004 to 2008, which is guided by the principle of mainstreaming gender equality in the public administration, including with regard to gender-based wage discrimination. The CEDAW Committee also noted with satisfaction the reappointment by the government, in 2007, of the Committee on Violence Against Women, the relaunch of the project "Male Responsibility" on domestic violence in 2006 and the plan of action on domestic and sexual violence.[10]

## 2.7 If the 1979 Convention has not been ratified or signed, is it envisaged that your country will do so?

N/A

# 3. Similarities and differences in terminology

## 3.1 Domestic violence

No definition found.

## 3.2 Stalking

This means anyone who repeatedly threatens, follows, monitors, or contacts or stalks a person in any other related capacity to cause fear or anxiety.

## 3.3 Harassment

The Law on Equal Status defines "sexual harassment" broadly as any type of unfair or offensive physical, verbal or symbolic sexual behavior that is unwanted, affects the self-respect of the victim and continues despite a clear indication that the behavior is undesired.

**Gender-based harassment**: This means any type of unfair and/or insulting behavior that is connected with the gender of the person affected by it, is unwelcome and impairs the self-respect of the person affected by it, and that is continued in spite of a clear indication being given that it is unwelcome. This harassment may be physical, verbal or symbolic. A single instance may be considered gender-based harassment if it is serious.

**Sexual harassment**: This means any type of unfair and/or insulting sexual behavior that is unwelcome and impairs the self-respect of the person affected by it, and that is continued in spite of a clear indication being given that it is unwelcome. This harassment may be physical, verbal or symbolic. A single instance may be considered sexual harassment if it is serious.

The United Nations' interpretation of Icelandic legislation in accordance with the CEDAW/C/ICE/CO/6 is that while Iceland has complemented a general prohibition of discrimination on the basis of gender contained in the Equal Status and Equal Rights of Women and Men Act with definitions of direct and indirect discrimination contained in the Regulations No. 47/2003 on the functions of the Centre for Gender Equality, the United Nations remains concerned that Article 1 of the CEDAW, which defines "discrimination against women," is not fully reflected in the regulations.

## 3.4 Victim

No definition found.

## 3.5 Abuser

"Offender" and "perpetrator" rather than "abuser" are used.

## 3.6 Civil protection order

No definition found.

## 3.7 Causes of action

No definition found.

## 3.8 Marital rape

No definition in the Criminal Code, but rape is defined as "Any person who has sexual intercourse or other sexual relations with a person without his or her consent."

## 3.9 Are there any other important domestic violence terms defined in relevant domestic violence statutes and codes?

**Gender-based violence**

Violence based on gender that results in or could result in physical, sexual or psychological injury or suffering on the part of the victim. This also refers to the threat of such suffering and coercion or arbitrary deprivation of freedom, both in private life and in a public venue.

**Direct discrimination**

This means when one individual receives less favorable treatment than another individual of the opposite sex does in comparable circumstances.

**Indirect discrimination**

This means when an impartial requirement, standard of reference or measure affects either sex more heavily than the other, unless this is appropriate, necessary or justifiable in terms of impartial considerations independent of gender.

# 4. Protection for domestic violence victims and relief granted

## 4.1 Civil protection orders

## 4.1.1 Are there civil protection orders available to victims of domestic abuse?

Courts can issue restraining orders but there is an overall complaint (shared by the police) that these are not always obeyed in practice. Some reports also suggest that courts set the bar too high, diminishing the power of restraining orders and limiting them to only when the circumstances are extreme.[11]

## 4.1.2 Who can petition for civil protection orders?

The Act on Restraining Orders and Expulsion from the Home No. 85/2011 is designed to make it easier to exercise such measures against violent partners and it will hopefully make a difference in cases of domestic violence. One major improvement prescribed by the act is that the police must now make a decision on restraining orders and/or expulsion requests within three days. The request can come from the victims themselves, their family or any close contacts. If the victim is a child, their guardian can make the request, as well as the social or child protection services. In addition, the head of the police, on their own initiative, can take up a case if they deem it necessary.

