



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 12 (1) OF THE OPTIONAL PROTOCOL TO THE CONVENTION  
ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD  
PROSTITUTION AND CHILD PORNOGRAPHY**

**Initial reports of States parties due in 2004**

**ICELAND\***

[7 September 2004]

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\* This report has not been edited before being submitted for translation.

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## I. INTRODUCTION

1. This is the first report of the Government of Iceland, submitted under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The report was prepared in accordance with the Guidelines regarding initial reports to be submitted by States Parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/OP/SA/1).

2. The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography was signed by Iceland on 7 September 2000, and ratified on 9 July 2001. Under international law, the protocol is binding on Iceland, and the offences listed in paragraph 1 of Article 3 of the Optional Protocol are also punishable under the Criminal Code (see paragraph 10-18). The provisions of other statutes, in particular the Child Protection Act, No. 80/2002, the Children's Act, No. 76/2003, and the Adoption Act, No. 130/1999, give further support to the application of the Convention in Iceland. Child protection has received priority attention from the legislature, the executive and the judiciary in recent years. This work has resulted in substantial amendments to Icelandic legislation with the aim of increasing child protection and improving the legal standard of children.

3. Rights of the child are protected by the Icelandic Constitution. Under paragraphs 2 and 3 of Article 76 of the Constitution, the law shall guarantee for everyone suitable general education and tuition, and for children, the law shall guarantee the protection and care which is necessary for their well-being. Similarly, under Article 65 of the Constitution, everyone shall be equal before the law and enjoy human rights irrespective of their sex, religion, opinion, national origin, race, colour, property, birth or other status. The above provisions were added to the Constitution in 1995, when fundamental amendments to the human rights provisions of the Constitution were enacted by the Constitutional Act, No. 97/1995. In the explanatory notes accompanying the bill amending the Constitution, reference was made to the United Nations' human rights instruments. A marked tendency is noted on the part of the courts to interpret the provisions of the Constitution in the light of international human rights obligations. A large number of judgments have been rendered in the past five years in which the human rights provisions of the Constitution have been at issue and where references have been made to international human rights instruments.

4. Two extensive statutes have recently been enacted in Iceland concerning children: the Child Protection Act, No. 80/2002 and the Children's Act, No. 76/2003. Both of them have greatly improved the legal standing of children, and when both were presented as bills, it was mentioned specifically that the UN Convention on the Rights of the Child and the European Convention on Human Rights had been taken into consideration when drawing up the text. Under paragraph 1 of Article 28 of the Children's Act, No. 76/2003, parents are expected to look after their children, show them care and respect and discharge their custodial and parental duties in the way that best suits the children's needs. Furthermore, under paragraph 2 of Article 28 of the Children's Act, custody of a child involves an obligation on the part of the parents to protect it against mental cruelty, physical violence and other degrading treatment. This last provision is a significant addition to the Act. Under Article 1 of the Child Protection Act, No. 80/2002, children have a right to protection and care, and parents are to act towards them with care and consideration and discharge their custodial and parental obligations towards them in every

respect. Violations of the Child Protection Act are punishable (see paragraph 22). Under Article 11 of the Administrative Procedure Act, No. 37/1993, administrative officials are to observe uniformity and equality under the law in dealing with cases. They are forbidden to discriminate against parties on grounds of their sex, race, colour, nationality, religion, political opinions, social standing, ancestry or other comparable factors.

5. Application of the Optional Protocol rests mainly with the Ministry of Justice and the Ministry of Social Affairs. The Ministry of Justice is responsible for those aspects of the protocol that concern criminal law and judicial procedure, extradition, compensatory liability towards victims and adoptions, while child protection and social issues are dealt with by the Ministry of Social Affairs. Application of the Child Protection Act also involves the Child Protection Agency (Barnaverndarstofa), an independent body under the direction of the Minister of Social Affairs, the Child Welfare Complaints Committee and the Child Welfare Committees. The position of a Children's Ombudsman was established by Act No. 83/1994; the role of the ombudsman is to improve the standing of children and defend their interests, requirements and rights. For example, under item (c) of paragraph 2 of Article 3 of the Children's Ombudsman Act, the ombudsman's duties include working to ensure compliance with international agreements that Iceland has ratified concerning children's rights and welfare. Among non-governmental organisations involved in this field, mention should be made of Barnaheill (Save the Children Iceland), which is affiliated to the International Save the Children Alliance, the aims of which are to guarantee observance of children's rights and support disadvantaged children all over the world. A significant development is that the United Nations Children's Fund (UNICEF) opened an office in Iceland in November 2003.

6. Those violations that are listed in the Optional Protocol and are punishable under the Penal Code are pursued by police investigations, charges, court sentences and their enforcement in accordance with the Code of Criminal Procedure, No. 19/1991. The Director of Public Prosecutions, the highest prosecuting authority in Iceland, is in charge of prosecuting cases in this area. In particular, violations in these categories have come under the provisions of the Penal Code regarding child pornography, cases of this type being investigated, brought to court and tried under law.

7. Courses and educational programmes of various types are available for professional workers involved in child protection affairs, e.g. those working in law-enforcement or child welfare issues, including sexual abuse of children.

8. The UN Convention on the Rights of the Child is accessible by the public in Icelandic on the homepage of the Ministry of Justice and the Althingi's legal archive, and the text has also been issued in an off-print available from the Ministry of Justice. The Optional Protocol has been published in Icelandic in the Government Gazette and can also be accessed on the homepage of the Ministry of Justice. It is also published in a book, entitled (in Icelandic) "International Human Rights Agreements Ratified by Iceland", which was published by the Human Rights Institute of the University of Iceland in September 2003. Iceland's Second Report on the Application of the UN Convention on the Rights of the Child contained an account of the extensive publicity campaigns that were mounted in Iceland to bring the Convention to the attention of children, parents and members of various professions, and the involvement of many different parties in this publicity campaign, both in the media, in educational courses and in dissemination, this including electronic media.

9. This report was written by the Ministry of Justice and Ecclesiastical Affairs. The report will be disseminated on the ministry's web-site, and to those working in the fields covered by the Optional Protocol.

## **II. PROHIBITION OF THE SALE OF CHILDREN, CHILD PORNOGRAPHY AND CHILD PROSTITUTION**

10. The statutory provisions covering the offences listed in paragraph 1 of Article 3 of the Optional Protocol are to be found in Sections XXII (Sexual Offences) and XXIV (Offences against Personal Freedom) of the Penal Code, No. 19/1940, with subsequent amendments. Substantial amendments have been made to these sections in the past few years.

