



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-second session

SUMMARY RECORD OF THE 856th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 28 January 2003, at 10 a.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Iceland (CRC/C/83/Add.5; CRC/C/Q/ICE/2; CRC/C/RESP/22)

1. At the invitation of the Chairperson, Ms. Árnadóttir, Ms. Fridriksdóttir, Mr. Gudbrandsson, Ms. Haraldsdóttir, Mr. Jóhannesson and Mr. Olgeirsson (Iceland) took places at the Committee table.
2. Mr. JÓHANNESSON (Iceland) said that the members of the delegation represented authorities that dealt with children's issues on a day-to-day basis. Iceland's second periodic report (CRC/C/83/Add.5) had been prepared under the auspices of the Ministry of Justice, in consultation with a number of private and public bodies involved in children's affairs. It followed the layout of Iceland's initial report (CRC/C/11/Add.6).
3. The positive developments that had taken place since the Committee's consideration of Iceland's initial report had led to an enhanced public awareness of children's issues in general and to improvements in the field of children's rights and welfare. The Convention had played a key role in those developments. The Government had not solved all of Iceland's problems but it had made child welfare a priority and hoped that, with the help of the Committee and other interested parties, such as non-governmental organizations (NGOs), it would continue to make progress.
4. Ms. ÁRNADÓTTIR (Iceland) said that, in its concluding observations following consideration of Iceland's initial report (CRC/C/15/Add.50), the Committee had encouraged the State party to consider the possibility of withdrawing its declarations on articles 9 and 37 of the Convention. Concerning the declaration on article 9, the new Child Protection Act that had been adopted in 2002 transferred the power to take a final decision in child protection cases in which parents were deprived of custody from child protection committees to the courts. The Ministry of Justice still had the authority to determine custody in cases of parental dispute, although that power was rarely used. A new children's bill was currently being discussed in Parliament which would revoke that authority. If the bill was passed, as expected, in spring 2003, the reservation to article 9 would no longer be relevant. With regard to the declaration on article 37 on the separation of juvenile prisoners from adult prisoners, an agreement had been made between the Government Agency for Child Protection and the Prison and Probation Administration to allow young prisoners to serve their sentences in rehabilitation centres.
5. In response to another of the Committee's recommendations, Iceland had introduced a legislative policy under which all the substantive provisions of the Convention were to be reflected in national legislation. Significant changes had been made to the legal definition of the child; consequential changes had been made to child protection legislation.
6. The Ombudsman for Children continued to play an active role in child protection. He was responsible for identifying areas of improvement, raising awareness of children's rights and representing children's views on various matters.

7. An ad hoc committee had been established to draft a comprehensive children's policy, to be discussed at a forthcoming conference before being submitted to the Prime Minister. The policy would be a major step forward in the Government's efforts to improve children's rights. The draft policy set out targets in eight areas relating to health care, social services and education.
8. Since consideration of Iceland's initial report, numerous legislative changes had been made in the field of children's rights. The new Child Protection Act was particularly significant. In 1999 a new Adoption Act had been adopted incorporating the provisions of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. Legislation had been introduced to promote the equal rights of men and women; for example, an act had been adopted providing that all parents had an individual right to three months' maternity or paternity leave, in addition to a joint right to a further three months. More recent developments included the adoption of a new Foreigners' Act in January 2003.
9. The CHAIRPERSON invited the members of the Committee to put questions to the delegation concerning general measures of implementation and the definition of the child.
10. Mr. AL-SHEDDI said that, on the whole, he was very pleased with the progress that had been made in Iceland. He expressed satisfaction that Iceland had ratified the two Optional Protocols to the Convention on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography. He welcomed the information on Iceland's two declarations relating to the Convention. The report, which had been prepared in accordance with the Committee's guidelines, revealed that many of the Committee's recommendations had been addressed. However, some of the recommendations required further follow-up.
11. Further information should be provided about the Child Protection Act. He wondered whether the Act took a rights-based approach, or whether it focused simply on child welfare and protection. He would like to know why the Ministry of Justice, rather than the Child Welfare Office or the Family Council, had been responsible for preparing the report. He would also like to know which authority was responsible for coordinating child-related activities.
12. On data collection, he asked the delegation to clarify how data provided by the different bodies and departments responsible for children's affairs were collected, collated and evaluated. It would be useful to know whether a central database on children had been created. He would also like further information on the results of the survey by the Family Council mentioned in paragraph 81 of the report.
13. While it was clear that the Government cooperated with NGOs, the role of NGOs in child-related activities was not clear. He was satisfied with the efforts made to disseminate the Convention among children but would welcome any further information about efforts to raise awareness of its provisions among children and families.
14. Mr. CITARELLA asked to what extent NGOs and civil society had been involved in the preparation of the report. It outlined a number of amendments that had been made to the human

