

Iceland

Supplementary Report on the Implementation of CESCR (Prior to the List of Issues)

The Icelandic Human Rights Centre, the Icelandic Women's Rights Association, Amnesty International, Iceland's National Association of People with Intellectual Disabilities (the coalition).



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Notes on Iceland's fifth periodic report on the implementation of the International Covenant on Economic, Social and Cultural rights pursuant to Article 16 and 17 of the Covenant

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Introduction

1. In light of the Committee on Economic, Social and Cultural Rights (the Committee) review of Iceland's fifth Periodic Report on the Implementation of the International Covenant on Economic, Social and Cultural Rights (CESCR), the Icelandic Human Rights Centre (ICEHR), the Icelandic Women's Rights Association, Amnesty International and Iceland's National Association of People with Intellectual Disabilities (hereafter referred to as "the coalition"), have taken the opportunity to provide the following insights regarding Iceland's implementation of the Covenant

2. There is no National Human Rights Institution (NHRI) in Iceland so its role has been assumed by ICEHR, an independent non-governmental institution although its powers, independence and financing are not established by statute. The Icelandic government has expressed their intention to establish a NHRI and have started their work on a green book giving an overview of the status of human rights in Iceland. They have also stated that a bill on the establishment of a NHRI will be presented before parliament in 2023. ICEHR has offered their experience, network and expertise for this purpose.

- *The coalition urges the Icelandic government to carry out their intent to establish a NHRI and to make use of the Icelandic Human Rights Centre's experience, network and expertise.*

Constitutional protection of economic, social and cultural rights.

3. In the Icelandic Constitution, Act no. 33/1944 only a few articles aim to protect economic, social, and cultural rights. A bill for a new constitution, presented to Alþingi (Icelandic Parliament) in 2012, with new provisions and amendments to the Chapter on Human Rights did not pass.

The Icelandic Constitution is currently under review. Revision of the Human Rights Chapter is on the agenda for the period of 2021–2025.

- *The coalition encourages the government to emphasize the right for all to live with dignity and transparency of public administration.*

Application of the Covenant in the Icelandic legal system.

4. CESCR was ratified by Iceland in 1979. However, its provisions have not fully been incorporated into Icelandic law. ICEHR believes that although provisions of the Covenant have been considered both by the courts and when reviewing legislation; it is necessary to incorporate the Covenant into Icelandic legislation so that the individual rights and freedoms the Covenant entails are guaranteed equally for all inhabitants of Icelandic society.

5. Iceland has not signed and ratified the Optional Protocol to CESCR. The OP provides individuals or groups of individuals with the possibility of submitting communications to the Committee on Economic, Social and Cultural Rights, 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.

- *The coalition urges the Icelandic government to incorporate the Covenant fully into Icelandic law and to sign and ratify the OP in the near future.*

Article 2 - Exercise of rights without discrimination.

6. Iceland now has an extensive legislation on discrimination, the most recent being an amendment to the Act on Equal Treatment Irrespective of Race and Ethnic Origin No 85/2018 so now the Act also applies to equal treatment irrespective of religion, life stance, disability, age, sexual orientation, gender identity, sexual characteristics, or gender expression in all fields of society, except for the labour market (covered by Act No 86/2018). We applaud this important step but general knowledge of the legislation is lacking. This may i.a. be seen from very few complaints to the Equality complaints board.

- *The coalition encourages the government to undertake, as soon as possible, an awareness raising campaign on the discrimination legislation and remedies open to complainants.*

7. A research from 2021¹, on the status of people with disabilities in Iceland, was conducted by Varða, the Labour Market Research Institute on behalf of the Disability Alliance. A report on the research shows the overall result that, according to most, if not all recognised standards, a large group of people with disabilities is either living in poverty or on the brink of poverty. Of those asked, 31% found it rather hard and 44% very hard to make ends meet. A 2021 survey, on the procedure for counseling and aid granted by help organizations, conducted by the Social Science Research Institute at the University of Iceland² on behalf of the Ministry of Social Affairs and the Welfare Watch, shows that the largest groups seeking assistance from help organizations are pensioners with disabilities as well as unemployed people, people on financial aid and immigrants.

