

Submission to the Universal Periodic Review of Iceland 26th UPR Session, October 2016

The 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

This report is based on the UN Human Rights Council guidelines on submissions to the Universal Periodic Review, and OHCHR’s guidelines for submission of reports from NGO’s. The report uses common abbreviations for UN treaties and bodies to give room for more information. The report is based on focused issues and areas of competence within the Icelandic Human Rights Centre (ICEHR) and other organizations in the reporting group. The report covers the period from 2012–2016 and focuses on recommendations made under the UPR review of Iceland at its 12th session, meeting no. 11, on October 10th 2012. Recommendations fully implemented or believed to be irrelevant are not included.

The submission is within the limit of 10 pages. The reporting group welcomes the opportunity to submit its views to the UPR on Iceland.

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This report lists the concerns of the reporting group with the Icelandic government's adherence to the recommendations made under the previous UPR cycle (session 12), as well as our recommendations.

Some of our concerns and recommendations for Icelandic action in this report, not exhaustive, include:

- The last government gender equality action plan was valid until the end of 2014, and a new action plan has not been implemented as stipulated by the Gender Equality Act. The Icelandic government is encouraged to implement a new action plan as soon as possible.
- The last valid government action plan against domestic and sexual violence expired at the end of 2011. The Icelandic government is encouraged to implement a new action plan as soon as possible.
- Currently, there is no action plan on immigrant issues in place. The reporting group encourages the Icelandic government to implement an action plan as soon as possible.
- In 2013, the government implemented an ambitious action plan against trafficking in human beings valid from 2013–2016. However, very little funding has been allotted to implementing this plan. The Icelandic government is encouraged to adequately fund the action plan to fight human trafficking.
- Iceland has yet to ratify OPCAT, CRPD and its OP, ICCPED. ICRMW and OP-ICESCR have neither been signed nor ratified. The reporting group encourages the Icelandic government to sign and/or ratify these international human rights instruments.
- A National Human Rights Institution is yet to be established. The Icelandic government is encouraged to establish such an institution as soon as possible and to make use of the expertise, experience, know-how and network of ICEHR for this purpose.
- The Icelandic government is encouraged to support, financially and by any other means, the approach of the Suðurnes and Reykjavík Metropolitan Police to sexual violence and domestic violence complaints and cases, and to ensure that this model also be applied to other police districts. Also, the Icelandic government is encouraged to support the police so that they may actively and in a sustained manner investigate human trafficking in Iceland.
- Women are underrepresented in the Icelandic police force, and the number of women police officers who have been sexually harassed is high. Women are also underrepresented in the Foreign Service, and only one out of 9 judges to the Supreme Court of Iceland is a woman. The reporting group encourages the Icelandic government to ensure equal participation of women in these fields and to better their status where necessary.
- There is no legislation on discrimination in Iceland except for Art. 65 of the Icelandic Constitution and legislation on discrimination on grounds of gender. The Icelandic government is encouraged to implement a legislation prohibiting discrimination in all spheres of society on grounds of race and ethnic origin, age, disability, sexual orientation and sexual identity, religion and life stance opinions and eventual grounds believed to instigate discriminatory treatment. This could be done by implementing the EU Discrimination directives 2000/43/EC and 2000/78/EC which still have not been implemented into Icelandic law.

Constitutional and Legislative Framework

A Constitutional Council was formed in 2011, which prepared a proposal for a revised constitution for the Republic of Iceland and put before parliament. The proposal met with much debate and did not pass. However, the present government established a Constitutional Committee in 2013, consisting of members from all parties in parliament. The Committee is mandated to consider all previous work on revising the constitution and to consider recent constitutional reform in our neighboring countries as well as internationally.

Recently, the Constitutional Committee has presented three proposals for constitutional amendments: on natural resources, on referendum initiated by voters, and on protection of nature and the environment.

- The reporting group supports the recommendation made by Norway under the revision of Iceland at the 12th UPR session and encourages the Icelandic government to safeguard all human rights provisions in the continuing work on revising the Constitution.

Policy Measures

Promotion and Protection of Human Rights on the Ground

There is no national policy on human rights in Iceland and no national human rights institution (NHRI).

Following the recommendations made by member states under the review of Iceland at the 12th UPR session, the Icelandic government entered into a voluntary commitment as to consider establishing a NHRI. The proposed government action plan on human rights, presented before parliament in 2013, included provisions on establishing a NHRI and that the expertise, experience and network of ICEHR be put to use for that purpose. The action plan never came up for discussion and after the parliamentary election that year, a new government took over and the draft was put aside. However, work is now under way at the Ministry of the Interior for either to put forward a law proposal or to establish a NHRI by other means.

