

# ECRI

European Commission against Racism and Intolerance  
Commission européenne contre le racisme et l'intolérance

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## **European Commission against Racism and Intolerance**

### **SECOND REPORT ON ICELAND**

Adopted on 13 December 2002

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## **Foreword**

*The European Commission against Racism and Intolerance (ECRI) is a body of the Council of Europe, composed of independent members. Its aim is to combat racism, xenophobia, antisemitism and intolerance at a pan-European level and from the angle of the protection of human rights.*

*One of the pillars of ECRI's work programme is its country-by-country approach, whereby it analyses the situation as regards racism and intolerance in each of the member States of the Council of Europe and makes suggestions and proposals as to how to tackle the problems identified.*

*At the end of 1998, ECRI finished the first round of its country-by-country reports for all member States. ECRI's first report on Iceland is dated 7 June 1996 (published on September 1997). The second stage of the country-by-country work, initiated in January 1999, involves the preparation of a second report on each member State. The aim of these second reports is to follow-up the proposals made in the first reports, to update the information contained therein, and to provide a more in-depth analysis of certain issues of particular interest in the country in question.*

*An important stage in ECRI's country-by-country work is a process of confidential dialogue with the national authorities of the country in question before the final adoption of the report. A new procedure in the second round of country reports is the organisation of a contact visit for the ECRI rapporteurs prior to the drafting of the second report.*

*The contact visit to Iceland took place on 23-25 September 2002. During this visit, the rapporteurs met with representatives of various ministries and public administrations responsible for issues relating to ECRI's mandate. ECRI warmly thanks the Icelandic national authorities for their wholehearted co-operation in the organisation of the contact visit, and in particular would like to thank all the persons who met its delegation each of whom provided much valuable information on their own field of competence. ECRI would also like to thank the Icelandic national liaison officer whose efficiency and collaboration were much appreciated by ECRI's rapporteurs.*

*Furthermore, ECRI would like to thank all the representatives of non-governmental organisations with whom its rapporteurs met during the contact visit for the very useful contribution they made to the exercise.*

***The following report was drawn up by ECRI under its own responsibility. It covers the situation as of 13 December 2002 and any development subsequent to this date is not covered in the following analysis nor taken into account in the conclusions and proposals made by ECRI.***

### ***Executive summary***

Iceland has taken a number of steps in recent years to address the issues of racism and discrimination, including the introduction of a Constitutional provision guaranteeing equality and the enjoyment of human rights for all, the imminent introduction of a more detailed legislative framework covering a range of issues relating to non-citizens in the country, the creation of intercultural centres to assist and advise non-citizens, and the introduction of some measures in the educational system to cater for the needs of children of immigrant origin.

However, gaps still remain in the legislative protection offered against racism and discrimination. Although little research data exist, there are indications that the situation of non-citizens and persons of immigrant origin in various fields of life, including employment and education, may not be wholly satisfactory. Manifestations of hostility and discrimination in daily life towards persons who are different from the majority are reported, and there seems to be a lack of an overarching policy vision and strategies to deal with any problems which exist.

**In the following report ECRI recommends that the Icelandic authorities take action in a number of fields, including the introduction of further criminal and civil and administrative legislative provisions to combat racism and discrimination, the close monitoring and, where necessary, fine-tuning of forthcoming legislation covering the status of non-citizens in Iceland, and the introduction of research in all areas of life concerning the situation of persons of immigrant origin and the extent of racism and discrimination in the country.**

