

NATIONAL LEGAL MEASURES TO COMBAT RACISM AND INTOLERANCE IN THE MEMBER STATES OF THE COUNCIL OF EUROPE

ICELAND, Situation as of 31 December 2005

General Overview

Preliminary Note: this table is accompanied by an explanatory note

COUNTRY: ICELAND	Constitutional provisions	Specific legislation	Criminal law	Civil and administrative law
Norms concerning discrimination in general	Yes	No	No	No
Norms concerning racism	No	No	Art. 180 of the Criminal Code Art. 233a of the Criminal Code with a modification in 1996	Yes, in particular Article 7c of Act 133/1994 on the employment of foreigners and Section 11 of Act 37/1993 on administrative procedure, Section 1 of the Rights of Patients Act 74/1997
Relevant jurisprudence	No	No	Confirmation of a conviction following Art 233a of the Criminal Code by the Supreme Court	No

EXPLANATORY NOTE

ICELAND / GENERAL OVERVIEW

Iceland's legislative arrangements specifically designed to combat racism are based on a criminal law provision aimed at counteracting the spread of racial hatred and a civil law provision prohibiting discrimination against foreign workers.

Since 28 June 1995, the Icelandic Constitution contains a provision which establishes the general principle of equality before the Law, and prohibits discrimination on the basis of sex, religion, opinion, national origin, race, colour, kinship and other bases. This principle is also established in Article 11 of Act 37/1993 on administrative procedure.

It should be stressed that Iceland is a small, geographically isolated country which consequently has a very homogeneous population. Nevertheless under the influence of the country's membership in the UN International Convention on the Elimination of all Forms of Racial Discrimination Iceland has taken certain steps in legislation to prevent racism on public and private levels. The number of inhabitants with a foreign citizenship has been slightly increasing over the last decade. Even if – in relative figures – it is still comparatively small, the country is taking provisions to avoid future conflicts.

In April 2002 the Supreme Court of Iceland for the first time had to decide a case under Art. 233a of the Criminal Code. It confirmed the conviction of a person for having publicly assaulted a group of people on account of their nationality/colour/race in a newspaper interview.

After all, the question is whether the lack of court decisions concerning the anti-racism legislation can be seen as a hint for the fact that there are no cases or for the fact that there are no cases being brought to court.

Criminal law: Iceland

Preliminary Note: this table is self-sufficient and is not accompanied by an explanatory note

Offence	Source	Scope	Sanction	Relevant jurisprudence	Remarks
Racial hatred	Art. 233a of the Criminal Code	All forms of demonstration or propagation of racial hatred in public against a group and/or individuals. The provision expressly	A term of imprisonment of up to two years or a fine	In April 2002 the Supreme Court of Iceland confirmed a conviction of a person for having publicly assaulted a group of people on account of their nationality/race/colour.	Provision enacted in 1973 following Iceland's ratification of the UN International Convention on the Elimination of All Forms of Racial

		targets mockery, insults, threats and defamation.			Discrimination. Modification in 1996 in favour of the protection of individuals
Refuse of service or access	Art. 180 of the Criminal Code	Acts of denying a person goods and services in business transactions or service activities or access to any place intended for general public use, or any other public place, on the grounds of his or her colour, race, religion or sexual orientation or other comparable considerations	A term of imprisonment of up to six months or a fine	No instance of application	

Civil and administrative law: Iceland

Preliminary note: this table is self-sufficient and is not accompanied by an explanatory note

Provision	Scope	Consequences of breach	Relevant jurisprudence	Remarks
Article 7c of Act 133/1994 on the employment of foreigners	Forbids an employer to engage a foreigner under conditions inferior to those applicable to Icelandic nationals.	Award of damages.		
Section 48 of	Stresses that			The provision

the law on compulsory education	one of the main objectives of school education is to prevent discrimination.		enumerates certain types of discrimination; they include origin and religion but not race.
Section 29 of the Compulsory School Act	States that in the National curriculum the organisation of instruction and the preparation and selection of material shall ensure that the opportunity for study of all pupils be as equal as ever possible		
Section 11 of Act 37/1993 on administrative procedure	Forbids authorities to discriminate between members of the public, particularly because of their race or colour.	Setting aside of the decision.	
Act 13/1987 on the Parliamentary Ombudsman	Sets up a body to mediate between the administration and the public.		As far as we know, the Parliamentary Ombudsman has not had to deal with any complaints of racial discrimination.
Section 1 of The Rights of Patients Act	Prohibits any discrimination between patients on grounds of sex , religion, opinion, race, colour, ethnic origin, property		

and family
origin