



**Meeting of the States Parties  
to the Convention on the  
Rights of the Child**

Distr.: General  
16 August 2006  
English  
Original: French

---

COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-second session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)\*  
OF THE 1146th MEETING (Chamber A)

Held at the Palais Wilson, Geneva,  
on Friday, 26 May 2006, at 10 a.m.

Chairperson: Mr. DOEK

CONTENTS

CONSIDERATION OF REPORTS BY STATES PARTIES (*continued*)

Initial report of Iceland on implementation of the Optional Protocol to the Convention on the Rights of the Child, on the involvement of children in armed conflict

Initial report of Iceland on implementation of the Optional Protocol on the sale of children, child prostitution and child pornography

---

\* No summary record was prepared for the second part (closed) of the meeting.

---

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

*The meeting was called to order at 10.05 a.m.*

CONSIDERATION OF REPORTS BY STATES PARTIES (item 4 on the agenda)  
(continued)

Initial report of Iceland on implementation of the Optional Protocol to the Convention on the Rights of the Child, on the involvement of children in armed conflict  
(CRC/C/OPAC/ISL/1; list of items to be dealt with (CRC/C/OPAC/ISL/Q/1); written replies by the State Party to the list of items to be dealt with (CRC/C/OPAC/ISL/Q/1/Add.1))

1. *At the invitation of the Chairperson, the Icelandic delegation took places at the Committee table.*
2. Mrs. ARNADOTTIR (Iceland) recalled that Iceland had neither national armed forces nor a military Criminal Code and that its legislation did not include any particular provisions prohibiting recruitment of children into the armed forces. Nevertheless, the crimes targeted in the Protocol came within the scope of certain criminal provisions in force.
3. The Icelandic Government had substantially increased its development aid in recent years and its development cooperation policy for 2005-2009 rested on four pillars, with children rights featuring prominently in two pillars. Between 2004 and 2005 Iceland had more than doubled its contributions to UNICEF and intended to reinforce its partnership with that agency still further in 2006.
4. For several years, Iceland had been seconding experts to the Balkans to promote gender equality and women's rights within the framework of cooperation with the United Nations Development Fund for Women (UNIFEM). This action contributed to helping children who were victims of the aftermath of armed conflict, and the Government had decided to increase its support for this programme.
5. Mr. KOTRANE said that, even if it did not possess any national armed forces, Iceland had contracted certain obligations by ratifying the Optional Protocol, the Rome Statute of the International Criminal Court and ILO Convention No. 182. He noted with satisfaction that the State Party was contributing to cooperation efforts and the social rehabilitation of victims and was taking in child refugees.
6. He wished to know what stage had been reached in the deliberations of the working group that had been set up by the Ministry of Justice in December 2003 to formulate proposals for rules of procedure and a contingency plan for receiving unaccompanied children in Iceland and whether there were victims of armed conflict among the unaccompanied children who had arrived in Iceland.
7. The delegation should indicate what measures the State Party intended to take to expand its jurisdiction for repressing certain acts, for example an Icelandic citizen's participation in enrolling children in hostilities abroad.
8. Mr. SIDDIQUI asked what the minimum age was for admission to police training establishments in Iceland.
9. Mr. KRAPPMANN wished to know how and to what extent the Icelandic courts interpreted the provisions of the Icelandic Constitution in the light of the country's international obligations regarding human rights, and on the basis of what international instruments.

10. The CHAIRPERSON asked whether Iceland intended to establish its extraterritorial jurisdiction and to incorporate among crimes specifically subject to Article 6 of its Criminal Code the prohibition to directly involve in hostilities children under the age of fifteen years, as required by Article 38 of the Convention and by the Protocol.

*The meeting was suspended at 10.15 a.m. and resumed at 10.25 a.m.*

11. Mrs. ARNADOTTIR (Iceland) said that the Working Party was in the process of finalising its draft rules for procedures applicable to receiving any unaccompanied children requesting asylum in Iceland. In 2003 and in 2005 the country had not been faced with any cases of this kind. In 2004 one child in that situation had arrived in Iceland, but as he had no papers, it had not been possible to ascertain whether he was indeed 17 years old, as he maintained, and this individual had quickly disappeared without trace.

