



**MANNRÉTTINDASKRIFSTOFA ÍSLANDS
THE ICELANDIC HUMAN RIGHTS CENTER**

NOTES ON ICELAND'S COMBINED SEVENTEENTH
AND EIGHTEENTH PERIODIC REPORTS ON
IMPLEMENTATION OF THE INTERNATIONAL
CONVENTION ON THE ELIMINATION OF ALL FORMS
OF RACIAL DISCRIMINATION

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INTRODUCTION

In light of the CERD Committee's review of Iceland's Combined Seventeenth and Eighteenth Periodic Reports on the Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, which will be considered at the 67th Session in Geneva, on 10 and 11 August 2005, the Icelandic Human Rights Center has undertaken to provide the following insights regarding Iceland's implementation of the Convention, in co-operation with Icelandic NGOs and human rights experts.

Before delving into the issues, certain factors of vital concern to the Icelandic Human Rights Center itself will be introduced. An abstract from the Center's Report of Activities 2004 may be found in Addendum I.

The Imperilled Existence of the Icelandic Human Rights Center

In its Fourteenth Periodic Report on the Implementation of the Convention, the Government of Iceland referred to the establishment in 1994 of the Icelandic Human Rights Office (now Human Rights Center). The Report stated:

25. Two organizations have been established in the past two years specifically dealing with human rights. Firstly, the Human Rights Office was established in Reykjavik in the spring of 1994, similar to those which have existed in the Scandinavian countries for some time. The parties behind the Human Rights Office are the Icelandic section of Amnesty International, the International Save the Children Alliance, the Office of the Bishop of Iceland, the Icelandic Church Aid, the Icelandic Red Cross, the Women's Rights Association of Iceland, the Equal Status Council, and the United Nations Development Fund for Women (UNIFEM) Iceland.

26. The objectives of the Icelandic Human Rights Office are to collect information concerning human rights, to introduce such information to the public, and to promote education and research in the field of human rights. The Office takes part in the exchange of information between similar offices in the Nordic countries. The Office also promotes lectures and discussion on human rights, publication and dissemination of printed matter concerning human rights, and research in individual fields of human rights. The Human Rights Office has, among other things, concerned itself with the success, or lack thereof, in implementing international human rights instruments in Iceland. Some educational and informational work in the field of human rights has been undertaken by the Office for the benefit of both lawyers and the public. The Office receives financial support from the State, which amounted to ISK 4 million for 1996.

The Fifteenth Report on the Implementation of the Convention describes how state contributions to the Office were increased to 6,000,000 ISK each year in 1999 and 2000.

Today the financial situation is very different; **the very existence of the Icelandic Human Rights Center is imperilled.**

Since its founding in 1994 the Althing has supported the activities of the Center through earmarked allotments in the National Budget from the Ministry of Justice and the Ministry of Foreign Affairs. In the Budget for 2005, however, on the proposal of the Ministers of Justice and Foreign Affairs, the support earmarked for the Center was eliminated, and instead provision was made for the amount previously dedicated to the Center to be open to any party upon application to the Ministries of Justice and Foreign Affairs. For the Center to have to apply, on an *ad hoc* basis, for funding directly to the Ministries has gravely undermined its ability to plan its activities. Equally importantly, this new procedure raises serious questions regarding the Center's ability to function independently since it is now in the hands of the executive whether and what activities are funded. The bizarre situation can arise that the Center has to apply directly for funds to a Minister to comment on a Bill he or she is presenting to the Althing.

During the course of the consideration of the Budget for 2005 a number of organizations concerned with human rights in Iceland appealed to the Althing to guarantee continued direct allotments to the Center, but to no avail, with the Government parties supporting the Ministers' proposals. Those writing to appeal to the Althing included the Icelandic Red Cross Society, the Icelandic Section of Amnesty International, the Bishop's Office of the Lutheran Church, the Office of the Foreigners' Priest, the Multicultural Council, the National Federation for the Aid of the Disabled, the Organisation of Disabled in Iceland, Save the Children - Iceland, UNIFEM - Iceland, the Women's Rights Association and the Icelandic Ethical Humanist Association.

