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Report of the Working Group on the issue of discrimination against women in law and in practice

Addendum

Mission to Iceland[*] [**]

Summary

The Working Group on the issue of discrimination against women in law and in practice conducted its visit to Iceland from 16 to 23 May 2013. In the present report, the Working Group presents its main findings and makes recommendations following its visit.

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[*] Late submission.
[**] The summary of the present report is circulated in all official languages. The report itself, contained in the annex to the summary, is circulated in the language of submission only.

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Annex

[English only]

Report of the Working Group on the issue of discrimination against women in law and in practice on its mission to Iceland from16 to 23 May 2013

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I. Introduction

1. The Working Group on the issue of discrimination against women in law and in practice carried out an official mission to Iceland at the invitation of the Government, from 16 to 23 May 2013. Two of its five members, Ms. Kamala Chandrakirana, and Ms. Frances Raday[1], then respectively Chairperson-Rapporteur and Vice-Chairperson of the Working Group, participated in the visit.

2. In accordance with its mandate as contained in Human Rights Council resolution 15/23, which was extended by Human Rights Council resolution 23/7, the objectives of the Working Group were to: engage in dialogue with the Government of the Republic of Iceland and other stakeholders on the issue of eliminating discrimination against women in law and in practice; identify good practices relating to the elimination of laws that discriminate against women or are discriminatory in terms of implementation or impact; and make recommendations on improvement of legislation and implementation of the law. More specifically, the Group focused on achievements in gender equality laws, persisting gaps in implementation and the gender dimensions of measures taken to address the economic crisis.

3. During its eight-day visit, the Working Group's delegation conducted dialogues in Reykjavík and Akureyri with Government officials, the Acting Speaker and members of Parliament, the Althing Ombudsperson and the Debtor's Ombudsperson, a trade union and an employers' confederation, women's rights and other civil society organizations, academics and journalists. The Group also visited the fishing village of Dalvik, where it met with its first female Mayor and a woman CEO of a fishing company. The Group wishes to especially thank the Government of Iceland for agreeing to the first visit undertaken by a Special Procedure Mechanism of the Human Rights Council to the country.

4. The Working Group enjoyed full cooperation of the Government and all authorities during its visit, and expresses its gratitude for their transparency and collaboration. It would also like to thank the representatives of civil society and the other stakeholders, with whom it met, for their insightful exchanges.

II. Context

5. Iceland has enjoyed status as one of the wealthiest and most developed nations in the world.[2] For decades, it has had one of the very highest employment participation rates amongst developed countries. It maintains a modern welfare state that guarantees its citizens the benefits of free health care, free education, guaranteed pension and high standards of living. The main industries are fishing, tourism, renewable energy industries and increasingly high-tech industries.

6. The history of women's rights and gender equality in Iceland dates back to the mid-19th century, with women gaining equal access to education and the same inheritance rights as men.[3] Icelandic society has been characterized by a high degree of gender equality, in

[1] Ms. Frances Raday assumed her functions as Chairperson-Rapporteur in June 2013.

[2] Before the 2008 crisis, Iceland had achieved high growth, low unemployment, and even distribution of income. See http://data.worldbank.org/country/iceland

[3] See Jafnréttisstofa (Centre for Gender Equality Iceland), "Gender Equality in Iceland." http://eng.fjarmalaraduneyti.is/media/Gender_Equality_in_Iceland_012012.pdf, p.5

political life, with many women in leadership positions in government, and in 1980, Iceland had its first democratically elected female Head of State.[4]

7. For the fifth consecutive year, Iceland ranks as the most advanced country in gender equality, according to the World Economic Forum.[5] It scores particularly highly in the areas of educational attainment and political empowerment of women.

8. In 2008, Iceland suffered a dramatic drop in its economy and currency following the collapse of its banking system. The collapse came in the wake of a substantial increase in spending related to consumption and the real estate market. This growth in Icelandic economy was fuelled by massive borrowing in foreign currencies. At the onset of the financial crisis, Iceland's currency, the krona, strongly depreciated, the major commercial banks collapsed, unemployment rose from 1percent to over 9 percent, inflation increased and there was a dramatic loss of savings. A salary freeze was imposed and loan payment interest was increased to 50 percent.

9. The post-crisis Government, which was elected in 2009, consisted of four men and five women, including the former Prime Minister, who was the first female Prime Minister. Women represented 42.9 percent of the Althingi, the Icelandic Parliament. Thus, female representation in the post-crisis Government peaked.

10. During the April 2013 elections, twenty-five women were elected to the Althingi, constituting 39.7 percent of its membership, a slight drop compared to the 2009 elections. In the current Government, there are three women and six men, including the Prime Minister[6], thus indicating a decline in women's executive power.

III. Legal framework and policy measures, with a focus on the economic and financial crisis

11. Key gender-sensitive measures were introduced by the post-crisis Government, including gender budgeting across all ministries and some municipalities, gender quotas for boards of private corporations, legislation criminalizing the purchase of sex, and a ban on strip clubs.

12. A legal and policy framework on gender equality was developed over the past thirty-five years and provides a sound basis for achieving full equality between men and women. This was made possible due to the vibrancy of the women's movement in Iceland, a high level of voluntarism of civil society, coupled with recognition by the Government of its role in shaping policy, and a strong tradition of participatory policy making. Almost all stakeholders agreed, including government officials that for this framework on gender equality to be fully and effectively implemented, a further change in stereotypical attitudes and the increase of social awareness present a significant challenge.

A. Legal framework

13. The principle of gender equality is specifically addressed in article 65 of the Constitution of 1995, which states that men and women shall enjoy equal rights in every respect. Further legislation has been adopted to ensure that this principle is guaranteed and

[4] Vigdís Finnbogadóttir served as the fourth President of Iceland from 1980-1996.
[5] See the Global Gender Gap Report (2013) at http://www.weforum.org/reports/global-gender-gap-report-2013
[6] Mr. Sigmundur David Gunnlaugsson is the current Prime Minister of Iceland since May 2013.

enforced. Iceland has ratified all the major international and regional instruments guaranteeing gender equality, including the Convention on the Elimination of Discrimination against Women and its Optional Protocol, the European Convention on Human Rights and most of the EU directives.

14. Iceland has adopted special legislation intended to ensure equality between women and men and their equal status in all respects. In 1961, it adopted the Equal Pay Act, aimed at addressing the gender pay gap. Currently, the 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 (hereinafter "the Gender Equality Act") establishes and maintains equal status and equal opportunities for women and men.

15. Article 1 of this Act lists a number of means to achieve that goal. It introduces, *inter alia*, a minimum quota of 40 percent in governmental (state and municipal) committees and councils, when such bodies consist of more than three members. It also institutionalizes gender mainstreaming, bans advertising in the media which demeans, debases or disrespects women or men or counteracts the equal status of women and men, and makes prevention of gender-based violence a priority.

