

Distr.: General
14 October 2024

Original: English

Committee on Economic, Social and Cultural Rights**Concluding observations on the fifth periodic report of
Iceland***

1. The Committee considered the fifth periodic report of Iceland¹ at its 31st and 32nd meetings,² held on 9 and 10 September 2024, and adopted the present concluding observations at its 59th meeting, held on 27 September 2024.

A. Introduction

2. The Committee welcomes the submission by the State party of its fifth periodic report and the supplementary information provided in the replies to the list of issues.³ The Committee expresses appreciation for the constructive dialogue that it held with the State party's delegation.

B. Positive aspects

3. The Committee welcomes the legislative, institutional and policy measures taken to increase the protection of economic, social and cultural rights in the State party, such as the adoption of the LGBTI Action Programme for the period 2022–2025; the adoption of Act No. 144/2020, on Maternity, Paternity and Parental Leave, extending the duration of parental leave to 12 months; the adoption of Act No. 38/2018, on Services for People with Disabilities who have Long-term Support Needs; the amendment to Act No. 31/1993, on Marriage, abolishing the exceptions to the minimum age of marriage of 18 years; the creation of an independent national human rights institution with a broad human rights mandate; the integration of gender considerations into the macroeconomic framework, especially in the budgeting process; and the measures mentioned in the present concluding observations.

C. Principal subjects of concern and recommendations**Domestic application of the International Covenant on Economic, Social and Cultural Rights**

4. While the Committee notes that the State party's Constitution and certain provisions of its legislation address some aspects of economic, social and cultural rights, it is concerned that the International Covenant on Economic, Social and Cultural Rights has not been incorporated into the State party's domestic legal order, and therefore it cannot be applied directly by domestic courts, which may restrict access to effective legal remedies for violations of rights covered by the Covenant. Furthermore, the Committee regrets that the

* Adopted by the Committee at its seventy-sixth session (9–27 September 2024).

¹ E/C.12/ISL/5.

² See E/C.12/2024/SR.31 and E/C.12/2024/SR.32.

³ E/C.12/ISL/RQ/5.



State party seems to remain reluctant to ratify the Optional Protocol to the Covenant and, therefore, to recognize the Committee's competence to consider individual communications.

5. The Committee recommends that the State party fully incorporate the rights covered by the Covenant into its domestic legal order and ensure that victims of violations of economic, social and cultural rights have full access to effective legal remedies. The Committee also recommends that the State party reconsider its position and move towards the ratification of the Optional Protocol to the Covenant. In this context, the Committee draws the attention of the State party to its general comment No. 9 (1998) on the domestic application of the Covenant.

National human rights institution

6. The Committee recalls its long-standing concern about the absence in the State party of a national human rights institution with a broad human rights mandate, including economic, social and cultural rights, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In this context, the Committee welcomes the recent enactment of legislation by the Parliament establishing the Icelandic Institution for Human Rights, a national human rights institution, fulfilling the pledge made by the State party during the events held to commemorate the seventy-fifth anniversary of the Universal Declaration on Human Rights.

7. The Committee recommends that the State party effectively provide the Icelandic Institution for Human Rights, which is set to begin its work on 1 January 2025, with a comprehensive mandate to protect and promote all human rights, including economic, social and cultural rights. The Committee also recommends that the State party ensure that this institution is provided with sufficient human, technical and financial resources to enable it to fully exercise its mandate, in line with the Paris Principles. In this regard, the Committee recalls its general comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights.

Business and human rights

8. The Committee welcomes the steps taken by the State party towards the creation of a national action plan on business and human rights in accordance with the Guiding Principles on Business and Human Rights. It acknowledges the role of the national contact point in the State party with respect to the implementation of the Organisation for Economic Co-operation and Development Guidelines for Multinational Enterprises on Responsible Business Conduct. The Committee is concerned, however, about the absence of legal obligations requiring businesses under the State party's jurisdiction to exercise human rights due diligence.

9. The Committee recommends that the State party:

(a) Accelerate its efforts towards the adoption of a national action plan on business and human rights while ensuring that both the formulation and the implementation processes involve all interested parties, including representatives of businesses, civil society organizations and affected communities;

(b) Enact a comprehensive national legal framework that requires business entities to conduct human rights due diligence throughout their operations and supply chains;

(c) Take all measures necessary to ensure the liability of business entities operating or domiciled in the State party for violations of economic, social and cultural rights resulting from their activities both domestically and abroad, and ensure that victims have access to effective remedies;

(d) Be guided by the Committee's general comment No. 24 (2017) on State obligations under the Covenant in the context of business activities, in particular with regard to the introduction of mandatory human rights due diligence.

