

GENDER-BASED VIOLENCE IN UNIVERSITIES AND RESEARCH ORGANISATIONS

NATIONAL FIELDWORK REPORT

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1. INTRODUCTION

The concept of gender-based violence (GBV) is relatively young and new in the Icelandic court of law. The concept was first defined in law no. 10/2008 on equal rights of women and men back in 2008 (the gender equality act). GBV continues to be addressed in the sixth gender equality act, the act on equal status and equal rights of the genders no. 150/2020, which was enacted at the beginning of 2021. The main change from the previous legislation is that it acknowledges more than two genders; men, women and people with a neutral registration of gender in the national registry (non-binary people). The purpose of the Act is to prevent discrimination on the basis of gender and to establish and maintain equality and equal opportunities for the genders in all areas of society. All people should have equal opportunities to benefit from their own enterprise and to develop their skills, irrespective of gender. To work against gender-based violence, gender-based harassment and sexual harassment is identified in the first article as one out of the thirteen issues that need to be addressed to reach the objective of gender equality. The second article of the Act defines the concept of GBV as violence based on gender which results in, or could result in, physical, sexual or psychological injury or suffering on the part of the victim; also the threat of such and coercion or arbitrary deprivation of freedom, both in private life and in a public venue. The Act is quite broad and extensive and covers all spheres of society, educational institutions, the labour market and other institutions. All companies and institutions with more than 25 employees are required to establish a gender equality plan or to integrate gender equality perspectives into the employee policy. This shall specifically include, i.e., a statement of aims, with a plan of how they are to be achieved in order to guarantee the employees the rights set by the act, including GBV (art. 5).

There is significant work done on GBV at the national level. However, the focus is on the labour market and education systems in general and has not been specifically on universities and research organisations. A lot has been done to tackle GBV in universities at the organisational level. Six out of seven universities have in order specific guidelines on how to tackle GBV, which involves having a special equality council or a response team. The University of Iceland, the largest RPO and considered to be the national university, has implemented rules of procedure on the response to gender-related and sexual harassment and other sexual violence and employs a professional council that has the power to process cases.¹

¹ University of Iceland (2018).

2. MAPPING OF POLICIES AND LEGAL FRAMEWORKS

The Act on Equal Status and Equal Rights of the Genders no. 150/2020 addresses GBV.² The purpose of the Act is to prevent discrimination on the basis of gender and to establish and maintain equality and equal opportunities for all genders in all areas of society. The objective includes combatting gender-based violence, gender-based harassment and sexual harassment. The act states that “employers and officers of organizations, non-governmental organizations and youth and sports organisations must take special measures listed in its gender equality action plan to prevent staff, students and service users from being subjected to gender-based violence, gender-based harassment or sexual harassment at the workplace, organization, social work or in schools.” These are the laws that every university and research organisation must obey.

According to the Act on Equal Status and Equal Rights of Women and Men no. 150/2020, all companies and institutions operating 25 or more employees are required to establish a gender equality plan or to integrate gender equality perspectives into the employee policy. The gender equality plans shall include a statement of objectives, with a plan of how they are to be achieved in order to guarantee the employees the rights set by the act, including GBV (art. 5). Article 14 of the Gender Equality Act states that employers and managers should prevent gender-based violence, gender-based harassment and sexual harassment in the workplace. The article specifically states that “employers and officers of organizations and non-governmental organizations should take specific measures to prevent staff, trainees and clients from being subjected to gender-based violence, gender-based harassment or sexual harassment at work, organization, social work or schools.”³ In accordance with the gender equality Act, all seven universities in Iceland have to have in place an equality plan. Moreover, all but one of the universities have specific guidelines on how to tackle GBV, which includes having a special equality council or a response team.

In March 2018, the Prime Minister appointed a steering committee for comprehensive improvements in the field of sexual violence. The main role of the committee was to advocate for progressive and coordinated government action against sexual violence and sexual and gender-based harassment and for Iceland to be at the forefront of the fight against all forms of gender-based violence. To this end, the steering committee was instructed to, e.g. work on a comprehensive review of prevention and education in the education system and in society with the aim of eliminating sexual violence, sexual and gender-based harassment and other gender-based violence. The work of the steering committee resulted in a proposal for parliamentary resolution. The proposal stated that the parliament entrusts the Prime Minister, the Minister of Education, Science and Culture, the Minister of Social Affairs and Children and the Minister of Health with the task of establishing organized prevention against sexual and gender-based violence and harassment. That makes the government the main actors and stakeholders. Prevention will be integrated with teaching and school work at all school levels. The proposal mainly focuses on children and young people.

² Act on Equal Rights of Women and Men no. 150/2020.

³ Directorate of Equality Iceland (n.d.)

