**The Ministry of the Interior**

Reykjavik, 7 July 2016

*Ref: IRR16040152*

**Further information from Icelandic authorities in respect to paragraph 7 and 15 of concluding observations of the Human Rights Committee regarding the examination of the fifth periodic report of Iceland at the 105th session held in July 2012.**

*Paragraph 7:* ***[B2]:*** *The Committee welcomes the State party‘s efforts to implement the Committee‘s recommendation, including the adoption of the Plan of Action on Gender Equality Regarding Wages adopted in October 2012.*

*Additional information is required on:*

1. *The progress of the Executive Committee on Gender Wage Equality in developing a plan of action and in reducing gender-based wage discrimination;*
2. *The impact of the Plan of Action on Gender Equality Regarding Wages and its task force;*
3. *The findings of the Ministry of Finance Committee and of the Government audit of Icelandic companies; and*
4. *The efforts by the State party to introduce measures to increase the representation of women in decision making positions, in particular the Foreign Service, the judiciary, and academia.*

In December 2011 the Minister of Welfare (now the Minister of Social Affairs and Housing) appointed an Executive Committee on Gender Wage Equality, the role of which was to supervise and coordinate measures designed to reduce gender-based wage discrimination in accordance with item 1 of Point 12 in the Four-year Plan of Action on Gender Equality, passed by the parliament in May 2011. Amongst other things, the committee was entrusted with coordinating measures to reduce gender-based wage discrimination and working on the production of a plan of action, including a time-scheme for its implementation.

A Plan of Action on Gender Equality Regarding Wages, produced by the Government and the social partners, was unveiled in October 2012. It set forth projects intended to promote greater wage equality. On the same occasion, a collaborative declaration was signed between the Government and the social partners’ organisations, following which the Minister appointed a task force to supervise the measures set out in the Action Plan.

1. *The progress of the Executive Committee on Gender Wage Equality in developing a plan of action and in reducing gender-based wage discrimination;*

**The Task Force**

The task force was appointed in December 2012 by the government and the organisations of the social partners to work on gender equality in wages. It includes representatives of four national federations of wage-earners on the labour market and their negotiating partners.

**The Mandate**

According to its letter of appointment, the task force was expected, amongst other things, to work on the coordination of studies of the gender pay gap, supervise the adoption of the Equal Pay Standard, ÍST-85:2012, and make proposals on policy to break up the gender divisions in occupations on the labour market in Iceland.

**The Findings**

In May 2015 the task force unveiled the findings of two studies it had had made. One was the first study of the gender pay gap covering the entire labour market; the other was an extensive report on the standing of women and men on the labour market. The study of the gender divide on the labour market was made by Statistics Iceland and drew on a large database covering wages and various issues relating to the position of workers and covered the period 2008-2013. In each of these years, nearly 70,000 workers were covered by the database.

Over the whole period covered by the data, the gender pay gap, assessed in this way, was 7.6% for the labour market as a whole, being slightly larger (7.8%) in the private sector than in the public sector, where it was 7.0%. An attempt was also made in the report to explain the structure of men’s wages, on the one hand, and women’s on the other. This analysis makes it possible to divide the pay differential into an explained and an unexplained component, the latter constituting a measure of the gender pay gap in its purest form. The findings of this analysis were that the unexplained differential was 5.6% in 2008-2013 and 5% in 2011-2013.

1. *The impact of the Plan of Action on Gender Equality Regarding Wages and its task force;*

The Icelandic Government extended the appointment period of the Action Group on Equal Pay until the end of 2016. The Action Group is to submit two plans of action as follows which are designed to reduce the gender pay gap. Firstly, a plan of action on the integration of family and working life and secondly, plan of action on ways of breaking up gender-based choices in education and careers.

A working group representing the Government and the social partners established two specialist teams with representatives from each party to define and design two studies on the gender pay gap and means of breaking up gender segregation on the labour market. Findings of the studies were unveiled at a meeting on 20 May 2015. These revealed that the gender pay gap has been closing, and that the main causes of the gap lie in the gender-divisions on the labour market, i.e. the fact that in certain occupations, individuals of either sex are distinctly in the majority. The findings of these studies will be used in drawing up the action plans referred to above.

The Equal Pay Systems Standard is a management standard, and as such is comparable with other management standards such as the ISO 9001 Quality Assurance Standard. It is a managerial tool that enables undertakings and institutions to adopt procedures that ensure that equal remuneration is paid for equal work, or work of equal value. As it is the first standard of its kind – possibly even the first of its kind in the world – it was decided to set up an experimental project before it was adopted.

