



**Convention on the  
Rights of the Child**

Distr.  
GENERAL

CRC/C/83/Add.5  
5 July 2002

Original: ENGLISH

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Periodic reports of States parties due in 1999**

**ICELAND\***

[27 April 2000]

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\* For the initial report submitted by the Government of Iceland, see CRC/C/11/Add.6, for its consideration by the Committee, see documents CRC/C/SR.272, 273 and 274 and for the concluding observations, see CRC/C/15/Add.50.

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## **Introduction**

1. Iceland's initial report on the implementation of the Convention on the Rights of the Child was prepared in 1994. The Committee on the Rights of the Child, instituted under article 43 of the Convention, considered the report on 16 and 17 January 1996, and adopted its concluding observations on 26 January 1996.
2. The present report is prepared as provided for in article 44 of the Convention, which obliges States parties to submit reports on the implementation of the Convention to the Committee on the Rights of the Child at five-yearly intervals. It was compiled under the auspices of the Ministry of Justice, in consultation with a number of parties concerned with the affairs of children, such as other government ministries, public institutions and private organizations. The report gives precedence to a description of the changes that have occurred since the initial report was prepared, and follows the layout of the initial report (CRC/C/11/Add.6). In cases of changes or material directly concerning the numbered paragraphs of the initial report, the relevant paragraph number is quoted at the end of a paragraph.
3. This report includes, in substance, the additional comments made by Iceland (CRC/C.11/WP.8) submitted to the Committee before the consideration of the initial report was brought to a conclusion. It also includes a separate chapter on the concluding observations of the Committee on Iceland's initial report.

## **I. GENERAL OBSERVATIONS**

### **A. Constitution and government practices**

4. On 17 June 1994, the Icelandic Parliament resolved, on the occasion of the fiftieth anniversary of the Icelandic Republic, to conclude a revision of the human rights chapter of the Icelandic Constitution. Its objectives were to reinforce and coordinate the human rights provisions in order to strengthen their role of providing protection to citizens in their relations with the State, to modernize them, and to adapt them to Iceland's international obligations in the field of human rights. The rights in question were considered to be already in existence, but it was deemed safer to enshrine them in the country's Constitution. Subsequently, Act No. 97 of 28 June 1995 amended the Constitution of the Republic of Iceland, No. 33/1944, which consequently now provides in a considerably more detailed and clearer way for the protection of human rights. It should be noted, in particular, that its article 76, paragraph 3 now provides that the law shall guarantee the protection and care for children which their welfare demands. This provision is in fact a policy declaration, one of the models of which is article 3 of the Convention on the Rights of the Child. It is designed, in the main, to obligate the legislator to enact laws providing guarantees of this nature to children. Additionally, the provision may give support for exceptions to be made from other human rights provisions if this is considered necessary for the protection of children. (4)

5. The amendments to the Constitution were also intended to give further protection to the following rights:

Freedom of religion (arts. 63 and 64);

A general principle to the effect that everyone shall be equal before the law and, in particular, providing for equal rights of men and women (art. 65);

Freedom of travel and freedom to choose one's residence (art. 66);

Limitations to deprivation of liberty (art. 67);

Prohibition of torture and other inhuman or degrading treatment or punishment, and prohibition of forced labour (art. 68);

Prohibition of retroactive criminal provisions and capital punishment (art. 69);

Minimum requirements for a fair trial in court (art. 70);

Inviolability of private life, home and family (art. 71);

Inviolability of the right of private ownership (art. 72);

Freedom of expression (art. 73);

Freedom of association and freedom of assembly (art. 74);

Freedom of employment (art. 75);

A right, according to the law, to assistance in cases of sickness, invalidity, old age, unemployment, destitution and comparable conditions, and a right to education and tuition according to the law (art. 76);

A prohibition of delegation of the power of taxation, and of retroactive taxation (art. 77);

Independence of local authorities (art. 78).

6. The number of Icelandic municipalities has been considerably reduced. They now number 124. Their number is expected to be reduced further. The objective of the unification of small municipalities is to make them more cost-effective, to strengthen them as administrative units and to make them better able to discharge more functions. A new Local Authorities Act, No. 45/1988, has been enacted. (8)

7. The Office of the Ombudsman for Children was established in 1994. This office guards the interests and rights of children in Iceland.

## **B. The administration of matters concerning children**

### **The tasks of the Ministry of Social Affairs and the child welfare authorities**

8. The title of Act No. 58/1992 on the Protection of Children and Adolescents was changed by the enactment of Act No. 160/1998, now entitled the Child Protection Act. Act No. 22/1995 had introduced various changes to the tasks of the child welfare authorities. The Ministry of Social Affairs continues to be in charge of child welfare and protection, and to lay down policies in that field. A separate institution subject to the Ministry, the Child Welfare Office, is in charge of ordinary management. This agency endeavours to coordinate and promote any activities undertaken in the field of child protection. The purpose of these changes is to increase the services rendered by the State in this field, and to strengthen the links between the State and the child welfare committees and the assistance rendered to them. The duties of the Child Welfare Office are defined in further detail in an administrative regulation, No. 264/1995. Its principal tasks are: (14)

To provide the child welfare committees with guidance and counsel in the field of family protection and the resolution of cases concerning children;

To supervise the activities of the child welfare committees, including by the collection of annual reports;

To supervise and control institutions and homes operated or supported by the State for children accommodated there under the provisions of the Child Protection Act;

To supervise the accommodation of children in such institutions and homes;

To initiate the establishment of institutions and homes under the relevant provisions of the Child Protection Act;

To support the child welfare committees in finding competent foster parents;

To initiate research and development activities in the field of child protection;

To provide education on child protection, in particular for child welfare committees and their staff.

