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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Iceland

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

1. Response of the Government of Iceland to recommendations in the report of 16 December 2011 of the working group on the Universal Periodic Review (A/HRC/19/13).

Recommendation 63.1

2. Iceland converts the two first paragraphs into a voluntary commitment, as follows:

“Iceland has ratified all the key human rights instruments and the ILO core conventions on workers’ rights. These also apply to foreign nationals resident in Iceland. Iceland emphasizes that many provisions concerning the rights of migrant workers are already in Icelandic legislation but will examine whether to ratify the ICRMW following a study of possible legal implications. Iceland is of the view that issues covered in the UNESCO Convention against Discrimination in Education have already been implemented at all school levels but will examine whether to ratify the UNESCO Convention against Discrimination in Education following a study of possible legal implications.”
3. The last part of the recommendation regarding withdrawal of reservations to the ICCPR is not accepted as Iceland considers the reasons underlying the reservations to the ICCPR continue to apply. Furthermore, Iceland is of the view that these reservations are fully compatible with the objective and purpose of the Covenant, and in no way undermine its effectiveness.

Recommendation 63.2

4. Iceland converts this recommendation into a voluntary commitment as follows:

“Iceland will consider ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment after having completed a study of their legal implications.”

Recommendation 63.3

5. Iceland converts this recommendation into a voluntary commitment as follows:

“Iceland will consider ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to the Covenant on, Economic, Social and Cultural Rights after having completed a study of their legal implications.”

Recommendation 63.4

6. Accepted.

Recommendation 63.5

7. Partly accepted regarding the Convention on the Rights of Persons with Disabilities. A legislative bill is being prepared in order for Iceland to ratify the Convention.
8. Iceland partly converts this recommendation into a voluntary commitment as follows:

“Iceland will consider ratification of the Optional Protocol to the Covenant on, Economic, Social and Cultural Rights, the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance, after having completed a study of their legal implications.”

Recommendation 63.6

9. Iceland converts this recommendation into a voluntary commitment as follows:
- “Iceland will consider ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment after having completed a study of their legal implications.”

Recommendation 63.7

10. Iceland converts this recommendation into a voluntary commitment as follows:
- “Iceland will consider ratification of the ICRMW and the Optional Protocol to the Covenant on, Economic, Social and Cultural Rights after having completed a study of their legal implications.”

Recommendation 63.8

11. Not accepted.
12. Torture is considered to be prohibited by the wording of the Constitution and penal legislation.

Recommendation 63.9

13. Accepted.
14. Icelandic law is based on a dualistic system. Therefore the Government considers, in each individual case, whether and how an international convention should be incorporated into Icelandic law.

Recommendation 63.10

15. Accepted.

Recommendation 63.11

16. Iceland converts this recommendation into a voluntary commitment as follows:
- “Iceland will actively examine the possibility of establishing a National Human Rights Institution in keeping with the Paris Principles in connection with the National Action Plan on Human Rights that is being prepared.”

Recommendation 63.12

17. Iceland converts this recommendation into a voluntary commitment that is stated in the answer to recommendation no. 63.11.

Recommendation 63.13

18. Iceland converts this recommendation into a voluntary commitment that is stated in the answer to recommendation no. 63.11.

Recommendation 63.14

19. Accepted. Iceland’s development assistance programmes are prescribed in the “Strategy for Iceland’s Development Co-operation 2011-2014”, adopted by the Parliament of Iceland in June 2011.

Recommendation 63.15

20. Not accepted. The definition in the Act on Equal Status and Equal Rights of Women and Men is consistent with the wording in Directive 2006/54/EC on gender equality that contains definitions of direct and indirect discrimination.

Recommendation 63.16

21. Accepted.

Recommendation 63.17

22. Accepted and already implemented.

23. Under the General Penal Code all children under the age of 18 are effectively protected from sexual exploitation. Individuals from the age of 15 are allowed to have consensual sex. This does not in any way diminish their legal protection from sexual exploitation or sexual violence.

Recommendation 63.18

24. Accepted and already implemented. Reference is made to the answer to recommendation no. 63.17.

Recommendation 63.19

25. Accepted and already implemented with regards to the first paragraph. Reference is made to the answer to recommendation no. 63.17.