12. Article 6 of the Icelandic Criminal Code classified certain acts as crimes in application of several international instruments, not including the Optional Protocol, but Iceland would examine the possibility of incorporating in that Article certain provisions of the Protocol, particularly with regard to extraterritorial jurisdiction.

13. Iceland possessed a police college whose students had to be at least 20 years old.

14. Apart from the European Convention on Human Rights, international instruments relating to human rights were not, as such, legally enforceable in Iceland, but in 1995 Iceland had modernised the provisions of its Constitution relating to human rights, drawing inspiration from the relevant international instruments. In the past few years, Iceland had considerably reinforced its legal provisions in favour of human rights protection and its courts, in [taking] their decisions, referred ever more directly to the provisions of the international instruments.

Initial report of Iceland on implementation of the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPAC/ISL/1; list of items to be dealt with (CRC/C/OPAC/ISL/Q/1); written replies by the State Party to the list of items to be dealt with (CRC/C/OPAC/ISL/Q/1/Add.1), in English only)

15. Mrs. ARNADOTTIR (Iceland) said that application of the Optional Protocol on the sale of children, child prostitution and child pornography was primarily a matter for the Ministry of Justice and the Ministry of Social Affairs. Two important legislative texts promulgated recently – the Child Protection Act No. 80/2002 and the Child Welfare Act No. 76/2003 – contained relevant provisions in this respect, and amendments had been made to several legislative texts with a view to reinforcing child protection in accordance with the Protocol. A special provision repressing trafficking in human beings had thus been incorporated into the Criminal Code in 2003, and in that same year sentences incurred for committing sexual offences against children had been increased.

16. Since the report had been presented, the Government had submitted to Parliament two draft laws for the amendment of the Criminal Code, aimed at enhancing protection of children against sexual offences and child pornography.

17. Firstly, it was proposed that the victim's youth should be considered an aggravating circumstance in determining the sentence in cases of rape, since young

child victims had insufficient psychological or physical strength to defend themselves, and an act of violence or even a tiny threat could assume huge proportions for them.

18. Secondly, it was proposed – with a view to ratification of the European Convention on Cybercrime – to amend the provision of the Criminal Code relating to child pornography so as to take account not only of the act of procuring child pornographic material by electronic means, but also that of offering such a service to others.

19. It was further intended to undertake cooperation in the near future between the Icelandic police and Internet service providers [ISPs] with a view to installing content filtering systems and preventing users from accessing child pornographic sites.

20. As was indicated in the written replies, no cases of sale of children or child prostitution had been recorded during the period in question. However, several cases of possession of child pornographic material had been reported, including at least two concerning Icelandic children, or children coming under Icelandic jurisdiction.

21. Mr. KOTRANE welcomed the adoption of Child Welfare Act No. 76/2003, reinforcing Child Protection Act No. 80/2002, which showed that Iceland was indeed following through the action it was taking. The Committee also welcomed the amendment to Act No. 40/2003, amending certain provisions of the Criminal Code and reinforcing the tools for combating trafficking in human beings.

22. The Committee noted with concern, however, that not all the acts constituting an offence under Articles 2 and 3 of the Optional Protocol were established as criminal offences by the above amendments. In the absence of precise indications in the report, it wished to know whether attempts and complicity were punishable, as was expressly provided for, and whether measures had been taken to establish the civil, criminal and administrative liability of the individuals for the offences defined in paragraph 1 of Article 3 of the Optional Protocol.

23. The provisions of Articles 4 and 5 of the Criminal Code were still inadequate in relation to Article 4 of the Optional Protocol because they did not enable the jurisdiction of the Icelandic authorities to be established in cases where the crime was committed outside the country by an Icelandic national or a resident of Iceland; this amounted to enshrining the criterion of double jeopardy, involving a risk of impunity. It therefore wished to know whether the State Party intended to establish its universal jurisdiction in such circumstances.

24. Mrs. AL-THANI asked for further information on child protection awareness-raising campaigns conducted among professionals and children and on measures taken to encourage children to exercise caution in order to guard against human trafficking and pornography. The delegation should also clarify the proposed legislative amendments designed to combat cybercrime.

