

**Iceland's Seventeenth and Eighteenth Periodic Report
on the Implementation of the International Convention on
the Elimination of All Forms of Racial Discrimination**



**Government of Iceland
Ministry of Justice and Ecclesiastical Affairs
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ENCLOSED:

- 1) Act On Foreigners, No. 96 15. May 2002
- 2) Kampen mot brottslighet med nazistiska eller rasistiska förtecken – rapport från en nordisk expertgrupp

INTRODUCTION

1. This is the combined Seventeenth and Eighteenth Periodic Report of the Government of Iceland on the International Convention on the Elimination of All Forms of Racial Discrimination, submitted under Article 9 of the Convention. The report was prepared in accordance with the General Guidelines regarding the form and contents of reports to be submitted by States Parties, adopted by the Committee on the Elimination of Racial Discrimination (CERD/C/70/Rev.5). It contains information on the legislative, judicial, administrative and other measures Iceland has adopted since the submission of its previous reports to give effect to the provisions of the Convention. In particular, the report addresses the issues raised in the Concluding Observations of the Committee on the Elimination of Racial Discrimination adopted after the consideration of Iceland's Fifteenth and Sixteenth Periodic Reports (CERD/C/338/Add.10 and CERD/C/384/Add.1) at its fifty-eight session in March 2001 (CERD/C/304/Add.111).

PART I. GENERAL

2. As regards general information on Iceland and its people, general political structure and general legal framework within which human rights are protected, reference is made to the core document concerning Iceland (HRI/CORE/1/Add.26 of 24 June 1993). These aspects remain unchanged if no particular observations are made to the contrary herein. Reference is also made in this respect to the General Observations in Part I of Iceland's Twelfth Report to the Committee (CERD/C/226/Add.12), and to the General Observations in Part I of Iceland's Fourteenth Report to the Committee (CERD/C/299/Add.4).

3. A new comprehensive Act on the Judiciary, No. 15/1998, entered into force 1 July 1998. This applies to judicial organisation in Iceland, both as regards the lower courts and the Supreme Court, as well as to the rights and duties of judges and the internal functions of the courts. The chief aim was to ensure judicial independence with respect to the other branches of government. For this purpose the Act established a particular institution, the Judicial Council, to which all administrative functions of the lower courts were transferred from the Ministry of Justice.

4. The European Convention on Human Rights was incorporated into Icelandic law by Act No. 62/1994. Following its incorporation, its provisions can be directly invoked in court as domestic legislation. This includes the Seventh Protocol of 22 November 1984 as amended by the Eleventh Protocol. Fundamental changes were made to the human rights chapter of the Icelandic Constitution by Constitutional Act No. 97/1995. An important aspect of this was the inclusion in the Icelandic Constitution of the equality principle now contained in its Article 65, providing that everyone shall be equal before the law and enjoy human rights irrespective of

sex, religion, opinion, ethnic origin, race, colour, property, or birth or other status. Several important judicial resolutions have been rendered in recent years on this basis. Reference is made in this respect to Iceland's Sixteenth Report, paragraph 3. Constitutional Act No. 97/1995 also inserted into the Constitution's Article 66, the second paragraph, the provision that the right of aliens to enter Iceland and stay there, and the reasons for which they may be expelled, shall be laid down by law. This was a new provision, and it was commented in the explanations to the bill that this first and foremost involved a duty on the part of the legislator to ensure that administrative authorities do not wield powers of decision in this field in the absence of clear conditions provided for by law.

5. The equality principle is implemented in several national acts of law. Article 11 of the Administrative Procedures Act, No. 37/1993, stipulates that administrative authorities shall ensure legal harmony and equality in taking their decisions, and that any discrimination between individual parties based on views relating to their sex, race, colour, national origin, religion, political opinion, social status, family origins or any other similar considerations is prohibited. Article 29 of the Primary School Act, No. 66/1995, provides that in issuing a general curriculum and organising studies and tuition, and in preparing and selecting study material, particular care shall be taken that all students receive as possible equal opportunities for study. The objectives of study, tuition and practices in primary schools shall be such as to prevent any discrimination on account of origin, sex, residence, social class, religion or disability. Similarly, Article 1 of the Rights of Patients Act, no. 74/1997, provides that any discrimination between patients on grounds of sex, religion, opinion, ethnic origin, race, colour, property, family origins or other status is prohibited. A new Postal Service Act, No. 19/2002, provides that mail service shall be provided without discrimination of any kind, in particular of a political, religious or ideological nature.

6. Since the submission of the last Periodic Report, Iceland has ratified several international instruments relating to human rights, some of which explicitly address racial discrimination and its elimination. The Rome Statute of the International Criminal Court of 17 July 1998 was ratified 25 May 2000. The Protocol Amending the European Social Charter, of 21 October 1991, was signed by Iceland 12 December 2001 and ratified 21 February 2002. The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women was signed 10 December 1999 and ratified 6 March 2001. It entered into force with respect to Iceland 6 June 2001. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict was signed by Iceland 7 September 2000 and ratified 1 October 2001, entering into force with respect to Iceland 12 February 2002. The Optional Protocol to that Convention on the sale of children, child prostitution and child pornography was signed by Iceland 7 September 2000 and ratified 9 July 2001, taking effect with respect to Iceland 18 January 2002. On March 2, 2003, Iceland ratified the European

Convention on Nationality, which entered into effect 1 July 2003. On February 2, 2004, the Government signed and ratified the European Convention for the Participation of Foreigners in Public Life at Local Level. An Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway was signed 19 January 2001.

7. Iceland has signed a large number of human rights agreement in the period covered by this Report. On 7 May 1999 Iceland signed the European Charter for Regional or Minority Languages. The United Nations Convention Against Transnational Organized Crime of 15 November 2000 and two protocols thereto were signed 13 December 2000. Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms was signed 4 November 2000. Protocol No. 13 to the same instrument, concerning the abolition of the death penalty in all circumstances, was signed 3 May 2002. Finally, on 30 November 2001 Iceland signed the European Convention on Cybercrime, and, on 9 October 2003, an Additional Protocol to that Convention concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems. The necessary legal amendments and other measures needed for ratification of the above signed instruments are now under preparation. Protocol No. 13 to the European Human Rights Convention has already been incorporated into Icelandic law by Act No. 128/2003.

