

# ICELAND 2012 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Iceland is a constitutional parliamentary republic. The president is the head of state; a prime minister, usually the leader of the largest party, is head of government. There is a unicameral parliament (Althingi). On June 30, voters reelected Olafur Ragnar Grimsson as president in a free and fair election. After free and fair parliamentary elections in 2009, the Social Democratic Alliance (SDA) and the Left-Green Movement formed a governing coalition led by Prime Minister Johanna Sigurdardottir (SDA). Security forces reported to civilian authorities.

The most important human rights problems reported during the year included violence against women and children. Authorities sometimes incarcerated in the same cell juveniles with adults and pretrial detainees with convicted prisoners. The integration of foreigners into the country's society and especially its workforce proceeded slowly; there was some social discrimination and an increased danger of work accidents if the person did not speak Icelandic.

Other human rights problems included an overly rigorous application of laws against libel and defamation, which resulted in penalties later overturned on appeal; the slow, possibly arbitrary process of granting asylum, which was vulnerable to conflicts of interest; and some discrimination against persons with disabilities in employment and access to public places.

There were no reports of officials committing abuses in the security services or elsewhere in the government.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

#### **b. Disappearance**

There were no reports of politically motivated disappearances, abductions, or kidnappings.

#### **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**

Prison and detention center conditions generally met international standards. The government permitted visits by independent human rights observers.

Physical Conditions: During the year the daily average number of prisoners was 156, and the daily average number of pretrial detainees was 23. The prison facilities could hold 163 prisoners. In June the government opened a prison with a capacity for 20 inmates at Sogn in the southern part of the country. The government maintained a separate minimum-security prison for female inmates; however, because so few women were incarcerated (five on average), some men also were held there. The men held in facilities with women were closely monitored and only interacted with women in the common areas; they did not share cellblocks. Juvenile offenders normally were held in nonprison facilities run and supervised by the Government Agency for Child Protection. In four instances, however, authorities held children in detention with adults, since there was no separate facility for juveniles in the prison system. Authorities held pretrial detainees with convicted prisoners except in those instances when it was deemed necessary to place them in solitary confinement. One prisoner died in prison during the year, with two fellow prisoners suspected of involvement in the death. The case remained under investigation as of year's end. Prisoners had access to potable water.

When overcrowding in the main prison at Litla-Hraun or in Reykjavik's main pretrial detention facility occurred, authorities held pretrial detainees in jails in local police stations. There was a waiting list of approximately 446 persons convicted of crimes but unable to serve their sentences during the year due to a lack of prison space.

Administration: The Prison and Probation Administration (PPA) maintained records to ensure that prisoners did not serve beyond the maximum sentence for the charged offense. The PPA also decided whether convicted prisoners who received a prison sentence of less than six months could serve their sentences in community service rather than in prison. Possible alternatives to prison sentences for nonviolent offenders included electronic monitoring for individuals with suspended sentences and expanded use of community service.

The parliament's ombudsman can on his own initiative take up a prison problem, and he did so on several occasions. Authorities permitted prisoners

and detainees to submit complaints to judicial authorities and the parliament's ombudsman without censorship and to request investigation of credible allegations of inhumane conditions if they so chose. There were no allegations of inhumane conditions during the year. Authorities allowed prisoners and detainees reasonable access to visitors and permitted religious observance.

Monitoring: The government permitted independent monitoring of prison conditions by local and international human rights groups, the media, and the International Committee of the Red Cross. In September a delegation from the Council of Europe's (COE's) Committee for the Prevention of Torture visited several prisons, detention centers, and psychiatric facilities in the country.

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

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

#### **Role of the Police and Security Apparatus**

The national police maintain internal security. In addition, the Icelandic Coast Guard (ICG) carries out general law enforcement duties at sea. The police forces and the ICG both fall under the purview of the Ministry of the Interior.

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. However, the European Commission against Racism and Intolerance (ECRI) noted in a report on February 21 that there was no mechanism independent of the police and prosecution authorities for the investigation of allegations of police misconduct.

#### **Arrest Procedures and Treatment While in Detention**

Police may make arrests under a number of circumstances: 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.

