

The Icelandic Human Rights Centre, Save the Children Iceland and Icelandic Committee for UNICEF.

Report to the UN Committee on the Rights of the Child.

Supplementary report to Iceland's 3rd periodic report



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MANNRÉTTINDASKRIFSTOFA ÍSLANDS
ICELANDIC HUMAN RIGHTS CENTRE



Supplementary **NGO** Report

- To the Icelandic Government's 3rd periodic report submitted to
The UN Committee on the Rights of the Child

Written by: The Icelandic Human Rights Centre, Save the Children Iceland
and Icelandic Committee for UNICEF.



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Save the Children
Iceland

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I. Introduction

1. This report is a joint effort of the Icelandic Human Rights Centre, Save the Children Iceland and Icelandic Committee for UNICEF (here after UNICEF Iceland). The Icelandic Human Rights Centre was in charge of the writing and most of the information collection. The other two organizations funded the project and provided input pertinent to their areas of expertise. The group edited the report together and the content represents the views and opinions of all three organizations. In this report these three organizations will be referred to as the reporting group.

2. On January 1st 2010 there were 80.862 Icelandic children registered and living in Iceland. These children generally enjoy good living conditions as compared to children in most other countries in the world. As regards material goods, the majority of Icelandic children are well provided for, as schooling and primary healthcare is available to all children in Iceland. However, some children grow up in environments characterised by social problems, which has an impact on their childhood. The exact number is not known. As a result, there are great inequalities in various areas despite generally high standards, for example in areas concerning health care.

3. Few children in Iceland live in poverty although since the collapse of the Icelandic banks in the fall of 2008 an increasing number of people seek assistance from their municipalities and independent charities. Recent statistics show an increased number of unemployment and in March 2010 both parents of 467 children were unemployed which is a 14 per cent increase between January and February 2010. This heightens the risk of more children living in poverty which is of great concern.¹ Following the economic crisis severe financial cuts have been made in Iceland's administration and budgetary cuts have been made in administrative services such as health care, social services, education and police departments. The reporting group is concerned that these cut backs can lower the standards of services and assistance rendered to children and their families.

4. Since Iceland's 2nd report to the Committee various amendments have been made to legislation regarding children and a few action plans have been established. Most of these amendments have been made with consideration to the Convention and the reporting group does applaud them. The reporting group is however concerned that these amendments have not been followed by adequate resources and therefore the practice has not been totally in accordance with the good

¹ The Welfare Watch – Ministry of Social Affairs and Social Security, 16. mars 2010. Erindi Láru Björnsdóttur á málstofu um velferðarmál.

intentions listed in the action plans and legislation. In this supplementary report, the reporting group will examine the practice in matters related to children and focus on the vulnerable groups such as disabled children and children of immigrants.

II. General measures of implementation (Article 4, 42, 44.6)

Iceland's Declarations concerning Articles 9 and 37 of the Convention

5. In Iceland's 3rd periodic report it says that the declaration with Article 9 of the Convention has

Concluding Observation/Comments January 2003.

Declarations.

5. The Committee noted the declarations Iceland made with articles 9 and 37 of the Convention and recommended that Iceland expedited the promulgation of legislation to ensure full compliance with article 9 of the Convention. Also the State Party should have guaranteed by law the separation of detained children and adults in accordance with article 37, paragraph C of the Convention.

become irrelevant because of the latest amendments in legislation concerning these matters. The reporting group agrees that the change in legislation gives no reason for a declaration as regards Article 9. The reporting group is however concerned that the implementation of this legislation is not always in agreement with the Convention (para. 52).

6. There has been no change in legislation or practice regarding the declaration to Article 37 since Iceland's second periodic report in January 2000. The separation of juvenile prisoners from adult prisoners is still not obligatory under Icelandic law. Although the law on prisons and imprisonment states that decisions concerning in which penal institution prisoners are to be placed should take account of, *inter alia*, the age of the prisoner (cf. Article 14 of the Execution of Sentences Act, No. 49/2005) and that an agreement exists between the State Prison and Probation Administration and the Governmental Agency for Child Protection (here after GCPA) on the imprisonment of persons under 18 years of age, the reporting group is concerned that these measures are not enough to serve the best interests of these children. The children themselves will have to agree to this arrangement because they are situated in the regular supervisory facility for children administered by the GCPA and need to participate in the program there. If they do not participate or misbehave in any way the only solution is to send them to prison. The prison system in Iceland has been deprived of adequate resources over the years resulting in an increasing number of sentenced criminals walking the streets, waiting for vacancy in the prisons.

7. Although there have not been many children waiting to serve their sentence (0-3 children a year), lack of resources cannot be used as an excuse for imprisoning children between the age of 15 and 17 with adults. The reporting group recommends that the Committee poses the following questions to the Icelandic Government;

1. Is there any work undergoing to improve the prison system in Iceland i.e. will there be funds allotted to resources suggested in the report done by the Ministry of Justice and GCPA on special measures regarding child prisoners that guarantee separation from adult prisoners?

Legislation

8. According to Article 4 of the Convention the rights formulated in the Convention on the Rights of the Child must be implemented in the form of appropriate legislative, administrative and other measures. Civil and political rights must be implemented immediately, while economic, social and cultural rights must be implemented by States Parties to the maximum extent of their available resources.

9. In March 2008 Althingi adopted a parliamentary resolution for the government to prepare the transference of the Convention into Icelandic law. The Ministry of Justice and Ecclesiastical Affairs launched this project in August the same year. The incorporation stranded on the declaration Iceland made regarding Article 37 (paras. 6 and 7) and a work group was assembled on 18th November 2009 to examine the arrangements in these matters and make recommendations for

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Legislation.

7. The Committee recommended that the State party continued to ensure that the Children Act and other laws concerning children, as well as administrative regulations, are based on human rights and are in conformity with the Convention. Also the State should ensure that adequate provisions, including budgetary allocation are made for the effective implementation of those laws and regulations.

improvement so that they would be in conformity with Article 37 of the Convention. The work group delivered its report in June 2010. The work group recommended that more spaces be added to the closed ward (emergency placement) which the Government Treatment Centre (Studlar) has to offer. These extra spaces could be used for temporary arrest and for the children that misbehave in the regular treatment programs offered by the GCPA.² These amendments have not been made and it is uncertain whether or when they will be. Until something is done it is not possible for Iceland to incorporate the Convention fully into Icelandic legislation.

10. Recent changes in legislation regarding children, i.e. the Act in Respect of Children, The Child Protection Act and new Acts for the pre-, compulsory and upper secondary schools, were prepared by committees with the participation of a wide range of professionals working with children, where the Convention and other human rights instruments were taken into account. The reporting group is of the opinion that the legislation per se is in close conformity with the Convention although it is

² Ministry of Justice and Human Rights; Report of the work group for the execution of sentences by children between the age of 15 and 18.

a concern that adequate provisions have not been provided. The lack of adequate provisions inhibits full implementation of the legislation and progress in the field of child welfare work.

