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LANZAROTE CONVENTION

Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

Replies to the general overview questionnaire

ICELAND

Replies registered by the Secretariat on 7 April 2014

GENERAL FRAMEWORK

Question 1: Definition of “child”

- a. Does the notion of “child” under your internal law correspond to that set out in **Article 3, letter (a)**, i.e. “any person under the age of 18 years”?

According to the Act on Legal Competence No. 71/1997 a person shall become legally competent when attaining the age of 18 years. The Act on Child Protection No. 80/2002 and Children Act No. 76/2003 also identify “child” as an individual under the age of 18. Iceland has furthermore legalized The Convention on the Rights of the Child, Act No. 19/2013, in which children are identified as persons under the age of 18.

- b. What legislative or other measures have been taken to ensure that when the age of a victim is uncertain and there are reasons to believe that the victim is a child, the protection and assistance provided for children are accorded to him or her in accordance with **Article 11, para. 2**?

Iceland’s National Registry is very accurate and all Icelandic children are registered there from birth in accordance with the law of National Registry No. 54/1962. All persons that come to Iceland to live, temporarily or permanently, must under the same laws as well as the Immigration law No. 96/2002 also be registered when entering the country. As a result the issue of age rarely comes up in Iceland except in cases where foreign citizens are concerned when they ask for asylum in Iceland. In those cases persons, claiming to be children, are in practice treated as such while their age is verified by approved means of verification.

- c. Please state whether the age for legal sexual activities is below 18 years of age and if so, please specify the age set out in internal law.

In Iceland the age of sexual consent is 15 years and all sexual activity involving children under the age of 15 is considered sexual violence and is punishable in the General Penal Code No. 19/1940. Furthermore the General Penal Code states that sexual activity involving persons under the age of 18 is punishable subject to certain conditions, i.e. the nature of the relationship (for example family member, teacher or care taker). The General Penal Code does not in these matters distinguish between penetrative sex and other sexual activity. However the maximum punishment is higher when penetrative sex is involved. It should be noted however that the age limit defined above does not apply to sexual relations among peers.

The Parliament decision in 2007 to rise the age limits from 14 to 15 years took notice of an outcome of a survey submitted to all pupils attending secondary grammar school, the outcome of which was the most common view that this age limit be the most appropriate as defined by the law. This view was based on the belief that it would not be right to criminalize sexual behaviour of children 15 years and older.

Question 2: Non-discrimination

Is discrimination, on grounds such as the ones mentioned in the indicative list in Article 2, prohibited in the implementation of the Convention, in particular in the enjoyment of the rights guaranteed by it? If so, please specify. If not, please justify.

Human dignity is a basic principle and enshrined in all fundamental rights legislation and aims at recognizing the value of every person and promotes equal rights. Article 65 (1) of the Constitution stipulates the principle of equality and non-discrimination. The Article states that: “Everyone shall be equal before the law and enjoy human rights irrespective of sex, religion, opinion, national origin, race, colour, property, birth or other status. Men and women shall enjoy equal rights in all respects”. In the Constitution children are in Article 75 para. 3 given special consideration, where it states that all children are entitled to protection and care.

Question 3: Overview of the implementation

Please indicate (without entering into details):

a. the main legislative or other measures to ensure that children are protected against sexual exploitation and sexual abuse in accordance with the Convention;

The main legal provisions that aim at protecting children from sexual abuse and sexual exploitation are the following:

- (i) The General Penal Code, no. 19/1940
- (ii) The Child Protection Act, no. 80/2002
- (iii) The Children Act No. 76/2003
- (iv) The Act on the Convention on the Rights of the Child, no. 19/2013 which made the UN CRC an integral part of the Icelandic legal code.

As a prerequisite for the ratification of the Lanzarote Convention were the amendments made to the General Penal Code in June 2012 regarding child prostitution, pornography and trafficking in order for the statute of limitation only to start when the child has turned 18 years old, irrespective of the child’s age when the violation took place. Also the amendments aimed to strengthen the penalization of sexual violence against children, such as increased penalties when violence involves children from the age of 15.

b. whether your country has adopted a national strategy and/or Action Plan to combat sexual exploitation and sexual abuse of children. If so, please specify the main fields of action and the body/bodies responsible for its/their implementation;

The Act on Child Protection stipulates that every four years the Minister of Social Affairs should introduce a draft resolution on Plan of Action concerning the implementation of the Act. The current Plan of Action approved by Althing, the Icelandic Parliament, and valid until 2014, identifies actions concerning the investigation and services for child victims of sexual abuse in the form of strengthening the comprehensive services of the *Barnahus* (the Children’s House) as well as treatment services for children with inappropriate sexual behaviour among the main targets for improvement with regard to the protection of children from sexual abuse and exploitation.

In April 2012 the Ministry of the Interior, the Ministry of Education, Science and Culture and the Ministry of Welfare signed a 3 year agreement on collaborate efforts with the aim of awareness raising and competence building with regard to sexual crimes against children. The main goals of this project, referred to as the *Awareness Awakening*, are to promote interdisciplinary cooperation and to launch

social awakening by dissemination of information about sexual offences against children amongst the children themselves as well as to people who have direct contact/communication with children in connection to their work. This is managed by a Task Force with representatives from the respective Ministries which has received separate budget for this purpose. It should be highlighted that this effort is directly inspired by the Council of Europe “One in five” Campaign and the ratification of the Lanzarote Convention.

In April 2013 the Government approved a multi-dimensional Action Plan on the protection of children from sexual abuse and exploitation and service to child victims of these offences. This Action Plan contains 27 defined actions of which 15 were defined as a priority action. The general theme of these actions aim at further coordination and collaboration of the work of different agencies working in this field including the child protection services, the police, the prosecution and the medical services. Included in these actions are new facilities and increased number of staff in the *Barnahus*; increase in resources for the police and the prosecution devoted to sexual abuse cases; to set up a national council as well as regional mechanisms for coordination between the child protection service, the police and the prosecution to improve response and work procedure in child sexual abuse cases.

c. whether your country has any guidelines to ensure a child-friendly implementation of the laws, measures and strategies referred to in letters (a) and (b) above. If so, please specify. With regard to judicial proceedings, please specify whether the Council of Europe Guidelines on Child-friendly Justice were taken as inspiration for your guidelines.

In 1998 a multiagency and interdisciplinary centre for the purpose of ensuring a child-friendly response to child sexual abuse, named the “*Barnahus*” (The Children’s House), was established at the initiative of the *Government Agency for Child Protection (GACP)* which is responsible for its operation. It was set up in partnership with a number of bodies such as the State Prosecution, the State Police, the University Hospital, the Association of Directors of Social Services as well as the local child protection services and the police in Reykjavík. The overall goal was to coordinate the responsibility and the functions of the different agencies such as the child protection services, the police, the prosecution and the medical services, under one roof to safe the child from re-victimization by repetitive interviews in different locations. The *Barnahus* provides child-friendly environment for investigative interviews (including court statements), medical examination and therapeutic services. The comprehensive services offered by the *Barnahus* are based on the requirements of Art. 3.1 of the UN Convention on the Rights of the Child that the best interest of the child should be a primary consideration and it’s function in line with the Council of Europe Guidelines on Child-friendly justice.

The *Barnahus* serves the whole country and the *GACP* has issued guidelines to the local child protection services to refer cases of suspected sexual abuse and sexual exploitation to the *Barnahus*. A more detailed information on the *Barnahus* will be given in the answers to the relevant questions in the general overview questionnaire as well as the thematic questionnaire. Moreover, statistical data on the services of the *Barnahus* are presented in the Appendix to the questionnaires.

Question 4: Child participation

a. Please indicate what steps have been taken to encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual exploitation and sexual abuse of children (Article 9, para. 1);

At the initiative and within the framework of *UNICEF* Iceland, a Focus Group of child victims of sexual abuse was established in 2012. The children were recruited and supported in this effort by the *Barnahus* where the children had received their therapy. The focus group has consulted *UNICEF* in their work with regard to policy making and plan of action against sexual abuse of children. The children’s Focus Group was consulted by the ad hoc Working Group appointed by the Government in

January 2013 to draft an Action Plan to fight child sexual abuse and strengthen services for child victims. Furthermore, the Focus Group was on two occasions called to share their experience with the respective Ministers in the Government (Welfare, Interior and Education), including the Prime Minister when the proposals of the Working Group were examined and decided upon. The former occasion was in April 2013 and the latter in August 2013 after a new Government had been formed following the spring General elections and decided to re-view the aforementioned Plan of Action.

- b. In particular, please indicate whether, and if so, how child victim's views, needs and concerns have been taken into account in determining the legislative or other measures to assist victims (Article 14, para. 1).**

It is safe to assert that the Focus Group mentioned above had an impact on the Government's decisions, in particular with regard to strengthening the services of the *Barnahus*. The priority given by the Focus Group on new facilities for the *Barnahus* and more staff found its way into the Government decisions for improvements, for examples shortening the waiting time for victim treatment and introduce group therapy for child victims of sexual abuse and exploitation.

