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Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1

Iceland*

The present report is a summary of 5 stakeholders' submissions[1] to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to United Nations translation services.

I. Background and framework

A. Scope of international obligations

1. JS1 recommended that Iceland ratify: OP-CAT, CRPD, CRPD-OP and OP-ICESCR as soon as possible, and CED.[2] The European Commission against Racism and Intolerance (ECRI)[3] and JS1[4] recommended that Iceland ratify ICRMW.

B. Constitutional and legislative framework

2. In 2007, ECRI reiterated an earlier recommendation that Iceland consider the incorporation of human rights instruments, other than the European Convention on Human Rights, into the domestic legal system.[5]

3. JS1 explained that the Constitution was up for review. While the Supreme Court declared the election for the Constitutional Assembly null and void due to irregularities in the election process, those elected to the Constitutional Assembly would be offered a seat in the Constitutional council, which was formed by the Government to prepare a proposal for a revised Constitution.[6]

4. JS1 noted that torture was still not considered a specific crime in the Penal Code (19/1940).[7]

5. JS1 stated that the Government planned a holistic review of the legislation regarding persons with disabilities, which was expected to be finished in 2014.[8]

C. Institutional and human rights infrastructure

6. JS1 reported that the Icelandic Commission for Equality and Human Rights (ICEHR) had assumed the functions of a national human rights institution, though its powers, independence and financing were not established by statute. However, the Government's financial contributions did not satisfactorily sustain the ICEHR's operations and functions and that it had to seek monetary support from other sources.[9]

7. ECRI strongly recommended that Iceland establish a specialized body to combat racism and racial discrimination at the national level and that it be independent and accountable.[10]

8. Blat Afram (BA) suggested that the child services should be united in a country-wide institution. All reports of child sexual abuse should be directed to that institution, which would ensure more professional and effective working procedures, follow-up, cooperation and coordination with other institutions.[11]

D. Policy measures

9. JS1 considered it important that the research on the status of immigrant women, prescribed in the Action Plan on Gender Equality issues 2010-2014, be prepared as soon as possible.[12]

10. ECRI suggested that Iceland consider making human rights a compulsory subject at both primary and secondary education. It also recommended that intercultural education be effectively implemented in practice as a school policy.[13]

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

Cooperation with treaty bodies

11. JS1 explained that the Ministry of the Interior oversaw legislative amendments directed towards the fulfilment of international obligations and was in charge of reporting to Committees.[14]

B. Implementation of international human rights obligations

1. Equality and non-discrimination

12. JS1 reported that Icelandic legislation mostly covered discrimination on gender-based grounds.[15] In 2008, CoE-ESC stated that legislation prohibiting discrimination in employment on grounds other than sex was inadequate.[16] JS1 pointed out that Iceland claimed the top spot of the World Economic Forum's Global Gender Gap Index in 2009. The Icelandic Parliament had passed a law on gender quotas on corporate boards. Companies with more than 50 employees must have at least 40 per cent of a sex represented on their boards by September 2013.[17]

13. ECRI pointed out that there was no comprehensive civil and administrative body of anti-discrimination legislation in Iceland covering all fields of life, from employment to education, housing, health, etc.[18]

14. According to ECRI, immigrants often found themselves in a situation of excessive dependence on their employers, which, coupled with limited knowledge of the Icelandic language and awareness of their rights, exposed them to a higher risk of exploitation and discrimination.[19]

15. CoE-ESC concluded that Iceland was not in conformity with the Charter as there was no legislation explicitly protecting persons with disabilities from discrimination in education and training.[20] According to JS1, persons with disabilities habitually suffered discrimination with respect to, inter alia, the right to education, housing and participation in public life and made up a large part of those running a risk of living in poverty. The Supreme Court had held, in a small number of cases, that the level of social assistance provided to persons with disabilities was incompatible with the equality provision of Article 65 of the Constitution. JS1 suggested that more residential services for people with mental and intellectual disabilities are needed as well as increased vocational training support.[21]

16. JS1 stated that no definition of the term "transgender" was available under the law, legal provisions relating to transgender issues were practically non-existent and there was no case law on the issue. A recent Opinion of the Parliamentary Ombudsman had highlighted the lack of a legal framework and called for legislation in order to protect the rights of transgendered people.[22]

