



STATE PARTY EXAMINATION OF ICELAND'S THIRD AND FOURTH PERIODIC REPORTS

58TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

19 SEPTEMBER – 7 OCTOBER 2011

Contents

Opening Comments	1
General Measures of Implementation.....	2
General Principles	3
Civil Rights and Freedoms	4
Family Environment and Alternative Care.....	4
Basic Health and Welfare.....	4
Education, Leisure and Cultural Activities.....	6
Special Protection Measures	7
Concluding Remarks	8

Iceland ratified the Convention on the Rights of the Child (CRC) on 28 October 1992. On 23 September 2011, the Committee on the Rights of the Child (the Committee) examined the third and fourth periodic reports of Iceland. It was last examined on 28 January 2003.

Opening Comments

The delegation of Iceland was led by Ms Halla Gunnarsdóttir, political advisor to the Minister of the Interior. She was supported by a delegation consisting of representatives of the Ministry of the Interior, Ministry of Welfare, Ministry of Education, Science and Culture, the Government Agency of Child Protection and the Permanent Mission in Geneva.¹

Ms Gunnarsdottir expressed her pleasure to address the Committee and answer questions on children's welfare in Iceland. She explained the delay in sending the report was due to a rotation of staff and assignments and a change in the structure of Icelandic Ministries. Iceland faced a financial crisis resulting from the collapse of the banking system in 2008. This resulted in fiscal restraints and various challenges in Icelandic society, such as extensive budget cuts and increased unemployment. The present government, established in early 2009, was formed with the specific task of protecting the Icelandic welfare system. With respect to children, the government had sought to ensure the basic rights of all children, and reduce the effects of the financial crisis on the lives of children to the fullest extent possible. In this effort, fiscal efforts had been made to strengthen both the health and educational systems, and

¹ More information about delegation members can be found on the OHCHR website, under CRC sessions.

specific measures had been taken such as free dental care for children from low-income households.

Ms Gunnarsdottir stated that comparative studies had shown that the financial crisis had not had a directly negative impact on how children in Iceland felt. In their own words, children in Iceland were generally pleased and happy. However, children who were vulnerable before the crisis were considered to be at a higher risk now. Single parent families were a particularly vulnerable group, as in 2007, 23 per cent of single parent families had been below the low-income target, but that number had now risen to an alarming 30 per cent. Fighting poverty remained one of the most important tasks for the government to take on.

Hadeel Al-Asmar, the Country Rapporteur, noted that Iceland was a real defender of human rights in general. Moreover, Iceland had demonstrated significant cooperation with United Nations agencies, which showed Iceland's commitment to children's rights, not only domestically, but beyond Iceland as well. There was a positive national protection plan from 2008 to 2010, and Iceland had an Ombudsman in charge of children's rights. She regretted that budgets for education and health had been cut back, which affected families, especially single parents. The Rapporteur acknowledged that Iceland significantly helped migrants and refugees.

Kirsten Sandberg, the second Rapporteur, thanked the head of delegation for her introduction. She noted that Iceland had a good legislative framework, but was not sure if the CRC was entirely implemented. She also acknowledged that services and support for children had increased, but was worried about cutbacks in healthcare and education, especially as the situation seemed to be particularly difficult for single parents. The Rapporteur commended the State party for having laws that allowed complaints by children to be heard.

General Measures of Implementation

Legislation

The Committee wanted to know if the Parliament had considered adopting the recommendations that had been formulated recently by the youth councils in municipalities and if they were actually listened to. The Committee asked if the State party considered creating a youth parliament system at the national level. The delegation answered that according to the act of 2007, it was up to the municipalities to implement this law. There should be more monitoring in the Ministries to fulfil this Act. The delegation asked the Committee how this could be done. The government would like to send more bills to the youth councils to get more feedback.

The Committee wanted to know more about the national action plan and the review of the Constitution. The delegation answered that the only way to change the Constitution was to make a bill go through the two Parliaments, which could take a long time. Unfortunately, governmental institutions would soon have to cut up to three per cent of their budget. The national action plan had not yet been evaluated. A report was sent to the Parliament last year that went through all the issues addressed by the action plan, and it had started evaluating the policy points.

Budget

Within the budget of development aid, there was a focus on health, welfare and education, such as in Afghanistan. The Government had used the opportunity to help non-governmental organisations.

The Committee asked about the impact of the financial crisis on education. The delegation said that there had been cutbacks, but that children had not been affected directly.