16. The Working Group particularly welcomes the inclusion in the Act of measures for men's engagement, reinforcing men's role as agents of change in advancing gender equality. In particular, the Act tasks the Centre for Gender Equality, a national bureau in charge of administering this Act, to seek a greater involvement of men in gender equality issues, as well as aiming to change traditional gender images and working against negative stereotyping regarding the roles of women and men.[7]

17. The Working Group further welcomes reforms in the area of sexual and gender-based violence through the adoption of Act No. 61/2007, which introduced amendments to the Penal Code dealing with sexual offences. In particular, amendments were made to articles 194-199 of the Code relating to rape and other offences against the sexual freedom of persons and also to articles 200-202, dealing with sexual offences against children.

18. The Working Group also observes that Article 22 of the 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, clearly places a duty on employers to take measures to protect employees, students and clients from gender-based or sexual harassment in the workplace and in schools.

19. In 2000, the Althingi passed Act No. 95/2000 on Maternity/Paternity and Parental Leave. The joint leave entitlement was extended from six to nine months and those parents who are active in the labour market are paid 80 percent of their average salaries during their leave. Parents have equal rights as the leave is distributed evenly between both parents. Fathers have three months' non-transferable leave, mothers have three months and the parents then have three months to share as they wish (3:3:3).

20. The Working Group notes with appreciation that in December 2012, the Althingi voted in favour of a bill revising Act No. 95/2000, which proposed that parental leave be gradually extended from 9 to 12 months and that parents should be paid 80 percent of their previous pre-crisis income. Under this proposal, by 2016, fathers would have five months' non-transferable leave, mothers have five months, followed by two months for parents to share as they wish (5:5:2).

[7] Art. 4, 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.

21. The Working Group welcomes the Act on Gender Quotas in Corporations, adopted in 2010, which has extended the 40 percent gender quota already in force in public committees and bodies to the corporate world for companies with 50 employees and above.

22. In 2010, purchase of prostitution was made punishable by law, through amendments to the Penal Code[8]. It became illegal to advertise prostitution. That same year, a ban on strip clubs was enacted through amendments to the Act on Restaurants, Accommodations and Entertainment[9], prohibiting profit from nudity. This ban enabled authorities to close strip clubs that had been linked with prostitution, human trafficking and other illegal activities.

23. The Working Group however has received information that implementation of these two amended laws remains weak. A campaign organized by women's activists called "Operation Big Sister", aimed to uncover the existing online prostitution market. Although the evidence the campaign gathered could not be used to launch an investigation or make any arrest since it was deemed to have been collected by entrapment, the campaign drew attention to the issues and highlighted both a lack of political will to prioritize implementation of these laws coupled with a lack of capacity of law enforcement agencies to effectively enforce them.

24. Legislative developments have also taken place in the area of LGBT rights. The Marriage Act, adopted in 2010, establishes a gender-neutral definition of marriage and applies to both heterosexual and same-sex couples. Also, a new law on the rights of transgender individuals was adopted in June 2012, improving their legal status.

25. The Working Group notes that at the time of its visit three separate anti-discrimination bills had been under discussion for quite some time: the bill on equal treatment in the labour market, whose objective is to combat discrimination, establish and maintain equal treatment of persons in the labour market regardless of a person's race, ethnic origin, religion, belief, disability, age, sexual orientation or transgender identity; a bill on equal treatment, aimed at ensuring equal treatment in relation to social protection, including social security, health care and education, regardless of a person's race and ethnic origin; and a bill on equality in administration, whose purpose is to combine the provision of administration in relation to equal treatment, regardless of prohibited grounds, and in relation to gender equality in one legislative instrument.

26. The Working Group notes that these anti-discrimination bills had been sent to key stakeholders for review and were to be made available to the public for comments in May 2013 and due to be submitted to Parliament in 2014 - 2015. The Group is of the opinion that the adoption of such an anti-discrimination law framework would help remove multiple discrimination against women based on the intersection of sex and race or ethnicity, including with regard to women of foreign origin.

B. Policy measures

1. Policy measures aimed at mitigating the gender impact of the crisis

27. In the context of the on-going economic crisis in several parts of the world, Iceland provides some key lessons for nations facing severe financial crisis, as the country's economic and social measures led to a strong and gender-responsive recovery. In fact, Iceland was designated number one in the world for gender equality by the World

[8] Art. 206, Act No. 19 (1940).
[9] Act No. 85/2011.

Economic Forum[10] precisely at the time it was dealing with the worst economic crisis in its history. This achievement reflects the consistently high priority given by the Government to integrating gender equality throughout its policy-making, and the wide consensus among all stakeholders that gender equality is a pillar of Icelandic society.

28. The Working Group conducted its visit when Iceland was still re-emerging from the 2008 economic meltdown. It had been praised by international experts, including those of the IMF, for taking measures which had led to recovery, such as keeping a strong commitment towards safeguarding its welfare system and imposing the immediate cost of losses on bondholders rather than taxpayers.[11] In response to the banking crisis, Iceland engaged in financial restructuring involving greater state ownership of banks and increased overall public expenditure. Emergency legislation authorized the take-over by the State of banks experiencing payment difficulties. Unlike several other countries in the world that faced financial crisis, Iceland chose not to offer immediate repayment to creditors of the country's banks, thus alleviating the economic burden on employers, employees and other members of society.[12] Instead, the International Monetary Fund gave its consent to a recovery programme, which was conditional on Iceland reimbursing its creditors for their losses over a prolonged period.

29. To avoid undermining women's position in the job market, an economic policy decision was made to preserve public service jobs. The Working Group appreciates the importance of this measure for working women as women occupy 57 percent of public service jobs and the public service sector also provides services on which families, and especially working women, are dependent. In some sectors, including health care centres, employees' working time was reduced from 100 percent to approximately 80 percent and employers were allowed the possibility of laying off employees for a maximum of 50 percent of their working time, accompanied by a compensatory grant of 50 percent unemployment benefit. At the peak of the crisis, the unemployment rate reached 10 percent, which was lower than that of many other European countries in crisis.

30. In December 2008, the Icelandic Parliament established a Special Investigation Commission (SIC) tasked with investigating and analysing the processes leading to the collapse of the three main banks in Iceland. The SIC report[13] to the Althingi in 2010 concluded that the main cause of the failure of the banks was the rapid growth of the banks, their size at the time of the collapse and high risk borrowing and investment.

31. The governmental SIC analysis, issued by Thorgerdur Einarsdóttir and Gyða Margrét Pétursdóttir, respectively Professor and Assistant Professor of Gender Studies in the Faculty of Political Science at the University of Iceland, found that the causes for the financial collapse were heavily gendered.[14] Examining the role gender played in the events leading up to and after the collapse of the banks, the Report revealed that social and

[10] The Global Gender Gap Report (2009): http://www.weforum.org/reports/global-gender-gap-report-2009

[11] In 2011, after the introduction of austerity measures, Iceland's economy showed and maintained the first signs of growth, allowing unemployment to quickly decrease. The positive results of monetary and financial policies led Iceland to be lauded by the IMF in 2012 for its impressive economic recovery.

