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# **ECRI REPORT ON ICELAND**

## **(fifth monitoring cycle)**

Adopted on 6 December 2016

Published on 28 February 2017

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## FOREWORD

The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialised in questions relating to racism and intolerance. It is composed of independent and impartial members appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country monitoring work, which analyses the situation in each of the member States of the Council of Europe regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI's country monitoring deals with all member States on an equal footing. The work takes place in 5-year cycles, covering 9-10 countries per year. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, those of the third round at the end of 2007, and those of the fourth round in the beginning of 2014. Work on the fifth round reports started in November 2012.

The working methods for the preparation of the reports involve documentary analyses, a visit to the country concerned, and then a confidential dialogue with the national authorities.

ECRI's reports are not the result of inquiries or testimonial evidence. They are analyses based on a great deal of information gathered from a wide variety of sources. Documentary studies are based on a large number of national and international written sources. The in situ visit provides the opportunity to meet with the parties directly concerned (both governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final ECRI report.

The fifth round country-by-country reports focus on four topics common to all member States: (1) Legislative issues, (2) Hate speech, (3) Violence, (4) Integration policies and a number of topics specific to each one of them. The fourth-cycle interim recommendations not implemented or partially implemented during the fourth monitoring cycle will be followed up in this connection.

In the framework of the fifth cycle, priority implementation is requested again for two specific recommendations chosen from those made in the report. A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

**The following report was drawn up by ECRI under its own responsibility. It covers the situation up to 29 June 2016; developments since that date are neither covered in the following analysis nor taken into account in the conclusions and proposals therein.**





## SUMMARY

**Since the adoption of ECRI's fourth report on Iceland on 6 December 2011, progress has been made in a number of fields.**

The Criminal Code provides protection against hate speech motivated by sexual orientation and gender identity. Relevant legislation has now been passed by Parliament and ratification of the Additional Protocol to the Convention on Cybercrime is pending.

A police officer has been appointed to a newly created position for the investigation of hate crime in the area of Reykjavik. A data base has been set up to monitor on-line hate speech and in particular the growing incidence of anti-Muslim sentiment. There is no data indicating any violent racist or homo/transphobic incidents in Iceland in recent years.

A White Paper on Educational Reform was adopted in 2015 aiming at creating a basis for discussion and action on education reform, including the provision of special support to pupils with a foreign background so as to enable them to acquire equally good reading literacy skills as other pupils.

The Icelandic Parliament adopted an Act on immigrant issues in 2012, establishing the formal administrative structures for integration and providing for an action plan on integration and immigrant issues to be put forward every four years. The government approved the first such national action plan and will introduce the draft to Parliament in 2016 for the adoption of a Parliamentary Resolution.

The respect of LGBT rights in Iceland is overall good and there is generally a positive climate of tolerance and acceptance. An action plan on "LGBTI" issues is being developed under the Ministry of Welfare, involving various other ministries and NGOs. The aim is to improve further the situation of "LGBTI" persons as concerns, among other areas, education, including bullying in schools, health care, legal gender recognition and issues relating to asylum.

**ECRI welcomes these positive developments in Iceland. However, despite the progress achieved, some issues give rise to concern.**

The continued absence of comprehensive anti-discrimination legislation in all fields and covering all grounds is a serious shortcoming in Iceland. The authorities have not established a specialised body to combat racism and racial discrimination.

There have been few investigations and no prosecutions or convictions so far under the hate speech provisions (Article 233 a) of the Criminal Code.

There is increasing racist public discourse in Iceland, focused in recent years largely on Muslims. The decision of Reykjavik City Council to grant permission for the construction of Iceland's first mosque and to allocate a prime plot of land has been met with criticism. Several political figures have made intolerant and prejudicial public comments about Muslims, in particular portraying them as terrorists.

In addition to a noticeable increase in Islamophobic comments on social media, the Internet has also been used to voice anti-LGBT sentiment.

The Government Policy on the Integration of Immigrants of 2007 has not attained its goals or had the desired effect. As a result, immigrants encounter numerous problems including learning Icelandic, access to information, access to fair employment conditions, and early school drop-out. Integration is hindered by the lack of access to affordable language classes around the country as well as by the continued absence of a centre in the capital city providing assistance and services to immigrants in various languages.

There is currently no national policy or programme on the integration of refugees in Iceland.

**In this report, ECRI requests that the authorities take action in a number of areas; in this context, it makes a series of recommendations, including the following.**

Provisions should be inserted into the Criminal Code making racist motivation, as well as hostility based on sexual orientation or gender identity, aggravating circumstances for all criminal offences.

Comprehensive anti-discrimination legislation, taking account of ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination should be enacted\* and a specialised body to combat racism and racial discrimination established.

The authorities should raise awareness among the general public and the police about the possibility of submitting complaints concerning hate speech in the media to the Media Commission. This body should be allocated adequate funding and staff in order for it to monitor the media and take action against violations of the Media Act 2011 on its own initiative.

A centre in Reykjavik, similar to the Multicultural and Information Centre in Isafjörður, should be set up so that immigrants in the capital area can access services and obtain assistance in a wide variety of languages.

The authorities should adopt an updated and comprehensive integration strategy for immigrants in Iceland, covering among others the issues of affordable and readily available Icelandic language classes, equality in employment and special support in education, with goals and targets, time-frames, funding, success indicators and a monitoring and evaluation system.

The authorities should carry out their plans to bring integration measures and services for refugees from the asylum system to similar levels as for quota refugees under the new action plan on integration of non-nationals, especially as concerns access to housing, employment and Icelandic language classes.\*

They should also complete work on the action plan on "LGBTI" issues and include measures aimed at combating hate speech against this community as well as bullying in schools.

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\* A process of interim follow-up for the recommendations in this paragraph will be conducted by ECRI no later than two years following the publication of this report.

## FINDINGS AND RECOMMENDATIONS

### I. Common topics

#### 1. Legislation against racism<sup>1</sup> and racial discrimination<sup>2</sup>

##### - Protocol No. 12 to the European Convention on Human Rights

1. No progress has been made on ratification of Protocol No. 12, which was signed on 4 November 2000. ECRI considers ratification of this instrument, which provides for a general prohibition of discrimination, to be vital in combating racism and racial discrimination.

2. ECRI reiterates its recommendation to ratify Protocol No. 12 to the European Convention on Human Rights.

##### - Existence of criminal, civil and administrative law provisions as per General Policy Recommendation (GPR) No. 7

##### - Criminal law

3. ECRI notes that the only criminal law provision specifically referring to racially-motivated acts is Article 233 a of the Criminal Code. This states that “anyone who publicly mocks, defames, denigrates or threatens a person or group of persons by comments or expressions of another nature, for example by means of pictures or symbols, on account of their nationality, colour, race, religion, sexual orientation or gender identity, or disseminates such materials, shall be fined or imprisoned for up to two years”. As compared with ECRI’s GPR No. 7 § 18 a, b and c, the crucial elements of public incitement to violence, hatred or discrimination are missing, as are public insults. In addition, the grounds of language and national or ethnic origin are lacking.

