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**Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21**

**Iceland\***

The present report is a summary of 12 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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\* The present document was not edited before being sent to United Nations translation services.



## Information provided by stakeholders

### A. Background and framework

#### 1. Scope of international obligations<sup>2</sup>

1. With reference to first cycle commitments,<sup>3</sup> Joint Submission 1/Icelandic Human Rights Centre (JS1/ICEHR) indicated that Iceland had yet to ratify OP-CAT, CRPD and OP-CRPD, ICCPED. ICRMW and OP-ICESCR had neither been signed nor ratified. JS1/ICEHR encouraged the signature and/or ratification of those international human rights instruments.<sup>4</sup>

2. The Council of Europe-Commissioner for Human Rights (CoE-Commissioner) reported that Iceland should ratify the CRPD and align its legislation and practice with international standards and the case law of the European Court of Human Rights.<sup>5</sup> Throskahjalp National reported that it was working vigorously to have Iceland ratify the CRPD and its Optional Protocol as soon as possible.<sup>6</sup>

3. JS1/ICEHR reported that steps towards ratification of OP-CAT had been taken in the Ministry of Interior with the aim of assigning the supervisory role prescribed by OP-CAT to the Parliamentary Ombudsman. JS1/ICEHR urged the ratification of OP-CAT as soon as possible.<sup>7</sup>

4. Referring to Iceland's voluntary commitment to consider the ratification of OP-ICESCR after having completed a study of its legal implications,<sup>8</sup> JS1/ICEHR reported that no steps had yet been taken towards its ratification and urged the Government to sign and ratify OP-ICESCR as soon as possible.<sup>9</sup>

5. Referring to the pursuit and achievement of Sustainable Development Goal 16.1, Centre for Global Nonkilling (CGNK) encouraged Iceland to ratify the ICCPED.<sup>10</sup>

6. Council of Europe reported that Iceland had signed but not yet ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.<sup>11</sup>

#### 2. Constitutional and legislative framework

7. Noting Iceland's support of a first cycle recommendation,<sup>12</sup> JS1/ICEHR encouraged the safeguarding of all human rights provisions in the continuing work on revising the Constitution. JS1/ICEHR reported on the present Government's establishment of a Constitutional Committee in 2013 consisting of members from all parties to consider all previous constitutional reform. The Committee recently presented three proposals for constitutional amendments: on natural resources, on referendum initiated by voters, and on protection of nature and the environment.<sup>13</sup> CGNK urged the taking of necessary measures to implement the new constitution and to improve direct democratic participation rights through referenda.<sup>14</sup>

8. JS1/ICEHR urged the inclusion of a specific definition of torture in the Penal Code.<sup>15</sup>

#### 3. Institutional and human rights infrastructure and policy measures

9. CoE-Commissioner, during his June 2016 visit to Iceland, referred to the institutional framework for the protection of human rights currently ensured through the work of several structures, including the Parliamentary Ombudsman, the Office of the

Ombudsman for Children, the Centre for Gender Equality and the Data Protection Authority. Iceland did not have an institution that had accreditation as a national human rights institution under the Paris Principles. Establishing such an institution with a broad mandate to promote human rights, including through carrying out research and awareness-raising, would enhance the country's system for human rights protection. The Commissioner welcomed that a draft law on establishing a national human rights institution had been prepared by the Ministry of the Interior. He encouraged the authorities, in cooperation with civil society organisations, to set as a short-term priority the establishment of an internationally accredited national human rights institution as a focal point for promoting human rights in the country.<sup>16</sup>

10. JS1/ICEHR encouraged the establishment of a national human rights institution as soon as possible and to make use of the expertise, experience and network of ICEHR for that purpose.<sup>17</sup>

11. While noting the practice in Iceland to adopt sector-specific action plans, the CoE-Commissioner considered that in the interest of coherence and sustainability of the policies concerned, there was a need for a comprehensive national human rights action plan that would serve as an umbrella framework and provide a collaborative space for all human rights actors. The Commissioner was informed about a report identifying the main human rights problems in the country to be submitted to parliament later in the year. That could serve as a good basis to re-launch discussions on a comprehensive national action plan that enjoyed broad public support and parliamentary endorsement.<sup>18</sup>

## **B. Cooperation with human rights mechanisms**

12. According to National Association for Equal Parenting (EPA-Foreldrajafrétti) the Government's universal periodic review consultation process with non-governmental organizations had been inadequate.<sup>19</sup>

## **C. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **1. Equality and non-discrimination**

13. Council of Europe referred to a European Commission against Racism and Intolerance (CoE-ECRI) report published in 2015 on the implementation of three of its recommendations which were the subject of an interim follow-up procedure. CoE-ECRI had strongly encouraged the authorities to complete the work on an antidiscrimination bill. Although draft legislation was being prepared, the bills had not yet been completed and therefore that recommendation was not yet implemented.<sup>20</sup> JS1/ICEHR reported that work was underway at the Ministry of Welfare on law proposals on discrimination covering all spheres of society regarding race, the labour market and other discrimination grounds.<sup>21</sup>

