

ICELAND 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Iceland is a constitutional parliamentary republic. The president is the head of state, and a prime minister, usually the leader of the largest party, is head of government. There is a unicameral parliament (Althingi). In 2016 voters elected Gudni Thorlacius Johannesson president in a free and fair election. On September 15, the governing coalition collapsed, leading to new parliamentary elections on October 28 that were also considered free and fair.

Civilian authorities maintained effective control over the security forces.

There were no reports of egregious human rights abuses.

There were no reports of officials committing human right abuses in the security forces or elsewhere in the government.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: Men were held in the Akureyri and Reykjavik prisons with women but in different cellblocks. With their mutual consent, men interacted with women only in common areas monitored by prison staff. The law states the government must accommodate juvenile offenders in establishments managed by the Government Agency for Child Protection unless there are special grounds for accommodating them in prison. Authorities held pretrial detainees with convicted prisoners.

Although overcrowding was generally not a problem, when it occurred in the prisons, authorities held pretrial detainees in jails in local police stations. As of September 28, there was a waiting list of approximately 595 persons convicted of crimes but unable to serve their sentences in prisons due to a lack of prison space. During the year the sentences of 18 convicted persons expired without their serving their sentences.

Independent Monitoring: The government permitted monitoring of prison conditions by independent local and international human rights groups, the media, the International Committee of the Red Cross, and international bodies, but no such visits occurred during the year.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his/her arrest or detention in court, and the government generally observed these requirements.

Role of the Police and Security Apparatus

The national police maintain internal security. In addition the Icelandic Coast Guard (ICG) carries out general law-enforcement duties at sea. The national police, the nine regional police forces, and the ICG fall under the purview of the Ministry of Justice.

Civilian authorities maintained effective control over the police and the ICG, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year. In accordance with legislation passed in 2016, on January 1, the minister of justice established an independent supervisory commission for the investigation of allegations of police misconduct.

Arrest Procedures and Treatment of Detainees

Police may make arrests in a number of circumstances, such as when they believe a prosecutable offense has been committed, when they see a need to prevent further offenses or destruction of evidence, when they need to protect a suspect, or when a person refuses to obey police orders to move. The law explicitly requires warrants only for arresting individuals who fail to appear at court for a hearing or a trial, or at a prison to serve a sentence.

Authorities must promptly inform a person under arrest of his rights and bring him before a judge within 24 hours of arrest, and authorities respected this right. There is no functioning bail system. The judge determines whether a suspect must remain in custody during the investigation. The judge may grant conditional release, subject to assurances that the accused will appear for trial. Upon arrival at the police station, the law entitles detainees to legal counsel, which the government provides for the indigent. There were no reports that authorities held suspects incommunicado or under house arrest.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Arrested or detained persons are entitled to challenge in court the legal basis of their detention. If found to have been unlawfully detained, they may obtain release and compensation. A person may also appeal adverse decisions to the European Court for Human Rights (ECHR).

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right. Defendants are presumed innocent. Authorities must inform them of the charges against them promptly and in detail. Trials took place without undue delay. They are generally public, but judges may close them at the defendant's request or when minors are involved. Defendants have the right to be present at their trial and to have access to legal counsel of their own choosing. The government covers attorneys' fees of defendants unable to pay, but the law requires defendants found guilty to reimburse

the government. Defendants have the right to adequate time and facilities to prepare a defense, and they can avail themselves of the free assistance of an interpreter if they cannot understand or speak Icelandic. Defendants can confront the prosecution or plaintiff witnesses and present their own witnesses and evidence. At the discretion of the courts, prosecutors may introduce evidence that police obtained illegally. Defendants have the right not to be compelled to testify or confess guilt. Defendants have the right to appeal, and the Supreme Court handled appeals expeditiously.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals may seek damages for, or cessation of, a human rights violation through domestic courts. They can appeal decisions involving alleged violations by the government of the European Convention on Human Rights to the ECHR. Administrative remedies are also available for alleged wrongs.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit interference with privacy, family, home, or correspondence, and there were no reports the government failed to respect these prohibitions.

