

Iceland

1. Discrimination in the family

a) Overarching legal framework for marriage

The Marriage Act (No. 31 of 1993) is the principal legislation for marriage, divorce, child custody and cohabitation. There is no one specific law in the act that explicitly states women and men may freely enter marriage, but the overarching understanding is that the law applies the same to both women and men. Article (2) states spouses are equal in every respect. Either spouse may claim annulment of his or her marriage due to coercion (art. 28). Although forced marriage is prohibited, it is not explicitly criminalised in Iceland's General Penal Code (European Commission, 2017).

A wife and husband must submit certain documents (e.g. birth certificates, divorce decrees, official documentation of the deceased spouse's estate) and certification to the Ministry of Justice to prove there are no impediments as a precondition to marriage (Jones Day, 2016: 3). The law does not officially recognize customary marriages, but it does recognise religious ceremonies by Ministers of registered religious organisations (Art. 17) and informal unions if registered through the official national Registry in Iceland. Laws vary according to various circumstances and policy areas regarding the rights of cohabitants, but once a couple enters into an agreement of confirmed cohabitation, they are generally afforded by law the same benefits as married couples (Jones Day, 2016: 2). Cohabitants have equal rights to separation once they have lived separately for a period of at least two years (art. 37).

Spouses have equal ownership rights to property (arts. 58-62). The original owner administers the marital property (art. 58). It is not clear whether spousal consent is required for major transactions, but legislation provides for special provisions governing the marital home (arts. 60-62). There is no indication that harmful practices exist against widows (arts. 31 and 32).

b) Child marriage

According to the law in Respect of Marriage (1993), a man and a woman may marry when they both attained the age of 18 years (art. 7). However, a guardian or the Ministry of Justice of Justice may permit the marriage of younger persons (arts. 7 and 8). Therefore, child marriage is neither void nor prohibited, and there is no indication of penalties for authorizing child marriage.

c) Household responsibilities

The law in Respect of Marriage Act (No. 31 of 1993) stipulates equal rights for women and men to have legal guardianship during marriage and joint responsibility to maintain the family (art. 46). This includes the upbringing of children (art. 2) and finances (art. 3). Spouses are legally obligated to provide maintenance contributions which are equally shared amongst themselves according to their

capabilities and conditions (art. 47). In informal unions, it is the duty of both the parents to support their children (art. 9).

According to the OECD Family database (2017), men are much more likely to spend time at work than women. The Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern over the negative stereotypical roles still attached to women, and the impact it has on them in the education and labour market (CEDAW, 2016). Stereotypical representations are often contributed by the media, and traditional stereotypes are perpetuated in the rural parts of Iceland, where women are deemed as the primary caregivers (CEDAW, 2016).

Everyone has the right to live in Iceland and the freedom to choose her/his residence (art. 66 of the Constitution).

d) Divorce

The law in Respect of Marriage Act (No. 31 of 1993) states women and men may equally initiate and finalise divorce or annulment (arts. 28, 33-34). Legal actions related to annulment, separation, divorce, and the validity or invalidity of a marriage can be pursued. If both parties agree to seek a divorce, they can petition after six months of legal separation. Either spouse is entitled to a divorce after one year of legal separation, even if the other spouse does not agree. There are separate, shorter procedures in the event of divorce on the grounds of adultery or physical assault (Jones Day, 2016: 5).

The law provides women with the same rights as men to be the legal guardians, and to share the same rights regarding their children after divorce (arts. 43 and 44).

After divorce or separation, women and men have the same ownership rights to land, property and other assets (arts. 6 and 30) (art. 72 of the Constitution). CEDAW (2016) noted with concern the concealment of assets before divorce, and the absence of legislation to prevent it. Women as a result, may face de facto economic discrimination.

e) Inheritance

The legal framework of the Inheritance Act (No. 8 of 1962) provides daughters with the same rights as sons to inherit land and non-land assets (arts. 1-3). Female surviving spouses are afforded the same rights as male surviving spouses to inherit land (arts. 1-3). Surviving spouses receive one third of the estate and children receive two thirds equally (art. 2). If there are no surviving descendants of the deceased person, the spouse inherits the entire estate (art. 3).