Persons placed under arrest must be promptly informed of the charges against them upon arrest, and upon arrival at the police station they are entitled to legal counsel, which the government provides for the indigent. Authorities must

inform a person under arrest of his rights and bring him before a judge within 24 hours of arrest. 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. There was no functioning bail system.

#### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice.

#### **Trial Procedures**

The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants are presumed innocent. They must be informed of the charges against them promptly and in detail. Noncitizens have the right to interpretation. Trials take place without delay and are generally public but may be closed by judges at the defendant's request or when minors are involved. Courts do not use juries, but multijudge panels are common. Defendants have access to legal counsel of their own choosing. The government covers attorneys' fees of defendants unable to pay, but defendants who are found guilty are required to reimburse the government. Defendants have the right to adequate time and facilities to prepare a defense, to be present at their trial, to confront witnesses, to present witnesses and evidence on their behalf, and to participate in the proceedings. They and their attorneys have access to government-held evidence relevant to their cases. 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, and the Supreme Court handles appeals expeditiously. These rights extend to all defendants without prejudice.

#### **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, and they can appeal decisions to the European Court of Human Rights (ECHR). A single court system handles both criminal and civil matters. The public considered the judiciary independent and impartial in civil matters. Administrative remedies are also available for alleged wrongs.

## **Regional Human Rights Court Decisions**

In July the ECHR ruled against the government in favor of two journalists whom the court system fined for defamation in 2008 and 2009, respectively (see Section 2. a., Freedom of Press). The government promptly complied with the court's orders and paid the compensation and legal costs.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

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. There were no reports that DNA testing took place during the year.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution and the law provide for freedom of speech and press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and press.

The law establishes fines and imprisonment for up to three months for persons convicted of publicly deriding or belittling the religious doctrines of an active religious organization registered in the country. The law also establishes fines and imprisonment for up to two years for anyone who publicly ridicules, slanders, insults, threatens, or in any other manner publicly assaults a person or a group on the basis of nationality, skin color, race, religion, or sexual orientation. There were no reports that the government invoked the law during the year.

Freedom of Press: The independent media generally were active and expressed a wide variety of views without restriction; however, there were reported instances from previous years in which journalists faced defamation charges for reporting direct quotes they obtained during interviews.

In July the ECHR ruled that the government must pay damages to two journalists, Bjork Eidsdottir and Erla Hlynsdottir, whom the country's courts

had ordered to pay damages for defamation for separate articles they wrote about two strip clubs in 2007 and 2009, respectively. The ECHR ruled there was no reasonable proportionality between the local courts' restrictions on the defendants' right to freedom of expression and the legitimate aim pursued.

In February business tycoon Jon Asgeir Johannesson appealed the acquittal by the Reykjavik District Court of Svavar Halldorsson, a journalist at the National Broadcasting Service, on libel charges stemming from the former's alleged role in the country's financial collapse in 2008. In November the Supreme Court ruled in favor of Johannesson and ruled that Halldorsson must pay him 300,000 kronur (\$2,300) in damages.

### **Internet Freedom**

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms without judicial oversight. According to the Icelandic Statistical Office, 95 percent of households had Internet access, and 95 percent of citizens used the Internet.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

#### **b. Freedom of Peaceful Assembly and Association**

The constitution and law provide for freedom of assembly and association, and the government generally respected these rights in practice.

#### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/drl/irf/rpt/).

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

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

## Protection of Refugees

Access to Asylum: The laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The government had no fixed refugee acceptance requirements. During the year the country received nine Afghan refugees through the UNHCR. The processing of asylum requests at times took a year or longer.

The minister of the interior appoints the head of the Directorate of Immigration, which is also the adjudicating body of first instance for asylum cases. Some observers asserted that this hierarchy could constitute a conflict of interest because asylum seekers must appeal denials to the Ministry of the Interior. If rejected at that level, however, they can appeal to the courts. The ECRI's report in February also pointed this out, saying that asylum seekers had no possibility to appeal an adverse decision to an independent and impartial judicial mechanism empowered to consider the merits of the case.