A number of international human rights institutes also expressed their support for the Center, including the Abo Akademi University Institute for Human Rights, the Belgrade Center for Human Rights, the Belfast Human Rights Centre, the Danish Institute for Human Rights, the German Institute for Human Rights, the Human Rights Centre of Essex University, the Netherlands Institute of Human Rights, the Norwegian Centre for Human Rights and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law.

When considering the new arrangement for funding human rights work, the authorities implied that the Center's existence was not being undermined. The result, however, has been catastrophic. Instead of receiving ISK 8,000,000 from the Ministries of Justice and Foreign Affairs, the Center received a little under ISK 2.5 million in earmarked funds for specific projects from the Ministry of Justice (none having anything to do with monitoring human rights in Iceland). The Center received a negative response to its application to the Ministry of Foreign Affairs (after waiting for a reply for nearly five months), where it is stated that the Ministry plans to use the 4 million ISK to fund a temporary position at the OSCE. **Thus, if the Center is not able to secure additional funding, it will have to close.**

Fortunately, the City of Reykjavik, several NGO's, as well as Iceland's main labour unions have recently expressed willingness to aid the Center financially, temporarily, whilst calling on the Althing to reinstate the system of direct allotments to the Center.

Hopefully, we will be able to continue our activities.

GENERAL OBSERVATIONS

The Government's report provides an extensive overview of national legislative measures that are significant to the implementation of the Convention. Several issues identified in the report call for improvement and further elaboration.

Although the number of non-citizens and persons of immigrant origin residing in Iceland is small by European standards, recent years have seen a significant increase in foreigners moving to the country. Iceland's population is largely monocultural and homogeneous and although overt manifestations of discrimination towards those who are perceived as different are not common, 'hidden' discrimination is rife. The Supreme Court has, however, only dealt with one case regarding racial discrimination when it fined the Vice-Chairman of a nationalist organisation for having violated Section 223a of the Penal Code with his derogatory remarks about Africans in general. The Article provides that any person who, by mockery, slander, insult, threat or other means, publicly attacks a person or 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. (Judgement of 24 April 2003, No. 461/2001). Recently, a prominent figure publicly pronounced anti-Semitic views but has so far not been charged under the Article.

The term 'nýbúi' or 'newcomer' has taken on a negative connotation and there are indications that non-citizens and persons of immigrant origin suffer discrimination in daily life, especially as regards education and employment. Incidents of refusal of access to public spaces and harassment are also reported, despite Article 180 of the Penal Code No. 19/1940, which provides that denying a person service, or access to any public area or place intended for general public use, on account of that person's colour, race or ethnic origin, is punishable by fines or imprisonment for up to six years. Studies indicate that there is a generational difference in attitudes of Icelanders towards immigrants. Younger people tend to have a more negative perception of persons of immigrant origin and here the need for multicultural training and education, which is sorely lacking in Icelandic society, should be emphasised. In this light, the view expressed in the government's report that as 'no serious social conflicts have arisen [...] it has not been necessary for the Icelandic Government to take any direct measures relating to racial discrimination and related intolerance' is dismaying.

The report describes the police officer with the role of functioning as a link between police and people of foreign origin. The Icelandic Center is of the impression that the officer's role needs to be further strengthened and publicised, especially as regards allegations of harassment or discrimination, as well as the work of the so-called 'Response Group'. As the Center is only vaguely aware of these institutions, it may be deduced that people of foreign origin may be even less aware of them. The fact that the police officer has not dealt with cases of harassment or discrimination on account of ethnic origin does not necessarily reflect an exemplary situation in the country.

From paragraph 8 of Iceland's report, it may be deduced that the entities forming the United Nations Center in Reykjavik, monitor human rights in Iceland. They do not. It is a positive development that with the establishment of the United Nations Center the organisation's activities may become more visible, especially their human rights aspects, but the entities forming the Center have until now not played any significant role in domestic monitoring of human rights. In paragraph 8, mention is also made of the Icelandic Human Rights Office (Center). For information on the Center's dire financial straits as a result of authorities cutting most of its funding, see above.

