



# ICELAND

	2012	2013
<b>INTERNET FREEDOM STATUS</b>	<b>N/A</b>	<b>FREE</b>
<b>Obstacles to Access (0-25)</b>	n/a	1
<b>Limits on Content (0-35)</b>	n/a	1
<b>Violations of User Rights (0-40)</b>	n/a	4
<b>Total (0-100)</b>	<b>n/a</b>	<b>6</b>

**POPULATION:** 320,000  
**INTERNET PENETRATION 2012:** 96 percent  
**SOCIAL MEDIA/ICT APPS BLOCKED:** No  
**POLITICAL/SOCIAL CONTENT BLOCKED:** No  
**BLOGGERS/ICT USERS ARRESTED:** No  
**PRESS FREEDOM 2013 STATUS:** Free

\* 0=most free, 100=least free

**KEY DEVELOPMENTS: MAY 2012 – APRIL 2013**

- In 2013, the previous minister of the interior proposed a new law to ban online pornography, though the ban has not been implemented and is currently stalled (see **LIMITS ON CONTENT**).
- The internet continues to play a significant role in online mobilization: on October 20, 2012, a majority of the population participated in a crowdsourced, non-binding constitutional referendum (see **LIMITS ON CONTENT**).
- The Icelandic Modern Media Initiative from 2010, which aims to transform Iceland into a global free-speech safe haven, continued to make progress (see **VIOLATIONS OF USER RIGHTS**).
- The new media law from 2011 helped reduce the number of libel cases against journalists (see **VIOLATIONS OF USER RIGHTS**).

## INTRODUCTION

Iceland has one of the highest rates of internet and social media use in the world, according to the World Economic Forum.<sup>1</sup> In the wake of the country's financial collapse in 2008, when the three major banks went bankrupt, social media platforms like Facebook were integrated into the process of creating a new crowdsourced constitution.<sup>2</sup> Internet and digital media play a vital role in Icelandic society, and Iceland is an international leader when it comes to focusing on free speech and online media. In June 2010, the Icelandic parliament launched a new media initiative protecting free speech, aiming to make Iceland a safe haven for journalists and whistleblowers.<sup>3</sup> At the same time, a recent political proposal from the former minister of the interior, Ögmundur Jónasson, to ban online pornography has received immense international media attention. Since there has been a change in government after the parliamentary election in late April 2013, this bill will most likely remain stalled until later in 2013.<sup>4</sup>

## OBSTACLES TO ACCESS

Iceland is one of the most connected countries in the world, with the highest percentage of households with access to the internet in Europe.<sup>5</sup> Iceland has been connected to the internet since 1989 via the NORDUnet in Denmark. The following year, a leased line to NORDUnet in Sweden was established, and the link was gradually upgraded. The Nordic connection was supplemented in 1997, when ISnet established a direct connection to Teleglobe in Canada, which was upgraded when the line was moved to New York in 1999.<sup>6</sup> In 1998, broadband connections were put into operation, and already in 2006 just under 90 percent of Icelandic households had internet access. The percentage of households with high speed internet connections, such as ADSL or SDSL, has increased greatly in recent years.<sup>7</sup> In 2007, the Icelandic city of Seltjarnes became the first municipality in the world where every citizen has access to fiber-optic internet service.<sup>8</sup>

According to the official website Iceland Statistics, Iceland had an internet penetration rate of 96 percent in 2012, with only a minimal difference in usage between the capital region and the other regions of the country.<sup>9</sup> The price of accessing the internet via computers and mobile phones is very affordable: a basic internet subscription with 12 Mbps costs around ISK 3,700 per month

<sup>1</sup> World Economic Forum, "The Global Information Technology Report 2013," <http://bit.ly/10UMw8u>.

<sup>2</sup> Robert Robertson, "Voters in Iceland Back New Constitution, More Resource Control," *Reuters*, October 21, 2012, <http://www.reuters.com/article/2012/10/21/us-iceland-referendum-idUSBRE89K09C20121021>.

<sup>3</sup> International Modern Media Institute, <https://immi.is/>.

<sup>4</sup> Interview with employee at the Icelandic Media Commission, May 17, 2013.