9. In 1996-1997 the Child Welfare Office conducted a total of 18 two-day courses for all child welfare committees, their staff members and co-workers, for approximately 340 persons. All the basic principles of the handling of child welfare cases were covered, and the Convention on the Rights of the Child was introduced and explained. Following the municipal elections of 1998, single-day courses were again held, in 1998 and 1999, for the same parties, in all 19 courses for approximately 400 persons, covering similar matters. Special courses are also held regularly for foster parents and the staff of treatment homes. The Child Welfare Office also published a manual for child welfare committees in 1998, containing detailed guidelines on the role of such committees and the handling of cases. In 1998 the Office provided counsel to child welfare committees in approximately 300 cases of various nature.

10. The child welfare committees are under a duty to conclude certain cases by a formal decision, which can be referred to the Icelandic Child Welfare Council for revision. The parties to a decision of a child welfare committee which cannot be referred to the Child Welfare Council can be referred by them to the Child Welfare Office. The decisions of the Child Welfare Office can be referred to the Ministry of Social Affairs. Complaints and appeals to the Child Welfare Office on account of decisions taken by child welfare committees numbered 45 in 1998.

11. Among the roles of the Child Welfare Office is to make organized efforts to strengthen child protection, for example by reducing the number of child welfare committees, increasing their jurisdiction and providing for the engagement of specialized professional staff to serve on them. The number of child welfare committees has undergone a constant reduction in recent years; as from 1 January 2000 they are 55 in number. The child welfare committees are obliged to submit annual reports on their activities to the Child Welfare Office, and the Child Welfare Office shall, at intervals of not more than two years, publish information on their activities. The Child Welfare Office has collected information from the child welfare committees in an organized manner, for example by issuing specially designed forms in order to simplify the registration of cases. A detailed report of the Child Welfare Office is expected at the end of this year. The statistical information presented in this report derives from the Child Welfare Office. It must be noted that 1998 was the first year in which all child welfare committees delivered an annual report to the Office. (17)

12. The present number of child welfare committees is considerably lower than that of the municipalities, as very many small municipalities have elected such committees jointly. Their respective jurisdiction has also been enlarged, that is, the number of inhabitants served by each committee has increased. Slightly more than 50 per cent of Icelandic municipalities have elected to entrust the duties of child welfare committees to their social affairs councils or social affairs committees. (18)

13. Determined efforts have been made to increase the number of specialized professional staff serving on child welfare committees. Such professionals have now been permanently recruited by a total of 34 committees. It is expected that a further reduction in the number of child welfare committees and the concomitant enlargement of their jurisdiction will have the effect that staff will be recruited in increasing numbers. (19)

14. A further delineation has been made of the types of case that the child welfare committees must conclude by a formal decision. Stricter demands are made with regard to procedural formalities in such cases and they are also subject to particular rules concerning referral to a higher authority. In addition to the enumeration presented in the initial report, it is held that the child welfare committees must take formal decisions on the following: (20)

The association of a foster child with close relatives other than its natural parents;

Disputes concerning association with a child committed to a treatment institution;

Confirmation of an emergency measure (according to section 47 of the Child Protection Act measures may be taken immediately if a child is in danger and some of these must be confirmed by a final decision within two months);

The final resolution of a case concerning resumed deprivation of custody if a child welfare committee denies a request to return a child to its natural parents.

15. Most formal decisions rendered by the Icelandic Child Welfare Council concern a revision of a decision rendered by a child welfare committee on deprivation of custody or the association of a child with its close relatives. A table showing the number of formal decisions rendered by the Child Welfare Council in 1996-1998 follows: (22)

The Icelandic Child Welfare Council	1996	1997	1998
Number of decisions	11	25	19
Number of children	32	37	24

16. The Minister of Social Affairs appointed a committee at the end of 1997 to revise the Children's Act in its entirety, including complaint channels and decision procedures. The committee is still working, but it may be assumed that a bill will be submitted to Parliament in 2000.

### **The tasks of the Ministry of Education and the school authorities**

17. Since 1994 new acts of law have been passed concerning all four stages of the school system, nursery schools, primary schools, secondary schools and universities. The Ministry of Education is in charge of all matters concerning education, lays down policies concerning the internal affairs of educational institutions, issues general curricula and discharges functions of guidance and control. (23)

18. The new Primary School Act, No. 66/1995, instituted significant changes to the primary school system. The operation of primary schools was transferred from the State to the municipalities, which now are responsible for both nursery schools and primary schools, including the construction, operation and maintenance of the buildings used. A "school district" is the unit served by one or more primary schools. Municipalities can join together in the operation of primary schools, in which case they form one school district. There shall be one school committee in each school district, appointed by the relevant municipal council or councils at the beginning of each election term. The school committees shall ensure that all children of school age in the district receive the legally prescribed tuition, control and promote the availability of special professional services to the schools and supervise that the requirements of the Primary School Act and any administrative regulations issued in accordance with it are fulfilled.

