



14/10/2010

RAP/Cha/IC/XXIV(2011)

EUROPEAN SOCIAL CHARTER

24th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF ICELAND

(Articles 16 and 17
for the period 01/01/2003 – 31/12/2009)

Report registered by the Secretariat on 12 October 2010

CYCLE XIX-4 (2011)

EUROPEAN SOCIAL CHARTER

24th report on the
implementation of the
European Social Charter



Submitted by
THE GOVERNMENT OF ICELAND
Ministry of Social Affairs and Social Security
(for the period 1st January 2003 to 31st December 2009)

REPORT

on the application of Article 16 for the period 1st January 2005 to 31st December 2009 and Article 17 for the period 1st January 2003 to 31st December 2009 made by the Government of ICELAND in accordance with Article 21 of the European Social Charter and the decision of the Committee of the Ministers, taken at the 573rd meeting of Deputies concerning the system of submission of reports on the application of the European Social Charter.

Article 16

The right of the family to social, legal and economic protection

1.

The Children's Act No. 76/2003, with subsequent amendments.

According to Article 1 of Act No. 76/2003 on Children, children are ensured the right to know both their parents. A mother is under obligation to make the paternity of her child known when the paternity rules regarding the children of married couples or parents in a registered cohabitation do not apply. In such cases, the paternity of a child is confirmed with a declaration of paternity, acknowledgment or by a judicial determination. A declaration of paternity means that a man whom a woman alleges to be the father of her child acknowledges his paternity in a written declaration before a district commissioner, before a judge in a paternity action or in a written statement, and shall thereafter be presumed to be the child's father. If the declaration is made in writing, the signature must be confirmed by a district court attorney, by a Supreme Court attorney or by two witnesses. Acknowledgment applies in the event of artificial insemination. However, if a man has given his approval for his wife to undergo artificial insemination in accordance with the provisions of the Act on Artificial Insemination, he shall be considered the father of the child thus conceived. The same applies to a man and a woman who have registered their cohabitation in the National Registry as well as to two women who are in a registered partnership or registered cohabitation. In the latter case, however, the Act stipulates that the mother must declare that the spouse is the parent of the child and that the spouse has agreed to the artificial insemination in accordance with the Act on Artificial Insemination. Both parents, therefore, have the same rights and obligations with respect to the child. Their legal position with respect to the child is therefore the same as in the case of a heterosexual couple who decide to use artificial insemination to overcome the inability to conceive.

If the paternity of a child has not been established within six months from the birth of the child, the National Registry shall notify the district commissioner where the mother is domiciled that the paternity of the child has not yet been established. In such event, the district commissioner shall by letter make the mother aware of the provisions of Article 1 and request that she take measures so that the paternity of the child may be established. She shall be informed of her duty in this respect and of the right of the child. However, the Act does not assume that the paternity of a child of a single woman, conceived through artificial insemination, will be established, *cf.* Act No. 54/2008 amending Act No. 55/1996 on Artificial Insemination and the Use of Human Gametes and Embryos for Stem Cell Research, with subsequent amendments.

Comment by the Committee of Independent Experts.

Conclusions XVIII-1 p. 451.

The Committee asks the next report to provide up-dated information on mediation services that the Committee will examine in the light of the principles of interpretation of Article 16 stated in the general introduction.

On the divorce of parents or discontinuation of registered cohabitation, parents shall have joint custody of their child unless otherwise determined pursuant to Act No. 69/2006, amending several Acts relating to family law. The Act entered into force on 2 June 2006. Previously, parents negotiated joint custody or that the child should reside with one of the parents. Parents must now decide with which parent the child shall have legal residence and consequently where the child's regular place of residence is. The district commissioner notifies the National Registry regarding the parent with whom the child shall have legal residence. The district commissioner shall instruct the parents with respect to the contents of joint custody and of the legal effect that registering the legal residence of the child entails. Child maintenance must always be determined upon legal separation and final divorce of parents as well as when custody decrees are issued, when legal residence orders are issued, or when cohabiting parents whose cohabitation has been registered in the National Registry cease to cohabit.

The provision of Article 33 of the Children's Act No. 76/2003, with subsequent amendments, provides for attempts at reconciliations when parents divorce. A materially similar provision was first added to the Children's Act in 2001, *cf.* Act No. 18/2001. This provision stipulates that a district commissioner shall offer parties to custody, access and per diem fine cases, professional advice to assist them in resolving the matter with the best interests of the child in mind. The district commissioner may, however, omit to offer professional counselling if he or she considers that it is unnecessary or futile, although such omission may only be made in exceptional circumstances, i.e. when the parents have for example already sought professional counselling without success. Professionals in family counselling, mainly psychologists and social workers, are responsible for such work for the district commissioner. Parents are not under obligation to accept professional counselling offered to them by the district commissioner.

The professional assesses, as the case may be, in consultation with the attorney who is responsible for the case and with the parents, whether the parents attend the interview together or separately. Moreover, the professional decides whether he/she interviews the child involved if he/she believes such an interview will serve the child's interests, provided that the custodial parents so approve.

The object of the counselling is to help the parents to resolve their differences. Given the nature of the issue, parents cannot be coerced to reconcile their differences. It is assumed that the professional providing the counselling services attend one meeting with the parents and, as appropriate, the children involved. When dealing with non-traditional families, it may be necessary for the person responsible for the reconciliation process to seek specialist knowledge if such person considers that he or she does not have the requisite knowledge of the case or that the district commissioner appoint a person with such knowledge as a counsellor. The same may apply if the parties concerned, the parents or a child, are with severely disabilities, mentally or physically, or in other special cases.

In June 2006, Act No. 65/2006 entered into force and was intended to improve the legal standing of gay couples as regards cohabitation, adoption and artificial insemination. The Act on Children was amended so that a woman who has agreed that her registered partner or domestic partner will be artificially inseminated according to the Act on Artificial Insemination is considered to be the adoptive mother of a child so conceived. Moreover, the title of the provision was altered to *the parent* of a child conceived by artificial insemination instead of *the paternity* of a child conceived by artificial insemination. The plaintiff in a paternity action, therefore, can also be the adoptive mother.

The Act permitted both heterosexual and gay couples who are married, in registered partnership and cohabiting the primary adoption of Icelandic and foreign children. Moreover, lesbian couples were granted assistance with artificial insemination with the same reasoning and terms that apply to artificial insemination for heterosexual couples.

Act No. 22/2006 on Payments to the Parents of Chronically Ill or Severely Disabled Children, with subsequent amendments.

Benefits to employed persons who are parents of chronically ill or severely disabled children and have to cease work to take care of their child are regulated by Act No. 22/2006, on Payments to the Parents of Chronically Ill or Severely Disabled Children, with subsequent amendments. The goal of this system is to provide parents with financial support during the period that they are unable to pursue employment, as their children require substantial care due to very serious and chronic illness or disability.

Parents who are employed in the domestic labour market are provided with the right to temporary income-linked payments when they need to cease work completely or partly due to the pressing conditions that arise when their child is diagnosed with a serious and chronic illness or severe disability. The provision does not apply to the incidental illnesses of children, such as chickenpox, ear infections or other similar illnesses, even if such illnesses can be prolonged. This right applies to parents irrespective of whether they are employees or self-employed.

Parents have a shared right to income-linked payments for up to three months. A prerequisite is that the parent must have been in the domestic labour market for six consecutive months before the child was diagnosed with a serious and chronic illness or severe disability as attested by a certificate issued by a specialist at the specialised diagnostic and treatment facility providing services to the child. Moreover, the parent must cease working and the child must need the special care given by the parent, e.g. due to hospitalisation and/or treatment at home, provided that no other placement service can be provided by public bodies. This predominantly refers to the ability of a child to attend nursery school or enjoy special services offered to children with disabilities. The shared right of parents to income-linked payments may be extended for up to a further three months when their child requires extensive care due to very serious and chronic illness or disability.

These payments amount to 80% of average gross wages or calculated remuneration over the twelve-month continuous period ending two months before the child was diagnosed with a serious and chronic illness or severe disability. The payments, however, may never be higher than ISK 587,127 per month.

A parent who partially withdraws from paid employment when his/her child is diagnosed with a serious and chronic illness or severe disability may be entitled to proportional payments concurrently with reduced full-time employment ratio. The same applies when a parent returns to work in a full-time employment ratio that is less than that which existed before the parent temporarily left work and the reason that the parent is in a part-time position can be traced to the illness or disability of a child.

A parent who makes a break in his/her studies due to the pressing circumstances that arise when his/her child is diagnosed as suffering from a serious and chronic illness or severe disability may have a joint right, with the child's other parent, to receive payments for up to three months. The parent must have been engaged in studies for at least six months of the 12 months preceding the date that the child was diagnosed with a serious and chronic illness or severe disability as attested by a certificate from the specialist providing the child with services. Moreover, the parent must take a break of at least one semester in the educational institution in question to care for the child. Payments to parents in education were ISK 147,193 per month in 2009.

A parent who is neither able to pursue employment outside the home nor a course of studies because his/her child requires substantial care due to a very serious and chronic illness or disability may hold a joint entitlement, with the child's other parent, to basic payments with the other parent of the child provided that there is no requirement for participation in the labour market. Conditions for basic payments are otherwise the same as for the income-linked payments. Parents who are unable to return to their employment after their child has been diagnosed chronically ill or severely disabled are entitled to basic payments after the period of income-linked payments ends.

Parents who are entitled to basic payments are also entitled to additional payments for children under the age of 18 for whom they are obliged to provide. In such cases, parents was entitled to ISK 21,657 per month for each child in 2009. A single parent who provides for his/her two or more children under the age of 18 can, moreover, be entitled to special child support payments amounting to ISK 6,269 per month for two children and 16,300 per month for three children in 2009. These child support payments are comparable to the payments stipulated for children within the social security system.

Parents are entitled to payments during the period that they fulfil the conditions for the payments or until the child has reached the age of 18. The circumstances of parents are assessed regularly and at least once a year. Parents may also be entitled to payments for up to three months after the death of a child, and the same applies when a child recovers following a long-term illness that has persisted for more than two years. The reason for this is that it is clear that parents need some time to adjust after the death of their child in order to resume a normal life with employment. Furthermore, it can take some time to assist a child who has recovered after a long-term illness that has persisted for at least two years, to return to normal life, e.g. to return to school again after a long-term illness. It is therefore considered important that parents are given the opportunity to be available to their children under such circumstances while, at the same time, the parents are preparing themselves to return to being active participants in the labour market.

Parents decide for themselves whether and how they divide their right to payment. The general rule is that parents cannot be entitled to payment for the same periods. This, however, does not apply when a child is undergoing palliative treatment, in which case both parents may request payment for the same period for up to three months. The same applies to the income-linked payments.

If a parent has been in the labour market for less than six months from the time that his/her child has recovered until the child falls ill again or if a parent has not returned to the labour market following the illness of his/her child, the parent may be entitled to basic payments from the social security system if other conditions are being met. The same applies if the condition of a child worsens due to illness or disability.

If a parent has income, including disability pension payments from public pension funds and private pension funds and investment earnings, such payments will be deducted in accordance with deduction rules, as provided for in Article 22 of the Act. This states that when the sum of the basic payment and income of a parent and other payments, including disability pension payments from public pension funds and private pensions funds and investment earnings, is higher than the basic payment plus a certain maximum allowable income, the basic payment shall be reduced by half of the amount of income exceeding this limit. Account shall only be taken of the income that the parent has received during the period that the parent receives the basic payment pursuant to the Act. Allowance for those caring for chronically ill children and/or children with disabilities intended to meet incurred costs as a result of the child's illness or disability shall not be deducted from payments under this Act. The Act's maximum allowable income was ISK 58,965 per month in 2009 and ISK 52,000 in 2008.

Parents apply for these payments to the State Social Security Institute (*Tryggingastofnun ríkisins*), which evaluates whether and for how long parents are entitled to payments, given that the circumstances of parents and children can vary considerably.

The Act No. 10/2008, on the Equal Status and Equal Rights of Women and Men

The Act on the Equal Status and Equal Rights of Women and Men contains new provisions to combat gender-based violence. For the first time, gender-based violence is specifically defined in the Act. It is defined as:

“violence on the basis of gender that leads to, or could lead to, the physical, sexual or psychological damage to, or suffering by, the victim, moreover any threat of such, coercion or random curtailment of freedom, both in private lives and in the public arena.”

It is also specifically stated that one of the tasks of the Centre for Gender Equality is to work on the prevention of gender-based violence, in co-operation with other authorities and associations specifically engaged in this type of preventive work.

Although this is not a new task for the Centre for Gender Equality, this approach underlines the importance of combating gender-based violence. It has long been understood that violence of this nature, to which a large number of women are subjected, considerably hinders women from enjoying equal rights and opportunities.

Violence in intimate relationships (domestic violence).

A bill to amend the General Penal Code, No. 19/1940, was presented to the Althingi at the 132nd legislative session in 2005-2006; this was designed to amend the provisions of the code dealing with domestic violence. The bill was part of the campaign by the Ministry of Justice and Ecclesiastical Affairs against domestic violence, and it was passed on 11 April 2006 as the Act No. 27/2006, amending the General Penal Code, No. 19/1940 (domestic violence). The Minister of Justice decided to concentrate more effort on measures to combat domestic violence in reaction to information he had received on the matter and public discussion that had taken place. In addition, appeals had been received from non-governmental organisations calling for a comprehensive action plan against sexual abuse.

