



Biskup Íslands

I. Background:

1. This joint submission is based on primary data collected through semi-structured interviews and discussions with refugees, asylum seekers and migrants in Iceland as well as desk based research and secondary literature on the rights of persons with disabilities and women and gender minorities. The report highlights the priority human rights issues affecting these rights-holders followed by concrete recommendations on how the Government of Iceland may be able to rectify them and improve their human rights situation.
2. The priority human rights issues covered in this submission concerns the rights of refugees, asylum seekers, and migrants with regards to access to legal status and basic services, the rights of persons with disabilities, and the rights of women and gender minorities.

II. Rights of Refugees, Asylum Seekers and Migrants

3. In 2019 (2020 excluded because of the very unusual situation under the global Covid19 pandemic), Iceland received 867 asylum seekers, mostly refugees and migrants. 176 individuals among those 867 were categorized as “Dublin cases” and other 182 individuals were categorised in the group of “those who have already received protection in another country.” The applications of the latter category of people were rejected and the applicants were sent back again to where they had been before.
4. There are two notable violation of human rights embedded in “the Dublin system”. The first is that in the Dublin system, an applicant has no chance of an appeal, if he/she gets a negative answer to the first application. But there can always be the possibility that the first conclusion was not given in a fair way with enough examination, especially when the authority of that country is under political pressure to not receive asylum seekers, refugees and migrants. The second point is about the people who have got so-called “protection” in some country but cannot live a normal life there because of the lack of access to basic rights such as housing, job, financial or medical support from that country. Those people can not get any second chance in another country. If a refugee cannot live the minimum life of the normal standard after he/she got the “protection”, we should not recognize it as a protection. Even though many sources are showing the reality of those who have got the “protection” but cannot survive any longer, the Icelandic authorities are still sending them back to misery. This is a violation of human rights, but it also applies equally to the participating countries in the Dublin convention.
5. Human rights are violated against asylum seekers, refugees and migrants when they are expelled and if their applications do not follow in detail all instructions in the



Biskup Íslands

process and in which case they lose their daily allowance and their accommodation. This has happened for example with people from Nigeria and Palestine. The rights of asylum seekers, refugees and migrants are also frequently violated because they are not informed about their rights with no existing programmes to ensure that they have access to information regarding their rights.

6. When people experience situations which are not clearly defined in the different systems (social service, health care service, educational service, legal service), their rights are therefore violated. For example, some asylum seekers, refugees, and migrants can be without income for up to three months because the different services are not aligned and do not work in concert. There are also instances where children have to provide interpretation to their parents which amounts to violation of the rights of the child.

Recommendations to the Government of Iceland

- a. Comply with international human rights conventions and standards to which Iceland is a party, and ensure asylum seekers, refugees, and migrants are welcomed to Iceland and their human worth and dignity restored through access to basic human rights.
- b. Thoroughly examine all the applications of asylum seekers, refugees and migrants seeking international protection in Iceland, including applications of those who have already received so-called “protection” in other countries but where their rights were not fulfilled.
- c. Appoint an independent research committee to observe the human rights issues of refugees in collaboration with European nations, especially Greece, Hungary and Italy, from where many refugees with “protection” are traveling to Iceland to address the root causes of influx of refugees.
- d. Initiate a review of the Dublin laws to ensure protected refugees arriving Iceland are accorded the benefit of the doubt and are fairly treated according to international human rights law.
- e. Stop any deportation of refugees who have arrived Iceland back to these countries and ensure refugees have timely access to basic services, including accommodation, education, health care, employment opportunities and subsistence allowances and that all relevant government agencies responsible for issues of refugees are working in concert.
- f. Provide expert interpreters to refugees and ensure the rights of the refugee child are protected.



Biskup Íslands

III Rights of Persons with Disabilities

7. The United Nations Convention on the Rights of Persons with Disabilities stipulates that persons with disabilities must enjoy full human rights and fundamental freedoms on an equal basis with others. Although Iceland is a signatory to this convention, it has not yet been domesticated into the Icelandic law. On June 3rd 2019, the Icelandic Parliament unanimously agreed to prepare for the enactment of this convention into law. The goal was for the agreement to be enacted no later than 13th December, 2020. Despite this unequivocal resolution of the parliament, the agreement has not yet been enacted. Therefore, it can be said that the agreement has not yet been implemented in Iceland. The enactment of the agreement is a prerequisite for everything else.

8. For this reason in Iceland most people with disabilities do not enjoy equal rights on an equal footing with other citizens. One of the biggest steps that has been taken in the fight for the rights of disabled people for independent living is the introduction of user-directed personal assistance (NPA) into national law. Power is transferred from the service system to the citizen, who at the same time becomes the employer and manager of his/her assistants whom he/she hires himself/herself. Assistants work according to job descriptions that disabled people make and are designed according to individual needs and lifestyle. Unfortunately, some municipalities have denied individuals NPAs on the grounds that state funding for contracts has run out. This is a clear violation of rights of persons with disabilities, which has led some disabled individuals to go to court in order to reclaim their rights. Recently in this year 2021, a district court ruled against a municipality to the effect that the service must be provided even though the state has not met the agreed costs. However, in order for this issue to be amicably addressed, it is necessary for the government to increase funding for the NPAs and to hold local authorities responsible for their part. As with all decisions concerning people with disabilities and learning difficulties, they should be a part of the decision making and consultation.