11. The reporting group recommends that the Icelandic Government increases resources in the field of child protection so that all children in the country will have equal protection. The Government should also expedite measures to improve the situation of child prisoners and children that need to be treated in the government treatment facilities.

Coordination

12. In General Comment no. 5 the Committee claims that; “if Government as a whole and at all

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Coordination.

9. The Committee recommended that the State party established a well mandated and adequately resourced body for intersectoral coordination in the implementation of the Convention. Also the Committee recommended that the State party continued to ensure that the preparation and implementation of the national plan on child rights, and the plans required under the 2002 Child protection Act are based on human rights and undertaken through an open, consultative and participatory process. The State party should further ensure that adequate resources to implement the plans are provided, especially at the municipal level.

levels is to promote and respect the rights of the child, it needs to work on the basis of a unifying, comprehensive and rights-based national strategy, rooted in the Convention”. The strategy should be widely disseminated throughout Government and to the public, including children, and needs to include arrangements for monitoring and continuous review. The reporting group is concerned that no national policy for children (other than the National Policy and Action Plan for Child Protection see para. 16) or families exists in Iceland and on the municipal levels only a few municipalities have comprehensive family policies.

As a result, no official monitoring of the implementation of these rights exists and therefore equal rights of children in all Icelandic municipalities is not guaranteed.

13. The reporting group recommends that the Icelandic Government begins to formulate a national policy on childrens’ rights based on the Convention and a national policy on families so that Iceland can guarantee equal rights for all children in its jurisdiction according to Article 2 of the Convention.

14. The Parliamentary Resolution adopted by Althingi (the Icelandic Parliament) on a four years action plan to improve the situation of children and young people in June 2007 was a timely measure. The reporting group is pleased that this action plan has been drawn up and that a consultative group has been appointed intended to make suggestions on how to respond to international obligations and improve the situation of children and young people in Iceland. In the action plan various measures were listed and the goal was to achieve them all before end of 2011 (paras. 17-21 in the government’s 3rd periodic report).

15. Most of these measures were aims to improve the situations of families with children and improvements

Concluding Observation/Comments

January 2003. Resource allocation.

15. The Committee encouraged the State party to increase significantly the allocation of resources for the implementation of economic, social, and cultural rights of children.

regarding protection for children and young people against sexual abuse and actions for children of immigrants. The reporting group is concerned that very few of these measures have been implemented satisfactorily and some not at all. And furthermore, due to the economic crisis, some of these measures have been reduced over the past two years, such as the maternity/paternity leave where not only the benefits paid have been lowered but also the duration period of the leave itself has been reduced.

16. In May 2008 Althingi adopted a *Resolution on a National Policy and Plan of Action for Child protection in Iceland 2008-2010*. The National Policy includes detailed objectives to be achieved and outlines specific programmes to be implemented within a certain time frame. The goals are to enhance child protection work by securing funds, preparing legal instruments and by furthering cooperation and collaboration within this field. Many of these measures have been formulated and launched by the GCPA and that is positive. The reporting group is however concerned that seemingly these measures have not been properly introduced to all relevant parties and even the police department has no knowledge of measures that coincide with their work with children witnessing domestic violence.³ This shows lack of coordination, collaboration and communication within the governmental bodies in charge of child work and child protection.

17. The reporting group recommends that the Committee poses the following questions to the Icelandic government;

1. Is there any undergoing work to establish coordination within the government to ensure effective implementation of the Convention and the rights accorded to all children there in?
2. Does the Icelandic government think that the above mentioned action plans will be revised and the measures they contain be realized in the near future?

Data

18. In Iceland a lot of information has been accumulated over the years regarding children and

Concluding Observation/Comments January 2003.
Data.

11. The Committee welcomed the statistical data provided in the report and encouraged the State party to continue its data collection and use the data to assess progress and design policies to implement the Convention.

matters related to them. The reporting group welcomes these efforts but regrets that this information has not been coordinated throughout the jurisdiction, ensuring nationally applicable indicators. It is essential not merely to establish effective systems for data collection, but to ensure

³ Information came from conversation with researcher from Save the Children – Iceland, December 9 2010.

that the data collected is evaluated and used to assess progress in implementation, to identify problems and to inform all policy development for children.

19. The reporting group recommends that the Icelandic government should assemble all data gathered through various spheres regarding children and young people and use it to detect where improvements are needed and where there is need for some radical change.

Monitoring procedures

20. The reporting group is pleased that the Icelandic government has increased their resources to the Ombudsman for Children although we believe that it is not sufficient as it is the only government agency with the aim of monitoring children's rights in Iceland. The reporting group is aware that the Ombudsman will also deliver a separate supplementary report to the Committee where the affairs of its office will no doubt be accounted for. Therefore the work of the Ombudsman will not receive special coverage in this report.

Concluding Observation/Comments January 2003. Monitoring structures.

13. The Committee welcomed the excellent work undertaken by the Ombudsman for Children but was concerned that the provisions of resources by the State party was not sufficiently commensurate with the Ombudsman's activities, including the increasing caseload of enquiries, and recommended that this would be redressed.

International cooperation

21. The Icelandic Government is fairly active in diverse international cooperation in both development and other projects. Icelandic development assistance has been quite regular since 2006 and in 2009 the ratio was 0,32 % of GDP, but the UN 0,7% target has not yet been reached. The reporting group draws attention to, and is concerned, that not enough resources are allotted to aid specific for children, and only 5% of Iceland's international development assistance in the year 2009 was targeted directly or indirectly to children. The reporting group suggests that when the state economy starts to improve the government should increase funding for development aid, and especially for assistance specific to projects intended for children.

Concluding Observation/Comments January 2003.

International cooperation.

17. The Committee encouraged the State party to continue and strengthen its activities in the area of international cooperation by, among other things striving to achieve the UN 0,7 per cent target of GDP for international development assistance.

Publication of the Convention and Training

22. For the past years couple of parties have been in collaboration to promote and publish the Convention in Iceland. Last year Save the Children Iceland, UNICEF Iceland, The Ombudsman for

Children and the National Centre for Educational Materials published leaflets and posters that were distributed in all schools and other places where work is done with children. These parties also opened a web page where the Convention is presented and various projects and puzzles linked to the Convention for children to solve on their own, are available to them. Education materials and instruction is also available for parents and teachers. This is an excellent initiative but clearly there is always room for improvement and by presenting the Convention each year in schools, e.g. for certain age groups each time, more children could be reached.

23. The school curricula have been under review for the past years but the review is not complete. Existing curricula date from the year 1999, but have to some extent been amended over the years. The current curriculum is neither focused on human rights education nor training in human rights. This will however improve with the new curricula where there will be emphasis on democracy and human rights. In some schools, teaching on human rights has taken place in the subject of life skills (lífsleikni), but it has not been comprehensive and has also depended on the interest of the school's principal and teachers and the time they can afford for this purpose.

Concluding Observation/Comments

January 2003. Training/dissemination of the Convention.