<sup>5</sup> As of 2012, 95 percent of households in Iceland had internet access, followed by Norway and Luxembourg with 93 percent and Denmark with 92 percent. International Telecommunication Union, "Core indicators on access to and use of ICT by households and individuals," <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

<sup>6</sup> Cathy Newman, "Iceland Internet Diffusion," <http://www1.american.edu/carmel/cn9463a/iceland.htm>.

<sup>7</sup> Birgir Gudmondsson, "Media Landscapes – Iceland", European Journalism Centre, 2010, [http://ejc.net/media\\_landscapes/iceland](http://ejc.net/media_landscapes/iceland).

<sup>8</sup> Idega-website, "Seltjarnes," [http://www.idega.is/pages/vidskiptavinir/seltjarnarnes/?iw\\_language=en](http://www.idega.is/pages/vidskiptavinir/seltjarnarnes/?iw_language=en).

<sup>9</sup> Statistics Iceland, <http://www.statice.is>.

(approximately \$31), and a basic mobile phone connection with 500 Mb data costs around ISK 590 per month (approximately \$5),<sup>10</sup> while the average monthly salary is approximately ISK 560,000 (\$4,700).<sup>11</sup> Icelanders are frequent internet users, with 91 percent connecting to the internet daily or almost daily. A vast majority of the population (88 percent) is connected via broadband, and a growing number (21 percent) are connected via fiber-optics.<sup>12</sup> In addition, mobile phones are widely used to access the internet, and 44 percent of Icelanders have a mobile connection of 3G or faster. Only five percent has a mobile connection slower than 3G service.<sup>13</sup>

Iceland has multiple channels connecting the country to the international internet, including connections to the international backbone through three submarine cables: FARICE-1, DANICE, and Greenland Connect. The Reykjavik Internet Exchange point, which exchanges internet traffic among internet service providers (ISPs) located in Iceland, is operated independently of the government by the top-level domain registry ISNIC.

Síminn is the main internet and telecommunications operator in Iceland and runs fixed-line and mobile voice call services, as well as internet services and broadband television.<sup>14</sup> Síminn is based on a merger between Landssími Íslands, which was privatized in 2005, and the company Skipti ehf. Of the ISPs, Síminn holds the largest market share (50.7 percent), followed by Vodafone (32.1 percent), Tal (9.1 percent), Hringdu (3.4 percent) and other companies comprising the remaining 4.7 percent. Regarding market share in mobile broadband, Síminn is the leading provider with 37.7 percent of the market, followed by Nova (33.2 percent), Vodafone (25 percent), and Tal (3.8 percent).<sup>15</sup>

The main regulatory body governing information and communication technologies (ICTs) in Iceland is the Post and Telecom Affairs (PTA), which is an independent center under the direction of the Ministry of the Interior. The PTA supervises development, logistics, and fair competition in the field of telecommunications networks. Decisions of the PTA may be referred to the Rulings Committee for Electronic Communications and Postal Affairs. The minister of the interior appoints the three members of the Appellate Committee, following the nomination by the Supreme Court. The chairman and vice chairman must comply with the competence qualifications applying to Supreme Court judges. The members of the committee are appointed for a period of four years.<sup>16</sup> In addition to the PTA, the Ministry of the Interior is responsible for the legal matters relating to online content.

A new media law was established on September 1, 2011, and continued to stir debate in 2012 and 2013. While the intention of the law was to create greater press freedom through a comprehensive

<sup>10</sup> Síminn Iceland: <http://www.siminn.is/english/mobile/mobile-internet/>.

<sup>11</sup> Statistics Iceland, "Wages," <http://bit.ly/19JQxia>.

<sup>12</sup> Post and Telecom Administration, "Statistics on the Icelandic Electronic Communications Market for the First Half of 2012," <http://www.pfs.is/upload/files/T%C3%B6fr%C3%A6%C3%B0isk%C3%BDrsla%20PFS%20fyrrri%20hluti%202012.pdf>

<sup>13</sup> Statistics Iceland: <http://www.statice.is>

<sup>14</sup> The Post and Telecom Administration, "Statistics on the Icelandic Electronic Communications Market for the First Half of 2012," <http://www.pfs.is/upload/files/T%C3%B6fr%C3%A6%C3%B0isk%C3%BDrsla%20PFS%20fyrrri%20hluti%202012.pdf>.

