



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

Forty-first session

30 June-18 July 2008

### Concluding observations of the Committee on the Elimination of Discrimination against Women: Iceland

1. The Committee considered the fifth and sixth periodic reports of Iceland (CEDAW/C/ICE/5 and 6) at its 839<sup>th</sup> and 840<sup>th</sup> meetings, on 8 July 2008 (see CEDAW/C/SR.839 and 840). The Committee's list of issues and questions is contained in CEDAW/C/ICE/Q/6 and the responses of the Government of Iceland are contained in CEDAW/C/ICE/Q/6/Add.1.

#### Introduction

2. The Committee commends the State party for the submission of its fifth and sixth periodic reports which generally follow the guidelines of the Committee (HRI/GEN/2/Rev.1/Add.2), but regrets that they do not provide information on the implementation of certain articles of the Convention and recommendations made in previous concluding observations of the Committee. The Committee also commends the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and responses to the questions posed by the Committee.

3. The Committee expresses its appreciation to the State party for sending a delegation headed by the Head of the Department of Equality and Labour of the Ministry of Social Affairs, which included representatives of the Centre for Gender Equality and the Gender Equality Council. The Committee commends the State party for the constructive dialogue held between the delegation and the members of the Committee, which provided further information on the situation of women in Iceland and on the implementation of the Convention.



**Positive aspects**

4. The Committee commends the State party on the adoption, by the Althingi, of the Act on Equal Status and Equal Rights of Women and Men (Act No. 10/2008) as well as the acts amending provisions of the General Penal Code (No. 19/1940) on organized crime and trafficking in human beings (Act No. 40/2003), on domestic violence (Act No. 27/2006), and on sexual offences (Act No. 61/2007).

5. The Committee welcomes the adoption by the Parliament of a new action plan on gender equality for the period 2004 to 2008 which is guided by the principle of mainstreaming gender equality in public administration, including with regard to gender-based wage-discrimination. The Committee also notes with satisfaction the reappointment by the Government, in 2007, of the Committee on Violence against Women, the re-launch of the project “Male Responsibility” on domestic violence in 2006 and the plan of action on domestic and sexual violence.

6. The Committee notes with appreciation that women currently constitute 35.9 per cent of the members of local governments – 40 per cent in metropolitan areas –, that 31,8 per cent of the members of Parliament and 36.5 per cent of Ministers are women.

7. The Committee notes the adoption of measures aiming at accelerating gender equality, such as the “Equal Future for Boys and Girls” homepage and the appointment of a committee to make proposals on ways of increasing the number of women in senior management of Icelandic companies.

8. The Committee expresses its appreciation for the support the State party provides to UNIFEM for its programmes to introduce gender equality considerations into government structures of several countries.

9. The Committee commends the State party for the acceptance of the amendment to article 20, para. 1, of the Convention, in May 2002.

**Principal areas of concern and recommendations**

**10. The Committee recalls the State party’s obligation to systematically and continuously implement all the provisions of the Convention, and views the concerns and recommendations identified in the present concluding observations as requiring the State party’s priority attention between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding observations to all relevant ministries, to the Parliament and to the judiciary, so as to ensure their full implementation.**

**Definition of discrimination against women and incorporation of the Convention**

11. While noting that the State party has complemented a general prohibition of discrimination on the basis of gender contained in the Equal Status and Equal Rights of Women and Men Act with definitions of direct and indirect discrimination contained in the Regulations No. 47/2003 on the functions of the Centre for Gender Equality, the Committee remains concerned that article 1 of the Convention, which defines “discrimination against women”, is not fully reflected in the said Regulations. The Committee is also concerned that even though many provisions of the Convention are incorporated in the above Act on Gender Equality, this is not done with respect to article 4, paragraph 1 of the Convention.

12. **In order to fully implement the Convention, the Committee calls upon the State party to give further consideration to the incorporation of the definition of discrimination against women contained in article 1 of the Convention in its national legislation. The Committee recommends that the State party provide a legal basis for employing and implementing temporary special measures, as provided for in article 4, paragraph 1 of the Convention.**

#### **Visibility of the Convention and the Optional Protocol**

13. The Committee is equally concerned at the lack of awareness, in general, of the Convention, its Optional Protocol and the Committee's views on communications considered in the State party, especially in the judiciary. It notes that the decisions of the Supreme Court on discrimination against women do not refer to the Convention nor to article 15 of Regulation 47/2003, which is said to be worded on article 1 of the Convention. It is also concerned at the lack of dissemination of the Committee's general recommendations as well as of the previous concluding observations in respect of Iceland.

