

## ICELAND

### CERD 26<sup>th</sup> No. 18 (A/8418) (1971)

28. From its 56<sup>th</sup> to its 58<sup>th</sup> meetings, the Committee proceeded to determine formally its view as a Committee (as distinct from the views expressed at previous meetings, which were those of the individual members) as to which reports were “satisfactory”, in the sense that they furnished all or most of the required information, and which reports were “unsatisfactory” or “incomplete” and therefore needed to be supplemented by further information. The initial report (and supplementary report, if any) of each State Party was put before the Committee separately by the Chairman. Where there was no consensus, the question whether a State Party’s report (or reports) was “satisfactory” or whether, failing that, the Committee wished to request additional information from that State Party, was decided by vote.

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30. On the other hand, the reports submitted by the following 17 States Parties were considered by the Committee “incomplete” or “unsatisfactory”, in the sense that significant categories of information were either totally lacking or insufficiently provided in them: . . . Iceland . . . At its 58<sup>th</sup> meeting, held on 23 April 1971, the Committee adopted the text of a communication which it decided to request the Secretary-General to submit to the aforementioned States Parties, in accordance with rule 65 of its provisional rules of procedure. (The text of this communication is reproduced in annex V.)

## **CERD 27<sup>TH</sup> NO.18 (A/8718) (1972)**

53. The Committee noted with satisfaction that the reports submitted by Iceland ... conformed with the guidelines laid down by the Committee for that purpose (CERD/C/R.12) 6/ and that they contained sufficient information on measures adopted to give effect to the provisions of the Convention. However, in conjunction with its examination of the report submitted by Iceland, the Committee adopted general recommendation I (see paragraph 79 -85 below).

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### D. General recommendations adopted by the Committee

#### General recommendation I

79. In paragraphs 3(d) and 3(e) of its supplementary report (see paragraph...53 above), the Government of Iceland stated that “laws containing the substance of articles 4(a) and 4(b) of the Convention have not been enacted. Yet careful consideration will be given to the enactment of such laws. In this respect, Iceland will be guided by the discussion held in the Committee and by any recommendations issued by it.”

80. The questions raised by the statement quoted in the preceding paragraph was discussed by the Committee at the 93<sup>rd</sup>, 94<sup>th</sup> and 96<sup>th</sup> meetings. Several members recalled that the provisions of article 4, paragraphs (a) and (b), of the Convention were mandatory. Some of these members felt that, inasmuch as the Government of Iceland had welcomed the guidance and recommendations of the Committee, the Committee should address a communication to Iceland, drawing attention to the mandatory nature of the provisions in question and recommending the adoption of appropriate legislation to give effect to those provisions. Other members, however, pointed out that the reports submitted by States Parties and examined by the Committee showed that the problem of absence of appropriate legislation to give effect to the provisions of paragraphs (a) and (b) of article 4 of the Convention was not confined to Iceland but existed in many other States Parties as well. Accordingly, these members thought that it might be helpful if the Committee addressed a general communication to all States Parties, stressing the mandatory nature of the first two paragraphs of article 4 of the Convention and requesting the States Parties whose legislation did not include measures to implement those provisions of the Convention to enact appropriate legislation. Finally, the Committee agreed that the best way to deal with the matter would be to make a general recommendation, in accordance with article 9, paragraph 2, of the Convention, and to report that recommendation to the General Assembly, as the article under reference requires it to do, in addition to communicating it to all States Parties in accordance with rule 67(1) of the Committee’s rules of procedure.

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6/ [Official Records of the General Assembly], Twenty-fifth Session, Supplement No. 27 (A/8027), annex III-A.

## **CERD 28<sup>TH</sup> NO. 18 (A/9018) (1973)**

79. The initial report of Iceland was considered by the Committee at its third session and deemed unsatisfactory. Additional information was requested, which was submitted in a supplementary report on 4 September 1971. At its fifth session, the Committee found that report satisfactory. In a note dated 27 September 1971, the Secretary-General reminded the Government of Iceland that its second periodic report was due on 5 January 1972. On 21 October 1971, the Permanent Mission of Iceland, in a note to the Secretary-General, pointed out that it had submitted a report under the Convention on 4 September 1971 and added: "We consequently consider that we have by that action fulfilled the requirements referred to in the above-mentioned note of the Secretary-General".

80. At the seventh session (126<sup>th</sup> meeting), Committee members distinguished between the case under consideration and several other cases in which States parties stated in their second periodic reports that no new measures had been adopted in the interval which had elapsed since the submission of their initial reports. Several members expressed their disagreement with the thesis implicit in the report under consideration, namely, that the submission of an initial report in accordance with article 9, paragraph 1 (a), of the Convention, or of supplementary reports in response to specific requests from the Committee, fulfilled the requirements of paragraph 1 (b) of that article relating to the submission of biennial periodic reports.

81. Some members inquired whether the Government of Iceland had taken account of the Committee's general recommendation I before or since the submission of its second periodic report and whether it had considered the enactment of, or actually enacted, laws to implement article 4, paragraphs (a) and (b) of the Convention in accordance with that recommendation.

