



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

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**Committee on the Elimination of Discrimination
against Women**

Twenty-sixth session

Summary record of the 532nd meeting

Held at Headquarters, New York, on Thursday, 17 January 2002, at 10 a.m.

Chairperson: Ms. Abaka

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The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention

(continued) (CEDAW/C/ICE/3-4,
CEDAW/PSWG/2002/I/CRP.1/Add.1,
and CEDAW/PSWG/2002/I/CRP.2/Add.3)

Third and fourth periodic reports of Iceland

1. *At the invitation of the Chairperson, the delegation of Iceland took places at the Committee table.*

2. **Ms. Gunnsteinsdóttir** (Iceland) informed the Committee that her Government had ratified the Optional Protocol to the Convention in March 2001 and was preparing to ratify the amendments to article 20 of the Convention. With regard to articles 1 and 2 of the Convention, she said that the *Althingi*, the Icelandic Parliament, had passed a revised Gender Equality Act in May 2000 which reflected changes promoting greater gender equality in important sectors. The new Act paid special attention to gender equality in the administration and the definition of specific projects and stressed that gender equality was the mutual responsibility of women and men. It created a new institution, the Centre for Gender Equality, under the Ministry of Social Affairs, which was responsible for monitoring implementation of the Act and replaced the former Office of Gender Equality. Public institutions, employers and government entities were required to provide the Centre with any information it might need for its work and official statistics would at all times be gender disaggregated. The Ministry of Social Affairs and the Centre for Gender Equality were stressing information and action at the local level as well as cooperation at the national and international levels.

3. The Act prohibited all types of discrimination, whether direct or indirect, and required institutions and enterprises with more than 25 employees to have a gender equality policy or include special provisions for gender equality in their employment policies. For example, employees alleging gender discrimination could not be dismissed by their employer and violations of the Act would be penalized by payment of damages or compensation and fines.

4. Complaints from individuals and non-governmental organizations of workplace discrimination, and in special circumstances,

complaints referred by third parties, would continue to be heard by the Complaints Committee on Equal Status, an independent body consisting of three lawyers appointed by the Minister of Social Affairs, including two, the Chairman and Vice-Chairman, nominated by the Supreme Court. The Committee's opinions, while not subject to appeal, were not binding. Under the previous Act, in special cases the Committee itself could file a complaint in court in order to ensure enforcement of its decision, but under the new Act it was the Centre for Gender Equality which would initiate legal proceedings on the basis of the Complaints Committee's opinions.

5. The Gender Equality Council was another new creation consisting of nine members appointed by the Minister of Social Affairs representing labour, municipal employees, the Ministry of Finance, the University of Iceland, women's associations, women's rights associations, employers and local authorities. Each group was also entitled to nominate one man and one woman for seats on an Equal Status Council which was to submit proposals aimed at ensuring gender equality in the labour market to the Minister of Social Affairs. In the past, the Council had put special emphasis on studying the gender wage gap and had participated in cooperative projects with the European Union and the University of Iceland. In addition to such structural changes, each ministry was required to appoint an equality coordinator to mainstream gender equality within the ministry and its related institutions. Those efforts were undertaken in cooperation with the Centre for Gender Equality and other relevant gender equality bodies.

6. Her Government was currently in the midst of its third four-year action programme on measures to eliminate traditional gender stereotypes and gender discrimination. Her Government was also involved in four working groups at the regional level under the Nordic Council of Ministers' action plan to promote gender mainstreaming.

7. With regard to article 4, she said that although the new Gender Equality Act prohibited all types of discrimination on the basis of gender, special temporary measures taken to improve the status of women or men were not considered violations, nor were justifiable preferential hiring practices or special pregnancy or maternity allowances for women. Employers were also forbidden to specify a gender preference in job advertisements except for the purpose

of promoting greater gender equality within a specific sector, which would be indicated in the advertisement.

