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EUROPEAN SOCIAL CHARTER

28th National Report on the implementation of the European Social Charter

submitted by

THE GOVERNMENT OF ICELAND

(Article 16 and 17)

for the period
01/01/2010 – 31/12/2013

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EUROPEAN SOCIAL CHARTER

28th report on the
implementation of the
European Social Charter

Submitted by
THE GOVERNMENT OF ICELAND
Ministry of Welfare
(for the period 1st January 2010 to 31st December 2013)

REPORT

on the application of Article 16 and Article 17 for the period 1st January 2010 to 31st December 2013 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

The notion of the family
Comment by the European Committee of Social Rights
Conclusions XIX-4 (Iceland) p. 4.
As the notion of the "family" is variable according to the different definitions in domestic law, the Committee considers it necessary to know how this notion is defined with a view to verifying that it is not unduly restrictive. The Committee therefore asks that the next report indicate how the "family" is defined in domestic law.

The Icelandic term *fjölskylda* (plural: fjölskyldur) which corresponds to the term *family* may have slightly different connotations depending on the items of legislation in which they appear, but generally speaking the term refers to the closest family members, usually the person's spouse or cohabiting partner and their children, including step-children, adopted children and foster children, or parents, including step-parents, adoptive parents and foster parents, siblings, including step-siblings, adopted siblings and foster siblings and the most immediate relatives.

The following are a few examples of definitions of the term "family" in domestic legislation:

Act on legal domicile, No. 21/1990, with subsequent amendments (lög um lögheimili).
According to the preparatory works, the term family in the legislation refers to married couples, people in registered partnership or registered cohabitation or and their children who are still minors.

Act on cemeteries, burials and cremations, No. 36/1993, with subsequent amendments (lög um kirkjugarða, greftrun og líkbrennslu).
According to the preparatory works, the term "family" in the legislation refers to married and cohabiting couples and their children, including adopted children and foster children.

Act on foreign nationals' right to work, No. 97/2002, with subsequent amendments (lög um atvinnuréttindi útlendinga).
According to the Act, a temporary work permit on the basis of *family reunion* is granted for the employment of a spouse, cohabiting partner, descendants under the age of eighteen supported by the person in question, and their relatives or spouse of lineal consanguinity supported by them.

Act on educational grants, No. 79/2003, with subsequent amendments (lög um námsstyrki)
According to preparatory works, the term "family" refers to the parents of students, more specifically the biological parents, adoptive parents, foster parents and step-parents, as well as the grandparents of the student; spouse according to the marriage of the parties or spouse according to registered partnership; co-habiting partners and then the children of students, including biological children, adoptive children, step-children and foster children.

Act on measures against money laundering and terrorist financing, No. 64/2006, with subsequent amendments (lög um aðgerðir gegn peningaþvætti og fjármögnun hryðjuverka)
Closest family members (nánasta fjölskylda): According to the preparatory works, an individual's closest family members include their spouse or cohabiting partner, children, sons-in-law and daughters-in-law, and parents

Social protection of families
Housing for families
Housing benefits
Interest benefits
Those who pay interest expenses on loans for the purchase or construction of residential housing for their own use may be entitled to interest benefits. The same applies to those who have purchased the right of habitation or a share in a lease purchase apartment. The right is established in the year when the flat or share is acquired or construction begins. A limit is set on the maximum interest expense amount used to calculate interest benefits. Table 1 shows the maximum interest expenses for the calculation of interest benefits by year.

Table 1. Maximum interest expense (in ISK) for the calculation of interest benefits.

	2010	2011	2012	2013
For a single person	554,364	800,000	800,000	800,000
For a single parent	727,762	1,000,000	1,000,000	1,000,000
For married or co-habiting couples	901,158	1,200,000	1,200,000	1,200,000

Source: The Directorate of Internal Revenue.

A certain proportion of the income base is deducted from the interest expense and the balance is the calculated interest benefits. Table 2 shows the proportion of the income base that is deducted from the interest expenses by year.

Table 2. The proportion of the income base that is deducted from the interest expenses.

2010	2011	2012	2013
6.0%	8.0%	8.0%	8.0%

Source: The Directorate of Internal Revenue.

Calculated interest benefits are reduced if net assets (assets minus debts) exceed certain limits shown in Table 3.

Table 3. Asset limits (in ISK) at which interest benefits begin to be reduced.

	2010	2011	2012	2013
For a single person/single parent	7,119,124	4,000,000	4,000,000	4,000,000
For a married/co-habiting couple	11,390,599	6,500,000	6,500,000	6,500,000

Source: The Directorate of Internal Revenue.

Entitlement to interest benefits is fully cancelled at a particular net asset limit as shown in Table 4.

Table 4. Asset limit (net asset in ISK) at which interest benefits are fully cancelled.

	2010	2011	2012	2013
For a single person/single parent	11,390,599	6,400,000	6,400,000	6,400,000
For a married/co-habiting couple	18,224,958	10,400,000	10,400,000	10,400,000

Source: The Directorate of Internal Revenue.

Maximum interest benefits per year can amount to a particular amount shown in Table 5.

Table 5. Maximum interest benefits (in ISK).

	2010	2011	2012	2013
For a single person	246,944	400,000	400,000	400,000
For a single parent	317,589	500,000	500,000	500,000
For married/co-habiting couples	408,374	600,000	600,000	600,000

Source: The Directorate of Internal Revenue.

Table 6 shows the number of individuals who received interest benefits by year.

Table 6. Number of individuals who received interest benefits 2010-2013.

2010	2011	2012	2013
69,582	56,644	46,415	44,876

Source: The Ministry of Finance and Economic Affairs

Rent benefits

According to Act No. 137/1998 on Rent Benefits (lög um húsaleigubætur), as amended, low-income tenants are entitled to rent benefits to reduce their housing costs. Rent benefits are paid on a monthly basis. Table 7 shows the base amount of rent benefits per apartment by year.

Table 7. Base amount of rent benefits (in ISK) per apartment paid every month.

2010	2011	2012	01.01.2013-30.06.2013	01.07.2013-31.12.2013
13,500	13,500	13,500	15,200	17,500

Source: Ministry of Welfare.

Particular amounts are added to the rent benefits base amount in respect of children in the household, as shown in Table 8.

Table 8. Additions for children in the household (in ISK).

	2010	2011	2012	01.01.2013-30.06.2013	01.07.2013-31.12.2013
Child	14,000	14,000	14,000	14,000	14,000
Second child	8,500	8,500	8,500	8,500	8,500
Third child	5,500	5,500	5,500	5,500	5,500

Source: Ministry of Welfare.

The children must be domiciled in the rented housing. In addition, 15% of the rent amount between ISK 20,000 and ISK 50,000 is paid (i.e. up to ISK 4,500).

The maximum monthly rent benefits, therefore, can amount to the figures shown in Table 9.

Table 9. Maximum amount of rent benefits on a monthly basis (in ISK).

	2010	2011	2012	01.01.2013-30.06.2013	01.07.2013-31.12.2013
Childless	18,000	18,000	18,000	19,700	22,000
One child	32,000	32,000	32,000	33,700	36,000
Two children	40,500	40,500	40,500	42,200	44,500
Three or more children	46,000	46,000	46,000	47,700	50,000

Source: Ministry of Welfare.

Rent benefits pursuant to these base amounts, however, can never be higher than the equivalent of 50% of the rent amount.

Rent benefits are reduced monthly by a particular proportion of annual income in excess of certain income limits as shown in Table 10.

Table 10: Reduction of rent benefits due to income: proportion (%) and income limits (in ISK).

	2010	2011	2012	2013
Proportion	1.0%	1.0%	1.0%	0.67%
Income limits	2,000,000	2,000,000	2,250,000	2,550,000

Source: Ministry of Welfare.

Income means the aggregate total income of all those who are domiciled or whose home address is in the rented property. The income of the applicant's children aged twenty and older are included unless the said person is engaged in studies for six months or more during the year. Exempted are social security benefits from the Social Insurance Administration (Tryggingastofnun ríkisins), rent benefits from the previous year and income payments that are tax exempt.

Assets reduce rent benefits if their aggregate value minus debts is higher than the asset limits shown in the following table.

Table 11. Asset limits (in ISK) at which rent benefits begin to be reduced.

2010	2011	2012	2013
5,918,453	6,063,975	6,383,000	6,651,000

Source: Ministry of Welfare.

In such cases, 25% of the excess amount is added to the income used to calculate the rent benefit. The reference amount takes account of changes to the consumer price index as of 1 January each year. Account is taken of the aggregate net assets (aggregate assets minus debts) of all those who are domiciled or whose home address is in the rented property.

Table 12 shows the number of households that received rent benefits in 2010 to 2013.

Table 12. Number of households that received rent benefits.

2010	2011	2012	2013
13,712	14,055	13,886	14,384

Source: The Local Authorities' Equalisation Fund.

In addition to the general rent benefits paid in accordance with the Act on Rent Benefits, cf. the discussion above, local authorities may pay *special rent benefits* intended for tenants living under very difficult social and financial conditions. In such cases, the municipal authorities are responsible for setting rules on such benefits, such as their amounts and terms.

Table 13 shows the number of households that received special rent benefits in 2010 to 2013.

Table 13. Number of households that received special rent benefits.

2010	2011	2012	2013
3,473	3,756	3,979	4,338

Source: The Local Authorities' Equalisation Fund.

Loans from the Icelandic Housing Financing Fund (Íbúðalánasjóður)

The aim of the Icelandic Housing Financing Fund (HFF), which is run under Act No. 44/1998 on Housing (lög um húsnæðismál), is to ensure, by granting loans, that Icelanders are able to live in security and equality as regards housing matters, and to ensure that funds are specifically used to increase people's ability to acquire or rent residential housing on affordable terms. The Fund enjoys state aid to fulfil its role.

The Fund grants loans to individuals to purchase, construct or make improvements to residential housing, including for residential housing in what has been termed "cold areas", i.e. market failure areas. In addition, the HFF grants loans to municipalities, companies and associations that are operated on a non-profit basis for the construction or purchase of rental apartments. Such apartments are intended for individuals who are under certain income and asset limits. Such loans are offered with subsidised interest.

Social dwellings

According to Section XII of Act No. 40/1991 on Municipal Social Services (lög um félagsþjónustu sveitarfélaga), as amended, municipal councils shall, as far as possible and as needed, ensure the supply of rented housing in private ownership for families and individuals who are otherwise not able to acquire their own accommodation due to low wages, heavy support burdens or other social conditions. Social services committees shall provide housing solutions for those families and individuals who are not able to do so themselves, so as to address urgent needs while measures are being taken for a permanent solution.

The Reserve Fund for Housing (Varasjóður húsnæðismála), run in accordance with Act No. 44/1998 on Housing, as amended, published each year in the period 2010-2013 a report on surveys of municipal rental housing.

Table 14 shows the number of rental housing owned by the municipal authorities in 2010 to 2013.

Table 14. Number of municipal rental housing.

2010	2011	2012	2013
4,656	4,707	4,840	4,934

Source: Reserve Fund for Housing

In 2012 and 2013, the Reserve Fund for Housing performed, for the first time, an analysis of the type of rental housing owned by the municipalities to examine whether the housing in question involved social rental housing, housing for the elderly or the disabled, or other housing. The results of the analysis may be seen in Table 15.

Table 15. Municipal rental housing by type 2012 and 2013.

	2012	2013
Social rental housing	3,588	3,573
Proportion	74%	72.40%
Housing for the elderly and the disabled	993	963
Proportion	21%	19.50%
Other housing	259	398
Proportion	5%	8.10%

Source: Reserve Fund for Housing

Adequate housing for families
Secure tenure supported by law

Protection of property rights

The right of private ownership enjoys protection under Article 72 of the Constitution of the Republic of Iceland, No. 33/1944, as amended, which states that the right of private ownership is inviolate and that no one may be obliged to surrender his property unless required by public interest. Such a measure shall be provided for by law, and full compensation shall be paid. The Icelandic Constitution thus protects homeowners from expropriation of their property which promotes their security of tenure and protects them from unlawful eviction. The domestic legislation concerning eviction is discussed in greater detail below.

The Rent Act

The Rent Act No. 36/1994 (húsaleigulög), as amended, applies to the rights and obligations of tenants and landlords and is intended to enhance the housing security of tenants by limiting the authorisations of landlords to terminate and revoke lease agreements.

The Act provides for the form and substance of rental agreements, rules on the condition of the rented housing, maintenance of the rented housing, operating costs, use of the rented housing, payment of rent and deposit, the landlord's access to the rented premises, sale of the rented premises, assignment of rental rights, subletting, etc., the tenant's priority rights, expiry of rental agreement and termination, and more. The Act, moreover, contains provisions on the rescission of the rental agreement, delivery of the rented premises, inspection of the let premises, rent brokerage, Housing Complaint Committee (kærunefnd húsamála) and more.

The provisions of the Rent Act on the lease of residential housing are generally non-discretionary as regards the rights and obligations of tenants. Freedom of contract, however, applies to commercial housing. The Act does contain, however, special authorisation to derogate from the provisions of the Act when residential housing is let to certain groups such as students, the elderly or the disabled, as special circumstances call for arrangements other than provided by the Act, owing to the special nature or purpose of the operation.

Thus, the provisions of the Rent Act on the termination of the rental agreement are generally non-discretionary in the case of residential housing. According to the Act, however, indefinite rental agreements for housing may be terminated with six months' notice by either party to the agreement. If the tenant has leased the apartment for longer than five years, however, the notice period of the landlord must be one year. The notice period begins on the first day of the next month following the sending of the termination notice. If the lease is a fixed-period lease, the lease will be terminated on the agreed date without a special termination or notice by the parties. Normally, a fixed-period lease cannot be terminated during the agreed lease period. An agreement may, however, be reached to the effect that the lease may be terminated on the basis of special grounds, events or circumstances, in which case these must be specified in the lease agreement.

The provisions of the Rent Act, moreover, limit the landlord's authorisations to revoke a lease agreement. Thus the landlord may only revoke a lease agreement according to an exhaustive list of circumstances contained in Article 61 of the Rent Act. If the landlord does not exercise his

right of rescission within two months of becoming aware of non-performance on the part of the tenant, or if the tenant completely remedies the situation, the landlord's right of rescission shall then lapse. This shall not apply, however, when the tenant has failed in a deceitful manner to perform his obligations or when the grounds for rescission are failure to pay the rent at the right time.

Act on Cooperative Housing Associations (lög um húsnæðissamvinnufélög).
Act No. 66/2003 on Cooperative Housing Associations, as amended, applies to associations operated as cooperative associations and have the goal of constructing, purchasing, owning and having the overall management of the operation of residential housing, where their members are provided with apartments with the rights of habitation that ensures them unlimited use of such housing in exchange for the payment a fee for the right of habitation and a habitation fee. In the same manner, the associations are authorised to construct, purchase, own and operate premises that relate to the association's operations, such as service and assisted living housing.

According to the Act, the habitation agreement is non-cancellable on the part of the cooperative association but cancellable by the right to habitation holder with six months' notice of termination. The cooperative housing association and the holder of the right to habitation, however, are both authorised to revoke the habitation agreement on the basis of the rescission authorisations exhaustively provided for in the Act. If the cooperative housing association does not exercise its right of rescission within two months of becoming aware of non-performance on the part of the holder of the habitation rights, or if the holder of the habitation rights completely remedies the situation, the cooperative housing association's right of rescission shall then lapse. This shall not apply, however, when the holder of the habitation rights has failed in a deceitful manner to perform his obligations or when the grounds for rescission are failure to pay the habitation fee at the right time.

Act on Enforced Auctions (lög um nauðungarsölu)
On 10 June 2010, Alþingi (the Icelandic Parliament) approved a legislative bill on the amendment of Act No. 90/1991 on Enforced Auctions, as amended, to the effect that in the event of the enforced auction of residential housing, which the defendant has for personal use, the defendant shall be entitled to continue to have the use of such housing for a specific period, i.e. for up to twelve months from the acceptance of an offer in exchange for payment to the buyer which is, in the opinion of the district commissioner, considered equivalent to a reasonable rent.

Comment by the European Committee of Social Rights.
Conclusions XIX-4 2011 (Iceland), p. 4-5.
As to protection against unlawful eviction, States must set up procedures to limit the risk of eviction (Conclusions 2005, Lithuania, Norway, Slovenia and Sweden). The Committee recalls that in order to comply with the Charter, legal protection for persons threatened by eviction must include: an obligation to consult the parties affected in order to find alternative solutions to eviction, an obligation to fix a reasonable notice period before eviction; accessibility to legal remedies, accessibility to legal aid and compensation in case of illegal eviction. To enable it to assess whether the situation is in conformity with Article 16 of the 1961 Charter as regards access to adequate housing for the families, the Committee asks for information in the next report on all the aforementioned points.

General information on eviction according to the Act on Enforcement

Act No. 90/1989 on Enforcement (lög um aðför), as amended, provides for when the state may force the performance of an obligation by an individual or legal entity when such a party will not freely do so or cannot do so. The Act covers, among other things, eviction measures. In such cases, the plaintiff (gerðarbeiðandi) requests the district commissioner to employ enforcement measures for the fulfilment of the defendant's (gerðarþoli) obligations to vacate the property, transfer its control to the plaintiff to some extent or entirely, or to remove items from the property. On the one hand, it is assumed that the eviction will be carried out on the basis of an issued enforcement authorisation, as provided for in Article 72 of the Act on Enforcement, and, on the other, on the fulfilment of specific conditions according to the ruling of a district court judge, even if no enforcement authorisation has been issued, as provided for in Article 78 of the same Act.

Eviction on the basis of Article 72 of the Act on Enforcement

Article 72 of the Act states that if an enforcement authorisation provides for the obligation of the defendant to vacate the property or to deliver to the plaintiff control of the property to some extent or entirely, or to remove items from it, the district commissioner is to satisfy the rights of the plaintiff through the eviction of the defendant or the items to be removed, and as appropriate, the instalment of the plaintiff. Thus there must be an issued enforcement authorisation that unequivocally obliges the defendant to vacate the property before the request for eviction on the basis of Article 72 can be processed by the district commissioner.

In this context, only the enforcement authorisations provided for in items 1 and 3 of Article 1 of the Act may be used, i.e. judgements and court settlements, as other enforcement authorisations relate to the obligation of monetary payment and not to obligations that may be performed in substance (*in natura*) and independent of the assistance of the defendant. Enforcement authorisations other than those provided for in the Act on Enforcement may also be an option, particularly arbitration court solutions, as provided for in Article 13 of Act No. 53/1989 on Contractual Arbitration (lög um samningsbundna gerðardóma), as amended. Thus the defendant has been given the opportunity to submit his views and reasoning in the above stages, i.e. during the conduct of a court case before the general courts or arbitration court or on reaching a court settlement, before a decision had been made on the obligations of the defendant. In this context, it should be noted that an application can be made for legal aid on the basis of Section XX of Act No. 91/1991 on Civil Procedure (lög um meðferð einkamála), as amended, and Regulation No. 45/2008 on the Conditions for Legal Aid and the Work Practices of the Legal Aid Committee (reglugerð um skilyrði gjafsóknar og starfshætti gjafsóknarnefndar), as amended. If the application for legal aid is approved, the state pays the court costs incurred by the legal aid holder in a case brought before the Icelandic courts. Any individual who may be party to a court case in Iceland, irrespective of citizenship, may be entitled to legal aid.

It should be noted that an obligation that is fulfilled on the basis of Article 72 of the Act on Enforcement must be phrased in the judgement or court settlement such that there is no doubt that the defendant is under obligation to vacate the property. Thus it is not sufficient to merely acknowledge the right of the plaintiff. The basis therefore, is that a position has been taken as to the obligation of the defendant during the earlier stages of the case before requesting eviction on the basis of Article 72 of the Enforcement Act.

Normally, the performance of an eviction is that first the request of the plaintiff is processed in the offices of the district commissioner and explained to the defendant. The district commissioner urges the defendant to vacate the property before the date on which the eviction is to take place and remove all items belonging to them and to deliver to the plaintiff control of the property as, according to Article 5 of the Act, enforcement according to court judgement or ruling may be carried out fifteen days after its issue in the event no other enforcement deadline has been specified. If the defendant fails to comply, a decision will be made as to when the eviction is to take place. The plaintiff or his representative is to be present. If the defendant has not complied with the request to vacate the property, the district commissioner can summon assistants to enter the property and can also request the assistance of the police in the eviction, if necessary.

Eviction on the basis of Article 78 of the Act on Enforcement

Article 78 of the Act on Enforcement provides for the authorisation of eviction without a prior court judgement or court settlement. The Article states that if a person is unlawfully prevented from exercising rights which he states belong to him and considers so clear-cut that proof of such rights can be provided by means of data collected on the basis of Article 83 of the Act, they may submit to the district commissioner a request for the fulfilment of obligation stated in Article 72 or 73 by means of enforcement measures even if no enforcement authorisations pursuant to Article 1 have been issued.

The provision provides for procedural streamlining described as a direct enforcement measure. Thus the plaintiff may embark on legal proceedings on the basis of the Enforcement Act instead of normal civil proceedings and thereby generally obtain quicker resolution as to whether he is entitled to control the property in question. In light of this, strict substance and procedural conditions are set for eviction on the basis of Article 78 of the Act. The objective of the direct enforcement measure is to fulfil the unequivocal right of the plaintiff to control property or items without the plaintiff having to seek prior court judgement.

In order to execute a direct enforcement measure, the claim of the plaintiff must be so unequivocal that it would be abnormal if they were to be subjected to delays in its fulfilment while the enforcement authorisations were obtained. There are exemptions from the condition that the right of the plaintiff must be unequivocal. In addition, the claim of the plaintiff must be so clear that it is possible to prove their right with the data collected according to Article 83 of the Act on Enforcement, i.e. physical evidence and not testimonies, appraisals or other proof. If the judge is of the opinion that the execution of the direct enforcement on the basis of physical evidence is problematic, the action will be refused. This means in fact that documentation is sufficient to prove the right of the plaintiff. Requests for direct enforcement and supporting documents must be much more detailed than when relying on a judgement or ruling, given that the plaintiff needs to prove their rights.

The request must be sent to the district court judge in the district where a civil action could be initiated for the claim of the plaintiff and it will be processed under the rules of Section XIII of the Act on Enforcement. The first action of the district court judge, therefore, will be to call the defendant before the court. Article 83 of the Act states that if the defendant attends the court and if defence against the enforcement is submitted that cannot immediately be dismissed, the parties are to be granted a short period to prepare statements and gather physical evidence pertaining to the dispute. In the event that no settlement is reached, the case must be argued and defended

orally. Normally, testimonies and appraisal and inspection declarations are not to be employed. In addition, no defence may be entered against the enforcement request on matters on which a court of law has already ruled.

According to the aforesaid, the general rule is that only party statements and physical evidence are permitted as evidence in cases involving direct enforcement. The Act on Civil Procedure, however, in addition to this evidence, assumes the possibility of the provision of oral testimonies of witnesses before the court, an appraisal from a court appointed expert, and their oral testimony before the court. The above difference underlines that cases of direct enforcement are to be simple and that strict requirements are made to the evidence that the plaintiff submits in support of his rights. It should be noted that no unconditional prohibition is set against the use of witness testimonies, appraisals and inspection declarations in cases involving direct enforcement, as the phrasing of Article 83 states that these should *normally* not be employed. The theory has been put forward that when assessing whether it is permitted to employ such evidence, account should be taken of whether it is vital for the plaintiff to have their rights quickly fulfilled, other measures are not available to them for such purpose and that they are unable to provide sufficient evidence of their rights without such data gathering.

The ruling of the district judge must state whether the enforcement is granted or not. According to the second paragraph of Article 84 of the Act, rulings for direct enforcement are to be executed immediately by enforcement, unless otherwise specified.

Liability due to unlawful enforcement action

The first paragraph of Article 96 of the Act on Enforcement contains rules on the liability of the plaintiff in the event that they have required the settlement of a claim or fulfilment of rights by means of enforcement measures which subsequently are shown to have lacked substance. They are under obligation to compensate all loss or damage that this may have caused others. This rule means that the plaintiff guarantees that their financial claims or for other entitlements, for which they have required settlement through enforcement, are substantively correct. The plaintiff, moreover, guarantees that the conditions for enforcement have been met, e.g. that enforcement authorisations are present, when required, that they are the correct entity to claim enforcement and, likewise, that their claim is directed at the correct party, that the enforcement deadline has expired, and that the claim has not lapsed due to expiry of claim. The plaintiff's liability covers all loss or damage that others may suffer due to their actions, whether the loss or damage has resulted from the simple fact that they requested enforcement or due to the enforcement itself having been employed or executed. In addition, liability may arise due to the incorrect execution of the enforcement, even if the plaintiff's claim was substantively correct and that the general conditions for enforcement to satisfy it were met, in such a manner that the premises for the liability according to the first paragraph were not present.