ICEHR has assumed the functions of a national human rights institution as set out in the UN Paris principles, though its powers, independence and financing are not established by law. Therefore, the Centre offers its expertise, experience and network to the Icelandic government to be of use for the operations of a NHRI.

- The reporting group encourages the Icelandic government to establish a NHRI as soon as possible and to make use of the expertise, experience, know-how and network of ICEHR for this purpose.

Scope of International Obligations

Iceland is a party to many international human rights conventions. However, many of those have been signed by Iceland but not ratified. The reporting group recommends that the Icelandic government ratify the following conventions as soon as possible:

Ratification of CAT and OPCAT

The Convention against Torture (CAT) has not been implemented into national law and torture is still not considered as a specific crime in the General Penal Code, no. 19/1940. The reporting group does not believe that prohibition against torture in the Icelandic Constitution no. 33/1944 offers sufficient protection. On 24 September 2003, Iceland signed the Optional Protocol to the UN Convention against Torture (OPCAT), but has not yet ratified it. Steps towards ratification have been taken in the Ministry of the Interior, with the aim to assign the supervisory role prescribed by OPCAT to the Parliamentary Ombudsman.

- The reporting group urges the Icelandic Government to ratify OPCAT as soon as possible and to import a specific stipulation and definition of torture into the General Penal Code.

Ratification of CRPD and the Optional Protocol

On 30 March 2007, Iceland signed the UN Convention on the Rights of Persons with Disabilities (CRPD) and the Optional Protocol thereto; neither is ratified. There is, however, an ongoing review of at least some of the relevant legislation regarding people with disabilities and amendments have been made to, for example, the Act on Legal Competence, although some claim that the Act still does not meet with CRPD stipulations on legal competence.

- The reporting group recommends that required measures be put in place for Iceland to ratify CRPD and its OP as soon as possible.

Ratification of ICPPED

The UN Convention for the Protection of all Persons from Enforced Disappearance (ICPPED) has not yet been ratified. Following the recommendations made by member states under the review of Iceland at the 12th UPR session (11th meeting), Iceland made a voluntary commitment to consider the ratification of ICPPED after having completed a study of its legal implications. As yet, no steps have been taken towards ratification of ICPPED.

- The reporting group encourages the Icelandic government to ratify the ICPPED and to encourage other states to do the same.

Ratification of Other Human Rights Conventions

The reporting group urges the Icelandic government to sign and ratify the following conventions as soon as possible. By doing so the government will be taking important steps towards promoting and protecting human rights in Iceland:

- **The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR)**, that gives individuals or groups of individuals a chance to submit communications to the ESCR Committee, under the jurisdiction of a State Party, claiming to be victims of a violation of any of the economic, social and cultural rights set forth in the Covenant by that State Party. Following the recommendations made by member states under the review of Iceland at the 12th UPR session (11th meeting), Iceland made a voluntary commitment to consider the ratification of OP-ICESCR after having completed a study of its legal implications. As yet, no steps have been taken towards ratification.



- **International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (ICRMW).** Only a few states have become party to this important convention and Iceland is not among them. Following the recommendations made by member states under the review of Iceland at the 12th UPR session (11th meeting), Iceland made a voluntary commitment to consider the ratification of ICRMW after completing a study of its legal implications. As yet, no steps have been taken towards ratification.

Implementation of International Human Rights Obligations

Equality and Non-Discrimination

There are only minimal provisions in Icelandic legislation for combating discrimination. Article 65 of the Icelandic constitution sets out the principle of equality, including protection against ethnic or racial discrimination. The principle of equality is implemented through a handful of national acts of law. However, Icelandic legislation mostly covers discrimination on gender based grounds.

There is no legislation prohibiting discrimination on grounds of race or ethnic origin, nor is there in place a legislation prohibiting discrimination on grounds of age, sexual orientation, gender identity, religion or life stance opinions and disability. However, work is under way at the Ministry of Welfare on law proposals on discrimination covering all spheres of society as regards to race, the labor market and other discrimination grounds.