1. *The findings of the Ministry of Finance Committee and of the Government audit of Icelandic companies;*

In order to increase the numbers of women in managerial positions in the private sector the Government took the step of introducing a provision on gender ratios on the boards of public limited companies in the Public Limited Companies Act, No. 2/1995, in March 2010; this applies to limited companies with more than 50 employees on an annual basis. Article 63 of the Public Limited Companies Act addresses the question of gender ratios and an almost identical provision is to be found in Article 39 of the Private Limited Companies Act, No. 138/1994, the only difference being the general rule that in public limited companies there are to be at least three members on the board while private limited companies may have as few as one or two.

1. *The efforts by the State party to introduce measures to increase the representation of women in decision making positions, in particular the Foreign Service, the judiciary, and academia.*

*In politics*

No specific measures have been established in order to promote the representation of women in Parliament or local governments. The political parties are responsible for their slates during election time, and some political parties make sure, through various means, that the slates have equal numbers of men and women as candidates.

Until 2006, women served only as ministers of Social Affairs, Education and Health; since then, women have served as Minister for Foreign Affairs, as Prime Minister, as Minister of Finance and Minister of the Interior, as well as Ministry of Industries and Innovation. In 2009, women became 50% of the cabinet for the first time and Ms. Jóhanna Sigurðardóttir became the first female Prime Minister of Iceland.

A new Government led by Mr. Sigmundur Davíð Gunnlaugsson took over on 23 May 2013. The cabinet consisted of nine ministers, six (66.6%) men and three (33.3%) women, although changes in the government earlier this year saw the number of ministries increased to ten, and with 5 men and 5 women making up the cabinet. The out-going cabinet, the second led by Ms. Jóhanna Sigurðardóttir, had consisted of ten ministers, four (40%) women and six (60%) men.

More women serve as permanent secretaries than men in the Icelandic Ministry Offices, 5 women to 3 men.[[1]](#footnote-1)

In 2015 the number of women who had served as city mayors, directors of local councils or municipal governments were 26, as opposed to 74 men.

Under Article 15 of the Gender Equality Act, No. 10/2008, care is to be taken when making appointments to state and municipal committees, councils and governing boards to ensure that the proportions between the genders are as even as is practicable, with not less than 40% of seats occupied by each gender when there are more than three members. This also applies to public limited companies and enterprises which are in majority state or municipal ownership.

*The Police*

In the autumn of 2015 the Ministry of the Interior requested all police commissioners to prepare an action plan within their organizations aimed at promoting professional evolution of women police officers with the view of increasing and promoting their representation in police administration. The National Police Commissioner will follow up on that project. Furthermore the National Police Academy has in recent years placed special emphasis on recruiting more women.

An application has been submitted to the Icelandic Equality Fund to fund research on the implementation of gender mainstreaming in recruitment procedures within the police. Furthermore, changes to the police education have recently been agreed, which will see police education move to a university level. The aim is to increase the quality of police education and to improve its capacities to meet the requirements of public security.

*In foreign service/Foreign Ministry*

Since 1998, the Ministry for Foreign Affairs has given special attention to engaging women staff in order to achieve a more even balance between the sexes in the diplomatic service. Traditionally, women have been in a minority within the Ministry for Foreign Affairs. Today, women form a majority of employees in the ministry. The first female ambassador was not appointed until 1991. Since then the percentage of female ambassadors has risen considerably, and in January 2016 thirteen women served as ambassadors for Iceland abroad as opposed to 29 men (a gender ration of 31/69).

*The judiciary*

The interpretation of the applicability of the Act on Gender Equality to the committee has been disputed. Certain changes have been proposed in a recent legislative proposal which states, among other things, that appointees to the committee should appoint a man and a woman unless objective grounds make it impossible in which case the appointee needs to submit reasoning.

The prescribed number of district court judges was 38 up until 2010, when the number was raised to 43. The increase came in the form of two men and three women, all of whom were appointed to the district court in Reykjavík. Women account for a little fewer than 42% of district court judges. This is an increase since 2008, when only 32% of district court judges were women. Most of the female judges work at the district courts of Reykjavík and the Reykjanes area. Of the eleven assistants to district court judges, eight are women and three are men. Each of the eight district courts in Iceland is chaired by a court chairman. In June of 2013, seven men and one woman were employed as district court chairmen. There were ten assistants to court chairmen, eight women and two men.

In 2011, the number of justices at the Supreme Court was increased from ten to twelve. In 2012, two male Supreme Court justices stepped down, to be replaced by other two men. In 2013 a male justice was absent on leave and was replaced temporarily by a female. As of June 2016 the Supreme Court justices are ten, eight of which are men. Two women serve as Supreme Court justices, thereof one who holds a permanent seat on the Court while the other one is temporarily appointed. There are five assistants to Supreme Court judges; four women and a single man. The position of Supreme Court office manager is occupied by a man.

