



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 (partial)* of the 1990th meeting

Held at the Palais Wilson, Geneva, on Friday, 26 February 2010, at 10 a.m.

Chairperson: Mr. Prosper

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10.10 a.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 (continued) (CERD/C/ISL/20; CERD/C/ISL/Q/20; 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. **Mr. Kristjansson** (Iceland), in response to the concerns expressed by several Committee members that the information contained in Iceland's core document dated back more than 10 years, circulated to Committee members a brochure from Iceland's Statistics Office entitled, "Iceland in Figures 2009–2010", which contained basic statistics that would provide a better understanding of the overall situation in the country.

3. **Ms. Kristinsdottir** (Iceland), having circulated to Committee members an English translation of the Icelandic Nationality Act and regulations governing the language tests for obtaining Icelandic citizenship, said that two tests had been held in 2009: of the total of 476 candidates, only 35 had failed but had the opportunity to resit another year. As to questions raised by the Country Rapporteur on the statistics in table 2 of the report, the significant increase in the number of stateless persons between 2006 and 2007–2008 was due to the arrival of many Colombian and Palestinian refugees who were considered stateless by Iceland's Statistics Office pending the regularization of their situation. The number of unspecified foreign countries, which had dropped from 32 in 2006 to 0 in 2007 was explained by the fact that the Statistics Office had been able to establish the nationality of all the persons on its records.

4. **Ms. Jonasdottir** (Iceland) said that while it was true that Iceland had not passed comprehensive anti-discrimination legislation, it would shortly be applying two European Union directives to combat racial discrimination: Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, and Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation. The application of those two directives should allow Icelandic legislation better to address issues relating to discrimination.

5. The establishment of a national human rights institution was not one of the priorities of the Icelandic authorities, which had chosen a different method for protecting and defending human rights in the country. For example, several institutions and organizations were directly responsible for the protection of human rights: the Icelandic Human Rights Centre, the University of Iceland Institute of Human Rights, the Parliamentary Ombudsman, the Ombudsman for Children and the Centre for Gender Equality. The Foreign Nationals Act (No. 96/2002) had been amended so that the spouse's youth did not automatically prevent a residence permit being issued on grounds of marriage. The obligation to be at least 24 years of age in order to obtain a residence permit for family reunification, which was intended to prevent sham or forced marriages, had been abolished. However, care was still taken when granting a residence permit if the spouse was under 24 years of age, and in all cases where the age of one of the spouses was 24 years or under, a special investigation was conducted so as to prevent any sham or forced marriages. There again, the objective was to protect the interests of persons who were vulnerable on account of their youth. Since August 2008, some 86 persons had been granted residence permits for family reunification.

6. Regarding the practice of anti-discrimination testing at the entrance to restaurants, discotheques and other public places, a single test had been conducted in 2009 in Reykjavik. No major problem had been reported and no judicial procedure had been deemed necessary. The Government of Iceland intended to make it standard practice and, above all, to raise awareness among restaurant and nightclub owners of efforts to combat

racial discrimination. The Parliamentary Ombudsman was fully competent to deal with issues arising under the Convention. She drew the attention of interested Committee members to paragraphs 108–112 of the report for examples of cases brought before the Parliamentary Ombudsman.

7. Regarding the website which was disseminating racist remarks about the Polish community in Iceland, the case had sparked much controversy nationwide and the site had been shut down as quickly as possible. Most of the members of the association that had created the site were under 15, the age of criminal responsibility in Iceland. In view of their youth, Iceland had not taken any criminal action, preferring to undertake a genuine educational and awareness-raising programme for them. As for the fact that no one from Iceland had submitted a communication to the Committee under article 14 of the Convention, she recognized that greater efforts should be made to disseminate the Convention further, even if it was easily accessible, including on the Internet, and had been translated into several languages. The University of Iceland Institute of Human Rights had issued a publication on the implementation of the Convention, which made express reference to the mechanism for submitting complaints. As far as Government policy on foreign nationals was concerned, she referred Committee members to paragraphs 11–14 of the report, which gave details of the policy the Government had adopted in January 2007 to promote multiculturalism in the country, which was considered to be truly enriching for Icelandic society.