[12] See Iceland's Unorthodox Policies Suggest Alternative Way Out of Crisis, http://www.imf.org/external/pubs/ft/survey/so/2011/CAR110311A.htm

[13] A summary of the report available at http://www.rna.is/eldri-nefndir/addragandi-og-orsakir-falls-islensku bankanna 2008/skyrsla-nefndarinnar/english/

[14] Thorgerdur Einarsdóttir and Gyda Margrét Pétursdóttir, An analysis of the report of Althing's Special Investigation Commission from a gender perspective, (2010)

culturally ingrained ideas and discourse relating to gender played a large part in these events.

32. In particular, the above-mentioned report shows that all the main players in the collapse of banks were men and, that women were in a minority in politics, business, and companies' boards of directors, the media, bank owners, borrowers and the recipients of grants.[15] It also stated that men, who were the main players in the collapse, had acted in the context of a masculine culture which was highly competitive and encouraged risk-taking.

33. The intense and highly gendered public debate following the crisis also led to a governmental decision to create a "Gender Equality Watch", to ensure that the crisis would not undermine existing achievements in gender equality. Its role was to evaluate the ongoing impact of the economic situation from a gender perspective with the objective of ensuring that actions taken to strengthen the economy would reflect gender equality principles.

34. After the 2009 elections, the Gender Welfare Watch was incorporated into the Minister of Social Affairs and Social Security's 'Well-Being Watch', whose task was to systematically monitor the effects of the financial crisis on individuals and households in Iceland. Its broad constituency composition[16] ensured its legitimacy. Successive reports from the Well-Being Watch recommended options for Iceland's social protection system to shelter more vulnerable groups during the economic crisis.

35. The issue of gender equality gained an increased momentum in the post crisis debate and, after 2008, women became very prominent in leading positions in the executive branch. Prime Minister Jóhanna Sigurðardóttir was head of government and she established the position of Special Advisor on Gender Equality in her cabinet. She also brought other women into Government during her tenure and women held economic portfolios such as Minister of Finance.

36. Furthermore, in January 2011, the government presented the Iceland 2020 policy statement[17], which outlines a vision for the future of the country with a gender mainstreaming perspective. This policy statement was developed through dialogue and collaboration among all stakeholders throughout Iceland, including consultation with regional associations, local authorities, trade unions and economic interest groups. The policy aimed to ensure more targeted and effective policy-making and planning in the public sector and acknowledged the need to continue to incorporate a gender mainstreaming perspective into government policy-making and employment creation measures. Among its fifteen concrete objectives, it lists the goal of narrowing the gender gap to 0.9 by 2020, in accordance with the indices of the Global Gender Gap Index.

37. The Working Group welcomes the fact that the newly-elected Government, which was inaugurated in May 2013, has retained the ministerial committee in charge of cross sectorial coordination on gender issues, which was an initiative of the Office of the former Prime Minister and is now chaired by the Prime Minister and composed of the Minister of Social Affairs and Housing, the Minister of Finance and Economic Affairs and the Minister of the Interior.

38. The Working Group notes that the economic crisis triggered a broader public debate which led to an attempt to introduce constitutional changes. For that purpose, in 2011, the Parliament appointed a Constitutional Council, composed of 25 delegates from the

[15] Ibid., p.3

[16] Its steering group was composed of 19 representatives from, inter alia, several ministries and civil society.

[17] See http://eng.forsaetisraduneyti.is/media/2020/iceland2020.pdf

citizenry, which delivered its proposal for a completely revised Constitution during the summer 2011. This proposal emphasized the need for checks and balances between the three branches of government as well as principles of accountability. It furthermore stressed the need for transparency, fairness, protection of the environment; national ownership of natural resources, with rules for efficient and fair exploitation; and prioritizing the fight against corruption. It also stated that men and women should enjoy equal rights in all respects and without discrimination on the basis of, inter alia, sex. Additionally, the proposal set out an extensive programme on social rights. A national non-binding referendum, held in October 2012, resulted in a 49 percent turnout, with approximately two-thirds of the voters affirming the proposal of the Constitutional Council to be used as the basis of a legislative bill for a new Constitution. However, the national Parliament was not able to conclude its work on this Bill before the 2013 April elections.

39. At the policy level, a Plan of Action on Gender Equality for the period 2011-2014 was adopted by Parliament. Its aim is to ensure that particular strategies, such as gender budgeting, are implemented by all ministries. Under this new plan, the different implications for women and men of any planned governmental action were to be examined in order to ensure fuller and more widespread implementation of gender mainstreaming. The Plan's objectives include addressing underrepresentation of women in Government, gender disparities in the labour market, the gender pay gap, gender-based violence, gender equality in education, the engagement of men in gender equality initiatives and the involvement of the country in international co-operation efforts to promote gender equality.

40. The Working Group regards the introduction of gender budgeting in 2009 during the economic crisis as commendable. The budget constitutes a central and crucial policy statement and the inclusion of gender budgeting demonstrates a deep commitment to gender equality which can help to remove invisible barriers to gender equality. Gender budgeting has been part of the Government's policy to mitigate the impact of austerity measures on women. The gender budgeting programme aims to become an ongoing part of public administration and good economic management. For 2011-2014, each ministry in the Government has chosen a main policy area to which gender budgeting will be applied.

2. Policy on work life balance

41. As noted above, through the Maternity/Paternity and Parental Leave Act No. 97/2000, Iceland introduced measures to address many of the challenges women face in accessing equal working conditions and balancing work and family life, such as equalizing mothers' and fathers' access to parental leave, providing paid leave of three months for mothers, three for fathers and three shared (3:3:3). The three months earmarked respectively for the mother and the father are not transferable and this measure gives the distinct message both within the family and within the workplace that parental care[18] is not stereotypically a woman's burden and fathers share a common responsibility in the upbringing of their children.

42. It is reported that fathers have accepted paid paternity leave with enthusiasm, with approximately 90 percent taking advantage of this leave, resulting in their enjoyment of closer relationships with their children and placing women and men on a more equal footing in the workplace.[19] Although the Group heard from some sources that some men see their paternity leave as mere vacations, other research has shown that the policy on paternity leave has led to a change in the culture that viewed women as primarily responsible for child care.

[18] A/HRC/WG.6/12/ISL/1, para. 25.
[19] See Icelandic Review of Politics and Administration, 9(2), 323-344

43. The Working Group commends the Government for its efforts to ensure that austerity measures would not disrupt this gender balance. This was achieved by reducing the level of leave payment but in an equal manner for both parents. The Group further commends the decision, in the post-crisis recovery, to re-establish the original level of leave pay and to gradually reduce the length of the shared months from three to two (5:5:2) in order to further reduce the divisible time-frame in which women have been generally the parent to take the leave.

