

ICELAND

CESCR E/1994/23

215. The Committee considered the initial report of Iceland on articles 1 to 15 of the Covenant (E/1990/5/Add.6 and 14) at its 29th, 30th and 31st meetings on 25 and 26 November 1993 and, at its 46th meeting, on 8 December 1993, adopted the following concluding observations.

Introduction

216. The Committee expresses its appreciation to the State party for its detailed report, prepared in accordance with the Committee's guidelines, and for engaging in a constructive dialogue with the Committee. It notes with satisfaction that the information submitted in the report and that provided by the delegation in reply to both written and oral questions in the course of consideration of the report has enabled the Committee to obtain a comprehensive view of Iceland's compliance with its obligations under the International Covenant on Economic, Social and Cultural Rights. The Committee appreciates the submission by the Government of Iceland of written replies to its lists of issues. The Committee considers that the form and content of the dialogue established between the Government of Iceland and the Committee can be considered a model. The Committee, however, regrets that the initial report was submitted with considerable delay.

Positive aspects

217. The Committee welcomes the efforts undertaken by the Government of Iceland in order to implement the rights recognized in the Covenant. It notes with satisfaction that the Government of Iceland pays a great deal of attention in its activities to the promotion and protection of economic, social and cultural rights in accordance with the obligations undertaken under article 2 of the Covenant and that the Government has in recent years enacted a series of important laws of direct relevance to these rights.

218. In that regard, the Committee notes with particular satisfaction that Law No. 28/1991 on Equal Status and Equal Rights of Women and Men secures equal rights of men and women in general, and not only with regard to remuneration, as was the case before the adoption of that law. The Committee also notes with interest the establishment of the Equal Rights Council with the aim of ensuring the proper implementation of the Equal Rights Law and forming the policies to be followed by the authorities in matters concerning gender equality. The Committee also welcomes the establishment of a committee to hear and investigate complaints relating to alleged instances of gender discrimination. The Committee notes with interest, in the context of the measures undertaken to implement provisions of articles 3 and 7 of the Covenant, the work being carried out by the Icelandic Wage Investigation Committee and the adoption by the Government in 1988, on the initiative of the Equal Status Council and the Ministry of Social Affairs, of the equal opportunity programmes to be implemented by ministries and State institutions.

219. The Committee expresses its appreciation of the range and quality of the services provided to the whole population, including particularly the elderly, in relation to social security, protection of the family, health care and education.

220. The Committee appreciates the amendments to the legislation concerning unemployment insurance (Law No. 69/1993), which, in contrast to previous legislation, extends benefits also to non-members of a trade union. It also appreciates information according to which, currently, all workers between the ages of 16 and 71, resident in Iceland, are entitled to unemployment benefits, the only condition being that they have worked in the previous 12 months for a total of no less than 425 hours in insurable employment, and regarding the fact that benefits have been extended to the self-employed.

Factors and difficulties impeding the application of the Covenant

221. The Committee is aware of the difficulties encountered by Iceland with regard to the full implementation of the right to strike embodied in article 8 of the Covenant, which the State party attributes to the fact that the economy of Iceland is heavily dependent upon fishing. In the view of the Committee, this circumstance does not relieve the State party of its obligation to take steps to achieve progressively the full realization of the rights recognized in the Covenant, including the right to strike.

Principal subjects of concern

222. The Committee notes that, in spite of numerous legislative measures undertaken to ensure equality between the sexes, inequality between men and women still exists in practice, especially in relation to the rights recognized in articles 6 and 7 of the Covenant. The Committee encourages the Government to continue its endeavours to eliminate the persisting disparities in remuneration for men and women.

Suggestions and recommendations

223. The Committee recommends that the State party should accord equal treatment to both International Human Rights Covenants in terms of their domestic legal status and that, if measures are taken to incorporate civil and political rights treaty obligations, consideration should be given to similar measures in relation to economic, social and cultural rights.

224. The Committee emphasizes that further measures should be taken to ensure that the provisions of the Covenant are more widely disseminated, particularly among the legal profession and members of the judiciary.

225. The Committee urges that the reporting obligations of the State party under articles 16 and 17 of the Covenant be strictly observed and that the second periodic report be submitted within the time-limit to be determined by the Committee.

CESCR E/2000/22

67. The Committee considered the second periodic report of Iceland on the rights covered by articles 1 to 15 of the Covenant (E/1990/6/Add.15) at its 3rd to 5th meetings, held on 27 and 28 April 1999, and adopted, at its 20th meeting held on 7 May 1999, the following concluding observations.