8. With reference to article 5 of the Convention, she said that a new Maternity/Paternity Leave and Parental Leave Act, No. 99/2000, passed in 2000, would enter into force on 1 January 2003. The Act was intended to make it easier for parents to strike a balance between their careers and their family needs and promote sharing of parental responsibilities. All working parents had an equal, non-transferable right to take three months leave on the birth, first time adoption or fostering of a child. An additional three months could be divided between the parents as they wished, until the child reached the age of 18 months. The parents received 80 per cent of their average gross wages during the leave period, paid out of a Maternity/Paternity Leave Fund financed by a special social security tax for that purpose.

9. The emphasis of the plan was on flexibility so that parents could take their leave in several short periods or by working part-time; employers were obliged to try to meet employees' wishes with regard to maternity/paternity leave.

10. The Act guaranteed pregnant women and new mothers additional health and safety protection at work and additional support from the Maternity/Paternity Leave Fund if they were unable to continue working owing to their working conditions. Any leave taken under the Act was considered to be equivalent to working time with regard to vacation entitlement, seniority, sick leave, etc. Parents continued to pay pension fund premiums while on leave and the employer's complementary premium was paid by the Leave Fund.

11. Unemployed parents or students were entitled to a non-transferable birth grant for up to three months each in connection with the birth, adoption or fostering of a child, in addition to a joint right to a further three months which could be shared or paid to either parent. Furthermore, until a child reached age 8, all parents had the right to take 13 weeks unpaid parental leave, which could not be transferred between the parents, either in one continuous stretch or in shorter periods or by working part-time. Employed parents had the right to return to their jobs or to a comparable position at the end of the leave and could not be declared redundant on the grounds of having taken leave, pregnancy or recent maternity.

12. An employer who violated the Act was liable to pay damages. It was hoped that the generous leave provisions would reduce women's heavy responsibility for families and children and encourage their increased participation in the labour market, including at management levels.

13. The Act also contained provisions on reconciling family and occupational obligations so as to encourage acceptance of women as fully valid members of the workforce and to encourage men to play a greater role in the family. Much emphasis had been placed on such sharing of responsibilities with three seminars and a conference held in 2001 to share experience and plan for the future. In 2001, 80 per cent of all fathers had taken at least one month's parental leave and 14 per cent had taken more; the trend was expected to continue. Outside the family, following the age of six months, children generally were cared for in private homes by registered "day-care mothers".

14. Commenting on article 6, she said that her Government was investigating the role of strip clubs in trafficking in women and prostitution and in cooperation with labour unions was seeking ways to reduce strip club activities. It was participating in a working group on that matter established by the Nordic Council of Ministers in cooperation with the Baltic countries and the Russian Federation.

15. With regard to women in public life (article 7) and women in the diplomatic service (article 8), she noted that in September 1998 the Minister of Social Affairs had appointed a committee for a period of five years with the object of increasing women's participation in politics. In the elections of 1999, the number of women members of Parliament had increased to 35 per cent from 25 per cent and the committee was currently working to increase the number of women elected at the local level, currently only 28.5 per cent, in the spring 2002 local elections. In the capital, Reykjavik, there was approximately equal gender representation at most levels. In recent years special efforts had been made to increase women's participation in the diplomatic service and in 1998-1999 the Ministry for Foreign Affairs had recruited women to 50 per cent of all new positions requiring a university degree and a special effort had been made to recruit women for special projects in areas like Kosovo, in cooperation with the United Nations Development Fund for Women (UNIFEM) and in Africa.

16. Referring to article 10, she said that in early March 1998 the Minister of Education, Science and Culture had launched an ambitious new policy for primary and secondary education aimed at meeting the needs of individual boy and girl students through flexible schooling and diverse teaching methods, offering them equally valid opportunities to prepare them for participation in the economy, family life and the community.

17. At the university level, 60.9 per cent of all new students were women, who accounted for more than 50 per cent of students in most areas, except engineering, economics and computer science. A programme had begun in September 2000 to encourage women to choose traditionally male-dominated fields of study, especially information and communications technology and engineering and to encourage men to choose traditionally women-dominated fields and thereby eradicate stereotyped gender roles in education and diminish the wage gap. The Gender Equality Act also required education to be provided on equality issues at all levels of schooling, emphasizing equal preparation of both sexes.

