

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

41ST SESSION

ICELAND, 5TH & 6TH REPORT

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Key facts¹

Date of Ratification	Reservations	Party to Optional Protocol (OP)	Opted out of OP's Inquiry Procedure	Additional ratified core treaties
1985	None	Yes	No	ICCPR, ICESCR, CERD, CAT, CRC

Type of report	Date submitted	Report submitted on time	NGO / NHRI consultation/input	List of issues provided / Written replies received	Last appearance before Committee
5 th & 6 th	14 Nov 2003 / 4 Dec 2007	No ²	No/No ³	3 Jan 08 / 18 Mar 08	14 Jan 2002

¹ The information in these two tables is sourced from the Office of the High Commissioner for Human Rights (OHCHR), and is available at <http://www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx>

² The third periodic report was due on 18 July 2002 and received on 14 November 2003.

³ The Icelandic delegation reported that NGOs were not consulted, but the reports were prepared by the Ministry of Labour and Social Affairs in cooperation with other government Ministries.

Information submitted to the Committee

State Party Report⁴

Iceland's fifth and sixth periodic reports covered the period from January 1998 to December 2007. Article by article, they outlined the steps Iceland had taken to give domestic effect to the Convention, with a particular emphasis on the *Gender Equality Act 2000*, the work of the Centre for Gender Equality and the Gender Equality Complaints Committee. Iceland directly responded to the Committee's previous concluding comments, emphasising the significance of constitutional amendments in 1995 that broadened the scope of economic, social and cultural rights and added the principle of equality to ensure that men and women enjoy 'equal rights in every respect.' Although the reports asserted that these legal reforms had fostered national debate and raised people's awareness of their human rights, no direct evidence was provided to support this.

The reports acknowledged that the Convention does not have the direct force of law in Icelandic courts and has never been invoked in domestic courts, but did not provide a frank assessment of existing discriminatory laws needing amendment. They were also lacking in data disaggregated by gender, even though Statistics Iceland was mandated to collaborate with the Centre for Gender Equality to analyse all official statistics by gender. While the State had initiated several initiatives to improve rural women's employment and education opportunities, the reports were silent on the status of other marginalised groups such as migrant and disabled women.

List of issues⁵

Iceland provided written responses to the List of Issues in advance of the interactive dialogue. In the List of Issues, the Committee sought to follow up on some of its Concluding Observations in areas including women's participation in political and public life, human trafficking and drug and alcohol consumption among young women. Several questions sought further information about the effectiveness of legislative amendments and new policy initiatives that were mentioned in the 5th and 6th reports, including the framework of the national machinery, domestication of CEDAW, trafficking and prostitution, and violence against women. Where this information was readily available, detailed responses were provided. However, it was often the case that program evaluations were not undertaken ('men taking responsibility' project), statistics not collected (the use and effectiveness of restraining orders), or legislation had not resulted in prosecutions (sexual harassment). This left the impression that government departments were actively pursuing a host of initiatives to raise awareness about the importance of gender equality, but little critical evaluation was being undertaken to ensure an evidence-based approach to new legislative and policy development.

NGO parallel reports

Only two reports were submitted to the Committee: one from an Icelandic NGO with expertise in gender quality (Icelandic Human Rights Centre, IHRC), and the other from an international NGO focused on ending corporal punishment.⁶ The IHRC's report welcomed a number of recent legislative reforms to strengthen the national framework for gender equality, such as the introduction of a comprehensive action plan to combat violence against women and children, and amendments that made the decisions of the Gender Equality

⁴ The State party reports CEDAW/C/ICE/5 (26 November 2003) and CEDAW/C/ICE/6 (4 December 2007) is available at <http://www2.ohchr.org/english/bodies/cedaw/docs/pswg.doc>

⁵ The List of Issues is available at <http://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/CEDAW-C-ICR-Q6.pdf> and Iceland's responses are available at <http://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/CEDAW-C-ICE-Q6-Add1.pdf>

⁶ These reports are available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws41.htm> and at http://www.iwraw-ap.org/resources/shadow_reports.htm

Complaints Committee legally binding. However, it cautioned that ‘several issues identified in the government’s report call for further elaboration and, in some cases, improvement’, and overall concluded that ‘gender quality measures could be further strengthened.’