Immigration law allows authorities to conduct house searches without a prior court order when there is a significant risk that delay would jeopardize an investigation of immigration fraud. Immigration law also allows authorities to request DNA tests without court supervision in cases of suspected immigration fraud. As of September 30, no tests were requested.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and the law provide for freedom of expression, including for the press, and the government generally respected this right. An independent press, an

effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Freedom of Expression: The law establishes fines and imprisonment for up to two years for “[a]nyone who publicly mocks, defames, denigrates or threatens a person or group of persons by comments or expressions of another nature, for example by means of pictures or symbols for their nationality, color, race, religion, sexual orientation or gender identity, or disseminates such materials.” In January the Reykjanes District Court convicted two persons of religious hate speech. In April the Reykjavik District Court acquitted five individuals of charges of hate speech against lesbian, gay, bisexual, transgender, and intersex persons; the trials of three other persons on the same charges were pending at year’s end.

Press and Media Freedom: Independent media were active and expressed a wide variety of views without restriction.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 98 percent of the population used the internet in 2016.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, or other persons of concern.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. It allows for accelerated refusal by the Directorate of Immigration of applications deemed to be “manifestly unfounded.” An independent regulatory committee, the Immigration and Asylum Appeals Board, adjudicated asylum cases rejected by the directorate. In September parliament amended the immigration law to grant special consideration to unaccompanied minors who submitted applications for asylum prior to the bill’s passage and shortened the periods for the processing of these children’s cases. The new law reduced the period for a child’s case to be resolved under the EU’s Dublin III procedures from 12 to nine months, after which it requires the Directorate of Immigration to look at the children’s cases on their own merits. In addition unaccompanied minor asylum seekers may receive a humanitarian permit to stay in the country if their case remains pending in the system for 15 months, down from 18 months previously.

Safe Country of Origin/Transit: The country adheres to the EU’s Dublin III regulation, which allows for the return of asylum seekers to the country of entry into the EU. The country did not return asylum seekers to EU member states Greece and Hungary unless they already received protection in these countries. The country also did not return vulnerable asylum seekers to Italy.

Employment: Asylum seekers needed to have guaranteed housing in order for authorities to issue work permits. Some asylum seekers who had found a job, signed a job contract, and applied for a job permit had to wait up to four months to receive the permit, resulting in missed job opportunities.

Access to Basic Services: All asylum seekers had access to the health-care system as part of a package of benefits when living in housing provided by the Directorate of Immigration. There is a six-month waiting period (from the day they register their legal domicile in the country) for asylum seekers with the means and desire to

provide their own housing or who entered the job market during that period to be fully enrolled in the public health-care system. These individuals are responsible for purchasing health insurance during the six-month waiting period but are eligible for emergency care from the government during that time. Critics asserted that full access to the health-care system should be extended on arrival to any asylum seeker who opts to live outside of the Directorate of Immigration's facilities or who starts work during that six-month period.

Some asylum seekers who were not issued a national identification number experienced delays in receiving necessary health services.

An increase in asylum applications during the year made it difficult for the Directorate of Immigration to provide adequate housing for all asylum applicants.

Durable Solutions: During the year the country received 47 Syrian refugees for permanent resettlement through UNHCR.

Temporary Protection: As of September 30, the government provided temporary protection to individuals who may not qualify as refugees and provided subsidiary protection to 27 persons and humanitarian protection to seven others.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In June 2016 voters elected a new president in elections that were considered free and fair. Due to the collapse of the government coalition in September, new parliamentary elections were held on October 28; they were considered free and fair.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were no reports of government corruption during the year.