4. ECRI further notes that there are no criminal law provisions against the following acts: the public expression, with a racist aim, of an ideology which claims the superiority of, or which depreciates or denigrates, a grouping of persons on the grounds of their “race”, colour, language, religion, nationality, or national or ethnic origin, as per GPR No. 7 § 18 d; the public denial, trivialisation, justification or condoning, with a racist aim, of crimes of genocide, crimes against humanity or war crimes, as per GPR No. 7 § 18 e; the public dissemination or distribution, or the production or storage aimed at public dissemination or distribution, with a racist aim, of written, pictorial or other material containing manifestations covered by § 18 a, b, c, d and e, as called for in GPR No. 7 § 18 f; the creation or leadership of a group which promotes racism, support for such a group or participation in its activities, as called for in GPR No. 7 § 18 g; and genocide, as per GPR No. 7 § 19.

5. ECRI recommends amending the Criminal Code to add the grounds of language and national or ethnic origin to Article 233 a and to include the following offences committed on grounds of “race”, colour, language, religion, nationality, or national or ethnic origin: public incitement to violence, hatred or discrimination; public insults; the public expression with a racist aim of an ideology which claims the superiority or which depreciates or denigrates a group of persons; the public denial, trivialisation, justification or condoning, with a racist aim, of crimes of genocide, crimes against humanity or war crimes; the public dissemination or distribution, or the production or storage aimed at public dissemination or

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<sup>1</sup> According to ECRI’s General Policy Recommendation (GPR) No.7, “racism” shall mean the belief that a ground such as “race”, colour, language, religion, nationality or national or ethnic origin justifies contempt for a person or a group of persons, or the notion of superiority of a person or a group of persons.

<sup>2</sup> According to GPR No. 7 “racial discrimination” shall mean any differential treatment based on a ground such as “race”, colour, language, religion, nationality or national or ethnic origin, which has no objective and reasonable justification.

distribution, with a racist aim, of written, pictorial or other material containing manifestations covered by GPR No. 7 § 18 a, b, c, d and e; the creation or leadership of a group which promotes racism, support for such a group or participation in its activities; and genocide.

6. In its fourth report, ECRI reiterated its recommendation to introduce a criminal law provision that expressly considers the racist motivation of an offence as a specific aggravating circumstance, in line with GPR No. 7 § 21. ECRI recalls that this was one of its interim follow-up recommendations. In its conclusions adopted on 9 December 2014, ECRI considered that its recommendation had not been implemented. Article 70 of the Criminal Code continues to indicate that, when imposing a penalty, the motive of the offender should be taken into account, but racist motivation constituting an aggravating circumstance is not specifically mentioned.

7. ECRI once again recommends that a provision is inserted into the Criminal Code making racist motivation an aggravating circumstance for all criminal offences.

- **Civil and administrative law**

8. In its fourth report, ECRI strongly encouraged the authorities to complete the work on an anti-discrimination bill, taking into account its GPR No. 7, so that the law could be enacted as soon as possible. This was one of ECRI's recommendations subject to interim follow-up. In its conclusions adopted on 9 December 2014, ECRI noted that two bills were under preparation on equal treatment irrespective of racial or ethnic origin and on equal treatment in the area of employment, based on Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation. ECRI pointed out that basing legislation on the above-mentioned directives would result in significant lacunae in protection against discrimination: one of the directives calls for equal treatment in all main areas of everyday life (employment, training, social security, health care, education, access to goods and services) but only in respect of racial or ethnic origin, while the other requires equal treatment on wider grounds (religion or belief, disability, age, sexual orientation) but only in the field of employment. Since the bills had not been completed, ECRI concluded that its recommendation had not been implemented and strongly encouraged the authorities to amend the bills and provide for a wider scope of protection against discrimination, taking inspiration from its GRP No. 7.

9. ECRI regrets that the above mentioned bills have still not been finalised or enacted. The only relevant equality and anti-discrimination provisions existing in Iceland can be found in Article 65 of the Icelandic Constitution<sup>3</sup>, Article 14 of Act No. 62/1994 incorporating the European Convention on Human Rights (ECHR) into domestic law,<sup>4</sup> and a number of anti-discrimination provisions scattered among various pieces of legislation, including criminal law, administrative procedures law and labour law.

10. ECRI considers that the absence of comprehensive anti-discrimination legislation in all fields and covering all grounds is a serious shortcoming in Iceland.<sup>5</sup> It notes that the majority of the key elements of national legislation against racism and racial discrimination, set out in its GPR No. 7 §§ 4-17, are lacking. These include

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<sup>3</sup> This stipulates that everyone shall be equal before the law and enjoy human rights irrespective of sex, religion, opinion, national origin, race, colour, property, birth or other status.

<sup>4</sup> This contains a general prohibition of discrimination based on sex, "race", colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status; it is limited to rights enshrined in the ECHR.

<sup>5</sup> The only comprehensive anti-discrimination legislation in force in Iceland is in the field of gender equality: the Act on Equal Status and Equal Rights of Women and Men of 2008.

clear definitions and prohibition of direct and indirect racial discrimination; the maintenance or adoption of temporary special measures designed to prevent or compensate for disadvantages suffered by persons on account of their “race”, colour, language, religion, nationality or national or ethnic origin; the shifting of the burden of proof in discrimination cases; and effective, proportionate and dissuasive sanctions for discrimination.

11. ECRI strongly reiterates its recommendation to enact comprehensive anti-discrimination legislation, taking account of its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination.

- **National specialised bodies<sup>6</sup>**

12. In its fourth report, ECRI again strongly recommended that the authorities establish a specialised body to combat racism and racial discrimination. ECRI regrets that no such body has been set up.<sup>7</sup> The Parliamentary Ombudsman is the only relevant independent authority in Iceland. However, it is a typical Ombudsman with competence only in the public but not the private sector and has no specific mandate to combat racism, xenophobia, antisemitism and intolerance, as called for by ECRI in its GPR No. 2 on specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level.

13. ECRI maintains its view that a national specialised body is needed in Iceland (see its comments in § 40 of this report). Such a body should have the following main competences: assistance to victims; investigation powers; the right to initiate, and participate in, court proceedings; monitoring legislation and advice to legislative and executive authorities; and awareness-raising.

14. ECRI reiterates its recommendation to establish a specialised body to combat racism and racial discrimination, taking inspiration from its General Policy Recommendations No. 2 on specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level and No. 7 on national legislation to combat racism and racial discrimination.

**2. Hate speech<sup>8</sup>**

15. According to ECRI’s GPR No. 15 on combating hate speech, hate speech is the advocacy, promotion or incitement, in any form, of the denigration, hatred or vilification of a person or group of persons, as well as any harassment, insult, negative stereotyping, stigmatisation or threat in respect of such a person or group of persons and the justification of all the preceding types of expression, on the ground of “race”, colour, descent, national or ethnic origin, age, disability, language, religion or belief, sex, gender, gender identity, sexual orientation and other personal characteristics or status.<sup>9</sup>

16. Racist and homo/transphobic hate speech is punished under Article 233 a of the Criminal Code, as noted in § 3 of this report. ECRI refers to its recommendation in § 5 above which calls for further essential elements to be added to the offence.

