



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the first part (public)* of the 2751st meeting

Held at the Palais des Nations, Geneva, on Wednesday, 14 August 2019, at 3 p.m.

Chair: Mr. Amir

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* The summary record of the second part (closed) of the meeting appears as document CERD/C/SR.2751/Add.1.

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

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

Combined twenty-first to twenty-third periodic reports of Iceland (CERD/C/ISL/21-23; CERD/C/ISL/Q/21-23)

1. *At the invitation of the Chair, the delegation of Iceland took places at the Committee table.*
2. **Mr. Gudmundsson** (Iceland), introducing the combined twenty-first to twenty-third periodic reports of Iceland (CERD/C/ISL/21-23), said that, in a relatively short time, Iceland had changed from being one of the most homogeneous countries in the world to a country with a large number of immigrants – indeed it had more foreign workers than any other Nordic country. During that shift, his Government had made it a priority to promote equality and combat racial and all other forms of discrimination. The majority of Icelanders agreed that immigrants had a positive impact on society, while political parties founded on anti-immigration platforms had had no success in local and general elections.
3. Having recently ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Iceland would shortly be completing ratification of the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.
4. Turning to the list of themes sent to his Government by the Committee (CERD/C/ISL/Q/21-23), and specifically the policy framework for implementation of the Convention, he said that the new Act on Foreigners had improved immigration and asylum procedures, with a focus on family reunification and children’s rights. There had been some criticism of its implementation and the Act therefore remained under constant review.
5. The two new Acts on equal treatment in employment and on equal treatment regardless of race or ethnic origin had entered into force in September 2018 and were being implemented by the Directorate of Equality, which had met with stakeholders to introduce the legislation. To date one complaint, under the legislation on equal treatment in employment, had been filed with the Equality Complaint Committee and was being investigated.
6. The desirability of including racist motivation as an aggravating circumstance for all offences was under consideration by the Icelandic Penal Code Committee, a standing advisory board to the Ministry of Justice. Once the Ministry had received the Committee’s recommendations it would decide on further action.
7. His Government hoped to be able to present a bill to establish a national human rights institution in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) in autumn 2019, but sufficient funding had not yet been provided. It was therefore not possible to say when such a body would be established in Iceland. In the meantime the Icelandic Human Rights Centre would continue to advance human rights through promotion of research and education, as well as by raising awareness and commenting on legislative proposals and public policy. The status of the Centre was not based on statutory law and it was funded directly by several ministries on a contractual basis. That funding had recently been increased to enable it to extend its free legal counselling service for immigrants to those who were victims of domestic violence in the north of the country.
8. The National Police Commissioner collected statistics on instances of hate speech. Preliminary figures indicated that 89 allegations of hate speech and three of refusal of goods or services had been recorded between 2006 and August 2019. There had been five cases in total in 2018 and seven in the current year to date. In 2017, one case had been prosecuted and three sentences handed down for hate speech offences.
9. The Police Commissioner also kept statistics on discrimination and defamation. In 2018 there had been four potential hate crimes based on racism or xenophobia, one based

on religion and two based on sexual orientation. In 2017, 14 potential hate crimes had been recorded.

10. As part of the country's efforts to counter acts of racism, the Development Fund for Immigrant Affairs had been strengthened, with a special focus on immigrant children. The Fund's purpose was to support research and development in the prevention of acts of racism and discrimination, focusing in particular on projects run by immigrant-led organizations.

11. In response to the revelations of multiple discrimination against migrant women brought to light by the #MeToo movement, his Government was funding two projects. The Women's Story Circle, a joint project of the Women of Multicultural Ethnicity Network and the Reykjavik city library, was a space where immigrant women could seek support, receive information and strengthen their social networks. The second project was an analysis of all the research done to date into the situation of women with immigrant backgrounds, with a view to identifying and breaking down the main barriers they encountered in Icelandic society.

12. With regard to complaints to the Media Commission under article 27 of the Act on Media prohibiting media outlets from engaging in direct incitement of hatred, he said that, although the Commission received funds to monitor the media and take action against violations of the Act, it considered that that funding was not sufficient to allow it to engage in raising public awareness of hate speech and of the remedies available. Moreover, article 27 addressed systematic incitement to hatred and an isolated instance was therefore not deemed an offence under that provision but was instead covered by the Penal Code. The few complaints received to date by the Media Commission had all concerned isolated instances of hate speech.