The rule contained in the second paragraph of Article 96 of the Act on Enforcement covers conditions where the enforcement procedures were incorrectly executed. Such conditions could arise due to violations of the instruction of Chapters II-IV of the Act on Enforcement. The condition is set for liability, that a violation of the said rules resulted in the partial or full cancellation of the action in question by means of a court ruling. Such a court ruling would have to be achieved in a case according to Section 14 or 15 or, as the case may be, in a dispute in connection with the claim of the plaintiff for the enforced auction of a property to which

enforcement has been applied. Authorisation to claim compensation here is not, any more than in rule of the first paragraph of Article 96, bound by particular parties to the enforcement procedure. The liability of the plaintiff pursuant to the second paragraph of the same Article can both involve mistakes that they have made as regards the enforcement procedure and have led to its invalidation, as well as mistakes that the district court judge and the district commissioner have made with the same consequences. As the liability of the plaintiff according to this rule is governed by the general laws of tort, their mistakes or those of others must be traceable to culpable intent or negligence or inaction with the same suspension.

The third paragraph of Article 96 provides for authorisation for the defendant to claim compensation from the plaintiff, in the event of circumstances as described in the first and second paragraphs, and the defendant has been subjected to deprivation of freedom according to Article 29 in the execution of the proceedings, their premises or locked storage has been broken into according to Article 30, or their person has been subjected to a physical search according to Article 31. To the extent that these actions may have been directed toward the representative of the defendant, they shall be entitled to compensation according to this rule. Entitlement to compensation according to the provision is not dependent on the defendant claiming compensation or is him/herself entitled to such compensation according to the first and second paragraph of Article 96.

Promotion of an adequate supply of housing
As has been previously stated, municipal councils shall, as far as possible, ensure the supply of rented housing in private ownership for families and individuals who are otherwise not able to acquire their own accommodation due to low wages, heavy support burdens or other social conditions. Social services committees shall provide housing solutions for those families and individuals who are not able to do so themselves, so as to address urgent needs while measures are being taken for a permanent solution. Reference is made to the earlier discussion in this respect.

In addition, the HFF grants loans to municipalities, companies and associations operated on a non-profit basis for the construction or purchase of rental apartments, as previously stated, with subsidised interest as appropriate. The Fund grants loans to individuals to purchase, construct or make improvements to residential housing, including for residential housing in what has been termed “cold areas”. Reference is made to the earlier discussion in this respect.

Adequate size and standard of housing and essential services
Act on Constructions (lög um mannvirki)
Provisions on housing requirements may for the most part be found in Act No. 160/2010 on Constructions, as amended, and Building Regulation No. 112/2010 (byggingarreglugerð), as amended, which was established on the basis of the Act. The Act on Constructions applies to all structures erected on land, above ground or below, within Icelandic territorial waters and its economic zone.

In addition, the Act on Constructions applies to all aspects of structures, such as the construction of load bearing structures, utilities, including drinking water systems, heating systems, sewerage systems, electrical systems, ventilation systems, gas systems and safety systems, communications

equipment, fire prevention, including water sprinkler systems and other firefighting systems, and building materials, both in the market and in structures.

According to the Act, structures must fulfil certain base requirements that are defined in an Annex to the Act. Construction goods must be suitable for buildings and structures (both as a whole and in part) and be of the expected use from an economic viewpoint and, in this context, fulfil the following basic requirements if the tasks are subject to regulations with such requirements. The requirements must be fulfilled during such time as it is normal and economical to use them, subject to normal maintenance. The requirements usually take account of anticipated effects.

According to the Annex to the Act, buildings and structures are to be designed and built so that their load bearing capacity and stability can handle the load during construction and that use will not lead to the collapse of the project. Buildings must have fire protection. The health of residents and neighbours may not be exposed to risk due to e.g. toxic gas leaks, pollution or toxicity in the water or soil, poor drainage of sewage, smoke, waste or moisture build-up in parts of buildings and structure or on in-door surfaces. Buildings and structure are to be built in such a manner that they are free of unacceptable risk of accidents occurring in their operation or use, such as people slipping, falling, colliding, burning themselves, being electrocuted or suffering injury from explosions. Buildings and structures are to be designed and built so that the noise levels experienced by people in the area or nearby is not so high that they suffer health damage and are low enough to enable them to sleep, rest and work under acceptable conditions. In addition, the heating, cooling and ventilation systems of buildings and structures must be designed and constructed so that necessary energy use is as low as possible in light of the climate at the location and does not cause discomfort for the residents.

In addition, the Act provides for the duty to obtain a construction permit for certain types of structures, cf. Section III of the Act, the responsibility of the owners of the structure and arrangement of building inspection, cf. Section IV, design of structures, cf. Section V, construction manager and master craftsmen, cf. Section VI, and supervision of structure construction, cf. Section VII which e.g. provides for milestone inspections, safety inspections and final inspections.

Further conditions and minimum requirements applicable to structures are stated in the aforesaid Regulation, which was established on the basis of the Act on Constructions. Included in the Regulation are provisions on electrical, heating, fire, and ventilation systems, requirements for the size of spaces and traffic issues, ceiling height, lighting conditions, kitchens, wet rooms, bathrooms and lavatories, laundries, storage, balconies, etc. The objective of this Regulation is, among other things, to protect the life and health of people, properties and environment by ensuring professional preparation of structure construction and active supervision that the requirements for the safety and wholesomeness of structures are fulfilled.

Heating and electricity

All residential housing in Iceland must have hot and cold water together with electricity. Geothermal areas heat approximately 89% of buildings in Iceland, which makes access to heating and electricity better and cheaper than would otherwise be the case. The areas in which accessible geothermal energy may be found have been able to take advantage of it for heating housing

extremely economically. It has been, therefore, quite cheap to heat buildings in these areas. The areas that do not enjoy geothermal heat have had to use more expensive energy options to heat their housing. The authorities, therefore, have considered it to be fair to reduce the housing heating costs of residents that do not have the option of energy from utilities that use geothermal energy. Thus those who do not have the option of using geothermal energy for heating can apply for subsidies for the cost of heating their residential housing according to Act No. 78/2002 on Subsidising Residential Space Heating Costs (lög um niðurgreiðslu húshitunarkostnaðar), as amended. The term 'space heating' refers to the use of energy for both housing heating and water for consumption. Full heating with geothermal energy means that the heating requirements of the residential housing are met fully with geothermal energy. In some cases this is not possible and electricity, for instance, is used to heat water.

Act on Hygiene and Pollution Prevention (lög um hollustuhætti og mengunarvarnir)

The objective of Act No. 7/1998 on Hygiene and Pollution Prevention, as amended, is to ensure Icelanders enjoy wholesome living conditions and to protect the values inherent in a healthy and unpolluted environment. The Act applies to all kinds of operations and constructions in Iceland, in its air space, economic zone and any means of transport travelling under the Icelandic flag, that may have or can have an impact on wholesome living conditions and a healthy and unpolluted environment. Regulation No. 941/2002 on Health and Safety (reglugerð um hollustuhætti), as amended, established on the basis of the aforementioned Act, states as regards residential housing, that it is prohibited to rent housing if it poses a health risk to people due to, among other things, heat and moisture, sewage systems, vermin, smoke, solid or liquid waste, polluted air, soil or water, gas leaks or radiation. Thus the local health inspectorate responsible for health inspections and their execution can prohibit the use of residential housing if it is of the opinion that the housing is detrimental to the health of its residents. Particular account must be taken of the wellbeing of children, the ill and the elderly. Buildings and pipes are to be vermin-free, and sewage systems must be maintained.

Act on the Purchase and Sale of Real Property (lög um fasteignakaup)

The second paragraph of Article 19 of the Act on the Purchase and Sale of Real Property covers the condition and appurtenances of real property in consumer purchases and states that the condition and appurtenances of real property or parts thereof must be in accordance with the requirements stated in acts of law, administrative rules or instructions based thereon which were in effect when the real property or parts thereof were constructed or renovated. This does not apply, however, if the purchaser does not rely on the knowledge or assessment of the seller as regards the characteristics of the property or if they lacked legitimate reason to do so.

Rent Act

The condition of rented premises is covered in Article 14 of the Rent Act, which states that leased property, when delivered to a tenant, must be in a condition generally considered acceptable based on the intended use and its location. The provision states, among other things, that on delivery, the property must be clean, with whole windowpanes, the locks and electrical switches must be in working order, and the sanitary facilities, heating utilities, kitchen facilities, and water utilities and drainage systems must be in order.

Act on Cooperative Housing Associations (lög um húsnæðissamvinnufélög)

The condition of premises is covered in Article 13 of the Act on Cooperative Housing Associations, which states that the property, when delivered to the holder of the habitation rights, must be in a condition generally considered acceptable based on the intended use, age and comparable apartments in the same building. On delivery, the property must be clean, with whole windowpanes, the locks and electrical switches must be in working order, and the sanitary facilities, heating utilities, kitchen facilities, and water utilities and drainage systems must be in order.

Legal and non-legal remedies

The courts

According to Article 70 of the Icelandic Constitution, everyone shall, for the determination of his/her rights and obligations, be entitled, following a fair trial and within a reasonable time, to the resolution of an independent and impartial court of law.

An application for legal aid may be submitted for cases brought before an Icelandic court of law. Legal aid, however, is subject to certain conditions stated in the Regulation on Legal Aid and the Legal Aid Committee. Legal aid is granted to individuals only and not to legal entities such as companies or associations. Any individual who may be party to a court case in Iceland, irrespective of citizenship, may be entitled to legal aid. Legal aid will not be granted after judgment has been rendered. Legal aid obliges the State to pay the legal costs that the legal aid recipient personally incurs in legal proceedings, i.e. the attorney's fee, etc. Legal aid may, however, be limited to cover only particular aspects of the legal costs or may be limited to a certain maximum amount. The fee of the legal aid recipient's attorney for arguing the case shall be determined by the court or court ruling. The state, therefore, is not obliged to pay the fee that the attorney of the legal aid recipient may charge, only the amount that the judge determines for them. The legal aid recipient is exempt from all payments to the Treasury with respect to the case to which the legal aid applies, including payment for official certificates and other documentation submitted in the case. Legal aid, moreover, covers the cost of fulfilling the rights of the legal aid recipient through enforcement and enforced auction, unless otherwise specified in the legal aid permit. Legal aid has no effect on the legal aid recipient being personally obliged to pay the legal costs of their counter party.

Appeal committees and other administrative committees

The decisions of a social affairs committee, taken on the basis of the Municipalities' Social Services Act, such as regarding municipal solutions in housing issues, may be referred to the Welfare Appeals Committee (úrskurðarnefnd velferðamála). The rulings of the Committee are final at the administrative level and cannot be referred to a higher authority.

Administrative decisions made on the basis of the Act on Constructions can be appealed to the Appeals Committee for Environmental and Resource Matters (úrskurðarnefnd umhverfis- og auðlindamála). The rulings of the Committee are final at the administrative level.

According to Article 16 of Regulation No. 941/2002 on Hygiene, as amended, the public can seek the assistance of the Health Inspectorate if leased housing and other residential housing is

not considered acceptable as regards hygiene or if the housing is considered detrimental to health. The Health Inspectorate is responsible for health inspections and their execution.

Article 85 of the Rent Act states that in the event of a dispute between the parties to a lease agreement concerning its contents and/or application, they can, individually or jointly, apply to the Housing Complaint Committee and request a statement on the matter in dispute. The Complaint Committee shall provide a reasoned opinion. If the Complaint Committee considers that a violation of the Rent Act has taken place and the rights of one or more of the parties have been encroached upon, it shall call on the opposite party to rectify the situation. The parties may refer their dispute to the courts in the normal manner. The matter may not, however, be referred to another administrative authority.

The committee may also address cases at its own discretion or according to information received from others, such as building inspectors, rental housing brokers, the Homeowners' Association and the Tenants' Association. In such cases, the Committee may issue an opinion and recommendations. The opinions of the Complaint Committee are not binding for the parties to the dispute.

Tenant Assistance

The Consumers' Association operates a special Tenants' Assistance for the tenants of residential housing in accordance with an agreement with the Ministry of Welfare. The service is free of charge for tenants. The Tenant Assistance of the Association provides information and advice. In addition, tenants are encouraged to familiarise themselves with the information available on the website of the Consumers' Association. If a landlord and a tenant are unable to resolve a dispute, they can seek the assistance of the Housing Complaint Committee, as has previously been stated.

Childcare facilities

Preschools

Act No. 90/2008 on Preschools (lög um leikskóla), as amended, applies to the operation of preschools. The preschool is the first school level in the school system and is intended for children below the age of compulsory education. Preschools administer the upbringing, care and education of children of preschool age in accordance with the Act at the request of the parents. Regulation No. 655/2009 on the Preschool Work Environment (reglugerð um starfsumhverfi leikskóla), as amended, has been established on the basis of the Act. The Regulation covers the facilities, equipment, accident prevention and safety issues in preschool premises and in preschool playgrounds.

According to Article 4 of the Act on Preschools, local authorities are responsible for preschool operations. Local authorities shall take the initiative of ensuring places for children in preschool and are responsible for the general organisation of school operations of the municipality's preschools, the development of individual preschools, housing and facilities, special solutions on offer in preschools, specialist services, evaluation and monitoring, information collection and distribution as well as for the implementation of preschool activities in the municipality. Local authorities shall formulate a general policy for preschool operations in the municipality and present it to its residents.

Day-care in private homes

According to Article 32 of Act No. 40/1991 on Municipalities' Social Services, as amended, municipalities are responsible for the development and operation of preschools and for decisions on their administration. In addition, Article 33 states that municipal councils shall do their utmost to ensure the availability of day-care facilities. In order to ensure that the service accords as well as possible with the needs of children in the municipality, the councils must assess the need for such facilities at least every two years. Article 34 of the Act, furthermore, states that the social services committee, or other such committee as is designated by the municipal council for the purpose, shall be responsible for issuing permits for day-care in private homes and the running of supervised playgrounds for children. The Minister shall issue a regulation on the activities and operation of supervised playgrounds and day-care in private homes.

Regulation No. 907/2005 on Day-care in Private Homes (reglugerð um daggæslu barna í heimahúsum) has been established on the basis of the above regulatory authorisation. The Regulation applies to the day-care of children until primary school age in private homes operated on a commercial basis. According to the Regulation, local authorities are responsible for managing and monitoring the operations of day-parents. The social services committee/social services council in each municipality bears general responsibility for the welfare of children in the municipality and shall ensure that they receive adequate care, as provided for in the first paragraph of Article 30 of the Municipalities' Social Services Act. The social services committee, or other such committee as designated by the municipal council for the purpose, grants permits for the day-care of children in private homes. The social services committee shall collaborate with the health inspectorate and the child protection committee as regards the adequate care of children staying with day-parents as considered necessary.

Comment by the European Committee of Social Rights.
Conclusions XIX-4 2011 (Iceland), p. 5.

The Committee points out that states must ensure that affordable, good quality childcare facilities are available to its citizens (where quality is defined in terms of the number of children under the age of six covered, staff to child ratios, staff qualifications, suitability of the premises and the size of the financial contribution parents are asked to make). The Committee therefore asks to provide the information in the next report.

Affordability and quality of preschools

Number of children (under the age of six) in preschools

The following table shows the number of children under the age of six in preschools in Iceland during 2010-2013 together with the total number of that age each year during the period in question.

Table 16. Number of children (0-5 yrs) in preschools in Iceland

	2010	2011	2012	2013
Number of children 0-5 yrs in preschools	18,961	19,159	19,615	19,713
Total number of children 0-5 yrs	27,639	27,939	27,911	27,994
Proportion of children in preschools of the total number of children 0-5 yrs	68.60%	68.57%	70.28%	70.42%

Source: Statistics Iceland.

Staff-to-child ratios

Article 12 of the Preschool Act states that on determining the number of children for each preschool, various factors shall be taken into account, such as age distribution and special needs of children, their length of stay, the size of the space for instruction and play, and composition of personnel.

According to Article 6 of the Regulation on Preschool Work Environment, the preschool head teacher, on having consulted the municipal authorities, or a municipal committee responsible for the affairs of preschools in the municipality, as provided for in the second paragraph of Article 4 of Act No. 90/2008 on Preschools and the Staff of Preschools (um leikskóla og starfsfólk leikskóla), makes a decision on the number of children in the preschool at any given time. The decision on the number of children and the organisation of school work shall take account of the composition of the group of children, the duration of their stay each day, their age and needs, composition of the staff and the scope of special services. In addition, the municipalities are authorised to bind the municipality's permit to other operators to a particular maximum number of children, as provided for in Article 25 of the Preschool Act. The operators are responsible for determining the number of children in other respects.

According to Article 7 of the Regulation on Preschool Work Environment, the municipal authorities or any other operator is responsible for deciding on the number and composition of the employees in consultation with the preschool head teacher. The decision is to be based on the assessment and proposals of the preschool head teacher and is to be based on the age, needs and number of children. The opinion of the diagnosing entity must be sought in the event of children with special needs.

The preparatory works to the bill that became the Preschool Act reveal that criteria for child values and spaces have been removed from the earlier regulation and that instead the conditions at each location are the deciding factor as regards the number of children, having taken into account minimum requirements for housing and facilities for children and staff. It also reveals that particular attention is paid to ensuring that the goal of these changes is not to increase the number of children in preschools. On the contrary, great emphasis is placed on ensuring that when determining the number of children in a preschool, account is taken of the age distribution of the children, their special needs, length of stay and arrangement of the premises in light of the proportion of multi-purpose areas and classrooms and the composition of the staff as regards e.g. the number of staff, educational level and work percentage. In addition, particular attention is paid to areas for special needs services for children with special needs and that there is a separate working area for staff. It is, therefore, the responsibility of the preschool head teacher, in

consultation with the municipal authorities/operator of the preschool, to determine the number of children and the number of staff.

Staff qualifications

According to the first paragraph of Article 6 of the Preschool Act, the recruitment of preschool head teachers and preschool staff is governed by the provisions of the Local Government Act (sveitarstjórnarlög) and the further provisions of the local government board agreement as applicable. In addition, the municipal authorities, or any other operator, are responsible for deciding the number and composition of the staff in consultation with the preschool head teacher, according to Article 7 of the Regulation on Preschool Work Environment. The decision is to be based on the assessment and proposals of the preschool head teacher and is to be based on the age, needs and number of children. The opinion of the diagnosing entity must be sought in the event of children with special needs.

The second paragraph of Article 6 of the Preschool Act, moreover, states that the preschool head teacher, assistant preschool head teacher and preschool teachers shall have completed preschool teacher education according to the Act on Education and Recruitment of Teachers and Head Teachers in Preschool, Compulsory School and Upper Secondary School (lög um menntun og ráðningu kennara og skólastjórnenda við leikskóla, grunnskóla og framhaldsskóla). Non-skilled personnel may participate in the care and education of children, provided that skilled preschool teachers are not available. A regulation may stipulate further the preschool head teacher's instructional and administrative role towards other preschool personnel. According to the third paragraph of Article 6 of the Act, individuals who have been convicted for violating the provisions of Chapter XXII (on sexual crimes) of the General Penal Code (almenn hegningarlög) may not be hired for this purpose. Upon recruitment, either the person's criminal record should be available or the head teacher be authorised to obtain information from the official charge sheet.

Suitability of the premises

According to the first paragraph of Article 12 of the Preschool Act, the structure of preschool housing and facilities shall take into account the needs of children and the activities carried out in preschools. The focus shall be on providing a safe and spacious study and work environment. Buildings and all other facilities shall be aimed at ensuring the safety and well-being of the children and personnel with regard to convenient furnishings, acoustics, lighting and ventilation. Special space must be allocated for specialist services for children with special needs as well as facilities for staff.

According to Article 3 of the Regulation on Preschool Work Environment, the premises, school grounds and all facilities must fulfil the requirements of the Preschool Act, the Regulation, the National Preschool Curriculum and Act No. 46/1980 on Working Environment, Health and Safety in Workplaces (lög um aðbúnað, hollustuhætti og öryggi á vinnustöðum), as amended. The requirements of the health and construction authorities for such structures must also be fulfilled.

Article 4 of the Regulation states that the organisation and design of preschools must take account of the estimated maximum number of children in the school, their composition and the needs of the children, their age and length of stay. Efforts must be made to ensure a safe and

healthy environment for children and staff when organising and designing preschools. This applies particularly as regards suitable fittings, acoustics and lighting, and diversity in study and play facilities and other equipment.

Article 5 of the Regulation lists the aspects that are considered to be the necessary minimum facilities in preschools.

a. School division areas and appropriate facilities, apparatus and equipment for the play, study and rest of children according to the Preschool Act and the National Curriculum for Preschools.
b. Space for specialist services for children with special needs.
c. Multi-purpose space for active games, training, art and other events.
d. Facilities for refreshment breaks.
e. Separate hygiene facilities for children and staff.
f. Drying facilities for the clothes of children and staff.
g. Demarcated and organised school grounds with the focus on as much diversity as possible as regards play and learning areas, taking into account different age groups and needs, including the needs of disabled children.
h. Work area for the preschool head teacher, assistant head teacher and other staff.
i. Staff lounge.

In addition, Article 6 of the Regulation states that in order to achieve the aims of the Preschool Act and the National Curricula, care must be taken to ensure sufficient space for each child in each division where the majority of the care, study and upbringing takes place. Particular attention must be paid to the fact that children with special needs could possibly need increased space due to their use of necessary support e quipment.

Article 9 of the Regulation, moreover, states that the housing, grounds, facilities, equipment and all activities organised by preschools in which the children take part must be organised in such a manner as to ensure the safety of the children. The preschool is responsible for children whilst under its care, and whilst children participate in organised school activities whether within the school building, on its grounds or on field trips organised by the school. In the event of field trips undertaken by preschool children in buses or by school bus services, municipalities or operators are responsible for ensuring that the requirements of laws and regulations applicable to traffic safety are met.

According to Article 10 of the Regulation, municipal authorities are to prepare a handbook for the staff of preschools containing guidelines on the safety of children and accident prevention in preschools. These guidelines are to be based on applicable laws and regulations on safety, planning and construction issues and co-ordinated operating conditions for preschools, as provided for in Act No. 7/1998 on Hygiene and Pollution Prevention, as amended.

Financial contribution of parents

According to Article 27 of the Preschool Act, local authorities may determine a fee for a child's preschool attendance. The fee collected for each child may not exceed the average cost incurred by each child's attendance in preschools operated by the municipality. The above rule, however, does not apply to preschools that have been granted an operating permit according to Article 25,

unless stipulated in a service agreement between a municipality and a body holding an operating permit according to that Article.

Municipal price lists, therefore, differ from place to place and the amount of subsidies varies depending on the municipality. In 2013, for example, the town of Akureyri subsidised 78.3% of preschool fees and parents, therefore, paid only 21.7% of the cost of having a child attending preschool.

Another example of preschool fees is the price list of Reykjavík for 2010-2013 where the fee is divided into four categories according to the circumstances of the parents.

In 2010, the fee was divided into three categories depending on whether the parents were married/cohabiting (category I), cases where one parent was studying (category II), or single parents, married/cohabiting parents where both parties were studying, where one or both were at least 75% disabled or the employees of the preschools of Reykjavik (category III).

In 2011-2013, the fee was divided into two categories depending on whether the parents were married/cohabiting (category I) or single parents, married/cohabiting parents where both parties were studying, where one or both were at least 75% disabled or the employees of the preschools of Reykjavík (category II).

According to the rules of the City of Reykjavík in 2010-2013, sibling discounts were applied to the school fee with the discount being calculated on the fee for the oldest child. The full fee was paid for the youngest child, while a 100% discount was given on the fee for the second and third child.