The Act on Foreigners, No. 96/2002, with amendments

In 2002, Act No. 96/2002 on Foreigners was enacted covering a range of issues relating to non-citizens. The Act contains a number of provisions that substantially clarify matters relating to foreigners and their legal status such as the procedure in cases of denial of entry and matters relating to seekers of asylum. Furthermore, the Act provides that only the Directorate of Immigration may deny admission to asylum seekers. Many provisions are a significant improvement in comparison to older rules but certain aspects of the Act and subsequent revisions give rise to concern. The Icelandic Human Rights Center commented to the Althing on the amended Act finding that a number of provisions raised issues under international human rights law. The Act was amended to some extent in 2004 by Act No. 20/2004 and improvements were made but questionable provisions were also added. The Ministry of Justice has not yet seen fit to translate the amendments and relevant Regulations into English or other foreign languages. In the view of the Icelandic Human Rights Center this impedes the ability of those to whom its provisions are addressed to avail themselves of the protection they are meant to offer.

Section 20 has been amended to include, as grounds for expulsion of a foreigner, 'if he resides illegally in the country'. Expulsion is a severe measure in cases where the foreigner may be residing illegally in the country unbeknownst to himself or herself. The

Icelandic Human Rights Center is familiar with several cases where employers have led foreign workers to believe that all permits are in order, when, in fact, the foreigners are staying and working illegally in the country. In such instances it is unreasonable that the foreigner face such radical consequences as expulsion and the Act therefore does not adequately take the reality of the experience of foreigners in Iceland into account.

Documents

Article 16 of Act No. 20/2004 amending Section 57 of Act No. 96/2002 h) makes having a fake passport, identification documents or travel visa punishable by fines or imprisonment of up to two years. It is reasonable that being in possession of a number of counterfeit travel documents or the like (as set out in the explanatory notes) should be punishable by law but the way the provision is phrased could result in it applying to refugees or victims of trafficking, in violation of international law. It should be noted that Article 31 of the 1951 Refugee Convention stipulates, *inter alia*, that penalties shall not be imposed on refugees on account of their illegal entry or presence in a given country. Furthermore, it is common that individuals, victims of trafficking, are in possession of counterfeit travel documents, identification or travel visas. These individuals should not be punished; it could prove even more difficult than it is today to prevent and prosecute cases regarding trafficking if the victims risk imprisonment for their 'crimes'. Notable in this context is the United Nations Convention against Transnational Organized Crime (the Palermo Convention) which stipulates that victims of transnational crime shall be assisted and protected (Article 25) and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children sets protective measures for victims of trafficking, stipulating in Article 7, *inter alia*, that states shall consider adopting measures to permit victims of trafficking to remain in their territory in appropriate cases giving appropriate consideration to humanitarian and compassionate factors. Article 10 furthermore stipulates that states are to co-operate in determining whether individuals attempting to cross or crossing international borders with travel documents belonging to others or without documents are perpetrators or victims of trafficking, implying protection, not punishment of the trafficking victim. In light of the above, the wording is not sufficiently narrow to clearly set out to whom the provision is to apply.

Family reunification, marriage and privacy

Certain provisions of the amended Act regarding 'family reunification' are worrisome, either because of their wording or possible interpretation by the executive.

In order to obtain a permit to stay in Iceland based on marriage or cohabitation with an Icelandic citizen or a foreigner who already has a permit, the partner or spouse must now be 24 years of age or older, and not 18 years of age, which is the minimum age of marriage under the Marriage Act No. 31/1993. According to the explanatory notes to the bill, this new provision is based on the Danish Aliens Act from 2002 and aims, *inter alia*, to protect those who are more vulnerable to being pressured or manipulated into marriages of convenience or arranged marriages. The explanatory notes do not clarify on what basis the age limit of 24 years was chosen. The provision also stipulates that if there is reason to believe that a marriage has been entered into for the sole purpose of attaining a permit to stay and it is not conclusively demonstrated that this is not the case, the marriage will not be a ground for granting a permit to stay. The same applies if there is reason to believe that the marriage has not been entered into with the consent of both spouses.