8. **Ms. Broddadottir** (Iceland) said that, as a result of the global economic and financial crisis, the unemployment rate had risen from 1.5 per cent before 2007 to nearly 9 per cent in 2009. Notwithstanding, the unemployment figures for immigrants and native Icelanders were more or less the same. The Icelandic Government was aware that tension in the labour market could cause immigrants to be stigmatized, but kept a careful watch to ensure that such problems did not arise. Chapter 16 of the 2007–2008 action plan on immigration issues, which dealt specifically with discrimination and combating prejudice, contained a list of measures to fight discrimination. Various national research projects had been implemented, including one by the University of Iceland Institute of Human Rights, which had done a survey on prejudices and attitudes towards immigrants in 2008–2009. In addition, in April 2009 the Ministry of Social Affairs and Social Security had conducted a survey among 700 people to collect evidence of discrimination and prejudice to which they might be subjected.

9. As far as education was concerned, the dropout rate was no higher among foreign students than among native Icelanders. However, the Ministry of Education found it difficult to convince pupils of immigrant origin to complete the four years of secondary school so that they could go on to higher education. In order to remedy the situation it had published a brochure in seven languages on the usefulness of secondary education. Specific action plans would be implemented for pupils of immigrant origin so that they would not drop out at the end of primary school. Legislation governing primary education adopted in 2007 made provision for activities to raise awareness of religion in general but not religious education itself.

10. There were two cultural centres in Iceland working mainly with migrants and providing them with various services and information. The Intercultural Centre, mentioned by Mr. Avtonomov, was located in Reykjavik, while the State-run Multicultural Centre, located outside the capital, covered the whole country. The Intercultural Centre in Reykjavik was a non-profit organization funded by the city of Reykjavik with financial support from the State. It had not been closed, but had had to scale down its activities owing to a shortage of funds. Both centres informed migrants, including newcomers, of services provided for them by the local authorities and they had a good knowledge of organizations that fostered intercultural harmony in the country. Furthermore, a group of around 35 people working with migrants in different sectors met once a month in Reykjavik and exchanged views on their activities.

11. Migrants from European Union countries had the right to receive unemployment benefits when they lost their jobs, while migrants from other countries received financial assistance from the local authorities if they could not provide for their needs or those of their families. More generally, all persons legally resident in Iceland were entitled, like Icelandic citizens, to the services provided by the local authorities (financial assistance, social work services, information on rights and services, etc.). In that connection, in 2009 the Government had begun an assessment of the effects of the 2008 economic crisis, with the aim of estimating the standard of living of the Icelandic population, including migrants.

12. Trade unions played an important role in informing migrants of their rights in the labour market. The Foreign Nationals' Right to Work Act stipulated that employers and trade unions must provide foreign employees holding temporary work permits with information on Icelandic language courses, on Icelandic society and on all training opportunities for migrants and their families. Icelandic language courses were often dispensed in the workplace and many employers allowed their employees to attend them during working hours on full pay.

13. **Mr. Amir** said that, during the United Nations Climate Change Conference held in Copenhagen, participants had questioned the role of the industrialized countries in the fight against global warming, since the developing countries considered that the burden was not shared equally. That having been said, he wondered whether Iceland might envisage involving scientists from the developing countries, in particular Africa, in its research work on climate change. There were very few researchers from Southern countries in contact with researchers in developed countries, such as Iceland, yet such scientific cooperation could be beneficial to all parties concerned.

14. **Mr. Avtonomov** noted with satisfaction the fact that the Intercultural Centre in Reykjavik had not ceased its activities, although it had faced difficulties owing to the economic crisis, since the Centre really helped foreigners to integrate into Icelandic society.

15. He would like the core document on Iceland to be updated so that it was no longer obsolete, and to take account of the rapid change that Icelandic society had undergone in the last 20 years. Noting that many migrants had settled in Iceland and had been naturalized, he requested the delegation to include in its next report fuller information on the situation of such persons, particularly with regard to their integration and living conditions; he wished to know how the Convention was applied in that area. He also requested information on the ethnic composition of the Icelandic population.

16. **Mr. de Gouttes**, noting that anti-discrimination tests to detect possible discrimination had been carried out at the entrance to public establishments in Iceland, asked whether the State party's legislation provided for the possibility of instituting criminal proceedings based on the findings. He would also like to know whether there were provisions allowing for a possible shift in the burden of proof for discrimination in civil, commercial or social matters in order to facilitate the defence of the victims of racism, as was the case in many countries.

17. He was aware that under the new labour legislation work permits were granted to employees, rather than to employers as in the past, and that according to Iceland's report the old system also had advantages for employees, since employers had certain obligations and responsibilities vis-à-vis foreign workers, such as providing them with health insurance and guaranteeing to pay for their journey home at the end of their contracts. Did the new legislation provide more guarantees for employees and, if so, what were they?