82. The representative of Iceland, in his statement, assured the Committee that he would convey the views expressed during that meeting to his Government. Asserting that his Government was not under the impression that it had already fulfilled its obligation under the Convention by submitting a single detailed report, he added that, in the light of the current discussion, he realized that it would have been advisable simply to spell out clearly that no new developments had taken place. He noted that, inasmuch as general recommendation I was adopted after the submission of his Government's second periodic report, it had not been taken into consideration in the preparation of that report; however, he assured the Committee that its General Recommendations and the relevant summary records had been carefully studied by the authorities in his country since then. Addressing himself to General Recommendation III, he referred to two communications sent to the Secretary-General by his Government, in which it expressed its firm opposition to all forms of racial discrimination and to any ideology based upon such discrimination and welcomed United Nations efforts to provide a legal basis for the struggle against racial discrimination. His Government had singled out the Convention as being of particular importance for the struggle against racism and suggested that the Convention should be complemented by national legislation whenever necessary in order to give full effect to its provisions.

83. The Committee decided to consider the second periodic report of Iceland satisfactory "on the assumption that the Government of Iceland would provide additional information in its third periodic report, which would fall due in January 1974."

**CERD 29<sup>TH</sup> NO. 18 (A/9618) (1974)**

147. The third periodic report of Iceland was praised for the comprehensiveness of the information it contained and because that information was organized in accordance with the guidelines laid down by the Committee, the annex, which supplied the texts of the legislative provisions mentioned in the report, was found very useful. The Committee welcomed the inclusion in the report of information on the status of its relations with the racist régimes of southern Africa and on the ethnic composition of the population in response to the Committee's general recommendations III and IV respectively. It was noted with appreciation that the report took into account observations made during the Committee's consideration of earlier reports and that the Government of the reporting State had taken specific action in response to the Committee's comments.

148. With regard to the implementation of the provisions of the Convention by the Government of the reporting State, the Committee noted that, with some exceptions, the requirements of articles 2 to 6 had been met; it was regretted, however, that no information was available on whether article 7 was being implemented and that the Government of Iceland had not considered it necessary to enact specific legal provisions satisfying the requirements of article 5, paragraph (f), of the Convention. While some members were of the opinion that article 73 (d) of the Constitution could not by itself give full effect to the provisions of article 4, paragraph (b), of the Convention, other members felt that, in view of the provisions of article 121 of the Penal Code, as well as article 73 (d) of the Constitution, existing legislation in Iceland was adequate to give effect to those requirements.

149. Questions were asked about the number of foreign workers in Iceland; the rights of which they were assured (other than those concerning conditions of recruitment and salaries, with which the report dealt); the recourse a person had when his right of access to a place of service intended for use by the general public was not respected; and - in view of some ambiguity on this matter in the report - about the precise status of the relations, if any, between Iceland and the racist régimes of Southern Africa.

150. Besides replying to the questions enumerated in the preceding paragraph and commenting on some of the observations mentioned in paragraph 2, the representative of the Government of Iceland informed the Committee that the appointment of an ombudsman in Iceland had recently been submitted to Parliament.

**CERD A/31/18 + CORR. 1 (1976)**

236. The Committee noted that, during the biennium covered by the fourth periodic report of Iceland, no additional legislative, judicial, administrative or other measures had been adopted which would require reporting in accordance with the provisions of article 9, paragraph 1, of the Convention. It noted with appreciation that the report under consideration contained a separate section which provided answers to questions raised at a previous session of the Committee during its consideration of Iceland's third periodic report, including the information envisaged in general recommendation III and decision 2 (XI) of the Committee.

237. Members of the Committee took note of the supplementary information supplied in response to the Committee's previous requests. Some members expressed the hope that more detailed information on the implementation of article 7 of the Convention would be inclined in the next report, elaborating the statement that "dissemination of information relating to racial discrimination and apartheid [had] been increased in the educational system and the information media." Noting that some 2,000 foreign nationals were domiciled in Iceland and that a number of aliens applied for and were granted Icelandic citizenship each year without any exclusion or restriction based on race, colour, descent, or national or ethnic origin, some members of the Committee inquired about the situation of foreign nationals before they became Icelandic citizens, especially with respect to their status before tribunals and their rights under article 5, paragraph (b), of the Convention.

238. In addition to the inquiries mentioned in the foregoing paragraph, members of the Committee asked for (a) some confirmation that Iceland had no diplomatic relations with South Africa; (b) the contents of the bill providing for the appointment of an ombudsman, and information on whether or not that bill had become law; and (c) information on why Iceland had abstained from voting on General Assembly resolution 2946 (XXVII) on the question of Southern Rhodesia.

239. The representative of the Government of Iceland replied to the inquiries mentioned in paragraph 237 above. With regard to the measures giving effect to article 7 of the Convention, he supplied some additional details and said that he would also ask his Government to provide further information. Concerning the status of foreign nationals before they became citizens, he noted that that question had been answered in depth in Iceland's third periodic report, which stated that all foreign nationals had all the rights of Icelandic citizens except the right to vote. With respect to the questions enumerated in the foregoing paragraph, he (a) reaffirmed that Iceland had only limited consular relations with South Africa; (b) stated that the relevant legislation had not been enacted; and (c) recalled that the third periodic report of his Government stated that Iceland had abstained from voting "for technical reasons:" it had objected to the reference to the use of force in the resolution in question.

**CERD A/33/18 (1978)**

220. Inasmuch as no new relevant measures had been taken during the period covered by the fifth periodic report of Iceland, that report was devoted to commenting on the questions raised by members of the Committee during the consideration of the fourth periodic report and to responding to general recommendation V of the Committee.

