



Convention on the Rights of the Child

Distr.: General
6 October 2011

Original: English

Committee on the Rights of the Child Fifty-eighth session

Summary record of the 1648th meeting

Held at the Palais Wilson, Geneva, on Friday, 23 September 2011, at 10 a.m.

Chairperson: Mr. Zermatten

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

Consideration of reports of States parties (*continued*)

Combined third and fourth periodic reports of Iceland on the implementation of the Convention on the Rights of the Child (CRC/C/ISL/3-4; CRC/C/ISL/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Iceland took places at the Committee table.*
2. **Mr. Stefansson** (Iceland), introducing the members of the delegation, said that they were looking forward to a fruitful and constructive exchange of views with the Committee, which they hoped would demonstrate the full commitment of the Government of Iceland to the Convention on the Rights of the Child.
3. **Ms. Gunnarsdóttir** (Iceland) said that the suggestions and recommendations made by the Committee in consideration of the second periodic report of Iceland had directly influenced Government measures adopted to improve the situation of children. Action taken included a bill put forward to amend the Children's Act to incorporate the general principles of the Convention and a review of the State party's legal framework to determine how its legislation should be modified to comply fully with the Convention. In particular, in a move towards withdrawing its reservation to article 37 (c), the Government had established a working group to find a way of overcoming the main obstacle to its withdrawal, which was that the provisions of the Execution of Sentences Act did not allow for the separation of children from adults in prison. The solutions proposed by the working group were under consideration, the main criteria being that any solution had to be appropriate for the children in question and avoid their complete isolation. That was a concern because, on average, less than one child a year was imprisoned.
4. The financial crisis resulting from the collapse of the country's banking system in 2008 had led to fiscal constraints, extensive budget cuts and increased unemployment. The current Government, which had taken office in early 2009, had been charged with the specific task of improving the welfare system. The Government had sought to ensure the basic rights of all children and to reduce the impact of the financial crisis on the lives of children to the fullest extent possible. In that respect, fiscal efforts had been made to maintain the quality of the health and educational systems. Specific measures included offering free dental care to children from low-income families. The Government had also established Welfare Watch to monitor the social and financial impact of the economic situation on families and individuals and to propose measures to meet the needs of households.
5. Comparative studies had shown that the 2008 financial crisis had not negatively affected how children in Iceland felt; indeed children had said that they were generally happy. However, children who had been vulnerable before the crisis were considered to be at a higher risk after it broke out. A report from Welfare Watch showed that the number of households with children that were below the target income level had increased after 2008, and single-parent families were a particularly vulnerable group.
6. Lastly, a draft of a new Constitution had been put forward by the Constitutional Council which included a more detailed article on the rights of children. One of the provisions of that article established children's right to express their views freely in all matters affecting them.
7. **Ms. Al-Asmar** (Country Rapporteur) said that Iceland had shown commitment not only to children's rights, but to human rights in general. Moreover, it had been active in development and funding cooperation activities with international organizations, which was

further evidence of its commitment to children's rights worldwide. She was, however, concerned that cutbacks in education and health budgets were having a detrimental impact on families, especially on single-parent families. Iceland was a role model in combating all forms of discrimination against children, not least in its action plan to integrate immigrants into Icelandic society and in adopting legislation to prohibit violence against children, especially corporal punishment. It was therefore surprising that the Supreme Court had passed a judgement in January 2009 allowing children to be spanked on their bare bottoms. She asked whether the consultative committee mentioned in paragraph 17 of the State party's report (CRC/C/ISL/3-4) would become a permanent children's rights body and why the Ombudsman could receive complaints only from groups of children and not individuals. She also asked why disabled children still faced problems at all levels of Icelandic society and what the reason was for the lack of data on disabled children in the State party report. In that connection, she sought clarification on how Iceland's data collection system worked. She wished to know why the parents of disabled children had to pay for most services, even though the Government granted them a special allowance.

8. **Ms. Sandberg** (Country Rapporteur) said that the Committee welcomed Iceland's withdrawal of its reservation to article 9 of the Convention. As for the possible withdrawal of article 37 (c), she requested information on the findings of the working group that was looking into the issue of separating children from adults in prisons. She asked whether there was any chance that the draft amendments to the Constitution would not be accepted by Parliament. The country's legal framework was commendable, but she wondered whether the legislation was being implemented properly given the current financial situation. What steps were being taken to incorporate the Convention as a whole into domestic legislation?

