



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Iceland
Title:	Adoption of legislation on equal treatment irrespective of racial or ethnic origin
Date:	12 September 2018
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Issue at stake:	Adoption of anti-discrimination legislation
Ground of discrimination:	Race and ethnic origin
Source:	Act on Equal Treatment Irrespective of Race or Ethnic Origin No. 85/2018, 25 June 2018 [<i>Lög um jafna meðferð óháð kynþætti og þjóðernisuppruna nr. 85/2018 frá 25. júní 2018</i>]
Field:	All spheres of life, except employment and occupation

Content

The Icelandic parliament has adopted a new act on equal treatment irrespective of race or ethnic origin in all spheres of life, except the labour market *cf.* the new Act No. 86/2018 on Equal Treatment in the Labour Market. This is the first comprehensive anti-discrimination legislation adopted in the country concerning race and ethnic origin. The act does not cover differences of treatment based on nationality or statelessness or apply to rights predicated on residence. Furthermore, the act does not apply to the sphere of private and family life. The legislation is in line with Directive 2000/43/EC. The act will enter into force on 1 September 2018. Furthermore, the act obliges the Minister of Welfare to present a bill extending the scope of the act to also cover religion/belief, disability, diminished work ability, age, sexual orientation, gender identity, biological gender characteristics and gender expression before 1 September 2019.

The act defines and prohibits both direct and indirect discrimination, harassment, instructions to discriminate and victimisation in accordance with the provisions of Directive 2000/43/EC. Discriminatory provisions in contracts shall be deemed null and void and discriminatory advertising is prohibited. Positive action is permitted.

The legislation applies to both public or private sectors, in relation to:

- access to social security and protection, and to healthcare;
- education;
- social advantages;
- access to and supply of goods and services, including housing.

The Centre for Gender Equality will monitor the implementation of the legislation. Individuals, corporations, institution and non-governmental organisations can bring complaints to the Gender Equality Complaints Committee, because of alleged violations of the against them or their members, either on their own behalf or in support of the complainant. The respondent bears the burden of proof. Violations may be punishable by

finer unless heavier penalties are prescribed in other statutes. The act also provides for pecuniary and non-pecuniary compensation.

Key points of analysis: The act is in line with the provisions of Directive 2000/43/EC in terms of scope, definitions, exceptions, monitoring and sanctions. The Centre for Gender Equality is the designated equality body and the Gender Equality Complaints Committee will receive complaints concerning violations. The explanatory notes envisage that multiple discrimination can be addressed under the law. There are no explicit provisions on information activities, but this can be considered to fall under the role set out for the Centre for Gender Equality in relation to the law.

Internet link source: www.althingi.is/altext/148/s/1257.html.