14. Island Panorama Centre (ISPAN) recommended that the authorities complete the work on an anti-discrimination bill so that the law could be adopted as soon as possible. They should also establish a specialised body to combat racism and discrimination on grounds of "race", colour, language, religion, nationality or national or ethnic origin which could form part of a body with wider objectives in the field of human rights generally.<sup>22</sup> In 2016, the CoE-Commissioner expressed the view that it would be important to address previous recommendations on legislative and institutional reforms made by the Commissioner's predecessor in 2012 especially in relation to adopting comprehensive equal treatment legislation and creating adequate institutional mechanisms to promote its implementation in all spheres of life. The CoE-Commissioner was of the opinion that the

above-mentioned human rights and anti-discrimination policies could be dealt with in a comprehensive and systematic manner through the preparation and implementation of a national human rights action plan.<sup>23</sup>

15. JS1/ICEHR noted that the adjusted gender pay gap in 2008–2013 was 7.6% and encouraged continued work to eradicate the gender pay gap.<sup>24</sup>

16. JS1/ICEHR reported that the Government had done an excellent job in developing the Equal Pay Standard, in cooperation with the Icelandic Confederation of Labour and Federation of Icelandic Industries, which could confirm that women and men working for the same company were paid equal wages and enjoyed equal terms of employment for the same jobs or jobs of equal value. JS1/ICEHR encouraged continued work to fully implement the Equal Pay Standard and to introduce the standard to the international community.<sup>25</sup>

17. JS1/ICEHR noted that, in 2014, 296 companies had 50 or more employees, while 26,505 companies had less than 50 employees. According to article 18 of the Gender Equality Act, companies and institutions with 25 employees or more were required to adopt gender equality plans or mainstream gender equality into their personnel policy. JS1/ICEHR encouraged the Government to amend the legislation on gender quotas in the boards of corporations, so that it applied to companies with 25 employees or more.<sup>26</sup>

18. JS1/ICEHR reported that women were underrepresented in the police force, Foreign Service and judiciary. In January 2016, 29 men served as ambassadors abroad and 13 women, a gender ratio of 69/31. Out of 9 justices, only 1 woman served as justice on the Supreme Court in January 2016. Out of 682 police officers, 87 were women. JS1/ICEHR referred to reports that 31% of women police officers had been sexually harassed while working by colleagues, superior officers and persons outside the police force.<sup>27</sup> The Government was encouraged to ensure equal participation of women and to better their status where necessary.<sup>28</sup>

19. JS1/ICEHR reported that the previous gender equality action plan was valid until the end of 2014, and that a new action plan had not been implemented as stipulated by the Gender Equality Act. The Government was encouraged to implement a new action plan as soon as possible.<sup>29</sup>

20. JS1/IHREC noted that few comprehensive measures had been undertaken to eliminate stereotypical attitudes about the roles and responsibilities of women and men. Echoing a first cycle recommendation to Iceland,<sup>30</sup> JS1/ICEHR encouraged the Government to take proactive and sustained measures to eliminate such stereotypical attitudes, through awareness raising and educational campaigns directed at women, men and the media.<sup>31</sup>

21. Office for Security and Cooperation in Europe-Office for Democratic Institutions and Human Rights (OSCE-ODIHR) stated that the authorities reported a total of eight hate crimes recorded by the police, consisting of threats and an unspecified number of defamation and other hate speech cases. However, no information from civil society organizations and groups and intergovernmental organizations was available on Iceland for ODIHR 2014 hate crime reporting cycle. ODIHR observed that the Icelandic law enforcement agencies had not recorded the bias motivations of hate crimes. The authorities should put in place a system which would enable them to record hate crimes by target group.<sup>32</sup>

22. Council of Europe indicated that one of three CoE-ECRI recommendations subjected to an interim follow-up reporting procedure in 2015 was a repeat of a suggestion previously made. Namely, that the authorities introduce a criminal law provision that expressly considered the racist motivation of an offence as a specific aggravating factor. Although the issue was being referred to the Government's Standing Committee on

Criminal Matters, no change in the law had been forthcoming, and CoE-ECRI concluded that the recommendation remained unimplemented. A further recommendation strongly urged the authorities to grant permission to build mosques and allocate land to them for that purpose. The interim follow-up report noted that the recommendation had been implemented: land and permission to build has been granted to the Muslim Association of Iceland. However, this was not without controversy: there was opposition from politicians and citizens, and the authorities were insisting that the future mosque be shared with the other Muslim group in Iceland.<sup>33</sup>

23. Joint Submission 2 (JS2) reported that there was no official national policy or action plan against hate crimes and hate speech. On a positive note, the Reykjavik Metropolitan Police had recently appointed one of their officers as a specialist in hate crimes and hate speech. The aim was to make the Reykjavik Metropolitan Police more capable of dealing with such crimes, make statistics on hate crime and hate speech more accurate and build partnerships with relevant NGOs and societal groups.<sup>34</sup>

