

# **ICELAND 2020 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Iceland is a constitutional parliamentary republic. The president is the head of state, and a prime minister, usually the leader of the largest party, is head of government. There is a unicameral parliament (Althingi). On June 27, voters reelected Gudni Thorlacius Johannesson president in a free and fair election. Parliamentary elections in 2017 were also considered free and fair.

The national police maintain internal security. In addition, the Icelandic Coast Guard carries out general law enforcement duties at sea. The national police, the nine regional police forces, and the Coast Guard fall under the purview of the Ministry of Justice. The country has no military. Civilian authorities maintained effective control over police and the Coast Guard. There were no reports members of security forces committed abuses.

There were no reports of significant human rights abuses.

The government had mechanisms in place to identify and punish officials who commit human rights abuses.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or unlawful killings. The State Prosecutor's Office investigates whether killings carried out by security forces are justifiable and the Independent Commission on Police investigates alleged police infractions.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

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### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices, and there were no reports that government officials employed them.

#### **Prison and Detention Center Conditions**

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

**Physical Conditions:** Men and women were held in different cellblocks in the prisons in Akureyri and Reykjavik. There was a special block for women at Holmsheidi (Reykjavik) prison but common areas for work. Female prisoners were permitted to serve their sentences in open prisons with men, if they so wished. The law states the government must accommodate juvenile offenders in establishments managed by the Government Agency for Child Protection unless there are special grounds for accommodating them in prison.

On January 28, the Council of Europe's Committee for the Prevention of Torture (CPT) released its report on four prisons it inspected in May 2019. The report noted generally very satisfactory physical conditions but stated that interprisoner violence was a problem at Litla-Hraun Prison and that it was clearly related to the presence of drugs inside the establishment. The CPT concluded that the problem of alcohol and drug addiction continued to be one of the major challenges facing the prison system and drew attention to prisoners' limited access to psychiatric care and psychological assistance. The report also found that remand prisoners on court-ordered isolation at Akureyri Prison continued to be accommodated in a windowless cell.

**Administration:** Authorities conducted proper investigations of credible allegations of mistreatment. From March 7 to May 20, the Prison Administration suspended all visits due to COVID-19 concerns. The Prison Administration suspended visits again on July 30 due to similar concerns.

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**Independent Monitoring:** The government permitted monitoring of prison conditions by the media and independent local and international human rights groups, including the International Committee of the Red Cross and the CPT.

### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

#### **Arrest Procedures and Treatment of Detainees**

Police may make arrests when they believe a prosecutable offense has been committed, when they see a need to prevent further offenses or destruction of evidence, when they need to protect a suspect, or when a person refuses to obey police orders to move. The law explicitly requires warrants only for arresting individuals who fail to appear at court for a hearing or a trial or at a prison to serve a sentence.

Authorities must promptly inform a person under arrest of their rights and bring them before a judge within 24 hours of arrest, and authorities respected this right. There is no functioning bail system. A judge determines whether a suspect must remain in custody during an investigation. The judge may grant conditional release, subject to assurances that the accused will appear for trial. Upon arrival at a police station, the law entitles detainees to legal counsel, which the government provides for the indigent. There were no reports that authorities held suspects incommunicado or under house arrest.

### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality.

#### **Trial Procedures**

The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right. Defendants are presumed

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innocent. Authorities must inform them of the charges against them promptly and in detail. Trials took place without undue delay. They are generally public, but judges may close them at the defendant's request or when minors are involved. Defendants have the right to be present at their trial and to have access to legal counsel of their choosing. The government covers attorneys' fees of indigent defendants, but the law requires defendants found guilty to reimburse the government. Defendants have the right to adequate time and facilities to prepare a defense, and they can avail themselves of the free assistance of an interpreter if they cannot understand or speak Icelandic. Defendants can confront the prosecution or plaintiff witnesses and present their own witnesses and evidence. At the discretion of the courts, prosecutors may introduce evidence that police obtained illegally. Defendants and their immediate families have the right not to be compelled to testify or confess guilt.

