
SUPPLEMENTARY REPORT FROM THE OMBUDSMAN FOR CHILDREN IN ICELAND

- TO THE UNITED NATIONS COMMITTEE ON
THE RIGHTS OF THE CHILD REGARDING
ICELAND'S FIFTH AND SIXTH PERIODIC REPORT



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About the Ombudsman for Children

The Ombudsman for Children was established in 1995, under the Act on the Ombudsman for Children, No. 83/1994. The Ombudsman is a national, independent supervisory body, entrusted to guard the interests, needs and rights of children. The Ombudsman initiates discussion and points out the need for development of policies, practices and procedures to promote children's rights and welfare. The Ombudsman highlights issues that are of concern to children and monitors and reviews legislation and other actions of the authorities. The Ombudsman for Children further supports children by providing information and advice on how their rights can be protected and realised.

Amendments to the Act on the Ombudsman for Children

In December 2018 the Parliament approved amendments to the Act on the Ombudsman for Children, in order to strengthen the capacity and the mandate of the Ombudsman. The Act now explicitly states the role of the Ombudsman in supervising the development and interpretation of the Convention and other international human rights instruments which Iceland is a party to.

Furthermore, the amendments include several important tasks. First the Ombudsman is entrusted with the task of gathering and sharing data and information concerning certain groups of children. The information provided is meant to form the basis of a coordinated and holistic policy on children in all areas of the administration, as required by the Convention. Secondly the Ombudsman is required to have an advisory group of children on a regular basis. Thirdly the Ombudsman shall organize a Children's Forum, every other year, where a discussion will take place on recent developments in the area of children's rights. The conclusions of the Forum will be presented to the Government as a contribution to the policy making in all matters of children. The first Forum¹ was held on November 21st-22nd 2019 and had a strong emphasis on the meaningful participation of children in policy and decision making.

¹ <https://barn.is/barnathing>

The Report

This report is based on observations made by the Ombudsman, information received from children and other parties, and from research conducted among children. It is organized according to the concluding comments of the Committee received by the State Party.

Working with other parties involved in the participation of children and the promotion of their rights is an essential part in the work of the Ombudsman and provides opportunities for strengthening the monitoring of children's rights.

Much progress has been made in the last decade, such as the incorporation of the Convention into domestic law, but further steps need to be taken in order to fully realize the rights of children as provided by the Convention. This report is meant to provide insights and lead to progress by highlighting areas where improvements are needed.

General Measures of Implementation

8. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the second periodic report that have not yet been implemented or sufficiently implemented, including the remaining declaration on article 37, lack of a data collection system, high dropout rate of immigrant children from school, and existence of the double criminality requirement and to provide adequate follow-up to the recommendations contained in the present concluding observation.

Reservations

10. The Committee reiterates the recommendation made in its previous concluding observations (CRC/C/15/Add.203, para. 5) that the State party guarantee by law the separation of detained children and adults, in accordance with article 37 (c) of the Convention and withdraw its reservation concerning article 37.

Legislation

11. The Committee appreciates the legislative actions that are being undertaken by the State party to strengthening of the constitutional, legal and normative framework related to the implementation of the Convention. The Committee recommends that, once the reservation concerning article 37 has been withdrawn, the State party take the necessary steps to incorporate the Convention and its Optional Protocols into its domestic laws.

In the year 2013, the Convention was incorporated in Icelandic law. However, there is still a lack of consistency in the way children's rights are respected and upheld in the provision of services or policy or decision making in all layers of the administration.

In February 2020, the Ombudsman sent a letter to all ministries and governmental institutions, requesting information on actions taken in order to implement the Convention. In the letter, the Ombudsman enquired whether the institutions considered that there was a need for further training or education on the Convention.² This should provide the Ombudsman with insights into the continued implementation of the Convention in the administration and areas where improvements are needed. The Ombudsman will continue to monitor any progress in this area.

Children applying for international protection

In 2017 the Ombudsman requested for evaluation, all the rulings, concerning children, of the Immigration and Asylum Appeals Board.³ The results showed that children in the asylum process, accompanied by their parents, do not receive the necessary and appropriate information and the best interest assessment is seldom found in the rulings of the Board. As of September 2019, the Board is preparing a document meant to support the best interest assessment for children in the asylum process, and the Ombudsman has been consulted.

Ratification of the third optional protocol

Iceland has not ratified the Optional Protocol on a communications procedure. It is the view of the Ombudsman that ratification is a necessary step in the process of strengthening the protection of children.

Coordination

12. The Committee recommends that the State party undertake measures to establish an effective permanent mechanism for coordinating the implementation of child rights policies by all the relevant bodies and institutions at all levels. This mechanism should be provided with the necessary human, technical and financial resources to implement child rights policies that are comprehensive, coherent and consistent at national, regional and municipal levels.

No direct measures have been taken towards establishing a permanent mechanism for coordinating the implementation of child rights policies. Services aimed towards children are mainly provided by municipalities and among those there are considerable differences in the availability of services and the resources allocated to children. Therefore, further measures

² <https://barn.is/frettir/2020/02/stada-a-innleidingu-barnasattmalans/>

³ <http://www.knu.is/en/>

are needed to improve the implementation and coordination of the Convention, on a governmental as well as municipal level.

15. The Committee encourages the State party to adopt as soon as possible a new national plan of action on children that covers all provisions enshrined in the Convention on the basis of evaluation of the 2007–2011 plan. The Committee also recommends that the State party provide a specific budget allocation and adequate follow-up mechanisms for full implementation of the Plan and ensure that it is equipped with an evaluation and monitoring mechanism to regularly assess progress achieved and identify possible deficiencies.

National Plan of Action

Despite a range of strategies and plans adopted by the Government no national plan of action concerning children has been introduced, making the approach towards children's rights fragmented and uncoordinated. The Government has however announced a new approach in services to children, with an emphasis on early intervention.⁴

There is a need for an effective national plan consisting of concrete, measurable goals and indicators to monitor progress. The involvement of children in the adoption of such a plan is necessary and it needs to be made available in a child-friendly version. The Government further needs to allocate enough resources for the implementation.

17. The Committee recommends that the State party consider giving the Ombudsman for Children the competence to handle individual complaints and ensure that this mechanism is effective and accessible to all children, especially to children in vulnerable situations, as well as raise the public's, especially children's awareness of such complaint's procedure. Drawing attention to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, the Committee also calls upon the State party to ensure that this complaints mechanism be provided with the necessary human, technical and financial resources to ensure its independence and efficacy.

Independent monitoring

According to the Act on the Ombudsman for Children, the Ombudsman is given extensive powers and can require access to any information or documents, regardless of any applicable

⁴ [https://samradsgatt.island.is/oll-mal/\\$Cases/Details/?id=1351](https://samradsgatt.island.is/oll-mal/$Cases/Details/?id=1351)

provisions of confidentiality. Further, the Ombudsman is to have unlimited access to any institutions for children, run by private or public parties. These provisions allow the Ombudsman to gain important knowledge for a dialogue with the relevant parties to encourage change and development. The Ombudsman consistently monitors proposals from the Government and the Parliament and points out where there is a lack of compliance with the Convention or where there has been no consultation with children.

The Parliamentary Ombudsman and the Data Protection Authority

In 2018, the Parliamentary Ombudsman resolved a case⁵ concerning a complaint made by a parent to the Data Protection Authority.⁶ The complaint concerned the publishing of a picture of the complainant's child on social media by the other parent. The Data Protection Authority rejected the complaint stating that the child needed to make the complaint. According to the Parliamentary Ombudsman, the decision to reject the complaint was a breach of the Children's Act and the Convention and the right of children to give their opinions and to have influence. The Parliamentary Ombudsman stated that the Authority should have consulted the child before rejecting the case. The fact that it was put forward by a custodial parent on behalf of the child should not prevent an authority to look for the opinion of the child, especially since the complaint concerned important interests of the child. This is an important ruling as it underlines the principle of children's right to give their opinion on matters which concern them.

Complaints mechanisms

The right to appeal and the accessibility of different complaints mechanisms for children needs to be strengthened. According to a survey done by the Ombudsman in the year 2014, few institutions are prepared to accept complaints from children and among those who are, there is a lack of knowledge on how to deal with such complaints in a child friendly way. Children need to be provided with access to child-friendly complaints mechanisms with the necessary expertise.

It is the opinion of the Ombudsman that the Office should not handle individual complaints from children since according to the Act on the Parliamentary Ombudsman, No. 85/1997⁷, any citizen, including children, can lodge complaints with the Parliamentary Ombudsman on decisions, procedures and conduct exercised by officials of state and municipal authorities and agencies.⁸ The Ombudsman for children is the public spokesperson for children, and safeguards their rights, needs and interests, and handling individual complaints would possibly interfere with the role of the Ombudsman as a public spokesperson.

⁵ <https://www.umbodsmadur.is/alit-og-bref/mal/nr/6421/skoda/mal>

⁶ <https://www.personuvernd.is/information-in-english>

⁷ <https://www.althingi.is/lagas/150a/1997085.html>

⁸ <https://www.umbodsmadur.is/en>

Allocation of resources

19. The Committee recommends that, with economic and financial recovery as experienced since 2010, the State party reverse cuts to the education and health sectors and increase its investment in job creation, especially for single heads of household, social security and special protection in a sustained manner. It further recommends that the State party introduce budget tracking from a child right's perspective with a view to monitoring and evaluating budget allocations for children and take into account the Committee's recommendations resulting from its 2007 day of general discussion on resources for the rights of the child - responsibility of States.

Coordination and cooperation

Depending on their situation and their needs, children encounter many different authorities and institutions, which sometimes means that they fall between the cracks and do not receive the necessary support. There is a need to formalize and strengthen the cooperation between the different entities involved in the support of children, on a local level as well as governmental level, in order to ensure timely and necessary services.

Equal availability and access to services

Many services aimed towards children are provided by municipalities which means there are considerable differences in the support on offer. The Government needs to take further action in order to reduce regional differences in the availability and quality of specialized services for children.

Child Budgeting

There is little awareness on child budgeting and therefore little transparency in child-focused public spending and the allocation of resources for children, unless it concerns services and measures designed specifically for children.

Gender budgeting has been implemented in the fiscal management of the state and in a similar way, the Government which has declared an emphasis on children, needs to demonstrate how its intentions, policies and practices, in the area of children's rights, are reflected in public spending.

21. The Committee encourages the State party to develop a comprehensive system for collecting, processing and analysing data as a basis for assessing progress achieved in the realization of child rights. The data should be disaggregated by age, sex, geographic location, ethnicity and socioeconomic background to facilitate analysis of the situation of all children.

Data collection

Despite some progress a comprehensive system for collecting, processing and analysing data to assess progress in the area of children's rights, has not been developed. There is a substantial amount of information and data concerning children which is being gathered by different research institutes which is not being utilized to its full potential.

In May 2018, the Ombudsman and Statistics Iceland entered into an agreement⁹ on statistical data concerning children in Iceland. According to the agreement, Statistics Iceland gathers the available information on children and publishes on its webpage,¹⁰ such as information about children in the labour market and the number of children applying for international protection, seeking medical assistance, or going to day care and compulsory schools. This agreement is meant to ensure that statistical data will become an important part of the policy and decision-making concerning children. The Ombudsman and Statistics Iceland intend to extend their cooperation and it should be considered whether Statistics Iceland will need to increase its gathering of data on children to include information available at other institutions.

Despite this progress it is necessary to improve further the collection of data concerning children and to consider how the available data at different research institutions can be developed further to become a necessary tool in policy making on matters related to children.

Dissemination awareness-raising and training

23. The Committee recommends that the State party include children's rights in its school curricula. It also recommends the reinforcement of adequate and systematic training of all professional groups working for and with children, in particular law enforcement officials, teachers, health workers, social workers and personnel working in all forms of alternative care.

Training and education in children's rights for professionals working with and for children

There is a need to improve the awareness and knowledge of professionals working with children on children's rights and the vulnerability of marginalized children. It should be required by universities and other educational institutions to ensure that professionals meant to be working with children do not graduate without having been educated on children's rights, the duty of notification and how to identify children at risk. Institutions also need to systematically and continuously train professionals such as teachers, social workers, police officers, prosecutors and judges on how to work and interact with children.

⁹ <https://www.barn.is/frettir/2018/05/frettatilkynning-toelur-um-boern/>

¹⁰ <https://statice.is/statistics/society/children/>

General Principles

Best Interests of the child

25. The Committee recommends that the State party ensure that, in all cases concerning parents' access to the child, the best interest of the child is always given priority. It further recommends the State party to strengthen its efforts to ensure that the principle of the best interests of the child is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings, and in all policies, programmes and projects relevant to and with an impact on children. The legal reasoning of all judicial and administrative judgments and decisions should also be based on this principle.

The best interest assessment

The principle of the child's best interest has been introduced in Icelandic law, in areas such as family law and child protection. The principle has however not been fully implemented and in meeting professionals the Ombudsman has been made aware of the need for further guidance and practical tools for the best interest assessment.

It is the opinion of the Ombudsman that translating the different General comments of the Committee and disseminating them among the relevant professionals would serve as a first step in providing the necessary guidance on the implementation of the Convention and in particular the principle of the best interest of the child. Further guidance is needed, considering Icelandic laws, and the division of responsibility between state and local governments.

