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**Human Rights Committee**

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**Consideration of reports submitted by States parties  
under article 40 of the Covenant**

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parties under article 40 of the Covenant**

**Iceland**

**Addendum**

**Replies from the Government of Iceland to the list of issues  
(CCPR/C/ISL/Q/5) to be taken up in connection with the consideration  
of its fifth periodic report (CCPR/C/ISL/5)\***

[20 June 2012]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

**Reply to the issues raised in the list of issues (CCPR/C/ISL/Q/5)**

1. The Government's Coalition Platform states that further action is required following the opinion of the Human Rights Committee, for instance, by honouring freedom of employment and ensuring equality in the allocation of utilization rights and access to the common resource. The Government has presented new legislative bills aimed at increasing the possibilities for participation of those not currently stakeholders in the system.

2. Various significant efforts have been made to react to the Committee's views no. 1306/2004 that have been described in detail in letters to the Committee from the Minister of Fisheries and Agriculture of 6 June 2008 and 26 February 2009. As the Icelandic Government has stated to the Committee, an overall review of the Icelandic fisheries management system is being carried out. Further, this issue is a matter of a democratic debate in Iceland, as the system for fisheries management is one of the cornerstones of the country's economy.

3. The Icelandic Government has been informed that the Committee has examined the follow-up information received in connection to the case and decided not to examine the case any further under the follow-up procedure with a note of a partly satisfactory implementation of its recommendation.

4. The matter of juvenile prisoners is a subject of wide discussion in Iceland as the Parliament in a Parliamentary Resolution from 2009 instructed for the Convention on the Rights of the Child to be incorporated into domestic law. The legal framework was examined under the auspice of the Ministry of the Interior led to a setting up of a working group on the service of sentence of children who have the capacity to infringe the penal law. The group has set forth suggestions to achieve the goal to separate juvenile prisoners from adult that are under consideration within the Government. In this respect it is of importance to bear in mind Icelandic circumstances, notably the geographic distribution of the country's settlement and how few children on a yearly basis this affects. The Government will continue to work towards a solution with the best interest of the child as a fundamental guideline.

5. With respect to reservations towards articles 14, paragraph 7, and 20, paragraph 1, of the Covenant, no plans are to withdraw the reservations in the near future, although the topics will be taken up in connection with the preparations of a National Action Plan on Human Rights, described further below. A project is ongoing preparing a National Action Plan for Human Rights in Iceland, led by the Ministry of the Interior with multi stakeholder participation of representatives from all Ministries and representatives of civil society and academia. The National Action Plan will be put before the parliament in October 2012 and significant effort will put into the implementation of the plan. The plan is intended to further enhance protection and promotion of human rights in Iceland, determine responsibility and coordinate the work of different Ministries and organizations in human rights matters, as well as decide on ratification of human rights agreements and evaluate whether a national institution for human rights should be set up. It is also designated to lay out suggestions for the Parliament on incorporation of the main human rights conventions that Iceland has ratified, among others the Covenant on Civil and Political Rights. A final decision and possible specific timeframe on the results of the proposed suggestions will be determined by the Parliament.

7. As stated in Iceland's fifth periodic report the Covenant has a significant effect in domestic legislation. Icelandic authorities are obliged to interpret domestic legislation in the light of the Covenant. Furthermore it is clear the amendments of the Constitution 1995 the connection between the Covenant and the human rights provisions of the Constitution unequivocal. Therefore, as explained in the fifth periodic report, the application of the Covenant in Court decisions is mainly through interpretations of the provisions of the

Constitution. This could be seen in two identical Supreme Court Judgements of 12 of April 2011 No. 188/2011 and 189/2011, in which individuals argued that the Icelandic Government had violated article 26 of the Covenant. Another example is the Supreme Court Judgement of 28 October 2011 in Case No. 300/2011, which concerned a Dutch local authority's claim which was deemed to be a deposit and recognized as a priority claim in the winding up of the bank LÍ hf. Sixty two plaintiffs based their case on various premises, among them that they had suffered losses resulting from the adoption of Act No. 125/2008, on the Authority for Treasury Disbursements due to Unusual Financial Market Circumstances etc., and that provisions in this Act were in violation of the Constitution of Iceland and specifically cited international conventions to which Iceland had acceded. The court came to the conclusion that the priority claim did not violate article 65 of the Constitution, article 26 of Covenant on Civil and Political Rights and article 14 of the European Convention on Human Rights (ECHR). It may also be mentioned that the Supreme Court Judgments ruled in the same manner the same day on eight similar cases from different parties.

8. No independent national human rights institution (NHRI) in accordance with the Paris Principles has been set up in Iceland. Various NGO's contribute greatly to the protection and promotion of human rights in Iceland, and provide the authorities with critical and constructive criticism. The Icelandic Human Rights Centre (ICEHR) has assumed some of the functions of a national human rights institution, though not established by statute. Since 2008, the Centre has received funding on a regular basis from the Government. The Human Rights Institution of the University of Iceland has also played an important role in promotion of human rights in a academic and social context in Iceland, partly funded by the Government. In addition the Ministry of the Interior supports various human rights groups and projects with funding every year.

9. The Ministry of the Interior will in cooperation with relevant stakeholders host a seminar come autumn on the topic of a national human rights institution in Iceland. The outcome will provide for an important input in the upcoming decision making process in the Parliament on possibly setting up an NHRI. It may also be added that in the universal periodic review process in 2011 Iceland made a voluntary commitment to actively examine the possibility of establishing a National Human Rights Institution in keeping with the Paris Principles in connection with the National Action Plan on Human Rights that is being prepared.

