

ICELAND

1. Discriminatory family code

Iceland's Marriage Act sets the **minimum legal age for marriage** at 18 years for both sexes, but permits courts to allow minors to enter into marriage with parental consent.¹ There have been no reports of forced marriages recorded with the Icelandic Human Rights Centre.² In regards to **early marriage**, according to Statistics Iceland (Iceland's national statistical authority), 11 females and three males aged 15-19 entered into marriage for the first time in 2010,³ while latest figures from the United Nations (UN) indicate that 0.5% of females aged 15-19 were married, divorced or widowed in 2010, compared to 0.1% of males in that same age range.⁴ Moreover, latest data indicates an adolescent fertility rate of 12.0 births per 1 000 girls aged 15-19,⁵ with teenage pregnancies increasingly occurring at a later age (19 year-olds accounted for 45.0%, 52.2% and 58.0% of teenage mothers in 2010, 2011 and 2012 respectively).⁶

The Marriage Act provides for joint **parental authority** as well as joint responsibility for domestic work and family expenses during marriage.⁷ Moreover, the law stipulates that the spouses "shall, as practicable, share the work to be performed in the home and the financial outlays incurred on account of keeping a home and maintaining a family".⁸ Women legally enjoy equal decision-making power over the education and upbringing of their children, and over household assets.⁹

Both spouses have equal rights to file for legal separation and **divorce**,¹⁰ in which case child custody is determined according to the provisions of the Children's Act.¹¹ Accordingly, parents must first of all seek mediation services to try and reach an agreement on their child's custody.¹² If mediation fails, however, then the court will determine the arrangements in the best interest of the child. Single legal custody will be awarded unless a parent requests joint custody, in which case special consideration is given, inter alia, to the pattern of communication and disputes

¹ Law in Respect of Marriage No. 31/1993 (Marriage Act), s.7

² Icelandic Human Rights Centre

³ Statistics Iceland (2013), "Table 2.13 Marriages by age of bridal couple 1971-2011"

⁴ UNDESA (2013)

⁵ World Economic Forum (2013)

⁶ Statistics Iceland (2013), "Births and deaths" (metadata)

⁷ Marriage Act, s.2

⁸ Ibid., s.3

⁹ Marriage Act, s.46

¹⁰ Ibid., ss.33, 34 and 36

¹¹ Ibid., s.34

¹² Act in respect of Children No. 76/2003 (Children's Act), s.33

between the parents.¹³ Latest statistics indicate a general divorce rate of 1.6 per 1 000 people in 2011,¹⁴ and reveal that while joint custody is most frequently awarded (in 82.7% of divorces in 2010), single legal custody is generally given to the mother (in 15.8% of cases in 2010, compared to 0.7% for fathers).¹⁵ The remaining percentage is for third party custody.

Iceland's Inheritance Act provides for equal **inheritance** rights for wives and daughters, as no gender distinctions are made regarding the rights of the spouse and children of the deceased.¹⁶

More

In relation to **employment**, married women in Iceland are slightly less economically active than men, as indicated by overall employment rates of 74.5% and 84.0% for women and men respectively, in 2011, with a notable gap among seniors (24.8% of married women aged 65 and over were employed in 2011, compared to 44.8% of married men).¹⁷ In regards to **unpaid care work**, although the Marriage Act stipulates that "spouses shall, as practicable, share the work to be performed in the home",¹⁸ wives in Iceland reportedly spent 14.4 more hours than their husbands on weekly housework in 2005,¹⁹ and shoulder most of child care as well.²⁰ Moreover, according to a study conducted in 2010, employed married women with children are estimated to spend up to 90 hours per week on domestic and professional work, compared to 79 hours for their husbands.²¹

2. Restricted physical integrity

Domestic violence is not specifically defined under Icelandic legislation. However, the National Commissioner of the Icelandic police and the Metropolitan police published a report in 2010 in which they defined domestic violence as "all violence or dispute cases between related and linked parties",²² and s.108 of the Criminal Code punishes "Anyone causing another person or his/her close relatives or others connected to him/her physical violence, illegal force or threat" by up to six years imprisonment, unless there are mitigating circumstances. The Committee on Economic, Social and Cultural Rights (CESCR) recently urged Iceland in 2012 to specifically define violence as a crime, and preferably in the Criminal Code.²³

