

UN Committee on the Rights of Persons with disabilities
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Supplementary information from the Icelandic National Human Rights Institution to the UN Committee on the Rights of Persons with Disabilities prior to adoption of the list of issues by the 21st Pre-Sessional Working Group, September 1-5, 2025.

The Icelandic Human Rights Institution (hereinafter INHRI) welcomes the opportunity to provide country-specific information prior to the adoption of the list of issues to Iceland's first periodic report by the Committee's 21st pre-sessional working group.

INHRI is up and running from May 1st of this year. The Act on the Icelandic Human Rights Institution was adopted by Althingi (the Icelandic Parliament) in May 2024, but the entering into force was postponed until May 1st of this year. Therefore, the Institution is now in the process of building up its operations. Under the Act, the Institution has a broad mandate to promote and protect human rights in Iceland as well as to monitor how the Icelandic government and administration respect their international human rights obligations. The Institution also has the role of an independent monitoring body on the implementation of the United Nations Convention on the Rights of Persons with Disabilities (hereinafter CRPD), in accordance with Art. 33 of the Convention.

The Institute has a statutory advisory council, still to be established, but, as prescribed by the Act, shall have no less than 12 members. The Disability Alliance, the Mental Health Alliance and the Association of Persons with Intellectual Disabilities have a permanent seat on the council. All are umbrella organizations which several member organizations.

This submission does not provide an exhaustive overview of all human rights issues and challenges facing persons with disabilities in Iceland, but rather those that the Institution considers currently to be the most pressing ones. The Institution will provide an updated submission prior to the Committee's dialogue with the state.

Yours sincerely,
On behalf of the Icelandic National Human Rights Institution

Margrét María Sigurðardóttir
Director

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Implementation of CRPD into Icelandic law

CRPD was ratified by Iceland in September 2016. In June 2019 a parliamentary resolution was passed on the implementation of the Convention into Icelandic law. However, CRPD has not yet been passed as law. Not least does the analysis of various precedents from the Icelandic courts show the importance of legalizing the Convention, since they hesitate to apply its stipulations due to CRPD not being implemented into Icelandic law. A bill on the implementation of CRPD into Icelandic law is now under discussion in the Parliamentary Spring session and will hopefully be passed as legislation.

Upon ratifying CRPD in September 2016, the Parliament passed a Resolution to ratify the Optional Protocol (OP) to the Convention before the end of 2017. To date, the OP has not been ratified but, on May 13th, 2025, the Welfare Committee of the Icelandic Parliament issued a majority opinion wherein they instructed the Ministry of Social Affairs and Housing to start preparations for the ratification of the OP, it being a natural next step following the implementation of CRPD into Icelandic law.

Should CRPD not be implemented into Icelandic law in the Parliamentary Spring Session, INHRI recommends an inquiry to the State Party as to when the bill will be brought forward and passed through Parliament and to inquire into the status of the ratification of the OP.

Equal recognition before the law and legal capacity

Reference is made to CRPD article 5 and 12

A very important step towards equality was taken when the scope of the Act on Equal Treatment outside the Labour Market was broadened to i.a. include persons with disabilities. However, very few discrimination complaints have been brought before the Equality Complaints Committee and there is concern that not many persons with disabilities are familiar with the legislation and the possibility of referring their complaints to the Committee.

Legal capacity must be acknowledged as a key right among others. Legal capacity is inextricably linked to other key human rights like the right to make decisions about where and with whom to live, the right to marry and rear children, the right to consent to or refuse medical treatment and the right to be free from involuntary detention and involuntary treatment etc.

Article 12 of CRPD requires state parties to “recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspect of life.” States are expected to support persons with disabilities in exercising their legal capacity instead of depriving them of their right to self-determination and decision-making.

*General Comment on Article 12*¹ affirms that all persons with disabilities should have full legal capacity. Some points in the Icelandic Legal Competence Act clearly do not meet with CRPD criteria. Firstly, the legislation allows the courts to put persons under guardianship due to their disability. It is based on an understanding according to which the direction of the cause might run from the impairment located in the individual mind/body system to the revocation of legal competence by the court. A causal relationship is assumed between disability and revocation. It makes persons with disabilities susceptible to losing their legal capacity. Contrary to that approach, legal capacity can be used in line with the Convention only in a disability-neutral way.² Secondly, restricting legal competence in personal affairs has to be seen equal to plenary guardianship, which in violation of the convention.³ Thirdly, denying legal capacity for an indefinite period of time should be seen as contrary to Paragraph 3 of Article 12, which requires state parties to use restrictions for the “shortest

¹ Committee on the Rights of Persons with Disabilities (2014): *General Comment No. 1. Article 12: Equal recognition before the law. (CRPD/C/GC/1)*. Geneva, UN.

