

ICELAND

CRC A/51/41 (1996)

Concluding observations

918. The Committee considered the initial report of Iceland (CRC/C/11/Add.6 and HRI/CORE/1/Add.26) at its 272nd to 274th meetings (CRC/C/SR.272-274), on 16 and 17 January 1996, and adopted, at its 287th meeting, on 26 January 1996, the following concluding observations.

Introduction

919. The Committee expresses its appreciation to the State party for its comprehensive report, established in accordance with the Committee's guidelines. It welcomes the self-critical approach taken by the Government of Iceland in preparing its report. The Committee also welcomes the written answers to the Committee's list of issues, which were submitted on time.

920. The presence of a high-level delegation enabled the Committee to engage in a constructive dialogue with those directly involved in the implementation of the Convention on the Rights of the Child.

Positive factors

921. The Committee welcomes the statement of the delegation that the declarations made by Iceland upon the ratification of the Convention on its articles 9, paragraph 1, and 37 (c), may be reviewed, with a view to their eventual withdrawal.

922. The Committee notes with appreciation the strengthening of the protection of human rights in general and of children's rights in particular in the Constitution; it particularly welcomes the inclusion in the Constitution of a provision directly based on article 3, paragraph 2, of the Convention. It also notes that important international instruments, such as the Hague Convention on the Civil Aspects of International Child Abduction and the European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children, have recently been ratified by Iceland. The commitment of the authorities to ratify in the near future ILO Convention No. 138 on the minimum age for employment is also noted with satisfaction.

923. The Committee welcomes the establishment of the Office of Children's Ombudsman and its role of disseminating among the public information on the rights of the child and of encouraging compliance with the international instruments ratified by Iceland concerning those rights, among them the Convention.

924. The Committee also welcomes the establishment of the Government Agency for Child

Protection in March 1995. Its functions, as a centralized authority providing the Child Welfare Committees with improved support, preparing training programmes for members of the Child Welfare Committees, or informing foster parents and preparing them to assume their tasks, are of great importance for a better implementation of the rights enshrined in the Convention.

925. The Committee acknowledges the efforts undertaken by the authorities to find creative ways to ensure the effective dissemination of the Convention, such as the establishment of an interministerial working group to decide on the form the publicity campaigns on the Convention should take. It also acknowledges the commitment of the authorities to strengthening their relationships and cooperation with non-governmental organizations working in the field of the protection and promotion of children's rights.

926. With regard to the high number of domestic or other accidents whose victims are children in Iceland, the Committee welcomes the establishment of the Accident Prevention Council in 1994.

927. The Committee welcomes the initiative of the Ministry of Education to appoint an interministerial committee to formulate overall policy with regard to immigrants and to coordinate the authorities' activities in relation to immigrant issues. The Committee also welcomes the establishment, under the auspices of the Ministry of Education since the autumn of 1993, of a special programme, for the benefit of teachers at all levels (from nursery schools to secondary schools and adult education), on education for immigrants.

928. The recent developments in the area of refugee matters are considered by the Committee to be promising; the establishment of a Refugee Council to organize the acceptance and arrival of refugees in Iceland, with special attention being given to child refugees, and to deal with asylum seekers whose requests are pending before the authorities, is viewed as a very positive measure. Likewise, the Committee welcomes the legal change abolishing the requirement that a person seeking Icelandic citizenship has to add an Icelandic name to his or her original name.

929. With regard to article 7, paragraph 2, of the Convention, the Committee takes note with satisfaction of the intention expressed by the delegation that a government proposal dealing expressly with the status of stateless children will be presented to the Althing in due time.

Principal subjects of concern

930. The Committee wishes to emphasize that the Convention provides for the protection and care of children, and in particular for the recognition of the child as the subject of his or her own rights. In this connection, the Committee notes that this essential aspect of the Convention is not yet fully reflected in Icelandic law.

931. While the Committee notes that the Convention is not an integral part of the national legislation, it is concerned that gaps might exist in regard to the reflection of the Convention in national laws and regulations.