Table 17. Price list of Reykjavík preschools (in ISK) as of 1 January 2013

Hours stayed	School fee		Food fee	Total preschool fee	
	Category I	Category II		Category I	Category II
4-8 hrs.	**2,260**	**940**			
8-8.5 hrs. 50%	**4,170**	**1,725**			
1/2 hour in excess of 8.5 hours.	**8,330**	**3,450**			
4.0 hrs.	9,040	3,760	1,570	10,610	5,330
4.5 hrs.	10,170	4,230	1,570	11,740	5,800
5.0 hrs.	11,300	4,700	6,230	17,530	10,930
5.5 hrs.	12,430	5,170	6,230	18,660	11,400
6.0 hrs.	13,560	5,640	6,230	19,790	11,870
6.5 hrs.	14,690	6,110	6,230	20,920	12,340
7.0 hrs.	15,820	6,580	7,800	23,620	14,380
7.5 hrs.	16,950	7,050	7,800	24,750	14,850
8.0 hrs.	18,080	7,520	7,800	25,880	15,320
8.5 hrs.	22,250	9,245	7,800	30,050	17,045
9.0 hrs.	30,580	12,695	7,800	38,380	20,495

9.5 hrs.	38,910	16,145	7,800	46,710	23,945

Table 18. Price list of Reykjavík preschools (in ISK) as of 1 January 2012

Hours stayed	School fee		Food fee	Total preschool fee	
	Category I	Category II		Category I	Category II
4-8 hrs.	**2,140**	**887**			
8-8.5 hrs. 50%	**3,940**	**1,634**			
1/2 hour in excess of 8.5 hours.	**7,880**	**3,267**			
4.0 hrs.	8,560	3,548	1,484	10,044	5,032
4.5 hrs.	9,630	3,992	1,484	11,114	5,476
5.0 hrs.	10,700	4,435	5,897	16,597	10,332
5.5 hrs.	11,770	4,879	5,897	17,667	10,776
6.0 hrs.	12,840	5,322	5,897	18,737	11,219
6.5 hrs.	13,910	5,766	5,897	19,807	11,663
7.0 hrs.	14,980	6,209	7,381	22,361	13,590
7.5 hrs.	16,050	6,653	7,381	23,431	14,034
8.0 hrs.	17,120	7,096	7,381	24,501	14,477
8.5 hrs.	21,060	8,730	7,381	28,441	16,111
9.0 hrs.	28,940	11,997	7,381	36,321	19,378
9.5 hrs.	36,820	15,264	7,381	44,201	22,645

Table 19. Price list of Reykjavík preschools (in ISK) as of 1 January 2011

Hours stayed	School fee		Food fee	Total preschool fee	
	Category I	Category II		Category I	Category II
4-8 hrs.	**1,901**	**788**			
8-8.5 hrs. 50%	**3,500**	**1,451**			
1/2 hour in excess of 8.5 hours.	**7,000**	**2,902**			
4.0 hrs.	7,604	3,152	1,318	8,922	4,470
4.5 hrs.	8,555	3,546	1,318	9,873	4,864
5.0 hrs.	9,505	3,940	5,238	14,743	9,178
5.5 hrs.	10,456	4,334	5,238	15,694	9,572
6.0 hrs.	11,406	4,728	5,238	16,644	9,966
6.5 hrs.	12,357	5,122	5,238	17,595	10,360
7.0 hrs.	13,307	5,516	6,556	19,863	12,072
7.5 hrs.	14,258	5,910	6,556	20,814	12,466
8.0 hrs.	15,208	6,304	6,556	21,764	12,860
8.5 hrs.	18,708	7,755	6,556	25,264	14,311
9.0 hrs.	25,708	10,657	6,556	32,264	17,213
9.5 hrs.	32,708	13,560	6,556	39,264	20,116

Table 20. Price list of Reykjavík preschools for children aged 5 yrs. (in ISK) 1 January 2011-31 August 2011

Hours stayed	School fee		Food fee	Total preschool fee	
	Category I	Category II		Category I	Category II
4-8 hrs.	**1,901**	**788**			
50% 8.5 hrs.	**3,500**	**1,451**			
1/2 hour in excess of 8.5 hours.	**7,000**	**2,902**			
4.0 hrs	1,901	788	1,318	3,219	2,106
4.5 hrs	2,851	1,182	1,318	4,169	2,500
5.0 hrs	3,801	1,576	5,238	9,039	6,814
5.5 hrs	4,751	1,970	5,238	9,989	7,208
6.0 hrs	5,702	2,364	5,238	10,940	7,602
6.5 hrs	6,652	2,758	5,238	11,890	7,996
7.0 hrs	7,602	3,125	6,556	14,158	9,708
7.5 hrs	8,552	3,546	6,556	15,108	10,102
8.0 hrs	9,503	3,940	6,556	16,059	10,496
8.5 hrs	13,003	5,391	6,556	19,559	11,947
9.0 hrs	20,003	8,293	6,556	26,559	14,849
9.5 hrs	27,003	11,196	6,556	33,559	17,752

**the special price list for children aged 5 years was discontinued on 1 September 2011.*

Table 21. Price list of Reykjavík preschools for children aged 0-5 yrs. (in ISK) 1 August 2009-31 December 2010

Hours stayed	School fee			Food fee			Total preschool fee		
	Category I	Category II	Category III	Morning refreshment	Lunch	Afternoon refreshment	Category I	Category II	Category III
4-8 hrs.	**1,804**	**1,322**	**748**						
1/2 hour in excess of 8.5 hours.	**7,000**	**5,128**	**2,902**						
8-8.5 hours 50%	**3,500**	**2,564**	**1,451**						
4.0 hrs	7,216	5,288	2,992	1,251			8,467	6,539	4,243
4.5 hrs	8,118	5,949	3,366	1,251			9,369	7,200	4,617
5.0 hrs	9,020	6,610	3,740	1,251	3,721		13,992	11,582	8,712
5.5 hrs	9,922	7,271	4,114	1,251	3,721		14,894	12,243	9,086
6.0 hrs	10,824	7,932	4,488	1,251	3,721		15,796	12,904	9,460
6.5 hrs	11,726	8,593	4,862	1,251	3,721		16,698	13,565	9,834
7.0 hrs	12,628	9,254	5,236	1,251	3,721	1,251	18,851	15,477	11,459
7.5 hrs	13,530	9,915	5,610	1,251	3,721	1,251	19,753	16,138	11,833
8.0 hrs	14,432	10,576	5,984	1,251	3,721	1,251	20,655	16,799	12,207

8.5 hrs	17,932	13,140	7,435	1,251	3,721	1,251	24,155	19,363	13,658
9.0 hrs	24,931	18,267	10,337	1,251	3,721	1,251	31,155	24,490	16,560
9.5 hrs	31,932	23,395	13,240	1,251	3,721	1,251	38,155	29,618	19,463

Table 22. Price list of Reykjavík preschools for children aged 5 yrs.* (in ISK)
1 August 2009-31 December 2010

Hours stayed	School fee			Food fee			Total preschool fee		
	Category I	Category II	Category III	Morning refreshment	Lunch	Afternoon refreshment	Category I	Category II	Category III
4-8 hrs.	**1,804**	**1,322**	**748**						
1/2 hour in excess of 8.5 hours.	**7,000**	**5,128**	**2,902**						
8-8.5 hours 50%	**3,500**	**2,564**	**1,451**						
4.0 hrs	1,804	1,322	748	1,251			3,055	2,573	1,999
4.5 hrs	2,706	1,983	1,122	1,251			3,957	3,234	2,373
5.0 hrs	3,608	2,644	1,496	1,251	3,721		8,580	7,616	6,468
5.5 hrs	4,510	3,305	1,870	1,251	3,721		9,482	8,277	6,842
6.0 hrs	5,412	3,966	2,244	1,251	3,721		10,384	8,938	7,216
6.5 hrs	6,314	4,627	2,618	1,251	3,721		11,286	9,599	7,590
7.0 hrs	7,216	5,288	2,992	1,251	3,721	1,251	13,439	11,511	9,215
7.5 hrs	8,118	5,949	3,366	1,251	3,721	1,251	14,341	12,172	9,589
8.0 hrs	9,020	6,610	3,740	1,251	3,721	1,251	15,243	12,833	9,963
8.5 hrs	12,520	9,174	5,191	1,251	3,721	1,251	18,743	15,397	11,414
9.0 hrs	19,520	14,301	8,093	1,251	3,721	1,251	25,743	20,524	14,316
9.5 hrs	26,520	19,429	10,996	1,251	3,721	1,251	32,743	25,652	17,219

**The price list came into effect on 1 September in the year that the child reached 5 years of age.*

The table below displays the average and median total income of individuals in Iceland in 2010-2013 (in ISK).

Table 23. Average and median total income of individuals in Iceland in 2010-2013.

	2010	2011	2012	2013
Average total salary	431,000	460,000	488,000	526,000
Median total salary	387,000	410,000	432,000	464,000

Affordability and quality of day-care in private homes

Number of children (under the age of six) in day-care in private homes

Table 24. Number of children (0-5 yrs) in day-care in private homes

	2010	2011	2012	2013
Number of children aged 0-5 yrs in day-care in private homes	1,771	2,057	1,945	1,942
Total number of children 0-5 yrs	27,639	27,939	27,911	27,994
Proportion of children in day-care in private homes of the total number of children aged 0-5 yrs	6.41%	7.36%	6.97%	6.94%

Source: Statistics Iceland.

Staff-to-child ratios

The first paragraph of Article 8 of Regulation No. 907/2005 on Day-care in Private Homes, reveals that the permit granted by the social affairs committee for day-care in private homes applies to up to four children at the same time, including those residing in the home under the age of six and with the reservation that, as a rule, there may not be more than two children under the age of one at the same time.

The second paragraph of Article 8 of the Regulation, moreover, states that after one continuous year of operation, the social affairs committee may grant permission for one additional child, providing that the day-care provider has shown his/her competence for the job and has provided excellent conditions and care for the children.

In addition, the third paragraph of Article 8 of the Regulation states that the organised stay of the children may overlap during lunch-time between 12:00 and 13:00 so that the excess number of children during lunch-time may be up to two children in excess of the permitted number of children according to the first and second paragraph of the same Article. At other times of the day, the number of children may never exceed the maximum number permitted for the day-parent at any given time according to the first and second paragraph.

Article 10, moreover, states that two day-parents can work together providing day-care in a private home. The number of children in such cases may be up to ten children at the same time. The provisions of Article 8 shall apply in other respects.

Staff qualifications

According to Article 11 of the Regulation on Day-Care in Private Homes, the day-care in private homes permit granted by the social committee shall have a validity of an initial one-year trial period, and shall subsequently be granted for a term of up to four years at a time. The social committee shall annually send information on the number of permits and the number and age of children in day-care in private homes in the municipality to Statistics Iceland and the Ministry of Welfare. Article 12 of the Regulation states that in the event of two persons working together providing day-care, the permit of the social committee must be granted to each individual person.

The first paragraph of Article 13 of the Regulation provides for the working conditions required for permit issuance. The permit of the social committee for day-care in private homes may only be granted on the fulfilment of the following conditions as regards staff qualifications:

1. *Age*
   Day-parents may not be younger than 20 when the permit is granted for the first time. If the day-parent has reached the age of 65, the permit may only be granted for one year at a time.
2. *Training courses*
   A condition for granting the initial permit is that the applicant has undergone a training course, as provided for in Article 20 of the Regulation. Exemptions may be granted if the applicant has education in the field of child development that the social committee considers sufficient.
3. *Medical certificate*
   The certificate must confirm that no indication has be found of any disease that might prevent the applicant from undertaking day-care services. It must also state that other members of the household have been examined and that nothing of note has been found as regards their health that could prevent contact with children.
4. *References from last employer* or references from two responsible parties if no employer is available. The references must indicate that the applicant is competent to undertake day-care responsibilities.
5. *Criminal record certificate*
   The applicant must in all cases submit a criminal record certificate. The same applies to other household members over the age of 18. If the certificate states that the applicant, or other household member over the age of 18, has been convicted of violating the provisions of Chapter XXII (on sexual offences) or Chapter XXIII (on manslaughter and bodily injuries) of the General Penal Code No. 19/1940, as amended, and the violation was directed at a person under the age of 18, the permit for day-care will in no case be issued. With respect to other violations stated in the certificate of the applicant or other member of the household, the social committee shall assess whether such violations have an effect on the competency of the applicant to undertake day-care services.
6. *Premises*
   The premises must fulfil the provisions of Regulation No. 941/2002 on Hygiene (reglugerð um hollustuhætti). The indoor play area for each child must be at least 3 m^2 of floor space per child. Both the play area and rest area must be in acceptable dwelling rooms. The bathroom, kitchen and bedrooms of household members are not considered play areas for children. The opinion of the health committee may be sought with respect to the premises, if necessary. In the event of day-care with six children or more, an operating permit issued by the municipal health committee must be obtained in accordance with Regulation No. 941/2002 on Hygiene.
7. *Fire safety*
   A fire inspection of the home of the applicant must have been carried out by the fire inspector of each municipality. The dwelling must be equipped with smoke detectors, a fire-resistant blanket and a fire extinguisher. The inspection by the fire inspection body shall cover the number of smoke detectors that must be in the dwelling and their location.
8. *Site, playground equipment and toys.*
   The site, playground equipment and toys must fulfil the provisions of Regulation No. 941/2002 on hygiene, Regulation No. 942/2002 on the safety of playground equipment and play areas and their supervision (reglugerð um öryggi leikvallatækja og leiksvæða og eftirlit með þeim) and Regulation No. 408/1994 on the safety of toys and dangerous imitations (reglugerð um öryggi leikfanga og hættulegar eftirlíkingar), as applicable. The children's outdoor play area must be fenced.

According to the second paragraph of Article 13 of the Regulation, the day-parent shall, in addition to the above conditions, purchase accident insurance for the children within one month from the date that the permit was issued and must present confirmation thereto to the monitoring body.

The third paragraph of Article 13, moreover, states that smoking tobacco and the consumption of any form of intoxicants is strictly prohibited in the home while providing day-care services for children.

Suitability of the premises

As has been stated, the premises, according to Item 6 of the first paragraph of Article 13 of the Regulation, must fulfil the provisions of Regulation No. 941/2002 on Hygiene. The indoor play area for each child must be at least 3 m^2 of floor space per child. Both the play area and rest area must be in acceptable dwelling rooms. The bathroom, kitchen and bedrooms of household members are not considered play areas for children. The opinion of the health committee may be sought with respect to the premises, if necessary. In the event of day-care with six children or more, an operating permit issued by the municipal health committee must be obtained in accordance with Regulation No. 941/2002 on Hygiene.

Fire safety is addressed in Item 7 of the first paragraph of Article 13 of the Regulation and, as has been stated, a prerequisite for the issue of a permit is the performance of a fire inspection of the home of the applicant by the fire inspector of each municipality. The dwelling must be equipped with smoke detectors, a fire-resistant blanket and a fire extinguisher. The inspection by the fire inspection body shall cover the number of smoke detectors that must be in the dwelling and their location.

In addition, Article 29 of the Regulation on Day-care in Private Homes states that the day-parent is under obligation to ensure the safety of children in all respects, such as by having a first-aid kit in the home and child-resistant locks on cabinets containing hazardous goods. A belt must be used in prams and high-chairs.

Financial contribution of parents

The fee of permit holders of day-care providers in private homes is not regulated according to the ruling of the Competition Authority and is, therefore, variable.

According to Article 42 of the Regulation on Day-care in Private Homes, municipal authorities may subsidise the cost of day-care in private homes. The municipal authorities must establish rules for such in such cases.

According to the rules of the City of Reykjavík, which came into effect on 1 September 2010, it is a precondition for the subsidy of day-care in Reykjavík that the registered domicile of the child in Registers Iceland and its fixed abode is in Reykjavík. Subsidies are paid for the children of married/cohabiting couples from the age of 9 months and for the children of single parents and students from the age of 6 months. The Department of Education and Recreation pays a part of the cost of the care of children in proportion to the time that they stay with a day-parent. The amount of the subsidy and the maximum number of hours of day-care is dependent on a decision

of the city council and is published on the website of the Department in an overview of subsidies for children staying with day-parents. The number of subsidised hours of stay shall be in accordance with the aforementioned decision and the day-care agreement between the parents and the day-parent.

The following tables show Reykjavík City's subsidies of the cost of day care in private homes in 2010-2013.

Table 25. Subsidies of the City of Reykjavík (in ISK) for the cost of day care in private homes in 2010

Married and cohabiting	
4,625	
4.0 hrs.	18,500
4.5 hrs.	20,813
5.0 hrs.	23,125
5.5 hrs.	25,438
6.0 hrs.	27,750
6.5 hrs.	30,063
7.0 hrs.	32,375
7.5 hrs.	34,688
8.0 hrs.	37,000
8.5 hrs.	38,157
9.0 hrs.	38,157

One parent in educational programme	
4,689	
4.0 hrs.	18,756
4.5 hrs.	21,101
5.0 hrs.	23,445
5.5 hrs.	25,790
6.0 hrs.	28,134
6.5 hrs.	30,479
7.0 hrs.	32,823
7.5 hrs.	35,168
8.0 hrs.	37,512
8.5 hrs.	38,684
9.0 hrs.	38,784

Single parent/disabled[1]/both in educational programme	
6,335	
4.0 hrs.	25,340
4.5 hrs.	28,508
5.0 hrs.	31,675
5.5 hrs.	34,843
6.0 hrs.	38,010
6.5 hrs.	41,178
7.0 hrs.	44,345
7.5 hrs.	47,513
8.0 hrs.	50,680
8.5 hrs.	53,037
9.0 hrs.	54,581

Additional payment for sibling[2]	
1,220	
4.0 hrs.	4,880
4.5 hrs.	5,490
5.0 hrs.	6,100
5.5 hrs.	6,710
6.0 hrs.	7,320
6.5 hrs.	7,930
7.0 hrs.	8,540
7.5 hrs.	9,150
8.0 hrs.	9,760
8.5 hrs.	10,370
9.0 hrs.	10,980

[1] *At least 75% disabled*
[2] *A sibling discount was granted if two or more children were in day care in private homes, in independently operated preschools or Reykjavík City preschools. A discount was granted for as many hours as the younger child was in day care.*

Table 26. Subsidies paid by the City of Reykjavík (in ISK) for the cost of day care in private homes in 2011

Married and cohabiting	
4,625	
4.0 hrs.	18,500
4.5 hrs.	20,813
5.0 hrs.	23,125
5.5 hrs.	25,438
6.0 hrs.	27,750
6.5 hrs.	30,063
7.0 hrs.	32,375
7.5 hrs.	34,688
8.0 hrs.	37,000
8.5 hrs.	38,157
9.0 hrs.	38,157

Single parents/disabled/both in educational programme and employees of Reykjavík City preschools	
6,335	
4.0 hrs.	25,340
4.5 hrs.	28,508
5.0 hrs.	31,675
5.5 hrs.	34,843
6.0 hrs.	38,010
6.5 hrs.	41,178
7.0 hrs.	44,345
7.5 hrs.	47,513
8.0 hrs.	50,680
8.5 hrs.	53,037
9.0 hrs.	54,581

Additional payment for siblings[1]	
1,220	
4.0 hrs.	4,880
4.5 hrs.	5,490
5.0 hrs.	6,100
5.5 hrs.	6,710
6.0 hrs.	7,320
6.5 hrs.	7,930
7.0 hrs.	8,540
7.5 hrs.	9,150
8.0 hrs.	9,760
8.5 hrs.	10,370
9.0 hrs.	10,980

Definition of categories:

Category I
• Married parents, cohabiting

Category II
• Single parents
• Married and cohabiting couples – both in educational programme
• If one or both parents are disabled
• Employees of Reykjavík City preschools who apply for a lower fee

Table 27. Subsidies of the City of Reykjavík (in ISK) for the cost of day care in private homes in 2012

	Subsidies	
	Category I	Category II
4-8 hrs. Fee per hr.	5,088	6,969
8 - 8.5 hrs. Fee per 1/2 hr.	1,269	2,589
8.5 - 9 hrs. Fee per 1/2 hr.	0	1,698

	Additional subsidy for siblings all in day care in private homes			
	For child No 2 - 75% additional subsidy		For child No 3 - 100% additional subsidy	
	Category I	Category II	Category I	Category II
4-8 hrs. Fee per hr.	3,816	5,227	5,088	6,969
8 - 8.5 hrs. Fee per 1/2 hr.	952	1,942	1,269	2,589
8.5 - 9 hrs. Fee per 1/2 hr.	0	1,274	0	1,698

Category I			
Hours	Subsidy per child	Additional subsidy child 2	Additional subsidy child 3
4.0 hrs.	20,352	15,264	20,352
4.5 hrs.	22,896	17,172	22,896
5.0 hrs.	25,440	19,080	25,440
5.5 hrs.	27,984	20,988	27,984
6.0 hrs.	30,528	22,896	30,528
6.5 hrs.	33,072	24,804	33,072
7.0 hrs.	35,616	26,712	35,616
7.5 hrs.	38,160	28,620	38,160
8.0 hrs.	40,704	30,528	40,704
8.5 hrs.	41,973	31,480	41,973
9.0 hrs.	41,973	31,480	41,973

Category II			
Hours	Subsidy per child	Additional subsidy child 2	Additional subsidy child 3
4.0 hrs.	27,876	20,908	27,876
4.5 hrs.	31,361	23,522	31,361
5.0 hrs.	34,845	26,135	34,845
5.5 hrs.	38,330	28,749	38,330
6.0 hrs.	41,814	31,362	41,814
6.5 hrs.	45,299	33,976	45,299
7.0 hrs.	48,783	36,589	48,783
7.5 hrs.	52,268	39,203	52,268
8.0 hrs.	55,752	41,816	55,752
8.5 hrs.	58,341	43,758	58,341
9.0 hrs.	60,039	45,031	60,039

Definition of categories:

Category I

• Married parents, cohabiting

Category II

• Single parents
• Married and cohabiting couples – both in educational programme
• If one or both parents are disabled
• Employees of Reykjavík City preschools who apply for a lower fee

Table 28. Subsidies of the City of Reykjavík (in ISK) for the cost of day care in private homes in 2013

	Subsidies	
	Category I	Category II
4-8 hrs. Fee per hr.	5,280	7,230
8 - 8.5 hrs. Fee per 1/2 hr.	1,320	2,685
8.5 - 9 hrs. Fee per 1/2 hr.	0	1,770

	Additional subsidy for siblings all in day care in private homes			
	For child No 2 - 75% additional subsidy		For child No 3 - 100% additional subsidy	
	Category I	Category II	Category I	Category II
4-8 hrs. Fee per hr.	3,960	5,425	5,280	7,230
8 - 8.5 hrs. Fee per 1/2 hr.	990	2,015	1,320	2,685
8.5 - 9 hrs. Fee per 1/2 hr.	0	1,330	0	1,770

Category I			
Hours	Subsidy per child	Additional subsidy child 2	Additional subsidy child 3
4.0 hrs.	21,120	15,840	21,120
4.5 hrs.	23,760	17,820	23,760
5.0 hrs.	26,400	19,800	26,400
5.5 hrs.	29,040	21,780	29,040
6.0 hrs.	31,680	23,760	31,680
6.5 hrs.	34,320	25,740	34,320
7.0 hrs.	36,960	27,720	36,960
7.5 hrs.	39,600	29,700	39,600
8.0 hrs.	42,240	31,680	42,240
8.5 hrs.	43,560	32,670	43,560
9.0 hrs.	43,560	32,670	43,560

Category II			
Hours	Subsidy per child	Additional subsidy child 2	Additional subsidy child 3
4.0 hrs.	28,920	21,700	28,920
4.5 hrs.	32,535	24,413	32,535
5.0 hrs.	36,150	27,125	36,150
5.5 hrs.	39,765	29,838	39,765
6.0 hrs.	43,380	32,550	43,380
6.5 hrs.	46,995	35,263	46,995
7.0 hrs.	50,610	37,975	50,610
7.5 hrs.	54,225	40,688	54,225
8.0 hrs.	57,840	43,400	57,840
8.5 hrs.	60,525	45,415	60,525
9.0 hrs.	62,295	46,745	62,295

Definition of categories:

Category I

• Married parents, cohabiting

Category II

• Single parents
• Married and cohabiting couples – both in educational programme
• If one or both parents are disabled
• Employees of Reykjavík City preschools who apply for a lower fee

Reference is made to table 23 above as regards the average and median total income of individuals in Iceland in 2010-2013.

Family counselling services

Comment by the European Committee of Social Rights. Conclusions XIX-4 2011 (Iceland), p. 5.

Families must be able to consult appropriate social services, particularly when they are in difficulty. States are required in particular to set up family counselling services and services providing psychological support for children's education. The Committee asks for information to be included in the next report on family counselling services.

Municipal social services

The objective of the Act on Municipalities' Social Services is to ensure financial and social security and to develop residents' welfare on the basis of social assistance. Municipalities are responsible for social services within their borders and shall ensure the achievement of goals through organised social services. Municipal authorities are to elect a social affairs committee or social affairs council which is responsible for the management and execution of social services in the municipality on behalf of the municipal authorities.

According to Article 11 of the Act, the role of the social services committees includes providing individuals and families with assistance by providing advice, financial assistance and other services. In addition, the second paragraph of Article 12 of the Act states that the assistance and services provided by the municipal social services shall as a rule be suitable to resolve problems and prevent individuals and families from getting into a position in which they are not able to manage their own affairs.

According to Article 16 of the Act, the social services committees shall offer social counselling. Its purpose is to provide information and guidance on social rights, on the one hand, and provide support in cases of social and personal hardship, on the other. Article 17 of the Act states that social counselling covers, i.a., counselling in the field of finances, housing, children's upbringing, divorce, including cases concerning custody and rights of access, adoption, etc. Such counselling shall always be applied with the context of other assistance under this Act and co-operation with such other parties as offer such services, such as schools and healthcare centres, as applicable. According to Article 18 of the Act, social services committees shall endeavour to

employ qualified social workers or people qualified in similar fields for the purpose of giving social counselling.

According to Article 30 of the Act as regards the affairs of children and adolescents, it is the duty of the social services committee, in co-operation with parents, guardians and other parties responsible for the upbringing, education and health of children and adolescents, to secure their welfare and protect their interests in every respect. The social services committee shall see to it that children, while growing up, enjoy conditions which promote health and maturity, e.g. day-care centres and leisure activities. Also, social services committees shall ensure adequate care of children and that there is nothing in their environment which might expose them to danger.