10. In 2008, a committee was established under the auspices of the former Ministry of Social Affairs and Social Security to examine the provisions of The Racial Equality Directive 2000/43/EC<sup>1</sup> and the Employment Equality Directive 2000/78/EC<sup>2</sup> in relation to the market. The Committee recommended the transposition of the two directives. The Committee's report, which was published in 2009, recommends the adoption of a special legislation in line with the directives to combat discrimination in the labour market, both public and private, on all grounds. The Committee's recommendations concern research, establishment of an anti-discrimination complaints committee with advisory functions and the establishment of the position of a general anti-discrimination contact point at the Centre for Gender Equality charged with, inter alia, assisting those wanting to complain of violations of the new law and monitoring its implementation.

11. Since then a considerable work has been done both within the Ministry of Welfare as well as with stakeholders such the University of Iceland, the Icelandic Human Right

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<sup>1</sup> Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Official Journal L 180, 19 July 2000.

<sup>2</sup> Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, Official Journal L 303/16, 2 December 2000.

Centre, the Centre for Gender Equality, the National Association for People with Intellectual Disabilities, the Icelandic Women's Rights Association, Reykjavik City Human Rights Office and Reykjanes Municipality. Various projects with these stakeholders have been implemented which aim at introducing the implication of the two anti-discrimination directives. Amongst these projects are a study which examines active participation of immigrants in Icelandic society on different levels, including the labour market and the school system, a peer education project for children in the elementary schools in Reykjavik on the main principles of EU legislation against discrimination and article 65 of the Icelandic Constitution which stipulates clearly that everyone is to be equal before the law. Furthermore the University of Iceland, Faculty of Law, conducted a high quality research and training seminar to deepen knowledge of and capacity in equality legislation among legal practitioners and scholars. Preparation of a new legislation aligning with the anti-discrimination *acquis* is on-going and should be submitted to the Parliament in the fall 2012.

12. Article 233a provides that any person who, by mockery, slander, insult, threat or other means, publicly attacks a person or group of persons on the grounds of their nationality, colour, race, religion or sexual orientation shall be liable to a fine or imprisonment for a term not exceeding two years. Article 180 provides that denying a person service, or access to any public area or place intended for general public use, on account of that person's colour, race, ethnic origin, religion or sexual orientation is punishable by fines or imprisonment for up to six years. According to NOG's there have been incidents of refusal of access to public spaces and harassment based on race and/or ethnic origin but as of present no cases referring to this provision have been decided in the courts.

13. The Permanent Committee on Criminal Law is examining whether the articles should be changed in order to allow for them to also provide for protection for Transgender people. The Committee is considered to submit their proposals to the Minister of the Interior fall 2012.

14. The Parliamentary Ombudsman received eight cases in the years 2010 – 2012 where an individual filed a complaint based on alleged discrimination, two on the grounds of age, two on the grounds of gender, two on the grounds of disability and two on the grounds of religion. The Ombudsman did not find a breach of legislation or procedure in any of the cases.

15. The Ombudsman role under the law is to supervise the administration of the State and the local governments. The Ombudsman rarely deals with cases that concern racial discrimination, no public supervisor has that role to receive complaints on the grounds of racial discrimination. In comparison, the Ombudsman only deals with cases that concern gender equality when a party in dispute complains about the result of The Gender Equality Complaints Committee. Complaints that concern that an individual has been directly discriminated or treated unequally by a government employee has rarely been formally requested examination of the Ombudsman and none in the time frame of 2010 – 2012.

16. The relevant provisions are in the General Penal Code as described in the answer to question No. 5. No cases on the grounds of the provisions have come to the courts in 2010 – 2012.

17. The Icelandic authorities would like to draw the Committee's attention to a new Act on Media that was adopted by the Parliament last year, among others transposing the European Audio-visual Media Services Directive. The act stipulates a ban on hate speech and incitement to criminal behaviour by the media on the basis of race, gender, sexual orientation, religious belief, nationality, opinion, or cultural, economic or social standing in the community. The legal framework, and thus the ban on hate speech applies to all media in Iceland, and is monitored by an independent regulatory body, the Media Committee. It

has been criticized that the Act only prescribes sanctions of Media Service Providers on incitement to criminal behaviour, and not on hate speech. A bill has been presented before the Parliament amending the Act so that the sanctions should also apply to hate speech. The bill has as yet not been passed.

18. The Ministry of the Interior hosted an open meeting on the topic as a part of the on-going preparatory work for a National Action Plan on Human Rights. Concern were raised that the Police does not have sufficient tools to react to acts of, and reported acts of hate speech, in particular when it comes to the Internet. The topic will be taken up in connection with the National Action Plan that will be presented to the Parliament in October 2012.

19. The Ministry of Welfare is responsible of the integration policy of the State and its implementation. The Immigrant Council was founded in 2005 and its main function is to discuss the principal issues relating to immigrants' integration to Icelandic society. The council is to act in an advisory capacity to the Government, both at central and local level, on policy in various areas and propose action plans on immigrant issues and monitor their application. The council consists of a representative appointed by the Minister of Welfare, an immigrant who is appointed without nomination, representatives of the Union of Local Authorities, the Ministry of the Interior, the Ministry of Education, Science and Culture and the Municipality of Reykjavik.

20. Parliamentary resolution on an action plan on immigrant issues was passed in the Parliament in 2008. The plan consisted of 98 actions aimed at improving the reception of foreign persons immigrating to Iceland, making it easier for them to become active participants in Icelandic society and pursue their cultural traditions. One of the actions was preparing a legislation addressing matters that have a bearing on immigrant's integration with a focus on administrative structure. The bill was presented to the Parliament spring 2012 but has not been approved yet.

21. The Immigration Council is in charge of the Development fund for Immigration issues. Grants are allocated once a year. Every year the Immigration Council puts selected subjects in the calls for the Development Fund on Immigration issues. In the year 2010 a special emphasis was put on social inclusion, diversity and anti-discrimination and the labour market and immigrants.

