

# ECRI REPORT ON ICELAND

(sixth monitoring cycle)



**Adopted on 27 June 2023**

Published on 21 September 2023

European Commission  
against Racism and Intolerance

**ECRI**  
Commission européenne  
contre le racisme et l'intolérance

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE



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## FOREWORD

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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 the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism 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. 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, those of the fourth round in the beginning of 2014, and those of the fifth round at the end of 2019. Work on the sixth round reports started at the end of 2018.

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 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 sixth round country reports focus on three topics common to all member States: (1) Effective equality and access to rights, (2) Hate speech and hate-motivated violence, and (3) Integration and inclusion, as well as a number of topics specific to each one of them.

In the framework of the sixth 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. Unless otherwise indicated, it covers the situation up to 30 March 2023; as a rule, developments since that date are neither covered in the following analysis nor taken into account in the conclusions and proposals therein.**

## SUMMARY

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**Since the adoption of ECRI's fifth report on Iceland on 6 December 2016, progress has been made and good practices have been developed in a number of fields.**

The anti-discrimination and equality legislative and institutional framework has been strengthened with the adoption of the "Equality Acts" in 2018 and the expansion of the mandate of the Directorate of Equality and of the Equality Complaints Committee in 2020.

In the field of inclusive education, the Education Policy 2030, which was adopted in 2021, defines "equal opportunities for all" as one of its five pillars. Several bullying prevention programmes were also implemented.

A number of developments promoting LGBTI equality have taken place. These include the adoption of the Act on Gender Autonomy in 2019 and the first ever Icelandic LGBTI Action Plan in 2022.

The authorities have initiated several measures to thwart hate speech through education, including awareness raising activities about online bullying, and media literacy. A Governmental Working Group against Hate Speech was also set up in 2022.

Article 70 of the General Penal Code on aggravating circumstances was amended in 2022 with a view to including the grounds of ethnic or national origin, colour, "race", religion, sexual orientation, gender identity and gender characteristics.

The authorities have invested significant efforts into improving the integration and inclusion of immigrants and refugees by developing a coordinated reception system and streamlining services available to them. Innovative steps have also been taken, especially by local authorities, as is the case of the Reykjanesbær Municipality, which implemented a comprehensive project of mapping the needs of those groups in order to facilitate the design of more tailored policy measures addressed to them. Furthermore, a counselling centre for immigrants was opened in Reykjavík in 2021, which was followed by the setting-up of the first reception centre for persons seeking international protection in 2022.

The authorities have also shown outpouring welcome to those who have fled the war in Ukraine and regularised their legal status swiftly.

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

There is a lack of awareness amongst the general public on the anti-discrimination legal framework and the remedies made available to victims, including before the Equality Complaints Committee. The provisions governing the establishment of the Directorate of Equality and the Equality Complaints Committee regarding competences, effectiveness and independence are still not fully in line with ECRI's General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level.

Bullying against LGBTI pupils and students, in particular online, gives rise to growing concern. Moreover, there is neither a national system to monitor racist and intolerant incidents at school, nor a compilation of data on such incidents.

There are occurrences of hate speech against asylum seekers and immigrants, particularly on the internet and social media as well as during political campaigns. There are also accounts of racist stereotypes, notably as regards Muslims.

The lack of a more strategic and coordinated approach hinders the development of a comprehensive strategy to tackle effectively racist and LGBTI-phobic hate speech, including online. The impact of social media on the spread of LGBTI-phobic hate speech, particularly among young people, is particularly worrying.

There is still no systematic data collection on the number of reported incidents of racist or LGBTI-phobic hate crime, including criminal hate speech, and any related police investigations, prosecutions and court sentencing. The legal framework on hate speech falling within criminal law remains limited by failing to cover incitement to violence, hatred or discrimination.

The unavailability of comprehensive and gender disaggregated data on immigrants renders it difficult to develop an adequate state response and understand the extent to which immigrants have effective access to their rights. The Implementation Plan in immigration matters for the years 2022–2025 contains neither concrete timeframes nor indicators of success to measure its impact.

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

The authorities should take effective action to raise awareness amongst the general public about the anti-discrimination legal framework and the remedies made available to victims, including the procedure before the Equality Complaints Committee.\*

The authorities should bring the legal framework pertaining to the Directorate of Equality and the Equality Complaints Committee's competences, independence and effectiveness in line with ECRI's General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level.

The authorities should take further measures to increase digital and media literacy, especially on social media, for different segments of society, in particular children and youth, with a view to raising awareness of the adverse effects of online hate speech.

The authorities should reinforce their action against hate speech, in particular by: i) supporting swift adoption and full implementation of the action plan against hate speech, with particular emphasis being placed on effective ways to tackle online racist and LGBTI-phobic hate speech; ii) allocating sufficient resources to

the full implementation of the action plan; iii) conducting regular evaluation of the implementation of the action plan; iv) including the relevant civil society organisations and, as much as possible, media representatives in the process of implementation and evaluation of the action plan.

The authorities should set up a comprehensive data collection system offering an integrated and consistent view of cases of racist and LGBTI-phobic hate speech and hate crime, with fully disaggregated data by category of offence, type of hate motivation, target group, as well as judicial follow-up and outcome and that this data is made available to the public.\*

The authorities should improve the capacity for collecting comprehensive and gender disaggregated equality data on migrants and persons benefitting from international protection in Iceland, and increase the use of such data among relevant bodies with a view to ensuring a clear assessment of the needs of these persons and the design of more targeted policy responses.

The Implementation Plan in immigration matters for the years 2022–2025 should be revised systematically in close cooperation with local authorities and civil society organisations and a holistic approach for its effective implementation should be ensured.

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\* This recommendation will be subject to a process of interim follow-up by ECRI no later than two years after the



## FINDINGS AND RECOMMENDATIONS

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### I. EFFECTIVE EQUALITY AND ACCESS TO RIGHTS

#### A. Equality bodies<sup>1</sup>

1. In its fifth report (§ 12), ECRI noted that there is no equality body in Iceland and that the Parliamentary Ombudsman (the Althing Ombudsman) is the only relevant independent authority and, as a typical Ombudsman, with competence only in the public sector and no specific mandate to combat racism and intolerance.
2. ECRI is pleased to note that since ECRI's previous report, significant progress has been made in the development of a stronger equality legislative and institutional framework. It welcomes the adoption of Act No. 86/2018 on Equal Treatment in the Labour Market<sup>2</sup> and Act No. 85/2018 on Equal Treatment irrespective of Racial and Ethnic Origin (hereafter 'Equality Acts') in 2018 and the revision of the latter in June 2022<sup>3</sup>. In this connection, ECRI refers to the analysis contained in §§ 86-88 on topics specific to Iceland and the recommendation made in § 89 of this report.
3. Besides the above legislation, the Act on the Administration of Matters Concerning Equality No. 151/2020 was adopted in 2020. This law aims to reinforce action in the equality policy area<sup>4</sup> and defines the role of two specific bodies<sup>5</sup>: the Directorate of Equality<sup>6</sup> and the Equality Complaints Committee.<sup>7</sup>
4. Despite the Directorate of Equality having many of the functions and powers<sup>8</sup> listed in § 13 (promotion and prevention competences) of ECRI's General Policy Recommendation (GPR) No. 2 on equality bodies to combat racism and intolerance at national level, it does not have an explicit competence to provide independent assistance to victims except in relation to the mediation of cases.<sup>9</sup> Support and litigation competences, as per § 14 of ECRI's GPR No.2, are vested in the Equality Complaints Committee, which is a quasi-judicial institution and takes decisions on complaints in relation to individual cases of discrimination under the Equality Acts.<sup>10</sup> Its rulings, which parties may refer to courts, are binding and may include instructions for a party to remedy the situation in the case of a violation. At the request of an applicant, the Directorate of Equality may take appropriate steps for the enforcement of the rulings of the Equality Complaints Committee. In case of non-enforcement, the Directorate of Equality may instruct the party concerned to take measures for remedy within a reasonable time-limit and may impose *per diem* fines<sup>11</sup> until compliance. The Equality Complaints Committee is however not mandated to intervene as *amicus curiae*, third party or expert or to pursue strategic litigation and to bring cases before the courts, as recommended in § 14 of ECRI's GPR No. 2.

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<sup>1</sup> The term "national specialised bodies" was updated to "equality bodies" in the revised version of GPR No. 2 which was published on 27 February 2018.

<sup>2</sup> [Act No. 86/2018 on Equal Treatment on the Labour Market](#).

<sup>3</sup> After the revision, it is called as the [Act on Equal Treatment outside the Labour Market No. 85/2018](#) (as amended in 2022).

<sup>4</sup> [Act No. 151/2020 on the Administration of Matters Concerning Equality](#). In addition to the Equality Acts, this Act also governs the administration of the Act on Equal Status and Equal Rights Irrespective of Gender.

<sup>5</sup> See also an overview of these bodies in EELN (2022): 50-55.

<sup>6</sup> [Directorate of Equality | Directorate of Equality - Iceland \(jafnretti.is\)](#).

<sup>7</sup> [Government of Iceland | Equality Complaints Committee](#). See also the Regulation on the Work of the Equality Complaints Committee, No. 408/2021. ECRI notes that this Committee initially functioned as the Gender Equality Complaints Committee. After the adoption of Equality Acts, its scope was expanded with a view to ensure the implementation of these Acts as well.

<sup>8</sup> Article 4 of the Act No. 151/2020.

<sup>9</sup> In practice, the Directorate of Equality may provide guidance to victims to help them bring cases to the Equality Complaints Committee. EELN (2022), op.cit, 52.

<sup>10</sup> Articles 5-11 of the Act No. 151/2020.

<sup>11</sup> Up to ISK 50000 per day, or approximately. EUR 352.