9. Clarification as to the amount of funding allocated to children would be appreciated. It appeared that services and financial support for children had been increased, yet the Ombudsman's report indicated that there had been cutbacks in education, child protection and social services and health care. She wished to know what the true situation was and whether, when making budget reductions, the State party considered the best interests of the child and tried to avoid making cutbacks that would affect children. What steps were being taken to provide specialized training to personnel who worked with children?

10. Although Iceland was to be commended on its recent passage of legislation to ensure that the views of children were heard, why was it that some laws still set the age of 12 as the minimum age for children to be able to express themselves? Clarification regarding reports that children's views were not always given due consideration in custody and visitation cases would be welcomed. The work being done by youth councils in the municipalities was interesting, but she would like to know whether Parliament had considered adopting the recommendations which they had put forward. Were they actually listened to, and would the State party consider creating a youth parliament system at the national level? She asked what steps were being taken to ensure that disabled or immigrant children had the same opportunity as other children to be heard.

11. **Mr. Gurán** asked what measures had been adopted to support children and their families who were considered to be at a higher risk following the financial crisis. Iceland was to be commended on its active involvement in international cooperation efforts, but he would like to know why only five international development assistance staff members were assigned to children's programmes and whether the Government could guarantee that it would continue to support those programmes worldwide. The Office of the Ombudsman was an important source of information for the Committee, and he wished to know whether the Government intended to continue supporting it and whether the complaints mechanism was operating in conformity with the Paris Principles.

12. **Mr. Pollar** asked what steps were envisaged to ensure that Iceland reached the United Nations target of 0.7 per cent of GDP for development assistance. He wished to

know whether, in view of the economic situation, consideration was been given to the children's rights dimension of development assistance, as it appeared that no specific aid for children had been set aside. Noting that when a parent applied for custody of a child or visitation rights, the parents' interest was often given greater weight than the child's, he asked what measures had been adopted to ensure that the Children's Act would be implemented in a way that served the best interests of children.

13. **Mr. Madi** asked what measures had been adopted to combat discrimination against immigrant children and their families, as there were reports that it was prevalent in schools and propagated through the media, which was detrimental to such people's integration into Icelandic society. Clarification would be appreciated on the system for granting citizenship to children of mixed marriages. A child whose mother or father was of foreign origin was granted Icelandic nationality, but what was the situation in divorce cases?

14. **Mr. Koompraphant** said that the Committee would appreciate clarification on how the Child Protection Act worked in practice. He wished to know whether it stipulated that a case registry should be set up and whether a case manager was assigned to take prompt and early action when notification of child abuse or neglect was received. How did the case manager or Child Protection Committee determine the child's needs? In what circumstances would the case manager remove the child from the family and what measures were taken to assist the parents or family? He also wished to know how health, social services and legal professionals coordinated their work in the field of child protection.

15. **Ms. Nores de García**, expressing concern at the high number of abortions performed on girls under the age of 18, asked for more information on the upward revision of the age of sexual consent.

16. **Ms. Wijemanne** asked for further details on the procedure for transmitting children's complaints to the Ombudsman. It would be helpful to know whether children could make complaints directly, whether written reports were used and whether telephone helplines were available to children. She would like to know what provision was made in the legislation on the use of corporal punishment for the reporting of incidents. Who could report such incidents? Were children able to report incidents directly? Information on the provisions of the Child Protection Act relating to monitoring and reporting on the situation at centres and institutions that housed children would also be appreciated.

17. **The Chairperson** asked why the ratification of a number of international human rights treaties had been delayed. Clarification would be welcomed on the situation regarding the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, which had not advanced beyond the signature stage despite Iceland's pioneering work in that area. Additionally, the Committee would be interested to know whether there was a new national plan of action for child protection to replace the previous plan, which had come to an end in 2010, and, if so, what the focus of the new plan would be.

The meeting was suspended at 10.50 a.m. and resumed at 11.15 a.m.