Question 5: Specialised bodies/mechanisms

- a. Please indicate the independent institution(s) (national or local) in charge of promoting and protecting the rights of the child. Please specify its/their responsibilities and indicate how resources are secured for it/them (Article 10, para. 2, letter (a));**

Government Agency for Child Protection (GACP) was established in the year 1995. According to Article 7 of the Child Protection Act, no. 80/2002, the *GACP* is an autonomous agency under the authority of the Ministry of Welfare. Basically, the role of the *GACP* is twofold; on the one hand it is in charge of administration within the field covered by the Act of child protection and has the functions of a directorate. On the other hand the Agency has the general responsibility to provide specialized services for children in need that the local child protection services are unable to meet. The *Barnahus* is an example in case.

On the administrative level, the *GACP* shall promote co-ordination and strengthening of child protection work in Iceland as well as provide advice to the Minister of Welfare on policy-making in the field. It shall ensure that research and development work is carried out in the field of child protection. The *GACP* shall provide guidance on the interpretation and implementation of the Child Protection Act by standard setting, instructions and advice for the benefit of the local child protection services in Iceland. It shall also monitor the work of the local child protection services as provided in the Act of Child Protection.

In terms of specialized services the *GACP* is to recruit and issue licenses to foster parents, provide professional advice to the local child protection services with regard to placement of children in foster care. The Agency is responsible for providing treatment facilities or other treatment offers relating to children with anti-social, criminal or substance abuse problems which the state is responsible for and shall ensure that such homes and institutions for that purposes be established. The Agency supervises the placement of children in such homes and institutions. The *GACP* may operate special service centres with the objective of promoting interdisciplinary collaboration, by strengthening co-ordination and collaboration of agencies in the handling of cases of child protection. The *GACP* may also implement specialized measures for children suffering from complex problems in collaboration with other authorities, such as services for people with disabilities or the social and health services. The *GACP* may also offer local child protection services other specialized services, such as non-institutional measures in the field of treatment for children, with the objective of assisting the local services in fulfilling their mandated role.

Local Child Protection Committees (presently 27) manage the local child protection services in Iceland. Their main role are to respond to reports to suspected child abuse and neglect in accordance to the Act on Child Protection, the main goal of which is to secure the well-being of children. For that purpose the local child protection services shall assess the needs of the child and his/her family and make individual plans including the appropriate support needed to ensure the safety and well-being of the child. The child as well as the care takers views should be taken into account in the making of the individual plan as well as with regard to the implementation of the plan.

The local Child Protection Committee has the legal power, when necessary for safety reasons, to remove the child from the parents or other caretakers for up to two months. If an intervention of a longer duration is thought to be in the best interest of the child the case need to be brought to the District Courts with avenues of appeal to the Supreme Court. There exists also the possibility of removing the offender, for example a suspected perpetrator of sexual abuse in the circle of trust, may be banned from residing or visiting the home of the child.

The Ombudsman for Children in Iceland is appointed by the Prime Minister to a period of five years. The first such Ombudsman for Children was appointed on 1. January 1995. The role of the Ombudsman for Children is to further the wellbeing of children and to look after their interests, rights and needs vis-à-vis public as well as private parties in all walks of life. The Ombudsman for Children is expected to be an advocate of all children up to the age of 18. The Ombudsman for Children shall seek to ensure that, in their dealings, public authorities, central and local alike, individuals, societies and other associations of individuals, and representatives of legal persons, give full consideration to the interests, needs and rights of children. The Ombudsman for Children shall point to, and make proposals for, improvements in children's lot wherever he/she considers this to be needed.

b. Which legislative or other measures have been taken to set up or designate mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, with due respect for the requirements of personal data protection? (Article 10, para. 2, letter (b));

The *Government Agency for Child Protection (GACP)* serves as the hub for the collection of statistical data on child sexual abuse and exploitation. Other Agencies including the Police, *the State Prosecution*, the *Courts Council* and the *University Hospital*, hold statistics of cases according to their respective roles.

According to article 8 in the Act of Child Protection the local child protection committees shall send to *GACP* a report on their work over the previous calendar year. This shall include, among other things, information on the number of cases dealt with by the services over the period, their nature and how they were resolved. This also applies on cases about sexual exploitation and sexual abuse of children. As the law stipulates mandatory reporting of all cases of suspected sexual abuse and exploitation to the local child protection services, the statistics collected annually by *GACP* is comprehensive and should include all cases that are dealt with by other agencies such as the police, the prosecution and the health services.

According to guidelines issued by *GACP* the local child protection services should refer all cases where the child has disclosed sexual abuse or sexual exploitation (or substantiated otherwise) to *Barnahus*. *GACP* processes statistical data and publishes annual report on cases referred to the *Barnahus*. The data is processed in accordance with the act on privacy protection but gives a detailed information of number of cases referred to the *Barnahus*, the type of services provides (forensic interviews, medical exams, therapeutic services), the breakdown of statistics with regard to age, gender, geographical residence etc. (See Appendix).

The *GACP* also collects preliminary statistics on reports to all local child protection services on a monthly basis, including number of reports classified as due to suspected child sexual abuse or exploitation. This is a part of the monitoring role of the *GACP* and the statistics is published every three months.

- c. **Which legislative or other measures have been taken to organise the collection and storage of data relating to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with this Convention? What is the national authority in charge of the collection and storage of such data? (Article 37, para. 1).**

According to the Act on Police Genetic Profile No. 88/2001 and the accompanying Regulation No. 748/2008, the *State Police Commissioner* is responsible for the collection and storage of electric data relating to the identity and the genetic profile (DNA) of persons convicted of the offences established in accordance with the Convention.

Question 6: National or local coordination, cooperation and partnerships

- a. **Please describe how coordination on a national or local level is ensured between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children. In particular, please provide information on existing or planned coordination between the education sector, the health sector, the social services and the law enforcement and judicial authorities (Article 10, para. 1);**

Prevention

Previously a reference has been made to the “*Awareness Awakening*”, a three year project based on contract between three Ministries: of Welfare, Education and the Interior, to enhance the social consciousness with regard to child sexual abuse. This is implemented by multiple preventive efforts directed at the public and professionals alike and in particular children. This activity is under the supervision of a Task Force with representatives of all the relevant Ministries.

Intervention

The coordination of the child protection services, the health services, the police and the prosecution in individual cases of sexual abuse and sexual exploitation takes place at *Barnahus* as has been referred to earlier.

General measures for further coordination

One of the major goals of the Government Action Plan against child sexual abuse and exploitation approved 2013 is to set up separate coordination mechanisms on the national level as well as on the regional levels. The implementation is under way and the different roles of these coordination mechanisms are yet to be elaborated.

At the national level it is expected that partners will include representatives from the Courts Council of Iceland, the State prosecution, the State Police, the *Government Agency for Child Protection* and the University Hospital as well as the Ministries for Welfare, Education and the Interior. The main role will be oversee and coordinate the implementation of the many Agencies involved in responding to and intervening in the issue of child sexual abuse. It is not expected that the national coordination mechanism will address general prevention measures, at least during the term of the Awareness Awakening project.

It is proposed that the regional coordination mechanisms will be 7 corresponding to the police districts that have the responsibilities of investigating cases of child sexual abuse and exploitation. At this level the backbone of this coordination will be the police and the local child protection services with the

participation of the health and educational authorities as well as the national bodies as required. It is expected that the regional coordination mechanism will address both the prevention efforts on local and regional levels as well as the response and intervention arrangements.

b. Is cooperation with a view to better preventing and combating sexual exploitation and sexual abuse of children encouraged between the competent state authorities, civil societies and the private sector (Article 10, para. 3)? If so, please specify how;

The participation of civil society and the private sector is encouraged in all measures with regard of prevention, education and awareness-raising. Due to the privacy and professional requirements NGO's are generally not entrusted with providing services to child victims of sexual abuse. The only exceptions of this are when services is contracted out to the private sector to independent professional working under legal provisions, but this is rather rare.

In terms of prevention various project implemented jointly by state agencies and NGO's can be mentioned. The *Government Agency for Child Protection (GACP)* has been partner to the NGO *Blátt Áfram* in their annual conferences on prevention in Iceland. *GACP* has also collaborated with *UNICEF* and *Save the Children* in producing statistics, reports and other information on child abuse and neglect as well as participating in their meeting and conferences by presenting and disseminating information. The Awareness Awakening project has involved *Blátt Áfram* in the implementation of the puppetry performances in the primary schools and in the organized educational conferences that have been organized all over Iceland during the two previous years in which *UNICEF* and *Blátt Áfram* have been active partners. *Save the Children* Iceland has collaborated with the *Directorate of Health* in producing educational material on child sexual abuse for playschools and elementary schools. Finally it is worth mentioning that the private sector has been involved in financing many prevention efforts by NGO's such as *Blátt Áfram*, for example by costing television advertisements for awareness raising purposes.

c. Are partnerships or other forms of cooperation between the competent authorities promoted with particular regard to the recipients of intervention programmes and measures for persons subject to criminal proceedings or convicted of any of the offences established in accordance with the Lanzarote Convention (Article 15, para. 2 and Article 16)?