14. **The Committee recommends that the State party increase its efforts to raise awareness of the provisions of the Convention, its Optional Protocol, and the Committee's views on communications considered and its general recommendations among judges, prosecutors, lawyers and other legal professionals to ensure that the norms, objectives and provisions of the Convention become well-known and regularly used in judicial processes.**

#### **Stereotypes**

15. While welcoming the State party's efforts to address stereotypical attitudes and behaviour that discriminate against women and perpetuate inequality between women and men, the Committee is concerned about the persistence of stereotypical attitudes towards women which threaten to undermine the full enjoyment of their rights on equal footing with men. It is particularly concerned at information suggesting that both women and men consider that a wage gender gap is acceptable.

16. **The Committee calls upon the State party to take proactive and sustained measures to eliminate stereotypical attitudes about the roles and responsibilities of women and men, including through awareness-raising and educational campaigns directed at both women and men and at the media. The Committee recommends that the State party continue to encourage the media to promote cultural change with regard to the roles and tasks traditionally considered suitable for women and men, as required by article 5 of the Convention. The Committee urges the State party to undertake in-depth research and studies on the impact of gender-role stereotypes on the implementation of the Convention. It also calls upon the State party to undertake an assessment of the impact of current measures in this context in order to identify potential shortcomings and to adjust these measures accordingly.**

#### **Violence against women**

17. While noting the adoption of new guidelines by the Director of Public Prosecution in September 2007, on the investigation of rape cases, the Committee remains concerned, as expressed in its previous concluding observations, at the light penalties for crimes of sexual violence, especially rape, and at the lack of updated detailed information, including statistics, on sentences imposed on perpetrators of crimes of sexual violence. In addition, the Committee is concerned that there is a significant disparity between the numbers of investigated cases of sexual offences, and the numbers of prosecutions and convictions.

18. **The Committee recommends that, in accordance with its general recommendation no. 19, the State party ensure that comprehensive legal and other measures are in place to address all forms of violence against women, especially domestic and sexual violence. It recommends that the State party improve its research and data collection and analysis on the prevalence, causes and consequences of violence against women, including information on the relationship between the perpetrator and the victim in instances of violence and the potential causes of an unwillingness of victims to proceed with charges. The Committee also calls upon the State party to conduct comprehensive research on the functioning of the justice system with regard to violence against women and consider, in light of its results, to review its penal and penal procedure laws to ensure that perpetrators of acts of violence against women are always adequately prosecuted and convicted in accordance with the grave nature of their acts. Such review should include, if deemed necessary, the imposition of heavier penalties for such crimes. Special attention should be given to articles 45 and 112 of the Code of Criminal Procedure No. 19/1991 with regard to the broad competence of the Director of Public prosecution. The Committee also recommends that the State party ensure that all women who are victims of violence have access to immediate and appropriate means of protection.**

19. The Committee is concerned at the lack of updated detailed information on the use and effectiveness of restraining orders in cases of domestic and sexual violence in the State party, the possible conflicting competence between the police and the judicial authorities and the lack of adequate sensitization, especially of the judiciary and police, of the implementing guidelines and rules of Act No. 94/2000, which amended the Code of Criminal Procedure, with regard to restraining orders.

20. **The Committee recommends that the State party improve its data collection on the use and effectiveness of restraining orders since the adoption of Act 94/2000, especially with regard to domestic and sexual violence. It also recommends that the State party raise awareness of the judiciary and police about the use of such orders. It also recommends that the Althingi consider discussing further the adoption of a specific act on restraining orders, presented to it in November 2007.**

21. While noting the National Action Plan against Domestic Violence and Sexual Violence and the work of the Emergency Reception Centre for Rape Victims, the Committee is concerned at the obstacles women victims of domestic and sexual violence face when bringing complaints and seeking protection. It is particularly concerned at the more precarious situation of immigrant women and women of vulnerable groups in this context which may prevent them from reporting cases of domestic and sexual violence.