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<sup>6</sup> Independent authorities expressly entrusted with the fight against racism, xenophobia, antisemitism, intolerance and discrimination on grounds such as ethnic origin, colour, citizenship, religion and language (racial discrimination), at national level.

<sup>7</sup> The only specific discrimination complaints body existing in Iceland is the Gender Equality Complaints Committee, which deals exclusively with gender discrimination.

<sup>8</sup> This section covers racist and homo/transphobic speech.

<sup>9</sup> See also Recommendation No. R (97) 20 of the Committee of Ministers to the member States on “hate speech”, adopted on 30 October 1997.

- **Data**

17. Hate crime data are collected by the National Police Commissioner. In 2014, two cases were recorded by the police under Article 233 a, both involving Muslim victims. In one case no further action was taken and the other is still under investigation. In 2015, ten cases were recorded, all of which involved homophobic hate speech and are still pending (see § 23 below). At the time of writing this report, there have been no prosecutions or convictions for hate speech under Article 233 a.

- **Political and other public discourse**

18. ECRI notes that there is increasing racist public discourse in Iceland, focused in recent years largely on Muslims.<sup>10</sup> The decision of Reykjavík City Council to grant permission for the construction of Iceland's first mosque in September 2012, as well as to allocate a prime plot of land (free of charge, in accordance with the general practice when religious associations are granted land on which to build places of worship) to the Muslim Association of Iceland in January 2013, was criticised by many, some of whom feared that a mosque would be a breeding ground for radical Islam, and would irreparably change the face of Reykjavík and Icelandic society.<sup>11</sup> The protest took a particularly hostile turn in November 2013 when three pig heads and bloodied pages of the Koran were found scattered across the plot of land. A poll in 2014 found that 42.4% of those surveyed opposed the construction of a mosque, while only 29.7% were in favour.<sup>12</sup>
19. The local elections of June 2014 were characterised by heated anti-Muslim rhetoric. The Progressive Party made opposition to the mosque, and to Muslims in general, its main campaign issue and its candidate for Reykjavik mayor announced that she would reverse the decision to grant land for the building of a mosque. Prior to these statements, polls had suggested that the party would not gain any seats in Reykjavík, but following the comments support for the party surged and it went on to win two seats out of 15 on the city council.
20. Since then, several political figures have made intolerant and prejudicial public comments about Muslims, in particular portraying them as terrorists. In January 2015, an Independence Party MP asked, on his Facebook page, whether Icelanders are safe from terrorist attacks and wanted to have the background of the 1 500 Muslims living in Iceland investigated to see if they had attended terrorist training camps. In March 2015, a municipal representative of the Progressive Party repeatedly posted on his Facebook page strongly anti-Muslim material, depicting Iceland's Muslims as "rapists and perpetrators of violence", and going so far as to call for the deportation of all of Iceland's Muslims.<sup>13</sup> ECRI considers that such remarks from politicians have contributed to creating a climate of mistrust and fear of Muslims and to the increasingly negative general attitude towards Muslims in Iceland.

- **Hate speech in traditional media and on the Internet**

21. ECRI notes that the private television channel called Omega, which it commented on in its fourth report, continues to engage in hate speech against Muslims. In addition, ECRI is aware of a radio station called Saga which disseminates hate speech targeting immigrants, Muslims and LGBT persons.

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<sup>10</sup> In 2015, 875 people were registered with the two official Muslim organisations in the country, corresponding to 0.27% of the population of Iceland. However, many Icelandic Muslims reportedly prefer not to join a formal organisation and the total number is estimated to be around 1 500 persons.

<sup>11</sup> Iceland Magazine 2015a.

<sup>12</sup> Islamophobia Watch 2014. See also Public Radio International 2015.

<sup>13</sup> The Reykjavik Grapevine 2015a.

22. As regards Internet, as indicated above, there has been a noticeable increase in Islamophobic comments on social media. The founder of the Muslim Association of Iceland stated in 2014 that hate speech had recently been flaring up on the Internet, sparked by the publication of articles concerning developments over the mosque. Some particularly harsh remarks were directed at the founder and the Chair of the Association.<sup>14</sup>
23. In addition, ECRI notes that the Internet has also been used to voice anti-LGBT sentiment. For example, in April 2015, in response to a news announcement that the town of Hafnarfjörður had decided to start LGBT-awareness education in its schools, over 300 hateful comments towards the LGBT community were posted on social media. The NGO Samtökin '78 (also called the National Queer Organisation) filed complaints to the police under Article 233 a of the Criminal Code concerning comments made by ten individuals.

- **Response of the authorities**

24. ECRI considers hate speech particularly worrying not only because it is often a first step in the process towards physical violence but also because of the pernicious effects it has on those who are targeted emotionally and psychologically. Appropriate responses to hate speech include law enforcement channels (criminal, civil and administrative law sanctions) but also other mechanisms to counter its harmful effects, such as prevention, self-regulation and counter speech.
25. As concerns criminal law, ECRI has already observed that there have been few investigations and no prosecutions or convictions under the hate speech provisions of the Criminal Code. It particularly regrets that no investigation was carried out into the incident mentioned above involving pigs' heads and bloodied pages of the Koran left on the site of Reykjavik's future mosque.<sup>15</sup>
26. Regarding the anti-LGBT comments made on social media (see § 23 above), ECRI notes that the police initially dismissed the complaints without investigation. Samtökin '78 appealed to the State Prosecutor in October 2015 and the complaints were sent back to the police in November 2015 for a full investigation. ECRI has been informed that the investigation is now near completion and will almost certainly lead to the prosecution of the ten individuals concerned. It welcomes this development which could lead to the first case of application of the specific provisions of the Criminal Code on hate speech.
27. In this connection, ECRI recalls its fourth report recommendation that Iceland completes ratification of the Additional Protocol to the Convention on Cybercrime. ECRI has been informed by the authorities that relevant legislation has now been passed by Parliament and that ratification of the Additional Protocol is pending. ECRI welcomes this development and encourages the authorities to complete the ratification process as soon as possible.
28. As for prevention, ECRI is pleased to note that a police officer has been appointed to a newly created position for the investigation of hate crime in the area of Reykjavik. A data base has been set up to monitor on-line hate speech and in particular the growing incidence of anti-Muslim sentiment. The activities of certain extremist groups, such as the Soldiers of Odin, which are active on-line but not out in society, are also being monitored. ECRI welcomes this initiative which responds to its fourth report recommendation to take steps to monitor the Internet and prevent it from being used to disseminate racist or xenophobic comments and material. The hate crime officer will also provide training to police students as well as serving police officers, in particular on recognising hate crime.

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<sup>14</sup> Iceland Review 2014a.

<sup>15</sup> Iceland Review 2013.