8. Several non-governmental organisations in Iceland monitor human rights. In March 2004 a new United Nations Centre in Reykjavík was opened. The United Nations Association in Iceland, the UNICEF and the UNIFEM have their facilities in the Centre. It is hoped that with the opening of the Centre, United Nations activities in Iceland will become more visible and that the three entities based there will be able to expand their activities. The Human Rights Office was established in 1994 by the Icelandic Section of Amnesty International, the International Save the Children Alliance, the Office of the Bishop of Iceland, the Icelandic Church Aid, the Icelandic Red Cross, the Women's Rights Association of Iceland, the Equal Status Council, and UNIFEM Iceland.

PART II. INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

9. The main basis of legal protection against ethnic or racial discrimination is the Icelandic Constitution. Article 65, the first paragraph, expresses the fundamental principle that everybody shall be equal before the law and enjoy human rights without regard to sex, religion, opinion, national origin, race, colour, financial status, family origin or other status. The second paragraph stipulates specifically that men and women shall enjoy equal rights. The Constitution's Article 66, the first paragraph, provides that the right of foreigners to enter Iceland and to stay in Iceland, and the reasons for which they may be expelled, shall be laid down by

law. According to its Article 74, an organisation or association can be prohibited by a judicial decision, if its objectives are deemed unlawful.

10. As referred to in paragraph 5 above, the equality principle is implemented through various acts of law, including by prohibition of any discrimination on grounds of ethnic origin, race, or colour. In addition, various provisions address in particular the elimination of racial discrimination. The Act on Extradition of Criminal Offenders and Other Assistance in Criminal Matters, No. 13/1984, provides that a person shall not be extradited if there is an appreciable risk that after being extradited, he will be subjected to injustice or persecution which is directed against his life or freedom, or is otherwise of a serious nature, on account of his race, nationality, religion or political opinion, or on account of political conditions in other respects. Article 7 of Act No. 56/1933 on International Co-operation concerning the Enforcement of Criminal Judgments permits a denial of a request for the carrying out of a sentence if “(b) there is a reasonable ground to believe that a judgment was rendered or heavier sanctions ordered on account of the sentenced person’s race, nationality or political opinion”. The Radio Broadcasting Act, No. 53/2000, permits temporary suspension of broadcasting from EEA states if deemed suited to evoke hatred pertaining to race, sex, religion or nationality. Processing of sensitive personal information, including information on ethnic origin, colour, race, or political, religious or other belief or opinion, is limited by Act. No. 77/2000 on Privacy and Handling of Personal Information.

11. According to Article 180 of the Icelandic Penal Code No. 19/1940, the act of denying a person service, or access to any public area or place intended for general public use, on account of that person’s colour, race or ethnic origin or with regard to any other comparable considerations, is punishable by fines or imprisonment for up to six years. Article 233 (a) of the Code provides that any person who, by mockery, slander, insult, threat or other means publicly attacks a person or a group of persons on the grounds of their nationality, colour, race or religion, shall be liable to a fine or imprisonment for up to two years.

ISSUES RAISED IN THE CONCLUDING OBSERVATIONS OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION IN 2001

12. In the report of the Committee on the Elimination of Racial Discrimination relating to its consideration of Iceland’s Fifteenth and Sixteenth Reports, it was noted that few incidents of racial discrimination are recorded by police. The Committee recommended a careful review by the State Party of the allegations of racial insults and threats suffered by immigrants, and a consideration of additional ways to encourage the formulation of formal complaints in such cases. In 2001, the Reykjavík Police opened the office of a policeman with the role of functioning as a link between police and people of foreign origin. His task is to provide them with information of any kind concerning police and relations with police. The officer in question

does not receive or investigate any complaints, but assists by referring people to the proper authority. This work is carried out in close co-operation with the International House. The International House acts as an intermediary in obtaining the services of an interpreter when this is necessary, and also in order to enable police personnel to comply with their duties of providing information. In opening this office, emphasis was placed on reaching to persons who need guidance by reason of harassment or discrimination on account of their origin, encouraging them to contact the police. Representatives of the International House and the police officer meet each month to discuss the general situation and any specific matters under examination. The police officer also meets once or twice each month with the Reykjavík Social Service, within the so-called "Response Group", which works with matters concerning people of foreign origin. In 2003, 19 persons contacted the police officer seeking assistance in various matters. Most of these cases concerned requests for assistance on account of matters of minor nature, such as larceny or disputes between individuals. No case concerned harassment or discrimination on account of ethnic origin, and the police have not received any complaints from people of foreign origin alleging such conduct.

13. The report of the Committee on the Elimination of Racial Discrimination noted in its consideration of Iceland's Fifteenth and Sixteenth Reports 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 relevant legislation has now been amended. Dual nationality was introduced into Icelandic law by Act No. 9/2003 amending the Icelandic Citizenship Act, No. 100/1952. This entered into force 1 July 2003. The amendment enables Icelandic citizens to retain their Icelandic citizenship even if they apply for citizenship of a foreign state. In main, the amendments are the following:

- An Icelandic citizen will retain his citizenship when becoming a citizen of another state, provided that state allows dual citizenship. This also applies to any children below the age of 18 years of whom that person has custody. The conditions set in Article 8 of the Icelandic Citizenship Act as regards residence or stay in Iceland prior to the age of 22 years must be fulfilled.
- In order to acquire citizenship of a state not allowing dual citizenship, an Icelandic citizen must apply for release from Icelandic citizenship before the new citizenship can be confirmed. An application for release from Icelandic citizenship shall be lodged with the Ministry of Justice. With the application a confirmation must be submitted that the new citizenship will become effective when release from Icelandic citizenship is obtained.
- An Icelandic citizen who has accepted citizenship of another state and therefore has lost his Icelandic citizenship without the other state having made such a requirement, can apply for renewal of the Icelandic citizenship to the Ministry of

Justice. The applicant must be a resident of Iceland or fulfil the requirements of Article 8 of the Act relating to stay in Iceland. Renewal can only be granted if confirmation is available to the effect that the applicant can accept Icelandic citizenship without loss of the present citizenship. Such applications must be lodged prior to 1 July 2007.