19. The municipalities operate certain service institutions, referred to as school offices, either by themselves or jointly with other municipalities. Approximately 20 school offices are active in Iceland. Their functions include the provision of services and counsel, for example as regards special education and psychological assistance, and development functions.

20. The Office of the Ombudsman for Parents and Schools in Reykjavik was established following the transfer of responsibility for primary schools to that municipality in 1996. Reykjavik is by far the largest municipality in Iceland and more than one third of all primary

school students reside there. The functions of this municipal official is to provide counsel of various types and to serve as a liaison between students, parents, parents' councils, parent associations, school administrators and other professionals involved in affairs concerning children. The Ombudsman is, among other things, entrusted with the matters referred to the Reykjavik Educational Council, which discharges the functions of a school committee in Reykjavik. The Ombudsman for Parents and Children is guided in his functions by the Convention on the Rights of the Child and other international instruments. The Ombudsman received 311 cases for consideration in 1996-1998.

21. The Ministry for Education has received a multitude of complaints, enquiries and requests for decisions in matters where doubts have been expressed relating to school administration and the implementation of the Primary School Act. In August 1998 the Ministry published a booklet containing a collection of formal decisions taken in such matters since the new Primary School Act came fully into effect. The objective was to make the conclusions and stand taken in such matters known to municipal councils, school committees, school offices, parents, teachers, pupils and others connected with schools and education.

22. Each primary and secondary school adopts methods to evaluate its work, including tuition and administrative practices, relations between the people working within or attending the respective school and its relations with external parties. The Ministry of Education examines the self-assessment methods of each school at five-yearly intervals. A separate evaluation and assessment department was instituted at the Ministry following the transfer of responsibility for primary schools from the State to the municipalities.

23. According to Regulation No. 384/1996 on Information on School Affairs to be Provided by the Municipalities, the primary schools must annually explain to the Ministry of Education how their affairs are conducted. The purpose of this arrangement is to form a solid basis for assessment of school activities at the primary school level and to facilitate control by collection of coordinated information.

24. The Primary School Act obliges the Minister of Education to explain to Parliament at three-yearly intervals how the primary schools discharge their functions. The Minister submitted a report to Parliament in March 1999, covering the school years 1995-1996, 1996-1997 and 1997-1998, containing various information on their affairs.

### **C. Various statistical information, etc., concerning children**

#### **Population**

25. On 1 December 1998, the Icelandic population numbered 275,264, 137,390 males and 137,874 females. Children under 18 years of age numbered 77,628, representing approximately 28 per cent of the nation. In a single year, from 1 December 1997 to 1 December 1998, the population had increased by 3,195, i.e. 1.18 per cent. The number of immigrants in excess of emigrants was 880 in that period. The number of births in 1998 exceeded the number of deaths by 2,357. (26)

**Number of births and the family status of children**

26. The number of births in Iceland and the family position of newborn children was as follows: (28)

Family status	1997	1998
Births excluding stillbirths	4 151	4 178
Born in wedlock	1 444	1 503
Born out of wedlock	2 707	2 675

27. The family position of children born out of wedlock was as follows: (29)

Family status out of wedlock	1997	1998
Births out of wedlock, total	2 707	2 675
Parents cohabiting	2 106	2 158
Parents not cohabiting	601	517

28. In 1998 the average age of a mother on first giving birth was 25.1 years. The most frequent age was 23 years. (31)

**Infant mortality**

29. In 1998 the number of stillbirths was 2.1 per 1,000 births and 2.6 per 1,000 infants died in their first year. (32)

**Life expectancy**

30. Life expectancy in Iceland has increased continuously. In 1997-1998 life expectancy was 77.0 years for men and 81.5 years for women. (33)

**The nuclear family**

31. Icelandic nuclear families were considered to be 67,393 in number as of 1 December 1998. Their average size was 2.89 members. A nuclear family is defined as spouses and cohabiting persons, children living with them aged 15 and younger, and single men and women living with children aged 15 and younger. Children aged 16 and older who live with their parents are not included. The institution of officially confirmed cohabitation was established by Act No. 87/1996, which entered into effect on 27 June 1996. According to that Act, two individuals of the same sex can enter into official cohabitation, which has the same legal effects as marriage, with the exception that the provisions of the Adoption Act concerning spouses and the legal provisions concerning artificial insemination do not apply to this institution. The composition of nuclear families was as follows: (34)

Nuclear families	1997	1998
Married persons without children	24 125	24 614
Married persons with children	21 693	21 652
Official cohabitation without children	29	36
Official cohabitation with children	1	1
Unofficial cohabitation without children	3 226	3 221
Unofficial cohabitation with children	8 793	8 737
Man with children	587	589
Woman with children	8 196	8 543

### Urban versus rural population

32. In 1998, 92.2 per cent of the population lived in urban areas and 7.8 per cent in rural areas. (35)

### Employment

33. The length of the working week at the end of 1998 averaged 49.9 hours for men, and 34.8 hours for women. Unemployment has been reduced significantly, having been measured at 2.7 per cent at the end of 1998, and at 3.9 per cent at the end of 1997. Unemployment among women was 4.1 per cent and among men 1.8 per cent. Among persons aged 16-24 years unemployment was 5.9 per cent at the end of 1998, compared with 7.7 per cent at the end of 1997 and 8.4 per cent at the end of 1996. The estimated total number of unemployed persons was 4,200 at the end of 1998, compared with 5,700 at the end of 1997. (36)

