

*Legal questionnaire completed by LOGOS slf. • November 2025*

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**Is this jurisdiction a European Union (EU) Member State or otherwise subject to EU laws/regulations (such as an overseas territory or department of an EU Member State)?**

No

**1. What laws and regulations contain legal definitions of the following terms or corresponding terms in your local jurisdiction (links to existing U.S. legal definitions are included, where relevant, as background for comparison – please include definitions of any corresponding terms in your jurisdiction):**

**a. child or minor (18 U.S.C. 2256(1), <https://www.law.cornell.edu/uscode/text/18/2256>)**

According to Article 3 (1) of the Icelandic Child Protection Act, a child is considered to be an individual under the age of 18.

Art. 3 (1). In this Act the word “children” applies to individuals under the age of 18. Child protection authorities may decide, with the consent of a young person, that arrangements made on the basis of this Act remain in force after the person reaches the age of 18 years, to a maximum age of 20 years.

[https://www.government.is/media/velferdarraduneyti-media/media/acrobat-enskar\\_sidur/Child-Protection-Act-as-amended-2016.pdf](https://www.government.is/media/velferdarraduneyti-media/media/acrobat-enskar_sidur/Child-Protection-Act-as-amended-2016.pdf)

There is no single specific definition for the term “minor” in Icelandic law, however, according to Article 1 (1) of the Icelandic Act on Legal Competence a person shall become legally competent when attaining the age of 18 years old. If other provisions of the same Act are looked at, the term “minor” is used for individuals who are not legally competent due to age.

Art. 1 (1). A person shall become legally competent when attaining the age of 18 years. A legally competent person shall be competent to manage his or her personal and financial affairs.

<https://www.government.is/publications/legislation/lex/2018/01/04/Act-On-Legal-Competence-No.71-1997/>

**b. child sexual exploitation (Missing Children’s Assistance Act of 2023, Section 2, (a)(1)(9), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)**

The term “child sexual exploitation” is not expressly defined in Icelandic law; however, there are provisions of the Iceland Penal Code that criminalize conduct reasonably falling within the scope of “child sexual exploitation.”

- Prostitution of a child under the age of 18

Art. 206 (2). Any person who pays, or promises payment or any other type of consideration, for prostitution on the part of a child under the age of 18 shall be fined or imprisoned for up to 2 years.

- Employment or livelihood based on the prostitution of others

Art. 206 (3). Any person who bases his or her employment or livelihood on prostitution on the part of others shall be imprisoned for up to 4 years

- Encouraging prostitution of a child under the age of 18.

Art. 206 (4). The same punishment (as under Art. 206 (3) which is imprisonment up to 4 years) shall apply to deceiving, encouraging or assisting a child under the age of 18 to engage in prostitution

<https://www.government.is/lisalib/getfile.aspx?itemid=dd8240cc-c8d5-11e9-9449-005056bc530c>

**c. sexually explicit conduct (18 U.S.C. 2256(2), <https://www.law.cornell.edu/uscode/text/18/2256>)**

The term “sexually explicit conduct” is not expressly defined in Icelandic law. The closest definition to “sexually explicit conduct” would be the term “lewd conduct” which can be found in Article 209 of the Icelandic Penal Code.

To further understand the context of the term “lewd conduct” the entire provision must be looked at:

Art. 209. Any person who, through lewd conduct, offends people’s sense of decency or causes a public scandal, shall be imprisoned for up to 4 years, or [up to 6 months] or fined if the offence is minor.

<https://www.government.is/lisalib/getfile.aspx?itemid=dd8240cc-c8d5-11e9-9449-005056bc530c>

Another similar term, “indecent behaviour”, can be found in Article 99(3) of the Icelandic Child Protection Act. In practice this provision is applied alongside the aforementioned Articles 199 and 209 of the Icelandic Penal Code where those provisions are violated, and the victim is under 18.



Art. 99 (3). Any person who subjects a child to aggressive, abusive or indecent behaviour or hurts or insults him/her is liable to fines or imprisonment for up to two years.

[https://www.government.is/media/velferdarraduneyti-media/media/acrobat-enskar\\_sidur/Child-Protection-Act-as-amended-2016.pdf](https://www.government.is/media/velferdarraduneyti-media/media/acrobat-enskar_sidur/Child-Protection-Act-as-amended-2016.pdf)

Although not specifically referring to the term “sexually explicit conduct”, Article 210 (2) of the Icelandic Penal Code refers to material depicting children in “a sexually explicit or pornographic manner,” which is relevant in this context.

Art. 210 (2). The same punishment shall apply to producing, or importing pornographic publications, pornographic films or other such items in order to disseminate, sell, distribute or publicize them in other ways, or to have them on view to the public, and also to organize a public lecture or performance that is immoral in the same manner. [Where such material shows children in a sexually explicit or pornographic manner, however, the punishment may be up to 2 years’ imprisonment.]

<https://www.government.is/lisalib/getfile.aspx?itemid=dd8240cc-c8d5-11e9-9449-005056bc530c>

**d. child sexual abuse (18 U.S.C. 2243(a), <https://www.law.cornell.edu/uscode/text/18/2243>)**

The term “child sexual abuse” is not expressly defined in Icelandic law; however, there are provisions of the Icelandic Penal Code and other acts of law that criminalize conduct reasonably regarded as “child sexual abuse”.