Dissemination and Training

The Committee wanted to know what was done to train specialists who worked with children. The delegation answered that a lot of effort had been put into the delivery of social services for children. There were regular training programmes for people who were not directly involved in the child protection services, such as the police. With regard to violence, a book for professionals working with children, titled 'Evil Man' had been distributed.

Monitoring

The Committee wanted to know why the Ombudsman only received complaints from groups of children and not from individuals. The delegation answered that the ombudsmen were first and foremost advocates for the rights of the child. They had to listen to children but they were not supposed to deal with individual complaints. There were specific documents on children living in residential care institutions. The children were introduced to the documents and were informed of their rights and the complaint systems. They could complain at the independent monitoring body based at the Ministry of Welfare, and at the Child Protection Committee that placed the child in institutions. The case could also go to court if necessary. Once the child protection services deemed it necessary to intervene, they would send the file to the child protection authorities. They would assess if the needs for the child were met or not. If the child needed to be placed, there would be a contract between the facility and the parents. There were interviews and questionnaires with children to know what their issues were and to inform them about complaint mechanisms. Services and monitoring were separated in the Ministry of Welfare. There was a process underway to streamline the system.

General Principles

Non-discrimination

The Committee raised some questions concerning bullying at schools. The delegation admitted that such a problem existed, but that there was a national project to deal with this. Bullying had been referred to as part of the definition of violence, by law. Students who bullied were suspended. Every school had to create a positive environment. The Committee did not think that suspension was the right approach to deal with this problem.

The Committee wanted to know what was being done to address xenophobia. The delegation answered that there was a new law that prohibited hate propaganda based on nationality and ethnic origin. There was a special fund on immigrant issues that had, for example, programmes for children.

Civil Rights and Freedoms

Nationality

The Committee noted that children of mixed marriages should have better access to citizenship. The delegation replied that children of Icelandic women had the right to Icelandic citizenship.

Family Environment and Alternative Care

Custody

The Committee stated that concerning the custody of a child, often the parents' interest was given priority over the best interests of the child. The delegation answered that the Minister of the Interior was looking at the question of police intervention in matters of child custody and the delegation asked for the Committee's opinion on how this could be better addressed in practice.

Child abuse and corporal punishment

The Committee asked what preventive measures were being coordinated with regard to sexual exploitation and abuse. The delegation answered that there was a very open dialogue in Icelandic society about sexual violence. The State party was in the process of ratifying the Convention of the Council of Europe of 2007 on sexual abuse against children. With regard to sexual abuse, Iceland had done a great deal about it with the establishment of the Children's House. It was a multidisciplinary centre where the child received all the services it needed. The model was being replicated in Northern Europe. It allowed acquisition of specific data on child sexual abuse, which was very important for awareness raising and prevention. There was also a special programme for minor sex offenders, which was very important for preventing further offences.

The Committee was pleased that Iceland had taken steps to abolish all forms of violence against children, including corporal punishment, but was questioned why the Supreme Court allowed the spanking of children on their bare bottoms. The delegation replied that corporal punishment was prohibited in Iceland. The Child Rights Act had been changed accordingly. The decision of the Supreme Court on corporal punishment was linked to the fact that it was deemed that children did not suffer consequences from spanking. Subsequently, however, the bill on corporal punishment was passed and now it was criminalised.

The Committee asked if there was a special legislation that criminalised immigrant parents who took their child to their home country and performed harmful traditional practices on them. The delegation assured the Committee that female genital mutilation was explicitly prohibited.

Domestic violence

The Committee asked about what had been done to address domestic violence, particularly as it concerned children. The delegation answered that a child specialist had been appointed to accompany the police and to talk to the child. Another task was to ensure that the child would receive the necessary trauma therapy.

Basic Health and Welfare

Living standards

The Committee requested more information regarding child poverty in Iceland. The delegation answered that there were very few children in Iceland who lived in poverty as such. However, since the financial crisis, the risk of children falling below the relative poverty line was increasing.

Health care and insurance

The Committee regretted that breastfeeding rates were very low and requested more information on what was being done in this regard. There was laxity regarding the advertising of breast milk substitute formulas that were not always good for health and could lead to child obesity. The delegation answered that for the first time Iceland had seen a reduction in the numbers of obese children.

The Committee also wanted to know why there were only a few centres with free psychological care for children. The delegation answered that the number of children that were waiting for services at specialised institutions stood at 79. That number was lower than it had been in 2007, despite Iceland's economic crisis. The waiting time could be between one day and one year. But the waiting list at the Centre for Behaviour and Development Disorders was longer than in 2007, and was now between six and seven months.

