



Convention on the Rights of the Child

Distr.: General
23 January 2012

Original: English

Committee on the Rights of the Child

Fifty-eighth session

19 September – 7 October 2011

Consideration of reports submitted by States parties under article 44 of the Convention

Concluding observations: Iceland

1. The Committee considered the combined third and fourth periodic report of Iceland (CRC/C/ISL/3-4) at its 1648th and 1649th meetings (see CRC/C/SR.1648 and 1649), held on 23 September 2011, and adopted, at the 1668th meeting, held on 7 October 2011, the following concluding observations.

I. Introduction

2. The Committee welcomes the submission of the third and fourth periodic report as well as the written replies to its list of issues (CRC/C/ICE/Q/3-4/Add.1) and commends the frank and self-critical nature of both the report and the replies to the list of issues, which allow a better understanding of the situation of children in the State party. The Committee expresses appreciation for the very constructive and open dialogue held with the cross-sectoral delegation of the State party.

II. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes/notes as positive the adoption of the following legislative measures:

- (a) The amendments to the Child Protection Act No. 80/2002 in 2011;
- (b) The new Media Act No.38/2011;
- (c) The amendments to the Primary School Act No. 91/2008 in 2011;
- (d) The Act on Education and Career Counsellors No. 35/2009;
- (e) The Preschool Act No.90/2008, the Primary School Act No.91/2008 (2008) and amendments thereto in 2011 and the Secondary School Act No. 92/2008;

- (f) The Act concerning Education and Recruitment of Teachers and School Administrators in Preschools, Primary Schools and Secondary Schools No. 87/2008;
 - (g) The amendments to the Penal Code raising the minimum age of sexual consent from 14 to 15 years in 2007;
 - (h) The Youth Act No. 70/2007;
 - (i) The Act No.22/2006 on payments to parents of chronically ill or severely disabled children and its amendment by Act No. 158/2007; and
 - (j) The Children's Act No. 76/2003.
4. The Committee also welcomes the ratification of or accession to:
- (a) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime 2000 (June 2010); and
 - (b) The Council of Europe Convention on Cybercrime, (January 2007).
5. The Committee also welcomes the following institutional and policy measures:
- (a) The Action Plan to improve children's and young people's situation 2007-2011;
 - (b) The quality standards for placement of children outside the homes from 2008 and 2011;
 - (c) The Plan of Action for Child Protection in Iceland 2008-2010;
 - (d) The Plan of Action regarding Immigration Policy in 2008;
 - (e) The regulation by the Ministry of Health and Social Security in 2008 exempting children below the age of 18 from health care and hospital fees; and
 - (f) The Health Policy Action Plan from 2008.

III. Factors and difficulties impeding the implementation of the Convention

6. The Committee takes note of the deep financial crisis undergone by the State party since the crash of its banking system in 2008, which had a severe impact on its ability to maintain the level of public investment and employment, which in turn impacted on children and their families, especially on lower income families. However, the Committee notes with appreciation the State party's fiscal efforts to protect the rights of children, especially regarding special protection measures, and that it intends to redress the budget cuts to social investment, including education and health, as its financial and economic situation steadily continues to improve.

IV. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44, paragraph 6, of the Convention)

The Committee's previous recommendations

7. The Committee welcomes efforts by the State party to implement the Committee's concluding observations on the State party's second periodic report. Nevertheless, the Committee notes that some of those concluding observations have not been sufficiently addressed.

8. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the second periodic report that have not yet been implemented or sufficiently implemented, including the remaining declaration on article 37, lack of a data collection system, high dropout rate of immigrant children from school, and existence of the double criminality requirement, and to provide adequate follow-up to the recommendations contained in the present concluding observations.**

Reservations

9. The Committee welcomes the withdrawal of the reservation concerning article 9 of the Convention in February 2009. The Committee regrets, however, that the State party has not withdrawn its reservation concerning article 37.

10. **The Committee reiterates the recommendation made in its previous concluding observations (CRC/C/15/Add.203, para. 5) that the State party guarantee by law the separation of detained children and adults, in accordance with article 37 (c) of the Convention and withdraw its reservation concerning article 37.**

Legislation

11. **The Committee appreciates the legislative actions that are being undertaken by the State party to strengthening the constitutional, legal and normative framework related to the implementation of the Convention. The Committee recommends that, once the reservation concerning article 37 has been withdrawn, the State party take the necessary steps to incorporate the Convention and its Optional Protocols into its domestic laws.**

Coordination

12. The Committee notes the establishment of a consultative committee that worked from 2007 to 2011 on planning policies related to children and adolescents and examination of the Committee's recommendations. However, the Committee regrets that there is still no permanent entity mandated to carry out intersectoral coordination of the implementation of the Convention.