An extensive research project on domestic violence was conducted by the National Commissioner of Police and the Reykjavík Metropolitan Police. It covered the period 2006-07 and found that 993 cases of domestic violence were reported, that 76.0% of perpetrators were

¹³ Ibid., s.34

¹⁴ European Commission (2014), Eurostat (database), "Divorces" (metadata)

¹⁵ Statistics Iceland (2013), "Table 2.18 Custody of dependent children after divorce or dissolution of consensual unions"

¹⁶ Inheritance Act No. 8/1962

¹⁷ UNECE, "Employment rate by marital status and sex" (metadata)

¹⁸ Marriage Act, s.3

¹⁹ Strapcová K, Voicu B, Voicu M. (2008)

²⁰ European Commission (2011)

²¹ European Commission (2012)

²² National Commissioner of the Icelandic police, Metropolitan Police (2010)

²³ CESCR (2012)

males, and that women were more likely than men to be repeated victims.²⁴ More recently, the aforementioned study conducted by the Ministry of Welfare in 2008 found that 22.0% of women aged 18-80 had experienced violence in an intimate relationship at some point after the age of 16.²⁵ According to the US Department of State's 2013 report on Iceland, 203 cases of domestic quarrelling and 295 cases of domestic violence were reported to the state prosecutor's office in 2010.²⁶

Measures have been taken at the national level to address domestic violence and violence against women. In particular, a Plan of Action to deal with Domestic and Sexual Violence was adopted in 2006. It contains a list of measures aimed at encouraging public discussion on gender-based violence, changing social attitudes, providing appropriate assistance for victims and treatment for perpetrators, and assisting professionals in helping victims and recognising symptoms of gender-based violence.²⁷

The Plan led, inter alia, to the organisation of awareness-raising campaigns, to the adoption of municipal action plans to combat sexual violence, and to the adoption of a law granting restraining and eviction powers to the police.²⁸ This law²⁹ was recently amended in 2013 to offer greater protection to victims of domestic violence. Accordingly, police officers can now arrest presumed perpetrators of domestic violence and remove them from their household for up to four weeks, and impose a 72-hour restraining order, which can be extended by the court for up to a year.³⁰

Other recent measures include the distribution of brochures for immigrant women with information on domestic violence and where/how to seek assistance (they have been published in nine languages and distributed, inter alia, in health care and social service centres),³¹ the distribution of cards in hotels and health care centres with important numbers to call if a rape is committed (rape trauma service centre, Women's Shelter, Emergency line, Red Cross and Counselling Centre for Survivors of Sexual Abuse),³² the criminalisation of the purchase of prostitution in 2009,³³ and the banning of all strip clubs in 2010.³⁴

Iceland's Criminal Code defines **rape** as coercing someone into sexual intercourse or other sexual relations through violence, threats or other unlawful means, or by exploiting someone's psychiatric disorder, mental handicap, or inability to resist or understand the significance of the act for any other reason.³⁵ Marital/spousal rape is implicitly included in the definition of rape,

²⁴ National Commissioner of the Icelandic police, Metropolitan Police (2010)

²⁵ Ministry of Welfare (2012)

²⁶ US Department of State, Bureau of Democracy, Human Rights and Labour (2013)

²⁷ Ministry of Social Affairs and Social Security (2006)

²⁸ HRC (2012)

²⁹ Law No. 85/2011

³⁰ US Department of State, Bureau of Democracy, Human Rights and Labour (2013)

³¹ HRC (2012)

³² HRC (2012)

³³ Criminal Code, s.206

³⁴ Act No. 85/2007

³⁵ Criminal Code, s.194

and the code defines “violence” as “the deprivation of independence by means of confinement, drugs or other comparable means”.³⁶

Non-aggravated forms of rape are punished by one to 16 years imprisonment.³⁷ Until 2007 the punishment could be waived if the perpetrator and the victim got married or entered into an informal cohabitation, although reports indicate that this provision was not applied in practice.³⁸ Despite heavier punishments being introduced in 2007,³⁹ the UN Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern in 2008 over Iceland’s “light penalties” for rape.⁴⁰

According to a survey conducted by the Ministry of Welfare in 2008, 13.0% of women reported having being raped or having suffered an attempted rape.⁴¹ As regards conviction rates, latest statistics provided by Iceland’s Centre for Gender Equality indicate that out of the 46 cases of rape which were reported to the state prosecutor’s office in 2008, only seven convictions were pronounced.⁴² Moreover, in its latest report for 2013, the European Women’s Lobby (EWL) pointed to an overall conviction rate of only 3.0% for rape.⁴³