18. **Ms. Gunnarsdóttir** (Iceland) said that all the pending international treaties to which Iceland was a signatory were in the process of ratification. The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse was close to completing that process.

19. When the police force was involved in enforcing a child's right to access to a parent, the focus was on the best interests of the child. The Council of Europe and the Icelandic Minister of the Interior had both, however, expressed concern at the fact that Icelandic

legislation provided for police involvement in such cases and she would welcome the Committee's guidance on the matter.

20. **Mr. Guðbrandsson** (Iceland) said that the age of sexual consent had been raised from 14 to 15 years on the basis of the results of a major survey of Icelandic children.

21. **Ms. Gunnarsdóttir** (Iceland) said that the budget for development aid, like budgets in all areas, had suffered as a result of the financial difficulties that Iceland had been experiencing. The focus of such aid was on health, education and welfare projects for vulnerable groups in developing countries. In an effort to maintain funding for such projects, cutbacks had been made in other areas by, for example, withdrawing from missions such as the North Atlantic Treaty Organization International Security Assistance Force in Afghanistan. Her country also supported NGOs such as the International Federation of the Red Cross and Red Crescent Societies.

22. **Mr. Guðbrandsson** (Iceland) said that very few persons under the age of 18 were serving unconditional prison sentences and that, at the current time, there was no means of forcing children who did not want to serve their prison term in a treatment facility to do so. Restructuring the system to enable treatment homes to house juvenile offenders serving unconditional sentences irrespective of their preference would require additional funding. There was a political consensus that those changes should be made, but the current fiscal situation made immediate action unlikely.

23. **The Chairperson** said that the current approach, whereby there were a number of options for juvenile offenders located in different parts of the State party, was compatible with the Convention. Such an approach avoided the problems associated with placing children in a single State facility that might be located far from their families.

24. **Mr. Guðbrandsson** (Iceland) said that a key theme underlying child protection legislation and practice was support for families. Initial child protection interventions focused on supporting families' efforts to raise their children properly. Interventions were aimed at establishing the needs of the individual child and working in partnership with parents, employing an interdisciplinary and multi-agency approach. More intensive assistance, including around-the-clock support for parents, was also available. Experience had shown that major interventions, such as removing a child temporarily from the home, was ineffective, and such measures were avoided as far as possible. As a result, many facilities that housed children who had been removed from their homes had been closed. In the rare cases that a local child protection committee wished to remove a child from his or her home for more than two months, the child's case would be heard in court by three judges: one official judge and two ad hoc judges who were experts in children's issues, such as child psychologists or social workers.

25. **Ms. Al-Asmar** asked for clarification on the provision of schooling to children who were being detained in institutions that also housed adults.

26. **Ms. Herczog** asked whether intensive support was also provided to families in which it was the parents that were experiencing problems, such as families in which domestic violence was occurring.

27. **Mr. Guðbrandsson** (Iceland) said that children who were removed from their homes were most often put into foster care or were accommodated in treatment homes that were also educational institutions. Children were not housed with adults or in detention centres. The State Treatment and Diagnostic Centre assessed children and usually returned them to their homes once follow-up measures and family support were in place. A wide variety of support programmes were available to parents and children, although their number and variety could always be increased.

28. On arrival at residential homes and educational facilities, children were informed of their rights and presented with a complaints form. Any such complaints were sent to the Government Agency for Child Protection, to an independent monitoring body based in the Ministry of Welfare and to the child protection committee responsible for managing the child's case. Complaints about decisions that affected the child could be made to an independent appeals committee that focused on the application of child protection laws. Children could also have their case heard by the courts.

29. **Ms. Al-Shehail** asked for more details on cooperation between the Government Agency for Child Protection and the other authorities that handled children's affairs.

30. **Mr. Guðbrandsson** (Iceland) said that once child protection services had reached the conclusion that a child should be placed in a facility, a notification was sent to the Government Agency for Child Protection, which then placed the child in the facility best suited to the child's needs. Parents signed a contract with the facility that set out the responsibilities of each party in order to ensure individual treatment plans were followed. Parental obligations included regular visits to the facility for family sessions involving the child and facility staff.

31. **Ms. Sandberg** asked if there were enough treatment facilities to meet every child's specific needs and if children actually knew about and used the different complaints mechanisms.