### Day care

34. The number of children regularly in nursery schools in 1998 was as follows: (37)

Children in nursery schools	4-6 hours	6-8 hours	8-9 hours or more
0-2 years	197	85	217
2-4 years	2 783	1 121	2 630
4-6 years	3 511	1 316	3 245

### Educational matters

35. The new Primary School Act provides that the school day at each primary school shall be of a single, continuous session, i.e. all the pupils in the same school are to attend school in the morning and stay at the school at the same time. This objective is expected to be attained in 2004. In the school year 1998-1999 this objective had been reached in 154 of the country's 196 primary schools. In an additional 13 schools this objective had been partially reached, in that three quarters of the classes could start their school day at the same time. (38)

36. With the implementation of the continuous single-session school day policy the annual number of tuition hours per pupil has increased. The policy involves all children attending primary school having a continuous working day. The aim is to increase the number of tuition

hours given all students 10 years of age and older to at least 35, so that the total number of primary school tuition hours will have increased by 15 per cent as compared with the school year 1994-1995.

37. The Primary School Act also authorizes the municipal councils to offer primary school students an opportunity for an extended stay at school outside the daily school hours on the premises of the school or in its vicinity. In the school year 1998-1999 approximately 40 per cent of primary schools offered their pupils what is termed "whole day school" or a similar service. (38)

38. In the school year 1998-1999 the pupils in Icelandic primary schools numbered slightly more than 42,000, of whom slightly less than 15,000 attended primary schools in Reykjavik. In the same period approximately 20,400 attended secondary schools in Iceland. The students registered at the University of Iceland numbered 5,830 in that period, of whom 3,350 were women and 2,480 men. (40)

### Tasks in the field of child protection

39. The child welfare committees inform the Child Welfare Office of the number of cases considered by them each year. 1998 was the first year in which all child welfare committees submitted the required reports. It must however be assumed that considerable work remains to be done with respect to coordination and the definition of cases and consequently this information is not fully reliable. The following is a survey of the number of cases as presented in the reports submitted for 1998:

Child welfare cases	1996	1997	1998
Number of cases	1 249	1 590	1 973
Number of children	1 889	2 396	2 598
Number of children - new cases	634	886	1 202

### State expenditure in the fields of health care, education and social affairs

40. The following is a survey of Iceland's expenditure in the above categories, shown as percentages of national product and in millions of Icelandic Krona (ISK): (41)

Expenditure	1996	1997	1998
Health care	6.81	6.60	6.91
Education	5.32	5.35	5.70
Social security and welfare	8.63	8.17	7.99

Expenditure - millions of ISK	1996	1997	1998
Health care	33 139	34 972	40 511
Education	25 887	28 365	33 427
Social security and welfare	41 968	43 310	46 853

## **II. MEASURES TAKEN AS REQUIRED BY THE PROVISIONS OF THE CONVENTION**

41. Act No. 62/1994 on the European Human Rights Convention was amended by Act No. 25/1998 in order to incorporate in Icelandic law Protocol No. 11 of 11 May 1994 concerning a reorganization of the control system provided for in that Convention.

### **A. Measures to adapt Icelandic law to the provisions of the Convention**

42. Icelandic legislation relating to children has continued to undergo a rapid evolution. Many new acts of law have been passed and many important amendments have been made. The most important new provisions are in the following acts: (46)

#### **Children and child protection**

Act No. 23/1995 amending the Children's Act, No. 20/1992;

Act on Enforcement of Foreign Decisions on the Custody of Children, Return of Abducted Children, etc., No. 160/1995;

Acts No. 22/1995 and 160/1998 amending the Child Protection Act, No. 58/1992;

Regulation on a Child Welfare Office, No. 264/1995;

Regulation No. 271/1995, as amended by Regulation No. 474/1998 on a State Treatment Centre for Adolescents;

Regulation on Foster Arrangements for Children, No. 532/1996;

Rules on Homes and Institutions for Children as provided for in Section 51, Paragraphs 1-3, of the Children's Act, No. 401/1998.

#### **Education and culture**

Regulation on Nursery schools, No. 225/1995;

Primary School Act, No. 66/1995;

Regulation on the Implementation of the Primary Schools Act, No 349/1995;

Regulation on Information to be Provided by the Municipalities on School Administration, No. 384/1996;

Regulation on School Rules and Discipline in Primary Schools, No. 385/1996;

Regulation on Special Professional Services in Primary Schools, No. 386/1996;

Regulation on Pupil Protection Councils in Primary Schools, No. 388/1996;

Regulation on Special Tuition, No. 389/1996;

Regulation on Tuition in Icelandic for Pupils with Other Native Languages,  
No. 391/1996;

Regulation on the Minimum Facilities in Primary Schools, No. 519/1996;

Regulation on Progress Assessment for Pupils for Whom Coordinated Examinations are  
Unsuitable on Account of their Development, No. 709/1996;

Regulation on the Right of Parents and Guardians to Inspect Evaluated Examination  
Results of Pupils, No. 710/1996;

Secondary School Act, No. 80/1996;

Regulation on Supervision of Secondary Schools and Control of their Curriculum, and on  
Tuition and Development Counsel, No. 139/1997;

Regulation on Special Tuition in Icelandic in Secondary Schools, No. 329/1997;

Regulation on Tuition for Disabled Secondary School Pupils, No. 372/1998;

Act on Examination of Cinema Movies, No. 47/1995.