44. Also, subsidies to childcare providers have been provided and public childcare has expanded over the last few decades. Municipalities are in charge of child care and provision of subsidized child care services[20] starting at the age of one year, which is the time at which paid leave for mothers and fathers ends. The Working Group notes with appreciation that child care leave and subsidized child care services extend to self-employed parents. The Group observes that this may partially explain the fact that, at 78 percent, Iceland had one of the highest rates of female labour force participation among OECD countries in 2010, despite also having one of the highest fertility rates in Europe[21].

45. Despite highly progressive measures taken to conciliate family and work life, most stakeholders, both governmental and non-governmental, with whom the Working Group met, shared the view that more could be done to achieve greater flexibility in working conditions and facilitate conciliation of work and parenthood. They suggested one way this could be achieved is by synchronizing parents' holidays and working hours with day care and school hours for children.

3. Positive action in the corporate sector

46. As noted above, the Working Group appreciates the adoption of the Act on Gender Quotas in Corporations in 2010, which extended the 40 percent gender quota already in force in public committees and bodies[22] to the corporate world for companies with 50 employees and above. The adoption of this Act was unanimously reported to the Group as being a direct consequence of the financial crisis. However, the Group notes that the minimum number of employees required is rather high for the Icelandic context. The Group was encouraged to hear that, while this law was not to enter into effect until 1 September 2013, private corporations had received it well and had already, at the time of the visit of the Group, started to increase the representation of women on their boards, so as to be fully compliant at the date of its entry into force. The introduction of the quotas in public boards was unanimously reported to have been effective in changing the working spirit of public companies and making them more family-friendly. The Group is therefore confident that this measure, applied in a corporate context, will have a transformative impact on women's leadership in the private sector.

47. Another challenge facing women is the access to financial resources to establish their own companies (women only own 20-25 percent of companies). The Directorate of Labour, within the Ministry of Welfare, manages projects providing either grants or loan guarantee funds for women willing to start their own business.

[20] Child care is mainly taxed-based financed and supplemented by parental fees (approx. 25 percent) but with reduced or waived fees for low income groups.

[21] 1.88 children born/women (2013 est.)

[22] See article 15 of the Act on Equal Status and Equal Rights of Women and Men

IV. Institutional Framework

48. The Ministry of Welfare is the main body responsible for creating and implementing policies on gender equality through a number of gender equality bodies.

49. The main gender equality bodies in Iceland are the Centre for Gender Equality, the Gender Equality Council and other specialised complaints committees such as the Gender Equality Complaints Committee. In addition, the Althingi Ombudsman plays an important role in ensuring that the principle of equality, including gender equality, is observed by the administration in Iceland.

A. The Centre for Gender Equality

50. The Centre for Gender Equality (hereafter "the Centre") is regarded by key stakeholders as an important source of advice and assistance in advancing gender equality goals. It is a special institution under the Ministry of Welfare, which is in charge of administering the Act on Equal Status and Equal Rights of Women and Men No. 10/2008 (article 3). Among other tasks, as stated in Article 4 of this Act, the Centre provides advice to government authorities, institutions, companies, non-governmental organisations and individuals on gender equality issues. It also monitors gender equality developments in society, through the gathering information and research. Additionally, the Centre works on preventive measures against gender-based violence, gender-based wage discrimination and other forms of gender discrimination in the labour market. Furthermore, it is also involved in mediating disputes referred to it under the Gender Equality Act.

51. The Centre also acts as a watchdog. If it suspects a possible violation of the Gender Equality Act, the Centre can request relevant information from any Governmental institution, private enterprise or NGO. If it receives no response, it has the authority to impose a daily fine until the information requested has been provided.

52. Similarly, according to article 18 of the Act, enterprises and institutions with more than twenty-five employees are required to adopt gender equality programmes or mainstream gender equality into their personnel policy, such as equal pay, combining occupational and family obligations and special measures to prevent sexual harassment in the work place. If an enterprise or institution fails to comply with the instructions given by the Centre, the latter may determine that the enterprise or institution pays a daily fine until it complies with instructions. In practice, this power has never been used by the Centre, as invariably, a response to a request for information is received. The Centre reported that it had provided advice to banks regarding the design of their action plans and that, at the time of the visit of the Working Group, was examining the gender plans of all the municipalities.

53. The Centre is tasked under the Act to increase the level of activity regarding gender equality issues through greater involvement of men in gender equality work. As such, a working group composed of men submitted a report with suggestions to the Minister of Welfare on a broad range of priority areas such as sexual and gender-based violence, caregiving, health and quality of life, pornography and prostitution, education and gender segregation of the labour market. Furthermore, the Act requires that all ministries shall have a gender equality representative tasked with monitoring gender equality work in the policy areas of the ministry in question and its institutions.[23] The gender equality representatives are requested to submit on a yearly basis a report to the Centre for Gender Equality. Similarly, the Act also required municipalities to appoint gender equality committees to

[23] Article 13 of the Gender Equality Act.

examine equal status and equal rights of women and men within their municipality.[24] The gender equality committees also submit a biennial report to the Centre.

54. Despite these achievements, the Working Group is concerned that inadequate funding and staffing shortfalls at the Centre is likely to impact its efficiency and effectiveness. While its mandate was expanded in 2008, its budget was reportedly cut by 30 percent during the economic crisis. Furthermore, concerns were raised about the location of the Centre far from Reykjavik[25], making access very difficult for some right-holders to seek its services.

B. The Gender Equality Council

55. The Gender Equality Council (hereafter "the Council") is composed of eleven representatives appointed by the Minister of Welfare in collaboration with employees, employers' associations and a selection of major civil society organisations specialised in gender issues[26]. The Council works closely with the Centre for Gender Equality and advises the Minister of Welfare and the Director of the Centre for Gender Equality on policy-making regarding gender equality issues.[27] This role particularly includes the promotion of gender equality in the labour market and the reconciliation of work and family life. Additionally, the Council is responsible for, in consultation with the Minister of Welfare, preparing the bi-annual Gender Equality Forum. The purpose of the Forum is to create a platform to assess and discuss gender equality issues in the country. The Council presents a report on its work to the Forum.

C. Gender Equality Complaints Committee

56. The Gender Equality Complaints Committee (hereafter "the Committee") examines cases and delivers a ruling on whether provisions of the Gender Equality Act have been violated. The Committee's rulings are binding for the parties and they may refer them to the courts.

57. The Committee is competent to review cases of alleged discrimination based on gender. According to information received during the visit, the Committee received around 11 complaints in 2012, of which 70 percent were from women. Out of this number, approximately 50 percent related to discrimination during the hiring process and 20 percent to wage discrimination. In general, however, only two cases on average per year reach a decision on the merits.