- *The coalition urges the government to take action against poverty by i.a. raising the amount of disability and old age pension as well as unemployment benefits.*

8. Some immigrants have little knowledge of their rights and in some cases it has proven difficult to provide them with adequate counseling if they speak neither Icelandic nor English. Interpretation services are not as a general rule provided by government or municipal institutions, it is often left to the individual office to decide on such services. ICEHR provides free legal counseling to immigrants, through a service agreement with the Ministry of Social Affairs and interpretation is provided free of charge if needed. However, many are not aware of these services, some are isolated and hard to reach and all sorts of misconceptions are common in the immigrant society. Some form of education on society available or even mandatory for immigrants, might help improve their situation and diminish the risk of discrimination.

- *The coalition encourages the government to undertake extensive education for immigrants on Icelandic society, rights and obligations as proposed in the National Action Plan on Immigrant Issues adopted by Althingi (Icelandic Parliament) on June 16 2022.*

¹ <https://www.obi.is/static/files/skjol/pdf-skyrslur/stada-fatlads-fo-lks-a-i-slandi-2021.pdf>.

² https://www.stjornarradid.is/library/04-Raduneytin/Felagsmalaraduneytid/%C3%9Attekt%20%C3%A1%20hj%C3%A1%20parstofnunum%20lokask%C3%BDrsla%20_15.01.2021.X.pdf.

Article 3 - Gender equality

9. The gender pay gap in Iceland has been researched a great deal over the years, most of the research shows an unexplained pay gap. Some have concluded the gender segregated labour market in Iceland to be the main reason for this. The adjusted gender pay gap in Iceland in 2020 was 4.1%.³

10. According to Article 27 of Act No. 150/2020, each ministry shall have a gender equality representative with expert knowledge of gender equality issues. The gender equality representative shall deal with and monitor gender equality work in the policy areas of the ministry in question and its institutions, especially the work mandated by Article 17 of the Act, the work on gender mainstreaming in the fields administered by the ministry. However, the coalition expresses concern that the gender equality representatives of the Icelandic ministries do not work on gender mainstreaming in the fields administered by their respective ministries. This is a direct result of the lack of funding for hiring full-time gender equality representatives. This means that the government has been unable to fulfill Article 17 of the Gender Equality Act, to work on gender mainstreaming in all areas of government.

- *The coalition encourages the Icelandic government to adequately budget for gender equality representatives in government institutions.*

- *The coalition encourages the Icelandic government to work on gender mainstreaming in all areas of government. The coalition welcomes new legislation passed in 2015, Act No. 123/2015, mandating that future government budget proposals be gender responsive, written with analysis of its effect on the equal status of women and men.*

11. The Directorate of Equality oversees the implementation of the Act No. 150/2020, Act No. 85/2018, and Act No. 86/2018. The Directorate also handles administration of all matters concerning equality covered by the Act on the Administration of Matters concerning Equality, no. 151/2020. Even though recent legislation has greatly added to the Centre's workload and responsibilities, there has been little or no increase in budget. The coalition therefore fears that the Centre cannot adequately fulfill all of its responsibilities, due to budgetary constraints and lack of staff.

- *The coalition encourages the government to adequately fund the Directorate of Equality.*

12. Gender based violence/violence in close relationships is a persistent problem in Iceland despite many valiant and commendable efforts conducted by the government. Latest statistics from the Women's Shelter, a leading NGO providing shelter for women subject to violence in close relationships, show that in 2021 a total of 212 women and children fled violence in their homes and sought residence at the Shelter.

Lately survivors of gender based violence have brought attention to the injustice they face in the justice system, for example by pointing out a low conviction rate, how perpetrators are able to use the system against survivors by pressing counter charges, for defamation of character, and how long the proceedings are taking. Results from "Áfallasaga kvenna"⁴, a scientific study commissioned by the University of Iceland, where 32,811 Icelandic women

³ <https://hagstofan.s3.amazonaws.com/media/public/2021/93d565e8-b337-4013-9fee-855b080681f4.pdf>.

⁴ <https://afallasaga.is/nidurstodur/>

participated, showed that 40% of all women in Iceland are survivors of physical and/or sexual abuse. One fourth of the participants were survivors of rape or attempted rape. In 2021, a Parliamentary bill was passed on changes to the General Penal Code regarding digital sexual violence (before known as non-consensual pornography or “revenge porn”). The legislative framework is in place but needs to be applied more frequently.