24. ISPAN stated that the authorities should, inter alia, take steps to monitor the Internet and prevent it from being used to disseminate racist or xenophobic comments and material. Media professionals should be invited to adopt provisions in their codes of self-regulation concerning the manner of reporting on the citizenship or ethnicity of suspects in criminal cases so as to avoid breeding a climate of hostility towards members of vulnerable groups.<sup>35</sup> ISPAN recommended, inter alia, that the Icelandic authorities strengthen their efforts to provide law enforcement officials with good quality training in human rights and non-discrimination and sensitivity to cultural diversity in dealing with people of different backgrounds.<sup>36</sup>

25. JS2 reported that in May 2015, the ombudsperson for children issued a statement condemning non-medically necessary interventions on a child's sex characteristics without informed consent.<sup>37</sup>

26. JS2 reported that while the law on hate crime and hate speech did mention sexual orientation and gender identity, it did not refer to sex characteristics, which would protect intersex people.<sup>38</sup> On the rights of trans persons, JS2 reported that legal gender recognition was bound to diagnosis of gender identity disorder. People who wanted to undergo a transition required such a diagnosis. JS2 stated that the transition process was not open to gender non-conforming trans people, non-binary trans people and anyone else who fell outside the binary spectrum of women and men. The current legislation on health care for trans people did not cover trans youth and the health care services they required.<sup>39</sup>

## **2. Right to life, liberty and security of the person**

27. CGNK encouraged Iceland to systematically report, in its UPR reports on the progress made regarding the right to life and advancement of peace.<sup>40</sup>

28. As the Council of Europe noted, the Icelandic authorities acknowledged many of the issues raised by the Committee for the Prevention of Torture (CoE-CPT) and referred to various measures to address them e.g. the construction of a new prison in Reykjavik, guaranteeing the provision of daily outdoor exercise for all prisoners and psychiatric patients, and the review of mental health legislation.<sup>41</sup> JS1/ICEHR reported that only three prisons currently met the standard minimum rules. JS1/ICEHR recommended that the Government ensure that the use of all substandard prison facilities be discontinued as soon as the new prison was finished.<sup>42</sup>

29. JS1/ICEHR welcomed the efforts of the Commissioner of the Reykjavik Metropolitan Police to train officers in dealing with domestic violence in recent months and recognized the benefits of the new intersectional approach to domestic violence launched in 2015, an approach which relied on cooperation between the police, social services, child

services and health services. The Reykjavík Metropolitan Police also instituted changes in its organization in 2015, whereby more emphasis was placed on human trafficking and sexual violence. The last valid government action plan against domestic and sexual violence expired at the end of 2011, and no new action plan had been proposed. JS1/ICEHR encouraged the Government to ensure that the recent changes in the approach of the Reykjavík Metropolitan Police and the Suðurnes Police to sexual violence and domestic violence complaints and cases be implemented in all police districts in the country.<sup>43</sup>

30. JS1/ICEHR noted that, due to budget cuts in the health care system, the services of the Rape Crisis Centre at the National Hospital had been decreased. JS1/ICEHR encouraged the Government to strengthen services offered to women victims of sexual and domestic violence and to adopt and implement an action plan on domestic and sexual violence, sensitive to the needs of immigrant women and women with disabilities.<sup>44</sup>

31. JS1/ICEHR reported that the number of immigrant women seeking help from the Women's Shelter in Reykjavík had been rising. In 2014 they made up 32% of residents. That disparity could partly be traced to the fact that immigrant women did not have the same family safety net as native Icelandic women. JS1/ICEHR encouraged the Government to instigate research into violence faced by immigrant women in Iceland.<sup>45</sup>

32. Icelandic National Committee for UNICEF (UNICEF-Iceland) noted that its 2011 Status of Children report identified the biggest threats to children in Iceland as different forms of violence (sexual violence, domestic violence, neglect and bullying). UNICEF-Iceland indicated that a recent follow-up report included both evidence-based recommendations and new data on violence against children in Iceland.<sup>46</sup> Recommendations included: more support for relatives, the strengthening of the Children's House and increased prevention through the educational system. UNICEF-Iceland also noted that a 2013 Prime Minister's Task Force on combating the sexual abuse of children had called for a centralized body to oversee prevention against all forms of violence against children.<sup>47</sup>

33. JS1/ICEHR expressed concern that not enough resources had been allotted to child welfare and protection services. Caseloads were too large and the new approach to cases of domestic violence had brought the situation of child victims of domestic violence into focus.<sup>48</sup> JS1/ICEHR recommended the restart of the 2012-2014 project so as to continue the training of professionals working with children on dealing with children in crisis.<sup>49</sup>

34. JS1/ICEHR stated that the Government implemented an ambitious action plan against trafficking in human beings valid from 2013–2016. However, very little funding had been allotted to implementing the plan. The Government was encouraged to adequately fund the action plan to fight human trafficking;<sup>50</sup> and to investigate cases of prostitution and forced labour, and to ensure victims of trafficking received help and justice.<sup>51</sup>