² Michel Bach (2009): *The Right to Legal Capacity under the UN Convention on the Rights of Persons with Disabilities: Key Concepts and Directions from Law Reform*. Toronto, Institute for Research and Development on Inclusion and Society.

³ Plenary guardianship is explicitly mentioned in Concluding Observation on Austria: „...guardianship in respect of all aspects of life”. In Committee on the Rights of Persons with Disability (2013): *Concluding Observations of the Committee on the Rights of Persons with Disabilities, Austria*. Geneva, United Nations.

time possible and are subject to regular review by a competent, independent and impartial authority or judicial body”.

In the 2020 report on Iceland by the Council of Europe anti-torture Committee (CPT), the committee voiced their concerns that, despite CPT’s long-standing recommendations, the Icelandic authorities have done little to improve the legal safeguards in the context of involuntary hospitalisation and that amendments introduced to the Legal Competence Act in 2015 have failed to bring about the necessary changes. The committee called upon the Icelandic authorities to amend the relevant legislation as regards both civil and forensic patients. CPT continued to find the criteria for involuntary hospitalization to be rather vague and subject to possible misinterpretation to the detriment of the persons concerned. The Committee reiterated its recommendation that the Icelandic authorities amend the Legal Competence Act and introduce criteria which would ensure that involuntary hospitalization takes place only when a patient’s placement is absolutely necessary to prevent danger to the patient or to other persons. Another issue, repeatedly raised by the Committee during its previous visits to Iceland, is the automatic linking of involuntary hospitalization to the deprivation of legal competence. The CPT has stated many times in the past that the restriction of a person’s rights should not be based on the mere fact that they have a mental disorder and is involuntarily hospitalized. Even so, after the most recent amendments in 2015, the Legal Competence Act still foresees that to extend involuntary hospitalization beyond the 12 weeks originally granted by a court, a person must be deprived of their legal competence (for a minimum of 6 months but possibly up to several years). The Committee called upon the Icelandic authorities to amend the Legal Competence Act to ensure that the deprivation of legal competence (which may well be necessary to protect the patient’s personal and financial interests) requires additional grounds and a separate procedure.

The CPT also stated that involuntary psychiatric hospitalization should cease as soon as no longer required by the patient’s mental state. Consequently, the need for such hospitalization should be reviewed by an appropriate authority at regular intervals. In this context, the CPT noted with regret that – despite its repeated earlier recommendations – there is still no requirement for an automatic judicial review of the need to continue involuntary psychiatric hospitalization, neither for civil nor for forensic patients. The CPT called upon the Icelandic authorities to amend the relevant legislation as regards both civil and forensic patients; if the period of involuntary placement is unspecified (or exceeds 6 months), there should be an automatic judicial review at regular intervals of the need to continue hospitalization.⁸

In 2019, a parliamentary resolution was passed on the revision of the Legal Competence Act. Subsequently, a parliamentary committee was established to review the legislation not least to ensure its’ compliance with CRPD. This committee is not working now and has yielded no reports or suggestions of any change in the law.

As regards supported decision making, persons with disabilities have the right to a personal advocate, but it is an unpaid position and not all persons with disabilities have the possibility of selecting a personal advocate. A positive step was taken when the supervision of personal advocates was assigned to District Commissioners. This is likely to increase the likelihood of commissioners proposing this resource rather than resorting to deprivation of legal competence. The possibility of appointing a personal advocate or a similar recourse to persons with disabilities should be a viable option.

District commissioners also monitor legal guardians of persons with disabilities who have been deprived of their financial or individual autonomy or both. There are examples of legal guardians overstepping their role, not even allowing the disabled person the minimal financial and/or individual liberty prescribed by law. It is therefore of the utmost importance that district commissioners carry out effective monitoring of legal guardians.

Equal access to services

In Iceland, municipalities are responsible for organising and carrying out services for persons with disabilities. There has been a significant discussion on the division of costs and responsibilities between the state and municipalities regarding services for people with disabilities. It is urgent to ensure that disputes between the state and municipalities do not adversely affect the services. There are examples of services for persons with disabilities vary between where in the country they are living. Sometimes, persons with disabilities and parents of children with disabilities need to move to denser populated areas to get necessary services. This is costly and to be uprooted from your home and community can cause problems and distress. This is also discriminatory.