- *The coalition recommends improvements towards prevention and education regarding digital sexual violence as well as support for survivors of abuse.*

13. In March 2022, the Minister of Justice was handed over 12.000 signatures from people challenging him to improve the legal status of survivors of abuse. Findings from a report published in 2013 (the most recent overview) showed that only 17% of rape cases ended with prosecution and only 13% in conviction. Cases were dropped due to passing of statute of limitations, witnesses were not called in for questioning, evidence such as injuries, certificates from psychologists, phone video recordings, even crime scene evidence were given little merit etc. Recent changes in the General Penal Code, namely the change of the legal definition of rape to a consent-based one, do not seem to be reflected in judgements in rape cases, as older criteria are still being used. The coalition raises concern that the Icelandic legal system is failing survivors of sexual abuse who press charges.

- *The coalition welcomes the special task force on prevention and awareness raising against sexual violence and gender based violence that has been put together and urges the government to take radical action.*

14. The plight of immigrant women subject to violence is commonly more serious than that of Icelandic women in the sense that they more often lack support systems and do not know their rights, they are misinformed and lied to by the abusers etc. Their isolation leads to them being unaware of their rights and status under Icelandic law, leaving them vulnerable to abuse on the part of their spouses and employers. In 2020, 64% of the women who stayed at the Women’s Shelter were immigrant women, while in 2014 they made up 32% of residents. In 2018 women of foreign origin in Iceland gave a statement⁵ which included stories of violence, harassment, and injustice. Few studies have been done detailing violence faced by immigrant women in Iceland. A report commissioned by the Ministry of Social Affairs in 2019⁶ showed that immigrant women are not aware of the resources they are entitled to, for example regarding sexual violence. It also reports that numbers from the police indicate a higher rate of violence against immigrant women. The lack of information and research on violence against immigrant women raises a concern. Despite good efforts supported by the government, the project „Know your rights, knowledge is power “, intended to promote the dissemination of information about services and legal resources for women of foreign origin being one of them, more is needed.

- *The coalition urges the Icelandic government to ensure better access to information for immigrant women.*

- *The coalition encourages the Icelandic government to instigate research into violence faced by immigrant women in Iceland and to look into the safety of immigrant women in*

⁵ https://kjarninn.Overcastcdn.com/documents/Yfirlýsing_kvemna_af_erlendum_uppruna_-_isl_og_ensk.pdf.

⁶ <https://www.stjornarradid.is/lisalib/getfile.aspx?itemid=c6482f7c-570d-11ea-945f-005056bc4d74>.

workplaces.

15. Little documentation and data is available on the general status of disabled women in Icelandic society. This information is needed so as to determine which actions to take to ensure equal access for them to all rights prescribed by the Covenant and to protect them from all forms of violence and discrimination.

A report issued in August 2020 by the National Commissioner of the Icelandic Police⁷ states that people with disabilities are much more likely to be subject to violence than people who are not living with disabilities and that convictions in cases of violence and abuse of people with disabilities are far less likely compared to cases of non-disabled survivors. A bill on amendments to the Act on Criminal Procedures, i.a. aimed at improving the status of survivors with disabilities in the criminal justice system, was recently passed by Parliament. However, more effort and education are needed.

- *The coalition recommends for the government to conduct research and collect data on the status of women with disabilities in order to ensure their rights and freedom from abuse and discrimination.*
- *The coalition recommends for the government to establish education programs for the police, prosecutors and judges on methods for questioning survivors with disabilities and other measures necessary to ensure as fair and thorough a procedure as possible.*

Article 6 and 7 - Right to work and to just and favourable conditions of work

16. 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. In May 2022 the rate was 43 % of all registered in the unemployment register.

- *The coalition encourages the Icelandic government to undertake further action towards diminishing the unemployment rate among immigrants.*

17. Foreigners who only possess temporary work permits do not have the right to unemployment benefits according to article 13. d. of the Act on Unemployment Benefits No. 54/2006. Some of these workers have worked here for two or three years and paid taxes and other fees to the government. The coalition considers them to be discriminated against by denying them unemployment benefits if their work agreement with the employer is terminated.

