

**Initial report submitted by Iceland under  
article 35 of the Convention on the Rights of  
Persons with Disabilities**

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## Introduction

1. This is Iceland's first report on the implementation of the United Nations Convention on the Rights of Persons with Disabilities. The report presents a comprehensive overview of the measures taken to date to fulfil obligations pursuant to the Convention. An attempt has been made to give the best possible account of how the Convention has been implemented and clarify any challenges that have emerged regarding its introduction. The preparation of the report considered the UN Sustainable Development Goals (SDGs) as these are inextricably linked to the Convention's main aspects. The SDGs are to create a balance between the three pillars of sustainable development, the economic, social and environmental. Furthermore, the main premise of the SDG targets is to leave no individuals or groups behind. Therefore, it is important to carry out an evaluation of the implementation of the Convention always with reference to the SDGs.
2. The report was prepared by a working group comprised of representatives from the Ministry of Justice, Ministry of Welfare (now the Ministry of Social Affairs and the Ministry of Health), the Ministry of Education, Science and Culture, the Ministry of Transport and Local Government, the Ministry for the Environment and Natural Resources and the Ministry for Foreign Affairs. The working group also held consultations with the Government's Steering Group on Human Rights which is comprised of representatives from all the ministries.
3. Information was gathered from ministries, government institutions, the Association of Local Authorities, representative associations of people with disabilities, public interest associations, academia and the general public. Information was obtained through an exchange of views and written material. Numerous larger and smaller consultations were held with issue groups of the Icelandic Disability Alliance and the National Association of Intellectual Disabilities. The National Association received a special grant from the Ministry of Social Affairs for the drafting of a report to be prepared by people with developmental disabilities, thereby reflecting their views and opinions regarding the implementation of the Convention. The Ministry of Social Affairs organised a special seminar on the implementation of the Convention at a national conference called Watershed in welfare services, held in November 2018 with the participation of users of the welfare services. The Ministry of Social Affairs then went on to support the Association of Local Authorities to promote the main content of the Convention to local council members. In addition, a draft report was published in the government consultation portal, thereby providing the general public with an opportunity to express its views on the content.
4. The report is accessible in Icelandic and English on the websites of the Ministry of Social Affairs and the Ministry of Justice. Furthermore, it will be published in various digital formats, as well as in an easily readable format.

## Articles 1–3



5. The Government of Iceland's coalition agreement states that Iceland shall be the land of opportunity for all. A policy and action plan concerning issues relating to people with disabilities for the period of 2017–2021 e.g. presents a description of how this should be elaborated for the benefit of people with disabilities.
6. The policy of the Icelandic authorities is based on equality and their obligation to ensure that all are given, on the basis of their abilities, equal opportunities to acquire quality of life and enjoy the rights Icelandic society affords its citizens.
7. Iceland has agreed to the definitions presented in the Convention. Revision of Icelandic legislation took place in the period 2007-2016 in preparation for the ratification of the Convention. Laws are still under revision to ensure that the legislation complies with the provisions of the Convention.
8. In 2019, the Althingi adopted a parliamentary resolution on incorporating the Convention. It states that a bill on the incorporation of the Convention and the adaptation of Icelandic laws to it should be submitted in December 2020.

9. An effort has been made to ensure that Iceland's policy as regards issues relating to people with disabilities is in keeping with the emphases stated in the Convention. The authorities' vision for the future regarding services to people with disabilities is based on the understanding that they should be afforded, to the same extent as other people, the opportunity to receive support to become independent and enjoy quality of life conducive to releasing their full potential as able-bodied citizens of society, based on their own abilities and strengths, and enjoy respect. The guiding light in all actions taken by the society with respect to people with disabilities should be equality and standard of living comparable to that of other citizens and conditions to lead a normal life. The vision for the future is divided into sub-sections, as follows:

#### **Disability – the Relationship between Abilities and the Environment**

10. The term *disability* is considered from a social point of view. This means that there are also social reasons why people with diminished abilities do not have the opportunity to fully participate in society on an equal basis with others. The term thus refers to the link between the diminished abilities of an individual and their environment. Therefore, attention is turned towards social and environmental aspects that limit equality, such as communication and access to information and education. Measures to enhance equality shall accordingly be aimed at strengthening the abilities of the individual to participate and adjust access to society to their needs. This way, separation and social isolation of people with disabilities will continue to be reduced.

#### **Balancing of Circumstances**

11. Balancing of circumstances has been a key feature in services to people with disabilities. This means that society offers them various kinds of support in order to mitigate or balance the consequences of the impairment and to eliminate existing societal obstacles. Through this, an endeavour is made to ensure equality and living standards and to create conditions for a normal and worthy life.

#### **Responsibility shared by Different Fields of Society**

12. The issues of people with disabilities concern all fields of society, i.e. education, employment, finances, transport, justice and religion, housing, healthcare and insurance, as well as the environment, etc. The state, municipalities and institutions are no exception. The responsibility for equality and equity of people with disabilities therefore concerns all fields making decisions concerning the framework and infrastructure of society, whether social or financial in nature. Thus, the principle is that the responsibility for providing access and active participation of people with disabilities rests with the field concerned in each case.

#### **Professional Knowledge and Quality Enhancement**

13. Emphasis is placed on improving professional knowledge and enhancing quality for the benefit of people with disabilities. The service is individualised, based on a comprehensive and flexible needs assessment in consultation with users at any given time. The quality of the service and views of users in this regard are monitored regularly, e.g. through surveys among users and staff members and an assessment of the results based on specific criteria. In this way, the attainment of set goals is monitored.

#### **Rights Protection**

14. The purpose of the Act on the Protection of Rights for People with Disabilities is to ensure appropriate support for people with disabilities to protect their rights, and to ensure that their right to self-determination is respected and that full legal security is maintained when there is an urgent need to intervene in their lives.

#### **Points of View of People with Disabilities Integrated into all Policies and Planning**

15. It is the wish of the Icelandic government that all legislation, policy and planning take into account the circumstances and needs of people with disabilities. The aim is to ensure changes that improve every kind of access and awareness of the situation of people with disabilities. The aim is to have in place by the end of 2021 a national plan for services for people with disabilities in Iceland for the period until 2030, and that plan will be based on the provisions of the Convention.

## Article 4



16. The Constitution of the Republic of Iceland, No. 33/1944, contains provisions aimed at guaranteeing fundamental human rights for all individuals. In Article 65 of the Constitution, there is a general principle of equality which aims to ensure equality between all individuals. Furthermore, Article 76(1) of the Constitution states that everyone who needs it shall be guaranteed by law the right to assistance due to illness, disability, old age, unemployment, poverty and similar circumstances. The second paragraph of the provision also stated that everyone shall be guaranteed by law the right to general appropriate education and learning.
17. The United Nations Sustainable Development Goals are in many ways linked to internationally recognized human rights and international human rights conventions ratified by Iceland, such as the Convention. The Icelandic Government's task force on the SDGs has worked to implement the goals regarding the conventions. The SDGs also support the implementation and enforcement of the conventions.
18. The government's prosperity emphasizes on mental health and activity in education and work aims to enable people with disabilities to lead independent lives, and this is done, among other things, by ensuring access equal to others, whether to man-made environment, transport, services, information or communication opportunities that facilitate their participation in society and activity in daily life.
19. Every year, the Icelandic government prepares a five-year financial plan in 33 policy areas. One of these areas is to provide services to people with disabilities that take into account ideologies and core values that demand a single society for all and equal opportunities. Efforts are made to look at innovation, including the formulation of attitudes, planning, the development of processes and technological solutions of various kinds that are in line with the government's emphasis on growth in innovation.
20. The basic elements of welfare services in Iceland are based on three pillars, i.e. social services (including employment), health services and education system services. The state and local governments are responsible for services for people with disabilities in their respective policy areas. The emphasis on integration, both organizational and social, establishes action in all policy areas. Emphasis on sector responsibility, rights-oriented approach and user participation form the basis of Iceland's policy regarding services for people with disabilities. Despite clear legal instructions, people with disabilities face obstacles in many policy areas, which in too many cases prevents them from coming into their own as active participants in Icelandic society.
21. The policy of the Icelandic government in matters related to people with disabilities emphasises one society for all, equal opportunities and equal living conditions, universal design that benefits everyone and that people with disabilities should be at the helm in their own lives. Conditions will be created for people with disabilities to lead independent lives with access equal to others, whether access to a man-made environment, transport, services, information or opportunities for communication, which facilitates community participation and activity in daily life. Emphasis is placed on comprehensive services so that they are integrated for both children and adults with disabilities.
22. Two action plans have been submitted for matters concerning people with disabilities, on the one hand for the years 2012–2014 and on the other hand the current policy and action plan valid for the years 2017-2021. The first action plan was aimed at guaranteeing human rights for people with disabilities on an equal basis with others. The period of validity of the plan was extended while a new action plan was being drawn up. In formulating the current policy and action plan, it was decided to continue working on some projects, but at the same time to develop new actions in consultation with organisations of people with disabilities and professionals in the policy area.
23. The current policy and action plan for people with disabilities was approved by Althingi in May 2017. The action plan identifies 40 actions in seven policy areas related to accessibility, employment, health, image and learning, education, independent living and the development of services. The main objectives of the action plan are to introduce the United Nations Convention on the Rights of Persons with Disabilities into all legal

frameworks and implementation. In this way, people with disabilities can be encouraged to lead an independent life and enjoy human rights on an equal footing with others. About half of the 40 actions set out in the plan have been implemented or are being prepared with the involvement of several parties.

24. The health policy to 2030 focuses on providing the public with information that enables people to understand what factors affect good health and well-being and how to increase the likelihood of good health. Health literacy is a term used to describe people's ability to acquire and understand basic information about health and health services so that they can make informed decisions about their own health. Emphasis is placed on enhancing people's health literacy and their ability to take responsibility for their own health through the targeted work of those who provide health services. This needs to be done in close cooperation with healthcare users and it is important to take into account the different needs of different groups, including people with disabilities.
25. The Minister of Education, Science and Culture submitted a parliamentary resolution on education policy to 2030. in the autumn session of 2020. The policy is formulated with the involvement of many members of the school community but also in cooperation with the OECD, the business community and other stakeholders, and takes into account international conventions and commitments, such as the United Nations Sustainable Development Goals. The aim of the government is to provide excellent education for all with an emphasis on knowledge, well-being, perseverance and achievement where everyone matters and can learn. Excellent education emphasises that everyone has the opportunity to develop and increase their skills on their own terms through active democratic participation, co-operation, communication and creative critical thinking. The Ministry of Education, Science and Culture is working on an action plan on the basis of this education policy and will report on its progress on a regular basis.
26. The Municipalities' Social Services Act, No. 40/1991, last revised in 2018, contains a provision stipulating that Iceland shall enforce, when implementing the Act, any obligations it has entered into, in particular the United Nations Convention on the Rights of Persons with Disabilities. Icelandic authorities shall also ensure that people with disabilities, including their representative associations, can influence policy-making and decisions in matters pertaining to them. Decision-making shall be based on reasonable accommodation where action is needed in order for people with disabilities to exercise their rights. Article 8 of the Act provides for consultation with users so as to render them active participants in the preparation of a decision on services and how it is organised. Municipalities shall take the initiative to examine the circumstances of people with disabilities and inform them of their rights. Municipalities shall inform the applicant of the services he or she is entitled to and provide them with guidance regarding i.a. their legal status, for example whether the applicant is entitled to alternative or additional services to those for which he or she has applied. The Act applies to services to all in need of social services whereas there is a separate chapter on services for people with disabilities.
27. Act No. 38/2018 on Services for People with Disabilities that have Long-term Support Needs provides clear goals that people with disabilities shall have access, at any given time, to the best services available to meet their specific needs for support. The service shall be aimed at giving people with disabilities the support necessary to fully enjoy their human rights on an equal basis with others, and to enable them to lead their lives independently on their own terms. International obligations Iceland has entered into, especially the United Nations Convention on the Rights of Persons with Disabilities, shall be enforced in the implementation of this Act.
28. The Minister of Social Affairs and Children shall monitor the implementation of this Act, including that services, activities and operations of municipalities and other entities under this Act are in accordance with its objectives, regulations and rules based thereon, as well as with human rights obligations. The Minister shall also monitor whether the rights of people with disabilities are ensured.
29. In the aforementioned Act, people with disabilities are ensured rights conforming to their needs and preferences, as well as access to social services that make it possible for them to live in their own homes and promote their full adaptation to and participation in society. The provisions of the Planning and Building Act, the Housing Act and the Public Rental Dwellings Act, as the case may be, apply to housing for people with disabilities. People with disabilities have the right to decide their place of residence and

where and with whom they live, on an equal basis with others. Services for people with disabilities shall not be conditional upon a particular living arrangement. The interim provisions of the Act state that people with disabilities who are now living in institutions or have rooms in group homes shall be offered other housing options under this Act and its rules.

30. Any kind of services related to work and rehabilitation for people with disabilities is considered a labour market measure. The Directorate of Labour is in charge of organisation and labour market measures for the benefit of people with disabilities, including labour recruitment, assessment of work capacity and assessment of the need for labour market solutions, see the Labour Market Measures Act No. 55/2006.
31. The Health Service Act, No. 40/2007, provides that all people of Iceland shall have access to the optimum health service which is possible to provide at any given time in order to safeguard mental, physical and social health in accordance with the provisions of this Act, the Act on Health Insurance, No. 112/2008, the Patients' Rights Act, No. 74/1997, and other acts, as applicable.
32. Health insurance covers necessary dental treatment for the elderly, people with disabilities and children under the age of 18, other than orthodontic treatment. Furthermore, health insurance covers rights negotiated on account of serious consequences of congenital defects, accidents and disease. There is a special provision in a Regulation stipulating that people with developmental disabilities have the right to dental services free of charge.
33. The Minister of Social Affairs is responsible for official policy-making in matters pertaining to people with disabilities which shall be collaborated with the Icelandic Association of Local Authorities, representative associations of people with disabilities and their member associations. Additionally, people with disabilities shall be involved in the formulation of policies in matters pertaining to them. Municipalities are responsible for organising and carrying out services for people with disabilities, including ensuring the quality of the services, whether it is provided by employees of the municipality or by private entities. The responsibility for specific social services for people with disabilities was transferred from the state to municipalities at the end of 2010/beginning of 2011. From that time, the municipalities have made decisions, as local authorities, on services for people with disabilities. The Ministry of Justice is responsible for the implementation of the Convention and this is reflected in the vision that its introduction is an urgent human rights issue and not solely a welfare issue.
34. Municipalities are responsible for organising and carrying out services for people with disabilities (first level services). Certain specialist services are provided across municipalities (second level services) and services provided by national institutions (third level services) are carried out by the state (Ministry of Social Affairs); the State Diagnostic and Counselling Centre and the National Institute for the Blind, Visually Impaired and Deafblind provide services at national level for specified target groups and endeavour to fulfil their specific needs for support at any given time. The Act is based on the ideology of independent living. Furthermore, the legislation is to ensure necessary services for people with disabilities rather than the same right for everyone. Emphasis is placed on assessing the need of the individual for support, the authorities' obligation of initiative, and ensuring respect for the principle of equality. The Ministry of Social Affairs operates rights protection for people with disabilities, which is to ensure that they have appropriate support in protecting their rights and that the right to self-determination is respected.
35. In May 2018, the Social Services and Child Protection Quality and Control Authority was established but until then the Ministry of Social Affairs had supervised the services for people with disabilities. The role of the Authority is to supervise services provided under the Act on Services for the Disabled with Long-Term Support Needs and the Municipal Social Services Act. The Authority is operated as part of the Ministry of Social Affairs.
36. The state is responsible for organising and carrying out health-care services at national level. The health-care services are provided by government bodies, other public bodies or private entities on the basis of agreements with the state pursuant to the Act on Health Insurance No. 112/2008. Most of the cost of health-care is paid for by the state. People who live in Iceland and have lived there for at least the last six months before receiving health insurance benefits are covered by health insurance. Thus, people with disabilities

are covered by health insurance like other residents of the country and have the same access to health-care as others. On the other hand, people with a disability assessment pay lower patient fees than general users of health services according to Regulation No. 1248/2019 on Co-Payments of Health Insured Persons in the Cost of Health Services. Health-care services are free of charge for them and other fees are much lower than for general users.

37. Municipalities are responsible for school services at the pre-school and primary school level, while the state is responsible for school services in upper secondary schools. All individuals up to the age of 18 have the right to attend school, even though the pre-school level is optional and students aged 16–18 are covered by the education obligation of the authorities in upper secondary schools. Universities are independent educational institutions, either run as state institutions or private non-profit institutions. Further education is provided by competent parties with the participation of the Treasury in the cost of its implementation.
38. Icelandic authorities support the activities of representative associations of people with disabilities with substantial funding each year. Through its holding in the Iceland Lottery, the Icelandic Disability Alliance receives funding to pay for the start-up costs of residential housing for invalids and to support its other activities for the benefit of people with disabilities. Every year, the National Association of Intellectual Disabilities receives a grant from the Ministry of Finance's support budget section. In addition, a number of representative associations receive project grants to support certain projects for the benefit of people with disabilities. Cooperation between the aforementioned representative associations and the ministries could be either on a regular basis or on irregular basis and in that case in relation to particular projects. The Ministry of Social Affairs has developed a procedure based on co-creation and it was used, among other things, in drafting regulations in connection with Act No. 38/2018 on Services for People with Disabilities that have Long-Term Support Needs. The government emphasises at all times that everyone's views are heard and acted upon. For this reason, the Ministry of Social Affairs advertises i.a. for grant applications once a year where various legal entities can apply for grants for projects of various kinds that can be conducive to increasing participation and awareness in society, whether in the case of people with disabilities and/or the general public.
39. In each municipality, or in municipalities that co-operate on services for people with disabilities, there shall be a formal consultation forum called a consultation group on issues of people with disabilities, which discusses services for people with disabilities and the implementation and development of the services. The consultation group shall consist of a minimum of three representatives elected by the local government following local elections and three representatives nominated by the representative associations of people with disabilities.
40. In the spring of 2019, the National Association for Intellectual Disabilities, received a grant from the Ministry of Social Affairs to prepare a report on the implementation of the Convention in Iceland. The report was prepared by people with developmental disabilities and it reflects their views and opinions regarding the implementation of the Convention. Átak, the Icelandic self-advocacy group, and a group of people called the ambassadors on the Convention prepared the report together. The report states that the most pressing issues for people with disabilities are housing, employment and education.
41. A Consultative Committee on the Affairs of People with Disabilities serves, under the auspices of the Ministry of Social Affairs, as a consultative forum for the central government, municipalities and stakeholders. The Consultative Committee shall be composed of two representatives from the Ministry, one representative from the Ministry of Finance and Economic Affairs, two representatives from local governments and four representatives from representative associations of people with disabilities. The Ministry shall ensure that the majority of committee members are people with disabilities. The role of the Consultative Committee is to advise the Minister on policy-making in matters concerning people with disabilities.



