



## Economic and Social Council

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### Committee on Economic, Social and Cultural Rights

#### Forty-ninth session

#### Summary record of the 43rd meeting

Held at the Palais Wilson, Geneva, on Wednesday, 21 November 2012, at 10 a.m.

*Chairperson:* Mr. Pillay

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*The meeting was called to order at 10.05 a.m.*

### **Consideration of reports**

#### **(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant** *(continued)*

*Fourth periodic report of Iceland (E/C.12/ISL/4; E/C.12/ISL/Q/4 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of Iceland took places at the Committee table.*
2. **Ms. Thorsteinsdottir** (Iceland) said that the United Nations human rights treaty bodies played a key role in ensuring the implementation of international instruments. New legislation on education had been enacted in 2008, and a new national curriculum guide had been adopted in 2011. The new educational policy was based on six fundamental pillars: literacy, sustainability, health and welfare, democracy and human rights, equality, and creativity. While the human rights situation in Iceland was good by international standards, much remained to be done, and her Government would welcome the Committee's constructive criticism and support.
3. The collapse of the banking sector in Iceland in 2008 had resulted in a steep rise in unemployment. The present Government had been established in early 2009 with the specific aim of protecting the country's welfare system. Despite the necessary austerity measures, the Government had managed to safeguard the education, health-care and social security systems, with a focus on protecting persons with low income. While those efforts had succeeded in reducing the at-risk-of-poverty rate, the percentage of single-parent families at risk of poverty was still quite high. The 2013 fiscal budget was therefore focused on improving conditions for families with children and creating job opportunities.
4. The Government's policy statement included a commitment to adopt a national human rights action plan, which would be submitted to Parliament by the end of 2012. The aims of the plan included further enhancing the protection and promotion of human rights, coordinating the human rights work of various ministries and organizations, deciding on the ratification of human rights instruments, and assessing the need to establish a national human rights institution.
5. Amendments to the human rights chapter of the Constitution, adopted in 1995, had played a key role in mainstreaming human rights considerations, and international agreements wielded a strong influence in the country. An extensive constitutional revision process was currently under way. In 2010 a national forum on constitutional matters had been held, in which 1,000 randomly selected individuals had participated, and the Constitutional Council had been established with the aim of, inter alia, further incorporating economic, social and cultural rights into the Constitution. In July 2011 the Council had submitted a draft Constitution, which was currently being debated in Parliament.
6. Government institutions had recently been extensively restructured, resulting in the merging of various ministries, with the aim of further strengthening their work and enhancing human rights protection. In its efforts to improve the rights of vulnerable groups, the Government had recently been focusing on the rights of disabled persons in preparation for ratifying the Convention on the Rights of Persons with Disabilities, and a new law had been passed to protect the rights of that group. Parliament had recently adopted a resolution concerning an action plan on issues concerning persons with disabilities. Responsibility for providing services for such persons had recently been transferred from the Government to the municipalities in order to bring those services closer to the users.

7. New legislation had been passed establishing a gender-neutral definition of marriage, and important steps had been taken to improve the legal status of transgender persons. The Government was aware, however, that equal legal status did not ensure equality, as evidenced by the widespread discrimination against women and the gender pay gap that still existed despite the fact that for the past four years Iceland had ranked first in the Global Gender Gap Index issued by the World Economic Forum. Sexual and domestic violence was openly discussed in Iceland, and the Government had recently made legislative amendments to further strengthen its stance against gender-based violence.

*Articles 1 to 5*

8. **Mr. Riedel** (Country Rapporteur) said that Iceland seemed to be recovering quickly from the banking collapse of 2008, and he hoped that the situation would soon return to what it had been before that event. The Government's achievements in establishing a gender-neutral definition of marriage and strengthening the legal status of transgender persons were quite remarkable. He noted several positive measures taken in recent years, such as the adoption of the Gender Equality Act and the National Plan against Trafficking in Human Beings.

9. Referring to the Committee's previous concluding observations, issued in 2003, he asked what had been done about the fact that the provisions of the Covenant were not given full effect in the domestic legal order; why Iceland devoted only 0.16 per cent of its gross domestic product (GDP) to international cooperation; what progress had been made in improving access to employment for persons with disabilities; why Iceland had not yet ratified the Convention on the Rights of Persons with Disabilities; whether health and safety regulations had been successful in reducing the frequency of occupational accidents; and what practical measures had been taken to improve the financial situation of single-parent families.

10. **Ms. Shin** asked how the Constitutional Council further incorporated economic, social and cultural rights into the Constitution; where the discussions on whether or not to establish a national human rights institution currently stood, and how likely it was that one would be established; and whether Iceland planned to ratify the Optional Protocol to the Covenant.