## **SECTION I: OVERVIEW OF THE SITUATION**

### **A. International Legal Instruments**

1. Iceland has signed and ratified several of the international legal instruments relating to the fight against racism and intolerance. ECRI understands that ratification of several other instruments is under active consideration, including ratification of the Revised European Social Charter, the European Convention on Nationality, Protocol No 12 to the ECHR, and the European Convention for the Participation of Foreigners in Public Life at Local Level. ECRI hopes that the Icelandic Parliament will discuss and approve ratification of these instruments in the very near future.
2. ECRI furthermore recommends that Iceland take steps to ratify the Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages, and the UNESCO Convention against Discrimination in Education, and to sign and ratify the European Convention on the Legal Status of Migrant Workers.
3. Iceland has a dualist system whereby it adheres to the legal doctrine that international treaties do not assume the force of domestic law even if ratified; they are only binding according to international law. Moreover, domestic law is construed in conformity with international law but generally takes precedence over international law in cases of disagreement, although judicial practice has recently given more weight to international instruments. The European Convention on Human Rights has been incorporated into Icelandic domestic legislation by Act No 62/1994 and its provisions can now be directly invoked in court as domestic legislation. However, as yet, no decision has been taken on the possible incorporation of other international human rights instruments. Noting the important role that such incorporation may have in facilitating and clarifying court decisions, as well as in raising awareness within a country of the importance of human rights instruments, ECRI encourages the Icelandic authorities to give serious attention to the issue of incorporating other human rights instruments into domestic legislation.

### **B. Constitutional provisions and other basic provisions**

4. Amendments and additions were made to the human rights chapter of the Icelandic Constitution by Constitutional Enactment No. 97/1995. One aspect of this was the inclusion in the Icelandic Constitution of the equality principle contained in its article 65, providing that everyone shall be equal before the law and enjoy human rights irrespective of sex, religion, opinion, ethnic origin, race, colour, property, or birth or other status. Before its inclusion in the Constitution this principle had been deemed to be in effect by virtue of constitutional precedence. Although the equality principle of the Constitution has not so far been invoked in court in the particular context of racial discrimination, it has been invoked in other important discrimination cases.
5. There is no constitutional provision specifically prohibiting racial discrimination on the grounds of race, ethnic origin etc., and ECRI recommends that the Icelandic authorities consider the introduction of such a clause with a view to providing a basis for a complete anti-discrimination legislation (see section on civil and administrative law below).

- **Legislation on religion**

6. The Constitution provides for freedom of religion in its Article 63, which provides that all persons have the right to form religious associations and to practise their religion in conformity with their individual convictions. However, nothing may be preached or practised which is immoral or prejudicial to public order. On 1 January 2000 a new Act on Registered Religious Associations, No. 108/1999, entered into effect, replacing a previous Act on the same subject dating from 1975. The new Act stipulates in further detail the freedom of religion protected by the Constitution, provides a basis for the activities of religious associations in Iceland, and abrogates the requirement of the previous Act that the leading representative of a religious association shall be an Icelandic citizen. Religious practice is also protected by section 125 of the General Penal Code, which provides for fines or imprisonment for up to three months for publicly deriding or belittling the religious doctrines or worship of a lawful religious association active in Iceland.
7. The State financially supports and promotes an official religious body, the Evangelical Lutheran Church. All citizens of 16 years of age and above must pay a church tax, which they may direct to any of the two dozen religious denominations and organizations officially recognized by the Government, including the Evangelical Lutheran Church. For individuals who are not registered as belonging to a religious organization, or who belong to one that is not registered and recognized officially by the Government, the tax payment goes to the University of Iceland, a secular institution.
8. By law religious instruction in Christianity is required during compulsory schooling; however, students may be exempted. It has however been reported to ECRI that in some cases, it may be rather difficult for children to obtain such exemption, particularly at the primary level. ECRI urges the authorities to ensure that children who do not wish to attend religious instruction in Christianity are provided with alternative classes, and to ensure that all children are given the opportunity to learn about different religions and faiths.

**C. Criminal law provisions**

9. Section 180 of the Penal Code provides for fines or imprisonment of up to six months for the act of denying a person goods and services in business transactions or service activities, or access to any place intended for general public use, or any other public place, on the grounds of his or her colour, race or national origin, religion or sexual orientation, or other comparable considerations. Section 233 a provides that any person who, by mockery, slander, insult, threat or other means, publicly attacks a person or a group of persons on the grounds of their nationality, colour, race, religion or sexual orientation shall be liable to a fine or imprisonment for a term not exceeding two years. Article 125 stipulates that any person who publicly ridicules or dishonours the religion or worship of a lawful religious community in Iceland shall be liable to a fine or imprisonment of up to three months.
10. Racist associations are not prohibited as such in Iceland, however the activities of an association considered to have unlawful objectives may be banned. An association aiming to attack a group of persons on the grounds of their nationality, colour, race or religion, by mockery, slander, insult, threat or other

means, might thus be considered to have an unlawful objective, as such acts constitute punishable offences according to section 233 a of the Penal Code.

