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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirtieth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC) OF THE 16th MEETING*

Held at the Palais des Nations, Geneva, on Wednesday, 14 May 2003, at 3 p.m.

Chairperson: Ms. BONOAN-DANDAN

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(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

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* No summary record was prepared for the second part (closed) of the meeting.

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Third periodic report of Iceland (continued) (E/1994/104/Add.25; E/C.12/Q/ICE/2; written replies to the list of issues, prepared by the Government of Iceland (document without a symbol, in English only); HRI/CORE/1/Add.26)

At the invitation of the Chairperson, the members of the delegation of Iceland resumed their places at the Committee table.

The CHAIRPERSON invited the delegation of Iceland to reply to the questions raised earlier in connection with articles 11 to 15 of the Covenant.

Ms. THORARENSEN (Iceland) said that the Artificial Fertilization Act of 1996 laid down a number of requirements for artificial insemination, all of which were intended to safeguard the best interests of the child. Thus, the woman must be married or cohabiting with a man, in order to protect the child's right to have two parents. A single person was not allowed to conceive a child by means of artificial insemination because the child would then have only one parent. By law a child conceived in that way had no legal relationship with the sperm donor, whose name was never revealed to the child. It was thus a case of differential treatment on justifiable grounds, and she was not aware of any challenge under article 65 of the Constitution to the requirements of the Act.

In reply to the questions on adoption, she said that homosexual couples were not allowed to adopt, although Icelandic legislation did allow step-parents in a homosexual relationship to adopt the child of their partner. In general, Iceland was in the vanguard of countries that recognized the rights of homosexual couples, who had the same legal status and rights as married couples except in the areas of adoption and artificial insemination. However, in Iceland, as in most other countries, adoption by homosexual couples was still a very controversial subject. In reply to comments on the requirements relating to the social situation, age and health of the prospective adoptive parents, she said that, in her view, such requirements were quite normal; after all, the best interests of the child were unlikely to be served if, for example, an elderly couple was allowed to adopt a young baby. Of course, in practice children often found themselves in family situations that were not ideal, but that did not mean that the State should deliberately place children in such situations. As far as international adoption was concerned, Iceland was a party to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption and had enacted a new law on adoption in 1999. International adoptions took place in Iceland in strict accordance with the provisions of the Convention and that law, and under bilateral agreements with various

States; most recently, there had been a trend towards the adoption of Chinese children.

Replying to questions on the dissemination of the Covenant and human rights education, she assured the Committee that the Covenant was widely distributed, having been published in the Law Gazette, which was reserved for domestic legislation and major international instruments. Lawyers, judges and indeed all law students were well acquainted with the Covenant, as international human rights instruments were an integral part of law studies, and human rights awareness had increased generally following the debate surrounding the adoption of the new Constitution in 1995. Schools introduced children to human rights instruments, paying special attention to the Convention on the Rights of the Child, which existed in three versions for different age groups and was the subject of special lessons. Tolerance towards people of different races and religions was also taught in special lessons in primary schools.

With regard to school dropout rates, it was true that the dropout rate from upper secondary schools catering for young people between the ages of 16 and 20 was relatively high, but it should be borne in mind that those schools had very high intakes and that it was fairly easy for students who dropped out to resume their education at a later date. In addition, so-called "lifelong learning centres" had been established throughout the country especially to provide courses and counselling for students who had left school with no qualifications. The centres also offered access to distance-learning. Under Act No. 80/1996, upper secondary schools, in conjunction with employers, employees' organizations and other groups, could also provide vocational training. Furthermore, a non-profit institution had been set up in 2001 specifically to help young people aged between 16 and 24 who had no qualifications to become better equipped to find a job or resume their education. More information on the new arrangements for the public financing of higher educational institutions and on the measures being taken by the Ministry of Education to ensure that people enjoyed the right to take part in cultural life would be provided in Iceland's next report.

