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LANZAROTE CONVENTION

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

Replies to the thematic questionnaire

ICELAND

2nd thematic monitoring round

“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”

Replies registered by the Secretariat on 20 November 2017

Prevention

Question 1 Awareness-raising or educational activities/tools/materials/measures

- 1.1. Are there awareness-raising or educational activities/tools/materials/measures addressed to children, about the risks they face when they produce and/or share:
- self-generated sexually explicit images and/or videos?
 - self-generated sexual content?

Yes, the Icelandic Safer Internet Centre, a member of the INSAFE network (network of European Safer Internet Centres, coordinated by European Schoolnet), does awareness activities on these issues, as well as developing educational tools and materials and conducting research.

- 1.2. Are there awareness-raising or educational activities/tools/materials/measures specifically targeting children as bystanders/observers of other children producing and/or sharing:
- self-generated sexually explicit images and/or videos?
 - self-generated sexual content?

Yes (same as 1.1)

- 1.3. Are there awareness-raising activities/tools/materials/measures addressed to parents and persons who have regular contact with children (teachers, psychologists, health care professionals, etc.) about the risks children face when they produce and/or share:
- self-generated sexually explicit images and/or videos?
 - self-generated sexual content?

Yes (same as 1.1).

→ Please specify which entities carry out the above-mentioned awareness raising or educational activities (questions 1.1, 1.2 and 1.3) and how they coordinate their action.

The Icelandic awareness node is Heimili og skoli (Home and School), the National Parents' Association in Iceland. Heimili og skoli was a partner of SIAP from Oct. 1st. 2004 and took part in both SUSI and SAFT projects on behalf of Iceland. Their awareness work is partly built on the experience and resources from those projects. They will continue using the SAFT brand for the SIAP project and have a new slogan: SAFT – Samfélag, Fjölskylda og Tækni (Society, Family and Technology). There is a Project Management Committee and a Steering Committee that includes members who represent different 31 stakeholders groups such as government agencies, the industry, research centers, different bodies within the educational system and prevention measures agencies and groups.

→ Please share links to awareness-raising or educational materials (e.g. booklet, video, smartphone application, manual on non-formal education, tool-kit, internet tools) produced for the above mentioned activities (questions 1.1, 1.2 and 1.3).

The awareness-raising material on self-generated sexually explicit material is most often intertwined with other information on risk taking behaviour on the internet, including other topics such as bullying. It should be emphasised that this is considered to be insufficient and steps are now being

taken with the aim of addressing the topic of self-generated sexually explicit material more directly that has been in the past.

www.saft.is

<http://www.heimilogskoli.is/>

<https://www.facebook.com/saft.iceland/>

<http://www.barnaheill.is/forsida/>

<https://www.youtube.com/user/saftinsafe>

Question 2. Civil society involvement

2.1. How do State authorities encourage the implementation of prevention projects and programmes carried out by civil society with regard to:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

The government provides 50% of funds needed to run the Icelandic Safer Internet Centre, the rest comes from the EU's Connecting European Facilities / Better Internet for Kids program.

2.2. Please provide information on prevention activities (including awareness-raising and educational activities, research etc.) implemented by civil society (including those carried out by civil society at their own initiative) with regard to:

- a. self-generated sexually explicit images and/or videos;
- b. self-generated sexual content?

The Icelandic Safer Internet Centre consortium (Home and school – national parental organization, Save the Children, Red Cross and the National Police) in formal collaboration with the ministries of education, justice and welfare, Office of Post and Telecommunication, Department of education - University of Iceland and the Icelandic Media Commission, have been running activities concerning safety on the internet on annual basis since 2004. However, only in recent years this has included an emphasis on self-generated sexual explicit material.

Question 3. National curriculum

Does national curriculum (primary and secondary schools, and vocational education) include awareness-raising about the risks of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

No. Individual schools have freedom in terms of if and how they arrange awareness-raising on online risk taking behaviour of children. Usually this is addressed in classes that are named "Life skills" in the national curriculum but the actual content is decided by individual schools. Every year Home and school visits 60 to 80 schools for the purposes of educating children as well as parents on prevention with regard to online risk taking behaviour. Some of these address self-generated sexual explicit material but these are sporadic and cannot be said to cover the topic in any systematic manner.