The aim of the amendments was to make the legal remedies available in cases of domestic violence more effective. It was considered necessary to have Icelandic legislation reflect more clearly the view of the legislature, which was that offences committed between persons in an intimate relationship are of a special nature. The bill called for the introduction of authorisation in law for heavier punishments in cases where it is considered that the close relationship between perpetrator and victim has led to grosser violations. Furthermore, it was proposed to introduce a new provision in the General Penal Code, Article 233 b, replacing Article 191 of the code and providing for up to two years' imprisonment in cases where a person insults or vilifies his or her spouse or former spouse, child or another person closely related to the perpetrator and the action is seen as constituting gross defamation. The intention behind the enactment of this new provision was to give a clearer embodiment to the provision for punishment that had already existed in the first paragraph of Article 191 of the code. The aim was also to give individuals better protection against offences committed in a marriage or within a family and to give better protection against gross defamation so as to make it more realistic to achieve the procedural and political legal aims that it is normal to apply in this context. Finally, it was proposed that violations of Article 233 b should be liable to public indictment.

With the passing of the Act No. 61/2007, amending the General Penal Code, No. 19/1940, with subsequent amendments (sexual offences), the provision of Article 205 of the code was abolished; this had provided for the waiving of punishment for certain sexual offences if the persons between whom the intercourse took place continue to live together, enter into a cohabitation or marry. There is no record of this provision ever having been applied in practice in Iceland; it was seen as embodying an outdated attitude towards women. Furthermore, there was thought to be no reason for the legislature to support the maintenance of marriages in which one party committed acts of violence or abuse towards the other. The repeal of this provision is also seen as being in better conformity with the amendments, described above, that were made to the General Penal Code by the Act No. 27/2006, in which the message is clearly that offences committed between people in a close relationship, e.g. in a marriage or within the family, are viewed more seriously than might otherwise be the case. The procedural rules issued to the police by the National Police Commissioner for the registration of cases of domestic violence, which took effect on 20 October 2005, include definitions of categories of offence; one of these covers sexual offences. Thus, it is clear that a lapse of punishment applying to sexual offences committed towards a person's spouse or partner would be opposed to the views that are now receiving general acceptance both in legislation and in the application of criminal law.

Sexual offences.

As has been stated above, the Act No. 61/2007 introduced amendments to the section of the General Penal Code (No. 19/1940, with subsequent amendments) dealing with sexual offences. Amendments were made to Articles 194-199 of the code, covering rape and other offences against the sexual freedom of the individual (*cf.* Article 205) and also Articles 200-202, dealing with sexual offences against children (*cf.* Article 204).

One of the reasons for the review of these provisions was the public discussion that had taken place concerning sexual abuse of children and gender-based violence. Increasing criticism of some of the provisions had been expressed, as it was felt that they did not give the victims sufficient legal protection, and some people took the view that they embodied outdated attitudes towards women. In addition, it was felt that the sentences handed down by the courts for offences of this type were too lenient.

When the legislation was drafted, attention was given to studies made by the author of the draft which dealt both with the legislation itself and its application. Secondly, attention was given to surveys of legislation covering sexual offences in other countries, and thirdly, data from various social and criminological studies was taken into consideration. Finally, the author of the draft took steps to find out about the experience of various parties who had worked with victims of offences of this type.

Furthermore, attempts were made to have the amendments proposed to these provisions in line with the framework already existing in the General Penal Code. It was regarded as a priority to have the proposed amendments based on a sound legal basis, taking account both of international trends in this area and also of Icelandic legal tradition. Another guiding principle was to increase the legal protection given to women and children, to make the provisions more modern and to strive to ensure respect for privacy, self-determination, sexual freedom and freedom of action for all individuals.

One of the innovations introduced into the code was a broadening of the definition of rape, with the result that “rape” in Article 194 of the code now includes other forms of sexual coercion and the exploitation of the victim’s poor mental condition or inability to resist the action or to realise its significance. As a result of the amendment, offences in this category now carry far heavier punishments than before: imprisonment of 1-16 years, instead of a maximum of six years previously. Furthermore, circumstances leading to the imposition of heavier punishments for rape are defined in the law. Allowance is made for heavier punishments, firstly, if the victim is a child under the age of 18, secondly if the violence committed by the perpetrator is of major proportions and thirdly if the offence is committed in a way that inflicts particularly serious pain or injury.

Authorisation was introduced by the amendment providing for consideration to be given to repeated offences within the broad category of sexual offences; thus, a previous conviction for an offence of this type may lead to a heavier punishment being imposed for a subsequent offence. Allowance is made for an increase of up to one half in the punishment imposed.

The minimum age of consent for sexual acts was raised from 14 to 15, and the provision for punishment for having sexual intercourse or other sexual relations with a child under the age of consent was expanded so that these offences qualify for the same punishment as rape, i.e. 1-16 years' imprisonment. This emphasises the gravity of such offences when the victims are children; rape, sexual intercourse or other sexual relations involving children under the age of 15 now constitute the most serious types of offence within the category of sexual offences, a position that used to be reserved for rape only. Nevertheless, provision is made for a reduction or waiver of punishment in cases where the perpetrator of acts involving sexual intercourse or other sexual relations with a child under the age of 15 is him- or herself of the same age or level of mental maturity as the child. It was also stated in the amendment that liability for offences under Article 194 (rape), the first paragraph of Article 200 (sexual intercourse or other sexual relations with one's own child or other descendant) and the first paragraph of Article 201 (sexual intercourse or other sexual relations with a child under the age of 18, to whom the offender is related or connected in a particular way) does not lapse over time (i.e. is not subject to any statute of limitations) in cases where the child is under the age of 18. Regarding other sexual offences, an amendment was introduced stating that the period over which liability expires is to begin running from the time when the victim reaches the age of 18 and not 14 as used to be the case.

2.

Social Protection of the family

Committee on violence against women.

The Committee on measures to combat violence against women is still working, having been reappointed in 2007 for a period of four years. By a resolution adopted by the Government on 18 October 2005, it was entrusted with the task of discussing measures against violence against children and also to prepare an action plan in connection with domestic violence and sexual violence. This was done at the instigation of the Minister of Social Affairs and the Minister of Justice and Ecclesiastical Affairs.

The committee worked on an action plan which was approved by the Government at its meeting of 26 September 2006. This plan is intended to run until 2011, and the main task of the committee will be to monitor the plan dealing with domestic violence and sexual violence. In drawing up the plan, attention was given to, amongst other things, a draft action plan on gender-related violence that had been drawn up by a non-governmental organisation and sent to some of the government ministers in April 2005.

The main aim of the action plan is to work against domestic violence and sexual violence which is directed against women and children, and also to improve the care facilities available for those who have suffered such violence or are at risk of doing so. It is divided into two parts. One covers measures against violence in the homes and sexual violence against children; the other covers domestic violence and sexual violence against women. In each part, there are four main guiding principles. The first of these is to increase preventive measures aimed at stimulating public discussion of violence against children and gender-related violence and to encourage a change of public attitudes. Secondly, the aim is to give support to staff of institutions so as to enable them to identify the signs and consequences of violence against children and gender-based violence, and to assist the victims. Thirdly, the aim is to ensure suitable assistance for the victims of domestic violence and sexual violence, and the fourth aim is to strengthen methods designed to

provide treatment for the perpetrators in order to break the vicious circle which is often a feature of this violence.

The action plan is wide-ranging, comprising 37 separate measures covering all aspects of the problems that are considered likely to have an affect in reducing violence in the homes of children and sexual violence, including preventive measures, support to employees in public institutions so as to enable them to identify indications of violence, measures to ensure appropriate assistance and, last but not least, to break the vicious circle in which violence often thrives. Each measure, together with the aims involved, is described in detail. The project is administered by the Ministry of Justice and Ecclesiastical Affairs, the Ministry of Social Affairs and Social Security, the Ministry of Health and the Ministry of Education, Science and Culture, and the Union of Local Authorities in Iceland participates in some of the individual parts.

Violence in a intimate relationship (Domestic violence).

The second part of the Government's action plan of 26 September 2006 is to tackle domestic violence and sexual violence addresses measures that the Government intends to take over the period in order to prevent offences against women.

The action plan prioritises public awareness raising about gender-based violence, including violence in intimate relationship (domestic violence). Provision has been made for regular publicity campaigns in collaboration with local authorities, the media and NGOs aimed at putting across the message that gender-based violence is not to be tolerated. The aim is to rouse people to awareness of the existence of domestic and sexual violence, what it involves and where victims can seek help and support. Furthermore, it is important to examine how traditional gender roles and stereotypes may contribute to violence towards women.

Violence in intimate relationship (domestic violence) is one type of gender-based violence which is often difficult to observe and identify. It takes many forms which is important to be aware of and to recognise. The aim of one of the projects in the action plan is to produce and distribute posters, both in Icelandic and in a number of foreign languages, in order to raise public awareness regarding domestic violence. These are to contain information as to what constitutes domestic violence, whether what is involved is physical violence, mental cruelty or sexual abuse. Also, it is intended to put across information on where victims can seek assistance and counselling.

The action plan also covers methods aimed at raising the knowledge and skills of workers who in the course of their jobs deal with the victims of gender-based violence, and to increase collaboration among them. One of the actions specified in the Government's action plan as regards domestic violence and sexual abuse is the issue of informative pamphlets for professionals, i.e. midwives, law enforcement personnel and employees in social services and health services, as well as a general section on violence in intimate relationships. The aim of issuing these pamphlets is to strengthen the education and knowledge of the various professionals that take care of and work with women who have been subjected to violence by a closely related person. Ingólfur V. Gíslason, Assistant Professor at the University of Iceland, prepared the contents of the pamphlets that were published in December 2008. A separate publicity meeting was held in Reykjavík on 6 January 2009. Moreover, the Centre for Gender Equality held a presentational meeting on the occasion of the publication of the pamphlets in Akureyri on the following day. The pamphlets discuss the signs of violence in intimate relationships, its

development and indications that a woman may be in an abusive relationship. They also discuss the situation in Iceland, warning signs of men who employ violence, warning signs of children who live in homes where violence is employed and, finally, what parties can assist women who are or have been subjected to domestic violence.

The Ministry of Social Affairs and Social Security commissioned the Centre for Children and Family Research (ICE-CCFR) at the University of Iceland to prepare a study on violence perpetrated by men against women in intimate relationships. Preparations for the study will take place within the Ministry with the expert assistance of a criminologist. These studies are a part of the above action plan. The goal of the study is to investigate the scope and nature of gender-based violence in Iceland for the purpose of examining how extensive it is and what actions should be taken. The performance of the study will take account of an international study initiated by the United Nations. Research has shown that certain groups of women are at a greater risk of being the victims of gender-based violence. As a result, certain groups of women will be specifically targeted in this new study, i.e. foreign women, women with disabilities, women with serious mental illnesses and older women.

The study will be divided into six research projects. The first project involves a telephone survey based on a random sample of 3,000 women from the National Registry. The women in the sample will be aged from 18 to 80, with the upper limit being determined in light of the importance of reaching older women. The second part of the study involves a survey within municipal social services, including aspects that involve child protection. This part is based on interviews with employees in nine municipalities which were selected in order to gain as varied a range of municipalities as possible as regards size, location in Iceland, employment conditions, etc. Moreover, data from the Reykjavík Child Protection Agency (*Barnavernd Reykjavíkur*) and the Government Agency for Child Protection (*Barnaverndarstofa*) will be examined. The third research project involves nursery and primary schools. Ten schools will be selected for participation, both in and outside the greater capital area. The other parts of the study involve aspects that relate to health services, the police and NGOs involved in cases of violence in intimate relationships, such as the Centre for Sexual Abuse Victims (*Stígamót*) and Safe Shelter (*Samtök um kvennaathvarf*). Results from the first three parts of the research project are already available, and the plan is to publish the results of all the projects in the beginning of 2011.

Furthermore, the committee has published a small card (of the same size as a credit card) with the telephone numbers of the principal institutions and organisations that offer assistance to victims of gender-based violence. It is intended to be carried in a wallet or pocket, the aim being to give simple accessible and useful information for those in need of it. This was done because victims often take time before making up their minds to seek assistance and frequently are not in a position to find out for themselves where it can be found.

The committee has also made a priority of consulting non-governmental organisations and others concerned with these issues; one or two consultative meetings have been held each year, in addition to informal consultations.

It is also intended to make a further examination of ways of supporting the Emergency Reception Centre for victims of rape and the Post-Trauma Assistance Centre in the National and University Hospital, how to increase collaboration between these two bodies and how to expand their scope so as to have them address both violence in close relationship and sexual violence. This includes plans to examine ways of working for more efficient collaboration with the social services, the child welfare agencies, the health services, NGOs and others involved in treating the victims of gender-based violence.

The project Karlar til ábyrgðar (“Male Responsibility”).

The “Male Responsibility” project was re-launched in May 2006. This involves the offer of specialised treatment for men who indulge in violence in the home in Iceland. Treatment of this type has proved effective both in Iceland and abroad. It is estimated that about 1,100 women suffer domestic violence at the hands of their husbands/partners or ex-husbands/partners each year in Iceland.

Treatment is provided by psychologists; the aim of the project is to provide male perpetrators of violence in intimate relationship (domestic violence) with assistance and treatment if they are prepared to seek it. It is regarded as a priority that perpetrators should seek treatment voluntarily and accept their responsibility for committing violence. Treatment is based on individual counselling, and may last between six months and two years.

Parallel with this treatment project, a special project management team is at work, consisting of representatives of the Gender Equality Centre, the Ministry of Health and the Safe Shelter; it is directed by the representative of the Gender Equality Centre. Its role includes the definition of how the project is to be developed in the future in consultation with those who provide the treatment and the monitoring of the day-to-day functions and an assessment of the effectiveness of the project.

Maternity/paternity leave.