- Rape

Article 194 of the Icelandic Penal Code contains the legal definition for the term “rape” and specifies the means by which rape may occur. Although there is no specific provision addressing child rape, Article 194 applies in cases where children are sexually assaulted. Furthermore Article 195 (1)(a) stipulates that an aggravated penalty shall apply where the victim is a child under the age of 18.

Art. 194 (1). Any person who has sexual intercourse or other sexual relations with a person by means of using violence, threats or other unlawful coercion shall be guilty of rape and shall be imprisoned for a minimum of 1 year and a maximum of 16 years. “Violence” here refers to the deprivation of independence by means of confinement, drugs or other comparable means.

Art. 194 (2). Exploiting a person’s psychiatric disorder or other mental handicap, or the fact that, for other reasons, he or she is not in a condition to be able to resist the action or to understand its significance, in order to have sexual intercourse or other sexual relations with him or her, shall also be considered as rape, and shall result in the same punishment as specified in the first paragraph of this Article.

Art. 195 (a). When punishment for violations of Article 194 is determined, it shall be considered as increasing the severity of the punishment if the victim is a child under



the age of 18.

<https://www.government.is/lisalib/getfile.aspx?itemid=dd8240cc-c8d5-11e9-9449-005056bc530c>

- Sexual intercourse/relations of persons in institutional care

Art. 197. If the supervisor or an employee in a prison, another institution under the direction of the police, the prison authorities or the child welfare authorities, or in the psychiatric ward of a hospital, a home for mentally handicapped persons or another similar institution has sexual intercourse or other sexual relations with an inmate of the institution, it shall be punished by up to 4 years' imprisonment.

<https://www.government.is/lisalib/getfile.aspx?itemid=dd8240cc-c8d5-11e9-9449-005056bc530c>

- Sexual intercourse/relations through exploitation of financial dependence

Any person who has sexual intercourse or other sexual relations with a person by grossly abusing the fact that the other person is financially dependent on him either through his employment or as his protégé in a confidential relationship shall be imprisoned for up to 3 years or, if the other person is younger than 18, for up to 6 years.

<https://www.government.is/lisalib/getfile.aspx?itemid=dd8240cc-c8d5-11e9-9449-005056bc530c>

- Sexual harassment

The principal provision which criminalizes sexual harassment under Icelandic law is set out in Article 199 of the Icelandic Penal Code. It applies to cases involving children where no more specific provision governs the conduct.

The term "Sexual harassment" is defined broadly to include, inter alia, stroking, fingering or probing the genitals or breasts of another person (whether under or through clothing), as well as suggestive behaviour or language that is extremely offensive, repeated, or likely to cause fear. This definition can be found in Article 199 of the Icelandic Penal Code.

Art. 199. Any person found guilty of sexual harassment shall be imprisoned for up to 2 years. 'Sexual harassment' here refers, amongst other things, to stroking, fingering or probing the genitals or breasts of another person, whether under or through clothing, and also to suggestive behaviour or language which is extremely offensive, repeated or of such a nature as to cause fear

<https://www.government.is/lisalib/getfile.aspx?itemid=dd8240cc-c8d5-11e9-9449-005056bc530c>

Several Articles of the Icelandic Penal Code specifically criminalize sexual harassment toward children or minors with punishments varying by the age of the victims and the



relationship between the victim and offender. Specifically, Article 200 (2), Article 201 (2) and Article 202 (2) pertain to sexual harassment towards children.

Art. 200 (2). Sexual harassment of a type other than that specified in the first paragraph of this Article[\*] and directed at the perpetrator's own child or other descendant shall be punishable by up to 4 years' imprisonment, providing that the child is aged 15 years or older.

Art. 201 (2). Sexual harassment of a type other than that specified in the first paragraph of this article shall be punishable by up to 4 years' imprisonment.

Art. 202 (2). Sexual harassment of a type other than that specified in the first paragraph of this article shall be punishable by imprisonment of up to [6 years].

<https://www.government.is/lisalib/getfile.aspx?itemid=dd8240cc-c8d5-11e9-9449-005056bc530c>

[\*] See definition of "*Sexual intercourse/relations with one's non-biological or dependent child*" below.

- Sexual intercourse/relations with one's child or another descendant

Art. 200 (1). Any person who has sexual intercourse or other sexual relations with his or her own child or other descendant shall be imprisoned for up to 8 years and up to 12 years if the child is 15, 16 or 17 years of age

<https://www.government.is/lisalib/getfile.aspx?itemid=dd8240cc-c8d5-11e9-9449-005056bc530c>

- Sexual intercourse/relations with one's non-biological or dependent child

Art. 201 (1). Any person who has sexual intercourse or other sexual relations with a child aged 15, 16 or 17 year who is his or her adopted child, step-child, foster-child or the child of his or her cohabiting partner, or is bound to him or her by similar family relationships in direct line of descent, or is a child who has been committed to his or her authority for education or upbringing, shall be imprisoned for up to 12 years.