5. Concerning independence and resources, the Directorate of Equality is designated as a special institution. It is nevertheless not a legal entity separate from the executive, as called for in § 2 of ECRI's GPR No. 2. Administratively placed under the Prime Minister, this Directorate is governed by a director appointed by the latter for a five-year term, who holds accountability to her or him. The director oversees the Directorate's daily work and manages staffing.
6. ECRI is pleased to note the significant increase in the Directorate of Equality's financial resources in recent years<sup>12</sup> (ISK 141400000 in 2022 compared to ISK 135600000 in 2021)<sup>13</sup>. However, it is concerned that the Directorate still lacks the human resources (only eight staff members) to carry out its mandate effectively, especially in view of its increasing responsibilities after the adoption of the Equality Acts. As per § 40 of ECRI's GPR No.2, ECRI furthermore considers that the accessibility to the Directorate remains an issue as it is located in Akureyri and has no local office in Reykjavík or elsewhere in the country. In ECRI's view, this could hinder the overall impact of this institution.
7. As for the independence of the Equality Complaints Committee, ECRI notes that the Committee operates as an independent and autonomous entity and that its rulings cannot be appealed to a higher authority. It is however located at the premises of the Department of Equality of the Prime Minister's Office and its three members are appointed by the Prime Minister, following nomination by the Supreme Court, for a three-year term. Its Secretariat is also assisted by the employees of the Prime Minister's Office, which raises concerns related to independence and effectiveness as per §§ 27-39 of ECRI's GPR No.2.
8. Against this background, ECRI considers that the legal framework attributed to the Directorate of Equality and the Equality Complaints Committee by the adoption the Act No. 151/2020 signify progress. However, it observes that the overall institutional set up does not fully comply with ECRI's standards. In this regard, ECRI particularly underlines the importance of ensuring necessary legal safeguards for the independence of these bodies, which are also key for their effective functioning. In the light of the wide expansion of their mandates as a result of the adoption of the Equality Acts, the authorities should also provide them with adequate resources.
9. ECRI recommends that the authorities bring the legal framework pertaining to the Directorate of Equality and the Equality Complaints Committee's competences, independence and effectiveness in line with ECRI's General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level. In this connection, the authorities should also ensure that both bodies receive the necessary financial and staffing resources to cover all aspects of their mandate fully and sustainably.

## **B. Inclusive education**

10. This section deals with education policies<sup>14</sup> that aims to combat exclusion and marginalisation through an inclusive education devised for all, and to create an inclusive society respectful of diversity in accordance with sections II and III of ECRI's GPR No. 10 on combating racism and racial discrimination in and through school education.<sup>15</sup>

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<sup>12</sup> 70% since 2014 and an average of 10% from one year to the next.

<sup>13</sup> Approximately 928432 euros in 2022 and 890349 euros in 2021.

<sup>14</sup> This section relates to education for all children and young people. Specific measures for the education of migrants and children belonging to minority groups are dealt with under the heading of integration and inclusion.

<sup>15</sup> [ECRI General Policy Recommendation N°10 on combating racism and racial discrimination in and through school education.](#)

11. The legal framework pertaining to education at the compulsory (primary and lower-secondary education) and upper secondary levels<sup>16</sup> in Iceland defines ‘education for all’ as a fundamental principle. The Education Policy 2030, which was adopted in 2021, also explicitly stipulates ‘equal opportunities for all’ as one of its five pillars<sup>17</sup> and focuses on actions to serve multicultural school populations and to foster diversity and inclusion, which ECRI welcomes.
12. In its GPR No. 10, ECRI recommends that human rights education is an integral part of the school curriculum at all levels and across all disciplines. In Iceland, there are six fundamental pillars in the National Curriculum Guide<sup>18</sup> for compulsory schools: literacy; sustainability; democracy and human rights; equality; health and welfare and creativity. Education on democracy and human rights is based on critical thinking and reflection on fundamental values, including equality. This kind of education assumes both collaboration within and outside schools. Human rights are taught in a cross-curricular manner and feature mostly in “social studies”. As an educational outcome of this subject, it is expected that “the pupils are able to discuss the values of equality and human rights in all areas of society as well as the influence of stereotypes and know general provisions on human rights”.<sup>19</sup> ECRI takes positive note of the content parameters of this subject as well as related educational outcomes across compulsory curricula.
13. In this regard, several initiatives were taken by the Icelandic authorities with a view to increasing human rights awareness amongst students, such as the UNICEF Rights Respecting Schools project. Implemented at all school levels, leisure centres and community centres since 2015, this project now constitutes a special part of the policy and action plan on Child Friendly Iceland<sup>20</sup>, which was adopted in Parliament in June 2021. ECRI considers this project as a **good practice**.
14. In its fifth report (§ 92) on Iceland, ECRI referred to the need to include measures to combat bullying in schools in its recommendation about completing work on an action plan on LGBTI issues.<sup>21</sup> ECRI take positive note of the specific measures foreseen to this effect in the first Icelandic LGBTI (lesbian, gay, bisexual, transgender and intersex) Action Plan (2022-2025),<sup>22</sup> which was adopted in June 2022. According to the information provided by the authorities, these measures include the preparation of educational material and guidelines for professionals about the situation of LGBTI children and young people in sports and youth activities as well as the conduct of research on the well-being of queer children.<sup>23</sup> Furthermore, the Action Plan on the Prevention of Sexual and Gender-based Violence and Harassment (2021-2025) contains preventive measures to be integrated into activities at all school levels and those at after-school and youth centres. While it is early to assess the impact of these measures, ECRI takes positive note of a dashboard being developed to monitor the implementation of

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<sup>16</sup>Article 2 of the [Compulsory School Act No 91/2008](#) and Article 2 of the [Upper Secondary School Act No 92/2008](#).

<sup>17</sup> The other pillars are the following: i. teaching, including teachers’ competence development, innovation, and working conditions; ii. skills for the future, including literacy, Icelandic proficiency, science, technical education, arts, creativity, digitalisation and lifelong learning; iii. well-being, including student mental health and well-being as well as student agency; iv. Education system quality, including student assessments and accountability, providing student and parental expectations. For more details, see OECD (2021).

<sup>18</sup> [The National curriculum guide for compulsory schools](#) - with Subjects Areas, Ministry of Education, Science and Culture (2014).

<sup>19</sup> Ibid: 209.

<sup>20</sup> Government of Iceland (2022): 11. ECRI notes that the action plan on [Child-Friendly Iceland](#) aims at ensuring comprehensive implementation of the Convention on the Rights of the Child, including through strengthened child participation, child impact assessments, child-friendly budgeting, increased collection of data, and education on children’s rights at all school levels and throughout society. Child friendly municipalities had also been established under the plan, which currently cover 55 % of all children.

<sup>21</sup> ECRI (2017).

<sup>22</sup> <https://www.althingi.is/alttext/152/s/1228.html> English translation is available [here](#).

<sup>23</sup> Action line 8 and 9 of the LGBTI Action Plan.

those actions taken. Bullying prevention programmes, such as the Olwetus<sup>24</sup> and KiVa<sup>25</sup> programmes, have also continued to be implemented.

15. Despite these efforts, ECRI notes that there is still no national system to monitor racist and intolerant incidents at school nor a compilation of data on such incidents. Civil society representatives underlined that it was left to the discretion of each school as to how such incidents were handled. Further, anti-bullying programmes were reportedly not always implemented due to an insufficient number of teachers. In this regard, ECRI is pleased to note the specific measure that is foreseen on increasing the recruitment of teachers in the Education Policy 2030.
16. It was further brought to ECRI's attention that bullying against LGBTI pupils and students, in particular online, gives rise to growing concern (see § 38).<sup>26</sup> In a school well-being survey carried out in 2018 by Samtökin 78, which is the National Queer Organisation of Iceland, GLSEN and the University of Iceland, students reported having faced verbal harassment or bullying in school because of their sexual orientation (32.2%) and gender expression (25.9%).<sup>27</sup>
17. As a follow-up to this survey, Samtökin '78 delivered training on issues related to LGBTI equality in collaboration with the School of Education at the University of Iceland and the municipalities of Grindavíkurbær and Snæfellsbær.<sup>28</sup> The Reykjavík Municipality also issues queer certification for schools and institutions when all pupils and staff have attended a special course on LGBTI equality. ECRI considers these measures as **promising practices**. In this context, ECRI applauds the further allocation of state funds to Samtökin '78<sup>29</sup> in 2022 with a view to providing education in primary and secondary schools, and to publishing educational material about the status of LGBTI youth as well as guidelines for professionals working with them.<sup>30</sup> In ECRI's view, such awareness-raising tools are imperative in tackling bullying and empowering the persons concerned. On a related note, ECRI considers the provision of instruction on "equality and gender issues, including about gender stereotypes and on matters concerning queer people", which is foreseen in the 2020 Act on Equal Status and Equal Rights Irrespective of Gender, as a positive development.<sup>31</sup>
18. Against this background, ECRI welcomes the authorities' ongoing efforts to prevent bullying at schools. It nevertheless observes that more tailored policies on tackling discriminatory bullying and promoting diversity should be developed. In this regard, including LGBTI-specific modules in human rights education would be a way forward. ECRI also considers that a strong mechanism to monitor, prevent and counter such incidents could be a very useful contribution to preventing hatred and, building on already existing projects such as 'Olwetus' and 'KiVa', provide helpful information and guidance to pedagogical staff. Moreover, ECRI notes that the Ombudsman for Children could also possibly play a positive role in the prevention of bullying in schools by reaching out to the children concerned through the institution's participatory tools, such as its Advisory Group for Children.<sup>32</sup>

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<sup>24</sup> <https://olweus.is/>

<sup>25</sup> University of Turku (2018).

<sup>26</sup> Reykjavík Grapevine (2020a).

<sup>27</sup> [National School Climate Survey Report of Iceland \(2018\)](#) : 12.

<sup>28</sup> ILGA-Europe (2022).

<sup>29</sup> ECRI notes that Samtökin '78 runs a queer youth centre that provides individual counselling and support services for children between 10- 17-year-olds. See further IGLYO (2022): 84-86.

<sup>30</sup> Reykjavík Grapevine (2022a). See also Reykjavík Grapevine (2021).

<sup>31</sup> Article 15 of the [Act on Equal Status and Equal Rights Irrespective of Gender](#) No. 150/2020.

<sup>32</sup> [The Office of the Ombudsman for Children | English | Umboðsmaður Barna](#) This Advisory Group consists of children aged between 12 and 17 with a view to obtain the views and experiences of children on all matters concerning children in the Icelandic society.