## Article 5



42. Article 65 of the Constitution sets out a general principle of equality where it is stated that everyone shall be equal before the law and enjoy human rights irrespective of sex, religion, opinion, national origin, race, colour, property, birth or other status. Although disability is not mentioned specifically, in the commentary to the provision it is clearly stated that the list is not exhaustive and that the wording “other status” refers to numerous points, such as health and physical condition. Furthermore, judicial practice has affirmed that discrimination based on disability is covered by this provision of the Constitution.
43. The European Convention for the Protection of Human Rights and Fundamental Freedoms has been incorporated into Icelandic law (Act No. 62/1994), whereas Article 14 of the Human Rights Convention presents the principle of equality which covers all rights described in the Convention. Likewise, the United Nations Convention on the Rights of the Child was incorporated into Icelandic law in its entirety, (Act No. 19/2013) and Article 2 of the Convention on the Rights of the Child states that each child shall be ensured the rights of the said Convention, without discrimination of any kind, referring in particular to discrimination based on disability.
44. General principles of equality are also found in various legislations. An example of this is Article 11 of the Public Administration Act No. 37/1993, which aims at ensuring that the authorities guard equality and consistency in case handling and that parties are not the object of discrimination. Even if disability is not specified in the provision it is clear that discrimination based on disability is covered, as has been confirmed in practice. . In addition, Article 42 of the Municipalities’ Social Services Act No. 40/1991 states that a social committee shall have the task of securing for people with disabilities comparable living conditions and equality to those of other members of society.
45. In September 2018, the Act on Equal Treatment in the Labour Market, No. 86/2018, entered into force. The Act applies to the equal treatment of individuals on the labour market, irrespective of their race, ethnic origin, religion, life stance, disability, reduced working capacity, age, sexual orientation, gender identity, sexual characteristics or gender expression, for example as regards access to jobs, self-employment or occupational sectors, including as regards recruitment and promotion; access to educational and vocational counselling, vocational education and vocational training; decisions in connection with wages, other terms of service and notice of termination; and participation in workers’ and employers’ organisations, including the perquisites that they provide to their members.
46. Act on Equal Treatment Irrespective of Race or Ethnic Origin, No. 85/2018, also entered into force at the same time as Act No. 86/2018. That Act applies to all fields of society with the exception of the labour market. The Act provides added legal protection for individuals who believe they have been discriminated against outside the labour market. “With the exception of the labour market” refers to the prohibition of discrimination e.g. in relation to social protection, i.e. health services and social services, in relation to access to the social security scheme and other social schemes, such as the unemployment insurance scheme and maternity leave scheme, schools and pedagogical establishments, as well as prohibition against discrimination in relation to access and delivery of goods and services. According to an interim provision in the aforementioned Act, the idea is to expand the Act so as to extend its application and apply equal treatment irrespective of religion, life stance, disability, age, sexual orientation, gender identity, sexual characteristics or gender expression in all fields of society, with the exception of the labour market.

## Article 6



47. Icelandic authorities place great emphasis on gender equality. The aim of the Act on Equal Status and Equal Rights of Women and Men, No. 10/2008, is to establish and maintain equality and equal opportunities of women and men and the equal status of genders in all fields of society.
48. In August 2019, the Prime Minister appointed a steering group that was given the task to draft a bill for a new comprehensive legislation on gender equality. The existing law on the equal status and equal rights of women and men from 2008 has been amended several times since its adoption, last on account of the 2017 equal pay certification. The steering group's draft work plan was submitted for discussion in the government's consultation portal in July 2019, in relation to a plan for a new legislation and received some suggestions that have been taken into account in the planning of the work. A new bill for a comprehensive legislation was introduced in the autumn of 2020.
49. The brochure *Violence against Women with Disabilities* was published in 2015 presenting the results of a study conducted in four European states. The brochure is accessible on the Internet and can be accessed in an easily understandable language, as well as in sign language and on a sound file. Also, it includes information on where women who fall victim to violence can seek help.
50. The aforementioned Act on Equal Treatment in the Labour Market prohibited discrimination in the labour market on the basis of various factors, including disability and occupational disability.

## Article 7



51. Article 76(3) of the Constitution of Iceland provides that for children, the law shall guarantee the protection and care which is necessary for their well-being.
52. The Act on Services for Disabled People with Long-term Support Needs states that when children with disabilities and their families are involved, the CRC must be enforced. The municipalities' support services shall be tailored i.a. to the needs of children with disabilities in regard to care and training, as well as to services necessary to their families so as to enable them to provide a safe and nurturing environment. Further, the needs of parents with disabilities regarding the care and upbringing of their children shall be taken into consideration. The Act provides that essential services for children with disabilities shall be guaranteed in order for them to enjoy human rights and human sanctity on par with other children, lead independent lives and participate in an inclusive society. Moreover, children with disabilities shall have real access to and enjoy education, training, vocational preparation and leisure activities. All measures involving children with disabilities shall be guided by what best serves the interests of the child in question, as well as promote the child's social integration and development. Special emphasis is placed on the fact that children with disabilities have the right to express their opinions freely in light of their age and maturity. The Act provides that children shall be provided with appropriate services, even when diagnosis of a possible impairment by specialists is not available. Municipalities have a duty to ensure leisure activities for children with disabilities. It shall be individualised and take note of the assessed need for support.
53. In the policy and action plan concerning matters pertaining to people with disabilities for the years 2017-2021 an endeavour is made to enable people with disabilities, both children and adults, to lead independent lives and enjoy human rights to the same extent as others. Actions concerning children include efforts to increase access to preschools and primary schools, to centralised knowledge and counselling with regard to the operations of consulting preschools and primary schools.
54. Additionally, the Minister of Social Affairs provided the Ombudsman for Children with a financial contribution to launch the project "Voices of children with disabilities". A group of experts, composed of children with disabilities, aged 13-18, was established with a view to creating a space and opportunities to discuss topics of their own choice and submit suggestions based on their own experiences and opinions. The results will

contribute to the authorities' comprehensive policy-making concerning the rights of children in Icelandic society.

55. A study conducted in 2018 found that children living in well-to-do homes were more likely to have an individualised plan than children living in homes where it is difficult to make ends meet. Children from financially stronger households were also more likely to have had to wait a short time for appropriate support, proportionally more of them had gone to summer or play courses during the summer holidays and travelled domestically or gone abroad. Guardians of children in homes who did well were more likely to be satisfied with the services provided to the children at school and were generally more satisfied with the service that the child was receiving. Compared with corresponding questions from 2010 and 2014, more children in 2014 had individualised plans, the majority of children under the age of six had been appointed a case manager and the waiting period for appropriate support for children with physical disabilities was generally shorter than for children with other impairments.
56. Furthermore, the action plan provides for action concerning integrated services for children with disabilities in need of extensive support as well as their families. In January 2020, the Ministry of Social Affairs concluded an agreement with four municipalities, with the involvement of the State Diagnostic and Counselling Centre, to collaborate on the development, implementation and follow-up on individualised service plans, where a case manager ensures safety and continuity. The University of Iceland - School of Education and the Association of Local Authorities also partake in the project.
57. Currently, the State Diagnostic and Counselling Centre is preparing the establishment of regional teams with the aim to increase knowledge and enhance and integrate services for children with disabilities in each region taking account of the child's specific needs in its microenvironment. One such team has started operations and two are afoot.
58. In the existing action plan in the field of child protection for the years 2019-2022, emphasis is placed on actions in matters pertaining to children such that the interests of the children are always prominent, and every endeavour is made to intervene early and provide continuous services.
59. In general, the Government Agency for Child Protection makes sure that children with disabilities have the same opportunities as other children to use the services offered by the Agency. The Agency's members of staff also provide services for children and their families in the child's microenvironment. Moreover, the Agency ensures good access, both for children with disabilities and their parents.
60. Effort have been made to improve the division of duties between the state and the municipalities and various institutions through the aforementioned Act on Services for People with Disabilities with Long-term Support Needs. The Act provides for the right of children with disabilities, who are in need of persistent, diverse support by the social, health and educational services, to individualised service plans. When a child needs the services of several systems, whether due to a disability, disorders or chronic diseases, it is the obligation of the aforementioned bodies to form a multidisciplinary service team to implement the services and ensure the coherence and quality of services. The Act further provides that the Ministry of Social Affairs shall appoint a team of specialists for children with diverse problems and children who, due to their disability, need different and more extensive services than is possible to provide in their homes.
61. In the autumn of 2018, the ministers for Social Affairs and Equality, Health, Education, Science and Culture, Justice, Transport and Local Government and the Association of Local Authorities signed a Memorandum of Understanding on removing barriers between systems, improving services for children and to create a child-friendly society. The aforementioned parties expressed their will to increase cooperation between policy areas under their auspices that concern the welfare of children.
62. On this basis, extensive work has taken place with broad consultation regarding services for the benefit of children. For example, the plan is to submit a bill to the Althingi on the integration of services for the welfare of children. The bill's aim is to promote and formulate clearly cooperation between the bodies that provide services for children. The bill will formalize more clearly cooperation on the provision of services and thus create conditions for early intervention in the child's life under certain circumstances, with appropriate support as necessary. At the same time, the bill will establish a formal consultation forum for the state, where representatives of ministries and the Association

of Icelandic Municipalities formulate a policy and action plan for welfare and prosperity with the participation of children. Further, the aim is to establish regional councils where representatives of the service systems responsible for children's prosperity in a certain area come together.

63. In the summer of 2019, the Ministry of Social Affairs, the municipality of Kópavogur and UNICEF Iceland signed a cooperation agreement on the design of a dashboard to ensure better overview of the welfare of children, including children with disabilities. By monitoring the welfare of children more closely, it is possible to estimate which actions must be taken and whether the actions already deployed have yielded some real results. The dashboard is under development and the aim is to undertake part of the work in cooperation with the Ombudsman for Children and Statistics Iceland. The aim is that all municipalities and the authorities will have within two years access to a dashboard that will hold major statistical data on the welfare and well-being of children, including data on the situation of children with disabilities and their families.
64. The State Diagnostic and Counselling Centre is a centralised multidisciplinary place of service and knowledge that serves children with disabilities up to the age of 18 wherever they live in the country. The Centre acquires and disseminates knowledge about disabilities and developmental disabilities, in addition to participating in research and providing instruction on the main intervention methods. In recent years, the number of referrals for children of foreign origin to the State Diagnostic and Counselling Centre has increased greatly, whereas in 2018 these amounted to 30% of the total number. The State Diagnostic and Counselling Centre has explored ways to improve services to immigrants and has participated, for example, in a cooperation project under the auspices of the National Association for Intellectual Disabilities, aimed at examining the situation of the children and analysing where the need for improvement is most pressing. Moreover, the Centre received a grant from the Development Fund for Immigrant Affairs for the years 2018-2019 to examine the nature and reasons for the increase in referrals for children of foreign origin.

#### Article 8



65. A study carried out by the Social Science Research Institute of the University of Iceland in 2018 revealed that the general public has little knowledge of the Convention. Only 10% had fairly good knowledge of it and 1% had excellent knowledge of it. Participants were also asked about their views on various impairments and their participation in different areas of society. In general, participants were more satisfied with the participation of people with physical disabilities, blind people and the deaf, compared to people with developmental disabilities or mental illness. Background analysis shows that younger people and people with a university education were generally more positive towards the participation of disabled people than older people. Also, people with disabilities and people associated with them through friendship or family ties were more positive than others. Similarly, answers indicated that people with a university education and younger people have less prejudice against people with disabilities than people with other education and also that women are less prejudiced than men.
66. One of the main aims of the policy and action plan as regards issues pertaining to people with disabilities is to raise public awareness on the Convention and the rights of people with disabilities and to promote positive attitudes towards people with disabilities and issues pertaining to them. The action plan raises awareness of the diverse lives of people with disabilities through image work and education. Also, it provides for instruction for elected representatives of municipalities as well as health professionals, the police, the prosecution and the judiciary. Furthermore, included is a special action on the promotion of the United Nations Convention on the Rights of Persons with Disabilities. The plan also provided grants for the following projects aimed at enhancing instruction for the public on issues pertaining to people with disabilities.
67. The National Association of Intellectual Disabilities, has received financial support for the production of the series "Through our Eyes" where people with developmental disabilities examine current affairs from their own viewpoint. The series have promoted awareness of the status of people with developmental disabilities, their abilities, views and aspirations. Furthermore, plans have been laid to draw attention to the diverse lives

of people with disabilities by making a series for public viewing about the lives of people with disabilities with diverse background and lifestyles.

68. Fjölmennt adult education centre received grants in 2018 and 2019 to follow-up on projects on awareness-raising on the rights of persons with disabilities. This includes the “Ambassador project” where people with disabilities introduce the Convention to others, for example by attending meetings, conferences, visiting workplaces and homes of people with disabilities and give presentations for residents and staff. Furthermore, meetings were held in Reykjavík and outside the capital in relation to the municipal elections in 2018. The ambassadors’ contribution was the making of a video on the Convention presented at the meeting. In the autumn of 2018, a new project was launched aimed at raising awareness of advertising agencies of how people with disabilities are shown in the media and in films. The grant has also been used to train ambassadors in making podcast episodes on various articles of the Convention.
69. The Association of Local Authorities received a grant in 2018 which was used for interviewing users of disability services. The interviews were presented as a contribution in information sessions for elected representatives of municipalities and their staff in February 2020 and subsequently made available online.
70. In 2018, the Ministry of Welfare made an agreement with the University of Iceland - School of Education to produce educational material for health professionals on services for people with disabilities. The educational material is in the form of diverse lectures on issues pertaining to people with disabilities, as well as the Convention, communication, autonomy, health and disability, to name but a few. The Ministry of Social Affairs and the Ministry of Health now collaborate on distributing the educational material to staff in the health-care system.
71. A grant was provided to the Rights Watch in order to support action aimed at ensuring that the criminal justice system (police, prosecution and the judiciary) knows and takes into account the needs and circumstances of persons with disabilities, whether they have a status as victims of crime, defendants or witnesses. In 2018, the Rights Monitoring Unit and the Centre for Police Training and Professional Development hosted a symposium on the legal security of people with disabilities and cooperation between rights protection officers and the police. At the beginning of 2019, the Judicial Administration, the Rights Watch of the Ministry of Social Affairs and the Centre for Police Training and Professional Development at the National Police Commissioner of Iceland hosted a conference on the legal security of people with disabilities.
72. A course *Interviewing of People with Special Needs* was offered to police officers, which covered methods for interviewing victims, witnesses and defendants with autism. The instructor had extensive experience in training the staff of the police in Manchester, England, in interviewing technique for sound and image. Furthermore, the State Prosecutor has issued guidelines for the police and prosecutorial authorities on procedures and case handling in the criminal justice system where people with disabilities are involved.
73. Finally, it should be noted that Icelandic education policy aims to increase respect for the diversity of people and promote equal opportunities. Amongst basic elements of education are equality, democracy and human rights. On the basis of these, emphasis is placed on education in equality which has the aim of creating opportunities for all to develop on their own terms, cultivate their talents and live a responsible life in a free society in the spirit of understanding, peace, tolerance, open-mindedness and equality. Human rights will only be secured by promoting the health and welfare of everyone and fighting discrimination and every kind of violence, including bullying. Education for sustainability, equality, democracy and human rights aims for children and young people to understand society as it is and has developed.

#### Article 9



74. The Article on objectives in the Construction Act No. 160/2010 states that access for all shall be secured. This provision is entered into the Act as a result of the Convention. Further elaboration of these provisions can be found in the Building Regulation No. 112/2012 that provides, i.a., that universal design shall ensure non-discrimination with respect to access and general usage of buildings on the basis of disability, impairments

or sickness, and that they can safely enter and exit buildings, even in extraordinary circumstances, such as in case of fire. In this context, account shall be taken of wheelchair users, people with walking and hand disabilities, the blind and visually impaired, the hearing impaired, persons with asthma and/or allergies, persons with developmental disabilities and persons with reading difficulties.