<https://www.government.is/lisalib/getfile.aspx?itemid=dd8240cc-c8d5-11e9-9449-005056bc530c>

Additionally, Article 98 of the Icelandic Child Protection Act criminalizes actions that reasonably fall within the scope of "child sexual abuse."

Art. 98. If those who have a child in their care mistreat the child mentally or physically, abuse him/her sexually or otherwise, or neglect the child mentally or physically, so that the child's life or health is at risk, this entails imprisonment of up to five years, unless more severe penalties are provided in other legislation.

<https://www.government.is/media/velferdarraduneyti-media/media/acrobat->



[enskar\\_sidur/Child-Protection-Act-as-amended-2016.pdf](#)

- e. **child pornography or child sexual abuse material (CSAM) (18 U.S.C. 2256(8), <https://www.law.cornell.edu/uscode/text/18/2256>)**

The term is not expressly defined in Icelandic law; however, several provisions of the Icelandic Penal Code address related conduct.

- The production or importation of pornographic publications, films or other such items

Art. 210 (2). The same punishment (a fine or up to 6 months of imprisonment) shall apply to producing, or importing pornographic publications, pornographic films or other such items in order to disseminate, sell, distribute or publicise them in other ways, or to have them on view to the public, and also to organise a public lecture or performance that is immoral in the same manner. [Where such material shows children in a sexually explicit or pornographic manner, however, the punishment may be up to 2 years' imprisonment.]

<https://www.government.is/lisalib/getfile.aspx?itemid=dd8240cc-c8d5-11e9-9449-005056bc530c>

- The production, importation, acquisition or possession of material which show children in a sexual or pornographic manner

Art. 210 A(1). Any person who produces, imports, acquires for himself herself or others, distributes or has in his possession imagery depicting the sexual abuse of a child or depicts a child in a sexual manner shall be fined or imprisoned for up to 6 years. When assessing the seriousness of an act, special consideration shall be given to the extent of the offence, whether it is committed in a systematic or organized manner, whether the child's life has been endangered, whether the child has been subjected to serious violence or whether the child has suffered bodily harm or damage to health.

Art. 210 A(2). Anyone who views images on the Internet or by other means of information or communications technology depicting the sexual abuse of a child or depicting a child in a sexual manner shall be subject to the same punishment as stated in paragraph 1.

Art. 210 A(3). The provisions of paragraphs 1 and 2 do not apply to a person who creates, views or has in his or her possession images that depict a child aged 15, 16 or 17 in a sexual manner if the child has given his/her consent and both parties are of the same age and stage of development. The provisions of paragraphs 1 and 2 also do not apply to a child aged 15, 16 or 17 who disseminates material that shows him/herself.

<https://www.government.is/lisalib/getfile.aspx?itemid=dd8240cc-c8d5-11e9-9449-005056bc530c>

- Pornographic displays involving children



Art. 210 B (1). Any person who engages a child to take part in a display of nudity or a pornographic display, or who organizes, or in some other manner causes a child to take part in such a display or derives gain from the participation by a child in such a display, shall be imprisoned for up to 2 years, and up to 6 years in the case of a serious violation.

Art. 210 B (2). Attendance at displays of nudity or pornographic displays in which children are participants shall be punished by a fine or up to 1 year's imprisonment.

<https://www.government.is/lisalib/getfile.aspx?itemid=dd8240cc-c8d5-11e9-9449-005056bc530c>

- f. **computer-generated images or videos of child pornography or CSAM (created by artificial intelligence or morphed) (18 U.S.C. 2256(8) & (9), <https://www.law.cornell.edu/uscode/text/18/2256>)**

The term is not expressly defined in Icelandic law; however, Article 210 A(4) of the Penal Code expressly criminalizes such material.

**Unofficial English translation:** Art. 210 A (4). Anyone who produces, imports, acquires for himself or others, distributes or has in his possession images depicting persons aged 18 years and older in a sexual manner, provided that they are in the role of a child, or if a child is impersonated in such material even though it is not real, such as in cartoons or other virtual films, shall be subject to fines or imprisonment of up to 2 years.

<https://www.althingi.is/lagas/nuna/1940019.html>

- g. **enticement or grooming (encouraging, persuading, or coercing a child to engage in sexual activity or to create child pornography or CSAM) (18 U.S.C. 2422(b), <https://www.law.cornell.edu/uscode/text/18/2422>)**

The term is not expressly defined in Icelandic law; however, Article 202 (3) criminalizes enticing children under 18 to engage in sexual activity.

Art. 202 (3). Any person who, by deception, gifts or in any other way entices a [child] [under the age of 18 years] to engage in sexual intercourse or other sexual relations shall be imprisoned for up to 4 years.

<https://www.government.is/lisalib/getfile.aspx?itemid=dd8240cc-c8d5-11e9-9449-005056bc530c>

Article 202 (3) is applied in conjunction with Article 210 A (1) where enticement or grooming results in the creation of child pornography or CSAM.

Furthermore, Article 202 (4) addresses conduct that constitutes grooming, namely arranging a meeting with a child under 15 for sexual purposes.

Art. 202 (4). Any person who, by communications over the Internet, other information



technology or telecommunications equipment or in another manner arranges a meeting with a child under the age of 15 year for the purpose of having sexual intercourse or other sexual relations with the child or to harass the child sexually in another manner shall be imprisoned for up to 2 years.