There are no services based on multidisciplinary or interagency cooperation for persons subject to criminal proceedings in Iceland. However, the *Government Agency for Child Protection (GACP)* has since 2008 contracted out risk assessment and treatment services for children with inappropriate sexual behaviour, including youth 15 to 18 years of age that are criminally responsible and have committed sexual offences. It should be emphasized that the aim of this therapeutic intervention is not *per se* an alternative to possible criminal proceedings or other measures by the judiciary although it may have impact on decisions with regard to prosecution or sentencing in individual cases.

Following the ratification of the Lanzarote Convention, the *State Agency for Correction* has received budget designed for setting up therapeutic services for convicted offenders of child sexual abuse. The preparatory work is now in progress and at this point in time it is not clear if these services will be accessible before and during the criminal proceedings or limited to the period of incarceration.

Question 7: International cooperation

Has your country integrated prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third states (Article 38, para. 4)? Please give examples.

The Icelandic *International Development Agency (ICEIDA)* is responsible for Iceland's bilateral aid programmes. The fight against sexual exploitation of children has only rarely been on ICEIDA's radar.

The only recent examples to be mentioned are primary school projects where workshops were held for teachers and instructors have touched upon the subject.

After the positive impact of the *Barnahus* for child victims of sexual abuse became apparent, the *Government Agency for Child Protection (GACP)* has promoted this child-friendly approach abroad by sharing the Icelandic experience internationally. This has been done by presenting at international conferences and events as well as within the framework of organized collaboration that Iceland has been part of such as the among the Nordic countries and Council of the Baltic Sea States (CBSS; the “Children at Risk” unit) and the Council of Europe. In 2002 the *Barnahus* was identified “best practice” in the comparative study of nine European countries in Save the Children Europe publication: “*Child Abuse and Adult Justice*”. In 2006 the Icelandic *Barnahus* received the “Multidisciplinary Award” by the *International Society for Child Abuse and Neglect (ISPCAN)*. For more than a decade *GACP* has at the request of International Organization, Governments, NGO in more than 20 European states presented and disseminated information or provided technical assistance with regard to the *Barnahus* model abroad. In addition it should be mentioned that a large number of politicians as well as professionals have been received at the *GACP* and the *Barnahus* for study visits and on-site training in Iceland. Examples of this are most of the member of the eleven states of the CBSS including all the Nordic countries. Since 2005 *Barnahus* have been set up in almost 50 cities most of which are in Sweden, Norway and Denmark. Presently the *GACP* is now providing technical support and training for setting up *Barnahus* in Lithuania at the request of the Ministry of Social Security and Labour.

PREVENTION OF SEXUAL EXPLOITATION AND SEXUAL ABUSE

Question 8: Education, awareness raising and training

a. Which legislative or other measures have been taken to:

- ensure that children, during primary and secondary education receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacities? (Article 6, Explanatory Report, paras. 59-62). Please also specify whether this information includes the risks of the use of new information and communication technologies (Article 6, Explanatory Report, para. 63);

Legal provisions assume that it is the role of the *Directorate of Health* to perform the function of prevention by disseminating information on sexual health. This is implemented for example by ensuring that primary health care centres distribute information leaflet to all children at the of 4 years in relation to the regular health inspection that children are supposed to undergo at that age. The leaflet bears the title “This is my body” published by *Safe the Children*, and addresses sexual abuse in a child friendly language.

Although education on sexual health in primary and secondary schools is not stipulated by law, the main curriculum identifies “live skills” as one of the subjects. The *Directorate of Health* has produced teaching material under the theme “empowering health” which addresses various risk factors for children, including sexual abuse. It is safe to assume the pupils of all or most primary and secondary schools receive at least some information pertaining to protecting themselves against sexual abuse and sexual exploitation.

Since the ratification of the Lanzarote Convention specific programs directed at children of different age groups with the aim of protecting children from sexual abuse and empowering them to protect themselves through the *Awareness Awakening* project earlier referred to. The main components of this project include the following:

The Educational Puppets theatre called “The Kids on the Block”, for children in the early years of elementary school. This in an interactive program is designed to educate children about personal safety, sexual abuse, the importance of telling someone they trust about it, and services available. A school counsellor, a social worker, a nurse or a psychologist is present at every performance. Following the show, a letter is sent to parents or guardians of all the children audience with information on how further preventive material and information for grown-ups can be obtained. The letter has been translated into the six foreign languages that are most common in Iceland. The implementation of this program has been in collaboration with *Blátt Áfram* with the aim of presenting in all the 150 elementary schools in the country for 7 years old. Already 320 performances have taken place but typically three shows are needed for each school.

The short film “Get a Yes” for children in secondary schools. This film addresses the line between healthy sex and sexual violence as well as the harmful effects of pornography. *Get a yes* was premiered on the 30th of January 2013 in all Icelandic schools for 15-18 years old students. The previous day it was featured on television at prime time and followed up in the media the following days. Teacher's Guide has been made with the film. It can also be used as instruction for adults on how to discuss these issues with young people. The film is available with subtitles in seven languages. The film is available for everyone on the website <http://faduja.is> which contains information and guidelines for teachers and guardians, to be used in discussion about the main themes in the film. The impact of the film has already been evaluated and the results are very positive.

A short film *“Stand-by-yourself”* for children age in the middle class of elementary school (in the making). The aim is comparable to the previously mentioned film as well as its distribution.

In addition to the above mentioned efforts, the prevention work of *Blátt Áfram* should be mention. For years *Blátt áfram* has promoted the animated film *“Secrets”* for younger children in primary schools in collaboration with the *City Council in Reykjavik*. The main goal is to educate on “good” and “bad” secrets and thus encourage disclosure of sexual abuse. Another example is a prevention project for teenagers called the *“7 steps to prevent sexual abuse”* which includes activity to facilitate a dialogue with teenagers on healthy sexuality and abuse in a safe environment.

With regard to prevention efforts directed at the new information and communication technologies, the Icelandic section of EU Safer internet program, *SAFT*, is supported by the Ministry of Education financially and organizationally by a number of governmental as well as non-governmental organizations. The overall goal of *SAFT* is to enhance awareness of risk taking behaviour and safety on the internet, in particular with regard to sexual abuse and exploitation. The main functions of *SAFT* have been to disseminate information among students in primary and secondary schools, peer group educational efforts, guidelines to parents etc.

- **encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities? (Article 5, para. 1);**

The Act on Child Protection stipulates that The *Government Agency for Child Protection (GACP)* is responsible for competence building by education, training and advice to the local child protection services. This is implemented by various strategies, including conferences nationwide, regionally or locally on general as well as specific topics with regard to child abuse and neglect, including sexual abuse and exploitation. Generally when the *GACP* organizes local or regional events, the collaborative partners of the local child protection services are invited to participate including the health services,

educational establishments and law enforcement. During the years *GACP* has initiated numerous sessions for educational purposes aimed at raising awareness and competence building on different aspects of the phenomenon sexual abuse of children and the strategies and work procedures established to protect children among different professions. The child experts working for the *GACP* and the *Barnahus* frequently participate in various educational events such as conferences and meetings organized by the educational and the health sector or NGO's for the purposes of enhancing awareness and knowledge on child sexual abuse, including the service for child victims of sexual abuse and their families. *GACP* also operates a website with special section for professionals working with and for children that contains multiple information on research outcomes, work procedures, legal responsibilities etc. with regard to child sexual exploitation and abuse.

GACP is also responsible for issuing license to foster parents as well as operating facilities for residential treatment purposes. A precondition for foster parents to acquire a license is an extensive assessment and training in which sexual abuse of children is an integral part of the curriculum. Staff in residential care facilities also receives training with regard to protecting children in institutions from sexual abuse, with regard to measures of protection, intervention and therapeutic services for child victims. Guidelines for all staff of residential care have been issued on the response to child disclosure of sexual abuse or exploitation that identifies the step that should be taking, including immediate reporting to the appropriate monitoring mechanism.

Education for health care staff has been ongoing for a number of years in Iceland. In that context, a large number of courses have been given under a broad range of mental health issues and building relationships and the introduction of preventive measures against sexual abuse, to name but a few.

Education on child sexual abuse and exploitation is an integral part of the basic curriculum of the *Police Academy* in Iceland. Additionally there are course on specific aspects with regard to investigations procedures in child sexual abuse cases, communications with child victims etc.

The Ministry of Education and the *State Youth Council* have published a handbook "*Protecting them*" for staff of educational establishments, including mentors and other staff of all youth leisure and culture activities and services which contains detailed information on child sexual abuse and sexual exploitation in which both preventive and responsive mechanisms in the country are introduces. This handbook has been revised and is disseminated among people working with children nationwide. The Ministry also has in collaboration with the *National Olympic and Sport Association* in Iceland published the leaflet on the protection of children in sports from sexual abuse. This leaflet is to increase awareness, educate and inform coaches and other personnel involved in sport activities on their legal responsibilities and how they can best protect children from sexual abuse.