- The provision of Article 8 of the Citizenship Act, to the effect that an Icelandic citizen who was born abroad and has never been domiciled in Iceland or resided in Iceland for any purpose indicating a desire to be an Icelandic citizen, shall lose his citizenship on reaching the age of 22 years, remains unchanged. Loss of Icelandic citizenship will however not occur if the person in question is not a citizen of any other state, and would therefore become stateless. Thus, dual citizenship is not allowed for these citizens.

14. It was noted by the Committee on the Elimination of Racial Discrimination following its consideration of Iceland's Fifteenth and Sixteenth Reports that a new Aliens Bill had been submitted to Parliament in the autumn of 2000, and further information was requested on the handling of asylum requests and on the contents of the Aliens' Bill, including as regards admissibility procedures at borders.

15. A new Act on Foreigners, No. 96/2002, entered into effect 1 January (see enclosed translation). The legislation provides for the legal status of foreigners on arrival and during their stay and departure. The Act also lays down rules concerning the right of refugees to asylum in Iceland and to protection against persecution. The Act abolished the older Act on Control of Foreigners, No. 45/1965, as amended. With a view to the new requirements made by Article 66, the second paragraph, of the Constitution, the Act is considerably more detailed than the previous legislation. The new Act took into account the general evolution of later years as regards legislation and attitudes to matters concerning aliens, such as the constitutional amendments of 1995, evolution within administrative and human rights law, Iceland's participation in international co-operation, Nordic and European, and Iceland's status as a party to international human rights agreements and the United Nations Convention relating to the Status of Refugees.

16. The Minister of Justice is in supreme charge of matters provided for in the Act, and shall issue implementing rules on the right of foreigners to enter and stay in Iceland, cf. Regulation No. 53/2003, which entered into force 23 January 2003, and Regulation No. 546/2003 amending the former Regulation, which entered into force 8 July 2003. Implementation of the Act is in other respects the responsibility of the Immigration Office, an independent central administrative institution serving the country as a whole, subject to the Ministry of Justice.

17. Icelandic aliens legislation has undergone considerable evolution in the past decade, as reflected by the new Act on Foreigners as well as by the amendments that had been made to the Act previously in effect. Act No. 133 of 31 December 1993 amended the Control of Foreigners Act on the occasion of Iceland's ratification of the Agreement on the European Economic Area. The EEA Agreement provides that the rules in effect within the European Union on free movement of persons also apply within the EEA. Legislation was therefore amended to provide for increased rights of foreigners to whom the EEA Agreement applies to enter and stay in Iceland, and for administrative procedures in that context. Act No. 25/2000 also amended the Control of Foreigners Act by reason of Iceland's participation in the Schengen co-operation. The Act entered into force 25 March 2001, when Iceland and the other Nordic countries commenced their participation in the Schengen co-operation. The Act abolished personal control in Iceland of individuals travelling to or from the other Schengen countries, and provided for personal control of individuals travelling to or from states outside the Schengen Area in conformity with Schengen requirements. Changes were also made to the provisions on the right of foreigners to stay in Iceland and on visas, to conform with Schengen rules. Later, Act No. 7/2001 amended the Control of Foreigners Act on account of Iceland's participation based on a Convention between the member states of the European Union signed in Dublin 15 June 1990, which leads from the Schengen Agreement. The Dublin Convention lays down rules governing what state shall process applications for asylum.

18. The chief points of note as regards the new Act on Foreigners are:

- Rules on control on arrival and departure are co-ordinated with Schengen rules.
- Permits to stay, and renewals of such permits, are provided for. Following a continuous stay of three years a foreigner can be granted a residence permit, which is a permanent permit to stay.
- Provisions on permits to stay issued on humanitarian grounds.
- Provisions on provisional permits to stay while an application for asylum is being processed, or if a final decision on denial of asylum or a permit to stay is not enforced for the time being.
- Provisions on common protection in case of mass refugee problems.
- Provisions designed to ensure a right to a permit to stay for the next of kin of a foreigner holding a permit to stay or a residence permit.
- Provisions on revocation of permits to stay and residence permits.
- Detailed provisions on denial of entry and expulsion.
- Police may deny a foreigner entry for up to seven days following arrival, and the Immigration Office can do so for a longer period of time.
- A foreigner born in Iceland who has continuously resided in Iceland can not be denied entry or expelled.
- Limitations to denial of entry or expulsion of a person holding a residence permit.

- A foreigner can generally not be expelled if, with a view to the facts of the matter and the links to Iceland of the foreigner in question, the measure would be deemed unreasonable with respect to him or his close family members.
- A foreigner who is to be denied entry or expelled, a foreigner whose permit is to be withdrawn, and an applicant for asylum shall be provided with guidance concerning his right to engage a lawyer or other representative for his own account, to have a spokesman appointed as applicable, and to contact a representative of his home state, a representative of the United Nations High Commissioner for Refugees, and domestic humanitarian or human rights organisations.
- Provisions on dissemination of information to foreign countries.
- Provisions allowing the taking of fingerprints from foreigners, and their entry to a computerised fingerprints registry.
- Provisions on the appointment of a representative in court, such as when detention on remand is requested, on appointment of a representative when appeal is lodged against a decision on denial of entry, expulsion or revocation of a permit, and in asylum application cases, and on State Treasury liability for the ensuing costs.
- Provisions on costs of deportation.
- A separate Chapter on protection against persecution and on refugees.