75. The Building Regulation also discusses which buildings, including access to them, shall be designed and constructed on the basis of universal design. The requirement covers buildings for public use. The requirement also covers school buildings, after-school activity centres, buildings where business activities take place, in so far as the nature of the activities gives rise to, buildings intended for the elderly and buildings with apartments intended for people with disabilities. This requirement also applies to buildings with student apartments and dormitories, buildings where according to the Regulation an elevator is required for transport of people, to traffic routes within the ground floor in apartments with all main spaces on the ground floor and also to all spaces and bathrooms intended for residents in nursing homes, hospitals and residential homes.
76. The requirement for universal design refers to the understanding that buildings shall be designed for universal usage, all can move around and use the facilities therein without special assistance. The design for such buildings must also have easily furnishable spaces in order to suit any special needs of the persons listed above. Where it is stated that apartments, rooms or individual spaces shall meet the needs of persons with physical disabilities, this refers to special furnishings aimed at their needs, as well as the requirement for a universal design.
77. The requirement for a universal design may be derogated from in buildings where business activity takes place if the circumstances are such that the requirement is not justified. If derogations are made from the considerations regarding universal design, the underlying reasons shall be thoroughly justified in the design documents.
78. The issuer of the building permit controls that the design of buildings/structures complies with the provisions of the Construction Act and that the construction conforms to the approved design documentation, laws and regulations that apply to the construction. Decisions taken on the basis of the Act may be appealed to an independent appeals committee, the Environmental and Natural Resources Board of Appeal. The proceedings before the Board are free of charge. Also, the Construction Act provides that the Housing and Construction Authority monitors the implementation of the Act.
79. To support the implementation of the Convention, the Iceland Construction Authority received a grant under the action plan to prepare guidelines on the licensor's authorisation to deviate from the provisions of the Building Regulation on universal design in already built housing. A centralised registration was established which is linked to an electronic portal for handling building permits. However, the requirements of the Regulation apply to the designer's obligation to submit a specific statement regarding the provisions that a request of deviation concern, on the reasons why they cannot be complied with and whether it is otherwise possible to ensure access so that the objectives of the Regulation are met.
80. Further, the Icelandic Disability Alliance received a grant under the action plan at the end of 2019 for a project that involves preparing a general description of the work of the accessibility officer and drafting guidelines. The aim is for the municipalities to use the material to further develop the work of the accessibility officer or others concerned with accessibility issues. An access key should also be created for access to public buildings in municipalities. It is anticipated that the final report on the project will be submitted in the spring of 2021.

#### **Access to information and communications technologies**

81. In 2012, the Government adopted an access policy for official websites in order to secure access, e.g. for blind people, the visually impaired and others in need of aids to be able to read and use websites in general. The policy criteria must comply with the international standard *Web Content Accessibility 2.0*. Reviews of official websites have been carried out every other year since 2005. On each occasion, around 300 official websites have been reviewed, covering access among other things. The last review took place in 2017 and points for access increased from 61 in the last review to 63.5 points out of 100 possible. Websites of large institutions and municipalities fulfil most or all

of the factors covered by access, whereas access may be below standard at smaller institutions.

82. Article 3 of the Act on the Icelandic National Broadcasting Service, a public-service medium, No. 23/2013, states that the purpose of providing media services in accordance with the public service remit of the INBS shall be to fulfil the democratic, cultural and social needs of Icelandic society through the dissemination of text and audiovisual material. Article 6 states that the INBS shall provide access to media services falling under its public service remit to persons with a hearing disability by way of subtitling of news and other televised programmes, teletext, broadcasts in sign language and/or other means of dissemination deemed suitable for this purpose and which are technologically feasible at each time. The INBS now publishes easily readable material on its website, in cooperation with the National Association of Intellectual Disabilities
83. To support the implementation of the Convention, emphasis has been placed on increasing access to digital public services and in 2019 the Government adopted an action plan on the enhancement of digital services. The aim is to place Iceland at the forefront globally in regard to digital services and public services. In 2018, a project group named *Workshop on digital Iceland* was formed with the role of assisting public institutions in improving digital services. To date, 16 digital service standards have been defined which must be fulfilled, one of which is to secure access. The services must be accessible to all and be of use to people with disabilities, old people or people who find it difficult to make use of digital services.
84. Annually, the National Association of Disabilities, receives a grant from the action plan to work on projects which aim to ensure that people with disabilities can access information on their right to services. The project involves examining access to information on municipal websites by getting a focus group of people with developmental disabilities to view the websites of at least six municipalities that will be selected at random. Emphasis will be placed on access to easily understood material on rights and the services of municipalities. The result of the review will be a list which will be useful to other municipalities, public organisations, etc., regarding issues that must be kept in mind when preparing easily understood material as well as people's access to information about their rights and services.
85. The action plan sets out that annually funds will be allocated to the operation of a facility where easily readable text will be compiled, where counselling, information and training will be provided in order to facilitate access for people with developmental disabilities to information and thus opportunities for active participation in society to the same extent as others. Annually, the National Association of Intellectual Disabilities, receives a grant under the action plan in order to establish the facility and it is assumed that the operation will be reviewed on a regular basis.

## Article 10



86. The Constitution of Iceland does not specifically discuss the right to life whereas in Article 69(2) it is stated that death penalty may never be stipulated by law. However, the right to life is ensured by Article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms which has been given the force of law in Iceland, see Act No. 62/1994, as well as Article 6 of the CRC, cf. Act No. 19/2013.
87. In principal, it is the understanding in Iceland that all individuals possess rights from the time of birth. A fetus is thus not considered a legally competent individual by law and therefore not covered by key legislative provisions on life and individuals. Nonetheless, fetuses are considered to possess rights in a limited way. Article 30 of the Child Protection Act, No. 80/2002, provides for resources for child protection committees to be able to intervene if an expectant mother is endangering the life of her unborn child, such as through alcohol abuse or consumption of drugs.
88. Prenatal care is available free of charge at every health clinic in Iceland. Health-care for infants and toddlers is available free of charge until six years of age in order to monitor the welfare and health of children.
89. Expectant parents are offered fetal screening and fetal diagnosis during pregnancy. Fetal screening is offered in weeks 11-14 and again in weeks 19-20. Fetal screening involves ultrasound as well as a blood test, but fetal diagnosis usually involves a risky

intervention. Fetal screening and fetal diagnosis are always the choice of expectant parents, but the parents also receive counselling by doctors and midwives.

90. The Abortion Act, No. 43/2019, authorises pregnant women to have their pregnancies terminated until the end of week 22 of pregnancy. However, the Act also states that abortions should be carried out as soon as possible and preferably by the end of week 12 of pregnancy. The purpose of the Act is to ensure that the autonomy of women seeking abortion is respected by providing them with secure access to health-care. Abortion may only be performed after the end of week 22 of pregnancy if the life of the pregnant woman is endangered by continued pregnancy or if the fetus is not considered permanently viable as confirmed by two doctors.

## Article 11



91. Everyone, including people with disabilities, is entitled to protection and assistance in the event of disaster and/or emergency. The Department of Civil Protection and Emergency Management (Civil Protection) endeavours to ensure that everyone receives information and assistance in the event of an imminent disaster or when a disaster has already occurred. Efforts are made to have several ways to provide information on emergencies so that as many people as possible can be reached with text messages, press releases on television and radio, on websites, in telephone calls and more. Disabled people and their representative associations have also worked with the Civil Protection with the aim of ensuring their safety, although no special response plan has been prepared. A new policy on civil protection and security matters is being developed, and the Convention will be taken into account in this work.
92. The emergency number 112 handles emergency response in accordance with the Act on Coordinated Emergency Response, No. 40/2008. An effort has been made to ensure that everyone can seek emergency assistance through the emergency number 112, regardless of disability, age or other status. Since 2006, it has been possible to send text messages to 112 in Iceland. In collaboration with the Association of the Deaf, 112 published "112 Deaf" on the Day of the Deaf 2018, which is a special app that makes it easier for people to make contact and exchange information. Menus were designed with people from the Association and it is possible to send photos from the field to improve the flow of information. In addition, 112 has specially designated telephone numbers where special processes can be specified for specific individuals and it is often used to meet the needs of people with disabilities.
93. In connection with COVID-19, the Civil Protection held daily information meetings that were interpreted into sign language, and at the same time a special information page was created, [www.covid.is](http://www.covid.is). In order to ensure the provision of information to people with developmental disabilities, the National Association of Intellectual Disabilities, the Directorate of Health and the Ministry of Health worked together to publish an information booklet on the virus in an easily readable language. Educational posters and videos were published to ensure that important information, such as the importance of hand washing and proximity limits, would reach as many people as possible. Right from the start of the epidemic, the Civil Protection issued a number of guidelines for individuals, the business community and public services. Special guidelines were made for people with disabilities. A representative of the Ministry of Social Affairs in the Civil Protection Coordination Centre prepared special guidelines for social services. It was emphasised that people with disabilities and their representative associations were consulted and that the role of each party was as clear as possible.

### **The rights of people with disabilities seeking international protection**

94. According to the Foreign Nationals Act, No. 80/2016, a disability may cause an individual seeking international protection to be considered to be in a particularly vulnerable position, see Article 3 of the Act. The Directorate of Immigration shall ensure that an analysis of this is carried out as soon as possible and subsequently assess whether the person concerned has any special needs that must be taken into account in the processing of the case, *cf.* Article 25 of the Act. An assessment of special needs is not limited to the time applied for and an individual's right to special assistance is not limited, even if it is not stated until later that their vulnerable situation entails special



needs. Efforts shall be made to ensure that an employee with appropriate expertise and experience handles their case.

95. The Directorate of Immigration seeks to provide disabled people with the services they need. Article 24 of the Regulation on Foreigners, No. 540/2017, states that the Directorate of Immigration operates a centre which shall be the first diagnostic and reception resource for applicants for international protection. Efforts shall also be made to guarantee the rights of children and persons with disabilities. The diagnostic and reception centre shall also carry out an individual analysis of whether an individual is considered to be in a particularly vulnerable position, as well as an assessment of what services the person needs, such as a medical examination, psychological services or other necessary services.
96. Special consideration shall be given to the situation of people with disabilities when deciding whether to accept an application for international protection for processing, despite an authorisation to return the person in question to the previous recipient country, *cf.* Article 36 of the Foreign Nationals Act, No. 80/2016, and Article 32a of the Regulation on Foreigners, No. 540/2017. Special reasons include when the applicant will have difficulties in the receiving country on account of serious discrimination, for example because the person does not have access to the services necessary for their disability or can expect that, due to their disability, their status will be significantly worse than that of the general population in the recipient country. Furthermore, it is especially prohibited in Article 42 of the Act to expel or resend people to where their life or liberty may be endangered (principle of non-refoulement). The provision applies both to applicants for international protection and to those who are excluded from such legal position on the basis of Article 40 of the Act. The prohibition also applies to sending foreigners to areas where it will not be guaranteed that they will not be sent on to areas where unsafe conditions exist.

## Article 12



97. There are provisions in various Icelandic legal acts that have the objective to ensure equality, non-discrimination and that people with disabilities enjoy equal recognition as everyone else before the law. Pursuant to the Act on Legal Competence, No. 71/1997, all individuals become legally competent, i.e. manage their personal and financial affairs, when attaining the age of 18 years. People with disabilities enjoy the same full legal competence as all other persons and can only be deprived of their legal competence in accordance with strict conditions set out in the Act on Legal Competence.
98. In 2015, the Act on Legal Competence was amended in order to harmonise it with the Convention. The commentary to these amendments includes references to the Committee's general commentary on Article 12 and states that the objective of the amendments was to make it clear that disability alone could not be a reason for an intervention such as deprivation of legal competence, deprivation of financial competence, involuntary commitment or forced treatment.
99. The aim of the aforementioned amendments was, inter alia, to stress that the deprivation of legal competence should be an absolute emergency measure that can only be temporary. Section 4 of the Act on Legal Competence now states that by judicial decision a person can, if necessary, be deprived of legal competence, personal competence alone or financial competence alone, all other and lesser means having previously been tried. This applies: If he or she is unable to manage their personal or financial affairs by reason of mental debility, old age infirmity or mental disease, or by reason of other serious health condition; If he or she is, as a result of excessive use of alcohol or drugs of habituation or dependence, unable to manage their personal or financial affairs, and if any of the reasons mentioned in the Act apply to the individual in question; If he or she is not able to manage their personal or financial affairs in a satisfactory manner by reason of physical disability, health failure or other impairment, and therefore decides to request deprivation of legal competence.
100. According to Section 11 of the Act on Legal Competence, the judge may collect evidence on their own accord, such as medical certificates. In order to independently assess the competence of the individual in question, the judge shall summon the respondent to appear in court and afford the respondent an opportunity to express their

views, except if the respondent's condition, according to a provided medical certificate, renders this meaningless.

101. However, it has been pointed out that these legal provisions are not entirely in keeping with the requirements of the Convention, i.e., the Act's reference to mental disease as a basis for deprivation of legal competence and that there is no specific provision for assistance to people with disabilities to utilise their legal capacity. Accordingly, in June 2019, Althingi adopted a resolution on the appointment of a parliamentary committee to carry out a complete audit of the Act on Legal Competence. It was specifically stated that during that work, consideration should be given to the Convention's provisions. The committee shall submit a parliamentary bill based on the audit by the end of 2020.

#### **The rights monitoring unit, rights protection officers and personal spokesmen**

102. The purpose of the Act on the Protection of Rights for People with Disabilities, No. 88/2011, is to ensure disabled persons appropriate support in the defence of their rights, that disabled persons' right of self-determination is respected and that only in cases where it becomes a matter of urgency, to intervene in their affairs. The Act reaffirms that note should be taken of the Convention in its implementation. The Act also contains a number of provisions that are intended to ensure that people with disabilities enjoy the same legal position as all other people.
103. Firstly, there are the provisions on a rights monitoring unit that shall be maintained by the Ministry of Social Affairs. The role of the Unit is to monitor the work of rights protection officers for disabled persons and give them advice and guidance as needed, to gather data on matters relating to disabled persons' rights and developments in ideology and services to the disabled and to put forward recommendations on improvements which could result in enhanced quality of life for the disabled.. The Unit shall also be responsible for educational and publicity work, in collaboration with disabled persons' interest groups, regarding disabled persons' rights. It shall also work against stereotyped ideas and prejudices and increase awareness of disabled persons' capacities and the contribution they can make. This monitoring is therefore an important part of ensuring that people with disabilities have easy access to information about their rights and the rights protection they are entitled to, thus ensuring their legal position in equal measure to other people in keeping with Article 12 of the Convention.
104. The rights protection officers for people with disabilities operate in all regions of the country and their role is to monitor the circumstances of disabled persons and assist them in securing their rights, see Article 4 of the Act on the Protection of the Rights of Disabled Persons. A disabled individual can seek the assistance of a rights protection officer for anything regarding their rights, personal finances and other personal matters. A rights protection officer shall support him or her and render assistance in seeking their rights, as the case may be. There are currently eight active rights protection officers, filling seven positions.
105. Disabled individuals who, due to their disabilities, have difficulty defending their interests, shall be entitled to personal spokespersons, see Article 7 of the Act on the Protection of the Rights of Disabled Persons. Disabled individuals shall choose their own spokespersons, and may ask to consult a rights protection officer in the region in question regarding their choice. The rights protection officer and as appropriate legal guardian shall confirm the individual's choice of spokesperson, who is mainly intended to be an assistant who knows the disabled individual, their interests and needs. A disabled individual may at any time revoke the appointment of their spokesperson, and the rights protection officer shall assist them in doing so if they so requests.
106. The role of a personal spokesperson is to assist an individual to guard their rights and live an independent life, i.e. to support people with disabilities in making independent decisions and ensure that these individuals are aware of the choices they have at any given time, see Article 9 of the Act on the Protection of the Rights of Disabled Persons and Article 3 of the Regulation on Personal Spokesmen for People With Disabilities, No. 972/2012. A personal spokesperson shall assist in the preparation for making decisions, such as regarding health-care, choice of residence, employment, leisure activities, etc. He or she shall also, subject to the approval of the individual in question, have access to information regarding joint funds the individual contributes to for the running of the household and residence and shall attend residence committee meetings and other similar meetings. The role can also be extended to include the disposal of

funds to meet day-to-day expenses, in which case it shall be specifically mentioned in the agreement with the personal spokesperson. The work of a personal spokesperson is unpaid; nevertheless, they shall be reimbursed for costs demonstrably incurred in the course of their work in the service of the disabled individual, such as for loss of salary, travelling expenses, costs of accommodation and other costs. A personal spokesperson is not the legal or financial guardian of the disabled individual and does not have permission to make decisions without consulting with him or her or to act without their consent, since the assistance shall in all cases be rendered on the disabled individual's terms. A personal spokesperson, if there is one, shall always be brought in when discussing any matter pertaining to the interests, health and welfare of the disabled individual. There were a total of 440 personal spokesman agreements in existence at the end of 2019.

107. The aim of the provisions on personal spokespersons was to fulfil the provisions of Article 12 of the Convention by assisting and supporting people with disabilities in making their own decisions. The execution of these provisions has included challenges connected to the monitoring of the work of personal spokespersons and the fact that they are not specifically paid for their work has been criticized. Further emphasis on legally mandated monitoring of their work is being considered to address these challenges. However, it should be noted that Pursuant to the current law, rights protection officers have the authority to revoke the power given to personal spokespersons.
108. The Act on the Protection of the Rights of Disabled Persons, No. 88/2011, also addresses measures to decrease the use of compulsion in services for people with disabilities, since the Act includes the principle that all deprivation of liberty in interactions with people with disabilities is forbidden, see the commentary on Article 14 of the Convention. It also includes a discussion regarding the specialist team and exemption committee; the specialist team is, inter alia, intended to ensure that the legal capacity of people with disabilities is respected in line with Article 12 of the Convention.