Women and men have the same rights to make a will (arts. 34, 40 and 41).

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The matrimonial property regime of deferred community property does not properly address gender-based economic inequalities between spouses, as men tend to have greater earning potential, whereas women often experience the opposite (CEDAW, 2016). Current legislation does not address

how “personal goodwill, future earning capacity or increased human capital should be distributed in redressing possible gender based economic disparities between spouses” (CEDAW, 2016).

2. Restricted Physical integrity

a) Violence against women

Iceland ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence on 11 May 2011. The Istanbul Convention has not been ratified yet. An up-to-date national action plan (NAP) against domestic violence and sexual violence does not exist. The previous NAP Against Gender Based Violence (2006-2010) included a budgetary commitment of 38.000.000 ISK (approximately 339.285 US dollars), and the most recent NAP Against Gender Based Violence (2011-2015) expired in 2015. There are no laws explicitly addressing violence against women, rather the General Penal Code (1940) recognizes violence against women via gender-neutral laws.

There is no comprehensive approach to address violence against women, but there is a special department within the Metropolitan police, named the Sexual Offence Department, which investigates all sexual offences (UN Women, 2016). Municipalities also have a public housing assistance program provided through a system where those in the most difficult circumstances get priority. If there is no housing available and the circumstances are urgent/special, the municipality provides people with rent-compensation, so people can rent an apartment and pay the same fees as for a public housing apartment. These services are provided to people that have low income, that are in need, and to women that have been living with violence to help them get out of their situation (UN Women, 2016).

The government helped finance the Women’s Shelter, the Counselling and Information Centre for Survivors of Sexual Violence, and the rape crisis centre of the national hospital (US State Government, 2016). However, only two hospitals and four NGOs specialize in services and counselling to victims of sexual violence in the entire country. ICEHR and IWRA noted with concern that specialized services should be available at every clinic and health centre by the State (ICEHR and IWRA, 2017: 29).

The only equality body, the Centre for Gender Equality, deals with direct and indirect gender discrimination, including: gender based violence, gender-based harassment, sexual harassment and gender mainstreaming through the Act on Equal Status and Equal Rights of Women and Men (2017), as amended by Act No. 162/2010, No. 126/2011, No. 62/2014, No. 79/2015, No. 117/2016 and No. 56/2017 (ICEHR and IWRA, 2017: 10; European Commission, 2016: 34).

b) Domestic violence

There is no domestic violence legislation, but CEDAW (2016) noted that Iceland does intend to amend the General Penal Code to specifically criminalize domestic violence, and to ratify and fully implement the Istanbul Convention (ICEHR and IWRA, 2017: 31). Currently, most cases of domestic violence fall under article (217) paragraph (1) of the General Penal Code on minor assault. According to article (217) paragraph (2) the victim must request an official prosecution as criminal proceedings will not be instituted unless this is required in the public interest. Under article (70) paragraph (3) domestic violence leads to a more severe penalty if the act is committed against a man, woman or child in a

close relationship to the perpetrator, due to this relationship, it is considered particularly atrocious. The criminal penalty for domestic violence is up to 16 years, maximum (US Department of State, 2016).

The Exclusion Orders and Ejections Act (No. 85 of 2011) has been replaced by the Restraining Order Act (No. 122 of 2008). The new Act includes a fundamental change, giving police power to impose exclusion decisions and eject the accused from homes in cases of domestic violence. Provisions for punishment are stipulated in the General Penal Code. Victims may file for a restraining order with the police against the perpetrator of domestic violence, and request for the removal of the perpetrator from the home (arts. 2 and 5). Protective orders are good for only 48 hours, therefore rendering it ineffective for long-term solutions. In cases where women were forced to kill their husbands in response to domestic violence, domestic violence circumstances were not considered during the trial (Human Rights Council, 2014: 16).

