

**SUPPLEMENTARY REPORT TO ICELAND'S  
FIFTH AND SIXTH PERIODIC REPORTS TO THE UN COMMITTEE  
ON THE RIGHTS OF THE CHILD 2020**

A joint report by:

Barnaheill - Save the Children Iceland, Home and School - the National Parents Association, Throskahjalp - National Association of Intellectual Disabilities, The Icelandic Human Rights Centre, The Icelandic Red Cross, Youth Work Iceland, The Icelandic Youth Association, UNICEF Iceland and The Icelandic Disability Alliance

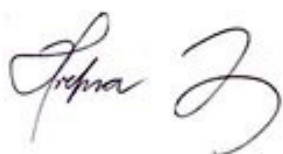
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## INTRODUCTION

This report is the product of a partnership between nine Civil Society Organizations (CSOs) that work for children's rights. These are: Barnaheill – Save the Children Iceland, Home and School – the National Parents Association, Throskahjalp – National Association of Intellectual Disabilities, The Icelandic Human Rights Centre, The Icelandic Red Cross, Youth Work Iceland (Samfés), The Icelandic Youth Association (UMFÍ), UNICEF Iceland and The Icelandic Disability Alliance (Öryrkjabandalagið). A wide range of organisations, within related fields, were consulted and their feedback provided deeper insight into children's rights in Iceland.

The UN Convention on the Rights of the Child (CRC) was incorporated into Icelandic law in 2013 and this report is a supplementary report to Iceland's 5th and 6th reports to the Committee on the rights of the Child, about the implementation of the CRC in Iceland. As this report shows, a lot has changed in a positive way since Iceland's 3rd and 4th reports, but still much has yet to change so that all children in Iceland enjoy their rights to the fullest in accordance with the CRC. Especially for children with disabilities, children of foreign origin and of children that suffer violence.

The report is meant to give Icelandic authorities a useful insight on where sufficient service towards children is lacking. Therefore, recommendations are made to authorities on how to improve children's specific rights. Alongside this report, a group of youth created a special report of children and youth that covers their own experiences. The children's report was facilitated by the authors of this supplementary report.



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## **I: GENERAL MEASURES OF IMPLEMENTATION (ARTICLE 4, 42, 44 (6))**

### **Implementation of the Convention (Article 4)**

#### *A. Previous comments and recommendations of the Committee*

The Committee's earlier comments contributed to progress within a wide range of child rights issues. However, much remains to be done. There is a great lack of policy on the implementation of CRC and no comprehensive or interdisciplinary work has been undertaken to review and implement the Committee's previous comments.

#### *B. The Third Optional Protocol*

A joint parliamentary resolution proposal on the ratification of the Third Optional Protocol to CRC, has three times been submitted by four political parties in parliament. However, the resolution has never passed.

*It is recommended that the State Party ratifies the Third Optional Protocol and secures its implementation in consultation with children and child rights specialists.*

#### *C. Incorporation of CRC*

CRC was incorporated into Icelandic law in 2013. Subsequently necessary legal changes were made. However, a national plan of implementation has not followed. A national plan is needed to ensure the training of all professionals working with and for children. It is also needed to ensure a structural approach to decision making regarding children, where the best interest of the child is assessed, and children are consulted in matters regarding them.

*It is recommended that the State Party creates a national plan on the implementation of CRC in consultation with children and child rights specialists.*

#### *D. Training and dissemination of CRC*

The Committee encouraged the State Party to develop systematic and ongoing training programs on human rights, including children's rights, for all persons working for and with children. This system should have the staffing, technology and financial resources to implement a policy on children's rights that is comprehensive, coherent and coordinated at national, regional and local levels.

*It is recommended that the State Party establishes multidisciplinary coordination office for the implementation of CRC at state and municipal level. In its work the coordination office is responsible for the implementation and should gather information on children from the Ombudsman for Children and others.*

#### *E. Child friendly budgeting*

The Committee recommended the State Party to stop budgetary cuts in education and health services and use child friendly budgeting for monitoring and assessing spending for children. The budgetary cuts made during the financial crisis a decade ago are still having impact on children's lives while the gains made in recent years have not resulted in better services for all children, such as children with disabilities, mental disorders or others who need specialized health or education services.

*It is recommended that the State Party uses child friendly budgeting in order to plan the budget with the best interest of the child in mind.*

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#### *F. Data collection*

The Committee recommended the State Party to establish an extensive data collection and data analysis system to assess progress made in improving children's rights. The Ombudsman for Children has been given a role in the gathering of data on the status of children. However, due to lack of funding, the office of the Ombudsman has not been able to fully carry out this role. At the same time, the Ministry of Social- and Children's Affairs is developing a dashboard and index on the status of children and plans to make the dashboard accessible to all municipalities.

*It is recommended that the State Party ensures adequate funding for the office of the Ombudsman for Children, to fully carry out the office's role according to law.*

#### *G. International Development*

The Committee recommended that the State Party increased their contribution to International Development to 0,7% of the Gross National Product. The government aims for their contribution to be 0,35% of the Gross National Product by 2022. The average for member states to OECD/DAC is 0,32%, but Norway, Denmark and Sweden, the states Iceland is most comparative to, have already reached and surpassed the international 0,7% limit. Interestingly, a third of Iceland's contribution was spent on the care and services of asylum seekers and refugees in Iceland in 2017. The OECD average was less than 10% in 2017, compared with 32,4% in Iceland.

*It is recommended that the State Party accelerate the increase in contributions to International Development and reach the 0,7% goal. Furthermore, that contributions to International development are not spent on the care and services of asylum seekers and refugees in Iceland.*

#### *H. Development cooperation for children*

A report on Foreign and International Affairs, presented by the minister for Foreign Affairs to the parliament in the 2017-2018 session, states that Icelandic authorities support international institutions and CSOs working for children's rights. The report does however not refer to any government policy on promoting children's rights as is the case with the foreign policy on gender equality.

*It is recommended that the State Party form a policy on development cooperation and children's rights.*

#### *I. Child Friendly Cities Initiative*

Akureyri was the first Icelandic municipality to implement CRC in cooperation with UNICEF Iceland. Two more municipalities started in 2019, Kópavogur and Hafnarfjörður. In addition, Reykjavík now has a full-time staff member dedicated to the implementation of CRC. However, no research exists on the quality of implementation at local level.

*It is recommended that the State Party supports the implementation of CRC at the local government level and gathers data on knowledge of CRC and the status of implementation within each municipality.*

#### *J. Family policy*

In the years 2015-2016, the State Party created a family policy for Iceland in cooperation with multiple stakeholders. One of the policy's main goals was to implement CRC in all law and law practice. A parliamentary resolution proposal on Family Policy was submitted and discussed in parliament but was never approved.

*It is recommended that the Family policy is revisited for approval and implementation.*

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## **The Ombudsman for Children and a National Human Rights Institution (Article 4)**

### *A. Complaint procedure*

The Committee recommended the State Party to mandate the Ombudsman for Children to receive complaints from children and to ensure the efficiency of the complaints process and that children are familiar with it. The Ombudsman of Alþingi (the parliament of Iceland) has a similar role, however like other complaints bodies, the procedures are not child friendly and not known by children.

*It is recommended that the State Party makes its complaints bodies more accessible to children and that the Ombudsman of Alþingi creates child friendly procedures, known to children.*

### *B. National Human Rights Institution*

Iceland does not have a National Human Rights Institution (NHRI). The Icelandic Human Rights Centre, which is run by NGOs, has been assuming the role of a NHRI with insufficient financial support from the State Party, albeit that the financial contribution for the years 2020-2024 was raised considerably. This arrangement affects the monitoring of human rights violations and general debate on the status of human rights in Iceland.

*It is recommended that the State Party establishes a National Human Rights Institution with a monitoring role towards the implementation of international human rights agreements and instruments that Iceland is Party to and raises awareness of and debate on human rights in Iceland.*

## **The availability of Icelandic reports to CRC Committee (Art. 44 (6))**

### *A. Translation and introduction of reports*

The State Party has neither translated the reports to the Committee nor the Committee's final observations into Icelandic. Furthermore, the reports have neither been presented to the public nor to children or those who work with or for children.

*It is recommended that the Committee's reports be translated and made available to the public. Child friendly versions including the Committee's main findings should also be made available in Icelandic.*

## **Co-operation with CSOs (Article 4)**

### *A. Steering Committee on Human Rights.*

The State Party established a Steering Committee on Human Rights with representatives from all ten ministries. It has the role of supervising reports to relevant human rights bodies according to international obligations that Iceland is Party to and to consult with CSOs and the general public. In preparation of the State Party's 5th and 6th Periodic Report, the Steering Committee consulted CSOs that work on children's issues as well as children aged 10-18. The co-operation with the children led to the government submitting a special report containing messages from children.

*It is recommended that the State Party continue the work of the Steering Committee, putting more emphasis on the cooperation and consultation with CSO's and the general public, including children.*

### *B. Responsibility for children's issues.*

Responsibility for children's issues does not fall under the scope of any single administrative body. It is scattered between ministries which often causes uncertainty regarding responsibility. The establishment of a new office under the Ministry for Children has not made a markable difference.