### Article 13



109. According to Article 70(1) of the Icelandic Constitution, everyone shall, for the determination of his rights and obligations or in the event of a criminal charge against him, be entitled, following a fair trial and within a reasonable time, to the resolution of an independent and impartial court of law. The right to a fair trial is also ensured by Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, see Act No. 62/1994. People with disabilities who need assistance in guarding their rights can consult a rights protection officer, see the commentary on Article 12. The rights protection officer shall support the disabled individual and render assistance in seeking their rights, as the case may be.
110. Every person who believes the rights of a disabled individual are being violated is duty bound to notify the rights protection officer. These people can include family, personal spokesmen, service providers, representative organisations for people with disabilities or any other persons who become aware that the rights of a disabled individual are being violated. Additionally, the rights protection officer can take the initiative to investigate such cases. A rights protection officer can suggest ways to improve matters to the person or body in question, with a specific time limit to follow the suggestions. If the suggestions are not followed, the rights protection officer shall assist the disabled individual in making complaints to the appropriate authority. In 2018, the rights protection officers handled 384 cases, including 284 pertaining to notifications of alleged violations of the rights of people with disabilities.
111. Neither the Act on Civil Procedure, No. 91/1991, nor the Code on Criminal Procedure, No. 88/2008, contains any specific provisions on the procedure for handling cases pertaining to people with disabilities. Therefore, the general provisions of these laws apply to people with disabilities, including those regarding duties as a witness and the investigation of cases. Both laws state that any person who has reached the age of 15 shall be obliged to appear in court as a witness. The Act on Civil Procedure states that a judge shall assess, with regard to the circumstances in any given instance, whether a person who is younger may be obliged to be questioned as a witness, and adds that the same approach applies regarding persons who are not in sound mental health and people

with developmental disabilities. The Code on Criminal Procedure likewise states that an assessment shall be made, with regard to the circumstances in any given instance, whether a person who is younger than 15 years of age may be obliged to be questioned as a witness and the judge shall adopt the same approach regarding persons who are not in sound mental health. It is clear that the wording used in these laws is outdated and should be revised in the context of the Convention.

112. The goal of the Children's House, which began operations in 1998, is to provide children who are suspected victims of sexual violence or other serious forms of violence, with all necessary services in one place, in a child-friendly environment. The Children's House has special facilities for children with disabilities and efforts have been made to ensure that all children have access to the service. There is a Children's House in the capital area, and a branch opened in Akureyri in the spring of 2019. Additionally, the experts at the Children's House carry out assessments and treatments in the child's area of residence if requested. In 2016, the Ministry of Welfare (now the Ministry of Social Affairs) granted the Government Agency for Child Protection a special contribution to support the investigation and processing of cases where there is suspicion that a disabled child has been subjected to violence. A conference was held for professionals who are involved in such cases, in order to raise their awareness and knowledge of this issue, and seminars were likewise held for the staff of institutions working on issues concerning people with disabilities, as well as for the Children's House staff.
113. The Action Plan Concerning Matters Pertaining to People With Disabilities includes a measure that aims to increase the knowledge of police, the prosecutors and the judicial system when investigating violent crimes, in order to ensure that people with disabilities enjoy the same protection of the justice system as all other persons. In 2018, the Rights Monitoring Unit and the Centre for Police Training and Professional Development hosted a symposium on the legal security of people with disabilities and cooperation between rights protection officers and the police. The principal objective was to increase the exchange of information and cooperation between the rights protection officers, police and public prosecutor's office. At the beginning of 2019, the Judicial Administration, the Rights Monitoring Unit of the Ministry of Social Affairs and the Centre for Police Training and Professional Development hosted a conference on the legal security of people with disabilities. In the spring of 2018, the Centre for Police Training and Professional Development held a specialised course, in line with policy and the Action Plan, to teach police officers how to question people with special needs, with a special focus on autism.
114. In 2017, the State Prosecutor appointed a working group on the handling of sexual offences in cases where the suspect and/or victim is disabled. The working group's role was, *inter alia*, to consider factors that pertain to the questioning of disabled perpetrators and victims when investigating cases and in court, the education and training of police officers, prosecutors and judges in this field and the involvement of rights protection officers in cases. The working group submitted its report in the summer of 2018. The report includes proposals for a complete revision of the Code on Criminal Procedure, No. 88/2008, as pertains to report-taking, in order to improve the legal position of people with disabilities. Following the report, the Minister of Justice tasked the judicial committee with further examining and processing of the proposals.
115. The report by the aforementioned working group also included draft operating procedures aiming to ensure people with disabilities the same access to the judicial system as people without disabilities. The State Prosecutor has, on the basis of the report, issued instructions to the police and prosecutors on the handling of sexual offences when the suspect and/or victim is disabled. The instructions state that they may be applicable to the handling of other cases where people with disabilities are involved. The instructions include a discussion of the importance of being able to adapt the investigation to each singular case, keeping in mind that people with disabilities are a very varied group and each person has different needs. They also point out how important it is to not overpower people, avoid paternalism and protectionism and respect the wishes of the person in question. The instructions cover various matters with the aim to better ensure the legal position of people with disabilities, such as gathering information about disabilities, evaluating the needs of the individual in question, carrying out questioning in a special room or in some place other than a police station,

and the involvement of a defence attorney, rights protection officer or other support person.

116. With regard to financial support to seek legal redress before the courts, people with disabilities can, just like everyone else, seek free legal aid on the basis of the Act on Civil Procedure and the Regulation on Legal Aid and the Legal Aid Committee, No. 45/2008, with subsequent amendments. Free legal aid means that the cost of proceedings for the individual in question is paid by the Treasury. The Minister appoints a Legal Aid Committee to provide opinions on applications for legal aid and grants free legal aid on the basis thereof. The condition for receiving free legal aid is that the financial situation of the applicant is such that it is foreseeable that the cost of guarding their interests before the court is beyond their means. However, free legal aid may, in specific cases, be granted even if an individual's income is over the general limit, for example if the applicant's earning capacity has been considerably and permanently restricted due to permanent disability.
117. The Icelandic Disability Alliance offers the counselling services of social workers and lawyers to people with disabilities and their families with regard to their rights. Additionally, through the years the Icelandic Disability Alliance has started several legal proceedings on behalf of people with disabilities, especially in cases that were thought to possibly create a precedent. The Women's Counselling also offers free legal and social counselling because although the main aim of its activities is to offer support and counselling to women, it is nevertheless open to all people.

#### Article 14



118. It is emphasised that people with disabilities enjoy privacy, the right to liberty and security of person on an equal basis with others; these rights are, inter alia, protected by Articles 67 and 71 of the Constitution. In order to better ensure legal protection for people with disabilities on an equal footing with other people, the Act on the Protection of the Rights of Disabled Persons (No. 88/2011) was amended in 2012 with the aim of reducing the use of compulsion in services to people with disabilities. Article 10 of the Act contains the principle that all use of compulsion in dealing with people with disabilities shall be prohibited unless exemptions have been granted or in cases of emergency. Any use of compulsion in emergency cases shall be notified to a specialist team on measures to reduce the use of compulsion, see Article 13 of the Act, and the expert team shall discuss each case specially, see Article 14 of the Act. The specialist team advises service providers, provides comments on applications for exemptions and receives notifications on the use of compulsion in emergency cases. It is specifically stated that telemonitoring in the homes of people with disabilities shall be prohibited unless an exemption has been granted.
119. A special exemption committee can grant an exemption from the prohibition against the use of compulsion or telemonitoring, but only if it is considered necessary and certain conditions are fulfilled. An exemption from the prohibition against the use of compulsion shall only be granted if it is demonstrated that the aim is to prevent the disabled individual from causing himself/herself or other persons physical injury or serious property damage or if the purpose is to meet the basic needs of the individual in question, e.g. as regards food, health and hygiene. It is also possible to grant an exemption if it has been shown that it is a preventive measure designed to avoid situations that may result in physical injury or serious property damage. The exemption committee is made up of individuals possessing expert knowledge of human rights issues and services to disabled persons. If the application involves a plan for the substantial and permanent reduction of the freedom of movement of an individual, the committee must refer it to the courts within the jurisdiction to which the individual in question belongs, in which case the procedure shall be subject to the provisions of Articles 9–17 of the Act On Legal Competence, No. 71/1997. This provision has been used three times since the Act entered into force. The first two cases were dismissed. In the third instance, the district court granted the claimant's request for substantial and permanent reduction of the freedom of movement of the individual. The district court's decision was appealed to the Landsréttur appeals court, which affirmed the district court's decision.

120. The Minister of Social Affairs shall appoint a specialist team every four years to work on measures to reduce the use of compulsion, see Article 14 of the Act. The functions of the team are, inter alia, to give advice and guidance to service providers, comment on applications for exemption from the prohibition on the use of compulsion and receive notifications on the use of compulsion and telemonitoring.
121. Although these amendments to the law do constitute significant judicial reform, there have been some criticisms, for example regarding limited monitoring. The municipalities are meant to conduct monitoring, but execution varies considerably. If the committee refuses to grant an exemption from the prohibition on the use of compulsion or telemonitoring, there is in reality very little monitoring of whether use is nevertheless being made of compulsion or telemonitoring. Eight cases were referred to the committee in 2018 and seven in 2019, but it is likely that more people have been subjected to illegal compulsion without an application for an exemption.
122. The Act on Legal Competence was amended in 2015 with the aim to ensure that a disability in itself could not justify an intervention on the basis of the Act. However, it has been pointed out that these amendments are not sufficient and, as previously stated, there are plans to revise the Act. Article 12 on involuntary commitment states that a physician may decide to have a person possessing personal legal competence transferred to a hospital against their will, if the person in question suffers from a serious psychotic disorder or if this is deemed highly probable, or if the person's condition is reasonably deemed analogous to that leading from such disorder. This shall also apply if a person suffers from a serious craving for alcohol or excessive use of drugs of habituation and dependence. If a hospital physician in charge of reception takes a decision of involuntary commitment to a hospital, that decision shall be referred to the chief physician or other physician representing the chief physician as soon as possible. Deprivation of liberty according to this paragraph may not last longer than 72 hours unless approved by the District Commissioner. Involuntary commitment to a hospital can last as much as 21 days if approved by the District Commissioner and a physician considers it to be necessary. Before the decision of involuntary commitment is taken, the opinion of the individual in question must be known.
123. The policy in Iceland is not to use coercion in nursing homes. However, safety measures may have to be taken to ensure the safety of individuals. It has been pointed out that there is no regulatory framework regarding necessary coercive measures in the daily activities of nursing homes. There is no available evaluation of the number of people with disabilities in nursing homes, but the total number of residents under the age of 67 in all nursing homes was 127 in October 2019. This includes specialised nursing facilities for mentally ill persons and rehabilitative therapy facilities for younger nursing home patients.
124. Diverse work is under way to respond to the aforementioned faults in the legal framework. A working group was established in the summer of 2019 under the auspices of the Minister of Health, to discuss coercive measures on the basis of the Act on Legal Competence. Additionally, in the autumn of 2019 the Minister of Social Affairs and Children established four working groups to discuss the arrangement and implementation of security and secure internment, changes to the legal framework, harmonisation and response to acute problems, and housing issues.
125. Iceland ratified the optional protocol to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) at the beginning of 2019. The Protocol entails monitoring by independent bodies that are tasked with regularly visiting institutions or homes where individuals who may be or are deprived of their liberty may live or dwell. The Althingi Ombudsman carries out this monitoring here in Iceland, the Act on the Althingi Ombudsman having been amended by Act No. 147/2018 in order to charge the Ombudsman with this task. The Althingi Ombudsman's 2019 report on the Ombudsman's visit to the National University Hospital in October 2018, showed faults in the legal framework regarding permission to use compulsion and other coercive measures at the Hospital. It is clear that the same faults are also to be found in the legal framework pertaining to services to people with disabilities and services to the elderly in Iceland. To respond to the Ombudsman's report the Minister of Health appointed in December 2019 a working group that has been tasked with working on an action plan for improving the points mentioned in the Ombudsman's report.

## Article 15



126. Article 69 of the Constitution prohibits the use of the death penalty. Protection against torture and other inhumane or degrading treatment or punishment is ensured by Article 68 of the Constitution, as well as a number of international conventions Iceland has ratified. Mostly recently Iceland ratified the OPCAT at the beginning of 2019, as discussed above.
127. The Act on Legal Competence states that a person committed involuntarily to hospital cannot be subjected to involuntary administration of medical preparations or involuntary medical treatment. However, the chief physician can decide that a person subject to involuntary commitment can be subjected to these measures if the patient presents a danger to himself or others, or if the patient's life or health is else endangered. The physician in charge of a shift can, in exceptional cases, make this decision, but the chief physician must be notified of this decision as soon as possible. The Act provides that the Minister of Health has the power to issue a Regulation on the involuntary administration of medical preparations and other involuntary treatments. This has not been done, but in 2019 a working group on coercive measures provided for in the Act was established. The group has placed a strong emphasis on consultation, especially with the users of the provision.
128. When people with disabilities are sentenced to prison it is up to the State Prison and Probation Administration to decide in which prison the sentence will be served. This decision shall, inter alia, depend on the age, sex, gender identity, residence and criminal record of the prisoner, as well as the length of the sentence and the rules applying to incarceration in each prison. There are no specific provisions for disabled prisoners in the law, neither regarding the place of incarceration nor accessibility. This has been criticised and it has also been pointed out that accessibility is not good enough in some prisons, especially when it comes to wheelchair access. In the newest prison, at Hólmsheiði, there is a cell that is specially designed for wheelchair users and all access in the prison is suitable for persons who need to use a wheelchair.
129. All prisoners, including those with disabilities, have the right to health-care services comparable to the general public, responsibility of the Ministry of Health. In 2019, the Minister of Justice and the Minister of Health approved a plan for measures regarding health-care in prisons and resources for prisoners with substance abuse problems. The action plan entails major changes that the working group that drew up the plan is tasked with supporting its implementation. The Minister of Health established a special mental health team that will handle mental health services for prisoners in every prison in the country. This is a collaborative project of the Ministries of Health and Justice. The team will ensure individualised, coherent and harmonised mental health service with formal and effective communication links between the service levels.
130. Pursuant to the Act on Scientific Research in the Health Sector, No. 44/2014, consent must be elicited from participants in a scientific study on humans. The consent shall be in writing and freely granted after the participant has been provided with adequate information on the study, risks it may entail, potential benefits, and the nature of the participation. Article 22 of the Act provides that those who are of age under the provisions of the Act on Legal Competence are competent to consent to participation in a scientific study. However, should a person who is of age be evidently incapable of understanding information on a scientific study due to physical or mental causes, consent is subject to strict conditions. Participants in a scientific study may withdraw their consent at any time. Should consent be withdrawn, research on the relevant participant's biological samples or health data shall cease and participants may require their biological samples and health data to be destroyed, see Article 21 of the Act.
131. In recent years, investigations have brought to light the inhumane and degrading treatment that children, including children with disabilities, were subjected to in institutions that operated during a specific time period. A special committee was established by Act No. 26/2007 to investigate the operations of long-term care and treatment facilities for children. Following the committee's conclusion that children who were kept in certain homes were more likely to have suffered ill treatment or violence while in residence, Act No. 47/2010 on Fair Compensation, was adopted, ensuring fair

compensation to children who suffered permanent harm during such treatment. There is a great deal of determination to prevent this from ever happening again. Lately, the Prime Minister's Office and the Ministry of Justice have been working together to amend Act No. 47/2010 as regards fair compensation for misdeeds committed in institutions or homes subject to Act No. 26/2007. The bill is intended to finish the social reckoning due to institutions where disabled children were formerly kept.

## Article 16



132. There are various provisions in the penal code that have the objective to provide protection to all individuals against all kinds of violence and abuse. There are also a number of provisions that have the objective to give special protection to vulnerable groups, including people with disabilities.
133. These provisions are somewhat outdated, but Article 194(2) of the General Penal Code, No. 19/1940, does state that it is a punishable offence to use deception or take advantage of a person's misperception about circumstances or to exploit a person's psychiatric disorder or other mental handicap, or the fact that, for other reasons, he or she is not in a condition to be able to resist the action or to understand its significance, in order to have sexual intercourse or other sexual relations with him or her. It should be emphasised that this provision is not intended to restrict the private life of people with disabilities or to prohibit people with mental illnesses or developmental disabilities to have sexual intercourse, since it is only prohibited to take advantage of a person's misperception. In order to prevent abuse, it is also a punishable offence if the supervisor or an employee in a prison, another institution under the direction of the police, the prison authorities or the child welfare authorities, or in the psychiatric ward of a hospital, a home for mentally handicapped persons or another similar institution has sexual intercourse or other sexual relations with an inmate of the institution.
134. A 28-part action plan on measures against violence and its consequences for the years 2019-2022 was adopted in the summer of 2019. The plan includes a discussion on education on measures for the survivors of violence with special emphasis placed on it reaching people with disabilities, elderly people and people of foreign origin.
135. The Action Plan Concerning Matters Pertaining to People with Disabilities inter alia aims to increase knowledge among police, prosecutors and in the judicial system when investigating and processing cases of criminal violence.
136. An action plan on improving the processing of sexual offences within the justice administration system was adopted in 2017. In 2018 a steering group on integral improvements with regard to sexual violence was established. It has, inter alia, the role of following up the aforementioned action plan. The group is also intended to formulate the government's policy against sexual violence, with a special focus on the diverse discrimination encountered by women and girls in vulnerable situations, including disabled women and girls.
137. In February 2020, a working group established by the Ministry of Social Affairs and Children submitted its proposals for more varied solutions for the perpetrators of violent crimes to the Minister of Social Affairs and Children. The proposals take into consideration, inter alia, children with disabilities who have used violence, especially as concerns services for children and young people who display inappropriate sexual behaviour.
138. In recent years an increasing emphasis has been put on fighting against hate speech, and the focus of one of the measures of the aforementioned action plan on violence and its consequences for 2019-2022 is on working against hate speech. The plan is to launch awareness-raising against hate speech in society with a social accord and education programmes that will be adapted, respectively, for children and young people and for adults. It is believed that increasing knowledge about the nature and consequences of hate speech throughout the community will lead to people taking a stance against it. The accord would entail a declaration that hate speech will not be tolerated in public discussions, the media and interactions between people, and it will be combated. A working group under the auspices of the Icelandic Human Rights Centre is to be tasked with elaborating the programme, including by preparing a draft social accord and coming up with ideas for various educational materials.



