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## No 85 of 25 June 2018

### Act on Equal Treatment irrespective of Race and Ethnic Origin

Entered into force on 1 September 2018.

If mention is made in this Act of a Minister or Ministry without further specification, this shall be understood to mean the **Prime Minister** or the **Prime Minister's Office**, under whose auspices this Act is administered.

#### I. Chapter I Scope, Objective and Glossary.

##### ■ Article 1 *Scope*.

□ This Act applies to the equal treatment of persons irrespective of their race and ethnic origin in all fields of society, with the exception of the labour market, *cf.* the Act on Equal Treatment in the Labour Market.

□ This Act shall not apply to the unequal treatment of persons on grounds of their nationality or statelessness. Furthermore, this Act shall not prevail over the provisions of an act of law making the rights of persons contingent on their residence in Iceland. Moreover, this Act shall not apply to private and family life.

##### ■ Article 2 *Objective*.

□ The objective of this Act is to combat discrimination and establish and maintain the equal treatment of persons irrespective of their race and ethnic origin in all fields of society, with the exception of the labour market, *cf.* Act on Equal Treatment in the Labour Market.

##### ■ Article 3 *Glossary*.

□ For the purposes of this Act, the following definitions shall apply:

1. *Equal treatment*: When individuals suffer neither direct nor indirect discrimination based on their race or ethnic origin.

2. *Direct discrimination*: When an individual receives treatment less favourable than another individual receives, has received or would receive in comparable situations based on his or her race or ethnic origin.

3. *Indirect discrimination*: When an apparently neutral provision, criterion or practice would put some individuals at a disadvantage on grounds of their race or ethnic origin, compared with others, unless this can be objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary.

4. *Harassment*: Conduct which is unwelcome to the person affected by it and is intended to violate the dignity of the person concerned, particularly when the conduct results in situations that are intimidating, hostile, degrading, humiliating or offensive.

5. *Affirmative action*: Special temporary measures intended to improve the position of persons in fields where they are at a disadvantage, with the exception of the labour market, based on their race or ethnic origin, for the purpose of promoting equal treatment.

#### II. Chapter II Administration.

##### ■ Article 4 *Supervision*.

□ The Minister shall exercise supervision pursuant to this Act.

##### ■ Article 5 *The Centre for Gender Equality*.

□ The Centre for Gender Equality shall be in charge of the implementation of this Act, and Article 4 of the Gender Equality Act shall apply, as appropriate, including the provisions of paragraphs 5 to 11 on *per diem* fines.

##### ■ Article 6 *Authorisation to appeal*.

□ Individuals, companies, institutions or non-governmental organisations that consider that violations of this Act have been committed against them or their members may, in their own name or that of their members, as appropriate, submit their case to the Gender Equality Complaints Committee. Articles 5 to 7 of the Gender Equality Act shall apply, as

### **III. Chapter III Prohibition against discrimination.**

#### **■ Article 7***General.*

- Any direct or indirect discrimination in any field of society on grounds of race or ethnic origin is prohibited, with the exception of the labour market, *cf.* Act on Equal Treatment on the Labour Market. Instructions regarding discrimination on grounds of race or ethnic origin shall also be considered discrimination pursuant to this Act, as well as any harassment related to race or ethnic origin.
- Provisions of an agreement, that entail discrimination based on race or ethnic origin, shall no longer apply.

#### **■ Article 8***Prohibition against discrimination in relation to social protection.*

- Any discrimination based on race or ethnic origin in relation to health services and social services is prohibited. The same applies to discrimination in relation to access to the social security scheme and other social schemes, such as the unemployment insurance scheme and maternity leave scheme.

#### **■ Article 9***Prohibition against discrimination in relation to trade in goods and services.*

- Any discrimination based on race or ethnic origin in relation to access to or delivery of goods is prohibited. The same applies to services and access to services, as well as housing available to the public. However, this provision does not apply to transactions carried out in the area of private and family life.

#### **■ Article 10***Prohibition against discrimination in schools and pedagogical establishments.*

- In schools and other educational and pedagogical establishments any kind of discrimination based on race or ethnic origin is prohibited. This prohibition must be observed in teaching and studies, in working methods and in day-to-day dealings with pupils.
- Educational and teaching material shall not contribute to discrimination based on race or ethnic origin and shall not display persons of a particular race or ethnic origin in a disrespectful or belittling manner.

#### **■ Article 11***Advertisements.*

- Advertisers and those who design or publish advertisements shall ensure that the advertisement is not belittling or disrespectful towards persons based on their race or ethnic origin, and does not run contrary to equal treatment irrespective of race and ethnic origin. Such advertisement may not be published in the media or any other public venue.

#### **■ Article 12***Deviation due to affirmative action.*

- Affirmative action, *cf.* point 5 of Article 3, shall not be regarded as contrary to this Act.

#### **■ Article 13***Protection against unjust treatment.*

- It is prohibited to act against persons who have lodged complaints or brought charges for discrimination based on race or ethnic origin or demanded corrective action on the basis of this Act.
- However, if an alleged violation under paragraph 1 occurs more than one year after the complaint, charge or demand for corrective action was stated under this Act, this shall not be regarded as a violation under paragraph 1.

#### **■ Article 14***Prohibition against the waiving of rights.*

- The rights provided for under this Act may not be waived.

**■ Article 15** *Burden of proof.*

□ If a case is made to the effect that discrimination under the provisions of this Act has taken place, the party who is alleged to have discriminated against another shall demonstrate that the reasons on which the treatment was based were not related to race or ethnic origin.

**IV. Chapter IV Sanctions.****■ Article 16** *Compensation for financial or non-financial loss.*

□ Any party who, criminally and unlawfully, violates the provisions of this Act, shall be liable to pay compensation for financial and non-financial loss according to general rules.

**■ Article 17** *Fines.*

□ Violations of this Act or of regulations enacted hereunder are punishable by fines unless a more severe punishment applies pursuant to other laws. The Law on Criminal Procedure shall apply to cases concerning violations of this Act or of regulations enacted hereunder.

□ Fines shall be paid to the Treasury.

**V. Chapter V. Other provisions.****■ Article 18** *Authorisation to issue regulations.*

□ The Minister may lay down in a regulation more detailed provisions on the implementation of this Act, such as concerning the elaboration of the prohibition of discrimination in schools and pedagogical establishments, activities of the Gender Equality Complaints Committee or of the Centre for Gender Equality in regard to supervision of this Act.

**■ Article 19** *Entry into force.*

□ This Act shall enter into force on 1 September 2018.

**■ Interim provision.**

□ Within a year of the entry into force of this Act, the Minister shall submit a Bill to the Althingi providing for an amendment of the Act, so as to extend its application beyond the equal treatment of persons irrespective of race and ethnic origin, and apply it to religion, life stance, disability, age, sexual orientation, gender identity, sexual characteristics or gender expression in all fields of society, with the exception of the labour market, *cf.* the Act on Equal Treatment on the Labour Market.