11. Trafficking in human beings is punishable under Article 227(a) of the Penal Code as follows:

Anyone guilty of the following acts for the purpose of sexually using a person or for forced labour or to remove his/her organs shall be punished for trafficking in human beings by up to 8 years imprisonment:

1. Procuring, removing, housing or accepting someone who has been subjected to unlawful force under Art. 225 or deprived of freedom as per Art. 226 or been threatened as per Art. 233 or unlawful deception by arousing, strengthening or utilizing the misconceptions of the person concerned regarding the circumstances, or by another improper means.

2. Procuring, removing, housing or accepting an individual younger than 18 years of age or rendering payment or other gain in order to acquire the approval of those having the care of a child.

The same penalty shall be applied to a person accepting payment or other gain according to clause 2 of paragraph 1.

This provision was an innovation introduced by the Act No. 40/2003; the explanatory notes to the bill stated that it was being proposed to incorporate provisions on trafficking in human beings in law to take account of international agreements that Iceland had signed and/or ratified, i.e. the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Further reference was made to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Although the activities listed in the Penal Code were, in most instances, punishable prior to the amendment, it was considered appropriate to highlight these offences and increase the degree of legal protection against them. In listing the offences in the Penal Code, reference was made to Article 3 of the Protocol to the Convention against Transnational Organized Crime. The explanatory notes state that if the offence is directed against a child or perpetrated in a systematic manner, this will have the effect of incurring a heavier punishment than otherwise.

12. Violations against personal freedom are also punishable under Articles 225 and 226 of the Penal Code, No. 19/1940, as follows:

Article 225. If a person compels another person to do something, submit to something or omit doing something by means of physical violence, or by threatening to use physical violence against the person or his close family members, or to deprive him, or them, of freedom, or to spread about false allegations of criminal or disgraceful behaviour on his part or that of his close relatives, or other similar allegations, even if they are true, and if the coercion is not justified in terms of the matter on which the threat is based, or, finally, by threatening to cause substantial damage or destruction of his property, this shall be punishable by fines ... <sup>1)</sup> or imprisonment of up to 2 years.

<sup>1)</sup> Act 82/1998, Article 117.

Article 226. Anyone depriving another person of his freedom shall be subject to imprisonment of up to 4 years ... <sup>1)</sup>

If the deprivation of freedom is committed for the purpose of gain or is of extended duration, and also if the person has been committed to a lunatic asylum without authorisation, removed to other countries or given into the power of people who have no right to exert it, this shall be punishable by imprisonment of not less than 1 year and up to 16 years or for life.

<sup>1)</sup> Act 82/1998, Article 118.

13. Articles 200, 201 and 202 of the Penal Code protect children specifically against sexual abuse. The penalties for sexual offences against children were increased by amendments introduced by the Act No. 40/2003. The explanatory notes accompanying that act as a bill stated that the increased punitive measures against sexual offences were being introduced to take account of Iceland's obligations in international law under the UN Convention on the Rights of the Child of 1989.

Article 200. [Anyone who has sexual intercourse or other sexual intimacy with his/her child or another descendant shall be subject to imprisonment for up to [8 years] <sup>1)</sup> or up to [12 years] <sup>1)</sup> if the child is younger than 16 years.

Sexual interference against one's child or another descendant other than that specified in para. 1 will be punishable by up to 2 years' imprisonment or up to 4 years' imprisonment if the child is younger than 16 years.

Sexual intercourse or other sexual intimacy between siblings will be punishable by up to 4 years' imprisonment. If either sibling or both have not reached 18 years of age at the time of the act, it may be decided that penalty be waived as it pertains to them.] <sup>2)</sup>

<sup>1)</sup> Act 40/2003, Article 2.

<sup>2)</sup> Act 40/1992, Article 8.

Article 201. [Anyone who has sexual intercourse or other sexual intimacy with a child or young person under 18 years of age, being his/her adopted child, step-child, foster child, co-habitation child or a young person who has been entrusted to him/her for teaching or upbringing, shall be subject to [8 years']<sup>1)</sup> imprisonment and up to [12 years']<sup>1)</sup> imprisonment if the child is younger than 16 years.

Other sexual interference than that specified in para. 1 shall be punishable by imprisonment for up to 2 years and up to 4 years' imprisonment if the child is younger than 16 years.]<sup>2)</sup>

<sup>1)</sup> Act 40/2003, Article 3.

<sup>2)</sup> Act 40/1992, Article 9.

Article 202. [Any person who has sexual intercourse or other sexual relations with a child under the age of 14 shall be imprisoned for up to 12 years. ...<sup>1)</sup>

[Other types sexual interference than those mentioned in paragraph 1 shall be punishable by up to 4 years' imprisonment.]<sup>1)</sup>

Any person who, by employing deception, gifts or other means, entices a young person aged 14-16 to participate in sexual intercourse or other sexual acts shall be imprisoned for up to 4 years.]<sup>2)</sup>

[Any person who pays or gives other forms of consideration to a child under the age of 18 in return for having sexual intercourse or other sexual relations with that child shall be imprisoned for up to 2 years.]<sup>3)</sup>

<sup>1)</sup> Act No. 40/2003, Article 4.

<sup>2)</sup> Act No. 40/1992, Article 10.

<sup>3)</sup> Act No. 14/2002, Article 1.

14. The Health and Safety at Work Act, No. 46/1980, contains a special section covering work done by children and teenagers. This includes provisions on the minimum working age, the types of work that are appropriate for children of various ages, the types of work for which children and teenagers may not be engaged, the types of work that may damage children's health and provisions on working hours and hours of rest from work. This section was amended by the Act No. 52/1997, which was enacted so as to apply Council Directive EEC 94/33 on the protection of children and young people at work. When the act was introduced, reference was made to Article 32 of the UN Convention on the Rights of the Child. Violations of the act are punishable. Regulations on work by children and teenagers, No. 426/1999, were issued under the act.

15. According to paragraph 3 of Article 93 of the Child Protection Act, No. 80/2002, children under the age of 18 are not permitted to take part in striptease displays or other displays of a sexual nature. The organisers of such displays are responsible for ensuring that participants have attained the required age. This provision was innovative, and the explanatory notes

accompanying the bill stated that there was special reason to protect young persons in this way since they were frequently less capable than older persons of assessing the consequences of their decision to participate in displays of this type. Furthermore, it was stated that comparable prohibitions were in force in the other Nordic countries. Another innovation in the Act was that those who organise or are responsible for model and beauty contests, or other contests of this type, in which the participants are under the age of 18, are obliged to inform the Child Protection Agency of the contest (*cf.* paragraph 2 of Article 93). The minister may issue further regulations on participation by children in such contests after receiving the recommendations of the Child Protection Agency.