Human rights advocates criticized the law for not specifying the "significant human rights reasons" used as the basis for granting applicants temporary residence and eligibility for work permits, arguing that the situation created the possible appearance of arbitrary decisions. This ambiguity, combined with the small number of approved asylum applications, left unclear what considerations the government applied in adjudicating the applications of asylum seekers. The law allows for accelerated refusal of applications deemed to be "manifestly unfounded."

Safe Country of Origin/Transit: The country adheres to the EU's Dublin II regulation, which allows for the return of refugees and asylum seekers to the country of entry into the Dublin regulation's area.

Access to Basic Services: Human rights advocates criticized the law for not allowing the registration of asylum seekers into the public health care system until six months after the government had granted their asylum request. In contrast, refugees whom the government decided to accept based on a UNHCR assessment of overall resettlement needs (quota refugees) enjoyed access to the system immediately upon entering the country.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

### **Elections and Political Participation**

Recent Elections: On June 30, voters reelected the president in a free and fair election. In 2009 the country held parliamentary elections considered free and fair.

Participation of Women and Minorities: There were 25 women in the 63-seat parliament. The speaker and four of the six deputy speakers were women. There were four women in the eight-member cabinet, including the prime minister. Two of the 12 Supreme Court judges and 19 of 46 district court judges were women. No members of minority groups held seats in either parliament or the cabinet.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws effectively. There were no reports of government corruption during the year.

Most public officials were not subject to financial disclosure laws. Members of parliament are required to report their financial interests to the parliament's Speaker's Committee for Public Disclosure, and every member did so. No agency is mandated to monitor and verify disclosures. There were no criminal or administrative sanctions for noncompliance. The declaration regime does not include assets and income of spouses and dependent children.

The Office of the National Commissioner of Police and the Office of the Special Prosecutor are responsible for investigating corruption cases. The National Audit Office audits state agencies and enterprises and verifies their financial statements; examines the economy, efficiency, and effectiveness of public spending and whether state funds are administered as parliament intended; and evaluates the adequacy and performance of the internal controls of state agencies. These agencies did not actively collaborate with civil society, but operated effectively and independently.

The law provides for public access to government information, and the government provided access for citizens and noncitizens, including foreign media. The government occasionally denied legal requests for information based on grounds of confidentiality. There were administrative sanctions for

nondisclosure. The government provided the legal reasons for denials. There were no public outreach activities during the year. Staff members of government ministries received training in the State School of Government on how to encourage effective use of the Information Act.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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 position also monitors the administration of state and municipal authorities. The ombudsman is independent from any orders, including from parliament, when exercising his functions. Individuals can lodge complaints with the ombudsman about the decisions, procedures, and conduct of public officials and government agencies. The ombudsman may demand official reports, documents, and records; may summon officials to give testimony; and has access to official premises. Government agencies generally responded to the ombudsman's requests for information and documents within a reasonable time. While the ombudsman's recommendations are not binding on authorities, the government generally adopted them.

The parliament's Judicial Affairs and Education Committee is responsible for legislative oversight of human rights in the country.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution and law prohibit discrimination based on race, gender, sexual orientation, gender identity, disability, language, and social status. Various laws implement these prohibitions, and the government effectively enforced them. Following his January 7-9 visit to the country, COE Human Rights Commissioner Thomas Hammarberg, asserted that the nondiscrimination provisions of the law do not protect all vulnerable persons to the same extent and that persons with disabilities, older persons, members of ethnic and religious minorities, and transgender persons would benefit from stronger protections against discrimination.

#### **Women**

Rape and Domestic Violence: Rape carries a maximum penalty of 16 years in prison. Judges typically imposed sentences of one to three years. Spousal rape is not explicitly addressed in the law. In previous years the Counseling and Information Center for Survivors of Sexual Violence noted that the number of reported rapes consistently rose faster than the number of convictions.

According to national police statistics, 128 rapes were reported in 2011, the most recent data available. During that year prosecutors brought 22 cases to trial and obtained a conviction in eight (three cases remained pending in the Supreme Court). In 2010, prosecutors obtained convictions in 13 of the 23 cases that went to trial. Activists continued to complain that the burden of proof in rape cases was too heavy and discouraged victims from reporting acts of rape and authorities from prosecuting them. The government did not respond formally to these concerns.