32. **Mr. Pollar** asked to what extent the independent monitoring body based in the Ministry of Welfare was compliant with the Paris Principles.

33. **Ms. Nores de García** said that the Committee wished to know if there was a complaints mechanism that children knew about and that made it simple for them to lodge complaints quickly and directly.

34. **The Chairperson** noted that the plurality of complaints mechanisms in Iceland was perhaps confusing to children, who might not know which way to turn.

35. **Mr. Guðbrandsson** (Iceland) said that the system could indeed be simplified and that the Ministry of Welfare was, on the basis of practices in other European countries such as Norway, looking into ways of accomplishing that by placing the complaints mechanisms outside the remit of the Ministry. Iceland distinguished between complaints mechanisms and the internal monitoring that it carried out as a form of quality assurance, which included detailed interviews with every child three times per year. The responsibilities of the independent psychologists who had performed this function had been transferred to the Ministry of Welfare in order to service provision from monitoring.

36. **The Chairperson** said that the Committee's concern was that it was not clear to children where they could lodge a complaint, and it therefore urged the State party to provide children with a single channel for complaints such as, for example, the Ombudsman.

37. **Mr. Guðbrandsson** (Iceland) said that the Ministry of Welfare was in the process of combining all complaint mechanisms for every welfare service into a single body. However, in his experience and based on research, that was not necessarily the only or best way. When children disclosed their problems they typically did not do so through formal mechanisms. Therefore it was often helpful to offer more than one avenue.

38. **Ms. Gunnarsdóttir** (Iceland) added that it was increasingly the policy to make everyone in a child's life, including family members, school staff and childcare providers, responsible for reporting rights violations. It was not solely the child's responsibility to seek help.

39. **Ms. Nores de García** said that it was precisely the people caring for children who were violating their rights which was why the Committee was asking for a separate channel to be made known to children so that they could bring complaints without the fear of reprisal.

40. **Mr. Guðbrandsson** (Iceland) said that, for the most part, existing facilities were sufficient to meet demand, although they were occasionally full. That was especially the case with the acute unit of the State Diagnostic and Treatment Centre, which received emergency placements. A proposal had been submitted to the Ministry of Welfare to combine the acute unit with a new facility for young prisoners. A decade ago there had been nine long-term facilities, whereas now there were only three owing to the preference for alternative support services. Children awaiting placement, along with their families, benefitted from those services as well.

41. **Mr. Olgeirsson** (Iceland) said that, fortunately, the situation in the education system prior to the financial crisis had been very favourable. Central and municipal governments had enjoyed surpluses which had allowed them to make additional improvements, beyond those required under recently passed legislation. There was close cooperation among the children's ombudsman, youth councils, teachers unions, schools and parent committees. Since the outbreak of the crisis, the focus had been on avoiding cutbacks in child services, although there had been cuts in janitorial and administrative services, an increase in class sizes and mergers of small schools. There was consensus on the need to maintain services for vulnerable children, especially disabled children. Cutbacks would continue to be felt in coming years, but they would be less severe than in other fields.

42. **The Chairperson** enquired about the repercussions of cutbacks in other sectors such as health and public safety.

43. **Ms. Sandberg** asked whether support services for students with special needs had been reduced and what the consequences were of merging classes and schools. How large were they now?

44. **Ms. Lee** asked how it was possible for cutbacks such as course cancellations and reduced support for special-needs children not to have an impact, even if only indirectly. She asked what the average wait was for mental health services.

45. **Ms. Gunnarsdóttir** (Iceland) said that it was impossible for cutbacks, regardless of the domain, not to adversely affect the population. However, the Government was trying to minimize their effect.

46. **Mr. Olgeirsson** (Iceland) said that there had not been any cutbacks in services for vulnerable or disabled children in upper secondary schools. On the contrary, there had been an increased effort to enrol those children, and counsellors had been hired to assist them in finding suitable schools. Course options had been curtailed, but there was still a variety of classes and schools to choose from. Education was compulsory up to the age of 16, and although the country's municipal schools were faced with challenges, they were functioning in all areas. Therefore, the right to education was being upheld. Class size had not been very large prior to the crisis and now generally stood at between 20 and 25 pupils, although in a few cases it was as much as 28.