Suggested questions:

- Could the State Party submit information on when the already approved revision of the Legal Competence Act will take place?
- Could the State Party submit information on when a revision of the relevant legislation regarding involuntary placement will take place?
- Could the State Party submit information on how it will ensure that persons with disabilities are not discriminated against when it comes to legal capacity?
- Could the State Party submit information on how they intend to raise awareness on the legislation on discrimination and the possibility of bringing complaints before the Equality Complaints Committee?
- Could the State Party submit information on how they ensure supported decision making to persons with disabilities, for example by use of personal advocates, rather than resorting to deprivation of legal competence?
- Could the State Party submit information on how they ensure that district commissioners carry out active and effective monitoring of legal guardians?
- Could the State Party submit information on what actions they intend to take to ensure equal access to services for persons with disabilities regardless of where in

the country they are situated and to ensure that disputes between the state and municipalities do not affect the quality of services to persons with disabilities?

Electronic identification (id)

Reference is made to CRPD, articles 5, 12, and 19.

One of the most current and pressing issues when it comes to the rights of persons with disabilities regards electronic id. To seek most services, such as asking for a renewal of prescriptions, applying for assistance, services, jobs etc., you need electronic id since all these transactions take place on the internet. For those who are unable to use those means of identification, no alternatives seem to be available, and the discussion has, at least up till recently, revolved around the necessity of revoking a persons' legal competence so that a legal guardian can handle all internet transactions involving the use of electronic id on the person's behalf.

The fact that the discourse revolves around depriving persons of their legal capacity, a recourse that should never be based on disability alone, is a serious matter. The need for a quick, effective response is pressing. Persons with disabilities who cannot make use of electronic id need to be granted equal access to services by as least invasive means as possible.

Suggested questions:

- Could the State Party submit information on how it will provide alternatives to the use of electronic id for persons incapable of using such means of identification?
- Could the State Party submit information on how it will ensure that the revocation of legal competence is not used a solution as regards the use of electronic id and that substituted access to services is used only as a last resort?

Right to adequate standard of living and social protection

Reference is made to CRPD, article 28.

Article 76 of the Icelandic Constitution guarantees the right to social security and adequate standard of living. The article states that everyone should be guaranteed assistance especially for reasons of health, old age, and disability. In general legislation various acts aim at protecting this right and to establish a mechanism around benefits and other support available to persons in need.

International research shows that living in poverty is harmful to a persons' health and often leads to social exclusion, as well as reducing the quality of life. This is not only costly to the individual living in poverty but for society. Iceland has been doing well in international comparison measuring poverty and usually the country sits in one of the top places. Despite

that, the number of families or individuals living with severe material deprivation is around 2% of the population according to a report issued in 2016 by Statistics Iceland for the Welfare Watch and the Ministry of Social Affairs.⁴ Disability pensioners, single parent families and immigrants are the most vulnerable groups and in most danger of living in poverty.

A report from research conducted in 2021, on the status of persons with disabilities in Iceland⁵ shows the overall result that, according to most, if not all recognized standards, a large group of persons with disabilities is either living in poverty or on the brink of poverty. Of those asked, 31% found it rather hard and 44% very hard to make ends meet. A 2021 survey, on the procedure for counselling and aid granted by help organizations, conducted by the Social Science Research Institute at the University of Iceland on behalf of the Ministry of Social Affairs and the Welfare Watch⁶, shows that the largest groups seeking assistance from help organizations are disability pensioners as well as unemployed persons, persons on financial aid and immigrants.

In the Parliamentary Spring Session 2024 new legislation, following the revision of the social insurance system, was adopted and will enter into force on September 1st, 2025. The change will bring about many important improvements to the status of disability pension recipients, for example allow them to work part time without immediate cutbacks in their disability pension. However, many pointed out that some individuals would only benefit slightly or not at all from the new system, such as immigrants with disabilities who have not earned the right for full disability pension, and that it could be treacherous to make these vast systematic changes without a proper foundation in society and in the labour market. Albeit that some actions have already been taken, such as individual based services for persons with work capacity impairments by the Directorate of Labour, to support them on the labour market and special effort put into increasing parttime job opportunities, there is fear of the labour market not being open and inclusive enough for persons with disabilities.

Work is under way to examine how the rights of disability pensioners who have not earned the right for full disability pension will be ensured. The aim is to present a law proposal on this issue before Parliament in 2026.