<https://www.government.is/lisalib/getfile.aspx?itemid=dd8240cc-c8d5-11e9-9449-005056bc530c>

**h. legal age of consent for sexual activity – are there laws and regulations, if so, what ages are specified?**

The legal age of consent for sexual activity in Iceland is not explicitly defined in Icelandic law. However, it is defined in various provisions governing sexual activity involving children.

According to the aforementioned Article 202 (1) of the Icelandic Penal Code sexual intercourse or other sexual relations with a child under 15 is criminalized. Other provisions of the Icelandic Penal Code concerning sexual activities with children aged 15, 16 and 17 require additional aggravating circumstances for criminal liability to arise.

Art. 202 (1). Any person who has sexual intercourse or other sexual relations with a child under the age of 15 years, shall be imprisoned for a minimum of 1 year and a maximum of 16 years. Punishment may be reduced or waived if the perpetrator and the victim are of similar age or level of maturity.

<https://www.government.is/lisalib/getfile.aspx?itemid=dd8240cc-c8d5-11e9-9449-005056bc530c>

**i. Sextortion (extorting money or sexual favors from a child by threatening to share sexually explicit, child pornography or CSAM images of the child) (Missing Children’s Assistance Act of 2023, Section 2, (a)(1)(8), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)**

There is no explicit definition of “sexortion” in Icelandic law. However, several provisions of the Icelandic Penal Code criminalize conduct that falls within its scope, including:

- Rape (by threats)

As is provided under Article 194 (1) of the Icelandic Penal Code, sexual intercourse and other sexual relations through coercion, constitutes as rape. Threats to disclose sexually explicit material of a child fall within this provision.

Art. 194 (1). Any person who has sexual intercourse or other sexual relations with a person by means of using violence, threats or other unlawful coercion shall be guilty of rape and shall be imprisoned for a minimum of 1 year and a maximum of 16 years. ‘Violence’ here refers to the deprivation of independence by means of confinement, drugs or other comparable means.

<https://www.government.is/lisalib/getfile.aspx?itemid=dd8240cc-c8d5-11e9-9449-005056bc530c>

- “Revenge porn”

Although the term “revenge porn” is not explicitly used, the term has been associated with Article 199 A of the Icelandic Penal Code in its entirety. In respect to the term “sextortion” Article 199 A (2) applies, as it criminalizes threats to disseminate intimate material.

**Unofficial English translation:** Art. 199 A (1). Anyone who produces, obtains for himself or others, distributes or publishes images, text or similar material, including fake material, of another person’s nudity or sexual conduct without his consent shall be subject to fines or imprisonment for up to 4 years.

**Unofficial English translation:** Art. 199 A (2). The same punishment shall be inflicted on the person who threatens what is stated in paragraph 1, provided that the threat is likely to cause fear or anxiety in the person against whom it is directed.

<https://www.althingi.is/lagas/nuna/1940019.html>

**2. Please explain any legal or regulatory requirement or recommendation for Online Platforms to undertake any of the following activities on their systems to protect children online from sexual exploitation:**

**a. review, screen, moderate, or detect content to identify child pornography or CSAM content**

The general principle in Icelandic law is that service providers hosting third-party content are not liable for that content. Certain exemptions from this principle can be found in the Icelandic Act on Electronic Commerce No. 30/2002 and among those exemptions is Article 14 (1)(3) which establishes obligations specifically concerning child pornography.

Art. 14 (1)(3). A service provider who hosts information provided by the recipient of the service is not liable for the information provided that he promptly removes it or disables access to it on receiving knowledge of information containing child pornography.

<https://www.stjornarradid.is/media/atvinnuvegaraduneyti-media/media/Acrobat/Act-No-30-2002-on-Electronic-Commerce-and-other-Electronic-Services.pdf>

Accordingly, online platforms are not required to proactively search for such content. However, once they become aware of it, they are under an unconditional obligation to remove or disable access in order to preserve their exemption from liability.

**b. review, screen, moderate, or detect content to identify enticement, grooming, or sextortion of a child**

Articles 36 (a) and (d)(1) of Icelandic Media Act establish obligations applicable to all video-sharing platforms to protect children. Article 36 (a) sets out a general principle requiring video-sharing platforms to take appropriate measures to protect children from certain content, user-generated content and commercial communications. Article 36 (d)(1) lays out



several obligations which the video-sharing platforms must adhere to, among other things, requirements to provide a flagging and reporting mechanism for content which violates Article 36 (a) as well as an obligation to implement a transparent and effective complaints-handling procedure. Read together, these provisions establish a legal duty to remove, moderate or restrict access to such content.

**Unofficial English translation:** Art. 36 (a). Video-sharing platforms shall take appropriate measures to protect children from content, user-generated content, and commercial communications that may harm their physical, mental, or moral development.

**Unofficial English translation:** Art. 36 (d)(1) item d. Establish and operate a transparent and user-friendly interface on their website or application that allows users of the service to flag or report to the service content that violates Articles 36 (a) and 36 (b) and is visible on the site.

**Unofficial English translation:** Art. 36 (d)(1) item i. Establish and implement procedures that are transparent, easy to use, and effective for handling and resolving user complaints in relation to the measures referred to in items d–h.