19. The Act on Foreigners contains provisions on the requirements to be fulfilled by foreigners when entering the country and on admissibility procedures at the borders. According to Article 4, the first paragraph, any person entering Iceland shall immediately report to passport control or the nearest police authority. Any person leaving Iceland shall also be subject to departure control and shall, on departure, report to passport control or the nearest police authority. It is however also provided that persons travelling across the internal borders of the Schengen Area are exempt from these requirements. According to Article 5 a foreigner arriving in Iceland shall, unless a different arrangement is provided for in rules issued by the Minister of Justice, possess a passport or other identity document recognised as a travel document. This does not apply to Danish, Finnish, Norwegian or Swedish nationals arriving directly from these countries or leaving directly to these countries, cf. Article 11 of Regulation No. 53/2003 (in the following the nationals of these countries will be referred to as Nordic nationals). According to Article 6 of the Act on Foreigners, a foreigner must have a visa for entry into Iceland, unless exempted from visa requirements by rules issues by the Ministry of Justice. A foreigner possessing a permit to stay issued by a state taking part in the Schengen co-operation does not need a visa. According to Article 8 a foreigner whose entry into Iceland is dependent on a visa may not remain in Iceland any longer than stated in the visa, unless this is specially permitted. Other foreigners may not, in the absence of a special permission, stay in Iceland for more than three months. A stay in the territory of a state taking part in the Schengen co-operation shall have the same effect as a stay in Iceland. The Minister of Justice may issue

provisions concerning stay exceeding three months if this follows from an international agreement, and there are provisions laying down in further detail how periods of stay shall be calculated. Nordic nationals may stay in Iceland without the issue of a permit to that effect. The Minister of Justice may issue rules providing for further waivers of requirements for permits to stay in Iceland.

20. Article 18 of the Act on Foreigners provides that a foreigner may be denied entry into Iceland on arrival, and for a period of up to seven days following arrival:

- a. if he does not fulfil the requirements set as regards passports, visas or manner of arrival;
- b. if he has been expelled from Iceland or from any other of the Nordic countries, or if a prohibition of re-entry is still in effect and he has not been granted a permission to come to Iceland;
- c. if he does not possess the required permits to stay in Iceland or to work in Iceland, or if he is unable to substantiate the stated purpose of his stay in Iceland;
- d. if he can not demonstrate that he possesses, or has secured, adequate funds for his stay in Iceland and for travel back to his home country;
- e. if he has been sentenced as referred to in Article 20 the first paragraph, subparagraphs (b) or (c), or if there are for other reasons particular grounds to assume that he may commit, in Iceland or in any other Nordic country, a punishable act that may result in imprisonment for a period exceeding three months;
- f. if the provisions of Article 6 of the Nordic Passport Convention apply and the foreigner may be expected to travel to another Nordic country where he is likely to be denied entry on account of a failure to comply with the applicable rules on passports or visas, or if entry to the country in question may be denied for other reasons;
- g. if he, in the opinion of a medical doctor, is unable to control his personal affairs on his own while staying in Iceland; if there is a risk that he will, by his conduct, endanger himself or others, or if he suffers from a serious infectious disease;
- h. if he has not paid the costs of his prior deportation defrayed by public authorities,
- i. if he is registered in the Schengen Information System for the purpose of denying him entry, and
- j. if this is necessary with a view to public order, national security, or the international relations of Iceland or any other state taking part in the Schengen co-operation.

In cases of denying a foreigner entry into the country, the procedure must be commenced within the period of seven days. In a case where a foreigner claims to be a refugee or otherwise provides information indicating that he has reasons to fear persecution in the country he came from, his case shall be referred to the Immigration Office for procedure and a decision.

21. A bill amending the Act on Foreigners, No. 96/2002 was submitted to Parliament in March 2004 and passed 30 April. This had a twofold purpose, firstly to make use of the adaptation provisions of an agreement concerning the enlargement of the European Union and the European Economic Area which entered into effect 1 May 2004, and secondly to react to comments received from the authorities chiefly in charge of implementing the Act on Foreigners. Thus, the new provisions aim to prevent marriages that are entered into solely in order to obtain a permit to stay from achieving their purpose. In addition to this, the new provisions are designed to protect persons in risk of pressure or exploitation of any kind from contracting marriage on such terms. For example, a spouse or a partner in cohabitation or registered partnership of a person lawfully staying in Iceland must have attained the age of 24 years in order to obtain a permit to stay as a family member. If it is reasonably suspected that marriage has been entered in the purpose of obtaining a permit to stay and nothing to the contrary is reliably demonstrated, the marriage does not make a person entitled to a permit to stay. Under the new Act, a person obtaining a permit to stay on the basis of such a provisional marriage may face criminal sanctions. Other new provisions of the Act relate to police investigation measures. Thus, genetic testing may be requested when it is doubted that an applicant for a permit to stay on the basis of a family relationship is in reality the relative of a foreigner.

22. Rules designed to provide legal protection to those seeking asylum as refugees in Iceland are in Chapter VII of the new Act on Foreigners. The provisions are in conformity with Iceland's obligations according to the United Nations Convention relating to the Status of Refugees of 28 July 1951 and the Protocol thereto of 31 January 1967. The provisions of the Chapter are based on the definition presented in the Convention of 1951. It is also envisaged that a foreigner may be granted protection on account of situations similar to those referred to in the definition.

23. The Immigration Office shall decide on matters concerning protection against expulsion, a refugee's legal status and the granting of asylum, and on travel documents for refugees and passports for foreigners. In the absence of procedural provisions in the Act on Foreigners, the Act on Administrative Procedures No. 37/1993 shall apply. For example, before a decision is taken in the case of a foreigner, he shall be granted an opportunity to express his views on the matter in question, orally or in writing, if his views and the grounds on which they are based are not stated in the case file. When handling cases concerning applications for asylum and in cases concerning denial of entry or expulsion, the administrative authority shall to every extent possible see to that the foreigner is granted an opportunity to express his views in a language in which he is adequately capable of expression. In cases concerning denial of entry, expulsion or revocation of permits, and in cases concerning applications for asylum, the administrative authority shall inform the foreigner that he may, for his own account, seek the assistance of a lawyer or other representative, of his right to have a spokesman appointed for the State

Treasury's account where this applies, and of his right to contact a representative of his home country, a representative of the United Nations High Commissioner for Refugees, and domestic humanitarian or human rights organisations. Decisions of the Immigration Office concerning applications for asylum may, as other decisions taken by that authority, be appealed against to the Ministry of Justice.