Suggested questions:

- Can the State Party provide information on the preparations for the implementation of the new Social Insurance Act, like how to prevent persons for falling between cracks in the system, present and future cooperation with the labour market to increase job opportunities for persons with disabilities etc.

⁴ <https://www.stjornarradid.is/media/velferdarraduneyti-media/media/skyrslur2016/Skyrsla-um-sarafataekt-13.9.2016.pdf>

⁵ <https://www.obi.is/static/files/skjol/pdf-skyrslur/stada-fatlads-fo-lks-a-i-landi-2021.pdf>

⁶ [https://www.stjornarradid.is/library/04-](https://www.stjornarradid.is/library/04-Raduneytin/Felagsmalaraduneytid/%C3%9Attekt%20%C3%A1%20hj%C3%A1lparstofnunum%20lokask%C3%BDrsla%20_15.01.2021.X.pdf)

[Raduneytin/Felagsmalaraduneytid/%C3%9Attekt%20%C3%A1%20hj%C3%A1lparstofnunum%20lokask%C3%BDrsla%20_15.01.2021.X.pdf](https://www.stjornarradid.is/library/04-Raduneytin/Felagsmalaraduneytid/%C3%9Attekt%20%C3%A1%20hj%C3%A1lparstofnunum%20lokask%C3%BDrsla%20_15.01.2021.X.pdf)

- Can the State Party provide information on how the work for ensuring the rights of those not entitled to a full disability pension is going?
- How does the State Party intend to monitor the implementation of the law and make sure that disability pensions are sufficient for persons to be able to live with human dignity?

Right to life, freedom from exploitation, violence and abuse

Reference is made to CRPD, articles 10, 12, 14, 15 and 16.

The National Action Plan on the implementation of CRPD 2024-2027, includes many actions to prevent discrimination against people with disabilities. One action revolves around the protection of persons with disabilities, especially women and non-binary persons, against violence. Evaluation on whether there is need of change to the legislation to increase the protection of persons with disabilities from violence, is under way.

A report issued in August 2020 by the National Commissioner of the Icelandic Police⁷ states that persons with disabilities are much more likely to be subject to violence than persons who are not living with disabilities and that convictions in cases of violence and abuse of persons with disabilities are far less likely compared to cases of non-disabled survivors. Recent amendments to the Act on Criminal Procedures are a step in the right direction and have improved the status of survivors with disabilities in the criminal justice system. However, more effort and education are needed.

Suggested questions:

- Will the State Party conduct research and collect data on the status of women with disabilities and ensure their rights and freedom from abuse and discrimination?
- How will the State Party ensure awareness raising and education for the public and those providing services to disabled victims of violence, as well as those investigating and prosecuting cases where the victim and/or perpetrator is a person with disabilities?

Use of coercion and persons with disabilities

The Parliamentary Ombudsman who conducts OPCAT monitoring in Iceland has reiterated his recommendation to the authorities to examine whether the legal framework and practices for the use of force, coercion and other interventions impinging on the rights of persons with disabilities, offers adequate legal security. The Ombudsman recommended that the Committee on Exceptions from Use of Coercion and the Specialist Team on Actions to Diminish the Use of Coercion shorten the processing time for requests (in one instance it was more than two years). He also made recommendations to the team regarding the registration of incidents. In his letter to the Minister of Social Affairs and the Labour Market,

⁷ <https://www.logreglan.is/wp-content/uploads/2021/01/Ofbeldi-gegn-fotludum-2020.pdf>

the Ombudsman raised questions on whether the existing procedures really serve the interests of persons with disabilities, inter alia as regards efficiency and legal security. Considering the matter concerning the fundamental rights of persons with disabilities and the need for a quick response to the situation at hand, the Ombudsman requested a response from all three parties no later than July 1st 2025. ⁸

Summaries from reports by the Parliamentary Ombudsman:⁹

Suggested questions:

- Could the State Party explain what is being done to ensure that existing procedures on the use of coercion are justifiable, what efforts are taken to ensure the training of staff, and what alternative and less intrusive methods are applied?
- Could the State Party explain what steps have been taken to reduce the processing time for request on exceptions from use of coercion?
- Could the State Party explain what steps will be taken to strengthen procedural guarantees and control?

Access to education.

Reference is made to CRPD. Article 24.

Students with disabilities, especially those with intellectual disabilities, have very few education opportunities after finishing Upper Secondary school. This can only be seen as discrimination which collides with CRPD and Icelandic legislation. Efforts have been made by the government to offer suitable educational resources for that group, and a recent, commendable example from the Reykjavík Art School opening their door to students with intellectual disabilities, will hopefully lead to further educational opportunities. However, the situation is still far from acceptable.