221. The information on the proposals for the establishment of an ombudsman and an “ombuds-committee” was of great interest to the Committee; and the hope was expressed that, when either proposal was adopted, detailed information - including the texts of the relevant provisions - would be given to the Committee.

222. The measures adopted in implementation of article 7 of the Convention were also welcomed by the Committee. It was observed, however, that it should be understood that developing countries did not only raise problems but also could make important cultural contributions, and it was suggested that information on the contribution of the Government of Iceland to the isolation of the racist régimes of southern Africa should be disseminated to the people. It was suggested that the programmes adopted by the Government in implementation of article 7 of the Convention be transmitted to the Committee, as they could serve as a useful example for other countries.

223. The representative of Iceland expressed hope that the next periodic report of his Government would provide new information on the proposals regarding the ombudsman and the “ombuds-committee.” He assured the Committee that the suggestions made by its members would be conveyed to his Government.

## **CERD A/35/18 (1980)**

109. The sixth periodic report of Iceland (CERD/C/66/Add.7) was considered by the Committee together with the introductory statement of the representative of the reporting State.

110. Members of the Committee commended the Government of Iceland on its satisfactory report which contained replies to all the questions raised when Iceland's fifth periodic report had been examined. The report was considered an excellent illustration of the dialogue between States parties and the Committee.

111. One member, however, was of the opinion that further information should be provided on activities undertaken at all levels, from the Government down to local authorities and public organizations, in order to fully implement the provisions of the Convention. Information was requested, in particular, with regard to the situation of a small group of residents who did not have the same racial origin as the other Icelandic people, and with regard to relations between Iceland and the racist régime of South Africa. Further clarification was also requested on measures taken for the implementation of article 4 (b) and (c) of the Convention.

112. Attention was especially drawn to information on measures which gave effect to the provisions of article 6 and 7 of the Convention. With regard to article 6 of the Convention, the Committee took note with interest of the newly established position in the Icelandic Ministry of Justice, whose responsibilities would include providing guidance to the public on matters falling within the competence of the judiciary and of the police and prison authorities. This new position was regarded by the Icelandic Government as a first step towards the establishment of an office of the Ombudsman of the Althing (Parliament). In this connection, it was asked whether the new official was entitled to receive complaints from individuals and was able to obtain information from officers of the executive; what his powers were if he found there had been a violation of the law; what was the reason for the establishment of the new position only on an experimental basis and whether it was possible to include information on the results of the experiment in the next periodic report.

113. With reference to information relating to the implementation of article 7 of the Convention, members of the Committee congratulated the Government of Iceland on its educational programmes for the treatment of racial discrimination and for the propagation of United Nations activities, particularly on programmes prepared for the compulsory educational system. It was stated that the educational measures described in the report were remarkably progressive and might well serve as a model to other States parties to the Convention. In this connection, members of the Committee expressed the wish to receive school curricula of relevance to article 7, as well as further information on the perspective from which developing countries were studied, on source material used for teaching about developing countries and how such material was prepared, on the later stages of the educational programme relating to questions of racial discrimination and on the preparation of a special study on the subject referred to in the report. One member asked whether some of the subjects referred to in the educational programmes had yet to be approved or whether they were temporarily part of the curriculum. Another member pointed out that article 7 of the Convention was not concerned exclusively with school programmes and that more information should be provided on any broader cultural and educational activities relating to racial discrimination. With

regard to a course on the development of human society dealing, *inter alia*, with certain primitive societies, one member was of the view that the word “primitive” should be put in inverted commas or replaced by the expression “so-called primitive societies” and that the expression “development of human society” might give the impression that industrialized societies were superior to non-industrialized ones.

114. Replying to questions by members of the Committee, the representative of Iceland explained that the new post of an official under the Ministry of Justice, referred to in the report, had been established for one year on an experimental basis in order to find out what sort of complaints might arise, and 80 requests for advice and guidance had already been received. The lawyer occupying the post gave advice in his personal capacity and was not obliged to obtain clearance from officials of the Ministry; he would subsequently report directly to the Althing, and it was hoped that a clear picture would emerge from this experiment as the form of institution suited to Iceland’s needs.

115. With regard to the implementation of article 7 of the Convention, the representative provided further details concerning the educational measures taken in Iceland on the question of racial discrimination and clarified that the term “primitive societies” was not intended to be pejorative. He finally assured members of the Committee that he would transmit their questions to his Government with view to providing them in the next periodic report with a more detailed account of the Icelandic educational system as it related to the implementation of article 7 of the Convention.



## **CERD A/37/18 (1982)**

223. The seventh periodic report of Iceland (CERD/C/91/Add.4) was considered by the Committee, together with the introductory statement made by the representative of the reporting State, who pointed out that in 1981 Iceland had recognized the Committee's competence, under article 14 of the Convention, to receive and consider communications from individuals within Icelandic jurisdiction claiming to be victims of a violation by Iceland of the rights set forth in the Convention. He also stated that the arrangement for the experimental establishment of an ombudsman in the Ministry of Justice was being continued, since experience had shown that it served a useful purpose.

224. The Committee expressed appreciation of the report and the efforts made by Iceland to amplify its dialogue with the Committee. Iceland was among the countries most sincerely dedicated to the promotion of tolerance and understanding among ethnic groups and nations, and the declaration made by Iceland under article 14 of the Convention was commendable.

