EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

SECOND SECTION

DECISION

Applications nos. 31606/19 and 11840/20
N.W.
against Iceland

The European Court of Human Rights (Second Section), sitting on 17 February 2026 as a Committee composed of:

Jovan Ilievski*, President*,
Péter Paczolay,
Juha Lavapuro*, judges*,
and Dorothee von Arnim, *Deputy Section Registrar*,

Having regard to:

the two applications (nos. 31606/19 and 11840/20) against the Republic of Iceland lodged with the Court on 5 June 2019 and 17 February 2020 respectively, under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention"), by an Australian national, N.W. ("the applicant"), represented by Ms Sigrún Ingibjörg Gísladóttir, a lawyer practising in Reykjavík;

the decision not to have the applicant's name disclosed;

the decision to give notice of the complaints under Articles 3, 8 and 14 of the Convention concerning the alleged domestic violence and gender-based discrimination to the Icelandic Government ("the Government") represented by their Co-Agents, Ms Fanney Rós Þorsteinsdóttir and Ms Guðrún Sesselja Arnardóttir, and to declare inadmissible the remainder of the applications;

the observations submitted by the parties;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the applicant's trial and conviction for serious assault against her then husband, and an investigation into her allegations of domestic violence against him.

2. The first application concerns the applicant's criminal trial. On 1 November 2017 the police were called to the applicant's apartment where

they found her then husband, A, with part of his tongue bitten off and another woman, B, with facial and hand injuries. The applicant was charged with, and convicted by the District Court of, serious assault against A and minor assault against B. She was assisted throughout the proceedings by an English interpreter and was represented by defence counsel. On 7 December 2018 the Court of Appeal upheld her conviction, specifically noting that the offence had been committed in a situation of scuffle or conflict between the applicant and A and B. In both instances, the applicant pleaded self-defence, asserting that A had subjected her to violence during their relationship and that, on the night in question, he and B had attacked her. Having heard the testimony from A, B and a witness, C, who had been present at the apartment earlier that evening, the courts held that the conditions for self-defence were not satisfied. They found that the applicant's act of biting off part of A's tongue could not be regarded as necessary to repel an unlawful attack, noting in particular that A had merely been holding her upper arms and kissing her when the incident occurred. The courts further observed that the applicant had not mentioned any attack by A or B during her initial police questioning and had raised the claim of self-defence only at a later stage of the investigation. They also found implausible her assertion that she had been unaware of A's tongue being in her mouth when she closed it, given the medical evidence indicating that substantial force would have been required to bite through a tongue. On 4 February 2019 the Supreme Court refused her leave to appeal.

3. The second application concerns charges which the applicant lodged on 30 November 2017 against A, alleging domestic violence during their relationship. Her initial complaint described multiple incidents but in November 2018 she withdrew some of her allegations, allegedly in order to expedite the investigation, and focused on four incidents: two assaults, in London in October 2016 and in Iceland in May 2017; an incident in September 2017 in which A allegedly drugged her by putting the narcotic LSD in her tea; and the events of 1 November 2017.

4. The applicant was appointed a legal representative to assist her in the proceedings. The police obtained an injury certificate for the applicant in connection with the events of November 2017 and gathered communications on social media between the applicant, A and the applicant's mother. The police interviewed A on 1 February and 25 November 2018. He denied the allegations, indicating the applicant was filing the complaint to obtain revenge in connection with the criminal case brought against her. Between November 2018 and January 2019 the police questioned additional witnesses.

5. On 23 April 2019 the Reykjavík Metropolitan Police decided to discontinue the investigation, finding that a conviction was not likely; that assessment was upheld by the State Prosecutor on 19 August 2019. As regards the London incident, the prosecutor found that no witnesses had been identified, that A had denied the allegations, and that the conduct to which A had admitted would not fall within Icelandic criminal law jurisdiction. As

regards the second incident in Iceland, the prosecutor noted that no witnesses or other evidence supported the applicant's account. Concerning a social media message in which A had written "I hit you this is a bit rubbish", the prosecutor considered the statement to be ambiguous, as it was unclear whether A was acknowledging wrongdoing or disputing the allegation. As regards the alleged drugging, A had stated that he had put LSD in tea intended for himself and had warned the applicant before she drank it. Although a message existed in which A had apologised to the applicant's mother concerning the incident, the prosecutor found that A had not confessed to poisoning the applicant and that it could not be proven that he had intended to intoxicate her. As regards the November 2017 incident, the prosecutor noted that the testimony of A and B indicated that there had been a conflict in which they were defending themselves against the applicant's attacks.

6. The applicant complains, under Articles 3 and 8 of the Convention, that the authorities failed to consider adequately her allegations of domestic violence during the investigation of both cases, that this wider context was not sufficiently taken into account when assessing her plea of self-defence, that certain evidence was disregarded, and that the authorities gave inadequate reasoning for their decision not to prosecute. She further complains, under Article 14 of the Convention read in conjunction with the above provisions, that she was subjected to discrimination in the handling of her case on the grounds of her sex and foreign nationality.