<https://www.althingi.is/lagas/nuna/2011038.html>

Otherwise, online platforms are not required to proactively search for such content. The general principle in Icelandic law is that service providers hosting third-party content are not liable for that content. However, once they become aware of it, they are under an unconditional obligation to remove or disable access in order to preserve their exemption from liability.

- c. report child pornography, CSAM, enticement, grooming, or sextortion that they become aware of or are notified about on their systems to a law enforcement or government agency or nongovernmental organization**

Although not directly applicable to online platforms, Article 16(1) of the Icelandic Child Protection Act imposes a broad public duty to notify child protection services in cases where children are exposed to violence, degrading treatment, or another endangerment.

Art. 16 (1). All persons shall be obliged to notify a child protection committee if they have reason to believe that a child:

- a. is living in unacceptable circumstances of upbringing;
- b. is exposed to violence or other degrading treatment, or
- c. is seriously endangering his/her health and maturity.

[https://www.government.is/media/velferdarraduneyti-media/media/acrobat-enskar\\_sidur/Child-Protection-Act-as-amended-2016.pdf](https://www.government.is/media/velferdarraduneyti-media/media/acrobat-enskar_sidur/Child-Protection-Act-as-amended-2016.pdf)

- d. remove or take down any child pornography, CSAM, enticement, grooming, or sextortion that they identify, become aware of, or are notified about**

Yes. The general principle in Icelandic law is that service providers hosting third-party content are not liable for that content. Certain exemptions from this principle can be found in



the Icelandic Act on Electronic Commerce No. 30/2002 and among those exemptions is Article 14 (1)(3) which establishes obligations specifically concerning child pornography.

Art. 14 (1)(3). A service provider who hosts information provided by the recipient of the service is not liable for the information provided that he promptly removes it or disables access to it on receiving knowledge of information containing child pornography.

<https://www.stjornarradid.is/media/atvinnuvegaraduneyti-media/media/Acrobat/Act-No-30-2002-on-Electronic-Commerce-and-other-Electronic-Services.pdf>

**e. review content by human moderators to screen or moderate for child pornography or CSAM**

There is no specific legal or regulatory obligation requiring human moderators to review content for child pornography or CSAM.

**f. remove child pornography, CSAM, enticement, grooming, or sextortion from their systems when notified of its presence by a victim, nongovernmental organization, law enforcement, or government agency**

Yes, in part. For child pornography/CSAM, the general principle in Icelandic law is that service providers hosting third-party content are not liable for that content. Certain exemptions from this principle can be found in the Icelandic Act on Electronic Commerce No. 30/2002 and among those exemptions is Article 14 (1)(3) which establishes obligations specifically concerning child pornography.

Art. 14 (1)(3). A service provider who hosts information provided by the recipient of the service is not liable for the information provided that he promptly removes it or disables access to it on receiving knowledge of information containing child pornography.

<https://www.stjornarradid.is/media/atvinnuvegaraduneyti-media/media/Acrobat/Act-No-30-2002-on-Electronic-Commerce-and-other-Electronic-Services.pdf>

However, with respect to enticement, grooming, or sextortion, there is no specific legal or regulatory requirement beyond the general provisions of the Media Act. Articles 36 (a) and (d)(1) of Icelandic Media Act establish obligations applicable to all video-sharing platforms to protect children. Article 36 (a) sets out a general principle requiring video-sharing platforms to take appropriate measures to protect children from certain content, user-generated content and commercial communications. Article 36 (d)(1) lays out several obligations which the video-sharing platforms must adhere to, among other things, requirements to provide a flagging and reporting mechanism for content which violates Article 36 (a) as well as an obligation to implement a transparent and effective complaints-handling procedure. Read together, these provisions establish a legal duty to remove, moderate or restrict access to such content.

**Unofficial English translation:** Art. 36 (a). Video-sharing platforms shall take appropriate measures to protect children from content, user-generated content, and commercial communications that may harm their physical, mental, or moral development.



**Unofficial English translation:** Art. 36 (d)(1) item d. Establish and operate a transparent and user-friendly interface on their website or application that allows users of the service to flag or report to the service content that violates Articles 36 (a) and 36 (b) and is visible on the site.

**Unofficial English translation:** Art. 36 (d)(1) item i. Establish and implement procedures that are transparent, easy to use, and effective for handling and resolving user complaints in relation to the measures referred to in items d–h.

<https://www.althingi.is/lagas/nuna/2011038.html>

**g. use any specific technology to detect, remove, block, or take down any child pornography, CSAM, enticement, grooming, or sextortion, including:**

- i. **“Hashing technology”** (<https://www.thorn.org/blog/hashing-detect-child-sex-abuse-imagery/>). Many Online Platforms hash and tag images and videos of child pornography or CSAM and then use hashing technology to scan content on their systems to detect the distribution of child pornography or CSAM online so it can be removed.

There is no specific legal or regulatory requirement mandating the use of hashing technology.

- ii. **Artificial intelligence or machine learning tools to detect the presence of child pornography, CSAM, enticement, grooming, or sextortion.**

There is no specific legal or regulatory requirement mandating the use of artificial intelligence or machine learning tools for detecting child pornography, CSAM, enticement, grooming, or sextortion.