11. No judgements have been passed down concerning violations of Section 180 of the Penal Code, while a violation of Article 233a has only been found once, in April 2002, concerning statements made by an individual in an interview in an Icelandic newspaper. ECRI is concerned that the lack of court judgments may indicate that the law is not being fully implemented rather than that there are no cases of racist discrimination or racist expressions in Iceland, since there are reports that discriminatory or racist incidents do occur, including refusal of access to public places such as bars, or racist insults and harassment in daily life. ECRI therefore recommends that the Icelandic authorities closely examine the possible reasons behind the lack of implementation of the relevant criminal law provisions. Such examination might include measures to assess the actual extent of racial discrimination and racial insults and harassment within society, the attitudes of the police, prosecutors and courts in receiving and dealing with complaints, the need to raise awareness among the general public and among minority groups of the legislation in force, and the possibility of facilitating access to justice for victims of discrimination by introducing a comprehensive body of anti-discrimination civil and administrative law (see below).
12. ECRI also considers that further criminal law provisions should be introduced, for example covering incitement to racial hatred, defining ordinary crimes with a racist motive as racist crimes, or providing that the racist motivation of crimes be taken into account by the courts as an aggravating circumstance when sentencing. In this respect, ECRI draws attention to its General Policy Recommendation No 7 on national legislation to combat racism and racial discrimination, which provides guidelines on suitable criminal law provisions in this field.

#### **D. Civil and administrative law provisions**

13. Iceland does not possess a comprehensive body of civil and administrative legislation prohibiting racial discrimination in fields such as employment, housing, education, access to services and places intended for the public, etc., although the latter area is covered by Section 180 of the Criminal Code (see above). There are a few scattered provisions which cover discrimination in certain fields. Thus, Section 11 of the Administrative Procedures Act, No. 37/1993, states that administrative authorities shall ensure legal harmony and equality in taking their decisions, and that any discrimination between individual parties based on views relating to their sex, race, colour, national origin, religion, political opinion, social status, family origins or any other similar considerations, is prohibited. The Rights of Patients Act, No. 74/1997, furthermore provides in its Section 1 that any discrimination between patients on grounds of sex, religion, opinion, ethnic origin, race, colour, property, family origins or other status is prohibited. Article 29 of the Compulsory School Act No. 66/1995 states that in the preparation of the National Curriculum, the organisation of instruction and the preparation and selection of instructional materials, special attempts shall be made to ensure that the opportunity for study accessible to all pupils be as equal as possible. Other provisions dealing with the problem of discrimination exist in different pieces of legislation, such as the Postal Services Act, the Broadcasting Act, and the Data Protection Act, while the Act on the Legal Status of Workers Temporarily Stationed in Iceland in

the Service of Foreign Companies states that certain Icelandic statutes, including provisions prohibiting discrimination, apply to such workers.

14. With a view to establishing a comprehensive and effective legal framework against racial discrimination, ECRI recommends that the Icelandic authorities introduce a body of civil and administrative law covering areas such as employment, education, housing, health, goods and services intended for the public and public places, exercise of economic activity and public services. In this respect, ECRI draws attention to its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, in which ECRI describes the main elements of a comprehensive law in this field.

#### **E. Specialised bodies and other institutions**

15. Iceland possesses a Parliamentary Ombudsman and an Ombudsman for Children. The Parliamentary Ombudsman, set up by Act of Parliament in 1987, monitors and controls the actions of public authorities at local and national level. The Ombudsman receives and acts upon complaints but may also act on its own initiative, for example by formulating recommendations to Parliament. The Office has dealt with some cases involving non-citizens, often concerning procedures such as the issuing of residence or work permits, or concerning contacts with public authorities such as the police.
16. ECRI considers that given the rising numbers of non-citizens and persons of immigrant origin in Iceland, and in the light of reports that incidents of discrimination in daily life do occur, it would be opportune to establish a mechanism to investigate, advise and take action in cases of discrimination in fields of life such as employment, access to housing, access to services intended for the public and to public places etc. In this respect, consideration might be given either to widening the field of competence of the Ombudsman's office to cover the actions of private parties as well as State bodies, or to the creation of a specialised body with competence in this field, such as advocated in ECRI's General Policy Recommendation No. 3 on specialised bodies to combat racism and discrimination at national level.