According to Article 35 of the Act, municipal authorities shall organise preventative work among adolescents for the purpose of directing their need for activity into wholesome channels. The social services committee is to be responsible for the aspects of the services to adolescents that relate to the affairs of individuals, including counselling.

According to Article 50 of the Act, social services committees shall provide for appropriate treatment of and assistance for alcoholics and those who abuse alcohol or other intoxicants. Furthermore, counselling and assistance shall be made available, as applicable, to the relatives and families of alcoholics. According to Article 51, after alcoholics and those who abuse intoxicants have received treatment and medical attention, social services committees shall provide for the necessary support and assistance so that they can live a normal life after rehabilitation.

Social counselling is provided in service centres and includes counselling due to loss of employment, illness, lack of housing, financial difficulties, disability, old age, the issues of foreigners, children and adolescents, family difficulties and the abuse of alcohol and other intoxicants. The aim of the counselling is to help people to help themselves so that each individual can best enjoy their place in society. Counselling for individuals and families aims to meet the various needs of those who seek the assistance of service centres. Counsellors also provide information on services outside the service centres and refer people to the measures that are suitable for each individual. An agreement for social counselling is a written agreement where the counsellor and the service user agree on the aim of the counselling services, time stamp the agreement and jointly asses the results at the end of the agreement.

Reykjavík City's Department of Welfare pays for counselling services from experts outside institutions, such as psychologists, psychiatrists and social workers according to special authorisations in the rules on financial assistance. The authorisation is granted as an aspect of social assistance that is more extensive in scope and when it is obvious that the service cannot be provided within the service centres or by public healthcare providers. Special rules of procedure apply to the service and service centre counsellors act as intermediaries in such cases.

The Ombudsman for Debtors

The Office of the Ombudsman for Debtors is a government agency under the Minister of Social Affairs and Housing. The Agency shall guard the interests and rights of debtors as further provided for in Act No. 100/2010 on the Ombudsman for Debtors (lög um umboðsmann skuldara), as amended. The role of the Ombudsman includes rendering assistance free of charge

to individuals who have serious payment difficulties in order to obtain a comprehensive overview of their finances and to seek solutions and to provide comprehensive advice and education regarding home finances.

Specialist services in schools
According to Article 21 of the Preschool Act, specialist services for preschools are to be provided by municipal authorities. Specialist services include support for preschool children and their families, as well as support for preschool operations and their staff. The municipalities shall determine the organisation of specialist services and endeavour to provide the services within the preschool itself. According to Article 22 of the same Act, children who need special assistance and training according to an evaluation by recognised diagnostic specialists are entitled to such services within the preschool. The service shall be carried out under specialist supervision according to a decision by the preschool head teacher and the specialist services, c.f. Article 21, in consultation with the parents.

In the same manner, Article 40 of Act No. 91/2008 on Compulsory Schools (lög um grunnskóla), as amended, provides for municipal authorities ensuring specialist services in compulsory schools, deciding on the organisation of such services and promoting their provision within each compulsory school. Specialist services include support for pupils and their families, as well as support for the work carried out in compulsory schools and for their staff. From the start of each pupil's schooling, compulsory schools shall implement preventive measures consisting of screenings and observations intended to ensure that pupils receive adequate instruction and learning support. Moreover, pupils with psychological or social difficulties liable to affect their schooling shall receive appropriate diagnosis. All observations by a school concerning individual pupils shall be carried out in consultation with and with the consent of their parents. No fee may be charged for such observations. The results of such observations shall be reported to the parents. A diagnosis pursuant to Article 40 may be requested by parents or, in consultation with them and with their consent, by the school's head teacher, teachers or health service staff. The specialist services shall ensure that the diagnosis is carried out, submit a proposal on appropriate action to the head teacher, monitor any measures to improve the situation, and evaluate the results. Within each school, the head teacher shall coordinate the work of those responsible for individual pupils' cases in the fields of specialist services, school counselling and school health services by setting up a Pupil Welfare Council. Consultation with the municipality's social services and child protection authorities regarding individual pupils' cases shall also be promoted as deemed necessary. Municipalities operating compulsory schools shall instigate collaboration between specialist services, social services, child protection authorities and health care services in the municipality concerning pupils with special needs or long-term illnesses. Municipalities shall also take the initiative for the collaboration of specialist services with those responsible for specialised diagnostic and treatment solutions made available to individual pupils by the central government. In implementing specialist services, municipalities shall place particular emphasis on promoting good contacts between preschools, compulsory schools and upper secondary schools in the interest of continuity of schooling.

Further rules on specialist services in compulsory schools may be found in Regulation No. 584/2010 on the Municipal Specialist Services Provided to Preschools and Compulsory Schools and Pupil Welfare Councils (reglugerð um sérfræðiþjónustu sveitarfélaga við leik- og grunnskóla og nemendaverndarráð í grunnskólum). The Regulation states, i.a., that when carrying out

specialist services, municipal authorities are to focus on early assessments of pupils and counselling due to learning difficulties, social and psychological difficulties with the focus being on ensuring that pupils receive appropriate instruction and learning support in non-segregated schools, and support for parents through counselling and education, etc.

Centre for Child Development and Behaviour
The Centre for Child Development and Behaviour provides services for children who deal with deviations or other difficulties in development, behaviour or wellbeing. The Centre handles diagnoses, counselling, treatment and education for disorders in children up to the age of 18. The Centre engages in regular, professional collaboration with other educational, social and health services elsewhere in Iceland.

Family Centre
The Reykjavík Branch of the Icelandic Red Cross operates the Family Centre with the involvement of the Welfare Division of the City of Reykjavík. The service involves counselling and family treatment and is carried out, on the one hand, by means of interviews with individuals, parents and their children and, on the other, through group therapy in collaboration with compulsory schools and service and leisure centres. The aim of the services provided by the Centre is to assist families who are having difficulties, including due to substance abuse of children, divorce and communications difficulties, anxiety/depression and difficulties at school. The ideology of the Family Centre is in the spirit of preventative measures, the focus is on intervening as soon as possible in the event of problems and to seek solutions before the situation deteriorates.

Participation of associations representing families
Comment by the European Committee of Social Rights
Conclusions XIX-4 2011 (Iceland), p. 5.
To ensure that families' views are catered for when family policies are framed, the authorities must consult associations representing families. The Committee asks for information in the next report on the participation of relevant associations representing families in the framing of family policies.

Extensive cooperation in the formulation of family policies to 2021 with particular focus on children and families with children
In accordance with the strategy statement of the Government of Iceland from May 2013, the Minister of Social Affairs and Housing appointed, on 16 September 2013, a working committee to formulate a family policy to 2020. The decision on the formulation of a family policy is based on the Government's strategy statement on a family-friendly society where all members of society have equal opportunities and security and enjoy their statutory rights. The basic premise in the formulation of the policy included taking account of different family types while focusing on families with children. In addition, the premise was to aim to achieve social equality, and to ensure that all families enjoy the same rights and that nobody is discriminated against on the basis of race, disability, religion or sexual orientation. Great emphasis, moreover, was placed on seeking ways to safeguard the financial security of the family and security in housing matters. Importance, furthermore, was placed on ensuring a balance between family life and working life, equality in the responsibilities of parents as regards household obligations and child upbringing,

ensuring protection against violence in close relationships and providing protection and support against abuse of alcohol and other intoxicants.

In conjunction with the appointment of the working committee, the Minister for Social Affairs and Housing appointed a consultation group of representatives from over thirty associations and public bodies. The consultative group had the role of assisting the working committee and ensuring broad involvement and collaboration of interested parties in the task. Members of the consultation group were, in addition to the Minister's representative, representatives from the Icelandic Confederation of Labour (Alþýðusamband Íslands), Save the Children Iceland (Barnaheill), the Association of Academics (Bandalag háskólamanna), Confederation of State and Municipal Employees (Bandalag starfsmanna ríkis og bæja), the Association of Senior Citizens (Félag eldri borgara), the Association of Single Parents (Félag einstæðra foreldra), Association for Parent Equality (Félag um foreldrajafnrétti), the Icelandic Mental Health Alliance (Geðhjálp), the Homes Association (Hagsmunasamtök heimilanna), Home and School (Heimili og skóli), the School of Health Sciences at the University of Iceland (heilbrigðisvísindasvið Háskóla Íslands), the National Olympic and Sports Association of Iceland (Íþrótta- og Ólympíusamband Íslands), the Icelandic Teachers' Union (Kennarasamband Íslands), Safe Shelter (Samtök um kvennaathvarf), the National Federation of Senior Citizens (Landssamband eldri borgara), the Icelandic Youth Council (Landssamband æskulýðsfélaga), the Human Rights Office of Iceland (Mannréttindaskrifstofa Íslands), the Consumers' Association (Neytendasamtökin), the ICE-CCFR (Rannsóknarstofnun í barna- og fjölskylduvernd), the Icelandic Red Cross (Rauði krossinn á Íslandi), the Reykjavík Human Rights Office (mannréttindaskrifstofa Reykjavíkurborgar), the Confederation of Icelandic Employers (Samtök atvinnulífsins), Women of Multicultural Ethnicity Network in Iceland (Samtök kvenna af erlendum uppruna), the National Queer Association (Samtökin 78), Sjónarhóll Counselling Centre (Sjónarhóll), the Reception Centre for Victims of Rape and Sexual Abuse (Stígamót), Unicef Iceland (Unicef á Íslandi), the Welfare Watch (velferðarvaktin), the National Association of Intellectual Disabilities (Landssamtökin Þroskahjálp), the Youth Venue (Æskulýðsvettvangurinn), and the Association of Disabled People in Iceland (Öryrkjabandalag Íslands).

In February 2015, the working committee submitted to the Minister for Social Affairs and Housing a draft proposal for a parliamentary resolution on family policies, with particular focus on children and families with children, to 2021. The draft was subsequently published on the website of the Ministry of Welfare for comments. A review was made of the comments that were submitted and account taken, insofar as possible, of the suggestions made. The Minister of Social Affairs and Housing is expected to submit the proposed parliamentary resolution during the 2016 spring session of the Alþingi.

Consultation with associations representing families at municipality level

In some cases, associations representing families have representatives on official committees at municipality level. For instance, representatives of the parents of children in primary schools and parents of children in elementary schools are observing representatives on the Committee of Education and Youth of Reykjavík. Similarly, representatives of the parents of children in elementary schools and children in primary schools are observational representatives on the Educational Committee of Hafnarfjörður.

The Welfare Watch
The Welfare Watch continued its work during the period in question. The Watch was established in early 2009, on the initiative of the authorities, to systematically monitor the social and financial consequences that the economic collapse had on households in Iceland. The Watch is an independent analytical and advisory entity that submits proposals to the authorities on actions to be taken for the benefit of households and follows-up on such proposals. Associations, members of the employment sector, ministries, public bodies and the municipalities are involved in the operation of the Welfare Watch. A more detailed discussion of the individual tasks of the Welfare Watch during the period in question will be provided in the discussion of Article 17.

The Children's Ombudsman
The role of the Children's Ombudsman is defined in Act No 83/1994 on the Children's Ombudsman (lög um umboðsmann barna), as amended. The principal role of the Children's Ombudsman is to improve the lot of children as well as to safeguard their interests, needs and rights. For the purposes of the Act, 'children' means individuals under the age of 18 years.

The Children's Ombudsman is expected to draw attention to the rights and interests of children in general, both in the public arena as well as among private entities. The Ombudsman is under obligation to ensure that account is taken of the interests of children when laws are enacted and decisions made, and in general planning in society. The involvement of the Children's Ombudsman is not limited to children's rights or child protection issues. The Ombudsman can make suggestions or submit proposals for improvements touching on the interests of children at all social levels, such as schooling, construction and planning, health, and insurance. The issues sent in to the Children's Ombudsman, therefore, can touch on anything under the sun, given that their client base is extremely large and diverse, i.e. children and adolescents from birth to the age of 18. The involvement of the Children's Ombudsman is not limited to children's rights or child protection issues. The Ombudsman can make suggestions or submit proposals for improvements that touch on the interests of children at all social levels, such as schooling, construction and planning, health, insurance, etc. The issues sent in to the Children's Ombudsman can, therefore, touch on anything under the sun, given that his client base is extremely large and diverse, i.e. children and adolescents from birth to the age of 18.

Legal protection
Equality of rights and responsibilities between spouses
Reference is made to previous reports.

Amendments were made to Act No 31/1993 on Marriage (hjúskaparlög), as amended, and Act No 76/2003 on Children (barnalög), as amended. In addition a new Act, Act No. 84/2011 on Restraining and Exclusion Orders (lög um nálgunarbann og brottvísun), came into effect, replacing the older Act No 122/2008.

Amendments to the Act on Marriage
A fundamental change was made to the Act on Marriage with the enactment of Act No 65/2010 amending the Act on Marriage and Other Acts of Law and the repeal of the Act on Registered Cohabitation (single marriage act) (lög um breytingu á hjúskaparlögum og fleiri lögum og um brottfall laga um staðfesta samvist (ein hjúskaparlög)), which came into force on 27 June 2010. The change was to eradicate the difference inherent in different legislation applying to the

marriage of a man to a woman, on the one hand, and the registered cohabitation of two individuals of the same gender, on the other, so that there is now a single Act on Marriage that applies to everyone. The Act allowed persons of the same gender to marry in the same manner as individuals of opposite genders. The object of the Act was to underline the equal status of homosexual and heterosexual family life and to ensure homosexuals equal right to choose the cohabitation form available to others.

Amendments to the Act on Children

Act No 65/2010 amending the Act on Marriage and Other Acts of Law and the repeal of the Act on Registered Cohabitation (one marriage act), which came into force on 27 June 2010, also amended Act No 76/2003 on Children, as amended. The principal change involved the changed term used for the wife or female partner of a mother who undergoes assisted conception. The legislative bill that became Act No 65/2010 proposed that a woman who has given consent for her wife or female partner to undergo assisted conception treatment under the Assisted Conception Act shall be regarded as the *parent* of the child conceived in this way. This approach was used in Sweden when Sweden incorporated into its legal order the right of homosexual women to undergo assisted conception. Importance is placed on the fact that the term 'parent' generally covers the legal relationship that the terms 'mother' and 'father' involve, and there is not considered to be any doubt, therefore, as regards the legal position of the woman or the child.

Act No 61/2012 amending the Act on Children (custody and right of access) (forsjá og umgengni), which came into force on 1 January 2013, made several changes relating to custody issues and right of access. The basis of the amendments can be traced to a committee established by the Minister for Justice and Ecclesiastical Affairs to review the rules of the Act on Children as regards the custody of children, their domicile and rights of access, with a view to determining whether these rules adequately ensured the interests that the Act was specifically intended to safeguard, and whether the provisions took sufficient account of the diverse circumstances of families and the development and changes in attitudes that have occurred in society. The committee was specifically under the obligation to examine whether or not there was reason to amend Icelandic legislation and grant judges authorisation to decide that parents should have joint custody of a child even if one of the parents do not agree to such arrangement. According to previous laws, either parent could, at any time, demand the cancellation of the shared custody which led to the custody being granted to one of the parents. The committee was also expected to decide, should the Act on Children be amended in the above manner, what disputes between parents judges were to be able to resolve by means of a ruling when custody was shared and the parents could not reach an agreement. Disputes relating to with which parent the child should live were kept in mind here, both in connection with custody issues and in other respects. In addition, the committee was tasked with reaching a conclusion on whether other disputed issues should be covered by the powers of judges and/or district commissioners.

The following amendments entered into force on 1 January 2013 according to Act No 61/2012:

<u>Division of responsibilities between parents who have shared custody and do not live together</u>

New rules on the substance of shared custody may be found in the first paragraph of Article 28a. This states: When parents exercise joint custody of a child, they shall make all major decisions regarding the child jointly. If the parents do not live together, the parent with whom the child is domiciled shall have the authority to make important decisions regarding the child's daily life,

for example regarding where the child is to be domiciled within Iceland, the choice of preschool, junior school and day care, normal and necessary health services, and regular leisure-time activities. Parents who exercise joint custody shall nevertheless attempt at all times to consult each other before final decisions are made on these matters concerning the child.

Custody of step-parents and cohabiting parents

The rule that step-parents and cohabiting parents are automatically granted custody together with the genetic parent of a child, when the genetic parent has sole custody, was abolished. Instead, a rule is established in Article 29a to the effect that a step-parent/cohabiting parent and a genetic parent with sole custody may negotiate for the shared custody of the child.

Agreement on the domicile of a child

The amendment made to Article 32 of the Act on Children is that any agreement between parents who have joint custody on where the domicile of the child is to be is only valid if a district commissioner has confirmed the agreement. After the entry into force of the Act, therefore, parents who wish to transfer the domicile of the child from one parent to another, are under the obligation to apply to the district commissioner to have the agreement confirmed instead of notifying the National Registry (Þjóðskrá) about the change.

Notification obligation of parents on the transfer of domicile

When one parent has the right of access to a child according to an agreement, ruling, judgment or court settlement, both parents shall be obliged to inform each other with at least six weeks' notice if they intend to transfer their domicile and/or that of the child, either within Iceland or abroad. This rule is stated in Article 51 of the Act on Children. The notification obligation applies to both parents, irrespective of the manner in which custody is arranged.

Disputes on the child's travel out of the country

If parents who exercise joint custody of a child are not in agreement on a proposed journey out of the country with the child, the district commissioner shall, according to Article 51a, at the request of either party, make a ruling on the right to make a journey out of the country with the child.

The right to information about children

The rules of Article 52 of the Act on Children have been changed somewhat and the rights of the non-custodial parent to information about a child have been increased. The Article now states that a non-custodial parent is entitled to access to written information about the child from schools and preschools.

Disputes concerning custody and domicile

Article 34 of the Act on Children has been amended so that it is possible to refer the dispute to the courts to resolve with which parent the domicile of the child shall be. In addition, it is now possible to request that the court rule that the parents are to have joint custody.

Views that must be taken into account when resolving custody disputes have now been adopted into law

Article 47 states that account must be taken of the child's bond with both parents, the child's age, stability in the life of the child, the parent's places of residence and the wishes of the child, taking account of its age and level of maturity. In addition, an assessment must be made of the risk of

the child, a parent or other persons in the child's home having been exposed, or being in the future exposed, to violence or harsh treatment, and shall give particular consideration to whether disputes or the pattern of communication between the parents are likely to prevent, obstruct or reduce the likelihood of the child growing up under conditions that are conducive to its development.

Substance and decision on access

Access has now been defined in a wider sense than before in Article 46 of the Act on Children and states that access means time spent together and other forms of communication. In addition, rules have been adopted into law in Article 46, which states that the parent exercising the right of access may make any necessary decisions regarding the child's daily life entailed in such access. The parent with whom the child lives shall ensure that the parent exercising the right of access receives all information necessary to ensure that contact will serve the child's best interests and needs. According to Article 47, it is now permitted, under special circumstances, to rule that the right of access is 7 days out of every 14 days. In addition, the district commissioner may, according to Article 47a, make an interim ruling to be effective temporarily or until a dispute has finally been resolved. The district commissioner may also, at the request of either party, rule that the child may not be taken out of the country while the custody dispute is being resolved.

Access to other persons

Rules on such access have been amended and are now provided for in Article 46a. These apply if a parent is deceased, or if a parent is unable to discharge his or her obligations regarding contact with the child, or if a parent has only very limited right of access to the child. In such cases, the child shall have the right of access to close relatives of that parent, or to other persons closely associated with the child, providing this is considered to be of benefit to the child.

Conciliation proceedings

Considerable changes were made as regards procedures before district commissioners. One of the main improvements was that parents are under the obligation to seek settlement before they can request a ruling or refer certain aspects to the courts. See further below.

Mediation services

Counselling provided by district commissioners

According to Article 33 of the Act on Children, district commissioners can now offer the parties to certain disputes counselling by an expert in children's issues, i.e. a professional with the necessary knowledge of children's needs and the position of parents. The objective of expert counselling is to provide the parties with guidelines that will help them to assess what solution is best for the child. Although the district commissioner is under the obligation to offer parents expert counselling, they are not under the obligation to accept such counselling. The objective of the counselling is to help parents resolve their differences. Given the nature of the issue, parents cannot be coerced into reconciling their differences. It should be equally clear that parents who accept counselling and try to reach a settlement have to accept that the child will consulted about the matter. When dealing with non-traditional family types, it may be necessary for the person responsible for the reconciliation process to seek specialist knowledge if such person considers that he does not have the requisite knowledge of the case or that the magistrate appoint a person with such knowledge as a counsellor. The same may apply if the parties concerned, the parents or a child, are severely handicapped, mentally or physically, or in other special cases.

Obligatory conciliation proceedings
Article 33a of the Act on Children now states that before requesting a ruling or instituting a court action on custody, domicile, access, *per diem* fines, or enforcement measures, parents shall be obliged to attempt to reach an agreement. The district commissioner shall offer the parties to such cases mediation services. The parties may also seek the assistance of other persons with expert knowledge of mediation. The aim of the mediation is to help parents reach an agreement on the solution to the issue that is in the best interests of the child. Article 33 of the Act on Children provides for mediation in custody, right of access and *per diem* fines cases. At present, the district commissioner is not under the obligation to offer counselling services to children who have reached the age of 12. The counselling provider may speak with the child in question if they consider that this will be in the child's best interests and with the approval of the parents. Whether or not the counsellor speaks with the child while the case is under their consideration depends on the nature of the dispute and the circumstances of the case in other respects. It was not considered right to provide for any particular age in the provision as it was considered more appropriate to make an assessment in each case whether there was reason to speak with the child.

Opinions
In cases in which the district commissioner is involved on the basis of the Act on Children, the district commissioner may, at any stage of a case, seek the assistance of an expert on children's affairs. At the same time as this rule was established in Article 74 of the Act on Children, the district commissioner's authorisation to seek the assistance of the child welfare committee in a case was revoked.

Domestic violence against women
Comment by the European Committee of Social Rights
Conclusions XIX-4 2011 (Iceland), p. 6.

According to another source, the Committee for the Elimination of Discrimination against Women (CEDAW) has expressed concern about the lack of detailed information on the use and effectiveness of protection orders in cases of domestic violence and sexual abuse and the inadequacy of efforts to raise awareness about this, particularly among the judiciary and the police. The Committee therefore asks what measures are being taken to raise the awareness of the judiciary and the police about the use of such protection orders.

Act No 85/2011 on Restraining and Exclusion Orders, with subsequent amendments
On 30 June 2011, a new Act on Restraining and Exclusion Orders (lög um nálgunarbann og brottvísun af heimili), No 85/2011, came into force and replaced the earlier Act No 122/2008 on Exclusion Orders (lög um nálgunarbann). The comments to the legislative bill that became the Act state that the objective of the enactment is to strengthen the legal position of the victim even further, particularly that of domestic violence victims. The new Act includes a fundamental change, giving police the power to impose exclusion decisions and eject the accused from homes in cases of domestic violence, following 'the Austrian Model'. The aim of these changes is to make these resources more effective and more efficient so victims do not have to wait for up to three days for a court judgment as the older legislation required them to do. The provision gives victims greater protection, since police are able to arrest the offender at the very beginning of the case and hold them for up to 24 hours or until a formal decision has been made on an exclusion

order and the ejection of the offender from the home. The process of these cases is now more efficient and increases protection for those who are victims of offences and seek police assistance. In the view of the police, the conduct and procedures of these cases are easier since the relevant decision-making has been transferred to the police from the outset, meaning a much shorter procedure than under the previous Act.

The 'Keeping the window open' project: cooperation between the police and social services on domestic violence

Keeping the window open is a pilot project of the Suðurnes police district and the social services of the region of Suðurnes on domestic violence, which has been awarded a prize for innovation in public administration. It is a cross-sectorial cooperation project aimed at improving the first response of police and the quality of investigations, in order to prevent repeated offences and provide better support for victims and perpetrators, as well as to make better use of the available measures such as restraining and expulsion orders. The project was launched in February 2013 because it was considered that too few domestic violence cases came up for examination in the justice system, not enough investigations were brought to completion, and very few perpetrators were convicted. Police concluded that this was due to a lack of support for victims and perpetrators. All changes made to the working methods of the participants in the project were made within the framework of domestic law and involved no additional funding or staff, but was done rather by enhancing cooperation and changing working methods and attitudes. The methods of the project have been successfully implemented in the Greater Reykjavik area and various other areas around the country.

When receiving a call concerning a suspicion of domestic violence, the police always request additional assistance from social services in order to establish contact and provide victims with necessary assistance. With this approach, victims are more likely to consider leaving the violent relationship and the perpetrators receive information on available measures such as therapy. As part of the project, a brochure in three languages entitled *Is domestic violence a part of your life?* was distributed to every household in the region in 2013 – a joint initiative by the Ministry of Welfare and local authorities. The brochure discusses the different types of violence and provides information on where to seek help. It was managed by the Suðurnes Watch, which operates under the auspices of the Ministry of Welfare's Welfare Watch.