225. With reference to article 3 of the Convention, while the Committee welcomed the efforts made by the Nordic countries in respect of relations with South Africa, some members observed that the maintenance of relations between Iceland and South Africa, however insignificant, meant that the principles of the Convention and of United Nations resolutions were not fully respected, and urged the Government to endeavour to cease its trade relations with South Africa completely.

226. With regard to article 4 of the Convention, the Committee welcomed the adoption by the Althing (Parliament) of a new provision in the Penal Code in implementation of this article. One member pointed out, however, that while the maximum term of imprisonment was stipulated, there was no indication of the minimum or maximum fine to be imposed. The Committee would welcome information on that point. More details were also requested on the results of the experimental establishment of an ombudsman, with some examples of the functions of the official concerned and of the reasons for the Government's decision to continue the project.

227. In connection with article 7 of the Convention, the Committee noted with appreciation the replies given by the Government of Iceland to questions on educational system raised by the Committee during the consideration of the sixth report of Iceland. Members also observed that the co-operation among members of the World Federation of United Nations Associations in the Nordic countries in the teaching of human rights and elimination of racial discrimination was well known and that the experience of the Nordic countries should be borne in mind when similar curricula were introduced in schools in other countries. Referring to the outline of instructional material given in the report, one member of the Committee said that he had some doubts about the conjunction of the words "the great discoveries" and "the white settlement" in the description of the sixth-grade materials, and requested some clarification on the matter. Another member pointed out, moreover, that, far from showing the white man bringing a superior civilization to other countries, modern educational material took quite a different view and indeed referred to the danger of the destruction of indigenous cultures; he asked whether the material used in Iceland was outmoded or in line with present cultural knowledge. Clarification was also requested on the word "primitive", mentioned in paragraph 15 of the report, and on its continued use. Members of the Committee asked for some information on the role of the press, radio and television in combating racial discrimination and on

the further steps taken to ensure that the history and culture of other countries, particularly developing countries, were accurately presented in school text books.

228. Replying to questions of the Committee, the representative of Iceland noted the Committee's remarks that Iceland was not fully observing United Nations resolutions on the relations with South Africa, and wondered whether many countries observed those resolutions as scrupulously as Iceland. He stated, nevertheless, that the views of members would be conveyed to the Icelandic Government. With reference to article 4 of the Convention, he was not in a position to reply to the questions raised concerning fines and maximum sentences, but further information on that point would be given in Iceland's next periodic report, which would also enlarge upon the question of the ombudsman. Turning to the questions concerning article 7 of the Convention, the representative said that he had noted the Committee's remarks on the press, radio and on educational material and agreed that the term "white settlement" used for sixth-grade materials was perhaps not the most appropriate, but historical substance was the most important element and what children were in fact being taught was very progressive. He stressed that the curriculum for the first to fourth grades was established, while that for the fifth to ninth grades was still in an experimental phase. Icelandic terms were not easily rendered in other languages, and it was therefore difficult to discuss the use of the word "primitive", but the representative assured the Committee that he would convey the Committee's concern to specialists in the Ministry of Culture and Education.

## **CERD A/40/18 (1985)**

282. The eight periodic report of Iceland (CERD/C/118/Add.20) was considered by the Committee at its 715<sup>th</sup> meeting, on 14 March 1985 (CERD/C/SR.715).

283. The report was introduced by the representative of Iceland who reiterated his Government's support for the Convention and co-operation with the Committee.

284. The Committee pointed out that the report of Iceland, though brief, essentially complied with the Committee's general guidelines (CERD/C/70/Rev.1) and presented substantive information. Iceland was well known as a strong supporter of all efforts to eliminate racial discrimination throughout the world.

285. Members requested information about Iceland's implementation of article 3 of the Convention particularly with regard to apartheid. They asked whether the article of the Penal Code reproduced in the report was the only provision relating to article 4 of the Convention. In relation to article 6 of the Convention, they were surprised to learn that the post of ombudsman had been discontinued in the Ministry of Justice and requested further details regarding that matter.

286. In reply to the questions raised by members of the Committee, the representative of Iceland said that he would refer the questions about the implementation of articles 3 and 4 of the Convention to the relevant authorities. Regarding the questions about the suppression of the post of ombudsman in the Ministry of Justice, he informed the Committee that it had been felt that the size of the Icelandic Government did not justify a special post. The idea was still under consideration, and it would be for the Althing to take a decision.

## **CERD A/44/18 (1989)**

67. The ninth periodic report of Iceland (CERD/C/149/Add.17) was considered by the Committee at its 834<sup>th</sup> meeting, on 9 August 1989 (CERD/C/SR.834).

68. The report was introduced by the representative of the reporting State, who expressed concern at the circumstances that had made it difficult for the Committee to deal in a timely manner with the periodic reports submitted by States parties and hoped that measures could be taken to remedy that situation. He stated that with regard to his own country the delay in consideration of reports had had two consequences. Firstly, the information presented in its ninth periodic report was no longer up-to-date. Secondly, Iceland had considered it appropriate to delay submission of its tenth report, due in 1988. In so doing, his Government was inspired by the desire of the Committee to engage in a dialogue with States parties, without the benefit of which, and in the absence of adoption of additional legislative, judicial, administrative or other measures, the periodic reports would be devoid of content.