A number of governmental committees are working on GBV related issues. One to mention that relates to universities is a committee appointed in 2018, following the #MeToo movement in autumn 2017, by the Minister of Social Affairs. The objective of the committee was to assess gender-based violence, sexual harassment and violence, as well as bullying in the workplace. The committee commissioned the University of Iceland's Social Science Research Institute to map the prevalence of GBV and bullying, employers responses and preventive measures in the Icelandic labour market (see Annotated bibliography). The minister formed an action group in August 2018 that has the objective of work and follow up on action to combat gender-based violence, sexual harassment and violence, as well as bullying in the workplace. The action group draws on the previously mentioned report on the prevalence of GBV. This work is ongoing.⁴

3. DEBATES REGARDING #METOO AND THE ISTANBUL CONVENTION

In recent years, awareness of sexual and gender-based violence and harassment has increased significantly in Icelandic society, especially due to the #MeToo movement. The government has taken a number of measures with the aim of combating such violence as well as responding to its consequences. In this context, the prime minister appointed a committee in 2018 on comprehensive improvements to Sexual Violence. The committee's responsibility is, e.g. to make a proposal for a coordinated response for the government in response to the #MeToo movement. The committee was at the forefront of leading a international conference on #MeToo, which took place back in 2019. Around 800 people attended, and 80 speakers from all over gave lectures. Special attention was paid to the interplay between gender, class and race in relation to harassment and violence, including the reality of women of foreign origin that was revealed when they told stories in the #MeToo wave. The status of disabled women and women living in employment and subsistence uncertainty was specifically discussed.⁵

The committee's work also resulted in a parliamentary resolution on preventive measures against sexual and gender-based violence and harassment and an action plan for the years 2021-2025 (as mentioned above). Previously the government has exerted actions related to proceedings of violence cases in the justice system, a plan for the years 2019-2022 on measures against violence and its consequences, awareness-raising on sexual, mental and physical violence against children that took place in the years 2012-2015 on sexual immunity (digital sexual violence)⁶. The resolution on measures against violence is about establishing organized prevention of sexual and gender-based violence and harassment. The focus is mainly on children and young adults and those working in the school system. Prevention will be integrated with teaching and school work at all school levels and will also take place in leisure centres and community centers, in sports and youth activities and other leisure activities (parliamentary proposal case 643). Future prevention should also include targeted responses to sexual and gender-based violence and harassment and behaviour that promotes such violence and harassment. Targeted responses also apply to those who use violence so that they take responsibility for their actions. This has a preventive value in itself. The resolution was approved

⁴ The Government of Iceland (2019b).

⁵ Prime Minister Office (2020).

⁶ Parliamentary document no. 1094/2019-2020.

by parliament in June 2020. Work has begun on the resolution's actions and will be followed by the Office of Gender Equality in the Prime Minister's Office.

The committee also worked on a report about #MeToo and the government as a workplace and an employer.⁷ The report is based on a review of surveys that were conducted on the extent of gender-based and sexual harassment within the government, plans to combat and respond to such behaviour, meetings with external professionals and meetings with equality representatives, security guards and security representatives of all ministries. The report states that according to the results of the surveys, sexual harassment is not very common within the ministries. Surveys, however, indicate that victims of harassment are reluctant to formally complain, and when they do, they are not necessarily satisfied with the procedure. The report also contained six proposals for improvements and was submitted to the Government back in May 2019. The proposals have not yet been approved but will be followed up by the Prime Minister's Office.

The government is also working on a project called Men and #MeToo. The aim of the project is to raise awareness of the responsibilities and roles of men in connection to the #MeToo exposures of gender-based and sexual harassment and violence.⁸ On the one hand, the project focuses (e.g.) on the relationship between gender and sexual harassment and violence and, on the other hand, ideas of masculinity, boundaries and consent. The project will be based on the proposals of the action group on men and equality and the work that has been done as part of the government's response to #MeToo. The project has begun, but it's in its early stages. The Directorate of Equality is in charge of this project and has held two focus group meetings with the participation of men in the private and public sectors. The aim is to get men's views on how sexual harassment in the workplace can be introduced and discussed as part of work on gender equality programs, thus ensuring men's participation in the debate. Preparations for workplaces are being prepared on how men can be specifically encouraged to participate in discussions on gender-based and sexual harassment and violence in the workplace.⁹

The Istanbul Convention was ratified by the Icelandic government in April 2018. The discussion in parliament was, in general, very positive, and all attending parliamentarians voted for the implementation of the convention into the legislation. In the action plan for gender equality for the years 2020–2023, which was approved in parliament in December 2019, is an action aimed at working strategically on a national plan for the implementation of the Istanbul Convention.¹⁰ The project is in line with Article 10 of the Convention, which entails the authorities responsibility for harmonization, implementation, follow-up and evaluation of actions and measures. The national plan also aims to create an overview of the implementation of laws, government measures and other measures, including data collection and research. The project status is well on its way, and a report has been prepared with proposals for the next steps to Iceland's first national plan for the implementation of the Istanbul Convention. In preparing the report, role

⁷ Government of Iceland (2019a).