While the law prohibits domestic violence, violence against women continued to be a problem. The penalties can range from a fine to 16 years in prison, depending on the type of violence committed. In addition the law permits judges to increase the sentences of persons who commit violence against persons with whom they had a domestic relationship or other close bond. However, there were no domestic violence cases in which judges actually handed down stronger sentences, and one respected activist expressed concern that sentences were too mild and too few.

Law enforcement agencies reported 249 cases of domestic quarrelling and 303 cases of domestic violence to the state prosecutor's office in 2011, the most recent data available. Some observers suggested that many incidents of domestic violence went unreported. Following his January visit to the country, the COE commissioner for human rights noted that violence against women remained "an enduring problem" in the country.

Some local human rights monitors attributed the underreporting of domestic violence and sex crimes to the infrequency of convictions and to traditionally light sentences. In the few cases of domestic violence that went to court, the courts often continued to base sentences on precedent and rarely made full use of the more stringent sentencing authority available under the law. In 2011, the most recent year for which data was available, 11.5 percent of the clients of the Counseling and Information Center for Survivors of Sexual Violence pressed charges.

Victims of domestic violence can request police physically remove perpetrators from the home for up to four weeks at a time. Police can also impose a 72-hour

restraining order to prevent the abusers from coming into proximity with the victim, and courts can extend this restraining order for up to a year. Victims of sex crimes are entitled to a lawyer to advise them of their rights and to help them pursue charges against the alleged assailants. However, a large majority of victims historically declined to press charges or chose to forgo trial, in part to avoid publicity.

During the year 130 women sought assistance at the rape crisis center of the National University Hospital of Iceland, and 113 women sought temporary lodging at the country's shelter for women, mainly because of domestic violence. The shelter offered counseling to 211 clients. .

The government helped finance 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. In addition to partially funding such services, the government provided help to 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 prohibits sexual harassment and stipulates that violations are 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 and affects the self-respect of the victim, and is continued 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. Victims of harassment can report incidents to the Complaints Committee on Equal Status. Only employers with 25 or more employees are required to provide their employees information on the legal prohibitions against sexual harassment in the workplace.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence.

Discrimination: Women enjoy the same legal rights as men, including under the family and property laws, and in the judicial system. However, despite laws that require equal pay for equal work, a pay gap existed between men and women. According to a salary survey conducted by the country's largest union and published in September, the gender pay gap amounted to 9.4 percent after taking into consideration such factors as education, profession, age, number of

hours worked, length of employment, and number of employees supervised. The law states that employers and unions should work towards gender equality in the labor market, especially in managerial positions, and that employers should work towards declassifying jobs as primarily female- or male-oriented. According to the Center for Gender Equality (CGE), the government took steps to attract men to female-oriented jobs and vice versa, with only limited success. The CGE reported that many more men than women were in managerial positions.

The government funded the CGE to promote gender equality. The center also provided counseling and education on gender equality to national and municipal authorities, institutions, companies, individuals, and nongovernmental organizations. The minister of welfare appoints members of the Complaints Committee on Equal Status, which adjudicates alleged violations of the law. The minister also appoints members of the Equal Status Council, drawn from national women's organizations, the University of Iceland, and labor and professional groups. The council makes recommendations for equalizing the status of men and women in the workplace.

During the year the Complaints Committee on Equal Status ruled that the law on equal status had been violated three times. The committee ruled that the minister of the interior had violated the equal status law by appointing a man as district commissioner for the town of Husavik, instead of a female candidate who was deemed at least equally qualified. In the second case, the Reykjavik Metropolitan Health Clinic System violated the law by providing a similar compensation package to a female employee and her male colleague, even though the female had greater job responsibilities. In the third case, the committee found that the Central Bank of Iceland had breached the law on equal status by hiring a man as a specialist instead of a female candidate who was deemed at least equally qualified.