22. Amongst the projects where:

- *Celebrate diversity*: The project aims to improve and translate information between preschools and parents of children in preschools, for those whose Icelandic is not their mother tongue. Positive attitude towards multiculturalism and celebration of diversity is also reinforced.
- *Education for young teenagers about prejudices in multicultural societies*: The purpose was to educate the teenagers about multiculturalism and concomitant negative factors that often appear in a multicultural society especially when a homogenic society, like Iceland used to be until mid-90's, undergoes a rapid change towards multicultural society.
- *The "Follow Your Heart" campaign against discrimination*: The purpose of the campaign is to make people aware of and to reflect upon stereotypes and whether such stereotypes discriminate against people on the basis of the five main characteristics; age, disability, origin or race, sexual orientation and religion.
- *Multicultural workplace and community*: The main goal of this project was to reduce and prevent segregation and prejudice on grounds of ethnocentrism, race or religion. This was done by enabling the knowledge of citizens and the workforce of Reykjanesbær of the desirability that lies in the multicultural

environment and the necessity of knowledge, honour, understanding, responsibility and trust in communication between all people.

23. The Ministry of Welfare and the Icelandic Human Rights Centre furthermore applied for and received funding from the Progress programme for project in the year 2008 - 2011. The Ministry and the Icelandic Human Right Centre have been in charge of coordination of these projects while various NGOs and institutions have taken part in the projects. In the year 2009 various awareness raising activities were performed such as continuing the campaign *Follow your heart* which also received funding from the Development fund of Immigration Issues, a survey on attitude amongst the general public toward groups which are in danger of being discriminated in Iceland, a media survey which looked into how much media coverage various groups which are considered to be in danger of discrimination had in newspapers and television. Amongst project for the year 2010 which are related to anti-discrimination and racial diversity are:

- Anti-discrimination training for municipalities: training for employers and staff in the hospitality industry. The Project entails anti-discrimination training in the approximately 250 establishments with liquor license in Reykjavik.
- Awareness-raising poster and postcard campaign: The posters will represent the five main themes and gender, and its purpose is to make people aware of, and reflect on, stereotypes and whether such stereotypes discriminate against people on the basis of age, disability, origin or race, sexual orientation, religion or philosophy of life and gender. The target group for the poster is the general public, from the age of twelve years.

24. With regard to steps taken to prevent manifestations of racism against Muslims reference is made to the answer to question No. 6.

25. Two Muslim societies have applied to be granted land without remuneration from the municipality of Reykjavik to build a mosque and an Islamic cultural centre. The application is in the formal planning and permission process that takes into account a different use of the land than is proposed under the current secondary plan for the Municipality. It should be pointed out that everyone can buy land for the purpose of building a mosque and an Islamic cultural centre.

26. Promoting gender equality and ensuring that women and men enjoy equal rights in all respects has been a key priority of the government of Iceland for many years. Various mechanisms have been put in place to ensure gender equality as well as affirmative actions in different sectors. Recent efforts include a bill on Equal Salary Standards which is now being introduced to the parliament as a part of a plan to reduce the gender pay gap in the Gender Equality Action Plan. The Equal Wage Standard is equivalent to international standards on equal wages, and it will be a useful tool to examine if men and women have equal wages and to eliminate the unexplained gender pay gap.

27. In 2006 the government launched an action plan (Plan of Action to deal with Sexual Violence and Violence in Close Relationships, 2006-2011), containing 37 actions to fight sexual and domestic violence. The chief objective of the plan was to combat domestic and sexual violence directed towards women and children and to improve services for victims of such violence and those who are at risk. The actions included: strengthening preventative measures, training of staff, ensuring appropriate assistance to victims and breaking the vicious cycle of violence by improving treatment available to perpetrators. A report of the Minister of Welfare presenting the results of the action plan was published in 2011.

28. Examples of the achieved actions are:

- Educational material for professionals: five books on violence in close relationships, including one general textbook for University students and four sector specific textbooks for civil servants working in the field.
- Educational seminars: for representatives of the police, social services, health sector and the Universities. The seminars provided a platform for professionals to meet and share their knowledge and experiences on the issue.
- Research on violence against women: an extensive research project was undertaken to assess the extent and nature of violence against women in close relationships. The research had six components that included a phone survey including 3000 women aged 18-80 (based on *the International Violence against Women Survey - IVAWS*), and five qualitative studies researching the following sectors: municipal social services, child protection, pre- and elementary schools, health services, police and civil society organizations.
- The programme “Men Take Responsibility” (Karlur til ábyrgðar) was resumed in 2006. It provides psychological therapy for men who have subjected their partners to violence, provided that they are willing to seek help.
- Action plans for municipalities to combat sexual violence: The municipalities of Reykjavík and Akureyri have adopted such plans.

29. The Government has appointed a committee to write a new action plan to combat domestic and sexual violence for the period 2012 to 2015. The action plan will be based on the lessons learned from the previous action plan. In addition the action plan will focus on looking at the context of sexually based offences, prosecutions and juridical processes. The committee members are representatives from line ministries, the Centre for Gender Equality, state-prosecutors office, capital police office, association of local authorities and NGOs that work with victims of domestic and sexual violence.

30. The Centre for Gender Equality cooperates with various schools, institutions and others for raising awareness on gender equality issues, including combating negative gender stereotypes. The Centre provides trainings and lectures on gender stereotypes, gender based violence, gender mainstreaming, gender budgeting, amongst many other topics, in addition to organising public events and conferences on various topics. The Centre is also in cooperation with a few municipalities in providing training for educators on gender mainstreaming in their work.

31. With specific regard to combating negative gender stereotypes The Centre for Gender Equality participated in the project: Break gender stereotypes, give talent a chance!, organized by the International Training Centre of the ILO and funded by the PROGRESS fund of the European Commission. The object of the project was to assist SMEs in Europe to maximize employees’ potential, and boost both productivity and competitiveness, by going beyond gender stereotypes.