The Government campaign *Awakening Awareness* has implemented a multiple actions in with regard to awareness-raising of professionals across the different sectors. An agreement has been made with *The National Centre for Educational Materials* to make guidelines for the purpose of assisting teachers and other school personnel to prevent all forms of violence against children. In the guidelines will also be an overview over the textbooks listed on the website of the *Awakening awareness* and the best way to teach them. A network with over 1200 individuals, related to this issue, across the country has been set up. The role of the contacts is to promote knowledge within schools and other organizations that work with children. This includes areas related to sport, health, social services and child protection and judicial and law-enforcement.

A special training project for the judiciary, including court judges, the prosecution and the police is under way. The *Awakening Awareness* project has already made an agreement with a *Research Institute of Ármann Snævarr*, affiliated to the University of Iceland, to produce material for this training. This training will inter alia cover principles of the Lanzarote Convention as well as the Council of Europe Guidelines for Child-friendly justice.

There are numerous initiatives by civil society in Iceland on enhancing knowledge among different professions working for and with children. Thus *Save the Children* has carried out a research on how adequately child sexual abuse and exploitation is addressed in the training of different professions at universities or other special educational establishment, for example among teachers, social workers, law enforcement. The outcome clearly demonstrated that there was a great scope for improvement in this area. *Blátt Áfram* has contributed greatly to awareness-raising among professional, for example by a training program named “*Darkness to Light Stewards of Children*” with an emphasis of prevention, identification and response to child sexual abuse.

- **ensure that persons, referred to while replying to the bullet point above, have an adequate knowledge of sexual exploitation and sexual abuse of children, of the means to identify them and of the possibility of reporting suspicions of a child being the victim of such acts? (Article 5, para. 2).**

The Act on Child Protection stipulates mandatory reporting to the local child protection services by the public and professionals alike. The law does not make any exceptions with regard to individual professions. Hence, the notification and reporting of suspicion of ill treatment of children including sexual abuse and exploitation is a crucial message conveyed in all the awareness-raising and educational efforts referred to in reply to the previous bullet point. To facilitate this requirement of mandatory reporting, the *Government Agency for Child Protection* and the *Emergency National Number 112* have an agreement of service that ensures that the public and professionals alike can report their concerns to the relevant child protection services through 112 on a 24/7 basis.

Annually the 112 National Day is celebrated which involves campaign to introduce the emergency telephone number, including the possibility to report suspected child abuse to the relevant child protection services.

Finally it should be mentioned that government institutions have published poster containing information for schools, sport venues and swimming halls to remind children as well of professionals of the 112 emergency number for help in reporting sexual abuse.

- b. Which policies or strategies have been implemented to promote or conduct awareness-raising campaigns targeted at the general public where the focus is directed especially towards the risks and realities of sexual exploitation and sexual abuse of children? Please describe the material used for the campaign/programme and its dissemination. If possible, please provide an assessment of the impact of the campaign/programme. If there are currently plans for launching a (new) campaign or programme, please provide details (Article 8, para. 1);**

Prior to the ratification of the Lanzarote Convention public campaign for awareness-raising of child sexual abuse and exploitation had not taken place on behalf of the Government. *Blátt Áfram* had during previous years regularly conducted ad hoc awareness-raising efforts by advertisements on national television stations.

Following the ratification of the Lanzarote Convention, a postcard signed by Ministers of the Government was disseminated to every household and company in the country. The key message was: “*You can make a difference*”, highlighting the obligation of the general public to report on violence of children under the Child Protection Act and inform about the 112 helpline/reporting telephone number. Soon afterwards the Awareness Awakening project of *Educational Conferences* started.

The Educational Conferences are public meetings solely for the purpose of awareness-raising on protecting children from sexual violence. These are held in every part of the country and are widely publicized with the participation of at least one Minister of the Government as well as professionals, law enforcement and representatives of NGO such as *UNICEF*, *Save the Children* and *Blátt Áfram*.

The topics addressed at these conferences include the Lanzarote Convention, sign and symptom of sexual abuse, reporting sexual abuse, children with inappropriate sexual behaviour, etc.

The *Awareness Awakening* has hosted 18 educational conferences all over the country during the years 2012 and 2013. Three more are scheduled for 2014 when this effort will be completed. The conferences are open to the public but as especially intended for people who have regular contacts with children in education, health, social protection, judicial and law-enforcement sectors and in areas related to sport, culture and leisure activities. The educational conferences have been very well attended as in total 1.500 people from all sectors have attended. The presentations from the conferences are publicly accessible on the Awareness Awakening website (vel.is/vitundarvakning). An assessment of the Conferences impact will be carried out in 2014.

c. Which legislative or other measures have been taken to prevent or prohibit the dissemination of materials advertising the offences established in accordance with this Convention? If so, please provide details (Article 8, para. 2, Explanatory Report, para. 66).

Save the Children in collaboration with the *National Commissioner for the State Police* operates a website for reporting child related sexually abusive images and pornographic material on the internet. This website is advertised on a regular basis. Other measures are confined to legal measures.

Besides the General Penal Code, various legal provisions have been introduced to reinforce the prevention and prohibition of dissemination of materials that can be seen as encouraging offences in accordance with the Convention. In Art. 93 – 95 of the Act on Child Protection identifies the obligations of the local child protection services as well as parents and other care takers to prevent or protect children from observing or participating in performances, gatherings or other social events that may subject them to pornography or sexual conduct inappropriate to their age and stage of development. The Act on the Mass Media no. 38/2011 stipulates a ban on the dissemination of material for commercial purposes that is unlawful or can be harmful to the child's development such as pornography. The Act on children's access to films and computer games No. 62/2006 prohibits the commercial distribution of material to children below the age of 18 that can be harmful to their development. Finally, a reference should be made to Art.17. and 34 c) of the UN Convention on the Rights of the Child as the Convention has been incorporated into the Icelandic legislation.

Question 9: Recruitment and screening

a. Which legislative or other measures have been taken to ensure that the conditions for accessing those professions whose exercise implies regular contact with children, ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children? (Article 5, para. 3). Please specify to which professions such measures apply. Please also indicate for how long the criminal record of a person who was convicted for such crimes is kept in your country;

In Icelandic law there is mandatory screening, which involves examination of the criminal record from the Penal Registry before the recruitment of professionals working with and for children. That screening excludes people that have received a sentence for sexual abuse against children (including distributing or owning child pornography) from working with children, for example in Article 36 of the Child Protection Act no 80/2002, Article 6 para 3 of The Preschool Act no 90/2008, Article 11 para 3 of The Primary School Act no. 91/2008 and Article 10, para 2 of The Youth act.

The screening for recruitment applies to teachers, supervisors of children and youth as well as those working in specialized services on the basis of the Act on Child Protection. Article 36 in the Act of Child Protection is about the situation if a person has been sentenced for sexual exploitation or sexual abuse of children. It stipulates that without exceptions in all recruitments in positions with the child protection services, or in homes or institutions covered by the Act, whether these are run privately, by

the state or municipalities, statements from the Penal Registry and information from the Penal Register shall be obtained stating if the person concerned has been sentenced for offences with regard to sexual exploitation or sexual abuse of children. Persons who have been sentenced for violations of sexual exploitation or sexual abuse of children may not be engaged. If an applicant has been sentenced to punishment for other offences, an assessment shall be made of the implications of this regarding his/her suitability for the position in question, taking account *inter alia* the nature of the work and the nature of the offence.

b. Does the screening of candidates apply to voluntary activities (Explanatory Report, para. 57)?

According to Article 10, para 2 of the Youth Act NO 70/2007, which specifically covers provisions applicable to voluntary activity for children and young people, screening of candidates also applies. The general provisions of the aforementioned acts also cover any voluntary activity that may take place in the respective field.

Question 10: Preventive intervention programmes or measures

a. Which legislative or other measures have been taken to ensure that persons who fear that they may commit any of the offences established in accordance with the Convention, have access to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed? Please specify under which conditions, if required (Article 7, Explanatory Report, para. 64);

There exist no services or programs specifically designed to address the specific needs of persons who fear that they may commit sexual offences against children other than the programme for children and youth with inappropriate sexual behaviour referred to in the answer 6c of this questionnaire.

b. Which legislative or other measures have been taken to ensure that persons subject to criminal proceedings or convicted for any of the offences established in accordance with the Convention, may have access to effective intervention programmes or measures? Please specify under which conditions, if required (Articles 15 to 17). Please indicate in particular:

- **who has access to these programmes and measures (convicts, persons subject to criminal proceedings, recidivists, young offenders, persons who have not committed a crime yet?);**
- **how the appropriate programme or measure is determined for each person;**
- **whether there are specific programmes for young offenders;**
- **whether persons have a right to refuse the proposed programme/measures?**

There are no service available designed to address the specific needs of persons convicted or subjected to criminal proceedings for the offences established in accordance with the Convention. These persons have access to the general psychiatric services provided by the *University Hospital* of Iceland or the general social services. Specialized services do not exist other than the assessment and therapy of young offenders referred to in Answer 6.c of this Questionnaire. Only children under the age of 18 that have expressed sexual aggression or other harmful and inappropriate sexual behaviour are referred to the program by the local child protection services. The nature of the therapy offered, including duration, density and follow up is individually tailored and based on risk assessment for recidivism. This is an out-patient program that involves the parents and other family members in supporting and supervising the child. The program is voluntary although the child protection services and/or the judicial system may resort to coercive measure if the individual concern presents serious risks to other children.

