



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
18 September 2019

Original: English

Committee on the Elimination of Racial Discrimination

Concluding observations on the combined twenty-first to twenty-third periodic reports of Iceland*

1. The Committee considered the combined twenty-first to twenty-third periodic reports of Iceland (CERD/C/ISL/21-23), submitted in one document, at its 2751st and 2752nd meetings (see CERD/C/SR.2751 and 2752), held on 14 and 15 August 2019. At its 2765th meeting, held on 23 August 2019, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined twenty-first to twenty-third periodic reports of the State party, while regretting the delay in their submission. The Committee expresses its appreciation for the constructive dialogue with the State party's delegation and thanks the delegation for the information provided during the consideration of the reports.

B. Positive aspects

3. The Committee welcomes the State party's ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 20 February 2019.

4. The Committee also welcomes the following legislative and policy measures taken by the State party:

- (a) Act No. 86/2018 on equal treatment on the labour market;
- (b) Act No. 85/2018 on equal treatment irrespective of race or ethnic origin;
- (c) Act No. 80/2016 on foreigners, which entered into force in 2017;
- (d) Article 27 of Act No. 38/2011 on the media, which prohibits media service providers from encouraging hatred in the media on the grounds of race, gender, sexual orientation, religious belief, nationality, opinion or cultural, economic, social or other standing in society;
- (e) The updated action plan against human trafficking entitled "Government Emphases in Actions against Human Trafficking and Other Types of Exploitation", published on 29 March 2019;
- (f) The action plan on immigrant issues for 2016 to 2019;
- (g) The 2016 national action plan for the integration of non-nationals.

* Adopted by the Committee at its ninety-ninth session (5–29 August 2019).



C. Concerns and recommendations

Grounds of racial discrimination

5. While noting that article 65 of the State party's Constitution and articles 180 and 233 (a) of its General Penal Code are intended to provide protection against racial discrimination, the Committee is concerned that national or ethnic origin is not included among the grounds of discrimination set out in article 233a of the Penal Code (art. 1).

6. The Committee recommends that the State party expand article 233a of the Penal Code to include national or ethnic origin as a ground of discrimination, in accordance with article 1 of the Convention.

Incorporation of the Convention in the domestic legal order

7. The Committee is concerned that the State party has not fully incorporated the Convention into its domestic legal order and, in particular, has not adopted comprehensive anti-discrimination legislation that protects all the rights expressly set forth in articles 2 and 5 of the Convention, despite the Committee's previous recommendations (CERD/C/ISL/CO/19-20, paras. 11–12). The Committee regrets the lack of information on cases of racial discrimination brought before the country's courts or administrative bodies, noting with concern that the State party provided only one example of a case in which a perpetrator was found guilty of and penalized for violating article 233a of the Penal Code (arts. 2 and 6).

8. The Committee reiterates its recommendation that the State party incorporate all of the substantive provisions of the Convention into domestic law, with a view to ensuring comprehensive protection against racial discrimination. It also recommends that the State party take measures to ensure the full and effective implementation of existing legal provisions prohibiting racial discrimination, to facilitate effective access to justice and to provide appropriate remedies for all victims of racial discrimination. The Committee requests the State party to provide in its next periodic report detailed examples of cases of racial discrimination, including an analysis of and data on the application of the Convention through relevant legal provisions in judicial and administrative decisions.

Racist motives as an aggravating circumstance

9. The Committee is concerned about the absence of a provision in the Penal Code establishing racist motives as an aggravating circumstance, which is considered necessary to ensure appropriate penalties for racial discrimination offences (art. 4).

10. The Committee recommends that the State party amend its Penal Code to include racist motives as an aggravating circumstance for criminal offences and to set out appropriate penalties, in line with article 4 of the Convention.

National human rights institution

11. While noting the explanation provided by the State party, the Committee is concerned that the State party has not yet established a national human rights institution with a broad mandate to promote and protect human rights in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (arts. 2 and 6).