35. As Council of Europe noted, the Group of Experts on Action against Trafficking in Human Beings (CoE-GRETA) in 2014 recommended that the authorities, inter alia, take further steps to involve civil society in the development, implementation and evaluation of anti-trafficking policy, and that the focus of the policy be widened to include trafficking for the purpose of labour exploitation.<sup>52</sup>

### **3. Administration of justice, including impunity, and the rule of law**

36. JS1/ICEHR highlighted that various human rights bodies and the universal periodic review had noted that the number of reported rapes was high in comparison to the number of prosecutions. JS1/ICEHR pointed out that doubt was an obstacle to conviction, but not to prosecution, and that it was in the province of the courts to determine whether a charge was proven or not.<sup>53</sup>

37. JS1/ICEHR expressed concern at the high number of dismissals of charges of rape and sexual violence by the State Prosecutor and the low number of convictions. JS1/ICEHR referred to 2013 and 2014 reports released by EDDA-Centre for Excellence and the Ministry of Interior: on mapping out how rape cases reported to the police in 2008-2009 fared in the judicial system; and on the views of professionals working on rape cases within the criminal justice system and suggestions for improvement. Following the issuance of the latter report, the Minister of Interior appointed a committee with representatives of the Judicial Council, the Metropolitan Police, State and District Prosecutors, the Rape Crisis Centre and the Icelandic Bar Association to look into its findings and to come up with an action plan to improve the legal process in rape cases and the legal process of cases of sexual offences against children. The committee was expected to deliver its report in June 2016.<sup>54</sup> Throskahjalp-National called for urgent action to protect persons with disability from violence and ensure their effective access to justice.<sup>55</sup>

#### **4. Right to family life**

38. EPA-Foreldrajafrétti reported on perceived failings of the Ministry of the Interior in fulfilling its assignment from Parliament to address the inequalities of parental rights.<sup>56</sup>

39. EPA-Foreldrajafrétti reported on the difficulties visiting parents faced in having their rights respected. It referred to estimates that about 41,8% of all children in Iceland had parents living in two separated homes. When this was the case, one parent was recognized as having the legal residence of the child and the other had visitation rights. According to government statistics, about 90% of those children had their legal residence at their mother's home, and only about 10% have their legal residence at their father's home. Since January 2013 with the amendment of the Children's Act, joint custody of the mother and father of a child was a basic principle under Icelandic law. However, according to EPA-Foreldrajafrétti, the resident parent could move the legal residence of the child without consulting the other parent regardless of shared custody or not. Only the resident parent had the authority to take solitarily all decisions regarding health care, medicine, education and leisure for the child regardless of shared custody or not. EPA-Foreldrajafrétti believed that the shared custody system was not in accordance with provisions of the Convention on the Rights of the Child.<sup>57</sup> EPA-Foreldrajafrétti called for greater transparency including through the publication of statistics on visitation rulings and for an appeal system independent of the Ministry of Interior on rulings on visitation rights.<sup>58</sup>

40. JS1/ICEHR encouraged the Government to ensure the implementation of the Act in Respect of Children and that children were listened to and participated in decisions regarding their well-being for example in custody cases.<sup>59</sup>

#### **5. Freedom of religion or belief and expression**

41. ADF international expressed its concerns about conscientious objection particularly in the field of health care, choosing and changing religion, home-schooling and education on responsible sexual behaviour. It made recommendations to ensure the right to conscientious objection by virtue of Article 18 of the ICCPR; to ensure the right to change one's religion; and to review the education on responsible sexual behaviour programme to ensure that it is age-appropriate.<sup>60</sup>

#### **6. Right to work and to just and favourable conditions of work**

42. Council of Europe reported that Iceland had not yet ratified the Revised European Social Charter, nor had it signed or ratified the Additional Protocol of 1995 providing for a system of collective complaints.<sup>61</sup>

43. Council of Europe reported on the monitoring of the implementation of the European Social Charter by the European Committee of Social Rights (CoE-ECSR). In its 2012 conclusions on “*Employment, training and equal opportunities*” (Articles 1, 15 and 18 of the 1961 Charter), the CoE-ECSR found four conclusions of non-conformity. CoE-ECSR underlined the inadequacy of legislation prohibiting discrimination in employment on grounds other than sex (Article 1§2); the absence of legislation prohibiting discrimination in education, training and employment on the ground of disability (Articles 15§1, 15§2); and the lack of simplified formalities for issuing work and residence permits (Article 18§2).<sup>62</sup>

44. CoE reported that the CoE-ECSR in its 2014 conclusions on “*Labour Rights*” identified situations of non-conformity regarding excessive working hours for seamen (Article 2§1), unreasonable notice periods for termination of employment (Article 4§3), the lack of a fair remuneration for workers with the lowest wages (Article 4§5) as well as infringements to the right not to join trade unions (Article 5).<sup>63</sup>