69. The representative of Iceland stated that, in accordance with Act No. 13 of 1987, the position of the Ombudsman of the Icelandic Althing, or Parliament, had been formally established and the information in section A of the ninth report was therefore no longer relevant. The Althing had laid down further rules for his office on 2 May 1988. He explained that the Ombudsman was responsible for supervising State and local governmental administration and safeguarding the rights of individuals and associations in their dealings with the administration. The competence of the Ombudsman did not extend to the activities of the Althing itself, nor to activities of the courts or matters to be decided by the courts.

70. He further explained that the Ombudsman could take up a matter in three ways. Firstly, he could act on the basis of a complaint by an individual or association; secondly, he could study a specific matter on his own initiative; and thirdly and more generally, he could act when he identified some defect in existing legislation or practice. The Ombudsman could conclude cases in three ways. Firstly, he could conclude a case when the respective institution corrected or satisfactorily explained the situation; secondly, he could present a report setting out his recommendations; thirdly, he could suggest that the matter should be referred to the courts. Where he identified defects in law, he could make representation to the ministry concerned or the Althing. He pointed out that while it was not yet possible to assess the effectiveness of the office, since it had been in existence for less than two years, it was already clear that the concern for the protection of human rights was one of its main priorities.

71. The representative of the reporting State said that article 233a of the Icelandic Penal Code was the only provision relating to article 4 of the Convention and that there was no provision in Icelandic law concerning article 3 of the Convention. With regard to the Committee's desire for information on Iceland's attitude towards the apartheid régime, he said that under Act No. 67 of 1988, the import into Iceland of goods originating in South Africa was prohibited, as was the export from Iceland of goods whose final destination was South Africa or Namibia.

72. As regards the Icelandic compulsory education system, he stated that at its most recent session

the Althing had proposed certain changes in the system, but the necessary legislative work had not yet been completed; further information on it would be provided in future reports.

73. Members of the Committee welcomed the contribution by Iceland to further the elimination of racial discrimination in the world. It was noted that in previous reports Iceland had provided a detailed and comprehensive account of the legislation adopted to prevent discrimination and, in its eighth report, it had also given the judicial and administrative measures taken in that respect. The Committee felt that in view of the time that had elapsed since the first report, it would be appropriate if the Government provided in its next report complete and updated information on the legal and other measures taken to comply with the guidelines of the Committee. Iceland was also requested to include in its next report information on the demographic composition of the country.

74. With regard to article 3 of the Convention, it was felt that the ninth periodic report did not fully respond to the questions raised by the Committee relating to apartheid. The report made no reference to the current status of the relations of the Government of Iceland with the Government of South Africa.

75. Members wanted to know whether the Icelandic Penal Code contained any provisions to deal with discriminatory treatment suffered by persons belonging to a particular ethnic group or country.

76. As regards article 14 of the Convention, the Committee wished to know the purpose and scope of the reservation made by the Government of Iceland.

77. In response to the questions of the members of the Committee, the representative of the reporting State said that Iceland's three most recent reports had been short, as no new legislative or administrative measures had been adopted. He stated that an overview of the current situation in Iceland would be included in the tenth periodic report. With regard to the demographic composition of his country, he said that the last figures submitted to the Committee were contained in the fifth periodic report and referred to the year 1974. He stated that updated information would be given in the following report.

78. The representative of Iceland reiterated his country's abhorrence of apartheid. He said that Iceland did not maintain diplomatic relations with South Africa, although it retained an Honorary Consul in Johannesburg. Travel to and from South Africa was not prohibited. His Government was actively involved in efforts to end the system of apartheid in South Africa and had imposed a trade embargo against South Africa in 1988, which represented a major policy decision.

79. In reply to the question relating to the provisions of the Icelandic Penal Code, he said that there had been prosecutions under article 233a of the Code during the period under review, and information on the outcome of the application of that article would be provided in the following report.

80. Concerning the national education system, he stated that the tenth periodic report would contain information on the changes in the curriculum, which would be fully implemented by the time of its submission.

81. The representative stated that in 1988 the Ombudsman had received 67 complaints, 37 of them in the last 4 months of the year and had taken up 3 matters on his own initiative. He had begun a detailed analysis of Iceland administrative law with a view to proposing changes. As the post of Ombudsman had only been in existence since 1 January 1988, the following report would contain fuller information on developments in that situation.

82. He also stated that Iceland's reservation with regard to article 14 of the Convention was intended to prevent the same matter from being raised in various bodies. Iceland had accepted the right to petition under the European Convention on Human Rights, the International Covenant on Civil and Political Rights, as well as under the International Convention on the Elimination of All Forms of Racial Discrimination, and the reservation was merely intended to avoid duplication. Iceland regarded its accession to those procedures as an important safeguard for human rights within the country.

## **CERD A/49/18 (1994)**

388. The tenth, eleventh and twelfth periodic reports of Iceland, submitted in one document (CERD/C/226/Add.12), and the thirteenth periodic report (CERD/C/263/Add.2) were considered by the Committee at its 1049<sup>th</sup> and 1050<sup>th</sup> meetings, on 5 August 1994 (see CERD/C/SR.1049 and 1050).

389. The report was introduced by the representative of the State party, who drew attention to the importance his country attached to the continuation of the dialogue with the Committee. He emphasized that racial discrimination was not a problem in Iceland and that that was why there was no real policy in respect of action to combat racial discrimination. He then gave recent information on legislative changes in Iceland. He said that the European Convention on Human Rights had been incorporated in Icelandic internal law and could thus be invoked before the courts; the incorporation in internal law of United Nations human rights treaties was under discussion at present. The chapter of the Constitution dealing with human rights, whose provisions were outdated, was being revised and, to that end, a study was being carried out on the conformity of Icelandic legislation with the various international treaties ratified by Iceland.