932. The Committee stresses the importance of the coordination of sectoral policies of the

different governmental agencies and departments dealing with child issues. In view of the large autonomy of the local authorities in the field, among others, of child protection and welfare, the Committee also notes with concern the absence of a mechanism to coordinate the decisions taken and the activities undertaken in this field between the central and local authorities and between the local authorities themselves.

933. The Committee is particularly preoccupied about the disparities of the budget allocations in the field of child protection and welfare between different administrative regions, which may lead to discrimination between children living in different areas, for example in the field of education and after school-time care.

934. While noting the steps taken to disseminate the text of the Convention among students at all school levels, the Committee notes that the inclusion of human rights in general, and of children's rights in particular as a subject in schools and universities is still pending.

935. The lack of comprehensive and systematic training programmes for professionals working for and with children, such as teachers or social workers, or who are in contact with children, such as policemen, lawyers, magistrates or doctors, on children's rights and on the exercise of their rights, is also a matter of concern to the Committee.

936. The Committee notes that the best interest of the child to spend time in his/her family environment may be infringed by the long working hours of parents and that sufficient measures had not been taken to prevent children from being alone at home during their parents' working hours. In this connection, the insufficient availability of places in nursery schools is of concern.

Suggestions and recommendations

937. The Committee wishes to encourage the State party to consider the possibility of withdrawing its declarations on the Convention and would like to be kept informed of developments on this matter.

938. The Committee recommends that steps be taken to have all the substantive provisions of the Convention reflected in national laws or regulations, so that the full protection of the rights enshrined in the Convention is ensured.

939. The Committee recommends that the State party establish a mechanism to enhance the coordination of governmental policies as well as those of central and local authorities in the field of children's rights, with a view to eliminating possible disparities or discrimination in the implementation of the Convention and ensuring that the Convention is fully respected in all parts of Iceland.

940. The Committee encourages the State party to pursue and further develop its policy aimed at disseminating information and at increasing awareness of the Convention. It also urges the authorities to integrate the Convention and children's rights into the training curricula of professional groups dealing with children and in the school and university curricula.

941. The Committee recommends that the budgetary allocations be ensured to the maximum extent of available resources in the light of article 4 of the Convention. In this connection, due attention should also be paid to articles 2 and 3 of the Convention, with a view to avoiding the risk of disparities in services for children in different parts of the country. The Committee also recommends that the State party consider strengthening international cooperation and assistance with a view to enhancing the promotion and protection of the rights of the child.

942. The Committee suggests that appropriate measures be taken to counter the inequalities between men and women with regard to remuneration, since it may be detrimental to the child, in particular in homes headed by single women.

943. The Committee recommends a further review of the procedures with regard to custody or to the separation of the child from his or her parents, in order to ensure that the best interests of the child are always a primary consideration.

944. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the report be made widely available to the public in Iceland and that publicity be given to its consideration by the Committee through the publication of the relevant summary records of the discussion and of the concluding observations of the Committee.

CRC CRC/C/124 (2003)

461. The Committee considered the second report of Iceland (CRC/C/83/Add.5), submitted on 27 April 2000, at its 856th and 857th meetings (CRC/C/SR.856 and 857), held on 28 January 2003 and at its 862nd (CRC/C/SR.862) meeting, held on 31 January 2003, adopted the following concluding observations.

A. Introduction

462. The Committee notes that the second report followed the Committee's guidelines for reporting, and appreciates the informative written replies which were submitted. The Committee also appreciates the presence of a high-level and cross-sectoral delegation which contributed to an open and frank dialogue on the implementation of the Convention in the State party.

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

463. The Committee notes with appreciation the follow-up measures taken by the State party pursuant to the previous recommendations. It further welcomes:

(a) The ratification of the Optional Protocols to the Convention on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography;

(b) The adoption of the 2002 Child Protection Act;

(c) The establishment of the Centre for Child Health;

(d) The adoption of the National Health Plan, which includes strategies for children aimed at addressing alcohol and tobacco consumption and improving the reach of psychiatric services, as well as reducing accident-related injuries and deaths.