19. The Committee encouraged the State party to strengthen, expand and make ongoing its programme for the dissemination of information on the Convention and its implementation among children and parents, civil society and all sectors and levels of government. The Committee further encouraged the State party to develop systematic and ongoing training programmes on human rights, including children's rights, for all persons working for and with children.

24. In Iceland, actual training of professionals in all sectors working with children is extremely limited and this applies to practically all sectors. This form of education and introduction sometimes depends on the interest of the principals and teachers in the universities. It is essential that a comprehensive policy is formed on these issues and that educational and/or training materials are prepared for all parties and included in the mandatory courses for these future experts in working with children and on children's issues. If this is not done we may in the future see examples of judges who have never learned anything about children's rights or teachers who have never taken any classes that prepare them to deal with basic complications regarding children, for example, how to spot a child that is subjected to sexual abuse, physical violence or neglect.

25. The GCPA is in charge of training foster parents and those working in treatment facilities for children. The GCPA also hosts monthly lectures that are open to everyone. These lectures have been poorly attended and interest has been limited to child protection workers and others interested in such matters. The training is therefore not reaching all specialists working with children such as police, teachers and judges. This should be rectified through all means necessary so that children in Iceland will be accorded adequate protection.

26. The report group recommends to the Committee that it poses the following questions/recommendations to the Icelandic government;

1. Does the State party believe that the specialists working with children and in child related matters possess adequate knowledge of the ideals the Convention beholds?
2. The teaching methods in childrens' human rights should be revised in consultation between the government, the universities and the Governmental Police Academy so that improvements be made and the future experts working in child related matters will be adequately informed as to the knowledge of the Convention and the rights it prescribes for children.
3. To work on revising the school curriculum so that human rights teaching can start as soon as possible in all school levels. By enhancing the pupil's sense of social responsibility and human rights, a corner stone is laid to their understanding of a democratic society and the role of the individual therein.

III. Definition of the child (Article 1)

27. The legislation in Iceland has been reviewed over that past years and the inconsistencies concerning age have been amended so as to better comply with Article 1 of the Convention. Even so, the reporting group is concerned that the amendment of Article 202 of the General Penal Code no. 19/1940, where the age for consensual sex was raised from 14 years to 15 years, is of little significance. (The article stipulates that; anyone who has carnal intercourse or other sexual intimacy

Concluding Observation/Comments January 2003.

21. The Committee was concerned that inconsistencies with Iceland's definition of the child occurred in Icelandic legislation and therefore recommended that the State party reviewed its legislation to ensure consistency of age-limits with existing legislation.

with a child younger than 15 years shall be subject to imprisonment from one year for up to 16 years). The reason given for not raising this age limit higher is to protect the sexual autonomy of children and that children of the same age and maturity can have sexual intercourse without being penalized.

28. The reporting group points out that in Article 202 of the General Penal Code there is an exception clause, stating that sentence for carnal intercourse between the perpetrator and the victim, if they are of the same age and maturity, can be lowered or dropped. With this exception the reporting group believes that the sexual autonomy of young people under 18 years of age is protected and suggests recommendation to the Icelandic government that it raise the age limit in Article 202 of the General penal Code to 18 years so that all children will be accorded adequate protection.

IV. General principles (Article 2, 3, 6, 12)

The Right to non-discrimination (Article 2)

29. There are only minimal provisions in Icelandic legislation for combating discrimination. In Article 65 of the Icelandic Constitution the principle of equality is set out, including protection against ethnic or racial discrimination. The principle of equality is implemented through a handful of national acts of law such as the Act on Administrative Procedure, No. 37/1993, the General Penal Code, No. 19/1940 and the Rights of Patients Act, No. 74/1997. In addition, Iceland is party to several international instruments containing non-discrimination provisions.

30. According to Article 7 of the Act on the Affairs of People with Disabilities no. 50/1992 (here after The Disabilities Act), People with disabilities shall be entitled to all general services provided by the State and municipalities. It shall be endeavoured at all times to provide services for people with disabilities in accordance with general laws in the field of education, health and social services.

31. In August 2010, the Icelandic National Audit Office made an audit of the service the Icelandic government renders to people with disabilities. The report makes clear that no holistic policy has been formulated in the affairs of peoples

Concluding Observation/Comments January 2003. The right to non-discrimination.

23. Although the Committee welcomed efforts made by the State party to address the needs of the growing number of people in Iceland of foreign origin it recommended further efforts such as; 1) Guarantee all children within the State party's jurisdiction all the rights contained in the Convention in accordance with article 2. 2) Develop comprehensive and coordinated policies to address the developing phenomenon of immigration, including public information campaigns to promote tolerance, as well as monitor and collect data on racially motivated acts. 3) Study the situation of immigrant children in the municipalities, especially in the school system and the effectiveness of measures taken to facilitate their integration. The Committee also recommended that the State party included in its next report measures and programmes relevant to the Convention undertaken by the State party to follow up on the Durban Declaration and Programme of Action, taking account of General Comment no. 1 on article 29, paragraph 1, of the Convention.

with disabilities. Financial resources have not been in accordance with regular estimates of the demand for services as they should be. Monitoring of the municipalities and regional offices in charge of the services, has been ineffective and full equality has therefore not been guaranteed for those who need these services. Core operational factors in the services around the country are not based on conformal procedures and therefore comparison of whether the service rendered is of equal standards is not possible. Furthermore, the National Audit Office further stated that even after investigating, it could not evaluate whether services provided for people with disabilities is efficient, effective or according to legislation.⁴

⁴ The Icelandic National Audit Office; Report to Alþingi. Service Rendered to Disabled People. August 2010. page 5

32. Work is under way to transfer these services from the government to the municipalities in the aim of improving the services by bringing them closer to the recipients. The reporting group welcomes this change but is however concerned that the lack of monitoring and holistic policies will increase the risk of full enjoyment of services not to be equally rendered to all recipients. This is especially important where disabled children are concerned so that they will be able to participate fully in schools and recreational activities.

31. Remembering that in all circumstances the States that ratify or accede to the Convention remain responsible for ensuring its full implementation throughout their jurisdictional territories, even though duties are transferred to subordinate authorities, the reporting group recommends that the Committee poses the following questions to the Icelandic government;

1. How will the government ensure that the municipalities safeguard the rights of children with disabilities?
2. Will the government strengthen its monitoring system to guarantee all disabled children equal rights in all the municipalities?
3. Has the government started work on a holistic policy in the affairs of disabled people?
4. How will the government react if individual municipalities are not fulfilling their duties in these matters?

32. The Icelandic population has changed from a largely homogeneous and mono-cultural one to a multicultural one just over a decade. In January 2010, there were 21.701 foreign nationals residing in the country, representing about 6.8% of the total population of 317.630. By comparison, the proportions in 1996 and 2000 were 1.9% and 3.1%, respectively. However, it was only in January 2007 that the government adopted a policy on the integration of immigrants and a parliamentary resolution on a plan of action was adopted in May 2008. Several provisions of the policy and the plan of action address the needs of children. The reporting group commends this effort. Regrettably, with these issues like many others, little has been implemented of the good intentions listed in the action plan. The reporting group is therefore concerned that integration of immigrant children into Icelandic society will not be satisfactory and full equality not guaranteed for all children living in the various regions of the country. Later in this report we will discuss the status of immigrant children regarding education, health and welfare.

