

**Iceland's Fifteenth Periodic Report  
on the Implementation of the Convention on the Elimination  
of all Forms of Racial Discrimination  
According to Article 9 of the Convention**

**PART I  
GENERAL OBSERVATIONS**

1. In the following a general description will be presented of the most important laws enacted and measures taken during the three years which have passed since Iceland's Fourteenth Report on the implementation of the Convention on the Elimination of all Forms of Racial Discrimination was concluded in February 1996. The account will be confined to the legal reforms or other measures and decisions on policy-making carried out or planned since then, which are of important nature and have a bearing upon the implementation of the Convention in Iceland. Matters relating to the individual provisions of the Convention are discussed in Part II. No discussion will be presented of matters concerning the individual provisions of the Convention where no legislative amendments have been effected or measures taken and the situation in other respects is unchanged as compared to the previous reports.
2. As regards general information on Iceland and its people, the administration, and court system, the power to resolve whether human rights have been violated, and the applicability of international human rights conventions under national law, a reference is made to a core document concerning Iceland forming part of the reports of state parties in HRI/CORE/1/Add.26 of 24 June 1993 as these aspects remain unchanged if no particular observations are made to the contrary herein. A reference shall also be made in this respect to the General Observations in Part I of the twelfth Report in the document CERD/C/226/Add.12 and to the General Observations in Part I of the fourteenth Report in the document CERD/C/299/Add.4.
3. At the time of writing of the fourteenth Report a new Personal Names Bill had been submitted to the Althing. The Bill now has been enacted as Act No. 45/1996. According to the new Personal Names Act, the duty of a foreigner to assume an Icelandic name on becoming an Icelandic citizen is abolished; both the naturalized person and his children can then retain their unchanged family names.
4. At the time of writing of the fourteenth Report a Bill was in the making adding a new provision to the Penal Code. The Bill now has been adopted as Act No. 135/1996, amending the Penal Code. According to Act No. 135/1996 it is a punishable offence to deny an individual service or access to any place intended for use by the general public, such as restaurants, hotels, transport, theatres and other public places on the grounds of colour, race, national origin and comparable considerations.
5. The Refugee Council, which the Government appointed in February 1995 with the participation of representatives from the Ministries of Foreign Affairs, Justice, Social Affairs, Education and Health Affairs and a representative from the Red Cross, has *inter alia* submitted proposals to the Government concerning annual quotas of refugees to Iceland. In October 1995 the Government decided to receive a group of 25 refugees from Bosnia to Iceland. That was the first time since 1991 that Iceland received such a group of refugees. Since then Iceland has received group of 20 - 25 refugees each year, most of them from the former Republic of Yugoslavia. The arrival of the latest group to Iceland is now being prepared in cooperation with local authorities in the country, regarding matters such as providing housing and

employment, arranging health care and other service they will need at their arrival. The Icelandic Red Cross in coordination with the UNCHR is now deciding on the composition of the group.

6. A Bill on Aliens in Iceland has been submitted to Parliament. Its provisions apply to the right of foreigners to enter Iceland and their stay there. It is designed to secure the legal rights of foreigners who come to Iceland or leave it, stay there, or apply for permits. The Bill furthermore contains provisions on right to asylum for refugees and the protection of refugees and others against persecution. The bill states the fundamental principle, subject however to the laws of Iceland currently in effect, that any foreigners lawfully staying in Iceland shall enjoy rights equal to those of Icelandic nationals. Some provisions of current laws, to which no changes are planned, establish a legal status of foreigners different to that of Icelandic nationals. Examples of this are the Acts on Parliamentary and Municipal Elections, the Real Property Ownership and Use Act, and acts relating to employment, taxes and social security. As regards the substance of those acts, a reference is made to Iceland's earlier reports, where they are described.

7. As mentioned in the fourteenth Report, para. 17, the Minister of Education appointed in the Autumn of 1995 a Committee to formulate an overall policy on immigrants in Iceland, with the participation of representatives from the Office of the Prime Minister, the Ministries of Foreign Affairs, Justice, Social Affairs and Education. The Committee's task was initially to collect information from various ministries, Government institutions and other public and private bodies which deal with matters concerning immigrants and to analyse whether there are particular problems in this field that must be tackled through legislative, administrative or other measures.

8. On the basis of the collected information, the Committee submitted proposals to the Government to formulate a general policy on immigrants. This inter alia included proposals as how to organise special service to immigrants in the field of education and social support, service of interpreters and other proposals aiming at improving the situation of immigrants in the country. The Committee's proposals is now under consideration with the Government.

9. It is evident that public interest and discussion on human rights has increased significantly in Iceland in the past few years. The conclusions of the Committee on the Elimination of Racial Discrimination concerning Iceland's fourteenth Report under the Convention, were distributed to all public media and all the most influential Icelandic media described the conclusions.

10. Various measures have been taken by the Government concerning the publication and distribution of international human rights conventions to which Iceland is a party, including the Convention on the Elimination of all Forms of Racial Discrimination. As regards a publication and distribution reference is made to the General Observations in Part I of the fourteenth Report paras. 20-24.