18. The Gender Equality Act gave women the same legal rights as men in the labour market. In 2000 the number of women between 16 and 74 years of age active in the labour market had increased to 79 per cent (as compared to 88 per cent for men), with only the 55 to 74 age group showing a decrease to 52 per cent since 1995 (60 per cent). The work day in Iceland was long and overtime was common, with women working on average 44 hours per week full-time and 24 hours part-time (compared to 54 hours and 24 hours respectively for men); unemployment for women had dropped from 3.3 per cent in 1998 to 1.9 per cent in 2001 (2.3 per cent to 1 per cent for men). Special efforts had been made to broaden employment opportunities for women, stimulate employment in rural areas and give women greater access to capital. Statistics compiled by local authorities concerning their employees confirmed the existence of wage differentials of 10 to 16 per cent between the sexes. The Gender Equality Act defined and prohibited sexual harassment and required employers and school authorities to take special preventive measures.

19. A report on women's health in the year 2000 based on the findings of a special committee was currently under consideration by the Ministry of Health. The Government had worked to establish

effective remedies to respond to cases of violence against women, protect the victim, punish the perpetrator and prevent recurrence. Special measures had also been adopted for taking statements from child victims of violence, who were often girls. A special Children's Centre had been opened by the Ministry of Social Affairs where all services, including counselling by specialists, were centralized.

20. In 2001, 32 cases of sexual offences had been investigated, resulting in 11 indictments; most of the cases were still before the courts. Under the Penal Code the penalty for rape was 1 year to 16 years imprisonment, average sentence being 18 to 24 months. The average sentence for rape had increased as a result of a recent Supreme Court decision imposing a penalty of 4 and a half years.

21. Describing the situation in rural areas, she said that in December 2000, of Iceland's population of 283,000, 38 per cent evenly divided between men and women lived in the rural areas outside the capital region. An equal status consultant in the north-west of the country had been successful in organizing projects, courses and surveys and doing personal counselling in order to improve the situation of rural women and increase their opportunities to work outside of their homes. The Ministry of Social Affairs and the Institute of Regional Development were preparing to name equal status consultants for other rural areas based on that successful model.

22. Despite progress, further efforts were necessary to promote full equality for women. In the new action plan for the years 2002-2006 being prepared by the Centre for Gender Equality even more emphasis would be put on gender mainstreaming and increasing the involvement of men in equality issues.

23. **The Chairperson** thanked the Government of Iceland for its effective responses to the list of issues, and commended it for its reliable reporting practices. The fourth and fifth periodic reports contained much valuable information. She also praised the Government for having ratified the Optional Protocol to the Convention and took note of its intention to ratify the amendment to article 21.

24. **Mr. Melander** said that he understood that the Convention was not binding as law in Iceland, which took a dualistic approach to international agreements, and held that the European Convention on Human Rights was the only international instrument that had

binding force in that country. Other European States parties had argued that the European Convention was the only international agreement directly binding in their countries because they were members of the European Union. Iceland, however, was not. It would therefore be useful to know on what grounds Iceland had taken the decision to make the European Convention on Human Rights enforceable while others were not.

25. Constitutional provisions guaranteeing equality had not been incorporated into domestic law and were therefore not enforceable. He urged the Government at least to incorporate a clear definition of discrimination against women into its domestic legislation. Similarly, the decisions handed down by the Equal Status Complaints Committee were not binding, even when the Government was the employer. Since there were special courts in Iceland, he wondered if the Government would consider giving such committees the power of courts to make enforceable decisions.

26. **Ms. Schöpp-Schilling** commended the Government for its efforts to carry out the Committee's previous recommendations, in particular with regard to the pay gap. In Iceland and other Nordic countries the process of redressing the pay gap had been overly protracted. It was questionable whether after 15 years, another pilot project was necessary. Clarifications would be welcome with regard to the job evaluation programme created by the Ministry of Social Affairs, whether it covered the entire public sector, and what was the nature of the contracts drawn up with trade unions. She would also like to know whether women's pay had increased and whether men's had decreased, and what time frames and targets had been established.