139. A number of non-governmental organisations have been operating the project *No Hate – words carry responsibility* (No Hate Speech Movement) in cooperation with the Ministry of Education, Science and Culture. The project represents equality, respect, human rights and diversity. It is directed against hate propaganda, racism and discrimination on the Internet. The objectives include promoting awareness-raising among young people on hate propaganda and hate speech on the Internet, opening them up to the importance of media literacy, supporting them in protecting human rights on and off the Internet, and increasing their awareness of hate speech online.
140. Various service providers provide support to those affected by violence, including persons with disabilities. Bjarkarhlíð is a service centre for survivors of violence that offers free consultations and counselling by social workers, police officers and lawyers. The staff works with survivors on their own terms and all the services are rendered under the same roof as a way to make it easier to seek assistance. Bjarkarhlíð is wheelchair accessible. People with disabilities come in on their own, or with a rights protection officer, or they can request that a rights protection officer be contacted after a consultation. Bjarmahlíð in Akureyri is a comparable resource for survivors of violence in the north of Iceland and Drekaslóð is another resource that offers support and counselling to survivors of violence and also offers education and services to the families of survivors of violence.
141. Stígamót is an education and counselling centre for both women and men who are survivors of sexual abuse and violence and offers its services for free. People with disabilities can seek the assistance of Stígamót, which has good accessibility for people with disabilities. Stígamót will hire and pay for the services of a sign language interpreter for deaf people and the staff there also try to use other ways to meet the needs of those who are unable to come to the Stígamót facilities for consultation. Stígamót has started using special educational material in the form of short videos about violence against women with disabilities, that they use for education and prevention.
142. The Women's Shelter is a shelter for women and their children who are unable to stay at home due to violent situations. The Women's Shelter is open to all women, regardless of where they live or where they are domiciled. It is also possible to book free counselling where women can come to the shelter and receive support and information without staying there. The services of the Women's Shelter are free of charge.
143. The Children's Houses in Reykjavík and Akureyri tend to all children who are suspected to have been subjected to sexual harassment or violence. With a reference from child protection committees, children and their parents can receive all services free of charge in one place, see the commentary on Article 13.

## Article 17



144. The right of individuals to privacy is ensured by Article 71 of the Constitution and by various human rights conventions. As for protection against compulsion and involuntary treatment, see the commentary on Article 14.
145. All individuals who have reached the age of 16 have the right to information about their health and need to give consent before undergoing medical treatment. Pursuant to the Patients' Rights Act, No. 74/1997, a patient has the right to information regarding his/her state of health, the proposed treatment, as well as information on its course, risks and benefits, and possible remedies other than the proposed treatment, and the consequences of refraining from treatment. The principle is that no treatment may be given without the consent of the patient, which shall, whenever possible, be in writing and indicate the information provided to the patient, and the right of the patient to decide whether they will accept treatment shall be respected. The patient's decision shall be recorded in their health record and it shall be confirmed that they have received information on the possible consequences. However, the provisions of the Act on Legal Competence apply to patients who, due to mental debility or other reasons, are unable to make a decision regarding treatment, i.e. if the individual has been deprived of legal competence. The patient shall, however, always be consulted as much as possible. This provision needs to be revised with regard to the Convention.
146. The Act on Sterilisation Procedures, No. 35/2019, entered into force in May 2019. The objective of the Act is to ensure all individuals the self-determination to make decisions

about undergoing a sterilisation procedure. Pursuant to this Act, sterilisation is permitted for a person who wishes to undergo one and has attained the age of 18. The only exception is that it is permitted to perform a sterilisation procedure on individuals who are legally incompetent due to their young age if the continued fertility of the individual is liable to have a serious effect on their life or health; this must be attested by two physicians and consent be given by a specially appointed legal guardian. The Act provides that before the procedure is made, the individual in question must be informed what the procedure entails, what the risks are and what the consequences will be.

147. A new Termination of Pregnancy Act, No. 43/2019, entered into force in September 2019, the objective of which is to ensure that the right to self-determination of women is respected, meaning women's right to make decisions about their own life and future. The provision explicitly states that the request for a termination of pregnancy shall come from the woman herself and is based on the basic premise of the parliamentary bill that the decision to terminate is hers alone. The presupposition is that the woman's enlightened consent must in all cases be obtained, regardless of her age.
148. An emphasis was placed on the Termination of Pregnancy Act being in conformity with the objectives of the Convention. The previous Act on Counselling and Education regarding Sex and Childbirth, No. 25/1975, permitted termination of pregnancy after the 16<sup>th</sup> week of pregnancy in cases where there was a considerable likelihood of malformation, genetic defects or foetal damage. This wording was considered to be conducive to maintaining stereotypes, prejudice and harmful traditions related to people with disabilities. This has been avoided in the new Act and instead an emphasis has been placed on the right of women to self-determination and decision-making about their own lives and future as well as on education and counselling alongside impartial decision-making with the view to respect human rights and human dignity.
149. A new Act on Gender Autonomy, No. 80/2019, entered into force in the summer of 2019 and is intended to protect people's right to physical integrity. Article 11 of the Act states that permanent changes to genitals, gonads and other sex characteristics of persons 16 years or older are prohibited without their written consent.

## Article 18



150. Article 66 of the Constitution states that no one may be deprived of Icelandic citizenship. Loss of citizenship may, however, be provided for by law, in the event a person accepts citizenship in another State. The right of an Icelandic citizen to stay in the country is unequivocal, see paragraph 2 of the same Article.
151. There are no laws or regulations in Iceland that specifically pertain to the citizenship of people with disabilities. Therefore, people with disabilities enjoy the same rights as everyone else pursuant to the Icelandic Nationality Act, No. 100/1952. There are no limitations to the right of people with disabilities to become citizens and an individual may not be deprived of their citizenship due to a disability.
152. Efforts have been made to better ensure the equal right of people with disabilities to choose their own place of residence. This has been done, inter alia, by ensuring accessibility through the provisions of the Planning and Building Act and by ensuring that services for people with disabilities are not limited to a specific living arrangement, see the commentary on Articles 9 and 19.

## Article 19



153. The Icelandic government bases its decisions and actions on the philosophy of the independent life movement. People with disabilities have the right to housing suited to their needs and preferences, and to social services that make it possible for them to live in their own homes and promote their full adaptation to, and participation in, the community. The provisions of the Planning and Building Act, the Housing Act and the Public Rental Dwellings Act, as the case may be, apply to housing for people with disabilities. Services for people with disabilities shall not be conditional upon a particular living arrangement. The service shall be individualised, integral and flexible.

It shall be rendered with the objective of increasing people's control of their situation and life, strengthening their identity, confidence, social position, self-worth and quality of life.

154. The Municipalities' Social Services Act provides that municipal councils shall, as far as possible, ensure the supply of rented housing, social lease-purchase housing and/or social assistance housing in private ownership for families and individuals who are not otherwise able to acquire their own accommodation due to low wages, heavy support burdens or other social conditions. The Minister shall issue a regulation on special housing solutions for people with disabilities, including the number of adjacent apartments, private spaces, additional spaces due to disability, and shared spaces.
155. The Housing and Construction Authority and municipal councils are authorised to grant endowment capital for the construction or purchase of housing intended for tenants whose wages and property ownership are below a specific limit. The State's share in such endowment capital is 18 % of the base value of an ordinary apartment. An additional 4 % contribution may be granted for housing intended for people with disabilities. The municipality's endowment capital contribution is 12 % of the base value of an ordinary apartment. The Municipal Equalisation Fund then contributes endowment capital for extra space in connection with disability, staff rooms and share in common areas. The total endowment capital contribution for housing for people with disabilities can be as much as 34 % of the initial cost of housing, minus the impact fee.
156. In 2019, the Ministry of Social Affairs compiled an overview of group homes and institutions in Iceland. Group homes are subject to the limitations that individual rooms and spaces are, in principle, smaller than 20-25 m<sup>2</sup>, including a bathroom if there is one. Multiple inhabitants live in the unit that has been made accessible for this use, which is then defined as being specifically intended for a particular group of people with disabilities, i.e. a special housing resource. There are two actual institutions of this kind in Iceland, but in reality they are clusters of housing units. A large number of people with disabilities live there – well over thirty in each place. In these places, the living arrangements have developed from having large home units to having smaller ones, i.e. group homes of 5-7 people, as well as serviced apartments. At the end of 2018, there were a total of 228 people living in group homes and in two institutions. A transitional provision in Act No. 38/2018, on Services for Disabled People with Long-term Support Needs, emphasises that people with disabilities who live in institutions or group homes should be able to choose other living arrangements.
157. In mid-2019, the Ministry of Social Affairs requested information from municipalities/service areas on their plans for the next four years for reducing the waiting lists for housing for people with disabilities, including by developing specialised housing resources where there is a need for additional spaces because of disabilities. At the same time, information was gathered on how and when the municipalities planned to close the group homes currently operating. It is clear that the development in the years 2011-2017 has been positive with regard to living arrangements, or ever since the municipalities took over from the State in providing specialised services for people with disabilities. The number of inhabitants in group homes has been steadily diminishing and the number of people living in other kinds of assisted living facilities has been growing proportionally. The number of inhabitants in group homes has gone from 49 % in 2011 to 18 % in 2018. The number of individuals receiving services in assisted living facilities has grown proportionally from 51 % to 82 %. The situation varies for municipalities as regards their plans for developing housing resources for people with disabilities. The city of Reykjavík has adopted plans for 2018-2030 and Akureyri for 2019-2026, but other municipalities still have some way to go.
158. There are provisions on user agreements in the Act on Services for Disabled People with Long-term Support Needs. The aim of user agreements is to increase the choices available to individuals as to the form of services and support or assistance they receive, following an expert assessment. Individuals or families with children that have been assessed as needing assistance or support services can seek to make a service agreement that deals with the implementation of the support services. Services that individuals are entitled to pursuant to other laws may be integrated in such an agreement.
159. The Act on Services for Disabled People with Long-term Support Needs includes provisions on user-directed personal assistance (UPA) and the rights of individuals to receive this kind of service if they have an extensive and persistent need for assistance

and services, such as in activities of everyday life, housekeeping and participation in social activities, education and employment. User-directed personal assistance is based on the philosophy of independent life for people with disabilities and this resource is an attempt to better ensure the rights of persons with disabilities in keeping with the Convention. UPA also enables a disabled individual to decide where he or she lives and with whom. The disabled individual controls how the services he or she receives are organised, when and where they are rendered and by whom. If the user finds it difficult to manage the work due to their disability, he or she shall have the right to assistance in doing so, see the provisions of Article 11 of the Act. The comments on that provision specifically refer to Article 12 of the Convention, on appropriate measures to ensure persons with disabilities access to the support they may require in exercising their legal capacity. By the end of 2019, 87 UPA agreements had been approved by municipalities. Since 2011, the Icelandic State has paid 25 % of the total cost of each UPA agreement, inter alia to encourage municipalities to make UPA agreements.

160. An individual with disabilities who needs continuous diverse assistance from service systems for social services, healthcare and education is entitled to an individualised service plan. The entities in question shall form a multidisciplinary service team led by social services, that is tasked with elaborating the service the individual receives and ensuring its quality.
161. The largest municipalities in the country now offer a special series of courses pertaining to services for people with disabilities. Staff also have the opportunity to attend courses in connection with job development programmes. The Ministry of Social Affairs organises special country-wide courses on UPAs that are intended for users, assistants, assistant supervisors and administrators.

#### **Assistive devices**

162. Access to all kinds of assistive devices is important for people with disabilities and affects their possibilities for living independently and participating in the community. The discussion on assistive devices therefore pertains to many Articles of the Convention but is covered in large part in the following paragraphs.
163. Access to assistive devices in Iceland is generally good. The Icelandic Health Insurance institute has made agreements in the wake of a call for tenders for many different types of devices, and all information about assistive devices is available through the institution's website. Matters concerning assistive devices are handled by two Ministries, while the municipalities supply assistive devices for study and work and nursing homes supply most assistive devices needed by their clients.
164. Municipalities where people with disabilities are domiciled handle applications for assistive devices for study for persons 16 years and older and assistive devices for work for persons 18 years and older. The Act on Services for Disabled People with Long-term Support Needs permits municipalities to give financial assistance to people with disabilities to buy tools and equipment or for other facilitation for working from home or carrying out independent business activities after rehabilitation, as well as financial assistance to pay the cost of education that is not paid pursuant to other legal provisions. The municipalities pay for those assistive devices used in housing resources operated by the municipalities.
165. All those who have health insurance in Iceland have the right to financial support to buy assistive devices in keeping with Regulation No. 1155/2013. Financial support is paid for assistive devices intended for use for longer than three months, in order to enable the individual to carry out normal day-to-day activities. The Icelandic Health Insurance generally pays in full for technical assistive devices. Residents of group homes have the same rights to individualised assistive devices as those living in private homes, including walkers, specialised beds, tableware and assistive devices for dressing. In institutions where people with disabilities reside, the institution pays for any necessary assistive devices.
166. The waiting time for assistive devices which an application has been made for through Icelandic Health Insurance is, on average, five workdays for non-reusable assistive devices and support and therapeutic appliances (braces, prosthesis, orthopaedic footwear, breathing apparatus, etc.) and, on average, ten days for support equipment (mobility equipment like wheelchairs and walking aids, bathing supports, medical beds,

and equipment for information, communication and environment management). Urgent cases due to release from hospital are dispatched within three working days.

167. The health-care workers who made the application for the user work with the applicant and train him or her in using the device. All agreements on assistive devices following a call for tenders provide that all instructions must be in Icelandic, and user instructions must come with all devices. The Icelandic Health Insurance handles follow-up for assistive devices by sending a survey to the users shortly after the device is delivered and sends the results to the appropriate authority.
168. The Compulsory School Act, No. 91/2008, applies to primary school pupils, stating in Article 17 that they shall have the right to have their needs for education met in a regular, inclusive compulsory school, regardless of their physical or mental abilities. Additionally, Regulation No. 585/2010, on Compulsory School Pupils with Special Needs states that elementary schools must, in accordance with the Compulsory School Act, prepare a reception plan for special needs pupils which shall, inter alia, discuss cooperation within the school in the use of assistive devices.
169. The Social Insurance Administration determines complimentary payments and financial assistance for the purchase of vehicles as well as complimentary payments for running a vehicle, Pursuant to the Social Assistance Act, No. 99/2007. The Administration also grants loans for the purchase of vehicles.
170. The National Hearing and Speech Institute of Iceland operates in accordance with Act No. 42/2007. Pursuant to that Act, the Institute shall provide assistive devices to hearing impaired persons, deaf persons and those who have hearing and speech impediments.
171. The Institute carries out a special allocation of assistive devices to its target population, pursuant to a Regulation. Before the allocation, the Institute carries out analysis, assessment, consultation and training in the use of the assistive devices in question. The assistive devices are intended to increase and maintain ability, promote the individuals' participation in daily activities, as well as to promote independence and increase their quality of life.
172. Article 5 of Regulation No. 1155/2013, on Financial Support for the Purchase of Assistive Devices, provides that the Icelandic Health Insurance does not render financial assistance for purchasing assistive devices to people with disabilities who live in residences provided by and paid for by municipalities. In such cases the residence in question shall provide these individuals with all their assistive devices. However, the Icelandic Health Insurance does give grants to individuals who are staying in a hospital or institution and need a wheelchair that will be returned after use.
173. In September 2019, a working group under the auspices of the Minister of Health submitted a report on the assistive device system in Iceland. The working group pointed out the necessity to revise the definition of the term "assistive device". It was also proposed to simplify the process of delivering and assigning assistive devices, revise the co-payments to reduce user expenses, re-evaluate the prerequisites used as the basis for evaluating the need for assistive devices, improve the exchange of information and find a channel for periodic evaluations and the introduction of innovations. The proposals are being reviewed by the Ministry of Health.

## Article 20



174. One of the key goals of the 2020–2034 National Transport Policy is that access of people with reduced mobility to the facilities and services of the transport system will be as good as possible. The provisions of Article 19 of the Act on Public and Freight Transport, No. 28/2017, are specifically about the rights of people with disabilities and people with reduced mobility. Thus, people with disabilities should be able to travel wherever they need, at an affordable price, in a way and at a time of their choosing. The Ministry of Social Affairs has issued guidelines on how best to ensure consistency in transport services between municipalities and service areas.
175. The Icelandic Road and Coastal Administration has issued instructions on universal design outdoors, which covers the factors that need to be kept in mind so that outdoor areas can be used by as large a percentage of the population as possible. The instructions cover, inter alia, roads, walking paths, environment, parking facilities and bus stops. The objective is to coordinate and facilitate design, especially across municipal boundaries.

Airport buildings shall also be accessible to people with disabilities, as shall ports where passenger transport takes place.