In March 2015, the National Commissioner of the Icelandic Police issued new rules on procedure for cases of domestic violence, and at the same time the *B-SAFER* danger assessment tool for domestic violence was adopted. The rules are in accordance with the Restraining and Exclusion Orders Act, No 85/2011, which gives police the power to impose exclusion orders to effectively remove the perpetrator from the home immediately, and to issue restraining orders in order to protect victims from further violence or threats. The aim is to make these resources more effective and to provide better support and protection for victims. The new procedure rules also took particular account of the experimental *Keeping the window open* project.

To further this development, the Minister of Social Affairs and Housing appointed the Cooperative team on Domestic Violence in 2013, which is meant to enhance and encourage cross-sectorial cooperation throughout the country and to ensure that all actions undertaken by the relevant parties are coherent and in accordance with existing guidelines and policies. The team consists of representatives of the Ministry of Welfare, the Home Affairs Ministry, the

Centre for Gender Equality, the Women's Refuge, the Association of Local Authorities, the police and the Child Protection Agency. The team is further intended to enter into collaborative agreements on certain services and to oversee the execution of experimental projects. It is also intended to establish permanent collaboration between social services, child welfare authorities, health services, the Centre for Gender Equality, the police and NGOs. In recent years, the team has held courses all over the country teaching and promoting the working methods of the *Keeping the window open* project. The courses have been made available to all professionals who might come in contact with domestic violence, such as the police, social services, healthcare professionals, child protection workers and teachers.

In November 2013, Akranes adopted the procedure from Suðurnes in which the municipal social services and the local police work together. More municipalities have subsequently joined the group and adopted the procedure.

The Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention)

Iceland was, in March 2011, one of the first countries to sign the Council of Europe's Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention). In the autumn of that year, the Ministry of the Interior had an examination conducted of the contents of the Convention and the steps needed to adapt Icelandic legislation (statutes, regulations, implementation and procedures, etc.) so as to be able to ratify the Convention and be confident that the provisions would be compatible with Icelandic law. The Committee on Procedural Law was then commissioned with examining the amendments needed to Iceland's Penal Code in order to ratify the Convention. It is also necessary to ensure appropriate training and retraining for certain professions and to promote a change in approach in society towards that on which the Convention is based.

On 18 March 2016, a bill of law concerning the ratification of proposed amendments to Iceland's penal legislation to include a special provision on domestic violence in the General Penal Code was approved by the Parliament.

Plan of action on domestic and sexual violence and a collaborative committee dealing with domestic violence

In 2006, the government at the time approved Iceland's first *Plan of Action on Domestic and Sexual Violence*, covering the period 2006-11. The plan was divided into two parts – one addressing adults and the other, children. In 2010, preparations began on a new Action Plan on Domestic Violence; on 30 June that year, the Minister for Social Affairs and Social Insurance appointed a committee to prepare a new plan for the period 2012-26. The committee's letter of appointment stated that it was to give particular attention to the connection between gender-based violent offences, the prosecution thereof, and the handling thereof in the justice system. The committee was also entrusted with formulating a position on implementing the Council of Europe's Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) and redefining projects in the light of the Convention. The committee decided to examine the findings of studies produced on the basis of the first Action Plan, and also to focus on where the main weaknesses could be identified in the justice system. The work was delayed due to difficulties in getting the committee together and because they were

waiting for work to finish on the preparation of the aforementioned Council of Europe Convention. In addition, the conclusions of certain projects within the earlier Action Plan had yet to be presented. The committee submitted its report in June 2012. The Action Plan was not submitted to the government as on closer inspection it was felt to be too extensive and costly. In the end, the Plan was laid aside.

A new government was elected in 2013. It announced that a comprehensive review would be conducted of the handling of violent offences, and that the handling of violent offences against women would form part of that review. In December 2014, the Minister for Social Affairs and Housing, the Minister of the Interior and the Minister of Education, Culture and Science signed a joint declaration on collaboration to combat violence in Icelandic society and the damaging consequences it involves. A steering Committee has conducted a nationwide consultation with professionals and NGOs, which will serve as the basis for the preparation of a four-year plan of action against violence in Icelandic society for the period 2016-20.

Proposed parliamentary resolution on a family policy to 2021 with particular focus on children and families with children

Reference is made to the discussion above on the working committee that was appointed in 2013 and tasked with formulating a family policy in cooperation with a consultative group consisting of representatives from more than 30 associations and public bodies. In the framing of the family policy, the focus included ensuring protection against violence in close relationships. The working committee submitted a draft with proposals for a parliamentary resolution on a family policy to 2021, with particular focus on children and families with children, to the Minister for Social Affairs and Housing in February 2015. The draft was subsequently published on the website of the Ministry of Welfare for comments. A review was made of the comments that were submitted and account taken, insofar as possible, of the suggestions made. The Minister of Social Affairs and Housing is expected to submit the proposed parliamentary resolution during the 2016 spring session of the Alþingi.

The draft parliamentary resolution advises an action plan for a family policy with the focus on children and families with children to 2021 and provides for actions relating to domestic violence. In order to strengthen parental ability, it proposes a plan on the manner in which training on parenting and preparations for family life should be arranged. It states that training must be ensured for all parents and that its content must be aimed at their various needs. In addition, it must also be ensured that parents have access to education on abuse of alcohol and other intoxicants, violence and negligence.

The action plan also states that in order to minimise risk factors in the lives of children, there should be increased education on the risk factors in the lives of children for people working with children. In this context, it is proposed that plans are prepared for the training of professionals and others who work with children and it states that education on risk factors, such as alcohol and intoxicant abuse diseases, violence and negligence etc. must be a part of the training of professionals who work with children. Of particular importance is education on the obligation to notify. An examination should be made of whether to increase scanning for these risk factors.

The action plan, moreover, provides for increased education for children, including on violence and negligence, for the purposes of preventing any form of violence against children. The plan calls for the preparation of an education schedule that takes account of the developmental level and age of children and, among other things, ensuring that all children are well informed about the emergency number 112. For preventative purposes, increased importance will be placed on education on violence in the national curricula for preschools, compulsory schools and upper secondary schools. This will make it possible to increase children's awareness and knowledge of e.g. violence and negligence and encourage them to speak about their knowledge or experience.

In order to minimise the harm caused to children by domestic violence, the action plan assumes the preparation of a national plan aimed at improving procedures in the event of domestic violence. It must be ensured that a representative from child welfare services accompany the police to homes in call-outs for domestic violence where there are children. As a general rule of procedure, children should remain in their homes and the perpetrator should be removed. A follow-up plan should always be prepared in cases in which children witness domestic violence or are the victims of violence.

The Karlar til ábyrgðar ('Peace at Home') project
Reference is made to the previous report and information concerning the certified treatment programme for perpetrators of domestic violence all over the country previously entitled 'Men taking responsibility'. From the time the project was revived in May 2006 until the end of 2010, 108 individuals had attended one or more therapy sessions. From January to August 2010, 25 new individuals came for therapy sessions, in addition to which thirteen continued with their therapy sessions begun the previous year. During this period, twelve women attended sessions in the capacity of spouses/partners. In 2011, 32 new individuals attended sessions and nineteen continued with treatment begun the previous year. Twenty spouses attended therapy sessions in 2011. In 2012, 37 new individuals attended sessions and eighteen continued with treatment begun the previous year. 27 spouses attended therapy sessions in 2012. In 2013, 53 new individuals attended sessions and 25 continued with treatment begun the previous year. Thirty attended therapy sessions in 2013. There was a significant increase in the number of cases in 2013 (43.2%). This increase can be traced to a considerable extent to the efforts of the police and social services authorities in Suðurnes. There were over 700 interviews conducted in 2015 and the Ministry of Welfare has recently entered into a new contract with the responsible parties for services to be provided in 2016. The project was originally entitled *Men taking responsibility* but has been renamed *Peace at Home* since the services have been made available to women as well.

In December 2011, a treatment option run by *Peace at Home* in Akureyri was established and is intended to service North Iceland. A local psychiatrist has received training and guidance and the project is well underway. Introductory trips were embarked on in 2012 and the following places were visited: Reykjanesbær, Egilsstaðir, Ísafjörður and Vestmannaeyjar. Key entities in each area were invited to a meeting where the activities of *Peace at Home* were introduced and an offer for treatment for perpetrators outside the Greater Reykjavík area was presented, by means of, among other things, interviews over a webcam link. During these trips, parties within the social services in the area have received training in order to be able to conduct interviews with spouses, as all the spouses of those who participate in the treatment are invited to one interview. The plan is to continue with such introductions and collaboration with local authorities outside the Greater Reykjavík area and Akureyri.

In 2013, the decision was made to carry out a performance assessment of the project. An agreement was reached with ICE-CCFR (Centre for Children and Family Research). The Centre presented the results of its assessment in mid-2014. The results were presented in the report *Performance Assessment of the Treatment Option Peace at Home.* The main results show that the project has been very successful and a telephone survey among men who had taken advantage of the treatment option showed that they were generally satisfied with it. Men who had participated in group therapy were more likely to be very satisfied or rather satisfied with the treatment than those who had undergone individual treatment. When asked what had changed by attending interviews at *Peace at Home*, almost all were of the opinion that they found it easier to remain calm in challenging situations. A large majority felt themselves to be better parents than before, show their spouse more understanding, and that they found it easier to get along with other people after beginning the interview treatment. When asked about changes in communications, this revealed that a large majority (93%) were of the opinion that relations with their spouse or girlfriend had improved since beginning treatment. When the men were asked about their use of violence over the past three months before beginning treatment at *Peace at Home* and over the past three months, this revealed that violent episodes had decreased significantly after treatment began.

The Women´s Refuge (Kvennaathvarfið)
Reference is made to the previous report but the statistics have been updated.

Table 29. Admissions and interviews at the *Women´s Refuge* 2010-2013.

	2010	**2011**	**2012**	**2013**
Total admissions	864	671	739	708
Interviews*	746	546	626	583
Stay periods	118	107	113	125
Number of women without children	79	62	56	61
Number of women with children	39	45	57	64
Number of children	54	67	87	97

Source: Women´s Refuge´s Annual Report for the year 2013.
*Interviews during stay not included.

The number of admissions in 2010 was a record (864). Many women were admitted more than once, either for interviews or periods spent in the refuge; this figure represents 107 women who sought admission to stay there during 2010, including 54% who had not previously applied to the refuge. The number of women staying at the refuge was the same in 2009 as in 2010. The number of children staying at the shelter declined between 2009 and 2010 from 60 to 54. The average length of time spent by individuals at the shelter in 2010 was 15 days. On average, women with children stayed for longer period than those without children did, and women of foreign origin stayed longer then Icelandic women did. The average number of days that children spent at the shelter was 23 days. On average, there were four women and four children at the refuge every day during 2010. The number of interviews taken during that year was 746, which was a record. On average, each woman that registered at the centre attended two interviews during the year.

107 arrivals were registered at the shelter in 2011 and 564 follow-up interviews were taken, making a total of 671 for the year; only twice before in the shelter's history had so many interviews been taken. Many of these represent multiple arrivals by the same women; overall, 299 women sought assistance at the shelter during the year. The arrivals of women had than decreased between years. The number of women staying at the shelter decreased from 118 in 2010 to 107 in 2011. The number of children staying at the shelter increased, on the other hand, from 54 in 2010 to 67 in 2011. In 2011 the women spent an average of 15 days at the refuge. The average time that children spent at the shelter was 23 days. On average there were eight individuals staying at the shelter each day, four women and four children.

The Centre for Sexual Abuse Victims (Stígamót)
Stígamót is a counselling and information centre for those who have been subjected to sexual abuse. Stígamót accepts both men and women. Relatives and loved ones, moreover, are welcome to seek advice and support. The service involves counselling interviews and the operation of self-help groups. All Stígamót services are free of charge to those seeking the assistance of the Centre. In addition to the services provided to victims, the Centre is heavily engaged in educational operations.

In 2010, 526 people sought the assistance of Stígamót, of which 251 individuals were seeking assistance for themselves for the first time.

In 2011, 593 people sought the assistance of Stígamót, of which 278 individuals were seeking assistance for themselves for the first time.

In 2012, 664 people sought the assistance of Stígamót. Of these, 264 individuals were seeking assistance for themselves for the first time.

In 2013, 706 people sought the assistance of Stígamót. Of these, 323 individuals were seeking assistance for themselves for the first time. It should be noted that 2013 was unique due to the exposure of an extremely large sexual abuse case at the beginning of the year.

From the very beginning, significantly more women than men have turned to Stígamót for help, although the proportion of men has increased and was 18% in 2013.

Table 30. Persons received by *Stígamót* for the first time by gender.

	2010		**2011**		**2012**		**2013**	
	Number	**Prop.**	**Number**	**Prop.**	**Number**	**Prop.**	**Number**	**Prop.**
Women	226	90%	246	89%	241	91%	265	82%
Men	24	10%	32	12%	23	9%	58	18%

Source: The Centre for Abuse Victims (Stígamót) Annual Report for the years 2010, 2011, 2012 and 2013.

In September 2011, Stígamót established Kristínarhús, a shelter for women who have been the victims of trafficking, have been prostitutes, or have been subjected to sexual abuse and want to get out of such conditions. 2012 was the first whole operating year of Kristínarhús. The shelter

was discontinued at the very end of 2013. The operation was more expensive than anticipated in the beginning and the matters involved, more complicated. In addition, the assistance of volunteers had been anticipated but this proved impossible and, in the opinion of Stígamót, it was considered untenable to operate such a service with volunteer work. The working group came to the conclusion that the service to the women could be made much more targeted by means of teamwork efforts for each woman and that it was not preferable or necessary to house them all in the same location.

The Emergency Reception Unit for Victims of Rape and Sexual Abuse (Neyðarmóttaka fyrir þolendur kynferðisofbeldis)
An Emergency Reception Unit for Victims of Rape and Sexual Abuse is in operation in the Casualty Department of the National Hospital (*Landspítalinn*) in Reykjavík and at the Akureyri Hospital. The services of nurses, doctors and psychologists are available at these units, and a team of lawyers also provides legal advice to victims and assists them in their dealings with the police and the courts.

In 2010, 117 individuals sought the assistance of these emergency units; in 2011 the figure was 118, 139 in 2012 and 142 in 2013.

The following table presents the number and age of persons admitted to the Emergency Reception Unit for Victims of Rape and Sexual Abuse in 1993-2013.

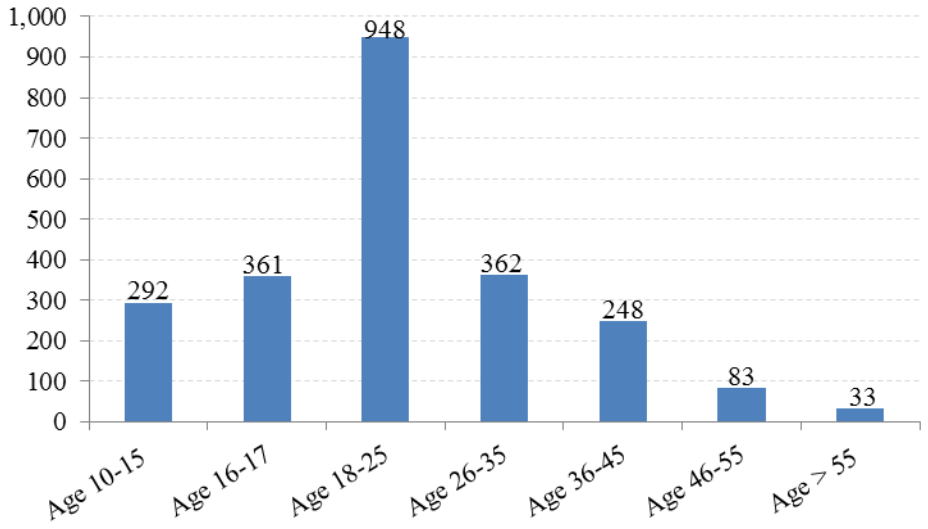
Table 31. Age of rape victims admitted to the Emergency Reception Unit in 1993-2013.

Year	10-15 years	16-17 years	18-25 years	26-35 years	36-45 years	46-55 years	> 55 years	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**
2010	9	14	61	19	11	3	0	**117**
2011	6	15	63	18	11	2	3	**118**
2012	13	25	62	22	9	5	3	**139**
2013	10	13	73	25	10	8	3	**142**

Number in age group	**292**	**361**	**948**	**362**	**248**	**83**	**33**	**2,329**

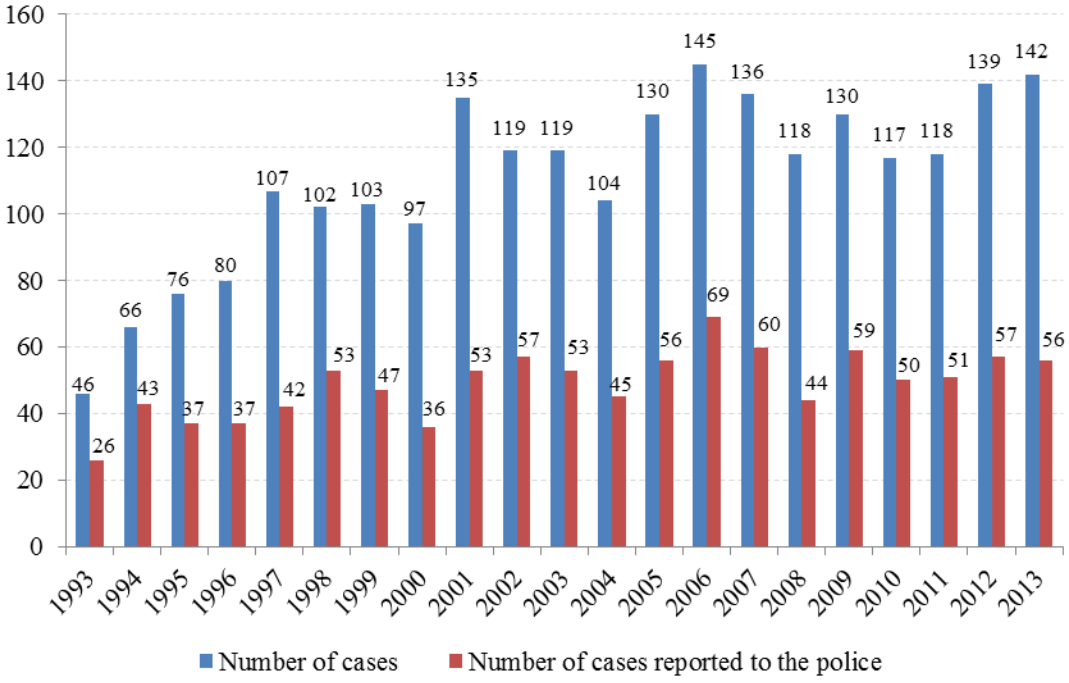
The table below shows the age distribution of those who sought the assistance of the emergency unit in 1993-2013.

Table 32. Age distribution of those who sought the assistance of the emergency unit in 1993-2013.



The table below shows the number of cases in which the emergency unit has been involved and where a complaint has been lodged with the police by year during the period 1993-2013.

Table 33. Number of cases in which the emergency unit has been involved and where a complaint has been lodged with the police.



Economic protection of families

Family benefits

The personal allowance of 2010-2013.

The personal allowance was ISK 530,460 per person per year in 2010; ISK 530,460 in 2011; ISK 558,276 in 2012 and ISK 581,820 in 2013. 100% of the personal allowance has been transferable between spouses since 2003.

The income tax rate in 2013 was 37.32% of income 0 – 241,475 kr., 40.22% of income ISK 241,476 – 739,509 and 46.22% of income over ISK 739,509. The tax-free income ceiling was ISK 129,917 per month for a single person.

The income tax rate in 2012 was 37.34% of income 0 – 230,000 kr., 40.24% of income ISK 230,001 – 704,367 and 46.24% of income over ISK 704,367. The tax-free income ceiling was ISK 129,810 per month for a single person.

The income tax rate in 2011 was 37.31% of income 0 – 209,400 kr., 40.21% of income ISK 209,401 – 680,550 and 46.21% of income over ISK 680,550. The tax-free income ceiling was ISK 123,417 per month for a single person.

In 2010 the tax rate was 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.

The tax-free income ceiling for the years 2010-2013 per month for cohabiting couples if the secondary 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.

Child benefits
Reference is made to the previous report.

Persons who have unlimited tax liability in Iceland, and who support children younger than 18 at the end of an income year, are entitled to child benefits. Persons who have unlimited tax liability in Iceland are persons residing/living in Iceland and those who stay in Iceland for more than a total of 183 days in every twelve-month period. A single parent is paid full child benefits for a child supported by that parent. A single parent means a parent whose child lives with him/her and who is solely responsible for supporting the child. Anyone who pays child support with a child is not considered its provider in this context.

Child benefits were income-linked in 2011 and determined according to tax returns. When calculating child benefits, capital gains are included in the income base, as are payments from international bodies that are not taxed. Income from overseas has an impact on child-benefit calculations in the same manner as income in Iceland.

2010
The amount varies depending on whether the custodial parent is single or not. The benefit is partly linked to income. In 2010 for the income year 2009 all parents received ISK 61,191 per year for children younger than seven years of age, irrespective of income. For the income year 2009, the maximum child benefit for single parents was ISK 253,716 for the first child and ISK 260,262 for each child after the first. The 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 were reduced if their annual income exceeded ISK 3,600,000; the corresponding reference amount for a single parent was ISK 1,800,000. The reduction was 2% for one child, 5% for two children and 7% for three or more children.

2011
The amount varies depending on whether the custodial parent is single or not. The benefit is partly linked to income. In 2011 for the income year 2010 all parents received ISK 61,191 per year for children younger than seven years of age, irrespective of income. For the income year 2010, the maximum child benefit for single parents was ISK 253,716 for the first child and ISK 260,262 for each child after the first. The 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 were reduced if their annual income exceeded ISK 3,600,000; the corresponding reference amount for a single parent was ISK 1,800,000. The reduction was 2% for one child, 5% for two children and 7% for three or more children.

2012

The amount varies depending on whether the custodial parent is single or not. The benefit is partly linked to income. In 2012 for the income year 2011 all parents received ISK 61,191 per year for children younger than seven years of age, irrespective of income. For the income year 2011, the maximum child benefit for single parents was ISK 253,716 for the first child and ISK 260,262 for each child after the first. The 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 were reduced if their annual income exceeded ISK 3,600,000; the corresponding reference amount for a single parent was ISK 1,800,000. The reduction was 2% for one child, 5% for two children and 7% for three or more children.

2013

The amount varies depending on whether the custodial parent is single or not. The benefit is partly linked to income. In 2013 for the income year 2012 all parents received ISK 100,000 per year for children younger than seven years of age, irrespective of income. For the income year 2012, the maximum child benefit for single parents was ISK 279,087 for the first child and ISK 286,288 for each child after the first. The maximum child benefit for couples was ISK 167,564 for the first child and ISK 199,455 for each child after the first. Child benefits to married couples were reduced if their annual income exceeded ISK 4,800,000; the corresponding reference amount for a single parent was ISK 2,400,000. The reduction was 3% for one child, 5% for two children and 7% for three or more children.

Maternity/paternity leave

Reference is made to the previous report.

In the wake of the difficulties in the central government's finances in autumn 2008, it became clear that the expenses of the Maternity/Paternity Leave Fund (Fæðingarorlofssjóður) would have to be reduced. As a result, the maximum payments from the Maternity/Paternity Leave Fund have been lowered three times in recent years. As of 1 January 2009, the maximum payment from the Maternity/Paternity Leave Fund was reduced from ISK 535,700 to ISK 400,000 per month. Due to even further restraint measures in central government finances, 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.

In the continued efforts to reduce the expenses of the Maternity/Paternity Leave Fund owing to difficulties in the central government finances in the wake of the economic collapse in 2008, the maximum payments from the Maternity/Paternity Leave Fund were reduced even further as of 1 January 2010 when the maximum payment was reduced to ISK 300,000 per month. At the same time, the ratio of wages over ISK 200,000 was decreased from 80% to 75%. Thus parents with ISK 386,000 or less in monthly income on average over a specified reference period, were entitled to 80% of the average total wages, amounting to ISK 200,000, and 75% of the amount of the average total wages that was in excess of that amount. On implementing this change, efforts were being made to protect the rights of those with the lowest incomes. This change applied to the parents of the children who were born, adopted or taken into permanent foster care, on 1 January 2010 or later.

Despite the fact that the measures to reduce the expenses of the Fund were considered necessary, the authorities were aware that the restraint measures employed could contravene the aims of the Act No 95/2000 on Maternity/Paternity Leave and Parental Leave (lög um um fæðingar- og foreldraorlof). This would particularly apply to the maximum payments from the Maternity/Paternity Leave Fund if the maximum were to be determined very low with respect to the income of parents in the Icelandic labour market. As a result, it was considered vital to begin the restoration of the maternity/paternity leave system so that the system would be at least in the same position as the system that was in place before 2009, seeing that, on the amendment of the Act in 2008, the emphasis was always on the fact that these were temporary measures that would be re-examined as soon as central government finances permitted. It was clear, however, that the system would only fully return to its former position in stages.

