
Iceland

**Civil Society Report on the Implementation of the CCPR
Replies to the list of issues prior to reporting (CCPR/ISL/QPR6), additional comments and
observations**

The Icelandic Human Rights Centre



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ICELANDIC HUMAN RIGHTS CENTRE

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Notes on Iceland's sixth periodic report on implementation of the International Covenant on Civil and political rights pursuant to Article 40 of the Covenant

Introduction

Considering the Human Rights Committee's review of Iceland's sixth Periodic Report on Implementation of the International Covenant on Civil and Political Rights (ICCPR), at the 142nd session of the Human Rights Committee (October 14th -November 8th, 2024), the Icelandic Human Rights Centre (ICEHR) has taken the opportunity to provide the following insights regarding Iceland's implementation of the Covenant.

The State party report provides an extensive overview of national legislative and procedural measures that are significant to the implementation of the Covenant. This report is based on the State party report and addresses issues which call for improvement.

In the 2024 Althingi Spring session and act on a national human rights institution was passed. Under the act, the institution will be up and running on January 1st, 2025. ICEHR welcomes the act and hopes that the Centre's knowledge, experience and network of national and international organisations will be put to good use in facilitating the establishment and operations of the new institution. ICEHR also urges the Icelandic government to keep in mind that for a National Institution to be able to operate in line with the UN Paris Principles, the government must be in close co-operation with civil society and relevant stakeholders.

ICEHR believes that although provisions of the Covenant have been considered both by the courts and in the review of legislation; it is necessary to incorporate the Covenant into Icelandic legislation so that the individual rights and freedoms the Covenant entails are guaranteed for all inhabitants of Iceland equally.

Non-discrimination, gender equality and regulation of hate speech (arts. 2–3, 20 and 26)

1. Albeit that the Media Act has been amended to permit the levying of fines for hate propaganda, more action needs to be taken. The following are a few of the recommendations made by ICEHR in a 2013 report on hate speech:
 - a. The General Penal Code should be amended to allow for prosecution for hate speech on grounds of public interest and democratic values.
 - b. Even if the Media Act has been amended to penalise hate propaganda and not only instigation to hate, but the Act should also be revised so as to harmonise with the situation in Iceland, to provide means to combat hate speech in the most effective way possible. Also, stipulations on individuals' and editors' liability for publishing hate speech in the media should be clarified and strengthened.
 - c. An act encompassing media which do not fall under the scope of the Media Act, such as social media, web sites, Twitter, blogs, Facebook etc. should be implemented. This might be done by broadening the scope of the Media Act. Such legislation should also be monitored by a supervisory body.

- d. Education and awareness raising must be carried out among the public as well as specialist groups such as the judiciary and government officials. In 2017, the police and prosecutors underwent an education programme on hate crimes, a good start but such education must be conducted on a regular basis.
- e. Awareness raising campaigns on media literacy should be conducted, on the Internet, in schools and media. It might be of use for the preparation and construction of such campaigns to make use of the know-how of Sweden, Germany and the UK.

Sadly, the proposed action plan against hate speech prepared by the working group appointed by the Prime Minister did not pass through Parliament.

2. Even if legislation provides for increased ability for disabled people 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. 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 disabled people, resulting in fewer jobs and increased risk of discrimination.

Disabled students, 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 Icelandic legislation.

- *ICEHR urges the government to ensure more access to education and job opportunities for disabled people.*

3. Most immigrants in Iceland are still active in the labour force. They commonly hold low paid and gender-segregated jobs and often work only with other foreigners. Thus, social inequalities, based on ethnic differences and gender, are maintained. Lack of interaction with Icelanders makes it difficult to learn the language and get familiar with local habits and social structures. This is of concern as there are indications of growing racism and xenophobia. A typical form of indirect discrimination is when perfect skills in the Icelandic language are demanded from a jobholder, while possibilities to learn the language remain somewhat problematic. The supply of language classes is however greatly improving. There are indications of growing racism and xenophobia.

The unemployment rate for immigrants is still higher than among Icelanders, although all services, such as courses, counselling and other resources offered to unemployed people are also offered to immigrants. In July 2024 the rate was 53 % of all registered in the unemployment register.

- *ICEHR encourages the Icelandic government to undertake further action towards diminishing the unemployment rate among immigrants and take action against exploitation of foreign work force.*

4. The act on equal pay certification entered into force on 1 January 2018. Still, the unadjusted

gender pay gap in Iceland in 2022 was 9.1%.¹ Some have concluded the gender segregated labour market in Iceland to be the main reason for this.

- *ICEHR urges the government to act against a gender segregated labour market, gender pay gap and pay gap between immigrant and domestic workers.*

Violence against women, including domestic and sexual violence (arts. 2–3, 6–7 and 26)

5. 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 2023 a total of 214 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”², a scientific study commissioned by the University of Iceland, where 32,811 Icelandic women 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.