D. Althing Ombudsperson

58. Iceland's institutional framework for the protection of human rights is focused on the office of the 'Althingi' or Parliamentary Ombudsperson. According to article 3 of Act No. 85/1997, the Ombudsman monitors the administration of the State and local authorities, as well as the activities of private bodies, insofar as they have been vested by law with authority to decide on individuals' rights and obligations. Furthermore, article 3 provides that jurisdiction of the Ombudsman shall not cover proceedings of the Althingi and its

[24] Ibid., article 12.
[25] The Centre for Gender Equality is located in Akureyri only.
[26] Article 8 of the Gender Equality Act
[27] Ibid., Article 9.

bodies, proceedings of the courts of law, or decisions and other acts of the authorities where the law expressly states that redress should be sought before the courts. The Ombudsman has powers to act on complaints submitted to him or her by individuals, and can also take up cases *suo moto* under article 5. Interestingly, proceedings under article 5 are not bound by the restriction of jurisdiction prescribed under article 3, and so it appears that the Ombudsman can inspect the actions of judicial bodies as long as it acts on its own volition and not at the behest of a private person.

59. An important feature of the Ombudsman of the Althingi is that he/she can also review the legality of administrative acts. As such, he/she has an explicit role in safeguarding gender equality. However, very few cases have been submitted in relation to discrimination against women and it was reported that out of the total complaints received, only 25 percent emanated from women, a very low percentage, bearing in mind that women constitute 57 percent of women in the public service.

E. Lack of a National Human Rights Institution

60. There is no National Human Rights Institution (NHRI) under the Paris Principles in Iceland. The Working Group acknowledges both Iceland's commitment to assess the need for a NHRI, as expressed during its consideration by CESCR in 2012 (E/C.12/ISL/Q/4) and preparatory work undertaken for the establishment of such an institution. In the absence of a NHRI, its role is *de facto* assumed by the Icelandic Human Rights Centre. This Centre is an independent non-governmental institution established in 1994 and is partially funded from the state budget. Its purpose is to promote human rights by collecting information on and raising awareness of human rights issues in Iceland and abroad. The Centre works to make human rights information accessible to the public by organising conferences and seminars on human rights issues and providing human rights education. The Centre also promotes legal reform and research on human rights and has established the only specialised human rights library in Iceland. It also provides legal counselling in accordance with an agreement with the Ministry of Welfare. The majority of this counselling is provided to women who have suffered abusive relationships. It also reaches out to immigrant women by disseminating information on their rights in different languages.

V. Persistent gaps and emerging challenges

61. Despite these highly progressive achievements, Iceland continues to face persistent gaps, which are unresolved in two main areas: discrimination in the labour market and gender-based violence. In both these areas, implementation of laws is lacking and it is reported that women do not have sufficient trust in the system to seek redress for violations of their rights.

A. Persistent gaps and emerging challenges

62. Despite Iceland's long term achievements in gender equality legislation and its efforts to protect the most disadvantaged groups of society, including women, in the aftermath of the financial crisis, discrimination against women remains in practice.

63. Annual salaries of women remain, on average, one-third lower than those of men. The wage gap is due to a variety of reasons, including: the gender-based hourly wage-gap; the sex segregated job market with women predominately in lower paid sectors, such as teaching and providing care; the low proportion of women in corporate leadership positions and; the lack of any substantial reversal in traditional domestic gender roles, with men

continuing to be less likely to take paternity leave, despite the existence of progressive legislation.[28]

64. In addition, studies[29] commissioned by the Government have assessed that, although after the crisis in 2010, female unemployment (6.7 percent) was lower than that of male unemployment (8.3 percent), female unemployment would last longer due to the emphasis of job-development plans proposed by the government on traditionally male jobs in the manufacturing and construction industries. Other studies have also found that the proportion of women in low-wage jobs has grown more quickly than that of men between 2008 and 2010 and that the number of retired women on pension payments below the level of the minimum-wage had also increased[30].

65. Despite the fact that an act on equal pay for equal work has been in force since 1961 and measures have been undertaken to close the pay gap, including through the imposition of a compulsory submission of equal pay plans on companies with fifty employees and above, a gender pay gap of approximately 10-20 percent, including in the public sector, still persists. It is clear that the formal right to equality in pay is not enough and enforcement mechanisms are necessary. In this respect, the Working Group notes that very few gender pay gap cases were brought to courts.[31]

B. Gender-based violence as the missing link to full equality

66. The Working Group is concerned that there is a high level of gender-based violence in Icelandic society. The Working Group's attention was drawn to the results of a comprehensive research[32] carried out from 2008-10 at the request of the Minister of Welfare, which revealed that 42 percent of the women surveyed had been subject to violence at some point since the age of 16. Approximately 30 percent reported having suffered physical violence, 24 percent reported sexual abuse and 13 percent reported rape or attempted rape. Reports commissioned by the Government[33] at the time of the peak of the crisis also highlighted an increase in gender-based violence and an increasing number of women seeking assistance from women's shelters.

67. The Working Group notes that, in 2007, some positive reforms took place in the area of sexual and gender-based violence, through Act No. 61/2007, which repealed a clause of the Penal Code allowing a rapist to be exempted from punishment if he married the victim. One of the amendments introduced was the broadening of the definition of rape, which now includes, in addition to the use of physical violence, other forms of sexual coercion and exploitation of the victim's poor mental condition or inability to resist the action or to realize its significance.[34] Under the amendment, the offence of rape carries a far heavier punishment than before, with a prison sentence of between 1-16 years, instead of a maximum of 6 years. Furthermore, aggravating circumstances leading to the imposition of increased severity have been defined in the law.[35]

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28 See http://eng.fjarmalaraduneyti.is/media/Gender_Equality_in_Iceland_012012.pdf

29 See http://www.velferdarraduneyti.is/media/ritogskyrslur2011/Konur_i_kreppu_22032011.pdf

30 See http://eng.fjarmalaraduneyti.is/media/Gender_Equality_in_Iceland_012012.pdf

31 Approximately 7-8 cases have been reported in the past twenty years.

32 Seehttp://eng.velferdarraduneyti.is/media/rit-og-skyrslur2012/Ofbeldi_gegn_konum_enska_feb_2012.pdf

33 See for example, "Women in the Time of Crisis" at http://www.velferdarraduneyti.is/media/ritogskyrslur2011/Konur_i_kreppu_22032011.pdf ; and Erla Sigurdardóttir, "Nation-centric masculinity ideals and the Icelandic bank Collapse" NIKK 3 (2010): 26-28.

34 Supra n. 8, article 194.

35 Ibid., article 195.

68. The Working Group also acknowledges the introduction of the system of protective orders through Law No. 85/2011 in 2011, which authorizes the removal of the party accused of domestic violence from the household and puts in place restraining orders in cases of suspected domestic violence. It heard criticism that this legislation was not proving effective. No protective order had yet been issued in the two years since its enactment. Furthermore, the very short duration of the orders (48 hours) renders them ineffective to protect the victim.