33. The reporting group recommends to the Icelandic government that it expedites and improves its work regarding immigrants and their children by e.g. requiring all municipalities to prepare and incorporate into their work a conclusive policy regarding immigrants and their families. It is further recommended that preventive measures such as anti-racism campaigns to promote tolerance for immigrants will be established by the government and promoted in various spheres of society.

Best Interests of the Child (Article 3)

34. The reporting group is concerned about the situation when divorced parents or parents that have ended cohabitation disagree on the child's right of access to both parents. The law is clear on this being the right of the child, when it is not in contrary to its best interests (Article 46 of the Act in Respect of Children no. 76/2003) but in practice there has been a tendency to regard this right rather as the right of the parents. When the custodial parent (or the parent the child is living with, if parents have joint custody, which is the main principle laid down by the Act) hinders the other parent from enjoying visitation rights with the child on a regular basis or at all, there are few measures that can be taken to coerce the custodial parent to respect the others' right of access. To prevent visitation rights is of course, in most instances, a great impediment upon childrens' rights as well as parental rights. The custodial parent can be sentenced to pay daily penalties and if those are not paid, an attachment may be imposed on his/her property to secure daily penalties by the petition of the parent whose child access rights are being prevented (Article 49). Further, Article 50 of the Children's Act states that; *„If a parent having custody of a child prevents the execution of child access rights notwithstanding a court order for daily penalties and an attachment to secure their collection, a district court judge may, upon petition by the person having access rights to the child, authorise legal enforcement of the access rights.“*

35. This enforcement is supposed to be done with respect to the child's best interests and, notwithstanding the fact that preventing child access rights is a serious matter, it may be argued that such an intrusion into family life can be harmful for the child and its relationship with his/her parents. There have also been incidents where a child has been taken by police force so as to ensure child access rights for a parent it does not want to be with, e.g. if that parent has been violent or abusive towards the other parent or the child itself. More weight has to be given to the views of the child in these matters especially as it grows older and develops. When it is deemed necessary to take measures to enforce child access rights, it should be done through careful consideration and with full respect of the child's interests, wishes and situation.

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Best interests of the child.

25. The Committee recommended that the State party continued its efforts to fully incorporate Article 3 of the Convention into all legislation and practice relevant to children.

Respect for the Views of the Child (Article 12)

36. There are various provisions in Icelandic legislation that enable children to make their opinions

Concluding Observation/Comments January 2003. Respect for the views of the child.

27. The Committee was concerned that, although some improvements had been made to enable children to make their views known, children may not be sufficiently provided the opportunity to directly contribute to policies that affect them and that they are not adequately informed on how to contribute effectively or how their input will be taken into consideration. Therefore the Committee recommended that the State party strengthened support for the YouthNet Parliament, continued to promote within the family, the school, the courts, administrative bodies and local authorities respect for the views of children and to facilitate their participation in all matters affecting them, according to article 12 of the Convention. The State party was also recommended to develop skills-training programmes in community settings for parents, teachers, social workers and local officials to encourage children to express their informed views and opinions.

heard, both in matters related to the private life of the child or in matters relating to their environment such as school or other services for children. The Ombudsman for Children has an excellent webpage where children can send in letters and be answered on various subjects, and although the Ombudsman does not take up individual cases he can gather this information and, in his annual report to the government, make suggestions for improvement. .

37. However, the reporting group is concerned that these ways for expression open to children are not promoted

enough, resulting in children not knowing about these rights and/or not knowing how to make their views heard. The reporting group also points out that although the school council and the student unions are good ways for students to express their opinions regarding the academic environment, the emphasis of the student unions is more on social activities rather than bettering teaching materials or learning facilities.

Advice and support

38. There are ways for children and youth to seek assistance and advice anonymously. Save the Children in Iceland, in accordance with Article 12 and 13, works with children and youth in getting their voices heard and information across to the appropriate parties. In 2009 they opened a website, www.heyrumst.is, where children under 18 can seek information, advice and support. They do so via anonymous emails and trained volunteers handle the requests, which are all documented in an effort to map the concerns of youth at any given time. The web is available in English and Polish, as well as Icelandic. The site was a collaborative project between Save the Children and its youth forum, as well as associations of students of foreign origin from several schools and after school youth projects. Save the Children have brought information about their site to schools as well as advertising on their website.

39. The Icelandic Red Cross operates a phone line (1717) which responds to anonymous calls from children and youth. They advertise on their website as well as in schools.

V. Civil Rights and Freedoms (Article 7, 8, 13- 17 and 37 (a)).

40. The reporting group does not have much to add to this chapter in Iceland's 3rd report regarding these matters and believes the practise is in accordance with current legislation. In many schools, there are multicultural days where various home countries and cultures of both parents and students are introduced and care is taken to meet with each students educational needs with respect to his/her ethnic origin, disability, gender etc. However, more care could be taken to ensure special aid for students of foreign origin, not only in learning Icelandic, but for other classes as well. This is especially important for those who have not lived in Iceland from an early age or infancy. The drop out rate for immigrant students from comprehensive schools and grammar schools is quite high.

41. Some have suggested that interpretation also be provided for leisure activities, such as sports, music lessons etc., at least for the first few practices or classes. The participation of parents is also important so that care must be taken to provide information material in different languages as well as intepretation not only for parent-teacher interviews but also for introductory meetings for leisure activities.

42. Icelandic children are quick to learn how to use new technology to access information and in most homes there is at least one computer with internet access. It is hard to control the information received by children via the internet and therefore it is important that parents keep a close eye on what their children are doing online so that they can protect them from predators lurking in the dark internet jungle. Iceland has participated in the SAFT project which is an awareness raising project on net-ethics, computer game rating, bullying? criticism, uses of mobile phones and personal protection on the internet. The goal is to empower children and parents to enjoy the internet and new media in a safe and positive way. This cooperation is a praiseworthy effort regarding prevention against inappropriate information directed at children on the internet and in conformity with Article 17 of the Convention. It is, however, of concern that there is limited supervision with regulations regarding inappropriate advertising and marketing campaigns aimed at children. The legislation on these matters is adequate but, as mentioned before, the monitoring is limited and only minimum measures available to sanction those who breach the rules. The reporting group recommends that the Icelandic government review legislation on these matters with the aim of improving monitoring and sanctions for those in breach of the legislation.

The Right not to be subjected to Torture or other Cruel, Inhuman or Degrading Treatment or Punishment, including Corporal Punishment (Article 37(a))

43. The reporting group welcomes the establishment of the Committee assigned to examine the activities of institutions and treatment homes for children. The examination has revealed that many of the children living in these treatment homes were abused and ill treated in other ways. The committee has finished examination of a couple of the homes and as a consequence the people that lived in these homes and suffered abuse are being offered compensation. Many of those people have suffered psychological damage and are now part of the most vulnerable groups in the Icelandic community. This experience clearly shows the necessity of effective monitoring of these treatment homes, as Article 25 of the Convention entails, and the need for appropriate measures for intervention to be available when a child in a treatment home is being abused in any way.

