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## 1999 Country Reports on Human Rights Practices

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### ICELAND

Iceland is a constitutional republic and a parliamentary democracy in which citizens periodically choose their representatives in free and fair multiparty elections. The judiciary is independent.

Elected officials control the police force, which scrupulously observes and enforces the laws that ensure protection of human rights.

Iceland has a mixed, open economy that provides residents with a high standard of living. The leading exports, fish and other marine products, account for almost 70 percent of export revenues. An abundance of cheap hydroelectric power provides a comparative advantage for the main manufacturing activity--aluminum smelting. Aluminum is the second leading export. Growth was expected to exceed 5 percent in 1999.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Human rights monitors expressed concern about the Government's frequent use of solitary confinement for remand prisoners. The Government is taking steps to deal with violence against women. Some societal discrimination against women persists, especially in the area of equal pay. Instances of suspected trafficking in women were reported.

### RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

## b. Disappearance

There were no reports of politically motivated disappearances.

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

Torture and other cruel, inhuman, or degrading treatment or punishment are prohibited by law and do not occur.

Prison conditions generally meet minimum international standards.

In a February report, the European Committee for the Prevention of Torture (CPT) expressed concern during its visit to the main prison (Litla Hraun) in Reykjavik in 1998 that nearly all detainees still were being placed in solitary confinement while their cases were under investigation. While the average duration of solitary confinement was between 2 and 3 weeks, the CPT noted that in some cases, solitary confinement lasted up to 3 months. While in solitary confinement, prisoners cannot leave their cells, except for short periods of time to exercise alone or to use the showers, and are not allowed to listen to the radio, watch television, or receive visitors other than their lawyers and prison officials. In November the supervising doctor at Litla Hraun wrote to prison authorities, warning that the mental health of several prisoners awaiting trial on drug trafficking charges could be in danger due to the extended time that they were expected to spend in solitary confinement.

In a preliminary response to the CPT report on September 30, the Government argued that solitary confinement was absolutely necessary in some circumstances to keep suspects from tampering with witnesses, destroying evidence, or hindering the investigation. On the other hand, it conceded that "in the vast majority of cases" incarceration alone was sufficient to protect the integrity of witnesses and evidence. However, the Prison and Probation Administration's own statistics show that solitary confinement was the rule rather than the exception during the first 9 months of the year: more than 90 percent of the 87 persons taken into custody were put into solitary confinement at least initially.

With the closing of the Sudumuli remand prison in 1996, the Government passed a law in 1998 that allows pretrial detainees to be incarcerated with the general prison population. Some human rights monitors claim that this law is inconsistent with the country's obligations under the European Human Rights Convention and European prison rules issued by the Council of Europe. Construction of a new prison in Reykjavik is planned for these detainees.

Juveniles who are 15 years of age or older can be sentenced to prison terms, but the vast majority of juvenile offenders are given probation or suspended sentences, or agree to attend a treatment program instead of going to jail. In the rare instances when juvenile offenders are incarcerated, they must be confined with the general adult prison population due to the lack of a separate detention facility for juveniles. In its February report, the CPT stated that it was "very concerned" about the current situation and recommended that the Government take "immediate steps...to ensure that juvenile prisoners are held separately from adults."

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition.

e. Denial of Fair Public Trial

The Constitution and law provide for an independent judiciary, and the Government respects this provision in practice.

There are two levels of courts. The Ministry of Justice administers the district courts, while the Supreme Court guards its independence and fairness by administering itself. All judges, at all levels, serve for life.

The judiciary provides citizens with a fair and efficient judicial process. Juries are not used, but multijudge panels are common, especially in the appeals process. Depending on the seriousness of the charges, a panel can include from three to five judges. Defendants are presumed innocent. They are provided access to legal counsel of their own choosing with sufficient time to prepare their defense. For defendants unable to pay attorneys' fees, the State assumes the cost. Defendants have the right to be present at their trial, to confront witnesses, and to participate otherwise in the proceedings. No groups are barred from testifying, and all testimony is treated alike. Trials are public and are conducted fairly, with no official intimidation. Defendants have the right to appeal.