A survey by Capacent Gallup of wage formation and gender-based wage differentials, made in October 2006, revealed that about 85% of participants did not see childbearing and/or the number of children in a family as a hindrance to career advancement in the workplace. There were far more women among those who did see these factors as influencing career opportunities; they saw it as more likely that women’s career opportunities would be restricted by having children or by larger numbers of children. Over 40% of the men saw this as applying to both sexes; only 8% of the women shared this view. It can therefore be concluded that women, rather than men, experience these things as obstacles in their career advancement.

An article by Ingólfur V. Gíslason, *Feður sem taka lengra fæðingarorlof* (“Fathers who take Longer Paternity Leave”), which was published in *Rannsóknir í félagsvísindum VI* (“Social Science Studies VI” in 2005), revealed that the mother’s position on the labour market was frequently a decisive factor as to whether or not the father would take a share of their joint entitlement to parental leave. In cases where mothers ran their own businesses or were in managerial positions, they felt they were less able to be away from work for a long period; in such cases it was felt to be more natural that the father should take more than his basic entitlement to paternity leave.

The effects of the Maternity/Paternity Leave and Parental Leave Act were also analysed in the aforementioned Capacent Gallup survey of wage formation and gender-based wage differentials, in which the participants were asked what effect they thought the act had had on the positions of men and women on the labour market. Most (73%) saw the amendments as having improved the position of women on the labour market; there was no difference by gender among the respondents stating this view. Nearly a quarter saw the amendment as also having improved men's position on the labour market; a similar proportion was of the opinion that they had weakened men's position. This view was also reflected in the interviews which were taken as part of the survey. The vast majority of interviewees thought that paternal leave had had a good effect on the position of women on the labour market, as they were no longer the only ones to be absent from work in connection with the birth of a child. Furthermore, men's taking paternal leave was seen as having a beneficial effect on their participation in caring for their children later on in life, so that it would be seen as more natural that they should take time off work in connection with children's illnesses. One interviewee revealed that after young men had begun being absent from work due to their children's illnesses, it was no longer regarded as such a serious matter when employees applied for time off to look after sick children as it had been when only the women in the workplace did this.

It may therefore be concluded that the Maternity/Paternity Leave and Parental Leave Act has had the effect it was intended to have on the position of women on the labour market. It may be assumed that the changes in attitude which are aimed at by the act will take a longer time to become fully established, both as regards managers and employees; this applies equally to women and men. In this connection it is important to bear in mind that under the Gender Equality Act, employers are obliged to take the measures necessary to enable both women and men to integrate their professional obligations with their obligations towards their families. These measures are to be directed, amongst other things, at increasing flexibility in the structure of work and working hours so as to take the needs of both business and of employees' family circumstances into account.

3.

Economic protection of the family.

The personal allowance of 2007-2009

The personal allowance was ISK 385,800 per person per year in 2007; ISK 408,409 in 2008 and ISK 506,466 in 2009. 100% of the personal allowance has been transferable between spouses since 2003. The income tax rate was 37.72% in 2007 and the tax-free income ceiling was ISK 90,006 per month for a single person; 35.72% in 2008 and the tax-free income ceiling was ISK 95,280 per month for a single person.

In 2009, the income tax system was altered so that the system is now divided into brackets. The withholding tax ratio is 37.22% on the first ISK 200,000 in the withholding tax base per month, 40.12% on the next ISK 450,000 and 46.12% of the base in excess of ISK 650,000 per month. Income tax is 24.1% in the first tax bracket, 27% in the second tax bracket and 33% in the third tax bracket. The tax-free income ceiling in 2009 was ISK 113,454 per month for a single person.

The tax-free income ceiling for the years 2007–2009 per month for cohabiting couples if the secondary earner had no income in those years would be double the above amount, as the person in the role of wage earner would be fully utilising the tax card of the spouse.

The employee's contribution to pension funds, 4% of earned income, is deductible from taxable income.

The Interest benefit.

Interest benefit is calculated on the basis of total interest payments on mortgages. However, the amount of interest payments used as the basis for calculating interest benefit may not exceed 5.5% of debts undertaken in connection with the purchase of residential accommodation for the person's own use, as they stand at the end of the year. Interest payments for the calculation of interest benefit might never exceed ISK 246,944 in the case of a single person, ISK 317,589 in the case of a single parent and ISK 408,372 in the case of a married or cohabiting couple for the year 2009.

A deduction of 6% of the income tax base (of the combined income tax base in the case of married or cohabiting couples) is made from the interest payments. The remainder is interest benefit. If assets less liabilities exceeded ISK 7,119,124 in the case of an individual/single parent, interest benefit was reduced proportionally until it ceased to apply altogether at ISK 11,390,599. In the case of married or cohabiting couples, the reduction began at ISK 11,390,599 and interest benefit ceased to apply at ISK 18,224,958. Interest benefits are divided equally between spouses/cohabiting partners.

In 2007, 49,687 persons received interest benefits. In 2008, 58,259 persons received interest benefits, and on the levying of public charges in 2009, 64,900 persons received interest benefits.

Rent benefits.

Rent benefit is regulated by Act No 138/1997, with subsequent amendments. Means-tested rent benefit are available from municipalities taken into account the family size, income and cost of housing.

According to Regulation No. 378/2008, on the amendment of the Regulation on Rent Benefits, No. 118/2003, the basic amount of rent benefits are determined in such a manner that the base for rent benefit calculations is ISK 13,500 per apartment. An additional ISK 14,000 is paid for the first child, ISK 8,500 for the second and ISK 5,500 for the third. An additional 15% is paid on the part of the rent amount lying between ISK 20,000 and ISK 50,000. Rent benefits pursuant to these base amounts, however, can never be higher than the equivalent of 50% of the rent amount, and a maximum of ISK 46,000 per month.

Local communities may decide to pay a higher amount in the form of special rent benefits. Special rent benefits is aimed at assisting persons in particularly difficult social and financial circumstances. The benefits are not liable to taxation.

The number of persons receiving rent benefits was 3,478 in 2007, 3,090 in 2008 and 3,639 in 2009.

Child benefits

The State Treasury had paid child benefit for children under 16 years of age who are resident in Iceland and supported by an individual who is taxable according to the Income Tax Act, No. 90/2003 (the older Income Tax Act was re-issued, under Article 17 of the Act No. 22/2003, as the Act No. 90/2003). The age limit was raised from 16 years to 18 years in accordance with the Act on Legal Majority No. 71/1997, which provides for persons attaining their legal majority at the age of 18, *cf.* Act No. 174/2006.

2007

The amount varies depending on whether the custodial parent is single or not. Benefit is partly linked to income. In 2007 for the income year 2006 all parents received ISK 56,096 kr. per year for children younger than seven years of age, irrespective of income. For the income year 2006, maximum child benefit for single parents was ISK 232,591 for first child and ISK 238,592 for each child after the first. Maximum child benefit for couples was ISK 139,647 for the first child and ISK 166,226 for each child after the first. Child benefits to married couples are reduced if their annual income exceeds ISK 2,231,195; the corresponding reference amount for a single parents is ISK 1,115,598. The reduction is 2% for one child, 5% for two children and 7% for three or more children.

2008

The amount varies depending on whether the custodial parent is single or not. Benefit is partly linked to income. In 2008 for the income year 2007 all parents received ISK 57,891 kr. per year for children younger than seven years of age, irrespective of income. For the income year 2007, maximum child benefit for single parents was ISK 240,034 for first child and ISK 246,227 for each child after the first. Maximum child benefit for couples was ISK 144,116 for the first child and ISK 171,545 for each child after the first. Child benefits to married couples are reduced if their annual income exceeds ISK 2,880,000; the corresponding reference amount for a single parents is ISK 1,440,000. The reduction is 2% for one child, 5% for two children and 7% for three or more children.

2009

The amount varies depending on whether the custodial parent is single or not. Benefit is partly linked to income. In 2009 for the income year 2008 all parents received ISK 61,191 kr. per year for children younger than seven years of age, irrespective of income. For the income year 2008, maximum child benefit for single parents was ISK 253,716 for first child and ISK 260,262 for each child after the first. Maximum child benefit for couples was ISK 152,331 for the first child and ISK 181,323 for each child after the first. Child benefits to married couples are reduced if their annual income exceeds ISK 3,600,000; the corresponding reference amount for a single parents is ISK 1,800,000. The reduction is 2% for one child, 5% for two children and 7% for three or more children.

Comment by the Committee of Independent Experts.

Conclusions XVIII-1 p. 452

Regarding the adequacy of family benefits, the Committee considers that the basic child allowance is an adequate income supplement when it represents a significant percentage of the median equivalised income. The Committee reiterates its previous conclusion of conformity about the adequacy of the benefits and asks the next report to provide the figure of the median equivalised income possibly calculated according to the Eurostat methodology.

In 2009, the at-risk-of-poverty threshold for a single-person household was ISK 160,800, while the threshold was ISK 337,700 for a household with two adults and two children.

The at-risk-of-poverty threshold is based on 60% of the median equivalised disposable income. Equivalised disposable income takes account of the total disposable income of a household and the number of people depending on such income. Two adults with two children, for example, need 2.1 times higher disposable income than a person living alone to enjoy comparable disposable income. The at-risk-of-poverty rate in Iceland was 10.2% in 2009.

A single parent with approximately ISK 200,000 in monthly income, supporting two children, one of which is under the age of seven, would receive approximately ISK 575,000 in child benefits annually.

Payments during maternity/paternity leave.

The aim of the Maternity/Paternity Leave and Parental Leave Act, No. 95/2000, with subsequent amendments, is to promote equal responsibility for the family so that children can enjoy the company of both parents and to equalise the position of the sexes on the labour market.

The Maternity/Paternity Leave and Parental Leave Act was amended by the Act No. 90/2004. The aim of the amendments was, in particular, to reinforce the leave system introduced in 2000. When the act was reviewed, it was decided not to embark on a major revision of the system, but rather to maintain it in such a way that it would continue to encourage equal participation by women and men on the labour market and to make for an equal sharing of parental responsibilities. Not least, it was regarded as important to ensure that children should have the maximum opportunity to receive care from both parents during the first months of their lives.

The finances of the Maternity/Paternity Leave Fund were secured more reliably than before, and changes were also made to the calculation of payments made to parents during the maternity/paternity leave. These included the introduction of a ceiling on payments; the maximum was based on average monthly wages of ISK 648,000; thus, the maximum monthly payment by the fund to a parent was ISK 518,000. This meant that payments to parents whose monthly wages was under ISK 648,000, on average, would be 80% of their total wages during the reference period, as had been the case up to 2004. On the other hand, the legislator was aware that having a ceiling on payments from the fund could militate against the aims of the act if the maximum sum was very low in comparison to parents' income on the labour market. In determining the maximum sum, the view was taken that the resulting disruption to the income of the vast majority of households resulting from the birth of a child should continue to be as small as possible. It was considered likely that a lower reference sum would reduce men's interest in availing themselves of their right to paternity leave, since men generally have higher wages than women. Consequently, this could militate against equality on the labour market, and could also

prevent children from receiving care from both mother and father during the first months of their lives. Thus, it was not considered justifiable to adopt a lower reference sum at that time.

Previously, the reference period consisted of twelve months, counted backwards from two months prior to the birth of the child; this was changed with the Act from 2004 to the two income years preceding the year in which the birth took place, or the year in which the child arrives in the home in the case of adoption or permanent fosterage. As before, wages used for the assessment include all types of wage payments and other fees as defined in the legislation on social security tax. Only the average total wage earned by parents during the months they have worked on the domestic labour market was taken into consideration; in no case, however, shall the average be based on fewer than four months when calculating average total wages. As a result of these amendments, payments from the Maternity/Paternity Leave Fund was made solely on the basis of the information held by the tax authorities.

Amendments were also made on the Act in 2008. The Minister of Social Affairs and Social Security submitted a bill to Parliament in February 2008 for the amendment of the Act on Maternity/Paternity Leave and Parental Leave. The bill was approved as an act of law in May the same year as act No. 74/2008. The amendment to the Act applied to the rights of parents who have had children, have adopted children or received children for permanent foster care from 1 June 2008 or later.

The Act from 2008 involves, among other things, changes to the reference period on which the calculation of payments from the Maternity/Paternity Leave Fund are based. The object of the changes was to shorten the reference period from 24 months to 12 months, and to bring it closer to the birth date of a child, or the date on which a child enters a home due to adoption or permanent foster care. Calculations of payments to parents who are considered wage earners according to the Act on Maternity/Paternity Leave and Parental Leave will be based on a period of 12 consecutive months which ends six months before the birth of a child, or the date on which a child enters a home due to primary adoption or permanent foster care.

According to the Act from 2008, both parents may begin taking maternity/paternity leave up to one month before the expected birth of their child. Authorisation to transfer maternity/paternity leave, or entitlements to grants, was extended when one of the parents cannot utilise her or his right to leave, due to illness, the consequences of an accident or service of prison sentence.

Parents who do not enjoy custody of their children was entitled to maternity/paternity grants for the first time, provided that the parent who does have custody has granted visitation rights to the other parent during the period in which the grant is to be paid.

Following the economic difficulties as of the latter part of 2008, the Government has had to take action to improve the situation in public finances. Maximum payments from the Maternity/Paternity Leave Fund have been lowered three times since December 2008. As of 1 January 2009, the maximum payment from the Maternity/Paternity Leave Fund was reduced to ISK 400,000 per month. The maximum payment was again reduced as of 1 July 2009, when it was based on an average monthly wage of parents amounting to ISK 437,500. This meant that the Fund's monthly payment to parents was a maximum of ISK 350,000. As a result, payments to

parents with a monthly wage amounting to less than ISK 437,500 on average were 80% of the average total wages during a specific reference period, as had previously been the case.