Financial Disclosure: Most public officials were not subject to financial disclosure laws. The law requires members of parliament and government ministers who are not members of parliament to report their financial interests publicly on parliament's website and to update this information within one month of receiving new information. As of July 19, all 63 members of parliament elected in 2016 reported their financial interests. There are no criminal or administrative sanctions for noncompliance.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Government Human Rights Bodies: The parliament's ombudsman, elected by parliament for a period of four years, secures the rights of the citizens to equal and impartial treatment in their dealings with public authorities. The ombudsman is independent from any orders, including from parliament, when exercising his functions. Individuals may lodge complaints with the ombudsman about the decisions, procedures, and conduct of public officials and government agencies. The ombudsman may demand official reports, documents, and records; may summon officials to give testimony; and has access to official premises. Government agencies generally responded to the ombudsman's requests for information and documents within a reasonable time. While the ombudsman's recommendations are not binding on authorities, the government generally adopted them.

The Parliamentary Standing Committee on Judicial Affairs and Education is responsible for legislative oversight of human rights in the country. The committee was generally considered effective.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape carries a maximum penalty of 16 years in prison. Judges typically imposed sentences of two to three years. The law does not explicitly address spousal rape. Activists continued to complain that the burden of proof in rape cases was too heavy and discouraged victims from reporting acts of rape and authorities from prosecuting them. The government did not respond formally to these concerns.

The law criminalizes domestic violence specifically with a maximum penalty of 16 years in prison. Victims of domestic violence can request police to remove perpetrators physically from the home for up to four weeks at a time. Police can also impose a 72-hour restraining order to prevent abusers from coming into proximity with the victim, and courts can extend this restraining order for up to a year. The law entitles victims of sex crimes to a lawyer to advise them of their rights and to help them pursue charges against the alleged assailants. In 2016 a total of 116 women and 79 children sought temporary lodging at the country's shelter for women, mainly because of domestic violence. The shelter also offered counseling.

The government helped finance the Women's Shelter, the Counseling and Information Center for Survivors of Sexual Violence, the rape crisis center of the national hospital, and other organizations that assisted victims of domestic or gender-based violence. In addition the government assisted immigrant women in abusive relationships, offering emergency accommodation, counseling, and information on legal rights.

Sexual Harassment: Two laws prohibit sexual harassment. The general penal code makes sexual harassment punishable by imprisonment for up to two years. The law on equal status defines sexual harassment more broadly as any type of unfair or offensive physical, verbal, or symbolic sexual behavior that is unwanted, affects the self-respect of the victim, and is continued despite a clear indication that the behavior is undesired. The law requires employers and organization supervisors to make specific arrangements to prevent employees, students, and clients from becoming victims of gender-based or sexual harassment. The law establishes fines for violations, but more severe penalties could be applicable under other laws. According to the latest available information from the State Prosecutor's Office, in 2016 prosecutors brought five cases to trial at the district court level and obtained convictions in two, with one case still awaiting trial.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at:

www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: Women have the same legal status and rights as men according to the constitution and the law. The law states that employers and unions should work towards gender equality in the labor market, especially in managerial positions, and that employers should work towards declassifying jobs as primarily female- or male-oriented. Employment discrimination occurred.

In May the Gender Equality Complaints Committee ruled that the Ministry of Finance violated the law on equal status when it hired a male employee over a female applicant of equal qualifications for the position of director of public finance in June 2016.

Children

Birth Registration: A child acquires the country's citizenship at birth if both parents are citizens, if the mother is a citizen, or if the father is a citizen and is married to the child's foreign mother. If a mixed-nationality couple had obtained a judicial separation at the time when the child was conceived, however, the child acquires the mother's citizenship. A stateless child can become a citizen at the age of three. In all cases a child's access to social services depends on whether he or she has a residence permit in the country. Registration of birth was prompt.

Child Abuse: Child abuse, including sexual abuse, remained a problem. The Government Agency for Child Protection operated a diagnostic and short-term treatment center for abused and troubled minors, and was responsible for three long-term treatment facilities. It also coordinated the work of 27 committees throughout the country that were responsible for local management of child-protection cases.

The government maintained a children's assessment center to accelerate prosecution of child sexual abuse cases and lessen the trauma experienced by the child.

