

CRI (97) 54

European Commission Against Racism and Intolerance

First report on Iceland

Adopted on September 1997

For further information about the work of the European Commission against Racism and Intolerance (ECRI) and about the other activities of the Council of Europe in this field, please contact:

Secretariat of ECRI
Directorate General of Human Rights – DG II
Council of Europe
F - 67075 STRASBOURG Cedex
Tel.: +33 (0) 3 88 41 29 64
Fax: +33 (0) 3 88 41 39 87
E-mail: combat.racism@coe.int

Visit our web site: www.coe.int/ecri

INTRODUCTION

The European Commission against Racism and Intolerance (ECRI) was set up in 1994, at the instigation of the first Summit meeting of Heads of State and Government of the member States of Council of Europe, to combat the growing problems of racism, xenophobia, anti-Semitism and intolerance threatening human rights and democratic values in Europe. The members of ECRI were chosen for their recognised expertise in questions relating to racism and intolerance.

The task given to ECRI was to: review member States' legislation, policies and other measures to combat racism, xenophobia, anti-Semitism and intolerance and their effectiveness; propose further action at local, national and European level; formulate general policy recommendations to member States; and to study international legal instruments applicable in the matter with a view to their reinforcement where appropriate.

One aspect of the activities developed by ECRI to fulfil its terms of reference is its country-by-country approach, which involves carrying out an analysis of the situation in each of the member States in order to provide governments with helpful and concrete proposals.

The procedure adopted for the preparation of country-specific reports can be summarised thus:

- a. The preliminary collection of information as well as the preparation of the texts of the preliminary draft reports are carried out in small working groups of ECRI. Preliminary sources of information used are wide-ranging, including, inter alia, replies provided by governments to a questionnaire sent out by ECRI, input from the relevant national members of ECRI, information on national legislation collected for ECRI by the Swiss Institute of Comparative Law¹, information from international and national non-governmental organisations, various publications and the media.
- b. ECRI examines and discusses the preliminary draft report on each country in plenary session and adopts a draft report.
- c. The report is sent to the relevant government for a process of confidential dialogue conducted through a government-appointed national liaison officer. The draft country report is re-examined and possibly revised in the light of the comments provided by the latter.
- d. The report is then adopted in its final form by ECRI in plenary session, and transmitted through the Committee of Ministers of the Council of Europe, to the government of the country in question. Two months after this transmission, the report is made public, unless the government of the country concerned expressly requests that it is not made public.

The first series of eleven ECRI's country-specific reports² were transmitted to the governments of the countries concerned in July 1997. The reports are accordingly now made public. The following report contains ECRI's analysis and proposals concerning Iceland.

¹ The report prepared by the Swiss Institute (ref: CRI (97) 38), covering relevant legislation in member States of the Council of Europe is available from ECRI's Secretariat.

² Reports on Belgium, the Czech Republic, Finland, Greece, Hungary, Iceland, Ireland, Lithuania, Luxembourg, Malta and Poland.

It should be noted that ECRI is carrying out its country-by-country procedure by preparing reports for all forty member States of the Council of Europe. This first series of eleven reports, for which the procedure was completed by June 1997, will be followed by other series of reports on the remaining member States of the Council of Europe. The order in which the reports are produced has no significance other than that these are the first reports to be completed.

The publication of this report represents the start of an on-going and active process of exchange between ECRI and the authorities of each of the member States, in order to identify solutions to the problems of racism and intolerance facing Europe. ECRI will also welcome the input of non-governmental organisations and other parties working in this field to ensure that its work is as constructive and helpful as possible.

REPORT ON ICELAND³

Introduction

Iceland has a small population and can be described as a single nation inhabiting a clearly defined area, all speaking the same language without any significant dialect differences, and sharing the same cultural heritage. The Icelandic nation is therefore fairly homogeneous and without specific minority groups based on for example colour, race or religion. Traditionally, it has always clearly been isolated by its geographical location.

In view of these factors, little attention has been paid to matters concerning non-citizens and/or minority groups in Icelandic legislation or policy. It still seems at present to be a country relatively free from the problems of racial discrimination and intolerance. However, this situation may change as immigration increases, and Iceland is congratulated on its efforts over the last few years to raise the issues of racism and to allocate more resources to these areas. Further efforts are still necessary, however, to monitor the situation carefully in order to be prepared to deal with any problems which may arise.

Some of the key areas identified by ECRI as meriting particular attention include:

- the desirability of developing a body of law specifically to deal with all forms of racial discrimination;
- the need for vigilance to prevent problems from developing;
- the need to develop a comprehensive and co-ordinated range of policies to cope with the developing phenomenon of immigration and its attendant difficulties.

³ Note: Any development subsequent to 7 June 1996 is not covered by the following analysis and is not taken into account in the conclusions and proposals

I LEGAL ASPECTS⁴

A. International legal instruments

1. Iceland has not as yet ratified the UNESCO Convention against Discrimination in Education, the European Charter for Regional or Minority Languages, nor the Framework Convention for the Protection of National Minorities. Even if not all these instruments are of direct relevance to the situation in Iceland, ratification should be considered to be a matter of principle and solidarity.