Biskup Íslands

9. According to the United Nations Convention on the Rights of Persons with Disabilities, people with disabilities have the right to family life and must be supported to be parents and must have the right to adopt and foster children. This year, in 2021, an Icelandic disabled woman won an important court case to this effect, which showed that the right of persons with disabilities to family life is not fully enjoyed by most people with disabilities. Similarly persons with disabilities in Iceland are often deprived from public life and participation in the society. In order for people with disabilities to enjoy full human rights and freedom to live, there must be a fundamental change in attitudes towards them in society. Their voices, experience and wisdom needs to be better listened to and their path paved in all areas of human life. Attitude-related barriers unfortunately often hold people back more than disability itself.

Recommendations to the Government of Iceland

- a. Swiftly enact the convention on the rights of persons with disabilities into law and develop and implement corresponding policy framework that ensures the full protection of the rights of persons with disabilities in Iceland.
- b. Allocate adequate fiscal budget and resources to ensure that user-directed personal assistance services are provided, maintained and sustained by municipalities.
- c. Put in place policies and legislation that guarantees the right of persons with disabilities to family life, independent living and public participation.

IV. Gender Based Violence and Sexual Abuse against Women and Girls with Disabilities

10. Persons with disabilities often suffer from violence and sexual abuse against women and girls. Violence is often the result of prejudice and ignorance. One way to reduce violence against women and children with disabilities is to increase education on disability issues, universal human rights and fundamental freedoms, which are equally



Biskup Íslands

shared with persons with disabilities. Education should begin as soon as a child's schooling begins and last throughout his or her schooling. Another way is to empower disabled people, make them more visible in the general labor market and within the school system. However there are no sufficient programmes in Iceland that promote civic education on the right of persons with disabilities including the right to freedom from violence and abuse.

11. In Iceland disabled women and girls are more at risk of becoming victims of violence, injury or abuse, neglect, ill-treatment or exploitation for profit. Icelandic research has shown that more than half as many disabled people have experienced physical or sexual violence compared to non-disabled people. Research also shows that women with disabilities are often not believed in, if they have tried to report the violence. This is especially true for women with developmental disabilities and it reflects prejudice against those who are characterized, among other things, by the fact that they are not considered able to express themselves in a credible way about their own lives and experiences.

Recommendations to the Government of Iceland

- d. Institute civic education and awareness raising programmes to combat violence against persons with disabilities, women and children.
- e. Prosecute and hold accountable before the law those implicated in sexual abuse and exploitation of persons with disabilities more generally and women and girls in particular.

V. Access to Education for Children and Youth with Disabilities

12. Children and adolescents with disabilities in Iceland cannot know for sure that they will be admitted to schools that suit their ability level or schools where their friends are attending. There are few schools in the country that accept students with special needs to their education programs. The education curricula for disabled people are also limited. For adolescents the only study available to them is a work-related or



Biskup Íslands

vocational training diploma program at the University of Iceland. The range of courses at all school levels needs to be significantly increased and diversified.

13. The right of young people with disabilities to upper level education increases the likelihood of their participation in the labor market and their visibility in society. The schools need to be supported to accept more disabled people and also have a conversation with employers about increased participation of disabled people in the labor market.

Recommendations to the Government of Iceland

- a. Increase learning opportunities for children with disabilities in all schools.
- b. Ensure persons with disabilities are not left behind and are enrolled in all academic programmes of their choice with sufficient support system to enable them to complete these programmes like the rest of the students.
- c. Allocate sufficient budget and funding to cater for the academic needs and learning opportunities for persons with disabilities and that they are able to compete in the labor market on equal footing with able-bodied students after graduation.

Rights of Women and Gender Minorities

14. Gender status is a major source of social wellbeing and possibilities in different areas of life. Under Icelandic laws, all genders are protected. But more needs to be done to ensure women human rights and rights of gender minorities are protected in Iceland.

Recommendations to the Government of Iceland



Biskup Íslands

- a. Ensure the full implementation of laws and regulations to reflect the reality of different genders and how gender status affects quality of life and protection of human rights.
- b. Allocate funding and resources to develop and improve legislation on equal rights of gender minorities.
- c. Improve women's sexual and reproductive health and rights in Iceland through allocation of sufficient resources and development of civic education programmes.
- d. Ensure gender policies reflect the reality that women are primary caretakers and also often family breadwinners.
- e. Ensure vulnerable groups, i.e. disabled children and women are provided with protection and support.