19. ECRI recommends that the authorities carry out regular surveys on the situation of children in the school system, as a basis for monitoring and evaluating action aimed at preventing and combating discrimination and intolerance in schools. In particular, in addition to general anti-bullying activities, they should develop and implement group-specific modules against the bullying of children deemed vulnerable on the grounds of their sexual orientation, gender identity or sex characteristics, amongst other things. A robust mechanism to monitor, prevent and counter racist and anti-LGBTI incidents in schools should also be set up.

### **C. Irregularly present migrants**

20. In its GPR No. 16<sup>33</sup> on safeguarding irregularly present migrants from discrimination, ECRI calls for the creation of effective measures (“firewalls”) to ensure the fundamental human rights of irregularly present migrants in fields such as education, health care, housing, social security and assistance, labour protection and justice. Such firewalls should separate the activities of immigration control and enforcement from the provision of services, so that migrants who are irregularly present in Iceland do not refrain from accessing their rights due to fear of deportation (see in particular §§ 3, 11 and 12 of GPR No. 16).
21. There are no official figures of the total number of migrants who enter or stay irregularly in Iceland. It is generally estimated that due to Iceland’s geographical situation, the presence of such persons in the country is very limited. While the Icelandic authorities have policies and structures for dealing with asylum seekers, including reception centres (see section III), there are no specific measures in place for migrants who stay irregularly in Iceland.
22. Nevertheless, the Icelandic authorities informed ECRI that, for example, a lack of regular residence status would not be an obstacle for a person to access hospital emergency care. Social assistance,<sup>34</sup> including emergency housing and a food allowance, would also be available, provided that the municipality concerned reports to the Ministry of Social Affairs and Labour as regards the provision of such services and that the country of origin has been asked for assistance. There are similar potential arrangements as concerns the provision of services in other areas, including access to education and housing.
23. ECRI has not received any indication, either from government sources, civil society organisations or other interlocutors, that there is a pressing need for action in this area at the moment. However, as a preventive measure, it encourages the authorities to review the situation with regard to migrants who (may) irregularly stay in Iceland on an ongoing basis and, where appropriate, take any action in the light of ECRI’s General Policy Recommendation No. 16 on safeguarding irregularly present migrants from discrimination.

### **D. LGBTI equality<sup>35</sup>**

24. On the Rainbow Europe Map and Index reflecting the European countries’ legislation and policies guaranteeing LGBTI rights, Iceland ranks 11<sup>th</sup> over 49 countries scored, with an overall score of 61.38%.<sup>36</sup> While there is a high level of social acceptance of LGBTI persons in the country, many interlocutors with whom the ECRI delegation spoke during the contact visit considered that there appeared to be a backlash in the public discourse regarding the perception of LGBTI equality issues. This trend is reported to be more visible among young people and to occur mostly on social media (see section II.A below).

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<sup>33</sup> See §§ 3, 4, 11 and 12 of the GPR and §§ 3, 4, 11 and 12 of its Explanatory Memorandum.

<sup>34</sup> Under article 15 of the Act on Social Service of Municipalities (No. 40/1991).

<sup>35</sup> For terminology, see the definitions set out in CoE Commissioner for Human Rights 2011.

<sup>36</sup> ILGA-Europe (2021), Country Ranking, [Country Ranking | Rainbow Europe \(rainbow-europe.org\)](https://rainbow-europe.org/), see Iceland.

25. In the field of legislation, where criminal law is concerned, ECRI notes that the General Penal Code includes sexual orientation and gender identity among the protected grounds under Article 233a and that the ground of sex characteristics was further added as a result of legal amendments in June 2022. These amendments also saw the introduction of the same grounds as aggravating circumstances under Article 70 of the Code, as recommended in by ECRI in its fifth report (see § 55 of the present report). This is a positive development. As regards civil and administrative law, ECRI refers to the analysis contained in §§ 86-88 on topics specific to Iceland and the recommendation made in § 89.
26. ECRI is also pleased to note a number of other developments that contributed to stronger LGBTI equality in Iceland. In 2019, the Act on Gender Autonomy,<sup>37</sup> which provides for legal gender recognition of transgender and intersex persons, was adopted. Persons aged 15 and older are now entitled to change their gender and name in the civil registry without any medical or other requirement.<sup>38</sup> In addition, the law allows for gender-neutral<sup>39</sup> civil registration (gender marker X). Children under the age of 15 are also able to change their gender with the consent of their parents.<sup>40</sup> Furthermore, the 2020 Act on Equal Status and Equal Rights Irrespective of Gender also recognises those registered with a neutral gender marker.<sup>41</sup>
27. As mentioned earlier, Iceland adopted its first LGBTI Action Plan (2022-2025)<sup>42</sup> in June 2022. ECRI takes positive note of this Action Plan, which consists of 21 lines of action in various areas, including the mapping of the existing legal framework and the situation of LGBTI people in the country. In ECRI's view, data collection on LGBTI persons, on a voluntary basis and in line with Recommendation CM/Rec (2010) 5 of the Council of Europe's Committee of Ministers on measures to combat discrimination on grounds of sexual orientation or gender identity can serve as a useful basis for clarifying the extent of the needs of LGBTI persons and the design of more targeted policy responses. Furthermore, the inclusion of a specific line of action (No. 18) on the introduction of rules for hospitals on gender reassignment and changes to sex characteristics is a welcome step.
28. While the adoption of the LGBTI Action Plan is a positive development, ECRI notes that this Action Plan lacks success indicators and a monitoring and evaluation mechanism, which could undermine its effective implementation.
29. ECRI recommends that the authorities develop targeted activities and success indicators which are supported with effective monitoring as well as a regular evaluation system for the implementation of the LGBTI Action Plan (2022-2025). This should be done in close cooperation with national and local authorities as well as representatives of LGBTI communities. In addition, the authorities should ensure that adequate funding is allocated for the action plan to be effectively implemented.

<sup>37</sup> [Act on Gender Autonomy No 80 /2019](#) as amended by Act No. 159/2019, No. 152/2020 and No. 154/2020. This Act replaced the previous requirements of mandatory diagnosis and medical interventions for legal gender recognition, and introduced the self-determination model See further details Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI) of the Council of Europe (2022), [Thematic report on legal gender recognition in Europe](#), and ILGA-Europe (2020).

<sup>38</sup> Ibid, Article 4. ECRI notes that at the time the Act on Gender Autonomy was adopted in 2019, the age limit to change gender in civil registry was 18, but it was later lowered to 15 with an amendment in 2020 that entered into force in January 2021.

<sup>39</sup> Persons registering their gender as "X" are allowed to take gender neutral family names instead of patro and matronymics that designate the person as being someone's son or daughter (Article 6 of the Act on Gender Autonomy).

<sup>40</sup> If parents' consent is not available, an expert committee decides on the matter (Article 5 of the Act on Gender Autonomy).

<sup>41</sup> Article 1 stipulates that the term "gender" means women, men and persons whose gender is registered as neutral in Registers Iceland, unless otherwise stated. See also Article 6 of the Act on Gender Autonomy. As of December 2021, fifteen persons were reported to change their gender markers. ILGA-Europe (2022).

<sup>42</sup> <https://www.althingi.is/altext/152/s/1228.html> English translation is available [here](#).



30. Under the present monitoring cycle, ECRI also covers the situation of intersex persons, who are born with chromosomal, hormonal or anatomical characteristics that do not match strict medical definitions of male or female.<sup>43</sup> Many of these persons suffer as a result of medical interventions, which are in most cases non-consensual and medically unnecessary, and have irreversible consequences. In this context, ECRI welcomes the adoption of a specific legal provision in the 2019 Act on Gender Autonomy,<sup>44</sup> which prohibits unnecessary medical interventions on children born with atypical sex characteristics until such time the child is able to participate in the decision, based on the right to self-determination and on the principle of free and informed consent.
31. Although medically unnecessary interventions on a child's sex characteristics are banned, several interlocutors have pointed out that this ban specifically excludes two variations of sex characteristics (namely hypospadias and micropenis) and raised concerns about these exceptions posing the risk of providing unequal protection to all children born with variations of sex characteristics under the law. ECRI notes that decisions on interventions must be unanimously agreed upon by a multidisciplinary team of medical experts and confirmed by a ministerial committee composed of a child psychologist, a paediatrician and a human rights expert.<sup>45</sup> The legislation also contains a three-year review clause, which offers an opportunity to assess the practical impact of these legal exceptions.
32. ECRI recommends that the authorities collect data on intersex children, closely monitor the implementation of the Act on Gender Autonomy in particular its provisions banning unnecessary medical interventions in relation to a child's sex characteristics, assess the impact of legal exceptions and, in due course, review the legislation accordingly. The legal review should include consultations with experts in all related disciplines, intersex children and/or their parents/guardians. In the context of such a legal review, consideration should also be given to issues pertaining to sanctions and compensation in cases where the relevant legal provisions were violated.
33. In view of the above considerations, ECRI is of the view that LGBTI equality in Iceland has been further strengthened since the adoption of its previous report. In addition to very positive measures adopted at national level, policy initiatives taken at local levels were also indicative of a strong commitment on the part of the authorities. Among others, ECRI is pleased to note the development of **promising practices**, such as the adoption of guidelines<sup>46</sup> by the Reykjavík City Council in 2021 for gyms and pools about welcoming transgender people to these facilities and the election of a transgender woman as Reykjavík City Council's spokesperson on the same year.<sup>47</sup> It is also encouraging to observe that Pride marches have been organised in cities other than the capital Reykjavík. For instance, a first Pride march took place in Borgarnes in 2021.

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<sup>43</sup> EU FRA (2015): 2.

<sup>44</sup> Article 11a of the Act on Gender Autonomy.

<sup>45</sup> ILGA-Europe (2022).

<sup>46</sup> [https://reykjavik.is/sites/default/files/ymis\\_skjol/skjol\\_utgefid\\_efni/trans\\_folk\\_kyngreind\\_rymi\\_vefur.pdf](https://reykjavik.is/sites/default/files/ymis_skjol/skjol_utgefid_efni/trans_folk_kyngreind_rymi_vefur.pdf)

<sup>47</sup> ILGA-Europe (2022).