#### **- *The Intercultural Centres***

17. The Intercultural Centre was set up in the City of Reykjavik to provide various services for persons of immigrant origin, including advocacy and counselling services, educational and language courses, and a forum for multicultural exchange between Icelanders and persons of immigrant origin. A similar centre has also been set up in Akureyri, in the North. The Westfjords Multicultural and Information Centre was created by the Ministry of Social Affairs to provide information and other services to persons of immigrant origin living in the Westfjords. ECRI welcomes the services provided by these centres, and emphasises the important role they play in both providing guidance and assistance to persons of immigrant origin, fostering intercultural exchanges, and in providing advice to the authorities concerning the problems and needs of the communities with which they are in contact.

## **F. Education and training/awareness-raising**

### **- Law enforcement system**

18. Police officers receive training on humanitarian issues during their general training. Special lectures and workshops have been organised for border control officials, who have also attended the police academy. ECRI notes the importance of ensuring that police officers receive systematic and on-going training in issues of racism and discrimination and in how to deal with complaints of racism and discrimination brought to their attention. In this respect, ECRI welcomes the nomination of a police contact person with responsibility for dealing with persons of immigrant origin, and hopes that the nomination of this person will strengthen confidence in the police among persons of immigrant origin and will encourage victims of racism and discrimination to come forward with cases.
19. ECRI particularly stresses the need to ensure that border officials dealing with non-citizens arriving in Iceland - including immigrants and asylum seekers - receive in-depth training in how to receive such persons, including clear guidelines as to the information which should be transmitted to asylum seekers concerning their rights and the way in which applications should be received and dealt with.

### **- Schools**

20. Human rights education is provided for in schools at the primary and secondary levels in the subject "Life Skills", and also in sociology classes in secondary schools. Steps have been taken at all levels of schooling to improve awareness of different cultures and to ensure the integration of pupils from different cultural backgrounds. Thus, the general curriculum for nursery schools provides that the objectives of nursery schools shall include the promotion of tolerance and broadmindedness, and are to provide in every respect for equal conditions of upbringing. Primary schools also have the specific aim of promoting tolerance and respect for other people, and are to promote a sense of Icelandic cultural values and respect for the cultures of other nations. ECRI welcomes the general efforts to introduce teaching in human rights and intercultural issues into schools, and stresses the need to ensure that teachers are provided with thorough training and suitable materials in this subject area, to ensure that general curriculum guidelines are fully implemented at the level of individual schools.

## **G. Reception and status of non-citizens**

### **- Refugees and Asylum seekers**

#### *"Quota refugees"*

21. Iceland has in recent years received a number of "quota" refugees, at a rate of around 20-30 persons per year. The authorities work in co-operation with the UNHCR, the Icelandic Red Cross and other humanitarian organisations in receiving these persons, who have mainly been initially settled in small communities. The Icelandic Red Cross, in co-operation with the Refugee Council of the Ministry of Social Affairs (see below), has developed a family support programme whereby at least three Icelandic families are enlisted to

assist each refugee or refugee family. The refugees are granted work permits and are assisted in finding jobs, while for the first year, they also are given free housing, utilities, and health care and receive a stipend so that they can participate daily in a special half-day language course. It is reported that the settlement of these persons has generally been rather positive, with high interest from local authorities in receiving refugees, and support from local communities. The programme is at present not formalised in legislation, which has meant that decisions concerning the reception of quota refugees are made on a yearly basis. ECRI encourages the authorities to continue to develop this programme and to consider placing it on a more formal footing in order to facilitate its smooth functioning and success.

#### *Refugee Council*

22. In February 1995 the Government appointed the Refugee Council, 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. The Council is a permanent body and has regular meetings. The main objective of the Council is to organize the acceptance and arrival of "quota" refugees to the country.