Ms. GUNNSTEINSDOTTIR (Iceland) said that government policy on housing was designed to ensure that everyone had accommodation in accordance with their circumstances and means. The aim of the policy was both to enable as many people as possible who wished to do so to buy their own home and to ensure an adequate supply of rental properties. To achieve the first of those aims, the Government had set up the Housing Loan Fund, as described in paragraph 143 of the report. The Fund worked on the basis of a credit rating designed to ensure that families did not take on more debt than they could afford, and provided government-backed housing loans for up to 70 per cent of the assessed value of a property. The Fund could also provide additional loans of up to 25 per cent of the assessed value to those on low incomes or with large families; the decision on entitlement to an additional loan was taken by a local authority housing committee on the basis of the family's needs and circumstances. In order to make the interest payments more affordable, the repayment period for both ordinary and additional housing loans was between 15 and 40 years and the Government repaid part of the interest in the form of an "interest benefit", as described in paragraph 147 of the report (E/1994/104/Add.25). Interest benefit could be paid in advance to those who had bought or begun to build their home in 1999 or later. The Government recognized that a strong rental market was also necessary to meet people's needs at different times of their lives, and intended to take further measures to strengthen that market. Already, local authorities were under an obligation to ensure an adequate supply of affordable rental accommodation.

A report prepared in 2000 by a committee of local authorities, labour leaders and others appointed to study the rental market had proposed improvements in public housing assistance and accommodation, and the Ministry of Finance had set the rates for loans and interest for the construction of about 400 apartments annually. In addition, local authorities could allocate rent benefits to lower income tenants, and consequently homelessness was not a problem in Iceland. Reasonably priced municipally-owned apartments were also available to people with special needs, such as the severely disabled. All homes in Iceland were heated geothermally.

Regarding the protection of children, corporal punishment - as a form of violence - was an offence under the Penal Code and consequently no specific legislation to cover it had been deemed necessary when drafting the Child Protection Act of 2002. Parents could offer no legal defence against the use of corporal punishment, although they did have the right to use physical force to restrain a child in emergencies or dangerous situations. The Child Protection Act also prohibited physical coercion of children in public institutions. Furthermore, it clarified the rules to be enforced by local child protection committees: they were empowered to investigate cases, initiating court proceedings if necessary, and to make decisions - wherever possible with parental consent and the consent of children over 15, including appealable decisions to deprive parents of custody. Foster care could be either permanent or temporary for a minimum of three months. In either instance children were assigned not to institutions but to foster families. Persons offering to become foster parents applied to the national Child Welfare Agency and were screened by a local child protection committee. The number of foster children in Iceland was low: from 1997 to 2001 they had ranged from 34 to 68 per year.

Violence against children was a matter of great concern, and all citizens were expected to report any suspected abuse to the child welfare authorities. All police investigations must be monitored by a local child protection committee. In cases of domestic violence, a special counsellor or supporting family was appointed to oversee the family in question. The local committee could help parents seek treatment for a child's illness or alcohol or drug abuse and secure a child's temporary placement in foster care. If there was any suspicion of a sexual offence against or by a child, the Code of Criminal Procedure required children under 18 to make a statement before a judge. To take such statements, the courts had special areas for questioning children, and there were also special children's centres with specialized personnel for that purpose. Evidence thus obtained could be used in court.

The Government was emphasizing the issue of the reconciliation of family life and work by organizing seminars and conferences to raise awareness and allow married people to share their experiences. Children between the ages of 6 months and 2 years could be taken to a local day care mother while their parents worked, and after that could attend municipal nursery schools. There were after-school programmes for children aged 6 to 9, although some rural areas were not fully equipped to offer them. Under collective agreements, parents could take 10 to 12 days' leave to care for sick children at home, a regulation to which employers were very sympathetic. The Government was currently considering how to help parents deal with longer term illness, and was awaiting the results of a parent survey in order to assess needs and make recommendations to the Ministry of Social Affairs.

Ms. HAUKSODOTTIR (Iceland) said that, in addition to the laws listed in paragraph 118 of the report as having been amended to

conform to the increased age of majority under the Legal Competence Act, social security legislation now covered children up to the age of 18.

Regarding HIV/AIDS, statistics from the National Centre for Infectious Diseases, which reported to the Directorate of Health, indicated that from 1997 to 2002 the total number of cases had ranged from 8 per year to a high of 12 in 1999. She had no idea why the Joint United Nations Programme on HIV/AIDS (UNAIDS) had given such a high figure for Iceland. The National Centre for Infectious Diseases dealt with all sexually transmitted diseases. It launched campaigns directed at the whole population or at specific groups, most recently women and girls. It had updated its web site and was currently preparing further targeted campaigns.

Information on secondary and tertiary health care, especially in rural areas, would be provided in the next report. Statistics relating to the National Health Policy were currently being collected. Data on the success of the Government's anti-smoking campaign were only now being received.