13. Iceland had a long history of resettling refugees in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR). Recently, however, the number of people receiving international protection after applying for asylum had increased significantly, rising from 12 in 2012 to 289 in 2018. The four-year Action Plan on Immigrant Issues adopted in 2016, which aimed to ensure equal opportunities for all regardless of individual characteristics and circumstances, had increased the emphasis on providing refugees with the necessary assistance to process the traumas they had experienced and give them the chance to actively participate in society. It also aimed to coordinate and improve refugee reception following asylum proceedings and provide information on their rights and obligations and on employment opportunities, housing, language, education and Icelandic society in general.

14. Under an agreement with the Ministry of Social Affairs (formerly the Ministry of Welfare), the Iceland Red Cross provided all refugees with assistance in the form of a support family, first aid training, and a seminar on post-traumatic stress disorder, among other things; it also provided support to municipalities.

15. The Ministry had also appointed a committee to map the situation of refugees in Iceland and make suggestions for a resettlement programme for anyone receiving international protection, regardless of whether they had come through the asylum system or were UNHCR resettlement refugees.

16. The new action plan on human trafficking was contained in a document published in March 2019, which outlined the Government's priorities in combating human trafficking and other types of exploitation. The Directorate of Immigration was one of the agencies responsible for its implementation. Special attention was paid to the specific needs and vulnerabilities of foreigners in general and of immigrant women in particular.

17. An action plan on gender-based violence and sexual offences had been adopted in 2017 and a steering group on action to combat sexual violence had been set up in 2018. Particular attention was paid to multiple discrimination against migrant women, women who lived in poverty, disabled women and LGBT+ women. In addition, in accordance with the Action Plan on Immigrant Issues, the Ministry of Social Affairs had signed a contract with the Women's Shelter and the Human Rights Centre for a project entitled "Know your

rights - knowledge is power”, which aimed to raise awareness of social assistance and legal remedies available to immigrant women who had suffered domestic violence.

18. The Action Plan on Immigration Issues made provision for research on violence against and among immigrants in Iceland but no action in that regard had yet been taken.

19. The amendments made to the Foreign Nationals’ Right to Work Act in 2017 had been mainly technical in nature, designed to improve the Act’s coherence with the new Act on Foreigners that had taken effect in January of that year. One notable change was that foreigners with permanent residence permits were no longer required to have a work permit.

20. Special measures had been taken to tackle unemployment among foreign nationals, which stood at 7.4 per cent as compared with 3.4 per cent for the total population. Language and job-training programmes for foreigners had been put in place. He wished to point out, however, that labour market participation by foreigners in Iceland was still higher than in any other member State of the Organization for Economic Cooperation and Development (OECD).

21. In order to tackle the high dropout rate among school students with immigrant backgrounds, he said that, pursuant to the white paper on education reform published in 2014 by the Ministry of Education, Science and Culture, the Directorate of Education was running a project comprising dropout screening, financial support for dropout prevention measures in secondary schools and recording of the reasons given for dropping out.

22. In recent years his Government had stepped up the pace of resettlement of refugees in cooperation with UNHCR and in 2019 had accepted 75 refugees for resettlement from Lebanon and Kenya. In general Icelandic society welcomed refugees.

23. The Multicultural Information Centre created in 2012 published a special information booklet for immigrants and its six-language website gave information on rights, education, health care, work, administration and social care. In support of those efforts, the Icelandic Parliament had recently passed a resolution on the opening of a centre where immigrants could find information from various government institutions and from municipalities.

24. As to education to combat prejudice and promote understanding, he said that, under the 2011 national curriculum for pre-primary, compulsory and upper secondary schools, the principle of equality, and human rights in general, were to be interwoven into all educational activities and were expected to form the core of all learning, teaching and social activities in schools. He recalled that the Ministry of Education, Science and Culture and the Icelandic Centre for a Safer Internet were running a joint project to tackle online hate speech and support young people in standing up for human rights, online and offline.

25. The awareness-raising seminars and training programmes on hate crime for law enforcement officials had been well attended and appeared to have had a positive impact. In addition, the curriculum of the Police Science department of the University of Akureyri included courses on non-discrimination and diversity. Though it was not easy to measure outcomes, Iceland had not been plagued by high-profile accusations of discriminatory policing of the kind often found in other countries.

