

Mr Chairman, distinguished members of the Committee.

We are honoured to attend this meeting on behalf of the Government of Iceland and we also appreciate the opportunity given to us by the Committee to clarify some issues relating to the report.

First, we will review shortly the main measures and developments stated in the report and more recent measures where appropriate.

Second, we will discuss the compliance with the conclusions and recommendations of the Committee following the combined seventeenth and eighteenth periodic report.

With your permission Mr. chair I would now like to give the floor to the legal expert for the introduction of the report.

As mentioned in paragraph 11 of the report, the Icelandic Government adopted for the first time a policy on the integration of immigrants in January 2007. The overall aim is to ensure, as far as possible, that all persons resident in Iceland have access to the same opportunities and can play an active part in all segments of society.

According to paragraph 15 of the report an Immigration Council was established in 2005. Its main functions are to discuss the principal issues relating to immigrants' integration to Icelandic society. It acts in an advisory capacity to the Government in connection with policy making. The council main objectives for the year 2010 are to advise on a bill on integration of immigrants. Priority should be given to having

the bill address only those matters that have a bearing on immigrant's integration and are not covered in other legislation. Amongst other projects which the council is working on is the second edition of a revised information brochure for immigrants that have recently moved to Iceland. Furthermore, the Immigration Council is in charge of the Development Fund for Immigration Issues which is discussed in paragraph 128 of the report.

As stated in paragraph 17 of the report, a new Refugee Committee was established in 2005 to deal with the same issues as those formerly handled by the Refugee Council. The Minister of Social Affairs appoints the Refugee Committee for a term of five years at a time. Since 1996 Iceland has received "quota" refugees annually or every other year as a part of the UNHCR Resettlement Programme. Since 2005 the resettlement program in Iceland has received refugee women and children under the definition *Women at Risk* within the UNHCR program.

In 2007 the Ministry of Foreign Affairs and the Ministry of Social Affairs (now the ministry of social affairs and social security) announced the establishment of an annual quota of 25 to 30 refugees. That year Iceland received 30 individuals from Columbia and in 2008 a total of 30 Palestinians from Iraq arrived. In the fall of 2008 Iceland experienced a grave financial recession which has resulted in serious budget cuts in all areas. Among these were the allocations provided for the reception of "quota" refugees in 2009 and 2010 and therefore Iceland has been unable to invite "quota" refugees to resettle in the country.

In paragraphs 23 and 88-93 of the report it is stated that the Minister of Justice and Ecclesiastical Affairs (Now Minister of Justice and Human Rights) presented a bill to the Parliament in January 2008 to amend the Act on Foreigners. The amendment

Act was passed by Althingi on 30 May 2008 and entered into force 1 August 2008. As explained in the report the act proposed certain amendments to take account of the experience gained by the application of the Act on Foreigners and Iceland's undertakings under the EEA Agreement and the Schengen Cooperation. In this regard mention should be made to a an amendment to the bill which stipulated that if a marriage, registered partnership or cohabitational relationship was dissolved because the foreign national or his or her child had met with abuse or violence in the relationship a temporary residence permit granted in order to reunite families could be extended. The same amendment was made to the Foreign Nationals' right to work act but as stated in paragraph 23 and 96 of the report the Minister of Social Affairs presented an amendment bill to the *Althingi* in January 2008. The main aim of the bill was to clarify the Act, to make its application more effective and to ensure active monitoring on compliance. The bill was passed in Althingi on 29 May 2008 and entered into force 1 August 2008.

As explained in paragraphs 97 and 98 of the report a temporary-Work Agency Act was enacted in December 2005. Before that time no legislation had existed in this area in Iceland. One of the aims of the Act was to guarantee that foreign workers would enjoy social rights on the same basis as Icelanders and to protect the rights of those employed by temporary-work agencies. Furthermore, it is stated in paragraph 99 that the Act on the Legal Status of Employees Working Temporarily for Foreign Enterprises in Iceland was replaced by the Act on the rights and obligations of foreign undertakings that post workers temporarily in Iceland, and on their workers' terms of employment. The Act applies to companies which are established in other states within the EEA, EFTA or the Faroe Islands and send workers to Iceland on a temporary basis in connection with the provision of services, and to temporary-work agencies.