*Support for all ministries in their implementation of children's rights, co-ordination of actions and a clear assignment of responsibility for children's issues, is recommended.*

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*C. Monitoring the status of children*

The Office of the Ombudsman for Children has been strengthened and given a clearer role in monitoring the enforcement of CRC and the responsibility for data collection on the status of children. Furthermore, the Welfare Watch, a cross-sector committee with participation of both government and NGO's, which began operating after the economic collapse of 2008, has monitored the status of marginalized children. In 2018 the committee 's efforts resulted in a national plan for free educational materials in all elementary schools.



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## II: DEFINITION OF THE CHILD/ III: GENERAL PRINCIPLES (ARTICLE 1,2,3,6 AND 12)

### Non-discrimination (Article 2)

#### A. Discrimination legislation

The Act on Equal Treatment regardless of race and ethnic origin came into force in 2018. However, there are no provisions that specifically address children's rights.

*It is recommended that the Act be supplemented by a provision that specifically guarantees the rights of children, especially their right to a fair trial, the right to information about their rights to equal treatment, information about what to do if they feel that their rights have been violated, and their right to participate in matters concerning them. Taking note of the guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice.*

#### B. Racism and Xenophobia

In recent years young people have voiced their concerns about prejudice against people of foreign origin. They describe harassment, uncomfortable questions asked, and discrimination on the labor market, especially when their name sounds foreign. Very little is known on the impact of racism and xenophobia on the lives of children in Iceland, or how widespread it is.

*It is recommended that the State Party supports research into the extent and manifestations of racism and xenophobia against children and the effects of prejudice on the lives of children. It is also important for the State Party to respond to the negative effects of prejudice with effective measures.*

#### C. Discrimination based on legal status of parents

According to article 102 of the Foreigner Nationals Act, a foreign citizen born in Iceland and from birth domiciled continuously in Iceland according to the National Registry, may not be denied entry to or expelled from the country. If the child's parents do not have a residence permit here, child is registered at birth as domiciled overseas. Based on the legal status of the parents, the State Party insists that article 102 cannot apply, and there are examples of expulsions of children who were born in Iceland and de facto domiciled continuously in Iceland.

There are more examples of discrimination based on the legal status of parents. In cases where one parent is a foreign national and the other an Icelandic national, the Icelandic parent is more likely to get full custody of a child or children, according to report by the Icelandic Human Rights Centre and the Multicultural Information Centre published in 2011. In Iceland the principle in divorce cases is shared custody. However, in practice there is higher rate of one parent custody if the other parent is a foreign national. The study results give rise to further research, but funding has not been obtained.<sup>1</sup>

*It is recommended that funding be provided for further research on this topic and for professionals to be informed about the content of CRC and children's rights.*

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## **The best interest of the child (Article 3)**

### *A. Best interest assessment*

The Committee recommended the State Party to ensure that the assessment of the best interest of the child should be applied in a similar way in all legal, administrative and judicial decisions, and in all policies and projects concerning children. Any legal justification should also be based on this basis. The State Party has not fulfilled its obligations under paragraph 3. Article 3, as no procedures or guidelines have been issued on how to interpret or evaluate what is best for a child. This is a serious matter as the signs of this lack of guidance are evident in the decisions of public authorities, including the courts. As a result, the State Party does not comply with Article 3 of CRC, as interpreted in General Comment of the Children's Rights Committee no. 14.

*It is recommended that general procedures be adopted which in accordance with the requirements of the Children's Rights Committee on the best interests of the child and General Comment of the Committee no. 14.*

### *B. Decisions on international protection and residence permits on humanitarian grounds*

The State Party is under stringent legal obligation to adequately assess the best interests of the child when he or she applies for international protection. In this assessment, the safety, welfare and social development of the child shall be considered, cf. comments on paragraph 5 of art. 37 of the Foreigners Act no. 80/2016. In the decisions of the Directorate of Immigration and the rulings of the Immigration and asylum appeals board, there is rarely an independent and individual assessment of the child's best interests, in accordance with General Comment no. 14. It is generally assumed that the interests of a child are consistent with the interests of the parents, an no independent assessment is made of the best interests of the child. Furthermore, the Government Agency for Child Protection is a guardian of unaccompanied children and is required by law to write a case-review for asylum seeking children. It has been pointed out that the review is not independent and does not assess the child's best interests but is merely a comment on the Immigration authority's conclusion.

*It is recommended that an acceptable assessment of the best interests of the child be added to the procedures of children applying for international protection in Iceland, considering the individual circumstances of the child in each case.*

### *C. Custody and contact cases*

Clear procedures and training are needed for the assessment of the best interest of the child in custody and contact cases. Where a child's interests do not coincide with the parent's interests, it is often the case that child's interests do not take precedence. In those cases, the child should be heard, as the Supreme Court judgment (Case No. 703/2017) of November 29, 2017, established the understanding that the child should be provided with the opportunity to form and voice an opinion on matters concerning him or her.

*It is recommended that procedures in custody and contact cases be adopted in accordance with the requirements of the Children's Rights Committee on the assessment of the best interests of the child.*

### *D. Intersex children*

Plastic surgery on the genitals of intersex children is a questionable procedure since the children are usually not able to give informed consent due to their young age. The Malta declaration adopted at the Third International Intersex Forum in 2013, calls for the end of mutilating and normalizing practices such as genital surgeries, psychological and other medical treatments through legislative or other means.<sup>41</sup> Decisions regarding children's health must always be based on the best interests of the child. Therefore, such interventions into the body of children should stop entirely, and prejudice against the normal bodies of intersex people be fought. In the spring of 2019, an Act on Gender Autonomy was approved by parliament, however it does not address medically unnecessary genital surgery on the bodies of intersex children.

*It is recommended that the law prohibit surgical procedures on the bodies of intersex children without their informed consent.*

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## **Right to life and development (Article 6)**

### *A. Mortality*

Injuries caused by accidents are the most common cause of death for children and are more common in Iceland compared to other states.<sup>iii</sup> Brain injuries are the main cause of death and cause of disability for children and adolescents. However, there was a significant reduction in head injury incidences in the years 2012 - 2018, the highest incidence rate being for 4 - 5-year-old children.<sup>iv</sup>

*It is recommended that the prevention and follow-up of head injuries be improved, and that the registration process be coordinated and accessible.*

### *B. Traffic Accidents*

In the years 2003-2017, 46 children died in traffic accidents according to figures from the Icelandic Transport Authority. Over 60% of them were 15 - 18 years old. During the same period, 516 children were seriously injured in traffic. The children most seriously injured were between the ages of 15 and 18, but incidents in that age range have proportionally decreased over the years and the proportion of incidents regarding children under the age of 15 has increased simultaneously. Boys are the majority of those seriously injured in traffic, but the total number varies between years. On average, more than 12,000 children are injured each year in traffic, both serious and minor injuries. The proportion of boys is slightly higher, or about 55%.<sup>v</sup>

*It is recommended that traffic safety is organized with children in mind and more prevention and education provided for drivers on safety.*

### *C. Suicide*

In the years 2003 to 2015, 21 children aged 10-18 years took their own lives, two girls and 19 boys. Multiple governmental and non-governmental projects are aimed at reducing the risk of suicide among children and adolescents, including access to psychologists at health centers and violence prevention programs.

*It is recommended that the State Party supports measures to increase mental health at all school levels and ways for children to seek assistance, i.a. with better access to school psychologists at all school levels. At the same time, it is important that professional response is guided by what is in the child's best interest.*

## **Respect for the views of children (Article 12)**

### *A. Respect for children's opinions*

Attitudes need to be shaped in accordance with children's rights to express their views and the State Party should lead by example and invite children to express their views in all circumstances. The government is also responsible for informing the public on children's right to expression regardless of age. In a democracy it is important that children receive education and information, along with training, on forming their own opinions.

### *B. Youth Council for the Sustainable Development Goals*

The State Party has improved communication with young people, e.g. by appointing a youth council for the UN Sustainable Development Goals. However, children have complained about lack of respect and with that in mind they published practical advice for people in power when inviting young people to attend meetings.

*It is recommended that the State Party leads by example by inviting children to express their views in all matters regarding them, as well as informing and educating parents and custodians on that right.*

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### C. Youth councils and consultation with children and youth

The Committee on the Rights of the Child has highlighted the need to enact the duty of municipalities to set up youth councils and provide clear rules on their aims and services. At the same time, ensure that all children be allowed to express themselves. There has been positive change to the activities of youth councils in municipalities. However, the law does not explicitly provide for youth organizations and their roles.

*It is recommended that the law be amended, and the State Party be required to work with youth councils in accordance with clear guidelines on their activities and services.*

### D. Democracy and human rights education in schools

The Icelandic national curriculum guides for pre-schools, compulsory schools and upper-secondary schools define democracy and human rights as the foundations of education, however there is a lack of educational material and training for teachers on all school levels. Furthermore, it is mandatory by law for schools to form a school council with student representatives.