A landmark ruling from the Supreme Court

There has been a positive development in the judicial system, where cases concerning children are generally not resolved without giving children the opportunity to express their views. In November 2017, in ruling No, 703/2017¹¹, the Supreme Court sent a case back to the district court, on the grounds that the 10 year old child was not heard in the case concerning it's legal domicile and the access of one of the parents. The Ombudsman hopes this ruling will consolidate the principle that the best interest assessment requires giving children the opportunity to express their views.

Respects for the views of the child

29. In the light of the Committee's general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends the State party to adopt regulations governing the functioning, role and mandate of youth councils and to ensure that children's views are given due consideration in courts, schools, relevant administrative and other processes concerning children and in the home, including children with disabilities, immigrant children or children in other vulnerable situations.

Participation of children in policy and decision making

The participation of children in policy and decision making is limited, uncoordinated and unsystematic and there are examples of a lack of consultation which has led to decisions which have adversely affected children in a way that prior consultation could have prevented. Here are some examples.

Action plan on child protection

In June 2019 the Parliament approved the Minister of Social Affairs and Children's new action plan on child protection, meant to provide better services for children and their families. Children were not consulted in the making of the plan, as the potential or real users of child protection services, even though the Ministry stated, that the action plan was based on a widespread consultation with all relevant stakeholders. The Ombudsman pointed out, in a written statement to the Parliament,¹² that when revising or evaluating services for children, their views and opinions must always be sought.

The decision to shorten upper secondary schools

Major changes have been made to the education system, without any prior consultation with children, despite the changes having a big impact on their lives and in some cases their wellbeing. In 2015 the Ministry of Education made changes to the upper secondary school education, shortening it from four years to three. This decision was mainly based on a report¹³ by the Institute of Economic Studies, on the financial effects. Despite this decision having a huge impact on children there was no consultation with them and there are indications that this decision, has had a negative effect on students in the years following the implementation. When considering the alarmingly growing number of children with mental health problems it is

¹² <https://www.althingi.is/alttext/erindi/149/149-5539.pdf>

¹³ <https://www.stjornarradid.is/media/menntamalaraduneyti-media/media/ritogskyrslur/hagraen-ahrif-af-stytingu-nams.pdf>

obvious that this decision required extensive prior consultation with children, which the Ministry failed to do.

New grading system in compulsory schools

In the year 2015 the Ministry of Education introduced a new grading system in compulsory schools,¹⁴ with a scale from A-D instead of the previous 1-10. This was a major change which caused stress to many students in their final year at compulsory school, since they were unsure how this change would affect their chances of a place in the upper secondary school of their choice. There was no prior consultation with children and students most affected got little information which caused confusion and stress at a very important stage in their lives. This is an example of a decision affecting a large group of children where an extensive prior consultation with children should have been implemented.

The youth council of the Directorate of Education

In 2016 the Directorate of Education established a youth council, to advise the Directorate on matters related to children, such as the writing and publishing of educational material.¹⁵ However, the advisory group is no longer active and the Directorate is considering other ways of consulting children. It is important that the Directorate as an institution which has an important role in the education of children seek all the necessary ways of involving children in their policy and decision-making processes.

A new law on a communication advisor

In the wake of #Metoo, the Minister of Education established a working group to write an action plan against sexual and gender-based violence within sports and youth movements.¹⁶ In a letter to the Ministry the Ombudsman stated that children needed to be consulted in this work. When the report of the working group was published, it became clear that no such consultation had taken place. One of the measures suggested by the working group is to establish a communication advisor for sports and youth movements and a draft bill on the communication advisor was consequently presented to the Parliament.¹⁷ In its handling of the draft bill the parliamentary committee consulted with children from several youth movements, including the advisory group of the Ombudsman. In its written opinion¹⁸ the committee agrees with the views put forward by the Ombudsman on the importance of consultation with children in the early

¹⁴ <https://vefir.mms.is/namsmat/pdf/Leidbeiningabaeklingur.pdf>

¹⁵ https://mms.is/sites/mms.is/files/handbok_ungmennarads_menntamalastofnunar_lokagerd.pdf

¹⁶ <https://www.stjornarradid.is/lisalib/getfile.aspx?itemid=159211eb-a554-11e8-942a-005056bc4d74>

¹⁷ <https://www.althingi.is/altext/149/s/0558.html>

¹⁸ <https://www.althingi.is/altext/149/s/1460.html>

stages of any preparatory legislative work and states that in this case, no active consultation took place, which the authorities need to ensure in all matters which concern children.

The consultation of the Parliament with children

In recent years, the Parliament has shown effort in engaging in meaningful consultation with children on matters which concern them.

At the end of 2018 a draft bill proposing changes to the existing law on the Ombudsman for Children was presented to the Parliament. The parliamentary committee invited the advisory group of the Ombudsman to a consultation meeting. In the meeting the advisors used the opportunity to discuss the fact that they find the webpage of the Parliament difficult to navigate and understand. In the opinion of the Committee, published on the webpage of the Parliament,¹⁹ the Committee refers to the words of the children, stating the need for a real and regular consultation with children in matters concerning them. The Advisory Group has since been invited to a consultation meeting at the Parliament on its new webpage for children. This is a good example of a meaningful participation for children, leading to changes which they themselves proposed.

The action plan on child participation

In May 2019 the Ombudsman and the Minister of Social Affairs and children signed a contract²⁰ on cooperation concerning children. According to the contract the Ombudsman was to draft a strategy on the strengthening of the participation of children and how to evaluate the impact²¹ of major decisions and legislative proposals on children. The draft strategy was presented to the Ministry in December 2019, the Ministry entered into a similar contract with the National Youth Council of Iceland on the drafting of another strategy on child participation, and the new proposals will be presented in June 2019, meaning further delays in the work regarding child participation. There is an urgent need to speed up the work on increased child participation to ensure that no important changes are implemented without the influence of children.²²

Youth councils in local government

According to Article 11 of the Youth Act, No. 70/2007²³ local authorities should operate a youth council providing advice to municipal councils. Since 2008, the Ombudsman has sent on a regular basis questionnaire²⁴ to all municipalities on youth councils. According to the

¹⁹ <https://www.althingi.is/altext/149/s/1460.html>

²⁰ <https://www.barn.is/frettir/2019/05/ub-og-barnamalaradherra-undirrita-samning/>

²¹ <https://www.stjornarradid.is/efst-a-baugi/frettir/stok-frett/2019/03/01/Breytt-verklag-med-aukna-aherslu-a-born/>

²² <https://www.stjornarradid.is/efst-a-baugi/frettir/stok-frett/2019/12/16/Felags-og-barnamalaradherra-undirrita-samning-um-formlegt-samstarf-stjornvalda-vid-ungmenni/>

²³ <https://www.government.is/lisalib/getfile.aspx?itemid=49255450-83bc-11e9-9440-005056bc4d74>

²⁴ <https://www.barn.is/um-embattid/verkefni/ungmennarad-sveitarfelaga/>

questionnaire since 2017, 43 of the then 74 municipalities had established youth councils and 13 of them were preparing to do so, meaning that 95% of the inhabitants of Iceland lived in a municipality where a youth council was operated.

Despite the progress made it is essential to make further amendments to the Youth Act in order to clarify the duty of municipalities to establish a youth council, and to provide guidance on the role and the mandate of such councils. It would be an important step towards ensuring the democratic participation of children in their near environment.

Proposals for lowering the voting age

Proposals for lowering the voting age for municipal elections have been presented to the Parliament on several occasions²⁵ without being approved. These proposals have been supported by the Ombudsman²⁶ who has further pointed out to the Parliament, that increasing the democratic participation of children is not limited to lowering the voting age, it is also about consulting children, allowing them to influence decision making. In meetings of the Ombudsman with children, they have expressed a wish for more education on democracy, politics and governance which is lacking within the school curriculum. There is an opportunity to increase the societal education of children, preparing them for further participation in a democratic society.

²⁵ <https://www.althingi.is/thingstorf/thingmalalistar-efrir-thingum/ferill/?ltg=149&mnr=356>

²⁶ <https://www.althingi.is/altext/erindi/149/149-4346.pdf>

Family environment and alternative care

Family environment

31. The Committee encourages the State party to continue the measures supporting the family and provide training to professionals involved in those measures. The Committee recommends that the State party revise its social benefits programmes with the aim of providing adequate assistance to families in vulnerable situations and increasing its funding to mediation services to parents in dispute. It further recommends that the State party ratify the Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations, the Convention on the Law Applicable to Maintenance Obligations and the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children.

Waiting lists for resolutions in parents' disputes after separation or divorce

There is limited support available for families with children following a divorce or a separation and a serious need for improvements.

Parents going through a divorce or a separation should be provided with information on the effects on children and provided with support for their continued and shared parenthood in new circumstances. According to Article 17 of the Municipalities' Social Services Act, No. 40/1991,²⁷ social counselling provided by municipal social services covers counselling on children's upbringing and divorce, including cases concerning custody and access to children. However, few municipalities offer counselling to parents on these issues. In January 2020 the Ministry of Social Affairs announced that it was supporting a pilot project from Denmark in two municipalities which will provide support for parents undergoing a divorce or a separation,²⁸ this is a positive development. There is a need to further develop services for divorcing or separating parents regardless of whether the parents are in a dispute or not. Such counselling services need to be accessible, free of charge and available locally, as a part of welfare services offered to families since it can prevent disputes and promote positive parenting.

²⁷ https://www.government.is/media/velferdarraduneyti-media/media/acrobat-enskar_sidur/The-Municipalities-Social-Services-Act-No-40-1991-with-subsequent-amendments.pdf

²⁸ <https://www.stjornarradid.is/efst-a-baugi/frettir/stok-frett/2020/01/17/xxx/>

According to the Children's Act,²⁹ parents can agree on the joint custody of a child. Disputes over custody or access are resolved at the office of the District Commissioners.³⁰ If parents are in a dispute, they can request a ruling or institute a court action on custody, domicile, access or enforcement measures. Before such a request can be made, parents are obliged to attempt to reach an agreement and are offered mediation services by the District Commissioner.

However, due to limitations in the resources and funding provided to the District Commissioner in the metropolitan area, there are long waiting lists for rulings in family matters. According to information provided by the District Commissioner on January 2nd, 2020 all cases brought to the Commissioner after May 21st, 2019 are currently on the waiting list.³¹ This means that children are left in a vacuum not knowing what their future living arrangements will be.

On May 31st 2019 the Ombudsman sent a letter³² to the Minister of Justice stating that the long waiting time for resolutions concerning custody or access can lead to anxiety and stress for the children involved and could deepen the conflict between parents and make the cases harder to resolve. In the letter, the Ombudsman stated that the Minister must take immediate action in order to provide the necessary services for children and families in a vulnerable situation. As of February 2020, there have been no reactions from the Ministry of Justice.

Proposed changes to the Children's Act

Unfortunately, decisions concerning children are often based on the needs and opinions of their parents. In February 2019, the Ministry of Justice presented a draft bill³³ of proposed amendments to the existing Children's Act. In Article 9 of the bill there is a new provision allowing children to request that the District Commissioner invite his or her parents to a meeting to discuss current arrangements for custody, legal domicile, residence and access. The Ombudsman supports this proposal since it gives children the opportunity to initiate a discussion which concerns their living situations and wellbeing. The proposal does not require the child to be of a specific age which is in line with the requirement of the Convention to consider a child's maturity and age instead of relying on a formal age limit. The Ombudsman

²⁹ <https://www.government.is/lisalib/getfile.aspx?itemid=ca7ab670-e637-11e7-9423-005056bc530c>

³⁰ <https://www.syslumenn.is/thjonusta/fjolskyldumal/>

³¹ <https://www.syslumenn.is/stodflokkar/forsidugreinar/stada-fjolskyldumala-hja-syslumanninum-a-hofudborgarsvaedinu>

³² <https://barn.is/frettir/2019/06/bref-til-domsmalaradherra/>

³³ [https://samradsgatt.island.is/oll-mal/\\$Cases/Details/?id=1312](https://samradsgatt.island.is/oll-mal/$Cases/Details/?id=1312)

for children believes it could be a major step forward for children and hopes it will be approved by the Parliament no later than spring 2020.³⁴

Children without parental care

33. The Committee recommends that the State party conduct a study on the integration and success rate of children after leaving alternative care settings, which should also include recommendations regarding the measures to be taken to ensure their full integration.

The Report of the National Audit Office on the child protection system

In May 2015 the National Audit Office presented its report to the Parliament on the child protection system.³⁵ In the report the Office came to the conclusion that the Ministry of Social Affairs was ineffective in its role as the highest authority in child protection, and had not fulfilled its duty as the policy maker and supervisory authority. The report further stated that improvements were needed in several areas in child protection and that a specialized treatment centre needs to be established in the metropolitan area.

The Audit Office stated that the Ministry needs to clarify the advisory role of the Governmental Agency for Child Protection towards the local child protection committees and that individual child protection committees need for in depth advise must be considered. The Audit Office further stated that the Ministry needs to clarify the nature of the administrative relationship between the Ministry and the Governmental Agency for Child Protection.

The long-awaited revision of the child protection services

In the last six years there have been repeated statements of Ministers of Social Affairs on major revisions within the child protection system.

In February 2018 the Minister of Social affairs announced the revision of the child protection legislation and the supervision of child protection services. The Minister has on several occasions listed amendments to the Child Protection Act on the list of proposals which the Government intends to present to the Parliament, but no such proposal has been put forward. There is a need to push this work forward and to present real solutions, in order to rebuild the faith of professionals and families in a system, designed to help the most vulnerable group of children.