Defendants have the right to appeal to the Appellate Court that was established in 2018. In most instances, the judgment of the Appellate Court is the final decision, although it is possible to refer special cases for final appeal to the Supreme Court.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Individuals may seek damages for, or cessation of, a human rights abuse through domestic courts. They can appeal decisions involving alleged abuses by the government of the European Convention on Human Rights to the European Court of Human Rights. Administrative remedies are also available for alleged wrongs.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, and there were no reports the government failed to respect these prohibitions.

Immigration law allows authorities to conduct house searches without a prior court order when there is a significant risk that delay would jeopardize an investigation

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of immigration fraud. Immigration law also allows authorities to request DNA tests without court supervision in cases of suspected immigration fraud.

### **Section 2. Respect for Civil Liberties, Including**

#### **a. Freedom of Expression, Including for the Press**

The constitution and the law provide for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

**Freedom of Speech:** The law establishes fines and imprisonment for up to two years for “[a]nyone who publicly mocks, defames, denigrates, or threatens a person or group of persons by comments or expressions of another nature, for example, by means of pictures or symbols for their nationality, color, race, religion, sexual orientation, or gender identity, or disseminates such materials.”

#### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

#### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

#### **b. Freedoms of Peaceful Assembly and Association**

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

#### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

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### **d. Freedom of Movement**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

**Access to Asylum:** The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. It allows for an accelerated procedure by the Ministry of Justice's Directorate of Immigration for applications involving unaccompanied minors, "manifestly unfounded claims," fraudulent applications, applicants deemed dangerous to themselves or others, or when an application is filed following the issuance of a deportation order. An independent regulatory committee, the Immigration and Asylum Appeals Board, adjudicated asylum cases rejected by the directorate.

**Safe Country of Origin/Transit:** The country adheres to the EU's Dublin III regulation, which allows for the return of asylum seekers to the country of entry into the EU. The country did not return asylum seekers to the EU member states Greece or Hungary unless they already received protection in these countries. In certain cases, the country also did not return vulnerable asylum seekers to Italy or Greece.

**Durable Solutions:** The government accepted refugees for resettlement and provided for their local integration. In November 2019 the government announced that it would resettle 85 refugees in 2020, mostly Syrian refugees from Lebanese refugee camps, South Sudanese and Somali refugees from Kenyan refugee camps, as well as Afghan refugees in Iran. Due to UNHCR's suspension of resettlement

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travel for refugees in March as a result of COVID-19, none of the refugees had arrived as of October 22. On September 25, the government announced that it would receive an additional 15 Syrian refugees from a camp on Lesbos Island.

**Temporary Protection:** The government provided temporary protection to individuals who may not qualify as refugees and as of October 21, had provided asylum to 101, subsidiary protection to 249, and humanitarian protection to 55 persons during the year.

### Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### Elections and Political Participation

**Recent Elections:** Voters reelected the incumbent president in elections on June 27 that were considered free and fair. In light of the COVID-19 pandemic, the Ministry of Justice authorized candidates to collect candidacy petitions electronically. Election observers from the Organization for Security and Cooperation in Europe confirmed that the measure enjoyed broad consensus among political stakeholders and assessed that the electoral legislation provided a sound basis for the conduct of democratic elections. Parliamentary elections in 2017 were also considered free and fair.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women or members of minorities in the political process, and they did participate.

### Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were no reports of government corruption during the year.

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**Financial Disclosure:** Most public officials were not bound by law to disclose financial interests publicly, but most chose to do so. The law requires members of parliament and government ministers who are not members of parliament to report their financial interests publicly on parliament's website and to update this information within one month of receiving new information. As of August 8, all 63 members of parliament elected in 2017 reported their financial interests online. In June parliament passed a bill mandating financial disclosures for government ministers, permanent secretaries, director generals, and ambassadors. The law enters into effect January 1, 2021. It stipulates that the disclosures for government ministers and ambassadors must be made public, while the disclosures for permanent secretaries and director generals may be kept private. There are no criminal sanctions for noncompliance under the new law, but noncompliant officials may face administrative sanctions. Although they were not legally bound to submit financial disclosures, all permanent secretaries had done so as of August 18.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

**Government Human Rights Bodies:** The parliament's ombudsman, elected by parliament for a period of four years, secures the rights of the citizens to equal and impartial treatment in their dealings with public authorities. The ombudsman is independent from any governmental authority, including parliament, when exercising his or her functions. The ombudsman is party to the Optional Protocol to the Convention against Torture and conducts periodic site visits to prisons and psychiatric hospitals. While the ombudsman's recommendations were not binding on authorities, the government generally adopted them.