#### *Asylum seekers*

23. Due to its geographical situation, Iceland has received few asylum applications, although numbers have risen sharply in previous years from 6 persons in 1997 to 24 persons in 2000 and 53 in 2001. Only one asylum seeker has to date been granted refugee status, although other persons have been granted leave to stay in Iceland on humanitarian grounds.
24. Neither the Constitution nor the law have previously included provisions for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Concerns have been expressed in this respect as regards the consequences of this lack of legislative framework: for example, it has been reported that police and custom officers at ports of entry have been afforded too much discretion to deny admission to asylum seekers whose claims they deem not to be credible. The new Act on Foreigners, which enters into force in January 2003, does contain provisions concerning refugees and asylum seekers. However, it has been commented by non-governmental organisations that some questions relating to the reception and treatment of asylum seekers remain unclear or unsatisfactory in the new legislative framework. For example, Section 32 allows for the implementation of orders to leave the country in cases where "it is obvious" that the person in question is not returning to a situation in which he fears persecution, loss of life or inhumane treatment, while Section 46 states that asylum may be refused on grounds of "important national interests". Although the authorities state that this latter provision has only been invoked in Iceland in really exceptional cases, ECRI shares the concern that such terms are rather vague and may be open to wide interpretation by the authorities.
25. Moreover, ECRI is concerned at Section 45 of the new Law on Foreigners, which deals with protection against persecution. Although this section does not permit the sending of a foreigner to an area where he has reasons to fear persecution, is in imminent danger of losing his life or being subjected to inhuman treatment, it also stipulates that such protection will not be granted if a

foreigner “can be assumed to present a danger to State security or if he has been finally sentenced on account of highly serious crimes and, for that reason, presents a danger to society.” ECRI is concerned that this stipulation is not in accordance with the case law of the European Court of Human Rights concerning protection against deportation to a country where the person in question faces a real risk of being subjected to torture or to inhuman or degrading treatment or punishment. ECRI strongly recommends that the Icelandic authorities reconsider this provision.

26. It has also been commented that some gaps remain in the administrative procedures laid down for the processing of asylum applications, notably as regards the right to legal counsel, right to interpretation and right to appeal. The law lays down a duty on administrative authorities to inform asylum seekers of their right to legal assistance and of their right to have a spokesperson (a professional lawyer) appointed when appealing against a decision relating to denial of entry, expulsion or revocation of a permit, and in cases concerning applications for asylum (Section 25 and Section 34). This right to a spokesperson is subject to certain exceptions relating principally to persons being expelled from Iceland on the grounds of having been sentenced in Iceland or abroad for criminal conduct warranting more than three months imprisonment (cf Sections 20, 21 and 43 of the Act on Foreigners). The Icelandic Red Cross provides five hours of legal aid at the appeal stage. Section 24 which deals inter alia with the possibility of asylum seekers to express themselves in a language with which they are familiar does not stipulate that interpretation shall necessarily be provided but that “to every extent possible” the administrative authorities should grant the person in question the opportunity to express his views in a language in which he is adequately capable of expression. As regards the possibility of appeal against decisions taken by the Immigration Office (the body responsible for asylum decisions), appeals are directed to the Ministry of Justice, which is the Ministry having responsibility for the Immigration Office. ECRI stresses the need to ensure that asylum seekers are given every opportunity to present their cases fully, through the provision of free legal aid and interpretation where necessary, and at all stages of the application process. ECRI also stresses the need to provide for an appeal mechanism which is seen to be entirely independent from the first instance decision-making body, such as a court process.
27. As regards the reception of asylum seekers awaiting a decision on their case, the Icelandic Red Cross, under the terms of an agreement with the Ministry of Justice, has main responsibility for assisting asylum seekers with housing, social care and financial resources during the first three months of their stay, after which the authorities should refund the costs involved. The Icelandic Red Cross is present at the first interview held by the police with an asylum seeker, but as a passive observer. Although asylum seekers do not have the right to work, it appears that they may be given permission to work by the authorities if they find a job; moreover, a new law on the employment rights of foreigners, due to come into force in January 2003, provides that asylum seekers may be granted a work permit while awaiting a decision on their application or while awaiting removal from the country once a negative decision has been made. No legislation exists granting children of asylum seekers the right to attend school: informal arrangements with individual schools have thus been put in place on an ad hoc basis by the Icelandic Red Cross. The Icelandic Red Cross has also arranged and financed some language teaching courses for adults.