<sup>15</sup> The Post and Telecom Administration, 2012: Tölfræðiskýrsla PFS um fjarskiptamarkaðinn\_f.hl. 2012.xls

<sup>16</sup> The Post and Telecom Administration, "Rulings Committee," [http://www.pfs.is/Default.aspx?cat\\_id=146](http://www.pfs.is/Default.aspx?cat_id=146).

framework governing broadcast, press, and online media, the creation of an oversight State Media Commission has been criticized. According to the law, the minister of education, science and culture appoints five persons to the Media Commission for terms of four years at a time. Two representatives are appointed in accordance with a nomination by the Supreme Court, one in accordance with a nomination by the standing Committee of Rectors of Icelandic Higher Education Institutions, and one in accordance with a nomination by the National Union of Icelandic Journalists. The fifth is appointed by the minister without an outside nomination.<sup>17</sup>

The Media Commission has no authority to deal with media concentration (a major concern of public debate in Iceland), but new legislation was put forth in 2013 that would give the Competition Authority oversight responsibility in consultation with the Media Commission. The bill was passed as an amendment to the new media law in March 2013. The amendment gives the Competition Authority other means and measures to deal with competition cases when media companies are concerned. Thus, the Competition Authority can look at issues such as plurality and whether there will be a decrease in newsrooms resulting from mergers and acquisitions, for example. According to the bill, the Media Commission shall in such cases give its opinion from a media authority's perspective. The commission has extensive powers to impose fines on media outlets, as well as requiring media outlets to register with a detailed "editorial strategy," meaning that all media companies must set their own rules for editorial independence in cooperation with the Association of Journalists or a similar entity. In 2012, all media companies had to set such rules as part of the process of self-regulation, and no decisions have yet been made regarding online media by the Icelandic Media Commission.<sup>18</sup>

## LIMITS ON CONTENT

Access to information and online communication is free from government interference. Iceland is not a member of the European Union; however, since the country is part of the European Economic Area, it has agreed to follow legislation regarding consumer protection and business law similar to the other member states, meaning that the legal status of file-sharing websites such as Pirate Bay is up for debate.<sup>19</sup> In April 2013, the Pirate Bay website relocated to Iceland, giving it a ".is" domain name.<sup>20</sup> According to Icelandic law, the registrant is responsible for ensuring that the use of the domain is within the limits of the law.<sup>21</sup> In April 2013, the Icelandic Supreme Court confirmed the Reykjavík District Court's ruling ordering Valitor (the Icelandic partner of Visa and MasterCard) to remove the unlawful block on donations to the website for the organization WikiLeaks.<sup>22</sup>

Similar to other Nordic countries, ISPs in Iceland filter websites containing child pornography. The

<sup>17</sup> Fjolmidlanefnd, "The Media Commission," <http://fjolmidlanefnd.is/english/>.

<sup>18</sup> Fjolmidlanefnd, "The Media Commission."

<sup>19</sup> OpenNet Initiative, "Nordic Countries," <https://opennet.net/research/regions/nordic-countries>.

<sup>20</sup> The URL [www.thepiratebay.is](http://www.thepiratebay.is) is automatically transferred to [www.thepiratebay.xs](http://www.thepiratebay.xs).

<sup>21</sup> News of Iceland, "The Pirate Bay Moves to Iceland," April 25, 2013, <http://bit.ly/ZuRY4c>.

<sup>22</sup> Ian Steadman, "Icelandic Court Declares WikiLeaks Donation Ban 'Unlawful,'" *Wired*, April 27, 2013: <http://bit.ly/12NeQvx>.