2. Right to life, liberty and security of the person

17. JS1 was concerned that legislation and information on constraining measures applied in psychiatric hospitals and institutions for persons with disabilities was very limited.[23] The European Committee on the Prevention of Torture (CPT) recommended that Iceland amend the existing legislation with regard to the review of involuntary placements in psychiatric establishments; review the legislation on treatment of involuntary psychiatric

patients without their consent; and organize regular visits to psychiatric establishments by an independent body.[24]

18. According to JS1, the prison system was still using a substandard jail, Hegningarhúsið in the city centre of Reykjavik, which was built in 1874, where the 16 individual cells lacked toilets and sinks.[25]

19. JS1 reported that the prison system had been deprived of adequate resources resulting in an increasing number of sentenced criminals walking the streets because of lack of room for them in the prisons. The State Prison and Probation Administration had started prioritising the cases according to the severity of sentences and the nature of the crime. Currently there were only three prisons in Iceland that fulfilled the Standard Minimum Rules for the Treatment of Prisoners, especially regarding the separation of juvenile and adult prisoners and the separation of untried prisoners from convicted prisoners. Furthermore, prisoners had been detained in jail cells at the local police stations for days and even weeks, in accommodation, which allegedly did not meet the requirements of article 10 of ICCPR.[26]

20. According to JS1, domestic violence was a serious concern in Iceland.[27] Gender-based violence was a constant problem, even more so after the recession, with more women seeking assistance at the Women's Shelter, from the Police and other assistance organizations. JS1 reported on claims that women hesitated to leave their abusive husbands for fear of not being able to sustain themselves financially. A new Act on Restraining Orders made it easier to take measures against violent partners/stalkers, as the police had to decide on a restraining order request within three days. However, there were still complaints that measures against perpetrators were few and ineffective.[28] JS1 urged the authorities to maintain a high focus on domestic violence and to work towards more effective remedies for victims.[29]

21. Concern about the position of immigrant women who were victims of domestic violence was expressed by ECRI, in 2006.[30] JS1 reported that in 2010 over 36 per cent of all women seeking counselling and assistance from the Women's Shelter in Reykjavík and 64 per cent of all women staying at the shelter were immigrant women. The plight of immigrant women was often more serious than that of Icelandic women as they often lacked support systems and did not know their rights.[31] ECRI encouraged Iceland to strengthen efforts to reach out to immigrant women, inform them of their rights and provide them with opportunities to learn the Icelandic language and to participate in society.[32]

22. According to JS1, some immigrant women feared being sent back to their home country, if they had not obtained a permanent residence permit.[33] ECRI, in 2006, had strongly recommended that Iceland ensure that foreign women who are victims of domestic violence are not forced to stay in violent relationships to avoid deportation.[34] In 2011, JS1 drew attention to the stipulation in the Act on Immigrants that, should a marriage/cohabitation/registered partnership end due to violence, the family reunification permit may be extended if the violated person has not already obtained a permanent residence permit.[35]

23. The Ombudsman for Children (Children's Ombudsman) noted that domestic violence had a prolonged and serious impact on children, whether it was directed at the children or someone close to them.[36] JS1 referred to a recent study, which revealed that children in situations of domestic violence were not treated as individual victims if they themselves were not suffering physical abuse.[37] In the case of children living in violent conditions, the police protocol concerning reporting only applied to those who were being physically abused and did not apply to a child witnessing such abuse. According to JS1, the interests of adults were placed before those of children.[38] JS1 recommended securing

adequate education and training for all professionals working with children that include compulsory curricula regarding children in crises.[39]

24. According to the Children's Ombudsman, a study of rulings in custody cases revealed that domestic violence had limited impact on the assessment of a parent's eligibility for custody as well as when assessing a child's visits to the second parent. Access was almost always deemed best for the child, irrespective of the behavior or circumstances of the parent concerned. Given the limited impact that domestic violence had on decisions concerning custody and visitation, the Children's Ombudsman concluded that there was reason to doubt that children were guaranteed adequate protection against violence in the implementation of Icelandic law.[40]