Question 11: Participation of the private sector, the media and civil society

What steps have been taken to encourage:

- a. **the private sector (in particular the information and communication technology sector, the tourism and travel industry, the banking and finance sectors) to participate in the elaboration and implementation of policies, programmes or other initiatives to prevent sexual exploitation and sexual abuse of children? Please indicate which private sectors are concerned and explain how participation takes place. Please also provide information concerning any relevant code of conduct or enterprise charter aimed at protecting children from sexual exploitation and sexual abuse (Article 9, para. 2, Explanatory Report, paras. 68-73);**

There is not a great tradition of an active participation to the private sector in the implementation of policies or programmes in the field of prevention and protection of children from sexual abuse in Iceland. However, there are exceptions to this as *Blátt Áfram* has collected financial contributions from number of private companies, including the banking and finance sector, to conduct awareness raising activity and training initiatives. Collaboration between the state or local authorities and the private sector with regard to the issue of child sexual abuse is not known.

- b. **the media to provide appropriate information concerning all aspects of sexual exploitation and sexual abuse of children (Article 9, para. 3, Explanatory Report, para. 74);**

No systematic attempt has been made at the initiative of state agencies to encourage the media to cover the issue of sexual abuse and sexual exploitation. However, the state agencies are typically responsive to all request of providing information and participating in public discourse on the topic.

- c. **the financing, including, where appropriate by the creation of funds, of the projects and programmes carried out by civil society aimed at preventing and protecting children from sexual exploitation and sexual abuse (Article 9, para. 4, Explanatory Report, para. 75). May the proceeds of crime be used to finance the above mentioned projects and programmes? Please provide details (Article 27, para. 5, Explanatory Report, para. 193).**

There are no examples of the State initiative or encourage with the regard of the creation of funds nor establish that proceeds of crime be allocated to projects or programmes with regard to sexual exploitation and sexual abuse of children.

Question 12: Effectiveness of preventive measures and programmes

- a. **Please specify whether an assessment of the effectiveness and impact of the preventive measures and programmes described in replies to questions 4, 10 and 11 is regularly carried out;**

In 2012 an evaluation study of the *Barnahus: Children's experience of forensic interviews, court testimonies and therapy in Iceland, 2007 -2012*, was published. The study presents the results of a study examining the experiences of children who had given a court testimony at the *Barnahus*, received medical examination and completed therapy during the years 2007 to 2009. The study is based on a survey of 123 children and their parents or guardians, including adults who had benefitted from the services but were over 18 at the time of the study. The main findings of the report were that children and their care takers were very satisfied with the services. Interestingly, the children and their parents were significantly more satisfied with their experience in giving court statements in the *Barnahus* than in the District Court.

In 2014 an evaluation report on the puppet theatre “*Kids on the Block*” was published. The report is based on a questionnaire submitted to over 200 teachers in primary schools. The outcome reflects general satisfaction with this prevention effort and highlights the importance of carrying out educational programs for teachers parallel to the theatre. In 2014 an evaluation of the film “*Get a Yes*” (faduja.is), including a survey among all pupils in 10th grade of elementary school in Iceland. The main findings were very positive as 95% believed it to be interesting and informative and two thirds said they had better understanding of the difference between pornography and sexual relations in reality. Further evaluation based on children’s assessment of other preventive programs organized by the Awareness Wakening project is under way.

b. Please provide examples of the good practices in preventing sexual exploitation and sexual abuse of children.

See the Answer to question 8 of the Questionnaire.

**PROTECTION AND PROMOTION OF THE RIGHTS OF CHILDREN VICTIMS
OF SEXUAL EXPLOITATION AND SEXUAL ABUSE**

Question 13: Reporting suspicion of sexual exploitation or sexual abuse

a. Are professionals working in contact with children bound by confidentiality rules? Do these rules constitute an obstacle for reporting to the services responsible for child protection any situation where they have reasonable ground for believing that a child is a victim of sexual exploitation or sexual abuse? Please indicate the criteria or guidelines which allow for the waiving of confidentiality rules (Article 12, para. 1, Explanatory report, para. 89);

Professionals working with or in contact with children are by law subject to strict confidentiality rules. However these rules do not constitute obstacle for reporting suspected child abuse and neglect to the child protection services. On the contrary, there are clear mandatory requirements made to all professions without exceptions to report to the appropriate local child protection services (Art. 17 of the Act of Child Protection) and failure to do so can result in punitive measures (according to Art. 96 of the same Act).

The Article 17 in the Act of Child Protection addresses the duty of notification by those whose profession deals with children. In the article it is defined that this duty covers all professionals without exceptions. All persons involved in matters concerning children or expectant mothers, through their position or occupation, are obliged to notify a child protection committee, if they become aware of a child living in unacceptable circumstances of upbringing, is exposed to violence or other degrading treatment or is seriously endangering his/her health and maturity. It is also noted in the above Article that those providing social services or counselling are under an especial obligation to monitor the behaviour, upbringing and conditions of children as far as possible, and to inform the local child protection services if the child’s circumstances appear to be of the nature. The duty of notification provided in this Article takes precedence over provisions in law or codes of ethics on confidentiality within the relevant professions.

- b. Are there any rules encouraging any person who knows about or suspects, in good faith, sexual exploitation and sexual abuse of children to report the facts to the competent authorities? If so, please specify under which conditions and to which authorities (Article 12, para. 2, Explanatory Report, para. 91). Please provide examples of good practice.**

Article 16 in the Act on Child Protection is about public duty of notification/reporting. All persons shall be obliged to notify the appropriate child protection services if they have reason to believe that a child is living in unacceptable circumstances of upbringing, is exposed to violence or other degrading treatment or is seriously endangering his/her health and maturity. Failure to do this may result in punitive measures by the judiciary.

Data on the number of notifications/reports to the local child protection services on suspected child sexual abuse and sexual exploitation for the past five years can be seen in Fig. 10 of the Appendix.

Question 14: Helplines

Which legislative or other measures have been taken to encourage and support the setting up of information services, such as telephone or internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity? (Article 13, Explanatory Report, para. 92).

In 2004 a Contract was made between the *Government Agency for Child Protection* and the *Emergency helpline 112* to receive and process reports from the general public with regard to suspected child abuse and neglect. Thus the purpose is to facilitate that the general public exercise their mandatory reporting obligation. In serious cases the child protection staff should react immediately 24/7 and provide the appropriate intervention.

The Icelandic Red Cross also operates general helpline 1717 with trained voluntaries who respond to phone calls 24/7 and provide advice and information on various issues, including sexual abuse and sexual exploitation.

There are number of Agencies and NGO's that provide internet helplines and information services including the Children's Ombudsman, the *Government Agency for Child Protection* and local child protection services, and NGOs including: *Blátt Áfram*, *Save the Children*, *Stigamót*, *Drekaslóð* and *Totalráðgjöf*.

Question 15: Assistance to victims

- a. Please indicate which types of assistance described in Article 14 are provided to victims of sexual exploitation and sexual abuse of children. (Explanatory Report paras. 93-100). Please specify:**
- **how the assistance is adapted to the victims' age and maturity;**
 - **how due account is taken of the child's views, needs and concerns;**
 - **if the assistance (in particular emergency psychological care) is also provided to the victims' close relatives and persons responsible for their care.**

The *Barnahus* provides comprehensive services to children irrespective of where they reside in the country. These services are assessment and therapeutic services, family counselling and medical services. The University Hospital also provides acute medical service 24/7 and counselling following sexual violence.

The therapeutic services applied is Trauma Focused Cognitive Behavioral Therapy (TF-CBT) which is evidence based treatment that is generally assess to be most effective with regard to sexual abuse victim by the scientific community. It is provided by specially trained psychologists in the *Barnahus* for children living in Reykjavik and the surrounding communities and in the home environment for children living out site the capital (mobile services). TF-CBT is adapted to the victim's age and maturity, for example engages non offending parents and the family in the treatment of the younger children but to a lesser extent for teenager victims. Full account is taken of the child's view, needs and concerns in providing the treatment. The treatment typically starts immediately after the forensic interviewing has been completed and is based on needs established by an assessment of the seriousness of the abuse and the consequences for the child victim. Emergency psychological care is also provided in connection with the acute forensic medical examination at the University Hospital but subsequently referred to the *Barnahus*. The local child protection services are responsible for referring all child victims to *Barnahus* for treatment and the services which is accessible free of charge for the recipients of the services.

b. Please specify if and to what extent internal law provides for the possibility of removing (Article 14, para. 3, Explanatory Report, para. 99):

- **the alleged perpetrator, when the parent or persons caring for the child are involved in his or her sexual exploitation or sexual abuse;**
- **the victim from his or her family environment when parents or persons caring for the child are involved in his or her sexual exploitation or sexual abuse.**

In Art. 37 of the Act on Child Protection it can be ruled that the alleged perpetrator be removed from the home if his presence is considered to present a risk to the child with regard to ill treatment, including sexual abuse. This also applies to injunctions on visitations, restraining orders or any other contact in whatever form with the child.