In 2006, the Parliament adopted amendments to the General Penal Code (No. 19 of 1940) dealing with domestic violence and the new legislation also introduced heavier punishments. That same year the Ministry of Social Affairs and Social Security issued a Plan of Action to deal with domestic and sexual violence. The aim was to increase preventive actions and hence contribute to a more open discussion about violence by changing attitudes regarding these matters in society. This was a leading step in preventing gender based violence, violence against children and sexual abuse.

The Women's Refuge (also referred to as the Women's Safe Shelter) is the only shelter for victims of domestic violence in the capital city Reykjavík. The shelter has 18 beds (0,6 beds per 10.000 population) and women from rural areas get the trip to Reykjavik funded by their municipality. In practice, rural women still did not have full equal access to support and services (ICEHR and IWRA, 2017: 42). A 24-hour, free of charge hotline for victims of domestic violence is operated by the Women's Safe Shelter (Kvennaathvarf) and is financially supported by the government, various municipal authorities and private donors.

The Commissioner of the Reykjavík Metropolitan Police offers training to officers in dealing with domestic violence, and emphasis has been placed on an intersectional approach regarding sexual violence, in conjunction with social services, child services and health services (launched in 2015) (CEDAW, 2016; ICEHR and IWRA, 2017: 25).

Domestic violence is rarely reported, and despite the punishments outlined in the Criminal Code, courts prefer to focus on precedent when making judgements. So, when perpetrators are convicted, they will most likely receive a lighter sentence (US Department of State, 2016). According to CEDAW (2016), the number of cases of violence against women has increased.

c) Rape

According to the General Penal Code (No. 19 of 1940), rape is a criminal offense and carries a maximum penalty of 16 years' imprisonment (art. 194). Taking advantage of someone whose consent is or has been impaired is illegal, but the law lacks the definition that informed consent is a necessary antecedent to consensual sex, and the lack of said consent constitutes rape. Greater emphasis is placed on how the act is committed rather than on consent. The law does not explicitly require proof of physical force, resistance, or penetration. The age of consent in Iceland is 15 years of age (art. 202

of the Penal Code). Although rare, persons engaged in sexual activity aged 14 or younger face the risk of statutory rape, regardless if the sexual intercourse was consensual (Age of Consent, 2017).

The General Penal Code (1940) does recognize marital rape as a crime (arts. 70 and 194) (ICEHR and IWRA, 2017: 24). There are criminal penalties and aggravated penalties for crimes against a spouse (art. 195). It is unclear under what law a wife can file a formal complaint.

There were several NAP's released to support the implementation of the legislation on sexual violence: the NAP's Against Gender Based Violence (2006-2010) (2011-2015), the NAP Against Gender Based Violence and Violence Against Children (2010-2011), the NAP Against Trafficking in Human Beings (2013-2016), and the NAP for the Implementation of UN Security Council Resolution 1325 (2008), and the revised NAP for the Implementation of UN Security Council Resolution 1325 on Women, Peace and Security (2013-2016)

Multiple action plans were produced by the government for education campaigns and gender equality, although not many specifically focusing on sexual violence. The action plan for gender based violence (2011-2015): A new government action plan against gender based violence for the period 2011-2015 should be drafted. The new action plan should consider research from the existing action plan from 2006 in addition to the research of the Chief of Police in the capital region. Furthermore, special emphasis should be put on examining the context of gender based violence offences, their prosecution and treatment in the judicial system. In addition, a position on the treatment of a new Charter of the Council of Europe in the policy area should be shaped and projects redefined regarding it. A committee should be appointed to carry out the abovementioned plan of action against gender based violence. The Ministry of Interior's action plan: Measures to prevent prostitution (2011) - An education campaign aimed at the potential buyers of prostitution should be launched, inter alia with special focus on young men to prevent them from becoming buyers in the sex market. The puppet show *Krakkarnir í hverfinu* (meaning "The kids in the neighbourhood") is shown to all 9-year-olds in schools in Iceland, and the educational short film *Fáðu já!* ("Get consent!") is shown to 13–15-year-old schoolchildren. The latter film emphasizes the importance of always obtaining consent from a partner before having sexual relations as well as addressing pornography, self-image and setting boundaries in intimate relationships. The Ministry of Education has recently added "gender equality" to the main curriculum and in 2010 published a textbook (*Kynungabók*), offering guidance to teachers on the mandatory teaching of gender equality issues.