25. BA referred to the Child Services Act (CSA), according to which it was a duty to report suspicion of a child suffering violence or abuse to the child services and stated that many hesitated to report. BA stressed the need for additional training and encouragement of unconditional reporting.[41] JS1 referred to reports that there were about 200 cases annually where suspicion of sexual abuse of children was reported to child protection services. Sexual abuse was confirmed in about half of them. Very few led to prosecution and even fewer to conviction. JS1 was concerned that no preventive measures were coordinated by the Government, but rather prevention was left to non-governmental organizations with limited or no support from the Government.[42] BA noted that there were no organized programmes for educating on child sexual abuse neither for school staff nor for children.[43] BA suggested that education about child sexual abuse and prevention should become a formal part of the curriculum in faculties training teachers and other professionals working with children, as well as for faculties training health professionals, lawyers and police officers.[44]

26. Iceland was a destination country for sex-trafficking, stated JS1.[45] The Penal Code had been amended and the definition on trafficking was harmonized with the Palermo Protocol. Trafficking for the purpose of sexual exploitation, forced labour and organ removal was penalized.[46] An Action Plan against Trafficking had been approved. A law had been passed, banning the purchase of sexual services and strip clubs. The first case prosecuting sex buyers resulted in fines. According to JS1, the offenders were granted anonymity, which severely diminished the preventive effect of the legislation.[47]

27. JS1 noted that an amendment was made to the Act on Foreigners, granting victims of human trafficking a reflection period for six months. Also, if special circumstances applied or due to cooperation with the police, a renewable one-year permit could be granted to a victim of human trafficking. That permit was not the basis for a permanent residence permit.[48]

3. Administration of justice and the rule of law

28. The Children's Ombudsman highlighted that very few criminally liable children were in prison in Iceland. Nonetheless, a cause for concern was when children in prison were not separated from adult prisoners.[49] JS1 underlined that the separation of juveniles from adult prisoners was not obligatory under Icelandic law.[50] The Ombudsman stated that the Prison and Probation Administration and the Government Agency for Child Protection (GACP) made an agreement that children who had been sentenced to prison shall serve their sentences in treatment homes, subject to the consent of the child concerned and subject to a GACP treatment home's ability to receive the child. This arrangement did not always ensure that children were separated from older prisoners.[51] JS1 was concerned that such measures were not enough to serve the best interests of those children.[52] JS1 noted that these matters were currently being reviewed by the Ministry of Interior.[53]

29. Reference was made to the HR Committee's concern that the number of reported rapes in Iceland was high in comparison to the number of cases prosecuted, with JS1 expressing great concern that the situation had not changed and that the conviction rate in cases of sexual violence or abuse against children was also very low and relatively few cases were brought to court each year. In the years 2006-2009 over 70 per cent (105 out of 155) of all rape cases reported to the office of the Director of Public Prosecutions were terminated. The percentage of dropped charges in rape cases was considerably higher than in other criminal offences, e.g. in 2006 only 40 per cent of charges for other criminal offences were terminated compared to 69 per cent of rape charges. In recent years there had been an increase in reported rapes but this had not led to more convictions. JS1 alleged that in 2010 the head of the Sexual Offence Division of the Reykjavik Metropolitan Police and the Director of Public Prosecutions both made inappropriate comments in the media regarding sexual offences.[54] JS1 further noted that, due to budget cuts in the health care system, the services of the Centre for Victims of Sexual Violence at the Emergency Department of the National University Hospital had diminished.[55]

30. ECRI recommended that Iceland improve the implementation of the criminal law provisions against racism and racial discrimination and in particular that it researches the reasons behind the apparent lack of complaints, and take measures to address them. ECRI recommended that all those involved in the criminal justice system are equipped with thorough knowledge of the provisions against racism and racial discrimination. It also recommended the introduction of a criminal law provision that expressly considers the racist motivation of an offence as a specific aggravating circumstance.[56]

31. ECRI invited Iceland to consider the establishment of an independent mechanism, separate from police structures, for investigating allegations of police misconduct, including racist or racially discriminatory behaviour.[57]

4. Right to privacy, marriage and family life

32. Although Iceland had made recent changes to its 1999 Adoption Act, JS1 was concerned that there was no provision for situations where a child was illegally sold for adoption or came to the country under false pretences or had not been adopted through legal channels. JS1 also considered that the provision for human trafficking in the General Penal Code did not afford enough protection to children who were sold for illegal adoption.[58]