11. In some countries, the transfer of responsibility for certain social services to local governments resulted in wide disparities in the quality of services provided in different regions. She therefore hoped that the Government would maintain supervision over the services provided to persons with disabilities, establish normative guidelines on those services, and grant financial assistance to the municipalities to help them supply those services. She asked the delegation what it believed to be the root cause of the gender pay gap in the country.

12. **Mr. Tirado Mejía** asked what efforts the Government had made to disseminate the Committee's previous concluding observations and to raise awareness of human rights among civil servants. He encouraged the State party to ratify the Optional Protocol to the Covenant. He wished to know what measures had been taken to improve the inclusion of children with disabilities and children of migrants in the school system. He requested further information on the action plan on issues concerning persons with disabilities.

13. **Ms. Barahona Riera** said that the Committee's dialogue with the State party was particularly valuable because some of the measures taken by the Government could serve as an example for other countries dealing with the effects of the global economic crisis. She asked whether discussions were under way about the possible obstacles to ratification of the Optional Protocol to the Covenant. She wished to know specifically how economic, social and cultural rights would be incorporated into the new Constitution, which institutions

would monitor implementation of those rights, and why the Government had found it necessary to draft a new Constitution. She commended the State party for including health, democracy and human rights among the pillars of its education policy and requested further information on that policy.

14. **Mr. Dasgupta** asked what requirements Act No. 121 of 2008 established with regard to official development assistance (ODA).

15. **Mr. Kedzia** asked the delegation to provide information on the implementation of the recommendations issuing from the universal periodic review of Iceland. He wished to know to what extent the Office of the Ombudsman was involved in the protection of economic, social and cultural rights, whether that institution's services were accessible to all persons living in Iceland, and whether the Government was considering applying to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights for accreditation of the Ombudsman's Office as a national human rights institution.

16. He asked if domestic legislation included a general anti-discrimination law. He was impressed by the extent to which the State party had recovered from the economic crisis, and commended it for focusing its welfare expenditures on lower-income households. He wished to hear the delegation's views on the Committee's approach to respect for economic, social and cultural rights in the context of the economic crisis, as outlined in a letter it had addressed to all States parties in May 2012.

17. **Mr. Sadi** said that Iceland had not done enough to establish a national action plan on human rights or a national human rights institution. Given that the Committee was currently considering Iceland's fourth periodic report, more was expected of the State party at such an advanced stage. He suggested that the Government might reform the Icelandic Human Rights Centre to bring it in line with the Paris Principles so that it could serve as the national human rights institution. He wondered why Iceland had taken so long to incorporate the provisions of the Covenant into its domestic legal order. He asked if human rights education had been introduced into the education system at all levels. Lastly, he wished to hear the delegation's view on ratification of the Optional Protocol.

*The meeting was suspended at 10.55 a.m. and resumed at 11.10 a.m.*

18. **Ms. Thorsteinsdottir** (Iceland) said that the measures taken following the financial crisis had emphasized the protection of lower-income groups. For instance, the minimum pension had been increased considerably, and unemployment benefits had also been raised. Other measures had included mortgage interest benefits and debt relief. As a result, the percentage of people living below the poverty line was now actually lower than before the crisis. Nevertheless, all income groups had experienced a reduction in their standard of living given the high rate of inflation.

19. The Plan of Action on Disabled Persons' Affairs took account of the Convention on the Rights of Persons with Disabilities and other international human rights instruments to which Iceland was a party. The Plan of Action aimed to ensure that persons with disabilities were full participants in policy formulation and decision-making on issues that affected them. According to the Plan of Action, conditions should be created to ensure that persons with disabilities could live independently, and efforts made to combat poverty and the social exclusion of persons with disabilities. One of the measures included in the Plan of Action was that persons with disabilities could engage the services of a personal assistant, and that arrangement was currently being tested before being provided for in legislation.

20. **Ms. Bjarnadottir** (Iceland) said that Act No. 121 of 2008 had been intended to further strengthen the framework for Iceland's international development cooperation. One of the aims of the action plan adopted in 2011 was to attain the target of allocating 0.7 per

cent of GDP to ODA within the next 10 years. At present, the figure was 0.19 per cent, and it was expected to increase to 0.5 per cent by 2017.