32. The Gender Equality Complaints Committee ruled in ten cases in 2005, 11 cases in 2006, 11 cases in 2007, eight cases in 2008, ten in 2009 and four cases in 2010.

33. The Gender Equality Complaints Committee ruled in 11 cases in 2006. One case was related to the refusal of an application for payment from the Family and Benefits Fund of Association of Academics (BHM), the Federation of State and Municipal Employees (BSRB) and the Icelandic Teachers’ Union (KÍ) due to the utilization of childbirth leave, the complainant was male and the Committee gave an opinion that it was a violation of the Act on the Equal Status and Equal Rights of Women and Men to refuse his application for payment.

34. The Gender Equality Complaints Committee ruled in 11 cases in 2007. One was considered to constitute a violation of the Act on the Equal Status and Equal Rights of

Women and Men; seven were not; two cases were dismissed and one was revoked by the complainant. One of the cases related to job positions, three concerned wage discrimination and one was related to the refusal of an application for payment from the Family and Benefits Fund of BHM, BSRB and KÍ due to the utilization of childbirth leave. The complainants were male in two cases.

35. The Gender Equality Complaints Committee ruled in eight cases in 2008. One was considered to constitute a violation of the Act on the Equal Status and Equal Rights of Women and Men; four were not and three were dismissed. Five of the cases were related to job positions, one concerned wage discrimination. One man was among the complainants.

36. The Gender Equality Complaints Committee ruled in ten cases in 2009. One was considered to constitute a violation of the Act on the Equal Status and Equal Rights of Women and Men; four were not; two were dismissed; two were revoked by complainants. One male was among the complainants.

37. The Gender Equality Complaints Committee ruled in four cases in 2010. Two were not considered to constitute a violation of the Act on the Equal Status and Equal Rights of Women and Men; one case was revoked by the complainant and one was considered to constitute a violation. The case that was considered to constitute a violation was a complaint against the Prime Minister of Iceland regarding a job position at the Prime Minister's office, the complainant was a woman. The Committee considered that she had been more qualified than the man who was hired, considering the qualifications advertised for the job position.

38. The implementation of the cases depends on the complainants. The complainants can request that the Center for Gender Equality follows up the Complaints Committee's decision when the decision is not complied with. The Complaints Committee does not follow up its decisions, the Committee's work is done when a decision has been published.

39. The Private Limited Companies Act was amended on 4 March 2010 to improve the representation of women on boards of companies. In September 2011 the Parliament took a step closer to improve the representation of women on boards of Pension Fund and accepted a provision stating that both genders should have representatives on the board of the Pension Funds and if a board has more than three members the gender quota should not be lower than 40 per cent for one gender. The legislations will enter into force on 1 September 2013, at the same time as the new provisions of the Private Limited Companies Act No. 138/1994.

40. In March 2012 there was a meeting with Confederation of Icelandic Employers, The Icelandic Chambers of Commerce, The Association of Women Entrepreneurs, The Icelandic Stock Exchange and other representatives to discuss the implementation of the quota legislation. To show that there are qualified women willing to be representatives on boards of companies, The Association of Women Entrepreneurs put forward a list of 192 women that were willing to be representatives, which is the same number of female representatives needed to make the boards of companies equal.

41. The difference in income earnings of women and men has always been rather high in Iceland. In the last couple of years we have seen a decrease in the difference. In 2006 women in Iceland had 61,3 per cent of men's total income in but in 2009 the difference was 67,7 per cent. This change is mostly because of men's loss of income and is a side effect of the economic crisis. Between the years 2007 and 2008 men increased their income of 3,83 per cent at the same time women increased their income of 7,95 per cent. Between the years 2008 to 2009 men decreased their income of 5,73 per cent but women continued to increase their income, though only by 0,25 per cent.

42. New comparative studies of the gender pay gap of two big trade unions show that the gender pay gap is rising again. The commercial and office workers' union (VR) have



done yearly studies of the pay gap and has found that in the year 2006 the gap was 13,1 per cent, in 2007 it was 11,6 per cent, in 2008 12,3 per cent, 2009 and 2010 the gap was the same: 10,1 per cent. Now in the year 2011 the gap is 10,6 per cent. The Union of Public Servants (FSR) only published the comparison of the gender pay gap for the last two years. In 2010 the gender pay gap was 9,9 per cent and in 2011 the gender pay gap is 13,2 per cent. The Government finds these numbers to be of concern and has taken general action as described in answers to question No. 8..

43. Combating violence against women is a high priority of the Icelandic Government. It is of concern that only a small portion of rape victims file charges, and few of them lead to indictments or convictions. Extensive consultation on the matter has been launched under the auspices of the Ministry of the Interior, with the participation of academics, police, NGOs working with rape victims, the State Prosecutor and the judicial branch.

44. The General Penal Code contains provisions prescribing heavier sentences in cases concerning sexual abuse and other violent cases where there are close relations between the perpetrator and the victim as can be seen in the court practice.

45. Law No. 85/2011 has replaced the law No. 122/2008 which the question refers to. The new law include a fundamental change, giving the police power to make decisions about restraining order and expelling the accused from homes in cases of domestic violence, "the Austrian-Model". The aim of these changes is to make these resources more effective and more efficient so the victim does not have to wait for up to three days for the Courts Judgement, like the older legislation required them to do. The arrest warrant gives victims undoubtedly increased protection since the police can arrest the offender right away in the beginning of the case and the police can keep the offender for up to 24 hours or until formal decision has been made about the restraining order and the expelling the offender from home.