16. A new Adoption Act, No. 130/1999, entered into force on 11 July 2000. Under Article 1, the Minister of Justice grants permission for adoption. Under Article 4, an adoption licence may only be granted if it is deemed evident, following an investigation by the relevant Child Welfare Committee, into the circumstances of the prospective adopted child and those desiring to adopt, that this is in the best interests of the child. Furthermore, it shall be the intention of the adopting parties to take care of and bring up the child or the person who is to be adopted, or there must exist other special reasons for the adoption. An important part of the Adoption Act includes provisions implementing the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, which Iceland acceded to on 17 January 2000. Under Article 29, persons residing in Iceland are not permitted to adopt a child from abroad unless the Minister of Justice permits by issuing an advance approval for the adoption. Under Article 34, the Minister of Justice accredits societies to act as intermediaries in intercountry adoption, issues regulations on the conditions for the accreditation of adoption societies and supervises their operation. Under Article 35, only accredited adoption societies can act as intermediaries in adoption and the Minister of Justice may lay down rules to the effect that those applying to adopt a foreign child must contact an accredited society to act as an intermediary in the adoption. Under Article 35, activities relating to the adoption of foreign children shall always be conducted with the best interest of the child in mind, and no one may derive undue gains therefrom, financial or otherwise. Violations of Article 35 are punishable by fines. In December 2003, the Minister of Justice issued the Regulations No. 1010/2003 on the adoption of children from abroad. These contain provisions stating that those desiring to adopt a child from abroad are obliged to apply to a society accredited by the Minister of Justice under the Adoption Act for assistance in arranging the adoption. One society in Iceland, the Icelandic Adoption Society, has been granted this accreditation, and is authorized to act as an intermediary in intercountry adoption with respect to China, India, Colombia, Romania and Thailand, all of which are state parties to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. Under Article 40 of the Adoption Act, the Minister of Justice may authorise deviation from the provisions of the Act if this is necessary in order to comply with obligations that Iceland has undertaken, or may undertake, under international agreements.

17. Article 206 of the Penal Code states the penalties applying to pursuing prostitution on a professional basis or deriving one's living from the promiscuity of other persons and enticing, encouraging or assisting young persons under the age of 18 to make their living from sexual promiscuity. It is also punishable to encourage any person to leave or enter Iceland in order to make his or her living from sexual promiscuity; this applies both if the person concerned is under the age of 21 and if he or she is unaware of the purpose of the journey. It is also punishable to encourage other persons, by means of duplicity, encouragement or acting as an intermediary,



to engage in sexual intercourse or other sexual relations in return for payment, or to have the promiscuity of other persons as a source of income, for example by renting them premises or other means. Furthermore, Article 206 states that it is illegal to engage in prostitution as a means of supporting oneself.

Article 206. [Any person who practises prostitution for a living shall be imprisoned for up to 2 years.

Any person who bases his or her employment or living on the sexual promiscuity of others shall be imprisoned for up to 4 years.

The same punishment shall be applied for beguiling, encouraging or assisting a young person under the age of 18 to make his or her living from sexual promiscuity.

The same punishment shall also be applied for encouraging any person to leave or enter Iceland for the purpose of making his living from sexual promiscuity if the person concerned is under the age of 21 years or is unaware that this constitutes a purpose of the journey.

Any person who, through beguilement, encouragement or mediation, causes others to have sexual intercourse or other sexual relations in return for payment or to make the sexual promiscuity of others into a source of income, e.g. by letting accommodation or by other means, shall be imprisoned for up to 4 years, and shall be fined or [imprisoned for up to 1 year] <sup>1)</sup> if there are mitigating circumstances.] <sup>2)</sup>

<sup>1)</sup> Act No. 82/1998, Article 103.

<sup>2)</sup> Act No. 40/1992, Article 13.

18. According to paragraphs 3 and 4 of Article 210 of the Penal Code, handing over pornographic publications, pornographic pictures or other such items to young persons under the age of 18 is punishable. Importing or having in one's keeping photographs, films or comparable items showing children in a sexual or obscene manner, or showing children in sexual acts with animals or using objects in an obscene manner, is also a punishable offence.

Article 210. If pornography appears in print, the person responsible for its publication under the Publications Act shall be fined, [...] <sup>1)</sup> or imprisoned for up to 6 months.

The same punishment shall apply to the production or importation, for the purpose of dissemination, sale, sharing out or other distribution, of pornographic publications, pornographic pictures or other such items, or to displaying them, and also to organizing a public lecture or performance which is similarly immoral. [When children are shown in an sexual or pornographic manner in such material, punishment of up to 2 years' imprisonment may be imposed.] <sup>3)</sup>

Furthermore, the same punishment shall apply to releasing pornographic publications, pornographic pictures or other such items, to young people under the age of 18.

[Any person who imports or is in possession of photographs, films or comparable items depicting children in a sexual or obscene manner shall be liable to a fine [or imprisonment for up to 2 years if the offence is major]<sup>3)</sup>. The same punishment shall apply to being in possession of photographs, films or comparable items showing children participating in sexual acts with animals or using objects in an obscene manner.]<sup>2)</sup>

<sup>1)</sup> Act No. 82/1998, Article 105.

<sup>2)</sup> Act No. 39/2000, Article 7.

<sup>3)</sup> Act No. 14/2002, Article 2.

19. The age limits in Articles 202, 206 and 210 of the Penal Code is 18, except as regards encouraging a person to leave or enter Iceland for the purpose of making his living from sexual promiscuity, either if the person is under 21 or unaware of this purpose of the journey. The age limits in Article 227(a) is 18.

20. Punishments imposed under paragraph 1 of Article 202 take the form of imprisonment of up to 12 years, those under paragraph 3 of Article 202 of imprisonment of up to 4 years, and those under paragraph 4 of imprisonment of up to 2 years. Paragraphs 2 and 3 of Article 206 provide for punishment of up to 4 years, and paragraph 4 provides for up to 4 years' imprisonment; fines or imprisonment of up to one year may be imposed if there are extenuating circumstances. The punishments provided for under paragraphs 3 and 4 of Article 210, which concern offences against children, consist of fines or imprisonment of up to 2 years in the case of gross violations. The punishments applying to trafficking in human beings under Article 227 (a) consist of imprisonment of up to 8 years. Circumstances that may lead to heavier or lighter punishments for these violations are mentioned in Article 208, which states that if a person who is to be punished under Article 206 has previously been sentenced for a violation of that article, or has previously been sentenced to prison for economic crime, then the punishment may be increased by an augmentation of up to one half.

21. Limitations concerning offences are covered in Section IX of the Penal Code. Liability expires over various periods according to the penalty framework prescribed for the offences, and over longer periods in the case of more severe punishments. Liability expires as follows:

(a) After two years when the punishment prescribed for the offence does not exceed one year's imprisonment, or where the offence does not qualify for punishment other than a fine;

(b) After five years when the punishment prescribed for the offence does not exceed 4 years' imprisonment;

(c) After ten years when the punishment prescribed for the offence does not exceed 10 years' imprisonment;

(d) After fifteen years when the punishment prescribed for the offence exceeds 10 years' imprisonment.