47. Legislation clearly mandated inclusiveness in schools, but parents could also choose to send their disabled child to a special school, although most now preferred mainstream institutions. Immigrant children were welcomed, but their dropout rate at the upper secondary level was a source of concern. The 2007 Action Plan on Immigration Policy was under evaluation as it neared expiry, and a new three-year plan for integrating immigrants and providing them with proper information was being considered. A draft bill would be put forward in autumn 2011 to give multicultural centres a legal basis.

48. Under the 2007 Youth Act, municipalities were responsible for setting up youth councils. Greater monitoring and follow-up by the Ministry of Education in that regard were needed, and the delegation welcomed any recommendations that the Committee might have. Some councils were very active and effectively coordinated, had a notable impact, and held consultations with local politicians and schools. The Government was keen to submit draft regulations to the councils for comments. However, there was as yet no coordination of those councils at the national level, and Iceland wished to redress that situation.

49. **Mr. Cardona Llorens** asked if there were measures in place to overrule parents' decision to send their disabled child to either a special or a mainstream school when the best interests of the child dictated otherwise.

50. **Mr. Olgeirsson** (Iceland) said that clear procedures for determining whether a child would be placed in a regular school or a special one had been established, and the overriding principle at all times was the best interests of the child. The decision was ultimately made by the school principal on the basis of the diagnoses and assessments performed by the school and by specialists. Any disagreement between parents and the authorities that could not be resolved at the school or municipal levels could be referred to the Ministry of Education, Science and Culture. Since the passage of the new law on the subject, however, that had never actually happened. Most parents were very happy with the current situation and increasingly fewer parents were choosing special schools for their children with disabilities.

51. **Ms. Björnsdóttir** (Iceland) said that a new media law explicitly prohibited hate speech associated with discrimination on the grounds of race, ethnicity, nationality or cultural, economic or social status. Violations could be reported to a special regulatory authority and were punishable with a fine. Measures to prevent discrimination included a special development fund for immigrant-related issues, which had been used to finance projects to educate teenagers about prejudice in a multicultural society and to provide intercultural training to tenth-graders, among other initiatives. Meanwhile, the Ministry of Welfare cooperated actively with the Icelandic Human Rights Centre in dealing with immigration issues.

52. **Ms. Sandberg** said that she had understood that the concern of the Ombudsman's Office about the impartiality of the external supervision of the care provided to children had been addressed by ensuring that it was provided by an expert in psychology. Now that external supervision was to be provided by the Ministry of Welfare, she wondered how it would be coordinated with the Government Agency for Child Protection. The State party apparently intended to model its child protection supervision system on the one used in Norway, which was implemented by county governors. Experience had shown, however, that county governors rarely had the necessary resources and tended to conduct visits during working hours when the children were not present. She wished to know whether child protection officers actually met and spoke with the children in care or just read the answers that children provided on questionnaires.

53. Children of refugees had to wait up to eight months while the authorities considered the family's case before they could attend school in Iceland. She wished to know exactly what decision they had to wait for and why children could not attend school during that time.

54. **Ms. Al-Asmar** said that she wished to know whether the action plan designed to empower families took into account poor families from particular segments of the population and included a targeted strategy for very young children. She also enquired about the measures being taken to address the particularly low breastfeeding rate, the high incidence of bullying in schools and the increasing levels of alcohol consumption among

schoolchildren. The Committee would like to know whether special legislation was in place to criminalize harmful traditional practices and punish immigrants who had them performed on their children outside the country, for example. Parents needed to know that changing schools could be very stressful for children with disabilities. Were they duly informed of that fact? Were subsidies available for the private education of children with disabilities?

55. **Mr. Gastaud** said that the school dropout rate seemed particularly high. He wished to know whether the causes of the problem had been analysed and what solutions were envisaged. He enquired whether there were alternative training programmes available for children who did not wish to remain within the traditional education system. He also asked whether adult and juvenile offenders appeared before the same judges and whether judges could exercise discretionary power when it came to sentencing juveniles.

