

Title: Submission for the UPR ON Iceland 2016
Submitting Organisation: Island Panorama Centre
Contact Person: Akeem Cujoe Oppong
Position: Director
Contact details: islandpanorama@gmail.com
Phone: +354 697 4179

Island Panorama Centre is a non governmental, non partisan, non profit and neutral centre based in Reykjavik, Iceland. It is an organisation that works to build a tolerant, non racial, non prejudiced, non discriminative society where social justice and equality exist for all. We are dedicated to humanitarian work, human and social rights of all and the importance of dialogue in peace solving missions. The main objectives of the centre is to build a tolerant, non racial, non prejudiced and non discriminative Icelandic society. We believe that free speech means being morally responsible in whatever we say or do. We therefore promote, encourage and campaign for diversity, inclusion, acceptance and understanding. Our aim is to educate, support and train society in this respect. We raise awareness and bring to focus the fact that various societal influences are often the biggest obstacles and barriers that prevent us from seeing the reality. We make it known that we have to free ourselves of these obstacles to avoid racism, discrimination, hatred, misunderstanding and prejudices.

We have been following the report on our country on the sessions of the OHCHR. It seems our government is still very much interested in preparing and presenting very impressive reports. Nothing has changed since the last report was made and the recommendations made by OHCHR to a large extent have not been implemented. Some of the issues were raised with one Chiara Pallanch who might not anymore be a staff of the commission. Nothing much came out of those observations as she showed lack of interest

Iceland of course is among the countries in the world where human rights in general seem to be well respected. Especially when it comes to gender rights and the those of women in society. However this does not mean we have nothing to worry about. The issue of asylum seekers is still very much a social problem as the waiting time is still painfully long. And the applicants are kept for a long time in the dark without any freedom to function normally in society. A lot still remains to be done on the possibilities of foreigners with university qualifications and useful working experiences to be able to work in the system with the knowledge they carry. The former high commissioner Ms. Pillay was in the country 4 years ago and probably saw a few things for herself. This current government and previous ones have always taken a rather relaxed approach on these issues. A lot of promises are made in official reports but the reality is that seldom are these promises implemented or activated. It's no secret that governments have always been impassive towards these issues. It's an age old problem that unfortunately is not changing. The reality of the situation is unreal to these ministers and other representatives of the government. Below are our recommendations

1. Iceland has still not established a specialised body to combat racism and discrimination based on "race", colour, language, religion, nationality or national or ethnic origin. The Multicultural and Information Centre, which is now responsible for providing assistance and services to immigrants, is located in the extreme north-west of the country; this means that most immigrants no longer have easy access to specialised support services. Changes to the Icelandic Nationality Act mean that the repeated commission of petty offences for which a

fine is prescribed can definitively exclude a person from obtaining Icelandic citizenship. While the conditions for citizenship now also include passing Icelandic language tests, funding for language classes for foreigners has been cut. The media frequently disclose the citizenship or ethnic origin of persons suspected of criminal activity although it bears no relevance to the case. One television channel and some Internet sites engage in hate speech against particular ethnic groups. Pupils of immigrant background have a significantly higher drop out rate from secondary school than Icelandic pupils. The authorities should complete the work on an anti-discrimination bill so that the law can be adopted as soon as possible. They should also establish a specialised body to combat racism and discrimination on grounds of "race", colour, language, religion, nationality or national or ethnic origin which could form part of a body with wider objectives in the field of human rights generally.

2. A criminal law provision should be introduced that expressly considers the racist motivation of an offence as a specific aggravating circumstance. The Icelandic Nationality Act should be amended so that the repeated commission of minor offences for which fines are prescribed does not automatically exclude a person from the possibility of acquiring citizenship. The authorities should complete the drafting of a bill on the integration of immigrants and pursue their goal of organising a large-scale campaign addressed to society at large to raise awareness about racial prejudice. They should return to their previous practice of providing language classes for non-Icelandic speakers at minimal costs for everyone or, preferably, free of charge. Efforts to reduce the drop out rate of pupils of immigrant background should be pursued. These pupils should be encouraged to continue educational or vocational studies at secondary level. Steps should be taken to monitor the Internet and prevent it from being used to disseminate racist or xenophobic comments and material. Media professionals should be invited to adopt provisions in their codes of self-regulation concerning the manner of reporting on the citizenship or ethnicity of suspects in criminal cases so as to avoid breeding a climate of hostility towards members of vulnerable groups. We strongly recommended that the Icelandic authorities ratify Protocol No. 12 to the European Convention on Human Rights without delay. Icelandic authorities must also ratify the European Social Charter (Revised), the UNESCO Convention against Discrimination in Education, the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.

3. Icelandic authorities must start work with a view to ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and we recommend that they ratify the Additional Protocol to the Convention on Cybercrime without delay. It has been regularly stressed by other European watchdog bodies the importance of Article E of the revised European Social Charter, enshrining the principle of non-discrimination in the enjoyment of the rights guaranteed thereunder. Moreover, the European Social Charter can also provide guidance in addressing issues related to the protection of and assistance to migrant workers and their families. Since Iceland has a growing immigrant population, the ratification of this instrument, as well as of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, would signal a firm commitment towards the integration of this section of the population. Ratification of the UNESCO Convention against Discrimination in Education would oblige Iceland to provide for the religious and moral education of children in conformity with their own convictions. The authorities are furthermore urged to strengthen the protection provided by the Icelandic Constitution against racism and racial discrimination. It drew the attention of the Icelandic authorities to its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, notably as concerns the need for constitutions to enshrine "the principle of equal treatment, the commitment of the State to promote equality as well as the right of individuals to be free from discrimination on

grounds such as race, colour, language, religion, nationality or national or ethnic origin”.