Children with disabilities

The Committee was concerned that children with disabilities were not sufficiently supported so as to be able to integrate into the mainstream education system. The Committee asked where there were any schools for children with disabilities to attend that were specialised according to their disability. The Committee also wanted to know what measures were taken to make sure the child was well taken care of in cases of separated parents of children with disabilities. The delegation answered that there was a good policy to include children in mainstream schools, but parents were also allowed to choose to place the child in a specialised institution. When the head of an institution received an application from a child with disabilities, he or she also had to evaluate if it really was in the best interest of the child to be at his/her school. However there were some gaps in this decision-making process, such as that it currently did not adequately consider the wishes of the child.

The delegation added that there was a lot of assistance given at the municipal level. There were national centres for the blind and the deaf, and there was training for mainstream teachers to teach them how to best support children with disabilities to attend mainstream schools as well. The law stipulated that a person with a disability should be appointed a spokesperson for the realisation of his or her human rights. That was part of the decentralisation of the care system in service delivery.

Adolescent health

The Committee was happy to see that the age of consent for sexual relations had been raised to 15 years. However, the Committee was concerned that if there was a complaint lodged concerning sexual abuse, sometimes there was no violation recognised if the victim was between 15 and 18 years old. The Committee wanted to know the reason for this, and added its concern that between 2004 and 2006 the number of abortions for girls younger than 18 years was around 500.

The delegation confirmed that the age of sexual consent had been raised to 15 years, but that the strict line between consensual sexual relations and sexual violence needed to be more clearly defined. The delegation added that this would be the primary focus of sexual education for adolescents. Criminalisation of sexual behaviour under 18 was not a goal. There had been a questionnaire distributed among adolescents on this matter and the general answer was that 15 was a good age for consent.

The Committee stated that the age of 15 was still young for the age of sexual consent and raised related concerns such as that it could lead to child prostitution and child pornography. The Committee asked what would happen in the event that an act of sexual violence was carried out by an Icelandic citizen on a person between 15 and 18 years old, abroad. The delegation answered that there was a new law that criminalised prostitution and subsequently made it illegal to pay for sexual services. In all cases to date, no individual had been prosecuted for the sale of sexual services.

The Committee wanted to know what contraceptive measures were available for girls and what type of sexual education was provided for adolescents in general. The Committee reminded the delegation that it was not explicitly against abortion, but that the numbers were still concerning. The delegation answered that a new curriculum that addressed sexual health had been launched, in which abortion was also addressed. The possibility of midwives and nurses prescribing contraceptives was being considered.

The Committee enquired about adolescents and substance abuse. The delegation answered that the abuse of substances such as alcohol was still high among adolescents, but that it was far lower than a study in 2006 showed. The delegation added that the government was trying to reach adolescents through a website. Adolescents could ask questions regarding drugs or alcohol abuse online,

The Committee noted that the use of drugs to regulate behavioural disorders such as hyperactivity was very high and asked if the State party considered an alternative approach to medication. The delegation answered that more psychological resources would be made accessible soon.

The Committee also enquired about child protection services. The delegation answered that the practice was generally family support. There was a system of mandatory reporting, especially for the persons who worked with children. The nature of the intervention depended on the type of issue, whether it was drug abuse or another problem. When it did not work, there needed to be placement of the child outside of his or her home. Counselling could be offered around the clock, which would be provided by a person who would live with the family in order to prevent the child being removed from their home.

Education, Leisure and Cultural Activities

School attendance

The Committee asked about the effects of the financial cutbacks on schools. The delegation replied that child welfare was a main point, and before the crisis began, more was being done than actually requested by the law. The cutbacks had been made in the area of administration, one consequence being that the class sizes had been increased (no more than 28 students per

class); however, some action was taken to mitigate the negative consequences. Efforts were made for children with disabilities. The education budget would be further reduced over the next years, but less than in other areas. The delegation noted that cutbacks were always trickling down to children, unfortunately. The State could directly affect the upper-secondary school (before it was dealt with by the municipalities) and the Government tried to minimize the impact of the financial crisis on children. But all children could attend school and had the possibility to choose their school.

The Committee asked if Migrant children went to the same schools as Icelandic children. The delegation explained that Icelandic schools are inclusive and accept everyone. Migrant children were of course included in schools but there was a concern because they had a higher drop-out rate. There was a new three-year plan to help those children, as well as better legally based information for immigrants.

The Committee enquired about the dropout rate from school and wanted to know what was being done to solve the problem. The delegation explained that there was a project with the Organisation for Economic Cooperation and Development, similar to the one in Norway, for children dropping out of school. The project aimed to identify the key challenges and reasons for school drop-outs and to develop a set of recommendations. Further cooperation was soon going to take place in order to try to remedy this. There were indeed traineeships for those children who dropped out.

