

The ECHR and Iceland

facts & figures



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Council of Europe

Accession: 7 March 1950

European Convention on Human Rights

Signed: 4 November 1950

Ratified: 29 June 1953

ECHR judges

Robert Spano (2013-2022) – President (2020-2022)

David Thór Björgvinsson (2004-2013)

Gaukur Jörundsson (1998-2004)

Thór Vilhjálmsson (1971-1998)

Sigurgeir Sigurjonsson (1961-1971)

Einar Arnalds (1959-1967)

ECHR and Iceland at 1 January 2022

1st judgment: Jón Kristinsson v. Iceland (1 March 1990)

Total number of judgments: 36

Judgments finding a violation: 26

Judgments finding no violation: 6

Friendly settlements/strikeout: 3

Other judgments: 1

Applications pending: 50

Applications finished: 329

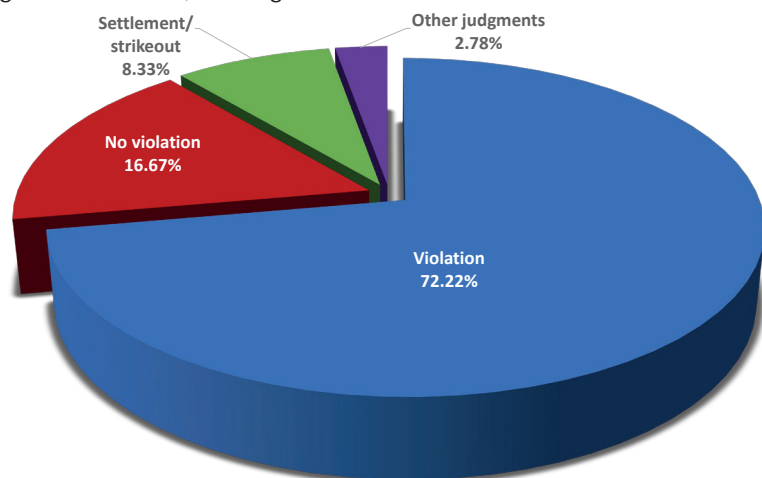
This document has been prepared by the Public Relations Unit and does not bind the Court. It is intended to provide basic general information about the way the Court works.

For more detailed information, please refer to documents issued by the Registry available on the Court's website www.echr.coe.int.

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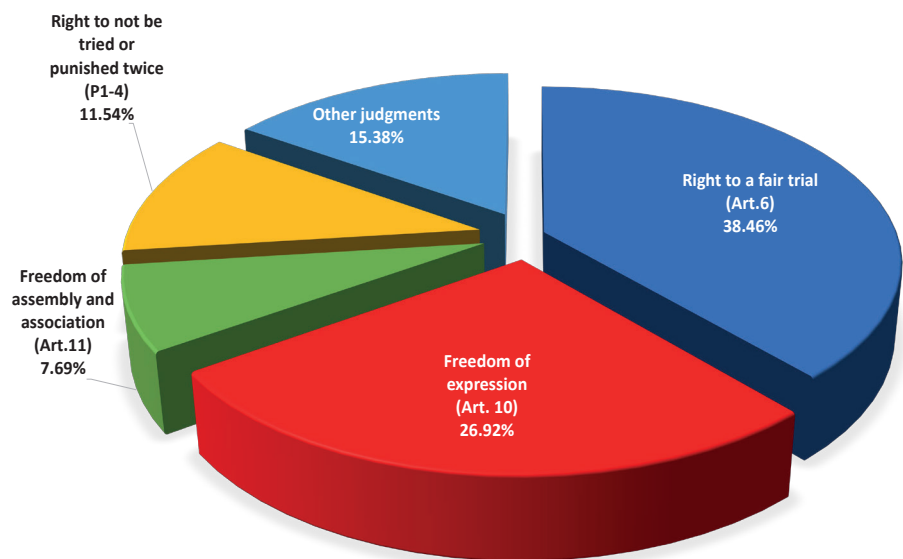
Types of judgments

In over 72% of the judgments delivered concerning Iceland, the Court has given judgment against the State, finding at least one violation of the Convention.



Subject-matter of judgments finding a violation

Nearly 39% of the findings of a violation concerned Article 6 (right to a fair trial). The second most common violation of the Convention found by the Court concerned Article 10 (freedom of expression) (almost 27%).



Impact of the Court's judgments

The Committee of Ministers, the Council of Europe's executive organ, supervises compliance with the Court's judgments and adoption of the remedial measures required in order to prevent similar violations of the Convention in the future.

The Court's judgments have led to various reforms and improvements in Iceland, relating in particular to:

Lawfulness of detention

The provisions on arrest in the interest of public peace and order were removed from the Code of Criminal Procedure and included in the new Police Act in 1997, thus clarifying police powers to arrest and detain a person in case of disorderly conduct.

Fairness of proceedings

Abolition in 2008 of the State Medical Board and hospitals which did not meet the requirement of impartiality in medical malpractice proceedings and whose competence were transferred to court-appointed assessors and specialist judges.