390. Article 11 of new Administrative Law No. 37/1993 expressly stated that any decision had to be taken on the basis of respect for the principle of equality, regardless of the race, colour, religion, nationality, political opinion, etc., of the person concerned. The Law on the Control of Aliens had been amended and expulsions were now ordered by the Immigration Service, which had just been established, and appeals could be made to the Ministry of Justice. A new law, which would enter into force on 1 January 1995, provided for the establishment of the post of the Ombudsman for Children, who would have the power to receive complaints, propose amendments to the legislation in force and monitor the conformity of Icelandic legislation with international treaties relating to the protection of children. The text of the Convention was widely disseminated in schools, in different forms depending on the age group concerned; the reform of the Law on Basic Schools was under way and the delegation was not in a position to provide further information on it, since the content of the reform was still not known. The law on the economic boycott against South Africa had been suspended.

391. The members of the Committee expressed satisfaction with the report of Iceland and the wealth of information provided during the oral introduction by the representative of the State party. They noted that Iceland had followed the Committee's guidelines on the preparation of periodic reports (CERD/C/70/Rev.3) and welcomed the demographic information and tables supplied by the State party in its report.

392. With regard to article 2 of the Convention, the Committee noted the Government's willingness to consider whether Icelandic legislative texts were in conformity with the texts of international treaties. However, they also noted that there was a lack of specific, positive measures on protection against racial discrimination, although legislation in general did not allow discrimination and was based on the principle of equality. Members of the Committee stressed the need, and the obligation set out in the Convention, to adopt such measures. They asked the representative of the State party whether his Government was planning to take measures with a view to the incorporation of

international human rights treaties in Icelandic domestic law. They also asked whether national institutions for the promotion of human rights existed in Iceland.

393. Referring to article 4 of the Convention, the members of the Committee stressed that, although no racist organization had ever existed in Iceland, rules prohibiting such organizations must be enacted since Iceland had not formulated any reservations to article 4 of the Convention.

394. In connection with article 5 of the Convention, the members of the Committee requested the representative of Iceland to provide further information on the legislation on names and its application to foreigners. Members of the Committee said that they wished to know the truth concerning an allegation in a newspaper article stating that an agreement had been concluded by Iceland and the United States of America prohibiting the presence of black servicemen on the United States air force base in Keflavik. They noted that there were many marriages between Icelandic citizens and women from Thailand and the Philippines and asked whether those women were fully integrated into Icelandic society and whether they knew their rights.

395. With regard to article 6 of the Convention, the members of the Committee noted with satisfaction that remedies were available through the courts, the administrative authorities and the Ombudsman, that Iceland had recognized the jurisdiction of the European Court of Human Rights and that it had made the declaration under article 14 of the Convention. Since, as stated in the report, there had been no complaint, no court case and no conviction in Iceland relating to racial discrimination, the members of the Committee asked whether citizens knew their rights in that regard. They also asked whether cases involving racial discrimination had been brought before the European Court of Human Rights.

396. Referring to article 7 of the Convention, the members of the Committee asked whether the training of law enforcement officials included courses on human rights in general and on protection against racial discrimination in particular.

397. Replying to the questions and comments of the members of the Committee, the representative of the State party indicated that the discussion on the possible incorporation of United Nations human rights conventions in Icelandic internal law would not end until the revision of the chapter of the Constitution on human rights had been completed. As far as the prohibition of racist organizations was concerned, article 73 of the Constitution recognized the right to freedom of association for lawful purposes; otherwise, an association was prohibited temporarily pending a court decision on its dissolution. However, a racist association was not recognized in Iceland as having lawful purposes.

398. Replying to the question about the Air Force base at Keflavik, the representative said that there was no agreement between the Governments of Iceland and the United States prohibiting the presence of black servicemen on that base and that there were, in fact, black servicemen stationed there.

399. The legislation on names provided that there were no family names in Iceland. The name was composed of the first name, the choice of which was limited to Icelandic first names, and the father's name followed by "son" or "daughter". A foreigner who wished to acquire Icelandic nationality had



to choose an Icelandic first name that he added to his own; his children aged under 15 and those born in Iceland had to comply with the legislation on names and give up their family name. That law was the subject of much criticism both nationally and internationally and it was being changed. Replying to the question on the integration of the Thai and Philippine wives of some Icelanders, the representative indicated that such women enjoyed the same rights as any other person in Iceland, but it was difficult to be sure about their integration into Icelandic society because no records were kept on them.

400. The European Commission of Human Rights had received between 20 and 30 complaints from Iceland, only two of which had gone before the Court; none of those complaints related to a case of racial discrimination. With regard to the training of officials, the representative indicated that jurists received human rights instruction during their law studies and that police training courses included familiarization with human rights.

#### Concluding observations

401. At its 1065<sup>th</sup> meeting, held on 17 August 1994, the Committee adopted the following concluding observations.

#### Introduction

402. The State party is commended for the quality of its report, drawn up in accordance with the Committee's guidelines for the preparation of State party reports (CERD/C/70/Rev.3). Satisfaction is expressed at the frank and constructive approach taken by the representatives of the reporting State in their dialogue with the Committee and for the additional information they provided with regard to recent developments relating to the implementation of the Convention in Iceland. It is regretted, however, that the tenth, eleventh and twelfth periodic reports were not submitted in due time.