46. The process of these cases is now more efficient and increase protection for those who are victims of offences and seek the assistance of the police. The police experience in the conduct and procedures of these cases is easier since the decision making has moved to the police right in the beginning and it has obviously much shorter procedure time than it had before with the old laws. So far it cannot be said cases have increased due to the change of legislation, there have been less than 10 cases since the law entered into force. It must be noted in this context that restraining order under the law are not only resources used for the benefit of a criminal investigation, it can also be used even though a charge has not been filed or a charge has and a claim of punishment have been filed. Iceland has not so far had a criminal case where the offender has violated the restraining order. In cases where a restraining order is a provision in connection to a charge of a physical assault, threats or disturbance the Court Order does not discuss the restraining order particularly if the offender has not violated the restraining order, there are no examples of Judgements of that kind in Iceland.

47. In 2006 the Government launched an action plan containing 37 actions to fight sexual and domestic violence. The chief objective of the plan is to combat domestic and sexual violence directed towards women and children and to improve services for victims of such violence and those who are at risk. The actions include strengthening preventative measures, training staff, ensuring appropriate assistance to victims and breaking the vicious cycle of violence by improving treatment available to perpetrators.

48. Based on the 2006 action plan, five books on violence in intimate relationships have been published, one textbook for university and four for civil servants working in the field. Several studies have also been conducted on the subject; one wide-ranging study revealed that 42 per cent of Icelandic women had, since the age of 16, been subjected to violence, threat or physical contact of a sexual nature that caused distress. Also, during their lifetime 22 per cent of women had experienced violence in close relationships. Four studies on the

provision of public services for victims of violence in intimate relationships have also been conducted.

49. Actions from the plan such as systematic efforts aimed at educating the police on domestic violence and violence against children were conducted as well as establishing a precise set of working rules on the investigation of sexual offences for the police.

50. Awareness-raising campaigns in order to raise awareness among the public on violence in close relationships were held in 2010.

51. A new action plan is now under preparation. The new plan will emphasize examining gender-based acts of violence and their prosecution and handling in the judicial system, but few cases of this nature go all the way through the judicial system.

52. With regards to funding for the assistance and protection of women victims of violence, the Government allocates funding to various NGO's that do dedicated work in the field, one of them being the Women's Shelter in Reykjavik. On this year's budget plan it is estimated that the Shelter will receive 43,6 Million ISK in funding from the Government. The Government has also supported the establishing of a shelter for women getting out of prostitution and women that have been a victim of human trafficking, please see further in the answer to question No. 16.

53. The provisions in the penal code regarding domestic violence, rape and other violence apply equally to immigrants as well as people with Icelandic citizenship. No specific measures have been taken to change this. Nevertheless, concerns have been raised that foreign women coming to Iceland based on a family formation by marriage may in some instances be in a vulnerable position and possibly stay in violent relationships for the statutory period to apply for a residence permit. To respond to this, amendments were made to the Act on Foreigners in 2010, stipulating that in cases where the foreigner is a victim of domestic violence that in itself can be a special ground for prolonging the validity of a residence permit.

54. Representatives from the Women Shelter, Directorate of Immigration, The Icelandic Human Right Centre, The Ministry of Welfare, Police, Women of Multicultural Ethnicity Network, Reykjavik city, Multicultural Centre and Gender Equality Centre edited together a brochure on the rights of female which focused on immigrant women. In the brochure the focus was on their rights and then especially their legal rights regarding marriages, divorces, custody, finance, domestic violence and how and where to seek assistance. The brochure was published in nine languages and distributed in health care centres, social service centres and at the District Magistrate amongst many other places.

55. Small cards have been published where numbers of the rape trauma service centre, Women's Shelter, Emergency line, Red Cross and Counselling Centre for Survivors of Sexual Abuse are listed. The cards are in five languages and have been distributed in various places such as hotels and health care centres.

56. Iceland ratified of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) in 2011. A part of the legal amendments on order for the ratification the General Penal Code was amended in June 2012 in cases regarding child prostitution, pornography and trafficking in order for the statute of limitation only to start when the child has turned 18 years old, irrespective of the child's age when the violation took place.

57. Furthermore, the Ministry of the Interior, the Ministry of Education, Science and Culture and the Ministry of Welfare signed a three year agreement on 17 April 2012 about cooperation in social awakening when it comes to sexual crimes against children. The agreement is a part of the government's actions in connection with Iceland's ratification of the Lanzarote Treaty.

58. The main goals of the project is to promote cooperation to prevent sexual abuse and sexual exploitation against children and to launch social awakening by directing information about sexual offences against children to the children themselves and direct information to people who have direct communication with children in connection to their work.

59. In the year 2012, Iceland 20 Million ISK will be allocated to education in primary school (age 6-16 years old) and 5 Million ISK for translation and education for judges, police forces and the prosecution service about the Convention and rules and legislations concerning child friendly community. In 2013 and 2014 Iceland plans to dedicate 16 Million ISK to the projects each year, mostly on education directed towards students in primary schools.

60. A Steering Committee with representatives from each of the Ministries manage the project that will be carried out in collaboration with public professionals and organisations which concern children's protection against sexual offences. In three years' time the success of the project will be evaluated and decision made about the future of the project.

61. Generally the structure of child protection in Iceland is based on the services of child protection committees (CPS) on the local or regional level. Thus larger municipalities operate their own CPS while the law stipulates that municipalities with less than 1.500 inhabitants should cooperate on a regional basis. In total there are 28 CPS currently in the country. The Government Agency of Child Protection (GACP) has the role of coordinating the work of the local CPS, including monitoring, advice and training function. In addition GACP provides the local CPS with specialized services such as treatment services for children and youth, competent foster families that are beyond their capacities to operate. One of the most important specialized services with regard to the issue of child sexual abuse is the services provided by the Children's House (Barnahus).

