



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

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Committee on the Elimination of Racial Discrimination
Seventy-sixth session

Summary record of the 1989th meeting

Held at the Palais Wilson, Geneva, on Thursday, 25 February 2010, at 3 p.m.

Chairperson: Mr. Kemal

later: Mr. Prosper (Vice-Chairperson)

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The meeting was called to order at 3 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Nineteenth and twentieth periodic reports of Iceland (CERD/C/ISL/20; CERD/C/ISL/Q/19-20 and Add.1; HRI/CORE/1/Add.26)

1. *At the invitation of the Chairperson, the members of the delegation of Iceland took places at the Committee table.*

2. **The Chairperson** said that as he was Country Rapporteur for Iceland, he would hand the chairmanship to Mr. Prosper.

3. *Mr. Prosper (Vice-Chairperson) took the Chair.*

4. **Mr. Kristjansson** (Iceland), introducing his country's nineteenth and twentieth periodic reports, consolidated in a single report (CERD/C/ISL/20), said that it had been prepared under the auspices of the Ministry of Justice and Human Rights in consultation with a number of relevant stakeholders. Priority had been given in the report to a description of the changes that had occurred in Iceland since the submission of its combined seventeenth and eighteenth periodic reports and to the concluding observations of the Committee following its consideration of those reports.

5. **Ms. Jonasdottir** (Iceland) said that, in January 2007, her Government had for the first time adopted a policy on the integration of immigrants, the overall aim of which was to ensure that all persons resident in Iceland had equal opportunities and could play an active part in all areas of society. In 2005, it had established the Immigration Council, which advised the Government in the area of policymaking and considered issues relating to integration. The Council's objectives for 2010 included advising the Government on a bill on immigrant integration, publishing an information brochure for recent immigrants and administering the Immigration Development Fund.

6. Also in 2005, a Refugee Committee had been set up to deal with issues formerly handled by the Refugee Council. Iceland had been receiving "quota" refugees every year or two since 1995 as part of various UNHCR resettlement programmes, and since 2005 they had comprised refugee women and children considered by UNHCR to be "at risk". In 2007, the Ministry of Foreign Affairs and the Ministry of Social Affairs had announced the establishment of an annual quota of 25 to 30 refugees, but the grave financial crisis that had occurred in Iceland in the autumn of 2008 had resulted in severe budget cuts in all areas, thus preventing Iceland from inviting "quota" refugees to resettle in the country in 2009 and 2010.

7. A bill amending the Foreign Nationals Act to take into account experience gained through the implementation of the Act and Iceland's undertakings under the Agreement on the European Economic Area and the Schengen Cooperation Agreement, had been adopted and entered into force on 1 August 2008. One of the amendments to the Act provided for the extension of the temporary residence permit if a marriage, registered partnership or cohabitational relationship was dissolved because a foreign national or his or her child had been subjected to abuse in the relationship. The same amendment had been made to the Foreign Nationals' Right to Work Act.

8. In December 2005, Iceland had adopted the Temporary Work Agency Act, which was the first legislation of its kind in Iceland and was designed to protect the rights of persons hired by temporary-employment agencies. In 2007, the Act relating to the rights and obligations of foreign companies that temporarily posted employees to Iceland, and those employees' terms of employment had been adopted. It applied to companies

established in other States within the European Economic Area, the European Free Trade Association or the Faroe Islands that sent employees to Iceland on a temporary basis.

9. The Legal Domicile Act had been amended so as to prohibit the registration of an individual's legal domicile in areas intended for commercial purposes. Amendments had also been made to the Icelandic Nationality Act in an effort to harmonize the requirements for permanent residence permits under the Foreign Nationals Act with those for Icelandic citizenship. In addition, new requirements had been established for obtaining Icelandic citizenship, including the requirement that the applicant should be solvent and should have passed an Icelandic-language test. According to surveys, the programme of courses in Icelandic as a foreign language, held all over the country during participants' working hours or in the evenings, had been a resounding success.