rights chapter of the Constitution; why had no specific reference been made to the rights of the child? He would welcome further information about the status of the Convention in national law given that it did not form part of domestic legislation.

15. Referring to the data provided in paragraph 26 of the report, he was startled by the fact that almost twice as many children were born out of than in wedlock. He wondered whether children born out of wedlock were subjected to discriminatory treatment. He welcomed the fact that the Child Welfare Act had been amended to define a child as any person under the age of 18. Under the Act, certain restrictions were placed on children according to their age; for example, unaccompanied children under 12 were not allowed to be in public areas after 8 p.m. and certain restrictions were placed on children aged 13 to 16. He assumed that such restrictions were imposed for security reasons; he wondered whether they were implemented and how effective they were.

16. According to the report, children under 16 required parental consent to seek medical attention. Could the State party explain why the age had been set so high? The age at which a person was deemed competent to decide on membership of a religious organization was also excessively high. An equality bill had been submitted to Parliament at the end of 1999 as part of a four-year action plan to achieve equality between men and women, which raised some questions as to whether efforts to reduce discrimination between men and women had been adequate.

17. Ms. KHATTAB commended the Government for its efforts to improve the situation of children and said it should focus now on improving the situation in areas where the least progress had been made. Following consideration of Iceland's initial report the Committee had expressed concern that children were not recognized as the subject of their own rights. The Government had done nothing to ensure that that essential aspect of the Convention was reflected in Icelandic law. Had the issue been a subject of national debate involving NGOs?

18. Further details should be provided of the budgetary appropriations for child protection and welfare in the different administrative regions. Had the Government undertaken measures to the maximum extent of its available resources? She would be particularly interested to know whether adequate resources were provided for children who had been removed from their families and whether the situation of those children was monitored.

19. She would welcome further information about the protection provided for children under the newly adopted Foreigners' Act, as Iceland had started to attract a significant number of immigrants. Had the Government allocated funds to meet the needs of immigrant children and had it taken any steps to ensure their integration into society? In view of its excellent macro- and microeconomic indicators, Iceland should adopt an international cooperation programme in consonance with the provisions of the Convention, focusing in particular on countries of origin of migrants to Iceland. Had any steps been taken in that regard?

20. It was regrettable that data were lacking on certain groups of children because of the Government's desire to respect individual privacy. It would be useful to have disaggregated data about children with disabilities, including figures on how many such children attended mainstream schools. She recognized that significant efforts had been made to provide human

rights education in schools. However, she expressed concern that it was the responsibility of each teacher to decide what sort of teaching to provide on human rights issues. She wondered whether the Government intended to adopt a national policy on human rights education.

21. Ms. TIGERSTEDT-TÄHTELÄ asked the delegation to explain what was meant in the report by “Parliamentary resolution” (para. 71) and whether the Parliament immediately earmarked funds for implementation when a policy was adopted. She enquired whether it was planned to introduce legislation on the basis of the public family policy. How did the policy for children and youth differ from the public family policy? She also asked whether the aim of Iceland’s policy for children was to review children’s policies and legislation and bring them into line with the Convention. She enquired which issues relating to the rights of the child had been delegated to local municipalities and wondered whether government ministries monitored the work of municipalities. How independent were the municipalities? Were they allowed to raise revenues through taxation?