## **7. Right to social security and to an adequate standard of living**

45. In 2012, the CoE-Commissioner reported that the financial crisis in Iceland had resulted in rising levels of unemployment, reductions in the pension system and serious difficulties in servicing individual housing and other loans. Budget cuts following the recession had impacted on the welfare system, especially health care, social services and education, which affected the enjoyment of social and economic rights. Rising youth unemployment, school drop-outs and the worsening outlook of immigrant families were major concerns. In 2012, the Commissioner had recommended that the authorities take focused measures to prevent poverty which might be increasing among persons with disabilities, single-parent families, older persons and immigrants.<sup>64</sup>

46. UNICEF-Iceland reported on its assessment of the situation of Icelandic children affected by seven dimensions of material deprivation relating to: nutrition, clothing, education, information, housing, leisure and social life.<sup>65</sup> UNICEF-Iceland reported that from 2009 to 2014 the proportion of children experiencing material deprivation had more than doubled to 9.1%. During the same period severe material deprivation had more than tripled to 2.4%.<sup>66</sup> UNICEF-Iceland reported that children in Iceland were most likely to be deprived in housing and least likely to be deprived in information.<sup>67</sup> Children in a single parent family were more likely than others to be deprived in clothing, housing and leisure.<sup>68</sup> Children with a foreign background were more likely to be deprived in the dimension of education and housing.<sup>69</sup>

47. Regarding the attainment of an adequate standard of living for all, in accordance with article 11 of ICESCR, CGNK encouraged Iceland to adopt a basic unconditional income for all, as was discussed in Parliament.<sup>70</sup>

48. JS1/ICEHR noted that the budget cuts to old age pension following the financial collapse of 2008 had been reversed by 90%. However, the effects of the recession were still evident for those worst off, the housing shortage had led to high renting costs, many pensioners lost their savings during and following the collapse, and all additional income affected pension payments. The number of people not enjoying full old age pension was growing, since only those who had lived in the country for 40 years between the ages of 16–67 enjoyed full pensions. JS1/ICEHR reiterated a supported first cycle recommendation<sup>71</sup> and encouraged the Government to continue efforts in ensuring an adequate standard of living for all older persons.<sup>72</sup>

## 8. Right to health

49. According to Association on Women, Alcohol and Addiction (TheRoot), Iceland was in breach of its human rights obligations as regards children and women's health care and services in relation to addiction and mental health problems.<sup>73</sup> TheRoot expressed particular concern that women (and children) with such problems, were often victims of violence and exploitation, and when subjected to detox/treatment alongside with men were in danger of being re-victimized.<sup>74</sup> TheRoot stated that the Government needed to make strategic plans for treatment of addiction and related problems, with the emphasis on women, girls and children. Strategic plans should be in harmony with gender-responsive and gender-mainstreaming principles. Best practice guidelines for treatment for women had to be issued. Treatment for addiction had to be more diversified and based on scientific evidence.<sup>75</sup>

## 9. Right to education

50. Regarding immigrant children, JS1/ICEHR reported that the Acts on Compulsory School and Secondary Upper School stipulated that every school had to prepare a plan to receive children with different native tongue than Icelandic. In spite of those stipulations, provisions and services for immigrant students and their parents varied considerably from one school to another. However, the high percentage of immigrant children dropping-out of school after finishing compulsory education had diminished. Those results were due to various efforts such as the new national curriculum, recent reforms in teacher education, primary and secondary education, and other resources, such as grants to individual schools for actions to counteract dropout and to receive students with immigrant background. JS1/ICEHR encouraged the Government to keep supporting actions for diminishing dropout rates for immigrant and other students after finishing compulsory education.<sup>76</sup>

## 10. Persons with disabilities

51. Throskahjalp-National highlighted that the legal protection of persons with disabilities against discrimination would significantly improve if protection from discrimination on the basis of disabilities were to be explicitly stated in the equal protection clauses of the constitution and appropriate laws.<sup>77</sup>

52. Throskahjalp-National considered that government supervision of the services for persons with disabilities delivered by local authorities was neither sufficient nor efficient enough and that there was a lack of legal instruments for the government to act vis a vis local authorities when needed.<sup>78</sup>

53. Throskahjalp-National reported that persons with disabilities suffered discrimination in numerous fields, including in housing, employment, education, opportunities for participation in social, cultural and entertainment activities. Furthermore, transfer payments from the government to people who, due to disabilities, were unable to work were meagre and limited their ability to participate in many of the activities which were considered normal in Icelandic society, e.g. travel etc.<sup>79</sup>

54. Throskahjalp-National also raised issues regarding protection against violence and equal access to justice; laws, statutes and practice concerning pregnancy screenings and abortions; the right to determine one's place of residence; and participation in public and political life.<sup>80</sup>