26. **Mr. Bossuyt** (Country Rapporteur) said that the five-year delay in submission of the State party’s report was regrettable. It would be useful to know why the Convention, unlike other international instruments, had not been incorporated into domestic legislation. Also, to date, the State party had adopted no comprehensive legislation on racial discrimination. Furthermore, the grounds of discrimination set forth in the General Penal Code did not include language or national or ethnic origin, while incitement to violence, hatred or discrimination and related conduct were not classified as punishable offences. The State party might wish to consider making racist motivation an aggravating circumstance for all criminal offences. It would be helpful if the delegation could provide information on complaints lodged for violations of article 180 and 233 (a) of the General Penal Code and on investigations carried out, penalties imposed, and reparations provided to victims in relation to those provisions.

27. He enquired whether the bills regarding equal treatment in employment and equal treatment regardless of race or ethnic origin, which aimed at implementing European Council Directive 2000/43/EC and European Council Directive 2000/78/EC and had entered into force in September 2018, had already produced results on the ground.

28. The entry into force of the new Act of Foreigners No. 80/2016 was highly relevant, given the steep increase in the number of foreigners residing in the State party.

29. The Committee looked forward to the establishment of a new independent human rights institution compliant with the Paris Principles.

30. The Committee was concerned about the reported increase in online hate speech. It might be advisable for the State party to remove the condition set forth in the Act on Media No. 38/2011 whereby only serious and repeated violence was liable to a fine or revocation of licence. That condition could hinder the punishment of hate speech in the media.

31. As elsewhere, the number of asylum applications in the State party was increasing. The national action plan on immigrant issues submitted to Parliament in 2016 contained a chapter on refugees, which emphasized the need for assistance in coping with trauma and aimed to facilitate refugees' prompt entry into the labour market. Additional information on the content, implementation and effectiveness of that plan would be appreciated. It would also be useful to know whether any progress had been made in bringing integration measures and services for recognized asylum seekers in line with those provided to quota refugees, especially with regard to housing, employment and Icelandic language classes.

32. He enquired whether the new action plan against human trafficking had been adopted, as planned, and whether it contained measures to address the specific needs and vulnerabilities of immigrant women. It would also be useful to learn about progress made towards a national action plan on sexual and domestic violence that took into account the specific needs and vulnerabilities of immigrant women. The delegation might also wish to describe the measures taken to raise those women's awareness of relevant legislation and rights.

33. With regard to the Committee's earlier recommendation to issue temporary work permits for a specific type of work, rather than with a specific employer, it would be useful to find out what measures had been taken to ensure that foreign workers were afforded equal treatment to nationals in terms of working conditions, restrictions and requirements.

34. In order to improve the range of services provided to foreign nationals in Reykjavik, the State party might wish to consider the establishment of a Multicultural and Information Centre modelled on the centre in Isafjörður, which offered a full range of services in a wide variety of languages.

35. In closing, he requested information on the results of the awareness-raising and capacity-building programmes for law enforcement officials on hate crimes in Iceland carried out in cooperation with experts from the Organization for Security and Co-operation in Europe (OSCE).

36. **Mr. Kut** said that it was regrettable that the State party had not provided an interim report on its follow-up to the recommendations identified in paragraph 26 of the Committee's concluding observations on the combined nineteenth and twentieth periodic reports (CERD/C/ISL/CO/19-20). The Committee attached great importance to its follow-up procedure as an indicator of a State's political will and ability to act on its recommendations.

37. It would be useful if the delegation could offer further clarification regarding the planned establishment of a new independent human rights institution compliant with the Paris Principles.

38. The Committee had asked the State party to discontinue the practice whereby temporary work permits were linked to a specific employer. Based on the relevant information provided in paragraphs 99 to 101 of the State party report, he was unconvinced that the issue had been resolved in that spirit. Could the delegation clarify whether the changes made to the Foreign Nationals' Right to Work Act No. 97/2002 corresponded to the Committee's recommendation?