18. He would like more detailed information on the status and protection of unaccompanied migrant minors or minors accompanying undocumented refugee parents and who might be placed in holding centres because of their parents' situation.

19. **Mr. Kut** asked whether the Icelandic language courses provided for foreigners had to be paid for, and if so, who bore their cost.

20. **Mr. Thornberry** enquired what impact the two European Union directives to combat racial discrimination had on the State party's legislation as a member of the European Free Trade Association (EFTA) and whether Iceland planned to bring its legislation into line with those directives.

21. While commending the State party for incorporating the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms into its domestic legislation, he was concerned that it was incorporating only certain human rights instruments, in a fragmented way, which did not help to establish a hierarchy of human rights and highlighted some aspects of those rights at the expense of others. The Committee set great store by the principle of the interdependence and indivisibility of human rights and believed that all instruments must be taken into account.

22. Anti-discrimination tests could be beneficial if there was general public support for anti-discrimination measures, but they risked being ineffective, and even counterproductive, if such measures gave rise to tensions. In the case of Iceland, it was evident that public opinion was generally in favour of combating discrimination and the tests could therefore be deemed useful.

23. **Mr. Kemal**, Country Rapporteur, asked whether it was true, as indicated by reliable sources, that foreigners were employed on Icelandic fishing trawlers without holding Icelandic residence or work permits.

24. **Mr. Kristjansson** (Iceland) talked about the effects of climate change and green energy in his country.

25. **Ms. Kristinsdottir** (Iceland) said that asylum-seekers who were unable to produce identity documents were never held in closed facilities unless they manifestly refused to cooperate with the authorities in establishing their identity; no such cases had occurred. Asylum-seekers could move freely within the territory of Iceland and usually lived in homes reserved for them near airports, in particular Reykjavik airport. Families stayed in apartments provided for them, and children had access to preschool, primary or secondary education, as appropriate.

26. **Ms. Broddadottir** (Iceland) said that Iceland had adopted a 10-point plan of action to combat trafficking in human beings, the tenth point of which dealt with ways and means of identifying and assisting alleged victims of trafficking under the age of 18. Some of those measures were applicable to unaccompanied minors. The child welfare services and the Directorate of Immigration cooperated closely to protect the best interests of the child as part of the assistance they provided to unaccompanied minors. There was talk of those services also providing assistance in the future to foreign children living in Iceland without a residence permit, including children abandoned in border areas, without any legal representative. Icelandic courses for foreigners were not free but were paid for mostly by employers and trade unions. However, unemployed foreigners had to bear the cost of their language training. Iceland was not free of domestic violence. Shelters for women had been set up using public funds in Reykjavik and in the north of the country, where victims had access to a range of services provided by NGOs. The percentage of female migrants who went to those centres was particularly high, which meant that they knew such facilities existed, which was to be welcomed.

27. **Ms. Jonasdottir** (Iceland) said that her delegation would transmit to the Committee further information on the use of anti-discrimination testing and the possibility of taking criminal action on the basis of evidence, collected using that method, that public establishments discriminated against certain groups of people. The only area in which the burden of proof rested with the accused and not the alleged victim was that of gender-based discrimination. There were no plans to apply the principle to other grounds of discrimination.

28. Since 2008, work permits had been issued in the name of the foreigner that had submitted the application, not in the name of the employer. It was easier for the employee to change employer, and the procedures for changing his or her name on the permit had been simplified. The two European Union directives mentioned in paragraph 35 of the State party's report would undoubtedly lead to an amendment to current legislation. Information on the subject would be included in Iceland's twenty-first periodic report.

29. Iceland had not established a hierarchy among the different fundamental rights. The fact that the Convention on the Rights of the Child had been the first international human rights instrument that Iceland had incorporated into domestic legislation did not mean that children's rights took precedence over other human rights: the other treaties and conventions were being incorporated one by one into domestic legislation.

30. All foreigners employed by Icelandic fishing companies were granted Icelandic residence permits and work permits. Persons who were not granted such documents were those working for a company which was not domiciled in Iceland, for example on a trawler flying a flag other than Iceland's.

31. **Mr. Kemal**, Country Rapporteur, welcomed the frank and constructive dialogue with the Icelandic delegation. Iceland was doing its utmost to guarantee the fundamental rights of its nationals and the foreigners on its territory and to ensure that all persons were treated without discrimination.

The discussion covered in the summary record ended at 12.10 p.m.