**h. if the applicable laws or regulations require some, but not all, Online Platforms to perform any of the above activities, describe how the differing requirements apply. For example, are differences based on the number of online users, types of services offered, etc.?**

Icelandic legislation does not differentiate obligations for online platforms based on the number of users or types of services. The Icelandic Act on Electronic Commerce and Other Electronic Services applies uniformly to all hosting providers. However, not all online platforms qualify as hosting providers; this is the only relevant distinction under Icelandic law.

**3. Are Online Platforms legally required or recommended to implement any method to verify the age of a user before allowing access to an online platform?**

There are no general obligations requiring online platforms to implement age verification mechanisms before granting access. However, Article 10 (5) of the Icelandic Data Protection Act (implementing the EU GDPR) requires data controllers to make reasonable efforts to verify that consent has been provided or authorized by a person holding parental responsibility over the child.

This provision applies only where a child is offered information society services directly and the processing of personal data is based on consent. Processing is lawful only if the child is at least 13; otherwise, consent must be provided by the holder of parental responsibility.

Art. 10 (5). When a child is offered information society services directly and the processing of personal data is based on the child's consent, the processing shall be lawful only if the child is at least 13 years old. If the child is below the age of 13, the processing shall be lawful only to the extent the consent is given by the holder of parental responsibility. The controller shall make reasonable efforts to verify in such cases that consent is given or authorized by the holder of parental responsibility over the child, taking into consideration available technology.

<https://assets.ctfassets.net/8k0h54kbe6bj/7In0DivFbWLMnjfAl69CC0/feadbca7a134729218ad456eaf2832c3/English%5Ftranslation%5Fof%5Fthe%5Ficelandic%5FAct%5Fon%5FData%5FProtection%5Fand%5Fthe%5FProcessing%5Fof%5FPersonal%5FData%5Fnow%5Favailable-0>

Additionally, Article 36(d)(g) of the Icelandic Media Act imposes an obligation on video-streaming platforms to implement age-verification measures.

**Unofficial English translation:** Art. 36(d)(g). (Video-streaming platforms must) establish and operate an age-verification system for users with respect to content that may harm the physical, mental, or moral development of children.

<https://www.althingi.is/lagas/nuna/2011038.html>

Icelandic legislation does not impose differing requirements based on platform size or service type. The Data Protection Act applies uniformly to all information society services. While most online platforms qualify as such, not all do.

The term “information society service” corresponds to “electronic service,” as defined in Article 2(1) of the Icelandic Act on Electronic Commerce and Other Electronic Services.

Art. 2. For the purposes of this Act the following terms shall have the following meanings:

1. Electronic service: A service normally provided in return for payment, from a distance, by electronic means, at the request of the recipient of the service.

<https://www.stjornarradid.is/media/atvinnuvegaraduneyti-media/media/ Acrobat/Act-No-30-2002-on-Electronic-Commerce-and-other-Electronic-Services.pdf>

Additionally, not all online platforms qualify as a video-streaming platforms which are defined specifically under Article 2 (1)(29) of the Icelandic Media Act.

**Unofficial English translation:** Art. 2 (1)(29). (A video streaming platform) is a natural or legal person that provides a video-sharing service.

<https://www.althingi.is/lagas/nuna/2011038.html>

#### **4. Are Online Platforms legally required or recommended to implement any method to obtain parental consent before a child uses the services of such Online Platforms?**

Yes. When an information society service is offered directly to a child and the legal basis for processing personal data is consent, such consent is valid only if the child is at least 13. Where the child is under 13, consent must be provided by a holder of parental responsibility. The controller

must make reasonable efforts, using available technology, to verify that consent is genuine and authorized by the parent or guardian.

Additionally, Article 36(d)(h) of the Icelandic Media Act imposes an obligation on video-streaming platforms to implement parental control measures.

**Unofficial English translation:** Art. 36 (d)(g). (Video-streaming platforms must) provide access to a user-controlled parental control system regarding content that may adversely affect the physical, mental, or moral development of children.

<https://www.althingi.is/lagas/nuna/2011038.html>

Regarding the applicability of these requirements to different online platforms, the same considerations described in response to Question 3 apply.

5. **Are there legal remedies for children who have been victimized by online child sexual exploitation? This may include children who are victimized by the distribution of child pornography or CSAM imagery in which they are depicted, or children victimized by enticement, grooming or sextortion. If such legal remedies exist, do they include:**

Yes.

- a. **The ability to stop the publication of the pornography or CSAM imagery by the Online Platform?**

Yes. Under Article 24 of Iceland's Act No. 31/1990 relating to Attachment of Property, Injunctions etc. an injunction can halt the ongoing or imminent publication of pornography or CSAM by an online platform. The applicant must show the act violates lawful rights, is underway or imminent, and waiting for judgment risks serious harm. This measure directly stops distribution, preventing further rights violations and safeguarding victims.

**Unofficial English translation:** Art. 24 (1). An injunction may be issued against a commenced or imminent act of a person or a representative of a company or institution if the petitioner proves or makes it probable that the act violates or will violate his/her legally protected rights, that the respondent has already commenced the act or will do so, and that his/her rights will be forfeited or suffer significant damage if he/she is compelled to await a judgment on them.