Under Act No 143/2012 amending Act No 95/2000 on Maternity/Paternity Leave and Parental Leave, as amended, which came into force on 1 January 2013, the changes from 2010 were reversed by stating that parents on parental leave would receive 80% of their average total wages during a certain reference period, as was the case previously, having taken into account the provision on maximum payments from the Maternity/Paternity Leave Fund. In addition, it was assumed that the maximum payment pursuant to the Act would be ISK 350,000 instead of ISK 300,000 and that this amount would be increased over the next two years until it reached a comparable amount to that in effect in 2009. This meant that payments to parents with a monthly wage amounting to ISK 437,500, or less, on average would be 80% of the average total wages during a specific reference period. In addition, the importance of parents being able to spend as much time with their young children at home was stressed. With the Act from 2012, therefore, the period for maternity/paternity leave and grants was lengthened from nine to twelve months in stages so that the extension would come into full effect in 2016.

Other changes that the Act in question included was that the period for taking maternity/paternity leave or maternity/paternity grants was shortened and lapses when a child reaches the age of 24 months or 24 months after the adoption of a child or the acceptance of a child for permanent foster care, instead of at 36 months as was previously the case. In addition, changes were made to the lengthening of the joint right of parents for maternity/paternity leave or grants due to the child's illness or disability. The parents' joint right may be extended by up to seven months in the case of a child's serious illness or serious disability which requires more intensive parental attention and care, irrespective of the child's length of stay in hospital. The requirement that the child stay in hospital for more than seven days in direct continuation of the birth in order to be entitled to an extension of the maternity/paternity leave according to the earlier provision no longer applies. The reason for this is that there have been changes to how long women stay in hospital after giving birth. Women commonly used to stay in hospital with their new-born babies for up to seven days after the birth. In recent years, however, the norm has been that new mothers go home with their children within twenty-four hours of the birth if everything seems in order with the mother and the baby. It is often the case that serious disabilities or illnesses, such as heart defects, are not detected at birth, but may appear during the first few days after the birth and are not diagnosed until after they have left the hospital for the first time after the birth. It was considered important, therefore, to amend the Act so that it was no longer a requirement for newly born children to remain for up to seven days in hospital before granting an extension to the maternity/paternity leave or grant, given that this did not accord with the aforesaid practice.

On the preparation of the 2014 Government Budget, it became clear that it would not be possible to extend the maternity/paternity leave as planned due to difficult circumstances in central government finances. The budget addendum (bandormur) of the Minister for Finance and Economy, submitted at the 143rd legislative session in conjunction with the draft budget for 2014, proposed that the extension of the maternity/paternity leave be withdrawn. Thus it was assumed that the maternity/paternity leave would continue to be nine months instead of twelve as it would otherwise have become. It was considered important, however, to ensure that there would be as little disruption as possible to the wage income of the parents on maternity/paternity leave, and that measures would be continued to restore the maternity/paternity leave system by increasing maximum payments even further and thereby partly reverse the earlier curtailments. It was proposed, moreover, in the addendum in question, that the maximum payment from the Maternity/Paternity Leave Fund be increased from ISK 350,000 to ISK 370,000 to the parents of children born, adopted or accepted for permanent foster care in 2014 or later. The focus, therefore, has been on raising maximum payments within the scope allowed by central government finances at each juncture, so that they become comparable to the payments as they were in 2009. In addition, importance has been placed on realising the goal of extending the length of the maternity/paternity leave to twelve months as soon as central government finances allow.

2010

Table 34. Payments from the Maternity/Paternity Leave Fund in 2010 (ISK)

Monthly payments from the Maternity/Paternity Leave Fund to a parent on full maternity/paternity leave is 80% of the average wage up to ISK 200,000 and 75% of the average wage in excess of that amount for a certain period for children born in 2010, but never higher than:	**300,000**
The monthly payment during maternity/paternity leave of a parent in 25-49% employment is never lower than:	**82,184**
The monthly payment during maternity/paternity leave of a parent in 50-100% employment is never lower than:	**113,902**

Table 35. Payment of maternity/paternity grants in 2010 (ISK)

Monthly maternity/paternity grant to a parent who is not active in the labour market or in less than 25% employment is:	**49,702**
Monthly maternity/paternity grant to a parent in a full-time educational programme (75-100%) is:	**113,902**

2011

Table 36. Payments from the Maternity/Paternity Leave Fund in 2011 (ISK)

Monthly payments from the Maternity/Paternity Leave Fund to a parent on full maternity/paternity leave is 80% of the average wage up to ISK 200,000 and 75% of the average wage in excess of that amount for a certain period for children born in 2010 or later, but never higher than:	**300,000**
The monthly payment during maternity/paternity leave of a parent in 25-49% employment in the period between 1 January-31 May is never lower than:	**82,184**
The monthly payment during maternity/paternity leave of a parent in 25-49% employment in the period between 1 June-31 December is never lower than:	**88,841**
The monthly payment during maternity/paternity leave of a parent in 50-100% employment in the period between 1 January-31 May is never lower than:	**113,902**
The monthly payment during maternity/paternity leave of a parent in 50-100% employment in the period between 1 June-31 December is never lower than:	**123,128**

Table 37. Payment of maternity/paternity grants in 2011 (ISK)

Maternity/paternity grants to a parent who is not active in the labour market or in less than 25% employment during the period 1 January-31 May is:	**49,702**
Maternity/paternity grants to a parent who is not active in the labour market or in less than 25% employment during the period 1 June-31 December is:	**53,728**
Monthly maternity/paternity grant to a parent in a full-time educational programme (75-100%) during the period 1 January-31 May is:	**113,902**
Monthly maternity/paternity grant to a parent in a **full-time educational programme (75-100%)** during the period 1 June-31 December is:	**123,128**

2012

Table 38. Payments from the Maternity/Paternity Leave Fund in 2012 (ISK)

Monthly payments from the Maternity/Paternity Leave Fund to a parent on full maternity/paternity leave is 80% of the average wage up to ISK 200,000 and 75% of the average wage in excess of that amount for a certain period for children born in 2010 or later, but never higher than:	**300,000**
The monthly payment during maternity/paternity leave of a parent in 25-49% employment is never lower than:	**91,950**
The monthly payment during maternity/paternity leave of a parent in 50-100% employment is never lower than:	**127,437**

Table 39. Payment of maternity/paternity grants in 2012 (ISK)

Monthly maternity/paternity grant to a parent who is not active in the labour market or in less than 25% employment is:	**55,608**
Monthly maternity/paternity grant to a parent in a full-time educational programme (75-100%) is:	**127,437**

2013

Table 40. Payments from the Maternity/Paternity Leave Fund in 2013 (ISK)

Monthly payments from the Maternity/Paternity Leave Fund to a parent on full maternity/paternity leave is 80% of the average wage or calculated payment for a certain period for children born in 2013 or later, but never higher than:	**350,000**
The monthly payment during maternity/paternity leave of a parent in 25-49% employment is never lower than:	**94,938**
The monthly payment during maternity/paternity leave of a parent in 50-100% employment is never lower than:	**131,578**

Table 41. Payment of maternity/paternity grants in 2013 (ISK)

Monthly maternity/paternity grant to a parent who is not active in the labour market or in less than 25% employment is:	**57,415**
Monthly maternity/paternity grant to a parent in a full-time educational programme (75-100%) is:	**131,578**

As of the year 2000, and in accordance with the aims of the Act on Maternity/Paternity and Parental Leave, the focus has been on ensuring that both parents have the same opportunities to attend to their families and their work outside the home. Experience has shown that one of the key factors in reconciling family and working life is the equal rights of parents to maternity/paternity leave. In addition, it is considered no less important to ensure children have the opportunity of spending time with both their parents. In order to achieve this goal, fathers were ensured an independent right to a three-month paternity leave instead of the two weeks they had previously and it was considered particularly important that the independent right of the father could not be assigned over to the mother. Such paternal rights were almost unheard of in other maternity/paternity leave systems and is still considered an important progressive step toward the increased gender equality.

Various studies and surveys have been carried out on the anticipated effects of the Act on Maternity/Paternity Leave and Parental Leave since it came into force in 2001, although no comprehensive study has yet been carried out on the impact of the system. Nevertheless, it is important to monitor the statistical information from the Maternity/Paternity Leave Fund since although there have been changes to the taking of maternity/paternity leave in the wake of the economic downturn, it is clear that the vast majority of new mothers and fathers in the Icelandic labour market continue to take maternity/paternity leave. In addition, the recent study carried out by Guðný Eydal, Ingólfur V. Gíslason and Ásdís Arnalds (2013) showed that the share of fathers in the care of children has increased significantly since the Act's entry into force, a fact that must be considered a positive effect of the Act.

Table 42 below shows the data on maternity/paternity leave taken by men and women in the period 2010-13. 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 decreasing from 2010-13. 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 lower number of days of paternity leave up until 2013 and, correspondingly, mothers took more days of maternity leave.

Table 42. Data on maternity/paternity leave taken by men and women in the period 2010-2013.

	2010	2011	2012	2013
Applications from men[1]	83.7%	80.5%	79.7%	74.3%
Av. number of days taken by men[2]	91.8	87.6	82.6	77.9
Av. number of days taken by women[3]	179.1	179.3	179.3	180.5
No. of men taking more than basic entitlement[4]	675	528	482	424
Proportion of men taking more than basic entitlement	16.7%	14.9%	13.7%	13.7%
No. of women taking more than basic entitlement[5]	4,417	4,061	4,084	3.849
Proportion of women taking more than basic entitlement	91.6%	92.2%	92.6%	92.5%
No. of men taking less than basic entitlement	1,128	1,237	1,423	1,340
Proportion of men taking less than basic entitlement	28%	34.9%	40.5%	43.4%
No. of women taking less than basic entitlement	43	48	56	49
Proportion of women taking less than basic entitlement	0.9%	1.1%	1.3%	1.2%
Men taking leave as a continuous period[6]	36.6%	34.1%	37.9%	48.3%
Women taking leave as a continuous period	52.1%	49.1%	46.9%	48.1%
Men taking leave in disjunct period	63.4%	65.9%	62.1%	51.7%
Women taking leave in disjunct period	47.9%	50.9%	53.1%	51.9%

Source: Maternity/Paternity Leave Fund.

Child pension.

Child pension (*barnalífeyrir*) is paid for children under 18 years of age whose parents are either deceased or are receiving invalidity pension, provided that the child itself or either of its parents has been a 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 per child (unless doubled) per month amounted to ISK 21,657 in 2010; ISK 21,657 in 1 January – 31 May 2011; ISK 23,411 from 1 June – 31 December 2011; ISK 24,230 in 2012 and ISK 25,175 in 2013.

A total of 5,931 providers received child pension in 2010, 5,888 in 2011, 5,992 in 2012 and 6,083 in 2013. Child pension was paid for 9,129 children in 2010; 9,067 in 2011; 9,214 in 2012 and 9,379 in 2013.

[1] i.e. applications by men as a proportion of those by women
[2] Based only on those who received payments from Maternity/Paternity Leave Fund, not those who received grants.
[3] Based only on those who received payments from Maternity/Paternity Leave Fund, not those who received grants.
[4] i.e. the proportion of men taking more than their separate entitlement.
[5] Three months.
[6] Leave can be divided into various periods, or else taken as a continuous period.

Social assistance
A range of legal acts provide for various social assistance measures.

Death allowance
Persons domiciled in Iceland and widowed before reaching the age of 67 may be entitled to an allowance for six months following the death of their spouse. On 1 January 2013, this allowance amounted to ISK 37,498 per month (36,090 in 2012; 32,257 in 2011 and 32,257 in 2010). If the recipient maintained a child under eighteen years of age or in other special circumstances, he or she was entitled to an allowance for a further period of 12-48 months, at the rate of ISK 28,090 per month (27,036 in 2012; 24,165 in 2011 and 24,165 in 2010). A total of 141 persons received death allowances in 2013 (144 in 2012; 164 in 2011 and 165 in 2010).

Child educational allowance
The Social Insurance Administration may pay child educational allowance to any young person aged 18-20 who is domiciled in Iceland and engaged in studies or vocational training, if either or both parents are deceased or receiving old age or invalidity pension, cf. Article 3 of the Social Assistance Act, No. 99/2007, as amended. Child educational allowance amounted to ISK 25,175 per month in 2013. It is a precondition that the studies or vocational training take place for at least six months each year.

A total of 438 children received an educational allowance in 2010, 453 in 2011, 492 in 2012 and 509 in 2013. The cost of the child educational allowance was ISK 161 million in 2010, ISK 149 million in 2011, ISK 158 million in 2012 and ISK 179 million in 2013.

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 Social Insurance Administration if the illness or disability (mental or physical) entails appreciable expenditure or calls for special supervision or care. The full allowance amounted to ISK 117,176 per month in 2010; from 1 January to 31 May 2011, ISK 117,176; from 1 June to 31 December 2011, ISK 126,667; in 2012, ISK 131,100; and in 2013, ISK 136,213.

Allowance for parents of chronically ill or severely disabled children
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 owing to a very serious and chronic illness or disability are entitled to monthly financial assistance under Act No. 22/2006 on Payments to Parents of Chronically Ill or Severely Disabled Children, as amended. The monthly basic payments to parents in 2013 were ISK 171,108. In addition, the parent was entitled to monthly child benefit payments amounting to ISK 25,175 for each child under the age of eighteen for whom the parent was obliged to provide. If the parent was single and provided for two or more children under the age of eighteen, the parent was entitled to special child support payments amounting to ISK 7,288 per month for two children and ISK 18,948 per month for three children.

Single parent's allowance

Single parent's allowance may be paid to single parents who support their children under the age of eighteen and reside in Iceland. The Minister issues regulations containing further provisions on the payment of single parent's allowance. In the regulations, the payment of single parent's allowance may also be made subject to the condition that a ruling on the payment of child maintenance has been issued or that a confirmed agreement has been reached on the payment of child support.

The single parent's allowance in 2010 was ISK 6,269 per month for two children and ISK 16,300 per month for three or more children; from 1 January to 31 May 2011, ISK 6,269 per month for two children and ISK 16,300 per month for three or more children; from 1 June to 31 December 2011, ISK 6,777 per month for two children and ISK 17,620 per month for three or more children; in 2012, ISK 7,014 per month for two children and ISK 18,237 per month for three or more children; and in 2013 ISK 7,288 per month for two children and ISK 18,948 per month for three or more children.

Comment by the European Committee of Social Rights
Conclusions XIX-4 2011 (Iceland), p. 7.

The Committee notes that according to the report, single-parent allowance is paid to persons residing in Iceland for at least three years prior to the application. The Committee asks for information to be provided in the next report on the legislation establishing this length-of-residence requirement so that it can assess whether equal treatment is guaranteed for nationals of other States parties to the 1961 Charter and the Charter with regard to the award of family benefits.

The last report incorrectly stated that it is a precondition for payment of single parent allowance that the person must have been domiciled in Iceland for at least three years before applying for the allowance.

Act No. 99/2007 on Social Assistance, as amended, provides for the payment of single parent's allowance. The Act was initially No. 118/1993, but was reissued as Act No. 99/2007 and entered into force on 30 May 2007. According to the second paragraph of Article 1 of this Act, social assistance benefits, such as the single parent's allowance, are paid only to persons who are legally domiciled in Iceland, cf. Article 1 of the Legal Domicile Act (lög um lögheimili), and when other conditions set in the Act, and in regulations issued thereunder, are met. It should be noted that the provisions of the earlier Act on Social Assistance were materially identical to the above provision and did not, therefore, state that it was a precondition for the payment of single parent's allowance that the person in question had resided in Iceland for at least three years before applying for the allowance. In this respect, the only condition set was that the person must be domiciled in Iceland, as is the case in the currently effective Act on Social Assistance.

According to the first paragraph of Article 1 of Act No. 21/1990 on Legal Domicile, as amended, a person's legal domicile is the place in which they have their fixed residence. The second paragraph of Article 1 states that a person is considered to have their fixed residence in the location where they have their base of operations, where they usually spend their free time, keep their household goods and use for sleeping when not away due to holiday, work trips, illness or other comparable circumstances.

In addition, the third paragraph states that time spent in guesthouses, prisons, work shelters, hospitals, shelters, school dormitories, fishermen's huts, work camps or other housing that can be regarded as comparable, does not constitute fixed residency. The same applies to vacation cottage areas and industrial zones, business facilities and harbour areas and other urban areas that have been defined as being for commercial operations only, unless residency is permitted by law or administrative directives. Finally, the fourth paragraph of Article 1 states that notwithstanding the provisions of the third paragraph, the temporary registration of domicile in staff accommodations is permitted.

In this context, it should be noted that according to the first paragraph of Article 2 of the Act on Legal Domicile, anyone staying or intending to stay in Iceland for six months or more must be domiciled in accordance with the provisions of the Act. Persons who stay or intend to stay in Iceland for the purpose of employment or education for three months or more may, however, be domiciled in Iceland.
In addition, the second paragraph of Article 2 of the Act states that the foreign national employees of embassies in Iceland and members of the US military, cf. Act No. 110/1951 on the Legal Validity of the Defence Agreement between Iceland and the United States, as amended, are not domiciled in Iceland. The same applies to the families of these persons living in Iceland and are not Icelandic citizens.

Article 2 of the Act on Social Assistance provides further for the single parent's allowance. The first paragraph states that single parent's allowance may be paid to single parents who support their children under the age of eighteen and are resident in Iceland. The Minister shall issue regulations containing further provisions on the payment of single parent's allowance.

Regulation No. 907/2007 on Single Parents' Allowance (reglugerð um mæðra- og feðralaun), as amended, states, in the same manner as in the Act, that the Social Insurance Administration (Tryggingastofnun ríkisins) may, upon receiving an application thereto, pay single parent's allowance to those having legal domicile in Iceland.

Thus the single parent's allowance is not dependent on the person being domiciled in Iceland for at least three years before applying for the allowance. We offer our apologies for the incorrect statement thereto in our previous report.

<u>Child maintenance paid by non-custodial parents</u>
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 Social Insurance Administration . The Institute is authorised to back-pay child maintenance for a retroactive period of up to twelve months. 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 eighteen may also receive a special educational maintenance allowance up until the age of twenty. Child maintenance for one child was ISK 21,657 per month in 2010; ISK 21,657 from 1 January to 31 May 2011; ISK 23,411 from 1 June to 31 December 2011; ISK 24,230 in 2012; and ISK 25,175 in 2013.

Article 17
The right of mothers and children to social and economic protection

Legal status of the child

The Children's Act, No. 76/2003, as amended

Reference is made in this report to the information on amendments to the Children's Act, No. 76/2003, as amended, as part of the discussion on implementation of Article 16 of the European Social Charter.

Act No. 80/2002 on Child Protection, as amended

Amendments were made to Act No. 80/2002 on Child Protection, as amended, during the period, by means of Act No. 80/2011. The amendments came into force on 29 June 2011 and were prepared by a working group appointed by the Minister for Social Affairs and Social Security on 8 July 2008. The working group was asked to evaluate the experience gained from the Child Protection Act and to submit proposals for amendments, insofar as deemed necessary. The group was specifically asked to review the provisions of the Act relating to the out-of-home placement of children, i.e. the provisions on the placement of children in foster care or placement in homes or institutions, and the implementation thereof. In addition, the working group was expected to discuss what needed to be changed in the execution of child protection work without legal amendments.

The changes are for the most part amendments that have the goal of further clarifying the provisions or honing their meaning and to enact the interpretations of the provisions since the Act's entry into force. There are also a number of new provisions. The most extensive are new provisions relating to the changed division of responsibilities between the state and local authorities in developing measures for children in cases where it is considered in their best interests to be placed outside their homes.

The main updates and changes to the Child Protection Act are as follows:

<u>The Child Protection Appeals Board</u>

Clearer limits were set as to what child protection committee decisions may be referred to the Child Protection Appeals Board (now the Welfare Appeals Committee). Since the Act entered into force, questions have arisen as regards referral authorisations and involvement in appeal cases making it important that rules in this respect are as clear as possible. The method used was to further clarify Article 1 of the Act, as well as to provide clearer direction on the authorisation to appeal decisions in individual provisions of the Act. In addition, the provisions of Article 51, on procedure in child protection before the Child Protection Appeals Board (now the Welfare Appeals Committee), were amended.

<u>Jurisdiction of child protection committees</u>

Amendments were made to Article 15 of the Act. The innovation introduced regards the sphere of authority granted to child protection committees in the cases of children who are not domiciled in Iceland and children who come to Iceland or are in Iceland without their guardians and are granted asylum or a temporary residence permit in Iceland. The Article provides guidance on which child protection committee is to administer the case, be responsible for the care or

guardianship of the child and bear responsibility for the expenses incurred. In addition, the provisions on the transfer of cases between child protection committee jurisdictions were clarified and greater emphasis placed on collaboration and continuity.

Obligation to notify

Changes were made to the provisions of the Act concerning the obligation to notify. First, changes were made to the presentation of the general obligation contained in the first paragraph of Article 16 of the Act and the wording thereof. Thus, the first paragraph of Article 16 states that all persons shall be obliged to notify a child protection committee if they have reason to believe that a child is living in unacceptable circumstances of upbringing, is exposed to violence or other degrading treatment, or is living in conditions seriously endangering their health and maturity. In addition, the provisions of Article 16 were amended for the purpose of further clarifying the obligation to notify as regards pregnant women and to include instances in which a pregnant woman is subjected to violence. Thus, the second paragraph of Article 16 states that all persons are obliged to notify a child protection committee if there is reason to believe that the health or life of an unborn child is being endangered by the unacceptable or dangerous lifestyle of an expectant mother, e.g. in the form of alcohol abuse or the consumption of drugs, or when an expectant mother is exposed to violence, or if there is reason to suspect that an expectant mother is exposed to violence, or if any incidents arise which may be regarded as falling within the child protection committee's concerns. Amendments, moreover, were made to the provisions of Articles 17 and 18 of the Act on the duty of notification by those who deal with children and the notification duty of the police by referring to Article 16 of the Act as regards the description of the circumstances there mentioned as regards children. Finally, amendments were made to partly limit the police's obligation to notify violations committed by children. The aim of these amendments was to make the duty to notify clearer and to ensure that notifications would be more targeted than previously. Thus, the first paragraph of Article 18 of the Act states that if the police become aware that a child is in circumstances of the type described in Article 16, they shall notify a child protection committee. When there is a suspicion that a child has committed, or has been the victim of, an offence under the General Penal Code or under the Act, or an offence under another act that may entail a punishment of more than two years' imprisonment, the police shall, as soon as it receives such a case for handling, notify a child protection committee and give it the opportunity to follow the investigation of the case. The child protection committee shall notify the parents of the child in such cases, unless the interests of the child makes this inadvisable.

Collaboration among child protection committees

Amendments were made to Articles 23 and 26 of the Act, regarding cooperation between child protection committees and those who work with children. The changes provide clearer direction on the obligation to assess the need for cooperation and ways to establish such cooperation in a clearer manner than previously. In addition, the innovation of allowing child protection committees to decide by ruling to provide the parties listed in the second paragraph of Article 17 with information on the wellbeing of the child and the processing of a case if considered necessary for benefit of the child was adopted into law. By doing so, an effort was made to ensure the possibility of more active collaboration than at present with the interests of the child taking precedence.

Legal position of children

The amending Act adopted into law various new provisions for the purpose of clarifying and improving the legal position of children. The amendments to Article 25 of the Act placed more stringent duties on the child protection committee responsible for the permanent placing of a child to assess their need for further measures after reaching legal age and, moreover, the right of an adolescent to refer to the Welfare Appeals Committee any refusal to extend the arrangement regarding foster care or placement outside the home after they reach the age of eighteen. In addition, the age limits specified in Article 46 of the Act as regards the rights of a child in proceedings before a child protection committee, were rescinded, as the goal was to increase the child's right to participate. The provision currently states that a child shall be given the opportunity to express their views in cases affecting them, in accordance with the child's age and maturity, and the child's views shall be fairly taken into account in the resolution of the case. In addition, an important innovation was adopted into law in Article 70 to better secure the rights of children in foster care. The article states that the child protection committee shall at all times be responsible for making decisions on contact with the child after a parent relinquishes the right to give care or exercise custody or has been deprived of the right to give care or exercise custody of a child under the provisions of the Act. The provision is linked to new provisions in Article 67a and Article 67b of the Act on the legal status of parents and involves i.a. the innovation that the child protection committee is to take a decision as regards contact if one of the parents is deprived of custody according to Article 29 and the other parent is awarded custody. Changes were also made to the provisions of Article 82 for the purpose of clarifying the provisions of the rights of the child and the use of coercive measures. Finally, a new section, Section XV A, on monitoring and assessment of the quality of remedial measures and the placement of children outside the home, was adopted into law to further secure the legal position and legal rights of children.