Sexual harassment is also criminalised under Icelandic legislation. S.199 of the Criminal Code defines sexual harassment as “amongst other things [...] stroking, groping or probing the genitals or breasts of another person, whether under or through clothing, and [...] suggestive behavior or language which is extremely offensive, repeated or of such nature as to cause fear” and punishes the perpetrator by up to two years imprisonment. Sexual harassment directed at the perpetrator’s own child, other descendant, adopted child, step-child, foster child, child under his/her custody, or at the child of the perpetrator’s cohabitational partner, all constitute aggravated forms and are punished with heavier sentences: up to four years imprisonment, and up to six years imprisonment if the child is under the age of 16.⁴⁴

A broader definition of sexual harassment is included in Iceland’s Gender Equality Act: “Any type of unfair and/or insulting sexual behavior which is unwelcome and impairs the self-respect of the person affected by it, and which is continued in spite of a clear indication that it is unwelcome. This harassment may be physical, verbal or symbolic. A single instance may be considered sexual harassment if it is serious.”⁴⁵ Victims of sexual harassment can seek redress with the Complaints Committee on gender equality and bring their case before civil or criminal courts.⁴⁶ No specific numbers on sexual harassment cases could be found although sexual

³⁶ Ibid., s.194

³⁷ Ibid., s.194

³⁸ Act No. 61/2007 repealed this provision; see CEDAW (2007)

³⁹ Previously the maximum penalty for rape was six years imprisonment.

⁴⁰ CEDAW (2008)

⁴¹ Ministry of Welfare (2012)

⁴² The Centre for Gender Equality (2014)

⁴³ EWL (2013)

⁴⁴ Criminal Code, ss.200-201

⁴⁵ Act on the Equal Status and Equal Rights of Women and Men No. 10/2008 (Gender Equality Act), s.2

⁴⁶ European Commission, European Network of Legal Experts in the Field of Gender Equality (2011)

harassment in the workplace is said to mainly affect women, in particular divorced women, young women, newcomers and women of other nationalities.⁴⁷

Female genital mutilation is not reported to be practiced in Iceland.⁴⁸ The practice is prohibited by article 218 of the Penal Code and there are no reported cases. Penalties for perpetrators include 3 to 16 years of imprisonment.⁴⁹

More

Prenatal care is free of charge for expecting mothers who are legal residents of more than six months.⁵⁰ Although national data on antenatal care and unmet needs for **family planning** is unavailable, reports indicate that women generally have ten medical visits before giving birth.⁵¹ Latest UN figures indicate neonatal and infant mortality rates of respectively 1.0 and 2.0 per 1,000 births in 2012.⁵² According to the most recent UN data, the mean age at first birth has risen from 21.9 in 1980 to 27.0 in 2011.⁵³

Abortion is not available on request but is legal in the event of threat to maternal life, rape, health concerns, foetal impairments, and for economic or social reasons.⁵⁴ According to the latest statistics, 980 abortions were recorded in 2012,⁵⁵ and the general abortion rate was 215.7 abortions per 1 000 births that same year.⁵⁶ The UN Committee on the Rights of the Child (CRC) expressed concern in 2012 over the number of abortions among minors and therefore urged Iceland to raise awareness about reproductive health and negative impacts of abortions among adolescents, and to provide access to contraceptives and counselling services on reproductive health.⁵⁷

3. Son bias

The male-to-female sex ratio at birth in 2013 is 1.04 and for the working age population (15-64 years old) is 1.02.⁵⁸

There is no evidence to suggest that Iceland is a country of concern in relation to **missing women**.

More

Pre-primary and primary gross enrolment ratios were almost identical for both sexes between 2008-12, as were net enrolment rates in secondary school over the same period.⁵⁹

⁴⁷ Ibid.