Several CSO's offer human rights education. A parliamentary resolution was passed on an Education Day on the rights of the child, implemented by Save the Children in Iceland. Rights Respecting Schools is a project run by UNICEF aimed at increasing rights education and influence schools to work with children in the spirit of CRC. Five municipalities in Iceland have taken part in this project. Amnesty International offers human rights education to primary, secondary and upper secondary schools. In addition, the Ombudsman for Children, in collaboration with CSO's, will host a child assembly every other year according to the new law.

*It is recommended that the State Party strengthens the preparation of educational material on democracy and human rights and that human rights- and democracy education be part of teacher education and training.*

### E. Media literacy

Media literacy is a key factor in maintaining democracy. The purpose of media literacy is to increase the understanding of different messages in the media. It should help users identify how messages are conveyed through the media, how the media forms opinions, how they create popular culture, and how they influence people's choices. Information on media literacy and critical thinking needs to be increased to empower children to exercise their democratic rights and to make informed decisions.

*It is recommended that the State Party support increased emphasis on media literacy in the upbringing and education of children.*

### F. Voting age

Representatives from all political parties in parliament submitted a legislative bill on lowering the voting age. The change would have granted children from the age of 16 years the right to vote in municipal elections in 2018. The bill did not pass, but an important discussion on the participation of children took place.

*It is recommended that voting age be lowered to 16 years for municipal elections.*

### G. The right to be heard

The requirement for children to have reached the age of 12 to be allowed to express their views in custody- and contact cases was eliminated in the law in 2003, however the practice has not changed entirely. Furthermore, the current Children's act and Child Protection Act misinterpret Article 12 by stating that: "a child shall be given the opportunity of expressing his/her views in cases affecting him/her, in accordance with the child's age and maturity, and the child's views shall be fairly taken into account in resolution of the case." In effect the law now stipulates that a child's development should be evaluated before it can express itself. This is not in accordance with article 12 that clearly states that all children, who can form an opinion, have the right to

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express themselves freely and that their views should be considered in accordance with their age and maturity. The child shall be given the opportunity to comment on any proceedings before the court or authority concerning the child, either directly or through a spokesperson or appropriate institution, in a manner consistent with the procedural rules at each time.

*It is recommended that the Children's Act and the Child Protection Act be amended in accordance with the purpose and content of Articles 12 and 13 of CRC and that professionals get proper training on the content of children's right to comment on matters concerning them.*

*H. The right of the child to express his or her views in mediation process*

In the Children's Act, a child's right to express his or hers view during mediation between parents, in disputes on custody or contact rights, depends on an assessment of whether the child's views are considered to be relevant to the outcome of the case. A child should however always be given the opportunity to comment on issues that concern him or her.

*It is recommended that the law is amended and the precondition of relevance to the case is dropped.*

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## **IV: CIVIL RIGHTS AND LIBERTY (ARTICLE 7, 8 OG 13 - 17)**

### *A. Registration at birth, name and nationality (Article 7)*

Children born in Iceland to parents who do not have a residence permit are registered at birth as domiciled overseas. In the beginning of 2020, the Appeal Court ruled that the National Registry can register this group of children as domiciled overseas, confirming the right of the state to discriminate against children on the grounds of the legal status of their parents. The consequences are manifold for the children in question. They do not enjoy the same access to services as other children, e.g. free health care. Likewise, they do not enjoy protection against expulsion, like other children born in Iceland who have had legal residence from birth according to the National Registry.

*It is recommended that the State Party ceases to discriminate against children on the basis of their parents' legal status, or other factors.*

### **Identity (Article 8)**

#### *A. Registration of sex*

A new Act on Gender Autonomy provides the possibility of gender-neutral registration.

*It is recommended that training be provided for professionals on intersex children and other groups who might make use of gender-neutral registration.*

#### *B. Information on trans and intersex children*

There is a consistent lack of information and research on trans and intersex children and the possible challenges they might face within the school, health care and social services. No research has been done on this issue, i.e. sexual awareness, sexual behavior, sexual orientation and sexual characteristics of children and adolescents. Also, no funds have been specifically allotted to queer people's interest groups for further research into the issue.

*It is recommended that the collection of information on trans and intersex children be improved and support for research and interest groups be strengthened.*

### **Freedom of expression and right to information (Articles 13 and 17)**

#### *A. Refugee children*

In 2018 the Directorate of Immigration started interviewing asylum seeking children, though not all children are interviewed, and the interview is subject to parental consent. More children are now being interviewed, but it is important that the interviews are conducted by experts on children's issues such as child psychologist. Unaccompanied children are interviewed in the Children's House, when their age has been confirmed, by a specialist in child friendly interview methods. This is a positive development since the release of UNICEF's Nordic report on the reception of asylum seeking children which concluded that the rights of children to express their own concerns, especially children with families, was not always respected. This increases the risk of children's applications for asylum not being assessed individually, and that the principle that children follow their parents becomes the default procedure.

*It is recommended that a child is always given the opportunity express their views, at any time during the process and regardless of parental consent. Children should be regarded as children and cared for as children until proven otherwise. Any doubt regarding the child's age should be interpreted in favor of the child.*

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## **Freedom of association (Article 15)**

### *A. Taking a board position*

The Icelandic Youth Council has complained that the Iceland Revenue and Customs, responsible for the registration of organizations, refuses to register boards including persons under the age of 18 years, asserting that only persons of legal age can take a board position. Children have an independent right to freedom of association and no restrictions may be placed in the exercise of these rights, unless it is in the interest of national security or public safety.

*It is recommended that the State Party ensures children's rights to association and their right to take part in leading the association they are a member of.*

## **Protection of privacy (Article 16)**

### *A. Publication of verdicts*

On the courts' websites, judgments are published with personally identifiable information about children, such as from health records, and sometimes with names. Children should enjoy privacy and have the right to be forgotten on the internet. In addition, judgments are published through the webpage of Fons Juris EHF. Fons Juris is a private company that publishes judgements for profit, and anyone can buy access to their site. The main subscribers are the government and businesses. This practice of the courts and Fons Juris is in conflict with the law and international obligations. In 2017, the Data Protection Authority ruled that the courts should erase information from a person's medical record in a judgement published on the Supreme Court website. Recently, rules on court rulings were set that should address this, however, nothing has been done to stop the distribution and removal of judgments that contain sensitive personally identifiable information. The current practice is that district courts wipe out personally identifiable information about children before judgments are published, but the Appeal Court and Supreme Court have not adopted similar procedures.

*It is recommended that judgments containing personally identifiable information on children are not published on the Internet and that judgments that have been published will be removed from the internet and their distribution suspended.*

### *B. Rights of children in religious groups*

There is a reason to look further into the respect for rights of children belonging to religious groups. Little is known about the children's lives and the possible effects of different customs and norms on their right to privacy.

*It is recommended that the State Party supports the gathering of information on the status of children belonging to different religious groups in Iceland.*

### *C. Parental guidelines for social media*

A group of CSO's, in collaboration with the Ombudsman for Children, published guidelines for parents on the publication of videos and photos online and the publication of children's personal and confidential information on social media. The National Parents Association has coordinated the Icelandic Safer Internet Center (IS-SIC) since the start of the EU Safer Internet Action Plan in 2004 (now called Better Internet for Kids). With ongoing developments of both software and hardware, threats targeting the human factor within the digital life and business become more abundant. It is important to educate the civil community about the children's rights to privacy and their right to have an opinion on whether they are discussed or photos of them published online.

*It is recommended that the State Party continues to support and promote prevention and education on social media and children's rights.*

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*D. Guidelines regarding media coverage on children*

A group of CSO's, in collaboration with the Ombudsman for Children, published guidelines for the media regarding media coverage of children and publishing of photos of children. The guidelines include instructions on the rights of children to participate in public discussions and the rights of children to privacy.

*It is recommended that the State Party guide and inform the media on the rights of the child.*



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## **V: VIOLENCE AGAINST CHILDREN (ARTICLE 19, 24 (3), 28(2), 34, 37A, 39)**

### **Abuse and neglect (Article 19)**

#### *A. Data on violence*

According to figures obtained by Research & Analysis for UNICEF in 2019, almost 1 in 5 children in Iceland (16.4%) have suffered physical and / or sexual violence before their 18th birthday. This does not include neglect, psychological abuse, electronic violence or bullying, or the number would be much higher. Following a review of violence against children in Iceland in 2013, awareness-raising and interdisciplinary consultation in this field was initiated by the government. The Child Protection Act was amended in 2009 and physical punishment of children was prohibited. The Violence Prevention Council of the City of Reykjavik, established in 2016, has been in collaboration with the Reykjavík Metropolitan Area police in their new interdisciplinary approach to domestic violence cases. Similar procedures have been established in Hafnarfjörður municipality. Furthermore, several municipalities have adopted a response plan to counter violence. In early 2020, the government announced the establishment of a center for data on child abuse. The center will also have the role of advising the government and submitting and following up proposals for policy and action in this regard.

*It is recommended that the State Party secure funding for long-term center on violence and that municipalities submit a coordinated anti-violence response plan.*

#### *B. Violence prevention education for professionals*

The attitudes of professionals and the whole community need to reflect that a child is an individual with independent human rights and has the right to protection from, reaction to and appropriate remedies for violence. Professionals working with or for children need to know and implement CRC in their work. In addition, staff must be informed of their legal duty of notification in case of suspected abuse or neglect of a child. There is still a great need to educate parents and the public on the importance of rights-based approach to children's care. At the same time, information on the number of children who experience violence is not available.