Liability does not expire where life imprisonment is prescribed for the offence.

Article 82 of the Penal Code states that the period over which expiry of liability is measured is to be counted from the day on which the punishable activity, or culpable lack of activity, ceased. In this same article is to be found a provision stating that the corresponding period applying to violations of Articles 194-202 of the Penal Code is only to be calculated from the day on which the victim of the offence reaches the age of 14 years. In the explanatory notes accompanying this legislation when it was presented as a bill in 1998, it was stated that the reason behind this provision was primarily that in the case of sexual offences involving children, there is the danger that the expiry period will have elapsed before the children involved have attained the maturity to realise that what has happened constitutes a criminal offence. Moreover, there is a danger that children will have restricted scope for bringing charges concerning offences of this type. Under the provisions regarding sexual offences, the expiry period may be from five to fifteen years. If the expiry period commences when the victim is 14 years old, then the victim will be 19 years old if liability lapses after five years and 24 or 29 years old if it lapses after 10 or 15 years, except where the period is broken during that time. In general, it can be assumed that the victim will have attained sufficient age and maturity over this period to be able to realise the nature of the offence, and to be able to press charges.

22. In addition to above legislation, there are penalty provisions in the Child Protection Act, No. 80/2002, relating to protection of children, as follows:

*Article 96. Violations of notifiability etc.*

Deliberately providing wrong or misleading information to a child welfare committee on matters covered by this Act entails fines or imprisonment of up to two years.

If a person neglects to notify a child welfare committee of a child being subject to such ill-treatment or poor conditions that his/her life or health is at risk, this entails fines or imprisonment of up to two years.

*Article 97. Kidnapping of a child, violation of injunction, etc.*

If a person contacts, visits or disturb a child contrary to a prohibition by a child welfare committee, or violates a lawful order to leave the home, cf. Article 37, this entails fines or imprisonment for up to two years, unless a more severe penalty is provided by other legislation.

Any person who removes a child who has been placed by a child welfare committee under this Act, or is responsible for the violation of such an arrangement, shall be subject to fines or imprisonment of up to two years.

Violations of paragraph 2 of Article 93 shall be punishable by fines.

Violations of paragraph 3 of Article 93 shall be punishable by fines or imprisonment of up to two years.

*Article 98. Offences against a child by a custodial party*

If those who have a child in their care mistreat the child mentally or physically, abuse it sexually or otherwise, or neglect the child mentally or physically, so that the child's life or health is at risk, this shall be punishable by imprisonment of up to five years, unless more severe penalties are provided for in other legislation.

*Article 99. Offences against children*

Any person who inflicts punishments, threats or menaces upon a child, that may be expected to harm the child physically or mentally, shall be subject to fines or imprisonment of up to three years.

If a person incites a child to crime, promiscuity or the use of alcohol or drugs, or leads the child astray by other means, this shall be punishable by fines or imprisonment of up to four years.

Any person who subjects a child to aggressive, abusive or indecent behaviour or hurts or insults it shall be punished by fines or imprisonment of up to two years.

23. Legal persons are not subject to criminal liability for the offences covered in the Optional Protocol. The criminal liability of legal persons under the Penal Code is subject to the condition that there exist special provisions on such liability in law, i.e. in separate criminal statutes. Furthermore, criminal liability of legal persons applies only (unless other provisions are made in the relevant statutes) if a representative or employee of the legal person, or another person operating under the auspices of the legal person, has committed the punishable offence and illegal act in a criminal manner covered by the criminal liability of the legal person.

24. Attempts at and complicity in violations are covered in Section III of the Penal Code. Article 20 states that any person who takes a decision to commit an act which is punishable under the Act, and who has unequivocally demonstrated this intention in actions that are aimed, or planned to aim, at effecting the offence, is guilty of attempting the violation even when it is not actually committed in full. The Penal Code contains no general provision establishing when an offence is considered committed in full; this is a matter of legal interpretation in each individual instance. Article 20 states that intention must exist for an offence to be committed. Lighter punishment may be imposed for an attempted violation than for an offence committed in full. Article 21 of the Penal Code contains provisions covering cases of reversion from an attempt at the commission of an offence; in such cases, and where certain other conditions are met, punishment may be waived. Article 22 covers complicity; paragraph 1 of the article states that any person who, by agency by word or deed, dissuasion, encouragement or other means, contributes towards the commission of an offence under the Penal Code, shall incur the punishment prescribed for the offence. There are also further provisions covering extenuating circumstances, etc. In general, where two or more people commit an offence together, this counts towards a more severe punishment being imposed.

25. Iceland acceded to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption on 17 January 2000. A new Adoption Act, No. 130/1999, took effect on 11 July 2000, an important part of which includes provisions implementing that

Convention (see paragraph 16). Currently, adoptions of children from abroad take place only from countries that are member states of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. A bilateral agreement was also made with China in July 2001, with respect to adoptions from that country, stating conditions for the adoption procedure. Iceland acceded to the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children on 22 July 1996 and the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction on 14 August 1996. Provisions of those two conventions are implemented in the Foreign Custody Decisions Act, No. 160/1995, on the recognition and application of foreign decisions on the custody of children, the handing over of abducted children, etc. Finally, Iceland signed the European Convention on the Adoption of Children on 27 September 1982.

### **III. PENAL/CRIMINAL PROCEDURE**

#### **Jurisdiction**

26. Provisions on the jurisdiction of criminal legislation are found in Section I of the Penal Code, No. 19/1940. Under Article 4, punishments are to be imposed under the Penal Code for offences committed within Icelandic national territory, and also for offences committed on board Icelandic ships or aircraft, irrespective of where they were situated at the time. If the offence was committed in a place covered by the criminal jurisdiction of a foreign state under international law, and by a person who was neither a permanent employee nor a passenger on the ship or aircraft, then punishment is not to be imposed in Iceland unless this is authorised under Articles 5 and 6. If the offence is committed by an employee of, or passenger on, a foreign ship or aircraft travelling through Icelandic territory, against a person who is on board or who has interests that are closely associated with the craft, then punishment shall only be imposed under Icelandic law if the Minister of Justice orders an investigation and the institution of court proceedings.