### **Health care**

Act on the Rights of Patients, No. 74/1997;

Act Establishing an Alcohol and Drug Abuse Prevention Council, No. 76/1998;

Regulation on Services to Disabled Children and Their Families, No. 155/1995;

Regulation on Financial Assistance on Account of Disabled Children and Children Suffering  
from Long-Term Diseases, No. 504/1997.

### **Miscellaneous**

Personal Names Act, No. 45/1996;

Majority Act, No. 71/1997;

Act No. 36/1999 amending the Code of Criminal Procedure, No. 19/1991;

Regulation on Statements Received in Court in Cases Where the Victim is Under 18 Years of  
Age, No. 321/1999.

43. Various other amendments directly relating to children have been made to laws now in effect. To be mentioned in this context are the changes made to rules governing work to be performed by children in the Act on Working Conditions, Health and Safety in the Workplace, No. 46/1980, as amended by Act No. 52/1997. The amendments in question were made with regard to Council Directive 94/33/EC of 22 June 1994 on the Protection of Young People at Work by explicit reference to article 32, paragraph 2 of the Convention on the Rights of the Child. At the end of 1999 Iceland ratified International Labour Organization Convention No. 138 concerning Minimum Age for Admission to Employment.

44. The statute of limitations relating to sexual crimes against children contained in the General Penal Code, No. 19/1940, was amended by Act No. 63/1998, and the provisions of the Code relating to child pornography were amended by Act No. 126/1996, making the mere possession of child pornography a punishable offence.

45. Various laws have also been enacted with the purpose of promoting security under the law in general. This includes the Information Act, No. 50/1996, providing for registration of, and access to, information on public administration; Act No. 69/1995 on State Guaranties of Compensation to Victims of Crime, and a new Act on the Parliamentary Ombudsman, No. 85/1997, by which some bars to examination by the Ombudsman of municipal administration were removed. Amendments have also been made to the Icelandic Citizenship Act; a new Passports Act has been issued; amendments have been made to the Birth Vacations Act, the Act on Municipal Social Services and the Social Assistance Act; a new Alcoholic Beverages Act has been passed, and amendments have been made to the Tobacco Prevention Act. These amendments will be described in further detail later in this report.

46. The new Majority Act, No. 71/1997, raised the age at which people become legally competent to manage their personal affairs from 16 years to 18 years. The rationale behind this was that the definition of the Convention on the Rights of the Child of children as all persons under the age of 18 should be followed. In addition, the Icelandic arrangement was deemed different from that in effect in our neighbouring countries. At a meeting with the Committee on the Rights of the Child and Icelandic government representatives held at the beginning of 1996, the Committee recommended such a measure when the Majority Act were revised. The increase in this age limit was also supported by reference to changed social conditions and young persons' need for education. Furthermore, a reference was made to a discrepancy between the duties of parents as custodians and the duty of support, and the need for an increase in this age limit was also reasoned by reference to child protection, as child protection committees could not involve themselves with persons 16 years of age and older except with their approval. This had the effect that the necessary continuity in support and treatment was difficult to achieve. The Act entered into effect on 1 January 1998; however, persons who had attained the age of 16 before the Act went into effect maintained the competence to manage their personal affairs.

47. The age at which people become competent to manage their personal affairs is 18 according to the Majority Act. The management of the personal affairs of a person who is below this age is in the hands of the parents or those who discharge parental duties. This is referred to as custody and is governed by the provisions of the Children's Act and the Child Protection Act.

48. In June 1997 the Minister of Justice appointed a committee to examine what laws would have to be amended on account of the increase in the age limit referred to above. The committee was composed of the representatives of six government ministries. The committee delivered its report and proposals to the Minister in November 1997. Subsequently, amendments have been made to the age limits provided in various Acts, such as the Marriage Act, the Personal Names Act and the Legal Domicile Act.

49. By Act No. 160/1998, the title of the Act on Protection of Children and Adolescents, No. 58/1992, was changed to "Child Protection Act". The amendment Act also provided for the necessary changes on account of the increase in the age limit at which people become competent to manage their personal affairs. The definition of "adolescent person", i.e. a person aged 16-18, was abrogated and the word corresponding to that term removed in all cases where it was used. The Child Protection Act thus applies in the same manner to all persons under the age of 18. At the same time, a provision was inserted to the effect that children shall enjoy any rights in conformity with their age and personal maturity. The provision on the commitment for treatment and examination of a child who endangers its own health and development by its conduct was made clearer, the right of a child to express itself was extended and the duties of the child welfare committees to appoint a representative for a child when needed were extended. Further amendments must await a comprehensive revision of the Act.

50. Some criticism has been voiced, following the increase of this age limit, to the effect that public authorities, in particular the child welfare committees, lack the necessary powers to serve the needs of this new age group. Determined efforts are now being made to ensure that the necessary measures are available, at both the State and municipal levels. Treatment accommodation places have increased in number and further increases are planned, as described later in this report in further detail.

51. Act No. 160/1995 on Recognition and Enforcement of Foreign Decisions on the Custody of Children, Return of Abducted Children, etc., was passed in order to make it possible for Iceland to ratify the European Convention of 20 May 1980 on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children, prepared under the auspices of the Council of Europe, and the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction. In the passing of the Act a reference was also made to article 11 of the Convention on the Rights of the Child.