## 4.1.3 Are there temporary custody of a child or child support orders?

The Child Protection Act No. 80/2002[12] ("Child Protection Act") provides a number of coercive powers to the child protection committees or CPAs, which enables them to supplant the custodial rights of parents and remove the child from the home when the well-being of the child requires it. Each local authority is required to maintain a CPA. Article 27(b) provides that a child will be removed from the home for up to two months and on necessary arrangements, such as the placement of the child in foster care or in a home or institution, or seek other measures under Sections XIII and XIV to ensure the child's safety, or so that suitable tests on the child may be carried out and necessary treatment and care may be provided.[13]

## 4.1.4 Is there a provision to order the abuser to move out or stay away from places that the victims frequent?

Victims of domestic violence can request that the police physically remove perpetrators from the home for up to four weeks at a time. The police can also impose a 72-hour restraining order to prevent abusers from coming into proximity with the victim and courts can extend this restraining order for up to a year.

## 4.1.5 Are there any other types of emergency, preventive and civil protection orders?

N/A

## 4.1.6 Can these orders be requested by direct or indirect victims or legal representatives in children's cases?

According to Article 16 of the Child Protection Act, there is a legal obligation on everyone to notify a child protection committee if there are reasons to believe that the child is living in unacceptable circumstances of upbringing, that the child is exposed to violence (or other degrading treatment) or that is seriously endangering their health and maturity. This legal obligation is extended to protect unborn children due to the dangerous lifestyle of the expectant mother.

The Child Protection Act also specifies similar legal obligations in relation to persons involved in matters concerning children and expectant mothers due to their position or occupation. Likewise, the same obligations are imposed on the police.[14]

## 4.1.7 Are there different types of civil protection orders, e.g., for a short- term period?

There is a system of protection orders through Law No. 85/2011, which authorizes the removal of the party accused of domestic violence from the household and puts in place restraining orders in cases of suspected domestic violence. Victims can also request temporary restraining orders. However, these orders have been criticized for their infrequent use.

Act No. 94/2000, which amended the Code of Criminal Procedure outlines restraining orders. In case a person violates a restraining order under the Act on the Code of Procedure in Criminal Cases, this is subject to fines or imprisonment for up to one year.

## 4.1.8 Are ex parte orders permitted without the aggressor being present?

N/A

## 4.1.9 Do emergency orders also extend protection for abuse and intimidation to family members of the victim?

N/A

## 4.1.10 How long do the orders last?

N/A

## 4.1.11 Please provide any data or hyperlinks to government or NGO websites that include information on how often civil protection orders are issued, and any relevant demographics information, e.g., police reports, convictions, etc.

<https://reykjavik.is/en/child-protection-services>

<https://www.kvennaathvarf.is/?lang=en>

<https://reykjavik.is/en/help-victims-violence>

## 4.2 Steps for receiving a protective order

## 4.2.1 What documentation is needed to obtain a civil protection order?

N/A

## 4.2.2 Does the victim need to attend a hearing?

The Icelandic judiciary is independent. It is up to the individual judge to decide whether to keep a suspect in custody during a criminal investigation or to grant release pending trial. There is no bail system.

The Constitution guarantees a fair trial. Although trials are usually open to the public, they may be held behind closed doors at the request of the defendant or in cases involving minors. There are no juries, but instead judges or multi-judge panels. Defendants have the right to attend their trial, to confront witnesses and to present evidence. In some cases, prosecutors may introduce evidence that has been obtained illegally. Defendants may appeal verdicts to the Supreme Court.

There is no distinction in Iceland between criminal and civil courts. The judiciary is on two levels: the district courts and the Supreme Court.

## 4.2.3 Can you request remedies?

N/A

## 4.2.4 Are there time limits?

N/A

## 4.2.5 Are there different rules in emergencies?

N/A

## 4.3 Judicial discretion

## 4.3.1 What discretion does a judge have in granting a civil protection order or other protective orders?

N/A

## 4.3.2 Are there age limits on who can obtain orders?

In the Child Protection Act, the word "children" applies to individuals under 18 years old. The child protection authorities may decide, with the consent of a young person, that arrangements made based on this act remain in force after the person reaches 18 years old to a maximum age of 20 years old.

Based on the act, unless in the circumstances above where children are protected separately, this would deem an "adult" anyone over 18 years old and that would be the age of a restraining order.