Little affirmative action against discrimination has been undertaken, such as education, awareness raising, etc. ICEHR (mandated by the Ministry of Welfare) coordinated education and awareness raising activities against discrimination, funded by the EU Progress Programme, between 2008–2014. The application for a EU Progress grant was turned down in 2015 and no direct action against discrimination has taken place since 2014, except for the yearly program at the European Week against Racism, coordinated by ICEHR.

- The reporting group encourages the Icelandic government to adopt legislation on discrimination as soon as possible. This could be done by implementing the EU Discrimination directives 2000/43/EC and 2000/78/EC which still have not been implemented into Icelandic law.

Torture, and other Cruel, Inhuman or Degrading Treatment or Punishment

The Prison System

According to Act no. Art. 14., Para. 4 of Act no. 49/2005, on the prison system, as amended by Act no. 19/2013, all prisoners under 18 years of age shall be placed in facilities under the supervision of child welfare services, unless exceptional circumstances apply.

While sub-standard prison facilities are still in use, a new prison is being built and will be put into operation within the next few months. Currently, there are only three prisons in Iceland that meet with the standard minimum rules for the treatment of prisoners adopted by the First UN Congress on

the Prevention of Crime and the Treatment of Offenders. As soon as the new prison will be put to use, substandard facilities are no longer to be used.

- The reporting group recommends that Icelandic government make sure that the use of all substandard prison facilities be discontinued as soon as the new prison is finished.

Administration of Justice

It has been noted with concern by various human rights instruments, such as the CEDAW and CERD committees, as well as in the 2012 UPR session, that the number of reported rapes in Iceland is high in comparison with the number of prosecutions undertaken on these grounds. It has also been pointed out that doubt is an obstacle to conviction, but not to prosecution, and that it is in the province of the courts to determine whether a charge is proven or not.

The reporting group expresses its concern with the high number of dismissals of charges of rape and sexual violence by the State Prosecutor and with the low number of convictions in cases of rape and sexual violence. In 2013, EDDA – Center of Excellence and the Ministry of the Interior released the report “Reported Rapes in Iceland in 2008 and 2009: The Offence of Rape, the Defendant, the Victim, and the Case Procedure”, mapping out how rape cases reported to the police in 2008–2009 fared in the judicial system. Of the 189 cases of sexual violence reported to the police in those two years, 88 were referred to the State Prosecutor, who issued 31 charges against individuals, of whom 23 were convicted. These low conviction rates are even more striking when compared with numbers from the Rape Crisis Centre at the National Hospital which reported 248 visits of victims of sexual violence during that time period, and numbers from the counseling center Stígamót, where 463 individuals sought counseling for the first time during that same period. According to Stígamót’s annual report in 2015, only 8.8% percent of those seeking their services reported the violence to the police.

Another report, “Views of Professionals Working on Rape Cases within the Criminal Justice System and Suggestions for Improvements”, issued by EDDA in 2014 in cooperation with the Ministry of the Interior, was followed up by the Minister of the Interior appointing a committee (with representatives from the Judicial Council of Iceland, the Metropolitan Police, the State and District Prosecutors, the Rape Crisis Centre and the Icelandic Bar Association) to look into the findings and recommendations of the report and to come up with an action plan to improve the legal process in rape cases (taking the status of disabled and immigrant women into account) and the legal process of cases of sexual offences against children. The committee is expected to deliver their report in June 2016.

The lack of a current government action plan against domestic violence and sexual violence is a matter of concern. The last valid government action plan against domestic and sexual violence expired at the end of 2011.

- The reporting group encourages the Icelandic government to implement a new action plan against sexual violence, with focus on the education of police officers, prosecutors and judges on sexual violence, to bring about increased understanding and a change in attitudes. Also, the Icelandic government is encouraged to implement the recommendations for better work processes in rape cases, which will presumably be made by the committee. Both implementations will call for financing and human resources.

Right to Work, Pension and Equal Pay

The budget cuts to old age pension following the financial collapse of 2008 have been reversed by 90%. However, the effects of the recession are still evident for those worst off, housing shortage has led to high renting costs, many pensioners lost their savings during and following the collapse, and all additional income affects pension payments. Also, the number of people not enjoying full old age pension is growing, since only those who have lived in the country for 40 years between the ages of 16–67 enjoy full pensions.

- The reporting group supports the recommendation made by Israel under the revision of Iceland at the 12th UPR session and encourages the Icelandic government to continue efforts in ensuring all older persons an adequate standard of living.