As stated in paragraph 100 of the report the Legal Domicile Act was amended in 2007 as to make it illegal to register an individual's legal domicile in premises in an area which is designed for commercial purposes. However, residence may be permitted in workers' residences, with their domiciles being registered there, if the requisite permits are obtained from the authorities.

As stated in paragraph 101 of the report the Icelandic Nationality Act was amended in 2007 where the conditions which foreign nationals must meet in order to be granted permanent residence permits in Iceland under the Foreign Nationals Act were brought into line with the conditions which they must meet in order to be granted Icelandic citizenship. Furthermore, new conditions were set for the granting of Icelandic citizenship. These include a requirement that the applicant be solvent and have passed a test in Icelandic according to requirements issued by the minister in the form of a regulation.

Courses in Icelandic as a foreign language are held across the country by a varied group of qualified teachers. The courses have been successful and they have been praised in the surveys and reviews conducted. In a significant number of cases, studies take place during the participants' working hours, but otherwise after work and in the evenings.

Regarding paragraph 105 of the report where it is stated that in January 2008 the Minister of Social affairs appointed a working group to examine methods of producing and applying a comprehensive plan of action against trafficking in human beings there have been some developments. In March 2009 the Icelandic Government approved the first Governmental Action Plan against trafficking in

human beings. The Action Plan contains 25 actions aimed at combating THB and it is in effect until the end of 2012. As of 1 October 2009 the overall internal responsibility for trafficking in human beings falls within the Ministry of Justice which has shortly after established a specialist and co-ordination team to supervise matters regarding human trafficking in Iceland. The team is comprised of representatives from relevant ministries and state agencies, including police and The Directorate of Immigration, as well as NGOs.

As stated in paragraph 120 of the report the Minister of Education, Culture and Science presented three bills to the *Althingi* in November 2007 addressing children's education from the pre-school level to the end of secondary school: one on pre-school education, one on primary schools and one on secondary schools. These bills took account of changes in society and employment, family structures and the growing numbers of people whose language is not Icelandic, and also the multicultural diversity of school pupils. Furthermore, they emphasised that education should be pitched at the level of the individual which was believed to be of great benefit to children whose mother tongue is not Icelandic. The bills were passed by the *Althingi* in May 2008 and entered into force 1 July 2008.

As we now turn to the issue of compliance with the Committee's main recommendations regarding the seventeenth and eighteenth report of Iceland, we will focus on five subjects, the one regarding the recommendation on the Convention being incorporated into Icelandic law, the recommendation that direct measures are taken to prevent racial discrimination and to that effect that adoption of comprehensive anti-discrimination legislation will be considered, the recommendation that legal safeguards to prevent breaches of the labour rights of temporary foreign workers are strengthened, the recommendation that the burden of

Regarding Concluding observation relating to article 2, a reference is made in the report to article 65 of the Icelandic constitution and two other provisions that are

rights conventions shall be fully incorporated into the domestic legislation. governments policy document where it is stated that ratified international human the Child is in process and that the incorporation is in accordance with the coalition It is worth to mention that the incorporation of the UN Convention on the Rights of

guaranteed in practice and through jurisprudence in Iceland. Icelandic legislation the legal protection resulting from its provisions are Elimination of All Forms of Racial Discrimination has not been incorporated into Therefore there should be no doubt that even though the Convention on the

number of judgments delivered. reference has been made to international human rights conventions in a large Constitution in accordance with international human rights agreements and considerable lengths to interpret the provisions of Icelandic law and the even if they have not been directly incorporated. Icelandic courts have gone to have substantial influence on Icelandic legislation and the application of the law international conventions that Iceland is a party to. The international agreements international law, to ensure that domestic law is not at variance with the As explained in paragraphs 25 to 31 of the report Iceland is obliged, under

considered. national human rights institution in accordance with the Paris principles will be Icelandic General Penal Code and the recommendation that the establishment of a proof is reversed in cases relating to possible violation of Article 180 of the

intended to ensure equality of individuals and to prevent racial discrimination in Iceland. Instead of adopting comprehensive legislation against racial discrimination, Iceland has sought to tackle the problem by enacting legal provisions banning discrimination and by general and specific measures in various fields as to guarantee and improve the position of foreign nationals in Iceland. In 2010 various projects are on the agenda with the aim to raise awareness on the issue and prevent racial discrimination.

