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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-second session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 12, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

Concluding observations: Iceland

1. The Committee considered the initial report of Iceland (CRC/C/OPSA/ISL/1) at its 1146th meeting (see CRC/C/SR.1146), held on 26 May 2006, and adopted at its 1157th meeting, held on 2 June 2006, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial comprehensive report as well as the submission of the written replies to its list of issues (CRC/C/OPSC/ISL/Q/1). The Committee appreciates the frank and constructive dialogue held with the high-level delegation.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's second periodic report on 31 January 2003 and contained in CRC/C/15/Add.203.

B. Positive aspects

4. The Committee notes with appreciation the various measures taken by the State party to implement and to strengthen the protection of the rights in the Optional Protocol, in particular:

(a) The adoption of the Children's Act, No. 76/2003, which reinforces the rights of children in Iceland;

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(b) The enactment of Act No. 40/2003 amending the General Penal Code and introducing a new definition of "trafficking in persons" and an increase in penalties for sexual offences against children; and

(c) The establishment of an office of the United Nations Children's Fund (UNICEF) in November 2003.

C. Principal areas of concern and recommendations

1. General measures of implementation

Coordination and evaluation of the implementation of the Optional Protocol

5. The Committee takes note of the information provided on the various ministries and State bodies involved in implementing the Optional Protocol, but is concerned that there is no identifiable body to ensure a comprehensive and well-coordinated implementation of the various ministerial activities to protect the rights covered by the Optional Protocol. The Committee also regrets the lack of identifiable mechanisms for the periodic evaluation of the implementation of the Protocol.

6. The Committee encourages the State party to continue to strengthen coordination in the areas covered by the Optional Protocol, and to periodically evaluate the implementation of the Protocol.

National plan of action

7. While noting with appreciation the efforts undertaken by the State party to implement the Optional Protocol, the Committee is

concerned at the absence of a national plan of action for children in the State party.

8. The Committee recommends that the State party strengthen its efforts to develop, adopt and implement, in consultation and cooperation with relevant partners, including civil society, a national plan of action for children, as requested by the outcome document “A world fit for children” adopted by the General Assembly at its special session on children held in May 2002. Furthermore, it recommends that the State party pay special attention to the prevention of sexual exploitation of children, including child prostitution and child pornography.

Dissemination and training

9. The Committee welcomes the efforts undertaken by the State party to raise awareness among children, parents and various professions about the provisions of the Optional Protocol, and encourages the State party to continue to strengthen its efforts to raise awareness among its population, with particular attention to children and parents, about the provisions of the Optional Protocol through, inter alia, its inclusion in the school curricula. The Committee also recommends that the State party develop systematic and ongoing training programmes on the provisions of the Optional Protocol for all relevant professional groups.

Data collection

10. The Committee notes the absence of reported cases falling within the provisions of the Optional Protocol, with the exception of child pornography, and recommends that the State party undertake a study to assess the nature and extent of activities falling under the Optional Protocol, and to include information on efforts to identify unreported cases.

Budget allocations

11. The Committee regrets the limited information provided on budget allocations for the implementation of the provisions contained in the Optional Protocol.

12. The Committee recommends that the State party provide further information in its next report on the budget allocations for the comprehensive implementation of the Optional Protocol.

2. Prohibition of the sale of children, child pornography and child prostitution

Existing criminal or penal laws and regulations

13. The Committee notes with appreciation the State party’s efforts to criminalize the sale of children, child prostitution and child pornography, notably by the adoption of the Child Protection Act, No. 80/2002 and the Children’s Act, No. 76/2003, and by the enactment of Act No. 40/2003 amending the General Penal Code and introducing a new definition of “trafficking in persons” as well as extensive legislation against prostitution. However, the Committee is concerned at the criminalization of child prostitutes. Furthermore, the Committee remains concerned at the rather low age for sexual consent (14 years), which may not provide adequate protection for children older than 14 years against sexual exploitation, the current statute of limitations in respect to sexual offences against children, and that legal persons cannot be held liable for offences established in article 3, paragraph 1, of the Optional Protocol.

14. The Committee recommends that the State party:

(a) Review its legislation with a view to ensuring that children engaged in prostitution are not criminalized, but rather seen as victims;

(b) Take legislative measures to ensure that children older than 14 years of age are effectively protected from sexual exploitation;

(c) Adopt the amendment bill to the General Penal Code, that would extend the statute of limitations in respect of sexual abuse cases against children; and

(d) Extend the liability for offences established in article 3, paragraph 1, of the Optional Protocol to legal persons.