C. Principal subjects of concern and recommendations

1. General measures of implementation

Declarations

464. The Committee notes the information provided by the delegation concerning steps being taken by the State party to comply fully with articles 9 and 37 of the Convention (namely the provisions in the 2002 Child Protection Act and a proposed law expected to be passed soon giving courts the sole power to decide in child protection cases; and the 1998 agreement between the Prison and Probation Administration and the Governmental Agency for Child Protection to allow prisoners under 18, at their request, to be detained in treatment homes under the supervision of the Agency). Nevertheless, the Committee regrets that the State party has not yet withdrawn its declaration on article 9. Moreover, it considers that the 1998 agreement falls short of a legal

guarantee of separation from adults, as contained in article 37 (c) of the Convention.

465. The Committee recommends that the State party:

(a) Expedite the promulgation of legislation to ensure full compliance with article 9 of the Convention

(b) Guarantee by law the separation of detained children and adults, in accordance with article 37 (c) of the Convention.

Legislation

466. The Committee notes the information provided by the State party on the draft Act in Respect of Children, which concerns, among other things, the custody of children.

467. The Committee recommends that the State party:

(a) Continue to ensure that this and other laws concerning children, as well as administrative regulations, are based on human rights and are in conformity with the Convention;

(b) Ensure that adequate provision, including budgetary allocation, is made for the effective implementation of those laws and regulations;

(c) Consider the systematic use of child rights impact assessments in the formulation of laws, policies and budgets.

Coordination

468. The Committee welcomes the State party's efforts to formulate a comprehensive, intersectoral national child rights policy. It further welcomes the requirements under the 2002 Child Protection Act for the submission of four-year action plans on child protection by the Ministry of Social Affairs, as well as by each municipal authority.

469. The Committee recommends that the State party:

(a) Consider giving the Committee established under the May 2001 parliamentary resolution a permanent mandate for intersectoral coordination in the implementation of the Convention, or establish another well-mandated and adequately resourced body for such a task;

(b) Continue to ensure that the preparation and implementation of the national plan on child rights, as well as those plans required under the 2002 Child Protection Act, are based on human rights and are undertaken through an open, consultative and participatory process;

(c) Continue to ensure that adequate resources to implement the plans are provided, especially at the municipal level (i.e. through the municipal equalization funds).

Data

470. The Committee welcomes the statistical data provided in the written replies, and is encouraged by the State party's admission of the need to collect and analyse data on children in an organized manner.

471. The Committee encourages the State party:

(a) To continue to collect statistics on all persons under 18 years for all areas covered by the Convention, including immigrant children;

(b) To continue to use these data to assess progress and design policies to implement the Convention;

(c) To consider compiling a comprehensive annual survey of statistics in this respect.

Monitoring structures

472. The Committee welcomes the excellent work being undertaken by the Ombudsman for Children. However, it is concerned that the provision of resources by the State party is not commensurate with the Ombudsman's activities, including the increasing caseload of inquiries.

473. The Committee recommends that the State party ensure that this institution has adequate human and financial resources to enable it to effectively carry out its mandate to monitor the implementation of the Convention.

Resource allocation

474. The Committee notes the comprehensive and progressive allocation of resources at the central and municipal levels for the economic, social and cultural rights of children. However, it is of the opinion that greater efforts could be made in this regard.

475. In accordance with article 4 of the Convention, the Committee encourages the State party to increase - to the maximum extent of available resources - the allocation of resources for the implementation of economic, social and cultural rights of children. International cooperation

476. The Committee notes with appreciation the State party's contributions and various child rights-related activities in the area of international cooperation. However, it notes that while overseas development assistance is increasing in absolute terms, it is not increasing relative to its gross domestic product (GDP).

477. The Committee encourages the State party to continue and strengthen its activities in the area of international cooperation by, among other things, striving to achieve the United Nations target

of 0.7 per cent of GDP for international development assistance.

Training/dissemination of the Convention

478. The Committee welcomes the efforts made by the State party to disseminate the Convention (e.g. through “My rights” booklets and handbooks on the Convention for teachers).

479. The Committee encourages the State party:

(a) To strengthen, expand and make ongoing its programme for the dissemination of information on the Convention and its implementation among children and parents, civil society and all sectors and levels of Government, including initiatives to reach those vulnerable groups that are illiterate or without formal education;

(b) To develop systematic and ongoing training programmes on human rights, including children’s rights, for all persons working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, teachers and health personnel).