Art 24. – 29 of the Act on Child Protection specify the measures and procedures on interventions when a child is at risk, including the possibility of removing the child victim from his or her family environment in situations where the child is considered at risk of sexual abuse by a family member. The local child protection service can take emergency decisions on the placement of the child out site the home but needs to present the case for a District Court within 2 months of such ruling if longer duration of the placement is considered necessary. The court judge decides the duration of placement, which can either be up to a year or permanently in cases when it is regarded to be in the best interest of the child that parental rights are removed.

c. If internal law does provide for this:

- **are the conditions and duration of such removal to be determined in accordance with the best interests of the child?**
- **are social programmes and multidisciplinary structures in place to provide the necessary support for victims, their close relatives and for any person responsible for their care? (Article 11, Explanatory Report, paras. 87-88).**

The conditions and duration of removal of the child from his or her home environment are solely based on an assessment of the safety and the best interest of the child. The *Barnahus* provides the medical and psychological support to the child victims in such situation. The local child protection and social services is responsible for supporting the non-offending parent and significant other for other appropriate support and services, including temporary housing, financial assistance, social counselling and psychological help.

- d. Which legislative or other measures have been taken to ensure that victims of an offence established in accordance with the Convention in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their state of residence? (Article 38, para. 2, Explanatory Report, paras. 258-259).

No specific legislative or other measures have been taken to ensure that victims of an offence established in accordance with the Convention in the territory of a Party other than the one where they reside have been taken. However, there are no legal barriers to this.

PROSECUTION OF PERPETRATORS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE OF CHILDREN

Question 16: Criminal law offences

- a. Please indicate whether the intentional conducts in the box below are considered criminal offences in internal law;

All of the intentional conducts described in the box on page 8 in the questionnaire are considered criminal offences under Icelandic criminal law. A part of the ratification procedure of the Lanzarote Convention was the passing of a legislative bill amending the General Penal Code with respect to the standards set out in the Convention. The bill was prepared by the Standing Committee on Penal Law, who examined the Convention and compared it's penal provisions to the Icelandic legal framework. A summary of this examination is a part of the explanatory report attached to the amendment bill.

All conducts in Article 18 and Article 22 are considered criminal offences according to the Icelandic Penal Code no. 19/1940 (articles 194 and 197-202).

All conducts in Article 19 are considered criminal offences according to article 206 of the Icelandic Penal Code.

All conducts in Article 20-21 and 23 are considered criminal offences according to article 210A and 210B of the Icelandic Penal Code.

Conducts described in article 24 are considered criminal offences according to the Articles in the Icelandic Penal Code mentioned above.

- b. Wherever the intentional conduct which is criminalised differs from the Lanzarote Convention benchmark, please justify;

The Standing Committee on Penal Law reported no differentiation from the Convention benchmark in the amending legislation.

- c. Please highlight whether there are any other offences not included in the box below incriminating sexual exploitation and sexual abuse of children in your country? Please provide their definitions and specify in which act these are included;

Other offences are not incriminated in Icelandic law, as the offences listed below are quite exhaustive.

- d. Please also specify whether the age of a child plays a role in determining the gravity of the offence.

It should be pointed out that the age of sexual consent in Iceland is 15 years and all sexual contact with children under that age is criminal (Art. 202) The age of the child *per se* does not play a role in

determining the gravity of the offence. However in cases of incest the gravity is determined higher if the child is below the age of 16 years of age (Art. 201). Furthermore it should be noted that in practice courts do in certain cases make a reference to the young age of the child victim which indicates that it is one of the factors evaluated when determining the gravity of the offence. See also Article 70 para 1, Article 195, Article 198, 200 and Article 202 para 1.

Sexual Abuse (Article 18)

1. Engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities;
2. Engaging in sexual activities with a child where
 - use is made of coercion, force or threats;
 - abuse is made of a recognised position of trust, authority or influence over the child, including within the family;
 - abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.

Child Prostitution (Article 19)

1. Recruiting a child into prostitution or causing a child to participate in prostitution;
2. Coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes;
3. Having recourse to child prostitution.

Child Pornography (Article 20)

1. Producing child pornography;
2. Offering or making available child pornography;
3. Distributing or transmitting child pornography;
4. Procuring child pornography for oneself or for another person;
5. Possessing child pornography;
6. Knowingly obtaining access, through information and communication technologies, to child pornography.

Participation of a Child in Pornographic Performances (Article 21)

1. Recruiting a child into participating in pornographic performances or causing a child to participate in such performances
2. Coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes
3. Knowingly attending pornographic performances involving the participation of children.

Corruption of Children (Article 22)

The intentional causing, for sexual purposes, of a child who has not reached the internal legal age for sexual activities, to witness sexual abuse or sexual activities, even without having to participate.

Solicitation of Children for Sexual Purposes (“grooming”) (Article 23)

The intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age for sexual activities as established by internal law, for the purpose of committing sexual abuse or producing child pornography, where this proposal has been followed by material acts leading to such a meeting.

Aiding or abetting and attempt (Article 24)

1. Intentionally aiding or abetting the commission of any of the above offences.
2. The attempt to commit any of the above offences.

Question 17: Corporate liability

Does your system provide that a legal person may be held liable for an offence established in accordance with Article 26? Please specify under which conditions.

The general provisions of Article 19 a – d in the General Penal Code apply. This entails that provisions of Law on the criminal liability of legal persons shall, subject to any limitations provided for therein, apply to any entity who while not being a natural person is capable of enjoying rights and bearing duties under Icelandic Law, including public limited liability Companies, private limited liability Companies, Companies with mixed liability of owners, European Interest Groupings, partnership Companies, co-operative societies, public associations, independent foundations, administrative authorities, institutes and Municipalities. A legal person can only be made criminally liable if its spokesman, employee or other person acting on its behalf has committed a criminal and unlawful act in the course of its business. Administrative authorities can only be made criminally liable if a criminal and an unlawful act have been committed in the course of an operation deemed comparable to the operations of private entities.

Question 18: Sanctions and measures

a. Please indicate which sanctions internal law provides for the criminal offences established in accordance with the Convention with regard to both natural and legal persons. Please specify whether the sanctions are criminal, civil and/or administrative sanctions (Article 27, Explanatory Report, paras. 182-193);

The sanctions are criminal, for natural persons this implies imprisonment or fines and for legal persons fines. The sanctions may also entail deprivation of rights. Under paragraph 2 of Article 68 a person convicted of an offence may, in criminal litigation against him/her, be deprived of authority he/she has acquired to pursue an occupation for which an official licence, authorization, appointment or examination is required, provided the offence indicates that there is considerable danger that the guilty person will commit an offence in his/her position or occupation. In case of a grave offence a person can also be deprived of the aforementioned right if he/she is no longer considered worthy of pursuing the occupation or enjoying the rights. A person may be deprived of the rights referred to for a specified period of up to five years or for life. The same shall apply to legal persons, however a permanent deprivation of rights will only be considered in instances where there is a grave offence. See also answer to question 9a here.

Furthermore, people that have received a sentence for sexual abuse against children (including distributing or owning child pornography) are by law excluded by from working in certain areas with children, for example in Article 6 para 3 of The Preschool Act no 90/2008, Article 11 para 3 of The Primary School Act no. 91/2008 and Article 10, para 2 of The Youth act (Cf. Answer to question 9a).

b. Which legislative or other measures have been taken to provide for the possibility of taking into account final sentences passed by another Party in relation to the offences established in accordance with the Convention? Please provide details and describe any good practice resulting from the taking of these measures (Article 29, Explanatory Report, paras. 203-208).

A general provision in the General Penal Code, Article 71 para 2, applies to all offences under the Act. When the law provides for an increased penalty or additional sanctions in case of a repeated offence, such provisions shall not be applied unless the offender has, prior to the commission of the later offence, been found, in Iceland, guilty of, or sentenced on account of, an offence having repetitive effects as regards that offence, or on account of an attempt to commit such offence or as an accomplice in the commission of such offence, and if the offender had, in addition, attained the age of 18 years

when the former offence was committed. The courts may decide that criminal sentences pronounced abroad shall have repetitive effects, as if they had been pronounced in Iceland.

Question 19: Jurisdiction

With regard to the offences referred to in question 16, please indicate which jurisdiction rules apply. Please specify under which conditions, if required (Article 25, Explanatory Report, paras. 165-176).

Art. 6(1)22 of the General Penal Code specifies that penalties shall be imposed in accordance with Icelandic criminal law on account of offences described in the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse even if they have been committed outside Icelandic territory and irrespective of the offender's identity.

Question 20: Aggravating Circumstances

Please indicate which of the circumstances referred to in Article 28, in so far as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration in your legal system as aggravating circumstances in the determination of the sanctions in relation to the offences established in accordance with this Convention (Explanatory Report, paras. 194-202).