55. In 2016, the CoE-Commissioner reported that there were some positive signs that a 'paradigm shift' in disability policy would be accepted in Iceland. He noted that the Action Plan on the Rights of Persons with Disabilities adopted by the Government for 2012–2014 and extended until 2016 reflected the notion that disability amounted to a failure of the environment to accommodate the needs of the individual, and aimed to promote

independent living, combat prejudice and social exclusion, and involve persons with disabilities in decision-making processes. He reported that such a progressive understanding of disability and the current preparation of a follow-up action plan were encouraging steps. However, he expressed concern that nine years after signing the CRPD, Iceland had yet to ratify this key international human rights instrument which would give a strong impetus to the protection of the human rights of all persons with disabilities in the country.<sup>81</sup>

56. With regard to the issue of involuntary hospitalisation and the use of coercion in mental health care, the CoE-Commissioner called for reforms that envisaged objective criteria which did not discriminate against persons with psycho-social disabilities. The authorities should prioritise medical treatment based on free and fully informed consent, with the exception of life-threatening situations, when there was no disagreement about the absence of decision-making capacity of the person. Furthermore, there was a need for data collection in that area. The CoE-Commissioner concluded that a priority action should be the abolition of full deprivation of legal capacity and plenary guardianship of persons with disabilities, including persons with psycho-social and intellectual disabilities.<sup>82</sup> JS1/ICEHR noted that amendments had been made to the Act on Legal competence although some claimed that the Act still did not meet with CRPD stipulations.<sup>83</sup>

## **11. Migrants, refugees and asylum seekers**

57. JS1/ICEHR reported that most immigrants in Iceland were active in the labour force. They commonly held low-paid and gender-segregated jobs and often worked only with other immigrants. They faced difficulties finding a job befitting their education, even though various steps had been taken towards recognizing educational qualifications from other countries. A skills evaluation programme was in place to offer applicants the opportunity to add to his/her education in order to work at his/her profession. Courses in Icelandic language were not available everywhere and not accessible to those not in the labour market, though the number of classes had been increasing. JS1/ICEHR stated that currently, there was no action plan on immigrant issues in place. However one had been proposed and awaited implementation.<sup>84</sup> The Icelandic government was encouraged to implement an action plan as soon as possible.<sup>85</sup>

58. In 2016, the CoE-Commissioner commended the long-standing practice of the Icelandic authorities to receive refugees through UNHCR's resettlement programme, as well as the decision to increase refugee reception in response to Europe's refugee and migrant crisis. In that respect, the CoE-Commissioner emphasized the importance of proper integration of refugees and migrants and implementation of effective and human rights compliant policies. He invited the authorities to draw on the recommendations of his recent issue paper *Time for Europe* to get migrant integration right, in particular with respect to the need to uphold the right to family reunification and to implement equality policies to facilitate migrant integration.<sup>86</sup>

59. JS2 reported that over the last three years, Iceland had seen a rapid rise in numbers of people seeking asylum, including LGBTQIA+ asylum seekers. The Directorate of Immigration followed the UNCHR guidelines for claims to refugee status based on sexual orientation and/or gender identity. Those guidelines clearly stated that training of all staff members, including translators, was essential for being able to follow the guidelines as expected. JS2 reported that the Directorate of Immigration offered no such training to its staff. JS2 called for such training for all staff members at the Directorate of Immigration. Stressing the vulnerable position of LGBTQIA+ asylum seekers, JS2 insisted that their deportation under the Dublin regulation be discontinued.<sup>87</sup>

60. No Borders Iceland (NBI) alleged that the process of asylum applications had been compromised. NBI reported that this was due to: non recognition of the rights of asylum

seekers to have their cases reviewed by the courts (as recognised in the Constitution of Iceland, art. 70). NBI raised issue with the recent limitations on the right of asylum seekers to choose their representatives to represent them before the authorities. As only lawyers working for the Icelandic Red Cross could provide legal representation for all asylum applicants. NBI was of the view that as the chairman of the appellate committee was appointed by the Minister of Interior instead of an independent body, and as it issued decisions regarding the suspension of legal effects, the committee was effectively reviewing the Ministry's own decisions.<sup>88</sup>

## Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

*Civil society*

## Individual submissions:

ADF-International	ADF International, Geneva, Switzerland;
CGNK	Center for Global Nonkilling, Honolulu, Hawaii, United States of America;
EAP-Foreldrajafrétti	National Association for Equal Parenting (Foreldrajafrétti), Hafnarfjordur, Iceland;
ISPAN	Island Panorama Centre, Reykjavík, Iceland;
NBI	No Borders Iceland, Reykjavík, Iceland;
TheRoot	The Root – Association on Women, Alcohol and Addiction (Róttin - félag um málefni kvennameð áfengis- og fíknivanda), Mosfellsbaer, Iceland;
Throskahjalp-National	Throskahjalp National, Reykjavík, Iceland;
UNICEF-Iceland	Icelandic National Committee for UNICEF, Reykjavík, Iceland;

## Joint submissions:

JS1/ICEHR	Joint submission 1 submitted by: Icelandic Human Rights Centre (ICEHR), Stígamót – Education and Counseling Center for Survivors of Sexual Abuse and Violence, the Women’s Counseling, the Icelandic Women’s Rights Association and Amnesty International in Iceland, Reykjavík, Iceland;
JS2	Joint submission 2 submitted by: Samtökin ’78 The National Queer Organisation, Intersex Iceland, Trans Iceland, Reykjavík, Iceland;

## Regional intergovernmental organization(s):

CoE	The Council of Europe, Strasbourg (France); CoE-Commissioner for Human Rights (CoE-Commissioner), press statements, 2012 and 2016;
OSCE-ODIHR	Office for Security and Cooperation in Europe-Office for Democratic Institutions and Human Rights, Warsaw, Poland.

