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| **Civil Society Report on the Implementation of the International Covenant on Civil and Political Rights (ICCPR)** |
| Prior to the List of Issues CCPR/C/ISL/    List of Issues Submission to the United Nations Human Rights Committee During its Periodic Review of Iceland, 131st session, 1 to 26 March 2021      **OBI - The Icelandic Disability Alliance** |

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## Introduction

In the light of the Human Rights Committee´s periodic report on implementation of the International Covenant on Civil and Political Rights (hereinafter the ICCPR) pursuant to Article 40 of the Covenant, which will be considered at the 131st Session of that Committee (01 Mar 2021 - 26 Mar 2021).

OBI – The Icelandic Disability Association (hereinafter OBI) has taken the opportunity to provide the following insights regarding Iceland´s implementation of the Covenant with emphasis on the rights of persons with disabilities.

OBI is an umbrella organization of 43 associations of people with disabilities in Iceland. Our member organizations all work at a national level. OBI is a non-profit organization with no official funding from the state. OBI works towards social justice, improved quality of life in Iceland, irrespective of individuals’ physical, sensory, intellectual or other impairments.

OBI believes that although provisions of the Covenant have been considered both by the courts and in the review of legislation; it is necessary to incorporate the Covenant into Icelandic legislation so that the individual rights and freedoms the Covenant entails are guaranteed for all Icelandic citizens equally.

## Equality and Non-Discrimination

### Article 2, paragraph 1, and Article 26

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**Article 65 of the Icelandic Constitution** sets out the principle of equality: “Everyone shall be equal before the law and enjoy human rights irrespective of sex, religion, opinion, national origin, race, color, property, birth or other status”. The Article does not state disability as one of the non-discrimination variables.

The principle of equality is implemented through national acts of law such as **the Administrative Procedure Act, no. 37/1993, The General Code no. 19/1940** and on **the Patient Act no. 74/1997 and the Data Protection Act, no. 90/2018**. Even so, Icelandic legislation most covers gender discrimination.

In July 2019, **the Act on Equality on the Labor Market, no. 86/2018**, entered into force. The Acts main purpose is to prevent discrimination on the grounds of race, The Act is based on the Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. In the Act the concept of reasonable accommodation is directly taken up from the 2000/78/EC directive and therefor it does not comply with the UN Convention on the Rights of Persons with Disabilities.

Even so, comprehensive equality legislation that addresses disability based discrimination in all its forms, including denial of reasonable accommodation,[[1]](#footnote-1) is highly needed so all Icelandic citizens can fully enjoy equality in all aspects of life.

**Suggested questions for the LOIPR:**

1. What measures envisions the State to ensure legal protection of disability based discrimination in the exercise of all rights, covering all forms of discrimination, including denial of reasonable accommodation, multiple and intersectional discrimination and discrimination by association?

## Persons with Disabilities and the exercise of their rights

The 23 September 2016, Iceland Ratified the **United Nations Convention on the Rights of Persons with Disabilities (hereinafter the CRPD)** without its Optional Protocol. In coming week's Iceland will submit its firs Periodic Report on implementation of the CRPD. In October 2018, two new legislation entered force and were part of the implementation of the CRPD, the **Act on Services for Persons with Disabilities with long-term support needs, no. 38/2018** and the **Act on Social Services of the Municipalities, no. 40/1991**.

Considerable progress has been made towards ensuring equal opportunities for persons with disabilities by improving legislations and regulations. However, persons with disabilities remain discriminated against on daily bases, such as access to justice.

### Article 10, paragraph 3 of the ICCPR

In recent years, young men with intellectual disabilities and men with psychosocial disabilities have not been given the support they need and therefor reformation and social rehabilitation has sorely lacked. There are cases where men with intellectual disabilities have lived in prison after serving their time because there are no resources available for them or the resources do not exist.

**Suggested questions for the LOIPR:**

1. What measures has the State put in place to ensure that individuals with intellectual and psychosocial disabilities are treated in accordance with Article 10 of the CCPR and other standards on treatment of all individuals?
2. What measures has the State put in place to ensure that individuals in psychiatric hospitals and institutions are treated in accordance with Article 10 of the CCPR and other standards on treatment of all individuals deprived of their liberty?

### Article 14

In August 2020, a report was submitted by the Analytic Department of the Icelandic Police, “Violence against Persons with Disabilities”.1 The report was intended to shed light on violence against persons with disabilities and aim to make a policy in the field.

The report's conclusions are devastating. Research shows that persons with disabilities are more likely to become a victim of violence and women with disabilities are more at risk to be sexually assaulted.

Based on the available research, it can also be considered certain that only a small part of cases based on violence against people with disabilities found their way into the justice system in Iceland. The justice system is inaccessible for persons with disabilities in that way that they are not believed and are thought lacking understanding on the matter. Persons with disabilities do not receive sufficient information about their rights towards the justice system. The Report also shows that cases regarding violence against persons with disabilities are not registered as such in the police system and therefor database is lacking. The Report also state that if these cases are taken before the District Courts the accused is rarely prosecuted, let alone convicted.

It should be concluded that, in terms of violence and law enforcement, people with disabilities do not enjoy equal rights than other persons.

**Suggested questions for the LOIPR:**

1. What solutions, if any, are taken by the State to ensure that people with disabilities who face violence and do not enjoy their rights before the justice system receive effective remedies?
2. In what way will the Police and the law enforcement get education regarding this matter?

1. CRPD Committee, General Comment 6 on Article 5 of the CRPD. [↑](#footnote-ref-1)