

Prime Minister of Iceland

Office of Equality and Human Rights
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Reykjavík

ENNHRI Secretariat
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RE: Support to the Draft Bill to establish the Icelandic Institute for Human Rights

ENNHRI welcomes the Draft Bill for the establishment of the Icelandic Institute for Human Rights (IIHR) and the steps taken by the Icelandic Government towards creating a National Human Rights Institution (NHRI) in the country.

As recognised by the United Nations, the Council of Europe (CoE), and the European Union, NHRIs are fundamental actors for the exercise of checks and balances in a country and central to ensuring respect for the rule of law, democracy and human rights. The existence of an NHRI in compliance with the [UN Paris Principles](#) is also a global indicator for the achievement of Goal 16 on 'peace, justice, and strong institutions' under the UN Sustainable Development Goals. For this reason, the creation of an NHRI will significantly contribute to Iceland abiding by its international commitments in this area.

In particular, the Council of Europe Committee of Ministers places a strategic priority on NHRIs, as evident from its Recommendation [CM 2021/1](#), which includes a recommendation to all governments to "take all necessary measures to establish and, when established, maintain and strengthen an independent NHRI in accordance with the Paris Principles". Moreover, the recent [Reykjavik Declaration](#) of the Council of Europe Fourth Summit, adopted under the Icelandic Presidency of the CoE, recognises NHRIs as key actors for the Council of Europe and for the legal framework of the European Convention on Human Rights.

Therefore, ENNHRI expresses its firm support to the legislative proposal to create the Icelandic Institute for Human Rights and welcomes the possibility to provide comments as part of the public consultation ([case no. 110](#)).

Positive aspects

The proposed Bill largely reflects the requirements under the UN Paris Principles and contain the main formal elements for the creation of an independent NHRI with a broad mandate to promote and protect human rights.

European Network of National Human Rights Institutions

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When considering any amendments to the Bill prior and during the legislative process before the Icelandic Parliament (Alþingi), ENNHRI recommends Icelandic authorities to safeguard the following main aspects:

- The Icelandic Institute will operate under the auspices of the Icelandic Parliament and its formal independence is clearly set out in the legislation.
- It will be provided with clear functions to both promote and protect human rights, and its mandate encompasses public and private actors.
- The Board of the Icelandic Institute will need to reflect pluralism particularly in gender representation, and cannot be composed of members of Parliament or Ministers.
- The Icelandic Institute will benefit from the support of an Advisory Committee reflecting a wide diversity of human rights actors, including civil society organisations.
- The Icelandic Institute will have the power to access documents, reports, and other written information from public and private actors that may be necessary to fulfil its role.
- It will be granted the mandate as the Independent Monitoring Mechanism under Article 33(2) of the UN Convention on the Rights of Persons with Disabilities (CRPD).

Considerations for improvement

There are certain aspects that could be clarified in order to further align the creation of an Icelandic NHRI with the requirements under the UN Paris Principles, their [contemporary interpretation](#) by the Sub-Committee on Accreditation of the Global Alliance of NHRIs, and the CoE Committee of Ministers Recommendation on NHRIs.

For this reason, ENNHRI would encourage that the following aspects are considered:

- Improve the formalisation of a clear, transparent and participatory selection and appointment process for members of the Board of the Icelandic Institute. In particular, legislators could consider including requirements to publicly advertise vacancies and to have open and fair consultation with civil society. If not in its enabling legislation, such requirements should be included in regulations or binding administrative guidelines.
- Include further provisions for an independent and objective dismissal process for members of the Board of the Icelandic Institute, with dismissal grounds limited to only those actions which impact adversely on the capacity of the member to fulfil their mandate, and not based solely on the discretion of appointing authorities.
- Insert further guarantees for the Icelandic Institute's adequate funding and clarifying the process for its budget allocation, which should require meaningful consultation and involvement of the Icelandic Institute itself.
- Ensure unfettered access to information for the NHRI, making it possible for the Icelandic Institute to monitor all human rights issues, including those involving the police, coast

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guard, and any other security forces. Although the authority of NHRIs to undertake such an investigation may be restricted for national security reasons, such restriction should not be unreasonably or arbitrarily applied and should be exercised under due process.

- Clarify the role of the Icelandic Institute in monitoring human rights through access to public premises such as closed facilities, for instance in cooperation with the Parliamentary Ombudsman as the designated National Preventive Mechanism (NPM) in Iceland.

Moving forward

While incorporating the suggestions above would contribute to further strengthening the compliance of the Icelandic Institute with international and regional standards on NHRIs, ENNHRI strongly supports the published Draft Bill and commends the Icelandic Government for this legislative initiative.

Iceland is one of the few European countries without an NHRI, and the creation of such an institution will further strengthen the promotion and protection of human rights in the country. The Icelandic Institute will also contribute to filling current gaps in the framework for human rights protection in the country, while working alongside other independent public bodies and civil society.

ENNHRI stands ready to support the Icelandic Government and Parliament in their steps towards establishing an NHRI in Iceland and is available for further information and cooperation on this matter.