10. In March 2009, the Government had approved the first Governmental Action Plan against Trafficking in Human Beings, which would remain in effect until the end of 2012. In October 2009, the Ministry of Justice had been charged with overall responsibility for the issue of human trafficking. Shortly thereafter, it had set up a team of experts — composed of representatives of relevant ministries, State agencies, the police, the Directorate of Immigration and NGOs — whose mission was to coordinate and supervise government action in that area.

11. Three education bills, which took into account changes in society, employment, family structure and the growing number of people whose mother tongue was not Icelandic, had been adopted in May 2008.

12. The Committee had made a number of recommendations in its concluding observations following the consideration of Iceland's seventeenth and eighteenth periodic reports. The five main recommendations were: first, that consideration might be given to the incorporation of the substantive provisions of the Convention into Iceland's domestic law; second, that consideration might be given to taking direct measures to prevent racial discrimination and, to that end, to the possibility of adopting comprehensive anti-discrimination legislation; third, that legal safeguards to prevent breaches of the labour rights of foreign workers should be strengthened; fourth, that the burden of proof in civil proceedings involving denial of access to public places based on race, colour, descent, or national or ethnic origin should be reversed and lie with the respondent; and fifth, that consideration might be given to the establishment in Iceland of a national human rights institution in accordance with the Paris Principles.

13. With regard to the first of those recommendations, she noted that, although the Convention had not been incorporated into Iceland's legislation, the legal protection resulting from its provisions was guaranteed in practice and through jurisprudence. Icelandic courts went to considerable lengths to interpret provisions of domestic law and the Constitution in accordance with international human rights instruments in a large number of the judgements they delivered.

14. As to the second recommendation, she said that, instead of adopting comprehensive legislation against racial discrimination, Iceland had sought to tackle the problem of racial discrimination through the adoption of a number of legal provisions that prohibited discrimination in general and by taking specific measures in various fields to protect and improve the situation of foreign nationals. For example, there were a number of projects planned for 2010 whose aim was to prevent and raise awareness of racial discrimination.

15. Concerning the third recommendation, she recalled that, in an effort to strengthen legal safeguards for foreign workers, a number of amendments had been made to the Foreign Nationals' Right to Work Act. Among them was a requirement that the name of the employer applying for a work permit on behalf of a foreign employee should appear on the permit. That requirement would enable the Government and the trade unions to better

ensure the fair treatment of foreign workers, since employers were obliged to ensure compliance with current laws and collective agreements. Under Icelandic law, wages and other terms set out in collective bargaining agreements constituted minimum terms for all wage earners, thereby invalidating agreements providing for lower wages. A campaign had been launched in 2007 with the aim of ensuring that the operations of foreign companies in Iceland were in conformity with domestic law and that domestic employers respected the rights of foreign workers.

16. Regarding the fourth recommendation, she noted that situation-testing had been carried out in the “hospitality industry” in 2009. The results had revealed that, although the Penal Code prohibited discrimination in access to public places, employers and staff in the hospitality industry did not seem to be sufficiently aware of that provision, and more importantly, cases of denial of access were not being reported to the police. A project to provide anti-discrimination training for employers and staff in the industry would be carried out in 2010 in the approximately 250 establishments with liquor licences in Reykjavik.

17. Under the Icelandic Constitution, persons charged with a criminal offence were presumed innocent until proved guilty, and the Code of Criminal Procedure stipulated that the burden of proof in criminal cases lay with the prosecution. The presumption of innocence was a fundamental principle in Icelandic law; any derogation from it must therefore be preceded by a thorough investigation and analysis. Such an amendment to the Penal Code was not envisaged.

18. Lastly, with regard to the fifth recommendation, she noted that there were many institutions and organizations that were directly charged with the protection of human rights in Iceland. In 2009, the name of the Ministry of Justice and Ecclesiastical Affairs had been changed to the Ministry of Justice and Human Rights, where a legal affairs and human rights division had been set up precisely to deal with human rights issues.

