

# ICELAND 2019 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. Parliamentary elections in 2017 were also considered free and fair.

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. The country has no military. Civilian authorities maintained effective control over police and the ICG.

There were no reports of significant human rights abuses.

There were no reports of officials committing human right abuses in the security forces or elsewhere in the government. There were no reports of impunity involving the security forces during the year. The government has effective mechanisms to investigate and punish abuse and corruption.

### **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 and women were held in different cellblocks in the prisons in Akureyri and Reykjavik. There was a special block for women at Holmsheidi (Reykjavik) prison, but common areas for work. Female prisoners were permitted to serve their sentences in open prisons with men, if they so wished. 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.

Administration: Authorities conducted proper investigations of credible allegations of mistreatment.

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. During the year, the Council of Europe's Committee for the Prevention of Torture visited four prisons in the country.

### **d. Arbitrary Arrest or Detention**

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

### **Arrest Procedures and Treatment of Detainees**

Police may make arrests 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 their rights and bring them before a judge within 24 hours of arrest, and authorities respected this right.

There is no functioning bail system. A judge determines whether a suspect must remain in custody during an investigation. The judge may grant conditional release, subject to assurances that the accused will appear for trial. Upon arrival at a 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.

### **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 choosing. The government covers attorneys' fees of indigent defendants, 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 and their immediate families have the right not to be compelled to testify or confess guilt.

Defendants have the right to appeal to a new Appellate Court that was introduced in early 2018. In most instances, the judgment of the Appellate Court is the final decision, although it is possible to refer special cases for final appeal to the Supreme Court.

### **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 European Court of Human Rights. Administrative remedies are also available for alleged wrongs.

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

The constitution and law prohibit such actions, 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.

### **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.”

Press and Media, Including Online Media: 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. The government has implemented the EU's General Data Protection Regulation into domestic law.

### **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 <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

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

### **e. Internally Displaced Persons**

Not applicable.

### **f. 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 an accelerated procedure by the Ministry of Justice's 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.

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. In

certain cases the country also did not return vulnerable asylum seekers to Italy and Greece.

Durable Solutions: The government accepted refugees for resettlement and provided for their local integration. In October 2018 the government announced that it would resettle 75 refugees in 2019, most of whom originated from Syria, as well as lesbian, gay, bisexual, transgender, and intersex (LGBTI) refugees and their families from Kenyan refugee camps. As of August the country had accepted 49 refugees, all from Syria. The government also signed agreements with three municipalities to resettle 25 LGBTI refugees from Kenyan refugee camps, consisting of persons originally from Uganda, Sudan, Zimbabwe, and other central African countries. As of October the entire group had arrived in Iceland and started receiving services.

Temporary Protection: The government provided temporary protection to individuals who may not qualify as refugees and as of October 15, had provided subsidiary protection to 114 persons and humanitarian protection to 12 others during the year.

#### **g. Stateless Persons**

Not applicable.

### **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 2016 voters elected a new president in elections that were considered free and fair. The collapse of the government coalition in September 2017 led to parliamentary elections in October 2017 that were also 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 bound by law to publicly disclose financial interests, but most chose to do so. 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 August 8, all 63 members of parliament elected in 2017 reported their financial interests online. A cabinet directive requires all political advisors and permanent secretaries to submit financial disclosures. As of August all those who were required had disclosed their respective financial interests and made them publicly available online. 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 party to the Optional Protocol to the Convention against Torture and conducts periodic site visits to prisons and psychiatric hospitals; the first site visit of the ombudsman was in October 2018. The ombudsman is independent from any governmental authority, including parliament's, when exercising his or her functions. 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.

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. As of October approximately 117 women and 65 children sought temporary lodging at the country's shelter for women, mainly because of domestic violence.

The police procedure for the handling of domestic violence states that law enforcement should report to location of the incident. If responding officers are unable to enter the premises and have reasonable suspicion that the life of an individual inside might be threatened, they are allowed to use force to enter. If a child is present, an official from the child protective services must be called to the scene. All present parties are questioned and the case is entered into the police database. If the situation warrants, the responding officers can arrest the perpetrator and assist the victim in seeking medical care and offer guidance on legal recourse. The victim can request a temporary restraining order be imposed on the perpetrator. In some cases law enforcement, child protective services, or the family of the victim can request the restraining order. If law enforcement deems the victim to be in danger following the imposed restraining order, they will give the victim an emergency services call device.

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. These organizations offered services free of charge, regardless of the victim's citizenship. 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 continues 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.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Women have the same legal status and rights as men according to the constitution and the law. Although the government enforced the law effectively, employment discrimination occurred.

## **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, the child acquires the mother's citizenship. A stateless child can become a citizen at the age of three. By law, all children have access to social services regardless of citizenship. If a child is not legally domiciled in the country or is living in the country without legal guardians, a child protection committee in the municipality where the child is physically located assumes care if needed and takes measures to secure his or her best interests. Registrations of births were prompt.

Child Abuse: Child abuse is illegal. Under the law, the general public has a duty of notifying authorities if suspicion arises of any form of child abuse. The Government Agency for Child Protection is responsible for implementation of the law. The agency operated a diagnostic and short-term treatment center for abused and troubled minors and was responsible for one short-term treatment center in Reykjavik and two centers in other locations. It also coordinated the work of 27 committees throughout the country that were responsible for local management of child-protection cases.