24. The new Act on Foreigners has significantly improved efficiency as regards the processing of asylum applications, and generally applicants do not have to wait long for a conclusion of their cases. A new procedural arrangement involving expeditious procedure, when an application for asylum is obviously not to be processed in Iceland or when an applicant clearly does not come under the definitions of the Convention relating to the Status of Refugees, was first made use of in 2003. As noted above, Iceland became a party to the Dublin Convention in January 2001, and a number of applicants for asylum have been transferred to the state where a previous application has been lodged, which, according to the Convention, shall process the application.

25. The number of applications for asylum has increased considerably in recent years. Of 24 applications in 1998, 13 were granted, 2 were withdrawn and 9 were denied; of 24 applications in 1999, one was granted, 9 were granted a permit to stay, 8 were withdrawn and 7 were denied; of 25 applications in 2000, 4 were granted a permit to stay, 4 were withdrawn and 17 were denied; of 53 applications in 2001 35 were either withdrawn or the applicants were transferred back to another state where they had already applied for asylum, 8 were granted permits to stay and 10 were denied; of 117 applications in 2002, 5 were granted permits to stay, 36 applicants were transferred to a previous state of application, 61 applicants withdrew their applications, and 15 were denied, and in 2003, 80 applications were lodged, of which 21 were denied, 26 applicants were sent back to a previous state of application, 30 disappeared or withdrew their applications, and 3 were granted a permit to stay on humanitarian grounds. It is noteworthy that with Iceland's participation in the Schengen co-operation, as from March 2001, immediately resulted in a great increase in the number of asylum applications, this reaching 117 in 2002. In January 2004 an agreement was signed between the Ministry of Justice and the municipality of Reykjanesbær, where the latter assumes the care of persons seeking asylum as refugees. This involves provision by the municipality of housing, subsistence, and the most necessary medical assistance. Agents of the Icelandic Red Cross have at all times had access to applicants for asylum on account of their role as representatives for refugees and asylum applicants.

26. The Immigration Office also permits groups of refugees to enter Iceland as the Government may decide, having obtained proposals from the Iceland Refugee Committee. This also applies to groups of foreigners not defined as refugees. The Iceland Refugee Committee

was established in 1995 in accordance with a resolution of the Icelandic Government of 8 February that year. The Committee is composed of representatives of five Government Ministries, i.e. those of Justice, Health, Education, Foreign Affairs and Social Security, with observers from the Icelandic Red Cross and the Association of Icelandic Local Authorities. Its chief role is to propose to the Government organisational arrangements relating to reception of refugees, to be in charge of their reception, and to provide opinions to the Government as applicable. The Committee has issued particular Working Rules, dated 11 June 1997, regarding refugees whom the Government has decided to grant residence in Iceland. According to Chapter III of the Rules, refugees are entitled to special assistance for a minimum of one year from their arrival in Iceland. This involves financial assistance, housing, education, day care for children, leisure activities, health care, dentistry, interpretation service, employment, and other necessary assistance. An agreement was concluded on the reception of refugees between the Ministry of Social Affairs and the Icelandic Red Cross to the effect that the latter would, on behalf of the Government, carry out their reception. The Ministry of Social Affairs has also concluded agreements with individual municipalities on reception of refugees and provision of social services to them.

TABLE 1. ARRIVAL OF REFUGEES IN 1995-2003:

Year of arrival	Municipality of reception	Nationality	Number
1996	Ísafjörður	Serbian/Croatian	30
1997	Hornafjörður	Serbian/Croatian	17
1998	Blönduós	Serbian/Croatian	23
1999	Fjarðabyggð	Kosovo Albanians	24*
1999	Dalvík	Kosovo Albanians	26*
1999	Hafnarfjörður	Kosovo Albanians	25*
2000	Siglufjörður	Serbian/Croatian	24
2001	Reykjanesbær	Serbian/Croatian	23
2003	Akureyri	Serbian/Croatian	24
Total			218

*1999 and 2000: 37 returned to Kosovo.
Source: Ministry of Social Security.

27. It should finally be noted that in December 2003 the Ministry of Justice appointed a working group with the role of formulating proposals for rules of procedure and a contingency plan to be used in cases when unaccompanied children are discovered in Iceland. This follows from co-operation with the Baltic Council, which has instituted co-operation on how to react to such eventualities. The respective member states are now working on the issue of domestic rules on how to handle the cases of foreign children without parents seeking asylum, or children without custody, to ensure that they are not returned to the state of origin unless satisfactorily received. The working group delivered a report on unaccompanied children in April 2004.

THE ETHNIC CHARACTERISTICS OF THE ICELANDIC POPULATION

28. In order to provide a clearer picture as regards the affairs of foreign nationals in Iceland, and of the legal amendments mentioned above, it is proper to mention the ethnic characteristics of the Icelandic population. While the Icelandic population is rather homogeneous, the proportion of foreign nationals and Icelandic nationals born abroad has increased in later years. The Icelandic population numbers about 290.000. Over the past ten years the proportion of foreign nationals in Iceland has doubled, from 4807 persons, about 1.8% of the population, in 1995, to 10.180, about 3.5% of the population, in 2003. The rate of the increase has noticeably declined over the past four years [refer to Tables 2 and 3]. By far the most foreign nationals have come from other European countries, about 70%, and of these Polish nationals are the most numerous. As regards foreign nationals from other continents, about 17% come from Asia, two thirds being from the Philippines and Thailand.

29. The proportion of inhabitants born abroad has also increased considerably in recent years. As on 31 December 2003, 19,530 individuals had been born abroad, their number having been 10,901 in 1995 [refer to Table 4]. It is however clear that many of these are the children of Icelandic parents, in particular those born in the Nordic countries, where most Icelanders staying abroad live.