13. **The Committee recommends that the State party undertake measures to establish an effective permanent mechanism for coordinating the implementation of child rights policies by all the relevant bodies and institutions at all levels. This mechanism should be provided with the necessary human, technical and financial resources to implement child rights policies that are comprehensive, coherent and consistent at national, regional and municipal levels.**

National Plan of Action

14. The Committee notes the Action Plan to improve children's and young people's situation 2007–2011, providing for the establishment of the consultative committee mentioned in paragraph 12 above. The Committee also notes that there has been a decision to develop a new plan of action for the years to come, but regrets that such a plan has not yet been adopted.

15. The Committee encourages the State party to adopt as soon as possible a new national plan of action on children that covers all provisions enshrined in the Convention on the basis of evaluation of the 2007–2011 plan. The Committee also recommends that the State party provide a specific budget allocation and adequate follow-up mechanisms for full implementation of the Plan and ensure that it is equipped with an evaluation and monitoring mechanism to regularly assess progress achieved and identify possible deficiencies.

Independent monitoring

16. While welcoming the increase in resources provided to the Ombudsman for Children in 2007, the Committee notes the State party's information that the Ombudsperson is not entitled to receive individual complaints. It is also concerned that there is a complicated system of complaints mechanisms established under various Government agencies.

17. The Committee recommends that the State party consider giving the Ombudsman for Children the competence to handle individual complaints and ensure that this mechanism is effective and accessible to all children, especially to children in vulnerable situations, as well as raise the public's, especially children's awareness of such complaints procedure. Drawing attention to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, the Committee also calls upon the State party to ensure that this complaints mechanism be provided with the necessary human, technical and financial resources to ensure its independence and efficacy.

Allocation of resources

18. The Committee recognizes the difficult financial and economic situation faced by the State party since 2008 and appreciates the efforts made to avoid direct effects on services protecting children and families in situations of vulnerability. The Committee, however, expresses its concern at extensive budget cuts to the education and health sectors and that, despite efforts, the rate of families with children below the low-income threshold, in particular single parent families, has increased.

19. The Committee recommends that, with economic and financial recovery as experienced since 2010, the State party reverse cuts to the education and health sectors and increase its investment in job creation, especially for single heads of household, social security and special protection in a sustained manner. It further recommends that the State party introduce budget tracking from a child right's perspective with a view to monitoring and evaluating budget allocations for children and take into account the Committee's recommendations resulting from its 2007 day of general discussion on resources for the rights of the child - responsibility of States.

Data collection

20. The Committee notes with appreciation the data provided by the State party on various areas concerning children. However, it regrets that the system of data collection does not cover all areas of the Convention, and that there are insufficient mechanisms for the processing, evaluation and assessment of such data.

21. **The Committee encourages the State party to develop a comprehensive system for collecting, processing and analysing data as a basis for assessing progress achieved in the realization of child rights. The data should be disaggregated by age, sex, geographic location, ethnicity and socioeconomic background to facilitate analysis of the situation of all children.**

Dissemination, awareness-raising and training

22. The Committee notes with appreciation that since 2008 the State party has celebrated an annual Children's Day. The Committee also welcomes the establishment of a home page for the Convention by the Government Agency for Child Protection, and seminars, information sessions, forums and conferences on child protection and child rights held for personnel of child protection committees and staff of treatment homes. However, the Committee regrets lack of information as to whether children's rights are included in the school curricula and whether law enforcement officials, health professionals, teachers, health workers, and social workers are particularly included as targets of such training and seminars or if there are any other measures taken to disseminate information to such groups on the Convention and the Committee's deliberations.

23. **The Committee recommends that the State party include children's rights in its school curricula. It also recommends the reinforcement of adequate and systematic training of all professional groups working for and with children, in particular, law enforcement officials, teachers, health workers, social workers and personnel working in all forms of alternative care.**

International cooperation

24. The Committee welcomes the strong efforts by the State party to contribute to international cooperation. The Committee notes, however, that with the difficult economic climate in the country its contributions to international assistance have been reduced.