ISPs collaborate with the Icelandic Save the Children *Barnaheill* and participate in the International Association of Internet Hotlines (INHOPE) project.<sup>23</sup> In addition, pornography in general is illegal in Iceland, although the ban is not strongly enforced. During the past few years, political attempts have been made to eliminate the sex industry, including banning strip clubs and imposing fines and jail terms for customers taking advantage of prostitutes. In 2013, the previous minister of the interior, Ögmundur Jónasson, proposed two new bills to the parliament in order to uphold and reinvigorate an existing law banning pornography and gambling online that is rarely enforced and vaguely worded. The ban focuses on pornography that is defined as violent and degrading material, and a committee of experts was to explore how a ban on pornography could be enforced—for example, by making it illegal to pay for pornographic material with Icelandic credit cards, or by creating a national internet filter and a blacklist of websites that contain pornographic content.<sup>24</sup> Opponents led by Icelandic Member of Parliament and free speech activist Birgitta Jónsdóttir deemed that the ban would limit free speech online, a position that was supported by academics and free speech advocates from outside Iceland in an open letter to the Icelandic minister of the interior.<sup>25</sup> The plan for banning pornographic content online has most likely lost its momentum since the change in government during the parliamentary election on April 27, 2013.

Social media platforms such as YouTube, Facebook, Twitter, and international blog hosting services are freely available and are used by a large part of the population. Iceland ranks in the top of countries with a high percentage of Facebook usage, and 72.6 percent of the population has an account.<sup>26</sup> A poll among politicians running in the May 2010 municipal elections showed that many considered Facebook to be the second most important medium during the election for reaching the general public in their municipalities, second only to local newspapers.<sup>27</sup>

ISPs and content hosts are not held responsible for the content that they host or transmit. Claims regarding intellectual property rights are handled by the Icelandic Patent Office, which is substantially dependent on international cooperation, and Iceland is party to a number of international agreements in this field. Moreover, Iceland, as a member of the World Trade Organization (WTO), has adapted Icelandic legislation to the provisions of TRIPS (Trade-Related Aspects of Intellectual Property Rights). Furthermore, the Agreement on the European Economic Area has led to several legislative amendments in Iceland in accordance with the directives and regulations of the European Union.

Icelandic law number 30/2002 establishes a system of takedown notices for IP addresses or other online content that violates the law, in accordance with the Directive 2000/31/EC of the European Parliament. During the last session of parliament, a bill was presented to ban online gambling by prohibiting Icelandic credit card companies from processing payments to gambling websites;

<sup>23</sup> INHOPE website, <http://www.inhope.org>.

<sup>24</sup> “Banning the Sex Industry - Naked Ambition,” *The Economist*, April 20, 2013, <http://econ.st/12q1wwM>.

<sup>25</sup> IceNews, “Iceland’s Porn Ban Effort Draw Fire from Abroad,” March 17, 2013, <http://www.icenews.is/2013/03/07/icelands-porn-ban-effort-draws-fire-from-abroad/>.

<sup>26</sup> Socialbakers, Facebook Statistics by Country, <http://www.socialbakers.com/facebook-statistics/>.

<sup>27</sup> Birgir Gudmondsson, “Media Landscapes – Iceland”, European Journalism Centre, 2010, [http://ejc.net/media\\_landscapes/iceland](http://ejc.net/media_landscapes/iceland).

however, the bill was not passed.<sup>28</sup> The Ministry of the Interior is responsible for handling matters related to online content, and the appeals process for disputing the removal of content is linked to the independent courts in Iceland.

Self-censorship is not a widespread problem in Icelandic online media, and there are very few instances of government or partisan manipulation of online content. However, during the Wikileaks controversy in 2010, a number of banks and credit card companies, including the Icelandic credit card company Valitor, blocked donations to the Wikileaks website. In April 2013, the Icelandic Supreme Court confirmed the Reykjavík District Court's ruling ordering Valitor (the Icelandic partner of Visa and MasterCard) to remove the unlawful block on donations to the website.<sup>29</sup>

Iceland has a vibrant digital sphere and almost all traditional media, such as print, radio, and television, offer versions of their content online. The websites of some newspapers, like the daily *Morgunblaðid*, are among the most popular Icelandic-language sites.<sup>30</sup> Internet banking is widely used, and a large majority of Icelanders (90 percent) are online bank users. E-governance is successful in Iceland, and Iceland Statistics states that in 2012 approximately 75 percent of the population obtained information from public authorities' websites.<sup>31</sup> In recent years, public institutions have started a migration process from proprietary software to free and open software.<sup>32</sup> The government promotes the use of digital signatures and electronic filing, and the use of digital signatures is supported through legislation such as the Public Administration Act. Digital signatures are in the process of being integrated further into the public administration.<sup>33</sup>