There were no reports of political prisoners.

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

The Constitution prohibits such practices, and the Government generally respects these prohibitions. Violations are subject to effective legal sanction.

Section 2: Respect for Civil Liberties, Including:

a. Freedom of Speech and Press The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for these rights, and the Government respects them in practice.

c. Freedom of Religion

Although the official state religion is Lutheranism, the Constitution provides for freedom of religion, and the Government respects this right in practice. The salaries of Lutheran ministers are paid by the state. Citizens 16 years of age and above are presumed to be members of the state church and are required to support the church by paying a tax, unless they designate another religious denomination to receive their tax payment. The religion tax payment of persons who choose not to belong to any specific, organized religious

group goes to the University of Iceland. Religious instruction in Christianity is required in the public schools, although students may be exempted.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government respects them in practice.

Although neither the Constitution nor the law include provisions for granting refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, in practice the Government adjudicates cases in accordance with their principles. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross, and other humanitarian organizations in assisting refugees. There were no reports of the forced expulsion of those having a valid claim to refugee status. In view of the country's geographic isolation and the lack of direct transportation from any traditional source of refugees, the question of first asylum rarely arises. However, the Government reported that 13 individuals arrived during the year and requested asylum. None was found to qualify for refugee status (several cases were still under review), but some were granted temporary entry on humanitarian grounds. Some human rights monitors criticized the arrest and prolonged detention of a Kurdish asylum-seeker, but the Directorate of Immigration, which has responsibility for processing applications for asylum, stated that it had no choice but to turn the individual over to the police for investigation because he had no identity or travel documents and refused to cooperate with the authorities.

The Directorate of Immigration, which traditionally was a part of the national police force, became an independent agency on October 1. The Directorate is responsible for issuing passports, visas, and residence permits and for processing applications for asylum, while the police and customs now have responsibility for manning passport control points for those coming into and going out of the country. However, the police and customs are required to consult with the Directorate of Immigration about individuals arriving without valid visas or passports before refusing them entry. Human rights monitors say that it appears that some of the individuals who were refused entry upon arrival at the international airport during the year were not afforded their legal right to appeal their denial of admission.

In addition to accepting 20 to 25 UNHCR-designated "quota" refugees, the Government admitted 72 Kosovar refugees into the country during the year. Local government authorities in the towns where refugees settle take a strong interest in helping them adapt to their new environment. The Icelandic Red Cross, in cooperation with the Refugee Council of the Ministry of Social Affairs, developed a support family program, whereby at least three Icelandic families are enlisted to assist each refugee or refugee family. The refugees immediately are granted work permits and assisted in finding jobs. For the first year, they also are given free housing, utilities, and health care and receive a stipend so that they can participate in a special half-day Icelandic language course every day that is designed especially for them. Refugees generally are successful in assimilating into society, but their children drop out of school earlier than children of citizens.

### Section 3: Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The most recent elections to the Althingi (unicameral Parliament) were held in May.

Women are underrepresented in government and politics, but no legal or practical impediments hinder their participation. Of the 12 government ministers, 4 are women, and women hold 23 of the 63 seats in Parliament. The Women's List (WL), an activist feminist political party whose establishment in 1983 led to a significant increase in the number of female parliamentarians, joined an electoral alliance with other left-leaning parties in the May elections. The WL plans to merge eventually with the other left-leaning political parties to form a single entity to challenge the more conservative parties. Women's issues have moved into the mainstream of political debate, and all of the major political parties now have at least one woman in a prominent leadership position.

#### Section 4: Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

#### Section 5: Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The country's ethnically homogenous population is strongly egalitarian and opposed to discrimination based on any of these factors. The law and practice generally reflect this attitude. However, concern is voiced that the rapidly increasing number of foreigners being brought into the country to meet the labor shortage in fish processing and other less desirable occupations could lead to future problems, especially in the event of an economic downturn. Some 14,000 people of foreign origin now live in the country (approximately 2 percent of the population). During the last half of the year, the Directorate of Immigration was issuing new residence and work permits at the rate of more than 200 per month. Many of these "temporary" workers come from Central and Eastern Europe and the former Soviet Union, and the Directorate of Immigration expects most of them to seek to remain permanently rather than return to their countries of origin.