52. A new adoption bill has now been submitted to Parliament. One important aspect of the bill relates to the provisions that are necessary in order to enable Iceland to ratify the Hague Convention of 29 May 1993 on Intercountry Adoption. The Convention on the Rights of the Child and other human rights conventions were also given special consideration with regard to the coordination of Icelandic law with these international instruments.

53. Revision of the Child Protection Act was undertaken with the objectives of changing the power of decision in cases involving child protection with a view to an improvement of the legal security of children and parents, securing further the status of children as parties, strengthening child protection by a continued policy of reducing the number of child protection committees,

coordinating the rules relating to public administration, and increasing the demand for secure procedure and efficiency. The rules relating to fostering arrangements and the commitment of children to treatment homes and institutions will also be revised.

54. The Family Law Committee, a permanent committee at the Ministry of Justice, has recently begun a comprehensive revision of the Children's Act.

## **B. Overall coordination of policies relating to children, and monitoring of compliance with the Convention**

### **Introducing the Convention**

55. Iceland's initial report on the implementation of the Convention on the Rights of the Child was published by the Ministry of Justice and Ecclesiastical Affairs in 1995. This also included a survey of the chief legal amendments made in the period from when the report was compiled until it was published. The report was sent to all the important organs and parties concerned with the affairs of children.

56. In order to introduce the Convention, the National Centre for Educational Materials published, in the autumn of 1994, three booklets entitled "My Rights", targeting different age groups, 6-9 years, 9-12 years and 12-15 years and describing the substance of the Convention in different ways. All the booklets contain the telephone numbers of some of the organs concerned with guarding the interests of children, such as the Ombudsman for Children and the *Barnaheill* organization. The first printing was 50,000 copies, distributed to all primary schools in Iceland. The booklets were reprinted in the autumn of 1995 and again distributed to all primary schools, and their publication was explained in the public media. Parents were especially encouraged to discuss the Convention with their children. The Centre has been instructed to distribute booklets regularly to all primary schools. Tuition guidelines for teachers are also issued by the Centre.

57. Since 1996, the Convention on the Rights of the Child has been published in the Icelandic Law Collection with other international instruments that however do not have the force of law in Iceland. The Ministry of Justice has conducted courses for county magistrates and their deputies with legal training where the Convention has been distributed and explained. A separate booklet on the Convention has been sent to all staff members of the courts with legal training, police agencies, prosecutors and prison authorities.

58. The same booklet was sent by the Ministry of Health to all hospitals and health-care centres in Iceland, with a letter emphasizing in particular those rights of the child relating to health services. The booklet is distributed to and available for the public in all health institutions.

59. The Ministry of Education has introduced the Convention to all the important staff members of the school system, the staff of the Ministry and the staff of the Iceland University of Education. In the context of an international conference held in Iceland on Women and Democracy in 1999, the Ministry of Education encouraged public involvement concerning democracy and active democratic participation. The Ministry had a wall poster made, dedicated

to the conference and the theme “Election day”, which mentioned the Convention and the basis provided by the Convention for discussions on democracy and equality in primary and secondary schools. The wall poster was sent to all primary and secondary schools and various other parties within the school system.

60. The Child Welfare Office distributed the Convention and explained its substance in courses held for child welfare committees, their staff and co-workers in 1996-1997.

61. Channel 1, one of the two State-operated radio stations, broadcasts daily a special programme for children entitled “Vitinn” (The Lighthouse). This programme also has a web site on the Internet where an abridged version of the Convention was published on the occasion of its tenth anniversary in November 1999. An entire week was dedicated to the anniversary. The Ombudsman for Children was asked to reply to questions that week.

62. The State Television introduced the Convention on the occasion of the anniversary in the context of an international public media day, 12 December 1999.

### **Coordination, policy formulation and control**

63. It is proper to explain in brief the chief functions of the Ombudsman for Children, as that official carries out an important role as regards monitoring the due implementation of the provisions of the Convention. The Ombudsman for Children also routinely explains the substance of the Convention in the course of her daily work. (68)

64. The Ombudsman for Children held meetings in the years from 1995 to 1998 with approximately 11,500 children in 75 of the country’s primary schools, explaining her functions and discussing the rights of children. In 1997 she published an open letter in *Morgunblaðið*, the most widely read Icelandic newspaper, explaining the duties of her office. The Ombudsman has also held some discussion meetings on matters concerning the interests and rights of children and adolescents in many places in Iceland, emphasizing active participation by children. Children have delivered addresses, decided what topics to discuss and provided entertainment. Local officials have formed panels to which children alone had an opportunity to direct their questions. The Ombudsman for Children has also held meetings with pupils’ councils in primary schools and in social centres, and discussed matters with children in other forums.

65. In 1995, the Ombudsman for Children published two booklets describing the functions of her office, one intended for children aged 10-14, and the other intended for older children and adults. These booklets were redesigned and republished in 1997. The Ombudsman’s home page on the Internet was opened in 1998. Through this channel, 40 enquiries were received in that year.

66. In the context of the Convention’s tenth anniversary it is planned to send all 10-year-old children in Iceland a folder with material introducing the Convention and the office of the Ombudsman for Children. This will contain, among other things, a new edition of the *Barnaheill* booklet with an abridged version of the Convention, and the booklet of the Centre for Educational Materials, *My Rights*.