The popularity of social media sites like Facebook was used to engage the population during the process of redrafting the Icelandic constitution over the past few years. The original and existing constitution is an almost exact copy of the Danish constitutional text, which was adopted when Iceland gained independence from Denmark in 1944. In the wake of the Icelandic financial crisis in 2008, the population demanded an extensive review of the country's constitution.<sup>34</sup> A 25-member council consisting of ordinary residents helped draft a new constitution and worked through sixteen versions in four months based on 16,000 comments from Icelandic citizens using social media platforms such as Facebook, Twitter, and YouTube.<sup>35</sup> A majority of the population voted for the draft constitution in a national referendum on October 20, 2012.<sup>36</sup> The draft constitution is not

<sup>28</sup> Information from the Icelandic Patent Office, [www.els.is](http://www.els.is).

<sup>29</sup> Ian Steadman, "Icelandic Court Declares WikiLeaks Donation Ban 'Unlawful,'" *Wired*, April 27, 2013, <http://www.wired.co.uk/news/archive/2013-04/26/wikileaks-wins-visa-case>.

<sup>30</sup> Birgir Gudmondsson, "Media Landscapes – Iceland", European Journalism Centre, 2010, [http://ejc.net/media\\_landscapes/iceland](http://ejc.net/media_landscapes/iceland).

<sup>31</sup> Iceland Statistics, <http://www.statice.is/>.

<sup>32</sup> ePractice EU, "Public administration in Iceland is moving to open source," April 5, 2012, <http://www.epractice.eu/en/news/5351796>.

<sup>33</sup> IDABC – European eGovernment Services, "Study on Mutual Recognition of eSignatures," July 2009, <http://ec.europa.eu/idabc/servlets/Docae09.pdf?id=32328>.

<sup>34</sup> Robert Robertson, "Voters in Iceland Back New Constitution, More Resource Control," *Reuters*, October 21, 2012, <http://www.reuters.com/article/2012/10/21/us-iceland-referendum-idUSBRE89K09C20121021>.

<sup>35</sup> "A Proposal for a New Constitution for the Republic of Iceland", Drafted by *Stjórnlagaráð*, a Constitutional Council, appointed by an *Althingi* resolution, March 24, 2011, [http://stjornlagarad.is/other\\_files/stjornlagarad/Frumvarp-enska.pdf](http://stjornlagarad.is/other_files/stjornlagarad/Frumvarp-enska.pdf)

<sup>36</sup> Julia Mahncke, "Iceland's Grassroots Constitution on Thin Ice," *Deutsche Welle*, March 13, 2013, <http://bit.ly/XmC9Hj>.

likely to become an actual constitution, since the results of the referendum were non-binding and the previous parliament put the draft constitution on hold until after the election in 2013. The political parties forming the newly elected government, together with many interest groups and independent academics, were opposed to many of the proposed changes in the draft document.<sup>37</sup>

Social and online media were widely used in the recent parliamentary elections, and a historically large number of parties ran for parliament. In particular, small parties with limited resources see digital media as an inexpensive way to inform voters about their political agenda. The newly elected Icelandic Pirate Party, led by Birgitta Jónsdóttir, exclusively used online media to disseminate their platform supporting media freedom with a focus on the internet.<sup>38</sup>

## VIOLATIONS OF USER RIGHTS

Iceland has a strong tradition of protecting freedom of expression that extends to the use of the internet. Freedom of expression is protected under Article 73 of the Icelandic constitution.<sup>39</sup> In June 2010, in the wake of the financial crisis and inspired by the whistleblower website WikiLeaks, the Icelandic parliament approved a resolution on the Icelandic Modern Media Initiative, aiming to create a global safe haven with legal protection for the press, bloggers, and whistleblowers.<sup>40</sup> The reform process of the ambitious Icelandic Modern Media Initiative is still in progress, although source protection has been implemented into law.<sup>41</sup> The minister of education, science and culture has appointed a committee of experts with the task of reporting on online and offline challenges and proposing changes regarding freedom of expression and information. The task of this committee is to come up with a whistleblower protection law, review the articles on defamation in the penal code, and look into source protection and communications protection. This committee was appointed in 2012 and its mandate will be renewed for another year.<sup>42</sup>

The Icelandic media law, which came into effect in September 2011, established several legal protections for journalists that extend to the online sphere, including editorial independence from media service providers' owners and the protection of anonymous sources.<sup>43</sup>

There has been great concern about libel laws in recent years, in regard to both online and offline media. Journalists consider the court's practice to be too rigid, leading to lawsuits that aim to silence critical press. In 2012, two libel cases went to the European Court of Human Rights, which ordered the Icelandic state to pay considerable damages to the journalists Erla Hlynsdóttir<sup>44</sup> and

<sup>37</sup> Interview with employee at the Icelandic Media Commission, May 17, 2013.