#### Women

Violence against women continued to be a matter of concern. A public women's shelter offers counseling and protection to victims of domestic violence and their children. Approximately 400 women and 150 children came to the shelter during the year, 100 of whom sought shelter while the rest asked for counseling or information. At a rape trauma center, 400 women and children seek assistance annually. Both facilities are financed by national and municipal governments, as well as by private contributors. The Reykjavik City Hospital emergency ward has a special staff to care for rape victims. It reports approximately 100 visits per year associated with incidents of sexual abuse.

A police program to train officers in correct interrogation procedures in rape and sexual abuse cases appears to be addressing prior concerns that police indifference and hostility

to female victims did not assure proper attention and consideration for victims of such abuses.

Many victims nevertheless decline to press charges, and even more forgo trial, fearing publicity in this small, tightly knit society. With an increasing number of interracial marriages, mostly involving Icelandic men and Asian women, there is concern that these new Asian immigrants are not assimilating well into local society. Concern that these women might be vulnerable to mistreatment led the city of Reykjavik to begin offering them emergency accommodation and assistance, which includes information on legal rights, language training, and an introduction to Icelandic society and norms.

There were indications that some women were trafficked to work as striptease dancers or prostitutes against their will (see Section 6.f.).

In the labor market, the rate of participation by women is high. In part this reflects the country's comprehensive system of subsidized day care, which makes it affordable and convenient for women to work outside the home. Despite laws that require equal pay for equal work, a sizeable pay gap continues to exist between men and women. A survey by a union in Reykjavik showed that women, on average, earned 30 percent less than men. A 12 percent difference in pay is attributable to the fact that men work 4.2 more hours per week than women, but the rest of the gap is unexplained.

### Children

The Government demonstrates its strong commitment to children's rights through its well-funded systems of public education and medical care. School attendance is compulsory through the age of 15. About 85 percent of students continue to upper secondary education, which is financed completely by the state. The Government provides free prenatal and infant medical care, as well as heavily subsidized children's care. In 1994 the government created the Office of the Children's Ombudsman in the Prime Minister's Office, with a mandate to protect children's rights, interests, and welfare by, among other things, exerting influence on legislation, government decisions, and public attitudes.

There is no societal pattern of abuse directed against children.

In an effort to improve the rate of prosecution of child sexual abuse and lessen the trauma to the child, the Government in 1998 established the Children's Assessment Center. The objective of the Center is to create a safe and secure environment where child victims feel more comfortable talking about what happened to them and are not subjected to multiple interviews. The Center brings together police, prosecutors, judges, doctors, and counselors, as well as officials from the Child Protection Agency of the Ministry of Social Affairs. Prior to the establishment of the Center, barely half of the cases dealt with by the Child Protection Agency were sent to the police for investigation, just a third went to the prosecutor, and only 10 percent ever went to trial. Now some 75 percent of cases are sent to the police for investigation, and the authorities anticipate a corresponding increase in the percentage of cases being prosecuted and sent to trial.

### People with Disabilities

Disabled individuals are not subject to discrimination in employment, education, or the

provision of other state services. A 1992 law calls for the disabled to have the right to "all common national and municipal services" and provides that they be given assistance to "make it possible for them to live and work in normal society with others." The law also provides that the disabled should receive preference for a government job when they are equally qualified, or more qualified, than regular applicants. Building regulations updated in 1998 call for public buildings to be accessible. However, the country's main association for the disabled complains that the provisions related to building access often are ignored because there is no penalty for noncompliance. Access to new buildings tends to be good, while efforts to make old buildings more accessible have lagged.

## Section 6: Worker Rights

### a. The Right of Association

Workers make extensive use of the right provided by the Constitution to establish organizations, draw up their own constitutions and rules, choose their own leaders and policies, and publicize their views. The resulting organizations are controlled neither by the Government nor by any single political party. Unions take active part in Nordic, European, and other international trade union bodies. With the exception of limited categories of workers in the public sector whose services are essential to public health or safety, unions have had and used the right to strike for many years. Approximately 80 percent of all eligible workers belong to unions. No strikes occurred during the year, but there were a handful of work stoppages.