## II. HATE SPEECH AND HATE-MOTIVATED VIOLENCE

### A. Hate speech<sup>48</sup>

#### Data

34. Data on hate crimes, which include hate speech, are collected by the services of the National Police Commissioner in Iceland. Reported criminal offences are kept in a central police database (LÖKE).<sup>49</sup> The authorities informed ECRI that there were 44 cases of hate speech registered under Article 233a<sup>50</sup> of the General Penal Code between January 2018 and September 2022. According to the data provided by the Director of Public Prosecution, sixteen cases went on to prosecution under Article 233a (eight in 2016, two in 2017 and one in 2018, three in 2019, two in 2020 and none in 2021), resulting in five convictions in total. The authorities have also provided information regarding remedies available under Article 180 of the General Penal Code (denial of access to goods or services). Out of two cases recorded in 2020, an indictment was issued in one of them. The accused was later acquitted due to lack of sufficient evidence.<sup>51</sup>

#### Public discourse

35. Reports<sup>52</sup> suggest that there are occurrences of hate speech against asylum seekers and immigrants, particularly on the internet and social media as well as during political campaigns and debates.<sup>53</sup>
36. Several instances of hate speech by political actors have been reported. For instance, in 2022, the Minister of Infrastructure referred to the Director of the Icelandic Farmers' Association as "the Black one",<sup>54</sup> which led to a public outcry.
37. There are also accounts of racist stereotypes in the general population, notably as regards Muslims. According to a 2020 study<sup>55</sup>, the stereotype of Muslims as security threats exists: about 44% of the population believes that terrorist risks increase with accepting more immigrants from Muslim-majority countries. ECRI notes that the perception of Muslims as belonging to a "suspect community" contributes to displaying different manifestations of anti-Muslim racism and discrimination, including anti-Muslim hate speech. Furthermore, drawing inaccurate parallels between terrorists and religious extremists on the one hand and the Muslim population on the other hand may lead to a toxic climate that is likely to give rise to feelings of rejection and hostility towards, and alienation among, Muslim communities and to ignore their daily realities.<sup>56</sup> In this regard, ECRI encourages authorities to draw inspiration from its revised General Policy Recommendation No. 5 on preventing and combating anti-Muslim racism and discrimination<sup>57</sup> when tackling any denigratory stereotyping and manifestations of hatred against Muslims or those perceived as such.

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<sup>48</sup> See definitions of hate speech and hate crime in [ECRI's Glossary](#).

<sup>49</sup> [National frameworks to address hate crime in Iceland | HCRW \(osce.org\)](#)

<sup>50</sup> This provision forms a part of Chapter XXV ([General Penal Code](#)) entitled "Defamation of character and violations of privacy".

<sup>51</sup> See relevant judgment of 23 December 2021, [here](#)

<sup>52</sup> The Icelandic Human Rights Centre (2019).

<sup>53</sup> UN Committee on the Elimination of Racial Discrimination (CERD), Concluding Observations on Iceland (2019a), §§ 13-14.

<sup>54</sup> Iceland Review (2022a); Iceland Review (2022b).

<sup>55</sup> Valdimarsdóttir, M. and Jónsdóttir, G. (2020): 235. ECRI notes that in October 2018, a man had been convicted of anti-Muslim hate speech by the Icelandic Supreme Court for his following statement: 'a Muslim woman would be the victim of a terrorist attack by "shitty people" of her own kind'. See UN Committee on the Elimination of Racial Discrimination (CERD), Summary record of the meeting (2019b), §46, CERD/C/SR.2751.

<sup>56</sup> See ECRI [General Policy Recommendation No. 5 \(revised\)](#) on preventing and combating anti-Muslim racism and discrimination, CRI(2022)6: §§ 14-17.

<sup>57</sup> Ibid.

38. ECRI notes that LGBTI persons have at times been the subjects of offensive language, including by public officials. For instance, in 2022, the Deputy State Prosecutor made prejudiced remarks about LGBTI asylum seekers.<sup>58</sup> Furthermore, virtually all of ECRI's interlocutors, including government officials, expressed concerns about the impact of social media on the spread of LGBTI-phobic hate speech, particularly among young people. Reportedly, members of LGBTI youth have faced harassment, in part due to the influence of TikTok trends that promote barking at LGBTI people,<sup>59</sup> which has led to their isolation from their social circle and, in some instances, has resulted in graver consequences, including suicide.<sup>60</sup>
39. ECRI is also concerned that certain extremist groups engage in the use of hate speech, notably the Norðuvígi,<sup>61</sup> which aligns itself with the Nordic Resistance Movement, a neo-Nazi organisation. The activities in question include inciting hatred, often by propagating its ideology in public spaces, with predominantly anti-Muslim, anti-migrant<sup>62</sup> and LGBTI-phobic<sup>63</sup> narratives.

### **Responses to hate speech**

40. There have been several initiatives aimed at discouraging hate speech in Iceland. For example, the authorities have supported the Icelandic Centre for Safer Internet (SAFT),<sup>64</sup> which seeks to improve knowledge of the safe and positive use of the Internet among children, parents, teachers, policy-makers, and the information technology industry as well as coordinating projects in cooperation with youth councils with a view to raising awareness about online bullying and hate speech. Furthermore, the then Ministry of Education, Science and Culture had implemented a project entitled *No Hate – words carry responsibility* that aimed to fight against racial prejudice and hate propaganda through education and media literacy.<sup>65</sup> In this regard, ECRI is pleased to note the particular focus of the measures taken by the Icelandic Media Commission for enhancing the digital citizenship of children and media literacy in general. In ECRI's view, such initiatives<sup>66</sup> constitute effective strategies to explore and address the root causes of hate speech. ECRI therefore considers these measures as **promising practices**. In the opinion of ECRI, the authorities should invest more resources in such programmes, especially in view of recent trends of increasing online hate speech among youngsters.
41. ECRI recommends that the authorities take further measures to increase digital and media literacy, especially on social media, for different segments of society, in particular children and youth, with a view to raising awareness of the adverse effects of online hate speech.
42. As for counter speech, ECRI notes that there are some good examples. They include the apology of the Speaker of the Icelandic Parliament, on behalf of the Parliament, for the abusive language used by some parliamentarians.<sup>67</sup> The Minister of Infrastructure also issued a written apology for his abusive language when referring to the Director of the Icelandic Farmers' Association.<sup>68</sup> ECRI is not aware of any apology by the Deputy State Prosecutor for his remarks about LGBTI

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<sup>58</sup> Iceland Review (2022c).

<sup>59</sup> Reykjavik Grapevine (2022b).

<sup>60</sup> Iceland Review (2022e).

<sup>61</sup> [Norræna Mótstöðuhreyfingin \(nordurvigi.is\)](http://Norræna.Mótstöðuhreyfingin(nordurvigi.is))

<sup>62</sup> Vísir (2018).

<sup>63</sup> Mbl.is (2022); ILGA (2020).

<sup>64</sup> <https://www.saft.is/>

<sup>65</sup> UN Human Rights Council (2021): § 37. This project was part of the Council of Europe's "No Hate Speech" movement.

<sup>66</sup> See also, Council of Europe (CoE), Recommendation CM/Rec (2022)16; §§ 47-48.

<sup>67</sup> Reykjavik Grapevine (2018b).

<sup>68</sup> Iceland Review (2022b).



asylum-seekers. However, it was informed that he was issued a reprimand as a result. ECRI recalls that politicians and government officials, in particular from the highest level, have a particular responsibility when it comes to preventing and countering hate speech. Not only should they abstain from using such rhetoric themselves, but they should also firmly condemn it, in particular when it is used by other politicians and public officials.

43. Victim support, including for hate crime victims, is provided by the general victim support scheme. The Family Justice Centre in Reykjavík - a “one-stop-shop” for adult victims of violence - offers counselling, legal advice and interpretation services free of charge. The Centre operates through the co-operation of law enforcement agencies, public and municipal administrations, and civil society organisations.<sup>69</sup> The authorities further informed ECRI that the Action Plan on Measures against Violence for the years 2019-2022 contains a specific action line to further raise awareness on hate speech and eliminate it from public debate.
44. Against this background, to effectively prevent and combat hate speech, ECRI recalls that action is required in a number of areas, including awareness-raising, prevention and counter-speech, victim support, self-regulation, the use of regulatory powers and, as a last resort, criminal investigations and punishment. In this regard, ECRI is pleased to note that combating hate speech is defined as a priority in the political agenda and that in June 2022, the Prime Minister appointed a Governmental Working Group against Hate Speech, consisting of representatives of several state bodies and local authorities.<sup>70</sup> The authorities informed ECRI that since its visit, the Governmental Working Group against Hate Speech had completed its work and that on 22 February 2023, the Prime Minister had presented a proposal for a parliamentary resolution on the Government’s action plan against hate speech. The proposal consists of 22 actions under the responsibility of various ministries and institutions. It is currently under consideration in parliament. ECRI welcomes the setting-up of this Working Group and the development of an action plan and considers that further steps should be taken with a view to ensuring a coordinated approach to preventing and combating hate speech in practice.
45. ECRI recommends that the authorities reinforce their responses against hate speech, in particular by: i) supporting swift adoption and full implementation of the action plan against hate speech, with particular emphasis being placed on effective ways to tackle online racist and LGBTI-phobic hate speech; ii) allocating sufficient resources to the full implementation of the action plan; iii) conducting regular evaluation of the implementation of the action plan; iv) including the relevant civil society organisations and, as much as possible, media representatives in the process of implementation and evaluation of the action plan. In the course of adoption, implementation and evaluation of the action plan, due consideration should be given to ECRI’s General Policy Recommendation No.15 on combating hate speech and Recommendation CM/Rec(2022)16 of the Council of Europe’s Committee of Ministers on combating hate speech.
46. ECRI has consistently recommended that member states clarify the scope and applicability of responsibility under civil and administrative law for the use of hate speech. It has also recommended that they take appropriate and effective action against the public use of hate speech that is intended or can reasonably be expected to incite acts of violence, intimidation, hostility or discrimination through

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<sup>69</sup> [National frameworks to address hate crime in Iceland | HCRW \(osce.org\)](#)

<sup>70</sup> The Working Group consisted of representatives from the Prime Minister’s Office, the Ministry of Social Affairs and Labour, the Ministry of Justice, the Ministry of Education and Children, the Directorate of Equality, the Icelandic Human Rights Centre, the Multicultural Information Center, the National Commissioner Office and the Icelandic Association of Local Authorities.