#### Positive aspects

403. The efforts made to harmonize national legislation with the provisions of the Convention are welcomed. In that connection, note is taken of the revision of the chapter of the Constitution relating to human rights, of the new Administrative Law N.37/1993, and of the revision of Law N.45/1965 on the Control of Aliens. Note is also taken of the establishment of the office of the Ombudsman of the Althing in 1988.

#### Principal subjects of concern

404. Concern is expressed as to the status in the domestic legal order of Iceland of the Convention, which is not incorporated in national law, and therefore cannot be directly applied in the courts.

405. Note is taken that too little attention is paid to foreigners and minorities in the Icelandic legal system and that there is no specific legislation in Iceland in the field of racial discrimination.

406. Concern is expressed that the State party has not implemented the provisions contained in

article 4 (b) of the Convention.

#### Suggestions and recommendations

407. The Committee recommends that Iceland incorporate the Convention in national law.

408. The Committee recommends that the Government take further measures to implement fully the provisions of article 4 of the Convention, which are of a mandatory character as stated in general recommendation VII (32) of the Committee and which oblige States parties to declare illegal and prohibit organizations that promote and incite racial discrimination.

409. The Committee would welcome any information that the State party is able to provide concerning measures taken to combat racial discrimination in the fields of teaching, education, culture and information.

410. The Committee draws the attention of the State party to the amendment to article 8, paragraph 6, of the Convention, which was approved by the Fourteenth Meeting of States Parties and by the General Assembly in its resolution 47/111, and encourages the State party to expedite its action formally to accept that amendment.

## **CERD A/52/18 (1997)**

239. The Committee considered the fourteenth periodic report of Iceland (CERD/C/299/Add.4) at its 1202<sup>nd</sup> meeting (CERD/C/SR.1202), on 13 March 1997, and at its 1212<sup>th</sup> meeting, on 20 March 1997, adopted the following concluding observations.

### Introduction

240. The Committee commends the State party on the quality of its report, submitted in due time and drawn up in accordance with the Committee's guidelines. The Committee is satisfied with the frank and constructive approach taken by the representatives of the reporting State in their dialogue with the Committee and for the additional information they provided with regard to recent developments relating to the implementation of the Convention in Iceland.

### Factors and difficulties impeding the implementation of the Convention

241. The Committee notes that whereas Iceland has incorporated the European Convention on Human Rights in Icelandic law, by Act No. 62/1994, it has not done so with regard to the International Convention on the Elimination of All Forms of Racial Discrimination. Conferring constitutional status on the Convention would enhance its effectiveness by providing for direct domestic application.

### Positive factors

242. The Committee expresses satisfaction that in February 1995 the Althing, Iceland's legislature, amended its Constitution to reflect provisions of human rights treaties to which Iceland is a party. The amendment provides for extensive changes and additions to human rights provisions previously in effect. Whereas the principle of equality had been unwritten law and practice in Iceland, the new constitutional provisions now render it written law. Of particular relevance to the Committee is section 65, subsection 1, which stipulates equality without regard to national origin, race or colour. The Committee also welcomes the 1996 amendment to the Personal Names Act, abolishing the requirement that a naturalized foreigner assume an Icelandic-sounding family name. Henceforth, both the naturalized person and his children can retain their family names.

243. The Committee welcomes the fact that the Althing adopted changes to the Penal Code in December 1996 making racial discrimination punishable by law. That goes beyond the previously existing penal provisions of section 233 (a) of the Penal Code, concerning public attacks on a group of persons on the grounds of their nationality, colour, race or religion, and of section 125, concerning ridicule of the religion or worship of a lawful religious community in Iceland.

244. Iceland's information on the implementation of article 7 of the Convention is appreciated. In particular, the Committee is pleased that Iceland has issued and widely distributed a brochure containing the Convention, and that Iceland's Human Rights Office undertakes special lectures on human rights and tolerance for persons working with and teaching immigrants. Human rights education is provided both in the schools and for the adult population. In the Icelandic School for

Policemen a general course on human rights is compulsory, and all major international conventions on human rights are introduced to the students.

245. The Committee commends the State party for having distributed the Committee's concluding observations concerning Iceland's previous reports to the media, most of which commented on them, thereby providing an occasion for public debate in Iceland.

246. The Committee welcomes the establishment of a special Information and Cultural Centre for Foreigners in Reykjavik in 1994, which, inter alia, provides practical information concerning residents' permits, health care, social services, insurance and the school system.

247. The Committee notes with satisfaction that Iceland has made the declaration under article 14 of the Convention, thus enabling its residents to avail themselves of the individual communications procedure.

#### Principal subjects of concern

248. The Committee notes that its previous concluding observations, dated 17 August 1994, contained four recommendations concerning the Convention's status in the domestic legal order of Iceland, measures to implement fully the provisions of article 4 of the Convention, measures to combat racial discrimination in the fields of teaching, education, culture or information, and acceptance of the amendment to article 8, paragraph 6, of the Convention. Iceland has partially implemented only one of those recommendations, concerning article 4 of the Convention, and has not provided the Committee with any explanation of why it has not been able to implement the other three.

#### Suggestions and recommendations

249. The Committee suggests that further publicity be given to the State party's declaration under article 14, so as to make that recourse more widely available to the residents of Iceland.

250. The Committee reiterates its previous recommendations to fully implement article 4 of the Convention and to adopt measures according to article 7 in the fields of teaching, education, culture and information.

