



Global Initiative to
**End All Corporal Punishment
of Children**

ICELAND – COUNTRY REPORT

Child population: 81,000 (UNICEF, 2009)

Summary of necessary legal reform to achieve full prohibition

Corporal punishment is prohibited in all settings, including the home.

DETAILED COUNTRY REPORT

Legality of corporal punishment

Home

Corporal punishment is prohibited in the home. Article 28 of the Children's Act (2003) states: "It is the parents' obligation to protect their child against any physical or mental violence and other degrading or humiliating behaviour." This is interpreted as prohibiting all corporal punishment. In 2009, the Child Protection Act No. 80/2002 was amended to clarify that corporal punishment is considered to be abuse and the child is legally protected from it in all settings. Article 1(2) as amended states: "Parents are under an obligation to treat their children with care and consideration, and to fulfil their duties of guardianship and upbringing of their children in the best manner for their circumstances and needs. They are under an obligation to provide their children with acceptable conditions during their upbringing, and to safeguard their welfare at all times. Others involved in the raising of children shall show them respect and care." Article 99(1) as amended states: "Any person who inflicts punishments, threats or menaces upon a child, that may be expected to harm the child physically or mentally, is subject to fines or imprisonment for up to three years." According to the Government, the amendments are "intended to fully provide for the criminalisation of subjecting a child to mental or physical punishment [and] to be complementary to the provisions on abuse and other violations against children contained in the General Penal Code" (14 October 2010, RAP/Cha/IC/XXIV(2011), 24th National Report submitted to European Committee of Social rights, p. 31).

Schools

Corporal punishment is unlawful in schools under the Child Protection Act as amended in 2009 (see above). There is no provision for corporal punishment as a disciplinary measure in the Preschool Act No. 90/2008, the Compulsory School Act No. 91/2008 and the Upper Secondary School Act No. 92/2008.

Penal system

Corporal punishment is unlawful as a **sentence for crime** under the General Penal Code No. 19/1940. Corporal punishment is unlawful as a **disciplinary measure** in penal institutions under the provisions in the Child Protection Act as amended in 2009 (see above).

Alternative care

Corporal punishment is prohibited in alternative care settings. Rules on the rights of children and coercive measures in state treatment homes, issued in 1999, explicitly prohibit corporal punishment, stating that "application of physical punishment and solitary confinement, administration of drugs without medical consultation, and any application of restraints, such as ropes, adhesive tape, belts or other similar means of physical restraint, are prohibited, whether as a means of punishment or for the purpose of treatment or upbringing". Corporal punishment is prohibited in other homes and institutions in article 82 of the Child Protection Act, which prohibits "any physical or mental punishment upon the child" and "confinement, isolation and other comparable coercive measures or disciplinary penalties unless necessary". In other alternative care settings, the provisions of the Child Protection Act as amended in 2009 apply (see above).

Prevalence research

None identified.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(31 January 2003, CRC/C/15/Add.203, Concluding observations on second report, para. 29)

“The Committee recommends that the State party:

- a) raise awareness among parents, other caretakers, and the public at large of the prohibition of corporal punishment – including in the family – under existing legal provisions;
- b) continue to strengthen and expand the coverage of the Children’s House concept throughout the State party;
- c) conduct public education campaigns about the negative consequences of ill-treatment of children, and promote positive, non-violent forms of discipline as an alternative to corporal punishment....”

European Committee of Social Rights

(July 2005, Conclusions XVII-2)

“Under Icelandic law, all violence is punishable except where employed as an emergency measure to serve a greater interest. The Committee notes that corporal punishment (and mental punishment) is prohibited in homes and institutions for children (Section 82 of the Child Protection Act, No. 80/2002).

“It notes from another source that corporal punishment of children is prohibited in schools and asks that the next report indicates the legislation laying down this prohibition.

“The Committee notes that the Child Protection Act, No. 80/2002, states that parents are prohibited from using physical violence against their children. Section 1, paragraph 2 makes particular mention of care and consideration as elements in custodial and upbringing obligations. In this context the report states that the Icelandic Parliament, during discussions held on the Child Protection Act, interpreted this paragraph to imply the important principle that children should be shown respect, and not be subjected to corporal punishment. The Committee further notes that said obligation of parents is reinforced by the Children’s Act of 2003, which entered into force in November 2003, which explicitly prohibits all forms of corporal punishment of children in the home.”

European Committee of Social Rights

(1 January 2001, Conclusions XV-2 vol. 1, pages 281-283)

“The Committee notes that corporal punishment (and mental punishment) is prohibited in homes and institutions for children and youth (Section 53 of the Children and Youth Protection Act). However it wishes to know whether legislation prohibits all forms of corporal punishment of children, in schools, in the home and elsewhere....”

Universal Periodic Review

Iceland was examined in the first cycle of the Universal Periodic Review process in 2011. No recommendations were made concerning corporal punishment of children. Prohibition in all settings was achieved in 2003. Examination in the second cycle is scheduled for 2016.

Report prepared by the Global Initiative to End All Corporal Punishment of Children
www.endcorporalpunishment.org; info@endcorporalpunishment.org
January 2012