22. **The Committee recommends that the State party allocate sufficient financial resources to ensure that all women who are victims of violence have access to immediate and appropriate means of protection, including protection orders and access to safe and adequately funded shelters throughout the country, as well as to legal aid, if necessary. The State party should ensure that high quality support services are provided to immigrant women, which represent 40 per cent of those staying in States party's one existing shelter, and women of vulnerable groups, in order for them to bring complaints, seek protection and redress, thus ensuring that women do not have to stay in violent or abusive relationships. In this respect, the State party should take necessary measures to facilitate their reporting of domestic and sexual violence. The Committee recommends that the State party implement comprehensive awareness-raising programmes throughout the country directed at these groups of vulnerable women.**

### **Trafficking and exploitation of prostitution**

23. While acknowledging the specific geographic situation of Iceland and the preparation of the National Action Plan against Trafficking in Human Beings, the Committee is concerned about the lack of information on trafficking provided by the State party, especially of women and girls, as well as on the implementation of the 2003 Act on trafficking. The Committee is also concerned that the decriminalization of prostitution in 2007, unaccompanied by regulatory measures, and the existence of illegal “strip clubs”, may increase trafficking and exploitation of prostitution. It is further concerned that there is no victim and witness programme in place for trafficked persons, although several proposals in this regard, supported by the Icelandic Human Rights Centre, have been presented to the Althingi.

**24. The Committee recommends that the State party monitor closely the implementation of Act No. 61/2007 on prostitution, reinforce existing measures to prevent and combat trafficking, especially in women and girls, and investigate thoroughly such cases, in accordance with article 6 of the Convention and general recommendation No. 19. The Committee also recommends that the State party investigate the prevalence of illegal “strip clubs” through conducting research and surveys. It further calls upon the State party to increase international cooperation efforts to prevent trafficking, to prosecute and punish traffickers in accordance with the gravity of their crime, ensure the protection of the human rights of women and girls who are victims of trafficking and establish a legal framework for victim and witness protection. The Committee calls on the State party to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and the Council of Europe Convention on Action against Trafficking in Human Beings. It also calls on the State party to provide to the Committee, in line with paragraph 45 of the present concluding observations, statistical data related to trafficking and prostitution, including information on the impact of the decriminalization of prostitution on the enjoyment of women’s human rights.**

### **Participation in public life and economic decision-making**

25. The Committee remains concerned at the low percentage of women in high-ranking posts, particularly in diplomacy and the judiciary. While noting that women are the majority of university-educated professionals, it is concerned at the low number of women in academia, where their presence declines as they move up the professional academic ladder, so that they currently hold only 18 per cent of professorships in the University of Iceland, while they represent 32 per cent of associate professors and 54 per cent of instructors. The Committee is also concerned at the low representation of women in top management positions with only 18 per cent of women as managing directors in 2004 and on boards of private companies and that only 22 per cent of women as chairpersons of such boards in 2004. The Committee regrets that no temporary special measures are currently in place to encourage acceleration of the achievement of substantive equality between women and men in all areas of the Convention and, in particular, within the private employment sector.

**26. The Committee urges the State party to strengthen its efforts to increase the number of women in high-ranking posts, particularly in academia. It recommends the adoption of measures to encourage more women to apply for high-ranking posts and encourages the State party to employ and implement effectively temporary special measures in accordance with article 4, paragraph 1, of the Convention, and with the Committee’s general recommendation no. 25, in order to accelerate the realization of women’s de facto equality with men in all areas. The Committee requests that the State party monitor developments with regard to women’s**

**participation in top management positions with a view to supporting further participation in these sectors through legislative or policy initiatives and to provide information on results achieved, including relevant disaggregated statistical data.**

### **Employment**

27. While noting the new measures adopted to prohibit wage non-disclosure clauses in contracts of employment, the Committee remains concerned at the persistent and significant wage-gap between women and men, which can mainly be explained as the result of direct discrimination. It is concerned that a 2006 study showed that men in Iceland have 16 per cent higher wages than women when age, job status, job experience, education and number of working hours have been taken into account.

**28. The Committee recommends that the State party enforce without delay the legal provision requiring institutions or companies employing more than 25 persons to prepare gender equality programmes or to make special provisions regarding gender equality in their employment policies. It further recommends that the State party monitor closely such requirements including through the collection and analysis of data disaggregated by sex, skills and sectors, as well as the impact of measures taken and results achieved.**

29. While noting the explanation of the delegation with regard to the definition of part-time employment in the State party, as well as the amendment to the Maternity, Paternity and Parental Leave Act No. 95/2000 by Act No. 90/2004, the Committee reiterates its concern that more women than men work part-time and that the survey on the importance of part-time employment, non-permanent jobs that are undertaken outside normal places of work has not been carried out. The Committee is concerned that traditional practices and stereotypical attitudes about the roles and responsibilities of women and men in family and society persist, and considers that this could be the root cause of the disadvantaged position of women in the labour market

**30. The Committee encourages the State party to strengthen its measures to change stereotypical attitudes about the responsibilities and roles of women and men in society, in order to promote the reconciliation of private and family life and work responsibilities between women and men, in accordance with articles 5 (a) and 11.1 (b) and (c) of the Convention. The Committee also recommends that the State party undertake a survey on the root causes of unequal part-time employment and non-permanent jobs between women and men as well as to monitor closely the effects of the amendment introduced to the Maternity, Paternity and Parental Leave Act.**

31. The Committee is concerned that sex and gender-based discrimination may exist in the fishery industry, including in relation to business operations, access to grants and loans, and appropriate health and safety measures, which could explain the low representation of women in this sector.