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The Parliamentary Standing Committee on Judicial Affairs and Education was responsible for legislative oversight of human rights in the country. The committee was generally considered effective.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

#### **Women**

**Rape and Domestic Violence:** Rape carried a maximum penalty of 16 years in prison. Judges typically imposed sentences of two to three years. The law does not explicitly address spousal rape.

The law criminalizes domestic violence specifically with a maximum penalty of 16 years in prison.

Victims of domestic violence can request police to remove perpetrators physically from the home for up to four weeks at a time. Police can also impose a 72-hour restraining order to prevent abusers from coming into proximity with the victim, and courts can extend this restraining order for up to a year. The law entitles survivors of sex crimes to a lawyer to advise them of their rights and to help them pursue charges against the alleged assailants. As of September 10, approximately 105 women and 74 children sought temporary lodging at a shelter for women in Reykjavik as did two women and one child at the newly opened Akureyri shelter, mainly due to domestic violence.

The police procedure for the handling of domestic violence states that law enforcement should report to the location of the incident. If responding officers are unable to enter the premises and have reasonable suspicion that the life of an individual inside might be threatened, they are allowed to use force to enter. If a child is present, an official from the child protective services must be called to the scene. All parties present are questioned and the case is entered into the police database. If the situation warrants, the responding officers can arrest the perpetrator and assist the survivor in seeking medical care and offer guidance on legal recourse. The victim can request a temporary restraining order be imposed on the perpetrator. In some cases officers, child protective services, or the family

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of the victim can request the restraining order. If officers deem the survivor to be in danger following the imposed restraining order, they will provide an emergency services call device.

The government helped finance the women's shelters in Reykjavik and Akureyri, the Counseling and Information Center for Survivors of Sexual Violence, the rape crisis center of the national hospital, and other organizations that assisted victims of domestic or gender-based violence. These organizations offered services free of charge, regardless of the victim's citizenship. In addition, the government assisted immigrant women in abusive relationships, offering emergency accommodation, counseling, and information on legal rights.

**Sexual Harassment:** Two laws prohibit sexual harassment. The general penal code makes sexual harassment punishable by imprisonment for up to two years. The law on equal status defines sexual harassment more broadly as any type of unfair or offensive physical, verbal, or symbolic sexual behavior that is unwanted, affects the self-respect of the victim, and continues despite a clear indication that the behavior is undesired. The law requires employers and organization supervisors to make specific arrangements to prevent employees, students, and clients from becoming victims of gender-based or sexual harassment. The law establishes fines for violations, but more severe penalties could be applicable under other laws.

**Reproductive Rights:** Couples and individuals have the right to decide the number, spacing, and timing of their children; and to manage their reproductive health. They had access to the information and means to do so, free from discrimination, coercion, or violence. The government provided access to sexual and reproductive services for survivors of sexual violence, both on-site at hospitals and through government-funded NGOs.

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

**Discrimination:** Women have the same legal status and rights as men according to the constitution and the law. Although the government enforced the law effectively, employment discrimination occurred.

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### Children

**Birth Registration:** A child acquires the country's citizenship at birth if both parents are citizens, if the mother is a citizen, or if the father is a citizen and is married to the child's foreign mother. If a mixed-nationality couple had obtained a judicial separation at the time when the child was conceived, the child acquires the mother's citizenship. A stateless child can become a citizen at the age of three. By law, all children have access to social services regardless of citizenship. If a child is not legally domiciled in the country or is living in the country without legal guardians, a child protection committee in the municipality where the child is physically located assumes care if needed and takes measures to secure his or her best interests. Registrations of births were prompt.

**Child Abuse:** Child abuse is illegal. The government is legally mandated to provide services for children, including a safe residence for children as well as specialized services. Under the law, the general public has a duty to notify authorities if suspicion arises of any form of child abuse. The Government Agency for Child Protection is responsible for implementation of the law. The agency operated a diagnostic and short-term treatment center for abused and troubled minors and was responsible for one short-term treatment center in Reykjavik and two centers in other locations. The government maintained a children's assessment center to secure the well-being, to lessen the trauma experienced by children, to coordinate victim protection, and to accelerate prosecution in child sexual abuse cases. The prime minister appoints the ombudsman for children, who acts independently of the government. While the ombudsman's recommendations are not binding on authorities, the government generally adopted them.