2. Definition of the child

480. Noting that in Icelandic legislation a child is defined as a person under 18 years (e.g. the 1997 Majority Act), the Committee is concerned that there are inconsistencies in this definition in other laws (e.g. child benefits are payable until age 16).

481. The Committee recommends that the State party review its legislation to ensure that age-limits in all existing legislation are consistent.

3. General principles

The right to non-discrimination

482. Owing to the growing number of people of foreign origin in Iceland, the Committee welcomes efforts by the State party to address their needs (e.g. through the adoption of the 2003 law on foreigners, the appointment of a special representative in the State police, publications on cultural tolerance for health professionals, and the establishment of an intercultural centre in Reykjavik). Nevertheless, it is concerned that further efforts need to be taken to proactively address issues of racism that may arise with the growing numbers of immigrants in Iceland.

483. The Committee recommends that the State party:

(a) Guarantee all children within its jurisdiction all the rights contained in the Convention, in accordance with article 2;

(b) Develop comprehensive and coordinated policies to address the developing phenomenon of immigration, including public information campaigns to promote tolerance, as well as monitor and collect data on racially motivated acts;

(c) Study the situation of immigrant children in the municipalities, especially in the school system, and the effectiveness of measures taken to facilitate their integration;

(d) Include in its next report measures and programmes relevant to the Convention undertaken by the State party to follow up on the Durban Declaration and Programme of Action, adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking account of general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).

Best interests of the child

484. The Committee welcomes the incorporation of the principle of the best interests of the child into article 4 of the 2002 Child Protection Act.

485. The Committee recommends that the State party continue its efforts to fully incorporate article 3 of the Convention into all legislation and practice relevant to children.

Respect for the views of the child

486. The Committee welcomes the information that several structures have been set up in Iceland through which children can make their views known, including the YouthNet Parliament. Nevertheless, the Committee is concerned that children may not be provided with sufficient opportunities to contribute directly to policies that affect them (e.g. school governance, management of discipline, substance abuse prevention, relevant community planning issues), and that they are not adequately informed about how to contribute effectively, or how their input (e.g. resolutions of the YouthNet Parliament) will be taken into consideration.

487. The Committee recommends that the State party:

(a) Strengthen support for the YouthNet Parliament, including through the adequate provision of resources;

(b) Continue to promote within the family, the school, the courts, administrative bodies and local authorities respect for the views of children and to facilitate their participation in all matters affecting them, in accordance with article 12 of the Convention;

(c) Develop skills-training programmes in community settings for parents, teachers, social workers and local officials to teach them how to encourage children to express their informed views and opinions and to take those views into consideration (e.g. using the brochure “They who will inherit the land ... cannot be heard”).

4. Family environment and alternative care
Violence/abuse/neglect/maltreatment

488. The Committee welcomes the adoption of the 2002 Child Protection Act, which contains a comprehensive set of provisions to protect children from neglect and ill-treatment in the home. It also notes the establishment of Children's House to treat sexually abused children.

489. The Committee recommends that the State party:

(a) Raise awareness among parents, other caretakers and the public at large of the prohibition of corporal punishment - including in the family - under existing legal provisions;

(b) Continue to strengthen and expand the coverage of the Children's House concept throughout the State party;

(c) Conduct public education campaigns about the negative consequences of ill-treatment of children, and promote positive, non-violent forms of discipline as an alternative to corporal punishment;

(d) Allocate sufficient resources for the provision of care, recovery and reintegration of victims;

(e) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment, including with respect to interviewing techniques which are the least harmful to child victims of abuse.

Parental assistance

490. The Committee appreciates the State party's approach to a comprehensive policy in matters concerning support to families with children, as evident from the parliamentary resolution on an official family policy, the establishment of the Family Council, the adoption of the 2000 Equal Status and Equal Rights of Men and Women Act, and the Law on Paternity and Maternity of 2000. However, it is concerned that:

(a) Insufficient importance has been accorded to the formulation of family policies by municipalities because only a few have been formulated to date;

(b) Insufficient support is provided to single-parent families;

(c) Insufficient leave is afforded to parents with sick children;

(d) More generally, efforts in the area of parental assistance, including the impact of the Council's work, will be limited without adequate allocation of human and financial resources.

