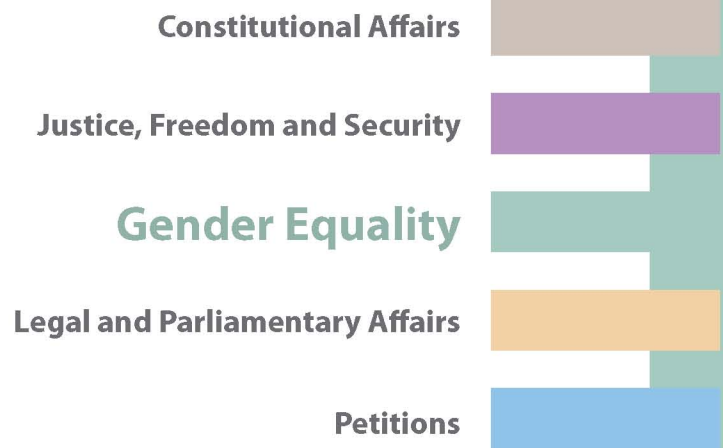


DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT **C**
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



The Policy on gender equality in Iceland

NOTE



DIRECTORATE GENERAL FOR INTERNAL POLICIES
POLICY DEPARTMENT C: CITIZENS' RIGHTS AND
CONSTITUTIONAL AFFAIRS

WOMEN'S RIGHTS AND GENDER EQUALITY

The Policy on gender equality in Iceland

NOTE

Abstract

Iceland gender equality act dates back to 1975, the current one enforced in 2008. Iceland is characterised by a high labour market activity of women but large gender gaps. Currently, the specific Icelandic profile in gender policies is reflected in the act on parental leave policies providing men with three month paternity leave. New legislation on gender quotas on company boards aims at increasing the decision making power of women in economic life. Also in the field of gender based violence some active measures have been taken.

This document was requested by the European Parliament's Committee on Women's Rights and Gender Equality

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LINGUISTIC VERSION

Original: EN

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Manuscript completed in September 2010.
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1. GENERAL DISPOSITIONS

The Republic of Iceland is one of the smallest European countries with national population of 319,000 inhabitants in 2009 (Statistics Iceland 2009). Iceland has a multi-party system, the head of state is the President, and executive power is exercised by the Government. Legislative power is vested in both the Parliament and the President. The judiciary is independent of the executive and the legislature. Iceland does not share borders with any other state and there is one official language, Icelandic. Historically and politically Iceland is connected to the Scandinavian countries and is a part of the Nordic countries but is not a part of the EU.

The Icelandic context

The Constitution of Iceland explicitly addresses equality between women and men stating that men and women shall enjoy equal rights in all respects (article 65, amended in 1995). The main law of reference in the field of gender issues is the Act on Equal Status and Equal Rights of Women and Men (10/2008), hereafter referred to as the 'gender equality act'. A legislation on gender equality was first passed in 1975. The act was revised 1985, 1991, 2000 and 2008. In 2000, Iceland enforced an Act on Maternity/Paternity Leave and Parental Leave (95/2000), hereafter referred to as the 'parental leave act'. By that a father quota was introduced in the parental leave scheme, providing men with a 3-month long non-transferable paternity leave. This is a longer period of father quota, and introduced at a faster pace than any other Nordic country had done before. This measure was an abrupt change in the Icelandic policy framework, as the state had been rather reluctant on the issue of parental leave, as well as in gender issues in general (Einarsdóttir & Pétursdóttir 2009). During the last decade the father quota has become the special characteristic of the Icelandic gender equality policy.

The gender equality act is relatively broad in scope, covering the whole range of gender issues. Its aim is to establish and maintain equal status and equal opportunities for women and men and promote gender equality in all spheres of the society. Many of the aims of the gender equality act are rather generally formulated. Despite the wide scope of the gender equality act, the focus on work life and the reconciliation of work and family life has been prevalent in Icelandic gender policies. One of the areas that have gained a special attention is the gender pay gap, which is among the highest in Europe. This is partly due to the long working hours culture that applies to both sexes, especially to men, which make the overall pay differentials more salient (Mósesdóttir et al. 2006). The most recent emphasis in the area of gender equality is the focus on men and their participation in family life, in particular expressed in the parental leave from 2000, as stated above.

The first gender equality act, in 1975, was framed in a gender neutral approach. In the revisions during the course of the 1990s the act was successively transformed into a women-centred approach. In 1985 the act opened up for the possibilities of positive action measures for women. The women-centred approach faded in the act from 2000, in which the positive action measures were extended to also apply for men (Flóvenz 2007). In the 2008 act a woman-centred approach is partly reintroduced. The positive action measures in the gender equality act, have however, been sparingly applied and seen with some scepticism in Iceland (Einarsdóttir and Pétursdóttir 2009a).