<sup>2</sup> The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

- <sup>3</sup> A/HRC/19/13, paras. 61.1 (United Kingdom of Great Britain and Northern Ireland), 61.2 (Mexico), 61.3 (Brazil), 61.4 (Chile), 61.5 (Hungary), 61.9 (Argentina), 63.1 (Islamic Republic of Iran), 63.2 (France), 63.3 (Brazil), 63.5 (Spain), 63.6 (Uruguay), 63.7 (Uruguay), 63.10. (Argentina) and A/HRC/19/13/Add.1.
- <sup>4</sup> JS1/ICEHR, p.3.
- <sup>5</sup> CoE-Commissioner, 2016 statement accessed at: <http://www.coe.int/en/web/commissioner/-/iceland-ratify-the-disabilities-convention-and-strengthen-the-human-rights-protection-system>.
- <sup>6</sup> Throskahjalp-National, p.2.
- <sup>7</sup> JS1/ICEHR, p.5. See also, CoE-Commissioner, 2016 statement accessed at: <http://www.coe.int/en/web/commissioner/-/iceland-ratify-the-disabilities-convention-and-strengthen-the-human-rights-protection-system>.
- <sup>8</sup> For full text, see A/HRC/19/13, paras. 63.3 (Brazil), 63.5 (Spain), 63.7 (Uruguay) and 63.10 (Argentina) and A/HRC/19/13/Add.1.
- <sup>9</sup> JS1/ICEHR, p.5.
- <sup>10</sup> CGNK, para. 2, p.3.
- <sup>11</sup> CoE, submission on Iceland, p. 4.
- <sup>12</sup> For full text, see A/HRC/19/13, para. 61.8, Norway.
- <sup>13</sup> JS1/ICEHR, p.4.
- <sup>14</sup> CGNK, para. 7.
- <sup>15</sup> JS1/ICEHR, p.5.
- <sup>16</sup> CoE-Commissioner, 2016 statement accessed at: <http://www.coe.int/en/web/commissioner/-/iceland-ratify-the-disabilities-convention-and-strengthen-the-human-rights-protection-system>.
- <sup>17</sup> JS1/ICEHR, p.3.
- <sup>18</sup> CoE-Commissioner, 2016 statement, accessed at: <http://www.coe.int/en/web/commissioner/-/iceland-ratify-the-disabilities-convention-and-strengthen-the-human-rights-protection-system>.
- <sup>19</sup> EPA-Foreldrajafrétti, p.1.
- <sup>20</sup> CoE, submission on Iceland, p.3.
- <sup>21</sup> JS1/ICEHR, p.6.
- <sup>22</sup> ISPAN, para. 1.
- <sup>23</sup> CoE-Commissioner, 2016 statement accessed at: <http://www.coe.int/en/web/commissioner/-/iceland-ratify-the-disabilities-convention-and-strengthen-the-human-rights-protection-system>.
- <sup>24</sup> JS1/ICEHR, p.9.
- <sup>25</sup> JS1/ICEHR, p.9.
- <sup>26</sup> JS1/ICEHR, p.8.
- <sup>27</sup> JS1/ICEHR, pp.8-9.
- <sup>28</sup> JS1/ICEHR, p.3.
- <sup>29</sup> JS1/ICEHR, p.3.
- <sup>30</sup> For full text, see A/HRC/19/13, para. 62.3 (Republic of Moldova).
- <sup>31</sup> JS1/ICEHR, p.9.
- <sup>32</sup> OSCE-ODIHR, pp.3-4.
- <sup>33</sup> CoE, submission on Iceland, p.3. See also, JS1/ICEHR, p.11.
- <sup>34</sup> JS2, p.2.
- <sup>35</sup> ISPAN, para. 2.
- <sup>36</sup> ISPAN, para. 6.
- <sup>37</sup> JS2, p.4.
- <sup>38</sup> JS2, p.2.
- <sup>39</sup> JS2, pp.4-5.
- <sup>40</sup> CGNK, paras. 12-13.
- <sup>41</sup> CoE, submission on Iceland, p.2.
- <sup>42</sup> JS1, pp. 6-7.
- <sup>43</sup> JS1/ICEHR, pp.9-10.
- <sup>44</sup> JS1/ICEHR, p. 10.