³⁴ <https://www.stjornarradid.is/lisalib/getfile.aspx?itemid=c4a1b31d-3ba3-11ea-9456-005056bc4d74>

³⁵ <https://rikisendurskodun.is/wp-content/uploads/2016/01/barnaverndarmal2.pdf>

Delays in the execution of new measures

Apart from the promised revisions to the child protection, plans for new measures have been introduced and then either been heavily delayed or withdrawn.

The new treatment centre in the metropolitan area which was announced in 2015 was meant to open in the year 2017. However, this project has been heavily delayed, and the Ministry has announced that the building of the home will start in the year 2020. According to new information, that however seems unlikely.³⁶

In April 2018, the Minister of Social Affairs announced that a new home for children and young people with drug and substance abuse problems would open in two weeks, meant to provide support for those who have finished their treatment and need further rehabilitation, while they work or study and prepare their future lives. The Governmental Agency for Child Protection was meant to manage the home but after heavy protests from the inhabitants of the intended neighbourhood the plans were withdrawn. There is a clear need for such a support measure for young people entering adulthood after tackling addiction.

Child protection authorities publish sensitive personal information on children

In recent years there has been extensive media coverage concerning individual child protection cases and a lot of controversy concerning these important services to vulnerable children and their families.

In June 2018 a report was published on the handling of complaints made by several child protection committees to the Ministry of Social Affairs against the Governmental Agency for Child Protection. The Data Protection Authority later found in a ruling³⁷, that in the report, sensitive, personal information concerning individual children and their families had been published, which was in breach of the Act of the Protection of Privacy.

The Data Protection Authority also ruled against the Governmental Agency for child protection, on the sharing of information to the media, stating in its ruling³⁸ that the Agency had published sensitive, personal information on individual children and families, in breach of the Act on the Protection of Privacy. These rulings and the controversy surrounding the child protection authorities has had a negative impact on vulnerable families who fear that they are at risk of having their personal information published, if ever there is a conflict between the different child protection authorities. This needs to be addressed, in a written statement to the Parliament³⁹ concerning the Action Plan on Child Protection, the Ombudsman stated that

³⁶ https://www.mbl.is/frettir/burdargrein/2020/01/26/hafa_morg_buid_vid_erfidar_adstaedur/

³⁷ <https://www.personuvernd.is/urlausnir/birting-skyrslu-a-vef-stjornarrads-islands>

³⁸ <https://www.personuvernd.is/urlausnir/akvordun-um-afhendingu-barnaverndarstofu-a-gognum-til-fjolmidla>

³⁹ <https://www.althingi.is/alttext/erindi/149/149-5539.pdf>

among the ambitious and extensive actions planned, there should have been an action designed to disseminate information on child protection services and rebuild faith in the system and the actors behind it. In November 2018, the Ministry of Social Affairs published a report⁴⁰ by the Institution of Supervision and quality, on measures meant rebuild trust and faith in the child protection system in Iceland. These actions have not been implemented.

⁴⁰ <https://www.stjornarradid.is/lisalib/getfile.aspx?itemid=1a13e83d-4cb6-11e9-9439-005056bc4d74>

Civil rights and freedoms

Donor conceived children

According to Article 4 of the Act on Artificial Fertilisation and use of Human Gametes and Embryos for Stem-Cell Research,⁴¹ a donor can request anonymity, and in such cases, information may not be provided to the child. The rights of donor conceived children to their origin are therefore not respected.

According to Article 26 of the Adoption Act,⁴² adoptive parents are obliged to inform their child of the adoption as soon as the child is mature enough, no later than when the child reaches the age of six. Adoptive parents also have the right to advice from the relevant Child Protection Committee on how to inform their child. Article 27 of the Adoption Act provides for the right of adopted children to receive the available information from the Ministry of Justice about their biological parents or previous adoptive parents. Accordingly, there is a disparity in the way children's rights to their origin is upheld.

There is a need to revise the legislation by implementing provisions that guarantee the documentation, preservation and disclosure of donor information, and to establish an obligation on the parents of donor conceived children to inform them of the fact. Several proposals concerning this have already been presented to the Parliament, but they have not been approved.⁴³

Children's right to privacy

There are many examples of parents publishing photos of their children or revealing personal information in interviews or in social media, depriving children of the right to decide what information they want to share and to shape their own digital identity. The disclosures parents make online follow their children into adulthood and children are not protected against parental digital oversharing. Therefore, the Ombudsman, in cooperation with others, has published guidelines for parents⁴⁴ and for the media⁴⁵, on publishing information on children in media or social media. The legislator needs to find a way to balance a parent's right to free expression against a child's privacy interest to avoid parental expression which can cause harm to the well-being of a child.

⁴¹https://www.government.is/media/velferdarraduneyti-media/media/acrobat-enskar_sidur/Act_No_55_1996_on_Artificial_Fertilisation_etc_as_amended.pdf

⁴²<https://www.government.is/Publications/Legislation/Lex/?newsid=d7b59144-dff8-11e7-9420-005056bc4d74>

⁴³<https://www.althingi.is/altext/150/s/0088.html>

⁴⁴<https://barn.is/um-embattid/verkefni/almenn-vidmid-samfelagsmidlar/>

⁴⁵<https://barn.is/um-embattid/verkefni/almenn-vidmid-umfjoellun-um-boern/>

There is also a need to develop principles and guidelines for the media on important issues which concern children, without compromising the rights of individual children to privacy and autonomy.

Disability, basic health and welfare

Children with disabilities

35. In light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party:
- (a) Continue and strengthen measures to include children with disabilities in all areas of life;
 - (b) Ensure that children with disabilities are provided with all necessary support and services without undue delay and financial constraints should not be an obstacle in accessing services;
 - (c) Ensure that data collected on persons with disabilities is disaggregated also by the nature of the disability, age and gender; and
 - (d) Ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol without delay.

Data on children with disabilities

There is not enough available data on children with disabilities and it is questionable whether national surveys among children adequately reflect the situation of disabled children.

The expert group of children with disabilities

In the year 2018 The Ombudsman set up an expert group with children with disabilities. The aim was to provide space and an opportunity for children with disabilities to discuss matters of their own choice and to point out the need for change and improvements, based on their own views and experiences.⁴⁶ The expert group put emphasis on certain areas which call for actions and they want further opportunities for children with disabilities to express their views and thoughts. Decisions are being taken daily which concern children with disabilities, without their involvement and if they are given the opportunity to express their views they are seldom reflected in the decisions.

According to the expert group there is a need for better physical access and children with physical disabilities experience difficulties in accessing different official buildings. There is a need to ensure access for a diverse group of children with different needs.

The experts are of the opinion, based on their own experiences, that support measures within the school system are often decided upon and assigned to disabled children without their input

⁴⁶ https://barn.is/media/593081/serfraedihopar_fatladra_barna_ub.pdf

or agreement. Disabled children are subjected to bullying in schools and their complaints are not taken seriously. There are examples of disabled children being forced to change classes or schools as a solution to bullying against them.

The experts found that disabled children need to have better access to professionals at schools such as teachers, social workers and psychologists. The information on the available support staff needs to be accessible since many disabled children are not aware of their right to support or how to access it.

Disabled children of separated or divorced parents

According to Article 26 on the Act on National Health Insurance⁴⁷ the National Health Insurance partly finances the purchase of necessary equipment for disabled children, which they need to increase their abilities, assist in their care and their daily lives. However, if the parents of the disabled child are separated or divorced and share the custody of the child, this only applies to one household. This means that in some cases, children with disabilities are unable or restricted from visiting or spending time at the home of one of their parents, making it more difficult to maintain contact which can have a negative impact on the relationship.

In the year 2015, a committee, appointed by the Minister of Justice, presented a report⁴⁸ to the Parliament, with suggestions for changes to the Act on Children and new legal arrangement for the shared custody of children. According to the suggestions, parents of disabled children, under this arrangement, would be able to share all public financial support, making it possible for both parents to adjust their homes and adapt it to the needs of the disabled child. In March 2018 and again in February 2019, the Ministry of Justice, opened consultation⁴⁹ on a draft bill which has as of February 2020 not been presented to the Parliament but is due in spring 2020.⁵⁰

Disabled children with immigrant background

There is little knowledge available about disabled children with an immigrant background and more research and data are needed. In recent years, increasing number of children with immigrant background that are referred to the State Diagnostic and Counselling Centre,⁵¹ which provides services to children with developmental disorders. In the year 2018, 30% of the total number of referrals to the Centre were for children with an immigrant background,⁵² which

⁴⁷ <https://www.althingi.is/lagas/149b/2008112.html>

⁴⁸ <https://www.althingi.is/altext/pdf/145/s/0170.pdf>

⁴⁹ [https://samradsgatt.island.is/oll-mal/\\$Cases/Details/?id=1312](https://samradsgatt.island.is/oll-mal/$Cases/Details/?id=1312)

⁵⁰ <https://www.stjornarradid.is/lisalib/getfile.aspx?itemid=c4a1b31d-3ba3-11ea-9456-005056bc4d74>

⁵¹ <https://www.greining.is/is/tungumal/english>

⁵² https://www.greining.is/static/files/2019/arsskyrsla_2018_2.pdf

means that they are overrepresented compared to their percentage in Icelandic society.⁵³ This is an issue which requires further examination and actions.

Mental health of certain groups of children with immigrant background

Recent research shows that teenagers with an immigrant background have less support from their parents and peers compared to teenagers with an Icelandic background.⁵⁴ The research also shows that certain groups, mostly those of a Polish or Asian origin, experience worse mental health and less happiness than their peers.⁵⁵ It is important to improve the situation of families with an immigrant background and to provide better support for children and teenagers in this situation.

New legislation on sterilization

In May 2019, the Parliament approved a new law on sterilization, No. 23/2019.⁵⁶ The aim of the legislation is to ensure individuals right to self-determination. The new law however allows for sterilizations on children under the age of 18, if their fertility can seriously affect their life or health.

In a written statement to the Parliament,⁵⁷ the Ombudsman stated that as a party to the Convention the legislator must promote and respect children's right to self-determination and their right to mental and physical integrity. It is the opinion of the Ombudsman that sterilization's on children cannot be justified as a medical necessity, even if that child's fertility poses a risk to its health or life. There are other measures to be relied upon which are reversible and less invasive, and this is a very difficult decision for children who need support and time to allow them to take an informed decision on their own terms. Since the proposed legislation did not fully ensure the rights of children to self-determination and the necessary health services, education and support for the children concerned it was the opinion of the Ombudsman that it should not be approved. The Ombudsman also stated that the proposal was not in line with the UN Convention on the Rights of persons with Disabilities, Article 23, which states that persons with disabilities, including children, retain their fertility on an equal basis with others.

⁵³ <http://hagstofan.s3.amazonaws.com/media/public/2019/901e98bb-a182-4dc1-9059-261b7bea719b.pdf?fbclid=IwAR2PeMY86yftjp2eBlxHIN1Z9kru43Zit1C699Cj58mFui3ZRNveydv6tSQ>

⁵⁴ <https://www.ruv.is/frett/vanlidanin-mest-medal-polskra-og-asiskra-ungmenna?term=ungmenni%20af%20erlendum%20uppruna%20njóta%20síður&rtype=news&slot=1>

⁵⁵ <https://www.ruv.is/frett/bornum-af-erlendum-uppruna-lidur-verr>

⁵⁶ <https://www.althingi.is/altext/149/s/1478.html>

⁵⁷ <https://www.althingi.is/altext/erindi/149/149-4378.pdf>

Despite the objections of the Ombudsman and other parties, the Parliament approved the law on sterilization.⁵⁸ It is the opinion of the Ombudsman that the approval of this law puts children with disabilities in a very vulnerable position, with serious risk to their right to physical integrity and self-determination.

Standard of living

Iceland has made a good financial recovery after the financial crisis and the overall financial situation of children in Iceland is good. There are however certain groups of children living with poverty, first and foremost, the children of one parent households.

A recent study shows that almost four out of ten children living in households below the poverty line, are the children of one parent household.⁵⁹ According to the study, the children of parents on permanent disability benefits is another group more likely to experience poverty. Further, the study shows that the lack of affordable housing has a big impact on the life situation of children and the percentage of them effected by material deprivation and poverty. There is a need to examine further the group of children living in poverty, many of whom are living in rented housing, often on a temporary basis, thus experiencing stress and a lack of stability which affects their wellbeing and quality of life.

The link between poverty and violence

According to a recently published Article, based on information from the HBSC survey in Iceland, there is a link between poverty and violence against children.⁶⁰ This part of the survey was done among teenagers in the final class of compulsory school and showed that teenagers who live in poor households are much more likely to be subjected to sexual violence, compared to other groups of children. According to the results, 29,9% of the children who rated their household as poor, had been subjected to sexual violence and 37,6% said they had experienced harassment or violence. The results show that children from poor households are more vulnerable in many aspects, and that professionals working with children need to be made aware of this. There is also a need to strengthen the support for children in this situation.