Gender equality policies, practices and implementation in Iceland should be seen against the general background of gender issues, which is characterized by a high labour market activity of women with relatively long working hours and high fertility rates on a European comparison. In 2007, 79% of women and 88% of men 16-74 year old, were active on the labour market (The Minister of Social Affairs and Social Security 2009). Iceland has a longstanding tradition of a vital women's movement, pushing for legislation and active measures. The women's day off in 1975 and 2005 received media attention abroad (Einarsdóttir and Pétursdóttir 2009a).

After the crisis

A new government came to power in 2009 after the bank crises in October 2008, rather more willing than previous governments to take active measures in gender issues, as clarified below. The Government Coalition Platform of the Social Democratic Alliance and Left-Green Movement from May 2009 explicitly addresses gender issues in several respects. With the new government 'gender budgeting' was introduced, stating that 'gendered economic management will be a key concern in budget preparation and economic policy' (Government Offices of Iceland, 2009). Currently, a pilot project is carried out under the auspices of the Ministry of Finance.¹

A new legislation came into force in 2009 that makes purchasing of sexual services illegal (amendment No. 54/2009 to the General Penal Code No. 19/1940). In 2009, Iceland also introduced a quota for women on company boards (amended No. 13/2010 to the Act respecting Public Limited Companies No. 2/1995). Still another legislation recently enforced is an Act on the prohibition of strip clubs (an amendment to the Act on Restaurants, Accommodation Establishments and Entertainment no. 85/2010). This legislation is in accordance with the main issues of the women's movement in Iceland. It has pushed for increased female representation in leadership roles in work life and operated as a pressure group in combating gender-based violence. This might be an indication that the government in charge after the crises in 2008 is somewhat more sensitive to the pressure from the women's movement than previous governments.

Gender mainstreaming

With the 2008 gender equality act, gender mainstreaming has been defined within the framework of the law. Gender mainstreaming was first mentioned in Icelandic context in the governmental action programme in 1998. According to the 2008 gender equality act, gender mainstreaming 'shall be observed in all policy-making and planning on the part of the ministries and the public institutions operating under their realm. The same shall apply, as appropriate, to all decision-making within ministries and institutions.' The implementation of gender mainstreaming, is however, in its initial phase in Iceland. The Centre of Gender Equality published a manual in 2009 for gender mainstreaming (Jafnréttisstofa 2009).

¹ For further information see the website of the Ministry of Finance http://www.fjarmalaraduneyti.is/verkefni/kynjud_fjarlaqagerd/

The Centre for Gender Equality

The Centre for Gender Equality [Jafnréttisstofa] located at Akureyri in the north of Iceland is responsible for the administration and monitoring of the law since 2000. The Centre is under the control of the Minister of Social Affairs and Social Security. The centre also provide counselling and education in the field of gender equality for the government and municipal authorities, institutions, companies, individuals and non-governmental organisations.

The Centre for Gender Equality initiates special projects in the work for gender equality. The Centre has been proactive and taken part in Icelandic and European projects. The manual on gender mainstreaming mentioned above is a result of an EU cooperation within the PROGRESS program. Another recent project is Gender Equality in Pre-schools and Primary schools, carried out by the Ministry of Social Affairs and Social Security and five municipalities.² Still another issue that the Centre has emphasized is the project Men Take Responsibility It is a therapy program for men who resort to domestic violence against women.³

The Gender Equality Council

The gender equality council is appointed by the Minister of Social Affairs and Social Security after each parliamentary election. It consists of eleven representatives from the social partners, the women's movement, and the association of local authorities. The task of the council is to work on policy-making in gender equality issues with emphasis on the labour market and on the reconciliation of work and family life. In the first acts on gender equality, the council had a major role in gender equality work. The Centre for Gender took over a large part of the responsibility since 2000. After that the role of the council has diminished.