176. EU Regulation No. 1107/2006, concerning the rights of disabled persons and persons with reduced mobility when travelling by air, was introduced in 2008. Isavia, which is State owned, operates Keflavík Airport and all the domestic airports in the country; 13 airports are part of the public transport system. Isavia has placed an emphasis on complying with requirements for accessibility and services in Keflavík Airport. Accessibility in the main domestic airports is adequate, but the accessibility in the smaller airports is somewhat lacking.
177. EU Regulation No. 1177/2010, concerning the rights of passengers when travelling by sea and inland waterway, has been introduced. Five ferries are part of the public transport system; they are partially or wholly operated or supported by the State. All the ferries are required to be accessible to people with disabilities.
178. Pursuant to the Municipalities' Social Services Act, No. 40/1991, people with disabilities shall have access to transport services with the aim of enabling them to go where they want to go in the manner they choose and at the time they choose, at a reasonable price. The objective of travel services for people with disabilities is to enable people who are unable to utilise public transport due to a disability, to work, study and pursue leisure activities. Specially outfitted vehicles are used by the travel service to transport people who need to use a wheelchair.
179. The Act on Public and Freight Transport states that it is forbidden, in regular passenger transport, to deny transport to a passenger on the basis of their disability or reduced mobility or entry to a passenger bus if the passenger has a valid ticket. The only exceptions from this provision apply if safety concerns so require and if the design of the vehicle or transport infrastructure makes it impossible to let a disabled person in or out of the vehicle or transport him or her safely. Additionally, EU Regulation No. 181/2011 concerning the rights of passengers in bus and coach transport, which applies to public transport in the countryside, entered into force in 2017.
180. The Icelandic Disability Alliance received a grant to launch a project to assess buses and bus stops in municipalities in the capital area. Strætó bs and the Icelandic Disability Alliance issued a joint report which found the accessibility of bus stops to be inadequate and it necessary to improve and harmonise the accessibility of bus stops. All the city buses in the capital area have an extensible ramp, but there has been some criticism that help is needed to pull out the ramp.
181. Finally, the National Institute for the Blind, Visually Impaired and Deafblind operates according to Act No. 160/2008. The Institute emphasises mobility training which is intended to increase individuals' understanding of their surroundings. Users can request mobility training and counselling free of charge. Mobility training is repeated depending on the situation and living situation of the users. Mobility emphasises independence and encourages activity. Mobility training teachers are in charge of educating and instructing people on mobility and orientation and counselling them on accessibility. They give instructions on accessibility considering the needs of blind and visually impaired individuals in homes, schools, workplaces and elsewhere.

### **Assistive Devices**

182. Service dogs assist blind and visually impaired people to navigate safely and independently. Regulation No. 233/2010 provides that service dogs for blind and visually impaired people are assistive devices. The Institute is responsible for supplying service dogs to users. Those who fulfil the conditions receive a service dog free of charge, except for the daily maintenance cost of keeping the dog. Pursuant to the Regulation on Hygiene, No. 941/2002, service dogs can go wherever their user goes in places that are open to the public.

### **Article 21**



183. Article 73(1) of the Icelandic Constitution provides that everyone has the right to freedom of opinion and belief. Article 73(2) ensures freedom of expression, stating that everyone shall be free to express their thoughts. Freedom of expression may only be

restricted by law in the interest of further defined interests. Provisions on freedom of opinion and expression are also included in Articles 9 and 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, cf. Act No. 62/1994.

184. The Icelandic government places a strong emphasis on people with disabilities having the possibility to enjoy real freedom of expression and opinion. The Action Plan Concerning Matters Pertaining to People with Disabilities sets out the special objective that people with disabilities shall be able to access information about their rights, available services and other matters. It states that websites, educational material and information shall be made accessible to people with disabilities in easily understandable language. Sign language interpreting shall also be made available, as well as text in Braille, subtitling and information written in easily understandable language. The Act Respecting the Status of the Icelandic language and Icelandic Sign Language, No. 61/2011, states that the Icelandic sign language is the first language of those who must rely on it for expression and communication, and of their children. It must be fostered and supported by public authorities. All persons who have a need for sign language must be given the opportunity to learn Icelandic sign language and to use it from the beginning of their language acquisition, or as soon as deafness, hearing impairment or deaf-blindness has been diagnosed. Their immediate family members shall have the same right. The Icelandic sign language has the same status as Icelandic as a medium of expression for interpersonal communication, and discrimination between persons on the basis of which of the two languages they use is prohibited. Further, the objective of the Act on the Communication Centre for the Deaf and Hard of Hearing is to make it possible for people who rely on Icelandic sign language for communication, to receive services throughout the community on the basis of Icelandic sign language. The interpretation service is not only available during office hours, but also for general tasks that are carried out at night.
185. The aforementioned Act also provides that Icelandic Braille is the first written language of those who have to rely on it for expression and communication. All persons who need to be able to read Braille because of impaired vision must be given the opportunity to learn and to use Icelandic Braille as soon as they have the capacity to do so. The Icelandic government and local authorities shall facilitate the development, study, teaching and wider use of Icelandic sign language, and provide other support for cultural activities and formal and informal education for deaf, hearing-impaired and deaf-blind people.
186. The Immigrant Affairs Act, No. 116/2012, confers upon the Multicultural Centre the legally mandated task to provide the government, institutions, enterprises, associations and individuals with advice and information in connection with immigrant affairs. The Multicultural Centre maintains a website in Icelandic, English and Polish that is under constant development and emphasises, i.a., the dissemination of information to immigrants on the rights of persons with disabilities in Iceland. Information material in the form of accessible short, animated videos and short, accessible texts was developed in cooperation with -the National Association of Intellectual Disabilities. The videos are dubbed in the languages most commonly spoken amongst people of foreign origin in Iceland. All material in text format will also be available in easily readable language.

## Article 22



187. Article 71 of the Icelandic Constitution provides for freedom from interference with privacy, home, and family life. This right is also ensured by various human rights conventions, for example Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, see Act No. 62/1994.
188. The right of individuals to privacy is elaborated in various acts of law. Foremost among these is the provision of the Act on Data Protection and the Processing of Personal Data, No. 90/2018, that personal data be treated in accordance with fundamental principles and rules on the protection of personal data and respect for private life. The Act on Services for Disabled People with Long-term Support Needs states that processing of personal data during the implementation of the Act shall be in conformity with the Act

on Data Protection and the Processing of Personal Data. Care shall therefore be taken to limit access to such information to what is strictly necessary and to ensure its security.

### Article 23



189. The Constitution provides for freedom for all individuals from interference with privacy, home, and family life. People with disabilities are legally ensured the right to marry, the same as everyone else. If an individual has been deprived of legal competence, he or she cannot enter into marriage without the approval of their legal guardian; however, if such approval is denied, the matter can be referred to the Ministry of Justice, which may permit the marriage if it deems that the denial is unwarranted, see Article 8 of the Law in Respect of Marriage, No. 31/1993.
190. The right of people with disabilities to maintain their fertility on an equal basis with everyone else is guaranteed in Icelandic law. It is therefore no longer permitted to allow termination of pregnancies or sterilisation without consent.
191. The Act on Artificial Fertilisation and use of Human Gametes and Embryos for Stem-Cell Research, No. 55/1996, sets out certain conditions for carrying out artificial fertilisation. Article 3 of the Act states that it should be clear that the child to be conceived by the procedure may be deemed to be ensured good conditions in which to grow up and that the woman has the physical capability and sufficiently good health to cope with the strain of the treatment, pregnancy and birth of the child. Additionally, it is a requirement that the mental health and social circumstances of the couple or woman are good. A physician assesses whether the conditions are met, before deciding whether the artificial fertilisation will take place.
192. Pursuant to the Adoption Act, No. 130/1999, permission for adoption may only be granted if it is deemed evident, following upon an investigation by the relevant Child Welfare Committee, that this is in the best interest for the child. The Minister of Justice has issued a Regulation on Adoptions, No. 238/2005, in which further conditions are set out that must be fulfilled by those seeking to adopt a child. Article 9 of the Regulation includes a provision on health and lists “diseases or physical conditions” that can lead to an application to adopt a child to be refused. Among the things listed are disability or limited mobility, mental illness and intellectual disability. It has been pointed out that the provision in question does not conform well to the Convention and attention has been drawn to the importance of revising said Regulation.
193. Pursuant to the Act on Services for Disabled People with Long-term Support Needs, people with disabilities shall be offered support services within each municipality that are necessary so they can participate in the community without differentiation. The support service shall take into consideration the needs of disabled parents with regard to child-rearing. It is therefore a duty to assist disabled parents to carry out their parental role, rather than intervene with harsh measures. In connection with this, it should also be pointed out that the objective of the Child Protection Act is first and foremost to give the necessary assistance to children by supporting their families in their child-rearing role. Disability in and of itself can therefore not lead to parents having their child removed from the home or losing their custody of the child. The Act explicitly states that deprivation of custody shall only be requested if it is not possible to apply other and lesser measures for improvement to ensure the welfare of a child. Article 29 of the Child Protection Act specifically provides that parents may be deprived of custody if it is certain that the child’s physical or mental health or his/her maturity is at risk because the parents are clearly unfit to have custody, due for instance to mental instability or low intelligence. This wording has not been considered to be in keeping with the Convention and it has been pointed out that it should be revised with a view to the rights of people with disabilities. The Ministry of Social Affairs is working on a revision of the Act.
194. The Icelandic government emphasises the right of children with disabilities to be raised by their parents. Icelandic law provides that the families of children with disabilities shall receive adequate services to enable their children full enjoyment of rights on an equal basis with others, lead independent lives and participate in an inclusive society. It can be difficult to evaluate how this objective has been fulfilled in reality, but work is under way within the Ministry of Social Affairs to ensure more integration and better continuity in services for children with disabilities.



195. The families of children with disabilities can enjoy the assistance of support families that regularly have the child in their care and which shall be recruited by the social services of each municipality. The role of support families is to look after a disabled child for a short time to reduce stress on the child's family, give the child some variety and support as well as give the child a chance to form more social bonds.
196. Municipalities also offer leisure services to children and young people with disabilities after the end of their regular school day and Children with disabilities can enjoy stays over the summer holiday away from home, just like other children. These are offered by holiday camps that offer specialised services with the appropriate adaptation, or a general summer stay with support and the appropriate adaptation.
197. According to Article 17 of the Act on Services for Disabled People with Long-term Support Needs, children and young people with disabilities have the right to a short-term stay outside the home when necessary; the need is evaluated by a team of experts. The purpose of short-term stays is to provide a temporary stay for individuals with disabilities due to having more extensive needs for care than their peers. The difference between this recourse and support families is that during a short-term stay both developmental therapy and leisure activities are available. Additionally, a short-term stay is longer and more continuous than what is usually offered by support families. The parents of a child that has the right to a short-term stay can instead opt for support inside the home.
198. Pursuant to the Act on Services for Disabled People with Long-term Support Needs, the Ministry of Social Affairs shall appoint a specialist team for children with diverse problems and children who need, on account of their disability, different and more extensive services than can be provided in their family homes. If the specialist team concludes that it is in the child's best interests to reside away from the family home, every effort shall be made to find another home for the child within the local community and to enable the child to maintain a relationship with their family of origin. Special housing may be prepared for children with disabilities that have severe developmental and mental disorders, provided that the specialist team considers that every attempt has been made to support the child within the family home or in another home within the local community.

#### Article 24



199. Article 76(2) of the Constitution states that the law shall guarantee for everyone suitable general education and tuition. The philosophy of inclusive education/education for all is the guiding principle of the Preschool Act, Compulsory School Act and Upper Secondary Education Act. According to an external audit made by the European Agency for Special Needs and Inclusive Education in 2016, the main strengths of the Icelandic educational system are its strong foundations in law and policy-making that take into consideration international conventions regarding the rights of pupils. The educational system is characterised by a democratic governance backed by a broad agreement between all groups within the Icelandic education community.
200. The philosophy is specifically adapted to each school level. At the preschool level, the children's mental, intellectual and physical well-being is fostered in keeping with each child's individual needs so that the children can enjoy their childhood. At the compulsory school level and upper secondary level all pupils are ensured teaching that suits them, in a motivating educational environment in suitable housing that takes into account their needs and general well-being.
201. The educational needs of compulsory school pupils are met inclusively and pupils have the right to special support in accordance with their evaluated special needs. At the upper secondary school level, pupils with disabilities and pupils with emotional or social difficulties are given teaching and special support in their studies, with expert support and suitable conditions as needed. Pupils with disabilities study side by side with other pupils as much as possible.
202. Adult education can give individuals who have only attended school for a short time, or whose ability to study or work is impaired, an opportunity for active participation in the community by offering suitable learning opportunities that take into consideration their unequal position and abilities. The Adult Education Act is being revised and the

plan is to make further provisions for the rights of people with disabilities to education. The Ministry of Education, Science and Culture will make a service agreement with Fjölmennt, an adult education centre that specialises in formal and informal education for students with disabilities who have finished a four-year special programs for disabled students at an upper secondary school.

203. Icelandic universities shall supply students with disabilities and students with emotional or social difficulties with teaching and special educational support. Professional assistance and suitable conditions shall be provided as needed and students with disabilities shall study side by side with other students as much as possible. The universities shall also endeavour to give special support to those students who have specific learning difficulties or illnesses.
204. The University of Iceland offers a specialised two-year diploma course for students with disabilities who have finished a four-year special programs for disabled students at an upper secondary school. It also offers a course in developmental therapy that is based on the philosophy of the international human rights conventions on the inherent dignity and value of every person. The course emphasises a social understanding of disability and diversity and aims to encourage the active social engagement of people with disabilities.
205. The education laws fulfil the condition for equal access to education. The aforementioned report on the evaluation of the philosophy of education at the preschool, compulsory and upper secondary school levels includes proposals on projects on the discussion of education for all, how educational systems are financed and the setting of minimum service standards in the school regions. Widespread discussion has already been started about a common understanding of education for all with the participation of 2000 individuals all over the country, and a pilot project of 12 municipalities has been started to review how the compulsory school level is financed. The Government Offices' steering group on the affairs of children will discuss the minimum set of services in the regions in 2021.
206. The Minister of Education, Science and Culture's working group recently submitted a report on the situation and proposed improvements and measures to be taken in matters pertaining to children and young people at the preschool, compulsory and upper secondary school level who have a diverse cultural and language background. The working group took into consideration international obligations that concern the student population during its activities, e.g. the Convention on the Rights of the Child and the UN Sustainable Development Goals, as well as the results of local and foreign research. The working group's proposals include an emphasis on multicultural school activities and an increased emphasis on diversity in teacher education.

## Article 25



207. The main objective of the Icelandic health legislation is for all the inhabitants of the country to have access to the best health-care available at any given time, to protect their mental, physical and social health. Article 1(2) of the Patient's Rights Act, No. 74/1997, provides that discrimination against patients is prohibited. Additionally, Article 2 of the Act on Services for Disabled People with Long-term Support Needs provides that people with disabilities shall have the right to all general services offered by the central government and local authorities. Health-care services legislation therefore applies equally to people with disabilities and people without disabilities.
208. In April 2017, the Social Science Research Institute at the University of Iceland published a report on disability and health on the basis of a plan of action regarding issues pertaining to people with disabilities for the years 2012-2014. The aim was to gather information about the health of people with disabilities. The results showed that when compared with a nation-wide sample, people with disabilities evaluate their physical and mental health as being considerably worse than others do; more than half (55 %) said their physical health was passable or poor and half (50 %) said their mental health was passable or poor. The results also showed that, compared with the answers from the nation-wide sample, it is clear that people with disabilities are subjected to

higher levels of physical and sexual violence than others, some 38 % compared with 18 % of the respondents in the nation-wide sample.

209. To address this, the fiscal policy for 2019-2023 states that the objective is to offer an integrated and continuous health-care service at all service levels, based on an integral health-care policy. In 2019, Althingi adopted a health-care policy until 2030. The policy envisages a better definition of the roles of individual factors within the health-care service, as well as their interaction.
210. Increasing equality within the health-care system is a part of the process of improving access to health-care. Certain steps have been taken in this direction by changing the co-payment systems for medicines and health-care services and by making agreements for increased participation by health insurance in the cost of dental care for children, the elderly and people with disabilities. The maximum patient payments have been capped and equality can be increased even more by continuing to lower their co-payments. There is an emphasis on countrywide tele-health services. This is an attempt to equalise public access to general and specialised health-care services, such as physicians, nurses, midwives, psychologists and speech therapists. The website [www.heilsuvera.is](http://www.heilsuvera.is) is also a step towards offering easier access by the public to health-care services and information. This is an encrypted website where people can communicate with health-care staff and access information from their own clinical record, as well as reliable information about development, health and factors affecting health.
211. Furthering health-care clinics as the first stop for users of the health-care system has long been public policy in Iceland. Many measures have been taken to achieve this objective, including increasing the number of professions within the health-care clinic system and by increasing interdisciplinary cooperation to better meet the diverse needs of the users and to promote continuous services. Health-care clinic admission fees have been systematically decreased and a referral system has been introduced for services to children which ensures them services free of charge.
212. One of the main objectives of the Action Plan Concerning Matters Pertaining to People with Disabilities for the years 2017–2021 is to promote general good health. The policy emphasises giving people more encouragement to exercise and keep a healthy diet. The plan is to prepare educational material in image format and increasing education for people with disabilities on the importance of exercise, diet and health-care. The plan is to publish promotional material via websites, in brochures, apps, through information sessions and seminars. Peer tutoring will be used when appropriate. The needs of people with disabilities are to be taken into consideration when forming all general policy in the field of health, as well as in making public health cooperation agreements between the Directorate of Health and the municipalities. The projects that have been launched include grants for sports clubs to give special support to disabled children in general sports activities, or grants for education and research in this field. The Icelandic Sports Association for the Disabled was tasked with overseeing the programme and several projects have already been launched, including education for sports clubs, coaches and supporters in order to increase participation of people with disabilities in sports.
213. Efforts have been made to improve and increase services for people with disabilities, especially those with developmental disabilities and mental illnesses. There is an emphasis on all people with disabilities having a dedicated family physician just like all other members of society, enjoying continuity of services and being offered regular health assessments and other preventive measures, such as screening and immunisation. People with disabilities have been offered health-care clinic services free of charge. Additionally, the number of professions within the health-care clinic system has been increased, including psychologists and physiotherapists. This makes it easier for people to seek health-care services near their home.
214. Good mental health and psychological wellness enable individuals to fully engage in the community, enjoy their abilities and make a contribution. This is discussed in the policy and action plan for mental health issues up to 2020 that was adopted by Althingi in April 2016. The action plan states that the main emphasis shall be on integrating services for people with mental health problems and for their families, as well as on promotion of mental health and prevention measures, with a special focus on children and young people. Consideration is also to be given to various marginalised groups and vulnerable stages of life and measures were identified to decrease prejudice and discrimination. The health-care clinics have been given an important role in the promotion of mental health-

care services. There has been an emphasis on increasing the number of psychologists and multidisciplinary mental health-care teams in health-care clinics all over the country, inter alia with the objective of improving the mental health of people with disabilities. There has also been an emphasis on strengthening the advisory role of the Mental Health Services of the National University Hospital for the health-care clinics and to increase knowledge about the needs of people with disabilities among the professional classes and develop treatment options. The plan is for mental health-care teams to be operating in all health-care districts by 2020.