ECRI notes that this initiative was taken largely in response to recognition of the police failings over the pigs' heads incident and determination to ensure that hate-motivated offences are properly investigated.

29. ECRI places great emphasis on self-regulation as an important means of combating the use of hate speech. In its fourth report, it recommended that the authorities invite media professionals to adopt provisions in their codes of self-regulation concerning the manner of reporting on the citizenship or ethnicity of suspects in criminal cases so as to avoid breeding a climate of hostility towards members of vulnerable groups. ECRI notes that the Icelandic Press Council Rules of Ethics in Journalism, which were adopted in 1988, are very general and contain no reference against discrimination or racism in reporting.
30. However, ECRI is pleased to note that the Media Act 2011, which applies to all forms of media in Iceland, contains a provision (Article 27) on prohibition of hate speech and incitement to criminal activity. This states that "media outlets may not engage in direct incitement to hatred on grounds of race, sex, sexual orientation, religious belief, nationality, cultural, economic or social situation or other standing in society". The Media Commission is an independent administrative committee (of five persons) set up under the Minister of Education, Science and Culture to supervise the application of the Media Act. The Media Commission may prohibit the transmission of audiovisual content that is considered contrary to the provisions of the act. However for fines to be applied or licences revoked, the violations must be serious and repeated. ECRI is concerned that the latter condition may be too lenient. Indeed, no action could be taken in connection with the only complaint so far filed with the Media Commission for breach of Article 27, which concerned homophobic comments in a newspaper on the occasion of Gay Pride in 2012, because the offensive comments were not repeated. ECRI considers that this requirement hinders the punishment of hate speech in the media and allows for impunity.
31. ECRI recommends that the Media Act 2011 is amended to allow for sanctions to be applied for violations of Article 27 on prohibition of hate speech and incitement to criminal activity without the requirement for violations to be repeated.
32. ECRI notes also that the Media Commission has not received any formal complaints concerning the radio station Saga and the television channel Omega (see § 21 above). On the other hand, it has learned that complaints have been made to the police about these media, which have been dismissed on account of not reaching the criminal threshold. ECRI is concerned that both the general public and the police may be unaware of the hate speech provisions of the Media Act and the complaints mechanism of the Media Commission and considers that awareness-raising efforts are required in this respect.
33. ECRI recommends that the authorities raise awareness among the general public and the police about the possibility of submitting complaints concerning hate speech in the media to the Media Commission.
34. ECRI further regrets that the Media Commission does not monitor the media or take action against violations of the legislation on its own initiative, although it has the power to do so, due to insufficient funds and staff (the Media Commission has only two employees at its disposal). As a result, media companies such as Saga and Omega continue to disseminate prejudicial and intolerant material.
35. ECRI recommends providing the Media Commission with adequate funding and staff in order for it to monitor the media and take action against violations of the Media Act 2011 on its own initiative.
36. An important means of tackling hate speech is through confronting and condemning it directly by counter-speech that clearly shows its destructive and unacceptable character. In this respect, ECRI is pleased to note that the anti-



Muslim comments mentioned in § 20 of the present report met with immediate condemnation from other politicians, including the Foreign Secretary, who emphasised respect for human rights and equality, and the Minister of the Interior, who stressed the need to respect Muslims in Iceland as equal citizens.<sup>16</sup> Moreover, a member of the Independence Party who publically declared opposition to same-sex marriage and the adoption of children by same-sex couples had his appointment as the party's deputy representative on Reykjavik's Human Rights Council withdrawn on the grounds that he had repeatedly expressed views at odds with human rights, the rights of LGBT people, immigrants and various minority groups.<sup>17</sup> ECRI welcomes such action and counter narratives which send a clear public message that intolerant views are expressed by a minority and are not held by all.

### **3. Racist and homo/transphobic violence**

37. There are no specific provisions in the Criminal Code punishing racially-motivated violence or violence motivated by hostility on grounds of sexual orientation or gender identity.
38. ECRI notes that there is no data indicating any violent racist or homo/transphobic incidents in Iceland in recent years. While ECRI congratulates the authorities for this achievement, it nevertheless considers that the situation may be explained by various factors. Firstly, as mentioned above, since there are no specific offences of hate-motivated violence, incidents involving violence are registered as assault under Articles 217 or 218 of the Criminal Code and not recorded as hate crime. Secondly, no data is collected on the application of Article 70 of the Criminal Code on factors influencing the determination of the penalty. These include the motive of the offender, but the actual motive is not recorded. As a result, it is impossible to obtain an accurate picture of the extent of racist and homo/transphobic violence in Iceland.
39. ECRI recommends that data is collected on the application of Article 70 of the Criminal Code on factors influencing the determination of the penalty and that where the motive of the offender is one of the factors, the specific motive is recorded.
40. The fact that there is no recent data on violent incidents motivated by racial or homo/transphobic hatred could also be explained by the reluctance of victims to complain or report incidents. Under-reporting of hate crime is a well-established phenomenon, frequently involving lack of knowledge of what constitutes hate crime, fear of retaliation, distrust in the police and the criminal justice system, and fear of not being taken seriously. Further, as pointed out in ECRI's fourth report, the absence of a specialised body in Iceland to which victims could turn to make complaints or seek assistance, other than the police, could account to some extent for the apparent lack of hate crime data (see ECRI's recommendation in § 14). ECRI encourages the authorities to look into any possible under-reporting of hate-motivated crime with a view to finding solutions, such as third-party reporting mechanisms or 24-hour telephone help lines.

### **4. Integration policies**

41. ECRI notes that there are no historical ethnic, religious or linguistic minorities in Iceland.
42. The only integration policy ECRI is aware of is the Government Policy on the Integration of Immigrants of January 2007. This appears to be still in place even if it has not been updated. The policy aims to "ensure that all residents of Iceland enjoy equal opportunities and are active participants in society in as many fields

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<sup>16</sup> Iceland Review 2015a.

<sup>17</sup> Iceland Review 2015b.

as possible". It sets out a number of goals concerning Icelandic language education for adults, dissemination and collection of information, employment participation, education issues, health care services, and the role of municipalities. The policy states that "knowledge of the Icelandic language is the key to Icelandic society and can be a deciding factor in the successful integration of immigrants", and language issues recur throughout. In May 2008, an action plan was enacted by Parliament setting out 98 measures to be undertaken and completed within two years, as observed in ECRI's fourth report.