The prime minister appoints the children's ombudsman, who acts independently of the government. While the ombudsman's recommendations are not binding on authorities, generally the government adopted them.

Early and Forced Marriage: The country's minimum age for marriage is 18 for both sexes.

Sexual Exploitation of Children: The law prohibits, with fines or imprisonment for up to two years, the payment, or promise to pay or render consideration of another type, for prostitution involving a child under the age of 18. The law prohibits child pornography, which is punishable by up to two years in prison. The law criminalizes statutory rape with incarceration for one to 16 years. The government effectively enforced these laws. The minimum age for consensual sex is 15.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

Officials estimated the Jewish community to be fewer than 100 individuals, and there is no synagogue or Jewish cultural center in the country. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities.

The law provides that persons with disabilities have access to buildings, information, and communications. Disability rights advocates complained that authorities did not fully implement the law and regulations. While violations of these regulations are punishable by a fine or a jail sentence of up to two years, one

of the main associations for persons with disabilities contended that authorities rarely, if ever, assessed penalties for noncompliance.

National/Racial/Ethnic Minorities

Immigrants, mainly of non-Western origin or from Eastern Europe and the Baltic countries, and asylum seekers suffered occasional incidents of social harassment based on their ethnicity.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

While the constitution does not specifically prohibit discrimination based on sexual orientation or gender identity, it does so implicitly. The law prohibits anyone from denying a person goods or services on an equal footing with others on grounds of that person's sexual orientation or gender identity. It also prohibits denying a person access to a public meeting place or other places open to the public on the same footing with others on grounds of that person's sexual orientation or gender identity. The law further prohibits incitement to hatred against persons on the basis of sexual orientation or gender identity and the dissemination of hateful material.

Other Societal Violence or Discrimination

Immigrants and asylum seekers, mainly of non-Western origin, suffered occasional incidents of harassment based on their religious beliefs. The ECRI report noted "the growing incidence of anti-Muslim sentiment" in the country, including on social media.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes, and the government generally respected these rights. The law prohibits antiunion discrimination. It is silent on whether workers fired for union activity should be reinstated, but it provides for fining employers who engage in this practice. The law permits the government to pass a provisional law to impose mandatory mediation when strikes threaten key sectors in the economy.

The government effectively enforced the law. Penalties for violations (damages and fines) were sufficient to deter violations.

The government and employers respected freedom of association and the right to bargain collectively. Collective bargaining agreements covered nearly 100 percent of the formal economy's workforce. Independent contractors in various industries, but mainly in construction and tourism, sometimes hired subcontractors to avoid hiring workers with bargaining rights.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor.

Authorities in the Directorate of Labor and the Directorate of Immigration effectively enforced the law. Resources were adequate during the year, although there were no prosecutions. The law is sufficiently stringent compared with those on other serious crimes, and penalties for violations were sufficient to deter violations.

Traffickers subjected men and women to forced labor in construction, tourism, and restaurants. Foreign "posted workers" were at particular risk of forced labor because traffickers paid them in their home countries and contracted them to work for up to 183 days in Iceland to avoid taxes and union fees, limiting tax authorities' and union officials' ability to monitor their work conditions and pay. Traffickers also subjected women to domestic servitude, forced labor, and sex trafficking.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

According to the law, children who are 13 and 14 may be employed in light work up to 12 hours per week and a maximum of two hours per day outside organized school teaching hours during the school year and up to 35 hours a week or a maximum of seven hours per day during school vacations. They may not work between the hours of 8 p.m. and 6 a.m. Children between the ages of 15 and 18 who do not attend school may work up to 40 hours per week and a maximum of eight hours per day, but not between the hours of 10 p.m. and 6 a.m. For children who remain in school, the law limits work to 12 hours per week and a maximum

two hours per day during the school year, but up to 40 hours per week and a maximum eight hours per day during school vacations. They may not work between the hours of 8 p.m. and 6 a.m. Children under 18 may not be employed in work that is likely to be beyond their physical or mental capacity; work that is likely to cause permanent damage to health; work that involves the risk of hazardous radiation; work involving a risk of accidents which it can be assumed that children and teenagers could have difficulty identifying or avoiding due to their lack of awareness or lack of experience or training; or work where there is a risk of violence or other specific risk, except where the young persons work with adults. The government generally enforced the law. There were no known cases of child labor.