Health and access to health services

37. The Committee recommends that the State party continue educating the public about healthy nutrition and negative impacts of obesity on a child's health and development. It also urges the State party to take necessary measures to integrate children of immigrants into its health

⁵⁸ <https://www.althingi.is/alttext/149/s/1478.html>

⁵⁹ <https://www.stjornarradid.is/lisalib/getfile.aspx?itemid=fe83e85e-3b3b-11e9-9435-005056bc530c>

⁶⁰ <https://www.mdpi.com/1660-4601/16/10/1788/htm>

system and provide children of immigrants with health information, if possible, in their native languages.

Speech therapy

In the year 2014, the former Ministry of Welfare and the Association of municipalities entered into an agreement on the division of responsibility for the provision of speech therapy for children.⁶¹ According to the agreement the municipalities provide services for children with lesser forms of speech or language problems, which is then considered to be a part of their education in day care or compulsory school. Children with more severe difficulties are referred to speech therapists which provide services based on a contract with the Icelandic Health Insurance.

The services provided by the municipalities are very diverse, and not always in the hands of licensed speech therapists. The referral by the Health Insurance however means a waiting list for 12 months or more. In a letter to the Minister of Health in February 2019 the Ombudsman stated that speech or language difficulties can affect children in a negative way and that long waiting lists can increase their difficulties. The Ombudsman stressed the importance of providing the services of speech therapists locally and the need for parents to receive advice and support. The Ombudsman further stated the importance of improving access to services for the group with more severe difficulties.

In a letter from the Ministry, dated June 6th, 2019 it is stated that the lack of speech therapists has been a long-term problem and that several actions have been undertaken. The Ministry stated that there are simply not enough licensed speech therapists to cover the need for services. According to the Ministry municipalities have provided these services in a different way, and in some cases smaller municipalities have been unable to hire speech therapists, and these services are therefore in the hands of other staff. It is also expected that in the years to come the number of graduated speech therapists will continue to increase, making it possible to shorten the waiting lists and provide services to a vulnerable group of children. The Ministry finally stated that it has no intention to revise the current division of responsibility between state and municipalities in the provision of speech therapy services.

⁶¹ <https://www.samband.is/frettir/skolamal/nr/2145>

Although some progress has been made, it has been rather slow, and it is important to secure the necessary services to children in a timely manner, since the wait can have a detrimental effect on their development and quality of life.

Children with visual impairments

According to the regulation on the state cost participation for eyeglasses⁶² a part of the cost of eyeglasses for children with visual impairments is refunded by the state. Children with severe visual impairments need eyeglasses for all aspects of everyday life and the cost can be high. The amount of the refund has not increased since 2005⁶³ which means that the state is only refunding a fraction of the cost making it in some cases difficult for families with limited means to provide their children with the necessary eyeglasses. It is important that children can fully participate in the society and that the financial situation of their families does not prevent them from doing so. In February 2019, the Minister of Social Affairs and Children stated in an interview⁶⁴ that in the weeks and months to come, the Ministry would find ways to improve the situation of the children involved. In February 2020 however, the regulation is still unchanged, and no revision plans have been announced.

Children using e-cigarettes

While Iceland has been successful in the fight against children's use of cigarettes, the large number of children using e-cigarettes is a great health concern. According to surveys, approximately 17% of children in the final year of compulsory school used e-cigarettes in the year 2015. In the year 2018 the number was up to 40%. Approximately 25% of students in upper secondary school use e-cigarettes every day according to the survey, the number in 2016 was 10%.⁶⁵

In 2018 the Parliament approved a new legislation on e-cigarettes⁶⁶ and according to a provision in Article 8 the Minister of Health is given the authority to issue a regulation limiting the possibilities to sell flavours and/or vape packages that may appeal to children. As of February 2020, no such regulation has been issued but a working group has been appointed and is meant to come up with suggestions for possible improvements in the area of marketing flavours for e-cigarettes.⁶⁷

⁶² <https://www.reglugerd.is/reglugerdir/allar/nr/1155-2005>

⁶³ <https://www.midstod.is/endurgreidslur/>

⁶⁴ <https://www.frettabladid.is/frettir/ekki-se-komi-til-mots-vi-arfir-allra-barna/>

⁶⁵ <https://www.heilsugaeslan.is/um-hh/frettasafn/stok-frett/2019/05/09/Rafrettur-Bragd-haettulegt-bornum/>

⁶⁶ <https://www.althingi.is/lagas/150a/2018087.html>

⁶⁷ <https://www.stjornarradid.is/raduneyti/nefndir/nanar-um-nefnd/?itemid=29f412c2-fef2-11e9-944e-005056bc530c>

Mental health

39. The Committee recommends that the State party:
- (a) Improve the accuracy of the diagnosis of children with such problems and strengthen mental health services for children and guarantee access to examinations and treatment needed, including by improving the capacity of treatment and diagnostic centres;
 - (b) Monitor the prescription of psychostimulants to children diagnosed with Attention Deficit Hyperactivity Disorder, including with an assessment of the increasing numbers of such children who are on medication as the first line of treatment;
 - (c) Pay greater attention to other kinds of treatment, including psychological, educational and social measures, and strengthen the support to parents and teachers; and
 - (d) Consider undertaking the collection and analysis of data disaggregated according to substance and age with a view to monitoring the potential abuse of psychostimulant drugs by children.

The National Audit Office on mental health

In 2016 the National Audit Office presented a report on⁶⁸ mental health services for children to the Parliament. According to the report, there has been no mapping of the real need of children for extensive and specialized mental health services, but the authorities have relied on comparable data from other countries. The report stated that a part of this group does not receive the necessary services meaning that the authorities are not fulfilling their obligations.

In the report it is stated that several problems have been consistent, such as the lack of clear division of responsibility between different actors. There is a need for increased cohesion and cooperation and for ensuring that there are no gaps in the service provided. The report further states that there is a need to ensure renewal in the professions involved in the mental health services, more variety of measures is needed, and it is necessary to ensure equal access throughout the country. The report also states that the consistently long waiting list for specialized mental health services for children is unacceptable and that the welfare of the nation could be at risk. The report states that if the mental health issues of children are not acted upon as soon as they are noticed, the likelihood of difficult and long-term consequences

⁶⁸ <https://rikisendurskodun.is/wp-content/uploads/2016/02/SU-Gedheil-born-unglinga.pdf>

such as the inability to work and function in society, will increase. In the report the National Audit Office states that municipalities have a key role in providing services to children with mental health problems and the Office encourages the Ministry of Social Affairs to work closely with the Ministry of Education, and the municipalities, in ensuring that the specialized services within the municipalities can provide services in the near environment for children who need it.

The consistent problem of waiting lists for specialized services

The Child and Adolescent Psychiatric Department of the National University hospital provides specialized services for children and adolescents with complex and multi-factorial mental issues and/or severe mental symptoms. Children are referred to the department for mental, behavioural and developmental disorders. The department also provides emergency services at the outpatient unit. The increased need for emergency services however has led to a waiting list for other services at the department, up to six months or more.

[In November 2019, there were 101 children on the waiting list](#) and the list is growing. At the same time the department was providing services for 510 children.⁶⁹ In recent years 45% of the staff which have received specialized training have left the hospital due to working conditions, which causes further stress to the existing staff and disrupts the operation. This development needs to be turned around, making jobs, providing specialized services for children, attractive and sought after.

In 2016 a new policy on mental health was approved by the Parliament⁷⁰ stating that in the end of 2019, there would be no waiting lists for services at the Child and Adolescent Psychiatric Department. That goal has not been achieved and there is a need to allocate further resources in order to shorten and prevent future waiting lists.

Growing number of children experiencing worse mental health

There is an alarming increase in the number of teenagers experiencing worse mental health. Children in the society are under a lot of stress and face many challenges, and this needs to be addressed.

The survey Youth in Iceland has shown an increase in the number of teenage students in compulsory school, mostly girls, experiencing anxiety and depression.⁷¹ Surveys done by the Directorate of Health also show that the mental wellbeing of young people in Iceland has decreased.⁷²

⁶⁹ <https://www.visir.is/g/2019191128558>

⁷⁰ <https://www.althingi.is/altext/145/s/1217.html>

⁷¹ Margrét Lilja Guðmundsdóttir, Hrefna Pálsdóttir, Jón Sigfússon, Ingibjörg Eva Þórisdóttir, Erla María Tölgyes, Álfgeir Logi Kristjánsson og Inga Dóra Sigfúsdóttir (2016). Ungt fólk 2016: 8.-10. bekkur. Rannsóknir og greining og mennta- og menningarmálaráðuneytið: Reykjavík.

⁷² https://www.landlaeknir.is/servlet/file/store93/item32745/Talnabrunnur_Agust_2017.pdf

This can partly be explained by societal changes in attitudes towards mental health, making it easier for children to realize and express that they are struggling with mental health issues. The fact remains however that this is an important and pressing issue requiring immediate solutions. Further research is needed in order to establish which factors in the life of children are the cause of this development. Mental health services for children need to be strengthened at all levels and according to a survey among students in upper secondary school, they want to be able to access mental health services in their schools.⁷³

Even though progress has been made in ensuring the services of psychologists in local health clinics, further efforts and measures are needed, including supporting and promoting positive parenting. The policy on public health⁷⁴ from 2016, which has an emphasis on children, states that courses on positive parenting should be available at all local health clinics, and in the Policy on mental health⁷⁵ there is an action for the setting up of multisectoral teams, a cooperation project between the state and the municipalities, offering education, training, guidance and support to parents and families in their near environment. These proposals need to be implemented.

The results of the HBSC survey in Iceland from 2018⁷⁶ show that the number of children in the age group 12-16, who experience sadness every day, has increased by a third from the year 2006 to 2019. According to the HBSC survey from 2014 almost 49,9% of Icelandic children stated that they experience stress in school, compared to the neighbouring countries Norway and Sweden where the numbers were 31% and 28,1%.⁷⁷

In October 2019, a working group on the implementation on mental health, prevention and support for children in education, presented its report to the Directorate of Health. According to the report there is a need to ensure that students at all levels get the support they need for difficulties in behaviour, mental health and social interactions and school staff need assistance to be able to address the behaviour and communication of children in a positive way. The report states that the legislation in its present form does not ensure that, and that there is a need for reorganization, training of staff, increased cooperation between different entities and defining the roles of the different actors of the school community, in order to strengthen the implementation.⁷⁸ These suggestions need to be implemented.

⁷³ https://www.mbl.is/frettir/innlent/2019/04/06/vilja_salfraedinga_inn_i_skolana/

⁷⁴ https://www.stjornarradid.is/media/velferdarraduneyti-media/media/skyrslur2016/Lydheilsustefna_og_adgerdaaetlun_30102016.pdf

⁷⁵ <https://www.althingi.is/altext/145/s/0405.html>

⁷⁶ <https://drive.google.com/file/d/1QwlrBgDM96cNXiHoyv8sxMWdYk6Bpnwo/view>

⁷⁷ https://www.idunn.no/nordisk_valfardsforskning/2019/02/positiv_psykisk_hlsa_hos_skolbarn_i_norden

⁷⁸ <https://www.landlaeknir.is/um-embattid/frettir/frett/item38658/skyrsla-starfshops-um-gedraekt-i-skolum>

According to the General Curriculum, one of the main factors of education is health and welfare and schools provide an important opportunity for preventive measures. Education needs a stronger focus on the mental, physical and social welfare of students and schools need to get better at mental promotion and prevention.

Children and sleep deprivation

According to recent research⁷⁹ only 22% of the children who took part were getting enough sleep. Surveys have shown that lack of sleep is among the many factors which have led to the growing numbers of children suffering from mental health problems. Further emphasis needs to be placed on good sleep habits in the education on health for students and information needs to be provided to parents on the importance of sleep for children's coping mechanisms and their overall mental and physical good health. Policy making in the area of public health should include actions for educating parents on the importance of rest and sleep for the development and health of children.

Children on medication

In recent years the Directorate of Health has published information and statistics that have shown that the numbers of children being prescribed medicines has grown considerably in recent years, including children under the age of five. In some cases, children are being prescribed medicines designed for adults where there is little or no scientific information available on the effect on children or the long-term use of the medicine in question. In other cases, children are being prescribed medicines for conditions that should be tackled first and foremost with behavioural programmes or other mental health support. This is a major issue which needs to be addressed immediately.

According to the results of a working group on actions against the abuse of medication which can cause dependency or addiction,⁸⁰ the overuse of medication is connected to the lack of other treatment options. According to the applicable legislation the education system is meant to educate all children without distinction. However, in many cases the schools lack the necessary capacity and therefore there is a call for medical interventions with diagnosis and medication for children. The working group stated that doctors in Iceland have not developed good prescribing habits and have not been provided with the necessary support from the health authorities. Accordingly, there are no quick and simple solutions to tackle the overuse and over prescriptions of medication, there is a call for further policy making on mental health, with a strong focus on prevention. There is a need to strengthen the education system so that schools can provide the necessary support to their students, without having as their only option, to

⁷⁹ <https://www.laeknabladid.is/tolublod/2018/02/nr/6637>

⁸⁰ <https://www.stjornarradid.is/lisalib/getfile.aspx?itemid=3d1a8517-5f66-11e8-942c-005056bc530c>

require children to be diagnosed and medicated, unless that is required for children's health and wellbeing.

A major increase in prescriptions of sleeping medicines

In the year 2018 the Directorate informed of an explosion in the number of children being prescribed sleeping medicines⁸¹ in the period 2008 to 2015. The medicine mainly being prescribed was the hormone melatonin, which has yet to be proven safe and effective for children, since the medicine is designed for people 55 years or older. There is no scientific research on the effect of long-term use of the medicine for children. According to the Directorate, many of the children being prescribed melatonin are also taking medicines for ADHD. The Directorate has required doctors to follow the applicable clinical guidelines since prescribing medicines designed for adults to children for sleep deprivation which may be caused by another medicine is a questionable medical decision.