## 4.4 Restitution and remedies available to victims

## 4.4.1 Can victims obtain reimbursement for costs and restitution paid?

According to Article 41 of the Law on Criminal Procedure No. 88/2008, plaintiffs in cases of sexual violence and other serious offenses have the right to an independent legal counsel who is a lawyer paid for by the state. According to Article 45, the role of the independent legal counsel is to guard the interests of their client and to support them in the case, which includes filing civil claims. These claims are then usually filed in conjunction with the criminal proceedings. If the accused is found guilty, the victim is usually awarded compensation from the offender. According to Article 176, however, the judge will not consider the civil claim if the accused is not found guilty. Legal aid is provided for all individuals involved in judicial proceedings in Iceland.

## 4.4.2 Can they recover wages and profits lost?

A report from the "Together Against Violence" campaign states that victims may experience significant barriers that prevent them from leaving a violent relationship, e.g., financial difficulties and difficulties getting alternative housing. Half of the victims interviewed said that they had ended an abusive relationship. Afterward, they felt relieved but experienced complex emotions. Even though the relationship had ended, it did not ensure the victims' security in some cases. Therefore, perhaps this has a major impact on solving and bringing justice in Iceland.

## 4.4.3 Is a separate civil process required?

No, in Iceland, as in the other Nordic jurisdictions, the adhesion model is used whereby the injured person in criminal cases has the opportunity to present a civil claim for damages against the offender in conjunction with the criminal proceedings. The criminal court then decides both the criminal and the civil liability of the offender.

However, a victim of sexual violence may initiate a separate civil process. In sexual offense cases, claims are usually made based on Article 26 ("Compensation for harm") of the Icelandic Tort Liability Act, which states that a person who (a) deliberately or through gross negligence causes physical injury or (b) is responsible for an unlawful injury against the freedom, peace, honor or person of another party may be ordered to pay nonpecuniary damages to the injured party.

# 5. Prosecutorial considerations

## 5.1 Police procedures

## 5.1.1 When do the police get involved in domestic disputes or legal actions?

The amended Criminal Code prescribes heavier sentences for sexual abuse and other cases involving violence where there is a close relationship between the perpetrator and the victim. The Exclusion Order Act No. 85/2011, which replaced Act No. 122/2008, empowers the police to take decisions on restraining orders and the expulsion of accused persons from homes in cases of domestic violence. The police can arrest offenders immediately and keep them in custody for up to 24 hours or until a formal decision is taken concerning a restraining order and expulsion from the offender's home.[15]

A special department within the police, named the Sexual Offense Department, investigates all sexual offenses.

When a person complains to the police about domestic disputes, the police can refer assaults to court even when the victim does not wish to do so.[16]

## 5.1.2 What circumstances effect law firm involvement?

N/A

## 5.2 Standard of proof

## 5.2.1 Is proof required by any legal means?

To enable the police to gather evidence so the prosecutor can bring charges, the following conditions must be met. The victim must be involved in the investigation, witnesses must be found to support the evidence the victim has given, documented proof of injury must be produced and the suspect must admit to the crime, at least partially.

Since children are often present when violence occurs, the police need to handle them both as victims and as witnesses. In such cases, it should be permissible to interview children at the Children's House (*Barnahús*) Center for Child Sexual Abuse, operated by the Government Agency for Child Protection.

## 5.2.2 Are there any requirements regarding evidence and documents?

N/A

## 5.2.3 Is proof "beyond a reasonable doubt" required?

N/A

## 5.2.4 Is the standard of proof different for ex parte orders?

N/A

## 5.3 Affirmative defenses

## 5.3.1 Are affirmative defenses available to the accused?

Under Article 14 of the Criminal Code, "A person shall not be punished on account of an act committed before he or she attained the age of 15 years."

## 5.3.2 Is willful intent required?

Article 18 of the Criminal Code: A person will only be made criminally responsible under this code if their offense was intentionally or negligently committed. A penalty will not be ordered for negligently committed offenses unless expressly provided for in the code.

Article 19 of the Criminal Code: If the criminality of an act or an increased penalty for an offense is in this code, subject to the condition that certain consequences result from its commission, that condition will not be deemed fulfilled unless the consequences are at least ascribed to the defendant's negligence or deemed to have resulted from the defendant's failure to avert as far as possible the danger caused by the act immediately when the defendant became aware of it.