26. Accepted regarding the second paragraph. A new bill is before the Parliament amending the General Penal Code in cases regarding child prostitution, -pornography and –trafficking in order for the statute of limitation only to start when the child has turned 18 years old, irrespective of the child’s age when the violation took place. This is a part of legal amendments in order for Iceland’s ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

Recommendation 63.20

27. Accepted and already implemented.

28. The purchase and facilitation of prostitution is prohibited and punishable under the General Penal Code, with more severe punishments should the prostitute be under the age of 18. In all cases regarding prostitution, the prostitute is viewed as the victim of the case.

29. In addition various legal and specific measures are in place in the judicial, administrative and social service sphere to ensure the wellbeing and safeguarding of children, in particular those who are victims of sexual exploitation of any form.

Recommendation 63.21

30. Accepted.

31. Reference is made to the answer to recommendation no. 63.19 regarding legal amendments in order for Iceland’s ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

Recommendation 63.22

32. Accepted.

33. Iceland is currently in the process of considering ratification of the Council of Europe Convention on Prevention and Combating Violence against Women and Domestic Violence.

Recommendation 63.23

34. Iceland converts this recommendation into a voluntary commitment as follows:

“Iceland is in the process of building a new prison that will enable a better separation of prisoners and improve prison conditions in the country in general. When the new prison will be ready in 2015, two prisons that have not met the highest standards will be closed. Iceland will in addition continue to examine ways to achieve the goal set forth in the Convention on the Rights of the Child to separate juvenile prisoners from adult.”

Recommendation 63.24

35. Iceland converts this recommendation into a voluntary commitment that is stated in the answer to recommendation no. 63.23.

Recommendation 63.25

36. Iceland converts this recommendation into a voluntary commitment as follows:

“Iceland will examine the possible implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, otherwise known as the “Bangkok Rules”

Recommendation 63.26

37. Iceland converts this recommendation into a voluntary commitment that is stated in the answer to recommendation no. 63.23.

Recommendation 63.27

38. Accepted, already implemented.

39. Religious freedom is protected in the Icelandic constitution. In Icelandic legislation there are no limitations towards specific religious groups regarding the practice of religion. Religious groups can apply to be registered and by that obtain a certain legal status and financial contributions. Two Muslim religious communities are registered in Iceland.

Recommendation 63.28

40. Accepted, already implemented.

41. The Acts on corporations were amended in 2010 to include a provision that requires corporations with more than 50 employees to have a least 40 per cent women or men on their boards.

42. The act on Equal Status and Equal Rights of Women and Men includes a provision on minimum quota of 40 per cent in governmental (state and municipal) committees and councils, if the body consist of more than three members.

43. In addition, it is stated in the Act on Equal Status and Equal Rights of Women and Men that affirmative action shall not be regarded as being contrary to the Act.

Recommendation 63.29

44. Accepted and already implemented. Collective agreements on the Icelandic labour market are universally applicable through the Act on Working Terms and Pension Rights Insurance.

45. Furthermore it is stated in an Agreement between the Social Partners that it is a common task for the Parties to render their support to ensure that companies employing foreign workers in their production or their services pay wages and offer working conditions in compliance with collective agreements and Icelandic law.

Recommendation 63.30

46. Iceland converts this recommendation into a voluntary commitment as follows:

“Iceland will consider ratification of the ICRMW after having completed a study of its legal implications.”

Recommendation 63.31

47. Accepted and already implemented. In January 2012 the Minister of Welfare granted financial contributions from a fund directed at improving integration of immigrants to projects aimed at increased access for immigrants to service in municipalities and projects aimed at research to fight racism and to improve multicultural skills in the community.

48. In addition, the Ministry has participated in the Progress fund work and supported projects aimed at raising public awareness on discrimination, in particular discrimination of immigrants.

Recommendation 63.32

49. Accepted and already implemented. Collective agreements on the Icelandic labour market are universally applicable.

50. The Foreign National’s Right to Work Act was amended in 2008 so that a foreign national who got a working permit to work for a specific employer can now apply for a new work permit to work for another employer.

51. Reference is also made to the answer to recommendation no. 63.29.