Selection of parties who undertake the care of a child

The amendments to Article 33 of the Act clearly establish that the child protection committee's selection of the party that undertakes custody of a child placed outside the home according to Article 25 and Articles 27-29 of the Act is not an appealable decision, except in the unique case specifically provided for in Article 67b of the Act. Prior to the amendment of the Act, it was not clear to what extent and with respect to whom the administrative decision was directed when a child protection committee selected somebody to take care of a child. This change places more emphasis on the fact that nobody is entitled to care for a child, but rather that the child is entitled to the best possible care-giver. Child protection committees are under obligation to make their selection from among persons who have been granted a special permit. At its core, foster placement is not a decision on the rights and obligations of certain entities. The core reason for the amendment was the need for rules on decision making and the legal position of all concerned parties to be as clear as possible, given that any delays and uncertainties as regards the legal position of a child during such a sensitive period would probably have a detrimental effect on the interests of the child.

Court procedures

A number of new provisions relating to court procedures were adopted into law. Article 53a clearly provides for jurisdiction whereas previously there was no such provision. Article 53b states that all cases pursuant to Section X of the Child Protection Act are to be given priority in accordance with Section XIX of the Code of Civil Procedure. It was considered right to adopt

this provision in order to coordinate court procedure and ensure processing speed. It should be noted, however, that most such cases had, as a rule, been given priority. In addition, amendments were made to Article 54 of the Act to provide more clearly for the obligation to call in expert co-judges. Amendments, moreover, were made to Article 63 of the Act to further emphasise the need for speedy proceedings in cases according to Section XI of the Child Protection Act.

Legal rights of parents with joint custody

Article 67b adopts into law an important innovation relating to the legal position of parents who have joint custody but do not live together. In cases where the parent with whom the child lives has relinquished or been deprived of the right to give care or exercise custody of a child previously led to uncertainties as regards the legal position of the parent who shared custody but did not live with the child. The Act only contained provisions on the legal position of a non-custodial parent under such circumstances. The Article differentiates between whether the case involves a temporary or permanent measure. In the event of a temporary measure, the Article states that the child protection committee may decide to entrust the other parent with the care of the child and that the parent can appeal a refusal to the Child Protection Appeals Board (now the Welfare Appeals Committee). If a parent with whom a child lives relinquishes or is deprived of the custody of a child, however, it is assumed that the other parent will assume the custody of the child thereafter. The provision is also linked to amendments to Article 70 as regards the rights of a child in foster care, the aim of which is to secure the interests of the child.

Legal position of foster parents

With Article 74a, the legal position of foster parents in decisions on contact with children in foster care was made clearer. The Article states that the foster parents of a child in permanent foster care shall be parties to cases concerning contact. Thus, the foster parents shall participate in the negotiation of agreements on contact, may request changes to terms of contact previously decided, are parties to cases in which rulings are delivered, and may appeal rulings on contact to the Child Protection Appeals Board (now the Welfare Appeals Committee). There was some uncertainty as regards the legal position of foster parents in this respect and the aim of the provision was to strengthen their legal position.

School issues of children placed in temporary foster care in a municipality other than their municipality of domicile

The amendments to Article 75 adopted into law new provisions on expenses deriving from the schooling of children placed in temporary foster care in a municipality other than that in which they are domiciled. The aim of the provision was to provide clearer direction on the duties of the municipality placing the child and the duties of the municipality receiving the child.

Responsibility for costs pertaining to children placed outside their home

In Articles 75, 87 and 88, new provisions were adopted into law on the determination and division of costs pertaining to a child placed outside the home. The Ministry of Welfare establishes a Regulation on the amounts to be paid according to the provisions of the Child Protection Act for children placed in foster care. In addition, municipalities pay fees equivalent to part of the cost of running a home and institutions which the State is responsible for ensuring are available under Article 79 of the Act. These changes relate to the changes in the allocation of responsibilities between the State and the local authorities, i.e. the transfer of tasks from the local

authorities to the State. The goal, moreover, was to equalise and coordinate payments, ensure greater equality, and minimise conflicts regarding the selection of measures for a particular child.

Placement of children outside the home, allocation of responsibilities between the State and local authorities, assessment and monitoring

The Act involved making changes to the allocation of responsibilities between the State and local authorities as regards responsibility for developing measures for children placed outside the home. As stated earlier, the working group was specifically asked to examine the provisions of the Child Protection Act as regards placement outside the home. Extensive changes were made to the allocation of responsibilities between State and local authorities to the effect that the State is responsible for developing all homes and institutions for children. The State, therefore, took over some of the tasks previously undertaken by the municipalities. The municipalities, however, remain responsible for certain types of placement measures.

Act on the United Nations Convention on the Rights of the Child (Children's Convention)

Alþingi approved Act No. 19/2013 on the United Nations Convention on the Rights of the Child (Children's Convention) (Lög um samning Sameinuðu þjóðanna um réttindi barnsins) on 6 March 2013 and thereby adopted the Convention into law. The Act entered into force on 13 March 2013. Alþingi had previously passed a parliamentary resolution on 16 March 2009 to empower the government to make preparations for the adoption of the Children's Convention. The explanatory notes to the draft parliamentary resolution stated i.a. that the UN Children's Convention involved a binding agreement among world nations as regards the rights of children, independent of the rights of adults. Although the signatory Member States to the Convention are under the obligation to guarantee for children the rights granted to them by the convention, such obligation can only be in accordance with national laws. Due to the dualism that forms the basis of legal interpretation in Iceland, international agreements must be adopted into law to have any direct legal effect in Iceland. Therefore, it would not have been possible to use the UN Children's Convention directly before Icelandic courts. As a result, it was important to adopt the Convention into law in the same manner as was done with the European Human Rights Convention. The importance of the Children's Convention would, therefore, be greater here in Iceland as the authorities and the courts would have to take account of the Convention when resolving cases involving children.

The Welfare Watch

The Welfare Watch, established in March 2009, continued its work during the period. It was initially intended to monitor the social and financial repercussions of the economic collapse on the country's families and households, assess the measures that have been enacted, and propose measures for improvement.

On 13 June 2007, Alþingi approved a four-year action plan to strengthen the position of children and adolescents and their families. This plan was to some extent based on the UN Children's Convention. The Welfare Watch's points of focus included investigating the position of children and adolescents in the wake of the economic collapse and increased unemployment. In addition, the committee sought information on the status of child protection, what measures were available, and where it is believed we could do better in issues concerning children.

A special group within the Welfare Watch prepared a report on basic services, where the term 'basic services' was defined. The group submitted a number of suggestions and proposals, such as what the authorities need to keep in mind during times when cut-backs and streamlining in welfare matters is unavoidable while still having to protect welfare. The Welfare Watch has also submitted reports on its specific tasks, such as the Suðurnes project discussed in Article 16.

The Welfare Watch has also had prepared various research projects and reports in order to gain knowledge about disputed issues and to deepen understanding of larger issues, including *An investigation into the scope of child protection notifications 2005-09* conducted by ICE-CCFR, the report *Women during times of recession* and the study conducted by the sociologist Kolbeinn Stefánsson into employment and home life before and after the collapse of the banks.

The Welfare Watch submitted a report in October 2010 on municipal services to children and families with children. An examination was made of municipal services according to Act No. 40/1991 on Municipalities' Social Services.

In 2011, the Welfare Watch conducted a survey on the welfare of children living in difficult circumstances and conducted a follow-up survey on the same issue in 2012. During spring 2011, questionnaires were sent to all primary schools, child protection committees and healthcare centres in Iceland, asking about the position of children living in difficult circumstances prior to the economic collapse. A follow-up study was conducted in summer 2012 for which three focus groups were called in and interviews were conducted with three individuals for the purpose of getting fuller and more in-depth responses to the questions. The aim of the survey was threefold: to obtain information on whether the children who were living under difficult circumstances before the economic collapse were in a worse situation today; to gather information as regard what the problems of this group consist of and how they manifest themselves; and to obtain proposals for remedial action to improve the circumstances of children who were at risk before the economic collapse and who are even more at risk now.

The main results of the earlier survey indicated that it is mostly children in the Greater Reykjavík area who are currently living under poorer circumstances than before the economic collapse. The circumstances of children living in the Suðurnes region had also deteriorated according to the results, while the effects appeared to be rather mild in South Iceland. The main manifestations of the problems mentioned were increased poverty, curtailed services and worsening health or conduct. Increased poverty could be seen by the fact that fewer children had school lunch subscriptions, were less likely to take part in extra-curricular sports and leisure activities, and found it difficult to participate in social activities that had to be paid for. The study revealed that the wait for measures for children at risk was long, particularly access to psychiatric and psychological services. Some pointed out that the demand for such services had increased while at the same time supply had decreased because an equal number or fewer staff were responsible for the services than was the case earlier. The survey, moreover, revealed that cutbacks in schools had affected children, as there had been increases in the number of children in each classroom and bought-in services had been reduced.

The goal of the follow-up study was to shed further light on, and deepen understanding of, the results of the survey. Qualitative research methods were used, i.e. focus groups and open interviews. When the results of the focus groups and the open interviews were compared with the

results of the survey from 2011, there was high correlation between the two. There was some difference between the two, however, but not much. As opposed to the results of the survey, in both the focus groups and the open interviews, discussions on poverty tended to lean in the direction of the individual's independence rather than towards increased benefit payments or financial assistance. The participants of the focus groups, moreover, placed great emphasis on the group of young people aged eighteen and older. Interviews with the representatives of three institutions/associations, i.e. the Association of Single Parents, the Women of Multicultural Ethnicity Network in Iceland and Icelandic Church Aid, further supported the results of the survey of 2011. The Welfare Watch reached the conclusion that a more comprehensive view was needed of the issues of children and families with children in difficult circumstances. There must be equality in access to psychological and psychiatric services. The possibility of increasing the use of paternity leave needs to be looked into. Finally, encouragement toward independence needs to be built into the system, and being employed must be more advantageous than accepting financial support or benefits.

Protection of children from ill-treatment and abuse

Reference is made in this report – as part of the discussion on implementation of Article 16 of the European Social Charter – to the following: the previous report on corporal punishment; the information on the Convention on preventing and combating violence against women and domestic violence; the review on the handling of violent offences and the preparation of a four-year plan of action against violence in Icelandic society for the period 2016-20; and the draft parliamentary resolution on a family policy up to 2021 with particular focus on children and families with children.

Children in public care

Reference is made to the information above regarding amendments made to the Child Protection Act, No. 80/2002, as amended, in 2011.

Tables 43-46 contain various statistics on children in public care:

Table 43. Number of children with foster families in 2010-2013

	2010	**2011**	**2012**	**2013**
Total	323	335	340	327
Permanent foster care	170	165	181	194
Temporary foster care	132	140	132	109
Financially supported foster care	21	30	27	24

Source: Annual report of the Government Agency for Child Protection 2012-13

Table 44. Children who went into foster care according to the annual reports of child protection committees 2010–13

Permanent foster care	**2010**	**2011**	**2012**	**2013**
Children permanently placed with relatives	1	5	6	7
Children permanently placed with non-relatives	2	7	8	8
Temporary foster care changed to permanent foster care	15	10	26	19
Total	**18**	**22**	**40**	**34**

Temporary foster care	**2010**	**2011**	**2012**	**2013**
Children temporarily placed with relatives	24	35	21	21
Children temporarily placed with non-relatives	49	51	45	41
Total	**73**	**86**	**66**	**62**

Financially supported foster care	**2010**	**2011**	**2012**	**2013**
Children placed in financially supported foster care with relatives	0	0	0	0
Children placed in financially supported foster care with non-relatives	12	20	12	9
Total	**12**	**20**	**12**	**9**

Source: Annual report of the Government Agency for Child Protection 2012-13

Table 45. Number of children in treatment 2010-13.

	2010	**2011**	**2012**	**2013**
Number of children	153	145	133	144
Total number (admissions during the year and individuals in treatment from previous year).	192	176	166	169
Multisystemic Therapy (MST)	68	87	97	103
Stuðlar	48	49	35	32
Treatment homes	76	40	34	33

Source: Annual report of the Government Agency for Child Protection 2012-13

Table 46. Number of out-of-home placements 2009-13

Municipal measures	**2010**	**2011**	**2012**	**2013**
Homes and other measures pursuant to Article 84 of the Child Protection Act	*199*	*236*	*206*	*272*
Homes	43	53	92	80
Group home/family home	40	41	12	9
Private homes (operated all year)	55	56	18	60
Other measures (e.g. temporary placement with relatives or others)	61	86	84	123
Foster homes	*103*	*128*	*118*	*105*
Total	**302**	**364**	**324**	**377**

State measures	**2010**	**2011**	**2012**	**2013**
Stuðlar,closed ward (emergency placement)	*102*	*98*	*82*	*82*
Stuðlar, diagnostic and treatment ward	*42*	*44*	*28*	*29*
Götusmiðjan	*25*	*0*	*0*	*0*
Treatment homes	*30*	*24*	*18*	*21*
Special measures	*0*	*0*	*0*	*1*
Total	**199**	**166**	**128**	**133**

	2010	**2011**	**2012**	**2013**
Number of children	*359*	*371*	*362*	*364*

Source: Annual report of the Government Agency for Child Protection 2012-13

Comment by the European Committee of Social Rights
Conclusions XIX-4 2011 (Iceland), p. 8.
The Committee asks whether there is a procedure for complaining about the care and treatment in institutions.

The *Rules on the rights of children and the use of coercion in treatment homes* came into effect in 1999 under the auspices of the Government Agency for Child Protection. In addition, the *Rules of the Government Agency for Child Protection on cooperation between treatment homes and child protection committees* came into effect in 2001. These rules related to aspects such as application procedures and conditions thereto, children's contact with those close to them, preparation of placement agreements, cost aspects, discharge procedures and the placement of children in closed wards in emergencies. Work began in 2007 on the development of an Icelandic quality standard, *Standard for the placement or foster care of children by child protection authorities.* The standards were issued in 2008 and define the manner in which work components are to be executed when placing a child or putting it in foster care and what should be avoided. They are a form of manual for child protection committees on the manner in which to place children, from preparation to execution and follow-up. Account was taken of international criteria in the development of the standards; first and foremost the 'Quality4Children Standards' and the Recommendation of the Council of Europe on the rights of children living in residential institutions approved by the Council of Ministers on 16 March 2005. Work on the Icelandic

standards was completed in August 2008 and they were then sent to all child protection committees, agencies of the child protection authorities and other entities believed to have some use of them. Supervision of the placement process was subsequently reviewed and the standards are now used in the execution of supervision in treatment homes operated by the Government Agency for Child Protection and have also been used in the monitoring of residential institutions. The revision of the standards was completed in August 2011 and the standards then reissued.

The above rules and quality standards, together with service agreements and other documentation, form the foundation for the consultation services and supervision of the Government Agency for Child Protection. The main aspects of supervision of treatment homes and Stuðlar (treatment home for adolescents) are as follows:

- assessing whether the operation of the homes fulfils established requirements;
- encouraging general improvements in treatment activities and pointing out what may be done better;
- verifying that service and placement agreements are complied with;
- verifying that quality standards are fulfilled.

On the one hand, this involves internal controls, performed by the employees of the Government Agency for Child Protection. On the other hand are external controls, which have been the responsibility of an independently operating expert – an inspector – since 2004. This part of the monitoring work was transferred to the Ministry of Welfare in 2012.

As regards, internal controls, the Government Agency for Child Protection is responsible for consultation services, education and guidelines for treatment homes. The principal goal of the consultation services of the Government Agency for Child Protection is to support professional improvements in treatment operations, increase treatment quality and secure the welfare of children. The consultation services involve internal monitoring, a part of which involves an employee of the Government Agency for Child Protection making three visits a year to each treatment home, as well as being in regular contact with the homes by means of e-mails and telephone calls. Thus the operations of the homes are examined, the progress of the children is evaluated, discussions are had with treatment entities about internal activities, school and human resources issues, the admissions and discharges of children, etc. There are also discussions with the children and they undergo an attitude survey where they are given the opportunity to express themselves about how they feel, evaluate their progress and say what they feel could be improved in the home. A report is prepared on the results after each visit. The website of the Government Agency for Child Protection,www.bvs.is, contains a summary of attitude surveys conducted among children in treatment homes in 2002-10. There were 611 attitude surveys, conducted among 287 children.

With respect to external controls, the Ministry, according to Article 89 of the Child Protection Act, is responsible for monitoring that measures for which the State is responsible meet the requirements established in laws, regulations, standards and service agreements, as applicable. For this purpose, the Ministry appoints an independent expert to visit homes and institutions according to Article 79 of the Child Protection Act at least once a year. The expert must specifically seek to provide the children with the opportunity to express themselves about the

facilities and how they feel in accordance with their age and maturity and the aim of the placement.

Rules of procedure, coercion and communications channels for complaints
The Government Agency for Child Protection regularly updates the handbook for the employees of treatment homes. The content of the handbook has in part been created in recent years in good cooperation between the Government Agency for Child Protection and the staff of treatment homes, Stuðlar, child protection committees, the Child and Adolescent Psychiatric Department of the Landspítali University Hospital (barna- og unglingageðdeild LSH (BUGL)) and the Directorate of Health (Landlæknisembættið). The material has then been gradually presented to the treatment homes. All the material contained in the handbook was reviewed in August 2008, collected together and presented to all treatment home employees. The handbook is intended as a guideline for the employees of treatment homes operated under the auspices of the Government Agency for Child Protection in accordance with Article 79 of the Child Protection Act. The handbook is firstly intended as guidance for professional working practices in treatment homes. Secondly, it is intended to facilitate employee access to written documentation and forms that relate to their day-to-day work. Thirdly, it is intended to increase employee safety, which in turn increases the safety of the children placed for treatment in the homes. Fourthly, it can be used to train new employees. Directors are expected to keep up to date with the handbook and are to be responsible for ensuring that work is carried out in accordance with the book. Regular changes to its contents and additions are to be expected. Included in the handbook are rules on the rights of children and the use of coercion in treatment homes under the auspices of the Government Agency for Child Protection, as well as material relating to the organisation of the child protection system. It contains various instructions on individual work components, instructions on preventative measures, on preferred and recognised working practices as they relate to e.g. responses to the consumption of intoxicants, violence, escape, suicidal conduct and accusations of sexual violence and harassment. Its annexes contain forms, the Child Protection Act, rules of procedures, the Recommendation of the Council of Europe on the rights of children living in residential institutions from 2005, and the standards on the out-of-home placement or foster care of children from 2008 referred to in the text of the handbook. The annexes also contain a list of all child protection committees in Iceland and checklist of the documentation that the treatment homes are expected to submit. All this documentation can be accessed on the website of the Government Agency for Child Protection, www.bvs.is, as can the handbook in its entirety. Earlier, reference was made to quality standards on the out-of-home placement of children and the supervision of the placement process. These are always taken into account when evaluating the quality of the treatment work.

The website of the Government Agency for Child Protection contains rules on the handling of complaints of children placed in Stuðlar and other treatment homes together with a complaints form. Each child placed in a treatment home is given a folder containing these rules, complaints form, rules on the rights of children and the use of coercion, information on the treatment home in question and the child protection committee responsible for the child's case. Rules of procedure on the use of coercion apply in circumstances where employees need to stop the conduct of a child who is using violence against another person, poses a rirk to him/herself or others, disrupts treatment or threatens the safety of other children. In such cases, employees fill in a form describing the event and the child is given the opportunity to sign the form. The form is to be sent to the Government Agency for Child Protection, which reviews the form and adds its

comments if it considers that the correct rules on the rights of the child have not been followed. If the child does not sign the form, the child is to be offered the opportunity to send a written complaint to the Government Agency for Child Protection.

The Government Agency for Child Protection accepts complaints relating to treatment homes and processes them in accordance with rules and standards. Complaints submitted to the Agency usually arrive in the wake of an event where a child has been coerced in some manner or was dissatisfied with relations with an employee. The Government Agency for Child Protection's processing of complaints is directed toward correcting alleged mistakes and preventing them from being repeated. The goal is to improve the work carried out in treatment homes and to seek to settle the dispute between the parties involved. The Agency, therefore, needs to collect information from the parties familiar with the circumstances that led to the complaint as well as collaborating with the child protection committee to which the child belongs. In 2013, there were seven complaints submitted by children in treatment homes and in Stuðlar. Four of these complaints related to rules on the rights of children in treatment homes. In 2012, there were six complaints submitted by children in treatment homes and in Stuðlar. Four of these complaints related to rules on the rights of children in treatment homes.

Complaints to the Child Protection Appeals Board (now the Welfare Appeals Committee)
According to Article 6 of the Child Protection Act, the rulings and administrative decisions of child protection committees and the Government Agency for Child Protection may be appealed, as further provided for in the Act, to the Child Protection Appeals Board (now the Welfare Appeals Committee).

According to Article 82 of the Act, children and their parents can appeal a decision on restriction of rights and coercive measures to the Child Protection Appeals Board (now the Welfare Appeals Committee).

Administrative complaint on the basis of the general complaint authorisation of Article 26 of the Administrative Procedures Act
Act No. 37/1993 on Administrative Procedures, as amended, applies to the administration of the State and municipalities, when the authorities, including administrative committees, decide on individuals' rights or obligations. Article 26 of the Act contains the general complaint authorisation of the Administrative Procedures Act. The Article indicates that a party to a case shall have the right to complain to a higher authority about an administrative decision in order to have it revoked or changed, unless otherwise provided for by law or former practice.

The management and monitoring authorisations of Ministers
Section IV of Act No. 115/2011 on the Government Offices of Iceland, as amended, provides for the management and monitoring authorisations of the Minister. According to Article 12 of the Act, the Minister bears the ultimate responsibility for the authorities responsible for the execution of State matters subject to their control, unless it is provided that an authority is to be independent of the Minister. Supervision by the Minister involves, among other things, the Minister's authority to issue an authority general and specific instructions on the performance of its tasks, provided that neither laws nor the nature of any given case argue against it. The Minister may give a non-binding opinion which may be material as guidance for management execution in his field, provided that neither laws nor the nature of any given case imply that they may not do so.

In this context, it should be noted that according to the fourth paragraph of Article 5 of the Child Protection Act, the Ministry of Welfare is responsible for monitoring the activities of the Government Agency for Child Protection. It states, moreover, that the Ministry may require information to be produced on individual cases on the basis of complaints or other information.

Complaints to the Alþingi Ombudsman

According to Act No. 85/1997 on the Alþingi Ombudsman, as amended, Alþingi elects an Alþingi Ombudsman for a term of four years. The role of the Alþingi Ombudsman is to monitor, on behalf of Alþingi and in such a manner as is further stated in this Act, the administration of State and local authorities, and to safeguard the rights of the citizens vis-à-vis the authorities. The Ombudsman shall ensure that the principle of equality is upheld in public administration and that such administration is otherwise conducted in conformity with the law, good administrative practice and code of conduct established, on the basis of the Act on the Government Offices of Iceland and the Act on the Rights and Obligations of Government Employees.

The Ombudsman may take up a case following a complaint, as provided for in Article 4 of the Act. Any person who feels unjustly treated by any of those indicated in the first and second paragraph of Article 3 of the Act, can complain to the Ombudsman.

The Ombudsman may, on his own initiative, decide to take up a matter for investigation. They may, similarly, subject the activities and procedures of an authority to a general examination.

Article 7 of the Act provides for the investigation of a case and states that the Ombudsman may demand from the authorities such information and written explanations as he may require for his official purposes, including reports, documents, minutes, and all other items with a bearing on the case. The Ombudsman may summon officials of State and local administration for hearings on matters within the Ombudsman's jurisdiction, as well as to give oral information and explanations regarding individual cases. The Ombudsman shall have free access to all premises of the authorities in order to carry out investigations for his work. In this, the Ombudsman shall be given all necessary assistance by the officials concerned. The Ombudsman cannot demand to have information which concerns State security, or on such foreign affairs as are to be kept secret, except with the permission of the relevant minister. The Ombudsman may cause a person to be summoned before a district judge to give evidence on particulars which the Ombudsman deems to be significant. Such hearings shall be conducted pursuant to procedural law on criminal cases as applicable. Hearings may, if so decided, be held in camera. The Ombudsman is at liberty to engage the help of specialists when called for and to secure such specialised data as he needs.

Article 10 of the Act provides for the conclusion of a case and states that if, at the very outset, the Ombudsman feels that a complaint does not provide sufficient grounds for a closer investigation or that it does not fulfil the conditions of this Act as to admission, they shall notify the complainant accordingly. This is the end of the matter as far as the Ombudsman is concerned. Once allowed by the Ombudsman, a case may be concluded by him as follows:

a. The Ombudsman may dismiss it on receipt of a clarification or explanation from a public authority.
b. The Ombudsman may issue an Opinion as to whether action by a public authority

conflicts with the law or is otherwise contrary to good administrative practice or rules of conduct established on the basis of the Act on the Government Offices of Iceland and the Act on the Rights and Obligations of Government Employees. Where action by a public authority becomes the subject of reproach or criticism by the Ombudsman, the latter may at the same time address to such authority a recommendation to make amends.

c. Where a complaint involves a legal dispute which should, in principle, be decided by the courts of law, the Ombudsman may conclude the matter by pointing this out.
d. The Ombudsman may recommend to the minister that legal aid be accorded where the Ombudsman deems appropriate that a case within their scope should be put to the courts of law.
e. Where the Ombudsman becomes aware of a breach in office, punishable by law, they may notify the appropriate authority thereof.