25. **The Committee encourages the State party to maintain and, if possible, increase, despite the current crisis, its level of international cooperation. The Committee encourages the State party to meet and, if possible, surpass its target of reaching 0.7 per cent of gross national product by 2015. In doing so, the Committee suggests that the State party take into account the concluding observations of the Committee on the Rights of the Child for the recipient country.**

B. General principles (arts. 2, 3, 6 and 12 of the Convention)

Best interests of the child

26. The Committee welcomes information that the concept of the best interest of the child is generally taken into consideration in the assessment of a child's need for welfare and public services. The Committee, however, is concerned that the best interests principle may not be fully taken into account in certain individual cases, especially with regard to ensuring parents' access to the child.

27. **The Committee recommends that the State party ensure that, in all cases concerning parents' access to the child, the best interest of the child is always given priority. It further recommends the State party to strengthen its efforts to ensure that the principle of the best interests of the child is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings, and in all policies, programmes and projects relevant to and with an impact on children. The legal reasoning of all judicial and administrative judgments and decisions should also be based on this principle.**

Respect for the views of the child

28. The Committee notes the State party's indication that the Children's Act secures the right of children to form their own opinions and to express them. The Committee also appreciates that under the Youth Act municipal authorities may establish youth councils to advise authorities on youth affairs. Nevertheless the Committee remains concerned that there is no legal requirement that such councils be established nor any procedures and regulations governing the functioning of such councils, leaving them at the discretion of municipalities. The Committee is also concerned that all children may not have equal opportunity to express their views.

29. **In the light of the Committee's general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends the State party to adopt regulations governing the functioning, role and mandate of youth councils and to ensure that children's views are given due consideration in courts, schools, relevant administrative and other processes concerning children and in the home, including children with disabilities, immigrant children or children in other vulnerable situations.**

C. Family environment and alternative care (arts. 5, 18, paras. 1–2, 9–11, 19–21, 25, 27, para. 4, and 39 of the Convention)**Family environment**

30. The Committee takes note of the adoption in 2007 of a four-year action plan which includes child-rearing counselling and parent-management training and welcomes the measures to support parents in nurturing their children. The Committee, however, remains concerned that social benefits aimed at families in poverty, including single-headed families, are inadequate and that this has a negative impact on the development of children in such families. It is also concerned that in cases of family disputes, there is insufficient funding for mediation services to parents.

31. **The Committee encourages the State party to continue the measures supporting the family and provide training to professionals involved in those measures. The Committee recommends that the State party revise its social benefits programmes with the aim of providing adequate assistance to families in vulnerable situations and increasing its funding to mediation services to parents in dispute. It further recommends that the State party ratify the Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations, the Convention on the Law Applicable to Maintenance Obligations and the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children.**

Children without parental care

32. The Committee welcomes efforts by the Governmental Agency for Child Protection to monitor service and placement contracts and ensure that homes and institutions fulfil professional requirements, by establishing quality standards for placement of children outside the homes as well as regular supervision. The Committee also notes that Act No. 26/2007 established a committee to examine the activities of institutions and treatment homes for children. However, the Committee regrets lack of information on the measures taken to integrate children in the society after leaving alternative care settings.

33. **The Committee recommends that the State party conduct a study on the integration and success rate of children after leaving alternative care settings, which**

should also include recommendations regarding the measures to be taken to ensure their full integration.

D. Disability, basic health and welfare (arts. 6, 18, para. 3, 23, 24, 26, 27, paras. 1–3, of the Convention)

Children with disabilities

34. The Committee welcomes Act No. 22/2006 and the 2007 amendments thereto, providing payment to parents of chronically ill or severely disabled children, and its efforts to integrate children with disabilities into regular schools. However, the Committee is concerned that access to services by children with disabilities may be limited by public allocations. The Committee also regrets lack of data on children with disabilities disaggregated by types of disabilities, age and gender.

35. In light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party:

(a) Continue and strengthen measures to include children with disabilities in all areas of life;

(b) Ensure that children with disabilities are provided with all necessary support and services without undue delay and financial constraints should not be an obstacle in accessing services;

(c) Ensure that data collected on persons with disabilities is disaggregated also by the nature of the disability, age and gender; and

(d) Ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol without delay.

Health and access to health services

36. The Committee welcomes the regulation by the Ministry of Health and Social Security in 2008 exempting children below the age of 18 from health-care and hospital fees. The Committee also welcomes the Health Policy Action Plan from 2008 which emphasizes mental health, nutrition and exercise. Further, the Committee appreciates that obesity among children and young people has decreased, but is concerned that it remains a problem. The Committee is also concerned that, owing to a growing number of immigrants in the State party, children of immigrants may be not be covered by child health-care services, particularly with regard to access to educational materials and general information about health services, due to language problems.