A. Introduction

68. The Committee welcomes the submission of the second periodic report of the State party, as well as its written replies to the list of issues presented by a delegation comprised of officials of various ministries. The Committee welcomes, in particular, the frank and constructive dialogue with the delegation and its readiness to reply to additional questions and to furnish additional information, whenever available. The State party's report was generally in conformity with the guidelines established by the Committee.

B. Positive aspects

69. The Committee welcomes the establishment of the Icelandic Human Rights Centre, which indicates the State party's respect for and dedication to the advancement of human rights.

70. The Committee welcomes the State party's efforts to further the goal of the implementation of gender equality and fuller participation of women in public affairs. It welcomes the Act on the Equal Status of Women and Men, which paved the way for special equal-status programmes such as the Action Programme, 1998-2001, which attempts to eliminate traditional obstacles to equality. The Committee welcomes the State party's acknowledgement that formal or legal equality is not sufficient if it does not result in real equality between both sexes in practice. It notes, in particular, that an important objective of the Government of Iceland is to work against wage disparities based on gender.

71. The Committee takes note of the Act on the Rights of Patients and the Act on a Health Sector Database which, it was informed, is in harmony with the Patients Rights Act. It also notes the establishment of the Special Council on Nutrition within the Ministry of Public Health, and the establishment of the Council for Alcohol and Drug Prevention. In particular, it notes, in this connection, the programme called "Drugless Iceland by 2002". It also notes the enactment of the Act on Compulsory Education in 1995, which shifted control of educational facilities from central to local government, with a view to improving the quality of education.

72. The Committee notes the State party's intention to amend Act No. 133/1994 on the Right of Foreigners to Work in Iceland, which amendment, if adopted, will eliminate the discrimination currently existing between nationals of EEA countries and those of other countries, as well as the discrimination between spouses of nationals of EEA countries and those of non-EEA countries.

73. With respect to the right to social security, the Committee notes the assertion by the State party that persons belonging to EEA countries enjoy the special privilege of obtaining work permits,

unemployment benefits and social security benefits for their spouses or children who are non-EEA citizens. In addition, refugees admitted to Iceland not only have the right to obtain work permits but, unlike non-EEA citizens, are not subject to a six-month waiting period before acquiring entitlement to health-care benefits.

74. With regard to the problem of domestic violence, the Committee welcomes the programmes established by the State party to alleviate the situation of battered women and to prevent acts of violence. In addition, the Committee commends the State party for its anti-alcohol, anti-drugs and anti-smoking campaigns.

75. The Committee notes with satisfaction that Icelandic non-governmental organizations play an important role in furthering the cause of human rights and that they are consulted on a regular basis. In particular, it notes the role of the Association for the Elderly in maintaining a useful position for that age group in Icelandic society.

C. Factors and difficulties impeding the implementation of the Covenant

76. The Committee notes that there are no factors or difficulties impeding the implementation of the Covenant in Iceland.

D. Principal subjects of concern

77. The Committee notes a certain complacency with respect to the non-incorporation of the Covenant in domestic legislation in the near future.

78. The Committee regrets that the Covenant has not been incorporated in domestic legislation, despite the State party's affirmation that different rights contained in the Covenant have been incorporated in various legislative acts. It notes with regret that the rights in the Covenant have not been invoked before the courts.

79. The Committee notes that the State party has enacted many laws which have not been fully implemented in practice, as exemplified by the remaining gap in remuneration for equal work between men and women, even in the public sector. In addition, the Equal Status Complaints Committee, which is only entitled to make recommendations and present cases to court, was not considered to be the best venue for victims of discrimination.

80. The Committee is deeply concerned that juvenile violence against children is on the increase and it suggests that a possible link exists between this increase in juvenile violence in general and the increasing use of alcohol and drugs by schoolchildren and juveniles.

81. The Committee is concerned at the lack of family solidarity and the increasing resort to foster homes. It is a matter of concern that children leave their nuclear families and have to be brought up in temporary or permanent foster homes, which may give rise to problems of custody, homelessness and delinquency. It also increases the danger of this category of abandoned children falling victim to alcohol and drug addiction.

82. The Committee notes with concern that, according to information supplied by the University of Iceland, 10 per cent of the population live below the poverty line, and notes the lack of a persuasive explanation by the Icelandic delegation in this regard. It notes that the problem of poverty particularly affects single parents, couples with children, farmers, students and household workers. The State party's social welfare expenditure appears to be insufficient to help those vulnerable groups, despite the State party's relative affluence and resources.