<https://www.althingi.is/lagas/nuna/1990031.html>

It is, furthermore, specifically mentioned in Article 14 of the Icelandic Act on Icelandic Commerce that an exemption from the general principle of non-liability for service providers who host information, is made when the said service provider has received knowledge that a county magistrate has placed an injunction on the hosting of the information.

Art. 14. A service provider who hosts information provided by the recipient of the service is not liable for the information provided that he promptly removes it or disables access to it on receiving:



1. knowledge that a county magistrate has placed an injunction on the hosting of the information or a court has ruled on its removal or disablement of access to it.

<https://www.stjornarradid.is/media/atvinnuvegaraduneyti-media/media/Acrobat/Act-No-30-2002-on-Electronic-Commerce-and-other-Electronic-Services.pdf>

**b. An obligation on the part of the Online Platform to take active steps to remove the pornography or other imagery from their servers?**

Yes. This obligation arises under Article 14 of the Icelandic Act on Icelandic Commerce. An exemption from the general principle of non-liability for service providers who host information, is made when the said service provider has received knowledge that a county magistrate has placed an injunction on the hosting of the information.

Art. 14. A service provider who hosts information provided by the recipient of the service is not liable for the information provided that he promptly removes it or disables access to it on receiving:

1. knowledge that a county magistrate has placed an injunction on the hosting of the information or a court has ruled on its removal or disablement of access to it.

**c. An ability to get an injunction or other court order against the Online Platform to stop them from publishing the pornography or imagery?**

Yes. Reference is made to the aforementioned Article 24(1) of the Icelandic Act No. 31/1990 relating to Attachment of Property, Injunctions etc., where it is stipulated that an injunction may be issued against a commenced or imminent act of a person or a representative of a company or institution if the petitioner proves or makes it probable that the act violates or will violate his/her legally protected rights, that the respondent has already commenced the act or will do so, and that his/her rights will be forfeited or suffer significant damage if he/she is compelled to await a judgment on them.

As the provision applies to imminent acts, injunctions could be issued beforehand, to stop Online Platforms from publishing the pornography or imagery. Icelandic jurisprudence provides that the act must be sufficiently imminent, not merely possible. Furthermore, the burden of proof is heavy, and strict criteria must be met for preventive injunctions to be granted.

**d. A protective order or other court order that prohibits the person who posts the pornography or imagery from doing so in the future on the same or other Online Platform?**

No. Under Icelandic law, the courts generally do not have the power to issue open-ended injunctions prohibiting a person from committing hypothetical future offences, including posting pornography or sexual imagery on the same or other online platforms.

Therefore, while Icelandic law can punish and remove unlawful material already published, it does not allow for a general protective order forbidding a person from any future acts of the same nature across all platforms.

**e. the ability to seek financial damages or any sort of monetary recovery from an offender**



**who has shared the child's image or video, either in a civil or a criminal proceeding?**

Yes. Article 26 (1) item b provides that a victim may be compensated for non-economic damages caused by an offender liable for an unlawful violation against the freedom, peace, honour, or person of another. The sharing of a child's image or video would clearly fall under this provision and this provision can be applied in either a civil or a criminal proceeding.

**Unofficial English translation:** Art. 26 (1). It is permitted to require a person who:

- a. intentionally or through gross negligence causes bodily harm, or
- b. is liable for an unlawful violation against the freedom, peace, honour, or person of another,

to pay compensation for non-economic damages to the person who has been wronged.

<https://www.althingi.is/lagas/156a/1993050.html>

**f. the ability to seek any other forms of victim compensation/recovery/services provided for under the law and/or by a government-funded source?**

Yes. Due to the uncertainty surrounding an offender's ability to pay damages, victims of a crime may be entitled to compensation from the Treasury of Iceland as is stipulated in the Icelandic Act on the Payment of Compensation to Victims of Crimes by the Treasury of Iceland. Specifically, Articles 1 and 3 of said Act stipulate that the Treasury of Iceland pays compensation for non-economic damages due to violations against the Icelandic General Penal Code.

Furthermore, Article 6 of the same Act sets out further requirements for the payment of compensation.

Lastly, Article 9 of the same Act provides that victims may receive compensation even if the identity of the offender is unknown, the offender is not criminally liable or if he cannot be found.

**Unofficial English translation:** Art.1. The Treasury of Iceland shall pay compensation for damage resulting from an offence under the General Penal Code in accordance with the provisions of this Act, provided that the offence was committed within the territory of Iceland. In special cases, it is permitted to pay compensation for damage resulting from an offence committed outside the territory of Iceland, provided that the injured party is resident in Iceland or is an Icelandic citizen.

**Unofficial English translation:** Art.3. The Treasury of Iceland shall pay compensation for non-economic damages. However, the injured party is not entitled to such compensation if the offence falls solely under the provisions of Chapter XXV of the General Penal Code.

**Unofficial English translation:** Art. 6. It is a condition for the payment of compensation that the offence from which the damage arises has, without undue delay, been reported to the police and that the injured party has made a claim for compensation from the offender. An application for compensation shall have been submitted to the Compensation Committee within two years from the commission of the offence. [When substantial reasons so warrant, exceptions may be made from the conditions of



paragraphs 1 and 2.]