Further support needs to be offered for the parents of children with sleeping disorders such as behavioural support and advise on sleep, bedtime routines and relaxation. The Ministry and Directorate of health should put in place actions, which aim at reducing the prescription of medicines and instead offer appropriate support to the families in question.

The high number of young children being prescribed medicines

According to information provided by the Directorate of Health,⁸² the numbers of children in day care or compulsory school, being prescribed medicines is a lot higher than in the comparing neighbouring countries. This difference applies most to young children, under the age of five and prescriptions for medicines against anxiety are triple in Iceland. When comparing prescriptions for opioids the number in Iceland is double for boys and four times more for girls. It is an alarming fact that opioids are being prescribed which are not designed for children. Another alarming fact is that medicines for psychosis or depression are being prescribed in many cases to children under the age of six while there are very few cases of such prescriptions in the comparing neighbouring countries.

The increase of prescriptions of medicines to treat depression

According to information provided by the Directorate of Health,⁸³ there has been a major increase in the prescriptions of medicines to treat depression in young people in the age group 15 to 19. This particularly applies to girls. A comparison between the years 2012 and 2016 shows an increase of 85,7% in the number of prescriptions to girls. This alarming number must

⁸¹ <https://www.landlaeknir.is/um-embattid/frettir/frett/item30737/Aukning-i-notkun-svefnlyfja-medal-barna-a-Islandi>

⁸² <https://www.landlaeknir.is/um-embattid/frettir/frett/item32973/tauga-og-gedlyfjanotkun-barna-a-islandi>

⁸³ <https://www.landlaeknir.is/um-embattid/frettir/frett/item32772/mikil-aukning-i-avisunum-thunglyndislyfja-a-ungmenni-a-islandi>

be considered in connection with the growing number of children experiencing worse mental health and the limited resources within mental health services.

Children being prescribed medicines for ADHD

According to information provided by the Ministry of Health in May 2019⁸⁴ 11,6% of boys and of 5,3% of girls in compulsory school were being prescribed medicines for attention deficit hyperactivity disorder or ADHD in the year 2018. In comparison, in the year 2003, 5% of boys were prescribed ADHD medicines and 5,3% of girls. In June 2018 however, the prescription of ADHD medicines was restricted and can now only be prescribed by paediatricians and psychiatrists, but this is a development which needs to be given further attention.⁸⁵

Waiting lists for diagnosis

According to information provided by the Ministry of Health,⁸⁶ there were 350 children on the waiting list for an ADHD diagnosis in June 2019, after being referred to the Centre for Child Development and Behaviour.⁸⁷ The waiting time on the priority list is four to six months but some children have to wait as long as fourteen months. According to the Ministry the waiting list has been getting longer since 2016 and at the end of 2017, there were 271 children on the waiting list and now the number is 350, despite extra funding. According to the Ministry of Health, the cases have become more complicated than before which means the diagnosis process becomes more time consuming and requires the input of more specialists. The waiting list for necessary services for children is unacceptable, and the Ministry of Health needs to acutely consider ways to improve the services and shorten the waiting lists.

Adolescent health

43. The Committee recommends that the State party raise awareness among adolescents about reproductive health and negative impacts of early pregnancies and abortions and provide access to contraceptives and counselling services on reproductive health, including psychological counselling.

⁸⁴ <https://www.althingi.is/altext/149/s/1617.html>

⁸⁵ <http://www.laeknabladid.is/media/tolublod/1811/PDF/u06.pdf>,
<https://www.adhd.is/static/files/PDFskjol/kynning-breytt-afhending-lyfja-01.07.2018.pdf>

⁸⁶ <https://www.althingi.is/altext/149/s/2006.html>

⁸⁷ <https://www.heilsugaeslan.is/default.aspx?PageID=a56c505d-b1e0-11e8-941f-005056bc0bdb>

The mental wellbeing of LGBTIQ+ youth

The survey Youth in Iceland⁸⁸ is done among all students in upper secondary schools by the Icelandic Centre for Social Research and Analysis.⁸⁹ In the latest survey from 2018, 76% of the student group participated or 10139 individuals. The participants were in the age group 15-20 but the majority or 78% were 16-18 years old. According to the results, young people in the LGBTIQ+ group, experience considerably more anxiety, depression, stress, and harassment and consider their mental and physical health to be worse than their peers. The survey further shows that this group is more likely to self-medicate, self-harm and have suicidal thoughts. Young people, discovering an identity which differs from the norm, need further support. There is a need to provide instructions and guidelines to teachers, health care professionals, and social workers, on the implications of breaking away from gender or sexual norms, so that they can provide LGBTIQ+ children with the appropriate support.

A study from 2015⁹⁰ on the connection between sexual orientation and suicidal risk among adolescents in Iceland showed that homosexual students were much more at risk compared to other children the same age. Homosexual boys were five to six times more likely to have considered suicide and bullying seems to play a big part.

There is a need to work on preventing prejudice and discrimination against this group of children, with a focus on the schools, making sure that all textbooks are non hetero and gender normative, so that young LGBTIQ+ people can relate to the textbooks and the reality which the books represent and feel included. Further, an added emphasis needs to be placed on providing students at compulsory schools with further education on human rights, diversity and inclusion.

A new legislation on gender self-determination

The Policy Document of the Government from December 2017 states that: „The government aims to put Iceland in the front rank regarding LGBTIQ+ people’s issues with ambitious legislation on self-determination”.⁹¹ In February 2019 a draft bill for a law on gender self-determination was presented, without a provision which a previous version held, which guaranteed children the protection against unnecessary and irreversible medical interventions, performed without their consent.⁹² A preliminary provision provided for the setting up of a working group on the issue of inter sex children, which is meant to suggest improvements on

⁸⁸ <http://www.rannsoknir.is/en/youth-in-iceland/>

⁸⁹ <http://www.rannsoknir.is/en/home/>

⁹⁰ Arnarsson A, Sveinbjornsdottir S, Thorsteinsson EB and Bjarnason T. (2015). Suicidal risk and sexual orientation in adolescence: A population-based study in Iceland. *Scandinavian Journal of Public Health* 2015, 43, 497-505

⁹¹ <https://www.stjornarradid.is/lisalib/getfile.aspx?itemid=c0c3c70a-051d-11e8-9423-005056bc4d74>

⁹² [https://samradsgatt.island.is/oll-mal/\\$Cases/Details/?id=1301](https://samradsgatt.island.is/oll-mal/$Cases/Details/?id=1301)

various issues, including health services. The setting up of the working group was quite delayed and it is foreseeable that the group will not be able to present their suggestions before July this year.

When the draft bill was presented before the Parliament, there was a provision which allowed children from the age of 15 to change the public registration of their gender and their name, without the approval of their legal guardian. The Ombudsman was in favour since the age of 15 is a critical point in children's lives and when entering upper secondary school, they often choose to make important life changes. However, the Parliament changed this provision, and children under the age of 18 who do not have the approval of their legal guardians, can have their case examined by an expert committee, which can approve or deny a request for a change in the official registration of gender. A temporary provision was also added to the law, providing for the setting up of a working group, which is supposed to come up with suggestions for solutions. It is the opinion of the Ombudsman, that withdrawing that provision was a major setback in the rights of LGBTIQ+ youth.

The transgender team

According to Article 13 of the Act on gender self-determination,⁹³ the Child and Adolescent Psychiatric Department shall operate a team of experts on gender awareness and inter-sex. The team provides children who experience a difference between their experienced gender and the gender they were appointed by birth, in accordance with individual needs and the team also provides their legal guardians with support and counselling. The team further evaluates whether sex reassignment is in a child's best interest.

In February 2019 the media reported that the parents of children receiving the services of the team had been informed by the hospital that the team was unable to function since the specialised staff was no longer working at the hospital and that no additional funding had been given to the hospital with the entering into force of the Act on gender self-determination despite the new obligations of the hospital.⁹⁴ The National hospital issued a statement⁹⁵ saying that the children in question were receiving services and that the hospital is working on improvements, but since the knowledge needed is quite specific, replacing staff will take time.

According to the Policy Document of the Government, the new Act on gender self-determination was meant to bring Iceland to the forefront in the respect of the rights of LGBTIQ+ people. The children in question are already in a vulnerable position and need the

⁹³ <https://www.althingi.is/lagas/150a/2019080.html>

⁹⁴ <https://www.mannlif.is/frettir/innlent/viljum-ekki-ala-upp-sjuklinga/>

⁹⁵ <https://www.landspitali.is/um-landspitala/fjolmidlatorg/frettir/stok-frett/2020/02/11/Unnid-ad-umbotum-vegna-monnum-a-transteymi-BUGL/>

specialized services as required by law, this issue needs to be addressed and amended immediately.

Education on sexual health

According to statistics a high number of teenagers in Iceland have been infected with sexually transmitted diseases and this is a health issue that needs to be addressed.⁹⁶ With targeted quality education it is possible to change attitudes, making teenagers more aware of their own health, and how to develop healthy relationships. It is important to strengthen the education on sexual health in schools, providing appropriate quality education for different age groups, making it a part of children's regular education. Such an education should be inclusive and relevant for disabled children as well as LGBTIQ+ children. There is also a need to strengthen education to parents on the sexual health of teenagers.

Education on sexual health in compulsory schools

According to the national curriculum guide for compulsory schools,⁹⁷ students are meant to be able to discuss body consciousness, sexual health and stereotypes and take an active stand against violence by the end of seventh grade. Despite this, education on sexual health in compulsory schools is uncoordinated and in the hands of individual schools, teachers or school nurses. Many teachers feel unprepared and uncomfortable with this task and therefore the education is often in the hands of different NGOs who decide how to educate the children and on what. In many cases the school nurses are responsible for this education and often without any input or involvement of teachers or parents. There are further examples of this education being allocated to after school activities, often being unorganized and without supervision.

Education on sexual health in upper secondary schools

According to the national curriculum guide for upper secondary schools,⁹⁸ there are main health factors to be encouraged in education, among those are sexual and emotional health. However, there are no formal requirements for the schools to provide education in this area and no holistic educational material is available for sexual health education in upper secondary schools.

Education for disabled children and preventive measures on sexual health and violence

The children of the expert group of the Ombudsman on disability have stated that children with developmental disabilities need more opportunities to discuss the challenges teenagers face. They find it difficult to relate to the education provided in schools on sexual health and

⁹⁶ <https://www.landlaeknir.is/heilsa-og-lidan/kynheilbrigdi/unglingar-og-ungt-folk/>

⁹⁷ <https://www.stjornarradid.is/verkefni/menntamal/namskrar/#Tab0>

⁹⁸ <https://www.stjornarradid.is/verkefni/menntamal/namskrar/#Tab1>

relationships, since it is only based on the experiences of non-disabled teenagers. The experts are of the opinion that there is a need for accessible, inclusive educational material on these matters, to prevent disabled teenagers from adverse experiences in their relationships with other people. The experts also pointed out the need for accessible education on other issues such as drug abuse.

Sexual health services

In the year 2017 a working group made suggestions on necessary actions in order to tackle the high number of young people with sexually transmitted diseases.⁹⁹ Among those suggestions are for the Ministries of Health and Social Affairs to require the Ministry of Education to ensure that the aims of the general curriculum for compulsory schools are met and that education on sexual health is coordinated through-out the country. The working group highlighted the importance of educating teachers and parents on sexual health and to encourage them to be a part of the education of the children. If parts of the education are to be in the hands of external parties the education must be coordinated and under the supervision of teachers. The general curriculum for upper secondary schools needs to be amended with provisions on education on sexual health and the services of school nurses should be implemented in all schools. From the year 2018 there are vending machines for condoms in all upper secondary schools, but they are however not free of charge, and are therefore only in part a solution to the issue of access.¹⁰⁰

While examinations for sexually transmitted diseases are provided free of charge contraceptives come at a cost to young people. It is important to find ways to reach young people and to ensure their access to sexual health services. It should be explored whether this could be achieved by establishing youth clinics in local health clinics, with specialized staff and opening hours that suit teenagers. Further it is necessary to ensure the access of emergency contraception for young people, since girls under the age of 16 have been refused by pharmacies, and health clinics have been reluctant to provide girls with emergency contraception without the consent of their parents. There is a need to clarify that girls have the right to be provided with emergency contraception without the consent of their parents.

⁹⁹ <https://www.landlaeknir.is/servlet/file/store93/item34196/Greinargerð%20og%20tillögur%20um%20kynsjúkdóma.pdf>

¹⁰⁰ <https://www.landlaeknir.is/um-embættid/frettir/frett/item34933/smokkasjalfsalar-settir-upp-i-ollum-framhaldsskolum->

A new legislation on termination of pregnancy

In May 2019, the Parliament approved a new legislation on the terminations of pregnancy.¹⁰¹ In the consultation process, the Ombudsman gave an opinion stating that the proposal did not ensure the right of girls under the age of 18 to self-determination since they were unable to take independent decisions on possible terminations. When the draft bill was presented before the Parliament, a new provision was in place, ensuring the rights of girls stating that a pregnancy can be terminated if an underage girl puts forward such a request. The Article further states that the approval of parents or custodians is not needed. There is however a need to clarify this further, since health professionals have sent enquiries to the Ombudsman, asking whether the Article means that they must inform the parents either before or after or if the lack of need for parental approval means they do not need to be informed, only the child protection authorities.