The Act does not clarify what these ‘reasons’ could be or how it is ‘conclusively demonstrated’ that the marriage is not one of convenience. The explanatory notes to the bill enumerate certain ‘indications’ implying that a ‘marriage of convenience has taken place’, these include that the couple has not lived together before marrying, that they do not speak each other’s language, that there is a large difference in age between them *etc.* These criteria are clearly not satisfactory to determine whether a marriage of convenience has taken place; for instance, in most societies, people only live together after marriage; in Iceland and other countries people of different ages marry (definition of a considerable age-gap is not set out); and it is extremely uncommon for people from foreign countries to speak Icelandic. It should be noted that a definition of a ‘marriage of convenience’ is not set out in law and the Marriage Act, No. 31/1993, does not specify that marriage may not be entered into for convenience.

Although prevention of forced marriages is an important aim, the Icelandic Human Rights Center is not familiar with any instances of forced marriages occurring in Iceland. Surely, a less restrictive approach that doesn’t limit the right to marry and found a family for others than those allegedly targeted by the provision would be preferable and as effective.

Article 13, on permits for relatives, sets out conditions regarding age for granting permits to stay in Iceland for family members of foreigners who already have a permit; close family members are now defined as spouses or partners in cohabitation *older than 24*, children under the age of 18 and *supported by their parents* and parents *older than 66* and *dependent on their child*. The permits for family reunification are also contingent on certain economic requirements, as Article 11 provides that support, medical insurance and housing has to be secured in accordance with rules issued by the Minister of Justice.

Article 13 sets out, *inter alia*, that a foreigner’s or Icelandic citizen’s descendants, under 18 years of age and supported by them, are entitled to a permit provided that support, medical insurance and housing are assured. Here the means of demonstrating that support is secured are overly stringent; as, in effect, if the descendant has not received a residence permit when he or she reaches 18 years of age, the youth must demonstrate that he or she is capable of sustaining him/herself. However, in general, very few youngsters in Iceland can be expected to support themselves financially, especially while they are in school. If the law is interpreted literally, in the case of immigrants, they may be forced to resort to quitting school and getting full time employment or otherwise risk deportation. In light of the high dropout rate of persons of immigrant origin from high-school, this is particularly unfortunate and could contribute to the formation of an identifiable class of less educated persons of immigrant origin, which in turn risks conspiring against efforts towards greater integration. Although the Directorate of Immigration has generally renewed youngsters’ permits to stay if they are full-time students living with their parents, nothing is to prevent this practice from changing as the law stipulates otherwise. Furthermore, problems arise when youngsters are enrolled in the so-called ‘new-comer department’ at Iðnskólinn College, where Icelandic is taught, as the first semester doesn’t offer enough credits to amount to a full-time programme that can form the basis for a permit in the eyes of the Directorate of Immigration.

Clearly economic requirements in relation to permits for ‘family reunification’ can result in differentiated treatment depending on the economic situation of the persons concerned, which raises issues in terms of equality before the law and, in particular, Article 65 of the Icelandic Constitution and international human rights conventions guaranteeing the right to private and family life, including Article 5 of the CERD where States undertake to, *inter alia*, guarantee the right of everyone, without distinction as to

race, colour, or national or ethnic origin, to equality before the law, in the enjoyment of, *inter alia*, the right to marriage and choice of spouse, and residence within the border of the State.

Another failing of the legislation relates to a particularly vulnerable group of non-citizens – women who are granted permits to stay in Iceland on the basis of marriage or cohabitation. Several cases are known where women have suffered domestic abuse in silence since leaving the relationship entailed risking deportation if done within the three years of residence that form the basis for the right to apply for a residency permit. Moreover, these women are often without any means of support and may have nothing to return to in their countries of origin. As Article 42 of the Regulation on Foreigners stipulates that payment of social support from the state or a municipality may not be considered the secured financial support required for a person to get a permit to stay, these women escaping from abusive relationships can find themselves in a foreign country, unable to fend for themselves. The Directorate of Immigration has in practice renewed the permits of women in this situation but safeguards and protection for these women are not found in the law.

Article 29(b) stipulates that if, when considering applications for permits to stay in relation to family reunification, the Directorate of Immigration considers proof of kinship lacking, it can request DNA or other biological samples from the applicants. This is a serious infringement of privacy and family life, areas to be interfered with only in exceptional circumstances. The Act grants the Directorate, the executive, broad discretion; it is very questionable to provide for such serious interferences by law without clear limitations.