B. Constitutional provisions

2. Iceland adheres to the legal doctrine that international treaties do not assume the force of domestic law even if ratified; they are only binding according to international law. Human rights conventions have normally not been incorporated into Icelandic law and are not directly applied by the courts. Moreover, domestic law is construed in conformity with international law but generally takes precedence over international law in cases of disagreement, although judicial practice has recently given more weight to international instruments. There is some support for the view that international human rights conventions should be incorporated into Icelandic law, and it can be argued that in general the necessity to incorporate the contents of international conventions promptly and precisely into national legislation is far more compelling for "dualist" countries such as Iceland. The European Convention on Human Rights has now been incorporated into Icelandic domestic legislation, and ECRI considers that the provisions contained in the CERD should likewise be incorporated, since it is not self-executing. Recently (June 1995) the Constitution of Iceland was changed. The main changes concerning human rights can be found in articles 65 and 66. In article 65 is now laid down the general principle of equality before the law, whereas article 66 envisages the regulation of non-citizens with regard to entering and staying in Iceland and of acquiring Icelandic citizenship.

C. Criminal law provisions

3. Although some provisions do exist in Icelandic legislation to counter organisations promoting and inciting to racial discrimination (Article 233a of the Criminal Code), it is suggested that Iceland take further measures to implement fully the provisions of Article 4 of the CERD, which are of a mandatory character as stated in General Recommendation VII (32) of the Committee and which oblige States Parties to declare illegal and prohibit organisations which promote and incite to racial hatred.

⁴ A full overview of the legislation existing in Iceland in the field of combating racism and intolerance is provided in the publication CRI (95) 2 rev. prepared for ECRI by the Swiss Institute of Comparative Law (see bibliography)

II POLICY ASPECTS

D. Reception and status of non-citizens

4. During the past few years, marriages between Icelandic men and foreign women, including women from developing countries who wish to escape poverty at home (especially Thailand and the Philippines) have become increasingly frequent. These last groups of women are particularly in danger of being isolated in the home, with no knowledge of the Icelandic language or customs, and unaware of their rights and status under Icelandic law. They are therefore vulnerable in case of ill-treatment on the part of their husbands. Special efforts therefore need to be made to reach these women and provide them with language training, contacts with Icelandic society, and accurate information about their status and legal rights. The city of Reykjavik has a special home for immigrant women who have been beaten by their husbands or divorced or have no home for whatever reason. Another positive initiative has been the creation of an Information and Cultural Centre for Foreigners who have recently settled in the country, falling under the auspices of the Sport and Youth Council in Reykjavik. This centre has been used for social gatherings, and a new activity - teaching in Thai and other languages - began in January 1995. Furthermore, by publishing a booklet for women from Thailand, the Philippines and other countries the Ministry of Social Affairs tries to facilitate the adaptation of immigrants and raise their awareness of their rights according to the law. Such efforts should be intensified and developed in the future.
5. The number of refugees is low. In 1995, however, the Icelandic government gave asylum to 30 refugees from the Balkans. They all live in a village of 3 500 people, Isafjord in the West fjords. For a whole year, they have been provided with jobs and housing and teaching in the Icelandic language and Icelandic society. The children learn their own language in school. It will be interesting to see how these people from a distant culture will settle in a small village like this.

E. Education and training

6. Immigrants do not have to pay for their children to attend kindergarten. More funds are now being allocated for special teaching for the rising numbers of immigrant children in Icelandic schools. Teaching in schools to both autochthonous and immigrant children should prepare them to live together in a less homogeneous society than Iceland has hitherto been.

F. Statistics

7. Given the fact that Iceland has up until now very little experience of dealing with immigrants living within its country and the problems they may face, it is suggested that a system should be developed to monitor the situation, in order that appropriate policies may be developed to deal with any problems which are identified. Such monitoring might for example include:
 - records on racial violence, to improve knowledge of the underlying causes and patterns of such violence. One area which might deserve further research is the possible link between domestic violence and racist undertones (in respect of the increasing number of marriages between Icelandic men and foreign women);

- research into the position of immigrant children in the school system and the exact measures taken to facilitate their adaptation and the adaptation of Icelandic pupils to classmates of non-Icelandic origin;
- A study into the social situation of people that are non-citizens or have only recently been naturalised in Iceland.

General data as supplied by national authorities

For reasons of consistency, ECRI, in its CBC reports, has, in this box, reproduced statistical data only from the replies of Governments to ECRI's questionnaire. The questionnaire was sent to the Icelandic government on 13 July 1994. The Icelandic government did not reply to ECRI's questionnaire.

Population of Iceland: 267.806 (1995). This figure is taken from the Council of Europe publication "Recent demographic developments in Europe" (see bibliography).

BIBLIOGRAPHY

This bibliography lists the main sources consulted during the examination of the situation in Iceland: it does not cover all the various sources of information (media, contacts within the country, national NGOs etc) which were utilised.

1. CRI (94) 2 and Addendum: Situation in the member States of the Council of Europe concerning the issues under examination by the European Commission against Racism and Intolerance: Working papers submitted by the members of ECRI, Council of Europe document
2. Recent Demographic Developments in Europe, Council of Europe Press, 1994
3. CRI (95) 2 rev.: Legal measures to combat racism and intolerance in the member States of the Council of Europe, by the Swiss Institute of Comparative Law of Lausanne, Council of Europe publication
4. CERD/C/226/Add.12: Report submitted by Iceland to the Committee on the Elimination of Racial Discrimination, United Nations public document
5. CERD/C/SR.1049 & 1050: Summary Record of the discussions of the Committee on the Elimination of Racial Discrimination concerning the last report submitted by Iceland
6. "Country reports on Human Rights Practices for 1994", US Department of State, 1995