Drug and substance abuse

45. The Committee recommends that the State party continue to take all appropriate measures, including administrative, social and educational measures, in particular life-skills education, to protect children from illicit use of narcotic drugs and alcohol as well as provide rehabilitation, reintegration and recovery programmes specifically designed for child victims of drug and substance abuse.

During the last 15 years Iceland has seen a steady decline in adolescent substance use and the efforts by the authorities to reduce risk factors and strengthen a range of parental, school and community protective factors, have been rather successful¹⁰². However, there is a group of children with a drug and substance abuse problem whose need for specialized services has not been met.

Education and prevention

Education on tobacco, alcohol and drugs and preventive measures in schools are often in the hands of individuals or NGOs with no formal education or qualifications, or any supervision of the information shared. In 2019 the Directorate of Health published a fact sheet on effective preventive measures in this area, stating the importance of schools in prevention and health promotion. The Directorate further states that preventive education must be based on evidence-based methods which have been proven effective. Further, it is necessary that any

¹⁰¹ <https://www.althingi.is/altext/149/s/1507.html>

¹⁰² <http://www.rannsoknir.is/wp-content/uploads/2015/06/Substance-use-prevention-for-adolescents-the-Icelandic-Model.pdf>

preventive measure is based on the school policy and in the hands of educated professionals, preferably within the schools, so that the children can seek their advice afterwards if necessary.¹⁰³

In October 2019, the Ministry of Education presented new guidelines on health-related education in schools stating that education needs to be based on evidence, with an emphasis on diverse methods and on the strengthening of the connection of children to the school community. The Ministry further stated that it is necessary to build the capacity of those who provide the education.¹⁰⁴ It is important to give the schools further guidelines on the preventive education and support since preventive education can be useless or even harmful if it is not carefully considered and in the hands of professionals.

Health services and treatment for children with drug and substance abuse

There has been a lack of health services for a small group of children with serious drug and substance abuse who need child protection services as well as health care. From the year 2000 a private hospital run by an NGO¹⁰⁵ has provided treatment for children over the age of 16 with a drug or substance abuse, mostly after referrals from health professionals or child protection authorities. The hospital provides detoxification and other medical treatments for patients, services which are not available in child protection treatment homes. The hospital however is primarily a treatment centre for grown up patients. In 2016 the Directorate of Health published a report on the hospital where concerns were raised since children treated in the hospital were in contact with grown up patients.¹⁰⁶ The Directorate further stated children should be protected as is required by law. After a case of sexual abuse against a 16 year old in the hospital by a grown up patient,¹⁰⁷ the hospital announced its intention to stop accepting minor patients once another solution had been found.¹⁰⁸ The Minister of Health announced that the National Hospital would start providing treatment for this group of children.¹⁰⁹ In July 2019 it was announced that the hospital is preparing the new department and the financial aspect is being considered.¹¹⁰ In February 2020 there have been no news of progress and in

¹⁰³ https://www.landlaeknir.is/servlet/file/store93/item36447/Hvad%20virkar%20i%20forvornum%202019_Staðr_eyndablað%20A4.pdf

¹⁰⁴ https://www.heimiliogskoli.is/wp-content/uploads/2019/11/3_Heilsutengdar-forvarnakynningar-og-fr%C3%A6%C3%B0sla-%C3%AD-sk%C3%B3lum_vi%C3%B0mi%C3%B0.pdf

¹⁰⁵ <https://saa.is/english/>

¹⁰⁶ <https://www.landlaeknir.is/servlet/file/store93/item29702/Sk%C3%BDrsla%20hluta%3%BAttektar%20hj%C3%A1%20S%C3%81%C3%81.pdf.pdf>

¹⁰⁷ https://www.mbl.is/frettir/innlent/2019/10/10/akaerdur_fyrir_kynferdisbrot_a_vogi/

¹⁰⁸ <https://saa.is/sjukrahusid-vogur-haettir-ad-taka-vid-ungmennum-undir-18-ara/>

¹⁰⁹ <https://www.stjornarradid.is/efst-a-baugi/frettir/stok-frett/2019/02/20/Landspitali-thjonustar-born-og-ungmenni-i-fiknivanda/>

¹¹⁰ <https://www.stjornarradid.is/efst-a-baugi/frettir/stok-frett/2019/07/20/Yfirlýsing-um-fyrirkomulag-heilbrigdisthjonustu-vid-born-med-fiknivanda/>

the meantime, vulnerable children are being treated at a hospital where they are not fully separated from grownups even though the hospital in question has taken measures to limit the contact between the two groups.

The Ministry of Health needs to prioritize the new department in order to ensure the welfare of children with substance abuse problems and it is necessary to examine the need for further social support measures for this group of vulnerable children.

Education, leisure and cultural activities

Education, including vocational training and guidance

47. Taking into account its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:
- (a) Take necessary measures to meet the need of children with special needs, including training for teachers who work with children with special needs, including children with disabilities;
 - (b) Enhance the measures undertaken to combat all forms of bullying and harassment by improving school regulations on misbehaving and improving the capacity of teachers, all those working at schools and students to accept diversity and improve their conflict resolution skills;
 - c) Strengthen measures to address the problem of immigrant children dropouts from upper secondary schools.

Inclusive education

In the year 2017 an external audit report of the system for inclusive education was published.¹¹¹ According to the report, there is no consensus on the concept of inclusive education among professionals in the education system, and therefore there is no consensus on how to achieve the inclusive goal. The report further states that the policy on inclusive education is supported in the legislation but that there is need for further guidance on how to implement it in the municipalities and schools. It is necessary to improve the supervision and the evaluation of the implementation and school staff needs further support and education. The report also states that the allocation of financial means does not encourage progress in this area, and the fact that funding for support measures for children require a formal diagnosis for special needs or disability, prevents the full implementation of the policy.

In communication with parents, the Ombudsman has been informed repeatedly of the fact, that despite the policy on inclusive education, children do not get the necessary support they need in school, due to lack of resources. When support is dependent upon the formal diagnosis, and the waiting list is long, children are often left without any support in schools during longer periods. There is a need to implement the suggestions put forward in the report, in order to fully realize and implement the policy on inclusive education.

¹¹¹ <https://www.stjornarradid.is/lisalib/getfile.aspx?itemid=cca962f5-be4f-11e7-9420-005056bc530c>

The PISA results

The OECD Economic Survey of Iceland from 2019¹¹² states that despite high spending levels, educational outcomes are not satisfactory. The survey highlights certain challenges, the growing effects of student social status, the existing gender gap, the growing regional inequalities in educational performance and the difficult situation of students with an immigrant background.

Data from Statistics Iceland also indicate a gap between rural and urban education levels and a gender gap as well, so it needs to be considered whether certain measures should be directed towards different groups of children in order to improve their educational achievement and future careers and lives.¹¹³

The results of the 2018 PISA Survey showed that there are no significant changes in student reading skills from the last survey from 2015 but the percentage of students who did not reach the PISA baseline level has increased, 26% in total, 34% of boys and 19% of girls. There is a significant decrease from the survey in 2009, and the reading abilities of Icelandic children are below OECD average and worse than in the peer Nordic countries. There has been some improvement in the area of mathematics where Icelandic students score just over the OECD average and the percentage of students who reached the baseline level has grown. In science, there was no significant change from the last survey, and Icelandic students are below OECD average.¹¹⁴ In December 2019, the Ministry of Education presented actions intended to improve the quality of compulsory education with a basis in the PISA results¹¹⁵ There is a need for immediate action since international surveys and reports have found persistent weaknesses in the educational system which need to be addressed.

Compulsory education and absence from school

According to chapter 7 of the National Curriculum for Compulsory schools all students are entitled to appropriate education and should have equal opportunities, regardless of their abilities or circumstances. According to the Compulsory School Act, No. 91/2008, school attendance is mandatory for all children between the ages of 6 to 16. The equal access to education is an important protection factor, reducing the risk of an unfavourable development for children. The Ombudsman however regularly receives information concerning children who do not attend school for shorter or longer periods of time which is a cause for great concern.

¹¹² <https://www.stjornarradid.is/lisalib/getfile.aspx?itemid=2596438b-d87b-11e9-944a-005056bc4d74>

¹¹³ <https://www.static.is/publications/news-archive/social-affairs/women-and-men-in-iceland-2018/>

¹¹⁴ <https://mms.is/frettir/nidurstodur-pisa-2018-liggja-fyrir>

¹¹⁵ <https://www.stjornarradid.is/efst-a-baugi/frettir/stok-frett/2019/12/03/Storaukin-ahersla-a-ordaforda-og-starfsthroun-adgerdir-i-kjolfar-PISA-2018/>

In some cases, the children have mental health problems and have either been absent from school for months or only allowed to attend for a part of the day due to behavioural problems. There are even cases where children with severe behavioural problems have been denied access to school. In some cases, no action has been taken by the school or the municipality and the child protection authorities have not been informed of their absence, despite a clear provision in Article 19 of the Compulsory School Act placing a duty upon schools to report the cases of children who fail to attend school, to the relevant child protection authorities.

In February 2020, the media reported on a memo from the educational department of the city of Reykjavik, stating that¹¹⁶ there was no available information on where 179 children are going to school. The memo further states that there is a need to coordinate actions, in order to ensure that no child is without education in Iceland.

In a letter to the Ministry of Education, dated March 19th 2018 the Ombudsman requested the Ministry to take immediate action, to ensure every child's right to education, and to systematically gather data and information on the number of children concerned and the reasons behind their absence from school. In a letter to the Ombudsman, dated November 20th, 2018 the Ministry stated its intention to gather information on this group of children from the municipalities. According to information provided by the Ministry in August 2019, that has not been done.

School avoidance in compulsory schools

In February 2019, the Welfare Watch¹¹⁷ presented the results of a national survey among headmasters of compulsory schools on school avoidance¹¹⁸. According to the results the headmasters estimate that approximately 2,2% percent of children in compulsory schools are struggling with school avoidance. The headmasters estimate that 75% of that group are avoiding school because of mental health reasons such as anxiety or stress and 29,3% because of difficult home situations. The headmasters estimate that 14% of children avoiding school do so because of the lack of support measures within the school or outside it.

Despite the high estimated number of children suffering from school avoidance, there are no definitions of the concept of school avoidance, no official guidelines on how to register the absence of children who are potentially suffering from school avoidance, which is necessary for the schools to be able to identify issues and intervene in the early stages. Further, while many municipalities have established routines for the necessary communication and

¹¹⁶ <https://www.ruv.is/frett/oljost-hvar-179-reykvisk-born-stunda-nam>

¹¹⁷ <https://www.stjornarradid.is/verkefni/felags-og-fjolskyldumal/velferdarvaktin/>

¹¹⁸ <https://www.stjornarradid.is/lisalib/getfile.aspx?itemid=5fdf7ba6-44cd-11e9-9436-005056bc530c>

cooperation between the schools and other local entities providing support to the children and their families, that is not always the case.

There is a need to intervene, by ensuring that all schools are working with the same definitions, registering absence and possible school avoidance based on those definitions, and to provide guidelines on how to prevent and react to situations where children are suffering from school avoidance. It is the opinion of the Ombudsman that immediate action is required by the Ministry of Education, to tackle the issue of school avoidance, which is closely linked to the high number of dropouts from upper secondary schools. There is a need to strengthen preventive measures and to ensure early intervention based on multisectoral cooperation of local support providers. Further, the schools need to be given guidelines and tools, in order to provide counselling and support for students. There is also a need to gather more detailed information on the prevalence of school avoidance to monitor any development.

The duty to education

According to Article 32 of the Upper Secondary Education Act, No. 92/2008, all those who have completed compulsory school have the right to be admitted to an upper secondary school and to pursue studies at that level until the age of 18. This is the concept of duty to education, meant to decrease the drop out numbers. Despite this the Ombudsman has been notified of a considerable number of cases where children, under the age of 18, have been suspended from upper secondary schools, on the grounds of insufficient attendance or too low a grade average.

Each upper secondary school sets its own admission requirements but it is unclear what support schools are required to offer students who are struggling with their studies and/or their private lives, and as a result, are having difficulties in achieving the necessary grades or fulfilling the attendance requirements. Despite the duty to education, schools can set their own rules on attendance and minimum grade average, making it possible to expel pupils, whose grade point average and attendance are below the required levels, without offering any previous support or guidance. Accordingly, the duty to education is ineffective and in some cases, children have been expelled in January, when schools have already finished the admission process, leaving the children the only option of taking evening classes in other schools, in order to try and improve their chances of readmission. Because this group is already struggling with their studies, that is not always a good option.

In a letter to the Ministry of Education, dated December 14th, 2018 the Ombudsman requested clarification from the Ministry on the duty of education and information on what obligations that duty places on the upper secondary schools, towards students struggling with meeting school requirements. The Ministry replied in a letter dated June 28th, 2019. In the letter the Ministry states that students have an absolute right to study in upper secondary schools until the age

of 18 and that the current system is in full compliance with Article 28 of the Convention and that no changes need to be made to the Upper Secondary Education Act. The Ministry however says in the letter that there might possibly be a reason to consider whether to change the approach to students that do not fulfil requirements of the schools with better cooperation between the schools and the Directorate of Education. The Ministry further stated that the high numbers of dropouts suggest that it is the handling of these cases itself that might need changing and not the legislation itself. The Ombudsman has not received any information on any proposed actions intended to change the handling of these cases.