⁸ Government of Iceland (n.d.).

⁹ Government of Iceland (n.d.).

¹⁰ Prime Minister Office (2020).

models were sought within other Council of Europe member states. The implementation of the provisions of the convention has been mapped with regard to legislation and other measures.¹¹.

Following Turkey's decision to withdraw from the convention, the Icelandic Women's rights association urges the Icelandic government to take action. Those actions are to urge the Turkish government to reverse its decision to withdraw from the Istanbul Convention. Also, to encourage all member states of the Council of Europe and those states that have signed the Convention to take all legal and political measures to prevent Turkey from renouncing the Istanbul Agreement. And last to encourage all member states of the Council of Europe to ratify the Istanbul Convention without delay and unconditionally¹².

This year nine women are suing the Icelandic state before the European Court of Human Rights for violating their right to a fair trial,¹³. Their defence is based on, among other things, the Istanbul Convention. In the opinion of the Icelandic Women's Movement, the cases show how the Icelandic state systematically violates the rights of women who have filed a complaint on gender-based violence and thus fails in its obligations to ensure the right of women in Iceland to a fair trial under the European Convention on Human Rights.

4. PUBLIC OPINION ON GBV

There have not been any public opinion surveys on GBV in Iceland. However, it is a very acknowledged problem, as reflected in the Prime Ministers Office report on equality, where it is acknowledged that GBV is a persistent problem that has economical, political, social and health-related consequences.¹⁴.

Serious GBV is a fact in Iceland, and for example, the UN monitoring committees have expressed their concern about the high incidence of domestic violence in this country and how lightly gender-based violence is addressed within the legal system.¹⁵. Hundreds of women and girls are victims of sexual violence each year, and many women and children live in fear, oppression, insecurity, threats and domestic violence, which, under normal circumstances, should be a haven.

5. IMPACT OF COVID-19 ON DISCUSSIONS ABOUT GBV

The government of Iceland has announced various measures to mitigate the economic and societal effects of the COVID-19 outbreak, with a special focus on measures aimed at promoting gender equality. The actions are aimed to prevent violence against women and children¹⁶. No specific discussion about GBV in universities or research organisations.

¹¹ Government of Iceland (n.d.).

¹² Icelandic Women's Rights Association (2021).

¹³ Stígamót (2021).

¹⁴ Prime Minister Office (2020).

¹⁵ Icelandic Human Rights Centre (n.d.).

¹⁶ Government of Iceland. (n.d.). *Covid-19 information*. <https://www.government.is/government/covid-19/#Tab5>

6. CONCLUSION

It is quite clear that the issue of GBV is relatively well established in Icelandic society, with GBV being specifically mentioned and addressed in the Gender Equality Act and finding measures to combat GBV is on the agenda of the Government. However, the legislation and its methods to work towards gender equality are have not been successful enough to work against GBV. The government has taken steps to implement measures against GBV in the educational system. However, the focus is mainly on the primary and secondary school levels. Actions to tackle GBV in universities and the labour market, in general, haven't been introduced. Universities have to abide by the Gender Equality Law and have a gender equality plan that addresses GBV, but no authority is making sure that the actions are being implemented. So I believe more accountability needs to be created within the organisations, but for that to be realised, the Directorate of Equality has to be funded significantly.

Universities and research institutions need to address power relations. These organisations are hierarchical, where multiple power dimensions intersect. Women are the majority of students and those in precarious academic positions. Men, on the other hand, dominate the top of the hierarchy. Within the university, there are other positions, such as administration and service jobs, often of lower status and power. These positions are dominated by women and often of foreign origin. There is a need to address these power relations. Precarious academics, such as doctoral students, post-docs, adjuncts, are often not in a position to say no to the task. In #Metoo women in science stories, women that were sexually harassed often shared their worries about the future. Some of them did not do anything because they worried that it might have negative consequences on their positions and their future within academia. Some of them shared how they lost opportunities and positions because of the harassment.

Universities need to create a victim-friendly, where victims are showed consideration and understanding. The victims need support, and they have to be given a chance to seek justice outside the dysfunctional justice system, such as the ideology behind restorative justice.¹⁷ In the economy of credibility¹⁸ Those that are privileged are more likely to be believed. People that experience GBV needs to be believed. Universities need to take a stance with survivors of GBV without casting out the perpetrators. However, even though we have to create societal space for perpetrators and give them the opportunity to acknowledge and change their behaviour, universities should not put students in the position of having a teacher that has been accused of GBV, within or outside the institution.¹⁹ The teacher is already in a position of power. How can we be sure that they do not abuse their position? These steps of the process of eliminating GBV in universities will be painful but necessary.

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¹⁷ Koss (2014).

¹⁸ Manne (2018).

¹⁹ Pétursdóttir (2017).

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