Chapter V of the Code of Criminal Procedure (No. 88 of 2008) provides for legal assistance to survivors of sexual violence (art. 41(1)). The police must provide one for the victim if there is a special need (art. 41(2)). The police are always obliged to provide one of the victim is under the age of 18 when the investigation begins (art. 41(1)). The role of the legal adviser in defending the victim's interests is further outlined in articles (45-48). The adviser's fees are paid by the State Treasury (Article 48) (UN Women, 2016).

The State established the national prosecution authority in charge of sexual offence cases, and a committee tasked to consider proposals on improvements in dealing with rape cases (CEDAW, 2016). According to the US Department of State (2016), Judges typically enforced sentences of two to three years. An extremely low percentage of clients from The Counseling and Information Center for

Survivors of Sexual Violence pressed charges in 2015. Burden of proof in rape cases appears to discourage victims from reporting acts of rape, and authorities from prosecuting them. According to reports from The Centre of Excellence and the Ministry of the Interior, the low number of convicted rape cases did not come close to representing the high number of rape cases reported to the Rape Crisis Centre in Landspítalinn, which reported 248 visits of victims of sexual violence during that time, and numbers from Stígamót, an Education and Counseling Center for Survivors of Sexual Abuse and Violence, where individuals sought counseling for the during that same period regarding 463 new cases. (ICEHR and IWRA, 2017: 25).

d) Sexual harassment

The Act on the Equal Rights and Equal Status of Women and Men (No. 10 of 2008) provides legal protection from sexual harassment, which is defined as “unwanted and affects the self-respect of the victim and is continued despite a clear indication that the behaviour is undesired” (European Commission, 2016: 36; US State Government, 2016). Icelandic law defines sexual harassment very broadly, essentially including any activity that is perceived as disrespectful.

Sexual harassment in employment and education is explicitly prohibited (arts. 22 and 24). Young women in part-time employment are the most vulnerable, and in practice there is a high incidence of sexual harassment in the tourism industry (Nordic Union, 2016). There are no provisions that cover sporting establishment’s, public places, cyber harassment or cyber stalking.

Victims of harassment can report incidents to The Gender Equality Complaints Committee on Equal Status (US State Government, 2016). Redress for victims includes compensation for financial and non-financial loss as civil remedies (art. 31). Institutions with more than 25 employers must adopt a gender equality programme and take special measures to prevent sexual harassment (art. 18). In practice this measure has never been used (The Working Group Report, 2014: 11).

The General Penal Code (No. 19 of 1940) mandates criminal penalties for a maximum of two years’ imprisonment (art. 199) (European Commission, 2016: 36). There are currently no effective laws to offer victims of cyber-related harassment and online violence any redress (ICEHR and IWRA, 2017: 24).

e) Female genital mutilation

The General Penal Code (No. 19 of 1940) recognizes female genital mutilation (FGM) as a crime (ICEHR and IWRA, 2017: 24). Article (218) states: “If, by means of an intentionally committed physical attack, a person causes another person bodily injury or damage to his health, and he can be regarded as being responsible for these consequences of the attack through intent or negligence, he shall be [...] imprisoned for up to 3 years, or fined if there are particular mitigating circumstances.” Aggravated serious bodily injury or damage offence (e.g. results in death) is punishable by up to 16 years’ imprisonment.

f) Abortion

Abortion legislation is regulated under the Act on Counselling and Education Regarding Sex and Childbirth and on Abortion and Sterilization Procedures (1975). Abortions are performed before week

twelve of the pregnancy, after week sixteen abortions are only permitted if it affects the health of the woman or the fetus (art. 9).