Regarding Concluding observation relating to article 5(e)(i) of the Convention mention should be made to the amendments to the Foreign Nationals' Right to Work Act in 2008. Since that time the temporary work permits are issued in the name of the foreign worker in each case. On the permit reference is made to the employer who applies for the permit on behalf of the foreign worker. A new temporary work permit may be granted in connection with the employment of the foreign worker by another employer than the one to which the previous permit applied. In a case involving a change in employment an emphasis is put on prompt handling of the case in question in order to minimise the inconvenience caused to the applicant.

This arrangement is considered to enable the Government and the trade unions to better monitor and ensure that foreign workers are not treated unfairly in the domestic labour market, since the employer named in the permit is obliged to ensure compliance with current laws and collective agreements. In this connection special mention is made to the fact that under Icelandic law wages and other terms of employment agreed on in collective bargaining between the workers' and employers' federations are minimum terms for all wage-earners. Agreements providing for lower wages or poorer terms are consequently invalid.

In its concluding observations the committee suggested that the burden of proof in such cases would be reversed so that once an individual has established a prima facie case that he or she has been a victim of a denial of service, it shall be for the respondent to provide evidence of an objective and reasonable justification for the differential treatment. In this regard it should be noted that in paragraph 60 of the

Regarding concluding observation relating to article 5(f) of the Convention it should be mentioned that in 2009 a situation testing was carried out in this regard and the results indicate that even though the national penal code prohibits discrimination in access to public places, staff and business owners in the hospitality industry seem not to be fully aware of it and more importantly that these cases are not being reported to the police authorities. Accordingly *Training for employers and staff in the hospitality industry* is one of the projects on the agenda for 2010 combating discrimination. The Project entails anti-discrimination training in the approximately 250 establishments with liquor license in Reykjavik. The project will serve as a model for other municipalities. Short training sessions will be held in each location and a small advertisement campaign will be conducted with informational postcards, pamphlets and posters printed.

The Directorate of Labour has taken special measures to exercise supervision of workplaces where foreign workers are employed. In 2007 the Directorate ran a campaign entitled "all out in the open" which was designed to ensure that operations of foreign companies active in Iceland were in conformity with Icelandic law and that domestic employers respected the rights of foreign workers on the domestic labour market. The results of the campaign were good and its aims were achieved in the case of the companies it covered.

report reference is made to the Code on Civil Procedure where in fact it should have been made to the Code on Criminal Procedure since a violation of a provision of the General Penal Code is subject to prosecution according to the Code on Criminal Procedure. We regret the mistake in translation and hope that it does not cause any undue inconvenience or misunderstanding.

According to the Icelandic constitution everyone charged with criminal conduct shall be presumed innocent until proven guilty and accordingly the Code on Criminal Procedure stipulates that the burden of proof in criminal cases rests with the prosecution authorities. The presumption of innocence is a fundamental principle in Icelandic law and therefore any exceptions from it must have undergone a thorough investigation and discussion where the importance of what is at stake is taken into account as well as the rights of the defendant. Such amendments are not foreseen regarding article 180 of the General Penal Code.

Regarding the concluding observation referring to national human rights institutions the report referred to the many institutions and organisations that are directly charged with human rights protection.

Furthermore, it should be made known that in 2009 the Government of Iceland changed the name of the Ministry of Justice and Ecclesiastical affairs to the Ministry of Justice and human rights, where a special division, named legal affairs and human rights, now deals with these issues.

Mr. chairman.

We have now finalized our introduction on the combined nineteenth and twentieth periodic report of Iceland. We hope that this has cast some light on the developments in Iceland regarding this Convention.

Thank you