27. In addition, it would be useful to know whether children were guaranteed by law a place in kindergartens, and whether gender sensitivity training was provided for day mothers.

28. She was also interested to know whether, in the new legislation on aliens, grounds for asylum included gender-based persecution.

29. **Ms. Goonesekere** said that she was impressed by Iceland's efforts to implement the Beijing Platform for Action and the Committee's recommendations. She inquired whether a person could take a discrimination complaint directly to the courts, bypassing the Equal Status Complaints Committee, whether all discrimination cases were routed to the Equal Status

Complaints Committee, whether legal aid was available to women who wished to pursue such cases, and whether the courts invoked the Convention in their decisions.

30. She wondered whether the special women's list of candidates amounted to a coalition party, whether all parties were required to field women candidates, and why Iceland had no quota system for the participation of women in boards and councils.

31. With reference to a question about discrimination in the teaching profession, the Government had stated that the gender pay gap was based on traditional practice. She inquired whether Iceland was aware that when merit was a primary consideration in recruitment and promotion, women usually benefited.

32. The Government's approach to the problem of violence against women focussed on providing shelter and care to victims. She wanted to know, however, what measures it was taking to strengthen punitive and normative responses to violence against women, in particular rape. She would also like to know why few Icelandic women were filing charges against men for violence against them, and whether relevant research had been conducted.

33. **Ms. Livingstone Raday** said she was encouraged by the Government's efforts to improve the status of women, including the enactment of the Equal Status Act and the creation of the Equal Status Council, although she shared the misgivings expressed by Ms. Goonesekere and Ms. Schöpp-Schilling. In addition, she commended the Government for the enactment of sexual harassment and parental leave provisions, and noted with satisfaction that 80 to 90 per cent of Icelandic fathers took parental leave on the birth of their children, a profound change that should allow women to take a more active role in economic and social life.

34. Although the Icelandic pension system demonstrated some sensitivity to women's rights, she feared that the shift to schemes paying benefits to workers only in proportion to what they contributed endangered women, since women tended to work fewer hours than men. In addition, the shift to actuarial pensions and the reduction of survivor's pensions for spouses could endanger the pension income of older women. She strongly questioned whether women should be individually responsible for their own pensions, a notion which ignored the social realities of

their role in the labour market. Equality between men and women in economic life and employment could not yet be assumed.

35. She would like to know whether the findings of the 1994 study on the pay gap still held, namely an 11 per cent difference based on gender, when all other factors were equal, and what had been the results of the 1999 wage study conducted by the Ministry of Social Affairs. As a result of those studies, had any legal action been taken to adjust the pay gap? She would also like to know what action could be taken to redress that discrimination, and why no such action had been taken.

36. **Ms. Gunnsteinsdóttir** (Iceland) said that the Government's policy was not to implement directly the provisions of international law but to incorporate them in special legislation. The Ministry of Social Affairs had, however, been considering whether to implement the full text of the Convention into a special law of its own. The Government guaranteed, however, that the articles of the Convention would be reflected in domestic law: one example was the Equal Status Act.

37. Turning to the question raised about the Equal Status Complaints Committee, she said that the few special courts in Iceland, could, review the findings of any of the committees, and their decisions were enforced.

38. **Ms. Bjarnasdóttir** (Iceland) said that the fact that decisions of the Equal Status Complaints Committee were not enforceable, even when the Government was the employer, was of course the subject of discussion and controversy. Nevertheless almost all the non-binding decisions of the Committee for the past year had resulted in labour contracts that were satisfactory to the employee and only some cases had been reviewed by the courts.