Abortions are not provided on demand. An application process is required, and approval is dependent upon medical staff plus a written report (art. 11). Approval by a parent or guardian is required if the woman is under the age of 16 (except in special circumstances) (art. 13). Abortions performed outside of the Icelandic health care system are punishable by fines or imprisonment for the provider (art. 31).

Circumstances in which abortion may be permitted include: medical, social and economic reasons; young age, the women's health, and due to criminal acts (art. 9). Women are required to receive counseling on the risks of abortion and education regarding contraceptives. Reportedly, counselling leaves women feeling judged and humiliated. (CEDAW, 2016; ICEHR and IWRA, 2017: 39).

Icelandic Human Rights Centre (ICEHR) and Icelandic Women's Rights Association (IWRA) encouraged the Icelandic government to review the legislation on abortion, so that women may have full sexual entitlements, including the right to choose, "without their choice being contingent on an external permission" (ICEHR and IWRA, 2017: 8).

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In 2010, amendments to the Restaurant, Guesthouse and Entertainment Act criminalized strip clubs. It is illegal for employers to profit from the nudity of their employees. The effects of the legislation initiated the closing of strip clubs that had been linked with prostitution and human trafficking (ICEHR and IWRA, 2017: 21). Despite these initiatives, there is no active enforcement by the authorities to continue these efforts. Reports reveal that de facto discrimination occurs, as strip clubs now claim the nude dancers are 'independent contract workers' instead of employees (ICEHR and IWRA, 2017: 22).

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

Iceland has not ratified ILO Convention 169 (ILO, 2017).

Regarding land, property and non-land assets, the law in Respect of Marriage (1993) governs equal property rights of spouses. Article (53) states the property of spouses can be either matrimonial property or separate property, which may be created by contract or by statute. Spouses may be joint owners of property, and unless the spouse/s specifically provide provisions before marriage, the property of a spouse becomes matrimonial property (art. 54).

The proprietary rights of spouses are stipulated in article (58): each spouse has the right to make dispositions concerning her or his property, and each spouse has the duty of exercising his or her proprietary rights, including any rights to property in joint ownership (art. 59). The law provides married women the same rights as married men to use their land as collateral (arts. 60-61). Mutual consent is required for major transactions, terminations, furnishings, mortgages - irrespective of whether the property in question is the matrimonial property or separate property of either spouse (art. 62).

Unmarried women have the same rights as unmarried men have the same rights to own, use, make decisions and use as collateral regarding land, property and non-land assets. Article (65) of the Constitution states, “Everyone shall be equal before the law and enjoy human rights irrespective of sex, religion, opinion, national origin, race, colour, property, birth or other status.” Furthermore, article (72) of the Constitution provides the right of private ownership to be inviolate, “No one may be obliged to surrender his property unless required by public interests. Such a measure shall be provided for by law, and full compensation shall be paid.”

After annulment of marriage, women and men have equal rights to settlement of assets and liabilities (arts. 6 and 30). The default marital regime provides spouses, by agreement, to conclude a settlement (art. 95).

b) Secure access to formal financial resources

Women and men have equal access to formal financial resources. The Act on Mandatory Pension Insurance and the Operations of Pension Funds (No. 129 of 1997) prohibits denying a person membership of an occupational pension fund on the grounds of gender (art. 2) (European Commission, 2016: 43). Women and men at the age of 67 may retire and receive full benefits (art. 11).

Single women and married women have the same rights as single men and unmarried men to claim benefits in the public sector. Anything contrary to this would constitute a breach of the principle of equality (art. 11 of the Act on Administrative Procedure and the Constitution). In the private sector, this breach may also be applicable (art. 26 of the Tort Damages Act No. 50/1993). However, no cases have yet to be tried (European Commission, 2016: 50).