Work

The Act on the Employment Rights of Foreign Nationals, No. 97/2002, is described in Iceland's report. The law provides, *inter alia*, that temporary work permits are issued to the employer, not the employee. This creates an unequal relationship where the worker is unreasonably dependent on the employer. If the worker wishes to terminate the contract, expulsion looms on the horizon if the employer does not agree with the termination. Article 18 of Regulation No. 339/2005 on the Employment Rights of Foreign Nationals stipulates that, in order for a foreign national who has come to work for one employer but wishes to start working for another to be issued a new temporary permit, the former employer must provide a statement to the effect that the contract has been terminated and setting out the reasons therefore. It is the experience of labour unions that because of this unequal relationship, many foreign workers are forced to accept violations of collective bargaining agreements, both in terms of wages and working conditions. These workers seldom request the assistance of the unions and seek to downplay any discrepancies in wages, if revealed. The Regulation also stipulates that the Directorate of Labour can revoke a work permit if the foreigner, or the employer, is found to have deliberately given incorrect information or concealed information. The revocation of the permit can have dramatic effects for the worker, less so for the employer. Indeed, the worker faces consequences even when the employer is the one violating the law.

No single actor is responsible for informing immigrants of their rights and duties before or after their arrival in Iceland. This is generally in the hands of the employer, which is obviously problematic. A study carried out by the Multicultural Center demonstrated that

62% of participants had signed a contract of employment without understanding it, in whole or in part.¹

Recently there has been vigorous discussion in Icelandic society regarding foreign workers. Several cases have come to light where foreign nationals have been found working illegally or their working conditions have been substandard. The Center is familiar with a number of cases where employers have abused immigrants working illegally, by, *i.e.* paying less than to Icelandic workers or by not paying at all. In addition, many of the workers come here through job agencies, both Icelandic and foreign. The agencies act as intermediaries, charge for the workers' services in full, but only pay them a fraction of what they should be earning according to labour market agreements.

Fortunately, the focus of attention appears to be shifting from the 'illegal workers' to the employers benefiting from these often exploitative relationships. The Icelandic Confederation of Labour has recently launched a campaign against those benefiting from exploitation of foreign labour. The campaign aims to inform foreign workers and employers of relevant rights and duties.

Education

A recent study examining the situation of youngsters of immigrant (Vietnamese) origin born outside Iceland² has shown that large numbers do not continue their studies after mandatory schooling; only one quarter of those taking part in the study attended college. This unfortunate state of affairs can be blamed on, *inter alia*, the youngsters' imperfect knowledge of the options available within the college system, limited knowledge of Icelandic and pressure to start working to support their families. A number of the youngsters said they found it difficult to keep up with their Icelandic-born classmates and that they felt socially isolated at school. The study concluded that concrete measures are called for to aid persons of immigrant origin to obtain specialised or professional education. Without assistance, a large number of these youngsters risk becoming 'second class' citizens, doomed to low-income jobs where opportunities are limited.

Immigrants in Iceland often complain of having difficulties in putting their previous experience and education to use in Iceland.³ It is imperative to ensure that the Icelandic society, as well as persons of immigrant origin, benefit from education and experience gained abroad.

It should be noted that refugees are not entitled to loans from the Icelandic Student Loan Fund. The majority of Icelandic university students borrow from this fund while pursuing their studies. It is very unfortunate that refugees do not have access to the system.

Language

Good knowledge of the Icelandic language is the key to full participation in Icelandic society. Studies have shown that the majority of immigrants want to learn Icelandic but

¹ *Study of immigrants in the Westfjords and Eastern region*, Fjölmenningssetur, 2005.

² *Framtíð í nýju landi*, [Future in a new country], a joint project supported by the Icelandic Red Cross, the City of Reykjavik, the Ministry of Social Affairs and the Intercultural Centre, Anh-Dao Tran, 2005.