19. **Mr. Kemal**, Country Rapporteur, said that Iceland was a parliamentary republic that followed the rule of law and took measures to protect the human rights of its citizens and the foreign immigrants residing in its territory. It was therefore not surprising that, prior to the current economic crisis, Iceland had experienced a substantial influx of foreign nationals, which, on 1 January 2008, had accounted for some 6.8 per cent of its population. Of the total immigrant population, approximately 71 per cent were from European countries, with Polish and Lithuanian nationals accounting for the largest foreign communities.

20. There had been a number of positive developments since the Committee’s consideration of Iceland’s previous report. Iceland had signed a number of human rights treaties, including the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and also regional instruments relevant to the Committee’s mandate, such as the Council of Europe Convention on Action against Trafficking in Human Beings. In January 2007, Iceland had adopted a policy on the integration of immigrants, and in May of the same year it had issued a policy declaration to the effect that priority would be given to immigration issues and had announced plans to develop a comprehensive programme of action on those issues.

21. Other positive developments included a four-year plan relating to the police force for the period 2007–2011; it would emphasize the recruitment of individuals who reflected a multicultural cross-section of society. In response to the Committee’s most recent concluding observations, Iceland had submitted information on training for border police that placed particular emphasis on refugee protection and conditions in countries of origin.

22. He welcomed the positive, anti-discriminatory approach reflected in the Temporary Work Agency Act, which guaranteed foreign workers the same rights as Icelandic citizens

and ensured that Icelandic collective agreements also applied to temporary employees hired through agencies.

23. He was pleased to hear that the State party was updating its core document (HRI/CORE/1/Add.26), since much of the information it contained was obsolete.

24. He also welcomed the prospective ratification by the State party of the Convention relating to the Status of Stateless Persons, the Convention on the Reduction of Statelessness and the Additional Protocol to the Council of Europe Convention on Cybercrime concerning the criminalization of acts of a racist and xenophobic nature committed through computer.

25. A further positive development was the State party's declared intention to draw up a programme to implement the Durban Declaration and Programme of Action.

26. Turning to areas of concern, he noted that the Convention had still not been incorporated into Icelandic domestic legislation, although the European Convention on Human Rights had formed part of domestic legislation since 1994. According to the State party, the legal protection afforded by the Convention was guaranteed in judicial practice, in accordance with the procedures described in paragraphs 25, 26 and 31 of the report.

27. Iceland had been severely hit by the 2008/09 financial crisis. The resulting increase in unemployment and in the country's foreign debt had allegedly given rise to anti-immigrant sentiment. If that allegation was correct, what action was the Government taking to contain the phenomenon?

28. Iceland lacked comprehensive anti-discrimination legislation that duly reflected the principles embodied in the Universal Declaration of Human Rights and the rights recognized in article 5 of the Convention. Did the Government consider the lack of such comprehensive legislation justifiable in the light of its judicial practice?

29. There was also no national human rights institution with a broad mandate based on the Paris Principles. While he understood that the establishment of such an institution was a laborious task for a small country without any major human rights problems, he asked how the Government proposed to meet Iceland's obligations in that regard.

30. The Committee was concerned that funding for bodies such as the Icelandic Human Rights Centre had been slashed. The Centre's financial allocations had been reduced to one third of their previous level. However, it had been kept afloat by general support from NGOs, labour unions, corporate funds and project-specific European Commission funding until the reinstatement of public funding in 2008 and 2009. He wondered whether other organizations had suffered similar cuts and whether that might account for the fact that Icelandic NGOs had not travelled to Geneva to brief the Committee.

31. He gathered that the arbitrary minimum age of 24 for foreign spouses of Icelandic nationals which had been imposed to prevent sham marriages was no longer applicable. However, other provisions were applied in cases where the authorities suspected that a marriage was fake. While such marriages were certainly unacceptable, measures such as a 24-year minimum age were unlikely to serve as an effective deterrent. Alternative approaches might include separate questioning of the prospective spouses.

32. The issuance of temporary permits for foreigners on contracts with a specific employer could give rise to abuse. The firm in question might be tempted to exploit the situation in order to boost its profits. What safeguards were in place to prevent such exploitation?