Gender Equality Complaints Committee

The Gender Equality Complaints Committee consisting of three lawyers is appointed for periods of three years. The Committee rules in cases on whether the gender equality act has been violated. The Committee has been in place since 1991. During the course of the last 15 years, the cases handled and ruled by the committee range from 3 to 16 yearly and on average 8 cases yearly are ruled. In the 1990s there were large expectations towards the Gender Equality Complaints Committee, but they have somewhat faded as can be seen from fewer cases during the course of the last years. In 2010 only one case has been ruled.⁴

² For further information see the website for the project <http://jafnrettiiskolum.is/jis/?D10cID=News>

³ For further information see the website for the project <http://www.karlartilabyrgdar.is/kti/english.aspx>

⁴ This can be seen from the website of the committee. Accessed 15th September at <http://www.felagsmalaraduneyti.is/kaerunefndir/jafnrettismal>

The Gender Equality Forum

According to the 2008 act, a Gender Equality Forum which shall discuss gender equality issues is to be held twice during each four-year mandate period. It has been held once since the enforcement of the 2008 gender equality act, i.e. in January 2009. It was planned in the autumn of 2008, but was postponed because of the crises. At the forum, the minister of Social Affairs and Social Security presents a report including a review on the status and developments in gender equality issues (The Minister of Social Affairs and Social Security 2009).

A gender equality 4-year action programme

A national gender equality action programme is adopted by the parliament as a parliamentary resolution. In general, it is in place for a 4-year period, the first one dating back to 1998. The programme is prepared, implemented and monitored by the ministries. From the beginning the action programme has suffered from lack of resources and therefore has been less effective than it otherwise would be.

The local authorities' gender equality committees

Following local government elections, the municipalities appoint gender equality committees. Despite the clear focus on gender equality committees in the act on gender equality, some of the larger municipalities have widened the scope of their equal opportunities work from focus on gender to equality for all approach. Hence, the city of Reykjavík has a human rights committee and a human rights policy since 2006, instead of a gender equality committee and a gender equality plan. Akureyri has a society and human rights committee, and Hafnarfjörður has a democracy and a gender equality committee. This reflects a trend in Iceland during the last decade in which a focus on gender only loses legitimacy. Also the University of Iceland has a broad scope on its equal opportunities work reflected in its policy (Thorvaldsdóttir & Einarsdóttir forthcoming).

2. THEMATIC DISPOSITIONS

Labour market issues

According to the gender equality act, the social partners shall work deliberately to bring women and men on an equal footing on the labour market and take steps to avoid jobs being classified as specifically women's or men's jobs. The act gives limited guidelines on how to implement this. Since 2000, however, the gender equality act has an article on gender equality programmed, prescribing that enterprises and institutions with more than 25 employees are obliged to set themselves a gender equality program, or include gender equality perspectives into their personnel policy. In 2006 about one third of Icelandic companies did have such plans (Jónsdóttir et al. 2006).

With the current gender equality act enforced in 2008, some steps were taken towards active measures in the area of work life in some respects. *First*, the Centre for Gender Equality has the power to determine that an enterprise or institution that fails to fulfil the

request on a gender equality plan pays per diem fines. This power, however, has never been exercised.

Secondly, a step forward was taken in article 19 on wage equality, in order to increase pay transparency. The article states that '[w]orkers shall at all times, upon their choice, be permitted to disclose their wage terms'. Although the responsibility is put on the shoulder of the individual worker without involvement of a third party, such as the unions, this has been seen as a progress.

Thirdly, article 15, prescribes that equal representation of men and women shall be ensured and not lower than 40% in national and local government committees, councils and boards (when there are more than three representatives in a body). This also applies to the boards of publicly-owned limited companies and enterprises in which the state or a municipality is the majority owner. This is clearly a step forward in comparison to the previous gender equality act.

In 2009, The Icelandic Association of Women Entrepreneurs and The Confederation of Icelandic Employers [SA], Iceland Chamber of Commerce, and CreditInfo (a media company) signed an agreement in order to increase the proportion of women on boards corporations and in leadership roles. The aim of the agreement was that the proportion of each gender would be no less than 40% on boards of corporations by the year 2013.

However, the Parliament took the initiative already in 2010, less than a year after the agreement, and passed an act on gender quota in company boards (Westlund 2010). The act implies that companies with more than 50 employees must have at least 40 per cent of both sexes represented on their boards by September 2013. The act applies to private companies and publicly owned companies (Act respecting Public Limited Companies No. 2/1995, amended in 2010 with act No. 13/2010).

A survey conducted shortly after the law was passed (and one year after the previously mentioned agreement between the Association of Women Entrepreneurs and the Icelandic employers), indicates that the proportion of women had not increased, and had even decreased in some respects after the crises (Hlutdeild kvenna í atvinnulífinu 2010). The gender quota act does not impose any fines on those companies that do not comply with it, which for example is the case in Norway. Hence, the effectiveness of the act remains to be seen.

