

ICELAND 2018 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 October 2017 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 and women were held in different cellblocks in the Akureyri and Reykjavik prisons. There was a special block for women at Holmsheidi 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.

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.

Role of the Police and Security Apparatus

The national police maintain internal security. Additionally, 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.

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 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 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 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 to a new Court of Appeal (Landsrettur), which was introduced on January 1. In most instances the judgment of the Court of Appeal 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 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 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 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.

In July new data protection legislation came into force to transpose the EU's General Data Protection Regulation into domestic law. The law provides greater oversight role for the Data Protection Authority and strengthens individual rights and discretionary powers over their one's own information.

According to the International Telecommunication Union, 98 percent of households used internet in 2017.

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, returning 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 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.

Employment: Asylum seekers needed to have assured housing for authorities to issue work permits. An asylum seeker may be fined or face deductions of benefits by the Directorate of Immigration if found to be working without proper authorization.

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. Some asylum seekers without a national identification number experienced delays in receiving health services. 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 a six-month waiting period. Critics also called for increased access for asylum seekers to better mental healthcare services because of a marked increase of asylum seekers from countries with ongoing conflicts, such as Syria, Afghanistan, and Iraq.

The number of asylum applications during the year, coupled with a housing shortage in the Reykjavik area and in Reykjanesbaer near the international airport, made it difficult for the Directorate of Immigration to provide adequate housing for all asylum applicants.

Durable Solutions: The government adequately provides for the support of durable solutions, including local integration and resettlement. In June parliament extended the right to apply for citizenship until the age of 21 in certain cases, rather than 18, and reduced the number of years of residency needed to apply for citizenship from seven to five years in cases of statelessness.

During the year the country resettled 52 refugees from Syria, Iraq, and Uganda. The government offered naturalization to refugees who met citizenship requirements and facilitated voluntary returns in individual cases.

Temporary Protection: The government provided temporary protection to individuals who may not qualify as refugees and provided subsidiary protection to 21 persons and humanitarian protection to six 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 2016 voters elected a new president in elections that were considered free and fair. Due to the collapse of the government coalition in September 2017, new parliamentary elections were held in October 2017; they 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 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 August 30, all 63 members of parliament elected in 2016 reported their financial interests online. There are no criminal or administrative sanctions for noncompliance.

On May 17, a new directive introduced a requirement for financial disclosures for permanent secretaries and political advisors. The government's action followed

the recommendations of a report from Group of States against Corruption (GRECO). The disclosures are not mandatory, and details are made available online.

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. 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. In March parliament redefined rape so that, if consent is not given or not given of the individual's free will, the act can be punishable as 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. In 2017 approximately 150 women and 100 children sought temporary lodging at the country's shelter for women, mainly because of domestic violence, an increase over the previous year. An additional 20 women came to the shelter for counseling or interviews.

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. Additionally, 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. 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 is illegal. 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 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 of payment or consideration of another type, for the commercial sexual exploitation of a child under the age of 18. 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.

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.html>.

Anti-Semitism

Officials estimated the Jewish community to be fewer than 100 individuals, and there is no officially registered synagogue or Jewish cultural center in the country. The first rabbi arrived in the country in the summer to establish and register the country's first Jewish society.

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 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.

In June parliament adopted the Independent Living for People with Disabilities (or NPA in Icelandic), which grants more freedom to persons with disabilities in hiring their own assistants and tailors assistance to their needs.

National/Racial/Ethnic Minorities

In June parliament approved legislation prohibiting all forms of discrimination, including race and ethnicity, to provide for the incorporation of equal treatment in all fields of society, excluding in the labor market, which was covered by separate legislation. 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 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.

Lesbian, gay, bisexual, transgender, and intersex (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) 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

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. According to the law, children who are 13 and 14 years old 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 the young persons 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 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 government effectively enforced the law.

Employment discrimination occurred. In accordance with legislation on Equal Rights of Men and Women enacted in January, individuals, companies, institutions, and NGOs 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 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. There were anecdotal indications of a broadening wage gap between Icelandic and foreign employees, with as much as a 20-30-percent difference in salaries, where work experience and education were otherwise equal.

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 ministry can close workplaces that fail to meet safety and health standards.

In June an amendment to the law increased the authorities and responsibilities of the Directorate of Labor to provide greater protections for laborers. The law also increased the obligations of contracting companies to provide information about activities to the government to provide for actual conditions of employment and to prevent possible cases of labor exploitation.

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 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 subjected to hazardous or exploitative working conditions.