28. ECRI recognises and welcomes the important role played by the Icelandic Red Cross in organising and financing the care of asylum seekers in Iceland, but feels that this voluntary provision of care may be difficult to maintain given the rising numbers of asylum seekers arriving in the country. ECRI feels moreover that the provision of care for asylum seekers should be the responsibility of the State. The role of the authorities should include the provision of free legal aid from the outset, financing for housing and social care, and clear rules on the access of children to education.
29. As mentioned above, most asylum seekers who remain in Iceland are not granted refugee status but rather “permission to stay and work”. It has been commented that this status leaves such persons in a more vulnerable situation as compared to persons granted refugee status, since the permission has to be renewed on a yearly basis and may be withdrawn by the authorities. It has also been noted that although persons residing in Iceland for three years are normally entitled to a permanent residence permit, persons given permission to stay may not in all cases be granted such permanent residence. Moreover, persons granted permission to stay are not provided with any assistance in finding work and housing. ECRI feels that the situation as regards the granting of permission to stay should be reviewed in the light of the above-mentioned concerns.

#### **H. Access to public services**

##### **- Access to education**

30. Some steps have been taken recently to address the needs of children of immigrant origin within the education system. The general curriculum now refers in particular to equal opportunities for education and includes special tuition in the Icelandic language for pupils of other mother tongues, who are entitled to special education in Icelandic with the objective of making them fully capable of participating in Icelandic school work and in Icelandic society. This right is also secured by section 36 (1) of the Primary School Act, which provides that pupils with native languages other than Icelandic are entitled to special tuition in Icelandic. In Reykjavik and bigger municipalities, some schools now have “reception classes” where teachers and interpreters support children of immigrant origin for one or two years until they are ready to join the main school classes. Moreover, adults of immigrant origin are offered courses in Icelandic language and Icelandic society, run by Education centres and partially financed by the Ministry of Education.
31. Although no systematic research has been carried out, it is recognised that children of immigrant origin are generally not performing as well in school as Icelandic children, with high drop-out rates at the secondary level. ECRI considers that further investigation into the educational situation of children of immigrant origin is necessary, in order to devise strategies and policies to address the disadvantages they face.

#### **I. Employment**

32. See below, “Issues of particular concern”, for information concerning the employment situation of non-citizens.

## J. Vulnerable groups

***This section covers certain minority groups which may be particularly vulnerable to problems of racism, discrimination and intolerance in the country in question. It is not intended to provide an exhaustive overview of the situation of all minority groups in the country, nor to imply that groups not mentioned face no problems of racism and discrimination.***

### - ***Women of immigrant origin***

33. Specific problems have been reported as concerns the situation of women of immigrant origin, particularly women of Asian origin. In its first report, ECRI drew attention to the potentially very isolated situation of women of immigrant origin, who may have little opportunity to learn Icelandic language and customs, and may be unaware of their rights and status under Icelandic law, leaving them vulnerable to abuses on the part of their spouses. It is reported that women of Asian origin face particular hostility and prejudice on the part of society.
34. ECRI noted in its first report that some initiatives had been taken to address the needs of such women, including the opening of a reception centre in Reykjavik for immigrant women having left their husbands or having no home for whatever reason, and the work done by the Information and Cultural Centre for Foreigners (now the Intercultural Centre) and by the Westfjords Multicultural and Information Centre. ECRI feels that efforts should be continued and intensified to reach out to women of immigrant origin, to inform them of their rights, and to provide them with opportunities to learn the Icelandic language and to participate in society.
35. Foreign women entering Iceland to work in striptease clubs have also been the subject of some concern in recent years, with reports that trafficking in such women, both into and through Iceland, is occurring. There is a suspicion that some of the women, especially those from Eastern and Central Europe, have been brought to Iceland under false pretences and then coerced to work as striptease dancers or prostitutes. In May 2001, for the first time, formal charges of coercion were filed against a club: this case ended however with no conviction. ECRI urges the authorities to keep a close watch on the situation as regards foreign women working in clubs in Iceland, to ensure that such women are protected from abuses and provided with advice and assistance whenever necessary.