*Academia*

There are 7 universities in Iceland, with the University of Iceland being the largest, both in numbers of students who study there as well as the number of faculties. There are only two women who serve as rector of the universities. In 2015 the rector of the University of Iceland stepped down from her office. The man won the elections and was took office in the summer of 2015. In 2013 and 2014 new rectors also took over in three other universities in Iceland, namely the University in Akureyri (a man), Bifröst University (a man) and the Iceland Academy of Arts (a woman). In 2009 a new rector was appointed at the second largest university of Iceland, the University in Reykjavík. The new rector is a man.[[2]](#footnote-2)

Between the years 1998 to 2014 the number of women who were principals in elementary schools in Iceland rose from 68 to 108. At the same time the number of men in the profession fell from 125 to 63.

*Teachers*

In 2014 there were 901 men, or 18,7%, of all teachers in elementary schools in Iceland, but in 1998 they were 26%. During the same period the number of female teachers has increased and in 2014 they were 3.911.

*Paragraph 15:* ***[C1]:*** *The Committee notes that the State party has not provided further information on measures taken to ensure that all cases of sexual abuse of children are effectively and promptly investigated, and that perpetrators are brought to justice.

The Committee requests additional information on:*

*a) Complaint mechanisms available;*

*b) Number of complaints received in the last 3 years; and*

*c) Number of cases brought before courts in the last 3 years, convictions and acquittals.*

1. *Complaint mechanisms available;*

Everybody can report a criminal activity to the police, and the police department is also required to start an investigation on its own initiative if suspicion arises regarding criminal activity. According to Icelandic law there is no common duty or an obligation to report criminal activity, but such obligation is considered to rest on the police and other relevant authorities in certain fields of work, such as the Government Agency for Child Protection.

Everyone who has information or a suspicion regarding sexual assault against children has an obligation to report it to the Government Agency for Child Protection, or they can be held accountable for not reporting it.

The police have an obligation to investigate such cases. However, the police can dismiss an investigation at any time. In cases concerning suspicion of sexual violence against children this happens only exceptionally, mainly if the statute of limitation has expired, if the defendant is not criminally liable or if the investigation has not revealed any suspicion of a criminal activity.

The parties can lodge an appeal to the public prosecutor against the decision of the police not to proceed with the investigation. The public prosecutor can either uphold the decision of the police or quash it and instruct the police to proceed with the investigation.

When the police finish their investigation, the case is sent to the District Prosecutor who decides whether or not to issue an indictment. The District Prosecutor also has the authority to instruct the police to conduct further investigation if he deems it necessary. If he decides not to issue an indictment, the parties can lodge an appeal against his decision to the Director of Public Prosecution who can uphold the decision of the District Prosecutor, decide on further investigation or that an indictment is to be issued.

1. *Number of complaints received in the last 3 years;*

|  |  |  |
| --- | --- | --- |
| **2013** | **2014** | **2015** |
| 207 complaints | 139 complaints | 124 complaints |

*The following provides information on the course within the police of cases concerning sexual offences against children the last 3 years.*

**2013**

|  |  |
| --- | --- |
| Number of cases where indictment was issued | 116 |
| Number of cases where it is decided not to proceed with the investigation or the charge dismissed | 93 |
| Number of cases which were still under investigation by the police | 2 |

**2014:**

|  |  |
| --- | --- |
| Number of cases where indictment was issued | 79 |
| Number of cases where it is decided not to proceed with the investigation or the charge dismissed | 57 |
| Number of cases that were still under investigation by the police | 9 |

**2015:**

|  |  |
| --- | --- |
| Number of cases where indictment was issued | 52 |
| Number of cases where it is decided not to proceed with the investigation or the charge dismissed | 47 |
| Number of cases that were still under investigation by the police | 32 |

*c) Number of cases where indictments were issued in the last 3 years, convictions and acquittals:*

According to Articles 200 and 201 of the Icelandic General Penal Code sexual relations with his or her child or other posterities between the ages of 15 and 17 is a criminal offence. Sexual relations with a child under the age of 15 is a criminal offence according to Article 202, regardless if the perpetrator is related to the child or not.

* **Article 200** of the General Penal Code criminalizes sexual relations with one´s son, daughter or other descendants. The maximum punishment is 8 years imprisonment (if the victim is 18 years old or older) but if the victim is 15-17 years of age the maximum punishment is 12 years of imprisonment. If the victim is 14 years old or younger Article 202 applies as well, increasing the maximum penalty to 16 years, see further below. Article 201 also criminalizes sexual relations when the family ties are formed by adoption, step-parenting and foster-parenting.
* The maximum punishment for sexual harassment is 4 years of imprisonment, if the son, daughter or other descendant is aged 15 or older.
* The maximum punishment for sexual intercourse or other sexual relations between siblings is 4 years of imprisonment. If one or both siblings are under the age of 18, penalty against them can be dropped.
* **According to Article 202** sexual relations with children under the age of 15 constitute a criminal offence in Iceland. The minimum punishment is 1 year of imprisonment and the maximum punishment is 16 years of imprisonment.
* Maximum punishment for sexual harassment other than stated above is 6 years of imprisonment.
* The enticement of a child under the age of 18 to have sexual relations is punishable with up to4 years of imprisonment.
* Anyone who arranges a meeting with a child on the internet in order to have sexual relations with the child can be sentenced to 2 years of imprisonment. However, if sexual relations do take place the maximum punishment is 16 years, see further above.