Women's Rights and Gender Equality

Women on Boards of Corporations

For the past 7 years, Iceland has claimed the top spot of the World Economic Forum's Global Gender Gap Index. In 2010, amendments to the Public Limited Companies Act and the Private Limited Companies Act mandated that boards for companies with 50 employees or more have a set quota of 40% of either gender. This legislation is certainly welcome, but it is of concern that the gender quota law only applies to companies with 50 employees or more, an especially high number considering the average size of an Icelandic company. 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 are required to adopt gender equality plans or mainstream gender equality into their personnel policy.

- The reporting group encourages the Icelandic government to amend the legislation on gender quotas in the boards of corporations, so that it applies to companies with 25 employees or more.

International Representation of Women

Women are underrepresented in the Icelandic Foreign Service. In January 2016, 29 men served as ambassadors abroad and 13 women, a gender ratio of 69/31.

- The reporting group encourages the Icelandic government to increase the number of women serving in the Icelandic foreign service.

Women in the Police Force

Women are underrepresented in the Icelandic police force, and the number of women police officers who have been sexually harassed is high. The most recent gender figures released by the National Commissioner of the Icelandic Police (NCIP) reveal that in February 2014, women made up less than 13% of the police force. Out of 682 police officers, 87 were women. According to a report commissioned by the NCIP in 2013, 31% of women police officers have been sexually harassed while working. The harassers were colleagues, superior officers and members outside the police force.

- The working group encourages the Icelandic government to review the status of women and men within the police force, to see what action can be taken to increase the number of women serving within the police and to guarantee the safety of women police officers.

Women in the Supreme Court

The severe lack of women in the Supreme Court is of great concern. Out of 9 justices, only 1 woman served as justice on the Supreme Court in January 2016.

- The reporting group encourages the Icelandic government to explore ways to increase the number of women on the Supreme Court.

The Gender Pay Gap

The adjusted gender pay gap in Iceland in 2008–2013 was 7.6%.

- The reporting group encourages the Icelandic government to continue its work to eradicate the gender pay gap.

The Equal Pay Standard

The Icelandic government has done an excellent job in developing the standard ÍST 85:2012 – Equal Pay Management System, an ISO certification system, written in cooperation with the Icelandic Confederation of Labor and Federation of Icelandic Industries, which can confirm that women and men working for the same company are paid equal wages and enjoy equal terms of employment for the same jobs or jobs of equal value.

- The reporting group encourages the Icelandic government to continue its work to fully implement the Equal Pay Standard and to introduce the standard to the international community.

Elimination of Stereotypical Attitudes

Few comprehensive measures have been undertaken to eliminate stereotypical attitudes about the roles and responsibilities of women and men, even though national school curricula are gender sensitive and equality has been one of the six pillars of compulsory and secondary education since 2011. Optional courses in gender studies and feminism have been offered in the majority of secondary schools in the country.

- The reporting group supports the recommendation made by the Republic of Moldova under the revision of Iceland at the 12th UPR session and encourages the Icelandic government to take proactive and sustained measures to eliminate stereotypical attitudes about the roles and responsibilities of women and men, through awareness raising and educational campaigns directed at women, men and the media.

Violence against Women

The reporting group welcomes the efforts of the Commissioner of the Reykjavík Metropolitan Police to train officers in dealing with domestic violence in recent months and recognizes the benefits of the new intersectional approach to domestic violence launched in 2015 (imported from the Suðurnes Police district where the Commissioner served before), an approach which relies 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 is 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 has been proposed.

- The reporting group encourages the Icelandic 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.

- The reporting group urges the Icelandic government to issue an action plan against domestic and sexual violence.

The number of immigrant women seeking help from the Women's Shelter in Reykjavík has been rising and in 2014 they made up 32% of residents. In 2014, women from 35 countries stayed at the Women's Shelter, a higher ratio of immigrant women than in society. This disparity can at least in part be traced to the fact that immigrant women do not have the same family safety net as native Icelandic women.

- The reporting group encourages the Icelandic government to instigate research into violence faced by immigrant women in Iceland.

As stated above, still very few cases on sexual violence are being brought to court and of those few that are, a considerable number ends in acquittal. Due to budget cuts in the health care system, the services of the Rape Crisis Centre at the National Hospital have been decreased.

- The reporting group encourages the Icelandic government to strengthen services offered to women victims of sexual and domestic violence and to adopt and implement an action plans on domestic and sexual violence, sensitive to the needs of immigrant women and women with disabilities.