General reform of the judicial system through the introduction of a second tier of judicial review

Establishment of courts of appeal with jurisdiction to hear appeals against district court decisions in civil and criminal matters.

Freedom of expression

The judicial practice in defamation proceedings against journalists changed: sanctions imposed must be justified by relevant and sufficient grounds, demonstrating the journalists' bad faith or lack of diligence.

Freedom of association

Abolition in 2011 of the obligation to pay the "Industrial charge" imposed on non-members of a private law organisation.

Selected cases

Case of Thorgeir Thorgeirson (25 June 1992)

Thorgeir Thorgeirson, a journalist, was convicted of defamation of civil servants following the publication in 1983 of two articles on police brutality.

Violation of Article 10 (freedom of expression)

Case of Pétur Thór Sigurðsson (10 April 2003)

Pétur Thór Sigurðsson lost a court case against the National Bank of Iceland in 1997. He complained that, on account of the close financial relationship between the judge and her husband on the one hand and the National Bank of Iceland on the other, his case had not been heard by an independent and impartial tribunal.

Violation of Article 6 § 1 (right to a fair trial)

Case of Hilda Hafsteinsdóttir (8 June 2004)

Hilda Hafsteinsdóttir alleged that her detention in police custody on several occasions for drunkenness and disorderly conduct had not been justified. The Court noted that at the relevant time there had been no regulatory framework governing either the police's discretion over the duration of the relevant type of detention or the decision to place the applicant in detention.

Violation of Article 5 (right to liberty and security)

Case of Ólafsson (16 March 2017)

The applicant, who was the publication director for the news website Pressan, had been found liable for defamation after publishing articles insinuating that a politician, who was standing for election, had committed pedophile offences.

Violation of Article 10 (freedom of expression)

Case of Johannesson and Others (18 May 2017)

The applicants argued that they had been prosecuted and punished twice for the same matter of inaccuracies in their tax returns, first by having to pay tax penalties and secondly in the form of a criminal conviction for aggravated tax offences.

Violation of Article 4 of Protocol no. 7 (right not to be tried or punished twice)

Case of Egill Einarsson (7 November 2017)

The applicant, a well-known blogger, had complained about the dismissal of the defamation claim which he had lodged following the posting on Instagram of a message worded "fuck you rapist bastard" shortly after the discontinuation of proceedings against him for rape and sexual offences.

Violation of Article 8 (right to respect for private and family life)

Case of Haarde (23 November 2017)

The applicant, Geir Hilmar Haarde, was Prime Minister of Iceland from 2006 to 2009. He was impeached for negligence on account of his handling of the country's 2008 banking crisis and found criminally liable.

He complained that his trial had not been fair and that the legal provisions used for his criminal conviction had been vague and unclear.

No violation

Case of Bjarni Ármannsson (16 April 2019)

The applicant is the former CEO of Glitnir, one of Iceland's largest banks. In the proceedings before the Court he complained that, having previously been ordered to pay tax surcharges, he had been tried and convicted for aggravated tax offences.

Violation of Article 4 of Protocol no. 7 (right not to be tried or punished twice)

Case of Sigurður Einarsson and Others (4 June 2019)

The case concerned criminal proceedings against four business executives linked to a share transaction in Kaupping Bank before its collapse in 2008. The Court found in particular that one of the Supreme Court judges in the case had a son who had worked for Kaupping both before

and after its collapse. That link meant that the applicants could have had a justified fear that the judge lacked impartiality.

Violation of Article 6 § 1 on account of a judge's lack of impartiality

Case of Guðmundur Andri Ástráðsson (1 December 2020)

The case concerned the applicant's allegation that the new Icelandic Court of Appeal (Landsréttur) which had upheld his conviction for road traffic offences was not "a tribunal established by law", on account of irregularities in the appointment of one of the judges who heard his case.

Violation of Article 6 § 1 (right to a tribunal established by law)

Case of Gestur Jónsson and Ragnar Halldór Hall (22 December 2020)

The case concerned two lawyers who were fined in absentia by the district court for contempt of court because they had withdrawn from their roles as defence lawyers in a criminal trial. In spite of the district court's refusal to allow them to withdraw from the case, the two applicants had failed to attend the hearing in order to represent their clients. The district court held that they had intentionally caused undue delay in the case.

Inadmissible

Case of Valdís Fjölisdóttir and Others (18 May 2021)

The case concerned the refusal by the Icelandic authorities to recognise a parent-child relationship between the first two applicants and a child, also an applicant, who had been born to a surrogate mother in the United States. Neither of the putative mothers is biologically related to the child, so they were not recognised as his parents in Iceland, where surrogacy remains illegal.

No violation

Selected measures to execute judgments

General measures

Case of Sigurður A. Sigurjónsson (30 June 1993)

Obligation for a taxi driver to join a trade union.

Abolition of the requirement to belong to a specified union in order to conduct business as a taxi driver.

Case of Thorgeir Thorgeirsson (25 June 1992)

Abolition of the specific offence of defamation for civil servants



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