215. The plan is to set up a working group in accordance with the aforementioned policy, to examine how to develop specialised knowledge within the National University Hospital's Mental Health Services and the Akureyri Hospital Psychiatric Ward, in order to give individuals with developmental disabilities and/or autism specialised mental health-care services. One of the group's tasks would be to examine and evaluate the need for specialised wards that can serve individuals with developmental disabilities and mental health difficulties, as well as people with forebrain injuries.
216. There is also an emphasis on offering specialised treatment options for people with disabilities who have addiction problems. The policy provides that a working group shall be tasked with defining the need for preventive and treatment resources for people with different needs, such as mental illnesses and/or developmental disabilities. The group is intended to submit proposals on preventive and treatment options for people with disabilities who have addiction problems, and on how to improve access for people with perception and mobility disabilities to treatment centres.
217. An Act on Counselling and Education Regarding Sex and Childbirth, No. 25/1975, is currently in force. This Act provides for counselling and education on the use of contraception and their supply, sex education and counselling and education on the responsibilities of being a parent, as well as counselling and education regarding the assistance available to women in connection with pregnancy and childbirth. This counselling service is available at health-care clinics and hospitals and is staffed by physicians, social workers, midwives, nurses and teachers, for both people with disabilities and others as needed.
218. The health-care clinics offer health-care services for infants and toddlers that is free of charge to all parents. Health protection for school children starts where health services for infants and toddlers ends. Nurses and physicians at medical clinics are in charge of the health protection of school children in the district served by their clinic. The main emphasis is on education and health promotion, vaccination, screening, interviews regarding lifestyle and well-being, surveillance and monitoring of the care of children with chronic diseases within the school, and counselling for children, their families and school staff. The aim of health protection for school children is to bolster the pupils' health and promote their well-being.
219. Health protection services are available for expectant mothers and is free of charge to them. Consultations and examinations are offered from the beginning of gestation and until birth. Screening for breast cancer, uterine cancer and colon cancer is also available.
220. The Action Plan Concerning Matters Pertaining to People With Disabilities for the years 2017–2021 provides for the preparation of educational material for health-care service staff about issues concerning people with disabilities, in order to increase and deepen their knowledge of issues concerning people with disabilities, their rights, health-related needs, ways of communicating and so on.

#### Article 26



221. The Icelandic government emphasises health promotion in the widest sense, i.e. a process that enables people to have more influence over their health and its improvement, with a comprehensive approach as the key to success. A public health policy for Iceland was set out in 2016. The policy puts forward a vision for the future where the school system, workplaces and institutions promote health and strive to increase physical exercise and outdoor activities, improve the diet and promote the mental health-care of the population, since these things lead to better health and well-being. Health considerations are also intended to be the key point in all policy-making activities, as a part of introducing the “Health in All Policies” philosophy.

222. It is important for people with impaired capabilities to be able to live independently for as much of their lives as possible, needing to spend as little time as possible in institutions. Therefore, an emphasis is placed on physiotherapy as part of an integral service rendered in cooperation and conformity with other services that are needed as people get older. Physiotherapy is an important factor in training people to prevent the likelihood of acquired disability. The incidence rate of acquired disability has diminished since the patient co-payment rate for physiotherapy was lowered. The services of physiotherapists are mainly rendered in facilities where one or more physiotherapists work, at home, at health-care institutions and in schools.
223. The framework agreement between the Icelandic Health Insurance and physiotherapists who operate under the agreement covers physiotherapy in primary schools. This is a matter of therapy for children who use walking aids or wheelchairs to get from place to place and need therapy more than once a week. In such cases, a physiotherapist can go to the primary school once a week to treat the child, instead of the child having to go to a physiotherapy facility that time.
- When difficulties arise that affect people's daily activities, the special skills of an occupational therapist can help them to increase their abilities so that they can attain more independence and a better quality of life. Occupational therapists often work with groups and provide education and counselling about altering their lifestyles. For example, they offer counselling on how to reorganise living spaces to enable their client to use a wheelchair at home or teach family members to use assistive devices to care for a child with a motor impairment. The plan is to offer occupational therapy via health-care clinics, especially with health-promoting home visits. The focus is on evaluating the condition and circumstances of each individual and to adapt their training to their needs at any given time.

#### Article 27



224. The Act on Equal Treatment on the Labour Market, No. 86/2018, entered into force in June September 2018. The aim of this Act is to combat discrimination and to establish and maintain equal treatment of individuals on the labour market. Under that Act, discrimination of any type on the labour market due to disability is prohibited, whether it is direct or indirect. It specifically provides that employers may not discriminate between their workers, including due to disability, as regards wages and other terms of service, providing that they are engaged in the same jobs or jobs of equal worth.
225. The employment affairs of people with disabilities are part of the Directorate of Labour's field of competence and the Directorate offers people with a reduced working capacity assistance to participate in the labour market; this includes people with disabilities and individuals who have finished work-related rehabilitation. For example, the Directorate renders assistance in making resumes and gives advice on job searches, the job application process and job interviews. The Directorate can also, in specific instances, act as an intermediary in the hiring process and give job-seekers with a reduced working capacity information about various activity resources alongside their job search. The Directorate also contacts businesses in order to check if they have job openings suitable for people with a reduced working capacity.
226. One of the objectives of the Action Plan Concerning Matters Pertaining to People with Disabilities is to increase the labour market participation of people with occupational disabilities. Additionally, the government's coalition agreement states: The government will enter into consultation with representatives of disability pension recipients regarding changes to the benefit system with a view to reaching a consensus on simplifying the system, ensuring that disability pension recipients have enough to live on and putting them in a better position to participate in the community. In this consultative process, the government will confer mainly with the Icelandic Disability Alliance and the National Association of Persons with Intellectual Disabilities ) and will aim to complete the review as soon as possible. The first step on the part of the government will be to organise the provision of part-time jobs in the public sector for persons with reduced working capacity; at later stages it will be important to have the private sector play an active role in this project. People with disabilities who have lost

- their jobs have the same right to resources and to assistance from the Directorate of Labour as all other job seekers.
227. A special project is ongoing in 2020 that has the objective to create more jobs intended for individuals with reduced working capacity at the State level. The State Personnel Policy Department leads this project, but a working group that includes representatives of associations of people with disabilities is also involved.
228. Pursuant to Article 10 of the Act on Equal Treatment on the Labour Market, employers shall take appropriate measures, if they are needed in a particular instance, to enable an individual with disabilities or an individual with reduced working capacity to have access to, and to participate in, a job, to benefit from promotion at work or to receive training, providing that such measures are not excessively encumbering for the employer. Additionally, the Act on Services for Disabled People with Long-term Support Needs provides that individuals have the right to user-directed personal assistance if they live with an extensive and persistent need for assistance and services, such as in activities of everyday life, housekeeping and participation in social activities, education and employment.
229. The Directorate of Labour is authorised to make agreements with companies or institutions for them to hire individuals who are receiving payments amounting to less than 50 % of a disability pension, disability allowance, rehabilitation allowance or accident disability allowance and who have no other income to decently support themselves but who have working capacity that has not been put to use in the labour market. Such agreements are employer repayment agreements, meaning that an employer that pays a salary to an employee under a work agreement receives a payment from the Directorate of Labour to cover a percentage of the salary and salary-related expenses.
230. Individuals with reduced working capacity who need extensive assistance in looking for a job, job training and support in the labour market can also make use of the Directorate of Labour resource called Assisted Work (Atvinna með stuðningi). This resource, which includes wide-ranging assistance from the Directorate of Labour for people who have reduced working capacity due to a mental and/or physical disability, which includes finding the right job, has a proven success rate. The Directorate also renders assistance to people who are starting work in a new place.
231. Harassment related to disability is considered discrimination on the basis of the aforementioned Act on Equal Treatment on the Labour Market. According to the Act on Working Environment, Health and Safety in Workplaces, No. 46/1980, employers shall be responsible for drawing up a written programme of safety and health in the workplace, which shall include a risk assessment and a health protection schedule. The Administration of Occupational Safety and Health oversees the implementation of this Act. The Directorate also monitors the implementation of Regulation No. 1009/2015, on Measures Against Bullying, Sexual Harassment, Gender-based Harassment and Violence at Work.
232. The employment affairs of people with disabilities are part of the Directorate of Labour's field of competence and the Directorate inter alia offers people with a reduced working capacity assistance to participate in the labour market. This includes people with disabilities and individuals who have finished work-related rehabilitation. The Directorate of Labour is in charge of organisation and labour market measures for the benefit of people with disabilities, including assessment of work capacity, assessment of the need for labour market solutions, and work placement services, see the Labour Market Measures Act, No. 55/2006.
233. According to the Act on Services for Disabled People with Long-term Support Needs, people with disabilities in Iceland shall have access to work and habilitation related services that increase their ability to work and participate in daily life on an equal basis with other people. Pursuant to the same Act, local authorities are required to operate workplaces for sheltered work, habilitation and day-care services for people with disabilities, including developmental therapy, occupational therapy and vocational training. Vocational training shall also be offered in the general labour market with appropriate support pursuant to the Labour Market Measures Act.
234. Participation in the labour market is very high in Iceland, the highest rate in Europe for both sexes. All measures taken to increase labour market participation in Iceland for people with reduced working capacity have been general and open to both women and

men. In 2017 the number of people with disabilities in Iceland was 18500, of which 5100 had jobs and 13 400 did not. People with disabilities who held full jobs numbered around 1900.

235. The percentage of young people with disabilities (under 40) is the highest in Iceland when compared with the other Nordic states, with a total of 29 % of people with disabilities in that age group in 2017. The main cause of disability in individuals under 40 in Iceland is mental health problems, whereas for people over 40 it is musculoskeletal problems. The Directorate of Labour's special repayment agreements and its aforementioned Assisted Work project have proved to work well for the purpose of increasing the number of people with reduced working capacity in the labour market. Additionally, the Directorate of Labour has undertaken various other measures to increase the participation of this group in the labour market. This includes a pilot project on cooperation with other service networks to boost services for the most vulnerable group of young job seekers, the so-called NEET group (Not in Employment, Education or Training), in which an emphasis is placed on preventing untimely disability in young people due to mental illness. Another measure is the Directorate's cooperation with both the educational system and rehabilitation bodies on increasing resources for people with disabilities and people with reduced working capacity, as well as cooperation with the study programmes for disabled students in upper secondary schools which has been very successful, with all the young people who graduated from the study programmes for disabled students in 2019 having found jobs.
236. The Act on Vocational Rehabilitation and Activities of Rehabilitation Funds, No. 60/2012, ensures counselling and resources for individuals who lose their working capacity following an illness or accident, which is intended to systematically contribute to their full or partial return to work. Vocational rehabilitation is thus intended to be part of an integral system of rehabilitation where rehabilitation funds and governmental and municipal institutions collaborate as much as possible and seek to define and carry out their roles in such a manner as to enable as many people as possible to be active in the labour market.
237. People with disabilities have the same rights as everyone else when it comes to hiring and dismissals in the labour market. It is also, as previously stated, forbidden to discriminate between applicants due to disability and the same applies to promotions, job transfers, adult education, continuous education, vocational training, educational leave, dismissals, working conditions and other terms of employment.
238. In 2017, formal work began on preparing the formation and introduction of a work capacity evaluation which is intended to take into consideration the current medical disability rating system. The introduction of a system for evaluating an individual's need for services along with their working ability has been emphasised. At the same time, an emphasis has been placed on ensuring a vision of the future that is shared by all those involved, such as the individuals in question, economic actors and authorities, with the aim to improve living standards and quality of life for people with reduced working capacity, including by increasing job opportunities and their activity levels.
239. The fiscal plan for 2021-2025 includes the aim to increase the number of job opportunities and active labour market measures available to people with disabilities. The fiscal plan also emphasises the importance of increased cooperation between different service networks and service providers for people with disabilities. The Ministry of Social Affairs has started a collaborative project with the healthcare centres in greater Reykjavik, the Reykjavik Welfare Department, The Social Insurance Administration, The Directorate of Labour and VIRK – Vocational Rehabilitation Fund. The Ministry believes that a big step has been taken with the regular discussions of the service providers involved. There are indications that the project had already delivered positive results. The fiscal plan for 2020-2024 includes the aim to submit a bill of amendments to the Social Security Act and the Social Assistance Act in which an integrated specialist evaluation of working capacity will be proposed, that will take into consideration the ability of individuals to support themselves. The bill will emphasise early intervention in instances where individuals leave the labour market due to illness or reduced working capacity, through screening to find out if the condition is likely to become permanent and then by making a coordinated basic evaluation based on physical, psychological and social risk factors. Concurrently to this, service resources intended to help people become more active must be reinforced, especially those

intended to increase participation in the labour market, and cooperation between the health-care clinics, municipal social services, the Directorate of Labour, the VIRK work rehabilitation fund and the Social Insurance Administration must be increased.

240. Pursuant to the Upper Secondary Education Act, No. 92/2008, upper secondary school pupils are preparing themselves for participating in economic activities and further education. According to Article 34 of that Act, at the upper secondary level, appropriate instruction and special pedagogic support shall be provided to students with a disability. Pursuant to this provision, expert assistance shall be provided and appropriate facilities made available as needed for students with disabilities. The Directorate of Labour handles official placement services, evaluates the job applicants' competence and organises resources that are designed to increase the work competency of job seekers. In order to carry this out, the Directorate has cooperated with the school system, including on making presentations at upper secondary schools to inform the students of the resources the Directorate offers to job seekers. Since 2016 the Directorate of Labour has, through the pilot project Assisted Hiring, worked to strengthen the cooperation with the economic sector, the educational system and other state and municipal institutions with the objective of increasing job opportunities in the labour market for young people with disabilities who are about to graduate from upper secondary schools or universities and thus increase their opportunities when it comes to participation in the labour market.
241. The labour market must adapt to the societal changes that are going to take place alongside the fourth industrial revolution and other technological changes and increased automation, especially to meet the needs of this group. It should be mentioned that the Ministry of Welfare's report from 2015 on policy in innovation and technology in the field of welfare services places an emphasis on various technological and technology-related solutions that individuals can use to increase their ability to participate in the community. A project steering committee has also been appointed at the suggestion of the Minister of Transport and Local Government, to prepare a campaign within the Government Offices to define jobs in the ministries and public institutions and advertise them without a specific location as much as possible. The project is discussed further in the policy-making regional development plan for 2018-2024 that was adopted by Althingi in 2018. This plan set out the criteria that 5 % of all advertised job openings in the ministries and public institutions shall not be tied to a specific location by the end of 2019, and that by the end of 2024, some 10 % of all advertised jobs will not be tied to a specific location. Additionally, the future challenges and opportunities in the Nordic labour market are currently being mapped as part of the Nordic research project on the working life of the future, including with regard to the employment situation for people with disabilities.

#### Article 28



224. Article 76(1) of the Constitution provides that the law shall guarantee for everyone the necessary assistance in case of sickness, invalidity, infirmity by reason of old age, unemployment and similar circumstances.
225. The Icelandic pension insurance scheme consists of three pillars, two legally mandated schemes, and an opt-in system. Pension insurance includes old-age pensions, invalidity pensions, age-related invalidity supplements, pension supplements, invalidity allowance and child pensions.
226. Invalidity pensions, along with pension supplements and age-related invalidity supplements, is intended to support those who have reduced working capacity and an income under a specific level. The payments are rendered in accordance with the Social Security Act, to people who have a disability rating of at least 75 %, when their income is under a specific level and they fulfil the conditions of minimum habitation in Iceland. Additionally, people who have a disability rating of at least 50 % but less than 75 % can receive an invalidity allowance.
227. Invalidity pensions are provided for in the Social Security Act, No. 100/2007. The Act applies to all persons who are legally domiciled in Iceland and there are no requirements for citizenship or payment of premiums or taxes. The rights are accumulated on the basis



of residence and a minimum of three year's residence is required to attain these rights. Three years residence gives 3/40 of the full rights, with full rights being attained after 40 years residence. A residence period that is longer than three years but shorter than 40 years is calculated proportionately with the addition of future years until the age of 67 is reached, which is when old-age pension payments begin.