62. The Children's House is a child-friendly, multiagency and interdisciplinary facility for the investigation of suspected child sexual abuse cases as well as providing specialized treatment and counselling services for the child victim and his or her family. The core of the Children's House is the forensic interview, where specialized interviewers elicit the child's disclosure according to structured interview protocol designed to ensure maximum reliability of the child's narrative. The interview is conducted in a child friendly interview room but under the auspice of a Court Judge who observes the interview in a different setting facilitated by a closed circuit television. Also present are the legal defence of the alleged offender, legal advocate of the child and the representatives of the police, prosecution and the CPS. The interview is video-taped and is applied in court proceedings if an indictment is made. This arrangement is meant to minimize the number of interviews with the child victim in order to avoid re-traumatisation by repetitive interviews. This for example ensures that the child need not give his/her testimony again during the Court proceedings in most cases. It could be said that the basic aim of the above described procedure is to ensure the "best interests of the child" without compromising the due process.

63. The Children's House also has special facilities for medical forensic examinations conducted by a paediatrician, a gynaecologist and a nurse. A state of the art technology is used in the examination which has therapeutic value for the child victim as he/she needs not anaesthesia. This makes possible a dialogue between the child and the medical profession during the examination in which the child receives information about the procedure.

64. The Children's House provide all child victims of sexual abuse an assessment followed by appropriate therapeutic intervention. As the Children's House serves the whole country, the professionals may need to travel to the community where the child lives as treatment services should be accessible for every child irrespective of his/her place of

residence. The non-offending parents and siblings also receive counselling and support as appropriate.

65. Following the establishment of the Children's House in 1998 the general level of social awareness of child sexual abuse has increased dramatically. This child-friendliness and professional approach has facilitated positive attitudes towards reporting cases to the local CPS that in turn refer individual cases to the Children's House for investigation. During the past years 220 to 240 cases are annually referred to the Children's House which has served around 2.500 children from the onset. Additional benefits of the operation include the experience in dealing with the issue and data accumulated which greatly facilitates research as well as the dissemination of reliable information and advice to professionals and the public alike.

66. The Government's Agency for Child Protection has also introduced additional measures against violence of children including:

(a) Specialized assessment and treatment for children with inappropriate sexual behaviour, including sexually offences against other children from 2009;

(b) A specialized group therapy program for children who are victims of physical abuse or have been witnesses to domestic violence from 2010;

(c) A pilot project with the aim of supporting children in situation of domestic violence and ensuring that their voices are heard from 2011. A child specialist accompanies the police in interventions due to domestic conflict and violence. The role of the child specialist is to listen to and talk with the children as well as assessing their needs for responses to address trauma the children may have experienced.

67. No recent efforts have been taken by Iceland to introduce in its domestic legislation all elements of the definition of torture, in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment since Iceland's fifth periodic report. As stated in the report every conduct liable to endanger or threaten people's life or limbs, including torture is punishable by the General Penal Code in Iceland.

68. Iceland is in the process of building a new prison that will enable a better separation of prisoners and improve prison conditions in the country in general. When the new prison will be ready in 2015, two prisons that have not met the highest standards will be closed. Iceland will in addition continue to examine ways to achieve the goal set forth in the Convention on the Rights of the Child to separate juvenile prisoners from adult.

69. One new prison has been opened recently; the prison at Sogn was officially opened on the first of June 2012. The prison is an open prison with space for 20 prisoners and replaces the Bitru prison.

70. Further, amendments were made in 2011 on the law of Enforcement of Punishment stipulating electronic monitoring as a new enforcement measure. The purpose of the change is to monitor offenders who have been sentenced to prison without probation and to increase the maximum length of community sentencing up to nine months prison sentence. The prisoners are allowed to serve their sentence at home. They have to work, study or participate in other activities to better prepare them for social reintegration as well as uphold certain conditions such as no alcohol or drug abuse. The prisoner has to qualify to be monitored electronically such as to have a permanent residence which the prison service approves of. The Prisoners' partner, guardian, closest relative or the homeowner has to give permission for electronic monitoring in their home. A Prisoner who has violated conditions of electronic monitoring in the previous three years or a prisoner who is being investigated by the police or has a case pending in the criminal justice system in which he is charged for a criminal offence does not qualify for electronic monitoring.

71. The Government has made various efforts in combatting Trafficking in Human Beings. Since the fifth periodic report was submitted two important international instruments have been ratified, namely the Convention against Transnational Organized Crime and the Optional Protocol on trafficking in Women and Children in 2010, and the Council of Europe Convention on Action against Trafficking in Human Beings in February 2012. A part of the ratification procedure was amendments of the General Penal Code penalizing the purchase of prostitution as well as criminalizing the beneficiaries and perpetrators of trafficking and prostitution. The changes are to further strengthen the protection of women in vulnerable situations.

72. The National Action Plan from 2009 has come into action in various ways.

(a) The police issued a detailed booklet and working rules on detecting and responding in possible cases of trafficking and prostitution.<sup>3</sup> These include detailed information on pertinent legislation, both national and international, guidelines on how to identify victims of trafficking as well as the treatment of victims in cases of detection. In addition the Police Academy curriculum takes note of the working rules;

(b) One case came before the District Court of Reykjanes where a woman was charged for trafficking but acquitted in July 2010, as is further described below;

(c) Iceland actively participates in the Council of Baltic Sea States Task Force against Trafficking in Human Beings;

(d) NGO's that specialize in helping women and children that have been a victim of abuse or sexual violence have for many years been a part of budget appropriation in Iceland. In 2010, one of those NGO's, *Stígarnót*, got an extra funding of 10 million ISK from the Government to establish a shelter for women getting out of prostitution and women that have been a victim of human trafficking. The Shelter is run by the NGO with funding from the Government and donations.

73. Amendments to the Act on Foreigners were made in 2010, adding victims of trafficking to the list of possible grounds for obtaining a residence permit. So far one such permit has been granted.

74. Regarding the outcome of the cases referred to; the first and only conviction for trafficking was in March 2010 by a District Court when five individuals were convicted to five years in prison. They were prosecuted and convicted for trafficking a 19 year old Lithuanian girl to Iceland for prostitution. The case was appealed to the Supreme Court that reduced the sentences to 4 years.