37. The Committee recommends that the State party continue educating the public about healthy nutrition and negative impacts of obesity on a child's health and development. It also urges the State party to take necessary measures to integrate children of immigrants into its health system and provide children of immigrants with health information, if possible, in their native languages.

Mental health

38. The Committee is concerned that there is a growing number of children in the State party who are being diagnosed with Attention Deficit Hyperactivity Disorder or related conditions, leading to an increase in the prescription of psychostimulant drugs. It is also concerned that the waiting lists for mental health diagnosis and treatment are long.

39. The Committee recommends that the State party:

(a) **Improve the accuracy of the diagnosis of children with such problems and strengthen mental health services for children and guarantee access to examinations and treatment needed, including by improving the capacity of treatment and diagnostic centres;**

(b) **Monitor the prescription of psychostimulants to children diagnosed with Attention Deficit Hyperactivity Disorder, including with an assessment of the increasing numbers of such children who are on medication as the first line of treatment;**

(c) **Pay greater attention to other kinds of treatment, including psychological, educational and social measures, and strengthen the support to parents and teachers; and**

(d) **Consider undertaking the collection and analysis of data disaggregated according to substance and age with a view to monitoring the potential abuse of psychostimulant drugs by children.**

Breastfeeding

40. While noting that a high percentage of children are exclusively breastfed from birth and for the first few days, the Committee is concerned with the decline to 50 per cent of infants at 4 months of age and 12 per cent of infants at 6 months of age.

41. **The Committee recommends that the State party strengthen its efforts to promote exclusive and continued breastfeeding until six months of age by raising the awareness of the public and enforcing and monitoring the International Code of Marketing of Breast-milk Substitutes.**

Adolescent health

42. The Committee is concerned that the number of pregnancies and abortions among girls under the age of 18 is relatively high, which may be attributed to a general lack of knowledge of reproductive health, access to contraceptives and counselling services on reproductive health.

43. **The Committee recommends that the State party raise awareness among adolescents about reproductive health and negative impacts of early pregnancies and abortions, and provide access to contraceptives and counselling services on reproductive health, including psychological counselling.**

Drug and substance abuse

44. The Committee, while noting with appreciation that statistics show a decrease in the use of some types of drugs and alcohol by young people, regrets that the use of alcohol remains a problem.

45. **The Committee recommends that the State party continue to take all appropriate measures, including administrative, social and educational measures, in particular life-skills education, to protect children from illicit use of narcotic drugs and alcohol as well as provide rehabilitation, reintegration and recovery programmes specifically designed for child victims of drug and substance abuse.**

E. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

Education, including vocational training and guidance

46. The Committee welcomes numerous legislative acts adopted by the State party aimed at strengthening the best of interest of the child in education and promoting the welfare of children in schools. However, the Committee is concerned that

a) the recent cutbacks may leave children with special needs, including children with disabilities, with less attention;

b) children are often subjected to serious and protracted bullying without satisfactory and clear steps of action taken by school authorities; and

c) the drop-out of immigrant children from upper secondary schools remains a problem.

47. **Taking into account its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:**

(a) **Take necessary measures to meet the need of children with special needs, including training for teachers who work with children with special needs, including children with disabilities;**

(b) **Enhance the measures undertaken to combat all forms of bullying and harassment by improving school regulations on misbehaving and improving the capacity of teachers, all those working at schools and students to accept diversity and improve their conflict resolution skills;**

(c) **Strengthen measures to address the problem of immigrant children dropouts from upper secondary schools.**

F. Special protection measures (arts. 22, 38, 39, 40, 37 (b) and (d), 30, 32–36 of the Convention)

Children affected by armed conflict

48. The Committee notes that article 114 of its Penal Code states that anyone recruiting persons within the State party for foreign military service is subject to criminal liability (two years' imprisonment). The Committee, however, regrets that the Penal Code does not address explicitly recruitment of children, which should entail even harsher punishment.