According to Article 11 of the Act, in cases where the Ombudsman detects legal flaws in current legislation or public rules, they shall notify Alþingi, the relevant minister, or the local authority concerned.

Comment by the European Committee of Social Rights
Conclusions XIX-4 2011 (Iceland), p. 8.
The Committee recalls (Conclusions XV-2, Statement of Interpretation on Article 17, para 1, p. 29) that any restriction or limitation of parents custodial rights should be based on criteria laid down in legislation, and should not go beyond what is necessary for the protection and best interest of the child and the rehabilitation of the family. The Committee has held that it should only be possible to take a child into custody in order to be placed outside his/her home if such a measure is based on adequate and reasonable criteria laid down in legislation. The Committee asks what are the criteria for the restriction of custody or parental rights and what is the extent of such restrictions. It also asks what are the procedural safeguards to ensure that children are removed from their families only in exceptional circumstances. It further asks whether the national law provides for a possibility to lodge an appeal against a decision to restrict parental rights, to take a child into public care or to restrict the right of access of the child's closest family.

The first paragraph of Article 21 of the Child Protection Act states that the main condition for the intervention of child protection authorities as regards the affairs of individual children or families is that the physical and mental health of a child and maturity is at risk. Four different scenarios are then defined. First, that health and maturity is at risk due to the negligence, incapacity or behaviour of a parent; second, due to violence or degrading conduct by other parties; third, due to the child's own behaviour; and fourth, due to the health or life of an unborn child being endangered as described in Article 16. This accords with the objective of the Act as defined in Article 2, which is to ensure that children who are living in unacceptable circumstances or children who place their health and maturity at risk receive necessary help.

Various issues can arise in the interpretation and execution of Article 21 of the Child Protection Act. The case may be that, on receipt of the notification, it is already clear that the circumstances described therein cannot lead to any special measures on the part of the child protection committee. In addition, it may be obvious that the matter is simply not within the jurisdiction of

the child protection committee, e.g. the notification concerns a person who has reached the age of eighteen. In such cases the committee will decide to refrain from initiating an investigation and the matter is then dropped. In other cases, where there is reasonable suspicion that the physical or mental health or maturity of a child could be at risk for the reasons cited in the first paragraph, the child protection committee will make a formal decision to investigate the case. This decision marks the formal beginning of a child protection case. It is important to clearly define this aspect as it activates all the rules of procedure that apply to case proceedings before a child protection committee.

According to the fifth paragraph of Article 21 of the Act, the decision to initiate an investigation shall not be made unless there is probable cause to believe that this is justified. The condition for probable cause for suspicion means that an investigation may not be initiated unless there is valid reason to expect this to be justifiable. It must be kept in mind that any form of intervention or actions on the part of a child protection committee can be a sensitive matter for the parties involved. This means that any suspicion must be based on grounds that the circumstances are those that are cited in the Article. The suspicion must point to a particular child or children living in unacceptable circumstances. Although it is difficult to further define when a suspicion can be considered to be based on probable cause, one may say, in short, that the condition for probable cause means that investigative action may not be undertaken unless there is some likelihood that it is justifiable. This may not be interpreted too narrowly, particularly in light of the preciseness of the authorisations that child protection committees have for examining a case before making a decision to initiate an investigation. The fact must be reiterated that child protection committees are under the obligation to close the case at a later stage as soon as it becomes clear that there is no reason for intervention. It is unavoidable to entrust those who work with these issues with evaluating in each instance whether the condition for probable cause is fulfilled.

The object of investigating a case is to gather the necessary information about the circumstances of the child and assess the need for measures in accordance with the provisions of the Act, all in accordance with the interests and needs of the child. For this purpose, the committee is to make every effort to gather the most relevant information on the circumstances of the child, such as mental and physical condition, relationship with the parents or others, the parents' circumstances, the child's home environment, schooling, conduct and wellbeing. The assistance of experts is to be sought as needed.

Once a case has been sufficiently investigated in the opinion of the child protection committee, the committee will prepare a report describing the conclusions of the investigation, specifying what remedial action is needed and setting forth proposals for suitable measures if necessary. If an investigation reveals the necessity for special remedial measures according to the Act, the child protection committee shall, in cooperation with parents and, as the case may be, a child who has reached the age of fifteen, prepare a written schedule for the further processing of the case. Younger children shall be consulted insofar as their age and maturity permit. Schedules are to be prepared for a specified length of time and revised as needed.

Child protection committees are at all times required to evaluate needs in cooperation with others in the preparation and execution of the schedule. The need for collaboration with those who work with the issues of the child in question and who are specified in the second paragraph of Article 17 must be assessed particularly. If the child protection committee is of the opinion that the

interests of the child call for collaboration with these entities, the committee must focus on gaining the consent of the parents to enable such collaboration.

If no agreement is reached with a parent or a child, as appropriate, the child protection committee shall unilaterally prepare the schedule for the progress of the case and the use of remedial action according to the provisions of the Act. The schedule must be presented to the parents and the child.

Article 24 of the Child Protection Act discusses remedial action with parental consent. The Article states that child protection committees 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.

The Article states, moreover, that the child protection committee may also, with parental consent and without special ruling, apply other measures under Article 26 of the Act. Should parents who are not living together have joint custody of the child under the provisions of the Children Act, it is sufficient for the parent with whom the child lives under a custody agreement to consent to the measures taken under the terms of Article 24.

Article 25 covers measures outside the home with the consent of the parents and child. The first paragraph states that child protection committees may, as further decided in the schedule as provided in Article 23, with parental consent and that of a child that has reached the age of fifteen:

a. assume custody or care of the child and place the child in foster care;
b. assume custody or care of the child and place the child outside the home in a home or institution, or seek other measures as provided in Sections XIII and XIV, for care, tests, treatment and support.

Foster care or placement of a child as provided in the first paragraph of Article 25 of the Act shall not last longer than necessary. Such arrangements shall generally be temporary, and shall be regularly reviewed as further specified in a foster-care or placement agreement. With a view to the child's interests, however, foster care or placement may continue until the child is of age, in which case a child protection committee shall take over custody of the child. If foster care or placement outside the home continues until the child reaches the age of legal competence, the child protection committee shall, not later than three months before the child reaches the age of eighteen, assess the child's need for further measures. The child protection committee may, with the approval of the young person, decide that the current arrangement is to continue after the age of eighteen and up to the age of twenty. The young person may appeal to the Child Protection

Appeals Board (now the Welfare Appeals Committee) against a refusal by a child protection committee to extend the arrangement regarding foster-care or placement outside the home after he or she reaches the age of eighteen.

If the arrangements under item a or b of the first paragraph are against the will of a child who has not reached the age of fifteen, the child shall have the opportunity to put their point of view to the committee, with the assistance of a spokesperson if applicable.

Where parents who do not live together have joint custody under the terms of the Children Act, the consent of both parents is required for measures to be taken. If a child who has reached the age of fifteen consents to the arrangements, the consent of the parent with whom the child lives is sufficient, but the other parent's views shall also be elicited.

Article 26 of the Child Protection Act covers the measures permitted to child protection committees without parental consent. The first paragraph states that should measures as provided in Articles 24 and 25 not have proved efficacious in the view of the child protection committee, or, if applicable, if the child protection committee has reached the conclusion that such measures are inadequate, the committee may, against the parents' will, by means of a ruling:

a. order monitoring of the home;
b. order measures regarding circumstances and care of the child, such as day-care, school attendance, medical service, tests, treatment or therapy;
c. determine that parties involved in matters concerning the child in question, and that are named in the second paragraph of Article 17 and Article 18, may be given information regarding the well-being of the child or the procedure of the case if this is considered necessary in view of the child's interests;
d. rule that a child may not be taken out of the country.

Arrangements under the first paragraph shall invariably be temporary, shall not continue longer than necessary at any time, and shall be reviewed at intervals of no longer than six months.
Parents may appeal rulings to the Child Protection Appeals Board (now the Welfare Appeals Committee).

Article 27 provides for the authorisation of child protection committees to issue a ruling on the placement of a child outside the home. The first paragraph states that on the same conditions as those stated in Article 26, and if justified by compelling interests of the child, a child protection committee may, by means of a ruling, against the will of parents or of a child aged at least fifteen:

a. rule that a child shall remain where he/she is resident for up to two months;
b. rule that a child shall be removed from the home for up to two months, and on necessary arrangements, such as the placement of the child in foster care or in a home or institution, or seek other measures under Sections XIII and XIV to ensure the child's safety, or in order that suitable tests on the child may be carried out, and necessary treatment and care may be provided.

Parents, or a child aged at least fifteen, may appeal the ruling of a child protection committee to a district court judge. Such an appeal must reach the judge within four weeks of the ruling being made. An appeal to the courts does not prevent the implementation of the child protection committee's ruling. Court procedure is as provided for in Section XI of the Act.

Article 28 of the Child Protection Act, moreover, provides for the authorisation of courts to order a longer placement of a child outside the home than according to Article 27. The first paragraph states that if a child protection committee deems necessary that an arrangement under items a and b of the first paragraph of Article 27, should last longer than provided therein, the committee shall submit this matter to the district court. A child may be placed outside the home by means of a court order for up to twelve months at a time, from and including the date on which the court order is delivered.

If an extension of placement outside the home under Article 27 or Article 28, or the deprivation of custody under Article 29, is requested before a placement period ends, the placement arrangement shall remain in force until the ruling or court judgement has been delivered. Court procedure is as provided for in Section XI of the Act.

According to Article 80 of the Child Protection Act, before a child is placed in a home or an institution according to Article 79 of the Act, the child protection committee shall attempt other supportive measures, unless it is deemed clear that these will not be efficacious. If it is necessary to place a child outside the home, a home or institution shall be selected with care, taking account of the needs and interests of the child in question. A home with which the child has emotional bonds shall take priority when placement is decided, providing it meets the conditions of the Act in other respects and if the placement is considered in the child's best interests. The child protection committee shall send a request for placement of the child to the Government Agency for Child Protection, which assesses the application and makes a decision on placement in consultation with the committee, including which home would be most suitable for the child, when the placement is to begin, and its duration. In special cases, the child protection committee may apply directly to a home or institution for placement of a child, under further regulations issued by the Minister.

Article 81 provides for the contact rights of a child placed in a home or in an institution operated by the State which has the role of accepting children in emergencies to secure their safety owing to alleged offences or severe behavioural difficulties, to diagnose the problems of children believed to need specialised treatment and provide children with specialised treatment for severe behavioural difficulties, substance abuse and alleged offences. The first paragraph states that a child placed in a home or institution has the right to contact with their parents and others with whom they have a close relationship. Contact entails the right to spend time together, and to other communication.

According to the second paragraph of the same Article, parents have a right to contact with their child, unless this is clearly contrary to the child's interests and needs, and incompatible with the objectives of the placement. Those who regard themselves as having a close relationship with the child have a right to contact in the same way, provided that this is deemed beneficial for the child. A child aged fifteen years or more may make their own request for contact.

According to the third paragraph of the same Article, when a placement agreement is made, the child protection committee shall seek to reach an agreement with those parties who are to have contact, taking account of the rules applying at the relevant home or institution.

The fourth paragraph, moreover, states that the child protection committee has the power to rule on disputes regarding a child's contact with parents and others with whom they have a close relationship, whether with regard to the right to contact, the scope of contact rights, or contact arrangements. If, due to special circumstances, the child protection committee is of the view that contact with the parents is contrary to the child's interests and needs, it may rule that a parent shall not have contact rights. The child protection committee may also rule, by the same token, that others who regard themselves as having a close relationship with the child shall not have contact rights, if the committee believes that the requirements of the second paragraph are not met.

According to the fifth paragraph of Article 81, those who are to have contact with the child may request changes to the agreement on contact rights. Should it not be possible to reach an agreement on such changes, the child protection committee shall make a ruling.

The sixth paragraph of Article 81 states that those who are to have contact with the child may demand that a child protection committee review its prior ruling on contact rights. The child protection committee is not obliged to discuss such a demand formally, unless at least twelve months have passed since the ruling was made by the child protection committee or the Child Protection Appeals Board (Welfare Appeals Committee).

According to the seventh paragraph of the same Article the child protection committee shall elicit the views of the home or institution where the child is placed before ruling on contact.
The eighth paragraph of Article 81, moreover, states that child protection committee may rule that the child's place of residence be kept secret, e.g. vis-à-vis the parents, if the interests of the child so demand.

Finally, the ninth paragraph states that rulings made under Article 81 may be appealed to the Child Protection Appeals Board (now the Welfare Appeals Committee).

Article 29 of the Child Protection Act provides for the loss of custody. The first paragraph states that a child protection committee may take court action for a parent or parents to be deprived of custody if the committee believes:

a. that daily care, upbringing or relations between parents and child are grossly defective, taking account of the age and maturity of the child;
b. that an ill child or child with disability is not ensured suitable treatment, therapy or teaching;
c. that the child is mistreated, sexually abused or is subject to gross mental or physical harassment or humiliation in the home;
d. that it is certain that the child's physical or mental health or maturity is at risk because the parents are clearly unfit to have custody, due for instance to drug use, mental instability or low intelligence, or that the behaviour of the parents is likely to cause the child serious harm.

Deprivation of custody shall be requested only if it is not possible to apply other and lesser measures for improvement, or if such measures have been tried without acceptable results. With regard to court procedure under this Article, the provisions of Section X shall apply.

Article 30 provides for the measures *permitted to the child protection committees as regards expectant mothers.* The first paragraph states that if an investigation by a child protection committee reveals that an expectant mother is endangering the health or life of her unborn child by her way of life, the committee shall apply the measures of the Act in consultation with the expectant mother, or if applicable, against her will, in consultation with her guardian if she is not of age, as relevant, and as may be deemed beneficial. The second paragraph, moreover, states that if a child protection committee believes that measures according to the first paragraph are not efficacious, the committee may take legal action to have the woman declared legally incompetent under the terms of the Legal Majority Act, with the objective of having her cared for and treated in a suitable facility. Court procedure is subject to the provisions of the Legal Majority Act.

Further provisions on the placement of children in foster care may be found in Section XII of the Child Protection Act. The first paragraph of Article 65 states that for the purposes of the Act, the term 'foster care' refers to a situation in which a child protection committee entrusts special foster parents with the care of a child for at least three months where it has been established that:

a. the child's parents have relinquished custody or care rights and approved the placement of the child in foster care;
b. a ruling has been delivered authorising the placement of the child in foster care outside the home when the approval of the parents, and the child, as appropriate, has not been given;
c. the parents have been deprived of custody by a court judgement;
d. the child is without custodial care due to the death of the guardian; or
e. the child, who has come to Iceland without its guardians, is under the care of a child protection committee or receives asylum or a temporary residence permit in Iceland.

According to the second paragraph of the same Article, foster care may be of two kinds: permanent or temporary. Permanent foster care entails that the arrangement continues until duties of guardianship cease under the law. The foster parents generally undertake the duties of guardianship unless some other arrangement is deemed, in the judgement of the child protection committee, to serve better the needs and interests of the child. A contract on permanent foster care shall not generally be concluded until after a trial period which shall not exceed one year. Temporary foster care entails that the arrangement lasts for a limited time when it can be expected that the situation may be improved so that the child will be able to return to their parents without substantial disruption of their personal circumstances, or when another remedial measure is expected to be available within a limited time. Temporary foster care shall not last for a total of more than two years, save in absolutely exceptional cases when it serves the interests of the child.

The third paragraph of Article 65 states that the objective of foster care under the first paragraph is to ensure a child's upbringing and care within a family, in keeping with their needs. Good conditions shall be ensured for the child with foster parents, and they shall treat the child with

care and consideration, and seek to promote the child's mental and physical development. The rights and obligations of foster parents shall be further specified in a foster-care agreement.

If a child placed in foster care has serious behavioural problems due to psychological, emotional and other difficulties of comparable nature, it is also permissible to order special care and therapy in the foster home, instead of placing the child in an institution.

Article 67a of the Child Protection Act covers the *legal status of non-custodial parents.* The first paragraph of the Article states that if a parent exercising sole custody of a child relinquishes the right to provide care or exercise custody under Article 25, or if a ruling is delivered providing for the temporary placement of a child outside the home under Article 27 or Article 28, or a deprivation of custody takes place under Article 29, the child protection committee shall examine the grounds for entrusting the child to the other parent. The second paragraph states that if it is considered in the child's best interests that the other parent take over care of the child while this temporary measure is in force, the same rules shall apply, as appropriate, as for temporary foster care.

According to the third paragraph of Article 67a, if it is considered in the best interests of the child, the child protection committee may assign custody to the other parent. In such cases, the child protection committee shall assess the parent's competence and make a written agreement on a changed custody arrangement. The rights of the child shall be as provided for in Article 70.

In all cases, the child protection committee shall obtain the opinion of the non-custodial parent before a child is placed in foster care as provided for in the fourth paragraph of Article 67a.

Article 67b covers the legal status of the parent with whom the child does not reside in cases of joint custody. The first paragraph states that if the parent with whom the child resides when both parents have joint custody relinquishes his or her right to care for the child under Article 25, or if a ruling is delivered providing for the temporary placement of a child outside the home under Article 27 or Article 28, the child protection committee shall examine the grounds for entrusting the child to the care of the other parent.

The second paragraph of the same Article states that if it is considered in the child's best interests that the other parent take over the care of the child while this temporary measure is in force, the child protection committee shall assess the parent's competence and make a written agreement on the care of the child. If the child protection committee considers the child's best interests to be served by having other parties take over the care of the child, the other parent, who has applied for care of the child, may appeal a refusal to the Child Protection Appeals Board (now the Welfare Appeals Committee).

The third paragraph of Article 67b states that if the parent with whom the child resides when both parents have joint custody relinquishes custody under Article 25 or is, singly, deprived of custody under Article 29, the other parent shall then continue with sole custody of the child. The rights of the child shall be as provided for in Article 70.

Article 74 of the Child Protection Act covers contact during foster care. According to the first paragraph a child has the right to contact with their parents and others with whom they have a close relationship. Contact entails the right to spend time together, and to other communication.
The second paragraph states that the parents have the right to contact with their child in foster care, unless this is clearly contrary to the child's interests and needs, and incompatible with the objectives of the placement in foster care. When this is assessed, account shall be taken, among other things, of the estimated duration of foster care. Those who regard themselves as having a close relationship with the child have a right to contact the child by the same token, provided that this is deemed beneficial for the child. A child aged fifteen years or more may make their own request for contact.

According to the third paragraph of the same article, when a child is placed in foster care, the child's contact with parents and others with whom they have a close relationship shall be decided, taking account of what best serves the child's interests. Should an agreement be reached, the child protection committee shall make a written agreement with those who are to have contact.

The fourth paragraph of Article 74, moreover, states that the child protection committee has the power to rule on disputes regarding a child's contact with parents and others with a close relationship with the child, whether with regard to the right to contact, the scope of contact rights, or contact arrangements. If, due to special circumstances, the child protection committee is of the view that contact with the parents is contrary to the child's interests and needs, it may rule that a parent shall not have contact rights. The child protection committee may also rule, by the same token, that others who regard themselves as having a close relationship with the child shall not have contact rights, if the committee believes that the requirements of the second paragraph are not met.

According to the fifth paragraph of Article 74, those who are to have contact with the child may request changes to the agreement on contact rights. Should it not be possible to reach an agreement on such changes, the child protection committee shall make a ruling.

The sixth paragraph of the same Article states that those who are to have contact with the child may demand that a child protection committee review its prior ruling on contact rights. The child protection committee is not obliged to discuss such a demand formally, unless at least twelve months have passed since the ruling was made by the child protection committee or the Child Protection Appeals Board (Welfare Appeals Committee).

A child protection committee may rule that a child's place of residence be kept secret, e.g. vis-à-vis the parents, if the interests of the child so demand, according to the provisions of the seventh paragraph of Article 74 of the Child Protection Act.

According to the eighth paragraph of Article 74, those who are expected to exercise contact rights may appeal rulings under this Article to the Child Protection Appeals Board (Welfare Appeals Committee).

The legal status of foster parents when contact is denied is covered in Article 74a of the Act. According to the first paragraph, the views of the foster parents to contact must in all cases be examined before an agreement is concluded or a ruling on contact is delivered.

According to the second paragraph, the foster parents of a child in permanent foster care shall be parties to cases concerning contact under Article 74. Thus, the foster parents shall participate in the negotiation of agreements on contact, may request changes to terms of contact previously decided, are parties to cases in which rulings are delivered and may appeal rulings on contact to the Child Protection Appeals Board (Welfare Appeal Committee).

Young offenders

Comment by the European Committee of Social Rights
Conclusions XIX-4 2011 (Iceland), p. 8.

The Committee asks whether in practice there have been cases when young offenders were held with adults.

There are instances in which children under the age of eighteen violate the law in such a manner that the case involves the police and possibly even the child protection authorities. Once a child reaches the age of fifteen, they are considered legally competent and will be sentenced for the offence. Special rules, however, apply to criminal procedure against young offenders and are intended to take account of the age of the defendant. The reasons why these children have taken such a wrong turn in life can often be traced to mental illness, developmental disorders, learning difficulties and poor social circumstances. As a result, particular importance is placed on providing these children with special support and to employ remedial measures other than imprisonment to get children back on more wholesome paths. The special rules on criminal procedure are in accordance with this policy and are intended to keep children out of prison.

Persons younger than eighteen who are subject to judgment and sentenced to unconditional imprisonment are the exception and, if so sentenced, it is usually due to repeated offences. The UN Convention on the Rights of the Child was adopted into law in Iceland by means of Act No. 19/2013, as discussed earlier. Article 37 of the Convention states that member states shall ensure that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age. In addition, the Convention states that member states must ensure that the arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time. They must, furthermore, ensure that every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of their age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with their family through correspondence and visits, save in exceptional circumstances. It states, moreover, that every child deprived of their liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of their liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

For the purpose of keeping children away from imprisonment, the Act on the Execution of Sentences was amended to the effect that prisoners under the age of eighteen are to be placed in a home operated by the child protection authorities unless there are special reasons for imprisonment. The provisions of the Act apply to such placement as appropriate. There they will dwell in a home with other children where they are helped to adapt to better living practices. It is clearly stated that if a prisoner violates the conditions established for them or the rules of the home, they will be returned immediately to prison to complete their sentence.

The Act on the Execution of Sentences states that the minister will establish a regulation for the further arrangement of such placements. On the basis of the regulatory authorisation, a regulation has been established on the serving of sentence of legally competent children, No. 533/2015, applicable to the enforcement of unconditional prison sentences of legally competent children aged 15-18 when they are placed in a home operated by the child protection authorities. The regulation also covers, as applicable, the execution of conditional prison sentences of children aged 15-18 in prisons operated by the Prison and Probation Administration. In addition, the regulation applies to children aged 15-18 who have been placed in detention. Such placement must be executed in consultation with the investigator of the case. The regulation contains provisions on the execution of conditional imprisonments, on placement by the Government Agency for Child Protection and treatment provided by the Agency together with provisions on general rules, escape attempts, provisional release, discharge from placement with the Government Agency for Child Protection, monitoring by the Agency and the training of employees.

As regards the execution of unconditional prison sentences, Article 3 of the Regulation states that the Prison and Probation Administration takes over the execution of convictions of children from the Director of Public Prosecutions. The Government Agency for Child Protection is under the obligation to make available specialised treatment measures that can, according to the Regulation, provide children that have been convicted with adequate treatment, while ensuring their safety and that of others who have been placed in the home. The Government Agency for Child Protection must be informed immediately of any conviction. The Prison and Probation Administration decides on the beginning of serving a sentence in consultation with the Government Agency for Child Protection. The child is the responsibility of the child protection authorities while the child resides in a home operated by the Government Agency for Child Protection.

Article 4 of the Regulation, moreover, which covers placement in prison, states that if it is the assessment of experts that it is in the child's best interest to be placed in prison, with reference to special circumstances relating to the child in accordance with the UN Convention on the Rights of the Child, the child is to be placed in prison. Placement in prison is subject to general rules. Efforts must be made to place children in an open prison. Children must enjoy priority to treatment provided by prison authorities. The Prison and Probation Administration must inform the child protection committee responsible for the child about the child's sentence service in the prison. The child protection committee is to monitor the child's wellbeing while the child is serving their sentence.

During 2010-2013, there were nine individuals aged 15-17 who received court orders for detention. The longest period that a person of this age was in custody was 118 days. The number

of detainee prisoners of this age per day during 2010-13 was 0.4. The average number of days was 45. The persons in question were, on average, twelve days in isolation, the longest period for an individual being 24 days in isolation.

During 2010-2013, eight persons subject to judgment aged 15-17 were imprisoned, four of which in direct continuation of the above detention. The number of prisoners of this age serving their sentence during 2010-13 was 0.7 per day. The average number of days was 89.

In addition, there was one sentenced person in the above age range who was placed in a home operated by the Government Agency for Child Protection during the period.