75. In December 2009 a female perpetrator was convicted to prison by the District Court of Reykjanes for a drug offence and organizing and profiting from the prostitution of several girls. She was moreover charged with trafficking but was acquitted.<sup>4</sup> The case was appealed to the Supreme Court that confirmed the District Courts ruling in June 2010. The same woman was charged and convicted to 15 months in prison for organizing and profiting from the prostitution of others by the same District Court in July 2010 (para. 49 of the fifth periodic report). She was also in this case charged with trafficking but again acquitted. The case was not appealed.

76. Icelandic authorities would like inform the Committee that extensive amendments were made to the asylum chapter of the Act on Foreigners in 2010. A new consolidated version of the Act is attached. The amendments cover inter alia a regime for subsidiary protection, more precise rules regarding residence permits on humanitarian grounds, further

<sup>3</sup> <http://www.logreglan.is/upload/files/Mansal%20-%20verklag%20l%F6greglu.pdf>.

<sup>4</sup> Reykjanes District Court, case no. S-190/2010.

legal aid to those receiving a negative decision and partially cover asylum seekers during procedure at the first level instance and rules regarding reception conditions. Several amendments were also made to establish safeguards for the protection of unaccompanied minors applying for asylum in Iceland. The changes were based upon the comprehensive review made by a multi stakeholder committee appointed by the now Minister of Interior in 2009.

77. Following the amendments in 2010 article 45 of the Foreign Nationals Act now stipulates exemptions in order to ensure that a decision about deportation or refusal of entry will not be implemented until the danger that the individual in question might face no longer exist.

78. The above mentioned amendments to the Foreign Nationals Act in 2010 were partly aimed at improving handling of asylum applications.

79. As regards suspense effect to appeal lodged by asylum seekers they are now covered by article 32 of the Act on Foreigners. As a general rule an appeal lodged by asylum seeker will have suspense effect to the implementation of the decision. There are exceptions to that rule listed in paragraph 1, article 32, of the Act on Foreigners. However in paragraph 3, article 32 there is a rule stating that a decision may not be carried out until the applicant has had to opportunity to lodge an appeal. If the applicant has requested suspense effect to the appealing authority than a decision may not be implemented until a ruling has been made on whether or not to suspense effect.

80. As regards free legal aid to those applicants interviewed at the Directorate of Immigration they now have the right to have a spokesperson present during the interview if they so wish according to paragraph 1, article 50 c, of the Act on Foreigners. In practice all applicants interviewed by the Directorate have a spokesperson appointed and that person is a lawyer. They are paid by the state for services up to fifteen hours to assist an asylum seeker on the first stage, and should the asylum seeker appeal the decision from the Directorate of Immigration, she or he will be paid for assistance for up to five hours.

81. Further, the Icelandic authorities would like to draw the attention of the Committee to the outcome of an intergovernmental group that will deliver suggestions to the Minister of the Interior on amendments in the Act on Foreigners, with the aim of enhancing humanitarian approach to procedure and legislation regarding foreigners from countries outside the EEA area.

82. Permits issued on humanitarian grounds are described in article 12 f of the Act on Foreigners. Paragraph 2 of that article now reads:

“A temporary residence permit may be granted on the basis of humanitarian reasons if a foreign national can demonstrate an urgent need for protection, e.g. for health reasons, or due to the difficult social circumstances of the person concerned or due to difficult general circumstances in the person's home state or in a country to which he/she would be sent, or due to other events for which he/she cannot rightly be held responsible. Special consideration shall be given to cases where children are involved and a decision taken with a view to what is best for the child.”

83. The reasons listed in the article are not comprehensive and a decision is always based on the circumstances of each case. It is not necessary for an applicant to fulfil the general requirements for a temporary residence permit set forth in article 11 of the Act on Foreigners. A person holding a humanitarian permit can apply for work permit and a humanitarian permit can be a basis for permanent residence permit according to article 15 of the Act on foreigners. The humanitarian permit is issued for one year but can be renewed and after four years holding such permit the holder can apply for permanent residence permit.

84. From the year 2009 application for asylum have been increasing. In 2009 there were a total of 35 applications for asylum. eight applicants were granted asylum and one applicant was granted a humanitarian permit. In 2010 there were a total of 51 applications, 12 applicants were granted asylum. In 2011 there were 76 applications for asylum, 14 were granted asylum and 1 applicant was granted a humanitarian permit.

85. The Minister of the Interior proposed an amendment to the Judiciary Act to temporarily increase the number of district court judges by five and Supreme Court judges by three to ensure the efficiency of the judicial system following the collapse of the banking system. The bill was passed early 2011 and enacted from 1 March 2011.

86. The amendments to the Judiciary Act No. 15/1998 mentioned in Iceland's regular report, paragraphs 130 – 131 were passed in Parliament in May 2010 and took effect from the same time.

87. No plans are to revise the article. The exceptions provided for in paragraph 2 are considered to be sufficient in this respect as the monetary criterion for permitting appeals is very low and also that liberal provisions are made for granting exemptions. In practice it is common for permission to appeal to be granted in response to an application.

88. As stated in Iceland's report, in criminal procedure at first-instance level, all the conditions for a free and fair trial according to article 14 of the Covenant are scrupulously observed, since the hearing is public, with oral testimony taken from witnesses in court.

89. Article 62 of the Icelandic Constitution obliges the State to support and protect the Evangelical Lutheran Church as the National Church of Iceland. It is the only religious association that is established by statute, and is the only religious association that does not have to register under The Act on registered religious associations, No. 108/1999.

90. The National Church falls under The Act No. 78/1997 that defines the status of the church in society and its relations to the Government. The laws have changed over the years and the church is more independent from the government today than it used to be.