Maximum payments from the Maternity/Paternity Leave Fund were again reduced on 1 January 2010, when the maximum payment was set at ISK 300,000 per month. At the same time, the ratio of earlier wages over ISK 200,000 was decreased from 80% to 75%. Thus parents are entitled to payments amounting to 80% of the first ISK 200,000 and thereafter the equivalent of 75% of their income that exceeds that amount, but never, however, more than ISK 300,000 per month.

The authorities are aware that the payment ceiling of the Maternity/Paternity Leave Fund may contravene the aim of the Act if it is set very low considering the income of parents in the domestic labour market. When account is taken of the income distribution between men and women in the domestic labour market, it has been deemed probable that the ceiling set on payments from the Maternity/Paternity Leave Fund would further reduce men's interest in availing themselves of their right to paternity leave, as they still generally receive higher wages than women. One may expect, therefore, that the reduction of maximum payments has militated against the aim of the Act. In the explanatory comments to the bills that lead to the above amendments to the Act, therefore, emphasis was placed on the changes being temporary and that the plan is to review the amount of maximum payments and adjust them upward as soon as circumstances in public finances permit.

It is estimated that these actions may have a greater impact on men's right to payments from the Maternity/Paternity Leave Fund as a ratio of their income than on women's, even though the majority of those availing themselves of maternity/paternity leave will not suffer reductions.

Most fathers have availed themselves of their separate paternal leave entitlement: 88% did so, entirely or in part, in 2004. The average length of time they took as paternal leave was 97 days; the average taken by mothers was 183 days, this being accounted for because mothers tended to use a greater share (90%) of the entitlement which is shared by both parents. In 2004, only 17.9% of fathers did not use their entire separate entitlements, while 17.1% also used the shared entitlement. Information from the Maternity/Paternity Leave Fund indicates that more and more parents are making use of flexible working hours when taking leave.

Table 1 shows mothers' and fathers' utilisation of their right to maternity/paternity leave for the years 2005–9.

Table 1. Data on maternity/paternity leave taken by men and women in the period 2005-2009.

	2005	2006	2007	2008	2009 ¹
Applications from men ²	86.7%	87.3%	88.5%	90.9%	83.4%
Av. number of days taken by men ³	98	95,4	100,5	102,6	94,4
Av. number of days taken by women ⁴	185	184,2	180,9	178,4	176,9
No. of men taking more than basic entitlement ⁵	796	776	795	928	741
Proportion of men taking more than basic entitlement	23.4%	22.2%	21.3%	23%	20%
No. of women taking more than basic entitlement ⁶	3.131	3.217	3.292	3.595	3.708
Proportion of women taking more than basic entitlement	93.5%	93.8%	93%	93%	93%
No. of men taking less than basic entitlement	827	830	634	699	953
Proportion of men taking less than basic entitlement	24,3%	23.8%	17,0%	17.3%	25.4%
No. of women taking less than basic entitlement	34	36	25	32	40
Proportion of women taking less than basic entitlement	1.0%	1.1%	0.7%	0.8%	1.0%
Men taking leave as a continuous period ⁷	24.6%	24.1%	32.2%	33.6%	38.5%
Women taking leave as a continuous period	48.0%	32.1%	45.2%	43.3%	44.3%
Men taking leave in disjunct period	75.4%	75.9%	67.8%	66.4%	62.7%
Women taking leave in disjunct period	52.0%	67.9%	54.8%	56.7%	55.7%

Source: Maternity/Paternity Leave Fund.

Table 1 examines parental use of maternity/paternity leave based on the year of the child's birth rather than examining each year. The reason is that until 1 July 2009, parents were allowed to spread the maternity/paternity leave over a period of 18 months. After that time, the parents were permitted to take the leave over a 36-month period. The final results of parental use of maternity/paternity leave for children born in 2009, therefore, will not be available until mid-year 2012. Therefore, table 1 shows the final figures for children born from 2005–8 and preliminary figures for children born in 2009. Nevertheless, the Ministry of Social Affairs and Social Security emphasises that the principal goal for nine months' maternity/paternity leave is to ensure that mothers will be able to recover following pregnancy and childbirth as well as the successful care of children during the first months of their lives and at the same time to ensure that the child enjoys the company of both its parents. This, however, is not a reference to the regular care of children for which it might be possible to delegate to other parties, rather it refers to the primary care of children by parents that is necessary during the first months of their lives so that they may thrive after birth. As an example, it is the official policy of the Icelandic Government to encourage mothers to breastfeed their children for a period of at least six months from birth. Furthermore, it is also the policy that newborn children are provided with necessary opportunity

¹ Preliminary data

² i.e. applications by men as a proportion of those by women

³ Based only on those who received payments from Maternity/Paternity Leave Fund, not those who received grants.

⁴ Based only on those who received payments from Maternity/Paternity Leave Fund, not those who received grants.

⁵ i.e. the proportion of men taking more than their separate entitlement.

⁶ Three months.

⁷ Leave can be divided into various periods, or else taken as a continuous period.

to form emotional ties with their parents so that they may later develop a reasonable social competence. Experience shows that maternity/paternity leave is, on the average, taken straight after the birth of a child. As a result, there should not be any great changes to the figures for 2009.

Statistical information indicates that the ratio of fathers who avail themselves of some of their paternity leave in contrast with mothers who do so has steadily been increasing up to 2009, at which time they begin to reduce their use of paternity leave. Information on the average number of days indicates the genders' overall use of the basic rights, shared rights and extra entitlement (extension due to illness, multiple births, etc.). According to this, fathers had begun to avail themselves of a higher number of days of paternity leave up until 2009 and, correspondingly, mothers took fewer days of maternity leave.

Continuous leave refers to individuals who are on 100% leave and take such leave over a continuous period. No account is taken of whether the entitlement is a basic or shared entitlement. Divided leave means e.g. individuals who are on 50% leave against reduced work time or the period until the use of the maternity/paternity leave is extended.

Child pension.

Child pension is paid in respect of children under 18 years of age either of whose parents is deceased or is receiving invalidity pension, provided that the child itself or either of its parents has been resident in Iceland for at least three years immediately prior to application. If both parents are deceased or receive invalidity pension the child pension is doubled. Adopted children and step-children enjoy the same legal status in the same circumstances. Child pension for one child amounted to ISK 18,284 in 2007; ISK 19,000 in 1 January – 31 March 2008; ISK 19,760 from 1 April – 31 December 2008 and ISK 21,657 in 2009.

A total of 5,537 providers received child pension in 2007, 5,830 in 2008 and 5,954 in 2009. Child pension was paid for 8,702 children in 2007, 8,927 in 2008 and 9,203 in 2009.

Social assistance.

A. Death allowance.

A person who is domiciled in Iceland and widowed before reaching the age of 67 may be entitled to an allowance for six months following the death of his or her spouse. On 1 January 2009 this allowance amounted to ISK 32,257 per month. If the recipient maintains a child under 18 years of age or in other special circumstances, he or she is entitled to an allowance for a further period of at least 12 months, but not more than 48 months, at the rate of ISK 24,165. A total of 200 persons received death allowances in 2009.

B. Child's educational allowance.

The State Social Security Institute may pay a child's educational allowance to a young person aged 18 to 20 who is domiciled in Iceland and engaged in studies or vocational training if either or both parents are deceased or either or both parents are receiving old age or invalidity pension, *cf.* Art. 3 of the Social Assistance Act, No. 99/2007, with subsequent amendments (the older Social Assistance Act, No. 118/1993 was re-issued, under Article 19 of the Act No. 166/2006, as the Act No. 99/2006). The child's educational allowance amounted to ISK 21,657 per month in

2010. It is a precondition that the studies or vocational training take place for at least 6 months each year.

A total of 373 children received an educational allowance in 2007, 378 in 2008 and 424 in 2009. Expenses due to children's educational allowances were ISK 92 million in 2007, ISK 105 million in 2008 and ISK 123 million in 2009.

C. Allowance for those caring for chronically ill and/or children with disabilities.

Those who maintain and care for chronically ill and/or children with disabilities may be entitled to assistance from the State Social Security Institute if the illness or disability (mental or physical) entails appreciable expenditure or calls for special supervision or care. The full allowance in 2007 amounted to ISK 97,978 per month; from 1 January – 31 March 2008 ISK 102,800; from 1 April – 31 December 2008 ISK 106,912 and in 2009 ISK 117,176.

The parents of chronically ill or severely disabled children who are neither able to pursue employment outside the home nor studies because their child requires substantial care due to a very serious and chronic illness or disability are entitled to monthly financial assistance on the basis of Act No. 22/2006 on Payments to Parents of Chronically Ill or Severely Disabled Children, with subsequent amendments. The monthly basic payments to parents in 2009 were ISK 147,193. In addition, the parent was entitled to monthly child benefit payments amounting to ISK 21,657 for each child under the age of 18 for whom the parent was obliged to provide. If the parent was single and provided for his/her two or more children under the age of 18, the parent was entitled to special child support payments amounting to ISK 6,269 per month for two children and 16,300 per month for three children.

In 2008, basic payments to the parents of chronically ill or severely disabled children amounted to ISK 130,000 per month, while the monthly child benefits amounted to ISK 18,284. Special child benefits to single parents amounted to ISK 5,325 per month for two children and ISK 13,846 for three children.

D. Single parent's allowance.

Child pension is paid in respect of children under the age of 18 if either of the child's parents are deceased or is the recipient of disability benefit. This is subject to the condition that one of the child's parents, or the child, shall have been domiciled in Iceland for at least the three preceding years when an application is made. The single parent's allowance in the year 2007 was ISK 5,325 per month for two children and for three or more children ISK 13,846 per month; from 1 January – 31 March 2008 ISK 5,500 per month for two children and for three or more children ISK 14,300 per month; from 1 April – 31 December 2008 ISK 5,720 per month for two children and for three or more children ISK 14,872 per month; in 2009 ISK 6,269 per month for two children and for three or more children ISK 16.300 per month.

E. Household supplement and extra income supplement.

The extra income supplement was discontinued as of 1 January 2007, and the income supplement increased correspondingly. The curtailment ratio of income supplements was decreased from 45% to 39.95%, and the curtailment ratio of household supplements was decreased from 18% to just under 12%. At the same time, the household supplement was increased by ISK 4,634 per month.

The curtailment ratio of household supplements was again reduced on 1 January 2008, when it was decreased from just under 12% to just over 11%. Changes were again made on 1 September that same year, when individuals receiving household supplements were ensured an ISK 150,000 minimum pension named *Special supplement (Sérstök uppbót)* to provide for pension recipients. Individuals not receiving household supplements were ensured an ISK 128,000 minimum pension. In 2009, individuals receiving household supplements were ensured an ISK 184,987 minimum pension per month and individuals without household supplements were ensured an ISK 153,500 minimum pension per month.

Following the onset of economic difficulties in the Icelandic economy in October 2008, the authorities felt impelled to increase the curtailment ratio of the income supplement to 45% as of 1 July 2009, as well as to increase the curtailment ratio of household supplements from just over 11% to 13%.

Child maintenance paid by non-custodial parents,

Non-custodial parents are obliged to pay child maintenance. In accordance with an order by the authorities, a parent may have child maintenance paid through the intermediary agency of the State Social Security Institute. The Institute is authorised to pay child maintenance retroactively for up to 12 months back in time. Furthermore, a parent may obtain an order for special maintenance payments, e.g. towards the cost of the child's confirmation or dental treatment. Young persons aged over 18 years may also receive a special educational maintenance allowance up until the age of 20 years. Child maintenance for one child was ISK 18,284 per month in 2007; ISK 19,000 from 1 January – 31 March 2008; ISK 19,760 from 1 April – 31 December 2008; ISK 21,657 in 2009.

Social protection of the family.

Childcare facilities.

Reference is made to previous reports but the statistics have been updated.

Comment by the Committee of Independent Experts.

Conclusions XVIII-1 p. 450.

The committee asks the next report to provide detailed and up-dated information on supply and demand of child care facilities.

The following table shows the number of kindergartens (pre-primary institutions) in Iceland, together with the number of children who attended them during the period 2007-2009, by age group and duration of stay.

Table 2. Children in nursery schools by age of child and length of attendance 2007–2009.

	Total		0-2 years		3-5 years	
	Total	Municipalities	Total	Municipalities	Total	Municipalities
2007						
Total number* of children	17,561	15,386	5,462	4,587	12,099	10,799
4 hours	467	444	197	184	270	260
5 hours	563	509	201	182	362	327
6 hours	1,391	1,227	500	444	891	783
7 hours	1,517	1,332	483	412	1,034	920
8 hours	7,177	6,029	2,356	1,839	4,821	4,190
9 hours or longer	6,446	5,845	1,725	1,526	4,721	4,319
2008						
Total number* of children	18,278	15,912	5,950	4,942	12,328	10,970
4 hours	316	296	165	153	151	143
5 hours	519	470	202	187	317	283
6 hours	1,293	1,132	488	415	805	717
7 hours	1,462	1,270	490	417	972	853
8 hours	7,663	6,552	2,571	2,052	5,092	4,500
9 hours or longer	7,025	6,192	2,034	1,718	4,991	4,474
2009						
Total number* of children	18,716	16,123	6,130	4,972	12,586	11,151
4 hours	350	331	175	164	175	167
5 hours	503	451	172	158	331	293
6 hours	1,231	1,086	479	406	752	680
7 hours	1,785	1,542	589	497	1,196	1,045
8 hours	8,060	6,696	2,838	2,159	5,222	4,537
9 hours or longer	6,787	6,017	1,877	1,588	4,910	4,429

*Children aged 6 not included.

Source: Statistics Iceland.

Table 3 shows the number of children cared for by day parents during the period in question.