³ See, for instance, *Könnun á aðstæðum útlendinga sem vinna hjá Félagsþjónustunni í Reykjavík*, [Study on social situation of foreigners working for Reykjavik's Social Services], Þóra Huld Magnúsdóttir, 2001, *Hreyfanleiki innflytjenda: staða erlendra starfsmanna í heilbrigðisgeiranum* [Mobility of immigrant workers: status of immigrant workers in the health sector], Kristjana Hildur Kristjánsdóttir, 2002, and *Study of immigrants in the Westfjords and Eastern region*, Fjölmenningssetur, 2005, where 88% of respondents claimed that they can not make use of their education in their current job.

unfortunately courses in Icelandic are in many places in short supply, and of varying quality. As one condition for the issue of residency permits is that the applicant has attended 150 hours of Icelandic classes, this is awkward. In some instances a person has had to attend an introductory course three times in order to be able to fulfil the 150 hour requirement. In addition, the courses are not provided free of charge: a 50 hour course costs around 17,000 ISK

One of the conditions of equal access to education is the training in one's mother tongue. Teaching a child's mother tongue, to maintain and develop it, should be an integral part of the school curricula. Several studies have criticised the situation in the Icelandic school system finding that there is no comprehensive policy in place regarding multicultural teaching or training for bilingual children or children of immigrant origin.⁴

Refugees and asylum seekers

With the enactment of the Act on Foreigners, provisions for granting of refugee or asylum status according to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol were included for the first time in Icelandic law. Iceland receives a number of 'quota' refugees, 20 to 30 annually, but is extremely reluctant to grant asylum under the 1951 Convention to 'independent' applicants. Only one 'independent' asylum seeker has been granted refugee status in recent years although a few persons have been granted leave to stay on humanitarian grounds, *i.e.* persons alleging that their lives or liberty are in danger if expelled. It should be noted, however, that although the law provides for granting asylum on this basis, it is not clear enough what rights and duties this type of permit entails and on what grounds it can be granted, resulting in the Directorate of Immigration having a wide margin of appreciation in relation to the granting and revocation of permits of this nature. Normally a permit to stay on humanitarian grounds is granted for one year but the law is not clear on the maximum time or minimum time foreigners can stay in Iceland with this permit. Furthermore, the provision on humanitarian grounds permits does not set out whether permit holders are allowed to work. The Icelandic Human Rights Center is familiar with instances where authorities have revoked the humanitarian grounds permit when the foreigner has applied for a work permit, unreasonably concluding from the application that the person no longer considers him- or herself in need of a humanitarian permit. The result is that provisions regarding 'regular foreigners' are applied to the person, *i.e.* certain criteria regarding social assistance which do not apply when the person has a permit on humanitarian grounds. Therefore the situation may arise that a person originally granted a humanitarian permit can be expelled because he or she fails to comply with conditions set out for a regular permit. It is not clear what applying for a work permit means for a person holding a permit granted on humanitarian grounds as another authority has interpreted the law to signify that a person cannot hold both a humanitarian permit and a work permit and therefore the application for a work permit cancels the humanitarian permit.

The report states that the new Act on Foreigners has significantly improved efficiency as regards the processing of asylum applications and that generally applicants do not have to wait long for a conclusion of their cases. This is relative. For those applicants that fall under the expeditious procedure the waiting period is not long but for applications that

⁴ See, for instance, *Fjölmening og fjölmennningarleg kennsla í ljósi hnattvæðingar*, [Multiculturalism and multicultural teaching in light of globalization], Erla Sigurlaug Sigurðardóttir, Kamilla Ingibergsdóttir, 2002, and *Börn og breytt heimsmynd* [Children and a changed world-view], Hólmfríður Jóhannesdóttir, Ragna V. Júlíusdóttir, 1998.

go through regular procedures it can take close to a year to get a decision from the Directorate of Immigration and asylum seekers going through the lengthier process complain of the heavy toll months of idleness and uncertainty take on their mental well-being.⁵ The appeals process at the Ministry of Justice takes on average 1-3 months. Here it should be noted that the Directorate of Immigration falls under the Ministry of Justice so the independence of the appeals body may be called into question.