4. The Icelandic Constitution has not been amended. The authorities reiterated their conviction that Article 65 – which states that “Everyone shall be equal before the law and enjoy human rights irrespective of sex, religion, opinion, national origin, race, colour, property, birth or other status” - provides adequate protection against racism¹ and racial discrimination². It is considered that the article fails to provide for the right of individuals not to be “discriminated against by any public authority on any ground” such as those mentioned above, equivalent to that of Article 1(2) of Protocol No. 12 to the ECHR (a provision that supplements the protection provided by Article 1(1) of Protocol No. 12 which, similarly to Article 65 of the Icelandic Constitution, safeguards “the enjoyment of any right set forth by law without discrimination”).

It is also noted that a Constitutional Council of 25 persons was directly elected by the public in November 2010 and formally nominated by the Parliament to undertake a review of the Icelandic Constitution. The Council has three to four months, starting on 6 April 2011, to prepare a bill of amendments. Full and open participation of the public is envisaged throughout the process. However it is rather sad to observe that reinforcing human rights is not one of the eight priority areas, and we therefore seriously urge the Icelandic authorities to take this rare opportunity to strengthen the protection provided by the Constitution against discrimination on the grounds within an international mandate. We again draws attention to its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination which provides guidance and recommends again that the authorities strengthen the protection provided by the Icelandic Constitution against racism and racial discrimination.

- *Eligibility and voting rights for non-citizens*

5. It is also encouraged that the Icelandic authorities in their efforts to promote political participation of non-citizens and in particular to raise awareness among this part of the Icelandic population.

Secondly, applicants must now pass an Icelandic language test or be granted an exemption in order to obtain citizenship. The test is generally agreed to be relatively easy (level A2: elementary, under the Common European Framework of Reference for Languages) and according to the authorities about 90% of applicants pass. NGOs have noticed that specific groups of applicants, namely those from South East Asia, many of whom are either illiterate (this is not a ground for an exemption) or have little or no formal education, have particular difficulties meeting the language requirements and have a higher failure rate.

We encourages the authorities to ensure that literacy classes and courses for acquiring the necessary knowledge of the Icelandic language are widely available and accessible. In our work with authorities we have recommended that the Icelandic authorities take steps to improve the application of the criminal law provisions in force against racism and racial discrimination. It recommended in particular that they research thereasons behind the apparent lack of complaints, and take measures to address them, including measures to raise the awareness among potential victims of racism and racial discrimination of their rights and the legislation in force.

It points out, nevertheless, that there is no body in Iceland to which victims could turn to make complaints or seek assistance, other than the police, which could account to some extent for the apparent lack of reported racist incidents.

6. It has been strongly recommended that the Icelandic authorities introduce a criminal law provision that expressly considers the racist motivation of an offence as a specific aggravating circumstance and that, more generally, they keep the criminal law provisions in force against racism and racial discrimination under review and fine-tune them as necessary.

6. Another important recommendation that the Icelandic authorities should strengthen their efforts to ensure that all those involved in the criminal justice system, from lawyers to the police, prosecuting authorities and the courts, are equipped with thorough knowledge of the provisions in force against racism and racial discrimination and fully aware of the need to counter actively and thoroughly all manifestations of these phenomena. We recommended that the Icelandic authorities strengthen their efforts to provide law enforcement officials with good quality training in human rights and non-discrimination and that they strengthen provision of specific training to raise their sensitivity to cultural diversity in dealing with people of different backgrounds. It is a sad fact that there is little or no specific training given to those involved in the criminal justice system on the legal provisions in force against racism and racial discrimination. Basic training for police at the Icelandic Police College includes courses on human rights and addresses questions of racism and racial discrimination as well as cultural diversity. Border police receive training on issues related to dealing with foreigners. It has been pointed out that the lack of sufficient relevant training for serving police, prosecutors, judges and lawyers and knowledge of how to identify racist motivation could account for the non-application of the above-mentioned criminal law provisions. It considers that the fact that this type of crime is very rare in Iceland is not a justification for devoting little attention to it in the training of actors in the criminal justice system

7. And as for assistance to foreign women who experience abuse it is important to note that quite a number of these women have no knowledge of such assistance. And even where they know the fear of losing their rights to stay in the country prevents them from coming forward with complaints. They often are forced to return to their violent homes due to lack of appropriate and secure abodes. Civil society or NGOs involved in acts to prevent and educate on racism, discrimination, xenophobia and cyber hate are ignored by the authorities when it comes to funding. The recommendations from these NGOs are also often ignored. Especially when the NGO involved is a critic of government apathy and inaction on these issues. It is also of interest to acknowledge that Nepotism is a cancer that has for years depicted Icelandic political and social life. Where knowing the right person or having the appropriate connection somewhere normally ensures getting what one wants. This is the reason why we are here as a neutral NGO to give a non-biased opinion on issues affecting our society.