Table 3. Day-care in private homes 2004–2008.

	<i>Percentage of age groups</i>									<i>Full-time children per child minder</i>
	<i>Children total</i>	<i>Children 0–2 years</i>	<i>Children 3–5 years</i>	<i>Children 6–9 years</i>	<i>0–2 years</i>	<i>3–5 years</i>	<i>6–9 years</i>	<i>Child minders</i>		
2004										
Total	1,710	1,686	21	3	13.4	0.2	0.0	372	4.0	
7–8 hour day-care	1,294	1,282	12	•	10.2	0.1	•	...	...
2005										
Total	1,722	1,695	22	5	13.3	0.2	0.0	380	4.0	
7–8 hour day-care	1,331	1,322	9	•	10.4	0.1	•	...	...
2006										
Total	1,848	1,831	14	3	14.0	0.1	0.0	389	4.3	
7–8 hour day-care	1,499	1,493	6	•	11.4	0.0	•	...	...
2007										
Total	1,925	1,908	14	3	14.6	0.1	0.0	427	4.1	
7–8 hour day-care	1,602	1,596	6	•	12.2	0.0	•	...	...
2008										
Total	1,800	1,777	17	6	13.0	0.1	0.0	427	3.9	
7–8 hour day-care	1,537	1,523	14	•	11.1	0.1	•	...	...

Source: Statistic Iceland.

Table 4 shows the total number of the population and the number of children aged 0-5 years in Iceland in 2007-2009.

Table 4. Population by gender and age 2007-9.

	2007	2008	2009
Total			
Total	307,672	315,459	319,368
Aged under 1 year	4,426	4,591	4,860
Aged 1	4,357	4,499	4,660
Aged 2	4,328	4,384	4,542
Aged 3	4,217	4,374	4,425
Aged 4	4,107	4,255	4,421
Aged 5	4,140	4,126	4,266
Male			
Total	156,576	160,896	162,068
Aged under 1 year	2,264	2,381	2,485
Aged 1	2,238	2,294	2,401
Aged 2	2,210	2,249	2,333
Aged 3	2,140	2,226	2,275
Aged 4	2,072	2,155	2,249
Aged 5	2,129	2,092	2,162
Female			
Total	151,096	154,563	157,300
Aged under 1 year	2,162	2,210	2,375
Aged 1	2,119	2,205	2,259
Aged 2	2,118	2,135	2,209
Aged 3	2,077	2,148	2,150
Aged 4	2,035	2,100	2,172
Aged 5	2,011	2,034	2,104

As of 1 January each year.

Source: Statistics Iceland.

Housing.

In 2007 the Department of Welfare in Reykjavík agreed to an amendment to income and property limits with regard to social rental flats and special rent benefits. The amendment is that a certain income limit now forms the basis for discussion on rights to rental apartments and their allocation, while taking into consideration current housing situation, health, social circumstances, and income of the applicants. Social rental apartments and special rent benefits are meant for

those families and individuals who have no other means of securing housing because of a low income, heavy financial burden, and other social difficulties

Social rental flats are intended for people who are unable to secure housing for themselves or their families due to low income, a difficult family-maintenance burden or other social circumstances. Félagsbústadir hf. owns the flats and is responsible for the preparation of lease agreements, rent collection and general maintenance. Félagsbústadir hf. owned, at the end of 2007, 1,748 social rental flats and 296 service apartments in Reykjavík.

In 2007, the number of social rental flats in Reykjavík was 1,748, in 2008, this number was 1,826 and in 2009, the number of social rental flats in Reykjavík was 1,829.

The Safe Shelter (Kvennaathvarfið).

The aim of the organization running the Safe Shelter (*Samtök um kvennaathvarf*) is to provide shelter facilities both for women and their children when the situation in the home makes it impossible for them to go on living there because of domestic violence, whether in the form of physical assaults or mental cruelty, practised by the husband or cohabiting partner or other persons in the home, and also for women victims of rape. It is also the organization's aim to provide counselling and information and to stimulate publicity and discussion of the problem of domestic violence. Table 5 shows a survey of admissions to the shelter for the period 2003-2009.

Table 5. Admissions to the Safe Shelter 2003–2009.

Year	2003	2004	2005	2006	2007	2008	2009
Total admissions	388	531	557	712	605	549	470
Interviews	315	443	465	613	368	419	368
Stay periods	73	88	92	99	101	130	118
Number of children	59	55	76	57	68	77	60
Phone calls to emergency line	1402	1612	1855	-- *	--*	--*	--*

*Information on phone call registrations for the years 2006–9 is not available.

Source: The Safe Shelter.

The number of admissions in 2006 was a record (712). Many women are admitted more than once, either for interviews or periods spent in the shelter; this figure represents 318 women who sought assistance there during the year. The number of women who stayed there rose by 7,6% from 92 to 99, but the number of children reduced by 25%, from 76 to 57, compared with the previous year. The average number of days spent in the shelter in each period considerably was the same as the year before or 14 days for women but rose from 16 to 20 days for children. On average, there were three women and three children in the shelter every day during 2006. The number of interviews taken during the year, 613, was also a record; on average, each woman registered at the centre came for three interviews during the year instead of two interviews the year before. Not included in these figures are interviews with women staying at the shelter.

In 2009, 118 stays in the Safe Shelter were registered and 487 interviews, or a total of 605 visits. Many women are admitted more than once, either for interviews or periods spent in the shelter; this figure represents 319 women who sought assistance there during the year. The number of women decreased year-over-year from 130 to 118 and children from 77 to 66. The average number of days spent in the shelter in each period considerably decreased from 18 to 11 days and

from 18 to 10 days for children. The number of interviews taken during the year was 487 to 201 women.

The number of women applying to the Safe Shelter indicates not so much the extent of gender-based violence in Iceland but rather whether or not the victims know of the services provided by the shelter and whether they are prepared to use them. Studies indicate that the actual extent of violence is far greater than the statistics from the Safe Shelter suggest, and it is therefore seen as a positive thing that the number seeking assistance there should be large rather than small. The increase in the number of supportive interviews (counselling sessions) held there in recent years also suggests that women are making more use of the services of the shelter than they used to, i.e. that they are turning to the shelter for advice and support before actually being compelled to go for protection from violent situations. It is to be hoped that the increase in the number of admissions is also an indication that women no longer hesitate so long before applying to the shelter for help when they need it. In addition to offering supportive interviews, a telephone service and facilities for temporary stays, the Safe Shelter has offered self-help therapy groups. The first of these was launched in autumn 2004, consisting of eight women with a leader and deputy leader from among the staff of the shelter. Two groups were operated in 2005, each consisting of seven women in addition to the group leaders. Record applications to the Safe Shelter few years in a row can probably be attributed to the high level of public discussion of gender-based violence that has taken place. The interviews (counselling sessions) offered by the Safe Shelter have clearly become established; they are sought after by women who are in violent situations and by those who are getting over the consequences of earlier experiences of violence.

On arrival at the Safe Shelter, either to stay or to attend a counselling session, the women are asked the reason for their visit. Most give more than one reason; for example, mental cruelty is generally found together with physical violence. In most cases, they are also seeking support to get through a difficult phase in their lives. It is much more commonly the case that women apply to the Safe Shelter because of mental cruelty than because of physical violence; mental cruelty can be no less serious a situation. It can take the form of threatening behaviour, financial dominance, isolation and degradation. More women give mental cruelty, physical violence and sexual abuse as the reasons for their visits to the shelter than used to be the case; in the same way, more now come to the shelter because of threats and persecution than before. This is worrying, as it seems that violence is assuming a harsher form, but the reason may also be increased awareness of gender-based violence and the forms that it can take. Little discussion has taken place about sexual abuse within marriages or partnerships; however, it is frequently encountered as an accompaniment to other forms of violence.

More women have been applying to the Safe Shelter because of incest; this is attributed to an enormous amount of public discussion of incest that took place in 2005 following the publication of a book in Iceland in which a woman described her experience of sexual abuse and ill-treatment as a child. As the Centre for Sexual Abuse Victims (*Stígamót*) had difficulty in providing sufficient counselling services in the latter part of the year, many women applied to the Safe Shelter in connection with incest.

The Centre for Sexual Abuse Victims (Stígamót).

About 2087 individuals came to the Centre for Sexual Abuse Victims (*Stígamót*) in the period 2006–2009; 474 did so in 2006, of which 266 were making their first visit to the centre. In 2007, 527 individuals came to the centre, including 277 who were seeking help for the first time. In 2008 the total number was 547, of which 253 were seeking assistance for the first time. In the year 2009 the total number of individuals that sought assistance through *Stígamót* was 539 of which 210 were making their first visit.

The breakdown by gender for the years 2005-2009 is presented in Table 6 (referring to those applying to the centre for the first time).

Table 6. Persons received by *Stígamót* for the first time: breakdown by gender.

	2005		2006		2007		2008		2009	
	Number	Prop.								
Women	223	89.6%	240	90%	251	90.6%	210	89%	191	91.4%
Men	26	10.4%	26	10%	26	9.4%	26	11%	18	8.6%

Source: The Centre for Sexual Abuse Victims (*Stígamót*).

There are many reasons why individuals turn to the Centre for Sexual Abuse Victims: rape, prostitution, incest and their consequences and also sexual harassment. One hundred and fifty individuals contacted the centre in 2005 in connection with incest and its consequences and ninety-eight in connection with rape and its consequences. Nine contacted the organization in connection with prostitution and sixteen in connection with sexual harassment.

The Emergency Reception Centre (Neyðarmóttakan).

About 763 individuals, of which 97.7% were women, came to the Emergency Reception Centre in the period 2004–2009: 104 did so in 2004, 130 in 2005, 145 in 2006, 136 in 2007, 118 in 2008 and 130 in 2009.

Altogether, 1,813 individuals applied to the Emergency Reception Centre for rape victims from the time when it opened in 1993 up to the end of 2009. As can be seen from the following table, the largest group, 689, consists of persons in the 18-25 age group or 38%.

Table 7. Age of rape victims admitted to the Emergency Reception Unit in 1993-2009.

YEAR	Aged 10-15	Aged 16-17	Aged 18-25	Aged 26-35	Aged 36-45	Aged 46-55	Aged >55	Number per year
1993	10	10	12	9	4	1	0	46
1994	2	15	29	7	10	2	0	66 *
1995	6	14	20	14	16	4	2	76
1996	11	15	27	12	11	2	2	80
1997	16	18	38	19	13	3	0	107
1998	18	14	33	16	13	7	1	102
1999	16	15	26	21	21	3	1	103
2000	15	21	45	9	4	1	2	97
2001	17	21	55	18	15	9	0	135
2002	19	14	46	18	16	4	2	119
2003	16	16	48	17	12	6	4	119
2004	14	13	50	12	12	1	2	104
2005	24	19	47	17	17	4	1	130 *
2006	14	23	65	22	15	5	1	145
2007	13	19	53	35	12	2	2	136
2008	17	28	45	18	4	4	2	118
2009	26	19	50	14	12	7	2	130
Number in age group	254	294	689	278	207	65	24	1813

* ID NO. of one victim missing

Source: The Emergency Reception Unit.

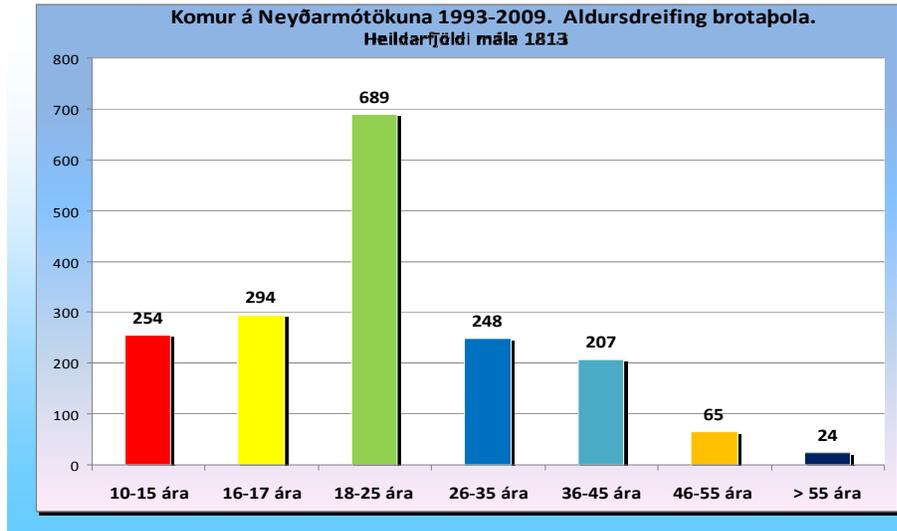


Fig. 1. Persons applying to the Emergency Reception Centre for the victims of rape and sexual abuse, 1993-2009.

Translation from the figure: “Komur á Neyðarmóttöku 1993-2009 Aldursdreifing brotaþola” = Persons applying to the Emergency Centre following rape by age, 1993-2009; “Heildarfjöldi mála”= Number of cases; “ára”= years.

Figure 2 presents the number of cases reported to the police.