21. Regarding the role of the Covenant in the domestic legal order, she said that the Icelandic authorities were obliged to interpret domestic legislation in the light of the Covenant. Following a 1995 constitutional amendment, the connection between the Covenant and the human rights provisions of the Constitution was unequivocal. The Covenant therefore had an effect on the judiciary in that it was part of the interpretation of the human rights provisions of the Constitution, and the Covenant had been invoked in a good number of court cases. The incorporation of human rights treaties into domestic legislation was one of the suggestions that the Constitutional Council had presented to Parliament. The Council was of the view that such treaties should have priority over national legislation. The Constitutional Council had also suggested amendments to the human rights chapter of the Constitution, having paid particular attention to the Covenant in their elaboration.

22. Regarding ratification of the Optional Protocol to the Covenant, it was true that, during the universal periodic review process, Iceland had made a voluntary commitment to consider ratifying the Optional Protocol after completing a study of the legal implications.

23. The new National Action Plan on Human Rights would formulate the structure for human rights in Iceland, and would establish a platform between all of the ministries, not only those traditionally involved in that area, to discuss human rights issues. The National Action Plan would state the Government's intention of establishing a national human rights institution. During the elaboration of the Action Plan, the Government had hosted a series of monthly meetings on various human rights topics, including the establishment of a national human rights institution, with the participation of non-governmental organizations and various other stakeholders. The situation seemed promising, and it was hoped that there would soon be further progress to report.

24. As to the dissemination of the periodic report, it was standard procedure to publish reports to the human rights treaty bodies on the website of the Ministry of the Interior.

25. **Ms. Gunnsteinsdottir** (Iceland) said that a report on occupational health and safety was produced every year. The aim of the Administration of Occupational Safety and Health was to reduce the number of accidents, particularly fatal accidents, in the workplace. The Administration conducted a targeted occupational safety campaign every year, and Iceland observed the annual European Week for Safety and Health at Work. In recent years, considerable efforts had been made to raise awareness among employers of the importance of carrying out risk assessments. One campaign had focused on workers under the age of 25, while others had targeted foreign workers, especially on construction sites, and had involved the distribution of information material in a number of languages.

26. The number of workplace accidents had decreased between 2001 and 2004, increased again between 2005 and 2008, and fallen again between 2009 and 2011. There had been 1,322 workplace accidents on land in 2011. There had been three fatal accidents on land in 2005, four in 2007, and three in 2011. There was a long-standing programme on safety for seafarers, which included the distribution of educational material in the form of handbooks and DVDs on board all fishing vessels in Iceland. There had been three fatal workplace accidents at sea in 2005 and five in 2007. More up-to-date information would be provided in writing.

27. On the issue of maternity/paternity leave, it was true that it was the only benefit to have been cut during the 2008 collapse. However, that had been only a temporary measure, and the Ministry of Welfare was shortly to submit a new bill to Parliament to restore payments to their previous level of 80 per cent of the parents' wages. The 2013 budget

would include a number of measures that would benefit single-parent families, such as increases in child benefits and rental housing benefits.

28. Regarding measures for persons with disabilities, she pointed out that the Ministry of Welfare was the policy-maker in that area. The aim of the transfer of services to the municipalities had been to mainstream social services for persons with disabilities with the general social services provided by the municipalities, so as to ensure that there was no difference in treatment between persons with disabilities and other groups.

29. One of the reasons cited for the continuing gender pay gap was that women still assumed the greater share of responsibility for childcare and running the home. For example, under the maternity/paternity leave system, each parent had three months' leave, while a third block of three months could be shared between them, but, in practice, the woman most often took the greater share. However, roles were gradually becoming more equal, particularly among young people. Eliminating the gender pay gap was one of the Government's priorities, and it had drafted a new standard on an equal pay management system, which was to be issued in December 2012. The Government had approved a special action plan aimed at eliminating the gender pay gap, and there were plans to establish a committee on the issue, comprising representatives from the ministries and social partners, and to appoint a special project manager. The Government was aware of the need to gather statistics and conduct research so as to be able to better remedy the problem.

30. Ensuring access to employment for persons with disabilities was the responsibility of the Directorate of Labour, as was employment for all other citizens. A number of methods had produced good results in that area, in particular supported employment. According to a survey of social assistance recipients, 25 per cent were unemployed and not in school or training, 23 per cent were in training centres, 21 per cent were working in sheltered employment or vocational training, 19 per cent were studying, and the remainder were employed in the labour market or employed with support. Since 2008, considerable efforts had been undertaken in the area of vocational rehabilitation. Vocational rehabilitation funds had been established, and their clients were individuals who had had to leave the labour market due to a loss of health but were determined to return as soon as possible. Their ability to work was assessed and solutions identified accordingly.