44. The reporting group appreciates that in April 2009 amendments were made to the Child Protection Act. where in Article 1 states that anyone who is in charge of the care and upbringing of a child is forbidden to expose the child to violence or other form of degrading conduct and further in Article 99 stipulates fines or imprisonment for up to three years for anyone who exercises physical or mental punishment, threat or intimidation or uses other forms of degrading conduct towards a child. The reporting group believes this is in conformity with Article 19 of the Convention and an improvement in child protection as regards abuse within families.

45. There has been a steady rise in the number of cases reported to the child welfare authorities since 2005 with an exception of 2008 when the numbers fell. Nothing indicates that the rise in 2009 was attributable to economic difficulties or increase in unemployment following the economic crisis. This does not mean that the economic crisis will not have any effect in the future as was the case in Finland after the economic crisis there. In Finland the effects of the economic difficulties did not appear until 5-7 years after the crisis. The effects were in the form of an increase in the number of children needing assistance from child welfare authorities.⁵ This year, there has already been an increase in reported cases on neglect so it is evident that the government must be alert and ready

Concluding Observation/Comments January 2003.

Violence/abuse/neglect/maltreatment.

29. The Committee recommended that the State party, a) raised awareness among parents, other caretakers and the public at large of the prohibition of corporal punishment under existing legal provisions. b) continued to strengthen and expand the coverage of the Children's house concept throughout the State party and c) conducted public education campaign about the negative consequences of ill-treatment of children, and promote positive, non-violent forms of discipline as an alternative to corporal punishment. d) allocated sufficient resources for the provision of care, recovery and reintegration of victims. e) trained teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment, including with respect to interviewing techniques which are the least harmful to child victim of abuse.

⁵ The Child and Family Welfare Research Centre. *Research made for the Ministry of Social Affairs and Social Security.*
Page: 5

with solutions and measures to assist these children and their parents.⁶ Also, it is the opinion of many child protection staff members that many cases are more complicated, serious and difficult than before.

46. The reporting group is concerned that not enough resources have been provided for the child welfare and protection services. Fewer employees with more caseload has been common practice in social services over the years and although service providers work in a responsible and conscientious manner, in the end they are only human. Therefore something is likely to go wrong and that is not acceptable when the welfare of children is at stake. The Children's house (Barnahús) has been strengthened and its services are widely used by child protection agencies around the country. Their specialists also travel to municipalities to assist with interviewing children and give guidance on therapy for children victims of abuse. It is however of concern that the Reykjavik district court only uses the facility in the Children's house in exceptional cases. Otherwise, it uses its own facility in the court house.

47. The reporting group recommends to the Icelandic government to increase resources for child protection services to ensure that all children will enjoy the same level of protection and so that it will be made possible for people working in child welfare services to do their job adequately. Also it is important to accord coordinated procedures in cases where there is need to interview children so that full conformity is reached.

VI. Family environment and alternative care (Article 5, 9-11, 18 paras. 1 and 2, 19-21, 25, 27.4)

Parental Guidance and Parental Responsibilities (Article 5 and 18, paras. 1 and 2)

48. The lack of family policies has been discussed above (paras. 12 and 13) both at governmental level and in individual municipalities.

49. *"In hard times, the poorest children should be the first to be protected, not the last to be*

Concluding Observation/Comments January 2003. Parental assistance.

30. The Committee was concerned that; a) insufficient importance had been accorded to the formulation of family policies by municipalities because only a few had been formulated, b) insufficient support was provided to single-parent families, c) insufficient leave was afforded to parents with sick children and d) that efforts would be limited without adequate allocation of human and financial resources.

31. The Committee recommended that; a) greater efforts would be made to encourage municipalities to formulate public family policies based on human rights and that the municipalities was provided with adequate resources to meet their objectives, b) greater efforts would be made to strengthen support to single-parent families and c) available leave for parents with sick children would be increased. At last d) the State party should ensure that the Family Council was provided with the adequate resources to carry out its mandate effectively.

⁶ Red Cross Iceland., 2010

considered. A child has only one chance to develop normally in mind and body. And it is a primary responsibility of governments to protect that chance – in good times and in bad”.⁷ It’s very important that the Government secures adequate support to families and children living in poverty. It is widely known that poverty has negative effect on children’s development, self-image and prospects and that poverty is most often linked to and incidental with other factors with similar negative impact. Children living in poverty more often need the basic services provided for children such as preschool, school meals, recreational activities, health care and various seminars for children. These services are expensive and therefore their parents can not make use of these services. The government’s failure to secure adequate support is a breach of the most basic principle of the Convention, the child’s right to develop to his or her full potential. It is also important to make sure that children do not become socially isolated due to their parents/guardians financial situation. Also, arrangements must be made to enable them to be active in constructive social activities, such as sports, arts and cultural activities.⁸

50. People needing social assistance have claimed that the social benefits system does not serve its purpose, Although most families with children truly get assistance of some sort, it is so minimally rationed that it does not fulfil the essentials of living. Moreover the benefits do not help these people to get out of poverty, but rather keep them stuck in it. The apparent cause for this is that the welfare system is moderately small and lacks coordination and cooperation between welfare organizations on the municipal and governmental level.⁹

51. The reporting group recommends to the Icelandic government that it revises the social benefits system with the aim of simplifying it and making it so that all in need of assistance will be adequately provided for, especially the most vulnerable groups of society such as parents of disabled children, immigrants and single parents. It should also be the main goal of the welfare system to decrease the number of people in need of assistance by helping them to make ends meet on their own.

Separation from Parents (Article 9)

52. The reporting group refers to the discussion above (para. 34 and 35) and further emphasizes the subject here. To remove a child from its home with police force is an arbitrary intervention into the child’s private life. The reporting group sought information from the district commissioners as to how long it takes to get an administrative ruling in child access cases, but no information was available. On the web page of the Reykjavík District Commissioner it says that the waiting period to

⁷ Unicef – Innocenti Research Centre.,2010. Page. 21

⁸ Prime Ministry, 2005

⁹ Prime Ministry , 2005

start a child access procedure with the commissioner is three to four weeks - and that is just to get an appointment. If there are any complications, e.g. the parents disagree, the procedure itself can take weeks or months. The reporting group would like to point out the need for effective measures regarding child access rights and more expedient procedures in these matters.

53. The reporting group is concerned that parents of disabled children are sometimes impeded in their efforts to take care of their children especially when services rendered to the children or financial aid to the parents are limited. Such measures increase demand for long term care for these children in state operated facilities where separation from parents is necessary. The reporting group recommends to the Icelandic government that more resources be afforded to support parents of disabled children so that they can take care of their children at home and also to pay special attention and support to parents with disabilities so that they can be better prepared to take care of their children by themselves in their own home.