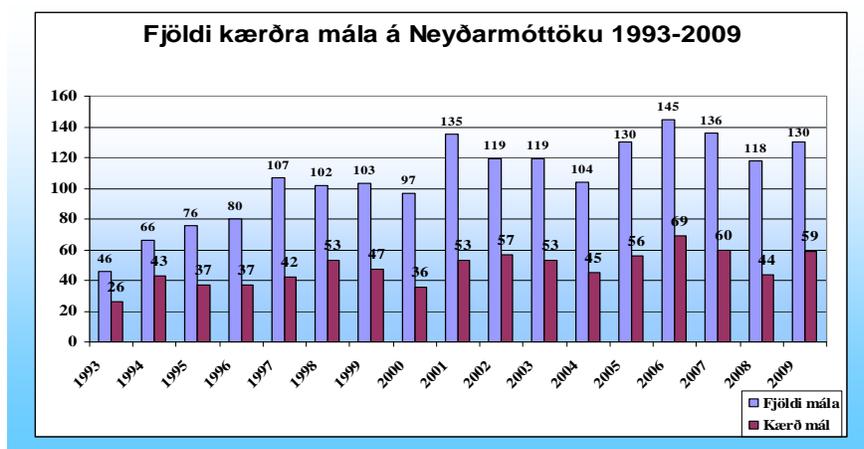


Fig. 2. The number of cases of the Emergency Centre reported to the police.

Translation from the figure: “Fjöldi kærðra mála á Neyðarmóttöku 1993-2009” = Number of cases reported to the police 1993-2009; “Fjöldi mála” = Number of cases; “Kærð mál” = Reported cases.

Article 17

The right of mothers and children to social and economic protection

1.

The Children's Act No. 76/2003, with subsequent amendments.

Reference is made to the discussion in this report on the Children's Act under the discussion on the Icelandic Government's implementation of Article 16 of the European Social Charter.

Amendment to the Child Protection Act No. 80/2002.

Comment by the Committee of Independent Experts.

Conclusions XVII-2 p. 17

The Committee notes from another source that corporal punishment of children is prohibited in schools and asks that the next report indicate the legislation laying down this prohibition.

With Act No. 52/2009, amending the Child Protection Act No. 80/2002, any uncertainty as to the complete illegality of abusing children or employing other degrading conduct was completely removed. Abuse refers to mental, physical and sexual abuse, including mental and physical punishments. The Act, therefore, is intended to fully provide for the criminalisation of subjecting a child to mental or physical punishment and specifically states that it is a punishable offence to subject a child to mental or physical punishments or other degrading conduct, threats or intimidation. The provision is intended to be complementary to the provisions on abuse and other violations against children contained in the General Penal Code.

Comment by the Committee of Independent Experts.

Conclusions XVII-2 p. 16.

The Committee asks the next report to explain the role, legal and otherwise, of a guardian or other caretaker in the homes and institutions mentioned.

The Government Agency for Child Protection (*Barnaverndarstofa*) requires that the heads of the rehabilitation homes are educated in pedagogy, healthcare or social science. In that regard it is worth to mention that the head of the newly founded rehabilitation home at *Lækjarbakki* has a B.A. degree in psychology and a masters degree in counselling. The head of the rehabilitation home at *Laugaland* has a B.A. degree in psychology. One of them who are responsible for the rehabilitation home at *Háholt* is educated as a teacher. All of those have many years of working experience within the field of child protection. The head of the State rehabilitation centre, *Stuðlar*, is an authorized psychologist.

The heads of the rehabilitation homes are amongst other things meant to guide and supervise their employees according to accepted professional methods. The Government Agency for Child Protection makes educational programmes in co-operation with the heads of the rehabilitation homes. Over the last few years the course has been to strengthen the introduction of thoroughly tested and acknowledged methods as well as increase the training of employees and the heads of the rehabilitation homes.

The Government Agency for Child Protection has collected various written directions regarding employee procedures at rehabilitation homes in a special Handbook of rehabilitation homes (*Handbók meðferðarheimila*) from 2008. The Agency updates the Handbook regularly. The Handbook amongst other things contains the rules of the Government Agency for Child Protection applying to the cooperation between the rehabilitation homes and the child protection

committees that took effect in 2001. Those rules along with service contracts and other material that the Agency gathers, is the basis for counselling and monitoring of the Government Agency for Child Protection. The rules amongst other things applies to the application process and the conditions of applications, visitation rights, placement contracts, cost factors and the placement of children in a closed ward in cases of emergency. The Handbook of rehabilitation homes also contains rules on the rights of children at rehabilitation homes, rules on coercive measures and the handling of complaints as well as appropriate directions in the handling of children, directions on personnel, directions on the relations with other institutions amongst other things. Finally the Handbook contains the Government Agency for Child Protection's standards regarding the placement and foster care of children operated by child protection committees from 2008. The standards refer to all placements of children outside their home that are operated by child protection committees and are amongst other things the basis for the surveillance of the operations of the rehabilitation homes that are under the auspices of the Agency.

The basic requirements that are made to custodial parties is in standard 8, i.e. for foster parents and those that operate or work at rehabilitation homes or institutions for children that are under the auspices of child protection authorities.

- a. A custodial party, that the Government Agency for Child Protection or child protection committees entrust a child with for placement or foster care, must meet the requirements made for licensing and the required training, having a valid authorisation and operate in conformity with law and operating procedures.
- b. A custodial party, that the Government Agency for Child Protection or child protection authorities entrust a child with for placement or foster care must be socially and financially stable.
- c. A custodial party that is entrusted with the placement of a child on a professional level has to have the ability to use recognized methods in dealing with the problems of children.
- d. A custodial party and where relevant, his or her employees, must have extensive knowledge of children and experience with taking care of them.
- e. A custodial party must choose his or her employees carefully and create pleasant working conditions.
- f. A custodial party and where relevant his or her employees, must seek guidance and the necessary professional support needed for him or her to be able to attend to his or her duties.
- g. The custodial party's housing and surroundings must fulfill general safety, quality and hygiene standards.
- h. The custodial party must make sure of an easy access to school, healthcare and other facilities that a child in placement or foster care must seek.
- i. The conditions and the care that custodial parties show children in placement or foster care must in no way be less than what is considered normal in the society.

Surveillance

The second paragraph of Article 79 of the Act on Child Protection No. 80/2002 stipulates the Government Agency for Child Protection's supervision of the rehabilitation homes that are run by the state. It also stipulates that the Government Agency for Child Protection shall provide those who run the rehabilitation homes with instruction, guidance and general professional

support. To better explain the demands that are made towards the heads of rehabilitation homes, the execution of the supervision and consultation of the Government Agency for Child Protection must be explained.

The supervision pertains mainly to the following factors:

- Collect data to make the Government Agency for Child Protection capable to assess whether the operation of the rehabilitation homes fulfills the standards made with regard to quality of the operations.
- To enforce general improvement in rehabilitation homes and point out what can be done better in the operation of rehabilitation homes.
- To make sure that service and placement contracts are fulfilled.

The Government Agency for Child Protection's supervision of the rehabilitation homes is twofold. On the one hand there is an *external supervision*, of which a self-employed expert has managed since 2004. The supervision consists amongst other things in field visits to all the homes twice a year along with an evaluation of the material that the Government Agency for Child Protection gathers for the placement of children and the operation of each rehabilitation homes. The supervisor submits a report to the Government Agency for Child Protection at the end of each field visit. The supervisor reports to the Government Agency for Child Protection on his concerns regarding the rehabilitation homes, especially where the rehabilitation homes do not fulfill the above mentioned standards.

The supervision of the Government Agency for Child Protection with the rehabilitation homes entails on the other hand a so called *inner supervision*, that is to say a supervision of the enforcement of the service contracts to the homes as well as the well-being of the children and the progress of the rehabilitation. On that basis the Government Agency for Child Protection gives the rehabilitation homes a consultation that among other things is executed as follows: an employee makes three supervisions' visits per year to each of the rehabilitation homes along with being in regular contact with the homes via telephone. During the visits the operation of the rehabilitation homes is inspected and the progress of each child is evaluated along with a interview with the rehabilitation party about the inner activities, school issues and personnel issues, the registration of children and so on. The children are also interviewed and they are given a survey where they get, among other things, the opportunity to express their own state of well-being, evaluate their own progress and express their opinion on what could be done better at the rehabilitation homes. After each visit a report is made on the visit. Along with field visits the supervision of the Government Agency for Child Protection entails an examination and analysis of various data and information that the Agency gathers from the rehabilitation homes, for example reports on the situation of the children, placement contracts, research reports from *Stuðlar*, the state rehabilitation centre, a summary from the closed department at *Stuðlar* and so on.

Comment by the Committee of Independent Experts.

Conclusions XVII-2 p. 16

The Committee considers that a unit should not accommodate more than 10 children and asks that the next report provide information on the size of units in child welfare institutions.

There are a total of three rehabilitation homes that accept children for long-term treatment on behalf of the Government Agency for Child Protection. They are all located in rural areas; *Háholt* is in *Skagafjörður*, *Laugaland* is in *Eyjafjarðarsveit* and *Lækjarbakki* is in *Rangárvellir*.

The rehabilitation homes can house a total of 17–20 children aged 13–17, with each homes housing four to seven children at the same time.

Moreover, there is the State Rehabilitation Centre, *Stuðlar*, which is located in Reykjavík. The Centre can accept 8 youngsters at a time for diagnostic and treatment placement. In addition, the Centre has five emergency placements.

Comment by the Committee of Independent Experts.

Conclusions XVII-2 p. 18

The Committee asks whether all acts of sexual exploitation with children below 18 years of age are criminalised, irrespective of a lower age of consent.

Amendments were made to the sexual abuse section of the General Penal Code No. 19/1940 with Act No. 61/2007, as was discussed in the commentary to Article 16 of this report. The minimum age of consent for sexual acts was raised from 14 to 15, and the provision for punishment for having sexual intercourse or other sexual relations with a child under the age of consent was expanded so that these offences qualify for the same punishment as rape, i.e. 1-16 years' imprisonment. This emphasises the gravity of such offences when the victims are children; rape, sexual intercourse or other sexual relations involving children under the age of 15 now constitute the most serious types of offence within the category of sexual offences, a position that used to be reserved for rape only. Nevertheless, provision is made for a reduction or waiver of punishment in cases where the perpetrator of acts involving sexual intercourse or other sexual relations with a child under the age of 15 is him- or herself of the same age or level of mental maturity as the child. They are considered to be of similar level of maturity when they are of equal standing as regards both physical and mental maturity. They are of similar age when there is a maximum of 2–3 years that separates them. Both conditions, as regards age and maturity, must be present for the provision to apply.

According to Article 202 of the General Penal Code No. 19/1940, with subsequent amendments, sexual harassment other than sexual intercourse or other sexual intimacy with a child under the age of 15 shall be punishable by imprisonment for up to six years. Furthermore, anyone who, by means of deception, gifts or in another manner allures a child under the age of 18 to have sexual intercourse or other sexual intimacy shall be subject to imprisonment for up to 4 years.

It was also stated in the amendment that liability for offences under Article 194 (rape), the first paragraph of Article 200 (sexual intercourse or other sexual relations with one's own child or other descendant) and the first paragraph of Article 201 (sexual intercourse or other sexual relations with a child under the age of 18, to whom the offender is related or connected in a

particular way) does not lapse over time (i.e. is not subject to any statute of limitations) in cases where the child is under the age of 18. Regarding other sexual offences, an amendment was introduced stating that the period over which liability expires is to begin running from the time when the victim reaches the age of 18 and not 14 as used to be the case.

2.

Action plan to improve the situation of children and young persons.

In June 2007 the Althingi approved a parliamentary resolution on a four-year action plan to improve the situation of children and young persons. The plan covers the years 2007-2011. The measures to be taken are based in part on their rights as defined in the UN Convention on the Rights of the Child.

The action plan is among other things intended to improve the financial position of families with children by raising the rate of child benefit for low-income families and strengthening general preventive measures. Emphasis is placed on measures to benefit children and young persons with mental disturbances and developmental disorders, chronically ill children as well as young persons with behavioural and drug-abuse problems. Likewise will measures be implemented to protect children and young persons against sexual offences and measures for the benefit of the children of immigrants.

In accordance with the parliamentary resolution, a consultation committee of representatives for the Ministry of Social Affairs and Social Security, the Ministry of Health, the Ministry of Justice and Human Rights, the Ministry of Finance and the Ministry of Education, Science and Culture was appointed to ensure the harmonisation and follow-up of the action plan under the leadership of the Ministry of Social Affairs and Social Security.

Action plan on child protection issues.

The parliamentary resolution on an action plan on child protection issues was approved by the Althingi in the spring of 2008. The plan lists the principal tasks to be carried out to ensure that children who live in unacceptable circumstances or children who endanger their lives or development are provided with the necessary assistance.

The parliamentary resolution describes the goals that the Ministry of Social Affairs and Social Security and the Government Agency for Child Protection must keep in mind in all work on child protection issues and what projects are to be carried out. The plan remained in effect until the municipal elections in the spring of 2010.

A number of successes have been achieved during the period. Many of the projects have been completed in accordance with the aim of the parliamentary resolution, such as a large research project on the testimony of children who come to the Children's House (*Barnahús*) due to suspected sexual abuse. This study ended with the publication of a report in 2009. Also worth mentioning is an investigation into physical violence against children in Iceland which will be completed with a report by the end of 2010.

A partnership has been established with the Centre for Children and Family Research, and courses on anger management have been held. Although the effective term of the plan has

expired, work will continue on the execution of the projects that remained uncompleted when the time limit expired.

Steering Committee monitoring welfare issues.

After the collapse of the financial system in October 2008, it is clear that the most serious consequences for households is long-term unemployment, i.e. persons without work for six months or more. The most important premise for combating this development is that the economy starts functioning again at full strength. Labour-market measures must also be provided and expanded to meet the needs of persons who are caught in long-term unemployment. Furthermore, it is important to provide special care for children, particularly those from households where the parents are unemployed or are facing impossible debt burdens because of their property-purchase commitments or other liabilities that have grown far in excess of their assets.