31. Regarding the anti-discrimination law, the Ministry of Welfare was working with the social partners on a new bill to implement two European directives from 2000, which would be submitted to Parliament in December 2012. The bill would counter discrimination on the grounds of racial or ethnic origin, disability, sexual orientation, and religion. The Government had had consultations with the European Commission on that matter to gain a deeper understanding of the directives.

#### *Articles 6 to 9*

32. **Mr. Riedel** asked the delegation to specify which individual articles of the Covenant, from 6 to 15, were protected under the Constitution.

33. **Mr. Texier** requested data on the current unemployment rate, disaggregated by sex and age. He asked whether there were any plans to relax the law in relation to work permits for foreigners, and whether all workers were covered by collective agreements that set a minimum wage. On the issue of workplace accidents, he wished to know what measures were taken if an accident was clearly due to the employer's failure to comply with the relevant standards and regulations, and in particular whether the courts imposed deterrent punishments. Regarding working hours, he asked whether overtime was paid at a higher rate, and whether there was any trend towards reducing the length of the standard working week. Finally, he wished to know whether compulsory arbitration was still imposed during collective bargaining.

34. **Ms. Shin** asked whether, under the work permit system, it was possible for foreign workers to change employers if they so wished. She requested information on the extent of compliance with the 40 per cent quota introduced for the representation of women on the boards of corporations with more than 50 employees. She wished to know what efforts were being made to change social attitudes and ensure that balancing work and home life was also a men's issue.

35. **Mr. Martynov** asked for data on long-term unemployment. He noted that the delegation had not answered the question on why Iceland had not yet ratified the Convention on the Rights of Persons with Disabilities or when it expected to do so, although it had made an informal undertaking to ratify the Convention before the end of 2012. With regard to the implementation of the European directives, and the consultations held to gain a deeper understanding of their content, he expressed surprise that it had taken 12 years to reach that stage. He would welcome written information on persons with disabilities in the labour market.

36. Turning to issues related to article 7 of the Covenant, he said that, in its concluding observations on the State party's third periodic report, the Committee had recommended that Iceland ratify the International Labour Organization (ILO) Prevention of Major Industrial Accidents Convention, 1993 (No. 174) and Labour Inspection Convention, 1947 (No. 81). He asked whether the State party had in fact done so.

37. Regarding issues related to article 9 of the Covenant, he expressed satisfaction at the fact that the minimum amounts of the old-age pension and the unemployment benefit had recently been raised. He asked how those amounts compared with the minimum subsistence level.

38. **Ms. Cong** noted that, according to paragraph 13 of the State party's written replies, the Government of Iceland had in 2010 paid about 32 per cent of the interest cost of housing loans, and up to 45 per cent for the lowest-income groups. She asked whether there were plans to increase the percentage of interest paid for the lowest-income groups to 100 per cent.

39. **Mr. Kedzia** said that in his view it could be difficult for foreign workers to lodge complaints against employers given that under Act No. 78/2008 work permits for such workers were valid only for employment with a particular employer. He asked whether, given the circumstances, foreign workers were able to exercise their rights.

40. Turning to issues regarding article 9 of the Covenant, he noted that, according to some information provided to the Committee, the monthly payments to pensioners had declined by 20 per cent because of the financial crisis. He asked whether the decrease was a temporary measure, whether it had been announced as such, and whether the new levels would be maintained. According to information provided by the Icelandic Human Rights Centre, from 2010 to 2011 the number of people seeking assistance from Iceland's Family Aid programme had increased substantially. He asked what factors might have prompted the increase and what steps were being taken to address it. Finally, noting the information in the written replies about a drop in the percentage of inhabitants below the risk-of-poverty threshold, he added that nevertheless, according to the same document, the percentage of single-parent families at risk of poverty remained quite high. He asked what the percentage was and how it had evolved in the past few years.

41. **Mr. Abdel-Moneim** said that Iceland had been one of the main victims of the financial crisis but was making noteworthy efforts to alleviate its social, economic and cultural impact. Referring to the banking boom that had preceded the crisis, and noting that, according to information provided to the Committee, the State party had enormous outstanding loans to stabilize its currency, he said that financial policy should be devised to

complement economic policy, particularly given that the Covenant obliged States parties to seek full employment.

42. Commenting on the State party's report, he said that in some instances it lacked the detail needed to evaluate progress in implementing the Covenant's requirements. He hoped that the next periodic report would be sufficiently detailed. Regarding the concept of "actively seeking employment" referred to in paragraph 119 of the report, he said that some of the conditions listed did not seem appropriate. The policy seemed biased towards the demand side of the labour equation, whereas a balanced policy should focus on both supply and demand. Also, some of the language used in the paragraph seemed to contravene article 6, paragraph, 1 of the Covenant.