Question 4. Higher education curriculum and continuous training

Do higher education curriculum and continuous training for those who will or already work with children include the issues raised by:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

There exist courses that address these issues but they are not compulsory part of higher education (including university) or training of professionals who will or already work with children

Question 5. Research

5.1. Have public authorities or other bodies initiated/supported research on the issues raised by:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

The Ministries of Education, Justice and Welfare have contributed financially to a research on online risk behaviour of children, including self-generated sexually explicit material.

5.2. Have public authorities or other bodies conducted or supported research in particular on the psychological effects on those persons whose:

- a. self-generated sexually explicit images and/or videos as children have been shared online?
- b. self-generated sexual content as children has been shared online?

No.

→ Please specify whether the public authorities or other bodies having initiated/supported the research above (questions 5.1 and 5.2) are aware of their outcomes.

In 2013 a government supported SAFT survey among pupils in elementary schools on online risks included few questions on self-generated sexually explicit material. Among the findings were that 14% of 10th graders had experienced pressure to submit nude pictures on the internet. The Ministry of Education is presently preparing another survey that will focus on the topics addressed in this Questionnaire.

Protection

Question 6. Assistance to victims

6.1. What specific reporting mechanisms, including helplines, are in place to ensure that child victims of exposure online of:

- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
- b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

There are two 24/7 helplines operated in Iceland that children are encouraged to call in cases of emergency (112) or for counselling (1717). The former is operated by the State and receives reports that are forwarded to the Local Child Protection for the appropriate response. The latter is operated

by the Red Cross which collaborates with the Safer Internet Centre and Safe the Children. Neither helplines address self-generated sexually explicit material per se. However, there members of the public are specifically encouraged to report child pornography on the internet and this disseminated to the National Police.

Children that are victims of online exposure of some kind have the right to support and assistance from the local Child Protective Services (CPS). Moreover, all child victims of sexual abuse of any form, including victims of exposure online, have the right to therapy provided by the Barnahus (i.e. Children's House) in Iceland. All measures provided by CPS and Barnahus are free of charge for the victims and their families.

6.2. What legislative or other measures have been taken to ensure that child victims of online exposure of:

- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
- b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

→ Please provide, if any, information on the number of victims who received support, assistance and psychological help in the above mentioned specific contexts (questions 6.1 and 6.2).

According to Article 16, parag. 1 subparagraph. b of The Child Protection Act no. 80/2002 any suspicion that a child has suffered physical or sexual abuse must be reported to the CPS. The local CPS then has the legal obligation to investigate the case and if that suspicion is substantiated offer the child the support, assistance and help mentioned in answer to questions 6.1 and 6.2 (see Articles 21 – 22, 23 – 24 and 26 of The Child Protection Act).

According to numbers from Barnahus total of 34 children gave court testimonies that they sent or were coerced to take/send sexually explicit pictures or received such material in the years 2014-2016 (9 in 2014, 8 in 2015 and 17 in 2016). All those children were offered psychological help from Barnahus.

Question 7. Cooperation with civil society

Please describe cooperation with non-governmental organisations, other relevant organisations and other representatives of civil society engaged in assistance to victims of the offences covered by the present questionnaire (see questions 9-11) through e.g. child helplines, victim support organisations.

All support to child victims is provided by the local child protection services (CPS) and Barnahus.

Prosecution

Question 8. Legislation

- 8.1. Does national law contain any reference to:
- self-generated sexually explicit images and/or videos in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
 - self-generated sexual content in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
 - non-pictorial self-generated sexual content produced by children (e.g. sound, text) in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
- 8.2. Does national law tackle the involvement of more than one child (i.e. consensual posing) in generating the:
- self-generated sexually explicit images and/or videos?
 - self-generated sexual content?
- 8.3. Are there specificities related to the fact that more children appear on the:
- self-generated sexually explicit images and/or videos when these children accept that their image and/or video are produced and shared through ICTs?
 - self-generated sexual content when these children accept that their image and/or video are produced and shared through ICTs?