Climate change mitigation

10. The Committee welcomes the State party's contribution to the Green Climate Fund, its updated climate action plan and its ongoing efforts to meet the 2030 targets for reducing greenhouse gas emissions. However, the Committee is concerned that the State party continues to emit a disproportionately high level of carbon dioxide and, therefore, may not meet its nationally determined contributions under the Paris Agreement.

11. The Committee recommends that the State party intensify its efforts to achieve its nationally determined contributions target of reducing net greenhouse gas emissions by at least 55 per cent by 2030, compared with 1990 levels, including through international cooperation.

Corruption

12. The Committee acknowledges the State party's anti-corruption framework and public integrity efforts, including Act No. 40/2020, on the Protection of Whistle-Blowers, and Act No. 64/2020, on Conflicts of Interest in Government Offices. However, the Committee expresses concern that, at the moment, the State party lacks a unified national anti-corruption strategy, which could lead to fragmented efforts in addressing integrity risks across different sectors and undermine the effectiveness of anti-corruption measures.

13. The Committee recommends that Iceland adopt a comprehensive national anti-corruption strategy to integrate and strengthen existing mechanisms, ensuring a unified and effective approach to mitigating corruption risks across all public sector institutions.

Data collection

14. The Committee is concerned about the lack of comprehensive, gender-disaggregated data on immigrants in the State party, which may hinder an accurate assessment of their enjoyment of economic, social and cultural rights.

15. The Committee recommends that the State party enhance its data-collection system to gather comprehensive, gender-disaggregated data on immigrants and make them accessible, with the aim of assessing the enjoyment of rights covered by the Covenant by immigrants and developing effective, targeted public policies. The Committee also recommends that the State party take into consideration the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights.

Non-discrimination

16. The Committee welcomes the adoption of extensive non-discrimination legislation in the State party, in particular Act No. 85/2018, on Equal Treatment Irrespective of Race and Ethnic Origin; Act No. 86/2018, on Equal Treatment in the Labour Market; and Act No. 150/2020, on Equal Status and Equal Rights Irrespective of Gender. However, the Committee is concerned about the significant lack of public awareness regarding this legislation and the available remedies for victims, including procedures for filing complaints before the Equality Complaints Committee (art. 2 (2)).

17. The Committee recommends that the State party take effective measures to raise public awareness of its anti-discrimination legislation, in particular among disadvantaged and marginalized groups, and ensure that such groups are informed about available remedies for victims, including procedures before the Equality Complaints Committee.

Asylum-seekers

18. The Committee is concerned that a recent amendment to article 33 of Act No. 80/2016, on Foreign Nationals, limits asylum-seekers' access to rights, such as to food, housing, education and health, to a maximum of 30 days following the final rejection of their application for international protection. The Committee is particularly concerned that, given the potential for asylum decisions to take months to be enforced, individuals awaiting

repatriation, with some exceptions, are left unable to access essential services, including healthcare and housing (Art. 2 (2)).

19. The Committee recommends that the State party amend article 33 of Act No. 80/2016, on Foreign Nationals, to ensure that all asylum-seekers whose applications for international protection have been rejected continue to enjoy economic, social and cultural rights, including access to food, adequate housing, healthcare and education, for the entire period during which they are awaiting repatriation, beyond the current 30-day limit.

Equality between men and women

20. The Committee notes with appreciation the substantive efforts made by the State party to close the gender pay gap, including the adoption of the equal pay certification system. However, the Committee is concerned that, despite these efforts, the gender pay gap persists, in particular due to ongoing vertical and horizontal occupational segregation in the labour market, as well as a higher proportion of women working in part-time employment compared with men (arts. 3 and 7).

21. The Committee recommends that the State party:

- (a) Enhance efforts to guarantee equal opportunities for men and women to pursue non-traditional areas of study and careers, including by combating gender stereotypes;**
- (b) Facilitate the work of the working group on the elimination of the gender pay gap due to gender-based occupational segregation in the labour market and the persistent undervaluation of jobs traditionally held by women;**
- (c) Review social and tax policies to mitigate factors that discourage women from taking up full-time employment and, in particular, ensure the availability and accessibility of adequate childcare and support services throughout the country;**
- (d) Take into consideration general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights.**

Right to work

22. The Committee is concerned that unemployment rates among immigrants are significantly higher than those among Icelanders and that immigrants are more likely to be employed in low-skilled, low-paying jobs that do not correspond to their qualifications and are often concentrated in sectors with high volatility, thereby being disproportionately affected by economic shocks. In this regard, the Committee is also concerned about the difficulties that immigrants face in accessing language training and achieving the language proficiency necessary for career advancement in the labour market (art. 6).