The functions of the Medicines Control Agency (report, para. 161) were: to evaluate medicinal products and issue or revoke authorizations for their sale or import, in accordance with the rules applicable in the European Economic Area; to authorize research and clinical trials; to register side effects and provide such information in cooperation with the Directorate of Health; to supervise the import of medicines, pharmaceutical products and related raw materials and to supervise the pharmacies, wholesalers, manufacturers and distributors that sold, provided or packaged them; to monitor advertising for medicinal products and ensure that advertising and distribution were carried out legally; and to perform all other tasks relating to implementation of the Medicinal Products Act, including cooperation with agencies abroad.

Information would be provided on the management of biobanks in the next report. There were no medical disorders attributable to the country's geographical situation that were unique to the Icelandic population. Per capita alcohol consumption was about 6.5 litres per year, the same as in Sweden. An Alcohol and Narcotics Control Board would soon be established, and would carry out continuing campaigns against alcohol and drug abuse; a major campaign involving municipalities was due to begin in May 2003. An initial judgement handed down by the Supreme Court had not prohibited the Social Security Institute from reducing invalidity benefits when it took into consideration the income of the disabled person's spouse, but had rather found that the benefits had been reduced too severely in the case under consideration. The Social Security Act had since been changed to stipulate more precisely the amount by which benefits could be reduced, and in a new lawsuit it had been claimed that the amended legislation was inconsistent with the former judgement. The court of first instance had ruled in favour of the Government, and the case was currently on appeal before the Supreme Court.

Ms. BARAHONA RIERA asked whether the ban on single women taking part in an artificial insemination programme was set out in a law or administrative rule. Were unmarried couples entitled to use artificial insemination? Had the State party eliminated all legislative provisions that discriminated against children born out of wedlock? The lack of legislation against domestic violence was a major problem, as there was no definition of domestic violence or child abuse in national law. Was there any possibility that the State party would enact a specific law on that subject or amend the general criminal provisions accordingly?

Ms. BRAS GOMES requested clarification concerning the difference between permanent and temporary foster care. Until what age could a child be kept in each type of care, and what happened after that? During the gap between parental leave and the age of 1½ or 2, when playschools began caring for children, were the children of working parents generally left in the care of day mothers? And if so, did such day mothers work as many hours as the children's working parents? If not, and if it was generally mothers who assumed family responsibilities more than their husbands, that might partially explain the gender gap in the number of hours worked.

Mr. SADI asked whether Iceland had any legislation governing surrogate motherhood. Suicide was reportedly a serious problem. What were its causes? And what steps had the Government taken to reduce the suicide rate?

Ms. THORARENSEN (Iceland) said that by law any woman who wished to take part in an artificial insemination programme must be married or have been living with a man for at least three years; single women and homosexual couples were thus excluded. The husband or cohabiting partner was obliged to sign an irrevocable, formal statement in which he accepted legal paternity of the child. No legal distinction was made between children born out of wedlock and others, and fathers had the same legal obligations in either case. The only exception was when the father was protected by law, as in the case of biological fathers who were sperm donors.

As in other Nordic countries, there was no specific definition of domestic or any other kind of violence. The legislation dealt harshly with all forms of violence, which were considered to be serious offences, and there was thus no need for a specific definition. While the Government currently had no plans to change the law in order to introduce specific provisions, it was always seeking new means to deal with the problem. She was not certain that the existence of such legislation in other countries helped to combat the phenomenon.

The law governing artificial insemination explicitly prohibited surrogate motherhood.

Ms. GUNNSTEINSDOTTIR (Iceland) said that when assigning children to foster care, every effort was made to keep siblings together and to find the most appropriate placement. Children were initially placed in temporary foster care, for example for a period of one year, during which both the child's adjustment and the progress of the biological parents were monitored. If it was then determined that the child should stay in the foster home, the status was often changed to permanent foster care, which was akin to adoption, and care was extended to the age of 18. After that age, such children often remained in the foster home, although they were considered adults and were no longer protected by the legislation relating to foster care. While day mothers sometimes cared for children for up to nine hours a day, for the most part they provided seven or eight hours of care. The parents or other family members often took turns to drop off or pick up children so as to allow each parent to work full time.

Mr. GRISSA asked whether any research had been conducted to determine whether families with children who had been conceived using artificial insemination or families with homosexual parents and adopted children were less stable than traditional families.

Mr. PILLAY asked whether the Government had any intention of establishing an overall plan to alleviate the difficulties of the poor, as had been suggested in the Committee's previous concluding observations. Iceland had one of the highest standards of living in the world, and yet there were still people living in poverty. Was there a national plan of action that integrated economic, social and cultural rights? And did it take into account the Committee's statement on poverty (E/C.12/2001/10)? The State party had no system of juvenile courts. Did the Government intend to set one up?