The high dropout numbers require further action and there is certainly a need to evaluate the support provided by the schools to their students in order to ensure their wellbeing, good health and successful education.

Student Dropout from Upper Secondary Schools

Compared to many countries the number of young people not studying or working is low. The high rate of dropouts from upper secondary school has been consistent but that can partly be explained by the flexibility of the system, since the students know they can return to school and graduate at a later point.¹¹⁹ Young people have more opportunities in the labour market compared to many other countries. However, there is a need to strengthen the career guidance in compulsory schools, providing information on the variety of options, including the possibility of learning a trade, since the high drop-out numbers suggest that many 15 years olds are choosing an upper secondary school which is not suited to their interests or needs.

During the period 2016-2018 the Ministry of Education entrusted the Directorate of Education with the responsibility of a three-year project designed to decrease the dropout from upper secondary schools. A report from 2018 on student drop out in the year 2017¹²⁰ shows that while there are many reasons behind students dropping out of upper secondary schools, among the 752 students dropping out in 2017, the largest group or 28%, stated that the reasons behind leaving school was expulsion for not fulfilling the attendance requirements of the school. According to information from Statistics Iceland, 4166 children began their upper secondary education in 2016.¹²¹

While several actions have been undertaken during the three year project to decrease the number of dropouts from upper secondary schools it is paradoxical that most pupils in the drop out group have in fact been expelled by the schools, often without the schools having offered any kind of support beforehand. It is important to clarify the duty to education for it to have a

¹¹⁹ http://netla.hi.is/serrit/2018/framhaldskolinn_brennidepli/11.pdf

¹²⁰ https://mms.is/sites/mms.is/files/adgerdir_gegn_brotthvarfi_stoduskysrsla_februar_2018.pdf

¹²¹ <https://hagstofa.is/utgafur/frettasafn/menntun/nyemmar-a-framhaldsskolastigi-1997-2016/>

real preventive effect on drop out numbers and to establish the obligations of the upper secondary school towards the students, on how to prepare the students after admission, how the schools inform the students on the applicable rules and support them when they are struggling with their studies and/or private lives. The schools need to provide the necessary support in order to assist the students in finalizing their education which is an important steppingstone towards their continued studies and future lives.

The cost of schoolbooks and fees for students in upper secondary school can hinder the equal access of children from vulnerable families. In the Act on the upper secondary education, there is a provision in Article 51 stating that the Minister of Education should issue a regulation on how to divide the financial support for students because of the cost they bear for schoolbooks.¹²² However, no such regulation has been issued and the financial support is not being offered.

Children with immigrant background in the education system

The results of OECD's International Student Assessment, the PISA, from 2015 showed that the reading abilities of immigrant children were worse than that of the children of Icelandic parents¹²³ and Iceland was the OECD country with the biggest difference between the two groups. Even though the results from 2018 show that the difference is now less, it is difficult to draw firm conclusions, in particular since every other student with an immigrant background does not fulfil the minimum requirements in reading and there is little difference between first and second generation of children with an immigrant background.¹²⁴ It is important to empower children with an immigrant background in valuing their culture and heritage by offering them education in their native language. While it is important to offer children with an immigrant background extra teaching and support in learning Icelandic, that should not be done at the expense of their first language.

According to the General Curriculum for compulsory schools, students with another native language can be granted exemption from a certain subject and the schools can instead allow them to study other subjects such as their native language, but it is up to the individual schools and not something the children have a right to. It is vital that children are granted the right to education in their native language and that schools are given more detailed instructions on what the reception plan for children moving to Iceland should entail.

¹²² <https://www.althingi.is/lagas/150a/2008092.html>

¹²³ https://mms.is/sites/mms.is/files/helstu_nidurstodur_pisa_2015_prent_-_loka.pdf

¹²⁴ https://mms.is/sites/mms.is/files/pisa_2018_helstu_island.pdf

Children with immigrant background in upper secondary schools

There is little research available on the experience of children with an immigrant background in upper secondary education in Iceland. While this group has been rather small it is growing and there is need for further research into their experiences of the education system and on how they fare after leaving school. A small exploratory study from 2013, indicates that children might need up to 10 years to master Icelandic as a learning language, which indicates their need for added support.¹²⁵

According to information provided by Statistics Iceland, fewer students with immigrant background graduate from¹²⁶ upper secondary schools. Figures from 2016 show that 54% of students with Icelandic origin had graduated on time but only 29% of those with an immigrant background. This shows that there is a need for an action plan on support for teenagers with an immigrant background, to decrease the drop-out rate among the group and to encourage them to live up to their potential and participate fully in the society.

The involvement of children in leisure activities

There is a good variety of leisure activities on offer for children, however there is a lot of cost involved, meaning that a certain group of children have less options or are unable to participate at all. In a new policy from the Ministry of Education on sport¹²⁷ there is an action for ensuring the equal opportunities of children in sports, by ensuring continued municipal support, by subsidising the fees involved. Most municipalities do so and provide the parents of children with so called leisure support, but even so, the participation of children comes at a high price, so more needs to be done to create an inclusive atmosphere within the sports environment. In some cases the so called leisure support can be used to pay for after school care for the children, meaning that it does not work as an equalizer, ensuring the access of all children to leisure activities, but helps parents cover the cost for the care of their children, after school. According to new information the amount awarded to families in leisure support varies greatly, from ISK 20.000 to ISK 50.000 and there are two municipalities who do not grant any such support.¹²⁸ There is a need to ensure equal access of all children to leisure activities.

There seems to be too much of an emphasis on elitism and competition in some sports for children, often a high number of mandatory practices and little room for individual solutions allowing children to participate on their own terms. The Ombudsman has been informed of

¹²⁵ http://netla.hi.is/serrit/2013/rannsoknir_og_skolastarf/003.pdf

¹²⁶ <https://hagstofa.is/utgafur/frettasafn/menntun/brotthvarf-og-brautskraningarhlutfall-2014-2016/>

¹²⁷ <https://www.stjornarradid.is/lisalib/getfile.aspx?itemid=2ad118a6-6cfe-11e9-943c-005056bc530c>

¹²⁸ https://www.mbl.is/frettir/innlent/2020/02/17/mikill_munur_a_fristundastyrkjum_sveitarfelaga/

many cases where children give up sports in their teenage years, when the preventive aspect of leisure activities is most important, because they feel pressured by the number of practices involved or do not feel welcome because they are not likely to play at the highest level. This needs to be addressed with information and education to staff and policy makers providing leisure activities for children, allowing them to participate in leisure activities, in a manner they choose and in accordance with their abilities and interests.

In the beforementioned policy on sport, there is an action on the cooperation between the relevant parties, on increasing the participation of immigrants and other minorities in sports and exercise by making information available in other languages. Further action is needed in order to ensure the equal access and equal opportunities of all children, including marginalized groups, to leisure activities.

Staff hiring for leisure activities

It is important to create a safe environment for children participating in leisure activities. Section IV of the Youth Act, Section IV¹²⁹ as well as a new provision in the legislation on sport,¹³⁰ imposes a ban against hiring individuals who have been sentenced for violating certain sections of the General Penal Code¹³¹ and the Narcotics Act.¹³² However, the gathering of information from criminal records has been a complicated and sometimes slow process. It is important to ensure the quality and supervision of staff involved with children. Entities offering leisure activities for children should be able to get information on the relevant parts of the criminal records of potential staff digitally and immediately to ensure the safety and wellbeing of children. The Ministry of Justice has announced its intention to introduce electronic criminal records which will be a step forward.¹³³

Bullying in schools

Bullying is a serious problem in Icelandic schools having detrimental effect on the wellbeing, welfare and health of a large group of students. Several actions have been put in place by the educational authorities, with limited success.¹³⁴ The Act on compulsory schools¹³⁵ requires all schools to have an action plan on bullying and in 2011, a regulation on the responsibility and duties of the parties involved in the school society¹³⁶ was put in place, with a provision on the duty of compulsory schools to present an action plan against bullying stating how the school

¹²⁹ <https://www.government.is/lisalib/getfile.aspx?itemid=49255450-83bc-11e9-9440-005056bc4d74>

¹³⁰ <https://www.althingi.is/lagas/150a/1998064.html>

¹³¹ <https://www.government.is/lisalib/getfile.aspx?itemid=dd8240cc-c8d5-11e9-9449-005056bc530c>

¹³² <https://www.government.is/lisalib/getfile.aspx?itemid=f5f399f2-f489-11e7-9423-005056bc530c>

¹³³ [HTTPS://WWW.FRETTABLADID.IS/FRETTIR/FRAMKVAEMDASTJORI-UMFI-FAGNAR-RAFRAENUM-SAKAVOTTORDUM-STORKOSTLEGT-FRAMFARASKREF/](https://www.frettabladid.is/frettir/FRAMKVAEMDASTJORI-UMFI-FAGNAR-RAFRAENUM-SAKAVOTTORDUM-STORKOSTLEGT-FRAMFARASKREF/)

¹³⁴ <https://www.ruv.is/frett/slakad-a-i-eineltismalum-i-kjolfar-uppsveiflu>

¹³⁵ https://www.government.is/media/menntamalaraduneyti-media/media/frettatengt2016/91_2008-Compulsory-School-Act-ENGLISH-Uppfaert-Jan-2017.pdf

¹³⁶ <https://www.reglugerdir.is/reglugerdir/allar/nr/1040-2011>

intends to react to possible cases. The regulation states that teachers shall oversee the implementation of the action plan and the headmasters should coordinate the different actions. In the General Curriculum for compulsory schools there is a closer description of what the action plan should entail and a requirement for schools to introduce it to the students.

These action plans have been implemented since 2002, but the results are unsatisfactory. According to the HBSC survey there is a need to work on students' attitudes towards bullying and to strengthen the reactions of schools. The education of teachers must be modified in order to give them tools to use in the handling of complex cases. All parents should receive information and be educated on bullying. Children must be involved to a larger extent in the work against bullying in order to utilize their knowledge and important insights into bullying and the social reality of children in school.¹³⁷

¹³⁷ <http://netla.hi.is/greinar/2018/ryn/14.pdf>

Special protection measures

49. The Committee reiterates its previous recommendation that, in order to strengthen the national and international measures for the prevention of the recruitment of children for armed conflict and their use in hostilities, the State party:

- (a) Explicitly prohibit by law the recruitment of children under the age of 18 years into foreign armed forces/groups and their direct participation in hostilities;
- (b) Explicitly prohibit by law the violation of the provisions of the Optional Protocol on the involvement of children in armed conflict;
- (c) Establish extraterritorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with the State party.

Economic exploitation, including child labour

51. The Committee recommends that the State party:

- (a) Make amendments to its legislation in order to harmonize the age of ending compulsory education and the minimum age of employment;
- (b) Monitor the situation and detect children working at too early an age and motivate them to finish secondary education; and
- (c) Take steps to guarantee that children are protected against bad working conditions and inappropriate work arrangements, including working long hours, taking on responsibilities above and beyond those commensurate with their age, work accidents and harassment.

Children in the labour market

According to information provided by the Administration of Occupational Safety and Health, many teenagers, despite being full time students, are working part time as well, many in supermarkets and fast food restaurants. According to the Administration, it is common for children in the labour market to take on more responsibility than they can handle, and with it comes stress and they are more at risk because they lack the necessary training, knowledge

and experience. The Administration considers the high number of children being injured in work related accidents to be related to their lack of experience and inappropriate working conditions.¹³⁸

According to information provided by Statistics Iceland,¹³⁹ children begin their participation in the labour market at the age of 13 and at 17 approximately 80% of the children have gained some experience of work. In the year 2017, 25% of all children were on the labour market. Despite previous recommendations from the Committee, the legislation governing the labour market has not been amended as regards the minimum age of employment.

During the period 2004 to 2013, children suffered on an average 84 workplace related accidents according to the records of the Administration of Occupational Safety and Health.¹⁴⁰ In the year 2016, 155 girls in the age group 15 to 19 were injured in workplace related accidents and 240 boys. In the age group 10 to 14 there were 13 children injured and two under the age of nine, in some cases the children were only visiting workplaces. These numbers show, that despite the duty of employers to ensure that children only work in a safe environment which suits their age and maturity¹⁴¹ there is a need for improvement.

Most municipalities arrange for work training for children in the age group 13 to 15 during the summer holidays which in many cases is their first work experience. According to the applicable guidelines the aim is to provide children with an opportunity to combine work, training, and education in their summer holidays.¹⁴² In a report from 2018, the Ombudsman stated that it is important to ensure the access of all children to the work training regardless of their situation and abilities, and that there is a need to increase the participation of the children in the organization of the training. Since this is the first work experience of most children and meant as training for their future participation in the labour market, it is important that the children get feedback and are educated on their rights and duties as future employees. Most importantly, the municipalities need to fulfil the legal requirements to do a risk assessment and report accidents.¹⁴³

There is a need to strengthen and increase the supervision of the work of children to ensure that their work is always in accordance with legislation and other applicable rules, so that children are only entrusted with tasks that suit their age and maturity, and are guaranteed the necessary protection. Children need training and education, specifically for the work they are

¹³⁸ <https://www.vinnueftirlit.is/vinnuvernd/vinna-barna-og-unglinga/>

¹³⁹ <http://hagstofan.s3.amazonaws.com/media/public/2018/431f4ec3-d3b7-4cb6-a530-75d94b099829.pdf>

¹⁴⁰ <https://www.laeknabladid.is/tolublod/2014/11/nr/5320>

¹⁴¹ <https://www.vinnueftirlit.is/vinnuvernd/vinna-barna-og-unglinga/>

¹⁴² <https://www.samband.is/media/utgefud-efni-og-eydublod/vinnuskolar-sveitarfelaga-30-04-2013-1.pdf>

¹⁴³ https://barn.is/media/580553/skyrsla-um-vinnuskolann_vefutgafa.pdf

hired to do, but also general education and information on the rules which apply to their work, on their rights, on health and safety requirements, but also on equality, cooperation, and good communication in the workplace.