No legal amendments were made on the General Penal Code in connection with the ratification of the Convention with respect to the standards set out in Article 28. In the explanatory report to the amendment bill passed, the Standing Committee made a thorough assessment on the legal framework and Article 28. It is laid out that the relevant articles provide protection up to the standards set out in the Convention. Article 70 of the General Penal Code applies in all cases of offences under the Act. It reads that when imposing a penalty certain factors shall in particular be taken into account. These are; the importance of the interests affected by the offence, the extent of damage caused by the offence, the danger ensuing from the commission of the offence, in particular when considering the time, place and method of commission, the age of the offender, the recent behaviour of the offender, the strength and degree of the offender's resolve, the motive of the offender, the offender's conduct following upon the commission of the offence, whether the offender has provided information on the involvement of other parties to the offence. In addition it is stated that if an offence has been committed by more than one person acting together, this shall generally be viewed as an aggravating factor of penalty. The last paragraph reads that if an offence was aimed at a man, woman or a child that are close to the offender, and their connection is found to have increased the severity of the offence, this shall on average be considered aggravated circumstances.

Article 175 a meets the standards of Article 28 with respect to an offence being committed within the framework of a criminal organisation. It reads that any person who connives with another person on the commission of an act which is punishable by at least 4 years' imprisonment, the commission of which is part of the activities of a criminal organisation, shall be imprisoned for up to 4 years unless a heavier punishment for his offence is prescribed in other provisions of this Act or in other statutes. 'Criminal organisation' here refers to an association of three or more persons, the principle objective of which is, for motives of gain, directly or indirectly, deliberately to commit a criminal act that is punishable by at least 4 years' imprisonment, or a substantial part of the activities of which involves the commission of such an act.

Article 195 states aggravating circumstances with respect to rape. It reads that when punishment for violations of Article 194 is determined, it shall be considered as increasing the severity of the punishment: if the victim is a child under the age of 18, if the violence employed by the perpetrator is of serious proportions, if the offence is perpetrated in such a way as to cause particular pain or injury.

In respect to Article 28 g of the Convention, this is provided for in Article 71 of the General Penal Code, laying out the circumstances for the application of when the Law provides for or authorizes an increased penalty or alternative sanctions in case of a repeated offence. An example of this is Article 205 that reads that if a person who is to be punished for any of the sexual offences described above has previously been convicted of such an offence, the punishment may be increased by as much as half the prescribed punishment. Article 72 of the General Penal Code may also be mentioned in this respect as it reads that if a person commits one or more offences habitually or professionally the penalty ordered may be increased by an addition of up to one half thereof. If this is repeated the penalty ordered may be doubled.

Question 21: Measures of protection for the child victim

- a. Please describe the measures taken to inform child victims of their rights, the services at their disposal, the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role as well as the outcome of their cases (Article 31, para. 1, letter (a) and para. 2). Please also indicate what is done to provide all relevant information in a manner adapted to the child's age and maturity and in a language that he/she may understand;**

According to Article 39 in The Law on Criminal Procedure 88/2002 a guardian is an agent for the victim if he or she is a minor, who is under the age of 18. The guardian makes decisions on behalf of the minor when he or she isn't considered to have the capacity to do so.

According to Article 40 in The Law on Criminal Procedure the police is obligated to inform the victim on its legal rights when needed. The police is also obligated to inform the victim if the investigation is closed. The victim has the right to justification on that matter. Furthermore, the police is obligated to inform the victim that the decision is open to appeal to the State Prosecutor. The police is also obligated to inform the victim or its legal counsel when an indictment is issued, if the victim has no knowledge in that regard.

According to Article 41 in The Law on Criminal Procedure the police is obligated to appoint the victim legal counsel if the victim is under the age of 18 at the beginning of the investigation. According to Article 45 in The Law on Criminal Procedure the legal counsel protects the interest of the child during the investigation and provides needed legal assistance. The legal counsel also assists the victim on making compensation claims if an indictment is issued. The legal counsel is required to keep confidential anything pertaining to the representation of the victim. Furthermore, the legal counsel is always allowed be present during a hearing of the victim according to Article 46 in The Law on Criminal Procedure.

- b. Please also indicate which measures have been taken to enable the child victim to be heard, to supply evidence and to choose the means of having his/her views, needs and concerns presented, directly or through an intermediary, and considered (Article 31, para. 1, letter (c));**

The child victim is most often heard in a court testimony either in the *Barnahus* or special facility in the courthouse in Reykjavik. There are not restrictions on the child victims to supply evidence. The child victim does not have a say where or who performs the interviewing as this is solely determined at the discretion of a court judge. For further elaboration see 22a).

- c. What kind of support services are provided to child victims and their families so that their rights and interests are duly presented and taken into account? (Article 31, para. 1, letter (d));**

All victims under the age of 18 are appointed a lawyer by the police as soon as a case comes under investigation, see Article 41, para 1 in the General Criminal Code. Also all children victims should have a social worker or another person from the child protection services that has the obligation to ensure that the rights and interest of the child are respected. The child protection services should also provide support to the non-offending parents and other family members. It should be added that the majority of child victims give their testimony in the *Barnahus* where parents also receive information and counselling.

- d. Please describe the measures taken to protect the privacy, the identity and the image of child victims (Article 31, para. 1, letter (e));**

All court hearings in cases of sexual abuse and sexual exploitation of children are closed hearing. The Judicial Council sets rules on publication of judgements, now rules No 1/2014 from January 24. According to Article 4 anonymity shall be granted to other people than the defendant. Article 5 also stipulates that other information that should be kept in confidence should also be removed from judgements before they are published.

- e. Please describe the measures taken to provide the safety of the child victims and witnesses and their families from intimidation, retaliation and repeat victimisation (Article 31, para. 1, letter (f));**

There are various legal provision that can apply in situations where the child and his/her family is under threat referred to above. The General Penal Code allows for restraining order or preventive custody of the perpetrator under certain conditions. The Act on Child Protection stipulates that the local child protection services may intervene, for example by asking for Court order for a restraining order, removal of the offender from the home, or out of home placement or the child depending on the situation. In addition it should be mentioned that the Act on the Affairs of the Child places the responsibility of the non-offending parent to protect the child *vis-à-vis* the offending parent or any other who may have access to the child.

- f. Please specify whether the victim and his/her family are informed when the person prosecuted or convicted is released temporarily or definitely from detention or custody. Please indicate who delivers this information and how (Article 31, para. 1, letter (b));**

Legal provisions that stipulate the notification to the victim of the release of prosecuted or convicted offenders do not exist. It should be mentioned however, that the Article 36 of the Act of Child Protection states that the *Government Agency for Child Protection* has the right of access to information from the Penal Registry regarding persons who have been sentenced for sexual exploitation or sexual abuse of a child. The Director of Public Prosecutions shall provide the Agency with copies of legal verdicts on request. The *GACP* may inform the relevant local child protection services if a person who is believed to constitute a considerable danger moves to the service district. If justified by compelling principles of child protection, the child protection services may warn other parties, with the consent of the *GACP*, including the child victim and his or her family.

- g. Please also indicate what measures have been taken to ensure that contact between victims and perpetrators, within court and law enforcement agency premises, is avoided. Please specify under which conditions the competent authorities may authorise such contact in the best interests of the child or when the investigations or proceedings require such contact (Article 31, para. 1, letter (g));**

There are not specific legal provision with the aim of ensuring that contacts between victims and perpetrators within court and law enforcement agency premises is avoided. However in the *Barnahus* suspected offenders are not allowed on the premises exempt in the very exceptional cases when decided by the court judge, in which case special arrangements are made to prevent contact are made. The child protection authorities may decide on contacts between the child victim and perpetrators for therapeutic purposes (on further elaboration: see answer to question 14c in part II.).

- h. Please specify under which conditions child victims of the offences established according to the Convention have access to legal aid provided free of charge (Article 31, para. 3).**

See answer to answer c above on the appointed legal advocate to the child which is free of charge.

Question 22: Investigations and criminal measures to protect the child victim

- a. What protective approach towards victims has been adopted to ensure that the investigations and criminal proceedings do not aggravate the trauma experienced by the child and that the criminal justice response is followed by assistance, where appropriate? (Article 30, para. 2, Explanatory Report, paras. 211-215);**

From 1999 the Act on Criminal Procedure has stipulated that children's testimony during the criminal investigation of sexual exploitation and sexual abuse has to be taken in a court session under the auspice of a court judge with the aim of saving the child from the possible harmful effect that repeating the testimony during court proceeding may have on the child. This implies that as a main rule, if an indictment is made the child need not give his or her statement again during the main hearing of the case. In order to ensure the principle of "due process", this arrangement requires that the defence should have the opportunity to participate in the procedure. Also present is the child's legal advocate who has the role of safeguard the child's interest in the procedure, including the formulation of claims for compensations. In addition to this, representatives from the prosecution, the police and the relevant local child protection services are legally entitled to observe this court session. The actual interview takes place in a special interviewing room where only the interviewer is with the child but the interview is observed in a different room either through one way mirror (the courthouse) or by closed circuit television (*Barnahus*).