Regarding questions 8.1. – 8.3.:

Icelandic law does not criminalise self-generated sexually explicit material or content mentioned in questions 8.1 – 8.3 explicitly. However, it is considered that those acts are punishable under Articles 209, 210 and 210A of the Icelandic General Penal Code no. 19/1940 (Penal Code). There has been a criminal case where obtaining self-generated sexually explicit material and coercion by using that material has been found in breach of Articles 194 and 209 of the Penal Code and Article 99 parag. 3 of the Child Protection Act (see answer 11 for more details).

Moreover, in both 2014 and 2015 members of parliament put forward proposals to amend the Penal Code to especially include self-generated sexual material. However, those proposals did not pass through the parliament.

Question 9. Criminalisation

- 9.1. 9.1. Does national law criminalise cases when adults:¹
- possess child self-generated sexually explicit images and/or videos? *Yes. Art. 210 a of the general penal code.*
 - distribute or transmit child self-generated sexually explicit images and/or videos to other adults? *Yes. Art. 210 a and Art. 209 of the general penal code.*
 - distribute or transmit child self-generated sexually explicit images and/or videos to other children than those depicted on such images and/or videos? *Yes. Art. 200.2, 201.2, 202.2, 210 a and Art. 209 of the general penal code.*

¹ If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

Parag. 2 of Articles 200, 201 and 202 of the General Penal Code penalise all criminalise sexual harassment other than carnal intercourse or other sexual intimacy and sending unwanted sexually explicit images or videos could fall under those articles.

209 Art. 209 forbids hurting people's sense of modesty by means of lustful activity or it becomes a public scandal. Article 210A criminalises all possession of sexually explicit images/videos of children, regardless of how the material is made or comes into the individual's possession.

Article 210 parag. 2 of the Penal Code criminalises the hand out or distribution in another manner of such material, regardless of how the material is made or comes into the individual's possession.

Article 210 parag. d.2 also criminalises the delivery of pornographic publications, pornographic illustrations or other such articles to youths under the age of 18.

Article 99 parag. 1 in the Child Protection act criminalises subjecting a child to threats or intimidation or exhibiting other degrading conduct towards a child. Article 99 parag. 3 criminalises subjecting a child to aggressive, abusive or indecent behaviour or hurting or insulting the child.

9.2. Are there special circumstances (including alternative interventions) under which the above cases (9.1.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

According to Article 56 of The General Penal Code mediation is an option, especially in cases when the offender is under the age of 21.

According to Article 146 of Law of Criminal Procedure no. 88/2008 and Chapter VI. of The Penal Code the Prosecutor has the authority decide not to prosecute or delay prosecution of a criminal case in certain circumstances. Those circumstances do not exclude any type of offence and regarding circumstances in cases involving self-generated sexually explicit material can fall into that category.

9.3. What are the legal consequences of the above behaviours (9.1.a-c)?

The offences mentioned in question 9.1.a-c is punishable by fines or imprisonment for up to 2 years. For possession the punishment is fines or imprisonment for up to six months. If the violation is of gross manner the imprisonment can be up to 2 years. Anyone who by means of lustful activity hurts people's sense of modesty or becomes a public scandal shall be subject to imprisonment for up to 4 years, but imprisonment for up to 6 months or fines in case of a minor offence. Subjecting a child to threats or intimidation or exhibiting other degrading conduct towards a child is punishable by fines or up to three years imprisonment. Anyone that Subjects a child to aggressive, abusive or indecent behavior or hurt or insults a child is liable to fines or imprisonment for up to two years. Sexual harassment is subjected to imprisonment for up to 2 years and up to 4 years imprisonment and in some instances if the child is younger than 16 years.

9.4. 9.4. Does national law criminalise cases when adults:²

- a. possess child self-generated sexual content?
- b. distribute or transmit child self-generated sexual content to other adults
- c. distribute or transmit child self-generated sexual content to other children than those depicted such sexual content.