The Ministry of Welfare and the Ministry of Industry were responsible for the Women's Loan Guarantee Fund (1998-2003). The objective of the fund was to support women's entrepreneurship by providing guarantees on loans. The project was performed in cooperation with financial institutions and entities that provided advice and guidance pertaining to the execution of projects. There was an initiative to renew this plan from 2011 to 2014, with a budget of ISK 60 million. It is unclear whether it was enacted.

The Housing Act (No. 44 of 1998) prohibits creditors from gender discrimination in access to credit. For example, the law provides loans for purchase, construction and renovation of residential housing in Iceland. Article (1) of the law states that the purpose of the act is to provide equal rights regarding housing to increase women and men's chances of acquiring or renting on manageable terms through loans.

Everyone is free to pursue the occupation of their choosing (art. 75 of the constitution).

c) Workplace rights

Iceland has ratified ILO Conventions 100, 111, and 156 but not ILO 183 and 189 (ILO, 2017). Workplace rights are governed by The Act on Equal Status and Equal Rights of Women and Men (2017), mandates non-discrimination based on gender (art. 26), prohibition of the dismissal of pregnant workers (art.

30), an equivalent position after maternity leave (art. 29), and flexible part-time schedules (art. 21). The law does not prohibit women from entering certain professions and working the same night hours as men (art. 75 of the constitution) (art. 65 of the labour law).

Parents have independent right to maternity/paternity leave for up to 3 months, respectively, with the monthly payment amounting to 80 per cent of the average total wage (Act No. 95/2000, Article 8 and 13). There is also a 3-month sharable paid parental leave entitlement. Additionally, each parent is also entitled to unpaid parental leave for 4 months to take care of his or her child. The rights to parental leave expires when the child reaches eight years of age (Act No. 95/2000 , Article 24).

Iceland made great strides when a father quota was introduced in the parental leave scheme. This system was implemented to create an incentive for fathers to take leave so that mothers were not the only ones to take leave and reduce working hours. Currently, women do still take more time off, particularly since the childcare gap (between 9 months and 2 years) is not funded by the government, resulting in de facto discrimination against women. Women account for the large majority to work part-time or leave their job entirely to care for children during this time-frame. (CEDAW, 2016; ICEHR and IWRA, 2017; 37).

Gender quotas were created in 2010 for public company boards and larger private companies to ensure at least 40% of women were represented by 2013 (art. 2 of the Law No. 13 of 2010 Amending the Act on Public Limited Companies No. 2 of 1995) and that gender equality would be implemented in relation to hiring persons for higher level positions (European Commission, 2016: 56). However, this only applies to companies with 50 or more employees, a high threshold considering that most Icelandic companies (26, 505 out of 26, 801) have less than 50 employees (ICEHR and IWRA, 2017: 18). The ICEHR and IWRA encourage Icelandic government to make legislative amendments to incorporate the Gender Equality Act, which sets the threshold at 25 employees (art. 18).

The Act on Equal Status and Equal Rights of Women and Men (2017) mandates equal remuneration for work of equal value (arts. 2, 19, and 25). According to CEDAW (2016), there is a stark wage gap that has persisted for years. In addition, the law has been applied within a limited scope since the equal pay principle only applies to women and men working for “the same employer” (CEDAW, 2016). In 2012, the government introduced the Equal Pay Standard under an ISO certification system, which can confirm if women and men working for the same company are paid equal wages for the same jobs or work of equal value. In 2015, a new State Budget Act was passed mandating that the official government budget must be gender responsive. (ICEHR and IWRA, 2017: 6). There is no real indication that the gender pay gap is decreasing, in general it has remained the same in recent years (European Commission, 2008: 7).

Employers and unions strive towards gender equality in the labour market, especially in managerial positions, and employers work towards declassifying jobs as primarily female- or male-oriented (US State Department, 2016). As a result, women’s participation in the labour market is quite high compared to other European countries, and the number of women in full time work has steadily increased (European Commission, 2008: 7). CEDAW (2016) noted that the State Party, despite its progress, limits the use of temporary special measures and increasingly employs gender-neutral policies.