There was considerable overlap between the issues raised by the Committee during the interactive dialogue and the concerns expressed by IHRC in its report, which included:

- Domestication of CEDAW;
- Trafficking in women, and its link with prostitution and strip clubs;
- Violence against women, including domestic and sexual violence, and violence against immigrant women; and
- Persistence of the gender pay gap, gender stereotypes and vertical segregation in the labour market.

The delegation’s interaction with the Committee

The delegation was headed by Ms Hanna Sigrídur Gunnsteinsdóttir, Head of the Department of Equality and Labour, in the Ministry of Social Affairs and Social Security. The three other delegation members were: Director for the Centre for Gender Equality, Chair of the Gender Equality Council and a representative from the Permanent Mission of Iceland to the United Nations.⁷

In her opening remarks, the Head of delegation focused on the newly amended *Equal Status and Equal Rights of Women and Men Act* (Gender Equality Act), detailing the functions of the key institutions it established, such as the strengthened Gender Equality Complaints Committee. As the Head of delegation outlined article by article, how Iceland has implemented the Convention, she detailed legislative reforms and policy initiatives and how they were implemented, including new provisions to combat gender-based violence and provisions relating to gender mainstreaming in education. There was no information about how these initiatives were being monitored, nor was information presented that evaluated the impact of pre-existing gender equality initiatives.

The dialogue between the Icelandic delegation and the Committee was polite, but not particularly constructive. Committee members asked detailed questions that had multiple components, and the Chairperson advised the delegation not to answer questions individually, but rather thematically. As a result, many questions went unanswered. The Chairperson pressed the delegation several times to provide concise and short answers, and Ms Dairiam (Malaysia) asked the delegation a question three times before she received an unsatisfactory response. It appeared that the delegation was not thoroughly prepared for the dialogue, admitting at one stage that it was unaware of General Recommendation 24 (women and health).

Themes and issues

Legislative framework and national machinery (Articles 1-3)

Although several experts applauded Iceland’s new Gender Equality Act, others were sceptical about how effectively it would be implemented. When asked by Ms. Neubauer (Slovenia) what obstacles had prevented the full implementation of the previous Act, the Head of delegation explained she could not “pinpoint one obstacle”, but there was a general consensus that “further law was needed” to address weaknesses, such as the non-binding nature of decisions of the Gender Equality Complaints Committee. When further questioned by Ms. Neubauer as to whether the gender equality bodies under the new Act had sufficient financial and human

⁷ The list detailing the membership of the delegation is available at <http://www2.ohchr.org/english/bodies/cedaw/docs/list/ListIceland41.doc>

resources to operate, the delegation explained that the Centre for Gender Equality's budget had increased by 50 percent and various Ministries had received funds to hire gender equality experts.

When asked by Mr. Flinterman (Netherlands) whether the Convention is "visible" in domestic legislation, the Head of delegation restated Iceland's official position, namely that CEDAW had the same status as other international instruments, but it was not the aim of the Icelandic Government to incorporate international law into domestic law. Rather the government sought to incorporate international principles and standards into domestic legislation indirectly. She later explained that every provision of the Convention was reflected in the new Gender Equality Act, which prohibited both direct and indirect discrimination on the basis of gender and authorised the use of temporary special measures. Mr. Flinterman sought to further explore the visibility of the Convention, asking whether there was reference to the Convention in judicial opinions or decisions of the Gender Equality Complaints Committee. In addition to a repetition of earlier responses, the Head of delegation added that lawyers were typically more aware of the Convention rather than the general public.

Although the Committee praised Iceland for ratifying the Optional Protocol, Ms Dairiam (Malaysia) was "very disappointed" to see that the government had no plans to launch an awareness campaign to ensure the Optional Protocol was "visible." To further raise awareness about the Convention, the Chairperson encouraged the Icelandic Government to present future periodic reports to the Parliament for formal adoption and discussion, as was the practice in several other European States.

Trafficking in women and exploitation of prostitution (Article 6)

The Committee's questions on these issues appeared to be informed by the IHRC's parallel report, which provided anecdotal evidence to suggest there was a link between strip clubs, sexual exploitation of women and trafficking in women. Ms Begum (Bangladesh) expressed concern that despite clear evidence of rising demand from trafficked women for support services, Iceland lacked a trafficking action plan, a witness protection program and had recently legalised prostitution. She asked whether training was provided to the judiciary to identify and support trafficking victims, and whether Iceland was involved in any international anti-trafficking cooperation initiatives. Ms Shin (Republic of Korea) followed, asking how the government was monitoring strip clubs to ensure that illegal activities were not being conducted that resulted in the exploitation of the women who worked there. She advised the delegation that the government needed to "act fiercely" and be proactive on these matters.