39. It would be useful to learn about the practical outcomes of the 2014 White Paper on Education Reform, which set forth the goal to increase attainment in reading and the rate of on-time graduation. Had it helped reduce the disproportionately high drop-out rates of students with immigrant background in upper secondary education? It would also be interesting to learn about the results of the assessment of the knowledge and experience of immigrants conducted in the framework of the action plan on immigrant issues for 2016–2019. The delegation might further wish to inform the Committee whether the ambitious objective of the action plan – that by 2019 there would be no detectable difference in the entry rates of students by their origins, that the educational progress in secondary schools would be the same regardless of the origin of the student, and that the proportion of graduates of foreign origin would be equal to other groups – had been achieved.

40. **Mr. Avtonomov** said that the Committee would appreciate information relating to the application of article 227 (a) of the General Penal Code criminalizing trafficking in human beings, in particular the number of investigations and prosecutions and the nature of the penalties imposed. It would also be helpful to learn about the progress made towards the adoption of the new action plan against human trafficking, planned for the year in course, and the results achieved by the consultation forum set up to consult and cooperate on the development and implementation of anti-trafficking policies. Was it true that not all the actions envisaged in previous action plans against human trafficking had been implemented, due to a lack of funds? Given that the problem persisted, the delegation might wish to elaborate on the way in which the State party intended to tackle the issue. He was pleased to learn that all female victims of trafficking were provided with a temporary place in a safe house. Could the delegation indicate how many victims had benefited from such protection and whether it was also available to male victims of trafficking?

41. Information would also be appreciated about the situation of Roma living in the State party, if any, and about the extent to which the State party was involved in the International Decade for People of African Descent.

42. **Mr. Calí Tzay** said that over recent years there had been a significant rise in the number of refugees and migrants arriving in Iceland. Despite laudable measures to provide services for them, more could be done to identify and address the causes of discrimination against them. While Iceland remained one of the most progressive nations in the world, discrimination occurred against people of African descent and hate crimes were on the rise. He wished to know whether the laws in force to prohibit discrimination and incitement to hatred were sufficient to counter the increase in those crimes. He particularly wished to know what was being done to counter discriminatory rhetoric, in which Muslims were being blamed for the rise in crime in European cities. He also wished to know how the Government intended to prevent the recruitment of Icelanders by neo-Nazi groups. He asked what measures could be taken to increase the participation of women refugees in the labour market. Had consideration been given, for example, to increasing the recognition of foreign qualifications or to providing Icelandic language, literacy and information technology training for migrants to prepare them for integration in the labour market. While the support for migrants in Iceland was generally more comprehensive than in other countries, it was regulated at the municipal level and therefore subject to a certain degree of variation. He wished to know if the State party would consider taking measures at the national level to harmonize the support provided.

43. **Mr. Diaby** said he wished to know the extent to which civil society had been involved in the preparation of the State party's report, and what legal framework was in place to facilitate the work of non-governmental organizations (NGOs). He asked how many civil society associations worked on matters related to racial discrimination. He was particularly concerned about the Society against Polish People in Iceland and asked how such a society could possibly exist. He requested more detailed information on the Society's activities and the forums in which its views were expressed. He asked if there were any indigenous peoples in Iceland and if so, how their protection was ensured.

44. **Mr. Murillo Martínez** said that even though Iceland's economic development indicators were all extremely positive, he would be interested to hear more about the Government's commitment to the attainment of the Sustainable Development Goals, in particular with regard to climate change and its effects in an increasingly interdependent

world. He wished to know whether the Sustainable Development Goals featured as a topic of public discourse and how prominent they were in Iceland's policies and practices with regard to international cooperation. He asked whether any activities were being undertaken to mark the International Decade for People of African Descent. He wondered why there were disparities in employment figures for men and women migrants, and asked what training was being provided to equip women better for participation in the labour market. He wondered why child mortality rates had risen since 2006, and which children were most affected. Lastly, he asked whether the Government was conducting any inquiries into the rise in hate speech and if so, what challenges and potential solutions had been identified. He wondered whether the State party had taken account of the Committee's general recommendation No. 35 (2013) on combating racist hate speech.

The meeting was suspended at 4.35 p.m. and resumed at 5 p.m.