## **Children**

Birth Registration: A child acquires the country's citizenship at birth if both parents are Icelandic citizens, if the mother is an Icelandic citizen, or if the father is an Icelandic citizen and is married to the child's foreign mother. Registration of birth is prompt. If a mixed-nationality couple had obtained a judicial separation at the time when the child was conceived, however, the child acquires the mother's citizenship. A stateless child can become an Icelandic citizen at the age of three. In both cases the child's access to social services depends on whether he or she has a residence permit in the country.

Child Abuse: In 2011, the latest year for which data was available, local child protection committees, whose work is coordinated by the Agency for Child Protection, received 2,008 reports of abuse, including 1,102 reports of emotional abuse, 454 of physical abuse, and 460 of sexual abuse (some cases counted as more than one kind of abuse). The agency operated three treatment centers and a diagnostic facility for abused and troubled minors. It also coordinated the work of 28 committees throughout the country that were responsible for local management of child protection problems. The local committees hired professionals with expertise in social work and child protection.

The government maintained a children's assessment center to accelerate prosecution of child sexual abuse cases and lessen the trauma experienced by the child. In 2011 the center conducted 66 investigative interviews and 136 exploratory interviews, provided assessments and therapy for 113 children, and performed 21 medical examinations.

The prime minister appoints the children's ombudsman, but that position acts independently of the government. The ombudsman's mandate is to protect children's rights, interests, and welfare. When investigating complaints, which typically involved physical and psychological abuse and inadequate accommodation for children with illnesses or disabilities, the ombudsman had access to all public and private institutions that housed or otherwise cared for children. The ombudsman was not empowered to intervene in individual cases but could investigate them for indications of a general trend. The ombudsman could also initiate cases at her discretion. While the ombudsman's recommendations are not binding on authorities, generally the government adopted them.

Child Marriage: The country's minimum age for marriage is 18 for both sexes. In 2011 there were no marriages of persons under the age of 18.

Sexual Exploitation of Children: The law criminalizes statutory rape with incarceration for at least one year and up to 16 years. The minimum age for consensual sex is 15. The law prohibits child pornography, which is punishable by up to two years in prison. The government effectively enforced these laws.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

## **Anti-Semitism**

Officials estimated the Jewish community to be fewer than 100 individuals; there was no synagogue or Jewish cultural center. During the year there were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other state services. There were no reports of official discrimination in these areas. One domestic airline did not accommodate persons in wheelchairs. The law provides that persons with disabilities receive preference for government jobs when they are at least as qualified as other applicants. However, disability rights advocates asserted that the law was not fully implemented and that persons with disabilities constituted a majority of the country's poor. Children with disabilities attended school (primary, secondary, and higher education).

The government ensured that persons with disabilities had access to buildings, information, and communications. Disability rights advocates complained that access to public information was dissatisfactory, since not all persons with disabilities had electronic access. Building regulations require that public accommodations and government buildings, including elevators, be accessible to persons in wheelchairs; that public property managers reserve a minimum of one space for persons with disabilities; and that sidewalks outside the main entrance of such buildings be kept clear of ice and snow to the extent possible. While violations of these regulations are punishable by a fine or a jail sentence of up to two years, the main association for persons with disabilities complained that authorities rarely, if ever, assessed penalties for noncompliance.

The Ministry of Welfare was the lead government body responsible for protecting the rights of persons with disabilities. It coordinated the work of six regional offices that provided services and support to persons with disabilities. It also maintained a diagnostic and advisory center in Reykjavik that aimed to create conditions allowing persons with disabilities to lead normal lives.

In July two persons with disabilities filed complaints with the Supreme Court regarding procedures in the June 30 presidential elections. They complained that persons with disabilities could not select an assistant of their choice to help

them cast their vote in the voting booth and instead had to rely on polling place staffers. The two individuals contended that this violated the principle of a secret ballot and that the election should be invalidated. The Supreme Court rejected the complaints on the grounds that the flaws in the election procedure did not have an effect on the election results. In October parliament passed a law allowing voters with disabilities to select an assistant of their choice to help them cast their vote.

