

**ECRI CONCLUSIONS ON THE IMPLEMENTATION
OF THE RECOMMENDATIONS
IN RESPECT OF ICELAND
SUBJECT TO INTERIM FOLLOW-UP**

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¹ Any developments which occurred after 9 October 2014, date on which the response of the Icelandic authorities to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, are not taken into account in this analysis.

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FOREWORD

As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.

Accordingly and in line with the guidelines for the fourth round of ECRI's country-by-country work brought to the attention of the Ministers' Deputies on 7 February 2007¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

¹ CM/Del/Dec(2007)986/4.1.

1. *In its report on Iceland (fourth monitoring cycle), 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.*

The authorities informed ECRI that, on 19 September 2013, Reykjavik City Council allocated the Muslim Association in Iceland a plot of land in order to build a mosque. The plot is located in the Sogamýri area of Reykjavik (a prime central location) and is large enough to build an 800 square meter building. In June 2014, the Head of the Muslim Association reported that the final preparations were being made for the design of the mosque in cooperation with the Association of Icelandic Architects. In addition to a prayer hall, there will also be a community centre and library.

Although the land has been granted to the Muslim Association of Iceland, the authorities insist that the future mosque should be shared by the two Muslim groups in the country (the Muslim Association of Iceland, which has around 500 members, and the Islamic Cultural Centre of Iceland, with just over 300 members).

ECRI notes that it took 15 years for this decision to be reached and it was not without controversy. There was opposition, among others, from a member of a political party (and candidate for Mayor of Reykjavik) and a Facebook protest group.

However, ECRI welcomes the fact that Iceland's Muslims have been granted both permission to construct a purpose-built mosque and land on which to build it and concludes that its recommendation has been implemented.

2. *In its report on Iceland (fourth monitoring cycle), ECRI 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.*

According to information provided by the authorities, before the end of 2014 the Minister of Social Affairs and Housing will present two bills to Parliament on equal treatment irrespective of racial or ethnic origin and on equal treatment in the area of employment. These will be based on EU Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and EU Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, covering the discrimination grounds of racial and ethnic origin but also religion or belief, disability, age, sexual orientation and gender identity.

ECRI is pleased to learn that there has been some progress in this area and that draft legislation is under preparation. However, it points 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. ECRI considers that the prohibition of discrimination should apply in all areas of life and should cover the grounds of "race", colour, language, religion, nationality or national or ethnic origin, as set out in its General Policy Recommendation (GPR) No. 7 on national legislation to combat racism and racial discrimination.

Since the bills have not been completed, ECRI concludes that its recommendation has not yet been implemented. It strongly encourages the authorities to amend the bills and

provide for a wider scope of protection against discrimination, taking inspiration from its GRP No. 7.

3. *In its report on Iceland (fourth monitoring cycle), 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.*

According to information from the Ministry of Interior, the above issue will be referred to the Government's Standing Committee on Criminal Matters.

ECRI notes that Article 70 of the General Criminal Code states that, when imposing a penalty, the motive of the offender should be taken into account. However, no specific motives are mentioned. ECRI recalls its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, which states that the law should provide that racist motivation for all criminal offences constitutes an aggravating circumstance.

Therefore, it concludes that its recommendation has not been implemented and once again encourages the authorities to introduce such a criminal law provision, in order to highlight the serious nature of offences motivated by racial hatred.