69. The Working Group appreciates the multi-faceted initiative launched in 2010 by the Ministry of Interior to address the treatment of issues of sexual violence in the criminal justice system and the extensive consultations with police, child protection specialists, lawyers and academic researchers recommending, inter alia, increased emphasis on violence prevention.

70. The Working Group notes that there is a clear need to make efforts to increase the gender sensitivity of the judiciary, as emphasized by representatives of the Ministry of Interior during the Group's visit. Furthermore, the Working Group observes that women are severely underrepresented in the judiciary. Only two out of twelve Supreme Court justices and fourteen out of 38 District Court judges are women, while there are more female than male law graduates[36] .

71. The Group received information regarding a recent Supreme Court case in Iceland which raises concern. While the perpetrators in that case were charged with sexual assault, four of the five Supreme Court justices ruled that the facts of the case did not meet the criteria for a charge of sexual assault, as the assailants' intent was not the achievement of sexual gratification, but rather "only" to physically hurt the victim. The Group was further informed of cases in which rape charges were dismissed because the prosecution decided that injuries could have been sustained during "rough sex".

72. The Working Group is concerned that the current wording of the Penal Code, which states that a person that uses "violence, threats or other unlawful coercion or exploits the victim's poor mental condition or inability to resist the action or to realize its significance" … shall be guilty of rape…." provides too narrow a definition of rape.[37] The Group is of the view that the current definition, which does not regard lack of consent as the defining element of rape, does not provide legal protection for a victim who "freezes" (responding to the attack with tonic immobility, also known as rape-induced paralysis) or for victims of fraud, undue influence, or other non-physical but coercive tactics.

73. The Working Group emphasizes that both the European Court of Human Rights and the CEDAW Committee have rejected definitions of rape which require evidence of violence or physical coercion. The former has found that Bulgaria had violated its positive obligations under the ECHR primarily because the Bulgarian judicial authorities took physical resistance rather than lack of consent, as the central defining element of rape[38]

74. In the case of *Karen Tayag Vertido v. The Philippines*, the CEDAW Committee focused on dismantling the gendered assumptions that require physical resistance by the victim, stressed that "there should be no assumption in law or in practice that a woman gives her consent because she has not physically resisted the unwanted sexual conduct, regardless of whether the perpetrator threatened to use or used physical violence" (para. 8.5) and recommended that the Philippines review its definition of rape in the legislation so as to place the lack of consent at its centre (para. 8.9).

[36] Data obtained from www.statice.is
[37] Article 194 of the Penal Code
[38] See Case of M.C. v. Bulgaria, application n° 39272/98), para. 178-185

75. Additionally, REC (2002)5 of the Committee of Ministers of the Council of Europe on the protection of women against violence recommends that Member States "penalize any sexual act committed against non-consenting persons, even if they do not show signs of resistance".

76. The Working Group is further concerned that domestic violence is only indirectly covered under various articles in the Penal Code and there is no specific and separate definition and prohibition, which can deal with the special characteristics of this offence, as is required by CEDAW GR 19. The Group is also concerned at the insufficient numbers of emergency shelters, with only one shelter each in Reykjavík and Akureyri. Furthermore, the Group received information that, in cases where women had killed their husbands in response to severe domestic violence, these circumstances were not given any weight in the trial or in mitigation of the punishment.

77. The Working Group is concerned at the low rates of reporting of gender-based violence to the police, of prosecutions by the police or of convictions. In relation to rape, 46 cases of rape were reported to the Office of the Prosecutor in 2008, out of which 14 cases were brought to trial (30 percent); 7 cases led to convictions in district courts (15 percent); and 7 cases were appealed at the Supreme Court, of which 3 cases led to acquittals.[39]

78. In this regard, the Group recalls the CEDAW Committee's 2008 concluding observations to Iceland regarding the significant disparity between the numbers of investigated cases of sexual offences and the numbers of prosecutions and convictions. The Committee was alarmed that this issue had not been fully addressed and corrected five years after the CEDAW's earlier recommendation on this issue[40]. Furthermore, the although national police statistics from 2011 show an increase in reporting figures, with 128 reports of rape, there seems to be a decrease in the percentage of cases prosecuted and convicted: 22 cases went to trial (17 percent) and 8 resulted in convictions (6 percent) (three were still pending in the Supreme Court at the time of the visit).

79. The Working Group met with women who expressed their loss of trust in the criminal justice system. Icelandic activists argue that these low conviction rates are a result of the burden of proof in rape cases, which discourages victims from reporting acts of rape and authorities from prosecuting them. Furthermore, the Group is concerned at the leniency of convictions. Despite the maximum penalty for rape being 16 years imprisonment, it was reported that, to date, the maximum sentence handed down has been 5 years for a single offense and 8 years for multiple counts of rape.

80. More specifically, the Working Group is concerned at the high number of dismissals of charges by the national prosecutor. Decisions to prosecute are allegedly made by two staff members who work for the national prosecutor, under article 145 of Law no° 88/2008 on Criminal Procedure, which states that the national prosecutor shall not prosecute a case which is not likely to result in a conviction[41]. It was reported to the Working Group that only one in three people who bring rape charges are brought before a judge. Furthermore, the Group received information that such cases progress very slowly in contravention of the official regulations[42] and victims who pressed charges are not kept abreast of the process. Some cases which had attracted media attention were reported to the Group, in which suspected rapists, who were charged with rape and serious assaults, were not detained

[39] Jafnréttisstofa. 2012. Gender Equality in Iceland. Akureyri: The Centre for Gender Equality, http://eng.fjarmalaraduneyti.is/media/Gender_Equality_in_Iceland_012012.pdf , p.25

[40] CEDAW/C/ICE/CO/6, para 218.

[41] http://eng.innanrikisraduneyti.is/laws-and-regulations/nr/1339

[42] A 60-day maximum for the police and 30-day maximum for the national prosecutor. See http://www.althingi.is/lagas/143a/2008088.html

during trial. In one such case, an alleged perpetrator with a prior conviction was released, enabling him to commit additional acts of gender-based violence.

81. Additionally, the Working Group was informed that the sex crime unit of the police which was formally comprised of 5-6 investigators was dismantled in 2010 due funding cuts as a result of the economic crisis. This unit was absorbed into a unit that deals, inter alia, with crimes such as murder, and serious bodily harm. This was perceived as a significant setback by representatives of many organizations working in the field of sexual violence with whom the Working Group met. They reported fearing that rape and other forms of gender-based violence are likely to be neglected by the sex crime unit when merely included amongst other serious offences.

82. The Working Group was further informed that rape crisis clinics, which provide professional assistance and treatments to victims, have been progressively downsized since 2005 and that, since the posts of social workers and specialized nurses in these clinics were abolished, nurses who work at the emergency rooms of general hospitals assist rape victims. Also, it was reported that there are no standardized measuring tools for psychological assessment of rape victims and psychologists use different standards for measuring Post-Traumatic Stress Disorder (PTSD), which can create different results making judges hesitant to give weight to the assessments.

