United Nations A/HRC/WG.6/40/ISL/2



Distr.: General 5 November 2021

Original: English

#### **Human Rights Council**

Working Group on the Universal Periodic Review Fortieth session 24 January–4 February 2022

# **Compilation on Iceland**

# Report of the Office of the United Nations High Commissioner for Human Rights

# I. Background

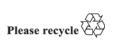
1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

# II. Scope of international obligations and cooperation with international human rights mechanisms and bodies<sup>1, 2</sup>

- 2. The Committee on the Elimination of Racial Discrimination welcomed the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2019.<sup>3</sup>
- 3. The same Committee encouraged Iceland to consider ratifying those international human rights treaties that it had not yet ratified, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It also encouraged Iceland to accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.<sup>4</sup>
- 4. In 2021, the Human Rights Committee requested that Iceland report on any recent review of the necessity of reservations to the Covenant, in particular to articles 10 (2) (b) and (3), 14 (7) and 20 (1) of the Covenant, with a view to withdrawing them.<sup>5</sup>
- 5. In 2020, Iceland submitted its midterm report regarding the implementation of the recommendations made during its second universal periodic review.<sup>6</sup>
- 6. Iceland contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2017, 2019, 2020 and 2021.<sup>7</sup>

# III. National human rights framework<sup>8</sup>

7. The Committee on the Elimination of Racial Discrimination was concerned that Iceland had not yet established a national human rights institution with a broad mandate to





promote and protect human rights in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

- 8. The same Committee urged Iceland to expedite the establishment of an independent national human rights institution, with a broad mandate to promote and protect human rights, and allocate to it adequate human and financial resources to carry out such a mandate, in accordance with the Paris Principles.<sup>10</sup>
- 9. The same Committee encouraged Iceland to invest such an institution with a mandate to address individual complaints regarding racial discrimination, as set out in article 14 (2) of the Convention.<sup>11</sup>

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

## A. Cross-cutting issues

#### 1. Equality and non-discrimination<sup>12</sup>

- 10. While noting that article 65 of the country's Constitution and articles 180 and 233 (a) of the General Penal Code were intended to provide protection against racial discrimination, the Committee on the Elimination of Racial Discrimination was concerned that national or ethnic origin was not included among the grounds of discrimination set out in article 233 (a) of the Penal Code. The Committee recommended that Iceland expand article 233 (a) to include national or ethnic origin as a ground of discrimination, in accordance with article 1 of the Convention.<sup>13</sup>
- 11. The same Committee reiterated its recommendation that Iceland incorporate all of the substantive provisions of the Convention into domestic law, with a view to ensuring comprehensive protection against racial discrimination.<sup>14</sup>
- 12. The Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization (ILO) noted the adoption in 2018 of two laws covering equal treatment and non-discrimination: Act No. 85 on equal treatment irrespective of racial and ethnic origin, which required equal treatment of persons irrespective of their race and ethnic origin in all fields of society, with the exception of the labour market; and Act No. 86 on equal treatment in the labour market. The Committee on the Elimination of Racial Discrimination welcomed the adoption of those Acts. 16
- 13. The ILO Committee of Experts noted that section 1 of Act No. 86 on equal treatment in the labour market provided for equal treatment of individuals in the labour market, irrespective of their race, ethnic origin, religion, life stance, disability, reduced working capacity, age, sexual orientation, gender identity, sexual characteristics or gender expression. The ILO Committee welcomed the inclusion of a range of prohibited grounds of discrimination in Act No. 86, but observed that it did not cover all the grounds of discrimination listed in article 1 (1) (a) of the Convention, namely the grounds of colour, political opinion, national extraction and social origin.<sup>17</sup>
- 14. The ILO Committee of Experts requested that the Government take the necessary steps to amend Act No. 86 on equal treatment in the labour market to ensure the inclusion of all the prohibited grounds of discrimination enumerated in article 1 (1) (a) of the Convention, in particular colour, political opinion, national extraction and social origin.<sup>18</sup>
- 15. The Committee on the Elimination of Racial Discrimination recommended that Iceland take measures to ensure the full and effective implementation of existing legal provisions prohibiting racial discrimination, to facilitate effective access to justice and to provide appropriate remedies for all victims of racial discrimination.<sup>19</sup>
- 16. The same Committee noted the measures taken by Iceland to combat racist hate speech, including awareness-raising measures on the value of diversity and the adoption of Act No. 38/2011 on the media, in which the encouragement of hatred in the media on several

grounds, including race, was prohibited under article 27. However, the Committee was concerned about the rise in hate speech, especially against ethnic-religious groups and foreigners of the Muslim faith, incitement to racial hatred and the propagation of ideas of racial superiority and involving racist stereotypes, including in political campaigns and debates, in the media and on the Internet and social media.<sup>20</sup>