Culture and leisure

The Committee wanted to know how the children in Iceland enjoyed their right to play. The delegation answered that playing was part of national legislation, especially at primary school. Even the name of the school had the word “play” in it. That was the school level the parents were the happiest with.

Special Protection Measures

Asylum seekers

The Committee said that the law was ambiguous about the criteria for denying asylum. Only two asylum applications had been approved in the past 20 years. The delegation answered that children of asylum seekers went to school and more than two persons had been given status in the last years; the number was closer to 20. There were very few cases of children coming to Iceland on their own due to geographical reasons.

Child labour

The Committee stated that there was a big difference between compulsory schooling ending (normally 16 years) and the minimum age for work, which was set at 15 years. The State party was recommended to resolve this matter.

Armed conflict

The Committee asked whether there was a system to check whether children who arrived in Iceland had been involved in armed conflicts. It added that there was a need for explicit prohibition of the armed forces recruiting children under the age of 18. The delegation answered that Iceland did not have any armed forces and therefore no such problem existed.

Children of incarcerated parents

The Committee asked if there was a system for infants and children to accompany their parents in prison. The delegation answered that there were spaces in prisons where parents could interact with their children. Also, children up to the age of 18 months could live in prisons with their mothers.

Juvenile justice

The Committee asked if there was a body of magistrates that dealt with both adult and juvenile offenders, and if they applied the same rules. The delegation answered that there were specific procedures in place concerning judicial measures. The age for criminal responsibility was 15 years. If the police apprehended a person that was between 15 and 18 years old, they were not allowed to question the child without the presence of someone from the child protection services. Yet there was a scope for improvement for juvenile justice, because some judges did not want to accept the testimony of some children

The Committee asked for more details about the new rulings on separating children and adults in prisons. The draft amendments to the Constitution were appreciated. She expressed the hope that the changes would be passed in Parliament and asked whether there was any chance that the amendments would not be accepted by Parliament.

The delegation answered that regarding Iceland's declaration on article 37, the separation of juvenile prisoners from adult prisoners was not obligatory under Icelandic law. However, the law on prisons and imprisonment provided that decisions concerning in which penal institution prisoners were to be located should take account of the age of the prisoner. An agreement existed between the State Prison and Probation Administration and the Governmental Agency for Child Protection on the imprisonment of persons below 18 years of age. This agreement aimed to ensure that juvenile prisoners would serve out their sentences in treatment homes, which were operated in accordance with the provisions of Acts concerning the protection of children and young people and where special treatment was provided.

A ruling assured that special treatment should also be applied when young people were kept in detention. The confinement of persons kept in detention was enforced in consultation with the investigating authorities. In principle, young prisoners were confined in such treatment homes and the Administration would not receive prisoners between 15 and 17 years of age unless the Governmental Agency for Child Protection rejected a request to receive the aforementioned prisoners. In the very few cases where young prisoners would serve out their sentence in a prison, measures were taken to have them confined with calm, older prisoners considered to be model prisoners. The small population of Iceland meant that young prisoners had known each other for many years and had often committed crimes side by side. For that reason they formed strong groups, which was often more sensible to split up rather than to keep in the same prison or the same subdivision.

Concluding Remarks

Ms Al-Asmar thanked the delegation for their answers. The Committee wanted expressed its best wishes to the Icelandic children and hoped that the next meeting would yield even more results.

Ms Sandberg said that some good explanations had been given and that the Committee was thankful. She noted that the delegation had explained clearly how the financial crisis was being dealt with and hoped that Iceland would manage to keep the focus on children's rights. Concerning coordination, there was no single body responsible for implementing the Resolution on a National Policy and Plan of Action for Child protection in Iceland. The Ombudsman was mentioned but he should not be the one implementing the plan, but rather a coordinating committee or similar body should be established within the government. The national action plan was running out and Iceland should consider next steps. Also there needed to be an evaluation of that action plan, as well as a better system for complaints. On the subject of participation, there might be a demand for more democracy in schools, such as discussions about bullying.

The Head of Delegation said that Iceland had made substantial progress through the establishment of the new governmental section dealing only with human rights, which had been a significant step for the small country of Iceland. Iceland knew from their Finnish neighbour that the effects of a financial crisis could have a lasting impact in years to come, therefore the government and the Welfare Watch would keep an important focus on children's rights to avoid that.

The Committee Chairperson commented that the dialogue with the State party had been very constructive, hailing Iceland as a small laboratory of good practices.