23. The Committee recommends that the State party strengthen its employment policy in order to tackle the root causes of unemployment, in particular among immigrants, and streamline procedures for skill recognition, while ensuring that immigrants have access to information and support on obtaining such recognition. The Committee also recommends that the State party, in collaboration with social partners, enhance efforts to provide high-quality, affordable, flexible and accessible Icelandic language training for immigrants, alongside vocational training opportunities. In this regard, the Committee refers to its general comment No. 18 (2005) on the right to work.

24. The Committee is concerned that persons with disabilities face significant barriers to accessing employment, notably due to the limited opportunities available to them in the labour market (art. 6).

25. The Committee recommends that the State party take all measures necessary to increase employment opportunities for persons with disabilities, including by providing effective incentives to employers to promote the employment of persons with disabilities and support them when needed in offering reasonable accommodation. The Committee also recommends that the State party conduct an evaluation of the impact of the coronavirus disease (COVID-19) pandemic and the increased use of artificial

intelligence on the labour market, with a particular focus on the effects on employment for people with disabilities, and implement measures to mitigate any negative impacts and promote inclusivity in the workforce.

26. The Committee is concerned about the increasing challenges faced by unemployed individuals aged over 50 in re-entering the labour market (art. 6).

27. The Committee recommends that the State party assess the barriers to employment for individuals over 50 and implement measures to prevent discrimination on the grounds of age in employment and occupation.

Right to just and favourable conditions of work

28. The Committee remains concerned that the State party has not yet established a national minimum wage, although it recognizes the high level of coverage of collective bargaining agreements (art. 7).

29. Recalling its previous recommendation,⁴ the Committee recommends that the State party take legislative and other measures to introduce a national minimum wage and to ensure that it is periodically reviewed and set at a level sufficient to provide all workers and their families with a decent standard of living.

30. The Committee is concerned that, under article 13 (d) of Act No. 54/2006, on Unemployment Insurance, foreign workers who are employed in the State party under temporary work permits are not entitled to unemployment benefits. The Committee reiterates its concern that the State party continues to issue temporary work permits linked to specific employers, which may discourage workers from reporting labour violations or leaving exploitative conditions out of fear that their permits could be revoked or not renewed (art. 7).

31. The Committee recommends that the State party amend article 13 (d) of Act No. 54/2006 to extend eligibility for unemployment benefits in the event of job loss to foreign workers holding temporary work permits. Recalling its previous recommendation,⁵ the Committee also recommends that the State party take steps to ensure that temporary work permits are issued for a specific type of work or remunerated activity and specific time, rather than with a specific employer.

32. The Committee notes the efforts made by the State party to combat trafficking in persons, such as the amendment to the General Penal Code criminalizing additional forms of trafficking in persons, including forced marriage and forced labour. However, the Committee is concerned that the absence of a definition of and distinct offence for forced labour, separate from trafficking in persons, has reportedly resulted in underreporting and inadequate prosecution of some cases (art. 7).

33. The Committee recommends that the State party review its legislation and consider establishing a definition of forced labour and a separate offence requiring a lower threshold of proof than a trafficking in persons offence. It also recommends promptly investigating, prosecuting and adequately sentencing those responsible for trafficking in persons.

Trade union rights

34. The Committee is concerned about the existence of priority clauses in collective agreements, which, while aiming to promote unionization, may place non-unionized workers at a distinct disadvantage in the labour market compared with unionized workers whose unions have negotiated such clauses (art. 8).

35. The Committee recommends that the State party review the use of priority clauses in collective agreements to ensure that they do not hinder equal access to employment opportunities for all workers, regardless of union membership.

⁴ E/C.12/ISL/CO/4, para. 11.

⁵ Ibid., para. 10.

Right to social security

36. The Committee welcomes the extensive coverage of the social security system in the State party. However, the Committee is concerned about the requirement under article 17 of the Act No. 100/2007, on Social Security, which mandates at least 40 years of residence in the State party between the ages of 16 and 67 to qualify for a full old-age pension. While the Committee notes the information provided by the State party during the dialogue that recently approved legislation will address this issue, it is concerned that the legislation will not come into force until September 2025, leaving affected individuals at a disadvantage in the interim (art. 9).