**Child, Early, and Forced Marriage:** The minimum age for marriage is 18 for both sexes. There were no reports during the year of forced marriages.

**Sexual Exploitation of Children:** The law prohibits the payment, or promise of payment or consideration of another type, for the commercial sexual exploitation of a child under the age of 18. Violation may be punished with fines or imprisonment for up to two years. The law punishes child pornography by up to two years in prison. The law criminalizes statutory rape with incarceration for one to 16 years. The government effectively enforced these laws.

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The minimum age for consensual sex is 15. The law includes a requirement for explicit consent for sexual acts, meaning that consent is not considered to be given freely if obtained through violence or the threat of violence, any kind of force, or the use of drugs or alcohol.

**International Child Abductions:** The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### Anti-Semitism

The resident Jewish community was estimated to be around 300 individuals. On Yom Kippur (September 27-28), members of the neo-Nazi organization the Nordic Resistance Movement hung up fliers with anti-Semitic messages on an outdoor photograph exhibition and a power utility box in the Reykjavik area. Authorities promptly removed the messages and opened a police investigation.

### Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### Persons with Disabilities

The constitution prohibits discrimination against persons with disabilities. The law provides that persons with disabilities have access to buildings, information, and communications. By law, persons with disabilities are free to hire their own assistance providers and tailor assistance to their needs. Disability rights advocates complained that authorities did not fully implement the law and regulations. While violations of these regulations are punishable by a fine or a jail sentence of up to two years, one of the main associations for persons with disabilities contended that authorities rarely, if ever, assessed penalties for noncompliance.

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### **Members of National/Racial/Ethnic Minority Groups**

All discrimination is illegal, in both society and the labor market, including discrimination based on race and ethnicity. Immigrants, mainly of non-European origin or from Eastern Europe or the Baltic countries, and asylum seekers, suffered occasional incidents of social harassment based on their ethnicity. Law enforcement recorded five potential hate crimes during the year.

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

While the constitution does not specifically prohibit discrimination based on sexual orientation or gender identity, it does so implicitly. The law prohibits anyone from denying a person goods or services on grounds of that person's sexual orientation or gender identity. It also prohibits denying a person access to a public meeting place or other places open to the public on the same footing with others on grounds of that person's sexual orientation or gender identity. The law further prohibits incitement to hatred against persons on the basis of sexual orientation or gender identity and the dissemination of hateful material.

LGBTI activists reported generally positive conditions but continued to note the lack of explicit protections for LGBTI individuals on the basis of sexual orientation, gender identity or expression, or sex characteristics, in hate crime laws.

### **Other Societal Violence or Discrimination**

Immigrants and asylum seekers, mainly of non-European origin, suffered occasional incidents of harassment based on their religious beliefs (see section 7, Worker Rights).

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion

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discrimination. It is silent on whether workers fired for union activity should be reinstated, but it allows for fining employers who engage in this practice. The law permits the government to pass a provisional law to impose mandatory mediation when strikes threaten key sectors in the economy.

The government effectively enforced the law. Inspection was sufficient to enforce compliance and penalties for violations (damages and fines) were commensurate with those for similar crimes.

The government and employers respected freedom of association and the right to bargain collectively. Collective bargaining agreements covered nearly 100 percent of the formal economy's workforce. Independent contractors in various industries, but mainly in construction and tourism, sometimes hired subcontractors to avoid hiring workers with bargaining rights.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor.

Law enforcement authorities and the Administration of Occupational Health and Safety effectively enforced the law. Resources were adequate during the year, although there were no prosecutions. The law is sufficiently stringent compared with those on other serious crimes, and penalties for violations were commensurate.