the use of criminal law providing that no other less restrictive measures would be effective, while respecting the right to freedom of expression.<sup>71</sup>

47. Icelandic law provides for the punishment of hate speech under civil and administrative liability. For instance, the authorities informed ECRI that the provision on “harassment” (Article 7/1) under the Equality Acts<sup>72</sup> (see §§ 86-88) would, in principle, be applicable for such cases. However, ECRI is not aware of any such complaint lodged before the Equality Complaints Committee yet.
48. Moreover, Article 27 of the Media Act prohibits hate speech and incitement to criminal activity. Despite this legal framework, as mentioned in ECRI’s previous report (§ 31), the penalties under Article 27 of the Media Act are imposed only for serious and repeated violations, thus seriously undermining any proper accountability processes for hate speech in the media. This concern was also raised by United Nations Committee on the Elimination of Racial Discrimination (CERD).<sup>73</sup> According to the information provided by the authorities, there is a pending bill<sup>74</sup> that foresees the reduction of the threshold for the application of Article 27. ECRI strongly encourages the authorities to do their utmost to make Article 27 of the Media Act an effective legal tool to prevent and combat hate speech in the media without any further delay.
49. As for criminal law, Article 233 a of the General Penal Code covers hate speech that reaches a criminal threshold. In its fifth report (§ 5), ECRI recommended to the authorities to add the grounds of language and national or ethnic origin to Article 233 a. In this respect, ECRI welcomes the introduction of the grounds of *inter alia* ethnic or national origin and gender characteristics into Article 233a<sup>75</sup> in June 2022. However, the law still neither clearly criminalises incitement to violence, hatred or discrimination<sup>76</sup> nor explicitly covers the ground of language, in contradiction to ECRI’s GPR No. 7 on national legislation against racism and racial discrimination, and previous recommendations addressed to Iceland.
50. ECRI recommends that the authorities bring their criminal law into line with ECRI and other Council of Europe standards with a view to criminalising clearly incitement to violence, hatred or discrimination as well as explicitly including the ground of language in all criminal law provisions aimed at combating racism, discrimination and intolerance.
51. In December 2017, the Supreme Court of Iceland found two men guilty of homophobic hate speech pursuant to Article 233a due to their online remarks on LGBT-awareness education in schools regarding a case that was mentioned in ECRI’s previous report (§ 23). ECRI notes that the European Court of Human Rights followed the reasoning<sup>77</sup> of the Supreme Court of Iceland in 2020 and found

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<sup>71</sup> ECRI GPR No. 15, §§ 8 and 10.

<sup>72</sup> Act on Equal Treatment in the Labour Market No. 86/2018 and Act on Equal Treatment outside the Labour Market No. 85/2018 (as revised in June 2022).

<sup>73</sup> UN (CERD) (2019a), op.cit, §§ 13-14.

<sup>74</sup> A bill implementing the Audiovisual Media Services Directive 1808/2018/EU.

<sup>75</sup> After these amendments, the provision stipulates that “anyone who publicly mocks, defames, denigrates, or threatens a person or a group of people with comments or an expression of other nature, for example by means of pictures or symbols, for their ethnic origin or national origin, colour, race, religion, disabilities, gender characteristics, sexual orientation or gender identity, or disseminates such materials, should be fined or imprisoned for up to 2 years”.

<sup>76</sup> According to the authorities, incitement to violence, hatred or discrimination may be sanctioned under general provisions of the General Penal Code under which it is punishable to publicly encourage others to commit criminal acts (Article 121) or to contribute to the commission of an offence by assisting in word or deed, through persuasion, encouragement or in any other manner (Article 22(1)). However, the authorities did not provide ECRI with any case-law supporting this interpretation.

<sup>77</sup> ECRI’s fifth report on Iceland refers to this case (complaints filed by the NGO Samtökin ’78). In a judgment of 14 December 2017, the Supreme Court of Iceland held that the private life interests protected by Article 71 of the Constitution and Article 233 (a) of the General Penal Code outweighed the applicant’s freedom of expression in the circumstances of the case and that curbing that freedom was both justified and necessary in order to counteract the sort of prejudice and hatred against certain social groups which such hate speech could promote. It sentenced him to a fine of 100 000 Icelandic Krónur (approximately 800€ at the time).

that there was no violation of the right to freedom of expression under Article 10 of the European Convention on Human Rights.<sup>78</sup>

52. As for countering online hate speech, ECRI notes with satisfaction that Iceland has ratified the First Additional Protocol to the Cybercrime Convention concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems in January 2023.<sup>79</sup>

#### **B. Hate-motivated violence**

53. The data reported to OSCE-ODIHR<sup>80</sup> show that the police recorded 14 hate crime incidents in 2017; seven in 2018, 11 in 2019, four in 2020 and 15 in 2021. While there is no breakdown per criminal law provisions available, the majority of them were indicated as physical assault (31) and threats (ten). Two out of these 51 cases resulted in convictions.
54. Since 2018, the services of the National Police Commissioner in Iceland can register reported cases on the basis of a new category - "suspicion of hate crime".<sup>81</sup> According to the information provided by the authorities, there were nine cases in 2018, 18 in 2019, six in 2020, 23 in 2021 and 18 in the first nine months of 2022 that were recorded under this new category. These cases primarily concerned bias motivation on grounds of ethnic origin, religion and sexual orientation.
55. In its fifth report (§§ 7 and 80), ECRI noted that the General Penal Code does not specifically provide that racist or other hate motivation constitutes an aggravating circumstance for all criminal offences (as per § 21 of its GPR No. 7 on national legislation to combat racism and racial discrimination) and recommended including such a provision. ECRI is pleased to note that Article 70 of the General Penal Code on aggravating circumstances was amended in June 2022 and that the grounds of ethnic or national origin, colour, "race", religion, gender characteristics, sexual orientation and gender identity are now expressly mentioned and constitute factors influencing the determination of the penalty.
56. ECRI considers the introduction of bias motivation in hate crime recording as a positive development. It nevertheless observes that there is still no systematic data collection on the number of reported incidents of racist and LGBTI-phobic hate crime, including hate speech, investigations, prosecutions and sentencing.<sup>82</sup> Each institution gathers the data as far as it relates to its own proceedings and often, such data does not give a full overview. The lack of integrated and comprehensive data regarding these incidents makes an assessment of the response to such acts by law enforcement agencies, prosecution services and courts difficult. In this regard, ECRI recalls that publicly acknowledging the existence of hate crime and its impact helps to establish trust in law enforcement authorities among victims of and witnesses to hate crime, as well as in the criminal justice system as a whole. ECRI therefore considers that the authorities should increase their efforts with a view to setting up a comprehensive data collection system, which should include the application of Article 70 of the General Penal Code.
57. ECRI recommends, as a matter of priority, that the authorities set up a comprehensive data collection system offering an integrated and consistent view of cases of racist and LGBTI-phobic hate speech and hate crime, with fully disaggregated data by category of offence, type of hate motivation, target group,

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<sup>78</sup> See [Carl Jóhann Lillíendahl v. Iceland](#) (no.29297/18, 11 June 2020), decision.

<sup>79</sup> Iceland CoE Treaty List – [Country Status](#) The Protocol will enter into force on 1 May 2023.

<sup>80</sup> [Iceland | HCRW \(osce.org\)](#)

<sup>81</sup> Motives available for registration include: sexual orientation, gender identity, religion (other), religion (antisemitism), religion (anti-Christian), religion (anti-Muslim), racist-xenophobic bias and other.

<sup>82</sup> See also UN (CERD) (2019a), op.cit, §§ 15-16.

as well as judicial follow-up and outcome and that this data is made available to the public.

58. ECRI notes that the scale of hate-motivated violence remains overall quite low. However, it does occur sporadically. By way of illustration, cases of hateful anti-LGBTI messages spray-painted on the Pride flag at the steps of a church in Reykjavík<sup>83</sup> and property damage with the use of neo-Nazi symbols were brought to the attention of ECRI. The data provided by NGOs to the OSCE/ODIHR database also suggest incidents concerning physical assaults with anti-LGBTI motivation and vandalism against religious property.
59. Regarding hate crime investigations, ECRI takes positive note of some recent measures taken that facilitate reporting. For instance, online reporting is now possible and incidents can be reported to the police by using live web chats.<sup>84</sup> ECRI considers that such alternative reporting structures potentially increase flexibility and speed and encourage victims of hate crime to come forward without delay. These could be regarded as **good practices**, especially in exceptional circumstances such as those imposed by the Covid-19 pandemic. In this context, ECRI strongly encourages the authorities to continue developing measures that empower victims of hate crime and deter underreporting.
60. Since ECRI's previous report, several measures have been taken to increase the capacity of law enforcement officials to tackle hate crimes. Under the OSCE/ODIHR's Training Against Hate Crimes for Law Enforcement (TAHCLE) programme, training-of-trainers sessions and other workshops were organised in 2017 and 2021. The TAHCLE modules have become a part of the standard curriculum of the course of study for the diploma for prospective police officers at the University of Akureyri. In this regard, ECRI received on numerous occasions very positive feedback about a police officer who had served as a hate crime specialist in the area of Reykjavík before ECRI's contact visit.<sup>85</sup> In this context, the authorities informed ECRI that priority was now given to the mainstreaming of already available knowledge and expertise through providing adequate training on a systematic basis. ECRI supports this approach.
61. While these activities have helped enhance the capacity of law enforcement bodies in this area, it has frequently been stressed that the police, the state prosecution service and the judiciary continue to experience problems in identifying and addressing hate crime and that the in-service training on offer is insufficient. In this context, ECRI welcomes that the proposal for the action plan against hate speech, which is currently discussed in parliament, includes the development of new training materials on combating hate speech and hate crime for police officers, prosecutors and judges. In this context, ECRI considers it important for the authorities to continue improving knowledge and expertise among law enforcement officials and other criminal justice actors in understanding and recognising hate crime dynamics.
62. ECRI recommends that the authorities continue to develop and provide further practical training for police officers, prosecutors and judges on how to deal with racist and LGBTI-phobic acts of violence. This should include improved procedures for recognising bias-motivations.