*It is recommended that the State Party ensures that professionals working with and for children receive education on CRC and their obligation to notify in case of suspected abuse or neglect. Statistics on violence need to be more accessible and better utilized. Active cooperation must be promoted by all parties involved in the field.*

#### *C. Violence and bullying in schools*

New studies on bullying show that bullying is a societal problem, but not an individual problem. Therefore, it's important to create a child-friendly environment where bullying cannot thrive. Starting prevention work as early as pre-school is important, and that everyone, parents and professionals alike, work together to ensure a child-friendly environment, where every child can flourish on his or her own terms and is respected. It is sometimes pointed out that school bullying has the uniqueness of being violence between children, but research shows that adults, professionals and parents often participate actively and even set examples and thereby consent to the behavior. Failure to engage in bullying can have significant consequences and expose children to other forms of violence. The children's self-image is systematically broken down by bullying. Although it is important to create a tolerant environment for children and to prevent bullying, it is also important that children who are the abusers or participants in bullying receive appropriate support. A large proportion of schools have anti-bullying programs, but despite this, bullying has not diminished in schools in recent years.

*It is recommended that greater emphasis be placed on prevention, life skills and learning in social and friendship skills. Also, working with all parties involved in bullying, must be ensured. Education of teachers about child protection and protection from all forms of violence needs to be increased.*

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#### D. Violence in homes

There is a change in attitude towards children living in homes where domestic violence is taking place. Domestic violence is now viewed as violence against a child even if the child does not suffer direct physical violence. One example of this change in attitude is the cooperation between the police and child protection in the Metropolitan area, where child protection representatives accompany the police in cases where domestic violence has been reported.

Studies indicate that children with disabilities are more likely than other children to be exposed to violence, and special attention needs to be paid to their protection. A recent study on domestic violence shows various common characteristics of those who resort to violence. It is important to try to understand what societal factors affect these symptoms and how to combat people's use of violence in close relationships. The report also states that it is important to have educational material available in more languages than Icelandic in order to cater to those who wish to seek assistance in domestic violence cases.

*It is recommended to implement the police procedures in the Metropolitan area to all police districts in the country and coordinate the implementation so that all children enjoy the same rights without discrimination. Prevention is also recommended based on research results.*

#### E. Violence against infants

Parental education on protection against violence during and after pregnancy is important. First Contact - Centre for parents and children offers education and support and has established important experience in these matters. Working against anxiety and stress levels of parents is also an important prevention mechanism.

*It is recommended that parental education on protection against violence is free of charge for all, and that the continued work of First Contact – Centre for Parents and Children, through financial support, is secured.*

#### F. Parental conflict and contact rights

Every child has the right to see both parents if they do not already live with them. It is important that both parents fulfil their duty to maintain the child's connection with both parents, if that is what the child wants and is in his or her best interest. Parental alienation happens when one parent refuses to let the child see the other parent. Such conflicts can be and are harmful to the child. The child's right is to enjoy support in its home, whether it be at their legal custodian's house or the other parent, but at the same time it's important to take the child's safety and opinions, in terms of living arrangements and interactions with parents, into consideration. It is important for Child Protection services and the district commissioner to thoroughly review the conditions in both the child's homes and listen to the child's views.

*It is recommended that Child Protection services get warrants to explore the living situation at both parent's homes, so support can be provided when the child lives in two homes. The services of the Children's House should be offered to children of parents in a custody battle, making sure that a spokesperson is provided for the child.*

#### G. Neglect

Child neglect is the most common reason for reports to the Child Protection Services. It is important to educate parents on the rights of the child, provide parents with support and access to resources to improve their parenting skills. Institutions servicing children should provide more support to children in areas where their parents are unable to support them, such as education.

*Early intervention into children's matters is recommended where there is reason to believe their family needs support.*

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## **Prohibiting and abolishing harmful practices (Article 24)**

### *A. Circumcision*

It's important to ensure that circumcisions of boys are done by medically trained specialists, such as pediatricians or surgeons, in a safe environment, which meets requirements for sanitation and equipment. According to records and information from health care institutions and authorities, few boys are circumcised in Iceland. However, all cases and reasons for circumcision need to be recorded. Circumcision is a painful operation, which is rarely performed with anesthesia and should not be performed for purposes other than medical need. Circumcision is an irretrievable operation, which can affect the child's life. The child should at least be given the chance to decide on circumcision, that is when they have achieved the appropriate maturity and knowledge to make an informed decision.

*It is recommended to put in place minimal rules on circumcisions for medical purposes only. Circumcision for religious reasons is a tradition that should be abolished, cf. 3rd paragraph of article 24 of CRC.*

### *B. Child marriage*

In the past two decades, 18 exemptions from the marriable age have been granted, of which 17 were made for girls and 1 for a boy. Generally, the age requirement is 18 years, but exemptions were granted in the years 1998 - 2018 for children aged 16 - 17 years with the consent of the custodial parent and the permission of the government. It is difficult to imagine a situation in a modern society that calls for the necessity of maintaining such an exemption in law and therefore it should be abolished.

*It is recommended that the exemption from a marriable age be abolished from the Act on Marriage.*

## **Sexual abuse and sexual exploitation (Article 34)**

### *A. Sexual abuse*

An awakening is taking place in our society concerning sexual violence against children. Various educational materials have been published and staff in schools and leisure activities, e.g. in social centers and youth centers, encouraged to use them. Laws have been changed to better ensure children's legal protection, such as the ratification of the Lanzarote Convention, which resulted in increased number of notifications to child protection authorities. However, convictions for sexual violence against children have not increased. More work is needed for attitude change and awareness regarding sexual violence, so that it may be prevented. Children in marginalized groups are more susceptible to violence, including sexual violence. This situation must be addressed to ensure equality for all children.

*Systematic work is recommended for the implementation of the Lanzarote Convention and an evaluation of protection for children against sexual violence following the ratification of the Convention, including in the judicial system. In addition, to enable research into the manifestations and extent of the violence and to ensure uniform procedures and increased education.*

## **Torture and other punishment, including physical punishment (Article 37 and 28)**

### *A. Monitoring of institutions where children stay*

It is important to ensure active monitoring of care facilities where children are hosted temporarily or indefinitely. Regular monitoring of all care needs to be ensured, both physical and mental care. This applies to all children, including children with disabilities, children with co-occurring disorders and refugee children. A new body, the Quality Inspectorate for Social Services and Child Protection, was established early 2019, but no legislation has been passed on the Inspectorate's goals and purpose. The Althing Ombudsman has a supervisory role vis-à-vis all institutions where people are deprived of liberty, in accordance with OPCAT, (Optional Protocol to the United Nations Convention against Torture).

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*It is recommended that the State Party ensures that the Quality Inspectorate for Social Services and Child Protection has the authority to monitor all institutions for children so that no child falls between systems. At the same time, the Inspectorate and the Althing Ombudsman will be secured human resources and funding to carry out active supervision.*

## **Actions to promote physical and mental recovery of children who have experienced violence (Article 39)**

### *A. The results of trauma in general*

Children who experience trauma, such as violence, losing a loved one, accidents, or other such trauma, need support to work the situation out, as soon as possible. According to research, long lasting results of trauma are various and are increasingly considered to be the main cause of children failing in life. Children have the right to grow and mature in the best possible way, so they can blossom as individuals. It is important to take children seriously and to ensure their wellbeing, even if they do not express their distress. The situation of children in marginalized groups, such as children with disabilities, refugee children and children of foreign origin, is sensitive.

*It is recommended to make sure children get proper care following a traumatic event and are supported by a psychologist or other professionals, to help them process the trauma.*

### *B. Barnahús (the Children's House)*

Children who experience physical violence are offered interviews and treatment at Barnahús, with the exception of children applying for international protection, they do not have the same access. If asylum seeking children have been subject to violence before coming to Iceland, they will not be interviewed at Barnahús, except when they themselves report sexual violence in an interview with the Directorate of Immigration. The operations of Barnahús need to be strengthened with adequate staff to handle all cases. More children should be offered the services of Barnahús and the concept of child-friendly interviews need to be further developed.

*It is recommended that the services of Barnahús are secured by law and that all children who have experienced any kind of violence, neglect or trauma, including children of parents in custody and contact disputes, children witnesses to violence and children who apply for international protection, have access to Barnahús.*

## **Preventive measures and education (Article 19 and 42)**

### *A. Education and preventive work against violence in society*

Preventive work against violence still seems to be ineffective and not very visible. Holistic education on violence, causes and consequences, needs to take place in our society. Recently many awareness raising and attitude changing campaigns have been run by the public and CSOs, including #Metoo and #sjúkást.

*It is recommended to improve education and preventive work against violence in society, in addition to provide an overview of preventive work being carried out at any given moment, how it is being disseminated, which educational material is being used, and how wide spread the use is.*

### *B. Holistic view on violence*

Society needs to think of the big picture when it comes to the lives of those who have suffered violence and understand the causes of violent behavior and help individuals who suffer physical and emotional violence to change their lives for the better. By doing so we can reduce the risk of children becoming victims of violence.