25. Mrs. LEE wished to know whether there was a central mechanism for implementing, monitoring and assessing programmes relating to the Optional Protocol and requested clarification on the budgets for the national and the regional level, as well as figures for compensation of victims. Finally, clarification was required as to whether someone procuring sexual services was liable for

prosecution, and what the statute of limitations was for sexual offences, if any were applicable to such offences – which, in her opinion, should not be the case.

26. Mrs. ORTIZ asked how children could protect themselves from abuse, whether training for that purpose was provided for them at school, and whether there was a mechanism whereby they could obtain advice or lodge a complaint.

27. The delegation should elucidate the State Party's experience with regard to social rehabilitation of victims of child pornography and clarify procedures for cooperation with ISPs, indicating in particular whether those procedures involved regulating the sector or coming to agreements on various issues with the stakeholders.

28. Mr. SIDDIQUI asked whether child pornography was increasing in Iceland, while remaining at a very low level in absolute terms.

29. Mr. KRAPPMANN wondered whether it would not be wise to group together in a national plan of action, in order to facilitate their monitoring, the measures that the State Party had adopted to combat prostitution and child pornography.

30. Noting that Iceland had only a single service helpline for adults and children, he asked whether the State Party intended to restore the separate helpline that had previously existed for children, because it would be preferable for a specific service, staffed by specialists, to be in charge of collecting and processing complaints from child victims of violations and for hearing their grievances.

31. Mrs. OUEDRAOGO asked whether the proposed amendments were consistent with the recommendations made by the Committee during consideration of the last report, in particular to protect children over 15 years against sexual exploitation, and whether a Plan of Action had been developed in the wake of the recommendations made in the study, in accordance with the Declaration and with the Action Plan of the World Congress against Commercial Sexual Exploitation of Children.

32. The CHAIRPERSON requested further information on the reception centre closed for lack of funds, and on whether the centre would reopen. Noting that the minimum age of consent for sexual relations was 14 years in Iceland, he requested clarification on the real meaning of this provision.

*The meeting was suspended at 11.05 a.m. and resumed at 11.20 a.m.*

33. Mrs. ARNADOTTIR (Iceland) said that the cost of activities carried out by child protection committees set up in local authorities was very low and that children benefitted from them free of charge. The Criminal Law Committee had found that sections 225 and 226 of the Criminal Code could apply to trafficking in human beings, but in 2004 a new section had been incorporated into the Criminal Code specifically to repress trafficking in human beings for purposes of sexual exploitation, forced labour and organ trafficking, in accordance with the Protocol.

34. The Criminal Code was supplemented by provisions in other legislation, including the law on health and safety at work and the law on child protection - the latter being of particular significance in that it enshrined the obligation to report any case of abuse. Forced labour in any form whatsoever constituted abuse, which was a statutory offence under this law. Iceland had thus equipped itself with a comprehensive legislative framework in the fight against forced labour and trafficking in human beings. The Criminal Code contained a comprehensive article

(Art. 20) under which any attempted crime was punishable as if the offence had actually been committed, as well as specific provisions against child prostitution, whereby anyone who paid a person under 18 years of age in exchange for sex faced up to two years' imprisonment. Yet child prostitution was practically non-existent in Iceland.

35. A recent study by the Child Protection Agency on young people's sexual behaviour indicated that 16% of boys viewed pornographic films or pictures once a week, which was a matter of grave concern. Parliament was due to adopt a bill before the summer that would amend the legislation on cybercrime and would involve liability of legal entities to the same extent as that of individuals.

36. Mrs. INGADOTTIR (Iceland) confirmed that Iceland applied the principle of double jeopardy, except for female genital mutilation, this exception having been introduced through an amendment of the Criminal Code that came into force in 2005.

37. At least two cases of sexual exploitation of children had been identified in recent years. Discussions on this issue in the country were all the more numerous on that account. Individuals and NGOs were conducting an intense awareness-raising campaign. The NGO 'Save the Children' was very active in this field; in particular, it ran a well-known emergency helpline to collect reports of cases of child pornography. A new NGO, devoted specifically to combating sexual offences against children, published awareness-raising materials and organised information sessions in schools.