45. **Mr. Gudmundsson** (Iceland) said that, with regard to the domestication of the provisions of the Convention, Iceland took a dual approach to giving international treaties the force of law adaptation and incorporation. Adaptation was the approach most commonly applied, which involved either the transcription of treaty provisions in the form of general statutes, executive regulations or constitutional acts, or the amendment of existing legislation to bring it into line with the treaty concerned. Thus, Icelandic legislation had been adapted in accordance with the provisions of the Convention, and the full legal protection afforded by the Convention was therefore guaranteed. There was no evidence of deficiencies in domestic legislation that had resulted in protection gaps.

46. With regard to the reported increase in Islamophobic and other hate speech in the social media, the attitude of the general public to immigrants was predominantly positive. Unfortunately, however, Iceland had not been immune to the increase in xenophobia and anti-immigrant rhetoric, and hate speech could easily be detected in the Icelandic social media. It included sexism, misogyny, homophobia and Islamophobia. He underscored that article 233 (a) of the Penal Code prescribed a penalty of up to 2 years' imprisonment or a fine for anyone who publicly attacked a person or group through, for example, mockery, slander, insults or threats based on nationality, colour, race, religion, sexual orientation or gender identity. As noted in paragraph 78 of the report, the Supreme Court had found two men guilty of hate speech in December 2017 for publicly using degrading language when discussing lesbian, gay, bisexual and transsexual education in schools. In October 2018, a man had been convicted of hate speech for expressing the hope that a Muslim woman would be the victim of a terrorist attack by "shitty people" of her own kind.

47. While the Penal Code criminalized hate speech, the Government firmly believed that freedom of expression, education and awareness-raising were important weapons in the fight against intolerance and hate speech. As racism and prejudice were frequently based on ignorance and fear, they could be effectively addressed through an informed public dialogue. As noted in the report, Iceland participated in the Council of Europe's "No Hate Speech" movement, and the Ministry of Welfare, in cooperation with the Integration Council, had launched an awareness-raising television campaign on discrimination against immigrants in 2016.

48. The Icelandic authorities had approved the settlement of a number of refugees, most of whom were Muslims. The resettlement programme had been recognized as a best practice and the public had been actively involved in welcoming the refugees through the Icelandic Red Cross.

49. An action plan against violence had been adopted by the Parliament for the period 2019 to 2022. The Ministry of Education, Science and Culture was responsible for raising awareness of hate speech and eliminating it from all communications and public debate. A task force working with the Icelandic Human Rights Centre would further elaborate the project. The Government also supported the Safer Internet Centre, which sought to raise awareness of the safe and positive use of the Internet among children, parents, teachers, policymakers, and the information and communications technology industry. The Centre was coordinated by the National Parents Association, which was an independent non-governmental organization (NGO).

50. Many members of Icelandic society opposed hate speech in the comment systems run by media outlets. As noted in the report, a number of NGOs vigorously defended minority rights and there was little support for extremist groups. Children and young people were also encouraged to oppose hate speech.

51. A total of 4,470 schoolchildren, or about 10 per cent of all students, had a mother tongue other than Icelandic in 2017, and meeting their needs presented a major challenge. Although most children enrolled in upper secondary schools, the dropout rate, especially among children of foreign origin, was an ongoing problem. The White Paper on Educational Reform included two key goals, one of which was that 60 per cent of students should complete upper secondary education. The ratio had increased from 44 per cent in 2011 to 54 per cent in 2017. The action plan on immigrant issues underscored the importance of equality of opportunity in education and of appropriate recognition of immigrants' knowledge and experience. Action was taken to prevent immigrant student dropout from secondary schools, including through increased emphasis on native language instruction and promotion of bilingualism and plurilingualism. The Minister of Education, Science and Culture had established a working group of stakeholders to analyse the current situation and to formulate a policy and recommendations by late 2019. Steps were also being taken to enable adults to acquire recognized educational and professional qualifications.

52. The authorities were aware of the increased popularity throughout the world of nationalist, anti-immigrant and anti-Muslim political parties. Fortunately, that phenomenon was not yet discernible in Iceland, and the authorities were determined to maintain a society in which equality, tolerance and diversity were celebrated. Action had been taken in recent years to identify and address the needs of marginalized and vulnerable groups, such as immigrants and religious minorities. Funds had been allocated to projects aimed at supporting a multicultural society, equality of opportunity and respect for all.

The public part of the meeting rose at 5.15 p.m.