## 5.3.3 Are false accusations punishable for the victim?

Article 142 of the Criminal Code: Anyone who reports something falsely before a court of law or an authority entitled to administer oaths will be subject to imprisonment for up to four years. In case the report has been given on oath, the penalty will be increased. In case items of the report not pertaining to the matter being investigated are incorrect, fines or imprisonment for up to one year may be applied.

Article 143 of the Criminal Code: A defendant in a criminal case will not be subject to a penalty although they reported the facts of the case incorrectly. Neither will a person having described the events incorrectly due to the fact that correct information relating thereto could have caused them a penal liability in such a case or because they had a reason for assuming this to be so.

## 5.3.4 How is consent discussed in the law?

Article 15 of the Criminal Code: A person who was, at the time an act was committed, totally unable to control their actions due to mental illness, mental disability or mental deterioration, or due to an impaired consciousness or other similar condition, will not be punished.

Article 218 (a) of the Criminal Code: Consent for bodily assault results in the fact that a penalty alternatively applicable may be reduced. In case an act is subject to Article 217, no penalty will be applied when consent is at hand. In case bodily assault is effected by a scuffle or fight between the person causing it and the injured party, it is permissible to reduce the penalty or even cancel it when an act is subject to Article 217.

The same applies if the person sustaining loss initiates a fight by means of attack, irritation or the like.

## 5.3.5 Is self-defense or insanity a defense?

Under Article 12 of the Criminal Code:

Any act committed in self-defence shall not be punishable to the extent that the act was necessary in defence against an unlawful attack already commenced or imminent, or in order to avert such attack, provided that means of defence employed are not obviously more dangerous than warranted by the attack and the damage to be expected in its consequence. A person who has exceeded the limits of permitted self-defence as a result of having been so frightened or startled that he or she could not exercise full restraint, shall not be punished.

## 5.4 Witness status

## 5.4.1 What is a witness's duty to testify honestly and completely?

Yes, under Article 65 of the Icelandic Code of Criminal Conduct, a witness is obliged to answer questions and to give a true and accurate account of the fact.

## 5.4.2 Who may abstain from testifying in certain situations?

In accordance with Article 117 of the Code of Criminal Procedure, the following may abstain from testifying:

a spouse of a defendant (and former spouses)

direct relatives of a defendant

a defendant's stepparent or stepchild

a defendant's parents-in-law

The judge has the discretion to excuse other persons. The defendant's counsel, civil servants and district commissioners are also exempt.

## 5.4.3 What potential "excuses" can a witness raise to refuse to testify in a domestic violence action?

N/A

## 5.4.4 What is the impact of domestic violence on witnesses who are children?

N/A

## 5.4.5 Can children be called upon to testify?

Yes, but the judge may summon an expert to assist with the questioning as permitted under Article 123 of the Code of Criminal Procedure.

## 5.4.6 What is the effect of a child victim on the charges against the offender?

N/A

## 5.5 Penalties and sentencing; penalty enhancements

## 5.5.1 What are the penalties and sentencing laws for first-time domestic violence offenses?

This depends on the severity of the crime — up to six years.

## 5.5.2 Are there criminal penalties?

Act No. 61/2007 introduced amendments to the sections of the Criminal Code that deal with sexual offenses. The amendments were made to Articles 194-199 of the code, covering rape and other offenses against the sexual freedom of the individual (cf. Article 205), and Articles 200-202, dealing with sexual offenses against children (cf. Article 204). One of the innovations introduced in the code was a broadening of the definition of rape, with the result that "rape" in Article 194 of the code now includes other forms of sexual coercion and the exploitation of the victim's poor mental condition or inability to resist the action or to realize its significance. As a result of the amendment, offenses in this category now carry far heavier punishments than before: imprisonment for one to 16 years instead of a maximum of six years.[17]

## 5.5.3 What is the result of a violation of an existing order for protection?

N/A

## 5.5.4 What fines and other penalties are imposed besides incarceration and liberty restriction?

N/A

## 5.6 Post-release restrictions

## 5.6.1 Does the law notify the victim of the offender's release from custody?

N/A

# 6. Special issues

## 6.1 Battered woman syndrome

## 6.1.1 Can lawyers present evidence of battered woman syndrome or other domestic abuse as an affirmative defense to crimes that the battered woman has committed? (Note: Battered Woman Syndrome is accepted by courts in certain jurisdictions to show that battered women can use force to defend themselves and sometimes kill their abusers due to abusive and life-threatening situations.)