*It is recommended that the State Party provide consultation for child abusers, such as family counseling, or some other appropriate support.*

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### C. Intimidation, psychological abuse and threats

The protection of children from intimidation, psychological abuse, harassment and threats from persons outside the household, such as neighbors, needs further investigation. The Child Protection Act only applies to persons who are directly involved in the upbringing or care of children. Children, however, have the right to protection against any kind of harassment and intimidation.

*It is recommended to revise the Child Protection Act, to ensure more comprehensive protection of children against violence and threats by including everyone, not only those who are directly involved in the upbringing or care of children.*

### D. Education of professionals in violence prevention and response

It is important to educate professionals, who work with and for children, on violence prevention and response to ensure the physical and mental security of children. Particular attention should be paid to children more defenseless against violence, self-harm or neglect due to disability or other special needs.

*It is recommended that the education of teachers, preschool teachers, health care professionals and all who work with and for children include mandatory courses on child protection and violence prevention. Interdisciplinary work needs to be present in the school system both for prevention and response. Procedures need to be established in all municipalities where a multidisciplinary team handles the issues of children who need specific support.*

### E. Education for child protection officers on different cultural heritage

Knowledge on different cultural heritage among child protection personnel needs to be strengthened. The needs of families are not being met because of multifaceted barriers, such as language and cultural differences. Particular attention should be paid to services for disabled children of foreign origin.

*It is recommended that child protection personnel be educated on different cultural heritage to increase the efficiency of their work for families of foreign origin.*

### F. Families of different cultural heritage

Looking into access to services for children of foreign origin, especially children with special needs or disabilities, is of high importance as they face many obstacles due to language and/or cultural differences.

*It is recommended that the State Party ensures that information about children's rights and services for children in Iceland are available in many languages.*

### G. Access to helplines

The 1717 and 1717.is helplines are operated by The Icelandic Red Cross and accessible to anyone regardless of age. The 1717 project is also a suicide prevention project. Save the Children operate an online reporting service linked to the police, where anyone can report online violence against children. The National Parental Association and SAFT - Society, Family and Technology run a joint awareness raising project, in cooperation with the The Icelandic Red Cross, Save the Children and the National Commissioner of the Police, funded by the European Union and the government. Bergið Headspace is a new non-profit organization that offers services for children and young persons in need of diverse support and The Parenthouse for drug free youth also offers a wide range of services for children and adolescents and their families.

*It is recommended that the State Party supports the promotion of the abovementioned organizations and projects, as well as other support measures available to children.*

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## **VI: FAMILY ENVIRONMENT AND FOSTER CARE (ARTICLE 5, 9-11, 18(1,2), 20, 21, 25, 27(4))**

### **Family environment and parental guidance (Article 5)**

#### *A. A family-friendly society*

In order to create a child and family friendly society, children's rights must be approached from a holistic and cross-political point of view in every context, including in relation to business life and finances. The State Party should have the labor market collaborate to ensure a child- and family friendly society.

*It is recommended that the State party ensures, in all administration, a holistic, cross-political approach to children's rights.*

#### *B. Child rights education for parents*

Article 5 of the CRC stipulates that States Parties shall respect the responsibilities, rights and duties of parents or guardians, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in CRC. This is an important rule to secure the sanctuary of the family and the home. On the other hand, this article can act as an obstacle and in some instances, it can be harmful if it prevents children, living in breaches of their human rights, within their homes. Education and promotion of the CRC for parents is not adequate in Iceland, especially for parents of foreign origin.

*It's recommended that education for parents on child rights be greatly increased, to ensure that children will enjoy their rights at home. The state and municipalities should cooperate to provide general education on child-rights based upbringing and parenting to all parents.*

#### *C. Parent cooperation in schools*

It is important to secure the access of all children to necessary services and support. For this to be possible it is important to inform parents in an accessible and clear manner. Information on services for children in the languages needed, must be made accessible in one place for all parents. Additionally, information must also reach parents with disabilities, blind or poor-sighted parents, or parents facing other obstacles. The school is the heart of every society and therefore highly appropriate for reaching parents.

*It is recommended that the State Party supports the preparation of informational material for parents to be accessible to all parents without discrimination, especially as regards parents of foreign origin.*

### **Separation and bonds with parents (Article 9)**

#### *A. Provisional custody*

The prolonged time of procedure for provisional custody creates stress, uncertainty and insecurity in a child's relationship with his or her parents. The process can be up to three months, and although the number of cases of provisional custody have increased, the number of government experts working in family law and mediation have not.

*It is recommended that the time of procedure is shortened to minimize the negative effects on the child.*

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### *B. Assisted reproductive technology*

Mothers who underwent fertility treatments were not legally considered mothers of their children. An important amendment to the law was made in 2010, which ensures that a woman who undergoes fertility treatment is registered as the mother of her child. However, if a child is born to two women, the woman who gives birth to the child is registered as its' mother but the other woman as a parent (father).

*It is recommended that the registration in the National registry be changed so that both women may be registered as mothers to their child.*

### *C. Paternity*

As of 2018 men can file a paternity suit regardless of whether the paternity of the child has been registered or not. Before the change it was only allowed if the child had no registered paternity. The change was an important step towards ensuring the right of the child to know both their parents.

### *D. Enforcement procedures in custody and contact cases*

Children have been forced to stay with their parent against their will. In some cases enforcement measures are used and justified by the right of a child to know both parents. A child should never be taken without getting the opportunity to express his or her view and never be forcefully taken against its will.

*It is recommended that enforcement measures not be used in custody and visiting rights cases, and that the participation of the child is ensured, his or her views are listened to and taken into account in accordance with its age and maturity.*

### *E. Conciliation process in custody and contact cases*

In 2016 a conciliation process was created for custody and contact cases which has proved helpful for many. However, when there is conflict of interest, the process is mandatory even if it is evident from the start that conciliation is not a viable option and only serves to delay the procedure to the child's detriment.

*It is recommended that the best interest of the child is assessed before the conciliation process begins.*

### *F. A Children's House for custody and contact cases*

There is need to create child friendly interview facilities for children who are caught in custody or contact disputes. As in cases managed by the Children's House, there is a need to ensure that a child does not have to repeat its story multiple times through the process, which can have negative effect on the child's feelings and mental health.

*It is recommended that the children of parents in custody and contact disputes get similar services, i.e. in a child friendly environment, as children who experience violence and are interviewed in the Children's House.*

## **Family reunion (Article 10)**

### *A. Unaccompanied children*

According to research interviews with several children in recent years, unaccompanied children who are granted asylum in Iceland do not get enough assistance and information as regards family reunification. It is important to clarify and document all procedures regarding family reunification, whereby the roles and obligations of all parties are clear and defined.

*It is recommended that all unaccompanied children get appropriate information and assistance in applying and planning for family reunification, the procedure be improved, and the roles of all parties defined.*

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## **VII. DISABILITY, HEALTH CARE AND SOCIAL SERVICES (ARTICLE 6, 18, 23, 24, 26, 27, 33)**

### **Parental duties, support to parents and daycare (Article 18)**

#### *A. Parental leave and daycare*

Families of children need to be administered to in an interdisciplinary manner. Time spent together with parents and babies/toddlers should be secured to enable a healthy attachment development in the first 1000 days in children's lives. It is important as it serves as a foundation for the well-being and happiness of the child throughout life. For that reason, it is important to extend the parental leave to 18 months and secure the access of children to pre-school when the parental leave is up. Parents must be allowed to adapt their employment to the needs of their children without having to live in poverty or in risk of poverty. The labor market needs to secure the possibilities of parents to care for their children as needed at any given time and to be held accountable for its responsibility for the well-being of children in society together with the State Party and municipalities. The shortening of the workweek should be viewed as an example of an action for lessening the burden and stress in families' lives.

*It's recommended that parental leaves be extended to 18 months and a child can start pre-school as soon as the parental leave has ended. Furthermore, the State Party should promote a family-friendly labor market, for example by making the shortening of the workweek possible.*

#### *B. The duty to report to child protection services*

The home of a child should be its sanctuary and its family should form an environment where the child experiences security and the best possible circumstances to grow and flourish. Overall, parents are well equipped to fulfill their role as parents, in a manner so that the child enjoys all its rights, but where there are challenges for parents to uphold their children's rights or where something is lacking, the situation must be handled to give support. Knowledge on children's rights should be widespread and common, and parents should be better informed and equipped to respond to violations of their or other children's rights. According to law everyone is obliged to be alert to children's circumstances and report to child protection services if they suspect or fear that a child is not adequately cared for or is endangered somehow.

*A systematic promotion of the duty to report is recommended, including information on how and where to report and on how the child protection system generally reacts to reports.*

#### *C. Review of the child protection system*

The State Party has declared children's issues a priority and has started a revision of the child protection system. The child welfare authorities, in recent years, have been allotted more responsible tasks, including the supervision of unaccompanied refugee children, with insufficient funding. The number of cases per staff member is shown to be too high, therapeutic resources have been lacking and the processing time for each case has been too long and too random. The availability of services for children as near to their homes as possible is urgent, since children do not get equal services regardless of where they live.