- *The coalition encourages the government to amend Act No 54/2006, so that those holding temporary work permits may also seek unemployment benefits in case of job loss.*

18 . Work permits are issued to the name of the worker but only valid for employment with a specific employer. This has caused problems, workers have hesitated to seek assistance or

⁷ <https://www.logreglan.is/wp-content/uploads/2021/01/Ofbeldi-gegn-fotludum-2020.pdf>.

leave their employment if exploited by employers since they fear that their permits will be revoked and new ones not issued to them.

- *The coalition encourages the government to amend Act No 97/2002, so that temporary work permits are not beholden on work for a specific employer.*

19. In General comment No. 5 Paras. 20-24 the Committee emphasizes that States should not only offer “sheltered” workplaces for persons with disabilities but support the integration of these persons into the regular labour market. Even if legislation provides for increased ability for people with disabilities to work and participate in daily life on equal basis with others, there is still a long wait for services for people with Long-term support needs. Also, there is a need for evaluation of the future effect of the COVID-19 pandemic and the increased use of Artificial Intelligence on the labour market on job opportunities in general and specifically for people with disabilities, such as people with intellectual disabilities. Albeit for commendable actions undertaken by the State and Municipalities more action is needed to decrease the effect of the unyielding labour market on job opportunities for people with disabilities, resulting in fewer jobs and increased risk of discrimination.

- *The coalition encourages the government to take action to shorten the waiting lists for Long-term assistance as well as to conduct evaluation on the effects of the COVID-19 pandemic and the increased use of Artificial Intelligence on the labour market on job opportunities in general and specifically for people with disabilities and to take action to diminish this effect.*

20. Complaints have been made by the middle aged/elderly about encountering difficulties in obtaining employment past the age of 55-60. This issue did not seem to be a major problem in Iceland but has changed somewhat in later years. It is also of concern that unemployed people over 50 years of age will have a hard time re-entering the labour market. Also, the old age pension has not kept up with the cost of living.

- *The coalition encourages the government to evaluate the status of older people on the labour market and to take appropriate action to diminish the risk of discrimination.*

Article 9 and 11 - Right to social security and adequate standard of living

21. Article 76 of the Icelandic Constitution guarantees the right to social security and adequate standard of living. The article states that everyone should be guaranteed assistance especially for reasons of health, old age, and disability. In general legislation various acts aim at protecting this right and to establish a mechanism around benefits and other support available to people in need.

22. International research shows that living in poverty is harmful to people’s health and often leads to social exclusion, as well as reducing the quality of life. This is not only costly to the individual living in poverty but for society. Iceland has been doing well in international comparisons measuring poverty and usually the country sits in one of the top places. Despite that, the number of families or individuals living with severe material deprivation is around

2% of the population according to a report⁸ issued in 2016 by Statistics Iceland for the Welfare Watch and the Ministry of Social Affairs. Pensioners with disabilities, single parent families and immigrants are the most vulnerable groups and in most danger of living in poverty.

According to a report⁹ issued by Save the Children Iceland in 2021, the child poverty rate for Iceland is 12.7%. Many families can neither pay their bills nor buy food, they must turn to help organizations for food donations or other necessities. The people of this group experience a lot of stress, anxiety and worries about their families' survival. This has a very negative effect on the family life and the children.

Help organizations saw an increase in the number of people seeking assistance between the years of 2019 and 2020.¹⁰

The UN puts much emphasis on the economic independence of older people and states are supposed to guarantee all older people adequate support so that they can enjoy a minimum standard of living. Policy making in the social and healthcare systems in the coming years should consider the growing need for basic services in the economic and social sphere as well as increased budgets for the benefits system. It is a common understanding that social benefits systems should protect individuals and families from loss of income due to e.g., unemployment, health reasons, poverty or other variables that may occur in life.

- *The coalition urges the government to take action against poverty by i.a. raising the amount of disability and old age pension as well as unemployment benefits.*

23. People needing social assistance have claimed that the social benefits system does not serve its purpose. Although most needy families with children truly get assistance of some sort, it does not meet the essential living costs. Moreover the benefits do not help these people out of poverty, they rather maintain it. The apparent cause for this is that the welfare system is moderately small, coordination and cooperation between welfare organizations on a municipal and governmental level is lacking.¹¹

- *The coalition encourages the government to review the social security system with the aim of simplifying it and making sure that people relying on benefits for an adequate standard of living may do so and thrive.*

24. According to article 17 of the Act on Social Security, everyone 67 years old or older who have resided in this country for at least three years from the age of 16-67 are entitled to old age benefits. However, to receive full benefits the individual has to have lived in Iceland for at least 40 years during the period. This already affects a number of people and will in future have an increasing impact as elderly immigrants are a growing group of people.