⁴⁸ UNICEF (2013a)

⁴⁹ Ministry of the Interior (1940)

⁵⁰ Registers Iceland (2014)

⁵¹ Medical Billing and Coding (2014)

⁵² UNICEF (2013a)

⁵³ UNECE (2013a)

⁵⁴ UN Women (2011), Annex 3

⁵⁵ Statistics Iceland (2013), "Induced abortions 1982-2012" (metadata), *Statistics* (database)

⁵⁶ UNECE (2013a)

⁵⁷ CRC (2012)

⁵⁸ CIA. <https://www.cia.gov/library/publications/the-world-factbook/fields/2018.html> (accessed 28/03/2014)

4. Restricted resources and assets

With respect to **access to land and non-land assets**, Iceland's Ownership and Property Act⁶⁰ contains gender neutral provisions, as does the Marriage Act in relation to the property of spouses during marriage and after divorce. However, the CEDAW Committee expressed concern in 2006 over the economic consequences of divorce, and urged the country to review its legislation in order to take into account "the existence of enhanced human capital and earning potential of male spouses on the basis of their full-time and uninterrupted career patterns".⁶¹

Gender disaggregated data on **access to financial services** is unavailable.

5. Restricted civil liberties

Concerning **access to public spaces**, Iceland's Constitution guarantees, inter alia, freedom of religion (art.63), freedom of movement (art.66), freedom of expression (art.73) and freedom of assembly (art.74). Moreover, the 2012 gender equality report published by Iceland's Centre for Gender Equality points to the "vast network of civil society organisations that focus on women's rights, gender equality and issues of gender-based violence".⁶²

According to the European Commission's most recent data, there were no striking gender gaps in the frequency of getting together with family and friends. 25.6% of women visited family on a daily basis, 50.7% every week, 12.9% several times a months, and 6.4% once a month (compared to 18.9%, 47.4%, 17.6% and 9.5% of men respectively); while 16.2% visited friends on a daily basis, 46.2% every week, 22.9% several times a months, and 8.7% once a month (compared to 19.7%, 46.2%, 19.5% and 9% of men respectively).⁶³

As regards women's **political voice**, 2013 data from the Inter-Parliamentary Union (IPU) indicates that women make up 39.7% of Parliament, thereby placing Iceland in 12th position in the World Classification of women in Parliament.⁶⁴ Moreover, gender equality has been achieved within the top layers of Government, with women accounting for 50.0% of senior ministers in 2013.⁶⁵ At the sub-national level, women accounted for 40.0% of local council representatives in 2011, and for 35.0% of mayors in 2013.⁶⁶

No national **quotas** have been adopted to increase women's representation in Parliament, although three parties have adopted voluntary quotas.⁶⁷ Indeed, the Social Democratic Alliance (Samfylkingin) and the Progressive Party (Framsóknarflokkur) have set a 40.0% quota for both sexes, while the Left-Green Movement (Vinstrihreyfingin-grænt framboð) has adopted an

⁵⁹ UNICEF (2013b)

⁶⁰ Act on the Right of Ownership and Use of Real Property No. 19/1966 (as amended)

⁶¹ CEDAW (2008)

⁶² The Centre for Gender Equality Iceland (2012)

⁶³ European Commission (2014)

⁶⁴ IPU (2014)

⁶⁵ European Commission (2013)

⁶⁶ Statistics Iceland (2013), "Influence and power" (metadata), *Statistics* (database)

⁶⁷ International IDEA, Stockholm University and Inter-Parliamentary Union (2013)

absolute gender equality quota.⁶⁸ Moreover, efforts are made to increase the participation of women in government and municipal committees, councils and boards through article 15 of the Act on Equal Status and Equal Rights of Women and Men.⁶⁹ In addition, a report published by the European Commission in 2012 indicates the 2010 quota law requires all companies with more than 50 employees to have at least 40% of each gender on their board by 2013.⁷⁰ These quotas have been met in the private sector, as women accounted for 57.1% of Iceland's central bank decision-making body members in 2012, and for 48.9% of large corporation board members in 2013, while at least one woman was reported to be on the board of major companies in 2013.⁷¹

Gender gaps remain in other **leadership positions**, however, leading the Committee on Economic, Social and Cultural Rights (CESCR) Committee to voice concern in 2012 over women's underrepresentation in decision-making positions, particularly in the Foreign Service, the judiciary and academia.⁷² Indeed, latest statistics indicate that women accounted for only 18.0% and 35.0% of Supreme Court and district court judges, respectively, in 2012;⁷³ 33.0% of managers of state institutions in 2012;⁷⁴ 26.0% of ambassadors in 2012;⁷⁵ and 28.6% of heads of university in 2012.⁷⁶