43. In addition, ECRI is pleased to note that the Parliament adopted Act 116/2012 on immigrant issues in November 2012, thus implementing ECRI's fourth report recommendation to complete work on the bill on the integration of immigrants and adopt the law as soon as possible. The law established the formal administrative structures for integration: the Immigration Council, acting as a consultative body for the government, and the Multicultural and Information Centre, which had been in operation as a trial project since 2002, offering assistance to those seeking information about daily life and administrative matters in Iceland in various languages (see below). Furthermore, the law sets out that an action plan on integration and immigrant issues should be put forward every four years by the Minister of Social Affairs and Housing.
44. In this connection, ECRI has been informed that the government has approved the first national action plan on integration of non-nationals and intends to introduce the draft to Parliament in 2016 for the adoption of a Parliamentary Resolution. The action plan consists of five pillars: the society (covering data collection on attitudes towards immigrants and awareness-raising on the benefits of a multicultural society), the family (mainly covering provision of information to newly arrived immigrants, but also prevention of violence towards and between immigrants), education (among others, prevention of secondary school dropout and Icelandic lessons for adults), the labour market (including equal pay for the same work) and refugees (including the development of a reception programme, counselling and issues concerning the labour market). As the action plan has not been finally adopted or published, ECRI cannot comment on its content or potential effectiveness at this stage.

- **Policy's assessment and results**

- ***Immigrants***

45. Immigrants represent 8.4% of the total population of Iceland,<sup>18</sup> and 10% of the population of the capital. The majority are labour migrants; Poles make up the largest of this group (10 224 persons and 3.1 % of the total population)<sup>19</sup> followed by Lithuanians (1 659 persons and 0.5 % of the total population as of 1 January 2014). In addition, Iceland has a significant South-East Asian population consisting primarily of immigrants from the Philippines (558 persons and 0.17 % of the total population) and Thailand (531 persons and 0.17 % of the total population), almost all of whom arrived on the basis of marriage to Icelandic nationals or family reunification. For this reason, this latter group is reportedly exceptionally well integrated in Icelandic society.<sup>20</sup>
46. The above-mentioned Government Policy on the Integration of Immigrants places great emphasis on the importance of proficiency in the Icelandic language for successful integration. It states that "adult immigrants, both on the labour market and outside it, shall have access to good education in the Icelandic language". It further states that the "government plans to ensure that everyone has access to

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<sup>18</sup> Statistics Iceland 2015.

<sup>19</sup> All statistics provided in this paragraph are as of 1 January 2014, taken from Statistics Iceland: Population by country of citizenship, sex and age, 1 January 1998-2014.

<sup>20</sup> Bissat 2013: 46, 51.

Icelandic language education which is designed to meet the needs of each individual". However, ECRI notes that the policy does not provide for a specific body responsible for overseeing language courses.

47. The result of this inherent deficiency in the policy is that access to language courses is difficult for many immigrants. As concerns the costs of learning Icelandic, the situation remains the same as described in ECRI's fourth report. Most immigrants must pay an enrolment fee minimally subsidised by the government, except for registered unemployed immigrants for whom lessons are free. Some employers provide language classes and trade unions may cover up to 75% of the costs. In addition, ECRI understands that certain municipalities offer Icelandic courses and may cover the costs on a case by case basis. Where costs are not subsidised, language classes are prohibitively expensive for many people. As pointed out in ECRI's fourth report, the importance of this should not be underestimated since 150 hours of Icelandic classes are required for permanent residence and 250 hours for access to citizenship, in addition to passing a language test.
48. Moreover, ECRI also notes that since government funding for language courses for immigrants is granted primarily to temporary projects arranged by private actors and NGOs, it tends to be sporadic and the availability of such courses varies from year to year, and in rural areas is reportedly insufficient.<sup>21</sup> According to a recent study, not being able to speak Icelandic fluently was a major hindrance that prevented immigrants from being able to communicate with their colleagues and employers.<sup>22</sup> ECRI is concerned that integration is hindered by the lack of access to affordable language classes around the country.
49. In view of these difficulties, ECRI is pleased to learn that an evaluation of the current system concerning Icelandic language education for adults was carried out in 2015 and that recommendations were submitted to the government. As mentioned above, the new action plan contains measures on Icelandic lessons for adults in its education chapter. ECRI encourages the authorities to take note of its comments above and improve the system of Icelandic language education for adults.
50. As for dissemination and collection of information, the Government Policy states that immigrants shall have access to information regarding their rights and obligations and about Icelandic society in general "in several languages on the Internet, among others on the website island.is". ECRI notes, that the website island.is only gives information in Icelandic and English. This is insufficient, since many immigrants speak neither English nor Icelandic. However, the website of the Multicultural and Information Centre (see below), which is a governmental institution, provides information about rights and obligations and information about Icelandic society in eight of the most common languages used in Iceland.
51. ECRI regrets that its fourth report recommendation to establish a centre in Reykjavik, similar to the Multicultural and Information Centre in Isafjörður, so that immigrants living in the area of the capital can have facilitated access to specialist assistance and support, has not been implemented. Although the Reykjavik Human Rights Office provides information and counselling to immigrants legally domiciled in Reykjavik, such information is only available in Icelandic, English and Polish. The Akureyri Intercultural Centre, located on the northern coast, has similar functions but also only provides information in the same three languages. The Multicultural and Information Centre in the extreme north-west of the country continues to be the only centre where a full range of

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<sup>21</sup> Ólafsdóttir 2011: 175-186.

<sup>22</sup> Kristjánsdóttir and Christiansen 2015.

services is offered to immigrants in Icelandic, English and Polish, as well as in Serbian/Croatian, Thai, Spanish, Lithuanian and Russian.

52. ECRI recalls that the provision of information in a variety of languages is of great importance for immigrants, since all public services, as well as documents and forms, are provided only in Icelandic, and many immigrants reportedly have significant difficulties understanding the administrative systems. Since the majority of immigrants in Iceland reside in the Reykjavik area, it seems reasonable that there should be a centre in the capital similar to the one in Isafjörður. Although this latter centre does offer assistance by telephone and information is available on Internet, as noted in ECRI's previous report, this cannot replace direct face-to-face contacts. The continued absence of a centre providing assistance and services in various languages is an important obstacle to the integration prospects of many immigrants living in the capital city and surrounding area.
53. ECRI reiterates its recommendation to establish a centre in Reykjavik, similar to the Multicultural and Information Centre in Isafjörður, so that immigrants in the capital area can access services and obtain assistance in a wide variety of languages.
54. Regarding employment, the Government Policy contains a number of goals mostly related to ensuring appropriate residence and work permits for foreigners. One goal is to ensure that foreign nationals enjoy the same terms and rights as others. However, there is ample evidence that this important non-discrimination objective has not been met. ECRI notes that collectively bargained minimum wages are set far below average wages in Iceland. For example, the minimum wage for unskilled workers in the construction industry is set at only 53% of the average wage.<sup>23</sup> Migrant workers are reportedly classified as unskilled, even when this is not the case, and usually receive only the minimum wage.<sup>24</sup> According to a 2013 report, Polish migrant workers in Reykjavik (who work predominantly in the construction sector and fish processing industry), receive on average only 55% of the average hourly wage received by native Icelandic workers.<sup>25</sup>
55. Furthermore, the European Committee of Social Rights stated in 2012 that legislation prohibiting discrimination in employment on grounds other than sex is inadequate in Iceland.<sup>26</sup> Indeed, ECRI has already highlighted that there is still no comprehensive anti-discrimination legislation covering all areas of life, including employment, and all protected grounds. Therefore, once again, the Government Policy (see § 42) has failed to achieve its goal, in this case equality for immigrants in the workplace.
56. As concerns education, the Policy contains a number of goals, including the right, for pupils whose native language is not Icelandic, to education at all levels in Icelandic as a second language and an increase in the number of well-educated teachers who have learned to teach Icelandic as a second language. It also states that school curricula shall be based on preparing pupils for active participation in a multicultural society.
57. ECRI notes that a survey was undertaken in 2014 on the application of the three main laws governing education in Iceland (the Preschools Act 2008, the Compulsory School Act 2008 and the Upper Secondary Education Act 2008), including as concerns reception arrangements for immigrant children. Moreover, the Minister of Education, Science and Culture initiated, in 2015, a White Paper

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<sup>23</sup> Friberg et al. 2014: 48.