**Unofficial English translation:** Art.9. The injured party shall be paid compensation under this Act even if the person responsible for the damage is unknown, is not criminally liable, or cannot be found.

<https://www.althingi.is/lagas/nuna/1995069.html>

**g. notification to a victim when an offender is arrested for distributing child pornography or CSAM in which the child is depicted?**

No. Under Icelandic law, there is no legal obligation to notify the victim (injured party) when an offender is arrested for distributing child pornography or CSAM in which the child is depicted. However, a similar general obligation for the prosecutor to inform the victim (injured party) or his/her legal rights protector, if an indictment is issued. This general obligation is put forward in Article 40 (3) of the Icelandic Code of Criminal Procedures, and only applies if the victim (injured party) or his/her legal rights protector has previously received information concerning the indictment.

Art. 40 (3). If an indictment is issued, the prosecutor shall inform the injured party, or the injured party's legal rights protector, of this when the indictment has been served unless he or she has previously received information concerning the indictment. Furthermore, the prosecutor shall be obliged to inform the injured party of the court's conclusion, if this is reached, or of how the case ended, if no measures were taken to defend his or her interests in court.

<https://www.government.is/lisalib/getfile.aspx?itemid=bc7cb7af-0572-11ea-9450-005056bc4d74>

**6. "Safety by Design" is defined as tools or processes that are built into an Online Platform to protect children by making it easier for the relevant Online Platform to detect or prevent the distribution of child pornography or CSAM.**

**a. Are Online Platforms legally required to incorporate "Safety by Design" into their systems?**

Yes. As noted in response to Question 2(d), the Icelandic Media Act imposes obligations on video-sharing platforms to adopt measures protecting children from harmful content, which constitutes a form of "Safety by Design".

**i. If so, must these steps be taken before the launch of an Online Platform?**

Icelandic legislation does not expressly address this issue.

**ii. If so, if an Online Platform has already been in public use, when must they have incorporated "Safety by Design" measures?**

Icelandic legislation does not provide a specific timeline. Article 36(d)(1) of the Media Act merely requires that platforms "shall" implement the relevant measures.

- iii. For each of 6(a)(i) or (ii) above, please describe the legal requirement or recommendation.

The general principle in Icelandic law is that service providers hosting third-party content are not liable for that content. Certain exemptions from this principle can be found in the Icelandic Act on Electronic Commerce No. 30/2002 and among those exemptions is Article 14 (1)(3) which establishes obligations specifically concerning child pornography.

Art. 14 (1)(3). A service provider who hosts information provided by the recipient of the service is not liable for the information provided that he promptly removes it or disables access to it on receiving knowledge of information containing child pornography.

<https://www.stjornarradid.is/media/atvinnuvegaraduneyti-media/media/Acrobat/Act-No-30-2002-on-Electronic-Commerce-and-other-Electronic-Services.pdf>

- b. Please include information about the parameters for monitoring, management, and enforcement of any legal or regulatory requirements for the Online Platform's incorporation of "Safety by Design"?

According to Article 7 (1) of the Icelandic Media Act, the Media Commission is responsible for supervising compliance and handling the day-to-day administration of the Act.

Art. 7 (1). The Minister is responsible for the implementation of this Act, but on his behalf an independent administrative committee, The Media Commission, handles supervision under the Act and the daily administration in the field covered by the Act.

[https://fjolmidlanefnd.is/wp-content/uploads/2020/05/Media-Act-38\\_2011.pdf](https://fjolmidlanefnd.is/wp-content/uploads/2020/05/Media-Act-38_2011.pdf)

Article 54 (1) of the same Act authorizes the Media Commission to impose administrative fines on media service providers and video-sharing platforms for violations of Articles 36(a) and 36(d)(1).

Art. 54 (1). The Media Commission shall impose administrative fines on [media service providers], [and, as applicable, video-sharing platforms], if the following provisions are violated:

[h]. Paragraphs 1–3 of Article 28 [and Article 36.a.] on the protection of children against harmful content.

[n]. Paragraph 1 of Article 36 (d) on the obligations of video-sharing platforms.

[https://fjolmidlanefnd.is/wp-content/uploads/2020/05/Media-Act-38\\_2011.pdf](https://fjolmidlanefnd.is/wp-content/uploads/2020/05/Media-Act-38_2011.pdf)

Article 56 (1) of the same act further provides that managers, employees, or board directors of a media service provider may be subject to fines or imprisonment of up to six months for serious violations of Articles 36(a) and 36(d)(1).



Art. 56 (1). The responsible manager, employees of a media service provider, or board director who commits, or permit the commission of, a violation of the following provisions of this Act shall be subject to fines or imprisonment of up to six months if the offence is serious.

[h]. Paragraphs 1–3 of Article 28 [and Article 36.a.] on the protection of children against harmful content.

[n]. Paragraph 1 of Article 36 (d) on the obligations of video-sharing platforms.

[https://fjolmidlanefnd.is/wp-content/uploads/2020/05/Media-Act-38\\_2011.pdf](https://fjolmidlanefnd.is/wp-content/uploads/2020/05/Media-Act-38_2011.pdf)