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations do not specifically prohibit discrimination with respect to employment on the basis of race, color, religion, political opinion, national origin, citizenship, social origin, disability, language, sexual orientation and/or gender identity, and HIV-positive status or other communicable diseases. Nevertheless, the constitution and other laws prohibit such discrimination in general and provide for fines determined by the courts for violations. The government effectively enforced the law.

Despite laws requiring equal pay for equal work, a pay gap existed between men and women. According to a salary survey of its members conducted by the country's largest labor union, the VR, and published in July, the gender-based pay gap amounted to 11.3 percent after taking into consideration age, length of employment, profession, job sector, education, number of employees supervised, number of hours worked, and shift work.

According to a salary survey of their members conducted for the Union of Public Servants and the Reykjavik City Municipal Employees Association and published in September, the gender pay gap amounted to 11.8 and 6.0 percent among the unions' membership, respectively, after taking into consideration age, working hours, length of employment, type of profession, education, shift differential, and type of sector.

Anecdotal evidence suggested some employers might without reason limit their hiring to native Icelandic-speaking individuals. ECRI reported that foreign construction workers, even skilled ones, were usually hired as unskilled workers at the collectively negotiated minimum wage.

Disability rights advocates asserted that persons with disabilities had a more difficult time finding jobs due to prejudice and because fewer job opportunities, especially part-time, were available for persons with disabilities. The positions that persons with disabilities were able to find were usually low-paying, required only a low level of education or skills, and offered limited opportunities for advancement.

e. Acceptable Conditions of Work

The law does not establish a minimum wage. The minimum wages negotiated in various collective bargaining agreements applied automatically to all employees in those occupations, including foreign workers, regardless of union membership. While the agreements can be either industry-wide, sector-wide, or in some cases firm-specific, the type of position defined the negotiated wage levels.

The standard legal workweek is 40 hours, and paid annual holidays include 14 full days and two half-days. The law requires that employers compensate work exceeding eight hours per day as overtime. Overtime pay does not vary significantly across unions, but collective bargaining agreements determine the terms of overtime pay. The law limits the time a worker may work, including overtime, to 48 hours a week on average during each four-month period. The law entitles workers to 11 hours of rest in each 24-hour period and one day off each week. Under specially defined circumstances, employers may reduce the 11-hour rest period to no fewer than eight hours, but they must then compensate workers with corresponding rest time later. They may also postpone a worker's day off, but the worker must receive the corresponding rest time within 14 days. The Administration of Occupational Safety and Health (AOSH) monitored and enforced these regulations.

The law sets occupational health and safety standards that are appropriate for the main industries, and the Ministry of Welfare administered and enforced them through the AOSH, which conducted both proactive and reactive inspections. The ministry can close workplaces that fail to meet safety and health standards. Workers could remove themselves from situations that endangered health or safety without jeopardy to their employment.

The AOSH did not employ a sufficient number of inspectors to enforce standards effectively in all sectors. The AOSH levied daily fines on companies that did not follow instructions, urging them to improve work conditions. Daily fines were

generally sufficient to deter violations. With the exception of certain asylum seekers, the government provided universal health-care coverage to all workers, including those in the informal economy.

Violations of wage and overtime standards were most common in the construction and tourism sectors. The Icelandic Federation of Labor stated that young persons in the tourism sector as well as foreign workers--primarily men in the construction industry, some of them undocumented--were paid less than the negotiated minimum wage. Although violations of occupational safety and health standards occurred in all sectors, violations occurred most frequently in the construction and food industries. Young workers and employees who did not understand or speak Icelandic and did not know local rules and regulations were more likely to be subject to hazardous or exploitative working conditions.