<sup>24</sup> Ibid.

<sup>25</sup> Norden Library 2013.

<sup>26</sup> Council of Europe, Department of the European Social Charter 2015.

on Educational Reform,<sup>27</sup> the main aim of which was to create a basis for discussion and action on education reform in Iceland. The White Paper revealed declining literacy rates among all pupils, with reading comprehension and mathematical and scientific literacy among pupils in Iceland below the average of the OECD countries. In particular, the paper pointed out that the number of pupils with a foreign background has risen considerably and that many of these children do not seem to do well in school, given that their reading literacy skills are much poorer than those of children whose native language is Icelandic. The paper further highlighted that, according to data published by Eurostat, among European countries Iceland has one of the highest percentages of early school leavers, at about 20%. The document set out that the two main goals of education reform were to improve literacy standards and increase the number of pupils finishing secondary school. One of the “potential remedies” set out in the paper is to provide special support to pupils with a foreign background so as to enable them to acquire equally good reading literacy skills as other pupils.

58. ECRI recalls that, in its fourth report, it had strongly recommended the authorities to pursue their efforts to reduce the drop-out rate of pupils of immigrant background and encourage them to continue educational or vocational studies at secondary level. Therefore, ECRI welcomes information provided by the authorities indicating that a number of steps have already been taken to respond to the White Paper findings and recommendations. These include the setting up of a “literacy team” to develop ways to improve children’s literacy skills; support to schools for monitoring of all pupils finishing compulsory education; and financial aid for best practice projects to reduce drop-outs.
59. ECRI also recommended, in its fourth report, that training in teaching Icelandic as a second language should be given at university level as well as to teachers already in service. It notes that the White Paper also examined the training and work of teachers and called for reform of the content of teachers’ professional education, the core subjects of teacher training and classroom training, among others, although the specific issue of teaching Icelandic as a second language is not mentioned. ECRI maintains its view that this should be a component of initial and in-service teacher training in light of increasing numbers of immigrants in Iceland and evidence contained in the White Paper that immigrant pupils are particularly struggling with literacy because Icelandic is not their native tongue.
60. ECRI therefore encourages the authorities to implement educational reform, as outlined in the White Paper, to raise literacy standards, reduce early school leaving and improve teacher training, particularly as concerns Icelandic as a second language. It also strongly encourages the provision of special support to immigrant pupils to close the literacy gap.
61. Overall, ECRI concludes that the Government Policy on the Integration of Immigrants has not attained its goals or had the desired effect, either due to inherent pitfalls in the policy itself or to lack of implementation. As a result, immigrants encounter numerous problems including learning Icelandic, access to information, access to fair employment conditions, and early school drop-out. It is clear to ECRI that an updated and fully revised policy or strategy for the integration of immigrants is much needed to address the shortcomings highlighted above.
62. ECRI strongly recommends the adoption of an updated and comprehensive integration strategy for immigrants in Iceland, covering among others the issues of affordable and readily available Icelandic language classes, equality in employment and special support in education, with goals and targets, time-frames, funding, success indicators and a monitoring and evaluation system.

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<sup>27</sup> Ministry of Education, Science and Culture 2014.

- **Refugees**

63. There is no national policy or programme on the integration of refugees in Iceland. However, as mentioned above (see § 44), an action plan has been developed on the integration of non-nationals which includes a chapter on refugees.
64. ECRI has not been able to ascertain the exact number of refugees currently living in Iceland. According to information provided on UNHCR's website, as at January 2014, there were 79 refugees residing in the country.<sup>28</sup> The authorities informed ECRI that 82 persons were granted international protection in 2015.
65. In addition to persons who have been granted refugee status in Iceland through the asylum process, Iceland also hosts a number of so-called "quota refugees" who have been transferred to Iceland for resettlement under the UNHCR Resettlement Programme. Between 1956 and 2012, a total of 525 refugees have resettled in the country as quota refugees. ECRI notes that there are important differences in treatment (and therefore integration prospects) between the two distinct groups of refugees.
66. As concerns those who applied for asylum and received refugee status in Iceland, there is currently a lack of specific measures in place to support them following the granting of international protection. ECRI notes that the Ministry of Welfare issued guidelines to municipalities in 2014 underlining that refugees are entitled to financial assistance and housing solutions. The authorities have also stated that the Directorate of Labour provides refugees with assistance to enter the labour market and Icelandic language lessons for free. However, ECRI has been informed that, in practice, refugees must move out of asylum reception accommodation within two weeks and only limited assistance is provided in finding alternative housing or employment. Further, they have few possibilities to access free Icelandic language classes, which further limits their integration possibilities.
67. "Quota" refugees, on the other hand, receive full assistance for one year after arrival, including as concerns accommodation and access to the labour market, as well as free Icelandic language classes. The authorities explained that the smaller number of quota refugees and the fact that their arrival is known well in advance means that various reception and follow-up arrangements can be made for them, whereas there is no possibility of planning ahead for refugees coming via the asylum process.
68. In 2015, in response to the Syrian refugee crisis, and as an expression of international solidarity, the Icelandic government established a resettlement quota for the coming three years. In January 2016, the first 35 Syrian refugees (six families) arrived in Iceland for resettlement and received a warm welcome from the Prime Minister.<sup>29</sup> Another 21 arrived in April 2016 and a further 40 are expected in the autumn.
69. ECRI also wishes to highlight that following the Syrian refugee crisis, more than 11 000 Icelanders offered to host refugees in their homes.<sup>30</sup> ECRI highly appreciates this astonishing demonstration of public solidarity with vulnerable non-nationals.
70. While ECRI welcomes Iceland's generous attitude to resettling refugees, it is concerned about the differential treatment between the two groups of refugees, which are discriminatory and counterproductive. All refugees, however they

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<sup>28</sup> United Nations Refugee Agency (UNHCR), Iceland, [www.unhcr-northernregion.org/where-we-work/iceland/](http://www.unhcr-northernregion.org/where-we-work/iceland/).

<sup>29</sup> Reykjavik Grapevine 2016; Iceland Magazine 2016.

<sup>30</sup> Independent 2015.

arrived in Iceland, are vulnerable persons and require assistance to integrate into society. ECRI considers that integration is a two-way process: the responsibility for successful integration cannot depend on the efforts of individuals alone.