22. She would like to know whether there was a system to correct regional imbalances by channelling funding to poorer areas and whether special provision was made for the poor, or whether everyone was entitled to the same service, regardless of income. It would be useful to receive percentage figures on poverty, especially with regard to families with children. The delegation should also explain whether Iceland had a definition of the poverty line.

23. Concerning the budget, she asked for comparative figures on appropriations for housing, health care and cultural matters. Had appropriations for the economic, social and cultural rights of children increased over the past 10 years, or had there been budget cuts in those areas?

24. She asked whether budget appropriations had been evaluated for their impact on children’s rights and if so, what the findings had been.

25. The CHAIRPERSON sought clarification on the Child Protection Act. According to the written replies (para. B.3 (d)), the Act transferred the power to issue a ruling in cases where parents were deprived of custody from child protection committees to the courts. But it seemed that child protection committees could still take decisions on placement for up to two months. If placement was for more than two months, the child protection committee was required to submit the case to a district court judge. Did that concern where the child was placed or whether placement for more than two months was justified? He asked for an explanation of the statement that parents could take legal action for review of permanent arrangements made for a child and review of prior decisions (para. B.3 (d) (iii)). The role of the Child Protection Appeals Board (para. B.3 (e)) was also unclear: what were the other decisions of the child protection committees referred to in the written replies? Did Iceland have a court of appeal?

26. It was also stated (para. B.3 (h)) that a child who had reached the age of 15 was a party to a child protection case. He asked what that meant; specifically, did children who had reached that age have a right to their own lawyer and to sue their parents for violation of custody rights?

27. He welcomed the Government’s efforts to develop a comprehensive policy on children. Was the committee established to elaborate that policy in charge of coordinating, monitoring and

evaluating implementation? He asked whether the document entitled “A world fit for children” was incorporated in the policy on children, and how the policy on children and the action plan were coordinated with district child protection plans.

28. Between 1995 and 2001, the Office of the Ombudsman had recorded a three-fold increase in cases, whereas according to the written replies there had been only a slight increase in its budget. Were the financial and human resources for the Ombudsman for Children regarded as satisfactory?

29. A heated debate was taking place regarding Iceland’s health sector database. It was reported that a genetic research company had been granted exclusive rights to establish and operate the database, which would contain health data on the entire population. Citizens who did not wish to have their data stored must make a formal request to that end. Data on children under the age of 18 were automatically included in the database unless their legal guardians requested otherwise. Upon reaching the age of 18, children could elect to discontinue their inclusion in the database, but information already stored could not be removed. He asked the delegation to comment on that information.

30. With regard to recent changes in the prison system, he asked whether children aged 16 and 17 were no longer imprisoned with adults.

31. Ms. TIGERSTEDT-TÄHTELÄ asked what the purpose was of the database and wondered whether Iceland had consulted the relevant European Union directives and the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data before constructing the database.

32. Mr. CITARELLA asked what the minimum age of criminal responsibility was in Iceland.

33. Ms. KHATTAB asked whether there were any data on children of immigrants with regard to poverty, disability and criminal offences.

The meeting was suspended at 11.10 a.m. and resumed at 11.30 a.m.

34. Mr. JÓHANNESSEN (Iceland), referring to the status of the Convention in domestic law, said that under the Constitution international instruments to which Iceland was a party were ratified by a parliamentary resolution. Where necessary, domestic law must be amended to be brought into line with such instruments. Iceland sought to incorporate the Convention into all domestic legislation.

35. Ms. FRIDRIKSDÓTTIR (Iceland) said that it had been her task to prepare the country report under the auspices of the Ministry of Justice, in conjunction with the relevant ministries and with the assistance of the Ombudsman for Children and the Icelandic Save the Children organization, a leading non-governmental organization in the field of children’s rights.