33. According to the Directorate of Labour, 15 per cent of the unemployed in Iceland were foreign workers, who might therefore be perceived as imposing a burden on the State. He asked how the Government was handling the problem.

34. Access to public places had reportedly been denied on racist grounds, presumably where a person's physical appearance or manner of speech was different from that of Icelandic nationals. The police claimed that they had received no complaints, but the victims might simply be unwilling to cause trouble. He would welcome any information on the subject that the delegation could provide.

35. The police had raided a temporary residence for asylum-seekers in September 2008, an incident that had led to charges of discrimination. Was the Government taking any measures to prevent similar incidents in the future?

36. It was regrettable that a disproportionately high number of students with an immigrant background dropped out of secondary education, since they were likely to become a burden on society.

37. According to some NGOs, there was anecdotal evidence of trafficking in women in Iceland. If the reports were true, he trusted that the authorities were taking vigorous action against the perpetrators. He noted that about 40 per cent of women staying in the Reykjavik women's shelter had been foreigners in 2006.

38. Some asylum-seekers were allegedly placed "in limbo" for indefinite periods. Had any steps been taken to remedy the situation?

39. He drew attention to the adverse implications of the 2008 amendment to the Foreign Nationals Act introducing a requirement of financial self-sufficiency. Once foreigners reached the age of 18, they were required, even if they had arrived in the country as dependants, to present proof of self-sufficiency. He pointed out that children remained dependent on support for longer periods as education became increasingly specialized.

40. Bearing in mind the severe financial crisis and the fact that Iceland had such a small population, he was inclined to err on the side of tolerance and refrain from undue criticism of the State party. All in all, the human rights situation in Iceland was far above the average. However, the delegation might wish to account for the State party's non-compliance to date with certain recommendations made by the Committee at its previous session.

41. **Mr. Avtonomov** commended the State party for its regular submission of reports to the Committee and its manifest commitment to the principles enshrined in the Convention. As noted by the Country Rapporteur, there had been no NGO briefing, which might indicate that there were few problems to report.

42. Although Iceland continued to accede to international treaties, the European Convention on Human Rights was apparently the only instrument that was directly applicable in domestic courts. To what extent had domestic legislation been amended to reflect the provisions of international treaties?

43. Both the current and previous reports lacked information on the treatment of Icelandic citizens who were not ethnic Icelanders, although it could be inferred from the history of Iceland that the population was composed of different ethnic groups.

44. Act No. 81/2007 amending the Citizenship Act provided for a two-year deferral of the compulsory examination in Icelandic for applicants for citizenship. He was particularly interested in hearing about the situation of members of ethnic groups other than Scandinavians who had recently acquired Icelandic citizenship. Would they have any trouble obtaining access to education and employment?

45. As the global financial crisis had occurred after the date of submission of the report, its impact had not been covered. Noting that the Intercultural Centre in Reykjavik had closed down for financial reasons in December 2009, he asked whether funds would be made available to facilitate its reopening.

46. Although the State party was not committing a human rights violation by failing to establish a national human rights institution consistent with the Paris Principles, the Committee was convinced, in the light of its international experience, that such institutions played a valuable role in promoting respect for human rights and facilitating international contacts. Existing human rights bodies could perhaps be amalgamated for the purpose. The Parliamentary Ombudsman could also play a role.

47. **Mr. Murillo Martínez** said that Iceland's fine record of compliance with the Convention was not necessarily attributable to its small size. There were other small countries with huge problems in the area of racism and racial discrimination. The fact that a lesbian held high office in the judiciary amply demonstrated Iceland's respect for diversity.

48. According to the State party's core document, unemployment had stood at between 0.3 and 1.7 per cent during the 1980s. The financial crisis had presumably led to a sharp increase in unemployment, which could be expected to have an adverse impact on attitudes to immigration.

49. Paragraphs 15 and 16 of the report referred to a new immigration policy and a conference held in January 2008 to prepare the Government's action plan on immigration issues. The Committee would be interested in hearing about the outcome of the conference and how its findings had been put into practice.