83. The Committee notes with concern the high rate at which young people drop out of upper secondary education, a situation for which the delegation could not provide a satisfactory explanation. In addition, the Committee notes that 60 per cent of university graduates are female, and only 40 per cent male, which is explained by the fact that most males receive vocational training in secondary school and are determined to pursue a trade rather than a university education. It is not yet clear whether or not the transfer of control over schools from the central Government to the municipalities will lead to widening disparities between affluent and less affluent municipalities.

E. Suggestions and recommendations

84. The Committee reiterates its previous recommendation that if measures are taken to incorporate civil and political rights treaty obligations in the Icelandic legal system, similar measures should be taken simultaneously in respect of economic, social and cultural rights. The Committee requests the State party to provide, in its next periodic report, information and specific relevant case law on the application of the Covenant. The Committee also requests that information be provided on an overall government plan to implement and to indicate progress achieved in implementing economic, social and cultural human rights. In that connection, the Committee draws the attention of the State party to General Comment No. 9 (1998) on domestic application of the Covenant.

85. The Committee suggests that the State party review and strengthen its institutional arrangements, within the government administration, which are designed to ensure that its obligations under the Covenant are taken into account, at an early stage, in the Government's formulation of national policy on issues such as social welfare, housing, health and education.

86. The Committee encourages the State party to increase its social welfare expenditures so as to strengthen its health and social welfare centres around the country. The Committee recommends the development of a social indicator model of drug and alcohol abuse and its treatment. It recommends, in addition, the elaboration of educational and social programmes to deal with problems of the victims of alcohol and drug abuse on a long-term basis.

87. The Committee recommends that the State party study in greater depth the poverty situation with respect to single parents, couples with children, students, farmers and disabled pensioners, with a view to extricating them from their present financial difficulties.

88. The Committee recommends that the State party present in its next periodic report an overall government plan aimed at alleviating the difficulties of the State party's vulnerable "poverty population", as well as a progress report on its achievements in this field.

89. The Committee requests the State party to ensure the wide dissemination of its present

concluding observations and to inform the Committee of steps taken to implement these recommendations in its next periodic report.

CESCR E/2004/22

212. The Committee considered the third periodic report of Iceland on the implementation of the Covenant (E/1994/104/Add.25) at its 14th to 16th meetings, held on 13 and 14 May 2003, and made public, at its 29th meeting, held on 23 May, the following concluding observations.

A. Introduction

213. The Committee welcomes the submission of the third periodic report of Iceland, which has been prepared in conformity with the guidelines of the Committee. The Committee also notes with appreciation the comprehensive written replies submitted by the State party to its list of issues (E/C.12/Q/ICE/2).

214. The Committee expresses its satisfaction with the in-depth, constructive and frank dialogue with the State party's delegation, which consisted of members with expertise in different fields relevant to the provisions of the Covenant.

B. Positive aspects

215. The Committee welcomes the recent court practice in the State party whereby constitutional provisions are interpreted in the light of its international obligations. The Committee also notes with appreciation references made in the report and by the delegation to judgements of the Supreme Court of Iceland in which the Covenant has been invoked.

216. The Committee notes with satisfaction the adoption of new legislation on the Public Health Institute which seeks to promote public health in Iceland and to implement a National Health Policy.

217. The Committee notes with appreciation the new Act on Maternity/Paternity Leave and Parental Leave which reconciles family life and work, provides for time for parents to devote to their children, and promotes the sharing of parental responsibilities and gender equality in the labour market.

218. The Committee welcomes the adoption of the new Child Protection Act containing a comprehensive set of provisions and of new amended rules concerning, inter alia, measures to protect children from neglect and ill-treatment at home.

219. The Committee notes with satisfaction the amendments enacted in the Tobacco Control Act, the objective of which is to reduce the consumption of tobacco products by imposing supplementary restrictions on their sale and by reinforcing the prohibition of their advertisement.

C. Factors and difficulties impeding the implementation of the Covenant

220. The Committee notes that there are no factors and difficulties which impede the effective implementation of the Covenant in the State party.

D. Principal subjects of concern

221. The Committee regrets that, as stated in its concluding observations on the second periodic report of Iceland,⁸ the State party has not given full effect to the Covenant provisions in its domestic legal order, especially by providing for judicial and other remedies for violations of economic, social and cultural rights.

222. The Committee regrets that Iceland devotes only 0.16 per cent of its GNP to international cooperation, while the United Nations recommendation in this regard is 0.7 per cent for developed countries.