The Centre for Gender Equality and the Gender Equality Complaints Committee are tasked with receiving, investigating, adjudicating and enforcing complaints based on sex discrimination in employment. The Act on Equal Status and Equal Rights of Women and Men (2017) requires companies or institutions with an average of 25 or more employees to report on an annual basis on how they pay women and men (cf. item 10 of Article 2). Each company has an equal pay system that must meet the requirements of the ÍST 85 standard (cf. item c of Article 1 of the standard). All certifications must be finalised, and a copy is then sent to the Centre for Gender Equality, together with a report on the outcome of the audit. The certification is supposed to be renewed every three years. The certification body monitors this process, and informs the Centre for Gender Equality if the audit does not result in certification. Negligence or violation of this act result in penalties for the companies or institutions (art. 31) and they may be punishable by fines (art. 32).

In practice, according to CEDAW (2016), the roles and division of work in the family are often determined by traditional practices, especially in rural areas, whereby women are considered the prime caregivers.

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Article 180 of the General Penal Code No. 19/1940 states that denying a person service because of that person's gender identity is punishable by fines or imprisonment of up to six months.

Working conditions for women and men are established in the Act on Workers' Terms of Employment and Pension No. 55/1980. Wages, for example, "negotiated by social partners shall be the minimum conditions for all workers, irrespective of sex..." (art. 1) (European Commission, 2016: 43).

According to the Ministry of Social Affairs and Social Security (n.d.), the Minister of Social Affairs oversees the implementation of the gender equality legislation and the Centre for Gender Equality is responsible for its administration. Additionally, the Minister of Social Affairs appoints a Gender Equality Council and a Complaints Committee on Gender Equality. A special department within the Ministry of Social Affairs oversees Gender Equality and Employment Affairs. In cases that may influence policy on the labour market the Committee seeks comments from the national federations of workers and employees before delivering its ruling. The rulings of the Complaints Committee are binding for both parties involved. The parties may refer the Committee's rulings to the courts.

4. Restricted Civil liberties

a) Citizenship rights

According to the Icelandic Nationality Act (No. 100 of 1952), women and men have the same rights to acquire nationality (arts. 6-9), change their nationality (art. 13), and confer nationality to their spouse (art. 8, par. 2). No one may be deprived of their right to retain their nationality or to travel outside of the country (art. 66). A child acquires the country's citizenship at birth if both parents are citizens, if the mother is a citizen (art. 1, par. 1), or if the father is a citizen and is married to the child's foreign mother (art. 1, par. 2).

According to Registers Iceland Passport Application Procedures and ID Card Application Form (2017), there are no impediments to women and men obtaining identity cards or passports.

b) Voting

The law provides the same rights for women and men to vote (art. 33 of the Constitution).

c) Political voice

Any person who is at least 35 years of age and meets the requirements to vote, amongst other qualifications, is eligible to run for presidency (art. 4 of the Constitution). Nationals who have the right to vote are eligible to be elected to Althingi parliamentary elections, with no restrictions regarding gender (art. 34 of the Constitution) (art. 4 of Concerning Parliamentary Elections to the Althingi Act. No. 24 from 2000). Women and men share equal rights to hold judiciary office (sec. 4 of the Act on Judiciary).

ICEHR and IWRA expressed concern over the extremely low number of women serving on the Supreme Court, as police officers, and as foreign service ambassadors (ICEHR and IWRA, 2017: 32). According to CEDAW (2016), the Ministry of Interior has taken steps to increase the representation of women in the political sphere.

According to the Act on Equal Status and Equal Rights of Women and Men (2017), state and municipal government committees followed a set quota of 40% of either gender (art. 15). Although this shows progress, in 2014, a quarter of the government committees remained in non-compliance with the quota (ICEHR and IWRA, 2017: 17-18). The State also incorporated gender mainstreaming in all policy-making, planning and decision-making on within the ministries and institutions (art. 17).