- *ICEHR recommends improvements in legislation and procedures towards prevention and education regarding digital sexual violence as well as support for survivors of abuse.*

6. 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 ICEHR raises concern that the Icelandic legal system is failing survivors of sexual abuse who press charges.

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- *ICEHR recognizes and welcomes the valiant actions put together by the government on prevention and awareness raising against sexual violence and gender-based violence but urges*

¹ <https://hagstofan.s3.amazonaws.com/media/public/2021/93d565e8-b337-4013-9fee-855b080681f4.pdf>.

² <https://afallasaga.is/nidurstodur/>

the government to continue these efforts and to take even more radical action.

7. 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 their being unaware of their rights and status under Icelandic law, leaving them vulnerable to abuse on the part of their spouses and employers. In 2023, 29,7% of the women who turned to the Women's Shelter were immigrant women, but they are a large majority of those who come to stay at the shelter. In 2018 women of foreign origin in Iceland gave a statement³ 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 2019⁴ 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.

- *ICEHR urges the Icelandic government to ensure better access to information for immigrant women.*
- *ICEHR encourages the Icelandic government to instigate research into violence faced by immigrant women in Iceland and to investigate the safety of immigrant women in workplaces.*
- *ICEHR urges the government to carry out the aim set forward in the implementation plan for immigration issues for ensuring that victims and perpetrators of violence of foreign origin being familiar with the services and resources available and for service and emergency personnel to receive training in immigration issues, cultural sensitivity, and multiculturalism.*

8. Little documentation and data are available on the general status of disabled people in Icelandic society. This information is needed 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 Police⁵ 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. Recent amendments to the Act on Criminal Procedures have improved the status of survivors with disabilities in the criminal justice system. However, more effort and education are needed.

- *ICEHR recommends for the government to conduct research and collect data on the status of people with disabilities to ensure their rights and freedom from abuse and discrimination.*

³ https://kjarninn.Overcastcdn.com/documents/Yfirlýsing_kvænna_af_erlendum_uppruna_-_isl_og_ensk.pdf.

⁴ <https://www.stjornarradid.is/lisalib/getfile.aspx?itemid=c6482f7c-570d-11ea-945f-005056bc4d74>.

⁵ <https://www.logreglan.is/wp-content/uploads/2021/01/Ofbeldi-gegn-fotludum-2020.pdf>.

- *Special focus should be put on women with disabilities.*
- *ICEHR urges 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.*

Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 6-7 and 14).

9. ICEHR is very concerned about the use of pepper spray, spit guards and tasers by the police. In particular, the indiscriminate use of pepper spray in recent and peaceful demonstrations. While our neighbouring countries are reconsidering their use of such measures there seems to be an unprovoked increase in their use by the Icelandic police.

- *ICEHR urges the government to prevent the arbitrary use of pepper spray, spit guards and tasers, and to issue clear regulations and procedures for their use. Also, to ensure effective monitoring of their use.*

Treatment of aliens, including migrants, refugees and asylum seekers (arts. 2, 7 and 13)

10. As stated in Iceland's Sixth periodic report (2022), the principle of non-refoulement was enacted with Article 42 of the Foreign Nationals Act No 80/2016 (hereafter "FNA"). It is difficult to comment on whether the principle is applied effectively as the ICEHR is not aware of any cases where the result has depended on the application of Art. 42. Instead, it seems, asylum applicants are granted subsidiary protection if they originate from countries where the principle might be applied.

The ICEHR is however concerned with the principle being breached indirectly. Art. 42(2) of the FNA clearly states that the principle of non-refoulement also applies to returning a foreigner to a region where it is not guaranteed that he/she will not be sent on to a region to which the principle applies. Nevertheless, the Immigration and Asylum Appeals Board has repeatedly disregarded this rule and concluded that the authorities can return a person to a third country despite that country having issued an order for the person to be deported to a territory to which the principle of non-refoulement applies (e.g. when the person is from a country which Iceland does not return people to, but the Icelandic authorities consider a third country responsible for the person's application). In such cases the Immigration and Asylum Appeals Board has repeatedly argued that effective remedies are available to the applicant in that they are free to submit a new application in the country that has already rejected their application and issued a deportation order, or otherwise apply to the European Court of Human Rights. The ICEHR is concerned that this position reflects a poor understanding on the part of the Immigration and Asylum Appeals Board, firstly, of Iceland's human rights commitments and how Icelandic law should be interpreted in the light of these commitments, and secondly, a poor understanding of the concept of *effective remedy*, as outlined in Art. 2 of the ICCPR and other human rights instruments that Iceland has ratified.

11. The adoption of the Foreign Nationals Act in 2016 was a multi-partisan effort and the stated objective of the law was indeed to guarantee humane and effective handling by the authorities, as regards matters concerning foreign nationals in the country. Despite the current act having marked

significant improvements in several areas, the ICEHR is deeply concerned about developments over the past few years.