- 17. The same Committee was also concerned that the penalties under article 27 of the Media Act were imposed only for serious and repeated violations, thus preventing the effective prosecution and punishment of hate speech in the media. The Committee was further concerned that, thus far, because of that high threshold, no complaints under article 27 of the Act resulted in prosecution.<sup>21</sup>
- 18. In 2021, the Human Rights Committee requested that Iceland describe the status of the pending bill to amend the Media Act to ensure that the sanctions prescribed applied to hate speech, and that its enforcement extended to social media activities.<sup>22</sup>
- 19. The Committee on the Elimination of Racial Discrimination recommended that Iceland take firm measures to combat hate speech, including by condemning all expressions of racist hate speech, including by political and public figures, and firmly combating them, in particular by monitoring the media, the Internet and social networks to identify persons or groups of persons expressing racist hate speech, and by investigating such acts, prosecuting those responsible and, if convicted, punishing them appropriately.<sup>23</sup>
- 20. The same Committee recommended amending the Media Act to abolish the requirement that violations be both serious and repeated in order for penalties to be imposed, so as to allow for more effective prosecution and punishment of all incidents of hate speech.<sup>24</sup>
- 21. The same Committee remained concerned that racist hate crimes still occurred and might remain underreported. The Committee recommended that Iceland ensure that all racist hate crimes were reported and investigated, that those responsible were prosecuted and, if convicted, punished appropriately, and that remedies were provided to victims.<sup>25</sup>
- 22. The same Committee was concerned about the absence of a provision in the Penal Code establishing racist motives as an aggravating circumstance, which was considered necessary to ensure appropriate penalties for racial discrimination offences. The Committee recommended that Iceland amend its Penal Code to include racist motives as an aggravating circumstance for criminal offences and to set out appropriate penalties, in line with article 4 of the Convention.<sup>26</sup>

#### 2. Fundamental freedoms<sup>27</sup>

- 23. UNESCO stated that defamation was criminalized by the Penal Code and was punishable with a fine or with imprisonment of up to one year. However, the Media Law provided a layer of protection for journalists as they were no longer liable for the quoted content from their sources.<sup>28</sup>
- 24. UNESCO reported that the Parliament approved a law in 2020 protecting whistle-blowers from retaliation.<sup>29</sup> With regard to the recent legislation to ensure the protection of whistle-blowers, the Human Rights Committee asked Iceland to comment on the strategies in place for its effective implementation.<sup>30</sup>

#### 3. Prohibition of all forms of slavery<sup>31</sup>

- 25. The Committee on the Elimination of Racial Discrimination welcomed the updated action plan against human trafficking entitled "Government Emphases in Actions against Human Trafficking and Other Types of Exploitation", published on 29 March 2019.<sup>32</sup>
- 26. The ILO Committee of Experts noted that trafficking for both labour and sexual exploitation had been found to be occurring. Victims were predominantly from the Baltic States, although some from South America were also identified.<sup>33</sup>
- 27. The Committee on the Elimination of Racial Discrimination was concerned that, during the period between 2015 and 2019, there had been no convictions for trafficking in persons, despite 74 potential cases having been reported, 27 formal investigations having been conducted and 88 victims having been identified.<sup>34</sup>

- 28. The ILO Committee of Experts noted that in recent years, the authorities put greater focus on labour exploitation through joint inspection activities of the police, tax authorities and labour inspectors on work sites where potential risk of forced labour was identified. A team on trafficking in persons was formed at the Department of Labour and work procedures were put in place. The metropolitan police also established an investigation unit focused on trafficking in persons and prostitution. The ILO Committee, therefore, requested the Government to continue its efforts to ensure that investigations and prosecutions were carried out against all persons engaged in trafficking in persons.<sup>35</sup> Similarly, the Committee on the Elimination of Racial Discrimination recommended that Iceland intensify its efforts to investigate allegations of trafficking in persons, prosecute the perpetrators of such acts.<sup>36</sup>
- 29. The ILO Committee of Experts requested that the Government continue its efforts with regard to the identification of victims of trafficking for purposes of both sexual and labour exploitation, and that it ensure that appropriate protection and assistance was provided to such victims.<sup>37</sup> Similarly, the Committee on the Elimination of Racial Discrimination recommended that Iceland ensure that victims received protection, assistance and reparation.<sup>38</sup>
- 30. The Committee on the Elimination of Racial Discrimination also recommended that Iceland conduct awareness-raising campaigns on the prevention of trafficking, including training for law enforcement and border immigration officials on the identification of victims of trafficking in persons, and campaigns on rights and remedies targeting the most vulnerable segments of the population.<sup>39</sup>