12. The Committee urges the State party to expedite the establishment of an independent national human rights institution, with a broad mandate to promote and protect human rights, and allocate to it adequate human and financial resources to carry out such a mandate, in accordance with the Paris Principles. The Committee encourages the State party to invest such an institution with a mandate to address individual complaints regarding racial discrimination, as set out in article 14 (2) of the Convention.

Racist hate speech

13. The Committee takes note of the measures taken by the State party to combat racist hate speech, including awareness-raising measures on the value of diversity and the adoption of Act No. 38/2011 on the media, in which the encouragement of hatred in the media on several grounds, including race, is prohibited under article 27. However, the Committee is concerned about the rise in hate speech, especially against ethnic-religious groups and foreigners of the Muslim faith, incitement to racial hatred and the propagation of ideas of racial superiority and involving racist stereotypes, including in political campaigns and debates, in the media and on the Internet and social media. The Committee is also concerned that the penalties under article 27 of the Act are imposed only for serious and repeated violations, thus preventing the effective prosecution and punishment of hate speech in the media. The Committee is further concerned that, thus far, because of that high threshold, no complaints under article 27 of the Media Act have resulted in prosecution (arts. 2, 4 and 7).

14. The Committee recalls its general recommendation No. 35 (2013) on combating racist hate speech and recommends that the State party take firm measures to combat hate speech, including by:

(a) **Condemning all expressions of racist hate speech, including by political and public figures, and firmly combating them, in particular by monitoring the media, the Internet and social networks to identify persons or groups of persons expressing racist hate speech, and by investigating such acts, prosecuting those responsible and, if convicted, punishing them appropriately;**

(b) **Amending the Act on the media to abolish the requirement that violations be both serious and repeated in order for penalties to be imposed, so as to allow for more effective prosecution and punishment of all incidents of hate speech;**

(c) **Promoting understanding and tolerance between minorities, immigrants, refugees and the local population, including by continuing the initiatives of the Ministry of Education, Science and Culture and the Icelandic Safer Internet Centre to combat hate speech.**

Racist hate crimes

15. The Committee takes note of the initiatives taken by the State party to raise awareness and to build the capacity of the police force, including through the availability of specialized training on hate crimes and courses on non-discrimination and diversity. It remains concerned, however, that racist hate crimes still occur (eight hate crimes based on racism and xenophobia were recorded in 2017) and may remain underreported (arts. 4 and 6).

16. The Committee recommends that the State party ensure that all racist hate crimes are reported and investigated, that those responsible are prosecuted and, if convicted, punished appropriately, and that remedies are provided to victims. It also recommends that the State party record racist hate crimes and provide the Committee with statistics on reported hate crimes, the outcome of investigations and the punishments imposed. The Committee further recommends that the State party continue its awareness-raising initiatives to educate the population, in particular minority groups, on hate crimes and the legal remedies available, including redress for victims.

Trafficking in persons

17. The Committee takes note of the statistics provided by the State party's delegation on potential cases of trafficking in persons identified between 2015 and 2019, and on assistance provided to victims, who are usually foreigners from Eastern Europe, the Baltic States, South America and East Asia. However, the Committee is concerned that, during that same period, there have been no convictions for trafficking in persons, despite 74 potential cases having been reported, 27 formal investigations having been conducted and 88 victims having been identified (arts. 2, 5 and 6).