THE COURT'S ASSESSMENT

7. The Court will consider both applications jointly in a single decision.

8. The applicant submitted that her case ought to have been examined holistically, with the history of her relationship with A being taken into account when assessing her plea of self-defence in the criminal proceedings against her. She further argued that the investigation into her allegations against A was ineffective, pointing in particular to the fact that A was not questioned until approximately two months after her complaint was lodged and that witnesses were not interviewed until nearly a year later. She contended that important evidence had been disregarded, including an injury certificate obtained following the November 2017 incident and social media communications between herself, A and her mother, the latter of which she argued contained admissions of wrongdoing by A. She further maintained that the police had treated her as a perpetrator rather than a victim, noting that no photographs were taken of her injuries at the scene and that she had withdrawn several of her allegations in an attempt to expedite proceedings. She also alleged discrimination on grounds of both her sex and her foreign nationality.

9. The Government maintained that the applicant's conviction was based on a thorough assessment of the evidence, including the testimony of

everyone present during the incident, and that her plea of self-defence had been properly examined and rejected by the courts on the ground that her conduct could not be regarded as necessary to repel an unlawful attack. As regards the investigation into her allegations against A, the Government submitted that A had been questioned, that relevant documentation including social media communications had been gathered, and that the decision to discontinue was based on the evidentiary position of the case. They noted that the complaint concerned events which had occurred some time previously and therefore did not require immediate action to secure evidence. The Government further observed that the social media messages relied upon by the applicant were ambiguous and did not constitute admissions of the alleged conduct. They rejected the allegation of discrimination, noting that the applicant had been provided with an English interpreter throughout the proceedings and had been appointed a legal representative.

10. The general principles regarding the positive obligation on the State under Articles 3 and 8 of the Convention to protect victims of violence inflicted by private parties have been set out, *inter alia*, in *B.A. v. Iceland* (no. 17006/20, §§ 52-57, 26 August 2025) and *M.A. v. Iceland* (no. 59813/19, §§ 56-61, 26 August 2025). The Court notes at the outset that, in *B.A. v. Iceland*, when determining whether the State complied with its positive obligation under these provisions, it examined in detail the Icelandic legal framework for addressing domestic violence and the procedural obligations incumbent upon the authorities in investigating such allegations. The Court found that the legislative framework in place during the relevant period provided adequate mechanisms for protection against domestic and sexual violence through criminal law (ibid., §§ 59-65).

11. As regards the applicant's criminal conviction, the Court reiterates that it is not its role to substitute its own assessment for that of the domestic courts in evaluating evidence or determining criminal responsibility (ibid., § 57). The domestic courts examined the applicant's plea of self-defence and rejected it on the basis of the evidence before them, providing detailed reasoning for their conclusions. The courts also applied a criminal-law provision regarding offences committed in a scuffle or conflict. The Court finds no indication that the domestic courts failed to consider available evidence or that their reasoning was arbitrary or manifestly unreasonable.

12. As regards the investigation into the applicant's allegations of domestic violence, the Court notes that the police questioned both parties and obtained relevant evidence, including witness statements and social media communications. The State Prosecutor examined each allegation and provided detailed reasoning for the decision to discontinue the investigation. While certain delays occurred in the questioning of the accused, the Court observes that the applicant's complaint concerned events that had taken place some time before it was lodged and did not require immediate action to secure evidence. The Court has held that the procedural obligation to investigate is

one of means and not of results (see *B.A. v. Iceland*, cited above, § 57). In the present case, the authorities conducted an investigation, gathered available evidence and provided reasoned decisions. The fact that the applicant disagrees with the assessment of the evidence does not, in itself, disclose a failure to comply with the procedural obligations under Articles 3 and 8 of the Convention.

13. As regards the applicant's complaint under Article 14 of the Convention, read in conjunction with Articles 3 and 8 of the Convention, the general principles regarding discrimination in the context of domestic violence have been summarised, *inter alia*, in *B.A. v. Iceland* (cited above, §§ 84-86) and *M.A. v. Iceland* (cited above, §§ 86-88). The Court notes that the applicant has not adduced evidence capable of establishing a prima facie case of discriminatory treatment. It has previously found that there was no indication of structural bias or disproportionate effect in the handling of domestic violence cases lodged by women victims in Iceland at the relevant time (*B.A. v. Iceland*, cited above, §§ 87-101). As regards the applicant's foreign nationality, there is no indication in the case file that this adversely affected the handling of either set of proceedings as she was provided with an interpreter.

14. In light of the foregoing, and having regard to the Court's findings in *B.A. v. Iceland* (cited above), the Court finds that the applicant's complaints are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 19 March 2026.

Dorothee von Arnim Deputy Registrar	Jovan Ilievski President