# B. Economic, social and cultural rights

31. The ILO Committee of Experts noted the extensive response measures taken by the Government to mitigate the effects of the COVID-19 pandemic. The broad-based measures were intended primarily to prevent unemployment and temporary loss of personal income through a Government payment of up to 75 per cent of the salary of part-time workers to encourage businesses to keep employees and avoid job losses. The measures also provided for the possibility of postponing the payment of taxes for businesses experiencing temporary difficulties as well as the possibility of withdrawing a monthly sum from voluntary pension savings.<sup>40</sup>

#### 1. Right to work and to just and favourable conditions of work<sup>41</sup>

- 32. The ILO Committee of Experts noted that the overall employment rate in 2018 was 81.6 per cent. The overall unemployment rate was 3.3 per cent in 2018, although it began to rise in 2019. The ILO Committee noted that recent university graduates reportedly represented a high proportion of the unemployed: 32 per cent among women and 20 per cent among men in the first half of 2019.<sup>42</sup>
- 33. The ILO Committee of Experts noted information that women's employment rate was steadily increasing, and was 80 per cent in 2018. Thirty-four per cent of women still worked in part-time jobs, compared with 12 per cent of men.<sup>43</sup> The Committee noted that more women than men were in part-time employment, as shown in 2017, when one third of women in the labour market were in part-time jobs, compared with 13.5 per cent of men.<sup>44</sup>
- 34. The ILO Committee of Experts observed that the action plan on the protection of children for 2019–2022 did not refer to measures enabling persons with family responsibilities who were engaged or wished to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities. The Committee asked the Government to indicate the manner in which the action plan had addressed the issue of balancing work and family responsibilities, in particular of the effective sharing of family responsibilities, and to provide information on the implementation of specific plans and programmes aimed at enabling persons with family responsibilities to engage in employment, without discrimination, and the results achieved.<sup>45</sup>

- 35. The ILO Committee of Experts recalled that section 2 of Act No. 95 of 2000 on maternity/paternity leave and parental leave, as amended in 2017 had two main objectives: to ensure that children got to spend time with both parents, and to enable both men and women to balance work and family life. Section 24 of the Act also provided that each parent was entitled to four months parental leave to care of their child. The Committee asked the Government to provide information on the measures taken to promote men's use of parental leave with a view to enhancing a more equitable distribution of family responsibilities, and on any measures taken with regard to other immediate family members who clearly need care and support, including persons living with disabilities, or the elderly.<sup>46</sup>
- 36. In January 2018, experts from the Working Group on business and human rights and the Working Group on discrimination against women and girls stated that Iceland was spearheading the fight against gender discrimination with new legislation on equal pay certification. The new Icelandic law required all companies and institutions with 25 or more staff to obtain an equal pay certificate. Firms had to show that they had classified jobs according to equal value and had then analysed people's wages accordingly. The law, which took effect on 1 January 2018, also required firms to demonstrate that they had formalized their pay policies and processes. The experts welcomed the move, which was a much-needed positive development in the global challenge of ending the gender pay gap.<sup>47</sup>
- 37. The Committee on the Elimination of Racial Discrimination remained concerned that the unemployment rate among persons belonging to ethnic minorities or with migrant backgrounds remained high, at 7.4 per cent, which was more than twice as high as that among the general population.<sup>48</sup>
- 38. The same Committee recommended that Iceland take measures to reduce the higher rates of unemployment among persons belonging to ethnic minorities, immigrants and persons with immigrant backgrounds, including through the provision of vocational training and language education. It recommended conducting awareness-raising campaigns among employers to prevent racial discrimination in the hiring process and educate workers about the available remedies for cases of discrimination in employment.<sup>49</sup>
- 39. The Human Rights Committee referred to reports of forced labour practices among migrant workers employed in industries such as construction, tourism, prostitution, manufacturing and domestic work.<sup>50</sup>
- 40. The Committee on the Elimination of Racial Discrimination remained concerned that despite the Committee's previous recommendations of 2010, Iceland was still issuing temporary work permits for specific employers instead of for specific types of work, thus making it difficult for the workers concerned to report labour violations committed by employers, including breaches of contract, and increasing their vulnerability to abuse and exploitation.<sup>51</sup> The Committee recommended that Iceland issue work permits for a specific type of work or remunerated activity and for a specific time, rather than for work with a specific employer.<sup>52</sup>