83. The Working Group is alarmed at reports of growing numbers of boys, sometimes as young as 13 years old, watching violent pornographic images, which results in a distorted perception of relationships between boys and girls. However, the Group acknowledges the Government's efforts to attempt to limit online access to pornography, including a ban on print and online pornography. It also welcomes preventative measures, including well-designed and creative educational programmes for children and teenagers, which have been introduced in schools across Iceland.[43]

C. Insufficient collection of sex-disaggregated data

84. While the Act on Gender Equality lists, as a mean to establish and maintain equal status and opportunities for men and women, the analysis of statistics according to gender (art.1), the Working Group has received information from various stakeholders regarding the collection of sex-disaggregated data which has been reported as inconsistent and partial, particularly in the area of violence against women. The Group notes that there is a need for improvement in the availability and accessibility of statistics.

D. Women of foreign origin

85. Immigrants represented 8.3 percent of the total population in 2009[44] and reached approximately 16 percent (of which 8.4 percent were female) in 2013, confirming that Iceland is undergoing an unprecedented demographic change, with a steady increase of persons of foreign origin, including immigrants, migrant workers and their families, refugees, asylum seekers. The Working Group takes note, of a report[45] released by ICI

[43] For example, the puppet show "Krakkarnir í hverfinu" (meaning "The kids in the neighbourhood") is shown to all 9 year-old in schools in Iceland, and the educational short film Fáðu já! ("Get consent!") is shown to 13-15 year old school children. The latter film emphasizes the importance of always obtaining consent from a partner before having sexual relations as well as addressing issue of pornography, self-image and setting boundaries in intimate relationships.

[44] Ibid.

[45] See http://www.ici.is/index_files/Page963.htm

(InterCultural Iceland) in May 2013, which found that approximately 40 percent of Icelandic residents of foreign background felt discriminated against, on an almost daily basis, particularly in the workplace.

86. While there is no evidence of discriminatory attitudes in the political discourse, several NGO representatives noted that the lack of policies to address the particular challenges that immigrant women face has resulted in de-facto discrimination against them. Reports indicate that women of foreign origin represented 31 percent of all women seeking assistance and information at the women's shelters and 52 percent of those who stayed at the shelter for long or short periods of time.

87. The Working Group notes the measures which have been taken to address the risk of immigrant victims of domestic violence adhering to abusive relationships in order to avoid deportation, such as the amendment to the Act on Foreign Nationals (article 5 b). This allows individuals from countries outside the European economic area to retain their residence permits upon divorce from Icelandic-born spouses, in circumstances where abuse or violence has been perpetrated on the foreign spouse or the spouse's child, as well as making women aware of these changes.

88. Despite these efforts, the Working Group received information that women of foreign origin are largely unaware of the above-mentioned changes and that additional outreach should be undertaken to ensure that those victims of domestic violence are not forced to stay in violent relationships to avoid deportation. The media was reported be inactive in relation to informing the public on immigrant issues, including the situation of immigrant women in Iceland.

E. Single women and retired women

89. In Iceland, women account for 91 percent of all single parents and 77 percent of those single parents that suffer severe economic difficulties.[46] Prior to the crisis, the difficulties single mothers were facing in making a living and repaying debts were already well documented. It was estimated that a third of single mothers were at risk of poverty, working more hours per week than other women and often working away from home.[47] The 2011 Welfare Watch's report, which assessed the impact of the crisis on the welfare of Icelandic women and focused on the economic status of women, noted that the financial situation of single women and single mothers had deteriorated.

90. Wages and pension funds were badly hit during the financial crisis in 2006. According to research, the proportion of women in low-wage jobs grew more quickly than that of men during this period, as a result of the economic crisis. The number of retired women receiving pension payments below the minimum wage level increased.[48] The vast majority of people in retirement age received old age pensions from Social Security. This category represents respectively 83 percent of the female and 72 percent of the male retirement age populations[49] (2009). Additionally, men accounted for approximately 40 percent and women almost 60 percent of those who also received old-age pension

[46] See http://eng.fjarmalaraduneyti.is/media/Gender_Equality_in_Iceland_012012.pdf

[47] Júlíusdóttir, Sigrun and Sigurdardottir, Solveig. Social Conditions and Quality of Life. Study of the Situation of Single Parents. (Reykjavík: Research Institute for Children and Family, 2009).

[48] Jafnréttisstofa (Centre for Gender Equality Iceland). "Gender Equality in Iceland." p. 8

[49] See Synthetic Report prepared by the EGGSI Coordinating Team, November 2011: http://ec.europa.eu/justice/gender-equality/files/equal_economic_independence/pensions_report _en.pdf, p.46.

supplements provided to those below a certain level of minimum income.[50] In the wake of the financial crisis, the occupational pension funds generally cut pension payments by approximately 10 percent in 2009 and again by 10 percent in 2010.[51]

VI. Good practices

A. Political commitment to understand the role of gender in the crisis

91. In the wake of the 2008 financial crisis, gender equality principles have been emphasized in initiatives undertaken to restore the economy. Multiple studies (e.g., 'Women in the Time of Crisis', 'Nation-centric Masculinity Ideals and the Icelandic bank Collapse') were commissioned by the Government in 2008-09, with the broad aims of assessing the impact of the crisis on the welfare of women and understanding the role women could play in the process of economic recovery. In addition, the appointment of the Special Investigation Commission (SIC) of the Althingi to discover the causes, including gender analysis, of the downfall of the Icelandic banks and related events is commendable.

B. Integration of gender equality in foreign policy

92. Promoting gender equality is a specific objective of the Parliamentary resolution on the Strategy for Iceland's International Development Cooperation (2013-2016). This Strategy underlines the importance of equal opportunities for women and men, so as to participate in and enjoy the benefits of projects supported by Iceland.

93. Gender equality is also an important aspect of Iceland's international work on human rights.[52] In recent years, increased emphasis has been placed on human rights in Iceland's foreign policy[53]. Special attention is dedicated to women's empowerment and their participation in peace negotiation and post-war reconstruction. In this regard, Iceland's active support to the Arms Trade Treaty[54] is worth highlighting. The treaty recognises gender-based violence and prohibits arms sales where there is a risk that weapons could be used to violate international humanitarian or human rights law. Iceland is the first country to have ratified this treaty.

C. Equal pay certification

94. The Working Group commends the initiative launched in 2011 to encourage the elimination of the gender pay gap. This was achieved through the development of a tool for monitoring payment of equal wages and certification process (certified ISO standard) for companies and government agencies. Certification is being granted to companies which demonstrate that their wage policy and human resources are non-discriminatory towards men and women.