## K. Monitoring the situation in the country

### - ***Data and statistics***

36. At present, little research data exists on the situation of minority groups in Iceland in fields such as education and employment, or concerning the incidence of racist and discriminatory phenomena in the country. ECRI considers that, especially in the light of the rapidly-growing numbers of persons of immigrant origin in Iceland, it would be most opportune to put in place systems to evaluate and monitor their situation in various areas, in order that appropriate policies may be developed to counter any problems they face.

- **Climate of opinion**

37. Although severe and violent manifestations of racism do not seem as yet to be a problem in Iceland, it is reported that manifestations of “daily life” discrimination and racism do occur, particularly towards persons who visibly differ from the majority population. Such incidents include refusal of access to public places such as discotheques, and also incidents of harassment and insult on the street. It has been commented that persons of immigrant origin are primarily viewed as an economic resource rather than as a fully-integrated part of society, and that any changes in the economic situation of Iceland might well lead to a climate of hostility against persons who are perceived as being different from the majority. ECRI feels that it would be most timely to introduce strategies to raise awareness among the general public concerning the presence and contribution of persons of immigrant origin to Icelandic society as a whole, and to promote acceptance of an increasingly heterogeneous society.

**L. Conduct of certain institutions (at central and local level)**

38. It has been reported that certain key institutions, such as the police and officials dealing with residence and other rights, may lack appropriate training and expertise in dealing with persons of immigrant origin, and that the reception given to such persons by these institutions is sometimes perceived as being unhelpful or dismissive. ECRI stresses the importance of ensuring that persons dealing on a daily basis with the needs and requests of persons of foreign origin receive in-depth and on-going training in issues of prejudice and discrimination and on how to approach persons of a different background and culture from one’s own. Efforts to recruit persons of immigrant origin into the police force, as teachers, and in other key institutions would also be a positive step forward.

**SECTION II: ISSUES OF PARTICULAR CONCERN**

In this section of its country-by-country reports, ECRI wishes to draw attention to a limited number of issues which in its opinion merit particular and urgent attention in the country in question. In the case of Iceland, ECRI would like to draw attention to the situation of persons of immigrant origin.

**M. Situation of persons of immigrant origin**

39. In recent years, the numbers of persons of foreign origin settling in Iceland has greatly increased. Thus, while in 1996 there were around 5000 foreign nationals in Iceland, this figure rose to almost 10 000 in 2001. Persons of foreign origin having gained Icelandic citizenship are not included in this figure. Many of the persons of immigrant origin come from Central and Eastern European countries and enter the country for employment purposes, generally to fill posts in the fish industry and other low-paid jobs.
40. The stay of foreign nationals in Iceland is governed by their residence and work status, which are dealt with separately by different ministries. Two new laws will enter into force in January 2003, a Law on Foreigners and a law on the employment rights of foreign nationals.
41. The law on foreigners covers the situation of asylum seekers and refugees (see above, “Reception and status of non-citizens”) as well as the rights of other

non-citizens entering and staying in Iceland. It covers, inter alia, the issuing of residence permits by the Ministry of Justice.