33. JS1 welcomed the amendments adopted in 2008, which removed the requirement that a person had to be 24 years old for residence permits based on marriage in Article 13 of the Act on Foreigners. However, JS1 found the new paragraph stipulating an investigation of all married couples in which one of the individuals was 24 years of age or younger overly onerous, and raised questions in relation to the right to marriage and respect for private and family life. JS1 considered that an investigation should only take place if there were reason to believe that marriage had not been entered into willingly by both partners.[59]

34. According to JS1, disabled children that needed to be removed from their parents were put in supported foster care, which was only a temporary solution. Foster parents did not receive any special training equipping them to deal with complex disabilities.[60]

35. Concerned about the possible future effects of the economic crises and given a recent increase in reported cases of child neglect, JS1 recommended that the Government be alert and ready with solutions and measures to assist affected children and their parents.[61]

5. Freedom of religion or belief

36. JS1 explained that The Evangelical Lutheran Church of Iceland was the state church and thereby the one religious denomination to which the Constitution awarded special

privileges and protection.[62] Siðmennt, the Icelandic Ethical Humanist Association (IEHA) described the provisions of Articles 62 and 65 of the Constitution as contradictory, allowing the Government to discriminate against other religions and life- stances. Article 62 providing that the Evangelical Lutheran Church shall be the state church and the Government shall therefore support and protect it. Article 65 providing that everyone shall be equal under the law and be guaranteed human rights regardless of gender, religion, opinions, ethnic origin, race, economic status, or other position. IHEA stated that the Constitution needed to be changed.[63]

37. JS1 reported that there were 37 other registered religious organizations and one secular life-stance organization. The Government collected church taxes and distributed funds to registered religious organizations. Non-religious life-stance organizations like Siðmennt (Humanists) were not supported financially and did not have equal legal status as religious life stance organizations, despite offering similar services.[64] According to IEHA, church taxes were collected from all citizens even if they were not members of a church.[65]

38. IEHA alleged that there was religious indoctrination in public schools.[66] JS1 reported that representatives of the Gideon Association visited classrooms and distributed the New Testament to all children, whether they were Christian or not and in some instances conducted public prayers.[67] IEHA and JS1 reported on State church priests and deacons' visiting public nursery and primary school classrooms and introducing Christian beliefs to children, which, according to IEHA, was often done without parental knowledge or permission. IEHA and JS1 indicated that school children were taken to churches and participated in religious ceremonies.[68] According to IEHA, clergy were most often called into schools after accidents or deaths, even though more qualified professionals such as psychologists and social workers, were not brought in as often.[69]

39. IEHA stated that the majority of primary schools arranged two-day trips or sometimes longer, in close cooperation with the state church for 13 year olds who were going to be confirmed in the state church. IEHA alleged that these trips were taken during school time, teaching was canceled and children who were not getting confirmed in the state church were almost always left with no teaching or alternative activity.[70]

40. JS1 referred to the school curriculum, which stated that the moral values of Icelandic society originated in Christianity. JS1 reported on recent public debate regarding that phrase, but no change had been made to it.[71]

41. In 2006, ECRI reiterated its recommendation that the Icelandic authorities ensure that children who do not wish to attend classes in "Christianity, Ethics and Religious Studies" are provided with alternative classes and ensure that all children are given genuine opportunities to learn about different religions and faiths.[72]

6. Right to work and to just and favourable conditions of work

42. JS1 referred to complaints made about difficulties encountered in obtaining employment past the age of 55–60. An issue that did not appear to be a major problem, due to the low unemployment rate, prior to the recession. JS1 was concerned that unemployed people over 50 years of age would have a hard time re-entering the labour market. JS1 also highlighted that, due to the recession, many pension funds had to lower monthly payments to pensioners by up to 20 per cent, and the amount pensioners could earn without it affecting their pension had recently been lowered, resulting in diminished living standards for the elderly.[73]