39. She shared the sense of impatience expressed by Ms. Schöpp-Schilling. A number of surveys had been taken during the 1990s, showing a pay gap of approximately 8 to 16 per cent in the public sector, determined solely on the grounds of gender. Reykjavik had led the way in developing a gender-neutral job evaluation instrument, based on a British model; other local governments had followed suit. Fifty trade unions had signed contracts on the use of that instrument, starting in December 2002. That would not result in lower wages, but would correct the pay gap.

40. **Ms. Gunnsteinsdóttir** (Iceland) said that a series of television advertisements had been designed to raise women's awareness of their worth in the labour market. The Government expected that, as a result of the new act on parental leave and as parents began to share childcare responsibilities equally, the pay gap would disappear.

41. **Ms. Bjarnadóttir** (Iceland) said that under the Social Service Act, local governments must provide day care for children between the ages of 2 and 6, and some also offered coverage for children between ages 1 and 2. Training courses for early childhood teachers and day care mothers already included gender sensitivity training.

42. The Women's List had started out as a political party, but at the 1999 elections it had joined with other parties to help improve the gender balance among their candidates. Some political parties had established informal quotas for women candidates, although they were never official. In the forthcoming local elections, some parties would achieve gender parity in their lists of candidates.

43. In response to the small numbers of women university professors and their lack of representation in senior administrative positions, the advertisements for such positions were worded in a way that would encourage women to apply, and preference was given to equally qualified women candidates.

44. **Ms. Gunnsteinsdóttir** (Iceland) said that it was possible to bypass the Equal Status Complaints Committee and take an employment dispute directly to court. It was also possible to apply to the Centre for Gender Equality for financial assistance in securing legal aid for such cases.

45. There had been a great deal of discussion in Iceland, especially in the media, of the relatively short sentences handed down for rape convictions, and it was likely that the sentences would become more severe because the people demanded it.

46. **Ms. Bjarnadóttir** (Iceland) said that pension rights were also a subject of concern and discussion among trade unions and the women's rights movement. Even though the legislation provided for equal treatment, the outcome was quite different in that older women received lower benefits.

47. **Ms. Ferrer Gomez** said that the Equal Status Act was a very positive development which would allow

men and women to redefine their roles. She asked for more information on gender education and training programmes. She would also like to know the percentage of full-time workers who were women. Updated statistics on poverty would be helpful, as would information on the number of households below the poverty line headed by women.

48. **Ms. Gaspard**, noting that Iceland had been the first country in the world to give women full civil rights, said that it was therefore surprising that discrimination persisted in their political participation. It would be interesting to hear the delegation's analysis of the reasons for the underrepresentation of women in politics and decision-making, any plans to address the issue, and the results of any special temporary measures. She would also like to know if political parties received any public funds.

49. **Ms. Tavares da Silva** said that she was impressed by the emphasis placed on the role and involvement of men in achieving gender equality and by the high percentage of men who had taken advantage of paternity leave. She wondered if the increase in women's participation as candidates for office was really a result of the Women's List and what the public opinion reaction had been to that effort.

50. She saw a contradiction between women's significant educational achievement and their relatively subordinate role in the labour market. Reconciling work and family life was difficult in many countries, and she would like to know whether employers in Iceland were willing to accept such proposed solutions as flexible hours and job-sharing. It would be helpful to hear how the need for more day care coverage was being addressed. Finally, she would like to know if the action programme on gender equality, mentioned in paragraph 18 of the report, was being mainstreamed in all ministries and if a coordinated strategy had been developed.

51. **Ms. Shin**, on the subject of violence against women, said that she would like to hear about the results of the Men's Committee seminar against violence and the treatment programmes for violent men that focussed on changing their behaviour. In particular, she wondered whether any training in dealing with violence against women had been offered for police officers. She would like to hear more about strategies for changing attitudes and values among the general public towards violence against women.

52. **Ms. Bjarnadóttir** (Iceland) said that great emphasis was placed on education and training related to gender awareness and mainstreaming, and many entities offered courses and educational material on the subject, including the Government, the Centre for Gender Equality, universities and private businesses. In addition, under a new Ministry of Education plan, teaching in "life skills" was provided at all levels of the school system; it was designed to prepare students for life and work, but also focused on gender awareness and other aspects of human rights education.