3. Penal/criminal procedure

Extraterritorial jurisdiction

15. The Committee notes with concern the principle of “double criminality” in article 5 of the General Penal Code, which requires that a person who has committed a serious or lesser offence abroad can be punished in Iceland only if the act is punishable under the law of the country in which it was committed. The Committee is concerned that this requirement limits the possibility of the prosecution of offences outlined in articles 1, 2 and 3 of the Optional Protocol, and therefore limits the protection of children against these crimes.

16. The Committee recommends that the State party amend its legislation in order to abolish the requirement of double criminality for prosecution in Iceland of offences committed abroad.

4. Protection of the rights of child victims

Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol

17. While noting with appreciation Regulation No. 321/1999, on the arrangements for taking statements before a court from victims younger than 18 years of age, the Committee recommends that the State party continue to strengthen its measures to protect the rights and interests of child victims of the offences prohibited under the Optional Protocol at all stages of the criminal justice process.

18. The Committee welcomes the information in the State party report on treatment services provided to child victims of sexual abuse by the Children's House (Barnahus). The Committee reiterates its recommendation that the State party continue to strengthen and to expand the coverage of the Children's House concept throughout the State party, including by providing adequate financial and human resources for its effective functioning. The State party is requested to include more information on the content and impact of such services and assistance programmes in its next periodic report.

5. Prevention of the sale of children, child prostitution and child pornography

Measures adopted to prevent offences referred to in the Optional Protocol

19. The Committee notes with appreciation the various efforts taken by the State party with regard to prevention, including awareness-raising campaigns at national and local levels and the report of a government study in 2002 on the extent of child prostitution and pornography. The Committee recommends that the State party continue to strengthen its awareness-raising efforts and to take all necessary measures to implement promptly the recommendations contained in the government report. 20. While noting the existence of the current helpline for both adults and children operated by the Icelandic Red Cross, the Committee is concerned at information that due to lack of funding, the Red Cross has shut down the night shelter that was connected to the helpline, and that the State party does not have a helpline specifically for children.

21. The Committee recommends that the State party provide financial and technical support to create a helpline specifically for child victims of violence and abuse. It also recommends that the child helpline receive a nationally accessible, toll-free, three-digit number so that neither the helpline nor the child needs to pay for accessing hotline services, and further that the hotline provide 24-hour service.

Measures adopted to prohibit the production and dissemination of material advertising offences

22. The Committee notes with appreciation the adoption of the National Policy on the Information Society for the period 2004-2007, including measures taken to ensure the safe use of the Internet by children. The Committee also notes the proposed amendment to the General Penal Code relating to the ratification and implementation of the Council of Europe Convention on Cybercrime (2001), and urges the State party to ratify the Convention without delay and to continue to strengthen measures aimed at effectively prohibiting the production and dissemination of material advertising the offences described in the Optional Protocol.

6. International assistance and cooperation

Prevention

23. While noting preventive measures undertaken by the State party, the Committee recommends that the State party strengthen its legislative framework and consider ratifying the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the Convention, and the Council of Europe Convention on Action against Trafficking in Human Beings.

Law-enforcement

24. The Committee notes with appreciation the various bilateral and multilateral agreements signed by the State party in the domain of judicial and security cooperation, and recommends that the State party continue to strengthen its bilateral, regional and multilateral cooperation for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution and child pornography, particularly with law-enforcement agencies of States facing problems in this area.

Financial and other assistance

25. The Committee notes with appreciation the State party's contributions and various child rights-related activities in the area of international cooperation, including bilateral and multilateral development cooperation, and encourages the State party to continue to strengthen its activities in the area of international cooperation, inter alia, by striving to achieve the United Nations 0.7 per cent target of GDP for international development assistance.

7. Follow-up and dissemination

Follow-up

26. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the

present recommendations, inter alia, by transmitting them to relevant government ministries, the Parliament (*Althingi*) and to provincial authorities, for appropriate consideration and further action.

Dissemination

27. The Committee recommends that the initial report and written replies submitted by the State party, and the concluding observations adopted by the Committee, be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups, and children in order to generate debate and awareness of the Convention, its implementation and its monitoring.

D. Next report

28. In accordance with article 12, paragraph 2, the Committee requests that the State party include further information on the implementation of the Optional Protocol in its next periodic report (third and fourth) under the Convention on the Rights of the Child, in accordance with article 44 of the Convention, due on 26 May 2008.