43. The gender pay gap was still considerable, noted JS1. It referred to a survey conducted in 2008 showing an overall gender pay gap of 16.3 per cent.[74] The European Committee of Social Rights (CoE-ESC) noted that the pay difference was greater among people working in the private sector and even greater among those employed outside the

greater capital area.[75] CoE-ESC referred to a new Act (10/2008) on the equal status and rights of women which reiterated companies' obligations with regard to gender equality in the areas of pay, working conditions, vocational training and leave. Under the new legislation, the Complaints Committee on Gender Equality could give binding decisions.[76] CoE-ESC noted that the 2008 Act authorized pay comparisons with regard to the same employer but not between employers[77] and results that this situation was not in conformity with the Charter.[78]

44. CoE-ESC noted that Icelandic law did not address the rights of individuals who believed that their rights to demand reinstatement with the same employer had been violated. CoE-ESC concluded that the situation was not in conformity with the Charter on the grounds that the law made no provision for declaring a dismissal null and void and/or reinstating an employee in the event of a retaliatory dismissal connected with a claim for equal pay.[79]

45. Regarding prohibition of discrimination in employment, CoE-ESC stated that Iceland was not in conformity with the Charter on the grounds that certain occupations (primary school teacher, pharmacist and operator of an industrial, craft or factory facility), which were not inherently connected with the protection of the public interest or national security and did not involve the exercise of public authority, were restricted to Icelandic or EEA nationals.[80]

46. With respect to reasonable working time, CoE-ESC concluded that the situation in Iceland was not in conformity with the Revised Charter on the grounds that social partners can agree to extend daily working time to 16 hours in various occupations; and that working hours for seamen may go up to 72 hours per week.[81]

47. Concerning reasonable notice of termination of employment, CoE-ESC concluded that the situation in Iceland was not in conformity with the Charter on the ground that two weeks' notice period for employees with more than six months' service, covered by the collective agreement between the Confederation of Icelandic Employers and Skilled Construction and Industrial Workers, was not reasonable.[82]

7. Right to social security and to an adequate standard of living

48. JS1 referred to claims that the social benefit system did not serve its purpose. Although most needy families with children received some kind of assistance, it did not meet essential living costs. JS1 stated that benefits did not help people out of poverty, allegedly because the welfare system was rather small and lacked coordination and cooperation among welfare organizations on a municipal and governmental level.[83]

49. Regarding social security of persons moving between States, CoE-ESC noted that the retention of accrued benefits was not guaranteed where persons moved to States Parties not bound by Community regulations or by an agreement with Iceland. CoE-ESC also found that nationals of States Parties not covered by Community regulations or not bound to Iceland by bilateral agreement did not have the possibility of accumulating insurance or employment periods completed in other countries. CoE-ESC concluded that the situation in Iceland was not in conformity with the Charter.[84]

50. The Children's Ombudsman considered it most important to rectify the current economic situation in Iceland and budget cuts that negatively affected children. The Ombudsman pointed out that, in accordance with article 3 of the CRC, the best interests of the child shall always take precedence in decision making concerning children. Consequently, the authorities must seek other means of cutting costs before curtailing services to children.[85]

51. Regarding the health care system in Iceland, the Children's Ombudsman, indicated that among the areas needing improvement were dental health services, psychological services, professional psychiatric services, and speech therapy services. The healthcare system had been subjected to major budget cuts, and further cuts were proposed. It was concerned about the adverse effects particularly on children in rural areas, persons with disabilities, and children from vulnerable groups.[86] Similar concerns were raised by JS1.[87]

52. JS1 referred to the report of the National Audit Office showing that there was no holistic policy of services for persons with disabilities. It also stated that financial resources had not accorded with regular estimates of demands for services. JS1, while welcoming the transfer of services from the Government to the municipalities to bring them closer to the recipients, was concerned that the lack of monitoring and holistic policies would increase the risk of services not being equally distributed to all recipients.[88]

8. Right to education and to participate in the cultural life of the community

53. The Children's Ombudsman was concerned about budget cuts in the school system and its negative effects on children. Reference was made to cuts in both pre-schools and primary schools, including reductions in staffing, merging of class groups, and cancellation of courses. Cuts had especially negatively affected those who needed special support. The Ombudsman was concerned that this would increase dropout rates and be inconsistent with the authorities' policy of reducing the dropout rate in upper secondary schools, which was among the highest in Europe.[89]