[50] Ibid, p.46.
[51] Ibid., p.86.
[52] See http://www.mfa.is/media/throunarsamvinna/UTR-GenderEquality-2013.pdf
[53] See Statement by Iceland at the UN conference on the Arms Trade Treaty, http://www.iceland.is/iceland-abroad/un/nyc/statements-and-news/un-conference-on-the-arms-trade-treaty---statement-by-iceland/9118/
[54] The Treaty was adopted on 2 April 2013 by resolution 67/234B during the sixty-seventh session of the General Assembly of the United Nations.

95. The Ministry of Social Affairs and Social Security (now the Ministry of Welfare), together with the Confederation of Trade Unions in Iceland and the Confederation of Icelandic Employers, cooperated with Icelandic Standards (IST) to produce an Equal Pay Standard, with the aim of ensuring that women and men, working for the same employer, are paid equal wages and enjoy equal terms of employment for the same jobs and jobs of equal value. This Equal Pay standard was published in December 2012 and is considered a pioneering step in the sphere of gender equality. Modelled on the international standards ISO-9000 and ISO-14000, the Icelandic standard bears the number IST 85:2012.

96. Adoption of the standard is optional for companies and institutions; however, those companies that wish to receive certification under the standard are required to follow a formal procedure from an accreditation authority stating that they operate in accordance with the requirements set in the standard. A special consultative team consisting of representatives of the Government and the accreditation department of the Patent Office have prepared a draft regulation on the qualification requirements demanded of certification authorities and the procedures which should be followed in carrying out certification under the standard. The regulation, specifying the professional demands to be met by certification agencies in order to award certificates on the basis of the Equal Pay Standard, is due to be published soon.

97. The Working Group was particularly impressed by the initiative of the VA Trade Union to reduce the gender pay gap, as demonstrated by the forty applications already received and the deliverance of four certifications at the time of the visit of the Group.

D. Gender equality as a pillar of the education core syllabus

98. The Centre for Gender Equality has worked with the Ministry for Education and the Ministry for Welfare to increase these Ministries' focus on gender equality issues in the context of the core syllabus for school education. The Ministry of Education has recently added "gender equality" to the main curriculum and published a textbook (*Kynungabó*k) in 2010, offering guidance to teachers on the mandatory teaching of gender equality issues. The objectives of the textbook, designed for students in middle and secondary school are to provide, inter alia, a realistic picture of the status of women and men in Icelandic society; demonstrate that gender stereotypes are damaging for everyone; help children critically analyse cultural gender constructs; and, importantly, raise awareness on women's rights.

VII. Conclusions and recommendations

99. **For some time, Iceland has been considered a world leader on gender equality and women's rights. Furthermore, it took appropriate measures to ensure that the effects of the financial and economic crisis did not result in undermining past achievements. However, despite the clear evidence of political will, high levels of women's participation in Government and Parliament, legislation to prohibit discrimination, a progressive system of gender-balanced parental leave and childcare, and a gender equality component of the core syllabus for schools, serious gaps still persist. Access to justice for women victims of domestic violence and gender-based violence is alarmingly low and there are significant problems in legal definition, effective prevention, prosecution, conviction and punishment for sexual violence; protection orders to remove perpetrators of domestic violence from the home are ineffective, and there is a lack of capacity-building for law enforcement agents, including the police, prosecution and judiciary. Although they outnumber men as university graduates, women still lag behind men in the economic arena, facing a**

segregated labour market, a persistent gender pay gap and low representation in the judiciary.

100. **The Working Group wishes to make the following recommendations:**

1.1. The Working Group recommends that the Government take measures to increase its institutional capacity to implement legislative and policy commitments to eliminate de facto sex discrimination and violence against women:

(a) Further institutionalize and expand gender budgeting and other gender-sensitive economic policies, so as to make them a systemic part of the policy making process throughout and after the process of economic reconstruction;

(b) Take necessary steps to establish a National Human Rights Institution, in compliance with the Paris Principles and with a broad mandate to promote and protect human rights, including a specific mandate to promote and protect women's human rights;

(c) Significantly increase the capacity and resources of the Centre for Gender Equality and improve its geographical location and accessibility;

(d) Improve the collection of sex-disaggregated statistics.

1.2. In relation to violence against women, the Working Group recommends that the Government improve guarantees for access to justice for all victims of gender-based violence and specifically:

(a) Introduce domestic violence legislation which improves the mechanisms for prevention, punishment and protection in relation to domestic violence; increase the effectiveness of protection orders, including by immediate implementation of restraining orders and lengthening the duration of protection orders; and also provide additional shelters accessible to all women who experience violence;

(b) Base the definition of rape on lack of consent by the victim so that proof of physical violence by the perpetrator or physical resistance or mental incapacity by the victim are not required elements of the crime;

(c) Ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence;

(d) Undertake awareness-raising and educational campaigns to deter violence against women, aimed at both women and men, with particular attention to the increased use of social media as a platform to disseminate pornography, sexist hate speech, and continue to integrate training on non-violence, including sexual violence, in materials in the core gender syllabus;

(e) Establish a standard methodology tool to assess post-traumatic stress disorder, as well as a Special Prosecutor for sexual violence, introduce the right to appeal a prosecutor's decision not to prosecute; and reinstate rape clinics as specialized units in hospitals;

(f) Intensify measures to raise awareness and train judges, prosecutors, police and health officers on gender-based violence, including domestic violence;

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(g) Develop awareness-raising campaigns targeted at Icelandic and women of foreign origin on their rights to protection against gender-based violence and available remedies;

(h) Step up efforts to implement both the law on prostitution and the ban on strip clubs and provide adequate resources for law enforcement agencies, including through the establishment of trained police teams specialized in those issues and taking measures banning prostitution;

1.3 In relation to women's economic empowerment, the Working Group recommends that the Government:

(a) Improve efforts to reduce the sex-segregation of the labour market by ensuring that, through education, training and workplace ethos and organization, a whole spectrum of jobs is open to both women and men;

(b) Close the gender pay gap, by improving access to the courts to combat wage discrimination and to enforce equal pay for equal work of equal value;

(c) Synchronize children's school hours and holidays with the general working hours of adults;

(d) Increase investment in job creation and social security, especially for single heads of households, the majority of whom are women, and for women of foreign origin.

1.4 In relation to women of foreign origin, the Working Group recommends that the Government adopt special measures, such as to:

(a) Provide additional support for organizations which enable persons of foreign origin, particularly women, to participate fully in economic, social, public and political life;

(b) Devote special attention to researching the needs of women of foreign origin, increasing efforts to disseminate information on the rights of immigrant women including through increased use of the media, existing legal mechanisms protecting women against gender-based violence and free government services accessible in all relevant languages throughout the country, in addition to providing them with opportunities to learn the Icelandic language.

1.5 The Working Group recommends that the Government ratify the Convention on the Rights of Persons with Disabilities, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the Convention on Economic, Social and Cultural Rights.

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