491. In accordance with the provisions of the Convention, particularly articles 18 and 27, the

Committee recommends that the State party:

(a) Make greater efforts to encourage municipalities to formulate public family policies, ensuring that these are based on human rights, and that municipalities are provided with adequate resources to meet their objectives;

(b) Make greater efforts to strengthen support to single-parent families;

(c) Increase the available leave for parents with sick children;

(d) Ensure that the Family Council is provided with adequate resources to carry out its mandate effectively.

5. Basic health and welfare

Children with disabilities

492. The Committee welcomes the State party's policy of inclusion of children with disabilities and notes the recently adopted policy relating to chronically ill children, including provisions for health, social security, education and finance. It further notes the recent opening of a facility to care for children with long-term illnesses and for disabled children.

493. The Committee recommends that the State party:

(a) Increase support for families of disabled children;

(b) Continue to collect and analyse data on the enjoyment of rights by children with disabilities;

(c) Continue and strengthen its efforts to meet all the needs of children with disabilities.

Adolescent health

494. The Committee welcomes the information that:

(a) Some health centres in Iceland offer special services to adolescents, including in relation to substance abuse, sexually transmitted diseases, reproductive health information and mental health counselling;

(b) The Director-General of Public Health has launched a programme for the prevention of suicides.

495. The Committee encourages the State party:

(a) To strengthen efforts to expand access to health services, including through the educational system;

(b) To continue to study and assess the nature and extent of adolescent health problems and, with the full participation of adolescents, use this as a basis for formulating policies and programmes.

6. Education

496. The Committee notes with appreciation the adoption of anti-bullying campaigns in many schools, as well as the inclusion of courses in life skills. However, it is concerned:

(a) That the aims of education outlined in article 29 of the Convention (i.e. development and respect for human rights, tolerance and equality of the sexes and religious and ethnic minorities) are not explicitly part of the curricula throughout the State party;

(b) About the high drop-out rates of immigrant children, particularly at the secondary level.

497. The Committee recommends that the State party, taking into account the Committee's general comment No. 1 on the aims of education:

(a) Explicitly include human rights education, including children's rights, in the curricula of all primary and secondary schools, particularly with regard to development and respect for human rights, tolerance and equality of the sexes and religious and ethnic minorities;

(b) Strengthen measures to address the problem of immigrant child dropouts.

7. Special measures of protection

Sexual exploitation

498. The Committee welcomes information about a newly adopted law on child pornography (2000). It further welcomes the report of a government study on the extent of child prostitution and pornography, containing various recommendations. However, the Committee is 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.

499. The Committee recommends that the State party:

(a) Take all necessary measures to implement promptly the recommendations contained in the government report referred to above;

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

(c) Formulate and implement a national plan of action to combat sexual exploitation, in

accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.

Administration of juvenile justice

500. The Committee notes that, apart from a few special measures (e.g. Regulation No. 395/1997 concerning the legal status of arrested persons and interrogations, and provisions in the amended Criminal Code of Procedure relating to the questioning of child victims of sexual crimes), there is no comprehensive system of juvenile justice in place in the State party.

501. The Committee recommends that the State party:

(a) Establish a system of juvenile justice, including juvenile courts;

(b) Ensure that the criminal justice system fully integrates into its legislation and practice the provisions of the Convention, in particular articles 37, 39 and 40, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Guidelines for Action on Children in the Criminal Justice System.

8. Dissemination of the reports

502. In the light of article 44, paragraph 6, of the Convention, the Committee recommends that the report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations of the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within all levels of administration of the State party and the general public, including concerned NGOs.

9. Next report

503. In the light of the recommendation on reporting periodicity adopted by the Committee (see CRC/C/114 and CRC/C/124), and noting that the State party's third periodic report is due within two years after the consideration of its second report, the Committee invites the State party to submit a consolidated third and fourth periodic report on 26 May 2008 (i.e. 18 months before the date established in the Convention for the submission of the fourth periodic report).