Upon the request of a foreigner who has been finally denied asylum or a permit to stay, the Directorate of Immigration may, in cases when implementation of such decision is suspended, grant him or her a provisional permit to stay until the decision is implemented. Each provisional permit can be granted for a period of up to one year and permits of this kind do not form a basis for the issue of a residency permit. In practice, temporary permits are generally granted for a period of six months. Asylum seekers who cannot be sent from the country, for one reason or another, receive this permit for extended periods, for six months at a time. The law does not set out the maximum number of provisional permits a person can get, so in practice a person could be in this provisional situation for many years. It would be reasonable, after a certain amount of time has passed, to provide persons with a more humane arrangement. As temporary work permits for foreigners are issued to employers (see above) who are understandably reluctant to employ a person who might have to leave the country within a few months, the six month permits result in persons spending long periods idle, dependent on social security, with the accompanying mental anguish.

It is a matter of concern that the Government has no fixed refugee acceptance requirements and re-evaluates the refugee situation on an annual basis, *i.e.* no quota refugees were accepted in 2002 and 2004. In the year 2003, three persons (a family) were granted leave to stay on humanitarian grounds but no-one has been granted leave to stay on humanitarian grounds in 2004. A handful of applications from 2004 are still pending.

Conclusion

In general, there appears to be an underlying tendency to view persons of immigrant origin as an economic resource rather than as full members of Icelandic society, who are entitled to the corresponding rights. Despite recent efforts to address issues of racism and discrimination, gaps still remain in legislative protection⁶. Limited research concerning the situation of persons of immigrant origin and issues regarding discrimination and racism has been undertaken. In their efforts to address issues relating to persons of foreign origin, Icelandic authorities have limited themselves to enacting laws regulating arrival, stay and departure but have neglected putting in place a comprehensive policy to deal with the social reality of newcomers and persons of immigrant origin in Iceland. In the formulation of such a policy it is important to keep in mind the lessons learned in the other Nordic countries, as well as Iceland's particularities. The government's tendency to copy reactive policies put in place in our neighbouring countries, after problems have arisen, should be avoided at all costs.

⁵ Allowing asylum seekers to work under special conditions would certainly make the waiting period more tolerable for them. Currently, some asylum seekers volunteer with the national Red Cross.

⁶ In its 2003 report on Iceland the European Commission against Racism and Intolerance recommended '[...] 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 [...].'



MANNRÉTTINDASKRIFSTOFA ÍSLANDS
THE ICELANDIC HUMAN RIGHTS CENTER

ADDENDUM I

Activities 2004

Abstract

The Icelandic Human Rights Center was founded on 17 June 1994 by nine organizations and institutions working in various fields of human rights. Partners today are the Icelandic Red Cross Society, the Icelandic Section of Amnesty International, the Bishop's Office of the Lutheran Church (the national church of Iceland), the Icelandic Church Aid, the National Federation for the Aid of the Disabled, the Office for Gender Equality, the Organisation of Disabled in Iceland, Save the Children, UNIFEM, the Women's Rights Association, the Association of '78 (Association of homosexuals and lesbians) and the University of Akureyri.

The purpose and aim of the Center is to promote human rights by collecting information on and raising awareness of human rights issues in Iceland and abroad. The Center works to make human rights information accessible to the public by organising conferences and seminars on human rights issues and by providing human rights education. The Center also promotes legal reform and research on human rights issues and has established the only specialised human rights library in Iceland. Furthermore, the Center is a member of the AHRI network and the Nordic School of Human Rights Research. In addition, the Center serves a monitoring role and has, since its inception, commented on dozens of bills of law and provided information to the treaty bodies on the state of human rights in Iceland, most recently to the Human Rights Committee where many of the points raised were reflected in the List of Issues before the Committee on Iceland's Report.

1. Conferences, seminars and lectures

Conferences, seminars and lectures are organized by the Center on a regular basis. In 2004 the Center held conferences and seminars on the following topics:

- Multiculturalism and Icelandic society
- The work of the United Nations Committee on the Status of Women
- Women migrant workers
- The dissolution of the former Soviet Union and Yugoslavia
- The Geneva Conventions in the past and present
- Coercion and disability – limitations in services for disabled individuals
- Violence against women, the law and the right to privacy
- The 1951 Refugee Convention, asylum and gender based persecution

The Center participated in a conference on 'Disability in development co-operation' and on 'Legal reform to combat gender based violence'. The Director lectured on 'Human rights and business, towards accountability'. The Center held a special meeting to celebrate its 10-year anniversary, where its partners provided their insights and commentaries on the development of the 'human rights project' in Iceland and internationally.