36. Under both the Constitution and the Child Protection Act, children had a right to protection and care consistent with their age, evolving capacities and maturity. Thus, in certain limited areas, restrictions were placed on children for their own protection; in other areas they enjoyed additional rights. Parents were under an obligation to fulfil their duties as guardians and ensure the upbringing of their children to the best of their ability.

37. Mr. GUDBRANDSSON (Iceland) said that the public family policy did not have legislative status, but set priorities for government ministries and local municipalities and served as a guideline for day-to-day activities. It did not involve the allocation of resources. The basic concept was to approach the welfare system from the family perspective. The public family policy had not been implemented as much as hoped, but there had been important developments in the welfare system, such as legislation on maternity and paternity leave, as a result of the policy. The new approach to dealing with welfare issues had improved coordination between departments and ministries responsible for various aspects of family services.

38. One focus of the policy on children was data collection, as reliable statistics had sometimes been lacking. Data were often collected without a specific frame of reference and were not accessible to the public. In that regard coordination between ministries must be improved.

39. Mr. AL-SHEDDI asked how the Family Council fulfilled the advisory and research roles referred to in the report (CRC/C/83/Add.5, para. 79). It was unclear to what extent the Council issued guidelines to child welfare committees.

40. Ms. TIGERSTEDT-TÄHTELÄ enquired whether the Family Council had its own budget and staff.

41. Mr. GUDBRANDSSON (Iceland) acknowledged that the Family Council had neither financial resources nor a secretariat of its own, but was composed of five part-time members. While it had no specific research capacity, it collected data from a range of sources to draw up recommendations. It did not issue guidelines to child welfare committees, but offered advice to local authorities on all matters connected with families and children.

42. Besides the enhancement of data collection, the public policy on children had set a number of other priorities, including: improving coordination between the relevant government agencies; strengthening the role of parents and families; promoting the use of schools to deliver preventive health-care services; reducing the impact of poverty on child rights; improving care for children with psychiatric or behavioural problems; taking into account the needs of immigrants and asylum-seekers; and training adults working with children to treat them with dignity and respect.

43. Mr. OLGEIRSSON (Iceland) said that new Primary and Secondary School Acts containing guidelines on the national curriculum, had recently been adopted. While schools were required to follow the broad outline of the curriculum, they were free to develop courses to reflect their own identities. Under the new arrangements for secondary schools, a new subject

called life skills had become compulsory, with a view to preparing children for an active life in the community. Pupils in their final year were taught to understand the rights set forth in international agreements signed by Iceland.

44. Ms. KHATTAB asked whether schools were required to respect minimum standards with regard to the implementation of national guidelines.

45. Mr. OLGEIRSSON (Iceland) said that there were national examinations and minimum requirements in specific areas, including the number of classroom hours. In response to rising immigration measures were being taken to facilitate the integration of foreign children into the national school system. The curriculum had been adapted to take a more multicultural approach and Icelandic was taught as a second language. Assistance from countries with more experience in that area was extremely valuable.

46. Ms. OUEDRAOGO said she would like to know whether the children of immigrants were made to wait until the completion of immigration procedures before enrolling in school.

47. Mr. OLGEIRSSON (Iceland) said that, as a general rule, immigrant children were entitled to enrol in school as soon as they arrived in Iceland. Summer schools were also provided for those who arrived before the beginning of term. Refugees would usually receive special classes for a year before joining the mainstream school system.

48. A special educational assistance fund had been set up for poor communities with a view to offsetting regional imbalances. The Convention was distributed to teachers and youth club administrators throughout the country and, consequently, most children were well acquainted with their rights.

49. Ms. HARALDSDÓTTIR (Iceland) said that her country was proud of its innovative legislation concerning the right of the child to participate in decisions regarding his or her health care. Doctors and parents were required to take the child's views into account, according to his or her evolving capacities. Numerous specialists and non-governmental organizations were consulted during preparation of legislation in that area.

