



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-seventh session
2-19 August 2005

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

ICELAND

1. The Committee considered the seventeenth and eighteenth periodic reports of Iceland, due between 2002 and 2004 and submitted in a single document (CERD/C/476/Add.5), at its 1715th and 1716th meetings (CERD/C/SR.1715 and 1716) on 10 and 11 August 2005. It adopted the concluding observations below at its 1725th meeting (CERD/C/SR.1725), held on 17 August 2005.

A. Introduction

2. The Committee welcomes the report of Iceland, which is in conformity with the Committee's reporting guidelines, as well as the comprehensive written and oral replies of the delegation to the questions raised by the Committee. It also welcomes the State party's timeliness and regularity in submitting its periodic reports. It appreciates the opportunity thus provided to engage in a continuous and constructive dialogue with the State party.

B. Positive aspects

3. The Committee welcomes the State party's ratification of a number of human rights treaties since the consideration of its fifteenth and sixteenth periodic reports in 2001, including both Optional Protocols to the Convention on the Rights of the Child as well as regional instruments relevant to the Committee's mandate.

4. The Committee notes with satisfaction that recent legislative changes enhance the legal status of foreign nationals, such as the Act on the Employment Rights of Foreign Nationals in 2002, the amendment in 2002 of the Municipal Elections Act extending the right to vote in municipal elections and eligibility for municipal office to foreign nationals, as well as the

application for the first time of this amendment in the municipal elections of 2002, when some 1,000 foreign nationals availed themselves of their right to vote.

5. The Committee welcomes the current establishment of the Committee for Refugees and Asylum-Seekers and the Icelandic Immigration Council, to be composed of representatives of relevant ministries and one immigrant representative and responsible for making recommendations on immigration policy to the Government and for coordinating the provision of services and information to immigrants.

6. The Committee notes with appreciation that the Supreme Court of Iceland, in a judgement dated April 2002, confirmed the conviction of an individual under article 233 (a) of the General Penal Code for having publicly assaulted a group of people on account of their nationality, colour and race.

7. The Committee welcomes the establishment in 2001 of an office of the Reykjavik police functioning as a link between the police and persons of foreign origin which, inter alia, refers complaints made by foreigners to the competent authorities.

C. Concerns and recommendations

8. The Committee notes that the Convention has not been incorporated into the State party's domestic legal order.

The Committee encourages the State party to consider incorporating the substantive provisions of the Convention into its domestic law, with a view to ensuring comprehensive protection against racial discrimination.

9. While recognizing that there are no serious social conflicts within Icelandic society, the Committee nevertheless considers that the State party should adopt a more proactive approach in preventing racial discrimination or related intolerance (art. 2).

The Committee recalls that the notion of prevention is inherent in many provisions of the Convention and encourages the State party to take direct measures to prevent racial discrimination in all spheres of life and, to that effect, consider the possibility of adopting comprehensive anti-discrimination legislation providing, inter alia, for effective remedies against racial discrimination in civil and administrative proceedings.

10. The Committee notes that direct funding for the Icelandic Human Rights Centre has been cut in the national budget for 2005 and that funds previously earmarked for the Centre have been reallocated to human rights projects in general (art. 2, para. 1 (e)).

The Committee invites the State party to maintain its level of cooperation with non-governmental organizations combating racial discrimination, including helping to ensure the adequate funding and independence of such organizations, bearing in mind

that, according to article 2, paragraph 1 (e), of the Convention, each State party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements.

11. While noting that members of the border police receive training on international human rights standards and refugee law, the Committee is concerned about reports that asylum requests are not always properly handled by border guards (art. 5).

The Committee encourages the State party to intensify its efforts to provide systematic training to border guards, with a view to increasing their knowledge about all relevant aspects of refugee protection, as well as about the situation in the countries of origin of asylum-seekers.

12. While noting that the purpose of the requirement that a foreign “spouse or partner in cohabitation or registered partnership of a person lawfully staying in Iceland” must be 24 years of age or older to obtain a permit to stay as a family member is to prevent forced or sham marriages, the Committee is nevertheless concerned that this requirement may have discriminatory effects, bearing in mind that the minimum age of marriage under the Icelandic Marriage Act No. 31/1993 is 18 years (art. 5 (d) (iv)).

The Committee recommends that the State party reconsider this age requirement and explore alternative means of preventing forced or sham marriages.

13. While noting that the issuance of temporary work permits to employers of foreign workers rather than to the employees themselves serves to better oversee the situation of the labour market, and that copies of such permits indicating the expiry date are handed out to the employees, who may change jobs during the period covered by the permit, the Committee is concerned that this situation may lead to breaches of the labour rights of temporary foreign workers (art. 5, para. (e) (i)).

Recalling its general recommendation XXX (2004) on discrimination against non-citizens, the Committee recommends to the State party that it strengthen legal safeguards to prevent such breaches and to ensure that foreign workers are protected against discrimination, in particular in relation to working conditions and work requirements.

14. The Committee is concerned at reported cases where access to public places such as bars, discotheques, etc. has been denied on racist grounds, and notes the absence of court judgements under article 180 of the General Penal Code prohibiting such discriminatory acts (art. 5 (f)).

The Committee recalls the right of all individuals to access public places without discrimination and recommends that the State party regulate the burden of proof in civil proceedings involving denial of access to public places based on race, colour, descent, and national or ethnic origin so that once an individual has established a prima facie case that he or she has been a victim of such denial, it shall be for the respondent to provide evidence of an objective and reasonable justification for the differential treatment.

15. The Committee notes with concern that applicants whose asylum applications have been rejected or who are being expelled by the Directorate of Immigration can only appeal that decision to the Minister of Justice as the supervisory authority, whose decision is subject only to a limited court review on procedure rather than substance (art. 6).

The Committee recommends that the State party consider introducing a full review by an independent judicial body of decisions of the Directorate of Immigration and/or the Minister of Justice concerning the rejection of asylum applications or expulsion of asylum-seekers.

16. The Committee notes the absence in Iceland of a national human rights institution that conforms to the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (General Assembly resolution 48/134).

The Committee invites the State party to consider the establishment of a national human rights institution in accordance with the Paris Principles.

17. The Committee encourages the State party to consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness and to complete the ratification process of the Additional Protocol to the Convention on cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.

18. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level.

19. The Committee recommends that the State party continue to publicize its periodic reports to the Committee, as well as the concluding observations of the Committee on these reports.

20. The Committee recommends to the State party that it submit its nineteenth and twentieth periodic reports in a single report, due on 4 January 2008.