Reconciliation of work and family life, parental leave

The gender equality act has had an article on the reconciliation of work and family life since 2000, although it is rather general and unspecified. The 2008 gender equality act prescribes that employers shall enable women and men to reconcile work life and family responsibilities, with flexible working arrangements such as working hours. The parental leave act mentioned above (No. 95/2000) is one of the decisive steps that Iceland has taken in legislation on gender issues during the last decade. According to the parental leave act women and men are entitled to paid maternity/paternity leave and unpaid parental leave. The aim of the Act is to ensure a child's access to both parents, and to enable the parents to combine work and family life. The parents have an independent right to a non-transferable three-month leave. In addition, the parents have the right to three months to divide at their own discretion, in total nine months. The payments come from a special fund, The Maternity/Paternity Leave Fund.

Originally the payments were amount to 80 per cent of the average total wage of the mother or the father, with a certain ceiling. During the course of the last years the payments have been successively reduced and the ceiling lowered. In 2009, the parental leave act was amended twice, due to the economic crisis. In July the ceiling on payments was lowered from ISK 400,000 to ISK 350,000. Parents could also take leave until the child is 36 months old, when previously the leave had to be utilized before the child turned 18 months. This amendment was put in to compensate for the lower ceiling on payments.

In December the ceiling was lowered again to ISK 300,000. In addition, payments are now based on 80 per cent of earnings for earnings lower than ISK 200,000 and 75 per cent of earnings over 200,000. Others (including students) receive a flat rate payment. The paternity leave has been a success in terms of men's take up rates, whereas in 2006, 87.7 per cent of fathers took a period of leave. In terms of days, fathers took about a third of all days of leave taken by parents (Einarsdóttir & Pétursdóttir 2009b). There are, however, strong indications that the reductions in the payments affect the men's take up rates negatively (Morgunbladid 2010).

Gender-based violence

One of the aims stated in the gender equality act is to combat gender-based violence and harassment. In 2006 the Parliament adopted amendments to the General Penal Code (19/1940) dealing with domestic violence. Among other things, the new legislation introduced heavier punishments. Furthermore, the government issued a Plan of Action to deal with domestic and sexual violence (Ministry of Social Affairs and Social Security 2006). The Plan of action focuses on children as well as women. The aim is to increase preventive actions and hence contribute to a more open discussion about violence by changing attitudes regarding these matters in society. This is seen as at leading step in preventing gender based violence, violence against children and sexual abuse.

In 2007 amendments were adopted to the General Penal Code (19/1940) dealing with sexual offences. It includes among other things, broadening of the definition of rape, that until then had been rather narrow and now also carrying heavier punishments than before.

In 2009, amendments to the General Penal Code made the purchasing of sexual services illegal, making prostitution decriminalised, while the buyers are criminalised. Hence, Iceland followed the Swedish path, after a nine-year long campaign by the women's movement and female parliamentarians (Sigurdardóttir 2009).

As regards combating trafficking in persons, Iceland is lagging behind the Nordic countries. The US State Department provides trafficking in persons report annually, placing countries into Tier 1, 2 and 3, Tier 1 stating that a government is complying with the minimum standards for the elimination of trafficking. According to the list Iceland is placed as a Tier 2 country, whereas the other Nordic countries are placed as Tier 1 countries (Hauksdóttir 2010). In 2009, the Government adopted a Plan of Action against Trafficking in Human Beings, the first of a kind in Iceland, valid from 2009-2012. The Action Plan has an overall focus on prevention, prosecution and protection, and it marks a decisive step to fight trafficking in Iceland (Hauksdóttir 2010).

Still another step taken recently in Iceland is an act that bans strip clubs (an amendment to the Act on Restaurants, Accommodation Establishments and Entertainment no. 85/2010).

This has been a longstanding issue for the feminist movement in Iceland and some parliamentarians. The law came in effect in July 2010.

CONCLUDING REMARKS

Iceland has a comprehensive laws and policies aimed at promoting gender equality. Nevertheless, gender gaps remain high in the labour market and other realms of society. Despite the opportunities found in legal framework for positive action measures, the idea of such measures has been met with some scepticism and has, in fact, been rare. During the course of the last years, this climate is somewhat changing, due to the crises in 2008, among other things and a political shift in 2009. Several positive signs have been observed in the long road to gender equality. The act on parental leave policies ensuring men an independent right to a three-month paternity leave is successively changing attitudes and practices in parental roles. This is of vital importance in Iceland, where the women have a high labour participation and relatively long working hours, but with much less decision making power than men. Gender quotas on company boards and active measures within the field of gender based violence, both in laws and action plans, are other examples of political will to increase gender equality. Gender mainstreaming is now officially part of the Icelandic legal framework, although the implementation of it is in its initial stage. There are some indications that the crisis after the fall of the banks in 2008 is negatively affecting gender issues in Iceland.

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