See answers to Questions 8 and 9.1. above.

² If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

9.5. Are there special circumstances (including alternative interventions) under which the above cases (9.4.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

According to article 56 of the General penal code mediation is an option, especially in cases when the offender is under the age of 21.

The accused can also be subject to a parole period from one up to five years. Generally this period shall be laid down as 2 - 3 years. The Prosecutor shall, in each case, specify the point in time at which the period of suspension commences. When indictment is suspended, the conditions provided for in para 3, Art. 57 of The Penal Code, may be laid down as deemed suitable. The conditions may be altered during the period of suspension, including by an extension of the period, however no longer than a total of 5 years.

9.6. What are the legal consequences of the above behaviours (9.4.a-c)?

See answer to question 9.3. above.

9.7. Does national law criminalise cases when children:³

- a. produce self-generated sexually explicit images and/or videos? *No.*
- b. possess self-generated sexually explicit images and/or videos? *No.*
- c. distribute or transmit self-generated sexually explicit images and/or videos of themselves to peers? *Yes. Art. 209 of the general penal code.*
- d. distribute or transmit self-generated sexually explicit images and/or videos of themselves to adults? *Yes. Art. 209 of the general penal code.*
- e. distribute or transmit self-generated sexually explicit images and/or videos of other children to peers? *Yes. Art. 209 of the general penal code (Child protection act art. 99, para 3)*
- f. distribute or transmit self-generated sexually explicit images and/or videos of other children to adults? *Yes. Art. 209 of the general penal code (Child protection act art. 99, para 3)*

9.8. Are there special circumstances (including alternative interventions) under which the above cases (9.7.a-f), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

Both Article 146 of Law of Criminal Procedure and Article 56 in Chapter VI. of The Penal Code specify special circumstances for suspending or cancels issuing an indictment. For example, Article 56 of the Penal Code allows for suspension of an indictment when offences are committed by young persons of the age of 15 - 21 years or when the situation of the offender is such that supervision or other measures under para. 3, Art. 57, may be considered more likely to have more durable result than a penalty, provided the offence is not such as to necessitate prosecution with a view to public interest.

9.9. What are the legal consequences of the above behaviours (9.7.a-f)?

Fines or prison up to four years.

³ This question does not in any way suggest that these behaviours should be criminalised.

- 9.10. Does national law criminalise cases when children:⁴
- produce self-generated sexual content?
 - possess self-generated sexual content?
 - distribute or transmit self-generated sexual content to peers?
 - distribute or transmit self-generated sexual content to adults?
 - distribute or transmit self-generated sexual content of other children to peers?
 - distribute or transmit self-generated sexual content of other children to adults?

The Penal Code or other legislation neither criminalizes nor decriminalizes the above acts. There have not been any cases where children are indicted for those acts.

9.11. Are there special circumstances or alternative interventions under which the above cases (9.10.a-f), although established in fact and in law, are not prosecuted and/ or do not lead to conviction?

According to Article 56 of the General Penal Code mediation is an option, especially in cases when the offender is under the age of 21.

Children that have shown the above behaviour could be considered to be placing their health and maturity at risk and if so should according to the Child Protection Act receive help and support from the CPS and in some instances Barnahus.

If the acts would be considered criminal then Article 146 of Law of Criminal Procedure no. 88/2008 and Article 56 in Chapter VI. of The Penal Code could also apply (see answers 9.8. and 99 for more details).

9.12. What are the legal consequences of the above behaviours (9.10.a-f)?

If considered criminal, as stipulated in answer 9.3., those acts would be punishable by fines or imprisonment for up to 2/3 years, and 4 years if the child is under the age of 16.

Question 10. Production and possession of self-generated sexually explicit images and/or videos by children for their own private use

10.1. For Parties having made a reservation in accordance with Article 20(3) indent 2⁵

What measures have been taken to ensure that the production and/or possession of self-generated sexually explicit images and/or videos is not criminalised when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

10.2. For Parties that have not made a reservation in accordance with Article 20(3) indent 2⁶

Does national law criminalise the production and/or possession of self-generated sexually explicit images and/or videos when it involves children who have reached the age set in application of

⁴ This question does not in any way suggest that these behaviours should be criminalised.