TABLE 2: NUMBER AND PROPORTION OF FOREIGN NATIONALS IN THE ICELANDIC POPULATION 1995-2003

	Number	Percentage
1995	4,807	1.8
1996	5,148	1.9
1997	5,635	2.1
1998	6,521	2.4
1999	7,271	2.6
2000	8,824	3.1
2001	9,850	3.4
2002	10,221	3.5
2003	10,180	3.5

Source: Iceland Bureau of Statistics

TABLE 3: POPULATION BY COUNTRY OF NATIONALITY 1995-2003

	1996	1997	1998	1999	2000	2001	2002	2003
Totals	269,735	272,064	275,712	279,049	283,361	286,575	288,471	290,570
Iceland	264,587	266,503	269,191	271,778	274,537	276,725	278,250	280,390
Other countries	5,148	5,561	6,521	7,271	8,824	9,850	10,221	10,180
Nordic countries	1,557	1,563	1,626	1,638	1,676	1,685	1,626	1,606
Other European countries	1,998	2,312	2,974	3,446	4,472	5,212	5,542	5,454

America	743	765	801	828	705	704	908	858
Africa	114	130	153	185	265	299	300	299
Asia	667	734	913	1,114	1,431	1,623	1,756	1,842
Oceania	68	55	52	56	59	59	55	58
Stateless	1	2	2	3	6	34	32	34
Foreign countries, unspecified	0	0	0	1	2	2	2	29

Source: Iceland Bureau of Statistics. Referring to population 1 December in 1981-1997, but in 1998 and later to population 31 December.

TABLE 4: POPULATION BY COUNTRY OF BIRTH 1995-2003

	1995	1996	1997	1998	1999	2000	2001	2002	2003
Totals	267,809	269,735	272,064	275,712	279,049	283,361	286,575	288,471	290,570
Iceland	256,908	258,156	259,718	261,922	264,122	266,434	268,237	269,399	271,040
Other countries	10,901	11,579	12,346	13,790	14,927	16,927	18,338	19,072	19,530
Nordic countries	4,739	4,791	4,899	5,137	5,285	5,497	5,580	5,579	5,644
Other European countries	3,116	3,476	3,905	4,669	5,241	6,352	7,209	7,647	7,737
America	1,560	1,643	1,712	1,840	1,925	1,723	1,759	2,199	2,225
Africa	215	245	280	331	392	487	541	546	560
Asia	1,171	1,322	1,462	1,720	1,982	2,399	2,738	2,982	3,238
Oceania	100	102	88	93	102	105	114	118	124
Foreign countries, unspecified	0	0	0	0	0	1	1	1	2

Source: Iceland Bureau of Statistics. Referring to population 1 December in 1981-1997, but in 1998 and later to population 31 December.

ARTICLE 2

30. No legal or administrative provisions in Iceland condone racial discrimination. Any such provision would clearly be in violation of the constitutional principle of equality described above. Icelandic authorities have neither undertaken to engage in any act or practice of racial discrimination nor provided support to any such activities.

31. As noted in paragraphs 29 and 30 above, the proportion of the Icelandic population with foreign ethnic background has increased considerably in the past few years. At the same time no serious social conflicts have arisen. Therefore it has not been necessary for the Icelandic Government to take any direct measures relating to racial discrimination or related intolerance.

ARTICLE 3

32. No particular legislative, judicial, administrative or other measures have been adopted in relation to this Article of the Convention since Iceland's Sixteenth Report was submitted.

ARTICLE 4

33. According to Article 180 of the Icelandic Penal Code No. 19/1940, the act of denying a person service, or access to any public area or place intended for general public use, is punishable by fines or imprisonment for up to six years if done on account of that person's colour, race or ethnic origin or with regard to any other comparable considerations.

34. Article 233 (a) of the Penal Code provides that any person who, by mockery, slander, insult, threat or other means, publicly attacks a person or a group of persons on the grounds of their nationality, colour, race or religion, shall be fined or imprisoned for up to two years.

35. Factors influencing the determination of a sentence are enumerated in Article 70 of the General Penal Code. According to its point (7), motive shall be taken into account. A motive of racial hatred would reasonably fall under this provision as an aggravating factor.

36. In 2002, the Police Act, No. 90/1996 (Article 15.3) was amended to provide that "If public disturbance is feared at a demonstration meeting or other similar gathering in a public place, police may prohibit modification of facial appearance or partial or total coverage of a person's face by masks, hoods, paints or similar means suited to prevent recognition".

37. According to the new Radio Broadcasting Act, No. 53/2000, transmission of television broadcasts from the member states of the European Economic Area may be temporarily prohibited if this could foment racial hatred. Article 5 of the Act stipulates: "Notwithstanding the provisions of Article 2 and the duty of the Republic of Iceland to secure free reception of television broadcasts from other EEA member states, the Committee on Broadcasting Rights may temporarily stop television broadcasting of programmes from other EEA states subject to the following conditions: [...] if a programme is deemed suited to foment hatred on the basis of race, sex, religious belief or nationality."

38. According to a new Act on Protection of Privacy and Handling of Personal Information, No. 77/2000, information on origin, colour, race, political opinions and other beliefs is defined as sensitive, and processing of such information is prohibited unless licensed subject to certain requirements.

39. In a judgment rendered in April 2002, the Supreme Court sentenced a person for violation of Article 233 (a) of the General Penal Code. The defendant had been indicted for having, by certain expressions made in a weekend newspaper interview, publicly assaulted an indefinite group of people by derision, vilification and mockery on account of their nationality, colour and race. The judgment stated:

“The defendant is entitled to his opinions and to their expression, as provided in the first and second paragraphs of Article 73 of the Constitution as amended by Article 11 of Constitutional Act No. 97/1995, cf. Article 11 of the European Human Rights Convention. Limitations can not be imposed as regards his freedom of opinion concerning peoples’ nationality, colour and race, and according to the third paragraph of Article 73 their public expression can only be restricted by law, if necessary with a view to public order or the security of the State, for the protection of health or morals, or for the protection the rights or reputation of others, provided this is deemed necessary and in agreement with democratic traditions. The defendant’s freedom of expression is in opposition to the right of people to freedom from assaults account of their nationality, colour or race, protected by Article 233 (a) of the General Penal Code as amended, cf. Article 65, the first paragraph, of the Constitution. As done by the district court judge, an assessment must therefore be made of which interest shall be given precedence, his freedom to make his expressions in public provided for by the second paragraph, cf. the third paragraph, of Article 73 of the Constitution, or the right of those suffering his unprovoked assaults.