Further, the Act stipulates that this court session should be arranged in facilities suitable to the child and the court judge in charge is entitled call in child specialist to conduct the interview with the child. This is however not uniformly implemented as the law allows for the court judge discretion on where and who should perform the interview. In practice there are mainly two variations in the implementation. The judges that prefer to use the courthouse in Reykjavik, entrust the police to take the child's testimony. On the other hand the court judges that prefer the testimony to be taken in *Barnahus*, child specialists (most often psychologists) trained in forensic interviewing elicit the child's disclosure according to evidence based protocol. Increasingly the court judges prefer this court session to take place in the *Barnahus* (in approximately 2/3 of cases 2013, see Appendix Fig.11).

The arrangement described above can be seen as a compromise between the principle of "the best interests of the child" on the one hand and the principle of "the fair trial" on the other. It can be ascertained that it is basically in line with The Council of Europe Guidelines on Child-friendly Justice. The Guidelines have on the other hand inspired a discourse on possible scope for improvement in this respect. Thus, it has been debated if the discretion of the court judge invested in the legislation on

deciding upon the way in which the court statement is taken from the child can be regarded to be in harmony with the Guidelines. In this context it should be pointed out that there is no obligation on behalf of the court judges to listen to views of the child or his/her care takers in the antecedents to the decision in this matter.

Finally, amendments made on the Act on Criminal Procedure No. 88/2008 exempted children between 15 and 18 years from giving their statement in court sessions described above. The children of this age group give their testimony in most cases at police stations and will need to repeat their statements during the main hearing of cases in Courts if an indictment is made (see Appendix Fig. 14). It can be argued that is change in the legislation was a step back with regard to the proceedings that previously existed for this age group described above.

In the answer to Question 3 c the main purpose and features of the *Barnahus* is address. The overt aim is to save the child from re-victimisation by multiple interviews in many locations by different professions. Thus the child victim generally is only interviewed once in a child friendly facility by a professional interviewer according to evidence based protocol as explained above.

b. Which legislative or other measures have been taken to ensure that investigations or prosecutions of offences established in accordance with the Convention shall not be dependent upon the report or accusation made by a victim and that the proceedings may continue even if the victim has withdrawn his or her statement? (Article 32, Explanatory Report, para. 230);

According to Icelandic law, investigations and prosecutions for crimes established by the Convention is not dependent upon the report or accusation made by a victim and the proceedings may proceed even if the victim withdraws his/her statement.

c. Which legislative or other measures have been taken to ensure that the statute of limitation for initiating proceedings with regard to the offences established in accordance with Articles 18, 19, paragraph 1.a and b, and 21, paragraph 1.a and b, shall continue for a period of time sufficient to allow the efficient starting of proceedings after the victim has reached the age of majority and which is commensurate with the gravity of the crime in question? (Article 33, Explanatory Report, paras. 231-232);

The General Penal Code stipulates that in cases of grave sexual violations against children there is no statute of limitation. In all other cases the statute of limitation is defined from the time the child has reach the age of majority.

d. Please clarify whether your judicial authorities may appoint a special representative for the victim who may be party, where the holders of parental responsibility are precluded from representing the child in proceedings related to sexual exploitation or sexual abuse of children as a result of a conflict of interest between them and the victim. Please specify who may be appointed as a representative and what are his/her tasks (Article 31, para. 4). Please also describe under which conditions it is possible;

See answer to question 21 c. The child is always appointed a legal advocate at the onset of the criminal investigation who has the role of legal safeguarding the best interest of the child vis-à-vis the parents during the legal proceedings including cases if there is a conflict of interest. The local child protection services also has a role in safeguarding the safety and best interest of the child vis-à-vis the parents, for example if one of the parents is a suspected perpetrator and/or there are concerns that the holders of parental responsibility do not secure the safety of the child or provide the appropriate emotional support.

- e. Please describe how your internal law allows for groups, foundations, associations or governmental or non-governmental organisations assisting and/or supporting victims to participate in legal proceedings (for example, as third parties) (Article 31, para. 5). Please specify under which conditions, if so required;**

See answer to question 21 c. There are not specific legal provisions that allow for groups, foundations etc. to assume supportive role for child victims in legal proceedings (e.g. as third parties). Non-governmental organisations can provide support to the child victim and his/her family on a voluntary basis. This is however not common as the child is appointed a legal advocate at the onset of the criminal investigation, the local child protection services allocates a social worker with the aim of general supportive role and *Barnahus* provides the therapeutic services.

- f. Please describe under which circumstances the use of covert operations is allowed in relation to the investigation of the offences established in accordance with the Convention (Article 30, para. 5);**

In May 2011 the Ministry of the Interior issued rules on specific strategies and actions of police in the investigation of criminal cases based on Article 89 of the Criminal Proceedings Act No. 88/2008. These apply generally to investigations of criminal cases irrespective of their nature, and therefore also to investigation of sexual violence against children. According to the aforementioned provision specific rules on the application have been issued, no. 515/211, which were specifically amended following the ratification of the Lanzarote Convention and refer to the use of covert operations in relation to investigation of grooming on the internet.

- g. Please also describe what techniques have been developed for examining material containing pornographic images of children (Article 30, para. 5).**

Police authorities use various means to examine material referred to. The main software used to scan for material containing pornographic images of children is EnCase v6.19.7 and EnCase v7.05.01. Icelandic police authorities also make use of the ICSE Interpol database to this end.

Question 23: Child friendly interviewing and proceedings

- a. Please describe how interviews (Article 35) with child victims are carried out, indicating in particular whether:**
- they take place without unjustified delay after the facts have been reported to the competent authorities;
 - they take place, where necessary, in premises designed or adapted for this purpose;
 - they are carried out by professionals trained for this purpose;
 - the same persons are, if possible and where appropriate, conducting all interviews with the child;
 - the number of interviews is as limited as possible and in so far as strictly necessary for the purpose of proceedings;
 - the child may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.

See answer to question 22 a. There are a number of passages in the various Articles of the Act on Criminal Procedures that emphasise the importance of speedy trials in cases of child sexual abuse. As forensic interviews are crucial for the criminal investigation as well as part of the court hearing if an indictment is made, it is clear that the laws assumes that the child's court statement should take place as soon as possible and without an unjustified delay. According to the data from the Court Council (Dómsstólaráð) typically statements of the child victims are taken within 2 week from the time of request (in 79% of all cases 2013; see Fig. 13 in the Appendix).

The court testimonies given by child victims are most often either taken in the *Barnahus* or in special facilities within the courthouse in Reykjavik depending on the court judge decisions. One of the District Court has the possibility via IT- technology to have the court session in the courthouse at the same time as the child gives his/her testimony in the *Barnahus*.

Referring to the data presented in the Appendix from the Court Council since 2008 the ratio of testimonies taken in the *Barnahus* is on the rise, from 61% to 77% (See Fig. 11 in the Appendix). It should be pointed out however, that since 2008 change in the legal provisions, investigative interviews with children between 15 and 18 years of age do not constitute a court procedure and are taken by the police at police stations. During the last three years 2010-2013 the number of cases varied from 50 to 64 (see Appendix Fig. 14). This can be seen as a regression from the principle of child friendly procedure as generally this age group of children will have to repeat their statement during court proceedings as well as being interviewed at police stations and court facilities.

The court testimonies in the *Barnahus* are without exception taken by specifically trained child specialists (most often psychologists) in forensic interviewing. On the other hand testimonies in the courthouse are most often carried out by law enforcement trained in forensic interviewing. The law assumes that generally only one statement of the child victim is taken. The court judge can however decide that another testimony may be necessary during the main hearing although this rarely happens. Sometimes it is necessary to apply extended forensic interviews (procedure that allows for more than one interview) for very young children or children with developmental issues. These are conducted in the *Barnahus* and are always performed by the same professionals.

It should be noted that sometimes the local child protection services assess reports on suspected child sexual abuse to be unclear and require further examination before deciding if there is a cause for criminal investigation by referral to the justice system. It is common that these cases are referred to the *Barnahus* for “exploratory” interviews for the purpose of clarification. Thus explorative interviews can be conducted in cases where the child’s disclosure is ambiguous, there is no disclosure but the child shows signs of sexualized behaviour, or in cases where the child victims names the offender who is below the age of criminal responsibility. The exploratory interview is conducted according to the same protocol by trained interviewer but present, albeit in different setting, is only the representative of the child protection services (See Appendix Fig 1 and 2).

The non-offending parent or person of trust can accompany the child to the *Barnahus* or the courthouse for the court testimony but is not allowed to observe the interview.

b. Please also specify whether all interviews with the victim or, where appropriate, those with a child witness, may be videotaped and whether these videotaped interviews may be accepted as evidence during the court proceedings;

As a rule all interviews with the child victims are videotaped and these videotaped interviews constitute major evidence during the court proceedings. This also includes the explorative interviews taken in the *Barnahus* although these have less evidential value as the defence has not been represented and therefore can only be seen as supplementary evidence to the testimony given in court.

c. Please describe under which conditions the judge may order the hearing to take place without the presence of the public and the child victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies? (Article 36).

Court hearings in cases of child sexual abuse and sexual exploitations are always closed to the public. The main rule in court proceeding is that children below the age of 15 are heard in the courtroom without being present. Children 15 and above generally need to give their testimony in the courtroom.