54. Children's Ombudsman referred to reports that facilities for children with special needs within the school system were inadequate and expressed concern that those children would receive less attention and poorer services than before.[90]

55. Regarding immigrant children, JS1 reported that the Acts on compulsory and secondary school stipulated that every school had to prepare a receiving plan for children with another mother tongue than Icelandic. However, it noted that provisions and services for immigrant students varied greatly from one school to another. The situation of children who did not have sound knowledge of any language, neither their native tongue nor other languages was considered especially difficult. It was of great concern that a high percentage of immigrant children dropped out of school after finishing compulsory education. Immigrant children were also more at risk of becoming socially isolated or formed groups that coexisted in conflict with other immigrant groups or groups of Icelandic children.[91]

56. In 2006, ECRI recommended that Iceland improve the opportunities for non-Icelandic mother tongue pupils to learn Icelandic as a second language in schools at all levels, and particularly at secondary level. ECRI encouraged Iceland to improve the availability of teaching of pupils' mother tongues other than Icelandic; and Iceland's efforts to address the situation of disadvantage of secondary students of immigrant background, including their disproportionately high drop-out rates.[92]

9. Minorities and indigenous peoples

57. In 2006, ECRI encouraged Iceland to impress on the media the need to ensure that reporting does not contribute to creating an atmosphere of hostility and rejection towards members of any minority group, including immigrant, Muslim or Jewish communities; and to engage in a debate with the media and members of other relevant civil society groups on how this could best be achieved.[93]

58. ECRI recommended that the application for the building of a Mosque and Muslim cultural centre be examined without further delay. It encouraged Iceland to ensure, in close consultation with the concerned community, that Muslims enjoy adequate premises to practice their religion.[94]

10. Migrants, refugees and asylum-seekers

59. JS1 pointed out that the Icelandic population had changed from a largely homogenous and mono-cultural one to a multicultural one in just over a decade. In January 2010 there were 21,701 foreign nationals residing in Iceland representing about 6.8 per cent of the total population of 317,630. Since the economic crises there had been a decrease in the immigrant population which had consisted largely of single men coming to work in construction.[95] Since the recession started, foreigners from countries outside the EEA coming to Iceland on a family reunification permit did not get work permits. This situation created a group of people forced to live on one wage, which JS1 considered to be discriminatory and a poverty trap.[96]

60. According to JS1, most immigrants were still active in the labour force and held low paid and gender-segregated jobs and often worked only with other foreigners. Thus, social inequalities, based on ethnic differences and sex, were maintained. Lack of interaction with Icelanders made it difficult to learn the language and become familiar with local habits and social structures. This was of concern as there were indications of growing racism and xenophobia. A typical form of indirect discrimination was when fluent Icelandic was demanded from a jobholder, while possibilities to learn the language remained somewhat problematic.[97]

61. ECRI made recommendations regarding the need to reduce the exposure of immigrants to exploitation and discrimination by reviewing the system for granting work permits[98] and by providing them with adequate opportunities to learn Icelandic and access interpretation services.[99] ECRI also encouraged Iceland to take steps to: ensure that immigrants gain access to professions reflecting their educational level and professional experience; improve recognition of foreign diplomas and qualifications; and raise awareness among employers of racial discrimination and how to avoid it.[100]

62. JS1 explained that those applying for citizenship had to take an Icelandic language test and those who failed to meet the requirements were not granted citizenship unless Parliament granted them an exception.[101] JS1 expressed concern about the risks of triple discrimination in terms of origin, sex and little or no education. There were many immigrant women who were illiterate or semi-illiterate and were unable to acquire reading and language skills in a manner that allowed them to maintain their full human dignity. The children of those women were especially vulnerable entering the Icelandic educational system.[102]

63. ECRI noted that from 2002 to 2005 about 350 asylum applications were received and that none of those applicants were granted refugee status and that 10 persons were granted humanitarian status in the period 2002–2004.[103] ECRI made recommendations on the need to improve asylum seekers' access to free legal aid and to an impartial and independent appeals mechanism;[104] and recommended that Iceland carry out research on the low rates of recognition of refugee status.[105]