67. In 2000, the Ombudsman for Children will launch the programme *Pingvöllur*, which is an interactive web on the Internet. The objective is to provide Icelandic children with an opportunity to express their views, as provided for in article 12 of the Convention. The name chosen is that of the place where the Icelandic legislative and judicial assembly convened in past centuries. The representatives at this “assembly” will be 63 in total, 32 boys and 31 girls aged 13-15. They were selected in cooperation with 25 primary schools at various locations. The distribution of the representatives is the same as in a draft for a new Icelandic election district distribution.

68. In 1998, the Ombudsman for Children published the book *Mannabörn eru merkileg*, where an attempt is made to provide a comprehensive picture of the environment in which children grow up and the conditions of their upbringing. The Convention on the Rights of the Child is published in the book in a nutshell form. The publication of a Children’s Law Collection, describing the rights and duties of children in Icelandic law, is under preparation.

69. The Ombudsman for Children has published the following reports:

“*Að mega lýsa og koma á framfæri skoðunum sínum við fullorðna*” in 1996. Conclusions of an examination of the practices of pupils’ councils in primary schools in the school year 1995/96;

“*Meira sólskin - fleiri pizzur*” in 1996. A poll on the opinions of adolescents in work schools;

“*Ofbeldi í sjónvarpi*” in 1996. An examination of the supply of violence-related material on Icelandic television;

“*Heggur sá er hlífa skyldi*” in 1997. A report on sexual offences against children;

“*Hvað er til ráða?*” in 1998. A booklet on the effects on children of televised material depicting violence;

“*Ungir hafa orðið*” in 1998. Speeches delivered at symposiums on matters concerning the rights and interests of children and adolescents;

“*Einelti kemur öllum við*” in 1999. A report on a conference on mobbing held under the auspices of the Ombudsman for Children in 1998.

70. A significant proportion of the functions of the Ombudsman for Children has been the provision of counsel and guidance. The following is an overview of enquiries received by the Ombudsman in 1995-1998. The increase in the number of written enquiries from children is first and foremost to be traced to the Internet home page, which the children use for this purpose:

Enquiries	1995	1996	1997	1998
By telephone	307	514	750	1 043
including from children	13	31	43	33
Written enquiries	49	47	26	81
including from children	7	4	4	40

71. The Ombudsman for Children has communicated with innumerable parties on various matters in recent years. The following is an overview of matters considered by the Ombudsman for Children to have been implemented as a direct result of the involvement of her office:

Making matters relating to children more prominent in public affairs;

A new Majority Act and amendments to other Acts on account of the increase in the age at which people become competent to manage their personal affairs;

Safety rules for swimming places;

Improved procedure in criminal cases involving sexual violence against children by amendments to the statute of limitations, amendments to the rules on statements obtained in court, and the provision of a representative for the victim;

Improved legal status of child victims of sexual offences as regards compensation from the State Treasury;

A Parliamentary resolution on the formation of a comprehensive public policy in matters concerning children;

An examination of the frequency and nature of mobbing in Iceland and a more open discussion of that problem;

A campaign programme for accident prevention and accident registration;

Measures against portrayal of violence in the public media;

Accommodation of young prisoners in treatment homes;

The planned revision of the Child Protection Act.

72. Among the multifarious matters now under consideration by the Ombudsman for Children is promotion of the active participation of children in municipal affairs; school bus services; work performed by children; legal recognition of sign language as a native language of the deaf; and native language tuition for immigrant children.

73. On 13 May 1997, Parliament approved a resolution on the formation of a public family policy and measures to strengthen the status of the family. The Government was charged with developing a public family policy on the basis of the premises and objectives enumerated in the resolution and with carrying out the measures mentioned therein. The resolution declares that the family is a cornerstone of Icelandic society and that any Government and municipal council in office should strengthen and protect the family without regard to family structure and place of residence. The objective of a public family policy is to strengthen the family in modern society, mainly taking into account the following fundamental premises:

That the welfare of the family is based on equality among men and women and a joint sharing of its responsibilities;

That the family is a forum for emotional ties;

That family life provides, in particular for children, security and an opportunity to develop their abilities to the fullest extent.

74. The general objectives of public authorities in the implementation of family policy should be:

To create an equilibrium between family life and work. To emphasize the joint responsibility of parents in the maintenance of a home and in caring for and bringing up their children;

To ensure cooperation between the institutions of society, in particular schools and nursery schools, with the family, taking into account the responsibility of parents for their children;

To promote education relating to establishing a home, and measures to prevent the breaking up of families, including by the provision of counsel to families;

To secure the basic economic security of families, along with their right to safe housing;

To protect marriage as one of the main pillars of the family, including by ensuring, in tax law, that married persons are not placed in a more disadvantageous position than others as regards taxation;

To make known and to define by law the rights and duties of cohabiting partners;

To ensure that the health-care service takes account of the needs of the family as a coherent unit, and to ensure support for the care of the sick and aged. It shall be made possible for the aged to participate in society as long as they can;

To take into account the needs of the family in the planning of land use, services, outdoor life and traffic security;

To ensure necessary support for the families of disabled persons, the sick and other groups in the light of the conditions pertaining at any particular time. To see that their fundamental right to establish families and homes, and to take an active part in society, is respected;

To ensure for immigrant families the support necessary to root themselves in Icelandic society;

To take measures to counteract discrimination against groups differing from others as regards race, religion or culture, and against families of homosexuals;

To strengthen protection against violence, within as well as outside the family. To ensure for families protection and support against abuse of alcohol and other inebriating substances. To promote preventive measures against alcohol and drug abuse;

To promote understanding of the nature of the family, its role, formation and dissolution. This includes increased support of family research and family planning education.