2. Campaign to promote human rights awareness - human rights education

To celebrate its tenth anniversary the Center campaigned to raise human rights awareness with Icelandic youth. The Center provided human rights education in the majority of secondary schools in the country. The Center also gave human rights training sessions in several work places.

The Center participated actively in the 16 Days of Activism Against Gender Violence campaign. The Center held a seminar on gender based persecution and asylum and took the lead on drafting a plan of action, in co-operation with other participants in the campaign, to guide authorities in their efforts to combat violence against women in Iceland. This plan forms the basis of work now taking place in the Ministries of Justice, Social Affairs and Education on this issue.

The Center also participated in the European-wide Action Week Against Racism by organising a seminar on racism and discrimination against foreigners in Iceland and distributing materials from the UNITED campaign.

3. Comments on bills of law

The Icelandic Human Rights Center comments on bills of law presented at the Parliament (Althing), with the aim of ensuring that Icelandic law is in accordance with Iceland's international human rights obligations. In the year 2004 the Center commented on a bill on foreigners, a bill on prisoners, a bill proposing amendments to the Radio Broadcasting Act, No. 53/2000 and the Competition Act, No. 8/1998, on two bills proposing changes to the Code of Criminal Procedure and a bill on witness and victims protection for victims of trafficking in persons.

4. Reporting

The Center files additional reports with United Nations treaty monitoring bodies and reports to the Council of Europe.

Additional report to the Human Rights Committee on Iceland's implementation of the International Covenant on Civil and Political Rights.

The Center provided the Human Rights Committee with insights regarding Iceland's Fourth Periodic Report on the implementation of the Covenant in co-operation with Icelandic NGOs and human rights experts.

National correspondence to the CoE Directorate General of Human Rights.

The Center services the Council of Europe Information Office on Human Rights with regular information about developments in the use and influence of the European Convention on Human Rights on legislation and judicial practices in Iceland.

5. Publications

The Icelandic Human Rights Center publishes a human rights reports series on various topics. In 2004 work commenced on a forthcoming report on the participation of the Icelandic Government in International Co-operation on Human Rights, a report on

Human Rights in Icelandic Development Co-operation and a compilation of Decisions of International Human Rights Bodies on Human Rights. The Center also published *Réttarstaða fatalaðra*, a book on the legal status of disabled individuals in Iceland.

Furthermore, the Center contributed to the *Human Rights Education Project*, published by the UN University for Peace with support from the Government of the Netherlands. The Project consists of three books and a CD-ROM: *The Human Rights Reference Handbook*, *Universal and Regional Human Rights Protection: Cases and Commentaries*, *Human Rights Instruments* and *Human Rights Ideas, Concepts and Fora*. The materials have been distributed world-wide.

The Icelandic Human Rights Center is party to the publication of the *Nordic Journal of Human Rights* in co-operation with the Nordic Human Rights Institutes and the *Yearbook of Human Rights in Development*, which is a co-operation project of several European human rights institutions.

6. International co-operation

The Center works in co-operation with various organizations and institutions in other countries. It is a sister organization to the Danish Center for Human Rights, the Norwegian Institute for Human Rights, the Raoul Wallenberg Institute of Human Rights and Humanitarian Law in Lund, Sweden and the Abo Akademi University Institute for Human Rights in Finland. The Center is also a member of the Association of Human Rights Institutes – AHRI – that was founded in Iceland in September 2000. The Director of the Icelandic Human Rights Center was elected its first chairperson. In 2004 the Icelandic Human Rights Center participated in the work of AHRI and the Nordic co-operation by, *inter alia*, taking part in the Nordic School of Human Rights Research and its development towards a Nordic Center of Excellence and the Nordic Roundtable on Protocol No. 12 to the European Convention on Human Rights and Fundamental Freedoms.