Some instances of forced labor occurred. Traffickers subjected men and women to forced labor in construction, tourism, and restaurants. Foreign "posted workers" were at particular risk of forced labor because traffickers paid them in their home countries and contracted them to work for up to 183 days in the country under the guise of avoiding taxes and union fees, limiting tax authorities' and union officials' ability to monitor their work conditions and pay. Foreign workers have the same rights that are afforded to local workers in collective bargaining agreements. Union officials noted that they do take legal action on the behalf of workers, regardless of whether union dues had been paid.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the worst forms of child labor and provides for a minimum age of employment, including limitations on working hours, occupational safety, and health restrictions for children. According to the law, children who are 13 and 14 may be employed in light work up to 12 hours per week and a maximum of two hours per day outside organized school teaching hours during the school year and up to 35 hours a week or a maximum of seven hours per day during school vacations. They may not work between the hours of 8 p.m. and 6 a.m. Children between the ages of 15 and 18 who do not attend school may work up to 40 hours per week and a maximum of eight hours per day, but not between the hours of 10 p.m. and 6 a.m. For children who remain in school, the law limits work to 12 hours per week and a maximum two hours per day during the school year, but up to 40 hours per week and a maximum eight hours per day during school vacations. They may not work between the hours of 8 p.m. and 6 a.m. Children younger than 18 may not be employed in hazardous work as specified by law.

The government effectively enforced applicable laws. Penalties were commensurate with those for similar crimes. Inspection capacity was sufficient to enforce compliance.

### **d. Discrimination with Respect to Employment and Occupation**

The constitution and other laws prohibit employment discrimination in general and provide for fines determined by the courts for violations. The law provides for equal treatment in the labor market, without regard to race, ethnicity, age, religion, beliefs, disability, sexual orientation, gender identity, intersex status, or gender expression. The law does not specifically address HIV/AIDS or refugee status. Under the law, individuals, companies, institutions, and nongovernmental organizations can refer cases to the Gender Equality Complaints Committee, which rules on appointments and salary-related matters.

The government effectively enforced the law in most areas, but instances of employment discrimination occurred. Penalties were commensurate with those for similar violations. Despite laws requiring equal pay for equal work, a pay gap existed between men and women. Disability rights advocates asserted that persons

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with disabilities had a more difficult time finding jobs due to prejudice and because fewer job opportunities, especially part time, were available for persons with disabilities.

### **e. Acceptable Conditions of Work**

The law does not establish a minimum wage. The minimum wages negotiated in various collective bargaining agreements applied automatically to all employees in those occupations, including foreign workers, regardless of union membership. While the agreements can be industry-wide, sector-wide, or in some cases firm-specific, the type of position defined the negotiated wage levels, which were higher than the poverty level.

The law requires that employers compensate work exceeding eight hours per day as overtime and limits the time a worker may work, including overtime, to 48 hours a week on average during each four-month period. Overtime pay does not vary significantly across unions, but collective bargaining agreements determine the terms of overtime pay. The law entitles workers to 11 hours of rest in each 24-hour period and one day off each week. Under specially defined circumstances, employers may reduce the 11-hour rest period to no fewer than eight hours, but they must then compensate workers with corresponding rest time later. They may also postpone a worker's day off, but the worker must receive the corresponding rest time within 14 days. The Administration of Occupational Safety and Health (AOSH) monitored and enforced these regulations.

The law sets occupational health and safety standards that are appropriate for the main industries, and the Ministry of Welfare administered and enforced them through AOSH, which conducted both proactive and reactive inspections. Workers can remove themselves from situations that endanger health and safety without jeopardy to their employment. AOSH can close workplaces that fail to meet safety and health standards.

The government effectively enforced the law. AOSH employed a sufficient number of inspectors to enforce standards effectively in all sectors. AOSH levied daily fines on companies that did not follow instructions, urging them to improve work conditions. Daily fines were commensurate with those for similar violations.



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With the exception of certain asylum seekers, the government provided universal health-care coverage to all workers, including those in the informal economy.

The Icelandic Confederation of Labor stated in its annual report for 2020 that economic growth in recent years has resulted in an influx of foreign workers who are subject to exploitation. The exploitation primarily centered on foreign workers receiving salaries below negotiated minimum wages. Although violations of occupational safety and health standards occurred in all sectors, violations occurred most frequently in the construction and food industries. Young workers and employees who did not understand or speak Icelandic and did not know local rules and regulations were more likely to be subjected to hazardous or exploitative working conditions.