71. ECRI notes that the authorities are well aware that such differences in treatment are unacceptable. It therefore welcomes the fact that one of the pillars of the draft action plan mentioned above is the issue of refugees (see § 44). The aim is to increase and improve the services offered to refugees coming from the asylum system so that they are as similar as possible to those provided to quota refugees. The action plan provides for the development of a reception programme for all refugees regardless of which channels they came through, counselling, research on the situation and well-being of refugees and issues concerning the labour market.
72. ECRI strongly recommends that the authorities carry out their plans to bring integration measures and services for refugees from the asylum system to similar levels as for quota refugees under the new action plan on integration of non-nationals, especially as concerns access to housing, employment and Icelandic language classes.

## **II. Topics specific to Iceland**

### **1. Interim follow-up recommendations of the fourth cycle**

73. In its first interim follow-up recommendation, ECRI strongly urged the authorities to grant permission for the Muslim communities to build mosques and allocate land in order for them to exercise their right to manifest their religion in worship, as guaranteed under Article 9 of the European Convention on Human Rights. In its conclusions adopted on 9 December 2014, ECRI welcomed the fact that Iceland's Muslims had been granted both permission to construct a purpose-built mosque and land on which to build it and concluded that its recommendation had been implemented.
74. ECRI regrets that the mosque issue has given rise to a great deal of intolerant Islamophobic hate speech (see §§ 18-20 above). It also notes that, although plans for the mosque have been approved following an international competition, construction has been delayed due to financing problems. ECRI is concerned that the country may again be gripped by anti-Muslim hostility when building does eventually start. It urges the authorities to be prepared to take a firm stand and counter any such intolerance.
75. ECRI's second interim follow-up recommendation strongly encouraged the authorities to complete the work on an antidiscrimination bill, taking account of its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, so that the law can be adopted as soon as possible. ECRI concluded, on 9 December 2014, that its recommendation had not been implemented. It refers to §§ 8-11 of this report, which deal with this question.
76. In its third interim follow-up recommendation ECRI reiterated its recommendation that the authorities introduce a criminal law provision that expressly considers the racist motivation of an offence as a specific aggravating circumstance. ECRI concluded, on 9 December 2014, that its recommendation had not been implemented. This issue is addressed in §§ 6-7 of the present report.

## 2. Policies to combat discrimination and intolerance vis-à-vis LGBT<sup>31</sup>

### - Data

77. There is no official data on the size of the LGBT population in Iceland. However, according to a survey conducted by the Social Science Research Institute at the University of Iceland, 1.8% of the population is homosexual, 1% is bisexual and 0.1% transgender.
78. On the Rainbow Europe Map 2015 of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), reflecting European countries' legislation and policies guaranteeing LGBT rights, Iceland comes in 12<sup>th</sup> place out of 49 countries scored.<sup>32</sup> However, it slipped to 14<sup>th</sup> place in 2016, due mainly to lacunae in equality and non-discrimination legislation.<sup>33</sup> According to an online survey conducted in 2015 involving 115 000 gay men from 127 nations, Iceland was ranked number one on the Gay Happiness Index, scoring 79 out of a possible 100 points.<sup>34</sup> The survey was based on three criteria, namely life satisfaction, public behaviour and public opinion.

### - Legislative issues

79. As concerns criminal law, the Criminal Code provides protection against hate speech motivated by sexual orientation and gender identity. However, there is only a general provision in Article 70 of the Criminal Code referring to the motive of the offender as an aggravating circumstance when imposing a penalty. ECRI has already recommended adding racial motivation as a specific element (see § 7), and it considers that homo/transphobic motivation should also be included.
80. ECRI recommends that provisions are inserted into the Criminal Code making hostility based on sexual orientation and gender identity aggravating circumstances for all criminal offences.
81. Regarding civil and administrative law, ECRI notes that two specific acts were adopted in 2006 and 2012 amending legislation to eliminate discrimination against homosexual and transgender persons.<sup>35</sup> However, as highlighted previously, comprehensive anti-discrimination legislation ensuring protection against discrimination in all fields of life and on all grounds, including sexual orientation and gender identity, is lacking in Iceland. ECRI refers to its recommendation in § 11 of this report.
82. As for family law, registered partnership has been available since 1996, and equal rights to marriage in all respects, including adoption and assisted reproduction, since 2006. The 2010 Marriage Amendment Act allowed marriage for everyone regardless of sex or sexual orientation.
83. The legislation on same-sex marriages contains a religious exception to allow Church of Iceland priests to opt out of performing same-sex marriage ceremonies.<sup>36</sup> However, the freedom of priests to refuse to marry same-sex couples based on their own personal convictions was removed in October 2015 when a new rule was passed at an annual church conference where priests vote democratically on spiritual and administrative issues.<sup>37</sup> A recent poll among

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<sup>31</sup> For terminology, see the definitions set out in Council of Europe Commissioner for Human Rights 2011.

<sup>32</sup> [www.ilga-europe.org/sites/default/files/Attachments/country\\_ranking.png](http://www.ilga-europe.org/sites/default/files/Attachments/country_ranking.png).

<sup>33</sup> <https://rainbow-europe.org/#8638/0/0>.

<sup>34</sup> Icenews 2015.

<sup>35</sup> These are Act No. 65/2006 Amending Laws relating to the Judicial Status of Homosexual Persons and Act No. 57/2012 on the Judicial Status of Transgender Persons.

<sup>36</sup> Arce 2010.

<sup>37</sup> Gay Iceland 2015a.



Icelandic priests conducted by the state radio RUV revealed that only three out of a total of 150 priests were opposed to marry a same-sex couple.

84. Regarding legal gender recognition, Act No. 57/2012 on the Judicial Status of Transgender Persons sets the conditions for officially registering change of name and gender. Persons who have been diagnosed as transgender and who have received treatment from the National University Hospital Gender Identity Disorder Team can apply to the Expert Panel on Gender Identity Disorder for recognition that they belong to the other gender. A report from the hospital's team stating that the applicant has been under its care for at least 18 months and that s/he has been living in the other gender for at least one year is required. No compulsory surgical intervention, sterilisation or divorce is needed and no applicant has ever been refused under the medical protocol. Applicants must be of legal age, legally domiciled in Iceland and covered by health insurance, among other requirements. Legal gender recognition will not be registered until a valid application for change of name has been received by Registers Iceland and the applicant's name has been changed in accordance with the Personal Names Act.
85. As regards asylum, ECRI notes that requests made by LGBT persons are accepted as falling within the category of a "particular social group" within the framework of Act No. 115/2010 on Foreigners, which provides for a wide definition of "social group" ensuring protection to LGBT persons.<sup>38</sup> In June 2014, five LGBT refugees from various African states were resettled in Iceland.<sup>39</sup> The authorities informed ECRI that seven LGBT applicants requested asylum in 2015 and three were granted protection.
- **Promoting tolerance and combating discrimination**
86. ECRI notes that there is no case-law or studies concerning alleged discrimination against LGBT persons with regard to their access to employment, housing, health care or goods and services.<sup>40</sup>
87. No specific legislation regulates gender reassignment treatment. General rules applicable to medical care in Iceland and coverage of costs apply in this context. Surgical procedures for change of sex are covered by health insurance but not hormone treatment and counselling. Plastic surgery in relation to gender reassignment falls within a discretionary category where prior approval is required for coverage of costs.
88. As for education, ECRI notes that in June 2015, representatives of the City of Reykjavik signed an agreement with the LGBT rights association Samtökin '78 for the association to organise an LGBT rights education programme in the city's elementary schools for a period of three years. The association will provide training to the schools' staff and students about LGBT rights with the long-term goal of the schools taking over the education programme. The programme also includes interviews with consultants for LGBT people of all ages and their families and support groups for young LGBT people.<sup>41</sup>
89. NGOs report that the education programme offered by Samtökin '78 for pupils and teachers of elementary schools has been well received. However, schools' participation in the programme depends on the decision of heads of schools who are free to choose whether or not they want the programme to be implemented in their school.<sup>42</sup>