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<sup>83</sup> Iceland Review (2022d). One of these messages referred to a religious verse stating that 'men who have sexual relations with other men should be put to death'.

<sup>84</sup> [Police \(112.is\)](#)

<sup>85</sup> At the time of the contact visit, the police officer in question worked as a trainer at the Police Academy.

### III. INTEGRATION AND INCLUSION

#### Migrants

##### Data

63. Migration to Iceland, which is largely driven by labour migration, has continued to increase substantially in recent years. The number of immigrants in Iceland were 61 148 on 1 January 2022,<sup>86</sup> which constituted 16.3% of the total population (compared to 15.5% in 2020 and to 12% in 2018). The number of children of immigrants rose from 6 117 in 2021 to 6 575 in January 2022. People born in Poland were the largest group of immigrants with 20 896 persons (34.2% of the total immigrant population). The second largest group were Lithuanians (5.6%) followed by Romanians (4.1%).<sup>87</sup>
64. According to UNHCR data,<sup>88</sup> there were 3 290 refugees, 670 asylum-seekers and 68 stateless persons in Iceland in June 2022. The top three countries of origin among refugees were Ukraine (1 240), Venezuela (590) and Iraq (315), while it is Venezuela (409), Ukraine (55) and Iraq (30) among asylum seekers.
65. Between the beginning of Russia's aggression against Ukraine on 24 February 2022 and 30 September 2022, 1 640 people fleeing from Ukraine arrived in Iceland and were registered for temporary protection.<sup>89</sup> The unreserved welcome of the authorities to those who have fled the war is commendable.
66. Iceland has also continued to offer 100 places under the UNHCR Resettlement Scheme, and it has welcomed an additional 120 persons evacuated from Afghanistan in 2021.
67. ECRI takes positive note of the accession of Iceland to both the 1954 and 1961 Statelessness Conventions on 26 January 2021. Reportedly, since then, the focus has shifted towards implementing the statelessness determination procedures, with the aim of eradicating statelessness in the country by 2024.<sup>90</sup>

##### Policy framework and measures taken by the authorities

68. A new Foreign Nationals Act No 80/2016 entered into force on 1 January 2017. The Act has reinforced the procedures and efficiency in the handling of matters concerning applicants for international protection and has a special emphasis on the rights of children and family reunification.<sup>91</sup>
69. Before the adoption of the Implementation Plan in immigration matters for the years 2022–2025<sup>92</sup> in June 2022, Iceland's integration policy was based on the Implementation Plan in immigration matters for the years 2016-2019, which was the first of its kind in the country. The general objective of this plan was to ensure accessibility for immigrants to public service institutions both at national and local levels and that the provision of services meet their needs. In addition, promoting the active participation of immigrants in society was defined as a priority.<sup>93</sup> This Implementation Plan was based on five pillars: society, family, education, the labour market and refugees. ECRI notes that the most recent plan covering the

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<sup>86</sup> [Statistics Iceland](#)

<sup>87</sup> Ibid.

<sup>88</sup> UNHCR Factsheet on Iceland ([September 2022](#)).

<sup>89</sup> The Ministry of Justice in Iceland activated Article 44 'Collective protection in a mass flight situation' in the Act on Foreign Nationals on 4 March 2022. Refugees from Ukraine receive residence permits on humanitarian grounds, usually within 48 hours of submitting an application. As of October 2022, 537 temporary work permits had been issued to refugees from Ukraine. See further information in [the Nordic Council of Ministers and the UNHCR \(2022\)](#): 15-16.

<sup>90</sup> UNHCR Factsheet on Iceland ([September 2022](#)).

<sup>91</sup> UN Human Rights Council (2021), § 83.

<sup>92</sup> [Þingsályktun um framkvæmdaáætlun í málefnum innflytjenda fyrir árin 2022–2025](#).

<sup>93</sup> UN CERD (2018) : §§ 30-31.



years 2022-2025 follows the same structure, with each same pillar including specific actions to support integration and inclusion of both immigrants and refugees, which will be mentioned as relevant below. At the outset, the emphasis seems to be placed on ensuring a coordinated reception system and harmonisation of services for refugees in the latest plan (Action lines 5.1 and 5.2).

70. Although it is too early to assess the results of the new Implementation Plan, some data are available regarding the previous one. According to the MIPEX migrant policy index,<sup>94</sup> Iceland saw the greatest increase in the 2020 data and the country's index rose by seven points from 49 to 56 between 2014 and 2019, on a scale of 100.<sup>95</sup> However, many interlocutors indicated to ECRI that even though progress has been made, the previous Plan had neither been regularly monitored nor had a thorough evaluation taken place before the adoption of its successor. ECRI is also not aware of any assessment to this effect. Furthermore, ECRI notes that despite having well-defined measures, the previous Plan contained neither concrete timeframes nor indicators of success to measure their impact. Regrettably, the new Plan also lacks these elements, which in ECRI's view, could undermine its effective implementation.
71. During its contact visit, it was also brought to the attention of the ECRI delegation that the lack of accurate figures on immigrants might pose a serious obstacle for planning and implementing an adequate state response. The unavailability of gender disaggregated data on these persons renders it difficult to track and evaluate progress made and the extent to which the immigrants enjoy access to their rights. It therefore holds utmost importance to acknowledge the multi-layered and intersectional nature of issues that these groups of persons experience.<sup>96</sup> In this context, ECRI was very pleased to learn about the project entitled "Community Data Analytic" during its field visit to the Reykjanesbær Municipality, which implements this project in cooperation with Statistics Iceland. This mapping activity, which appears to have yielded positive impact, contains a comprehensive residential data and facilitates the development of more targeted and tailored policy measures on the inclusion of immigrants living in the area, which could be considered as a **good practice**.
72. ECRI was able to hear a first-hand account of another positive initiative of the Reykjanesbær Municipality, which has implemented a novel and coordinated approach to refugee reception<sup>97</sup> that aimed at ensuring better integration outcomes. ECRI considers such initiatives as **promising** and indicative of the impact of action taken at local level.<sup>98</sup> As repeatedly expressed by several interlocutors, it appears to ECRI that the integration and inclusion of migrants and refugees are not proportionally channelled into the work of the local authorities across the country but rather concentrate on some cities, such as Reykjavik, Reykjanesbær and Hafnarfjörður. In this respect, ECRI takes positive note of the specific objective in the new Implementation Plan of strengthening local interventions to ensure its implementation (Action line 1.4).
73. In the light of the above considerations, ECRI recalls the crucial role that municipalities play in ensuring the inclusion of communities as being the key actors

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<sup>94</sup> [Iceland | MIPEX 2020](#)

<sup>95</sup> Nordic Labour Journal (2021).

<sup>96</sup> For an extensive account of issues experienced by foreign women in Iceland, see U. Skaptadóttir / K. Loftsdóttir (2019).

<sup>97</sup> In the framework of this programme, refugees are provided with assistance in finding a place to live and securing an income and are assigned a contact person who assists about their rights and whom they can approach if they face problems or obstacles. They are supported with everyday practicalities that might prove challenging for newcomers. They are also provided with Icelandic classes to learn the language and follow societal orientation sessions. There are further plans to create more opportunities for refugees and the local community to meet, interact and participate in activities together. See UNHCR (2022).

<sup>98</sup> ECRI notes that the Ministry of Social Affairs has made cooperation agreements with a number of municipalities on the coordinated reception of refugees in order to ensure that all refugees receive comparable services. The agreements increase the effectiveness of support for refugees after applicants for international protection have received an Icelandic residence permit.

at the forefront. It is of the view that further steps should be taken to create effective cooperation mechanisms between the central authorities and local bodies while providing the latter with continuous support and adequate resources.

74. ECRI recommends that the authorities improve the capacity for collecting comprehensive and gender disaggregated equality data on migrants and persons benefitting from international protection in Iceland, and increase the use of such data among relevant bodies with a view to ensuring the clear assessment of the needs of these persons and the design of more targeted policy responses.

75. ECRI recommends that the authorities, in close cooperation with local authorities and civil society organisations, revise systematically the Implementation Plan in immigration matters for the years 2022–2025 and ensure a holistic approach for its effective implementation. This should be done in particular by: i) conducting an impact assessment of the previous Plan to identify the implementation gaps at national and local levels; ii) including success indicators to measure its impact and redefining its parameters and goals where necessary; iii) setting up an effective monitoring and evaluation mechanism. The authorities should also ensure that sustainable and sufficient financial resources are granted to local authorities and identify good practices and mainstream them.

76. In its fifth report on Iceland (§ 53), ECRI reiterated its recommendation to establish a centre in Reykjavík, similar to the Multicultural and Information Centre (MCC) in Ísafjörður, so that immigrants in the capital area can access services and obtain assistance in a wide variety of languages. ECRI is pleased to note that a counselling centre for immigrants, *New in Iceland*,<sup>99</sup> was also opened in Reykjavík in 2021. Initially foreseen as a pilot project of the Ministry of Social Affairs, it was officially merged with the MCC in September 2022 and offers easily accessible guidance to immigrants about available services and their rights and obligations. It is also a cooperation platform for state and municipal bodies and stakeholders, such as unions and civil society partners. Its website and free of charge counselling services are available in English, Polish, Spanish, Arabic, Ukrainian and Russian. Furthermore, for the first time in the country, a reception centre was set up in Reykjavík in April 2022<sup>100</sup> for persons seeking international protection. The delegation of ECRI was able to witness the positive impact of these two centres during its visit to their premises and notes with satisfaction the efforts made by the authorities, who fully implemented ECRI's recommendation.

77. The website of the MCC<sup>101</sup> operates in a wider interface in 27 languages and provides information on many aspects of everyday life, including education, employment, housing, healthcare and legal status, which ECRI considers as a **good practice**. The MCC is also tasked with providing support and training for municipalities and those who render services to refugees. It therefore plays a crucial role in the development and deployment of integration measures. ECRI was surprised to learn about the institutional framework of the MCC, which had neither a governing nor an advisory board. Furthermore, its competences as a public body are not clearly defined and its relations with other institutions and partners, including local authorities and civil society organisations are not always well-coordinated. ECRI therefore strongly encourages the authorities to strengthen the legal and institutional capacity of the MCC, including an effective oversight and allocate it more human and financial resources in order to ensure the long-term sustainability of its integration services.