64. JS1 indicated that Article 45 of the Act on Foreign Nationals excluded foreigners who presented a danger to national security from protection against being returned to countries where they would face the risk of serious human rights violations.[106] ECRI also expressed concern that asylum may be refused on grounds of national interest.[107] ECRI recommended that Iceland ensure the principle of non-refoulement is thoroughly respected in all cases and review sections 45 and 46 of the Act on Foreigners.[108]

III. Achievements, best practices, challenges and constraints

65. JS1 described such legislation as the Act on Marriage, applying equally to hetero- and homosexual couples, which was passed through Parliament on 11 June 2010, as one of the world's most progressive laws in this area.[109]

66. The Children's Ombudsman stated that one of the negative side effects of the current economic situation in Iceland was the severe cutbacks taking place in all areas of Icelandic society. Those cutbacks negatively affected all societal groups, particularly the vulnerable. The Ombudsman pointed to the particular importance of protecting children and their rights during such times and ensuring that they received the services their welfare required.[110]

IV. Key national priorities, initiatives and commitments

N/A

V. Capacity-building and technical assistance

N/A

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

BA	Blat Afram, Reykjavík, Iceland;
IEHA	Siðmennt, Icelandic Ethical Humanist Association, Reykjavík, Iceland;
JS1	Joint Submission 1 – by Icelandic Human Rights Centre, Stígamót, Reykjavík, Iceland; the Women's Counselling, Reykjavík, Iceland; the Women's Rights Association, Reykjavík, Iceland, and WOMEN in Iceland, Reykjavík, Iceland;
Children's Ombudsman	Ombudsman for Children, Reykjavík, Iceland;

Regional intergovernmental organization

CoE	Council of Europe, Strasbourg, France: • ECRI – The European Commission against Racism and Intolerance, *Third Report on Iceland*, 30 June 2006; • CPT – European Committee for the Prevention of Torture and Inhuman or Degrading treatment or Punishment *Report to the Icelandic Government on the visit to Iceland carried out by the (CPT) from 3 to 10 June 2004*; • CoE-ESC – European Committee of Social Rights, European Social Charter, Conclusions XIX-3 (2010), (ICELAND) Articles 2, 4, 5 and 6 of the Charter; • CoE-ESC – European Committee of Social Rights, European Social Charter, Conclusions XIX-2 (2010), (ICELAND) Articles 3, 11, 12, 13 and 14 of the Charter; • CoE-ESC – European Committee of Social Rights, European Social Charter, Conclusions XIX-1 (2008), (ICELAND) Articles 1, 15 and 18 of the Charter.

[2] JS1, pp. 1–2.

[3] European Commission against Racism and Intolerance (ECRI), *Third Report on Iceland*, Adopted on 30 June 2006, para. 7.

[4] JS1, p. 2.

[5] ECRI, para. 9.

[6] JS1, p. 2.

[7] JS1, p. 1.

[8] JS1, p. 1.

[9] JS1, pp. 2–3.

[10] ECRI, para. 25.

[11] BA, p. 3.

[12] JS1, p. 9.

[13] ECRI, paras. 35–36.

[14] JS1, p. 2.

[15] JS1, p. 3.

[16] European Committee of Social Rights, European Social Charter, Conclusions XIX-1 (2008), (ICELAND) Articles 1, 15 and 18 of the Charter, p. 6.

[17] JS1, p. 8.

[18] ECRI, paras. 20–22.

[19] ECRI, Executive Summary.

[20] European Committee of Social Rights, European Social Charter, Conclusions XIX-1 (2008), (ICELAND) Articles 1, 15 and 18 of the Charter, p. 7.

[21] JS1, p. 3.

[22] JS1, p. 3.

[23] JS1, p. 5.

[24] CoE-CPT, *Report to the Icelandic Government on the visit to Iceland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading treatment or Punishment (CPT) from 3 to 10 June 2004*, paras. 79–80 and 82 and p. 53.

[25] JS1, p. 5.

[26] JS1, pp. 5–6.

[27] JS1, p. 9 and p. 5.

[28] JS1, p. 8.

[29] JS1, p. 5.

[30] ECRI, Executive Summary.

[31] JS1, p. 8.

[32] ECRI, para. 72.