11. As regards organisations operating in the field of Human Rights reference is made to the General Observations in Part I of the fourteenth Report paras. 25-29. The Human Rights Office receives financial support from the State, which is 6 millions ISK for the year of 1999, but was 4 millions ISK for the year of 1998.

12. The next two pages show tables, describing some relevant aspects of the demographic composition of the population in Iceland on 1 December 1997. They reveal on one hand the number of foreign nationals in Iceland and on the other hand the number of Icelandic citizens born abroad.

13. From the time Iceland's fourteenth Report was prepared, the number of foreign nationals in Iceland has increased slightly. On 1 December 1991 foreign nationals in Iceland numbered 5.395, on 1 December 1995 they numbered 4.807, but on 1 December 1997 they numbered 5.635. Of these approximately one third came from the other Nordic countries, and approximately one third from other European countries.

14. At the same points in time i.e. 1 December 1991, 10.565 Icelandic nationals had been born abroad, 1 December 1995, 10.901 Icelandic nationals were born abroad, but 1 December 1997, 12.428 Icelandic nationals were born abroad. It should be noted that these figures include both those who were born abroad and acquired Icelandic citizenship on birth, and foreigners born abroad whom had subsequently acquired Icelandic citizenship.

15. For the purpose of comparison to figures from the previous years, a reference is made to tables on the same subjects included in Part I of the twelfth and fourteenth Reports.

16. Population 1 December 1997 by Country of Birth and Country of Citizenship:

Population Total	272.381	
	<u>Country of birth</u>	<u>Country of Citizenship</u>
Iceland	259.953	266.746
Other countries	12.428	5.635
<b>The Nordic Countries</b>	<b>4.881</b>	<b>1.541</b>
Denmark	2.167	918
Finland	124	89
Faeroe Islands	311	-
Greenland	31	-
Norway	773	288
Sweden	1.475	251
<b>Other European Countries</b>	<b>3.973</b>	<b>2.388</b>
Albania	7	6
Austria	67	34
Belgium	55	34
Bosnia-Herzegovina	1	21
Bulgaria	45	29
Croatia	5	49
The Czech Republic;		
Czechoslovakia	55	21
Estonia	10	14
France	214	103
Georgia	-	3
Germany	900	304
Great Britain	649	332
Greece	8	5
Holland	133	110
Hungary	56	40

Ireland	49	37
Italy	66	29
Latvia	3	3
Lithuania	13	21
Luxembourg	82	-
Malta	1	1
Makedonia	-	3
Portugal	70	73
Poland	820	735
Rumania	15	10
Russia; the Soviet Union	177	99
Slovakia	-	11
Slovenia	-	7
Spain	123	78
Switzerland	74	28
Ukraine	3	15
Yugoslavia	272	131
White Russia	-	2
<b>America</b>	<b>1.730</b>	<b>772</b>
Brazil	17	13
Canada	181	60
Chile	29	16
Colombia	46	15
Guatemala	28	3
Mexico	28	17
Peru	21	13
United States	1.298	580
Other American countries	82	55
<b>Africa</b>	<b>285</b>	<b>133</b>
Algeria	20	10
Ethiopia	14	1
Cabo Verde	28	16
Kenya	17	2
Morocco	52	30
South Africa	61	31
Other African countries	93	43
<b>Asia</b>	<b>1.469</b>	<b>739</b>
China	116	71
India	104	19
Indonesia	72	7
Iraq	9	4
Iran	20	6
Israel	20	5
Japan	40	20
Jordan	10	8
South Korea	30	2
Lebanon	17	2

The Philippines	380	211
Sri Lanka	94	15
Syria	11	5
Thailand	336	290
Turkey	24	5
Viet Nam	137	44
Other Asian countries	49	25
<b>Oceania</b>	<b>90</b>	<b>57</b>
Australia	50	28
New Zealand	40	27
Statless person	-	2

**PART II**  
**INFORMATION RELATING TO THE IMPLEMENTATION**  
**OF ARTICLES 2 TO 7 OF THE CONVENTION**

Article 2

Paragraph 1

17. No legal provisions or regulations can be found in Icelandic laws which condone racial discrimination. Such a legal provision would clearly violate the equality protected in Section 65 of the constitution. Therefore, the courts would, through their judicial review, disregard or not apply such a provisions, even though they could not formally invalidate it.

18. With reference to paragraph (a) and (b) of Article 2 Icelandic authorities have neither undertaken to engage in any act or practice of racial discrimination nor supported any such activities.

19. Reference is made to paras. 35-37 of the fourteenth Report.

Paragraph 2

20. As mentioned in the fourteenth Report, para. 40, there have not been incidents or circumstances which have evolved in the recent years indicating that some specific racial groups or individuals belonging to them need special protection as described in the paragraph, more than other racial groups.

21. As also mentioned in the fourteenth Report, para. 41, the language barrier is a common problem to most of the immigrants in the country without regard to their race, colour or ethnic origin. Therefore, measures taken by the authorities in this and other respects have aimed at solving the problems of immigrants in general. The appointment of a Committee to formulate a general policy on immigrants in Iceland, described in the fourteenth Report, para. 41, was a step in this direction. The Committee collected information from various ministries, Government institutions and other public and private bodies which deal with matters concerning immigrants to analyse whether there are particular problems in this field which must to be tackled through legislative, administrative or other measures. The Committee's proposals is now under consideration with the Government.