Although the delegation reported that there was "no visible street prostitution", it conceded that there was a growing demand for sexual services and that organised crime existed in Iceland. It informed the Committee that strip clubs had been "a fad" in Iceland some ten years ago, and only one continued to operate because it had opened prior to the law prohibiting such clubs. Although the delegation admitted that research into trafficking in Iceland had "not reached below the surface", it did acknowledge the veracity of reports from the women's shelter that women had been trafficked into the country. It reminded the Committee that reforms to the Penal Code in 2003 had prohibited trafficking and advised that work had begun to draft a national action plan which would further Iceland's goal to ratify the Palermo Protocol and the Council of Europe Convention on Action against Trafficking. Iceland's efforts in this respect would be guided by the need to focus on victims, strengthen police investigation powers and raise awareness about this problem so that victims could be better identified. The Head of delegation advised that there was only one known case of a minor who had entered Iceland and claimed to be a victim of trafficking.

Violence against women, including domestic violence (Articles 2, 5, 11, 12, 16)

Discussion about Iceland's efforts to address violence against women occupied a considerable amount of the Committee's time. Ms Tavares da Silva (Portugal) referred to information in IHRC's parallel report, expressing concern that 40 percent of women in shelters were immigrant women, dependent on their husbands for residency status in the country. She questioned whether the law encouraged immigrant women to remain in violent relationships solely to secure residency, and asked what the government was doing to assess and better address the needs of immigrant women. The Head of delegation denied that there was large number of immigrant women in Iceland, pointing out there were more immigrant men than immigrant women. Nonetheless, she conceded that violence against immigrant women was a problem and explained that the government had decided to conduct a special survey to assess the situation. On the topic of shelters, the delegation reminded the Committee that Iceland was a small country with few inhabitants. As such, there was only one shelter. Attempts had been made to create other shelters in other areas of the country, but these had been unsuccessful due to lack of sustained demand.

Ms Chutikul (Thailand) asked about the number of female children who had been victims of violence. The delegation informed the Committee that the number of children indicated in the report is only the number of children that accompany their mothers to the shelters, and therefore, these children are not the direct victims of violence. The delegation, however, conceded that these children were indirect victims of violence and that specialised counselling services were not available, but needed.

Ms Pimentel (Brazil) raised the issue of rape. She noted that the number of rapes was high and increasing, relative to the number of prosecutions and requested an explanation for this phenomenon. The Head of delegation explained that whenever a rape occurs, the victim is taken to an emergency centre at the hospital. But, she explained that there was a "long story about why these cases do not go to court."

Both Ms Shin (Republic of Korea) and the Chairperson asked for more detailed information about the use of restraining orders, and whether they were proving effective in protecting women from domestic violence. Ms Shin also asked about the rationale behind the legislation that only allowed courts to issue restraining orders, but then allowed police to remove them, without review by the court. She was concerned that this usurped the courts' authority and adversely affected the ability of the courts to collect statistical data on these orders. A further concern of hers was why over 100 women had sought refuge in the shelter in one year, yet only 15 restraining orders had been issued by the courts over the same period. The delegation was unable to answer these questions.

Gender stereotypes (Article 5) and employment (Articles 10 and 11)

Throughout the interactive dialogue, Committee members commented on the persistence of gender stereotypes and how this cut across all areas of women's lives, particularly their employment. Ms Tavares da Silva (Portugal) observed that gender inequality was reflected in negative trends such as increased reports of rape, the persistent gender pay gap and women's predominance in part-time work. She acknowledged that the government undertook gender awareness training in the public sector, but expressed concern that little was being done to raise awareness in the broader community. The delegation conceded that gender stereotypes were prevalent in the labour market and admitted that more needed to be done to address this problem.