18. **The Committee recommends that the State party intensify its efforts to investigate allegations of trafficking in persons, prosecute the perpetrators of such acts and ensure that victims receive protection, assistance and reparation. The Committee also recommends that the State party conduct awareness-raising campaigns on the prevention of trafficking, including training for law enforcement and border immigration officials on the identification of victims of trafficking in persons, and campaigns on rights and remedies targeting the most vulnerable segments of the population.**

Situation of non-citizens, including migrants, asylum seekers and refugees

19. The Committee notes that the number of foreign nationals living in the State party has continued to increase substantially (from 7.6 per cent of the total population in 2009 to 12.6 per cent in 2018). It welcomes the measures taken by the State party to facilitate their integration, including the establishment of the Multicultural Information Centre in Reykjavik, which offers a full range of services in multiple languages and runs awareness-raising campaigns to celebrate diversity. The Committee remains concerned, however, that:

(a) The unemployment rate among persons belonging to ethnic minorities or with migrant backgrounds remains high, at 7.4 per cent, which is more than twice as high as that among the general population;

(b) Despite the Committee's previous recommendations (CERD/C/ISL/CO/19-20, para. 18), the State party is still issuing temporary work permits for specific employers instead of for specific types of work, thus making it difficult for the workers concerned to report labour violations committed by employers, including breaches of contract, and increasing their vulnerability to abuse and exploitation;

(c) Disparities persist in access to secondary education for children with immigrant backgrounds.

20. **The Committee recommends that the State party:**

(a) **Take measures to reduce the higher rates of unemployment among persons belonging to ethnic minorities, immigrants and persons with immigrant backgrounds, including through the provision of vocational training and language education;**

(b) **Conduct awareness-raising campaigns among employers to prevent racial discrimination in the hiring process and educate workers about the available remedies for cases of discrimination in employment;**

(c) **Issue work permits for a specific type of work or remunerated activity and for a specific time, rather than for work with a specific employer;**

(d) **Continue its efforts to improve access to secondary education for children with immigrant backgrounds, including by creating a national education strategy to identify inequalities in access to education and develop solutions, in consultation with affected groups.**

Violence against women from minority backgrounds and migrant women

21. While taking note of measures taken by the State party to combat sexual and gender-based violence and discrimination, including the distribution to immigrant communities of pamphlets and cards on domestic violence and on the support available, the Committee remains concerned that women from minority backgrounds and immigrant women remain more likely to experience violence than women in the general population, and that, in 2018, 35 per cent of women in domestic violence shelters were foreign (art. 5).

22. **The Committee recommends, in the light of general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, that the State party:**

(a) **Increase measures to protect foreign women and women from minority backgrounds from sexual and gender-based violence and racial discrimination,**

including domestic violence, and ensure that victims are provided with adequate legal, medical and psychosocial assistance, regardless of their immigration status;

(b) Increase measures to ensure that foreign women and women from minority backgrounds are informed of their rights and of the remedies available, including by making educational material available in a variety of languages;

(c) Take measures to facilitate the reporting of complaints by foreign women, including by educating foreign women on immigration laws, which permit individuals from countries outside the European Economic Area to retain their residence permits upon divorce from Icelandic-born spouses in circumstances where abuse or violence is perpetrated against them;

(d) Investigate allegations of sexual and gender-based violence and ensure that those responsible are prosecuted and appropriately punished;

(e) Raise awareness among the population, in particular among persons belonging to minority groups, on the prohibition and negative effects of gender-based violence.

D. Other recommendations

Ratification of other treaties

23. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Committee encourages the State party to accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

Follow-up to the Durban Declaration and Programme of Action

24. In the light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

International Decade for People of African Descent

25. In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies. The Committee requests that the State party include in its next report precise information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.

Consultations with civil society

26. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in

connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

Dissemination of information

27. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all State bodies entrusted with the implementation of the Convention, including municipalities and publicized on the website of the Ministry of Foreign Affairs in the official and other commonly used languages, as appropriate.

Common core document

28. The Committee encourages the State party to update its common core document, which dates to 22 April 1993, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006 (HRI/GEN/2/Rev.6, chap. I). In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

Follow-up to the present concluding observations

29. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 10 and 12 above.

Paragraphs of particular importance

30. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 14, 16 and 20 above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

Preparation of the next periodic report

31. The Committee recommends that the State party submit its combined twenty-fourth to twenty-seventh periodic reports, as a single document, by 4 January 2022, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.