The government is legally mandated to provide services for children, including a safe residence for children as well as specialized services. The government maintained a children's assessment center to secure the well-being and lessen the trauma experienced by children and coordinate victim protection and accelerate prosecution in child sexual abuse cases.

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

Early and Forced Marriage: The minimum age for marriage is 18 for both sexes. There were no reports during the year of forced marriages.

Sexual Exploitation of Children: The law prohibits the payment, or promise of payment or consideration of another type, for the commercial sexual exploitation of a child under the age of 18. Violation may be punished with fines or imprisonment for up to two years. The law punishes child pornography 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. The penal code includes a requirement for explicit consent for sexual acts, meaning that consent is not considered to be given freely if obtained through violence or the threat of violence, any kind of force, or the use of drugs or alcohol.

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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

The resident Jewish community was estimated to include between 100 and 250 individuals. For the first time, a synagogue was in the process of being registered as a religious organization. There were no reports of discrimination or institutional challenges to its registration.

There were no reports of anti-Semitic discrimination or violence against the community. Despite generally having received a warm welcome from the

community and government entities, the Jewish community noted a concerning incident of anti-Semitic hate speech targeting the community in a February social media post related to an event where a member of the Jewish community spoke to students at the University of Reykjavik about Jewish conceptions of leadership and tolerance. In September several comments with anti-Semitic hate speech were added to the post, although the majority of the comments did not appear to be made by Icelandic individuals. The incident had not been reported to law enforcement for further investigation.

In July and September, a small contingent of neo-Nazis, mostly Swedish and belonging to the Nordic Resistance Movement (NRM), distributed white nationalist propaganda in the country. While the number of Icelandic members of the NRM is unknown, it is believed to be small. On September 5, police were sent to monitor an NRM demonstration in downtown Reykjavik. The demonstration caused a local outcry, and a counterprotest was organized the following day which drew a significantly larger number of attendees.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The constitution prohibits discrimination against persons with disabilities. The law provides that persons with disabilities have access to buildings, information, and communications. By law, persons with disabilities are free to hire their own assistance providers and tailor assistance to their needs. 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**

All discrimination is illegal, in both society and the labor market, including discrimination based on race and ethnicity. 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. A single incident of a potentially religiously motivated hate crime was reported by

local media during the year. In July a group of three Muslim women were accosted outside a grocery store in a suburb of Reykjavik. A woman shouted at the group before spitting in their direction and attempting to grab their hijabs. Law enforcement agencies were notified but did not come to the scene since the involved parties had left. The victims provided their statements to police the following day, but refused to seek further legal recourse, resulting in law enforcement dropping the case.

### **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 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.

LGBTI activists continued to note the lack of explicit protections for LGBTI individuals on the basis of sexual orientation, gender identity or expression, or sex characteristics, in hate crime laws.

### **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 2017 report by the European Commission against Racism and Intolerance (ECRI), the most recent report available, 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.

Several collective bargaining agreements expired at the end of 2018 and were renegotiated between January and April by employers and unions, with the government providing facilitation as necessary. The right to collective bargaining and strikes was generally respected, and there were no reports of undue pressure exerted over the involved staff.

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.

Law enforcement authorities and the Administration of Occupational Health and Safety 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 the country under the guise of avoiding taxes and union fees, limiting tax authorities' and union officials' ability to monitor their work conditions and pay. Foreign workers have the same rights that are afforded to domestic workers in collective bargaining agreements. Union officials noted that they do take legal action on the behalf of workers, regardless of whether union dues had been paid. Traffickers also subjected women to domestic servitude, forced labor, and sex trafficking.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the worst forms of child labor and provides for a minimum age of employment, including limitations on working hours, occupational safety, and health restrictions for children, and the government effectively enforced applicable laws. Penalties were sufficient to deter violations.

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 younger than 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 youths work with adults.

### **d. Discrimination with Respect to Employment and Occupation**

The constitution and other laws prohibit such discrimination in general and provide for fines determined by the courts for violations. In April 2018 parliament approved legislation on equal treatment in the labor market. This includes race, ethnicity, age, religion, beliefs, disabilities, reduced functionalities, orientation, gender identity, intersex, or gender expression. The law went into effect in September 2018 and the government effectively enforced it. On January 1, responsibility for the equality affairs portfolio was moved from the office of the Minister of Welfare to the Prime Minister's Office, signifying the increased emphasis placed on the issue by the government.

Employment discrimination occurred. In accordance with legislation enacted in January 2018, individuals, companies, institutions, and nongovernmental organizations can refer cases to the Gender Equality Complaints Committee, which rules on appointments and salary related matters. Despite laws requiring equal pay for equal work, a 15 percent pay gap existed between men and women.

ECRI reported that foreign construction workers, even skilled ones, were usually hired as unskilled workers at the collectively negotiated minimum wage. Statistics Iceland published a study in March which found that salaries for foreign employees were 8 percent lower on average than those of Icelandic employees in the same job.

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.

#### **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 law requires that employers compensate work exceeding eight hours per day as overtime and limits the time a worker may work, including overtime, to 48 hours a week on average during each four-month period. Overtime pay does not vary significantly across unions, but collective bargaining agreements determine the terms of overtime pay. 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 AOSH can close workplaces that fail to meet safety and health standards.

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, working hours, and overtime standards were most common in the construction and tourism sectors. The Icelandic Confederation 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 subjected to hazardous or exploitative working conditions.