49. **The Committee reiterates its previous recommendation that, in order to strengthen the national and international measures for the prevention of the recruitment of children for armed conflict and their use in hostilities, the State party:**

(a) **Explicitly prohibit by law the recruitment of children under the age of 18 years into foreign armed forces/groups and their direct participation in hostilities;**

(b) **Explicitly prohibit by law the violation of the provisions of the Optional Protocol on the involvement of children in armed conflict;**

(c) **Establish extraterritorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with the State party.**

Economic exploitation, including child labour

50. The Committee notes with concern that, while compulsory education in the State party lasts until 16 years of age (although may be completed earlier), the minimum age of employment remains 15 years of age. The Committee is also concerned that some children in the State party begin working at an early age, reportedly at 13–14 years. Although this work may be light in nature, it may be undertaken under bad conditions and inappropriate work arrangements that expose them to long working hours, high rates of work accidents and harassment, and often give them more responsibility than is fitting with their age.

51. **The Committee recommends that the State party:**

(a) **Make amendments to its legislation in order to harmonize the age of ending compulsory education and the minimum age of employment;**

(b) **Monitor the situation and detect children working at too early an age and motivate them to finish secondary education; and**

(c) **Take steps to guarantee that children are protected against bad working conditions and inappropriate work arrangements, including working long hours, taking on responsibilities above and beyond those commensurate with their age, work accidents and harassment.**

Sexual exploitation and abuse

52. The Committee welcomes the adoption in 2007 of an amendment to the chapter on sexual crimes in the Penal Code raising the minimum age of sexual consent from 14 to 15 years. Nevertheless, the Committee is concerned that this amendment does not provide adequate protection for children aged 15–18 years who may still be exposed to sexual exploitation. The Committee is also concerned that few reports of sexual abuse of children lead to prosecution and even fewer to conviction.

53. **The Committee recommends that the State party:**

(a) **Take necessary measures to protect children above the age of 15 from sexual exploitation and abuse;**

(b) **Ensure effective and prompt investigation, prosecution and conviction in all cases of sexual abuse and exploitation concerning children; and**

(c) **Ensure that programmes and policies for the prevention, recovery and reintegration of child victims are in accordance with the outcome documents adopted at the 1996, 2001 and 2008 World Congresses against Commercial Sexual Exploitation of Children held in Stockholm, Yokohama and Rio de Janeiro.**

Sale and trafficking

54. The Committee welcomes the significant efforts made by the State party by introducing amendments to the Penal Code whereby the use of prostitution, in particular involving children, is criminally punishable, and the adoption of a National Plan of Action against Trafficking in 2009. Nevertheless, the Committee reiterates its concern (CRC/C/OPSC/ISL/CO/1) about 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 on sale, prostitution and pornography involving children, and therefore limits the protection of children against these crimes.

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

Juvenile justice

56. The Committee notes that the agreement between the State Prison and Probation Administration and the Governmental Agency for Child Protection on the imprisonment of persons under 18 years of age falls short of a legal guarantee of separation from adults, as contained in article 37 (c) of the Convention under which the State party has made a reservation.

57. The Committee recommends that the State party bring the juvenile justice system fully in line with the Convention, in particular articles 37, 39 and 40, and with other relevant standards, including the Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), the Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Vienna Guidelines for Action on Children in the Criminal Justice System; and the Committee's general comment No. 10 (2007) on the rights of the child in juvenile justice.

In particular, the Committee urges the State party to remove its reservation under article 37 and find a practical and reasonable solution to detain children and adults separately.

Child victims and witnesses of crimes

58. The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes, e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, including those perpetrated by State and non-State actors, are provided with the protection required by the Convention and that it take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime. The Committee recommends the State party to encourage courts to make use of the Children's House for obtaining testimonies from children.

G. Ratification of International Instruments

59. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Convention on the Rights of Persons with Disabilities, Convention for the Protection of All Persons from Enforced Disappearance, Optional Protocol to the Convention against Torture and Optional Protocol to the Convention on Economic, Social and Cultural Rights.

H. Cooperation with regional and international bodies

60. The Committee recommends that the State party cooperate with the Council of Europe for the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe member States.

I. Follow-up and dissemination

61. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, inter alia by transmitting them to Head of State, Parliament, relevant ministries, the Supreme Court and local authorities, when applicable, for appropriate consideration and further action.

62. The Committee further recommends that the third and fourth periodic report and written replies submitted by the State party and the related recommendations (concluding observations) be made widely available in the languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, media, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and its Optional Protocols, and their implementation and monitoring.

J. Next report

63. The Committee invites the State party to submit its fifth and sixth periodic report by 26 May 2018 and to include in it information on the implementation of the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr. 1) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the reporting guidelines. In the event a report exceeding the page limitations is submitted, the State party will be asked to review and eventually resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, then translation of the report for purposes of examination of the treaty body cannot be guaranteed.

64. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved at by the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).