223. The Committee notes with concern that inequality between men and women continues to exist, particularly with respect to wages.

224. While taking note of the measures undertaken by the State party to promote access to employment and improve the working environment for persons with disabilities, the Committee is concerned about the lack of disaggregated statistical data on people with disabilities in employment in its third periodic report as well as in the dialogue with the State party's delegation.

225. The Committee notes with concern that, in spite of the measures undertaken by the State party to reduce the frequency of occupational accidents both on land and at sea, particularly accidents involving seamen employed on fishing vessels, there is still a relatively high rate of accidents.

226. The Committee is concerned about the persistent problem of domestic violence in the State party and that it has not adopted specific legislation on this issue.

227. The Committee notes with concern that the support provided to single-parent families remains insufficient.

228. The Committee is concerned about the existence of poverty and social exclusion in the State party, in spite of the efforts undertaken to combat the phenomenon.

229. The Committee expresses its concern about the high level of alcohol and drug consumption in the State party, in particular among young people.

E. Suggestions and recommendations

230. The Committee reiterates its previous recommendation that, if measures are taken to incorporate treaty obligations with respect to civil and political rights in the Icelandic legal system, similar measures should be taken simultaneously in respect of economic, social and cultural rights.⁸ In this regard, the Committee draws the attention of the State party to its general comment No. 9 (1998) on domestic application of the Covenant.

231. The Committee recommends that the State party continue its activities in the area of international cooperation and increase its official development assistance to 0.7 per cent of its GNP,

as recommended by the United Nations. The Committee also urges the State party to take into account the provisions of the Covenant in its bilateral project agreements with other countries.

232. The Committee calls upon the State party to intensify its efforts to ensure that women and men enjoy full and equal participation in the labour market, particularly in terms of equal pay for work of equal value. In this regard, the Committee recommends that the State party review its mechanisms for obtaining statistical information so as to enable an effective assessment of the progress achieved.

233. The Committee urges the State party to continue its efforts to implement current policies and programmes aimed at improving access to employment and improving the working conditions of people with disabilities and to provide disaggregated statistical data on this matter in its next periodic report.

234. The Committee urges the State party to enhance its efforts to reduce the frequency of occupational accidents both on land and at sea by raising awareness of the importance of preventive measures and, in particular, by providing training to seamen in matters relating to vessel stability and the use and treatment of hoisting equipment. In this regard, the Committee also recommends that the State party ratify ILO Conventions No. 174 (1993) concerning the Prevention of Major Industrial Accidents and No. 81 (1947) concerning Labour Inspection in Industry and Commerce.

235. The Committee recommends that the State party ratify ILO Conventions No. 117 (1962) concerning Basic Aims and Standards of Social Policy and No. 118 (1962) concerning Equality of Treatment of Nationals and Non-Nationals in Social Security.

236. The Committee urges the State party to adopt specific legislation on domestic violence.

237. The Committee urges the State party to increase its efforts to provide greater support to single-parent families.

238. The Committee reiterates its recommendation made in its earlier concluding observations on the poverty situation in Iceland¹⁰ and urges the State party to pursue efforts to combat poverty and social exclusion, particularly of the disadvantaged and marginalized groups, with the adoption of clear indicators to assess progress achieved, and requests the State party to report on this matter in its next periodic report, including the findings of the special committee set up in this regard. The Committee refers the State party to its statement on poverty and the International Covenant on Economic, Social and Cultural Rights.⁷

239. The Committee calls upon the State party to take effective measures to address the high level of alcohol and drug consumption, particularly among young people.

240. The Committee encourages the State party to raise awareness about human rights, in particular about economic, social and cultural rights, among State officials, the judiciary and other actors responsible for the implementation of the Covenant.

241. The Committee requests the State party to disseminate the present concluding observations

widely at all levels of society and, in particular, among State officials and the judiciary and to inform the Committee, in its next periodic report, of all steps undertaken to implement them.

242. The Committee also encourages the State party to continue to consult with non-governmental organizations and other institutions of civil society in the preparation of the next periodic report.

243. The Committee requests the State party to submit its fourth periodic report by 30 June 2008.

Notes

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⁷ *Official Records of the Economic and Social Council, 2002, Supplement No. 2 (E/2002/22-E/C.12/2001/17), annex VII).*

⁸ *Official Records of the Economic and Social Council, 2000, Supplement No. 2 (E/2000/22-E/C.12/1999/11 and Corr.1), chap. IV, paras. 77-78.*

⁹ *Ibid.*, para. 84.

¹⁰ *Ibid.*, para. 88.