Ms Arocha Dominguez (Cuba) expressed concern that Iceland's reports reflected a degree of "fatalism" about women's family responsibilities and the extent to which these obstructed their ability to be more engaged in the labour force. She referred to a range of statements in the reports that suggested the government saw no 'solutions' to women's propensity to accept lower rates of pay or to seek out part-time work and pressed the

delegation to elaborate on what measures the government had or would take to foster the kind of cultural change necessary to overturn these gender stereotypes. Other members asked the delegation to elaborate on what the government had done to encourage women's employment in non-traditional sectors, foster women's promotion within academia and the judiciary, promote women's participation in local government and encourage the private sector to promote women to leadership positions. Ms Zou (China) also inquired about rural women's participation in the labour market and agricultural policy development, and asked whether special measures were in place to promote the employment of disabled women.

The delegation responded by pointing out that women were very well represented in the labour market and women with young children had increased their working hours as a result of high quality and affordable childcare. It also reminded the Committee of the new maternity and paternity leave entitlements, which were designed to encourage fathers to take on a greater share of family responsibilities and challenge gendered roles, and had been welcomed by employers. Nonetheless, the delegation acknowledged that although professional women dominated in the public sector, the same could not be said of women in the private sector, particularly at more senior levels. The Head of delegation pointed out that even though women in these fields tended to have a superior education to their male counterparts, they were often let down by their own negotiating skills and prepared to settle for less pay. She advised that the University of Iceland's action plan on gender equality had been very successful in terms of bridging the pay gap and promoting women to the level of professor. She also acknowledged that women's political representation had reached about 30-35 percent, but was challenged to move beyond this range. Further, Iceland had a range of special measures in place to encourage the employment of women with disabilities and would provide that information in the next report.

Other themes

Other issues raised by Committee included: measures to combat HIV/AIDS; mental health of prisoners, disabled, elderly and rural women; gender equality in the delivery of public health; equality in divorce settlements for women, and migrant and rural women in particular; shared custody arrangements and child support payments post divorce.

Conclusions and next steps

At the conclusion of the interactive dialogue, the Head of delegation made only very brief remarks, thanking the Committee and apologising for any instances where there had been omissions in their report and answers. Iceland also undertook to address these gaps in the next report. The Chairperson congratulated Iceland on its achievements over the last six years and thanked the delegation for a "frank and constructive" dialogue. She encouraged the full incorporation of CEDAW into domestic law, pointing out that this was now especially important following Iceland's ratification of the Optional Protocol. The Icelandic Government was urged to better familiarise itself with all General Recommendations of the Convention, which are "an extremely useful tool" in drafting legislation in accordance with CEDAW. The Chairperson also reminded Iceland of its responsibility to make the Convention, the Optional Protocol and the Committee's Concluding Observations "widely known" by translating and circulating them.

In its Concluding Observations⁸, the Committee calls upon the State party to consider incorporating the definition of discrimination against women contained in article 1 of the Convention in its national legislation. Though the Committee commends the State party for ratifying the Optional Protocol, the Committee recommends the State party increase its efforts to raise awareness of the provisions of the Convention, its Optional Protocol, and the general recommendations among judges, prosecutors, lawyers, and other legal

⁸ The Concluding Observations are available at <http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.ICE.CO.6.pdf>

professional to ensure that the objectives of the Convention become well-known and regularly used in judicial processes. With respect to stereotypes, the Committee calls upon the State party to take 'proactive and sustained measures' to eliminate stereotypical attitudes about the roles and responsibilities of women and men. To combat violence against women, the Committee recommends the State party ensure that comprehensive legal and other measures are in place to address all forms of violence against women, especially domestic and sexual violence. The Committee further recommends the State party improve its research and data collection on the prevalence, causes, and consequences of violence against women, including information on the relationship of the perpetrator and the victim in instances of violence and the potential causes of an unwillingness of victims to proceed with charges. Finally, the Committee recommends the State party 'monitor closely' existing measures to prevent and combat trafficking, and investigate thoroughly such cases in accordance with article 6 of the Convention. The Committee also recommends the State party investigate the prevalence of 'illegal strip clubs' through conducting research and surveys.

Two other treaty bodies have examined issues related to women's rights and each recommended similar measures as the CEDAW Committee. In 2005, the Human Rights Committee recommended that Iceland ensure rape does not go unpunished and expressed concern about the effectiveness of restraining orders. In 2005, the Committee on the Elimination of Racial Discrimination expressed concern that the Convention had not been incorporated into the State party's domestic legal order.

Iceland was requested to submit their seventh periodic report on July 2010 and their eighth periodic report in July 2014.

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ABOUT THE PUBLICATION

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