*It is recommended that the review of the child protection system will be expediated as possible, and the necessary knowledge, capital and labor force assured for this process and the developing of an effective child protection system.*



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## Care outside the family (Article 20)

### A. Research about the well-being of children in foster care

In 2017, 401 children were in foster care. Little information exists about the lives and fate of children who have been placed in foster care, temporarily or permanently. It is important to promote more research on how children experience foster care, both while it lasts and afterwards. There is a reason to believe that children who are placed early/young in permanent foster care, do better in life than children who are older.

*It is recommended that knowledge in this field be increased with more research and conversations with children who have been placed in foster care.*

## Children with disabilities (Article 23)

### A. Status of children with disabilities.

Only a few comprehensive studies on adults with disabilities have been conducted in Iceland, and the same applies to studies on children with disabilities. Consequently, the dialogue and the key decisions and public policies on children with disabilities is neither sufficiently informed nor focused.

*It is recommended that the State Party supports further studies and informed policy making to further the rights of children with disabilities.*

### B. Statistical data on the status of children with disabilities

Statistics and other reliable information and data, concerning the situation of children with disabilities are seriously lacking. The same goes for the dissemination of available data and information. It is urgent for authorities to determine how they intend to manage and disseminate such data.

*It is recommended that the State Party presents plans on how they intend to improve collection, analysis and dissemination of data on children with disabilities and when such a plan will be put into action.*

### C. Convention on the Rights of People with Disabilities

The United Nations Convention on the Rights of Persons with Disabilities (CRPD) was ratified in September 2016. On May 31<sup>st</sup>, 2017 the parliament passed a motion from the Minister for Welfare and Equality outlining government policy and an implementation plan for the years 2017 – 2021 and in June 2019 a parliamentary resolution was passed on the implementation of the Convention into Icelandic law. The Convention has, nevertheless, not been passed as law, in contrast to what was done with CRC in 2013. In order to Icelandic legislation better ensure that children with disabilities enjoy the same human rights as other children, it is critical that the Convention be implemented. Not least does the analysis of various cases decided by Icelandic courts, show the importance of legalizing the Convention.

*It is recommended that the State Party incorporates the CRPD into Icelandic law and abide fully by it when assessing the situation and human rights of children, rights which address the rights of disabled children and the obligations of authorities towards those children.*

### D. Action plan for people with disability issues

An action plan for issues concerning people with disabilities replaces an earlier parliamentary resolution for the years 2012 – 2017. The new action plan identifies 39 tasks in seven fields of importance; access, work, health, information, education, independent living, development of services. The main objective of the plan of action is to ensure that CRPD is implemented into any legal framework and activities, as CRPD relates to other legal frameworks such as the human rights chapter of the constitution of the Republic of Iceland and CRC. Its implementation should enable disabled people, children as well as adults, to live independent lives and enjoy human rights to the same degree as others. Initiatives under the action plan should by and large cover

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all disabled individuals, irrespective of age, location, means testing, etc. as all public basic services should be available to all people. The action plan has a set limited budget and it looks good on paper, but in practice it does not in any way achieve its objective. It should rather be called a policy outline, as the plan and its activities are not implemented as they should be. It should be noted that only one action item has been implemented, and in general, limited information is available on all the activities.

*It is therefore recommended that the State Party ensures full financing for the action plan on children's issues, supervises activities under the action plan and keeps the public informed.*

#### *E. Inclusive society*

Disabled children encounter a variety of hurdles in their immediate surroundings, both material and immaterial. Access to facilities and to information is seriously deficient. In addition, there is a tendency to consider disabled children to not be able to express themselves and engage in decisions affecting their own lives. Stereotyping and prejudice hinder them from expressing themselves and makes it harder for them to participate in society on equal terms. Studies indicate that education for disabled children and adolescents is limited and the general public has limited knowledge of the situation of disabled people. This indicates a critical need for increased education and information on disability issues to counter prejudice.

*It is recommended that the State Party provides information and education to the public on the rights and status of disabled children as well as take affirmative action against prejudice.*

#### *F. Immigrant children with disabilities*

The number of immigrants in Iceland has increased significantly in recent years. There are many indications that disabled immigrant children do not enjoy the same opportunities and human rights as other disabled children in the country. The reasons may be many and varied. There is an obvious risk that these children may experience discrimination, even multiple, on grounds like country of origin, language, religion, race or color, and therefore may suffer treatment that violates their human rights according to international human rights conventions and other obligations that Iceland is party to. Lack of reliable information on the status of these children limits the opportunities for informed dialogue and decision making, as well as for a focused policy and interventions in support of these children. Various forms of discrimination are likely to affect disabled immigrant. It is important to pay close attention to this group of disadvantaged children, in order to ensure they receive all services they are entitled to without discrimination. For example, children of Polish origin have not been offered speech therapy in their mother tongue (a Polish speaking speech therapist was denied a permit to operate as such in Iceland), and this can have grave consequences and seriously harm the quality of life of affected children.

*It is recommended that the State Party reacts to the serious situation of disabled immigrant children and takes steps to improve services for them, including by providing education in their language of origin.*

#### *G. Children with a lifelong need for support*

A new Act on Services for Disabled People with long-term support needs entered into force on October 1st, 2018. The law is an important step in the right direction. The chapter on the purpose of the law states that in cases concerning disabled children and their families, the requirements of CRC should be met with. The chapter also states that the basic services provided by local authorities should, for example, take heed of the needs of disabled children for care and training as well as necessary support for their families so they are able to provide their children with safe and beneficial conditions for growth. Further, it is stipulated that support should be provided to disabled parents for the care and upbringing of their children and that disabled children should be guaranteed necessary support for them to enjoy human rights and freedom to the same degree as other children and may live an independent life and participate in society without discrimination. The chapter also states that disabled children shall have real access to education, training, preparation for work and leisure. In all initiatives aimed at disabled children the primary focus should be on what is best for the child and what

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gives support for adaptation and progress. Children with disabilities have the right to freely express their opinions but that principle is seldom honored in practice. The families of disabled children should receive the support necessary to ensure that children with disabilities can enjoy their rights in full like everyone else.

*The group lauds these changes and recommends that the State Party follows up the objectives of the law with funding and efficient supervision.*

#### *H. Personalized services for children*

The new Act on Services for Disabled People with long-term support needs, guarantees user-controlled personalized services for children. The service is an important part of promoting the independence and participation of children in the community and the State Party has already approved several applications. However, no actual contracts have been made based on the Act, as it lacks funding.

*It is recommended that the State Party ensures access to user-managed personalized services for children with long-term support needs, thus promoting their independence and participation.*

#### *I. Monitoring of Services for Disabled Children*

Disabled children and other children with special needs have through time and are presently being deprived of adequate and appropriate services in most areas of the public service systems that touch their daily lives. For example, some children do not get appropriate study materials in order to be able to pursue their studies. Others must wait for a long time for a correct diagnosis, and while they wait, they get limited services, if any. Final diagnosis is often still a precondition for receiving support services. For example, there are still long waiting lists for getting help for a child from a speech therapist. Some children can therefore not participate in social activities.

*It is recommended that the State Party maintains active supervision of services provided by municipalities in order to ensure that disabled children are provided with satisfactory services regardless of domicile.*

#### *J. Participation of disabled children in social and cultural activities*

Studies show that the limitations of people with disabilities are often considered a justification for keeping them away from others in social and cultural activities. Prejudice is one of the main reason why disabled people, children as well as adults, and people with intellectual disabilities, have limited opportunity to participate in sports and other pastimes. Participation is closely related to access, but lack of access to facilities is a key reasons why disabled people cannot participate.

*It is recommended that the State Party better clarifies the duties of all involved to ensure equal access for disabled children to social and cultural activities.*

#### *K. Education for disabled children*

The education of young disabled people is often lacking and more limited in scope than that of non-disabled people at the same age. As an example, disabled children do not receive the appropriate educational material to be able to study. They do also not get equal treatment as regards access to upper secondary schools. This has a significant impact on their participation in the labor market later in life and participation in social activities in general.

*It is recommended that the State Party speeds up the development of study opportunities and opportunities on the labor market for young people with disabilities. It is necessary to ensure that children get appropriate educational material.*

#### *L. Waiting time for diagnostic services*

The State Diagnostic and Counselling Centre is a national institution committed to helping children with developmental disabilities achieve their potential and enjoy success in adult life by providing early interven-

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tion, multidisciplinary assessment, counselling and access to resources. In 2018 there were close to 340 children on the Centre's waiting list for diagnosis. There are examples of children aged between two and six years old having to wait up to 19 months for diagnosis and children aged six to eighteen waiting up to 16 months. According to the director, the Centre does not fulfill its legal obligations towards the children on the waiting list.