#### 2. Right to education<sup>53</sup>

- 41. UNESCO noted that the law on education prescribed free education for a duration of 10 years. Pre-primary education was not compulsory.<sup>54</sup> UNESCO recommended that Iceland revise the national legislation on education to guarantee at least 12 years of free primary and secondary education and introduce at least one year of free and compulsory pre-primary education.<sup>55</sup>
- 42. The Committee on the Elimination of Racial Discrimination remained concerned that disparities persisted in access to secondary education for children with immigrant backgrounds. <sup>56</sup> The same Committee recommended that Iceland continue its efforts to improve access to secondary education for children with immigrant backgrounds, including by creating a national education strategy to identify inequalities in access to education and develop solutions, in consultation with affected groups. <sup>57</sup> UNESCO made a similar recommendation. <sup>58</sup>

## C. Rights of specific persons or groups

#### 1. Women<sup>59</sup>

- 43. The ILO Committee of Experts noted the parliamentary resolution on a gender equality action programme for the period 2016–2019, which set up a road map for gender equality in areas such as the media and the education.<sup>60</sup>
- 44. The ILO Committee of Experts stated that women were poorly represented in senior company positions and on boards of directors, with only 10 per cent of them holding CEO positions, 22 per cent as secretaries-general and 26 per cent on boards of directors in the 100 largest companies in Iceland.<sup>61</sup>
- 45. While taking note of measures taken by Iceland to combat sexual and gender-based violence and discrimination, including the distribution to immigrant communities of pamphlets and cards on domestic violence and on the support available, the Committee on the Elimination of Racial Discrimination remained concerned that women from minority backgrounds and immigrant women remained more likely to experience violence than women in the general population, and that, in 2018, 35 per cent of women in domestic violence shelters were foreign.<sup>62</sup>
- 46. The same Committee recommended that Iceland increase measures to protect foreign women and women from minority backgrounds from sexual and gender-based violence and racial discrimination, including domestic violence, and ensure that victims were provided with adequate legal, medical and psychosocial assistance, regardless of their immigration status.<sup>63</sup>
- 47. The same Committee recommended that Iceland increase measures to ensure that foreign women and women from minority backgrounds were informed of their rights and of the remedies available, including by making educational material available in a variety of languages.<sup>64</sup>
- 48. The same Committee recommended that Iceland investigate allegations of sexual and gender-based violence and ensure that those responsible were prosecuted and appropriately punished.<sup>65</sup>

#### 2. Children<sup>66</sup>

- 49. UNESCO stated that the Law in Respect of Marriage No. 31 of 1993 set the minimum age of marriage at 18 years. However, the Law allowed the Ministry to permit the marriage of younger persons without specifying an absolute minimum age.<sup>67</sup> UNESCO recommended that Iceland revise the Law to set the absolute minimum age of marriage at 16 and allow for marriage below the age of 18 years only when authorized by the judicial authority.<sup>68</sup>
- 50. The ILO Committee of Experts reported that on 12 June 2019, the Parliament adopted its resolution No. 39/149 on an action plan on the protection of children for 2019–2022. The Committee notes that the action plan was aimed at providing support to children who faced physical and psychological violence and strengthening a number of institutions, such as the Child Welfare Agency and the child protection committees.<sup>69</sup>

#### 3. Migrants, refugees and asylum seekers<sup>70</sup>

51. The Committee on the Elimination of Racial Discrimination welcomed the action plan on immigrant issues for 2016–2019 and the 2016 national action plan for the integration of non-nationals.<sup>71</sup>

Notes

Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Iceland will be available at https://www.ohchr.org/EN/HRBodies/UPR/Pages/ISIndex.aspx.

