

**Optional Protocol to the Convention on the Rights of the Child  
on the involvement of children in armed conflict**

**REPORT BY THE GOVERNMENT OF ICELAND**



**Government of Iceland  
Ministry of Justice and Ecclesiastical Affairs  
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## TABLE OF CONTENTS

	<i>Paragraph</i>	<i>Page</i>
I. Introduction .....	1-4	3
II. Information relating to articles 1-7 of the Optional Protocol....	5-17	4-6

## **I. INTRODUCTION**

1. This is the first report of the Government of Iceland, submitted under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The report was prepared in accordance with the Guidelines regarding initial reports to be submitted by States Parties (CRC/OP/AC/1).

2. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict was signed by Iceland on 7 September 2000, and ratified on 1 October 2001. It entered into force with respect to Iceland on 12 February 2002. At the time of ratification, Iceland entered the following declaration: "With regard to Article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, the Republic of Iceland declares that it has no national armed forces, and hence, a minimum age for recruitment is not applicable in the case of the Republic of Iceland".

3. Rights of the child are protected by the Icelandic Constitution. Under paragraphs 2 and 3 of Article 76 of the Constitution, the law is to guarantee everyone suitable general education and tuition, and children are to be guaranteed, by law, the protection and care necessary for their well-being. Similarly, under Article 65 of the Constitution, everyone is equal before the law and is entitled to enjoy human rights irrespective of their sex, religion, opinion, national origin, race, colour, property, birth or other status. Under paragraph 2 of Article 68 of the Constitution, no one may be required to perform compulsory labour. The above provisions were added to the Constitution in 1995, when fundamental amendments to the human rights provisions of the Constitution were enacted by the Constitutional Act, No. 97/1995. In the explanatory notes accompanying the bill amending the Constitution, reference was made to the United Nations' human rights instruments.

4. The UN Convention on the Rights of the Child is accessible by the public in Icelandic on the homepage of the Ministry of Justice and the Althingi's legal archive, and the text has also been issued in an off-print available from the Ministry of Justice. The Optional Protocol has been published in Icelandic in the Government Gazette and can also be accessed on the homepage of the Ministry of Justice. It is also published in a book, entitled (in Icelandic) "International Human Rights Agreements Ratified by Iceland", which was published by the Human Rights Institute of the University of Iceland in September 2003.

## II. INFORMATION RELATING TO ARTICLES 1-7 OF THE OPTIONAL PROTOCOL

### *Article 1 - 3*

5. Iceland has no national armed forces.

### *Article 4*

6. Armed groups do not exist in Iceland.

### *Article 5*

7. Iceland is a state party to the United Nations Convention on the Rights of the Child and both protocols thereto. The rights of the child have been among the main areas in which Iceland has been active internationally. Iceland's representative to the UN delivered addresses on the rights of the child to both the 59th and 60th congresses of the UN Commission on Human Rights. It should also be mentioned that Iceland chaired a committee on children's rights appointed by the Baltic Council in 2002.

8. Iceland is a state party to the four Geneva Conventions of 1949 and the Additional Protocols thereto of 1977. The conventions were ratified on 10 August 1965 (published in the Government Gazette C16/1965), and the additional protocols on 10 April 1987 (published in the Government Gazette C3/1987). In 2004, the Icelandic Red Cross and the Ministry for Foreign Affairs published the book "Geneva Conventions", containing the conventions in Icelandic translation.

9. Iceland is a state party to the Rome Statute of the International Criminal Court, (cf. the Act No. 43/2001 on the Application of the Rome Statute of the International Criminal Court). Under Article 8.2(xxvi) of the Rome Statute, for the purpose of the statute, war crimes are defined as the conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities. Under Article 26 of the Rome Statute, the Court shall have no jurisdiction over any person who was under the age of 18 at the time of the alleged commission of a crime. Several provisions of the Rome Statute, and the Court's Rules of Procedure and Evidence, take into account the special interests of children, both as witnesses and victims. Articles 36.8(b) and 42(9) of the Rome Statute require judges and the office of the prosecutor to have experience regarding violence against children.

10. On May 29, 2000 Iceland ratified Convention of the International Labour Organisation concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The Convention defines forced or compulsory recruitment of children for use in armed conflict as the worst forms of child labour, Art. 3(a).

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

12. Iceland has called for the minimum age for participation in armed conflict to be 18 years. A resolution to this effect was passed by a Nordic ministerial meeting held in Iceland in 1999.

13. A significant development is that the United Nations Children's Fund (UNICEF) opened an office in Iceland in November 2003.

#### *Article 6*

14. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict entered into force in respect of Iceland on 12 February 2002. However, the Optional Protocol does not have the force of law in Iceland. The rule in Iceland is that international agreements do not automatically acquire the force of law in the country, even though Iceland is a party to them. However, current legislation is interpreted in accordance with Iceland's international obligations, and in the past few years the courts have increasingly interpreted the provisions of the Icelandic Constitution in the light of Iceland's international human rights obligations.

15. The civil society in Iceland has contributed and worked on the issue of involvement of children in armed conflict. In 1991 the Icelandic and Swedish Red Cross societies organized a conference, in collaboration with the Raoul Wallenberg Institute, on children in armed conflicts, and the same bodies proposed a motion that was adopted by the Council of Delegates of the Red Cross and Red Crescent Movement in Budapest later the same year. The motion proposed that the Henry Dunant Institute make a survey of the use of children in armed conflict, the causes of this and possible means of alleviating the situation. In October 2004, the Red Cross is holding a nationwide collection, the proceeds of which will be given to assist children who are the victims of, or are involved in, armed conflict. In connection with this, it will be presenting television programmes,

distributing information leaflets and holding public awareness meetings on the subject in schools and workplaces. The Icelandic Red Cross is financially supported by the Icelandic Government.

*Article 7*

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

17. Iceland's support funding for development co-operation projects has increased fivefold over the past five years. In 2004 Iceland contributed a total of ISK 329.8 m to reconstruction in developing countries, ISK 198 m to reconstruction in Iraq and ISK 41.3 m to refugee aid. Iceland's contribution towards reconstruction in Liberia was ISK 1 m.