27. Under Article 5 of the Penal Code, punishment under the code is to be imposed for offences that Icelandic citizens, or persons resident in Iceland, have committed abroad: (1) if the offence is committed in a locality not covered by the criminal jurisdiction of other states under international law, and if it also constituted a criminal offence under the law of the defendant's home country; and (2) if the offence was committed in a locality that is covered by the criminal jurisdiction of another state, and it also constituted a criminal offence under the laws of that state. Article 6 of the Penal Code states furthermore that punishment is to be imposed under the Icelandic Penal Code for offences that meet the above descriptions, even if the offence is committed outside Icelandic national jurisdiction, and irrespective of the identity of the perpetrator, if they are committed, i.a., as follows: against the interests of Icelandic citizens or persons resident in Iceland if they are committed in a place not covered by the criminal jurisdiction of other states under international law (item 3); and if they involve conduct that is mentioned in the Convention on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 (item 9).

## Extradition

28. According to the Icelandic Act on Extradition of Criminals and other Assistance in Criminal Proceedings, No. 13/1984, a person who is suspected of, indicted for or has been sentenced for a criminal offence in a foreign state may be extradited under that Act. Icelandic citizens may not be extradited. The offences referred to in paragraph 1 of Article 3 of the Optional Protocol are subject to extradition, unless the alleged offender is an Icelandic citizen. In that case, the Icelandic citizen can be punished under Icelandic criminal law. A person may only be extradited if the offence involved, or a comparable offence, could be punishable by more than one year's imprisonment under Icelandic law. Special provision apply to the extradition of criminals to Denmark, Finland, Norway and Sweden (*cf.* the Act No. 7/1962). This Act states that Icelandic citizens may only be extradited to the other signatory countries if they have been resident for the two years prior to the commission of the offence in the country requesting the extradition, or if punishment more severe than 4 years' imprisonment is prescribed in Icelandic law for the offence.

29. Iceland receives about 1 to 3 extradition requests per year from abroad. So far none of the requests have related to offences referred to in Article 3 of the Optional Protocol.

30. The length of the procedure in extradition cases can differ from one case to another, but it usually takes a relatively short time. Factors that can influence the length of the procedure include whether the residence of the alleged offender is known or not and how long it takes to find his residence abroad; the time it takes to translate the documents in the case and the time it takes the relevant authorities to correspond to the request. Sometimes the all that is known about the residence of the alleged offender is, for example, that it is somewhere in a certain country, somewhere in Europe or somewhere in the USA. It can take a good deal of time to find the offender in such cases. Because of the small population in Iceland, it is easier to find alleged offenders here, and therefore it is possible that the procedure can in some cases take a less time here. Under Article 14 of the Icelandic Act on Extradition of Criminals and other Assistance in Criminal Proceedings, a person whose extradition has been requested may demand a ruling by the Reykjavík District Court on whether the conditions for extradition have been met.

31. It should be mentioned that the Icelandic Act on Extradition of Criminals and other Assistance in Criminal Proceedings is currently being reviewed. Under the Decision by the Council of the European Union of 27 February 2003, the 1995 Convention on simplified extradition procedure between member states of the European Union and Articles 2, 6, 8, 9 and 13 of the European Convention on Extradition are considered constitute developments of the Schengen acquis in accordance with the Agreement concerning the Republic of Iceland's and the Kingdom of Norway's association with the implementation, application and development of the Schengen acquis. Furthermore, an agreement was signed between Iceland and Norway, on the one hand, and the European Union, on the other, on the application of the European Convention on Mutual Assistance in Criminal Matters. The necessary amendments to Icelandic legislation to take account of these international obligations are currently being prepared.

### **Seizure and confiscation of goods and proceeds, and closure of premises**

32. Under Article 78 of the Code of Criminal Procedure, No. 19/1991, any objects that may be assumed to be of evidential value in criminal proceedings, objects that have been obtained by crime, and objects that may be subject to confiscation, shall be seized. Similarly, any person who lawfully arrests a suspect, investigates the scene of a crime, or conducts a house search or other search, or a personal search, may seize any objects found that may be of evidential value. Article 83 of the Code of Criminal Procedure stipulates that the police can close rooms and houses, close or prevent access to areas and prohibit taking items from a certain place or area.

33. Under Article 69 of the Penal Code, No. 19/1940, confiscation in accordance with a court judgment is allowed of objects created by an offence or used for its commission, unless they are in the ownership of a person not implicated in the offence in any manner; and objects that are deemed to be intended for a criminal purpose, provided this is deemed necessary with regard to public security.

### **IV. PROTECTION OF THE RIGHTS OF CHILD VICTIMS**

34. The Code of Criminal Procedure, No. 19/1991, contains provisions covering investigations that involve children and the appointment of legal advisors for victims. Amendments were made to the code by the Act No. 36/1999 with the aim of improving the legal status of victims, in particular those that have experienced violence or cruelty in some form. Thus, the police are obliged to appoint a legal advisor for the victim if the offence is a sexual offence and the victim so requests. The police must appoint a legal advisor if this is requested by the victim and the offence constituted a sexual offence or involved physical violence, robbery, extortion or the exploitation of circumstances and it may be assumed that the victim incurred substantial physical injury or disturbance of his or her mental health as a consequence of the offence, and if he or she is, in the opinion of the police, in need of special assistance from a legal advisor in order to defend his or interests in the case. The police may also appoint a victim a legal representative even though the victim does not request this if the offence is one of the type listed above and if the victim is particularly slow or limited in comprehension. In all cases in which the victim is aged under 18 and the offence is a sexual offence, a legal advisor is to be appointed.

35. When proceedings have been instituted and the conditions are met for appointing a legal advisor, the judge appoints the legal advisor. This also happens if the victim so requests, when the police refuse or neglect to appoint a legal advisor. The role of the legal advisor is to defend the victim's interests and assist him or her in the case, this involving, amongst other things, making civil-law claims as provided for under the Code of Criminal Procedure. During the investigation of the case, the legal advisor only has the right of access to those materials that are essential in order to defend the interests of the victim. A legal advisor may be present when testimony is taken from the victim. After the issue of an indictment, the legal advisor has the right to be present at all sessions of the court, and the right of access to all materials in the case unless the judge considers that this would make it difficult to establish the facts of the case. Fees to the legal advisor are paid by the Treasury and are regarded as part of the costs of prosecution of the case.

36. During the investigation of a case, statements are taken before a court in the following cases:

(a) If the case involves a sexual offence and the victim has not reached the age of 18 when the investigation begins;

(b) If the police consider it necessary to have statements taken before a court from an accused person, victim or witnesses in order to establish the facts of the case before the defence counsel receives access to documents or other materials;

(c) In cases other than those in a) and b), statements may be taken from victims or witnesses before a court prior to the issue of an indictment if they refuse to answer question put by the police or if it is thought likely that they will not appear in court during the trial of the case, and also if this arrangement is considered desirable with regard to the interests of the victim or witnesses, e.g. where the persons involved are children.