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<sup>99</sup> [New in Iceland – We are here to help you](#)

<sup>100</sup> Multicultural Information Centre (2022).

<sup>101</sup> [Forsida - Fjölmenningssetur \(mcc.is\)](#)

78. Regarding integration courses, the general adaptation course “Community Education Course”<sup>102</sup> is designed to help newcomers and provide them with guidance about the Icelandic society. While it is not mandatory, this course is offered in nine different languages<sup>103</sup> and available online.<sup>104</sup> Beneficiaries of international protection are also entitled to receive a basic allowance (equivalent to € 235 per adult per month) for the first eight weeks.
79. Since language is a key factor in integration and inclusion, many of ECRI’s interlocutors shared their concerns about the lack of proficiency in the Icelandic language among migrants. A recent study on the access of immigrants with higher education to public sector employment also demonstrated limited proficiency in Icelandic as the main obstacle.<sup>105</sup> While there are free language courses available for refugees, adult immigrants generally do not benefit from government funding directly. Nonetheless, publicly funded ‘Lifelong Learning Centres’, which also offer guidance for career development, training courses and skills assessment, provides Icelandic courses to adults, where ECRI observed closely the commitment of the authorities to improving the quality and accessibility of these courses during its contact visit to such a centre in Reykjanesbær. There is also a possibility of trade unions subsidising the language classes of their employees. In this regard, ECRI notes with interest the recent public discussions about integrating language courses during working hours<sup>106</sup> and recalls that such measures could pave the way for the promotion of equality and diversity standards in the workplace, as recommended by ECRI in its GPR No. 14 on combating racism and racial discrimination in employment.<sup>107</sup>
80. ECRI recommends that the authorities redouble their efforts, in consultation with social partners, in providing affordable and readily available Icelandic language classes for immigrant workers and job seekers.
81. As regards employment, ECRI notes that the Directorate of Labour provides job counselling to refugees and migrants. Reportedly, immigrants have relatively good access to the Icelandic labour market.<sup>108</sup> However, they are often overqualified for their jobs, mostly working in construction, tourism, cleaning and care services.<sup>109</sup> The income of immigrants is generally lower than that of the general population (i.e. 8 % lower, on the basis of 2019 Statistics Iceland data). The delegation of ECRI heard on several occasions about workplace-related discrimination and the lack of effective responses to such incidents. In this regard, ECRI notes with concern the 2019 study carried out by the Icelandic Confederation of Labour, which revealed that more than half of all wage and violation claims were made on behalf of foreign workers, even though they constituted only 19 % of the workforce and only 25 % of the membership of the four unions surveyed.<sup>110</sup> In ECRI’s view, the latest amendments in the Equality Acts might improve the situation of these persons. ECRI nevertheless invites the authorities to draw inspiration from the standards contained in its GPR No. 14 in developing further measures with a view to effectively addressing these issues in the employment sector.

<sup>102</sup> [New immigrant in Iceland | Landneminn](#)

<sup>103</sup> Icelandic, English, Arabic, Kurdish, Farsi, Polish, Ukrainian, Russian and Spanish.

<sup>104</sup> [Landneminn](#)

<sup>105</sup> EELN (2022), *op.cit.*: 62. See also Rauða krossins (2019): 23.

<sup>106</sup> Reykjavík Grapevine (2022d).

<sup>107</sup> [ECRI General Policy Recommendation N°14 on combating racism and racial discrimination in employment](#), § 5 (d) and (e).

<sup>108</sup> ECRI however notes that according to information provided by the authorities, 44% of persons that are unemployed in Iceland are immigrants. See also similar concerns expressed by UN CERD (2019), *op.cit.*, § 19 (b).

<sup>109</sup> EELN (2022), *op.cit.*: 61-62.

<sup>110</sup> *Ibid.* The same source mentions that about half of all claims originate in the hotel, restaurant and tourism sectors. The largest claims stem from the construction industry.



82. As regards education, ECRI notes that students with diverse cultural and linguistic backgrounds make up almost 12% of all compulsory school students in the country. In order to better respond to the needs of this diversity, equal opportunities for all was defined as one of the main pillars of the latest policy document - Education Policy 2030, with a priority on teaching Icelandic as a second language starting from preschool level, which ECRI welcomes. In this connection, ECRI takes positive note of the recent change in legislation that obliges all municipalities to provide support for migrant children to learn Icelandic. In 2020, the Ministry of Education, Science and Culture issued a guide in three languages about the support available for encouraging active bilingualism in school and leisure activities.<sup>111</sup> Furthermore, assistance was provided to children with a migration background and their parents during the Covid-19 pandemic through initiatives such as "Mother tongue" (*Móðurmál*).<sup>112</sup>
83. Nevertheless, ECRI regrets to note that the gaps in educational outcomes remain and the percentage of migrant children who graduate from upper secondary school continues to be lower (46 % in 2020) with continuous higher drop-out rates among these pupils (18% in 2020).<sup>113</sup> ECRI therefore encourages the authorities to continue their efforts for responding to the problem of early school leaving of pupils with a migration background more effectively.
84. As regards housing, several measures have been taken, including the introduction of a new housing support scheme in 2016<sup>114</sup> and the legal obligation of municipalities to provide special extra housing benefits to those in need. That said, the housing situation of migrants remains a matter of concern on several fronts. This includes high rental prices and a scarcity of social housing.<sup>115</sup> For the beneficiaries of international protection, temporary housing is provided for up to eight weeks. Old hotels and university campuses have been mostly used for this purpose, even though some reports pointed to poor conditions.<sup>116</sup>
85. Lastly, many interlocutors expressed their concerns about the legal framework and procedures pertaining to persons who are granted protection on humanitarian grounds, with respect to their access to the labour market in particular. Until 5 April 2023, these persons had conditional access to the labour market, which depended on obtaining a work permit for each and every employer they worked for. Reportedly, this interruption in employment caused various practical issues and made them more prone to exploitation at work.<sup>117</sup> According to the information submitted to ECRI by the Icelandic authorities, as of 5 April 2023, persons granted residence permit on humanitarian grounds are given a working permit without further conditions. However, they still have limited access to other social rights compared to refugees.<sup>118</sup> ECRI welcomes this development and encourages the authorities to consider extending access to other social rights for beneficiaries of protection on humanitarian grounds.

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<sup>111</sup> UN Economic and Social Council, Committee on Economic, Social and Cultural Rights (CESCR), (2022), National Report, E/C.12/ISL/5; § 110, 112, 113. ECRI notes that there is also a [draft Policy](#) on Comprehensive policy on the education of students with a mother tongue other than Icelandic. See OECD Education Policy Outlook 2021, [Iceland](#).

<sup>112</sup> [Móðurmál – the Association on Bilingualism \(modurmal.com\)](#)

<sup>113</sup> [Completion rate and dropout from upper secondary education 2020 - Statistics Iceland \(statice.is\)](#) and see also OECD (2021), Education at a Glance, [Iceland](#)

<sup>114</sup> This public rental dwellings scheme aims to increase access to appropriate rental housing at affordable prices for people under a certain income threshold. Occupants of rental accommodation are entitled to housing benefits, irrespective of whether they are renting social housing or on the private market. Housing benefit entitlement is linked to income.

<sup>115</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), (2022), National Report, E/C.12/ISL/5; § 84.

<sup>116</sup> Reykjavík Grapevine, (2020b).

<sup>117</sup> See also UN (CERD) (2019a), op.cit, § 19 (b).

<sup>118</sup> For instance, child support is available to single mothers who are granted status under humanitarian grounds after three years while refugees in the same situation can benefit from this social allowance from the beginning.

#### IV. TOPICS SPECIFIC TO ICELAND

##### A. Anti-discrimination legislation

86. ECRI recalls that in its fifth report (§ 11), one of the two priority recommendations was made in the context of enactment of a comprehensive anti-discrimination legislation taking account of ECRI's GPR No. 7 on national legislation to combat racism and racial discrimination. In 2018, the Icelandic Parliament enacted Act No. 86/2018 on Equal Treatment in the Labour Market and Act No. 85/2018 on Equal Treatment irrespective of Racial and Ethnic Origin (hereafter 'Equality Acts'), based on EU Council Directives 2000/78/EC and 2000/43/EC. In its 2020 conclusions,<sup>119</sup> ECRI considered the adoption of these two pieces of legislation as a step forward. At the same time, it pointed out that gaps in protection against discrimination remain due to the limited scope of protection grounds in the Act on Equal Treatment irrespective of Racial and Ethnic Origin and therefore concluded its recommendation on the matter had been partially implemented.
87. Against this background, ECRI is pleased to note that the Act No. 85/2018 on Equal Treatment irrespective of Race or Ethnic Origin was revised in June 2022<sup>120</sup> and its scope has been expanded to include additional discrimination grounds, such as religion or belief, sexual orientation, gender identity, gender expression and sex characteristics.<sup>121</sup> This Act applies in all spheres of life<sup>122</sup> except the labour market in relation to Act No. 86/2018, resulting in ensuring a highly progressive and comprehensive anti-discrimination legislation in Iceland.
88. Despite this very positive development, it quickly emerged during ECRI's visit that this extensive change in the anti-discrimination legislation and the remedies made available to victims, including before the Equality Complaints Committee (see section I.A. of the present report), do not seem to be sufficiently known by the general public, as confirmed by many interlocutors. To ECRI's knowledge, no information campaign for the wider public has been organised to explain the scale of change or related practicalities so far. In ECRI's view, the lack of awareness on legislative and institutional changes could leave victims in confusion as to where, when and how they should come forward, thereby making their access to justice less effective. This is particularly important as domestic courts seem to have yet to apply the Equality Acts extensively and therefore, the case law on related issues also remains very limited.
89. ECRI recommends, as a matter of priority, that the authorities take effective action to raise awareness amongst the general public about the anti-discrimination legal framework and the remedies made available to victims, including the procedure before the Equality Complaints Committee.

##### B. Racial profiling

90. During the visit, the ECRI delegation heard a few accounts of racial profiling practices during stop-and-search police operations, primarily targeting Black people and migrants. The search for a fugitive and the ensuing police practices that had mistaken the fugitive with a 16-year-old Black boy on two subsequent occasions in 2022 have particularly raised concerns on the matter and were widely covered in the media.<sup>123</sup>

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<sup>119</sup> ECRI (2020).