<sup>38</sup> Ibid.

<sup>39</sup> Constitution of the Republic of Iceland, <http://www.government.is/constitution/>.

<sup>40</sup> IFEX, "Authorities Create a Safe Haven for Press", June 23, 2010: [http://www.ifex.org/iceland/2010/06/23/safe\\_haven/](http://www.ifex.org/iceland/2010/06/23/safe_haven/)

<sup>41</sup> International Modern Media Institute, <https://immi.is>.

<sup>42</sup> Interview with employee at the Icelandic Media Commission, May 17, 2013.

<sup>43</sup> Article 24 and Article 25, The Icelandic Media Law, April 20, 2011, <http://bit.ly/15C05KS>.

<sup>44</sup> European Court of Human Rights, "Case of Erla Hlynsdóttir vs. Iceland," October 10, 2012, <http://bit.ly/MfiatW>.

Björk Eiðsdóttir of the print and online daily newspaper *DV*.<sup>45</sup> The two journalists had been found guilty of defamation by an Icelandic court under the old media law because they had quoted sources who made what could be considered as defamatory statements. That same year, a blogger at *DV*, Teitur Atlason, suggested that prominent businessman and former Member of Parliament Gunnlaugur Sigmundsson had been involved in corruption. Sigmundsson sued the blogger for libel, although Atlason was acquitted, as the allegations were not new and had been published previously in Icelandic media.<sup>46</sup> In 2011, *DV*.is journalist Jón Bjarki Magnússon was convicted of defamation for quoting from open court documents from 1989 in an article on a family with a history of violence. The court found the documents too old to be relevant for the public.<sup>47</sup>

As a direct result of the aforementioned cases and the subsequent public debate within Iceland, the new media law attempts to solve some of these problems. According to Article 51, journalists can no longer be held responsible for potentially libelous quotes from sources.<sup>48</sup> Article 51 specifies that journalists can only be held responsible for their own content and not for content quoted from other sources. This article does nothing to change the libel laws in Iceland, but only who can be held responsible for potentially libelous quotes.

The government does not place any restrictions on anonymous communication. No registration is required when purchasing a SIM card in Iceland.

Currently, the Electronic Communications Act of 2003 implements data retention requirements mandated by Iceland's inclusion in the European Economic Area.<sup>49</sup> The law applies to telecommunication providers, and its current implementation mandates the retention of records of all connection data for six months. It also states that companies may only deliver information on telecommunications in criminal cases or on matters of public safety, and that such information may not be given to anyone other than the police or the public prosecution.<sup>50</sup>

There have been no physical attacks against bloggers or online journalists in Iceland, and there were no significant incidences of cyberattacks in Iceland during 2012–2013.

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<sup>45</sup> The ECHR found that quoting a source making possibly defamatory comments could not in itself be seen as defamatory and that the right journalistic ethical practices were in place. European Court of Human Rights, "Case of Björk Eidsdóttir vs. Iceland," October 10, 2012, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-112091>

<sup>46</sup> Sigrun Davidsdóttir, "Elections in Iceland: Looking for the Past in the Present," April 17, 2013, <http://bit.ly/15GjM82>.

<sup>47</sup> Anna Andersen, "An Icelandic Modern Media Inferno," *The Reykjavik Grapevine*, November, 7, 2011, <http://bit.ly/vDZmgA>.

<sup>48</sup> The Icelandic Media Law, April 20, 2011, <http://bit.ly/15C05KS>.

<sup>49</sup> Electronic Communications Act, March 26, 2003, <http://bit.ly/MfiatW>.

<sup>50</sup> Icelandic Media Initiative, <https://immi.is/index.php/projects/immi>.