Firstly, regarding the backlog of asylum applications, considerable efforts were made to reduce the processing time of asylum applications but over the past 2-3 years the backlog has increased once again. During this time the average processing time of asylum cases being considered for merit at the Immigration and Asylum Appeals Board has increased from about 90 days to 173 days (as of 1 November 2023). The ICEHR sent an information request to the appeals board inquiring about the current processing time, but the Board did not send the requested information in a timely manner. However, based on reports that the ICEHR has received from lawyers working in the field and the growing number of asylum seekers contacting the ICEHR about their cases, there is little doubt that processing times have continued to increase. The ICEHR is also concerned with an amendment made this summer to the Regulation on Foreigners No 540/2017, which directs the immigration authorities to prioritize the processing of cases that are close to surpassing the deadlines stipulated in Art. 74(2) of the FNA, which establishes a right to a residence permit on humanitarian grounds even though the applicant is concluded to not be a refugee. Consequently, cases which have surpassed the deadline are set aside, leaving those applicants unable to enjoy even the minimum security of a humanitarian residence permit stipulated by the law.

Secondly, a structural change was made to the system of legal representation of asylum seekers in the beginning of 2022. In the years prior, the Icelandic Red Cross had provided legal advocacy to asylum seekers on the basis of a contract with the government. This system ensured asylum seekers enjoyed equal access to legal representation during the asylum process, and that their advocates worked to a uniform standard of quality. Asylum seekers would usually meet with their advocate before their asylum interview and be able to speak to their advocate with the assistance of an interpreter before, during and at the end of the asylum process. In the new system, asylum seekers are assigned an advocate from a list of lawyers who have signed up with the immigration authorities and the standard means of communications appears to be through emails in English, which non-English speaking asylum seekers then need to translate with the help of online tools. The ICEHR has received numerous reports of advocates not fulfilling their obligations, neglecting to answer their clients or inform them of case developments, failing to notify them of decisions by the authorities, and even missing appeal deadlines. The Directorate of Immigration purports to maintain quality control of advocates on their list, advocates who are dependent on the Directorate for cases and then tasked with criticizing the Directorate's decisions on appeal. The ICEHR finds this system to be untransparent, ineffective and not conducive to establishing trust in the quality of asylum decisions or the work of asylum advocates. Furthermore, the Immigration and Asylum Appeals Board has declined access to appeal for asylum seekers whose advocates failed to meet the appeals deadline.

- *The ICEHR urges the government to make significant changes to the asylum advocates system, ensuring equal access to quality representation and eliminating any appearance of a conflict of interest.*

12. The ICEHR is concerned with the increasing number of reports from asylum seekers where children's access to education is delayed and asylum seekers are denied medical attention.

13. The ICEHR is deeply concerned about the government's efforts to provide "voluntary return" and the non-transparent nature of that system. For example, several individuals have reported being

denied to option to return to third countries, where they have a legal right to enter and reside, without being informed of their right to administrative appeal. At this stage, most asylum seekers no longer have any access to their advocate.

Exploitation forced labour and trafficking in persons (arts. 2, 7–8 and 26)

14. Immigrant workers 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 ICEHR considers them to be discriminated against by denying them unemployment benefits if their work agreement with the employer is terminated.

15. Recently, more focus has been put on human trafficking and many cases regarding exploitation on the labour market and forced labour have come to the attention of the Bjarkarhlíð response team on human trafficking. This includes a very extensive case which has caught much media attention. It is now under investigation, and much will ride on it being brought successfully to closure as that would have great preventive effect. Cases regarding sexual exploitation have also been brought to light.

- *ICEHR encourages the government to continue their support of actions against human trafficking, especially those aiding victims. Also, to ensure adequate know-how and resources to the judiciary system for the investigation, prosecution and conviction of trafficking cases.*
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Child abuse, including sexual abuse (arts. 2 and 24)

16. 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 risk that not all working with children let go of their pre-conceived notions and older work procedures so extensive education, follow-up and monitoring is definitely needed.

- *ICEHR 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.*

17. ICEHR welcomes the parliamentary resolution on the prevention of sexual and gender-based violence and harassment among children and young people, which was adopted by Althingi in the summer of 2020, along with an action plan for 2021–2025. It includes various actions which will hopefully be effective. However, there is no apparent difference in the conviction rate in cases of sexual violence against children. More work is needed for attitude change and awareness regarding sexual violence, so that it may be prevented. Children in marginalized groups are more susceptible to violence, including sexual violence. This situation must be addressed to ensure equality for all children.

- *While ICEHR recognizes and commends the valient efforts already undertaken by the government we recommend that close vigil be kept on the status of children in marginalized groups as well as children be listened to and noted in cases of violence and sexual abuse against*

them.