### **National/Racial/Ethnic Minorities**

Immigrants, mainly from Eastern Europe and the Baltic countries, suffered occasional incidents of harassment based on their ethnicity. COE Human Rights Commissioner Hammarberg stated that immigrants, who accounted for approximately 7 percent of the population found it difficult to integrate into society and were disproportionately represented among the unemployed.

Anecdotal evidence suggested that some landlords were reluctant or unwilling to rent residential facilities to persons other than ethnic Icelanders. Anecdotal evidence also suggested that some employers might without reason limit their hiring to native Icelandic-speaking individuals.

In December a group of Icelandic teenagers of Asian descent captured on video a white Icelandic man harassing them with racial slurs in a shopping mall near Reykjavik. One of the teenagers posted the video to her Facebook page. Police stated that they took the incident “very seriously” and opened an investigation.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The general penal code criminalizes discrimination against lesbian, gay, bisexual, and transgender individuals. There were no reported incidents of violence or abuse, and stigma or intimidation was not a known or likely factor in preventing incidents of abuse from being reported.

### **Other Societal Violence or Discrimination**

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

## **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, conduct legal strikes and bargain collectively. The law prohibits antiunion discrimination but is silent on whether workers fired for antiunion activity should be reinstated. It does, however, permit the fining of employers that engage in this practice. The law permits the government to pass a provisional law to impose mandatory mediation when strikes have threatened key sectors in the economy, such as in the fishing industry.

In practice the government protected these rights, and workers exercised them. Labor unions were independent of the government and political parties. Collective bargaining agreements covered nearly 100 percent of the workforce. Independent contractors 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. There was no information on any victims of labor trafficking removed from forced labor during the year.

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

The constitution and law prohibit the employment of persons younger than 16 in factories, on ships, or in other places that are hazardous or require hard labor; employers observed this prohibition in practice. Children who are 14 or 15 years of age may work part time or during school vacations in light, nonhazardous jobs. Their work hours must not exceed the ordinary work hours of adults in the same positions. The Administration of Occupational Safety and Health (AOSH) enforced child labor regulations with effective inspections and penalties. The AOSH had adequate resources.

### **d. 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 negotiated wage levels are defined by the kind of position. The law requires equal pay for equal work.

The standard legal workweek is 40 hours, including nearly three hours of paid breaks a week. Paid annual holidays include 13 whole days and two half days. The law requires that work exceeding eight hours per day must be compensated

as overtime. Overtime pay does not vary significantly across unions, but unions determine the terms of overtime pay when negotiating a collective bargaining agreement with the employer's association. Workers are entitled to 11 hours of rest in each 24-hour period and one day off each week. Under special defined circumstances, employers may reduce the 11-hour rest period to no less than eight hours, but they must then compensate workers with one-and-a-half hours of rest for every hour of reduction. They may also postpone a worker's day off, but the worker must receive the corresponding rest time within 14 days. The AOSH enforced these regulations.

The law sets occupational health and safety standards, 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, but it did not take that step during the year. The AOSH employed 30 labor inspectors (14 that conduct general workplace inspection and 16 that do machinery inspections), and it effectively enforced standards in all sectors. The AOSH can, and did, levy daily fines on companies that did not follow instructions urging them to improve work conditions. In order to decrease the number of accidents associated with mining activities and in the landing of fish, in April the AOSH issued a notice to contractors, clients, and other interested parties to emphasize good working methods and procedures relating to these operations. The government provided universal healthcare coverage to all workers, including those in the informal economy.

There were indications that undocumented foreign workers--primarily men in the construction and restaurant industries--were underpaid and required to work long hours while living in substandard housing or even sleeping at building sites. Most sources stressed that the men willingly worked illegally to earn more than they might have expected in their East European or Baltic home countries. Violations of occupational safety and health standards occurred in all sectors; however, in 2011 they occurred most frequently in the fish-processing industry. Young workers and employees who did not understand or speak Icelandic and did not know local rules and regulations were more likely to be subject to hazardous or exploitative working conditions. Foreign employees and unskilled laborers were more likely to be victims of workplace accidents. In 2010, the latest year for which data was available, the AOSH reported three workplace fatalities and 1,174 accidents. Violations of wage and overtime standards were most common in the restaurant and hospitality sector.