Children's Rights

Child Protection

It is of concern that not enough resources have been allotted to the child welfare and protection services. Although service providers work in a responsible and conscientious manner, social services do not have enough human resources and case workers have caseloads that are too large.

Domestic violence is a serious concern in Iceland and by its nature not a very visible problem. The new approach in cases of domestic violence, instigated by the Commissioner of the Suðurnes Police and adopted by the Reykjavík Metropolitan Police, has brought the situation of children victims to domestic violence into focus (whether the violence is exercised upon the children themselves or family members) and initiated cases where necessary services are offered to victims, such as psychological assistance, counseling, etc.

- The reporting group re-urges the Icelandic government to apply the model on domestic violence adopted by the Reykjavík Metropolitan police and the police in Suðurnes to all police districts in Iceland.

It is of crucial importance that those working with children have sufficient knowledge to deal with domestic violence. The reporting group welcomes the educational policy implemented by the Ministry of Education, Science and Culture, where human rights education and democracy are considered fundamental pillars of education, and also to be implemented into the education of all professionals working with children, in cooperation with the educational institutions involved. In 2012–2014, parliament funded a project regarding violence and sexual abuse of children, coordinated by the Ministries of Education, Culture and Sciences, Interior and Welfare, with a focus

on preventive measures, by training teachers and other professionals working with children and raising awareness on these matters in all communities.

- The reporting group recommends that Icelandic authorities restart the project of 2012–2014, to continue the training of professionals working with children in dealing with children in crisis.

The new Act in Respect of Children puts more emphasis on the welfare and protection of children and that children are listened to when it comes to decisions having to do with their life and well-being. However, those working on children's issues claim that children are still not being listened to and that their wishes are often disregarded.

- The reporting group also encourages the Icelandic government to ensure the implementation of the Act in Respect of Children, that children are listened to and participate in decisions regarding their well-being, for example in custody cases.

Minority Groups

As regards immigrant children, the Acts on Compulsory School and Secondary Upper School stipulate that every school has to prepare plan to receive children with different native tongue than Icelandic. In spite of those stipulations, provisions and services for immigrant students and their parents vary considerably from one school to another. However, the high percentage of immigrant children dropping out of school after finishing compulsory education has diminished. These results are 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.

- The reporting group encourages the Icelandic government to keep supporting actions for diminishing dropout rates for immigrant and other students after finishing compulsory education. This may for example be done by implementing the

Promotion and Protection of the Rights of Specific Groups, Including Migrants, Minorities and Indigenous peoples

Immigrants

Most immigrants in Iceland are active in the labor force. They commonly hold low-paid and gender-segregated jobs and often work only with other immigrants. They face difficulty with finding a job befitting their education, even though various steps have been taken towards recognizing education from other countries. Education is now recognized based on the European Qualification Framework (EQF) and implemented in the Icelandic national qualification framework. Also, for vocational and industrial professions, a skills evaluation program has been put in place so that if additional courses or skills are needed for a particular education to be recognized, the applicant is offered the opportunity to add these to his/her education so as to be able to work at his/her profession.

Courses in the Icelandic language, albeit being offered, are not available everywhere and not accessible to all, for example not to those who are not on the labor market. The number of language classes offered, however, been increasing. There are indications of growing racism and xenophobia, especially against Muslims, following a land site allotted by the city of Reykjavík for building a mosque.

The unemployment rate for immigrants is still higher than among Icelanders, although all services, such as courses, counseling and other resources offered to unemployed people, are also offered to immigrants.

There is no government action plan in place on immigrant issues. However, one has been proposed and awaits implementation.

- The reporting group encourages the Icelandic government to adopt an action plan on immigrant issues as soon as possible, and to undertake further action towards diminishing the unemployment rate among immigrants.

Trafficking in Human Beings

In 2013, the government implemented an ambitious action plan to fight human trafficking valid for 2013–2016. However, very little funding was allocated to implementing this plan. The only action effectively put into place has been the education on trafficking for police, social services, health care, labor market unions, NGOs and other relevant stakeholders. Over 30 courses have been held and more than a thousand members of staff of the aforementioned organizations have been educated.

A recent case of trafficking for labor showed that inadequate means for assistance to trafficking victims are in place and procedures are not as clear as they should be.

- The reporting group encourages the Icelandic government to fully implement the government action plan against trafficking.
- The reporting group encourages the Icelandic government to increase funding to combat trafficking, to investigate cases of prostitution and forced labor, and to make sure that victims of trafficking receive help and justice.