<sup>&</sup>lt;sup>2</sup> For relevant recommendations, see A/HRC/34/7, paras. 115.1–115.19, 115.23–115.24, 117.1–117.2, 117.5, 117.10–117.13 and 118.1–118.8.

```
<sup>3</sup> CERD/C/ISL/CO/21-23, para. 3.
<sup>4</sup> Ibid., para. 23.
<sup>5</sup> CCPR/C/ISL/QPR/6, para. 3.
<sup>6</sup> See https://lib.ohchr.org/HRBodies/UPR/Documents/Session26/IS/IcelandUPRMId-termreport.pdf.
OHCHR, "Funding", in OHCHR Report 2017, p. 79, and "Donor profiles", in OHCHR Report 2017,
   p. 128; OHCHR, United Nations Human Rights Report 2019, pp. 90 and 175; OHCHR, United
   Nations Human Rights Report 2020, pp. 107 and 194; and OHCHR, United Nations Human Rights
   Report 2021, forthcoming.
<sup>8</sup> For relevant recommendations, see A/HRC/34/7, paras. 115.26–115.40.
<sup>9</sup> CERD/C/ISL/CO/21-23, para. 11. See also CCPR/C/ISL/QPR/6, para. 4.
<sup>10</sup> CERD/C/ISL/CO/21-23, para. 12.
<sup>11</sup> Ibid.
<sup>12</sup> For relevant recommendations, see A/HRC/34/7, paras. 115.44–115.58 and 117.26–117.28.
<sup>13</sup> CERD/C/ISL/CO/21-23, paras. 5–6.
<sup>14</sup> Ibid., para. 8.
15 See
   https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:4
   051776.
<sup>16</sup> CERD/C/ISL/CO/21-23, para. 4.
   https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:405177
   6:NO.
18 Ibid.
<sup>19</sup> CERD/C/ISL/CO/21-23, para. 8.
<sup>20</sup> Ibid., para. 13.
<sup>21</sup> Ibid.
<sup>22</sup> CCPR/C/ISL/QPR/6, para. 7.
<sup>23</sup> CERD/C/ISL/CO/21-23, para. 14.
<sup>24</sup> Ibid.
<sup>25</sup> Ibid., paras. 15–16.
<sup>26</sup> Ibid., paras. 9–10.
<sup>27</sup> For the relevant recommendation, see A/HRC/34/7, para. 117.41.
<sup>28</sup> UNESCO submission, para. 6.
<sup>29</sup> Ibid., para. 7.
30 CCPR/C/ISL/QPR/6, para. 5.
<sup>31</sup> For relevant recommendations, see A/HRC/34/7, paras. 115.59–115.61 and 117.36–117.37.
32 CERD/C/ISL/CO/21-23, para. 4.
   https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:395807
   2:NO.
<sup>34</sup> CERD/C/ISL/CO/21-23, para. 17.
   https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\_COMMENT\_ID:395807
   2:NO.
<sup>36</sup> CERD/C/ISL/CO/21-23, para. 18.
   https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:395807
<sup>38</sup> CERD/C/ISL/CO/21-23, para. 18.
  Ibid.
  See
   https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:405699
<sup>41</sup> For relevant recommendations, see A/HRC/34/7, paras. 115.68–115.74.
   https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:405699
   0.
   https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:405178
   3:NO.
  See
   https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:405178
```

0:NO.

<sup>71</sup> CERD/C/ISL/CO/21-23, para. 4.

```
45 See
   https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:405178
   6:NO.
46 Ibid.
<sup>47</sup> OHCHR, "Iceland leads the way on closing gender pay gap, UN experts say", 18 January 2018.
<sup>48</sup> CERD/C/ISL/CO/21-23, para. 19.
<sup>49</sup> Ibid., para. 20.
50 CCPR/C/ISL/QPR/6, para. 16.
<sup>51</sup> CERD/C/ISL/CO/21-23, para. 19.
<sup>52</sup> Ibid., para. 20; and CERD/C/ISL/CO/19-20, para. 18.
<sup>53</sup> For the relevant recommendation, see A/HRC/34/7, para. 117.31.
<sup>54</sup> UNESCO submission, pp. 4–5.
<sup>55</sup> Ibid., para. 13.
<sup>56</sup> CERD/C/ISL/CO/21-23, para. 19.
<sup>57</sup> Ibid., para. 20.
<sup>58</sup> UNESCO submission, para. 13.
<sup>59</sup> For relevant recommendations, see A/HRC/34/7, paras. 115.64–115.67, 115.70, 115.73–115.89,
   115.101, 116.6-116.7, 117.33 and 117.36.
   https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\_COMMENT\_ID:405178
61 Ibid.
62 CERD/C/ISL/CO/21-23, para. 21.
^{63} Ibid., para. 22.
64 Ibid.
65 Ibid.
<sup>66</sup> For relevant recommendations, see A/HRC/34/7, paras. 115.90–115.95.
<sup>67</sup> UNESCO submission, p. 5.
<sup>68</sup> Ibid., para. 13.
69 See
   https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:405178
<sup>70</sup> For relevant recommendations, see A/HRC/34/7, paras. 115.99–115.100.
```