Children deprived of a Family Environment (Article 20)

54. The reporting group is concerned that no special measures are guaranteed for disabled children that need to be removed from their parents. Today, these children are put in supported foster care, a resource for children with behaviour problems such as ADHD and ADD. The foster parents have no special training which equips them to deal with complex disabilities and it is clear that this is not an acceptable solution for these children since there is no guarantee that all their needs will be met. Supported foster care is also only a temporary solution and therefore no final solutions are available for children with disabilities who have to be removed from their family.

Adoption (Article 21)

55. The reporting group is concerned that although Iceland has made recent changes to its adoption Act no. 130/1999 and is a party to The Hague Convention of 29 May 1993 on Inter-Country Adoption there is no provision that tackles the issue when a child is illegally sold for adoption or comes to the country under false pretences i.e. in cases of children brought to the country by relatives or friends of their parents without custodial rights, as well as children who have not been adopted through legal channels. In 2003 Iceland adopted in their General Penal Code a provision for trafficking (Article 227 a) it was amended to be more in conformity with the protocol to the Palermo Convention to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. In the provision trafficking for the purpose of sexual exploitation, forced labour and organ removal is penalized. The reporting group is of the opinion that this provision does not afford enough protection to children that often are sold for illegal adoption.

56. The reporting group recommends to the Committee to pose the following question to the Icelandic Government;

1. Does the Icelandic Government believe that should a case of illegal adoption be discovered here that the Icelandic legislation has adequate provisions so that the perpetrators can be penalized? Also, in such instances; will there be a solution that is in the best interest of the child be afforded to it?
2. Is the Icelandic Government going to ratify the Hague Convention on Inter-Country adoption in the near future?

Abuse and Neglect (Article 19), including Physical and Psychological Recovery and Social Reintegration (Article 39)

57. *Domestic violence is a serious concern in Iceland and by nature not a very visible problem yet there exists a culture of silencing and viewing domestic violence as a private matter.* In the case of children living in violent conditions, the police protocol concerning reporting only applies to those who are being physically abused and does not apply to a child witness to such abuse. The interests of the adult are placed before the interests of the child, which not only goes against the Convention but also against the general consensus among professionals that domestic violence does have an adverse affect on a child who witnesses it, regardless of whether they suffer any physical abuse. *These findings are in accordance with Save the Children Iceland research on children witnessing domestic violence. Pub feb 2011.*

58. Schools and kindergartens rarely report possible cases of abuse as they must do so using their own identity, which most find hard to do due to their connections with the parents and also due to their connection to the child, They feel the child should be able to consider school as a safe haven, which will be lost if the teacher is the one reporting on difficult issues.

59. Children who witness domestic violence have limited resources in terms of assistance. School psychologists do not offer actual counselling as they focus on diagnosing conditions such as dyslexia and ADHD. Diagnoses have become the procedural grounds for assistance to a child. If a child doesn't have a diagnosis such as dyslexia, ADD, ADHD and the like. then service is harder to get. The scarcity of resources as outlined above applies to children who witness abuse.

60. The GCPA have experimented with what has been dubbed the Austrian Model, which in the case of domestic violence requires the actual perpetrator to be removed from the home and to receive counselling, as opposed to the victims being removed. This effort is to be applauded.

61. In cases of domestic violence, the reporting group suggests an alternative option to either removing parent or child from the home, or leaving things as they are: A centre where victims of domestic violence as well as the abusers themselves can receive counselling and guidance is one

avenue that ought to be explored as a way of moving from the two extreme solutions of removal or no assistance. Instead, where feasible, the work should be focuses on restoring the family in surroundings that encourage such result. However, in all circumstances, care should be taken to ensure that the best interests of the child are always the starting point, middle and ending, parents' wishes or demands should never be a deciding factor.

VII. Basic health and welfare (Article 18, 23, 24, 26, 27)

62. Attainment of the highest possible standard of health as well as access and affordability of quality healthcare is an inherent right for all children according to Article 24 of the Convention.

63. Reference is made here to the above discussion on services rendered to disabled children (paras. 30 – 32). Article 23 of the Convention guarantees rights to necessary assistance and care for disabled children so that they can enjoy full and decent living conditions that ensure dignity, promote self-reliance and facilitate active participation in the community. These rights should be provided free of charge if possible or in relation

to the parents' financial standing. In order to meet the requirements of Article 23 it is necessary that member States develop and effectively implement a comprehensive policy by means of a plan of action which aims at the full enjoyment of the rights enshrined in the Convention without discrimination. They must

Concluding Observation/Comments January 2003.

Children with disabilities.

33. The Committee recommended that the State party increased support for families of disabled children, continued to collect and analyse data on the enjoyment of rights by children with disabilities and continued to strengthen its efforts to meet all the needs of children with disabilities.

also ensure that children with disabilities, their parents and/or others caring for the children do receive the special care and assistance they are entitled to under the Convention.¹⁰ In Iceland it has been pointed out that too often disabled children's access to services is limited by their public allocation or their parents' financial standing. Also it is more a rule than an exception that there are extensive waiting lists for the various support remedies established for children and their families by the Disabilities Act.

64. It has been a prevailing problem in the Icelandic health care system that the governmental service institution seeing to the payment of social insurance (Social Insurance Administration hereafter TR) has not been able to make agreements with various medical specialist regarding discount payments. Therefore when families with children need to take their children to a dentist or a speech therapist they have to pay large amounts for treatment getting little support from TR. Some families do not have the financial capacity to pay these specialists and therefore the dental health of young children has deteriorated over the last few years. Some children are not getting the

¹⁰ Committee on the Rights of the Child. General comment no. 9. para. 13

necessary therapy, from speech therapists, psychologists and so on, to enable them to develop to their full potential.

65. The reporting group recommends that the Committee poses the following questions/recommendations to the Icelandic Government;

1. Is there any work undergoing to eliminate waiting lists for support remedies, diagnostics and counselling necessary for children with disabilities and other children in need of special assistance, such as speech therapies or treatment and medication for behavioural problems?
2. What is done for parents of children needing special remedies while they wait for diagnostics which, in most cases, is the basis for support payments and other services for the children?
3. The Icelandic Government should review the social benefits system in view of their obligations according Articles 23, 24 and 26 of the Convention.

66. Not enough importance has been given to psychological services for children and young people outside of treatment facilities and access to such services varies greatly between individual municipalities. There are very few psychologists and social workers working within the basic healthcare system and therefore the healthcare

clinics are not able to afford adequate psychological services to children and young people although numerous individuals seek their assistance. Psychological services or treatments outside of treatment facilities is not included in health insurance and is therefore expensive and limits access for children of families with poor financial status. Some municipal social services pay for a minimum treatment for children in the need of such assistance.