N/A

## 6.2 Domestic violence in the workplace

## 6.2.1 Can courts issue orders to protect employees suffering from domestic violence?

N/A

## 6.2.2 Can departure be deemed "for good cause" if related to domestic violence?

N/A

## 6.2.3 Can family members of domestic violence victims take reasonable leave to help the victim seek treatment or obtain help and services?

N/A

## 6.3 Immigration

## 6.3.1 Does the law include provisions that are intended to prevent abusers who are citizens or permanent residents from using immigration laws to perpetrate domestic violence against their spouse?

N/A

## 6.3.2 If battered immigrants cooperate with law enforcement in domestic violence, can they obtain immigration remedies?

N/A

## 6.3.3 Does domestic violence law discuss asylum accessibility?

N/A

## 6.4 Armed forces

## 6.4.1 Can a victim seek a military protective order if the abuser is in active military?

N/A

## 6.5 Child custody and child/spousal support

## 6.5.1 Do judges follow special rules to determine custody or visitation of children in domestic violence cases?

N/A

## 6.5.2 Can the judge consider the testimonies of the other spouse and the children when determining custody?

N/A

## 6.6 Housing rights of domestic violence victims

## 6.6.1 Does the law include any barriers to prevent landlords from forcing a tenant to move out because they are victims of domestic violence?

N/A

## 6.6.2 Does the law allow a tenant to terminate his/her lease early due to domestic violence?

N/A

## 6.6.3 Can an order exclude the abuser from the residence?

N/A

## 6.6.4 Can abusers be forbidden by court orders to alienate or mortgage the property in his/her name if it is the family domicile?

N/A

# 7. Endnotes

[1]    <https://www.jafnretti.is/static/files/utgefid_efni_af_gomlu_sidu/gender_equality_in_iceland_2017.pdf>.

[2]    [Government of Iceland | Law and Order](https://www.government.is/topics/law-and-order/).

[3]    <https://www.government.is/topics/law-and-order/the-judicial-system-in-iceland/>.

[4]    <https://2009-2017.state.gov/documents/organization/160193.pdf>, p. 10.

[5]    <https://2009-2017.state.gov/documents/organization/160193.pdf>, pp. 11-12.

[6]    <https://www.justice.gov/sites/default/files/pages/attachments/2016/01/05/dos-hrr_2006_iceland.pdf>.

[7]    <https://foreignpolicy.com/2020/07/15/the-misogynist-violence-of-icelands-feminist-paradise/>.

[8]    <https://www.coe.int/en/web/istanbul-convention/country-monitoring-work>.

[9]    The Centre for Gender Equality Iceland: GENDER EQUALITY IN ICELAND: Information on Gender Equality Issues in Iceland, p. 14

[10]    <https://www.ohchr.org/en/hrbodies/cedaw/pages/gr35.aspx>.

[11]    [http://www.state.gov/g/drl/rls/hrrpt/2006/78817.htm (justice.gov)](https://www.justice.gov/sites/default/files/pages/attachments/2016/01/05/dos-hrr_2006_iceland.pdf); <https://grapevine.is/news/2020/09/02/stalking-may-soon-be-punishable-by-up-to-four-years-in-prison/>.

[12]    <https://www.government.is/media/velferdarraduneyti-media/media/acrobat-enskar_sidur/Child-Protection-Act-as-amended-2016.pdf>.

[13]    <http://www.bvs.is/media/files/file107.html>.

[14]    <https://www.government.is/media/velferdarraduneyti-media/media/acrobat-enskar_sidur/Child-Protection-Act-as-amended-2016.pdf>.

[15]    <https://apolitical.co/en/solution_article/domestic-violence-iceland-police-keeping-window-open>.

[16]    [Domestic violence victims need help, fast - in Iceland, they're now getting it | Apolitical](https://apolitical.co/en/solution_article/domestic-violence-iceland-police-keeping-window-open).

[17]   [GENDER EQUALITY IN ICELAND (althingi.is)](https://www.althingi.is/pdf/wip/Gender_Equality_in_Iceland_2012.pdf) p. 40.

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