53. Part-time employment was not a new phenomenon and had arisen partly because Iceland's economy had for a long time been heavily based on fishing and farming. In farming, men had generally been registered as full-time workers, while women had been registered as part-time workers, often because they had another part-time job outside the farm. In small fishing towns, work was usually seasonal and men had traditionally spent all their time at sea while women had looked after the home and worked part-time.

54. As was the case in many other countries a large proportion of the poor were single mothers or older women. However, a great deal of help was available to both low-income women and men: local authorities gave them direct financial support and also provided housing or housing subsidies. The Women's Education Centres had been established especially to meet the needs of women who were unemployed or facing other kind of problems. Some 80 per cent of women who followed courses at the centres subsequently found jobs or continued their education and about 90 per cent said that the courses had had a positive impact on their lives.

55. **Ms. Gunnsteinsdóttir** (Iceland) said that a special centre had also been set up in 2001 for both women and men aged 18 or over, including young women with children, who had not completed their schooling and were unemployed or had other social problems. The aim of the centre's work was to help people identify their abilities and make decisions about their future.

56. In reply to Ms. Gaspard's question, she said that efforts were being made to achieve equal participation of women and men in decision-making and policy-making and some progress had been made; for example, the number of women in Parliament had

increased at the last election. It was hoped that the number of women in local government would also increase following the municipal elections scheduled for spring 2002.

57. **Ms. Bjarnadóttir** (Iceland) said that the number of women in national and local government in Iceland was not as high as might be expected and a committee had been established to investigate the extent to which gender equality was taken into consideration in all local and national planning and policy-making. Some progress was being made as a result. Pursuant to article 4 of the Convention, job advertisements were encouraging applications from women in particular. Political parties were funded from the public purse and were therefore expected to comply with the Gender Equality Act.

58. Replying to a question from Ms. Tavares da Silva, she said that the Women's Alliance had been established at a time when there had been few women in Parliament and local government. It was generally agreed that it had been a successful initiative, firstly because many of its own members had entered local and national government, and secondly because its presence had encouraged other political parties to make efforts to promote women. An example of its impact was that Reykjavík had had a female Mayor since 1994, who had first entered the Reykjavík local government through the Women's Alliance and had worked to ensure that women represented 50 per cent of all senior staff and committee members in the administration. The Women's Alliance had eventually decided it would be appropriate to merge with two other political parties as part of the effort to mainstream gender into all areas of politics.

59. Every government ministry had an equality coordinator whose main task was to ensure the implementation of gender mainstreaming in the work of the ministry and its subordinate bodies. The equality coordinators were also actively involved in implementing the four-year action programme prepared by the Centre for Gender Equality. The new Gender Equality Act also strongly emphasized the importance of gender mainstreaming.

60. **Ms. Gunnsteinsdóttir** (Iceland), replying to a question from Ms. Tavares da Silva, said that programmes on flexible working hours had been successfully introduced into Government ministries and other institutions. The adoption of the Gender

Equality Act, which contained a specific provision on reconciling family life and work, and the Maternity/Paternity Leave and Parental Leave Act, had also provoked discussion in the private sector about flexible working hours. A number of private companies in Reykjavík had participated in the "Striking the Balance" project supported by the European Union, which had revealed that the introduction of flexible working hours actually helped companies to remain competitive. Nonetheless, day care provision for young children was still inadequate — the demand for it had turned out to be much greater than expected — but every local authority in the country was making an effort to address the problem.

61. **Ms. Bjarnadóttir** (Iceland) said that, under the system in place when the periodic report had been drafted, the Office for Gender Equality had been subordinate to the Equal Status Council. However, under the Gender Equality Act, the two institutions had been made independent of each other and renamed. The Equal Status Council was now known as the Gender Equality Council and focused mainly on the labour market, while the Office, now named the Centre for Gender Equality, had a broader mandate, namely, to promote equality in all spheres.

The meeting rose at 1 p.m.