A study was conducted in 2011 to try and explain the root causes of and attitudes towards gender inequality in decision-making positions. The study found that respectively 78.0% and 48.0% of women and men attributed the underrepresentation of women in business leadership to sexist conservative stereotypes and traditional views on gender, while 33.0% and 54.0% of women and men respectively attributed this gap to women's lack of interest in such roles, and 31.0% of male managers agreed with the statement that underrepresentation of women in public and private decision-making can be explained by the fact that men are not interested in appointing women to these jobs.⁷⁷

As regards **access to and participation in the labour market**, the 2008 Gender Equality Act prohibits employers from discriminating on grounds of gender (s.24), pregnancy and maternity (s.26), and stipulates that employers must take special measures to protect employees from gender-based or sexual harassment in the workplace (s.22).⁷⁸ Moreover, mothers in Iceland are entitled to minimum 90 days paid **maternity leave**, and a further 90 days to be divided with the father of the child.⁷⁹ Maternity leave is fully financed by the Government and equates to 80.0%

⁶⁸ Ibid.

⁶⁹ Ministry of Social Affairs and Social Security (2008)

⁷⁰ European Commission (2012)

⁷¹ European Commission (2013)

⁷² CESCR (2012)

⁷³ Statistics Iceland (2013), "Influence and power" (metadata), *Statistics* (database)

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ United Nations Economic Commission for Europe (UNECE),

⁷⁷ European Commission (2012)

⁷⁸ Act on Equal Status and Equal Rights of Women and Men No. 10/2008, as amended by Act No. 162/2010 and No. 126/2011 (Gender Equality Act)

⁷⁹ Act on Maternity/Paternity Leave and Parental Leave, No. 95/2000 (as amended by Act No. 143/2012), s.8

of their wages.⁸⁰ Furthermore, article 21 of the Gender Equality Act requires employers to take the necessary measures to enable women and men to reconcile their family responsibilities with their professional obligations. This includes measures to increase flexibility in the workplace as well as in terms of working hours; and to facilitate the return of employees to work following maternity or paternity or parental leave, or leave from work due to unavoidable family circumstances.⁸¹

Latest data published by Statistics Iceland for February 2014 indicates a very high employment rate for women (72.2%, compared to 79.2 for men), as well as a lower unemployment rate for women than for men (3.9% and 4.6% for women and men respectively), with women in Iceland working on average 35.1 hours a week (compared to 43.1 hours for men).⁸² However, more men than women work full-time (86.7% and 64.9% respectively, in 2013),⁸³ and the labour market is reportedly still highly gender segregated, as women are overrepresented in the service sector,⁸⁴ (horizontal segregation) and reportedly held only 25.0% of management positions in 2012⁸⁵ (vertical segregation). Moreover, despite a specific provision on wage equality in the Gender Equality Act,⁸⁶ an overall gender pay gap of 18.1% was recorded in 2012, with biggest disparities among sexes registered in financial/insurance activities (34.3%) and the manufacturing sector (23.5%).⁸⁷

The CESCR Committee voiced concern in 2012 over the “persistent and significant” **gender pay gap**,⁸⁸ leading the Ministry of Welfare to adopt a 2013-16 action plan for to address the issue.⁸⁹ Planned measures include the creation of a task force to foster consultation and collaboration among Government representatives and social partners, launch an experimental “wage equality standard” in the labour market, coordinate wage surveys, and facilitate the provision of information and counseling services on wage gap issues in the public and private sectors. The Government has also committed, inter alia, to carrying out annual wage equality surveys in all government institutions; and to reviewing collective agreements in the private sector to identify systemic causes of gender-based wage gaps.⁹⁰

There are no gender inequalities in **access to ICT** in Iceland. According to latest UN data for 2013, 96.0% of women and 98.0% of men had used a computer and accessed Internet in the last three months, while 94.0% of women were weekly Internet users, compared to 96.0% for men.⁹¹

⁸⁰ Ibid., s.13

⁸¹ Ministry of Social Affairs and Social Security (2008)

⁸² Statistics Iceland (2013), “Employment, unemployment and labour forces – Original Data – Monthly 2003-2014” (metadata)

⁸³ Ibid.

⁸⁴ European Commission (2012)

⁸⁵ European Commission (2013)

⁸⁶ Gender Equality Act, s.25

⁸⁷ Statistics Iceland (2013), “The unadjusted gender pay gap 2008-2012” (metadata)

⁸⁸ CESCR (2012)

⁸⁹ Ministry of Welfare (2013)

⁹⁰ Ibid.

⁹¹ UNECE (2013b)

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