The Court sustains the view of the district court that the defendant’s expressions in DV 17 February 2001 are in the nature of unfounded generalisations, valid arguments for racial superiority being hard to find. Although it can not be stated categorically that the term *negri* is, in itself, derogatory as used in the Icelandic language, the Court holds, viewing the newspaper interview in its entirety and assessing the defendant’s expressions in that context, that they seek, by mockery, vilification and belittlement, to aggrandise persons of the white race at the expense of persons of other skin colour. The defendant’s expressions therefore involve conduct obviously coming under the description of the act presented in Article 233 (a) of the General Penal Code. The provision is designed to prevent racial discrimination and racial hatred, and its purpose is therefore lawful and the limitations it imposes to freedom of expression are necessary and in agreement with democratic traditions. The district court’s finding of guilt is therefore affirmed by reference to its reasoning in other respects.”

40. Iceland has participated in a Nordic working group with a specific mandate consisting of clearly defined issues regarding information and practical co-operation between the Nordic countries in the fight against criminal offences involving Nazi and xenophobic views. The group issued its report in 2003 (enclosed).

41. Finally, on 9 October 2003, Iceland signed the Additional Protocol to the European Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic

nature committed through computer systems. The necessary legal amendments and other measures for ratification of the Convention are now in preparation.

ARTICLE 5

42. The enjoyment of the rights enumerated in this article is secured by law to any person, without regard to race, colour, or national or ethnic origin. This is protected by the Constitution and by statute provisions, as described in further detail in paragraphs 4 and 5.

43. The Municipal Elections Act, No. 5/1998, was amended by Act No. 27/2002, when the right to vote and eligibility for office was extended to foreign nationals subject to certain requirements. Article 2 of the Act reads as follows [italics added]:

Any Icelandic national who has attained the age of 18 years on election day and has his or her legal domicile within the municipality has the right to vote.

A person to whom Article 9 of the Legal Domicile Act, No. 21/1999, applies shall not be deemed to have forfeited the right to vote although he or she has made a notification of movement according to the Nordic Convention on Public Registration, provided that person fulfils in other respects the requirements made in the first paragraph.

Danish, Finnish, Norwegian and Swedish nationals who have had their legal domicile in Iceland continuously for three years prior to election day [and other foreign nationals who had their legal domicile in Iceland continuously for five years prior to election day] shall also have the right to vote, provided they fulfil in other respects the requirements made in the first paragraph.

According to Article 3 of the Municipal Elections Act, any person with the right to vote in the municipality as provided for in Article 2, who has not been deprived of legal competency, shall be eligible for office.

44. On 2 February 2004, the Government signed and ratified the European Convention for the Participation of Foreigners in Public Life at Local Level. The Convention aims to improve integration of foreign residents into the life of the community. It applies also to all persons who are not nationals of a party, who lawfully reside in its territory.

45. A new Act on the Employment Rights of Foreign Nationals, No. 97/2002, entered into force 1 January 2003, replacing a former Act, No. 133/1994. Among the purposes of the new Act is to secure the legal status of foreigners coming to work in Iceland. Some of its new provisions require employers to provide sickness insurance for their employees until they become entitled to insurance under the Social Security Act, provide for the possibility of granting the close family members of a foreigner who has received a residence permit and an unlimited work permit in Iceland a temporary work permit, and require employers and labour unions to

provide an employer with a temporary work permit information on basic courses in the Icelandic language for foreigners, courses on social affairs and any other tuition available to the employee and his or her family. In 2002, the Ministry of Social Affairs published "Occupational Health and Safety – Guidelines for Foreign Workers in Iceland".

46. A new Act on the Legal Status of Employees Working Temporarily for Foreign Enterprises in Iceland, No. 54/2001, entered into force 13 June 2001. The Act provides that certain Icelandic acts of law shall apply to such employees, including the Act on Employment Terms and Obligatory Pension Insurance, No. 55/1980; Act No. 46/1980 on Working Conditions, Hygiene and Safety in the Workplace; the Vacations Act, No. 30/1987; Act No. 95/2000 on Birth Vacations and Parental Vacations, and Act No. 96/2000 on the Equal Status and Equal Rights of Men and Women, in addition to other provisions prohibiting discrimination.

ARTICLE 6

47. In a judgment of April 2002, the Supreme Court sentenced an individual for violation of Article 233(a) of the General Penal Code. The defendant had been indicted for having, by certain expressions made in a weekend newspaper interview, publicly assaulted an indefinite group of people by derision, vilification and mockery on account of their nationality, colour and race. He was sentenced to pay a fine of ISK 100,000 to the State Treasury (see paragraph 40 above).

48. In two summary appeal cases (no. 216/2002 and 217/2002), the Supreme Court of Iceland considered claims for asylum in Iceland on humanitarian grounds, and permits to stay. The Court dismissed the claims on the grounds that it was not within the purview of the courts to grant asylum on humanitarian grounds or permits to stay; this was a matter to be decided on by the administrative authorities.

49. During the period covered by this Report, the Ombudsman of Parliament has considered seven cases pertaining to foreigners. One related to denial of entry, two to visas, one to citizenship, two to permits to stay, and one to expulsion. In recent years the Ombudsman for Children has not received any complaints alleging discrimination against children on grounds of race, colour, or national or ethnic origin.

ARTICLE 7

50. Due to increased immigration to the country, the Icelandic Government has placed emphasis on education as tool to prevent problems relating to racial discrimination. This has for instance been done through the school system, where equality of all races forms a part of sociology education. Article 29 of the Primary School Act, No. 66/1995, provides that in issuing a general curriculum and in organising studies and tuition, and in preparing and selecting study

material, particular care shall be taken that all students receive as possible equal opportunities for study. The objectives of study, tuition and practices in primary school shall be such as to prevent any discrimination on account of origin, sex, residence, social class, religion or disability. A revised General Section of the General Curriculum for Intermediate Schools was issued in 2004, providing, in a chapter on intermediate school roles and procedures: "Schools shall endeavour to accommodate the needs of students of foreign origin by effective tuition in the Icelandic language and education on Icelandic society and culture, and other assistance as possible".