228. In addition to invalidity pensions, various support is permitted, as well as supplements in accordance with the Social Assistance Act. These include household supplements for pensioners who live alone and do not have the financial advantages of living with others, supplements to pensions to meet pensioners' expenses that are not paid or compensated for in another manner, a special supplement to cover the cost of living if an individual's aggregate income including social insurance payments is under a specific legally mandated level, and supplements and allowances for physically impaired persons to buy and run an automobile. Additionally, a child pension is paid to individuals who have a disability rating of at least 75 % and are supporting children under the age of 18.
229. The maximum amount of invalidity pension and related payments is provided for in the Social Security Act and is raised in accordance with the State Budget at any given time. These benefits are income-related, meaning that if a pensioner has other taxable income, the pension is diminished according to rules that are provided for by the Act. These benefits are therefore intended for lower-income individuals who are considered to be in need of social security benefits in order to support themselves and live an independent life.
230. Pursuant to the Social Assistance Act, rehabilitation pensions are paid to people with reduced working capacity when it is not yet possible to ascertain the permanent working capacity following an accident or illness. The payments are temporary and continue for up to 18 months but can be extended by another 18 months under special circumstances. Recipients of rehabilitation pensions can also receive pension supplements and age-related invalidity supplements in accordance with the Social Security Act. The same rules apply to the calculation of invalidity pensions and rehabilitation pensions and various allowances and benefits mentioned above are permitted in addition to rehabilitation pensions.
231. Home-care allowances are based on the Social Assistance Act, No. 99/2007, which sets out who can receive financial assistance and how much assistance can be given. Regulation No. 504/1997, on Financial Assistance to Those Who Support Disabled or Chronically Ill Children, sets out in more detail the process to be followed in deciding what assistance to give and what conditions parents must fulfil in order to receive assistance.
232. The Regulation specifies levels of both illness and disability, which are then divided into five categories. Medical criteria, i.e. disease diagnoses, are the basis on which the children are classified into categories. Each category is additionally divided into four payment levels based on the need for care and the services the child receives. A full home-care allowance in 2020 is a specific legally mandated amount per month, of which the carer receives 25-100 %, depending on the category and payment level the child has been classified into. Categories and payment levels are defined by the Regulation. Home-care allowances are tax free.
233. The period of validity of a need-for-care evaluation can last from the birth of a child and until their 18th birthday. The assistance is determined for a limited time, a maximum of five years. Payments can be determined for up to two years retroactively. Payments can continue for up to six months after the child in question has died. When a need-for-care evaluation has been made, an electronic care certificate is issued; it can be used to get health-care discounts and easier access to medical specialists.
234. Payments to parents of chronically ill or severely disabled children (payments to parents) are granted pursuant to the Act on Payments to Parents of Chronically Ill or Severely Disabled Children, No. 22/2006. Regulation No. 1277/2007, on Payments to Parents of Chronically Ill or Severely Disabled Children is also in force.
235. The objective of payments to parents is to secure financial support for parents of children with chronic illnesses or severe disabilities when they can neither work nor study because their children need extensive care. Increased care may be needed, inter alia, due to emergency situations when a child is diagnosed with a serious chronic illness or serious disability and the services of public care facilities are not available. Public care service facilities include preschools, day-care services or institutions that take in

children with disabilities for short-term stays. Parents do not have a right to these parent payments until they have exhausted their rights to payments from their employer or union sickness benefit fund due to their children's illnesses. The same applies to parents who receive unemployment benefits, invalidity pension or rehabilitation pension or parental leave payments for the child in question.

236. Co-payment systems for physician's services, therapy, etc. are intended to lower the expenses of individuals who need extensive health-care services. People with disabilities, senior citizens and children pay less for health-care services than other people. If an individual's accumulated payments according to the list of tariffs for the services are higher than the monthly limit, the Icelandic Health Insurance pays the difference. An individual's co-payments are determined in relation to the payment status at the beginning of the month and all payments for health-care services during that month. If the accumulated payments are under 26753 ISK (17835 ISK for old-age pensioners and children) the individual participates in the expenses until that amount is reached. This means that individuals, other than old-age pensioners and children, never pay more than 26 753 ISK per month. When that maximum amount is reached, they pay up to 4459 ISK per month on average. Pensioners never pay more than 17835 ISK per month. When that maximum amount is reached, they pay up to 2,973 ISK per month on average.
237. When other rights to financial support have been exhausted or do not apply, people can seek financial assistance from the municipalities. Municipal financial assistance is open to everyone who fulfils certain minimal conditions. No distinction is made between the reasons for people's applications for financial assistance.
238. The objective of municipal social services is to ensure financial and social security and to promote welfare. Social services as a whole shall contribute to empowerment and take into consideration individual needs and situations. The authorities shall also ensure that people with disabilities, including their representative associations, can influence policy-making and decisions in matters that concern them.
239. Article 14 of the Housing Act, No. 44/1998, provides that local authorities are obliged to analyse the need for housing in the municipality with regard to different forms of residence. The local authorities shall also ensure a sufficient supply of plots for building. A final provision on this matter sets out that local authorities shall be responsible for solving the housing needs of the persons within each municipality and shall be responsible for acquiring, on their own initiative, housing for those persons within each municipality who need assistance as regards housing. The Municipalities' Social Services Act further reinforces the obligations of municipalities regarding housing.
240. The Housing Financing Fund has offered a special type of loan, so-called special needs loans, which are intended to be used for altering housing due to disability and/or illness and for buying suitable housing. These loans have been granted in addition to other loans.
241. The Minister of Social Affairs and Children operates a Welfare Watch which is an advisory group tasked with monitoring the social and financial situation of homes and individuals in Iceland. The Watch is tasked with looking after the welfare and livelihood of underprivileged families with children, especially single parents and their children, and to gather information about the situation of those who live in dire poverty so that it can be reduced. A large number of bodies have representatives on the Watch, including from the ministries, municipalities, institutions, social partners and non-governmental organisations. Non-governmental organisations that have been leaders in watching out for the rights of people with disabilities and who have representatives on the Welfare Watch include the Icelandic Disability Alliance, the National Association of Persons with Intellectual Disabilities and the ADHD Organisation. A representative of the rights protection officers for people with disabilities is also a member of the Watch.
242. At the start of 2019, a report on research into the living conditions and poverty among Icelandic children in the years 2004-2016 was publicised. The living conditions of children in Iceland are good compared with most other European countries. Conditions among people with disabilities do not look bad as regards the low-income limit. However, people with disabilities are the one group that is most likely to be living in financial difficulties.
243. The number of people who have a disability rating from the social security administration and receive an invalidity pension has been growing year by year. It is

estimated that if nothing is done, the number of people with disabilities will grow by an average of 1.9 % per year until 2030 and the percentage of people with disabilities among the working-age population will then have reached 9.2 %.

## Article 29



244. Article 33 of the Icelandic Constitution provides that all Icelandic citizens who have reached the age of 18 have the right to vote. There are no other formal restrictions to the right to vote and for example, individuals who have been deprived of their legal competence keep their right to vote. Voters who cannot travel from their place of residence to a polling place due to illness, disability or child-birth can apply to be allowed to cast their vote at home.
245. Before each election, the Ministry of Justice, which oversees the implementation of the elections, meets with the representative associations of people with disabilities in order to ensure the best possible accessibility to the polling places. The Ministry also contacts the polling committees and stresses the importance of good accessibility. For example, it must be ensured that special Braille cards are available at all polling places and that a list and handwriting samples for the rights protection officers are available in every voting district.
246. In 2012, Althingi adopted amendments to the election laws, setting out that any voter who is unable to write on their voting slip can receive permission from the head of the polling committee for a representative, chosen by the voter, to assist him or her to vote. In practice, when the voter arrives at the polling place, he or she will state he or she wishes for the assistant to help cast the vote. If the voter is unable to clearly state that he or she wishes to receive assistance from a representative he or she has chosen, the head of the polling committee can allow the representative to assist upon receipt of an attestation from a rights protection officer, stating the voter chose a specific representative to assist with the voting. The representative must sign a confidentiality agreement and must not represent any other voter in the same poll.
247. A 2016 report by a working group on the revision of the election laws proposed looking into how to improve accessibility to polling places and polling precincts so as to best meet the different needs of voters. The group met with representative organisations of people with disabilities while preparing the report. In October 2018, the Speaker of Althingi appointed a work team to review the working group's proposals and that team returned a parliamentary bill on a new collective law at the end of 2019. The bill was published on the Government Offices' consultation portal in March 2020. The bill provides for a new mechanism for those needing assistance to vote, inter alia with reference to the Convention. It is proposed that the main principle of the election law will be that individuals who have the right to vote and are able to come to the polling place, have the right to receive the assistance they need, whether it be due to a disability, illness, old age or other reasons. Voters can choose between receiving assistance from the polling committee or bringing their own assistant to the polling place. It is a requirement that the voter must be able to tell the assistant how he or she wishes to vote.
248. Representative associations of people with disabilities have regularly held meetings to discuss various social issues, with the support of the State and municipalities.
249. User councils of people with disabilities shall be operated in each municipality. The aim of operating user councils is to enable people with disabilities to influence and participate in the organisation and implementation of services pertaining to them, as well as their other interests.

## Article 30



250. In 2013 Althingi adopted a proposal for a parliamentary resolution on a cultural policy. This was the first time a special State policy in the field of arts and cultural heritage was adopted in Iceland, thus ensuring the State's involvement in these policy areas. It has a basis in four main sections: Firstly, creativity and participation in cultural activities, secondly an emphasis on good accessibility to art and cultural heritage, thirdly an

emphasis on the importance of the State's cooperation with the numerous people and bodies operating in the cultural arena and finally the importance of children and young people's participation in the cultural arena.

251. The *Art for All* project is intended to choose art events that are aimed at children and young people all over the country, to give all compulsory school age children opportunities to experience diverse and high quality art events, regardless of their residence and economic situation. The main focus is on art for children and art with children. The aim is to give pupils, during their ten years of compulsory schooling, a good overview of the world of art. The students will get to know the diversity of art, Icelandic cultural heritage and art from different cultural traditions. In this way, the availability of culture is increased even more and the cooperation of artists and artist groups with the country's children and youth is encouraged, with quality and professionalism as the guiding principle. The municipalities are key players when it comes to opportunities for children with disabilities to participate in social activities, both in and out of school, and are responsible for financing.
252. Efforts have been made to ensure access to literature for people with disabilities. Pursuant to the Copyright Act, No. 73/1972, it is permitted to make and distribute copies of published works when such copies are specifically intended for blind, partially sighted, deaf or dyslexic people and others who, due to a disability, are unable to read printed matter. The permission does not cover copying of sound recordings and does not permit distribution of copies via lending or renting out to the general public.
253. Iceland signed the Marrakesh Treaty in 2013. It has the objective of facilitating access to published works for people who are blind, partially sighted or have another kind of print disability. The plan is to present a parliamentary bill on the ratification of the Treaty before Althingi in the spring of 2021.
254. The Icelandic sign language was recognised as the native language of deaf and hearing impaired people via Act No. 61/2011. The Ministry of Education, Science and Culture finances a special fund from which deaf and hearing impaired people who use sign language can get contributions to help them with daily social activities. The Communication Centre for the Deaf and Hard of Hearing allocates money from the fund on the basis of applications and whatever funds are available at any given time.
255. The Icelandic Sports Association for the Disabled is a very powerful entity in the field when it comes to opportunities for people with disabilities to practice sports. In the last several years, the Association has systematically cooperated with the country's preschools to draw attention to its activities and the possibility for children and young people to participate. The municipalities are also key players when it comes to access for children with disabilities to social activities, both in and out of school.
256. Youth associations like the YMCA-YWCA and the Scout movement have made every effort to meet the needs of children and young people with disabilities. The YMCA-YWCA offers summer camps for mentally disabled children. The Scouts have been developing ways to enable young people with disabilities to participate in Scout activities. Summer camps for children and young people with disabilities have been operated for more than 30 years and have been an important part of their social life.

### Article 31



257. Statistics Iceland is the centre for public production of statistics in Iceland. One of the roles of the institute is to harmonise national production of statistics as well as to gather statistics for international organisations and reply to enquiries from such organisations. Statistics Iceland gathers numerical information about Icelandic society and uses it to compile statistics which it then communicates to users.
258. The availability of statistics about people with disabilities in Iceland has been limited. Hitherto, Statistics Iceland has mainly published information about people with disabilities in connection with municipal services. That information has been published since 2011 and is expected to continue to be published.
259. Statistics Iceland has also published statistics about labour market status after a person has been declared as disabled on their tax return. This information is available on the

Statistics Iceland website for the years 2003-2017, but the plan is to update the numbers in 2021 and add the years 2018, 2019 and 2020.

260. According to the Statistics Iceland forecast up to 2025, the institution aims to be a progressive knowledge centre that offers good service and promotes an informed society. Among the tasks that contribute to promoting an informed society is to increase the availability of published statistics that in one way or another pertain to people with disabilities.
261. Further publication of statistics about the situation of people with disabilities has been restrained by the lack of an implemented coherent approach to classifying individuals with regard to whether or not they are disabled. Statistics Iceland has statistics from the European Union Statistics on Income and Living Conditions (EU-SILC) research project and the European Health Interview Survey (EHIS) which used the Washington Questions to find people with disabilities in the respondent group. These data sets are useful, on the one hand to publish statistics on the standard of living of people with disabilities (on the basis of EU-SILC) as well as their health statistics (on the basis of EHIS). The aim is to publish these statistics in 2021.
262. In order to increase the availability of statistics about people with disabilities, Statistics Iceland will seek ways to incorporate the Washington Questions into more of its sample surveys. In 2021 this will be done for a survey of the use of information technology by individuals and homes and a survey of cultural consumption. This addition to the sample surveys will make it possible to publish statistics on the use of information technology by people with disabilities and their cultural consumption. These statistics can be expected to be published in late 2021.
263. Statistics Iceland plans a second ever electronic population census in Iceland with reference to 1 January 2021. Underway is a study of the possibility to be specifically collect information about people with disabilities in order to make a special analysis of the results of the census with regard to that group.

## Article 32



264. Following Iceland's ratification of the Convention, Iceland has actively participated in the annual conference of state parties. Additionally, Iceland actively participated in the United Nations Human Rights Council as an elected representative in 2018-2019, including as regards discussions on matters pertaining to people with disabilities. Iceland also chaired the third committee of the UN General Assembly in 2017-2018, which, inter alia, discussed matters pertaining to people with disabilities.
265. Iceland's policy on the implementation of the development cooperation strategy for the period of 2019-2023 is grounded in human rights with the view that poverty not only includes material deprivation but also lack of safety, power and control over one's own circumstances. Gender equality and the rights of children are at the forefront and a special emphasis is placed on vulnerable groups. Iceland's development cooperation thus reflects the most highly regarded values of Icelandic society: respect for democracy, human rights, diversification, tolerance, justice and solidarity. All Iceland's work shall be guided by the principles of responsibility, effectiveness and reliability. This definition includes people with disabilities and the aforementioned development cooperation strategy thus truly includes people with disabilities. The emphases of the strategy include building social infrastructure, reinforcing basic services and supporting institutions to improve the standard of living and increase chances for people living in poverty and inequality. Another thing the strategy emphasises is equal access by all to good education, improved basic health-care services and better access to wholesome water and sanitary facilities.
266. In the last few years, the Icelandic government and representative associations of people with disabilities have participated in activities under the aegis of the Nordic Centre for Welfare and Social Issues. The Council of Nordic Co-operation on Disability, which is composed of representatives of representative associations of people with disabilities in the Nordic countries, operates in connection with the Centre. The Council's role is, inter alia, to follow up on the Nordic Council of Ministers' implementation plan on matters pertaining to people with disabilities.

267. The Icelandic government has long-standing partnerships with both the other Nordic countries and with other European countries on matters pertaining to individuals with rare diseases. Iceland led the Nordic partnership in 2019, during which time an implementation plan on this matter for the next few years was submitted.

### Article 33



268. A special Government Offices' Steering Committee on Human Rights was established in 2017. It consists of representatives from all ministries. The Committee's aim is to increase cooperation and coordination when it comes to human rights. The Steering Committee is expected to monitor, to some extent, the nationwide implementation of the Convention. The Committee's role is to act as a formal venue for collaboration and to ensure stable working procedures and regular involvement in human rights affairs by all the ministries.
269. The working group that returned this report also has the role to follow up on the report and to receive all Recommendations received by Iceland through the process and work on their implementation in cooperation with the Government Offices' Steering Committee on Human Rights. In this way, greater continuity and coordination is sought when it comes to the introduction of the Convention and the promotion of increased rights for people with disabilities in Iceland.
270. There is no independent human rights organisation in Iceland that fulfils the Paris Principles on human rights organisations. The Ministry of Justice has been working to establish such an organisation in the last few years. Work began on a draft bill on an independent Icelandic human rights organisation in the spring of 2018, and plans to that effect were published on the Government Offices' consultation portal in March 2019. However, there is no provision for such an organisation in the fiscal plan for 2020-2025, and therefore it can currently not be established.
271. The Icelandic Human Rights Centre has partially functioned as an independent national human rights organisation. It does not, however, fulfil the Paris Principles, since those require an independent organisation established by law. At the end of 2019 the Ministry of Justice's grant to the Centre was doubled in order to create a more stable foundation for the Centre's operations and to make it possible to carry out its tasks, such as monitoring the implementation of human rights conventions, additional reporting to international monitoring bodies and commenting on legal bills, publishing printed material about human rights, international cooperation, answering enquiries about human rights issues and supporting the implementation of human rights in Iceland.