37. When a statement is taken before a court from a victim under the age of 18, the judge may call in a specialist to assist with the taking of the statement. Then, the prosecutor, defence counsel and legal advisor do not have the right to be present in the courtroom or other venue where the court session is held and where the statement is taken if the judge considers that their presence could be particularly embarrassing for the victim or have an influence on his or her testimony. Then the judge shall ensure that the parties to the case are able to observe the giving of testimony while it takes place, and he shall be able to put to the victim the questions that they wish to be put. The Minister of Justice issued Regulations, No. 321/1999, on the arrangements for taking statements before a court from victims younger than 18 years old. The regulations mention, amongst other things, a specially fitted room intended for the taking of statements. A specially-fitted room has been prepared in the Reykjavík District Court for taking statements from children. Furthermore, a “Children’s House” (Barnahús), run by the Child Protection Agency, has been fitted for the taking of statements from children. In both places, there are facilities for those present to observe the taking of testimony.

38. Under Article 8 of the Code of Criminal Procedure, No. 19/1991, the judge may decide that a session of a court is to be held *in camera* if certain conditions are met; this may be done, e.g. in order to protect victims, witnesses and other persons concerned. The judge takes the decision to hold the court *in camera* on his own initiative or at the demand of the prosecution, the defendant or the victim. Proceedings *in camera* may not be made public unless the judge permits this. Furthermore, the judge may prohibit public reporting of matters that are revealed in the course of an open session of the court if it can be expected that such reporting could cause substantial suffering or inconvenience to the immediate family of the defendant, victim or other persons who are not facing charges. Generally, anonymity is observed when judgements in sexual abuse cases are reported. It is very unusual that child victims in such cases take part in public discussion of the offences. It has happened, however, that the victims in sexual abuse cases have told their stories at a later date, whether they were children or adults at the time that the offences were committed.

39. When a complaint is made concerning an alleged sexual offence against a child, the first step taken is a police investigation. The same applies if the police come across an indication of such an offence, even if no complaint has been made. Under the Code of Criminal Procedure,



No. 19/1991, an investigation is to be made into the alleged incident, e.g. regarding the time and place of occurrence and all further details that are likely to be of significance, the suspected perpetrator is to be sought, witnesses and other people likely to be able to give testimony are to be found and tangible evidence and exhibits are to be sought. Furthermore, an investigation is to be made of the site, where appropriate, and of all evidence of the offence. As the age of children involved in sexual abuse cases against children may be of great significance, emphasis is placed in such investigations on establishing all the facts concerning the alleged offences, including the age of the victims.

40. The right of parents or guardians to be present at the investigation of cases by the police or at trials by a court depends on the circumstances in each individual case. If a parent or legal guardian is suspected of having committed a criminal offence against a child, or is a witness in such a case, then evidently the parent or legal guardian is not permitted to be present during the investigation or trial. The same applies if the police or the judge consider that the presence of the parent or legal guardian could influence the testimony given by the child.

41. Offences by a child against penal-law provisions that are comparable with the offences covered by the Optional Protocol are handled under those provisions and the Code of Criminal Procedure. Under Article 14 of the Penal Code, no person may be punished for an offence committed before reaching the age of 15. A child that has attained the age of 15 at the time of committing the offence is criminally liable providing all other legal conditions are met. Various provisions in special statutes may nevertheless apply in the case of offences committed by children. Under paragraph 2 of Article 113 of the Code of Criminal Procedure, No. 19/1991, the Director of Public Prosecutions may drop proceedings under the circumstances described in that provision; these include particular circumstances in which the view must be taken that prosecution would not be in the public interest. Under Article 56 of the Penal Code, the prosecutor may defer the prosecution of a case for a specific length of time if the perpetrator has confessed to having committed the offence and was aged between 15 and 21 at the time of the offence. Finally, Article 57 of the Penal Code makes provision for deferring, in a sentence, a decision on punishment or the enforcement of the sentence.

42. Following a report to Parliament on sexual violence against children in 1997, the Minister of Social Affairs requested the Child Protection Agency to submit proposals on how the treatment needs of child victims of sexual offences can be met. Its proposals were compiled in co-operation with the Reykjavík Social Affairs Department, other social welfare authorities, medical professionals, the Reykjavík Police, the National Commissioner of Police, the Director of Public Prosecutions and other specialists. In November 1998, the Child Protection Agency opened its Children's House, which is a co-operation forum for all parties concerned with these matters. The chief objectives of the Children's House are:

- To co-ordinate the efforts of the social welfare authorities, the police authorities and other parties in this field;
- To institute multi-disciplinary co-operation in order to improve research methods;
- To avoid the necessity of having children recall a bad experience in repeated interviews with many questioners, and to secure the interests of the children involved during interrogation and at other stages of legal procedure;

- To improve the quality of the psychological treatment that a child may need;
- To ensure the availability of professional knowledge in this field.

43. The basic concept of the Children's House is to prevent subjecting the child to repeated interviews by many agencies in different locations. In the Children's House, the child is interviewed in a special room by a trained interviewer (see para. 37). After the interview in the Children's House, the child can have a medical examination in the on-site medical clinic. The findings are documented through the use of a colposcope, a device that records the examination on video. The Children's House also provides treatment services for child victims of sexual abuse and their families. The child is assessed for therapeutic purposes. Then an individual treatment programme is designed created and administered, either at the facilities or, if the child lives outside of the capital area, as near to the child's home as possible. The Children's House serves the whole country. During its first four years in operation, approximately 470 cases have been referred to the House.

44. According to Article 108 of the Penal Code, No. 19/1940, any person who uses physical violence, unlawful compulsion or threats as defined in Article 233 against a person or his close relatives or other persons connected with him because of testimony that he has given to the police or to a court shall be sentenced to imprisonment of up to 6 years, or to a fine if there are special extenuating circumstances. This provision was an innovation, introduced by the Act No. 39/2000, and the explanatory notes to the draft legislation stated that the reasoning behind it was that offences of this type were directed not only at the actual victim but also at the interest that the general public has in the legal process as such. It was also stated that this was part of measures to improve the protection of witnesses, and that Recommendation No. R(97) 13 of the Committee of Ministers of the Council of Europe, adopted on 10 September 1997, concerning intimidation of witnesses had been observed as a guideline.