In the wake of the onset of the economic recession in autumn 2008, the Minister of Social Affairs and Social Security appointed a steering committee to monitor welfare issues; this was in accordance with the resolution by the Government of 10 February 2009. The committee is expected to monitor systematically the social and financial consequences of the economic situation for families and individuals and to propose measures to be taken to meet the needs of households. The committee consists of sixteen members, including representatives of the Government ministries and agencies, the social partners, NGOs and local authorities. The role of the committee is to gather information on the social and financial consequences of the economic situation for families and individuals, to gather information on the experience of other nations in dealing with economic recessions, to identify means that the state, local authorities and NGOs can use to respond to the situation and to stimulate consultation and collaboration between those who can make a contribution in view of their skills and experience.

The steering committee monitoring welfare issues has set up a number of task forces to examine various matters that are regarded as urgent. The main focus is on the welfare of children; it is regarded as a priority to find means of providing the best possible protection for children's interests. In addition, the steering committee is giving particular attention to the position of children and young people in the 15-25 age group. There is also a task force which is giving special attention to the position of those who were particularly vulnerable before the collapse in October 2008, as it can be expected that this group will also be particularly badly affected by the deterioration in the economic environment. Other task forces are concerned with the unemployed, with the financial position of households and the use made of the health services.

The steering committee to monitor welfare issues submitted two interim reports to the Minister of Social Affairs and Social Security in 2009, one in March and one in August. It was on the basis of the former that the government adopted its plan of action on welfare issues. This plan was intended to promote effective and dynamic welfare and social services. It outlined the government's priorities regarding welfare over the coming one or two years; these included the establishment of a fund intended to finance research on welfare issues and special measures aimed at helping specific groups that were most severely affected by the recession. Experts are at work in constructing social indicators for use in the systematic monitoring of the social and economic consequences of the economic crisis on families in Iceland. Resources will also be made available from the fund for special studies of the consequences of the economic situation on

children. The work of the NGOs will also be examined, and efforts will be made to coordinate it. The steering committee also made it a priority to ensure easy access to the welfare services and that effective remedies will be available to households that are in serious debt. It was also regarded important that those who have lost their jobs remain active as far as possible.

The second report stated, amongst other things, that many of the local authorities had made special efforts to adapt their social services programmes to these changed circumstances and to assess the need for extra services. Collaboration between departments within the local authorities, and also between the local authorities and state agencies, has been enhanced. Work was in progress on establishing closer collaboration between the Directorate of Labour and the local authorities' social services departments. In many places, social centres had been opened and NGOs had been active in assisting people in the local communities. Parallel with these developments, the Government had advanced a number of remedies for households facing solvency problems, and launched new labour-market measures. The revival of the economy was seen as the prerequisite for having all the organs of society function at their full strength, and until this stage had been achieved, care was to be taken to ensure that spending cuts and savings measures had the smallest possible effect on children and young people. At the same time, active labour-market measures continued to be a priority; these included means of looking after and supporting the long-term unemployed and young people who were unemployed. This group included a large number of people who had completed only compulsory schooling or comparable levels of education. Little changes had taken place in the pattern of use of the health services that can be attributed to the economic crisis at that time when the report was submitted.

The steering committee on welfare issues will continue to monitor developments and make proposals to the Government on possible measures designed to tackle the situation and its effects on Icelandic society.

The Ministry of Social Affairs and Social Security operated a Domestic Debt Advisory Service which was a collaborative endeavour between the state, local authorities, banks and non-governmental organisations up to 31 July 2010 when the office of the debtors' ombudsman was established. The role of the Service was to provide free guidance to people who were going through severe economic difficulties or were at the end of their tether with regard to their financial situation. The Service was meant to provide people with assistance in gaining an overview of their financial status, assist in making payment plans, choosing solutions and negotiate with creditors.

Violence against children.

Comment by the Committee of Independent Experts.

Conclusions XVII-2 p. 18

The Committee asks for information on the existence of any national action plan aimed at combating sexual exploitation of minors.

The action plan on child protection issues includes projects addressing the sexual exploitation of minors. Moreover, reference is made to the discussion on the action plan from 2006 where the main aim is to work against domestic violence and sexual violence which is directed against women and children, and also to improve the care facilities available for those who have suffered such violence or are at risk of doing so. It is divided into two parts. One covers measures against

violence in the homes and sexual violence against children; the other covers domestic violence and sexual violence against women.

The first part of the plan of action on violence in homes and sexual abuse covered measures that the government intended to take in order to prevent violence against children, and also to assist those who have suffered violence and abuse. The fundamental assumption is that it is always the adult who is responsible if a child suffers violent treatment, and that the perpetrator should suffer the consequences, since this type of conduct cannot be tolerated. The projects in the plan of action are based on this, and are therefore primarily concerned with adults.

Measures are set forth in the plan and designed to prevent children from being exposed to violence in their homes or sexual abuse. Part of these focus on sleep disturbance and restlessness among young children and infants; sleeping problems may have a negative effect on relations between parents and their children. It is also proposed to hold meetings describing methods of working with children of kindergarten and junior school age who have behavioural problems. The publication of a publicity booklet in Icelandic and foreign languages on the consequences of violence against children is also planned.

In order to help child victims of violence, it is important that professionals employed by institutions such as the kindergartens and junior schools, the health services and the child welfare committees, should have a knowledge of how to recognise the signs of violence and be aware of its consequences.

This involves, amongst other things, extending the educational training of these professions; the Ministry of Education, Culture and Science intends to issue instructions to those educational institutions which, in the course of their work, are involved with children and their families, to include teaching and awareness-raising on violence against children as part of the syllabus in both the basic training and retraining and extension courses attended by their professional staff. Furthermore, it is planned to prepare a manual for workers in the health services with a checklist and procedural guidelines on carrying out medical examinations of children who may have suffered violence. It is also planned to hold annual educational meetings with persons who, in the course of their work, are involved in the care and education of children. Preventive measures and the causes and consequences of violence against children will be examined, the aim being to increase these persons' awareness and skills.

The action plan also embraces measures aimed at providing individually-tailored treatment for children who have suffered violence in the home or sexual abuse. These include an emphasis on supporting and developing the work of the Children's House (*Barnahús*), publicising its service and seeking ways to do more to meet the needs of children who have suffered violence or abuse of any type.

Last but not least, emphasis is placed on enabling the perpetrators of violence against children to undergo treatment in order to break the pattern of repeated violence. Amongst other things, there has been established a professional team of experts specialising in the treatment of young offenders who have committed acts of mental cruelty, physical violence or sexually abused other children. Measures include the establishment of treatment for young offenders as described elsewhere in this report.

***Comment by the Committee of Independent Experts.
Conclusions XVII-2 p. 18.***

In light of the fact that new information technologies have contributed to the increase in certain forms of sexual exploitation of children and created new forms, state parties should adopt measures in law or practice to protect children from their misuse. The Committee asks information in the next report on the measures taken in this area.

In this respect, mention may be made of the SAFT project (the first letters in the terms society (*samfélag*), family and technology in Icelandic form the acronym). SAFT is an awareness group concerned with Internet safety for children and teenagers in Iceland. The project is part of the EU-sponsored Safer Internet Programme. Home and School (*Heimili og skóli*) is an EU partner and oversees the implementation of the project on behalf of Icelanders.

Home and School works with associations in other European countries, sharing information, methodologies and know-how. Its objective is to create a common European knowledge and methodology bank in this field, encourage positivity and work against the more negative aspects of information technology. The programme operates the website *saft.is*. The website contains, among others, the following ten Internet recommendations directed at parents. The recommendations advise parents on how they can assist their children as to how to treat the Internet:

“1. Discover the Internet together.

Educate your child about the Internet. It can be a good idea to learn about the Internet together. When browsing online, you should try to find websites that are both exciting and fun and appropriate for your child. A positive first experience is more likely to result in a positive and informed attitude toward further exploration of the Internet. This also creates a foundation to share successes and disclose unfortunate incidents in future browsing.

2. Reach an agreement with your child about Internet use at home.

Try to reach an agreement with your child on the rules that apply to Internet use at home. Below are several suggestions for basic rules:

- How to handle personal information (name, address, telephone number, e-mail address)
- How to behave towards others on the Internet (chat, e-mails, messages)
- What types of websites and actions are suitable/unsuitable in your family

3. Encourage your child to be careful when providing personal information.

It is important that you understand that many websites demand personal information before allowing their material to be viewed. Thus it is vital that your child knows when it is all right to provide personal information and, in such cases, what information. A good rule to set is that the child should never provide personal information except with parental permission.

4. Discuss the dangers of physically meeting an online friend.

It is important that you understand that the Internet can be a positive venue for children to meet other children. However, physically meeting someone they met online is inadvisable unless they are accompanied by a parent or someone they trust. A child should, at the very least, always obtain the permission of a parent before going to such a meeting.

5. Teach your child to examine material on the Internet in a critical manner.

Most children use the Internet to improve and increase their knowledge in connection with their studies and hobbies. Internet users, however, should understand that not all online information is correct. Show your child how to verify information by comparing different websites containing the same material on the Internet.

6. Be vigilant – it is quite possible that your child may find material online that is only intended for adults.

Children can accidentally find material solely intended for adults on the Internet. If your child actively searches for such websites, you should remember that children are always curious about things that are forbidden. Try to use such incidences rather as an opportunity to discuss these matters and establish rules on browsing the Internet. It is best to be realistic when evaluating how your child uses the Internet.

7. Send information on material you believe to be illegal to the proper authorities.

It is vital that we all take responsibility for material published on the Internet and inform the authorities about material we believe to be illegal or harmful. Thus we can play our part in curtailing illegal activities on the Internet such as child pornography or attempts to entice children on chat sites, by e-mail or through instant messaging to meet strangers, or for illegal acts.

8. Encourage good net-ethics.

Net-ethics are informal rules of good conduct on the Internet. Just as in daily life, there is an informal code of ethics on how to behave on the Internet. These include general politeness and the use of good and appropriate language. Shouting (using UPPER CASE) at others should also be avoided, as should harassment. Neither adults nor children should read e-mails addressed to others, and material that may not be copied should not be used.

9. Find out about your child's Internet use.

To be able to guide your child's Internet use, it is important that you know how your child is using the Internet and what he or she enjoys. Have your child show you what websites he/she generally views and what can be done there. Acquiring technical knowledge will also make it easier for you to make the right decisions on your child's Internet use.

10. Remember that the positive aspects of the Internet far outweigh the negative aspects.

The Internet is an excellent source of knowledge and recreation for children. Encourage your child to be conscientious and to fully utilise the Internet for his/her own benefit.”

Comment by the Committee of Independent Experts.

Conclusions XVII-2 p. 18

The Committee asks whether there are special programmes to assist children involved in begging (and where appropriate their families) as well as measures taken to protect and assist children from economic exploitation.

There are no known cases of children in Iceland begging on the streets, although this possibility cannot be excluded. If people become aware of such behaviour, they are under obligation to notify the child protection authorities in accordance with Article 16 of the Child Protection Act

No. 80/2002, which provides for the public duty of notification. The Article states that “[a]ny person who has reason to believe that a child is living in unacceptable circumstances of upbringing, is subject to harassment or violence or is placing his/her health and development at risk is under an obligation to notify the child protection committee.” If the child protection committee receives notification that a child has been begging, the committee is under obligation to take the appropriate action to reach the child and his/her legal guardian for the purpose of ensuring the child’s safety and developmental security. The measures taken would be in accordance with the measures that child protection committees are granted pursuant to the Child Protection Act, such as measures which, with the approval of the child’s parents, could involve providing guidance on the child’s upbringing and environment to the parents or providing the child with support or therapy, or measures used outside the home, with or without the agreement of the parents, such as the temporary placement of the child with foster parents.

Young offenders.

The Minister of Justice and Human Rights appointed a working group to examine the arrangements employed in the placement of prisoners aged 15 to 18 and to submit suggestions for arrangements that fulfil the conditions set in Article 37 (c) in the UN Convention on the Rights of the Child.

The group submitted a report to the Minister in June 2010. The report revealed that it is considered sensible, in light of the collaboration between prison authorities and the Government Agency for Child Protection, that the Agency be appointed by law to be responsible for the placement and sentence serving of young people under the age of 18 who are either in detention or have been sentenced to imprisonment without probation. With respect to this measure, reference is made to the 18th Report submitted by the Government of Iceland. However, the authorisation to place individuals under the age of 18 in prison would remain in effect, given that Article 37 (c) in the UN Convention on the Rights of the Child states that every child deprived of liberty shall be separated from adults unless it is considered in the child’s best interest not to do so.

In the group’s opinion, it was not considered unsuitable in all cases to incarcerate young men with other prisoners. In some cases, it could be to the young prisoner’s advantage to be imprisoned with other older prisoners, although it is clear that care would have to be taken with regard to the composition of the group of prisoners where a young prisoner would be imprisoned. Moreover, an individual subject to detention on remand by court order, i.e. complete isolation, would be imprisoned in the remand detention cells in the prison. The decision to incarcerate a young prisoner would, however, always be made following an evaluation performed by the experts of the child protection authorities that such a placement would be in the child’s best interests.

Treatment for young offenders.

In September 2009, an agreement was reached between the Ministry of Social Affairs and Social Security and four psychologists for psychology services for children demonstrating undesirable or harmful sexual behaviour.

The aim of the agreement was to provide specialised psychological services for children who have demonstrated undesirable or harmful sexual behaviour. The service is intended to minimise

the likelihood of further undesirable or harmful sexual behaviour. The service is provided in the cases of children who have been referred to the Government Agency for Child Protection by child protection committees and who the Agency has agreed that fall under the scope of the project.

Services pursuant to the agreement involve the following:

- performing risk assessments on the children
- providing treatment for the children
- providing guidance to the staff of child protection committees
- providing counselling to the legal guardians of the children

The children (the offenders) are evaluated in accordance with risk assessment tools. The scope of the treatment work is generally dependent on the risk assessment results. The treatment is always designed to minimise the likelihood of undesirable sexual behaviour and to enable the child to gain increased fluency in demonstrating appropriate and sociable behaviour.