<sup>120</sup> After the revision, it is called the [Act on Equal Treatment outside the Labour Market No. 85/2018](#) (as amended in 2022).

<sup>121</sup> ECRI, however, underlines that both acts still do not include the protected ground of nationality (citizenship), as recommended by ECRI in its GPR No. 7. See also ECRI (2020).

<sup>122</sup> These include social protection, including social security and healthcare, social advantages, education and access to and supply of goods and services for the public, including housing.

<sup>123</sup> Reykjavik Grapevine (2022c); Iceland Review (2022f); RÚV.is (2022); Mannlíf.is (2022).

91. ECRI understands that an oversight committee - the Committee for Police Supervision - was set up in 2017 and is entitled to deal with alleged cases of police abuse, including racial profiling. However, some of the civil society interlocutors met by ECRI's delegation during the visit raised questions about the actual independence of the Committee and effectiveness of its work when it comes to combating racism and intolerance in policing. ECRI therefore invites the authorities to review the status and prerogatives of this Committee with a view to increasing public confidence in the ability of this body to deal with allegations of racism and intolerance in policing independently and effectively.<sup>124</sup>
92. ECRI recalls that racial profiling has substantial negative effects and undermines trust in the police by the communities concerned, leading to the underreporting of acts of racism and intolerance. Targeted police training on this matter is an essential preventive measure. In ECRI's view, initiatives to increase diversity in the police force could also yield positive results for establishing solid trust between the police and communities, especially in view of the fast-growing ratio of immigrant population in the country.
93. ECRI recommends that more targeted training be provided to police officers on the issue of racial profiling and on the use of the reasonable suspicion standard, taking due account of ECRI's General Policy Recommendation No. 11 on combating racism and racial discrimination in policing and CERD's General Recommendation No. 36 on preventing and combating racial profiling by law enforcement officials. Action should also be taken to increase diversity in the police force, including through the development of suitable recruitment, retention and promotion policies.

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<sup>124</sup> See ECRI's [General Policy Recommendation No. 11 on combating racism and racial discrimination in policing](#) and Explanatory Memorandum thereto. See also §§ 11-16 of ECRI's [annual report](#) for 2021.

## INTERIM FOLLOW-UP RECOMMENDATIONS

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

- (§57) ECRI recommends that the authorities set up a comprehensive data collection system offering an integrated and consistent view of cases of racist and LGBTI-phobic hate speech and hate crime, with fully disaggregated data by category of offence, type of hate motivation, target group, as well as judicial follow-up and outcome and that this data is made available to the public.
- (§89) ECRI recommends that the authorities take steps to raise awareness amongst the general public about the anti-discrimination legal framework and the remedies made available to victims, including the procedure before the Equality Complaints Committee.

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

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

1. (§9) ECRI recommends that the authorities bring the legal framework pertaining to the Directorate of Equality and the Equality Complaints Committee's competences, independence and effectiveness in line with ECRI's General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level. In this connection, the authorities should also ensure that both bodies receive the necessary financial and staffing resources to cover all aspects of their mandate fully and sustainably.
2. (§19) ECRI recommends that the authorities carry out regular surveys on the situation of children in the school system, as a basis for monitoring and evaluating action aimed at preventing and combating discrimination and intolerance in schools. In particular, in addition to general anti-bullying activities, they should develop and implement group-specific modules against the bullying of children deemed vulnerable on the grounds of their sexual orientation, gender identity or sex characteristics, amongst other things. A robust mechanism to monitor, prevent and counter racist and anti-LGBTI incidents in schools should also be set up.
3. (§29) ECRI recommends that the authorities develop targeted activities and success indicators which are supported with effective monitoring as well as a regular evaluation system for the implementation of the LGBTI Action Plan (2022-2025). This should be done in close cooperation with national and local authorities as well as representatives of LGBTI communities. In addition, the authorities should ensure that adequate funding is allocated for the action plan to be effectively implemented.
4. (§32) ECRI recommends that the authorities collect data on intersex children, closely monitor the implementation of the Act on Gender Autonomy in particular its provisions banning unnecessary medical interventions in relation to a child's sex characteristics, assess the impact of legal exceptions and, in due course, review the legislation accordingly. The legal review should include consultations with experts in all related disciplines, intersex children and/or their parents/guardians. In the context of such a legal review, consideration should also be given to issues pertaining to sanctions and compensation in cases where the relevant legal provisions were violated.
5. (§41) ECRI recommends that the authorities take further measures to increase digital and media literacy, especially on social media, for different segments of society, in particular children and youth, with a view to raising awareness of the adverse effects of online hate speech.
6. (§45) ECRI recommends that the authorities reinforce their responses against hate speech, in particular by: i) supporting swift adoption and full implementation of the action plan against hate speech, with particular emphasis being placed on effective ways to tackle online racist and LGBTI-phobic hate speech; ii) allocating sufficient resources to the full implementation of the action plan; iii) conducting regular evaluation of the implementation of the action plan; iv) including the relevant civil society organisations and, as much as possible, media representatives in the process of implementation and evaluation of the action plan. In the course of adoption, implementation and evaluation of the action plan, due consideration should be given to ECRI's General Policy Recommendation No.15 on combating hate speech and Recommendation CM/Rec(2022)16 of the Council of Europe's Committee of Ministers on combating hate speech.
7. (§50) ECRI recommends that the authorities bring their criminal law into line with ECRI and other Council of Europe standards with a view to criminalising clearly incitement to violence, hatred or discrimination as well as explicitly including the ground of language in all criminal law provisions aimed at combating racism, discrimination and intolerance.

8. (§57) ECRI recommends, as a matter of priority, that the authorities set up a comprehensive data collection system offering an integrated and consistent view of cases of racist and LGBTI-phobic hate speech and hate crime, with fully disaggregated data by category of offence, type of hate motivation, target group, as well as judicial follow-up and outcome and that this data is made available to the public.
9. (§62) ECRI recommends that the authorities continue to develop and provide further practical training for police officers, prosecutors and judges on how to deal with racist and LGBTI-phobic acts of violence. This should include improved procedures for recognising bias-motivations.
10. (§74) ECRI recommends that the authorities improve the capacity for collecting comprehensive and gender disaggregated equality data on migrants and persons benefitting from international protection in Iceland, and increase the use of such data among relevant bodies with a view to ensuring the clear assessment of the needs of these persons and the design of more targeted policy responses.
11. (§75) ECRI recommends that the authorities, in close cooperation with local authorities and civil society organisations, revise systematically the Implementation Plan in immigration matters for the years 2022–2025 and ensure a holistic approach for its effective implementation. This should be done in particular by: i) conducting an impact assessment of the previous Plan to identify the implementation gaps at national and local levels; ii) including success indicators to measure its impact and redefining its parameters and goals where necessary; iii) setting up an effective monitoring and evaluation mechanism. The authorities should also ensure that sustainable and sufficient financial resources are granted to local authorities and identify good practices and mainstream them.
12. (§80) ECRI recommends that the authorities redouble their efforts, in consultation with social partners, in providing affordable and readily available Icelandic language classes for immigrant workers and job seekers.
13. (§89) ECRI recommends, as a matter of priority, that the authorities take effective action to raise awareness amongst the general public about the anti-discrimination legal framework and the remedies made available to victims, including the procedure before the Equality Complaints Committee.
14. (§93) ECRI recommends that more targeted training be provided to police officers on the issue of racial profiling and on the use of the reasonable suspicion standard, taking due account of ECRI's General Policy Recommendation No. 11 on combating racism and racial discrimination in policing and CERD's General Recommendation No. 36 on preventing and combating racial profiling by law enforcement officials. Action should also be taken to increase diversity in the police force, including through the development of suitable recruitment, retention and promotion policies.

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## **APPENDIX: GOVERNMENT'S VIEWPOINT**

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**The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Iceland.**

ECRI, in accordance with its country-by-country procedure, engaged into confidential dialogue with the authorities of Iceland on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version (which, in line with ECRI's standard practice and unless otherwise indicated, could only take into account developments up until 30 March 2023, date of the examination of the first draft).

The authorities also requested that the following viewpoint be reproduced as an appendix to the report.

### **Viewpoints from the Ministry of Justice regarding ECRI's report**

As described in the Ministry of Justice comments on paragraph number 49 and 50 of the ECRI report, the term "national or ethnic origin" and a few other terms were added to the GPC by amendments in June 2022. The Ministry wishes to stress that it is considered that the term "ethnic origin" refers to a group of people who share a common cultural heritage, origin, or language. Consequently, the provision now covers both ethnic and national origin, which both fall under the definition of Article 1 of the United Nations International Convention on the Elimination of All Forms of Racial Discrimination. The addition of the term "ethnic origin" to Article 233a and the above reference of the term to "language" is based on the explanatory notes and other preparatory works of the bill amending the GPC in June 2022, which took into account recommendations from the United Nations Committee on the Elimination of Racial Discrimination in that respect. In light of the above, it is considered that the term ethnic origin explicitly covers the ground of language in the GPC, so further amendments adding the term "language" would not broaden the scope of Article 233a of the GPC. Thus, an amendment of that nature is not necessary.

Furthermore, as described in footnote no. 76 in ECRI's report, the Ministry also wishes to stress, that incitement to violence, hatred or discrimination may clearly be sanctioned under general provisions of the GPC under which it is punishable to publicly encourage others to commit criminal acts (Article 121) or to contribute to the commission of an offence by assisting in word or deed, through persuasion, encouragement or in any other manner (Article 22(1)). ECRI is also informed that the Ministry is unaware of Icelandic court cases regarding offences of this kind.

Finally, a reference is made to paragraph 91. In order to clarify, the Ministry wishes to point out that the Committee for Police Supervision does not investigate criminal cases. Article 35b of the Police Act provides that the District Prosecutors' office shall investigate criminal offences that police officers are accused of both on duty and off duty. If an employee of the District Prosecutors Office is accused of a crime, the Director of Public Prosecution investigates such a case.

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The European Commission against Racism and Intolerance (ECRI) is a unique human rights monitoring body which specialises in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance in Europe; it prepares reports and issues recommendations to member States.

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