50. Paragraph 34 cited provisions of the Penal Code that were intended to provide protection against racial discrimination. For instance, it was a punishable offence to deny a person goods or services or access to any public area or place intended for general public use on the grounds of the person's nationality, colour, race, religion or sexual orientation. According to paragraph 59, however, there had been no complaints of denial of access to public places on such grounds by private or public parties. Had any complaints been filed in the meantime, particularly since the outbreak of the financial crisis?

51. **Mr. de Gouttes** commended the State party for the regularity with which it had submitted its reports to the Committee.

52. He asked why the State party had made a distinction between the European Convention on Human Rights, which it had incorporated in domestic legislation in its entirety, and other international human rights instruments.

53. It would be useful to learn what progress had been made in adapting domestic legislation to bring it into line with European Union Directives 2000/43/EC and 2000/78/EC. The Committee would also appreciate updated information on the status of the bills the Government hoped to enact in 2010 in order to strengthen the prevention of racial discrimination.

54. He wished to know whether the State party had drawn up its own programme of action or taken any other measures to implement the Durban Declaration and Programme of Action.

55. In view of the information provided in paragraphs 78 and 79 of the report, he recalled the Committee's general recommendation No. 31 on the prevention of racial discrimination in the administration and functioning of the criminal justice system; the fact that there had been a small number of complaints, prosecutions and convictions relating to acts of racial discrimination should not necessarily be viewed as positive.

56. In the light of the delegation's comments on the burden of proof in criminal law, he asked whether the State party had implemented any means of testing for racial discrimination in situations such as access to bars, restaurants and nightclubs. If so, it would be interesting to know whether the results had been admitted as proof of discrimination in criminal cases, as had been the case in several other States.

57. **Mr. Amir** requested clarification of how non-white immigrants and the Sami people fitted in to what had been described in paragraph 3 of the core document (HRI/CORE/1/Add.26) as the State party's "Caucasian" population. He noted that the term had been translated into French as "*race blanche*".

58. **Mr. Kut** requested additional information on the access to public places enjoyed by sectors of the population that did not speak Icelandic. In particular, he asked whether they were readily admitted to places of worship and cemeteries, for example. It would be interesting to learn whether the State party planned to amend its religious studies curriculum in order to replace teaching of Christianity with a wider perspective on religions and beliefs worldwide.

59. **Mr. Peter** asked what criteria applicants had to meet in order to be granted Icelandic citizenship.

60. **Mr. Diaconu** urged the State party to incorporate, at the very least, article 4 of the Convention into domestic legislation. Given that the State party appeared to be constantly updating its legislation, he encouraged it to include as many elements as possible in order to bring domestic legislation into line with all the provisions of the Convention.

61. He asked whether the Icelandic Human Rights Centre could be converted into the national human rights institution and operated according to the Paris Principles.

62. He requested additional details on the Ombudsman's mandate and the racial discrimination cases he had examined to date.

63. He voiced deep concern about the anti-Polish Internet group described in paragraph 82 of the report and requested details of the outcome of the police investigation into its activities once they became available.

64. Given that the Committee had not received any individual communications from the State party, he asked whether the general public were sufficiently aware of the procedure available to them under article 14 of the Convention.

65. **The Chairperson** asked whether the State party was taking any steps to monitor the situation of immigrants. It would be useful to learn whether there was any evidence of socio-economic progress, such as immigrants moving into professional positions, academia or politics. The Committee would also appreciate information on the State party's policy on economic growth and the challenges it had identified in that regard, apart from the current economic situation. He wished to know whether the State party had set up any think tanks or research projects on the issues it had raised in its report.

66. Referring to the data from table 2 in paragraph 9 of the report, he requested additional information on why the 116 stateless persons recorded in 2008 had been classified as stateless. He would also be interested to learn why the number of people from unspecified foreign countries had fallen to zero in 2007.

67. **Mr. Kemal** noted that Iceland's core document had been issued in April 1993 and was now 17 years old. He asked if updated statistics could be provided on life expectancy, infant mortality, fertility rates and the percentage of the population that was younger than 15 and older than 65. He also requested updated statistics on per capita income, foreign debt and annual inflation in order to understand more clearly the impact of the financial crisis.