⁵ Denmark, Germany, Liechtenstein, the Russian Federation, Sweden, Switzerland.

⁶ Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, "The former Yugoslav Republic of Macedonia", Turkey and Ukraine.

Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

There are no measures in Icelandic law to ensure the age set in application of Article 18(2) when the material is made with the child's consent and is solely for their own private use.

Production and/or possession of such material is not especially criminalised but could possibly be punishable according to Articles 2010 and 210A of the Penal Code. No indictments have been made in those kinds of cases.

Question 11. Reference in law to ICT facilitated sexual coercion and/or extortion

How does national law address ICT facilitated sexual coercion and/or extortion of children and/or other persons related to the child depicted on the:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Icelandic law does not explicitly address ICT facilitated sexual coercion and/or extortion of children and/or other persons related to the child depicted on self-generated sexually explicit material.

However, the Supreme Court in Iceland passed a judgement in December 15th of 2016 in case no. 441/2016 where coaxing a child to send self-generated sexually explicit material and then trying to coerce a child to perform sexual act has been found to be in violation of Article 209 of the Penal Code and Article 99 parag. 3 of the Child protection Act. The court also found that the individual's behaviour was enough to convict for attempt to rape according to article 194 of the Penal Code, even though the child and the perpetrator never met in person and only communicated online.

Question 12. Jurisdiction rules⁷

Please indicate which jurisdiction rules apply under which conditions to the offences described above (questions 9-11) when the victim is not present in the Party when the offence is committed or when the offender is not present in the Party when the offence is committed.

According to Article 6 of the Penal Code penalties shall be imposed in accordance with the Icelandic Penal Code for conduct specified in the Lanzarote Convention, even if they have been committed outside the Icelandic State and irrespective of who the offender is.

Question 13. Specialised units/departments/sections

- 13.1. Are there specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children, such as those referred to in this questionnaire (see questions 9-11):
- a. in law enforcement?
 - b. in prosecution?
 - c. in courts?

There is a special department within the Metropolitan Police that deals with serious crimes, including crimes that fall under questions 9-11. The Metropolitan Police also has a special IT department which assists with all investigations involving computers or electronics. Also there is, within the Prosecutor's office, personnel that specialises in crimes of a sexual nature. However, there are no special units within law enforcement, prosecution or courts that specialises in ICT sexual offences against children.

⁷ Please answer this question taking into account the requirements of Article 25 of the Lanzarote Convention.

13.2. Please specify if there are specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children committed by juvenile offenders.

See answer to question 13.1 above.

→ Please specify how the specialised units/departments/sections referred to above (questions 13.1 and 13.2) are organised (number of staff, structure, specialised in which areas within ICTs, etc.)?

See answer to question 13.1 above.

As regards law enforcement, please indicate if:

- a. there is a victim identification function? *No.*
- b. there is an active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image database? *Yes.*

Question 14. Challenges in the prosecution phase

What challenges do law enforcement, prosecution and courts face during the prosecution of ICT facilitated sexual offences against children involving the sharing of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Regarding both questions, there is a certain problem how to handle a case when a child (aged 15-18 years old) takes a picture / produces material and sends / shares. Particularly this is a problem when both the offender and the victim are children in the legal sense.

Question 15. Training of professionals

Are the offences referred to in this questionnaire (questions 9-11) addressed in training for professionals such as:

- a. law enforcement agents (in particular for front desk officers)?
- b. prosecutors?
- c. judges?

No special training has been put in place for the above professionals.

→ If so, please share the details of the training offered, specifying whether the training is mandatory.

Partnerships

Question 16. International co-operation

16.1. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?

- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?

16.2. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?

No international cooperation concerning the above mentions topics specifically has been in place other than that the Director General of the Government Agency for Child Protection served as an external evaluator to the SPIRTO project (Self-Produced Images – Risk Taking Online) that was completed in May 2015, see: <http://www.spirto.health.ed.ac.uk/>