Follow-ups are provided in cases in which the children involved were, at the beginning of treatment, classified at medium or great risk. In general, this calls for three to four follow-up interviews during a period of about one year.

Foster care placement of children.

Foster care placement refers to when a child protection committee assigns the custody of a child to foster parents for at least three months when the parents who have custody of the child give up their custody to the child protection committee or agree to foster care; when a child has no legal guardian, such as on the death of a parent; or when parents have been deprived of custody on the basis of the Children's Act. The aim of placing a child in foster care is to ensure that the child receives an upbringing and care within a family setting that best suits the child's needs.

The Government Agency for Child Protection is responsible, pursuant to law, for licensing foster parents, making decisions and providing the child protection committees with assistance in foster care cases. The Government Agency for Child Protection maintains a list of persons licensed to provide foster care. A child protection committee which places a child in foster care sends an application for a foster home to the Government Agency for Child Protection and selects foster parents from among those who are on the register, in consultation with the Agency. A child protection committee must select foster parents with care and take into account the needs and interests of the child involved.

Comment by the Committee of Independent Experts.

Conclusions XVII-2 p. 16

The Committee wishes to find statistics relating to placements, i.e. the number of children removed from their families and places in a foster family or in homes or institutions covering each year of the next reference period.

Over three hundred children are placed with foster parents annually. Permanent fostering is when a child is placed with foster parents until custodian obligations lapse pursuant to law, or at the age of 18. Children should be placed in temporary foster care when there are expectations that the circumstances that led to the fostering placement can be remedied within a short time so that the child can return to his/her parents without substantial disruption. Conditions for supported foster

care require the fulfilment of criteria for “specialised treatment” in accordance with Article 79 (c) of the Child Protection Act. This means that a child has serious behavioural problems, the conditions for placing the child in foster care are met in accordance with Article 79 of the Child Protection Act and it is considered necessary to place the child in foster care rather than placing the child in a rehabilitation homes. The assessment of need is based on data from child protection committees, including information on their efforts to use more moderate measures (see e.g. the first paragraph of Article 24 of the Act)⁸ and the conclusions of investigative bodies, such as *Stuðlar*, the State Rehabilitation Centre.

Applications from child protection committees to the Government Agency for Child Protection for foster homes were 126 in 2007, while in 2006, the number of applications was 135. Just under 50% of applications come from Reykjavík. Applications for supported foster care were 18 in 2007, as opposed to 17 the year before. A total of 14 applications for foster homes for children were withdrawn in 2007. In addition, seven applications from 2006 were withdrawn in 2007. In 2007, 92 children were placed in foster care, 16 in permanent foster care, 65 in temporary foster care and 11 in supported foster care. That year, 18 children left permanent foster care, all because they had reached their majority. During the same year, 12 temporary foster care placements were changed into permanent foster care.

In 2008, 195 children were in permanent foster care, 136 in temporary foster care and 21 in supported foster care. As a result, there were 352 children in foster care in 2008, which is almost the same number as in 2007, when there were a total of 358. In 2008, 85 children were placed in foster care, 12 in permanent foster care, 62 in temporary foster care and 11 in supported foster care. During 2008, 34 children left permanent foster care, 28 of whom had reached their majority. During the year, 15 temporary foster care placements were changed into permanent foster care. Applications for foster homes from child protection committees to the Government Agency for Child Protection were 106 in 2008. Just under 40% of applications came from Reykjavík. A total of 11 applications for foster homes were withdrawn in 2008. In addition, five applications from 2007 were withdrawn in 2008.

The Government Agency for Child Protection is intended to provide child protection committees with suitable foster parents. Those who wish to become foster parents must make a formal application thereto to the Government Agency for Child Protection and submit the requisite certificates. Once this has been completed, the Government Agency for Child Protection requests the comments of the child protection committee in the home district of the applicant and assesses the applicant. There were 64 applications from persons wanting to become foster parents in 2008. A majority of the applications, i.e. 32, came from Reykjavík and nearby municipalities.

⁸ Article 24. *Measures with parental consent.*

The child protection committee shall, as further decided in the schedule as provided in Article 23, with parental consent and if applicable in consultation with the child, provide assistance, among other things by:

- a. providing guidance to parents on the child’s upbringing and conditions,
- b. working in collaboration with the relevant agencies to have measures applied under the terms of other legislation,
- c. arranging suitable support or treatment for the child,
- d. providing the child or family with a contact person, personal counsellor or support family,
- e. assisting parents or an expectant mother in seeking treatment for illness, alcohol or substance abuse, or other personal problems.

Table 8 shows the development of foster care placements from 2004 to 2008. Foster care placements increased during the period and peaked in 2007. There was a slight decrease in 2008. In other respects, reference is made to earlier reports submitted by the Icelandic Government.

Please see the Table 8 of number of children in foster care, 2004-2008, as annex I to this report.

Young offenders.

Under the first paragraph of Article 34 of Iceland's Criminal Code, No. 19/1940, with subsequent amendments, people may be sentenced to prison for life or for a specific period, i.e. not less than 30 days and not longer than 16 years. If, on the other hand, the perpetrator of a crime has not attained the age of 18 years, he or she may not be sentenced to more than 8 years' imprisonment, *cf.* item 2 of the first paragraph of Article 74 of the Code. Children older than 15 years may be remanded in custody if the investigation of the case makes this necessary.

Comment by the Committee of Independent Experts.

Conclusions XVII-2 p. 19

The Committee repeats its request for information on how many young offenders were placed in custody on remand and what is the maximum period of time they may be so held.

There are strict legal requirements with respect to the use of detention on remand, as this entails a great curtailment of the personal liberty of the individual in question. Moreover, there are no restrictions on the appeal of such cases to the Supreme Court.

Detention on remand under Article 97 of the Criminal Procedure Act No. 88/2008 must be decided in a court order from a judge in which the period of detention must be specified and the length of which must not exceed four weeks at a time, unless the detainee has been indicted or urgent police investigation interests would require this. Detention on remand may not be extended except by a new court order. Detention on remand shall not last longer than necessary.

The party making an order for detention on remand shall release the defendant as soon as the reasons for detention are no longer present. According to paragraph 5 of Article 95 of the Act on Criminal Procedure, a defendant who is under the age of 18 may not be subjected to court-ordered detention on remand unless it may be considered that other measures such as travel restrictions or an order that the defendant keep within a specific area, *cf.* paragraph 1 of Article 100 of the Act or that measures indicated in the Child Protection Act cannot replace them.

During 2007 to 2009, there were 21 children aged 15–17 years subjected to detention on remand by court order, two of these were 15 years of age, nine were 16 years and eleven were 17 years of age. One of those who was subjected to detention on remand under a court order when he was 16 years of age, moreover, was subject to court-ordered detention on remand on two occasions when he was 17 years old. During the same period, there were 98 young persons aged 18–21 who were subject to court-ordered detention on remand; 18 of these were 18 years of age, 26 were 19 years of age, 24 were 20 years of age and 30 were 21 years of age.

Table 9 shows the number of days of court-ordered detention on remand to which the earlier mentioned 21 children were subjected. Three of these received court orders for detention on remand on more than one occasion during the period. The table also shows the number of days (nights) on which they were kept in detention on remand, on the one hand in isolation and on the other hand in what is called pre-trial detention and may be termed an advance execution of sentence. It may be pointed out that the number of days in detention to be deducted from the sentence is frequently one additional day because each 24-hour period begun (even though this is only 1 hour) is counted as one whole 24-hour period to be applied when deducting from the sentence.

Table 9. The number of days that children were subject to a court order for detention.

Number	Age	Number of days according to court order	Number of days in isolation	Number of days in pre-trial detention	For information purposes
1	15	7	1	0	
2 [•]	15	5	3	0	
2 [•]	15	307	0	307	Thereof 24 days in the Government Agency for Child Protection
3	16	49	41	0	
4 [∇]	16	29	0	29	
5	16	6	1	0	
6	16	7	5	0	
7	16	3	1	0	
8	16	7	7	0	
9	16	1	1	0	
10	16	1	1	0	
11	16	42	0	5	
12	17	7	2	0	
13	17	3	2	0	
14	17	3	1	0	
15	17	7	5	0	
4 [∇]	17	64	0	64	
4 [∇]	17	69	0	7	
16	17	6	6	0	Foreign citizen
17 ⁺	17	7	7	0	
17 ⁺	17	96	0	96	
18	17	6	3	0	
19	17	4	3	0	
20	17	14	14	0	Foreign citizen
21	17	14	8	0	
	Total	764	112	508	
	Average	30.56	4.48	20.32	

Source: The Prison Administration Authority.

• Same individual

•

∇ Same individual

∇

∇

+ Same individual

+

When the average number of days in isolation of any age group during the period 2007–2009 is studied, these figures reveal that prisoners stayed on average 9.5 days in isolation in 2007. In 2008, prisoners stayed on average 11.3 days in isolation, and in 2009, prisoners stayed on average 14.8 days in isolation. The average number of days in isolation in the case of children under 18 years of age was 4.48.

Table 10. Types of punishment referred to the Prison Administration Authority for application in which the persons sentenced were aged 15-18 years at the time of the sentence, determination of punishment or imposition of fines in period 2005-2008.

	Number convicted in 2005	Number convicted in 2006	Number convicted in 2007	Number convicted in 2008
Unconditional imprisonment	1	1	2	4
Unconditional imprisonment + fine	0	0	0	0
Unconditional imprisonment + suspended sentence	5	1	0	3
Unconditional imprisonment + suspended sentence + fine	0	0	0	0
Suspended sentence	37	12	19	34
Suspended sentence + fine	5	3	1	4
Suspended fine	0	11	0	0
Determination of punishment suspended	24	25	27	23
Determination of punishment suspended + fine	0	0	1	2
Fine	26	19	23	24
Total	98	61	73	94

Number of fines according to penalty decisions	9	11	16	23
Fine slips signed	52	93	58	37

Source: The Prison Administration Authority.

In recent years, an average of 0–3 individuals between the ages of 15–18 have been sentenced to unconditional imprisonment in Iceland. The Prison and Probation Administration and the Government Agency for Child Protection entered into an agreement in 1998. This was renewed in 1999 to the effect that children who had been sentenced to unconditional imprisonment should be placed in a rehabilitation institution under the charge of the Government Agency for Child Protection. Since 1994, a total of 31 children have been serving sentences, and of these, nine children served their sentence or a part thereof under the charge of the Government Agency for Child Protection.

In total, there were ten sentences rendered during the years 2007–2009 that ordered unconditional imprisonment involving children; in five of these, the defendants were 16 years old when the sentence was pronounced, and five were 17 years old. During the same period, there were 140 judgments of conviction rendered ordering unconditional imprisonment where the defendants were 18–21 years old when the sentence was pronounced; five of these were 18 years old, 33 were 19 years old, 46 were 20 years old and 56 were 21 years old. It is not possible to assert if the same person was involved more than one time.

The longest sentence during the years 2007–2009 for the violations of young offenders aged 15–21 was 66 months, or 5.5 years. One was sentenced to a prison term of such length, and 60% of all sentences ordered three months incarceration or less. Of the sentences, 83% consisted of imprisonment for a shorter duration than one year, i.e. 125 of 150 sentences.

Seven children began serving their sentences during 2007–2009; two were aged 16, and five were aged 17. During the same period, 71 young offenders began serving their sentences at the ages of 18–21; five were 18 years old at the commencement of serving their sentences, 18 were 19 years of age, 20 were 20 years of age and 28 were 21 years of age. Moreover, during the same period, 16 young offenders began serving their sentences in community service in lieu of unconditional imprisonment; two were 18 years of age, two were 19 years old, three were 20 years of age and nine were 21 years old.

In 2005, there were no prisoners either finishing their sentences or serving their sentences who were 16–17 years old. There were 16 prisoners between the ages of 18–20 who finished their sentence or were serving their sentences that year, which accounts for 5.2% of the total number of prisoners.

In 2006, two prisoners aged 16–17 years finished serving their sentences or were serving unconditional sentences. This accounts for 0.6% of the total number of those who finished serving their sentences. During the same year, 12 prisoners aged 18–20 years finished serving their sentences, which accounts for 3.7% of the total number. In 2006, the proportion of prisoners who were under 20 years of age was 4.3%.

In 2007, one prisoner in the age bracket of 16–17 years finished serving his sentence or was serving an unconditional sentence, which accounts for 0.3% of the total number of those who finished serving their sentences or were serving their sentences. During the same year, 24 prisoners aged 18–20 years finished serving their sentences or were serving their sentences, which accounts for 8.3% of the total number of prisoners. In 2007, the proportion of prisoners who were under 20 years of age was 8.6% of the total number of prisoners.

In 2008, there were three prisoners aged 16–17 who finished serving their sentences or were serving their sentences. This accounts for 1% of the total number of prisoners. 16 prisoners between the ages of 18–20 were serving their sentences that same year, which accounts for 5.1% of the total number of prisoners. In 2008, the proportion of prisoners who were under 20 years of age was 6.1% of the total number of prisoners.

Article 23

Consultations and communication of copies of the report

In the preparation of this report, consultations were held with The Icelandic Confederation of Labour and the Icelandic Confederation of Employers, which are, respectively, the main organizations of workers and employers in Iceland.

Copies of this report have been communicated to the following national organizations of employers and trade unions:

The Icelandic Confederation of Labour.

The Confederation of Icelandic Employers.

The Federation of State and Municipal Employees.

The Alliance of Graduate Civil Servants.