The meeting was suspended at 5 p.m. and resumed at 5.30 p.m.

68. **Ms. Jonasdottir** (Iceland) said that at the time when Iceland had ratified the International Convention on the Elimination of All Forms of Racial Discrimination, the Government then in power had not believed that amendments to legislation were needed to

bring it in line with the Convention. The new coalition Government, however, had studied the issue and was committed to amending legislation so as to comply with all the international instruments ratified by Iceland.

69. While there had been some budget cuts as a result of the financial crisis, the Human Rights Centre still received the same budget from the State as it had before the crisis. Many NGOs also continued to receive federal budget funding, while others received funding from different ministries. There was also a human rights institution within the University of Iceland which was funded by the University and the Ministry of Justice and Human Rights.

70. Her Government shared the Committee's concern that cases of racial discrimination in access to public places were not being reported to the authorities. A survey conducted in 2009 had shown that staff and business owners in the hospitality industry were not fully aware of article 180 of the Penal Code, which criminalized that practice; an advertising campaign was accordingly planned for 2010 along with training for hospitality staff and employers.

71. Regarding police raids on asylum-seekers, that was not a common practice and in fact had happened only once. The police had received a tip that certain individuals were employed illegally and were not paying taxes, and in the raid the police had found identification papers and a substantial amount of money.

72. The Icelandic authorities had recently become aware that women were being trafficked in Iceland. The first plan of action against human trafficking had been approved in March 2009 and included 25 anti-trafficking actions which should be completed by the end of 2012. A special coordination team had been established in October 2009 to monitor human trafficking and to carry out operational projects.

73. **Ms. Kristinsdottir** (Iceland) clarified the provisions of the Foreign Nationals Act (No. 96/2002) regarding family reunification. When children who had been in Iceland through the family reunification procedure turned 18, their residence permit could be extended if they were working or studying, in accordance with the provision that a person who had strong ties to Iceland did not have to meet all the conditions for a residence permit. Those who were working would have to meet the self-sufficiency conditions, but those who were studying could obtain a residence permit as an exception to the rule.

74. In response to criticisms of the handling of asylum applications, in the summer of 2009 the Minister of Justice and Human Rights had appointed an advisory committee to suggest improvements. The committee's final report had been published and NGOs had been invited to contribute comments. Those comments had then been incorporated in a bill, which had been published on the Ministry's home page and would be presented in parliament in about two weeks' time. The bill provided grounds for more permanent residence permits to be issued to asylum-seekers and laid down strict rules on the amount of time allowed to process an application.

75. She said that the term "white" would never be used nowadays in Iceland to describe the country's population. All Icelanders were considered equal without regard to race, which was reflected in the fact that there was no indication of race in Icelandic passports or in the national registry.

76. While 375 naturalizations in one year might seem to be a small number, it was actually high considering that there would have been at most 400 applications that year. Anyone who lived in Iceland for seven years was eligible for citizenship, on condition that they passed a proficiency test in the Icelandic language. In her view, the test was not a burdensome condition as fewer than 10 per cent of applicants failed and those who did could retake the test as many times as necessary.

77. **Ms. Broddadottir** (Iceland) shared Mr. Kemal's concern about the high percentage of foreign women in women's shelters. That could be partly explained by the fact that foreign women did not have such a strong family support network as Icelandic women, but she did believe that foreign women were at higher risk of being abused.

78. The Government certainly took the integration of immigrants seriously. The action plan on immigrant issues adopted in 2008 included 98 actions to be carried out by the federal Government. The progress made on those actions was reviewed twice a year. Local authorities and social services also played an important role in supporting immigrants. A 2009 survey of immigrants had shown that almost 80 per cent of immigrants wished to continue living in their present location in Iceland, 80 per cent thought the quality of life in Iceland was good or quite good, 60 per cent had adapted to Icelandic society well or quite well and 39 per cent lived in their own home. The survey would be repeated at least every four years.

The meeting rose at 6 p.m.