50. The CHAIRPERSON asked whether adolescents were entitled to receive counselling or treatment, for instance concerning reproductive health, without parental consent.

51. Mr. CITARELLA said that, according to information in the report, parents' approval was required for treatment of a child under 16 years of age. Nevertheless, it was unclear whether a distinction was made between treatment and counselling.

52. Ms. OUEDRAOGO asked why Parliament had rejected a proposal to establish a children's health information centre.

53. Ms. HARALDSDÓTTIR (Iceland) said that adolescents could ask about reproductive health or other issues in complete confidence and that many health centres were opening longer hours. In practice, doctors did not seek parental approval for reproductive health treatment; new legislation was being considered to reflect that reality.

54. The health care database contained medical and genealogical information, but did not include genetic data. Therefore there was no danger of genetic information being passed on to companies engaged in scientific research. Genealogical details were considered relevant because of the tremendous interest among Icelanders in the study of genealogy. The relevant legislation had been adopted after lengthy consultations involving national scientific and data-protection agencies, and was designed to facilitate the study of health developments. Nevertheless, owing to unexpected technical difficulties, the database had yet to become operational.

55. As for the use made of the health-care system by immigrant children, the Government had, in accordance with an article in the Constitution concerning the right of patients to understand matters relating to their health, established a fund for the translation of health-care documents and the training of staff in how to share information. The Director General for Public Health had published a book, aimed at health care professionals, on a multicultural approach to health.

56. Another change that had been made for the benefit of immigrant children had been to replace the health centres situated in small communities around the country by larger centres where children could see specialists. The success of the policy would be reviewed once the policy had been operational for a sufficient time.

57. Mr. GUDBRANDSSON (Iceland) said, with regard to the age of sexual consent and the right to medical confidentiality, that a task force had examined the question of the age of sexual consent, which was also related to the issues of sexual exploitation and prostitution, and had concluded that the age of consent should not be raised to 15 or 16, as in other Nordic countries, the reason being that research consistently showed that 20-25 per cent of 14 and 15-year-olds experimented with sex. It therefore seemed impolitic to criminalize their behaviour; it was far more sensible to educate children about the dangers of unprotected sex. That said, he recognized that a case could be made against the policy.

58. Ms. ÁRNADÓTTIR (Iceland) said, with regard to cooperation with NGOs, that it was established policy for Parliament to consult civil society, including NGOs, before legislation of any kind was adopted; it was an important part of the legislative process. As for the Foreigners' Act, its provisions concerned the entry or denial of entry of foreigners; various forms of permits; expulsion; and the whole question of refugees and asylum-seekers, who were defined under the Act.

59. Mr. AL-SHEDDI requested further information on the status of international law and the Convention under Icelandic legislation; he wondered what the Government had done to ensure full conformity. He noted that five years previously a proposal had been made that a study should be conducted on the issue, but it had not materialized. He also noted that Iceland engaged in relatively little international cooperation, and he wondered why more was not done.

60. In view of the rising birth rate in Iceland, with the result that over 20 per cent of the population was made up of children, he expressed surprise that expenditure on child-related issues was relatively low. Such a situation might particularly affect children in families headed by a single parent, especially a single mother, since women earned less than men. Poverty, too,

was an issue, especially among immigrants, which was surprising in a country with ample resources. He understood that help was given by the Churches, but he wondered what action the Government planned to take to combat poverty.

61. As for drug abuse among the young, the provision of homes for victims of drug abuse or sexual abuse was commendable, but it would surely be preferable to prevent the situation from developing in the first place.

62. He asked how children were educated to speak their minds, within the family or at school, and whether any studies had been carried out in that regard. He also wondered whether mechanisms existed to protect children from harmful information relayed through the media or the Internet. Further, in view of the increase in the number of immigrants, he asked how readily they were accepted and whether any special programmes existed to raise public awareness. Lastly, although corporal punishment was prohibited in schools, he asked whether comparable legislation regarding violence within the family had been introduced. It was reported that such violence was a matter of concern for the Ombudsman.