45. Victims in criminal cases have the opportunity of presenting compensation demands if it is revealed that they have suffered injury or loss as a result of alleged criminal activity. The police are obliged to give the victim guidance in this connection, and the victim's legal advisor assists the victim with presenting the compensation claim. If a charge is made in the case, the compensation claim must be mentioned in the indictment. Provision is made in the Act No. 69/1995 regarding the payment of compensation by the Treasury to victims. The Treasury pays compensation for injury and damage resulting from violations of the Penal Code perpetrated within Icelandic national jurisdiction. In exceptional cases, compensation may nevertheless be paid for injury or damage resulting from offences committed outside Icelandic national jurisdiction, providing that the victim is domiciled in Iceland or is an Icelandic citizen. Compensation is also paid under the act if both the victim and the perpetrator of the offence were in Iceland on a temporary basis at the time of the offence. A special compensation claims committee decides on the payment of compensation. Compensation is paid under the Act for physical injury, damage to clothing and personal items, and for non-financial loss. The precondition for the payment of compensation is that the offence to which the injury or loss is attributed was reported without concealment to the police and that the victim presented a demand for compensation from the perpetrator. Applications for compensation must be received by the

compensation committee within two years of the commission of the offence. In special cases, where there are particularly cogent reasons, this two-year condition may be waived. Compensation is only paid in respect of each individual incident if the principal of the claim is ISK 100,000 or more. The Act specifies certain maximum sums that the Treasury pays in compensation.

46. Various provisions of the Children's Act, No. 76/2003, the Child Protection Act, No. 80/2002, and other statutes concerning children state that children's point of view is to be taken into account before decisions are taken on their rights and obligations. Under the Child Protection Act, No. 80/2002, a child that has attained the age of 15 years may be a party to a legal action involving child protection issues. The Act states, amongst other things, that the child is to be given the opportunity to express itself on matters that concern it in accordance with its age and maturity, and that fair consideration is to be given to the child's opinions when taking decisions to resolve the case. In all cases, a child that has attained the age of 12 must be given an opportunity to express its position on the case. The Act also states that the judge is to assess in each individual instance whether the child has attained the level of maturity at which it can form sufficient conception of the facts of the case as to mean that its testimony regarding them will be of significance.

## **V. PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

47. Under Article 36 of the Child Protection Act, No. 80/2002, the Child Protection Agency has the right to information from the State Penal Registry on those who have been convicted of offences under Section XXII (Sexual Offences) of the Penal Code, No. 19/1940, when the offence was against a person under 18 years of age. The Director of Public Prosecutions shall provide the Agency with copies of legal verdicts on request. The Child Protection Agency may inform the relevant child welfare committee if a person who is believed to constitute a considerable danger moves to the committee's district. If justified by compelling principles of child protection, the child welfare committee may warn other parties, with the consent of the Child Protection Agency. It is not permissible for child welfare authorities, homes or institutions operated under the provisions of the Act (whether they are operated by the state, local authorities or private parties), to employ persons who have been convicted of offences under Section XXII of the Penal Code. Managers of schools, kindergartens, summer camps, sports and leisure centres and other similar institutions, or places where children gather or stay, temporarily or long-term, have a right to request information from the State Penal Registry on whether an applicant for a job under their management has been convicted of offences under Section XXII of the Penal Code, this request being made with the consent of the applicant.

48. Under Article 37 of the Child Protection Act, No. 80/2002, if a child welfare committee believes that a child is at risk due to the behaviour or conduct of a person, such as violence, threats or menaces, or due to drug use or other actions, it may bring a court action to have the person in question prohibited from being in a certain place or area, and from following, visiting or otherwise making contact with a child. By the same token, a request may be made that a person be excluded from the home if the committee deems this necessary in the interests of the child. Other aspects of this procedure are subject to the provisions on injunctions in the Code of Criminal Procedure.

49. Article 18 of the Police Act No. 90/1996 contains a provision stating that the police are obliged to take action regarding children under the age of 16 who are in places where their health and well-being are in serious danger and to place them under the control of their legal guardians or a child welfare committee if this is thought to be necessary.

50. The organisation Save the Children Iceland (Barnaheill) has operated a series of education campaigns aimed at focusing public attention on child-related problems such as child abuse. As a part of this, it has launched an education and information campaign against child pornography on the Internet via its website, [www.barnaheill.is](http://www.barnaheill.is), and it encourages members of the public to notify the website if they come across child pornography. Save the Children Iceland works in close conjunction with the Icelandic police, web servers and members of the international umbrella organisation INHOPE in its efforts to eradicate child pornography and identify those responsible for creating and distributing it.

51. A conference on the safe use of the Internet by children was held in Iceland on 6 February 2004 under the auspices of SAFT (Safety and Awareness for Tweens) in Iceland and the organisation Home and School (Heimili og skóli). In his address to the conference, the Minister of Justice announced that the Government had, on the same day, approved a national policy on the Information Society for the period 2004-07. The Government decided that the Ministry of Culture, Education and Science and the Ministry of Justice should give special attention to the welfare of children in these times of technological change.

52. The Minister of Justice has had the following reports prepared on pornography and prostitution:

- A report presented by the Minister of Justice to the Althingi (parliament) in 2000 comparing the legal environments in Iceland and elsewhere in the Nordic countries as regards legislation on, and monitoring of, pornography, prostitution, etc.;
- 'Prostitution in Iceland and its Social Context' (in Icelandic): a report prepared by a consultancy, published in 2001. The aim of this study, which the Minister of Justice had commissioned, was to establish whether prostitution existed in Iceland, and if so, then what form it took. The conclusions of the study were, briefly, that prostitution does exist in Iceland, e.g. among young people who are involved in drug abuse, and in connection with striptease clubs;
- A report by a committee appointed by the Minister of Justice, which was commissioned to make proposals for improving the situation with regard to pornography and prostitution. The committee submitted its report on the matter in 2002. One of the tasks of the committee was to make proposals on methods of responding to the findings of the reports described above, to examine current criminal legislation on prostitution and sexual abuse and the investigation and handling of offences in this area, to propose means of helping victims, to determine whether it would be possible to give children and teenagers greater protection by means of criminal-law measures in this area and to decide whether there was a need to set rules on the running and activities of striptease clubs. The committee made a great number

of proposals for improvements in these areas and others, e.g. concerning general and specific preventive methods and means of assistance, proposals on amendments to the Criminal Code, a proposal to enact legislation on responsibility for material on the Internet and means of access to it, the formulation of policy and regulations on the functions of night-clubs, legislation and solutions concerning trafficking in human beings and having the Government participate in international collaboration regarding pornography and prostitution; the committee also proposed that Iceland ratify two international agreements in this area: the United Nations Convention against Transnational Organized Crime (and the associated Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children) and the European Convention on Cybercrime. Some of the committee's proposals have already been adopted.