Mr. KERDOUN asked about the languages used in university teaching and enquired about the university system.

Mr. KOLOSOV asked whether there were any human rights education programmes for trade unions or professional associations, and whether human rights were taught at schools and universities.

Ms. THORARENSEN (Iceland) said that the Covenant and other international human rights treaties had been published in the Legal Gazette, which was otherwise reserved for the publication of domestic legislation. With regard to human rights education for professionals, she said all lawyers and judges received comprehensive training during their compulsory studies in law and constitutional law, and most lawyers also attended specialist human rights courses. The Covenant was not taught specifically in primary schools, but great emphasis was placed on the Convention on the Rights of the Child, which was distributed to all primary schools in versions appropriate to the various age groups. Children were also informed of their rights, and there was discussion of human rights in general and tolerance towards other religions and races, as part of the mainstream curriculum. With the increasing influx of immigrants and foreigners, Iceland was becoming a more multicultural society, and efforts were being made to adapt the curriculum accordingly, in order to teach respect for the dignity of all without regard to origin or status.

It was true that there was a majority of women students in universities, partly because pre-school and primary school teachers now needed a university degree and women were in a majority in those professions. They were also in a majority in most university faculties, the only exception being engineering. That development was seen as positive, as long as a balance was maintained overall. It would be interesting in the future to see the impact of women attaining high positions in management and on company boards, where men had previously predominated.

Replying to Mr. Grissa's question on the effects of artificial insemination on family stability, she said that area of family life was regarded as highly sensitive; Iceland did not collect personal data of that kind.

With regard to languages, she said Icelandic was naturally used throughout most of the education system, but in view of the increase in immigration from many parts of the world, the authorities had acknowledged that there was a need for mother-tongue education before foreign children started learning in Icelandic. A major cooperative effort was under way between the Ministries of Social Affairs and Education and the municipalities, and much work had already been done. Detailed information could be provided in Iceland's next periodic report to the Committee. At the university level, there were now a number of master's degree courses in English, which were attracting students from outside Iceland. That, too, was considered a positive development.

On the subject of education fees, she said State primary and secondary schools charged no fees at all and the Government had no intention of changing that policy. The university charged a moderate annual registration fee, equivalent to around US\$ 400. A private university had recently been established, however; in addition to receiving support from the State, it also charged tuition fees. The State university claimed that was unfair, since it received only the State funding and not the tuition fees. The situation had sparked significant debate.

Ms. HAUKSOTTIR (Iceland) said alcohol consumption was gauged on the basis of measures of pure alcohol. One objective of the national health plan was to reduce alcohol consumption per inhabitant to five litres a year.

She had no recent statistics on suicide, but between 1991 and 1995 60 men and 8 women in the under-30 age group had committed suicide. A 25 per cent reduction in the suicide rate was another objective of the national health policy.

Ms. GUNNSTEINSDOTTIR (Iceland) said the Government was continually trying to raise the standard of living: disability benefit had increased by 41.5 per cent since 1999 and pensions by 42.5 per cent, while unemployment benefit had gone up by 15 per cent in recent years. A committee had been established to consider the issue of poverty, and it was hoped that the Committee's conclusions would provide input to the Government's plans for the future.

Mr. RIEDEL, in response to the delegation's request for clarification of Committee members' questions on juvenile justice, explained that the Committee was interested in whether there were juvenile courts that could try young offenders within a separate system providing special protection and special penalties such as community service.

Ms. THORARENSEN (Iceland) said the Government had no plans to establish a special juvenile court system, partly because the court system as a whole already dealt efficiently with young offenders, but also because there were not enough such offenders to warrant a special system. Young offenders were defined as offenders who were over 15, the age of criminal responsibility, but had not reached the age of 18, the age of majority.

Where a juvenile was suspected of an offence, the law provided for postponement of prosecution so that the welfare authorities could step in with a view to diverting the youngster from possible further involvement with crime. The special facilities provided for interviews with child victims, referred to in the delegation's opening statements, could also be used in judicial proceedings to deal with young offenders in an appropriate way. If a juvenile was subsequently convicted, he or she would almost certainly be placed on probation. A prison term (a short one) would be imposed only after a series of such convictions.

The CHAIRPERSON said that concluded the Committee's discussions with the delegation of Iceland. She thanked the members of the delegation for a fruitful and constructive dialogue, which had been conducted in an open and candid atmosphere.

The public part of the meeting rose at 5.10 p.m.