[33] JS1, p. 8.

34 ECRI, para. 72.
35 JS1, pp. 8–9.
36 Children's Ombudsman, p. 2. See also JS1, p. 9.
37 JS1, p. 5.
38 JS1, p. 9.
39 JS1, p. 10.
40 Children's Ombudsman, p. 2.
41 BA, p. 1.
42 JS1, p. 10.
43 BA, p. 2.
44 BA, p. 3.
45 JS1, p. 7.
46 JS1, p. 11.
47 JS1, p. 7.
48 JS1, p. 7.
49 Children's Ombudsman, p. 4.
50 JS1, p. 5.
51 Children's Ombudsman, p. 4.
52 JS1, p. 5.
53 JS1, p. 5.
54 JS1, p. 6.
55 JS1, p. 9.
56 ECRI, paras. 17–18.
57 ECRI, para. 85.
58 JS1, p. 11.
59 JS1, p. 4. See also ECRI, paras. 99–101.
60 JS1, p. 10.
61 JS1, p. 9.
62 JS1, p. 4.
63 IEHA, p. 2.
64 JS1, p. 4.
65 IEHA, p. 4.
66 IEHA, p. 3.
67 JS1, p. 4.
68 JS1 p. 4 and IEHA, p. 3.
69 IEHA, p. 3.
70 IEHA, p. 4.
71 JS1, p. 4.
72 ECRI, para. 65.
73 JS1, p. 7.
74 JS1, p. 8.
75 CoE-ESC, European Committee of Social Rights, European Social Charter, Conclusions XIX-3 (2010), (ICELAND) Articles 2, 4, 5 and 6 of the Charter; see p. 8.
76 CoE-ESC, European Committee of Social Rights, European Social Charter, Conclusions XIX-3 (2010), (ICELAND) Articles 2, 4, 5 and 6 of the Charter; see p. 7.
77 CoE-ESC, European Committee of Social Rights, European Social Charter, Conclusions XIX-3 (2010), (ICELAND) Articles 2, 4, 5 and 6 of the Charter; see p. 8.
78 CoE-ESC, European Committee of Social Rights, European Social Charter, Conclusions XIX-3 (2010), (ICELAND) Articles 2, 4, 5 and 6 of the Charter; see p. 9.
79 CoE-ESC, European Committee of Social Rights, European Social Charter, Conclusions XIX-3 (2010), (ICELAND) Articles 2, 4, 5 and 6 of the Charter; see pp. 8–9.
80 European Committee of Social Rights, European Social Charter, Conclusions XIX-1 (2008), (ICELAND) Articles 1, 15 and 18 of the Charter, p. 6.
81 European Committee of Social Rights, European Social Charter, XIX-3 (2010), (ICELAND) Articles 2, 4, 5 and 6 of the Charter, p. 5.
82 European Committee of Social Rights, European Social Charter, XIX-3 (2010), (ICELAND) Articles 2, 4, 5 and 6 of the Charter, p. 9.
83 JS1, p. 7.
84 European Committee of Social Rights, European Social Charter, Conclusions XIX-2 (2010), (ICELAND) Articles 3, 11, 12, 13 and 14 of the Charter, pp. 15–16.
85 Children's Ombudsman, p. 1.
86 Children's Ombudsman, pp. 2–3.
87 JS1, p. 10.
88 JS1, pp. 7–8.
89 Children's Ombudsman, pp.1–2.
90 Children's Ombudsman, p. 3.

91 JS1, pp. 10–11.
92 ECRI, paras. 63–64.
93 ECRI, para. 80.
94 ECRI, para. 76.
95 JS1, p. 11.
96 JS1, pp. 11-12.
97 JS1, p. 12.
98 ECRI, Executive Summary and para. 94.
99 ECRI, Executive Summary and para. 95.
100 ECRI, Executive Summary and para. 97.
101 JS1, p. 12.
102 JS1, p. 12.
103 ECRI, para. 44.
104 ECRI, Executive Summary and paras. 48–50.
105 ECRI, para. 45.
106 JS1, p. 5.
107 ECRI, para. 52.
108 ECRI, paras. 54.
109 JS1, p. 3.
110 Children's Ombudsman, p. 1.