



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Concluding observations on the fourth report of Iceland, adopted by the Committee at its forty - ninth session (12-30 November 2012)

1. The Committee on Economic, Social and Cultural Rights considered the fourth periodic report of Iceland on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/ISL/4) at its 43rd and 44th meetings, held on 21 November 2012 (E/C.12/2012/SR.43-44), and adopted, at its 58th meeting held on 30 November 2012, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the fourth periodic report of Iceland (E/C.12/ISL/4) and the replies to its list of issues (E/C.12/ISL/Q/4/Add.1). It also appreciates the constructive and frank dialogue it had with the delegation of the State party.

B. Positive aspects

3. The Committee notes with appreciation:

- (a) The high degree of gender equality in the State party;
- (b) The new Gender Equality Act, No.10/2008;
- (c) The adoption on 17 March 2009 of the National Plan against Trafficking in Human Beings;
- (d) The ratification in 2011 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention).

C. Principal subjects of concern and recommendations

4. The Committee is concerned that the draft Constitution, presented to the Parliament following a revision process undertaken since 2010 by the Constitutional Council, does not encompass all rights as contained in the Covenant (art.2).

The Committee recommends that the draft Constitution be further revised so as to guarantee reference to all rights as contained in the Covenant, in line with article 2, paragraph 1 of the Covenant.

5. The Committee regrets that the State party, as yet, does not have a comprehensive anti-discrimination law. The Committee is particularly concerned that persons with disabilities face discrimination with regard to their rights to education, housing and social assistance. (art.2)

The Committee recommends that the State party take steps to adopt comprehensive anti-discrimination legislation. It also recommends that the State party ensure that measures are taken to combat and prevent discrimination, especially against persons with disabilities, in particular with respect to the right to education and housing, as well as social assistance under article 9 of the Covenant.

6. The Committee is concerned that, despite measures taken by the State party, the national financial and economic crisis has had a negative impact on the realization of economic, social and cultural rights, in particular with regard to the rights to work, social security, housing and education.

The Committee reminds the State party of its obligation under the Covenant to respect, protect and fulfil economic, social and cultural rights progressively, using their maximum available resources. While realizing that some adjustments in the implementation of some of the Covenant rights are at times inevitable, such as during economic crises, it recommends that any proposed policy change or adjustment by the State party in reaction to the economic crisis (a) be of a temporary nature; (b) be necessary and proportionate; (c) not be discriminatory and comprise all possible measures, including tax measures, to support social transfers to mitigate inequalities and to ensure that the rights of the disadvantaged and marginalized individuals and groups are not disproportionately affected; and (d) identify a social protection floor and the minimum core content of rights, ensuring the protection of this core content of rights at all times. The Committee draws the attention of the State party to its open letter on economic, social and cultural rights, and economic and financial crisis, dated 16 May 2012.

7. The Committee is concerned that the State party has not yet established a consolidated national human rights institution, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

The Committee recommends that the State party take steps to establish a national human rights institution with a broad human rights mandate, including the economic, social and cultural rights of the Covenant, in line with the Paris Principles, and provide it with adequate financial and human resources.

8. The Committee is concerned about the significant wage gap between men and women. It is also concerned that women continue to be underrepresented in decision-making positions, in particular in the Foreign Service, the judiciary and academia (art. 3).

The Committee recommends that the State party take steps, particularly by ensuring a strict implementation of the Gender Equality Act 10/2008, to eliminate the persistent and significant wage gap between women and men, guaranteeing the principle of equal pay for work of equal value, in accordance with article 7 of the Covenant. It also recommends that the State party take steps to ensure increased representation of women in decision-making positions, in particular in the Foreign Service, the judiciary, and academia.

9. The Committee is concerned that the unemployment rate is still high compared to the rate before the 2008 crisis, and that young people and immigrants are especially at risk from long-term unemployment (art. 6).

The Committee recommends that the State party intensify its efforts to address the high unemployment rate, including through a comprehensive employment policy, with a special focus on groups at risk of long-term unemployment, such as young people and immigrants.

10. The Committee is concerned that temporary work permits are issued for work with a specific employer, and that this may increase the vulnerability and dependency of the permit holder on that employer. It is also concerned that an employee alone cannot bring an appeal against decisions by the Directorate of Labour on applications for temporary permits or revocations of such permits (art. 6).

The Committee recommends that the State party take steps to ensure that temporary work permits are issued for a specific type of work/remunerated activity and specific time, rather than with a specific employer. It also recommends that the State party ensure that appeals against decisions by the Directorate of Labour on applications for temporary permits or revocations of such permits can be brought by employees alone, rather than needing the additional approval of the employer.

11. The Committee is concerned that the State party has not yet introduced a national minimum wage (art. 7).

The Committee recommends that the State party take legislative and other measures to introduce a national minimum wage. It also recommends that the State party ensure that the national minimum wage is periodically reviewed and set at a level sufficient to provide all workers and their families with a decent standard of living.

12. The Committee is concerned that the State party has imposed compulsory arbitration through legislative intervention into the collective bargaining process for the determination of the terms and conditions of employment of fishermen (art. 8).