Employers, parents and workplace managers need education on the rights of children in the labour market and the duties of employers. It is important to consult children on their possible participation in the labour market, their experiences and expectations, and older children need to be involved in the conversation on health, safety and communication in the workplace.

Sexual exploitation and abuse

- 53. The Committee recommends that the State party:
 - (a) Take necessary measures to protect children above the age of 15 from sexual exploitation and abuse;
 - (b) Ensure effective and prompt investigation, prosecution and conviction in all cases of sexual abuse and exploitation concerning children; and
 - (c) Ensure that programmes and policies for the prevention, recovery and reintegration of child victims are in accordance with the outcome documents adopted at the 1996, 2001 and 2008 World Congresses against Commercial Sexual Exploitation of Children held in Stockholm, Yokohama and Rio de Janeiro.

Juvenile justice

57. The Committee recommends that the State party bring the juvenile justice system fully in line with the Convention, in particular articles 37, 39 and 40, and with other relevant standards, including the Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), the Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Vienna Guidelines for Action on Children in the Criminal Justice System; and the Committee's general comment No. 10 (2007) on the rights of the child in juvenile justice.

In particular, the Committee urges the State party to remove its reservation under article 37 and find a practical and reasonable solution to detain children and adults separately.

Plans for a new treatment centre in the Metropolitan area

Iceland has withdrawn its previous reservation concerning article 37 and children who are sentenced to prison, serve their time within the child protection system, according to Article 44 on the Execution of Sentences Act No. 15/2016.¹⁴⁴

Children in police cells

In recent years there have been repeated cases of children with substance abuse problems and in some cases mental health problems, having been placed in prison cells overnight, while in a very vulnerable state, with limited access to health services. There is no data on the number of cases where children have been held in police cells under such circumstances.

This has mainly been due to a waiting list at the Diagnostic and Treatment Centre of the Government Agency for Child Protection in Reykjavik, and the lack of other available measures. In April 2018, the media reported on a case¹⁴⁵ where two teenagers were placed in a police cell since there were no places available at the Diagnostic and Treatment centre. After an inquiry from the Ombudsman, the Governmental Agency for Child Protection informed the Ombudsman that this was due to an exceptional situation. The Ombudsman issued a statement¹⁴⁶ on the fact that the child protection act, states clearly that it is the responsibility of the child protection authorities to provide appropriate solutions for children who need emergency placements. The Ombudsman further stated that Article 37 of the Convention applies to these cases and that placing children in police cells due to the lack of other available measures is an unacceptable measure in breach of the Convention. Accordingly, the relevant authorities need to ensure children the protection and care which their welfare requires and that the handling of cases of children with substance abuse problems, who require mental health and child protection services is unacceptable and has been so for a long time. While waiting for a long-term solution in the form of a new treatment home in the metropolitan area, other measures need to be put in place, to ensure that children are not being held in prison cells due to the lack of other appropriate measures.

In the end of year 2018 the Minister of Social Affairs stated that from that point on no child would be refused an emergency placement at the Diagnostic and Treatment centre and following that statement, some changes were made to the building that houses the centre, in order to increase the capacity and the number of available placements. On June 28th, 2019, the Minister stated on the ministry's webpage¹⁴⁷ that in the year 2019, no children had been refused a placement at the centre. Immediate and decisive action is needed to ensure the

¹⁴⁴ <https://www.fangelsi.is/media/skjol/Execution-of-Sentences-Act-No-15--23-March-2016.pdf>

¹⁴⁵ <https://www.visir.is/g/2018180409604/unglingstulkur-vistadar-i-fangaklefa-thvi-engin-onnur-urraedi-voru-i-bodi>

¹⁴⁶ <https://barn.is/frettir/2018/04/frelsissvipting-barna/>

¹⁴⁷ <https://www.stjornarradid.is/efst-a-baugi/frettir/stok-frett/2019/06/28/Bornum-ekki-visad-fra-Studlum/>

provision of necessary services to this very vulnerable group of children since plans for long term solutions and measures have been heavily delayed.

Child victims and witnesses of crime

58. The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes, e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, including those perpetrated by State and non-State actors, are provided with the protection required by the Convention and that it take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime. The Committee recommends the State party to encourage courts to make use of the Children's House for obtaining testimonies from children

Child victims of domestic violence

In the last decade there has been an awareness awakening on the harm caused to children by domestic violence. There has been an improvement in the way cases of domestic violence are being handled, the police, social services and child protection authorities have strengthened their cooperation and an emphasis has been put on the follow up and support measures for all those involved, including the children.¹⁴⁸ There are however some regional differences and smaller regions have in some cases not been able to provide emergency child protection staff outside office hours, to join the police and the social services, at the scene in households where domestic violence has occurred and there are children present.

In the Ministry of Social Affairs' action plan on child protection, approved by the Parliament in 2017,¹⁴⁹ there is an action on child friendly approach in domestic violence cases, which was meant to ensure that children who had experienced domestic violence, would be granted the necessary support services. Various methods in service to this group of children were going to be evaluated and an independent expert was meant to do a study on the working methods of municipalities where children experienced domestic violence. The goal was to ensure the provision of specialized services to this group of children, regardless of where they live. Unfortunately, these actions were not put in place. In 2019 however, a new action plan on child protection was approved by the Parliament, including an action on domestic violence which has yet to be implemented.¹⁵⁰

¹⁴⁸ <https://www.stjornarradid.is/verkefni/almannaoryggi/adgerdir-gegn-brotastarfsemi/adgerdir-gegn-ofbeldi/>

¹⁴⁹ <https://www.althingi.is/altext/146/s/0999.html>

¹⁵⁰ <https://www.althingi.is/altext/149/s/1795.html>

According to information from the Women's Shelter in Reykjavik, 35% of the women who stayed in the shelter in the year 2019 to escape a violent home situation, had children who had been subjected to violence as well. 44% of the women concerned stated that child protection authorities had been informed of the violence against the children but only 27% of the children had received support.¹⁵¹ The Ombudsman emphasizes the need to focus on all types of violence experienced by children and that measures be taken in order to ensure their equal access to specialized support and help.

Child victims of sexual abuse

A study on the prevalence and effects of sexual abuse was done among teenagers in the 10th grade, based on the data collected on the HBSC-project in 2016.¹⁵² The results showed that 14,6% of the participants had experienced sexual abuse. The results showed that the prevalence of poor mental health and risk behaviour was much higher amongst those who had experienced sexual abuse and compared to a previous study from ten years ago there was an increase in the number of children experiencing sexual abuse.

In May 2019 UNICEF in Iceland published a report on violence against children, based on information gathered among 14-18 years old in the survey Youth in Iceland.¹⁵³ The survey showed that 16,4% of the children had been subjected to physical or sexual violence before their 18th birthday. These numbers do not include neglect, emotional violence, digital violence or bullying.¹⁵⁴ According to the report, 6% of boys and 5% of girls have witnessed physical violence in their homes, an increase of approximately 2% since the last survey from 2012. The numbers show that 6% of boys had been subjected to physical violence by an adult in their homes and 4% of girls. The report showed an increase in the number of children who have been subjected to sexual violence on behalf of their peers. This clearly shows the importance of strengthening the education of children on violence and healthy relationships.

There is little available research on violence against children, certain data is available, such as the number of notifications to the child protection authorities and statistics from the judicial system, and surveys such as Youth in Iceland and HBSC. The available information needs to be collected and research must be done on a regular basis to follow any development and to ensure that the appropriate measures are directed towards the right groups.

After the publication of the report, the Minister of Social Affairs and Children promised actions such as to establish a centre with the purpose of gathering data and research on violence

¹⁵¹ <https://www.kvennaathvarf.is/tolur-ur-kvennaathvarfinu-fyrir-arid-2019/>

¹⁵² <https://www.laeknabladid.is/tolublod/2016/06/nr/5922>

¹⁵³ <http://www.rannsoknir.is/en/youth-in-iceland/>

¹⁵⁴ https://unicef.is/sites/unicef.is/files/atoms/files/stadabarnaaislandi_final_0.pdf

against children.¹⁵⁵ In February 2019, the Ministry of Social Affairs announced that such a centre would be established and according to the Ministry, the centre is to be operated by the Governmental Agency of Child Protection.¹⁵⁶ In an interview, the Director of the Agency said that an expert in data processing will be hired to gather the available data in order to make it accessible for all.¹⁵⁷ While the Ombudsman is in favour of more resources being allocated to the area of violence of children, hiring one expert to gather certain data is rather limited in scope. It has to be questioned, whether the allocated resources should instead have been allocated to Statistics Iceland, to build on existing structures, in order to strengthen the comprehensive gathering and dissemination of all available data concerning children.

Action plan against violence in Icelandic society

In 2019 the Parliament approved a national action plan against violence.¹⁵⁸ In a written statement to the Parliament¹⁵⁹ the Ombudsman supported the plan but highlighted the fact that such ambitious plans could never be realized with the allocated resources. An example is an action designed to establish and maintain education for professionals working with children in education or leisure activities on violence and the duty of notification according to the Child Protection Act. Another underfunded project proposed is the setting and implementation of excellence and quality standards in leisure activities for children with the purpose of preventing violence.

Other suggestions are equally underfunded and therefore unrealistic such as the action on introducing new educational material on violence for all children under the age of six in day care with instructions to the staff on how to educate the children. The action plan also proposes the necessary strengthening of the sexual health education in compulsory and upper secondary schools, but with extremely limited funding, making it impossible to put into action.

Investment in children is an investment not only for today but for the future. The Ombudsman informed the Parliament that the cost assessment for the proposed actions in the national plan concerning needs to be reevaluated, or they will not be realized and therefore have no real effect.

Child victims in the judicial process, processing time and the publication of rulings

The Ombudsman has expressed serious concerns over the fact that court rulings are available online, with a few exceptions. Rulings concerning child victims of sexual abuse, are in many

¹⁵⁵ <https://www.stjornarradid.is/efst-a-baugi/frettir/stok-frett/2019/05/28/Tillogur-felags-og-barnamalaradherra-til-adgerda-i-ljosi-nyrrar-tofraedi-um-ofbeldi-gegn-bornum-a-Islandi/>

¹⁵⁶ <https://www.stjornarradid.is/efst-a-baugi/frettir/stok-frett/2020/01/20/Midstod-um-ofbeldi-gegn-bornum-stofnud-/>

¹⁵⁷ https://www.mbl.is/frettir/innlent/2020/01/20/nog_komid_af_raedum_a_17_juni/

¹⁵⁸ <https://www.althingi.is/altext/149/s/1749.html>

¹⁵⁹ <https://www.althingi.is/altext/erindi/149/149-2550.pdf>

cases extremely detailed in the description of the violence suffered, and contain sensitive, personal information, even though names have been omitted. Children often find the judicial process drawn out and the lengthy waiting time for a final ruling, which when published contains sensitive information, causes re-victimization and further trauma.

In the year 2018 the Minister of Justice presented a proposal for a draft bill of law,¹⁶⁰ proposing changes to the law on the Act on the Judiciary and the Criminal Act, with a provision stating that the rulings of district courts, on sensitive personal matters, such as the matters of children and sexual crimes, shall not be published. If a case is appealed to a higher instance, only an extract was to be published, clarifying the basis of the ruling. Due to a controversy concerning certain issues in the draft bill, it was not presented to the Parliament. In an open letter to the Minister of Justice, in February 2019¹⁶¹, the Ombudsman stated that the withdrawal of the draft bill would mean further delays in securing the necessary protection for children within the justice system. In the letter the Ombudsman encouraged the Minister to reconsider and present a draft bill to the Parliament with the main aim of protecting the interests of children by preventing the publishing of sensitive and personal information and details from court rulings which concern children.

The Ministry of Justice has not put forward any further plans for improvements. In October 2019 the Court Administration published new rules on the publishing of rulings.¹⁶² The new rules state that the names of offenders, under the age of 18, shall not be published and the rulings of district courts on cases concerning the Act on children and the Child Protection Act shall not be published. While this is certainly progress, there is still a need to make the necessary amendments to the legislation.

¹⁶⁰ [https://samradsgatt.island.is/oll-mal/\\$Cases/Details/?id=1172](https://samradsgatt.island.is/oll-mal/$Cases/Details/?id=1172)

¹⁶¹ <https://www.barn.is/frettir/2019/02/birting-doma-thegar-tholendur-eru-boern/>

¹⁶² <https://www.domstolar.is/domstolasyslan/reglur/reglur-um-birtingu-doma-og-urskurda-a-vefsidu-domstolanna/>