53. In May 2001 the Althingi passed a resolution to entrust the Government with the preparation of a comprehensive and cohesive public policy on children and teenagers. The resolution states that the aim of the policy should be to ensure the interests and well-being of children and teenagers in all areas of life and furnish them with the best possible environment in which to grow and develop. It proposed that a committee be appointed for this purpose with representatives from the Prime Minister's Office, the Ministry of Social Affairs, the Ministry of Health and Social Security, the Ministry of Justice, the Ministry of Education, Culture and Science, the Ministry of the Environment and the Union of Local Authorities in Iceland. It also stated that on the basis of the proposals of the committee, which should be entrusted with preparing the policy, a five-year implementation schedule should be drawn up in collaboration with public bodies and non-governmental institutions involved in matters concerning young people, including youth associations. Following this parliamentary resolution, the Prime Minister appointed the committee as recommended. The committee is now completing its final report, which can be expected to be presented to the Althingi in autumn 2004.

54. Addressing the 58<sup>th</sup> Session of the General Assembly of the UN in October 2003, a spokesperson for Iceland's Permanent Representative to the UN stated that the world had witnessed an increase in the number of unaccompanied children. Unaccompanied children are often deported to their country of origin without an appropriate assessment of their needs. Unfortunately, this also means that no arrangements are made to ensure that the child will be taken care of in its country of origin. This is in conflict with the basic principle of the best interest of the child, embodied in the Convention of the Rights of the Child. In March 2003, representatives of 14 states, including Iceland, met in Stockholm to discuss the plight of unaccompanied children. They agreed that if an unaccompanied child is returned to its country of origin, adequate provisions must be made to care for the child. The countries committed themselves to co-operate bilaterally and multilaterally to facilitate the establishment of national contact points on issues of unaccompanied children. It should finally be noted that in December 2003 the Ministry of Justice appointed a working group with the role of formulating proposals for rules of procedure and a contingency plan to be used in cases when unaccompanied children are discovered in Iceland. The working group delivered a report on unaccompanied children in April 2004.

## **VI. INTERNATIONAL ASSISTANCE AND COOPERATION**

### **Prevention**

55. Iceland is a member of the United Nations Convention on Economic, Social and Cultural Rights. Furthermore, Iceland is a member of the European Social Charter, which guarantees fundamental social and economic rights. It is also a member of the European Convention on Social and Medical Assistance, which ensures that the nationals of other parties who are lawfully present in signatory states' territory and who are without sufficient resources, are entitled to the same social and medical assistance as their own nationals.

56. Iceland considers it its role to ensure that globalisation benefits all countries, not least through targeted development co-operation. Sub-Saharan Africa has been the focus of Iceland's bilateral development co-operation, and it is currently also increasing its contribution and involvement in multilateral development co-operation, especially through the UNDP (United Nations Development Programme), UNFPA (United Nations Population Fund), UNICEF (United Nations Children Fund), UNIFEM (United Nations Development Fund for Women) and the WFP (World Food Programme).

57. During the 58th session of the United Nations, Iceland was a co-sponsor of several resolutions relating to promotion of international co-operation to address the root causes, particularly poverty and underdevelopment, which contribute to the vulnerability of children to the sale of children, child prostitution, child pornography and child sex, including:

- General Assembly Resolution 58/219, United Nations Decade of Education for Sustainable Development;
- General Assembly Resolution 58/130, Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly;
- General Assembly Resolution 58/133, Policies and programmes involving youth;
- General Assembly Resolution 58/156, The girl child;
- General Assembly Resolution 58/169, Human rights and mass exoduses;
- General Assembly Resolution 58/186, The right to food.

### **Protection of victims**

58. Iceland has participated in the Council of the Baltic Sea States, with 10 other states. Among other activities, the council maintains a web site, Child centre – Baltic Sea Region Children at risk. This supports regional co-operation to raise the level of knowledge and to co-ordinate activities targeting children at risk in the Baltic Sea Region. The five areas prioritised in these activities are: Children victimised by sexual exploitation, children living in the street, children in institutions, children that commit crimes and unaccompanied and trafficked children. Measures taken include child welfare, rehabilitation and recovery of abused children and law enforcement. Further information is available at [www.childcentre.baltinfo.org](http://www.childcentre.baltinfo.org).

## Law enforcement

59. Iceland is a member state of Interpol, the operations of which cover many specialized areas such as organized crime, trafficking in human beings and crimes against children, such as sexual abuse, child pornography and child prostitution. Iceland, a non-member of the European Union, has signed an agreement with Europol, the European Union law enforcement organization that handles criminal intelligence. Iceland participates, with fourteen other European states, in the Schengen scheme. One of the basic aims of this collaborative scheme is to fight international crime and improve police co-operation between the member states. An important aspect of police co-operation is the operation of a common database containing information on individuals wanted because they are suspected of having committed offences or they have been sentenced to prison, and also missing persons. With the abolition of mutual passport examination between the Schengen states, there is a corresponding need for active cross-border collaboration on these matters. The police play an important role in this collaboration, and police surveillance is one of the key factors in ensuring the success of the scheme.

60. Iceland's membership of Interpol and Europol also involves technical assistance and other types of assistance to the other states in connection with combating international crime. Assistance, including technical assistance, is also rendered between states that are signatories, as Iceland is, to the European Convention on Extradition and the Nordic Agreement on Mutual Assistance in Criminal Matters. The same applies to the member states of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and the European Convention on the International Validity of Criminal Judgements.

61. International agreements to which Iceland is a party, and which are relevant to international assistance and cooperation, are as follows:

- European Convention on Extradition, ratified June 20, 1984;
- Additional Protocol to the European Convention on Extradition, ratified June 20, 1984;
- Second Additional Protocol to the European Convention on Extradition, ratified June 20, 1984;
- European Convention on Mutual Assistance in Criminal Matters, ratified June 20, 1984;
- Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, ratified June 20, 1984;
- Convention on the Transfer of Sentenced Persons, ratified August 6, 1993;
- European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, ratified October 21, 1997;

- European Convention on the International Validity of Criminal Judgements, ratified August 6, 1993;
- Convention of the International Labour Organisation concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. Ratified May 29, 2000;
- Agreement between the Nordic Countries on the Recognition and Enforcement of Judgements), ratified 1 July 1933;
- Agreement between the Nordic Countries on Mutual Assistance in Criminal Matters, ratified 22 July 1975;
- European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children, ratified July 22, 1996;
- Convention on the Civil Aspects of International Child Abduction, ratified August 14, 1996.

62. International agreements which Iceland has signed include the following:

- European Convention on the Compensation of Victims of Violent Crimes, signed November 30, 2001;
- European Convention on Cybercrime, signed November 30, 2001;
- European Convention on the Transfer of Proceedings in Criminal Matters, signed September 19, 1989;
- Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, signed November 8, 2001;
- United Nations Convention against Transnational Organized Crime, signed December 13, 2000;
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

The necessary legal amendments and other measures to provide for the ratification of the international instruments signed are now in preparation.

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