The following gives a statistical account of violations of Art. 200.-202. of the General Penal Code in the last three years (2012 to 2014).

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Sexual offences (Art. 200.-202.)** |  |  |  |  |  |  |
|  |  | Dismissed cases | Indictments | District court Acquittals | District court Convictions | Appeals | The Supreme Court Acquittals | The Supreme Court Convictions | Still unresolved in the Supreme Court | Unfinished |
| **Year** | Total | Total | Total | Total | Total | Total | Total | Total | Total | Total |
| **2013** | 63 | 27 | 28 | 5 | 23 | 14 | 1 | 13 | 0 | 0 |
| **2014** | 63 | 34 | 18 | 1 | 14 | 2 | 0 | 1 | 1 | 2 |
| **2015** | 54 | 16 | 19 | 4 | 7 | 1 | 0 | 0 | 1 | 13 |

* **Article 204** of the Icelandic General Penal Code states that a judge can reduce the length of punishment if the perpetrator was unaware of the age of the victim when the offence took place. The punishment can never be lower than the statutory minimum.

The following gives a statistical account of violations of Art. 204 of the General Penal Code in the last three years.

|  |  |  |  |
| --- | --- | --- | --- |
| **Sexual offences (Art. 204.)** |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  | Dismissed cases | Indictments | District courts Acquittals | District court Convictions | Appeals | The Supreme Court Acquittals | The Supreme Court Convictions | Still unresolved in the Supreme Court | Unfinished |
| Year | Total | Total | Total | Total | Total | Total | Total | Total | Total |  |
| 2013 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2014 | 4 | 2 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| 2015 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |

**The Icelandic General Penal Code, 1940, No. 19.**

**Art. 200** [Any person who has sexual intercourse or other sexual relations with his or her own child or other descendant shall be imprisoned for up to [8 years] and up to [12 years] if the child [is 15, 16 or 17 years of age].

 [Sexual harassment of a type other than that specified in the first paragraph of this Article and directed at the perpetrator’s own child or other descendant shall be punishable by up to 4 years’ imprisonment, providing that the child is aged 15 years or older.]

 Sexual intercourse or other sexual relations between siblings shall be punishable by up to 4 years’ imprisonment. If one or both of the siblings were under the age of 18 years at the time of the offence, it may be decided to waive punishment applying to them.]

**Art. 201** [Any person who has sexual intercourse or other sexual relations with a child aged 15, 16 or 17 year who is his or her adopted child, step-child, foster-child or the child of his or her cohabiting partner, or is bound to him or her by similar family relationships in direct line of descent, or is a child who has been committed to his or her authority for education or upbringing, shall be imprisoned for up to 12 years.

 Sexual harassment of a type other than that specified in the first paragraph of this article shall be punishable by up to 4 years’ imprisonment.]

**Art. 202. gr.** [Any person who has sexual intercourse or other sexual relations with a child under the age of [15 years], shall be imprisoned for [a minimum of 1 year and a maximum of 16 years]. … [Punishment may be reduced or waived if the perpetrator and the victim are of similar age or level of maturity.]

 [Sexual harassment of a type other than that specified in the first paragraph of this article shall be punishable by imprisonment of up to [6 years].]

 Any person who, by deception, gifts or in any other way entices a [child] [under the age of 18 years] to engage in sexual intercourse or other sexual relations shall be imprisoned for up to 4 years.]

 [Any person who, by communications over the Internet, other information technology or telecommunications equipment or in another manner arranges a meeting with a child under the age of 15 year for the purpose of having sexual intercourse or other sexual relations with the child or to harass the child sexually in another manner shall be imprisoned for up to 2 years.]

 [If the connection between the perpetrator and the child is as described in the first paragraph of Article 200 or the first paragraph of Article 201, this shall be accounted as an aggravating factor in determining punishment, providing that the second sentence of paragraph 1 of this Article does not apply.]

**Art. 204** [[Where violations of Article 201 or Article 202 have been committed through oversight regarding the age of the victim, a relatively more lenient punishment may be imposed; however, it may not be reduced to [less than the minimum prescribed imprisonment].]

1. 63 women have served as permanent secretaries but only 38 men. https://hagstofa.is/talnaefni/samfelag/felagsmal/konur-og-karlar/ [↑](#footnote-ref-1)
2. [↑](#footnote-ref-2)