251. In the State party's next report, the Committee would welcome further information on the naturalization law and its mechanisms.

252. The Committee invites the State party to make its report and the Committee's concluding observations widely available in Iceland with a view to enhancing public awareness of the problems and dangers of racial discrimination. The Committee would welcome, in the next report, information on relevant public debate.

253. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

254. The Committee recommends that the State party's next periodic report be an updating report and that it address all the points raised during the consideration of the report.

## **CERD A/56/18 (2001)**

142. The Committee considered the fifteenth and sixteenth periodic reports of Iceland (CERD/C/338/Add.10 and CERD/C/384/Add.1) at its 1441st meeting (CERD/C/SR.1441), on 7 March 2001. At its 1454th meeting (CERD/C/SR.1454), on 16 March 2001, it adopted the following concluding observations.

### **A. Introduction**

143. The Committee welcomes the reports submitted by the State party, commends the State party for its regular submission of periodic reports and expresses its appreciation for the additional oral information provided by the delegation. The Committee notes the valuable information contained in the reports, which were prepared in accordance with the Committee's guidelines. The fifteenth and sixteenth reports are updating reports describing developments that took place after the period covered by the fourteenth report.

144. The Committee notes that, while providing information that the Committee had requested on the ethnic composition of the population and on naturalization laws, the fifteenth and sixteenth reports contained only limited information with respect to most of the concerns and recommendations contained in the Committee's concluding observations on the fourteenth periodic report (CERD/C/304/Add.27).

### **B. Positive aspects**

145. The Committee is encouraged by the commitment of the State party to the Convention. It notes with appreciation the State party's positive efforts with regard to the prevention of ethnic discrimination and to ensure equal rights and protection from discrimination for the growing immigrant and foreign-born population.

146. The Committee notes again that the 1995 amendment to the Constitution provided extensive additions to human rights provisions, bringing them more into conformity with international human rights norms. It welcomes the information provided in the sixteenth report and by the delegation about the extent to which courts refer to the human rights treaties to interpret the constitutional provisions.

147. The Committee commends the State party for publishing its reports and the concluding observations of the Committee on the Internet home page of the Ministry of Justice and for distributing them to the media, which facilitates and stimulates growing public interest in and debate of human rights issues.

148. The Committee welcomes the establishment of a new centre for immigrants in the Western Fjords which will start operating in March 2001, and the preparations for the transformation of the Information and Cultural Centre for Foreigners in Reykjavik into an International House with expanded programmes and activities, particularly to assist immigrants and other foreigners in the study of their own language.

149. The Committee welcomes the introduction of new curricula for nursery and primary schools, with increased attention to the role of schools in facilitating the integration of children from different cultural backgrounds without the loss of their ties to their own culture. It notes also the emphasis on the promotion of tolerance and the recognition of the need to provide students from different linguistic backgrounds with special education in Icelandic, to address educational and employment disparities.

150. The Committee notes the information provided in the sixteenth report on the complex provisions of the Icelandic Naturalization Act and other relevant legislation. It welcomes the 1998 amendment to address the unequal rights of men and women with regard to the naturalization of their children, and the elimination of the requirement to adopt an Icelandic patronym as a condition for naturalization.

151. The Committee expresses its appreciation for the acceptance by the State party of refugees for resettlement, and notes the success of its family support system in facilitating integration of refugees.

152. The Committee welcomes the Government's decision of July 2000 to ratify the amendments to article 8, paragraph 6, of the Convention adopted at the Fourteenth Meeting of States Parties.

### C. Concerns and recommendations

153. The Committee recommends that the State party investigate fully the possible existence of associations advocating racial discrimination and take appropriate action under section 233a of the General Penal Code and article 74 of the Constitution, as well as review its legislation if it proves insufficient to enforce fully the provisions of article 4 of the Convention. The Committee also recommends that the State party ensure that the provisions of the Convention are fully reflected in existing legislation and that it give further consideration to the possibility of giving the Convention legal force in the Icelandic legal system, as is the case for the European Convention on Human Rights.

154. The Committee notes that few incidents of racial discrimination are recorded by the police. The Committee recommends that the State party review carefully the allegations of racial insults and threats suffered by immigrants and that it consider additional ways to encourage the formulation of formal complaints in such cases, including publicizing the State party's declaration under article 14 of the Convention.

155. While acknowledging the more favourable treatment received under the naturalization laws in cases where the applicant is stateless, the Committee notes that Icelandic nationality is lost by persons who acquire another nationality by their own application, while dual citizenship is allowed for foreign nationals who acquire Icelandic citizenship. The Committee recommends that the State party consider the possibility of acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, which prohibit deprivation of nationality on discriminatory grounds and stipulate that a State party should grant nationality to persons born on its territory who would otherwise be stateless.

156. The Committee notes that a new Bill on Aliens was submitted to Parliament in autumn 2000 and that its adoption is expected in the spring of 2001. The Committee would welcome further information on the handling of asylum requests and on the contents of the Bill on Aliens, including on admissibility procedures at the borders, in the next periodic report.

157. The Committee recommends that the State party's reports continue to be made readily available to the public from the time they are submitted and that the Committee's observations on them be similarly publicized.

158. The Committee recommends that the State party submit its seventeenth periodic report jointly with the eighteenth periodic report, due on 4 January 2004, and that it address all the points raised in the present observations.