38. The results of the comprehensive study on young people's sexual behaviour had been published only two weeks before, and the authorities would not fail to scrutinise them with the utmost care and make the most of this rich source of information.

39. Mrs. ARNADOTTIR (Iceland) said that, from now on, the statute of limitations for sexual offences referred to in Articles 194 to 202 of the Criminal Code would commence from the day the victim of the offence reached the age no longer of 14 but of 18 years of age. It had been intended to abolish the limitation for such offences, and the advantages and disadvantages had been weighed up but, for the time being, the authorities had settled for this adjustment of the statute of limitations.

40. No national action plan had been adopted to date, but there had been numerous measures against the sale of children, child prostitution and child pornography in recent years, particularly involving amendments to the Criminal Code and international cooperation against trafficking in human beings, to which the Icelandic Government was committed, particularly in the framework of the Nordic Baltic Task Force. Iceland intended to ratify the Council of Europe Convention on Action against Trafficking in Human Beings.

41. No specific agreement had been reached with the ISPs, but the cooperation that was taking place on the use of filters could only go in the right direction.

42. The rehabilitation of victims was ensured by an extensive network in which the Children's House, under the supervision of the Child Protection Agency and comprising many specialists, played a leading role. This organisation could take in hand any child who had been forced to watch pornographic material, who had been

photographed or filmed in suggestive poses or who had been sexually exploited in the production of pornography; however, no data were available comprising a breakdown according to the reasons for such safeguarding. To the knowledge of authorities, at least two children had been portrayed in pornographic material, but this material had not been released. Having realised when preparing the dialogue with the Committee that he was having difficulty obtaining accurate information, the director of the Children's House had now decided that full details would be recorded on all cases reported. The main problem facing Iceland was the accessibility of pornographic materials.

43. Mrs. ORTIZ asked for clarification concerning the relationship between the authorities and ISPs.

44. Mrs. OUEDRAOGO asked whether Iceland had a national focal point against sexual exploitation, as advocated by the Stockholm Action Plan.

45. The CHAIRPERSON wished to know whether the information set out in simple terms about what is done for protecting children was made available to professionals.

46. Mrs. ARNADOTTIR (Iceland) said that collaboration between the Ministry of Justice and ISPs was voluntarily based and could be achieved in the next few months.

47. The National Child Protection Agency's chief task was to provide guidance and advice to local child and family protection committees, monitor their activities, supervise subsidised childcare institutions and schools, finance studies and disseminate information on child protection.

48. On the Children's House website there were clear instructions as to how to proceed in cases of suspected sexual or other abuse of children. The matter would be brought before the local child protection committee, the child would receive the benefit any doubt, and a specialist would examine him/her to determine whether there had been abuse or not. The Children's House would provide information, as would professionals like the National Child Protection Agency.

49. Mrs. ORTIZ requested clarification concerning the cooperation between the authorities and the press, and in particular whether it was of the same degree as the cooperation between the authorities and ISPs. In this respect, it would be interesting to know whether journalists were trained to promote the best interests of children.

50. Mr. SIDDIQUI asked about the progress achieved in the work of the commission set up in 2005 to formulate a comprehensive and coherent policy on children and young people.

51. Mrs. ARNADOTTIR (Iceland) replied that the committee had already met several times, but without tangible results.

52. There was no specialised training for journalists, nor any dialogue with the press of the type established with ISPs. The press was respectful of the rights of children and knew that it would be violating the law if it published details of cases of child pornography.

53. Mrs. INGADOTTIR (Iceland) stressed that the Ministry of Social Affairs had a comprehensive website containing information for the general public, including safe use of the Internet and child protection regulations.

54. Mr. KOTRANE thanked the delegation for a fruitful and constructive exchange, which had shed light upon the situation of children in Iceland and had dispelled some misunderstandings. It had shown that Iceland's child protection measures with regard to labour were adequate, that Iceland had vigorously supported and quickly ratified the two Optional Protocols, and that its progress towards implementing them was practically faultless. The Committee hoped that Iceland would do more to avail other States of its capabilities and defend the cause of child victims outside its own borders. The Committee encouraged Iceland to learn more about acts contrary to children's rights committed outside its borders, for example the use of children under 15 in armed conflict.

*The public part of the meeting rose at 12.15 p.m.*