91. All religious associations that are registered by Statistics Iceland receive religious community-membership taxes that are collected by the state. Other religious associations than the National Church receive the religious community-membership taxes directly to the association on a national level while the National Church is geographically defined into financially independent congregations supplemented by a compensation fund for the smaller congregations.

92. The National Church is independent institution but the employees of the Church are civil servants. This is part of an agreement between the State and the Church that was made in 1984, when the Church handed over land to the State and the State agreed paying for certain number of full-time positions. The National Church representatives attend in formal ceremonies by tradition, such as when Parliament is convened each year and with the inauguration of the President. The ceremonies take place in Reykjavík cathedral and the Bishop of Iceland takes part in the service.

93. All cemeteries are under the responsibility of the National Church. Individuals that are in other religious associations or not registered in a religious association are buried in non-consecrated parts of the cemeteries. Distribution of ashes outside of a cemetery is independent of religious association and allowed according to Act No. 203/2003.

94. Religious organizations which are registered according to Act on religious organizations No. 108/1999 must follow certain conditions to gain state subsidies. According to Act No. 91/1987 the state treasury shall deliver every month from undivided income tax an amount which is allocated to church congregations and registered religious organizations. The amount depends on the number of persons who are registered in the church or religious organizations. The amount for each person, 16 years and older, was

approximately \$67 for 2011 (ISK 8.400). Non-religious organizations have not the same right as registered religious organizations to gain state subsidies.

95. This spring the Ministry of the Interior submitted a new bill to the parliament to change the Act on religious organizations. According to the bill, non-religious organizations can under certain conditions gain the same state subsidies as religious organizations. The bill has not been passed by the parliament.

96. Regarding children and religion in the school system, there has been extensive debate in Icelandic society on the topic. Iceland's biggest municipality, the city of Reykjavik has recently introduced new rules on the interaction between pre-schools and elementary schools and religious and non-religious entities stating that functions of such groups shall not take place in within schools or during school hours.

97. A new National Curriculum guide for compulsory education entered into force in 2011 and contains a special chapter on exemptions from compulsory education. According to the guide "It is important that the school show consideration and understanding when dealing with issues related to homes and families. This is particularly true of religious and general beliefs. With regard to the specifics of these factors, especially religion, it is possible to allow individual students to be exempted from certain aspects of compulsory education related to religious matters and beliefs, at the request of parents, if adequately justified. Compulsory schools shall however organize school activities in the way that students do not need get an exemption from certain aspects of school because of religious matters.

98. The Ministry of Education, Science and Culture released in May 2012 a draft proposal for a new National Curriculum Guide for all subjects in compulsory education. It says among other things, that religion education is meant to raise awareness of the various religions and different religious traditions with tolerance and openness in mind. Ethics education shall focus on investigating and discussing ethical issues and moral virtue.

99. The Minister of Education has decided to establish a working group with participants from various interest groups to submit proposals on how relations between church and schools at all school levels should be organized. The working group will also examine recommendations from Council of Europe and the United Nations about the links between schools and religion and beliefs with recommendations for actions.

100. The current legislation on the distribution of assets upon divorce is the Act on Marriage 31/1993 of 14 April 1993. It has not been revised in respect of distribution of assets upon divorce and no revision is pending. Icelandic law on marriage is built on a Nordic model.

101. A guiding principle regarding the gender equality between spouses is found in article 2. It states that "In their union of matrimony, the spouses shall be equal in every respect, and shall carry the same obligations towards each other and their children. They shall be faithful to each other, support each other, and together guard the interests of their home and family. Spouses shall bring up their children jointly, care jointly for their needs, and aid each other in providing for the family by financial contributions, domestic work, and by other means".

102. Providing for the family include domestic work. This is reiterated in article 47. This clarifies the fact that a housewife for example, who works in the home but not outside of the home, is not being provided for by her husband any more than he is being provided for by her. The concept "provider" shall be defined in accordance to this. The situation before the revision of 1993 was that the spouse who mainly or only worked in the home, provided the other spouse with the opportunity to work and gain income outside of the home. The latter usually had control over the funds, and the resources that the spouse who worked outside of the home acquired using the funds, became their matrimonial asset. The other



spouse's share did not become active until termination of marriage. This was a fault in the Nordic system and as a result, the spouse who owned the matrimonial asset had priority to keep the asset during the distribution of assets upon financial segregation between spouses. It would be right that the spouse who contributes work in the home and therefore allows for gaining income and saving on expenses, etc. should, at least when distributing assets such as houses and furnishing, be considered according to each spouse's needs for assets. The law as it stands should lead to such conclusions by the courts. The Act on Marriage includes special rules on approval due to dispositions of real property, furnishings and personal property, and special rules on the distribution of assets with view to the needs of each spouse.

103. The concluding observations following the Committee's examination of the third and fourth periodic reports were translated to Icelandic and posted on the website of the Ministry of the Interior where they and the report are accessible to everyone. The fifth report was prepared by the Government in close connection with the academia and has been accessible on the Ministry's website since published.

104. In connection to the preparation on a National Action Plan on Human Rights in Iceland as mentioned earlier, the Ministry of the Interior has organized a series of monthly seminars on different topics in relation to the promotion and the protection of human rights. Some of the topics have had a direct link to issues raised by the Committee in concluding observations and list of issues, such as the legislative review on foreigners and asylum seekers, hate speech, violence against women and domestic violence and the status of life stance groups versus religious organizations to mention some. Come August and September, the topics of establishing a national human rights institution in line with the Paris Principles and on legal enactment of international human rights conventions into domestic legislation will be discussed. The seminars have been hosted by the Ministry in multi stakeholder cooperation with NGO's, human rights advocates, members of the academia and other relevant stakeholders. As such they have contributed to increased social awareness and institutional focus on the topic of human rights, partly on rights protected in the Covenant, and thus contributed to the dissemination of its provisions.

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