#### *Articles 10 to 12*

43. **Mr. Tirado Mejía** said he understood that domestic violence was not considered a criminal offence. He asked why that was the case, stressing that domestic violence needed to be defined separately and specifically in legislation.

44. Welcoming the State party's ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, he asked what measures were being taken to combat the problem.

45. He requested information about the State party's policies with regard to the consumption of tobacco, alcohol and drugs, and about rates of consumption of those substances in Iceland. He asked whether drug offenders were only punished or also offered treatment.

46. **Mr. Ribeiro Leão**, referring to the discussion in the State party's report of Act No. 63/1985 on payment equalization of housing mortgages to individuals, asked whether the Act had had a positive impact, and whether the delegation could provide relevant statistics. He asked whether consideration had been given to increasing health assistance for immigrants and for children with disabilities.

47. **Mr. Martynov**, referring to paragraphs 130–135 of the report, asked for additional information on steps taken to follow up on the recommendations made by the Committee in paragraph 27 of its previous concluding observations. He requested the State party to provide, preferably in writing, statistics on the share of the population living below the poverty threshold, disaggregated by year, age and gender, with special emphasis on the most vulnerable population groups as enumerated in paragraph 132 of the report.

48. **Mr. Riedel** asked whether the State party intended to increase the proportion of the State budget spent on health care in line with the recommendations of international bodies. He requested information about health spending trends since 2009. He expressed concern about increasing obesity in Iceland, especially among children, and requested statistics on child suicide.

49. **Ms. Barahona Riera** enquired about the State party's position on prostitution, and whether the provision and use of prostitution services were criminal offences. Recognizing the ongoing debate about how to safeguard individual rights while protecting children and adults from the harmful effects of pornography, she asked what steps the State party was taking to combat Internet pornography, in particular that involving children, and what its position on the issue was. She also requested information about any new measures relating to sexual and reproductive health. At what age was education on the subject provided in schools, and what was the content of such courses?

50. **Ms. Gunnsteinsdottir** (Iceland) said that as of October 2012 the unemployment rate in Iceland had been 5.2 per cent of those registered as unemployed, which represented



about 8,000 people. The rate had been 4.7 per cent for men and 5.8 per cent for women. For that same month, the long-term unemployment rate, representing people who had been out of work for more than six months, had been 55.8 per cent of those registered as unemployed. The unemployment rate for people between the ages of 16 and 24 had been 14.5 per cent of the registered unemployed, representing 1,884 people. She promised to furnish the Committee with additional information on the subject, adding that her Government was about to launch a special programme targeting the 3,700 people who had been unemployed for more than 36 months.

51. Responding to a question about temporary work permits, she said that foreign workers experiencing problems with their employers could easily contact their union's representative with no fear of negative consequences. Also, they could change employers even if their original temporary work permit had not expired. The employee and the new employer had to apply for a new permit, which was easy to obtain.

52. Regarding the rise in workplace accidents during the previous decade, she said that it had been linked to increased construction activity, which had led to a temporary increase in the number of workers in certain sectors. She described measures that were taken when a workplace accident was found to result from a breach of the law by the employer.

53. Regarding the issue of balancing work with family life, she said that the Gender Equality Act obliged employers to give both women and men the opportunity to achieve such a balance. A special committee under the Ministry of Welfare was examining the topic and would produce a report in the first half of 2013. She agreed that it was important for men to join the society-wide discussion of the issue and believed that that was in fact happening.

54. Regarding efforts to achieve full employment, she said that firms weakened by the financial crisis had been urged to find alternatives to dismissing employees and that legislative measures had been taken to help them to do so.

55. **Ms. Bjarnadottir** (Iceland), responding to a question about individuals' access to the Parliamentary Ombudsman, said that, while the Parliamentary Ombudsman dealt with the sphere of Government administration, anyone with an interest in an administrative decision could request an opinion from him. The Parliamentary Ombudsman was attuned to human rights issues and actively examined the administration's work from a human rights perspective. It was unlikely that the Parliamentary Ombudsman's position would evolve into that of a human rights ombudsman.

56. Regarding the Convention on the Rights of Persons with Disabilities, she said that the Ministry of the Interior, which was responsible for overseeing the ratification process, was taking it very seriously, which was one reason why ratification was taking so long. The Convention was being retranslated, and some legal amendments had been made in connection with ratification, such as updating voting legislation so that people with disabilities could themselves decide who would help them vote.

*The meeting rose at 1 p.m.*