37. The Committee recommends that the State party ensure the effective implementation of the legislation set to enter into force in September 2025, which will guarantee that individuals with fewer than 40 years of residence in the State party are entitled to a full old-age pension. The Committee also recommends that the State party adopt, in the interim, measures to prevent any disadvantage to affected individuals until the legislation takes effect. It also draws the State party's attention to its general comment No. 19 (2007) on the right to social security.

Protection of the family and children

38. The Committee notes with appreciation the various measures taken by the State party to prevent and address gender-based violence against women, the amendment of the Act No. 34/2012, on Healthcare Practitioners, concerning the reporting of domestic violence and the adoption of the action plan for the handling of sexual offences for the period 2023–2025. However, the Committee is concerned that different forms of gender-based violence against women, including sexual and domestic violence, remain a pressing issue in the State party. The Committee is particularly concerned about reports that victims of gender-based violence face significant challenges within the justice system, including the high number of criminal proceedings discontinued by the State Prosecutor and the low conviction rates, the excessive length of legal proceedings and that the change of the legal definition of rape to a consent-based one has not been reflected in judgments in rape cases (art. 10).

39. The Committee recommends that the State party:

- (a) Intensify efforts to ensure that all reported cases of gender-based violence against women, including sexual and domestic violence, are promptly and thoroughly investigated and prosecuted and that perpetrators are held accountable, with penalties commensurate with the gravity of the offences;**
- (b) Take measures to reduce the excessive length of legal proceedings, ensuring timely justice for victims;**
- (c) Strengthen support services all for victims, including legal assistance and psychological counselling;**
- (d) Enhance training for judges, prosecutors and law enforcement officials on the consent-based legal definition of rape to ensure that it is fully applied and reflected in judgments;**
- (e) Take into consideration the recommendations made by the Committee on the Elimination of Discrimination against Women.⁶**

40. The Committee welcomes the amendments to the Code of Criminal Procedure aimed at improving the situation of persons with disabilities in the criminal justice system. The Committee is concerned, however, that persons with disabilities continue to face a high risk of violence in their homes and other settings. The Committee is also concerned that conviction rates in cases involving violence against persons with disabilities remain disproportionately low (art. 10).

⁶ CEDAW/C/ISL/CO/9, para. 26

41. **The Committee recommends that the State party take comprehensive measures to prevent and address cases of violence against persons with disabilities in all settings, and to intensify efforts to effectively investigate and prosecute such cases.**

Poverty

42. While acknowledging the State party's relatively low poverty rates, the Committee is concerned that some groups in the State party, in particular persons with disabilities, single-parent households and immigrants, continue to experience material deprivation and poverty (arts. 9 and 11).

43. **The Committee recommends that the State party strengthen its efforts to combat poverty and ensure that programmes in this area are implemented using a human rights-based approach and with due attention paid to groups most at risk of poverty, including persons with disabilities, single-parent households and immigrants. In particular, the Committee recommends that the State party enhance efforts to increase the amount of the old-age pension and unemployment and disability benefits to ensure that they provide an adequate standard of living for all recipients. In that regard, the Committee invites the State party to consult its statement on poverty and the Covenant⁷ and its statement on social protection floors as an essential element of the right to social security and of the Sustainable Development Goals.⁸**

Right to adequate housing

44. The Committee acknowledges the State party's efforts to address the housing crisis, including a housing strategy for the period 2024–2038, together with a five-year action plan for the period 2024–2028. It recognizes the particular problem that the State party faces with regard to recent volcanic eruptions leading to the displacement of parts of the population. However, the Committee is concerned about the persistent gap between housing supply and demand and the increasing cost of rental housing, which mainly affects low-income groups, notably immigrants. The Committee is also concerned about the inconsistency in eligibility criteria for social housing support, which varies across municipalities (art. 11).

45. **The Committee recommends that the State party strengthen measures to efficiently meet the housing needs of low-income groups, in particular immigrants, including by increasing the availability of affordable and low-income housing and improving existing social housing. The Committee also recommends that the State party harmonize eligibility conditions for social housing across municipalities. The Committee refers the State party to its general comment No. 4 (1991) on the right to adequate housing.**

Right to health

46. The Committee notes with appreciation the measures taken by the State party to ensure the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. However, it is concerned about the following issues:

- (a) Limited hospital bed capacity, resulting in prolonged waiting times for surgical procedures;
- (b) Long waiting times for access to mental health services;
- (c) High suicide rates;
- (d) The increasing rates of overweight and obesity among adolescents and adults, despite the high levels of physical activity in the State party (art. 12).