Article 3

22. No particular legislative, judicial, administrative or other measures have been adopted in relation to this Article of the Convention from the time Iceland's thirteenth Report was finalised.

#### Article 4

23. As mentioned in para. 4 above, a Bill, amending the Penal Code, now has been adopted as Act No. 135/1996. According to Section 180 of the Penal Code it is punishable by fines or imprisonment by up to six years to deny an individual service or access to any place intended for use by the general public, such as restaurants, hotels, transport, theatres and other public places on the grounds of colour, race, national origin and comparable considerations.

24. Act No. 135/1996 also amended Section 233 a of the Penal Code, which stated that any person who, by mockery, slander, insult, threat or other means, publicly attacks a group of persons on the grounds of their nationality, colour, race or religion shall be liable to a fine or imprisonment for any term not exceeding two years. According to Act No. 135/1996 it is not only punishable to publicly attack a group of persons, but also a single person, on the above mentioned grounds.

25. Other penalty clauses pertaining to this article have remained unchanged in Icelandic legislation since the thirteenth Report was submitted.

#### Article 5

26. As mentioned in the fourteenth Report, para. 61, one particular legal provision had been subject to criticism for discriminating between legitimate and illegitimate children born in Iceland, who have foreign mother. This provision, which was to be found in the Icelandic Nationality Act, now has been amended by Act No. 62/1998. It is now stated in Act No. 62/1998 that if an unmarried woman who is a foreign national has a child in Iceland, he shall acquire Icelandic citizenship if a man who is an Icelandic citizen is his father under the Children's Act. If an unmarried woman who is a foreign national has a child abroad by a man who is an Icelandic citizen, the father may, before the child reaches the age of 18, apply to the Ministry of Justice for the child to receive Icelandic citizenship, and shall consult the child if he is over the age of 12. If, in the opinion of the ministry, he submits satisfactory evidence concerning the child and his paternity, the child shall acquire Icelandic citizenship on confirmation by the ministry.

27. As discussed in para. 62 of the fourteenth Report, the Althing was considering to add a new rule expressly providing for the possibility to grant Icelandic nationality to a child born stateless in Iceland. This has now been done. According to Act No. 62/1998, amending the Icelandic Nationality Act, the Minister of Justice may grant Icelandic citizenship to a child born in Iceland who demonstrably did not acquire another nationality at birth and has not acquired it, or the right to acquire it, when his application for citizenship is submitted. The child shall have been domiciled and continuously resident in Iceland from birth for at least three years.

#### Article 6

28. As to the remedies through national tribunals and other State institutions against acts of discrimination, a reference is made to paras. 22-37 and 54-60 of the twelfth Report and para 4. of the thirteenth Report. The legislation concerning the Icelandic court system and the administrative system remains unchanged since the thirteenth Report was finalised.

29. In this context notice can be given to the Public Information Act, No. 50/1996, which entered into effect 1 January 1996. The Act makes it mandatory for administrative authorities to provide public access to material concerning particular matters, subject to certain limitations leading from considerations of, for example,

state security, national defence, and private, including financial, interests. The Act applies to state and municipal administration, and to private parties to the extent they may have been entrusted with public power concerning the rights and duties of others. One limitation to the applicability of the Act is that they are subject to international agreements which may have been undertaken by Iceland. The chief purpose of the Act is to provide the public with opportunities for monitoring the activities of administrative authorities, either directly or through the public media, and thus to strengthen democratic methods of government and legal security in public administration.

30. No cases, neither civil nor criminal cases, have been brought before the courts in the recent years concerning racial discrimination. According to information from the Ombudsman of the Althing the office has not received any complaint in the recent years from individuals claiming that they have been discriminated against by the authorities on the grounds of race, colour or national or ethnic origin. The Children's Ombudsman has not initiated any special recommendations to the authorities on the basis of problems concerning racial discrimination or prejudices against children.

#### Article 7

31. As described in the fourteenth Report, paras. 20-24, various measures have been taken in the recent years in relation to create and promote public awareness about human rights and international human rights instruments. These measures have been taken both by the authorities and several human rights organisations, particularly the Human Rights Office and Icelandic Save the Children. As regards these measures reference is made to paras. 70-79 of the fourteenth Report.

32. It should also be mentioned that Icelandic authorities supported publication in Iceland of the United Nations Declaration of Human Rights at its 50th anniversary, with contribution of 2 millions ISK. Even though the publication aimed at introducing the Declaration, it must be considered as an important step in promoting understanding, tolerance and friendship as a part of human rights evolution in Iceland.

33. Iceland's fifteenth Report on the Implementation of the Convention on the Elimination of all Forms of Racial Discrimination will be published at the homepage of the Ministry of Justice on the Internet and will also be sent to the public media, the Ombudsman of the Althing, the Children's Ombudsman and human rights organisations in Iceland, such as the Human Rights Office, the Red Cross and the Amnesty International.