The Committee recommends that the State party take measures to improve the existing procedures for collective bargaining, with the aim to promote free and voluntary collective bargaining and to ensure that compulsory arbitration is avoided.

13. The Committee is concerned that, despite efforts undertaken since the economic and financial crisis, the social benefits system does not provide for levels of benefits sufficient to ensure a decent living for certain groups, in particular single-parent families (art. 9).

The Committee recommends that the State party take measures to ensure that the social benefits system provides for a minimum essential level of benefits, ensuring a decent living for all beneficiaries, including single-parent families. It also recommends that the State party ensure that levels are monitored regularly and adjusted according to the cost of living.

14. The Committee is concerned that the enjoyment of unemployment insurance according to Act No.54/2006 remains too restrictive (art. 9).

The Committee recommends that the State party expand the coverage of unemployment insurance to all unemployed persons, especially the vulnerable and underprivileged groups.

15. The Committee is concerned that domestic violence is not specifically defined as a crime, despite the explanations given by the State party in paragraph 43 of its replies to the list of issues. It is concerned about persisting attitudes and stereotypes leading to violence against women. The Committee is also concerned that immigrant women remain

insufficiently aware of the amendments to the Act on Foreigners, which states that a family reunification permit may still be extended when a marriage/cohabitation ends due to domestic violence (art. 10).

The Committee recommends that the State party take steps to specifically define domestic violence as a crime, and preferably in the Penal Code. The Committee recommends that the State party continue its efforts to conduct national public information campaigns and stimulate broader public discussion with the aim to address attitudes and stereotypes leading to violence against women. It also recommends that the State party intensify its efforts to reach out to immigrant women to inform them of their rights in the context of domestic violence.

16. The Committee is concerned that, despite the State party's efforts to combat poverty, the financial and economic crisis since 2008 has led to an increase in the rate of persons that live below the low-income threshold, in particular families with children and single parent families. The Committee is also concerned that persons with disabilities face difficulties in realizing their right to an adequate standard of living, in particular access to adequate food (art. 11).

The Committee recommends that the State party strengthen its efforts to combat poverty and social exclusion, in particular of families with children, single parent families, and persons with disabilities. The Committee draws the attention of the State party to its statement on poverty and the International Covenant on Economic, Social and Cultural Rights, and reminds the State party of its obligation, even under severe resource constraints, to protect vulnerable groups of society, as stated in paragraph 12 of its general comment No.3 (1990) on the nature of States parties' obligations.

17. The Committee is concerned that the extensive cuts to the health sector budget since 2008 have resulted in a reduction of the quality and availability of public health-care services, including the closure of facilities and reduction in the number of personnel. The Committee is also concerned that there are financial constraints for families with children with disabilities in accessing required health-care services, such as dentists or speech therapists, as well as language barriers for immigrants in accessing health care (art. 12).

The Committee recommends that the State party take steps to address the negative impact of the financial crisis on the health sector, including through increasing its public health-care budget. It also recommends that the State party take steps to ensure that required health-care services are fully accessible for all, including for immigrants and children with disabilities. In this respect, the Committee draws the attention of the State party to its general comment No.14 (2000) on the right to the highest attainable standard of health.

18. The Committee is concerned that the extensive budget cuts to the educational sector since 2008 have led to a reduction in staffing, merging of class groups and cancellation of courses, particularly affecting children with special needs. It remains concerned about the high dropout rate in upper secondary education, in particular of students with an immigrant background (art. 13).

The Committee recommends that the State party take steps to increase the budget for the public education system for all education levels, in particular primary and lower secondary education, and to remedy the recent staff reductions, merging of class groups and cancellation of courses. It recommends that the State party continue to take measures to improve facilities in the school system for children with special needs, in particular in the upper secondary level. The Committee also recommends that the State party intensify its efforts to address the high dropout rate in upper secondary education of students with an immigrant background. The Committee

draws the attention of the State party to its general comment No.13 (1999) on the right to education.

19. The Committee recommends that the State party take steps to ensure that all disadvantaged and marginalized groups and individuals, including persons with disabilities, as well as children from low-income families and migrant children, and older persons can fully enjoy their right to take part in cultural life. It recommends that this also include steps to ensure access to cultural events for persons with disabilities through sufficient and timely availability of their transport facilities. The Committee requests that the State party include in its next periodic report information on measures taken to guarantee the right of everyone to enjoy the benefits of scientific progress and its applications, in conformity with article 15, paragraph 1 (b) of the Covenant.

20. The Committee encourages the State party to consider signing and ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

21. The Committee encourages the State party to ratify the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance, as well as to consider signing and ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

22. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, in particular among State officials, the judiciary and civil society organizations, translate and publicize them as far as possible and inform the Committee of the steps taken to implement them in its next periodic report. It also encourages the State party to engage all the relevant actors, including non-governmental organizations and other members of civil society, in the process of discussion at the national level prior to the submission of its next periodic report.

23. The Committee requests the State party to submit its fifth periodic report, prepared in accordance with the revised reporting guidelines of the Committee, adopted in 2008 (E/C.12/2008/2), by 30 November 2017.