63. Ms. KHATTAB asked whether the Government intended to develop a database on immigrants, particularly with regard to their living standards and their access to education and health. She wondered whether, on arrival in Iceland, they congregated in certain areas, with the result that some schools ended up with a majority of immigrants. If the latter was the case, she wondered whether the immigrant community was made up of various nationalities or restricted to one or two. The question was, moreover, closely bound up with integration, for which monitoring was also required. Iceland was a close-knit society, so integration must pose some problems. In that context, she asked whether there was any hostility to foreigners and, if so, what action the Government was taking. As for the immigrants themselves, she asked whether they tended to obey the law and, if not, why not. It might be because they were ignorant of the law or it might be a question of their being disorganized or undisciplined. She also asked whether the best interests of the child were pursued in the case of immigrant children in decisions affecting them. She wondered whether they were given an opportunity to express their views and whether they participated in the Youth Parliament. If they did not, she asked what action the Government planned to take.

64. She noted that the forthcoming national policy on children would cover relations with municipalities and she wondered whether minimum standards would be imposed on municipal authorities. Lastly, she asked how the new law on domestic neglect and abuse was to be implemented.

65. Ms. TIGERSTEDT-TÄHTELÄ said that she found no analysis in the report of the right to life and survival. She wondered whether the Government had defined children's right to development, and not simply educational development. Few countries undertook such an analysis - it was, she acknowledged, a difficult concept - but many had embarked on the process after their contact with the Committee. She also wondered about social rights, which raised the question of whether a child was a subject of law. For example, she wondered whether the right to day care was justiciable, if no place could be found for a given child.

66. Mr. CITARELLA requested further information on the limitation placed on access to some public areas for children aged up to 16, which he understood to have been imposed for reasons of security.

67. He said that the word “discrimination” should be avoided, but he wondered whether the Government had been successful in eliminating any possible differences in the relative status of boys and girls. In particular, he asked about any differences in the treatment of immigrant children. With regard to corporal punishment, he wondered whether violence or ill-treatment occurred in institutions for children.

68. Ms. OUEDRAOGO asked which ministries had responsibility for implementing family policy and what procedures were used. She also wondered whether professionals dealing with children were trained to respect children’s opinions. Further, she noted that children under 15 were given the right to have their views taken into account concerning their own affairs, but she wondered whether any research had been conducted on whether such provisions were observed in practice.

69. She expressed concern at the statistics on accidents affecting children, the rate of which was among the highest in Europe, and she wondered what action the Government was taking to improve the situation. The first step should be to undertake research. Lastly, she said that, according to one study, 30 per cent of aggressors in cases of sexual violence were under the age of 18, which was obviously a matter of great concern for the Committee. She asked what measures the Government was taking, both to prevent such crimes and to help the victims.

70. The CHAIRPERSON asked whether the Accident Prevention Council, which had been set up in 1998 for a period of three years, was still in operation. He also asked about the right of a child born as a result of artificial insemination to know the identity of the sperm donor. Another question related to children’s participation at the municipal level; the Ombudsman had expressed concern as to how far such participation actually occurred. He urged the Government to provide children with real opportunities to participate in decision-making at school and at the municipal level. With regard to child abuse and neglect, he noted that there had been debate in Iceland as to whether a child should be interviewed in the courtroom and he wondered whether the debate was continuing. His concern was that such procedures could often revictimize the victim and he urged the Government to set up special child-friendly interview rooms, whether in police stations or elsewhere. In that context, he wondered whether interviews were conducted by the police or by other specialists. He also noted that, under the Municipal Social Services Act, it was for municipalities to decide how services in that area were to be provided and he was concerned that such a procedure could lead to a disparity in standards. Lastly, he asked, with reference to the “closed wards” mentioned in paragraph 246, who decided that a child or adolescent should be referred to such a ward and how long he or she should stay. It was surprising that the average length of stay in such wards was longer, at 98 days, than in the ordinary treatment wards.

The meeting rose at 1.05 p.m.