There are plans for amendments to the law to ensure inclusive education and comprehensive school services and the Government Education Policy for 2024-2027, includes actions for ensuring equal access for children with disabilities to comprehensive and step by step support.

Suggested questions:

- What steps does the State Party intend to take to ensure education opportunities for persons with disabilities, particularly intellectual disabilities, on university and vocational training level?

⁸ [Brýnt að bregðast skjótt við og skoða hvort réttaröryggi fatlaðs fólks sé nægilega tryggt - Umboðsmaður Alþingis](#)

⁹ [opcat-psychiatric-ward-of-akureyri-hospital-inpatient-unit-en.pdf](#), [opcat-bradageddeild-lsp-eng.pdf](#), [visit-report-kleppur.pdf](#),

- Could the State Party submit information on which actions have been carried out for ensuring equal access for children with disabilities to comprehensive and step by step support?

Children with disabilities

Reference is made to CRPD, article, 7, 9 and 12.

The Icelandic government is implementing their Children's Prosperity Policy which revolves around comprehensive policy making in all matters regarding children, i.e. in the education system, health system, social services, child welfare services etc., in the aim of ensuring integrated services for children as well as the implementation of the UN Convention on the Rights of the Child.

The National Action Plan on the implementation of CRPD 2024-2027, includes actions on the improvement of services for children with disabilities, such as the shortening of waiting time for an assessment of need of services. The State and the Icelandic municipalities entered into an agreement in March 2025 on a shift in responsibility regarding children with a complex interplay of problems, so that the State now assumes responsibility for financing and operating resources for children with multiple support needs who, among other things, need to live in appropriate facilities outside their home. This will hopefully improve the situation since one of the thresholds in offering services to disabled children and persons has been conflict between the State and municipalities as to who should be responsible for the provision of services.

The Children's Prosperity Act and policies have already had a very positive effect. However, it has been criticised that not enough focus has been put on children with disabilities, that they receive comprehensive services in pre-school but as soon as they enter elementary school they often do not receive all services they need and that the provision of services varies between schools, especially depending on where in the country they are living, There is also criticism that parents do not receive adequate information and advice on the possibility of apply for comprehensive services for their children.

Children with disabilities and other children with special needs still have wait a long time for a correct diagnosis, and while they wait, they get limited services, at least those not in pre-school.

Only a few comprehensive studies on adults with disabilities have been conducted in Iceland, and the same applies to studies on children with disabilities. Consequently, there is a risk of the dialogue and the key decisions and public policies on children with disabilities being neither sufficiently informed nor focused. Statistics and other reliable information and data concerning the situation of children with disabilities are somewhat lacking. The same

goes for the dissemination of available data and information. It is urgent for authorities to determine how they intend to manage and disseminate such data.

Children with disabilities encounter a variety of hurdles in their immediate surroundings, both material and immaterial. Access to facilities and information is deficient. In addition, there is a tendency to consider children with disabilities not to be able to express themselves and engage in decisions affecting their own lives.

There are indications that immigrant children with disabilities do not enjoy the same opportunities and human rights as other children with disabilities in the country. The reasons may be many and varied. There is an obvious risk that these children may experience discrimination, even multifaceted, on grounds like country of origin, language, religion, race or colour, and therefore may suffer treatment that violates their human rights. Lack of reliable information on the status of these children limits the opportunities for informed dialogue and decision making, as well as for a focused policy and interventions in support of these children.

Prejudice is one of the main reasons why persons with disabilities, children as well as adults, and persons with intellectual disabilities, have limited opportunity to participate in sports and other pastimes. Participation is closely related to access, but lack of access to facilities is a key reason why persons with disabilities cannot participate.

Suggested questions:

- Could the State Party provide information on whether they intend to improve the collection, analysis and dissemination of data on children with disabilities and when such intentions will be put into action?
- Which steps will the State take to educate the public on the rights and status of children with disabilities as well as take affirmative action against prejudice?
- How will the State Party react to the situation of immigrant children with disabilities in Iceland and take steps to improve services for them?
- Could the State Party clarify whether specific actions have been taken to ensure equal access for children with disabilities to sports, social and cultural activities?
- Could the State Party provide information on whether active supervision is maintained of services provided by municipalities to ensure that children with disabilities are provided with satisfactory services regardless of domicile?
- Could the State Party provide information on what steps have been taken to shorten waiting lists for necessary diagnoses and services?