56. **Ms. Wijemanne** said that she wished to confirm that immigrant children had access to the free health services that the State party commendably provided to children under the age of 18. It seemed that the International Code of Marketing of Breast-milk Substitutes was not being properly implemented in the State party. The monitoring of the advertising of bottles, teats and infant and follow-on formula was lax and could be contributing to the rise in obesity among children. She asked for confirmation as to whether or not courses for teenagers on the prevention of unplanned pregnancies and on childcare included a module on using formula, which would predispose young women to not breastfeed before they even became pregnant. Information would be appreciated on the excessive use of psychostimulants, such as Ritalin, to treat school-age children diagnosed as hyperactive or suffering from attention deficit disorder. She wished to know whether the matter was viewed as an issue of concern and was being properly investigated.

57. **Mr. Pollar** asked about the preventive measures being taken by the Government to combat violence and sexual assault. Were those subjects addressed in school curricula and in the training provided to people who worked with children? More specifically, what was being done to prevent the sexual abuse of children, including children with disabilities? With regard to children involved in armed conflict, he wished to know how much progress had been made by the committee appointed by the Ministry of Justice to recommend legislative amendments that would enable Iceland to fully comply with its international commitments and whether the work that Iceland was doing in other parts of the world to assist children involved in armed conflicts was monitored in any way. He also wished to know whether any new data had been compiled since the submission of the last report on children arriving in Iceland who had participated in hostilities. Information on how the Government implemented the right to play, which was set forth in article 31 of the Convention, would also be appreciated.

58. **Mr. Madi** said that having children of asylum-seekers wait months to attend school left them in an educational and social void. Since the Ministry of the Interior was the decision-making body in both first and second instance in asylum proceedings, there was no impartial body to review questions of fact or law. Furthermore, the criteria for granting or denying asylum were marred by ambiguities that had resulted in only two asylum applications being approved in the past 20 years. The matter required an explanation.

59. Iceland had ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict but had not passed any legislation to prohibit the recruitment of children by the Armed Forces. The State party claimed that article 114 of the Criminal Code, adopted in 1940, applied to children as well as adults, but that article only prohibited recruitment by foreign armed forces. The State party needed to explicitly prohibit the recruitment of children by the Armed Forces of Iceland, as well as the participation of children in hostilities.

60. **Ms. Aidoo** said that Iceland had adopted a proactive approach to monitoring the impact of the economic and financial crisis on children's welfare, but she wondered whether it would consider reviewing the social benefits system as a whole, especially in the light of article 26 of the Convention, rather than sectorially.

61. Few children in Iceland lived in poverty as such; however, the risk of falling below the poverty line had increased since the crisis, especially for children of young, single parents. She suggested that the State party should consider undertaking a study on child poverty that took into account not only income variables, but also social, cultural and geographical factors. Such a study could serve as a basis for analysing the impact of changing circumstances on children living in remote areas, for example, and for drawing up more targeted poverty-alleviation strategies. It could also be used to help update the plan of action for poverty alleviation developed by the working group of the Ministry of Social Affairs in 2008 and to identify emerging areas of concern.

62. **Ms. Herczog** said that she wished to have information on how children and young people were prepared for leaving care facilities and whether the crisis had led to a reduction in the support provided to them in their search for housing and employment. She requested data on the success rate for the integration of children leaving care, on the number of children in care whose parents had also been in the care system, and on the recidivism rate of child offenders. Information would be appreciated on how teenage pregnancies were handled within the care system. Were teenage mothers in care and their babies kept together? She wished to know whether Iceland was considering allowing children stay with their parents in prison. Counselling was reportedly provided to the victims and perpetrators of domestic violence, but she wished to know what support was made available to children who witnessed such violence and to the non-violent parent.

63. **Mr. Koompraphant** asked for more details on the measures being taken to help children with behaviour and drug problems, to protect children from sexual abuse and to assist immigrant children.

64. **Ms. Lee** said that she would like more information on the national plan for attacking obesity and on article 12, on the rights of children, of the draft amendment to the Children's Act. She also wished to know how long the waiting period for child psychological services was and whether the free counselling services provided to children in Reykjavík would be extended to include children outside the capital. She further enquired whether services for diagnosing hyperactivity and attention deficit disorder in children over the age of 12 were available.

The meeting rose at 1 p.m.