⁸

<https://www.stjornarradid.is/media/velferdarraduneyti-media/media/skyrslur2016/Skyrsla-um-sarafataekt-13.9.2016.pdf>

⁹

<https://www.barnaheill.is/static/files/guaranteeing-childrens-future-key-findings-recommendations.pdf-fin.pdf>

¹⁰

https://www.stjornarradid.is/library/04-Raduneytin/Felagsmalaraduneytid/%C3%9Attekt%20%C3%A1%20hj%C3%A1parstofnunum%20lokask%C3%BDrsla%20_15.01.2021.X.pdf

¹¹ Prime Ministry (2005) Committee on the strategy in the affairs concerning children and young people. *Suggestions in matters concerning the affairs of children and young people*. Reykjavik.

- *The coalition encourages the government to amend the legislation that those having lived out of the country or moved to the country in adult life receive full old age pension.*

Article 10 - Protection of the family

25. Icelandic parental leave is structured in such a way that 6 months are allotted to each parent, but six weeks may be transferred from one parent to the other. One parent may take 4 months of additional leave to care for their child until the child reaches 8 years of age. Since 2007, around 90% of Icelandic fathers have taken paternity leave, following the birth of their children. The Parental Leave Fund pays 80% of their general income to parents on parental leave. We express our concern that parents are only guaranteed 12 months of parental leave, and children are only guaranteed daycare from the age of 2, although this varies between municipalities. The care of children in the gap between the expiration of parental leave and the start of daycare is often assumed by mothers, requiring that women either start working part time or withdraw completely from the labour market. This childcare gap thus adversely affects the status of women in the labour market and in society.

- *The coalition encourages the Icelandic government to adequately fund the Parental Leave Fund.*
- *The coalition encourages the Icelandic government to bridge the gap between paternal leave and guaranteed childcare.*

26. For a discussion on gender-based violence, please refer to the comments on Article 3.

27. As regards child welfare and child protection, extensive measures have been taken towards creating a child-friendly society. This is to be commended but the law is only as effective as its implementation. There is a risk that not all working with children let go of their preconceived notions and older work procedures so extensive education, follow-up and monitoring is definitely needed.

- *The coalition recommends that the government secure adequate education and training for all professionals working with children that include compulsory curricula on dealing with children in crisis. The government is also urged to adequately finance child protection services and to ensure that children are listened to and take part in decisions regarding their well-being, for example in custody cases.*

Article 12 - Right to health

28. The Icelandic health care system is under pressure due to the Covid-19 pandemic and repeated reduction in resources allocated to health care in the years following the financial crisis in 2008. Fortunately, for the past years there has been a considerable rise in government support to the health care system. However, due to an ever increased burden, i.a. due to a large increase in tourism and immigration (resulting in a fast growing population), an ever increasing population of older people and a lack of healthcare professionals, close vigil must be kept on the health care system.

- *The coalition recommends that the government secure adequate funding to the health care system as well as seeking ways to increase the number of health care personnel.*

Article 13 and 14 - Right to education

29. The right to education is mentioned in the Icelandic Constitution Article 76 Para 2 where it says that everyone should be guaranteed by law the right to education and training to their liking.

As regards immigrant children, the Acts on Compulsory School and Secondary Upper School stipulate that every school has to prepare a receiving plan for children with a mother tongue other than Icelandic. Despite those stipulations, provisions and services for immigrant students and their parents vary considerably from one school to another. The percentage of immigrant children dropping out of Upper Secondary school is still high.

- *The reporting group encourages the Icelandic government to keep supporting actions for diminishing dropout rates for immigrants and other students after finishing compulsory education.*

30. Students with disabilities, especially those with intellectual disabilities, have very few education opportunities after finishing Upper Secondary school. Efforts have been made by the government to offer suitable educational resources for that group but the situation is still far from acceptable. This can only be seen as discrimination which collides with the UN Convention on the Rights of Persons with Disabilities and also Icelandic legislation.

- *The reporting group encourages the Icelandic government to keep supporting actions to ensure equal access to continued education for students with disabilities finishing Upper Secondary school.*

Article 15 - Right to participation in cultural life.