There has been an increase of NGOs in society and feminist clubs in secondary school systems, both focusing on gender equality (ICEHR and IWRA, 2017: 19). The Women of Multicultural Ethnicity Network – W.O.M.E.N. in Iceland and the Feminist Association of Iceland were both initiated in 2003. However, neither are financed by the government, nor do they play a formal role in policy formulations (ICEHR and IWRA, 2017: 20).

d) Access to justice

Women and men have the same rights to access justice and to receive protection (arts. 65, 69-71 of the Constitution). Redress for victims include moral damages and monetary compensation, according to the Act on Equal Status and Equal Rights of Women and Men (2017) (art. 31) (European Commission, 2016: 61; ICEHR and IWRA, 2017: 62).

There is currently no legally mandated action plan, as the last Government Equality Action Plan expired in 2014 (ICEHR and IWRA 2017: 7). Since the CEDAW Convention has not been implemented into domestic law- the public, parliamentarians, and institutions remain uninformed about Iceland's international commitments to ensure gender equality (ICEHR and IWRA, 2017: 10).

The Parliamentary Ombudsman deals with cases concerning equality and/or discrimination in relation to administrative procedure. The Ombudsman may also examine whether laws conflict with the

Constitution, e.g. the equality provision, or are flawed in other respects (European Commission, 2016: 28). Additionally, the Icelandic Human Rights Centre has assumed work primarily regarding national human rights, and is independently financed by statute (European Commission, 2016: 10).

The Gender Equality Complaints Committee (since 1991) consisting of three lawyers is appointed for periods of three years. The Committee rules in cases on whether the gender equality act has been violated. For the past 15 years, the cases handled and ruled by the committee ranged from 3 to 16 yearly and on average 8 cases yearly are ruled. The Committee has somewhat lost its significance as today there are much fewer cases compared to previous years. In 2010 only one case was ruled (Europarl, 2010). Procedural rules of the Icelandic Judiciary Council consider the interests of women and girls. The Council issues guidelines regarding the handling of cases before the courts. (NAP Sexual violence, Violence against women and girls, 2010) (Art. 10 of the law on criminal procedure). Article (16) of the Act on Equal Status and Equal Rights of Women and Men (2017), governs the production of gender statistics: “In the compilation of official economic reports on individuals, and in canvassing interviews and opinion surveys, a distinction shall be drawn between the sexes in the collection of data, data processing and the publication of information unless special circumstances e.g. the protection of personal privacy, argue against doing so.”

The Centre for Gender Equality is located at Akureyri in the north of Iceland, and is responsible for the administration and monitoring of the law since 2000. The Centre is under the control of the Minister of Social Affairs and Social Security. The centre provides counselling and education in the field of gender equality for the government and municipal authorities, institutions, companies, individuals and non-governmental organisations. A gender equality 4-year action programme: A national gender equality action programme is adopted by the parliament as a parliamentary resolution (the first one dating back to 1998). The programme is prepared, implemented and monitored by the ministries. However, from the establishment of the action programme, it has suffered from lack of resources and consequently has been less effective than it otherwise would be (Europarl, 2010).

In practice, there may be customary or traditional practices that discriminate against women. For example, the ICEHR and IWRA (2016) expressed concern over the extremely low number of women serving on the Supreme Court.

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The Constitution of the Republic of Iceland, Act No. 33/1944, as amended, stipulates that women and men shall have equal rights in every respect (art. 65), however, prohibition of multiple discrimination is not included in national law (European Commission, 2016: 34).

According to the Ministry of Social Affairs and Social Security (n.d.), the Centre for Gender Equality, the Gender Equality Council and the Complaints Committee operate independently of each other. The Centre for Gender Equality provides counselling and education in the field of gender equality. The Gender Equality Complaints Committee examines cases and delivers a ruling on whether provisions of Act no. 10/2008 have been violated. The Committee’s rulings may not be referred to a higher authority.

Sources

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