*It is recommended that State Diagnostic and Counselling Centre be provided with enough funding to cut its waiting lists. Furthermore, that sufficient funding be provided to pre-schools and primary schools to support children while they wait for interim and final diagnosis.*

#### *M. Equipment and assistive devices*

The rights of children to be allocated necessary equipment and mobility aids are limited. According to current regulations, the right of individuals, both children and adults, to such equipment is primarily in the form of financial support from the Icelandic Health Insurance. The financial support is provided to buy equipment for self-sufficiency and security and in certain cases for training and treatment. However, financial support is not provided if the equipment is only for use in leisure time or for entertainment (including outdoor activities and sport). Furthermore, support to buy assistive devices for use in the home of relatives is not provided if the person in question lives elsewhere or in a school dormitory. The Complaint's Committee on welfare issues interprets the rules very narrowly and has, in certain cases, refused to look to points of fairness but focused purely on the wording of the regulations. Children with domicile in two places, where parents share custody, have been denied assistive devices which are needed in both homes, with the argument that support for purchase of assistive devices must be limited to one item of each necessary assistive device. It goes without saying that not all assistive devices may not or not conveniently be transported regularly from one place to the other.

*It is recommended that the State Party ensures that law on assistive devices reflect the reality of children who live in two places as well as the right of children to social activities and entertainment.*

### **Health and Healthcare (Article 24)**

#### *A. Vaccinations*

Children are subject to their parents' consent when it comes to vital vaccinations. Vaccinations are socially important and prevent diseases that in some cases are life-threatening, especially in the case of infants, the elderly and immunocompromised. The right of parents to choose whether or not to vaccinate their children ends where the right of the aforementioned groups for life and health begins, and vaccination of all children should be mandatory, unless there is good reason to believe otherwise.

*It is recommended that the State Party assure the vaccination of all children, regardless of parental consent, unless expert opinion recommends otherwise.*

#### *B. Rare diseases*

There is lack of appropriate support and help for children with rare diseases and syndromes and their families.

*It is recommended that a specialized team will be established for children with rare diseases and syndromes and their families to secure information and support.*

#### *C. Education for people who work with children*

There is lack of education in elementary schools on chronic diseases and disabilities, for both employees and children. The children have complained that understanding on their condition is seriously lacking.

*It is recommended that the State Party provides guidelines to the healthcare system on how to educate health employees in schools about chronic diseases and disabilities and support further education for other employees and children.*

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#### D. Prevention in easy reading

Prevention material must be suitable for all children and adolescents, there is not enough supply of prevention material in easy reading.

*It is recommended that the State Party focuses on ensuring that prevention projects are available and of use to all groups of children, also those with different needs.*

#### E. Psychological services

There has been a loud awareness cry from children and young people to improve psychological services for children in Iceland. The State Party's response has not been sufficiently effective and there is still need for improvement. The waiting lists for psychological services at the Healthcare Centers around the country are long and, in some areas, there is only one psychologist working for children in more than one municipality. It is important to ensure that all children have access to mental health services, and in particular to ensure that children with intellectual disabilities and/or autism have access to psychological services that take into account their circumstances and needs, with regard to their disability.

*It is recommended that the State Party meets with the needs of children in Iceland for better psychological services.*

#### F. Psychiatric help for children

The Psychiatric Ward for Children and Adolescents at the National University Hospital of Iceland is intended for children up to 18 years of age who need temporary admission due to mental health problems. The ward's outpatient department should provide emergency services but is only open during business hours on weekdays. Due to long waiting lists and limited opening hours the ward has not been able to help all children in need of assistance. This lack of psychiatric services has resulted in the placement of children experiencing psychosis in prison cells. In September 2018 the Ombudsman for Children, for the second time, issued a statement reiterating that the placement of a child in a prison cell is a completely unacceptable measure.

*It is recommended that the State Party promotes pediatric psychiatry, such as with increased funds for the Psychiatric Ward for Children and Adolescents and securing its operational stability, improved working conditions and staffing. First and second stage services need to be improved in addition to follow-up services.*

#### G. Sexual Health

Young people have criticized the lack of sex education to promote healthy communication and discuss socially shaped ideas regarding sex and relationships. Sex education needs to be greatly enhanced for children and young people, with different needs in mind such as age, origin or disability.

*It is recommended that the State Party ensures good sex education for all children and young people, prepared by professionals, that emphasizes communication and healthy relationships in addition to promoting education in gender studies.*

#### H. Sterilization of children

In the years between 2013-2017 one boy and four girls under 18 years old were forced to undergo sterilization procedure. In four instances the reasons given for the application were: "If an illness, physical or psychiatric, seriously reduces her/his ability to take care of children". Experience shows that disabled children are more likely than others to have to endure forced sterilization procedures, which is a serious violation of CRPD. Particular attention must be paid to protecting disabled children from sterilization procedure.

*It is recommended that the State party stop all sterilizations on children at once.*

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## **Actions Against Poverty and Inequalities (Article 27)**

### *A. Poverty*

Prosperity is general in Iceland. However, there is considerable financial inequality which must be eradicated so that all children have equal opportunity to flourish under the best possible living conditions. In 2016, around 14% of children in Iceland were at risk of living in poverty, according to a study for Save the Children, and more children than adults live in poverty, unlike the other Nordic countries. It is important to eradicate poverty in Iceland no child should have to endure poverty. The link between poverty and all forms of violence, exclusion and neglect has been demonstrated. The children of disabled parents, single parents with and without custody, and immigrants are more likely than others to live in poverty.

*It is recommended that the State Party ensures equal opportunities for children without discrimination, such as by ensuring acceptable financial support for families in order to promote equal status for all children. It is important to individualize support and improve the access of children living in poverty to a variety of opportunities to enjoy their talents, especially for children to continue their education regardless of their parents' financial situation.*

### *B. Housing Support*

A higher rate of disposable income is put into housing by Icelandic families compared to families in our neighboring countries. Families on the rental market are the most vulnerable group. The rent is very high, rental agreements are often terminated so families are frequently forced to move. This situation is bad for children, they often must change schools, have more trouble settling down and there is risk of social isolation. Some children live in unacceptable housing conditions. Parents on the rental market are at higher risk of not being able to secure minimum financial resources which leads to their children not being able to participate in sports and other leisure activities.

*It is recommended that the State Party works against poverty and inequalities. It is important to react to the inequality that families face on the housing market and secure access to affordable secure housing along with making it easier for people to buy their own house.*

### *C. Paid leave due to a child's illness*

Children in Iceland are discriminated against when it comes to their right to have their parents with them when they fall ill. The Labor market unions in Iceland negotiate the rights of people in the labor market and sign a Union Agreement. The rights include sick leave rights and the right to stay home if your child is ill. Parents can stay at home with their ill child up to 6 months, but the time varies depending on which union people belong to, where they work and what position they have in the labor market. Many parents are not informed about their rights and therefore they do not use it. Sometimes it is hard to find information about rights. It is unacceptable that children who need special care due to illness are discriminated against on the grounds where their parents work, what union they belong to, if they are students, unemployed or for some other reasons.

*It is recommended that the State party secures that all children have the same right to have their parents with them when they get ill by stating this right in the Social Security Act, instead of it being negotiable in a Union Agreement.*

### *D. Support for children as family members*

It is important to secure support for children of patients, children of disabled parents, children who lose a parent or other close relatives, and children are relatives of prisoners. An Act on Children as Relatives was passed in 2019, ensuring better support for this group of children.

*It is recommended that a comprehensive national policy be adopted for services to children who need special support as family members.*

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## VIII. EDUCATION, LEISURE AND CULTURE (ARTICLE 28, 29, AND 31)

### **The right to education (Article 28)**

#### *A. Secondary school dropout rate*

The Government's target was for the dropout rate in secondary schools to be no higher than 10% by 2020, but that target has not yet been met. Compulsory school age is 16 years, which means that the right of children aged 16 - 18 to education is not guaranteed and secondary school students (16 – 19 years) bear the cost of study material and registration fees. Secondary schools provide important education and provide access to educational counselors and psychologists. Therefore, children's right to secondary school education should be guaranteed.

*It is recommended that the State Party adopts an action plan to reduce the dropout rate in upper secondary schools and explores the benefits of raising the compulsory school age to 18 years, as well as lowering the cost for students.*

#### *B. School dropout rate for immigrant children*

The rate of immigrant children dropping out of secondary school is still a problem. The latest information on dropout rates are from 2014, when 22% of all students of foreign origin who had started their studies in 2010 graduated. The latest figures for secondary school enrollment are from 2012 and 2013, when 95% of 16-year-olds were enrolled and almost 83% of 18-year-olds. The enrollment of 16-year-olds was lowest among immigrants, at 86% but the percentage had dropped to almost 65% by the age of 18.

*It is recommended that the State Party responds to the dropout rates of children of foreign origin through specific actions. All school levels need to be considered, preparations for secondary school and the promotion of support and connection.*

#### *C. Language teaching for children of foreign origin*

The status of children moving to the country is very different and there is a great lack of language teaching for this group of children. It is extremely important to respond to the lack of education for children in their own language and that language education is part of the free basic education of children. Children of foreign origin only have access to native language teaching from language school volunteers who have been granted facilities for teaching during times when other children have free time or are at leisure activities, such as after regular school hours or on weekends.