- 45 JS1/ICEHR, p. 10.
- 46 UNICEF-Iceland, Appendix A, p.2.
- 47 UNICEF-Iceland, Appendix A, pp.2-5.
- 48 JS1/ICEHR, p. 10.
- 49 JS1/ICEHR, p. 11.
- 50 JS1/ICEHR, p.3.
- 51 JS1/ICEHR, p. 12.
- 52 CoE, submission on Iceland, p.4.
- 53 JS1/ICEHR, p.7.
- 54 JS1/ICEHR, p.7.
- 55 Throskahjalp-National, p.3.
- 56 EPA-Foreldrajafrétti, pp.1-5.
- 57 EPA-Foreldrajafrétti, part III, p.2.
- 58 EPA-Foreldrajafrétti, parts IV-V, pp. 2-3.
- 59 JS1/ICEHR, p.11.
- 60 ADF-International, paras.9, 11, 16, 23 and 30.
- 61 CoE, submission on Iceland, p.5.
- 62 CoE, submission on Iceland, pp. 5-6.
- 63 CoE, submission on Iceland, p. 6.
- 64 CoE-Commissioner, 2012 press statement, accessed at [http://www.coe.int/it/web/commissioner/news-2012/-/asset\\_publisher/nutP1s2ONg0k/content/iceland-needs-comprehensive-anti-discrimination-legislation-and-an-equality-body?inheritRedirect=false&redirect=http%3A%2F%2Fwww.coe.int%2Fit%2Fweb%2Fcommissioner%2Fnews-2012%3Fp\\_p\\_id%3D101\\_INSTANCE\\_nutP1s2ONg0k%26p\\_p\\_lifecycle%3D0%26p\\_p\\_state%3Dnormal%26p\\_p\\_mode%3Dview%26p\\_p\\_col\\_id%3Dcolumn-1%26p\\_p\\_col\\_count%3D1%26\\_101\\_INSTANCE\\_nutP1s2ONg0k\\_advancedSearch%3Dfalse%26\\_101\\_INSTANCE\\_nutP1s2ONg0k\\_keywords%3D%26\\_101\\_INSTANCE\\_nutP1s2ONg0k\\_delta%3D10%26p\\_r\\_p\\_564233524\\_resetCur%3Dfalse%26\\_101\\_INSTANCE\\_nutP1s2ONg0k\\_cur%3D6%26\\_101\\_INSTANCE\\_nutP1s2ONg0k\\_andOperator%3Dtrue](http://www.coe.int/it/web/commissioner/news-2012/-/asset_publisher/nutP1s2ONg0k/content/iceland-needs-comprehensive-anti-discrimination-legislation-and-an-equality-body?inheritRedirect=false&redirect=http%3A%2F%2Fwww.coe.int%2Fit%2Fweb%2Fcommissioner%2Fnews-2012%3Fp_p_id%3D101_INSTANCE_nutP1s2ONg0k%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-1%26p_p_col_count%3D1%26_101_INSTANCE_nutP1s2ONg0k_advancedSearch%3Dfalse%26_101_INSTANCE_nutP1s2ONg0k_keywords%3D%26_101_INSTANCE_nutP1s2ONg0k_delta%3D10%26p_r_p_564233524_resetCur%3Dfalse%26_101_INSTANCE_nutP1s2ONg0k_cur%3D6%26_101_INSTANCE_nutP1s2ONg0k_andOperator%3Dtrue).
- 65 UNICEF-Iceland, Appendix B, p.4.
- 66 UNICEF-Iceland, Appendix B, p.3.
- 67 UNICEF-Iceland, Appendix B, p.5.
- 68 UNICEF-Iceland, Appendix B, p.8.
- 69 UNICEF-Iceland, Appendix B, p.7.
- 70 CGNK, para. 14.
- 71 For full text, see A/HRC/19/13, para. 61.27 (Israel).
- 72 JS1/ICEHR, p. 8.
- 73 TheRoot, paras. 1-2.
- 74 TheRoot, paras. 3 and 6.
- 75 TheRoot, para. 18, recommendations, p.5.
- 76 JS1/ICEHR, p. 11.
- 77 Throskahjalp-National, pp.3-4.
- 78 Throskahjalp-National, p.2.
- 79 Throskahjalp National, p.2.
- 80 Throskahjalp National, pp.3-4. See also, JS1/ICEHR, p.5.
- 81 CoE-Commissioner, 2016 statement accessed at: <http://www.coe.int/en/web/commissioner/-/iceland-ratify-the-disabilities-convention-and-strengthen-the-human-rights-protection-system>.
- 82 CoE-Commissioner, 2016 statement accessed at: <http://www.coe.int/en/web/commissioner/-/iceland-ratify-the-disabilities-convention-and-strengthen-the-human-rights-protection-system>.
- 83 JS1/ICEHR, p.5.
- 84 JS1/ICEHR, pp. 11-12.
- 85 JS1/ICEHR, p. 3.
- 86 CoE-CHR, 2016 statement accessed at: <http://www.coe.int/en/web/commissioner/-/iceland-ratify-the-disabilities-convention-and-strengthen-the-human-rights-protection-system>.

<sup>87</sup> JS2, p.3. See also, NBI, para. 12.

<sup>88</sup> NBI, pp.1-3.

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