42. Residence permits are issued initially for a one year period. According to the new law on foreigners, they must be granted before arrival in the country, unless “strong considerations of fairness” apply. The granting of a residence permit, and its renewal, is dependent on certain conditions, including the securing of support, medical insurance and housing in accordance with rules to be issued by the Ministry of Justice. After a period of three years, a permanent residence permit may be granted. The new law on foreigners stipulates that a foreigner applying for a permanent residence permit must have attended a course in the Icelandic language. The Minister of Justice is to set down the conditions governing the organisation and cost of such courses.
43. As regards family members of foreign nationals residing in Iceland, the new law stipulates that closest family members (spouses or registered partners, children under 18 years of age, ascendants) may be granted residence permits provided that their support and housing has been secured in accordance with rules which are to be specified by the Ministry of Justice in further detail. The law moreover lays down a duty on foreigners to provide information concerning their identity, stipulating that foreigners shall show their identity documents to police when requested and that the Ministry of Justice may decide that foreigners, except Danish, Finnish, Norwegian and Swedish nationals, shall carry passports or other personal identity documents at all times while staying in Iceland. It also stipulates that the Ministry of Justice may issue rules providing that other persons, such as persons providing lodging, employers, educational institutions and others, should provide information concerning foreigners to the Immigration Office.
44. ECRI notes that the forthcoming law on foreigners has been criticised on a number of grounds relating to the residence rights of non-citizens, chiefly as regards the lack of clarity in the law in respect of the conditions laid down for the granting of residence permits, the wide authority given to the Ministry of Justice to interpret the law, and the requirement that non-citizens applying for permanent residence permits successfully complete a language course. In this respect, while ECRI acknowledges the need for non-citizens to learn the language of the country in which they reside, it also notes that the legal requirement to master the language may in practice prove difficult to fulfil for some persons, particularly if courses provided are expensive and do not take sufficiently into account the differing backgrounds, work constraints and competencies of students. ECRI also considers that the provisions regarding the duty on all foreigners except nationals of Nordic countries to carry identity documents at all times may be perceived to be discriminatory, and that the provisions which may require various parties to provide information concerning foreigners could be perceived to be overly-intrusive. ECRI urges the authorities to monitor very closely the application of the new law on foreigners and to clarify as quickly as possible the actual scope of the rather wide clauses it contains in some areas.
45. As regards the granting of work permits, these are currently granted to an employer for a particular post, rather than to a foreign employee. The employer can employ the person in question for up to three years without the person gaining any residency or linked rights. After three years the individual gains certain rights and may be granted a work and residence permit in their own

right. The conditions applied to the work contracts for non-citizens are quite strict: the position has to be advertised in Iceland for a period of three weeks and the trade union must be informed of the vacant position, before the employer can seek a work permit for a foreign worker. Moreover, the foreign workers have to obtain the work contract before entering the country. This has reportedly posed a problem in particular for foreign spouses of Icelandic citizens and for spouses and children of foreign workers, who have been obliged to leave the country in order to obtain work permits.

46. It has been commented that the current work permit system as described above leaves foreign workers in a very vulnerable situation. Since the work permit is granted to the employer rather than to the worker, individuals may feel reluctant to complain in cases of discrimination or illegal working conditions. It is reported that some employers take advantage of foreign workers, for example by paying them lower wages or cutting back on their holiday entitlements. In this respect, ECRI welcomes initiatives taken by the authorities to inform non-citizens of their employment and social security rights, such as information booklets and material printed in different languages.
47. The new law on the employment rights of foreigners, which will come into force in January 2003, continues the system of granting work permits to employers rather than to the foreign workers themselves. The requirement that work permits can only be obtained from outside the country also stands, although a departure from this latter rule may be made "if strong considerations of fairness exist". Foreign spouses of Icelanders and persons cohabiting with Icelandic citizens will, under the new law, be exempt from the requirement to leave the country in order to obtain a work permit. ECRI is concerned nevertheless that the system of granting work permits as provided for under current and forthcoming legislation remains problematic and potentially leaves foreign workers in a vulnerable situation as regards their rights.
48. While it is too early to predict the effects which the new legislation on foreigners and on the employment rights of foreigners will have in concrete terms, ECRI considers that the concerns raised by various parties and outlined above should be kept in mind by the authorities while monitoring the implementation of these pieces of legislation.
49. In more general terms, and outside the legislative framework governing the situation of non-citizens, ECRI feels that the evolving situation in Iceland as regards persons of immigrant origin calls for the introduction of a coherent and overall vision and strategy for monitoring their situation and tackling any problems they may face. ECRI is aware that problems relating to the situation of persons of immigrant origin, and issues of racism and discrimination, are quite a new phenomenon in Iceland, and that the authorities are at the stage of beginning to address these areas and of identifying ways of dealing with problems that exist or that may arise. At present, although some local authorities have introduced policies to address the needs of persons of immigrant origin, such strategies do not seem to be fully evolved at the national level, although the authorities are increasingly aware of issues in question. ECRI encourages the Icelandic government to continue to develop its policies in this respect, paying particular attention to key fields such as education and employment, and ensuring an overall co-ordination of efforts made in various domains.

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