*It is recommended that all children receive quality tuition in their native language as a part of their basic education, to create equal opportunities for education for all children.*

### **The purpose and quality of education (Article 29)**

#### *A. Reykjavik City Child Friendly Education Policy*

In November 2018, the City of Reykjavik set an educational policy for the year 2030. The policy takes the provisions of CRC into account and emphasizes the best possible development of each individual and children's participation in shaping their own learning. The policy is the result of the cooperation of citizens with the participation of children in preschools, elementary schools and leisure activities, teachers, administrators, parents, elected representatives as well as national and foreign advisors.

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*This initiative and efforts by the City of Reykjavík to ensure the involvement of children in the formulation of the policy, is to be applauded. It is recommended that the State Party ensure active participation of children and young people in the formulation of educational policies and local authorities is recommended.*

#### *B. Children's rights in the National Curriculum and education for professionals.*

The Committee recommended that the State Party add children's rights to the National Curriculum and improve the training and education of all professionals who work with and for children, particularly as regards policemen, teachers, health care professionals and other care professions. Education on CRC among professionals who provide services for children is lacking. Children's rights are not a compulsory study in teacher education/training. The same goes for health care, police and law studies to name a few.

*It is recommended that all professional education that includes services for children must have compulsory courses on children's rights and CRC.*

#### *C. Rights based education for children.*

The State Party has not provided for adequate rights-based education for children. Such education has been carried out by CSOs and does not include all children in Iceland. The website barnasattmali.is was launched in 2009. It provides for education on CRC and other relevant material. However, no money has been allotted for keeping the website up to date. The new national curriculum for compulsory schools includes education on democracy and human rights but children's rights are not included in teacher training/education.

*It is recommended that the State Party adopts and enforces a clear policy on rights-based education for all children in Iceland.*

### **Rest, play, hobbies, recreation, culture and digital employment (article 31)**

#### *A. Quality standards for after school centers for children*

An important milestone was reached in the spring of 2018 with the publication of purpose and quality guidelines for after school centers for children aged 6-9 years. The aim is that all children and teenagers, up to 18 years of age, have access to after-school programs and leisure activities every day in accordance with CRC.

*A legal framework is recommended for organized youth- and leisure activities in Iceland. A legal framework is also important for leisure time as well as to keep on working on and publishing guidelines of purpose and aim of recreation centers for children and teenagers 10-16 years old. Quality control for these centers is also recommended.*

#### *B. Strengthening of youth centers and youth houses*

It is important to make municipal governments aware of the importance of the continuity of organized sports-, youth- and leisure activity throughout childhood and adolescence, as stated in CRC.

*It is recommended that governing bodies strengthen the work of youth centers in compulsory school and increase the work of youth houses for teenagers who have finished compulsory schooling. Also notice to offer young people organized and professional options in youth- and leisure up to 18 years of age.*

#### *C. Exercise and participation in sport*

Exercise and participation in organized sport- and youthwork is one of the key factors of living a healthy life. Research done by The Icelandic Centre for Social Research and Analysis (ICSRA) show that regular exercise and participation in sports- and youthwork in Iceland might result in longer life and better quality of life. It is an important prevention against all sorts of diseases and both physical and mental health problems. It has been shown that simple regular exercise and participation in organized work has positive effect on mental health.



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There is also an indication that those who participate in organized sport have better mental health than those who do not practice sports or do so outside the organized framework.

*It is recommended that the State Party supports the prevention work of youth-centers, youth-houses, sports clubs and youth associations to strengthen and empower the wellbeing of children and teenagers, nurture protective parts and minimize risk factors in their environment.*

#### *D. Equal opportunities to participation in sports, youthwork and leisure.*

Children and young people do not have equal opportunity to participate in sports, youthwork and leisure. Their equals in urban areas have more to choose from than in rural or sparsely populated areas. In addition, there is a tendency that children of foreign origin fall in between and do not participate in the work of sports- and youth clubs. There is a need to ensure access to leisure activities irrespective of disabilities, financial means, origin or legal status, and limit the use of leisure-time grants to organized sports- and youthwork. All children and young people have the right to be informed of their options and to participate in organized sports- and leisure time. Language barriers or lack of information about organized sports- and youth activities in other languages than Icelandic lead to children and young people of foreign origin miss out and not get the opportunity to participate in sports- and youthwork. The government should ensure that all children and young people have equal opportunity to participate in sports-, youth- and leisure activities without any kind of discrimination. Participation of young people in youth activities has increased in recent years and it is even more important than before to ensure that all have equal opportunity to participate in organized sports and strengthen the ongoing professional framework.

*It is recommended that the State Party ensures the long-term funding of sports and youth- and leisure work and the equal distribution of official funding to those who work for and with children and young persons. Disabled children need appropriate support to be able to fully participate in sports and leisure work. Information to children, especially those of foreign origin, about available sport activities, youth and leisure work needs to be improved. More work needs to be done to support youth-centers, youth associations, youth-houses and sports clubs for children 10-16 years and young people 16-25 years old.*

#### *E. Substance abuse prevention in sports-, youthwork and leisure*

There is no doubt that participation in sports-, youthwork- and leisure plays an important role for children and young people. Research shows that participation in organized sports- and youthwork seems to have a positive effect on young people and makes them risk averse, e.g. as regards use of alcohol, tobacco and steroids.

*It is recommended that the State Party ensures the option for all children to practice sport or leisure activities and to participate the work conducted in youth-centers and youth-houses after school.*

#### *F. Children's Cultural Fund*

The parliament agreed in the summer of 2018, in memoriam of the centenary of Icelandic independence and sovereignty, to create the Children's Cultural Fund. The aim of the fund is to finance and support projects regarding the culture of children. There is also emphasis on projects that strengthen their social awareness and increase their democratic participation in society. The aim is for these measures to support the ongoing implementation of CRC and meet with the requirements of Article 31 by supporting projects for children, with children and made by children.

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## **VIII: SPECIAL PROTECTION (ARTICLE 22, 30, 32, 33, 35, 36, 37 B-D, 38-40)**

### **Displaced children (Article 22)**

#### *A. Assessing the implementation of a new Act on Foreigners*

In January 2017 a new act on foreigners entered into force. A study made by the UNICEF Research Institute and UNICEF National Committees in the Nordic Countries 2018 showed that the law complies with the objectives of the Convention. However, numerous problems were accounted for in the implementation and operationalization of the law regarding asylum seeking children.

*It is recommended that the State party re-evaluates the implementation of the law and creates a plan on how to meet the standards set for the reception and protection of asylum-seeking children.*

#### *B. Policy on the reception of children seeking international protection*

Many debatable cases have appeared in recent years regarding the status of children who seek international protection. In the years 2015-2016 there was a massive increase of applications for international protection. The Icelandic State was not prepared to act upon it and provide the service the children had the right for. The most worrisome case is that children were stationed in a place not suited for them, they didn't have access to a health-check and had to wait a long time for proper education. They were not allowed to express themselves in interviews as is their right. There have been many positive developments. Interviews with children and stakeholders reveal that the service for this group must be improved, such as the best interest assessment, age determinations, care and child protection for unaccompanied children, quality of housing and facilities and access to education and leisure.

*It is recommended that the State Party sets a clear course on how they welcome children who seek international protection in order to ensure their equality to other children.*

#### *C. Age assessment on children who seek international protection*

Dental age assessment is still used. It is a debatable procedure and not according to law. The age gap in dental age assessment used to be 3 years. Now the assessment defines if the person is younger or older than 18 years old. Individuals have not always had the benefit of doubt. The consequences have been great for those individuals because they have undergone adult application process.

*It is recommended that the State Party install an overall assessment for children and let children enjoy the benefit of the doubt according to law. Also, to make a special service available for people 18-21 years old with necessary support.*

### **Children belonging to minorities (Article 30)**

#### *A. Cultural Competency*

The number of children of foreign origin in Iceland has grown a lot. There is even more need than before to respect cultural differences and important to inform people who work with and for children on the culture and tradition of different groups of children.

*It is recommended that the State Party promote education on cultural sensitivity for staff working with children.*

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## **Protection against exploitation (Article 32)**

### *A. Job protections and protection against exploitation*

Many children in Iceland start to work at an early age, though it has changed in recent years due to fewer job opportunities for children and youth. In principle children may not be hired for work but there are exceptions to that rule. For instance, children may be hired for light work from the age of 13 years. Children need to be educated on their rights in the labor market, tax payments, work safety, insurance along with other aspects of labor market participation.

*It is recommended that children are informed about their rights in the job market in order to increase their safety and save them from getting injured at work.*

## **Deprivation of liberty (Article 37)**

### *A. Prison sentences*

The State Party withdrew its reservation to Article 37c, on deprivation of liberty, but has not established a separate institution for children who receive unconditional sentences. According to information from the Government Agency for Child Protection, a child would serve in one of the Agency's treatment homes and an assessment made of where it would be best for the child to stay, based on the need for treatment. If a juvenile was sentenced to custody, the person in question would be sent to a rehab emergency ward for children and adolescents. Since the abolition of Iceland's reservation with Article 37c, children have not been sentenced unconditional sentences. However, judgments have been issued where the child in question is given a suspended sentence as well as supervision by child protection authorities.

*It is recommended that the State Party ensures that children who are given a suspended or unconditional sentence receive appropriate child-friendly support, separate from adults.*

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