⁷ E/C.12/2001/10.

⁸ E/C.12/2015/1.

47. **The Committee recommends that the State party:**

- (a) **Expand hospital bed capacity and enhance existing measures to further reduce waiting times for surgeries, ensuring more timely access to necessary medical procedures;**
- (b) **Increase the availability and accessibility of mental health services and enhance services for preventive and early interventions;**
- (c) **Strengthen measures to tackle and address the root causes of the high suicide rates and to provide individuals and groups who are at risk of suicide with effective prevention programmes and support services;**
- (d) **Strengthen measures to reduce obesity and overweight among adolescents and adults, including by promoting healthy lifestyles and enhancing public awareness of nutrition.**

Drug policy

48. The Committee welcomes the information provided by the State party during the dialogue that a working group appointed by the Ministry of Health has been tasked with drafting the first harm reduction policy in the State party and proposing an accompanying action plan. However, the Committee is concerned that the State party continues to criminalize the possession of drugs for personal use, which may prevent persons who use drugs from accessing harm reduction programmes and healthcare services (art. 12).

49. **The Committee recommends that the State party develop effective drug policies, including by considering the decriminalization of drug possession for personal use. The Committee also recommends that the State party expedite the development and implementation of its harm reduction policy and accompanying action plan, under the leadership of the Ministry of Health working group.**

Right to education

50. While the Committee appreciates the State party's efforts to promote an equitable education system, including the adoption of the Education Policy 2030, it remains concerned about the lower enrolment rates and higher dropout rates of immigrant students in upper-secondary education compared with their native peers. The Committee is also concerned about reports that the services provided to immigrant students and their parents vary significantly between schools and that immigrant children in compulsory education underperform by a wide margin compared with their native counterparts (art. 13).

51. **The Committee recommends that the State party build on the existing pillars of the Education Policy 2030 and implement a comprehensive approach to improve educational outcomes for immigrant students. This approach should include developing targeted strategies to increase enrolment and retention rates, standardizing support services across schools, implementing early language assessments and tailored support, enhancing reading literacy through specialized interventions, increasing support for vocational skills development and ensuring that teachers are adequately trained to accommodate the diverse educational needs of immigrant students.**

52. The Committee is concerned about:

- (a) The limited educational opportunities available to students with disabilities, in particular those with intellectual disabilities, following the completion of upper-secondary school;
- (b) Reports of bullying of lesbian, gay, bisexual, transgender and intersex pupils in schools (art. 13).

53. **The Committee recommends that the State party:**

- (a) **Enhance efforts to ensure equal access to continued education for students with disabilities upon the completion of upper-secondary school;**

(b) Continue to prevent and address school bullying by implementing a zero-tolerance policy and provide effective protection and support measures for pupils, in particular lesbian, gay, bisexual, transgender and intersex pupils, who are victims of bullying.

D. Other recommendations

54. The Committee recommends that the State party consider ratifying the core human rights instruments to which it is not yet a party, namely the International Convention for the Protection of All Persons from Enforced Disappearance, signed in 2008; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; and the Optional Protocol to the Convention on the Rights of Persons with Disabilities, signed in 2007.

55. The Committee also recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level, including in the recovery from the COVID-19 pandemic. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Moreover, the Committee recommends that the State party support the global commitment of the decade of action to achieve the Sustainable Development Goals. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind. In this regard, the Committee draws the State party's attention to its statement on the pledge to leave no one behind.⁹

56. The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including at the national and municipal levels, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee emphasizes the crucial role that Parliament plays in implementing the present concluding observations and encourages the State party to ensure its involvement in future reporting and follow-up procedures. The Committee encourages the State party to continue engaging with non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

57. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations (31 October 2026), information on the implementation of the recommendations contained in paragraphs 9 (a) (business and human rights), 31 (right to just and favourable conditions of work) and 45 (right to adequate housing) above.

58. The Committee requests the State party to submit its sixth periodic report in accordance with article 16 of the Covenant by 31 October 2029, unless otherwise notified as a result of a change in the review cycle. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. In addition, it invites the State party to update its common core document, as necessary, in accordance with the harmonized guidelines on reporting under the international human rights treaties.¹⁰

⁹ E/C.12/2019/1.

¹⁰ HRI/GEN/2/Rev.6, chap. I.