51. In connection with the Dakar Conference of 2003, groups were working under the auspices of the Ministry of Education to consider, i.a., the status of immigrants within the Icelandic school system. A working group was also active under the auspices of that Ministry considering tuition in Icelandic for adult immigrants. The latter group was working in 2000-2003, manned by representatives of the Ministries of Education, Social Affairs and Justice, and of labour union funds.

52. In November 2001, the Ministry of Justice convened a Nordic discussion meeting on criminal offences relating to racial prejudice and xenophobia. The topics included dissemination of information on the Internet, legislation in individual countries, the issue of rules and various traditions that may be of significance in Nordic co-operation, future co-operation to suppress criminal activity relating to racial prejudice and xenophobia, and Nordic co-operation in the field of criminal justice.

53. The Minister of Social Affairs formally opened a Multicultural Centre in the town of Ísafjörður 30 July 2001, in conformity with a Resolution of Parliament of 9 May 2000 on a centre for immigrants in the Western Fjords as a pilot project taking three years. The chief purpose of the Centre is to promote the adaptation of immigrants to the multicultural society and thereby to facilitate the interrelations of people. The website of the Centre was opened in June 2002, presenting a text in five languages (see <http://www.fjolmenningarsetur.is>). There, all the most important information on Icelandic society can be found, for example on public administration, the labour market, housing, education and health. The Centre furthermore operates a telephone service where people can seek information on their status and situation in Iceland. The Centre also issues various information material designed to facilitate adaptation of people from abroad. As an example, publication of material specifically taking into account women of childbearing age is now in preparation. The 2003 report of the Centre's consultative group, appointed by the Minister of Social Affairs, proposes that the Centre will be turned into an independent institution subject to the supreme direction of the Minister of Social Affairs, and that its activities will cover the whole country.

54. The Minister of Social Affairs appointed a working group in November 2003, composed of representatives from the Ministry of Social Affairs, the Iceland Refugee Committee, the Multicultural Centre, the International House, and the Ministry of Justice and Ecclesiastical Affairs. Its role is to consider organisation of services to immigrants in Iceland, ways and means to increase co-operation and co-ordination of the parties concerned, and to improve the quality of the work done. The group delivered its report in March 2004, recommending the establishment of a particular self-owned institution whose activities will reach the entire country, having an overall view of services to immigrants in Iceland. In the opinion of the working group the need for services is increasing, and an overall co-ordination in this field is of high importance. The Minister of Social Affairs has decided that work on further elaboration of the group's proposals will continue in co-operation with the above parties, and that co-operation from the Association of Icelandic Local Authorities, representatives of immigrants and other parties will also be solicited.

55. Since the last Periodic Report, two municipalities have formally adopted policies concerning the affairs of foreign persons. According to the multicultural policy of the City of Reykjavík, the activities of the city and its institutions shall be such as to reduce prejudice with respect to foreign persons and to increase the knowledge of all the city's inhabitants as regards multicultural society. Its institutions shall ensure that people of foreign origin will be able to enjoy in full the services they provide and that children of foreign origin will be able to make full use of the school system on a basis equal to that of other children, and that all persons of foreign origin will be provided with tuition in the Icelandic language as suitable for them and encouraged to learn the language. Furthermore, the knowledge and education of people of foreign origin will be of value both to themselves and to other citizens; the people of Reykjavík should avail themselves of the cultural diversity of their community; the city's authorities must have access to reliable information on the situation of persons of foreign origin; persons of foreign origin must know their rights and duties, and action must be taken on account of any violation of law committed on account of a person's origin.

56. In relation to above multicultural policies, an Intercultural Centre was established by the cities of Reykjavík, Kópavogur, Hafnarfjörður and Seltjarnarnes, and the Reykjavík Section of the Icelandic Red Cross, in December 2001. A crucial aspect of the Intercultural Centre's activities and objectives is implementation of the multicultural policies developed by the local authorities associated with the Centre. In general, the primary objective of the Intercultural centre is to provide a forum for a multicultural society in Iceland. The Intercultural Centre works systematically to prevent prejudice in the community by providing extensive educational programmes, introductions to different societies and cultural events, and by creating an inclusive forum where people of Icelandic origin interact with those who have come to Iceland from abroad. The Intercultural Centre is an advocate for the rights of immigrants and everyone

of non-Icelandic descent. The Intercultural Centre has [12] full time staff members, including a lawyer. The Centre has held several meetings and seminars on multicultural policies. For example, in March 2004 the Centre convened a public meeting under the title “Where do I belong – Education of children and multicultural participation by immigrants”.

57. The National Church commenced services to immigrants in November 1996. The chief purpose of the service provided is twofold, on the one hand to assist immigrants, refugees, asylum seekers and long-term visitors living in Iceland, facilitate for them and their families their settlement in Iceland and to protect their human rights, and on the other to promote mutual understanding between persons of different religions in order to forestall possible prejudices against religions other than of Christian denominations. The Church has convened various meetings to discuss matters relating to immigrants, such as “In the same boat – Interrelations of people of different religions in the Icelandic multicultural society”, in 2002 and 2003. The Church has initiated various projects designed to promote adaptation of immigrants, including projects targeting young persons, seeking ways to make immigrants feel at home in Iceland and to make young Icelanders feel at home in our multicultural society, in order to prevent undesirable group formations or violence arising from prejudice.

58. Information regarding human rights and issues relating to foreigners can be found on the Government’s website. Reports on the implementation of the Convention for the Elimination of All Forms of Racial Discrimination are published on the home page of the Ministry of Justice and Ecclesiastical Affairs. The Ministry furthermore issued a news release on the occasion of the Concluding Observations of the Committee on the Elimination of Racial Discrimination adopted after the consideration of Iceland’s Fifteenth and Sixteenth Periodic Reports, with a complete translation.