67. The reporting group is concerned that the severe cutbacks that have been made in health care services in the current economic crisis will decrease the standard of service and increase the work load of all the good people working in this sphere. An example of the limited services is that pregnant women living in smaller municipalities do have to travel far to get adequate service and protective measures during birth since the smaller hospitals are not adequately equipped with qualified specialists. The reporting group recommends to the Icelandic Government to rethink these cutbacks so that it can afford adequate health care for all as is its obligation according to the Convention and other international human rights instruments Iceland is party to.

Concluding Observation/Comments January

2003. Adolescent health.

35. The Committee encouraged the State party to strengthen efforts to expand access to health services and continued to study and assess the nature and extent of adolescent health problem and, with the full participation of adolescents, use this as a basis for formulating policies and programmes.

VIII. Education, leisure and cultural activities (Article 28, 29, 31)

68. Reference is made to the above discussion (para. 23) on the school curricula and the still undergoing review.

69 As a community evolves the level of education becomes more important. It is therefore a concern that only 89 % of all 16 year olds in Iceland stay in schools and the percentage decreases to 70 % at 18 years.¹¹

70. The basic principle for education is that everyone has equal right to education. It involves that all students are offered education and teaching appropriate for them, the policy is that all children attend regular schools where special assistance is provided. There are no special schools for disabled children at the preschool level but children needing special assistance and tuition are guaranteed appropriate assistance provided they first get a diagnostic saying they really need it. At the upper secondary level there are no special schools but there are special divisions in many schools. That is a great improvement which has taken place over the past few years. As mentioned in Iceland's 3rd report to the Committee there are two special schools in Iceland at the compulsory level (ages 6-16) in most schools there are special divisions for children with special needs whether it is because of a disability or other learning dysfunctions. If a pupil is not able to attend his/her home school due to the school not being able to meet with the needs of the pupil, he/she has to go to a special school and the two special schools available are both in Reykjavík. Children living in other municipalities have to leave their home or the family has to move to Reykjavík so that the child can attend school. It should also be mentioned that not all municipalities have adequate resources to provide special assistance and tuition needed for children living there and therefore equal right to education is not guaranteed to all children in the country.

71. In the current economic crisis, the reporting group is concerned that cut backs in the field of education may affect the support and service provided in the school system for disabled children and therefore the obligations set forth in Article 2 and 26 of the Convention and Article 24 in the UN Convention of the Rights of Disabled People will not be met with. The reporting group recommends that the Icelandic Government secures that adequate resources are provided for all municipalities to strengthen the school system and a special school is established in other municipalities than Reykjavík so that children needing to attend such schools do not have to travel long distances for education.

72. As regards immigrant children, the Acts on compulsory school and secondary upper school stipulate that every school has to prepare a receiving plan for children with another mother tongue than Icelandic.

Concluding Observation/Comments

January 2003. Education.

37. The Committee recommended that the State party explicitly included human rights education in the curricula of all primary and secondary schools and strengthened measures to address the problem of immigrant children drop-outs.

The reporting group could only access such receiving plans in few schools but wants to believe that such a plan exists in most schools. The reporting group recommends to the Icelandic Government to ensure that all schools prepare receiving plans and make them available to all e.g. on their webpages.

73. In spite of what laws and regulations stipulate, provisions and services for immigrant students and their parents vary greatly from one school to another. In some schools, students are taken out of class for about one or two school periods per week. They are taught Icelandic as a second language, school skills and school-related vocabulary. In other schools, students are placed in a receiving department for immigrants for their first two weeks or longer, before entering a regular class. Families of immigrant students receive the same services as the families of other students. However, an interpreter is required at the receiving and registration interview at the school. Little emphasis has been placed on educational provisions for immigrant parents, most weight being placed on disseminating information. There is great difference in methods used by schools, and in how active the parents of immigrant students are.¹² Cultural differences and language problems inhibit the relationship between schools and immigrant parents and the information flow between home and school.

74. In the school system, the situation of children who do not have sound knowledge of any language and do not have roots in any one cultural world is considered especially difficult and precarious. It is of great concern that a high percentage of this group and other immigrant children drop out of school after finishing compulsory education. Immigrant children are also more at risk of becoming socially isolated or form groups that coincide in conflict with other immigrant groups or groups of Icelandic children.¹³

75. The reporting group believes it to be necessary to involve immigrant children more into various social and leisure activities both in school and with other organisations. Sports play an important role for children and young people and are a forum for promoting social connections and positive self-image. The preventive value of sports is also great. Immigrant children do not engage in sports to the same extent as Icelandic children and one of the reasons thereto is language problems. It is also a concern that sports and other activities are provided by public organisations and only few municipalities offer any grants or subsidizations thereto. Because of the cost many children, especially children with parents of poor financial means, can't afford to participate. This has to be amended and measures should be taken to enable immigrant children and children from families with poor financial conditions to engage more in sports and other recreational activities. Such measures should include training of people working with children to address conflicts and improving interpretation services. Interpretation should for example be provided for

¹² Hulda Karen Daníelsdóttir, 2008. Pages. 7–10

¹³Hulda Karen Daníelsdóttir, 2008 and Icelandic Red Cross, 2010

the child (even parents as well) the first few times when attending a new sports class or other leisure activity, such as music lessons.

76. The reporting group is also concerned that the sports club are not spending equal amounts of resources to both women's and men's leagues, and thus girls are not getting the same opportunities to improve and engage in sports as boys do. It led to a heated discussion a few months ago when it became clear that the football clubs were not allotting the same funding to the women's leagues as the men's, therefore the women teams had to rely more on fund raising and parents paying for travels for tournaments.

77. The reporting group recommends to the Icelandic Government to research this and make sure that if such discrimination exists, amendments will be made so that all children, boys, girls, immigrants, disabled or other will have equal opportunities to engage in sports or other leisure activities of their choosing.

78. Currently all information pertaining to a child other than name and address do not transfer from one school to another with the transfer of a child. This allows the child to have a clean slate when starting a new school. However, when a child comes from a violent home or has been diagnosed with an impairment, not having the relevant information can have a detrimental effect on the child's development and general well-being.

79. The reporting group recommends that the Committee poses the following recommendation to the Icelandic Government; The relevance of the protection of privacy in matters such as diagnoses and precarious conditions within in the family etc. should be reconsidered with consideration to the child's welfare.

IV. Special measures of protection (Article 22, 30, 32-35, 37-40)

80. The reporting group is concerned that all remedies for children and their protection have very limited resources and the caseload for each person working in child protection services is much more than they can manage adequately. This creates the risk that children will not receive the help and protection they are entitled to by the Convention. The GCPA detects this by proliferation in complaints regarding specific child protection cases.¹⁴ Furthermore, the overwhelming consensus among those concerned is that despite action plans and regulations being in place, there is noticeable disconnection and lack of coordination and communication between the various parties responsible for the welfare of children in Iceland. A general lack of procedural protocols persists

¹⁴ Interview with a representative from the Governmental Agency for Child Protection.

which calls for a functional consultation platform to activate the operation plans which are already in place.

81. The reporting group recommends to the Icelandic Government to start work on coordinating the work of the various institutions working with child protection.