### b. The Right to Organize and Bargain Collectively

Union membership is not impeded in law or practice. Employers are required to withhold union dues (1 percent of gross pay) from the pay of all employees, whether they are members of the union or not. This is because union dues help support, among other things, an illness fund to which everyone is entitled.

The various trade unions and management organizations periodically negotiate collective bargaining agreements that set specific terms for workers' pay, hours, and other conditions. The current 3-year collective bargaining agreements expire in February 2000. In recent years, the Government has played almost no role in the private-sector collective bargaining process, other than generally to encourage wage restraint that would help to limit inflation.

Labor courts effectively adjudicate disputes over contracts and over the rights provided for in the 1938 Act on Trade Unions and Industrial Disputes, which prohibits antiunion discrimination. By law employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities. In practice the charges are difficult to prove.

In 1996 the Parliament passed legislation updating the labor laws and bringing them into compliance with the European Convention for the Protection of Human Rights and Fundamental Freedoms. There are no export processing or other special economic zones.

### c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law and does not occur; however, some women reportedly were coerced to work as striptease dancers or prostitutes (see Section

6.f.), and work permit practices could leave workers vulnerable to abuse by employers (see Section 6.e.). The law prohibits forced and bonded labor by children, and the Government enforces this prohibition effectively.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits forced and bonded labor by children, and the Government enforces this prohibition effectively (see Section 6.c.). The law requires children to attend school until the age of 16 and prohibits the employment of younger children in factories, on ships, or in other places that are hazardous or require hard labor. This prohibition is observed in practice. Children 14 or 15 years old may be employed part time or during school vacations in light, nonhazardous work. Their work-hours must not exceed the ordinary work-hours of adults in the same occupation. The Occupational Safety and Health Administration enforces child labor regulations.

#### e. Acceptable Conditions of Work

No minimum wage is mandated legislatively, but the minimum wages negotiated in the various collective bargaining agreements apply automatically to all employees in those occupations, whether they are union members or not. Union membership is so extensive and effective that labor contracts afford even the lowest paid workers a sufficient income for a decent standard of living for themselves and their families.

Workers are protected by laws that effectively provide for their health and safety as well as for unemployment insurance, paid vacations, pensions, and reasonable working conditions and hours. The standard legal workweek is 40 hours. Work exceeding 8 hours in a workday must be compensated as overtime. Workers are entitled to 10 hours of rest within each 24-hour period and to a day off every week. Under defined special circumstances, the 10-hour rest period can be reduced to 8, and the day off can be postponed by a week, in which case the worker has a right to 2 additional hours off in the following week.

Health and safety standards are set by the Althingi and administered and enforced by the Ministry of Social Affairs through its Occupational Safety and Health Administration, which can close down workplaces until safety and health standards are met. Workers have a collective, not an individual, right to refuse to work in a place that does not meet the criteria of occupational safety and health. Firing workers who report unsafe or unhealthy conditions is illegal.

However, in the case of newly arrived foreign workers or refugees (i.e., those who have been in the country for less than 3 years), human rights monitors expressed concern that the Government's practice of issuing the applicable work permit to the employer rather than to the individual concerned could leave the worker vulnerable to abuse by the employer.

#### f. Trafficking in Persons

The law does not specifically criminalize trafficking in persons; however, a number of provisions in the Penal Code can be used to prosecute such cases.

Trafficking in women is suspected in connection with the growing number of foreign women who enter the country to work in striptease clubs. With the recent opening of several new striptease clubs (there are now 11 clubs altogether), the police expressed concern about the 500 women who entered the country during the year to work in these establishments. It is suspected that some of the women--especially those from Eastern and Central Europe and the former Soviet Union--were coerced to work as striptease dancers or prostitutes against their will.

Regulation of these clubs has been lacking, in part because striptease dancers can enter the country and perform without a work permit for up to a month under an exemption given for "artists." The Government plans to close this legal loophole.

By year's end, there had been no arrests in connection with these activities.

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