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<sup>38</sup> Guðmundsdóttir, D (no date): 6.

<sup>39</sup> Iceland Review 2014b.

<sup>40</sup> ILGA Europe 2015.

<sup>41</sup> Iceland Review 2015c.

<sup>42</sup> Gay Iceland 2015b.

90. Research shows that in Iceland homosexual students are over 30% more likely to be bullied than their peers. The consequences of bullying at school can be severe, ranging from higher risks of dropping out of school to suicidal behaviour.<sup>43</sup> ECRI notes that a recent campaign on awareness of sexual, psychological and physical abuse of children was run by the Ministries of Interior, Education and Culture and Welfare in 2012-2014. However, it appears that this did not address the issue of bullying of LGBT pupils.
91. Therefore, ECRI is pleased to note that an action plan on “LGBTI”<sup>44</sup> issues is being developed under the Ministry of Welfare, involving various other ministries and NGOs. The aim is to improve further the situation of “LGBTI” persons in Iceland as concerns, among other areas, education, including bullying in schools, health care, legal gender recognition and issues relating to asylum. The action plan should be submitted to Parliament later in 2016 for adoption as a Parliamentary Resolution. ECRI encourages the authorities to complete work on this action plan and to include actions aimed at combating hate speech against this community, as highlighted in § 23 of this report.
92. ECRI encourages the authorities to complete work on the action plan on “LGBTI” issues and include measures aimed at combating hate speech against this community as well as bullying in schools.
93. ECRI considers that the respect of LGBT rights in Iceland is overall good and that there is generally a positive climate of tolerance and acceptance. It is pleased to note that an annual “LGBTQI”<sup>45</sup> Festival including a Pride Parade has been organised since 1999 in Reykjavik every August, which brings together around 100 000 persons each year and which passes off without incident.<sup>46</sup>

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<sup>43</sup> Jósteynsson 2013.

<sup>44</sup> Lesbian, Gay, Bisexual, Transgender and Intersex.

<sup>45</sup> Lesbian, Gay, Bisexual, Transgender, Queer and Intersex.

<sup>46</sup> Iceland Review 2014c.

## **INTERIM FOLLOW-UP RECOMMENDATIONS**

The two specific recommendations for which ECRI requests priority implementation from the authorities of Iceland are the following:

- ECRI strongly reiterates its recommendation to enact comprehensive anti-discrimination legislation, taking account of its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination.
- ECRI strongly recommends that the authorities carry out their plans to bring integration measures and services for refugees from the asylum system to similar levels as for quota refugees under the new action plan on integration of non-nationals, especially as concerns access to housing, employment and Icelandic language classes.

A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.



## LIST OF RECOMMENDATIONS

The position of the recommendations in the text of the report is shown in parentheses.

1. (§ 2) ECRI reiterates its recommendation to ratify Protocol No. 12 to the European Convention on Human Rights.
2. (§ 5) ECRI recommends amending the Criminal Code to add the grounds of language and national or ethnic origin to Article 233 a and to include the following offences committed on grounds of “race”, colour, language, religion, nationality, or national or ethnic origin: public incitement to violence, hatred or discrimination; public insults; the public expression with a racist aim of an ideology which claims the superiority or which depreciates or denigrates a group of persons; the public denial, trivialisation, justification or condoning, with a racist aim, of crimes of genocide, crimes against humanity or war crimes; the public dissemination or distribution, or the production or storage aimed at public dissemination or distribution, with a racist aim, of written, pictorial or other material containing manifestations covered by GPR No. 7 § 18 a, b, c, d and e; the creation or leadership of a group which promotes racism, support for such a group or participation in its activities; and genocide.
3. (§ 7) ECRI once again recommends that a provision is inserted into the Criminal Code making racist motivation an aggravating circumstance for all criminal offences.
4. (§ 11) ECRI strongly reiterates its recommendation to enact comprehensive anti-discrimination legislation, taking account of its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination.
5. (§ 14) ECRI reiterates its recommendation to establish a specialised body to combat racism and racial discrimination, taking inspiration from its General Policy Recommendations No. 2 on specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level and No. 7 on national legislation to combat racism and racial discrimination.
6. (§ 31) ECRI recommends that the Media Act 2011 is amended to allow for sanctions to be applied for violations of Article 27 on prohibition of hate speech and incitement to criminal activity without the requirement for violations to be repeated.
7. (§ 33) ECRI recommends that the authorities raise awareness among the general public and the police about the possibility of submitting complaints concerning hate speech in the media to the Media Commission.
8. (§ 35) ECRI recommends providing the Media Commission with adequate funding and staff in order for it to monitor the media and take action against violations of the Media Act 2011 on its own initiative.
9. (§ 39) ECRI recommends that data is collected on the application of Article 70 of the Criminal Code on factors influencing the determination of the penalty and that where the motive of the offender is one of the factors, the specific motive is recorded.
10. (§ 53) ECRI reiterates its recommendation to establish a centre in Reykjavik, similar to the Multicultural and Information Centre in Isafjörður, so that immigrants in the capital area can access services and obtain assistance in a wide variety of languages.
11. (§ 62) ECRI strongly recommends the adoption of an updated and comprehensive integration strategy for immigrants in Iceland, covering among

others the issues of affordable and readily available Icelandic language classes, equality in employment and special support in education, with goals and targets, time-frames, funding, success indicators and a monitoring and evaluation system.

12. (§ 72) ECRI strongly recommends that the authorities carry out their plans to bring integration measures and services for refugees from the asylum system to similar levels as for quota refugees under the new action plan on integration of non-nationals, especially as concerns access to housing, employment and Icelandic language classes.
13. (§ 80) ECRI recommends that provisions are inserted into the Criminal Code making hostility based on sexual orientation and gender identity aggravating circumstances for all criminal offences.
14. (§ 92) ECRI encourages the authorities to complete work on the action plan on “LGBTI” issues and include measures aimed at combating hate speech against this community as well as bullying in schools.

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