Refugee and asylum seeker children, stateless children, unaccompanied minors (Article 22)

82. The Government has a service agreement with the Icelandic Red Cross which serves a monitoring role in the cases of all asylum seekers, including children. The Government also has contract with Reykjanesbær which provides accommodation and social services. The interests of the child take priority in cases dealing with the above group of children. Reykjanesbær Social Services are well qualified and equipped, and are swift to pick up on unusual patterns which suggest any sort of violence or abuse, in which case the rights of the child are the priority. All in all the conditions of this group of children are very good.

83. One concern, however, has to do with the social aspects in the lives of the asylum seeking minors. There are concerns that asylum seeking minors are unduly cut off from interaction with children their own age due to a waiting process required by law before the minors can attend school. The wait between asylum being claimed and the Directorate of Immigration deciding whether to proceed with the claim is inevitable and it leaves children in a social void. The wait normally lasts at least 1 month and up till 3 months, during which time the child in question cannot attend school or nursery, which has an adverse social affect. This is unacceptable but as the legislation stipulates that for a child to participate in school or nursery their case must be under review at the Directorate, there is no way around this wait. On a positive note, once a case is granted review it takes maximum one day to apply and receive the permissions required for the child to attend school or nursery.

84. When schools are not in session children are placed in summer programmes that provide leisure sports and activities, all free of charge.

85. The same rules apply to older children, ages 15-17, in regards to permission to attend school. It is, however, more difficult to get them into the education system as schools for children aged 15 and up only accept students twice a year. Even though schools have registered an interest in making exceptions for this particular group of children they are currently not able to do so as the schools are filled to capacity. The wait until school attendance can commence can therefore range from 1 to 8 months. This results in a lot of free time with no constructive activities. In some cases,

however, these youth participate in the IRC's children and youth programmes, *often as leaders in some capacity as they are generally older than the participating children.*

Minority children (Article 30)

86. The same concern for the lack of consideration of the interests of the child is raised in connection with unaccompanied minors who enter Iceland but do not claim asylum. It is suggested that sending them back to where they came from is neither in the interest of the child nor in accordance with the CRC. Instead the procedure should involve tracing the travels of the minor and investigating his or her family situation before deciding whether or where to send them.

87. Another concern regarding children of foreign origin, other than asylum seekers, concerns the noticeable lack of following up on and taking initiative in verifying the movements and whereabouts of these new arrivals. People living in Iceland are obliged to register their address and subsequent moves with Statistics Iceland. The feeling is that there isn't enough done to monitor that this is actually done, which may mean exclusion from schools and normal social activity for children, as well as missing out on regular health checks and other rights. According to information from Save the Children Iceland several unregistered children are discovered in Iceland each year, usually by chance. This lack of monitoring or follow-up also extends to children moving abroad, where they may have been unregistered in Iceland yet it is not clear whether they have actually left the country. Furthermore, this includes finding data on whether unregistered children are living in Iceland and missing out on service and education etc.

88. This type of monitoring is particularly relevant in lieu of a possible influx of children, possibly also stateless, coming to Iceland when Romania enters Schengen in 2011. Since there already are concerns about the lack of monitoring it is feared that (*stateless*) children from Romania could move under the radar and live here undiscovered.

89. The reporting group recommends that the Committee poses the following questions to the Icelandic Government;

1. Is anything being done to prepare for this potential influx of (*stateless*) children?

90. Another concern is the right to acquire nationality. A child born in Iceland to an asylum seeker or stateless mother is not automatically granted any such rights. Their right to acquire nationality lies with the mother and her nationality or homeland. The fact that a child's residence permit is issued only in connection with that of an adult and contingent upon the adult's status, poses a question of whether the interests of the child are actually considered on their own merit.

Juvenile justice

91. The situation of child prisoners has been discussed above (paras. 6 and 7) and reference is made there to.

92. At the moment there are no waiting lists to get into the treatment facilities of GCPA for children prisoners. Special treatments and facilities are offered for young sex offenders and they are adequate at present, but there is always room for improvement. Individual child protection services apply for measures of rehabilitation for those in need of it. The measures either consist of treatment in the home, such as counselling, or out of the home, in which case the young offender moves into a treatment facility for young offenders.

Concluding Observation/Comments January 2003. Administration of juvenile justice.

40. The Committee noted that apart from a few special measures there was no comprehensive system of juvenile justice in place in the State party.

41. The Committee therefore recommended that the State party established a system of juvenile justice, including juvenile courts and ensured that the criminal justice system fully integrated into its legislation and practice the provisions of the Convention, in particular articles 37, 39 and 40 as well as relevant international standards in this area.

93. Setting up a special juvenile justice system would be expensive and since there are only so few children between the age of 15 and 18 charged for breaking the law it is not even advisable. This is true even if the reporting group is of the opinion that such a system could also be used for measures for younger children breaking the law so that more effective preventive measures could be evolved and other remedies that have been imposed on those children. On the other hand as has been mentioned before it is necessary to train the people working in the justice system in working with children and of children rights.

Sexual exploitation, Abuse and Trafficking (Article 34)

94. The reporting group refers to the discussion in paras 27 and 28 above regarding the age for sexual-consent and para. 55 regarding the General Penal Code provision on trafficking. The Government action plan against trafficking (Aðgerðaráætlun gegn mansali; 2009) is a good one, and some measures have been taken to enforce it but more needs to be done.

95. According to a child protection agency staff member there are about 200 cases annually where

Concluding Observation/Comments January 2003. Sexual exploitation.

38. The Committee was concerned about the low age for sexual consent (14 years) for it may not provide adequate protection for children older than 14 years against sexual exploitation.

39. The Committee recommended that the State party; made legislative measures to ensure that children older than 14 years are effectively protected from sexual exploitation and formulated and implemented a national plan of action to combat sexual exploitation.

suspicion of a sexual abuse of children is reported to child protection agencies. The sexual abuse is confirmed in approximately half the cases. This is a relatively higher number of cases than in neighbouring countries. The staff member did not believe that this was due to sexual abuse in children being more common in Iceland he believed this rather to be due to the Icelandic people being more aware of these matters.¹⁵ Of the 100 cases reported to child protection agencies very few lead to prosecution and even fewer to conviction.

96. The reporting group is concerned that no preventive measures are coordinated by the Government regarding sexual abuse of children. The preventive measures are limited to non-governmental organisations usually with limited or no support from the Government. While there is precedence when it comes to drug, alcohol and smoking prevention education and campaigns, this is not the case with sexual abuse prevention. It is unclear which one of the Government ministries should take responsibility for such regulations and education. This is a clear breach of Article 34 of the Convention where the State parties are obligated to take all appropriate national, bilateral and multilateral measures to *prevent* sexual exploitation and sexual abuse of children.

97. The reporting group recommends that the Committee makes the following recommendations to the Icelandic Government;

1. That education on violence and sexual assault against children is made obligatory in all curricula in all education for people working with children.
2. That the Icelandic Government takes special initiative for the prevention of sexual abuse of all children including disabled children.

¹⁵ Icelandic Red Cross, 2010

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