**32. The Committee recommends that the State party complete the comprehensive study on the root causes of low participation of women at all levels of the fishery industry and employ necessary measures to promote women's participation in this sector.**

## Health

33. The Committee is concerned at the level of consumption of alcohol by women and that the targets set for the reduction of alcohol consumption will not be met. The Committee is also concerned that, while affecting a reduced number of persons in Iceland, more women than men have been diagnosed with HIV/AIDS since testing began in the State party. The Committee is further concerned that general recommendation No. 24 has not yet been utilized in the formulation of health policies and services.

34. **The Committee calls upon the State party to conduct further surveys and research to discern the scope of these problems and understand their root causes and also to continue its efforts to improve health services and integrate a gender perspective into all health sector programmes, services and reforms in line with the Committee's general recommendation No. 24. The Committee recommends that the State party take the necessary measures to address the deteriorating mental health situation of girls and women, to prevent and combat the abuse of alcohol, the use of drugs and to prevent suicide, and to allocate adequate financial resources for the effective implementation of such programmes. It further recommends that the State party adopt specific measures to target women, especially those belonging to vulnerable groups.**

## Economic consequences of divorce

35. The Committee is concerned that the State party's current legislation on distribution of assets, including intangible assets and potential future earnings, as well as property upon divorce may not adequately address gender-based economic disparities between spouses resulting from the existing sex segregation of the labour market and women's greater share in unpaid work and potentially interrupted career patterns due to family responsibilities.

36. **The Committee calls upon the State party to undertake research on the economic consequences of divorce on both spouses, with specific attention to the existence of enhanced human capital and earning potential of male spouses on the basis of their full-time and uninterrupted career patterns. The Committee recommends that the State party review its current legislation in light of the outcome of this research and include information to this effect in its next periodic report.**

## Data collection and analysis

37. **The Committee calls upon the State party to continue to improve the collection and analysis of statistical data, and to include in its next report statistical data and analysis on the situation of women, disaggregated by age, metropolitan and rural areas, ethnicities and regions, in order to provide a clear picture of the situation of women in the State party. It also calls on the State party to indicate the impact of measures taken and the results achieved in the practical realization of women's substantive equality.**

## National human rights institution

38. **The Committee recommends that the State party consider the establishment of an independent national human rights institution, with a broad mandate to promote and protect human rights, including in particular human rights of women and girls, in accordance with the Paris Principles (General Assembly Resolution 48/134 of 20 December 1993) and encourage its accreditation to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.**

#### **Parliament**

39. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the State party's obligations under the Convention, the Committee stresses that the Convention is binding on all branches of Government and it invites the State party to encourage the Althingi in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of these concluding observations and the Government's next reporting process under the Convention.

#### **Preparation of next report**

40. The Committee requests the State party to ensure the wide participation of all ministries and public bodies in the preparation of its next report, as well as to consult with non-governmental organizations during that phase. The Committee further recommends that the next report, before its submission to the Committee, be adopted by the Government, as the obligations arising under the Convention must be met by the State party as a whole.

#### **Beijing Declaration and Platform for Action**

41. The Committee urges the State party to utilize fully in the implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State Party to include information thereon in its next periodic report.

#### **Millennium Development Goals**

42. The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. The Committee calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report

#### **Dissemination**

43. The Committee requests the wide dissemination in the State party of the present concluding observations in order to make the people of Iceland, and particularly government administrators and politicians, aware of the steps that have been taken to ensure *de jure* and *de facto* equality for women and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; the general recommendations of the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Declaration and Platform for Action; and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".

**Ratification of other treaties**

**44. The Committee notes that States' adherence to the nine major international human rights instruments<sup>1</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Iceland to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.**

**Follow-up to concluding observations**

**45. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraph 24 above. The Committee also requests the State party to consider seeking technical cooperation and assistance, including advisory services, if necessary and when appropriate for implementation of the above recommendations.**

**Date of next report**

**46. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report to be submitted under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which is due in July 2010, and its eighth periodic report, which is due in July 2014, in a combined report in 2014.**

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Convention on the Rights of Persons with Disabilities.