75. The Parliamentary resolution provides for the following measures to be taken for the benefit of the family:

For families with children, a special examination shall be made of the status and economic situation of families with children in modern society, and improvements made where this is deemed necessary;

The right of both parents to a birth vacation. That the right of fathers to a birth vacation be increased and that fathers be especially encouraged to avail themselves of that right;

Proposed ratification of Convention No. 156 of 1981 concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities;

That the necessary conditions be created for Iceland's ratification of Convention No. 156 concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities.

76. At the end of 1999 a bill was submitted in Parliament for the prohibition of employment termination on account of an employee's family responsibilities, along with a proposal for ratification of ILO Convention No. 156.

77. The Birth Vacations Act, No. 57/1987, was amended by Act No. 147/1997 providing for the independent right of fathers to a birth vacation of two weeks. In November 1999, a committee was instituted under the auspices of the Ministry of Social Affairs to examine coordination of birth vacation and parental leave within the meaning of Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave.

78. In accordance with the Parliamentary resolution on formation of a public family policy, a public organ, the Family Council, was established at the beginning of 1998 to promote the strengthening and protection of the institution of the family. The Council is composed of five members. Its chairman is appointed by the Minister for Social Affairs without nomination, two members are elected by Parliament by a proportional vote, one is nominated by the University of Iceland and one is nominated by the Federation of Icelandic Municipalities.

79. The roles of the Family Council include:

Providing public authorities with counsel in family affairs, for example with regard to measures contemplated by public authorities, as well as making recommendations on improvement in matters concerning families;

Making proposals on action to be taken in matters concerning the institution of the family, based on a comprehensive view of the roles of individual government ministries and the division of responsibilities between the State and the municipalities;

Initiating public discussion on family affairs and providing guidance to families on their reactions to new and changed circumstances;

Advocating any feasible action in matters concerning the institution of the family;

Promoting research relating to the conditions pertaining to Icelandic families and their situation.

80. The Family Council held a consultative meeting with various parties in the public sector in February 1999, discussing family policy and possible improvements. The Council subsequently convened a conference in April 1999 at which very many lectures on family affairs were given and representatives of political parties explained their policies on family affairs. The consultative meeting and the conference formed part of the preparations for the formation of a family policy for the Icelandic Government.

81. The Family Council conducted a survey by distributing a questionnaire to the municipalities in August 1999, stating that the questions were posed mainly with families with children in mind. The processing of the replies received is now in progress. The questions included:

Whether the local authority in question had formed a family policy for the municipality, or when the preparations for this would commence;

Any special rules on the birth vacations of mothers and fathers working for the municipality;

The possibilities for municipal employees to work flexible working hours;

The possibilities for flexible hours for children in nursery schools;

What information was provided by the municipality on family affairs in the form of meetings, courses, publication of printed material or by other means;

Information on counsel provided by the municipality on family affairs;

Information on the number of professionals working for the municipality, such as social councillors, education councillors and psychologists;

Information on the municipality's cooperation with parties concerned with family affairs and with providing counsel to families, such as other municipalities, health-care institutions, hospitals, the Icelandic Red Cross, the National Life-Saving Association of Iceland, the National Church of Iceland, youth organizations or sports associations.

82. According to the Government's policy declaration of 28 May 1999 its objectives during its term in office include:

Strengthening the family as a cornerstone of society and promoting its unity and welfare. Equal opportunities for men and women should be ensured everywhere, such as by longer birth vacations and the equal right of mothers and fathers to enjoy birth vacations. Support for sport and youth activities is to be increased as is support provided to any other measures conducive to sound family life;

Laying down a special action plan in the struggle against the abuse of drugs, in cooperation with parents and schools, non-governmental organizations concerned with drug prevention and treatment modalities, municipalities, and sports and youth organizations. Attention is to be directed to the main aspects of increased preventive measures, coordination of the work performed by police and customs authorities, and an increase in the possibilities for treatment available to young drug abusers.

83. In the autumn of 1999, a proposal was submitted to Parliament for a resolution on formation of a comprehensive policy in the affairs of children and adolescents. This should have the objective of ensuring the interests and welfare of children in all fields of life and should provide for them all equally the best possible conditions for growth and achieving maturity. For this purpose a committee should be instituted, composed of persons from six government ministries and the Union of Local Authorities. A five-year implementation plan should be drawn up, in cooperation with public and private parties, including associations of adolescents, on the basis of the policies laid down. This is in line with proposals repeatedly made by the Ombudsman for Children, since her office came into being.

84. New general curricula have been issued for all school levels. These have the effect of administrative regulations and have the purpose of laying down a general policy for tuition and the organization of tuition. The general curricula were prepared on the basis of a new school policy, the objectives of which include fulfilment of the requirements of the Convention on the Rights of the Child. The points mainly emphasized by the school policy are:

Increased independence of pupils, with increased possibilities for them to make choices, with a simultaneous emphasis on organized work procedures and the discharge of tasks in conformity with their age and maturity;

A new obligatory subject, life skills, in primary and secondary schools. The purpose is to promote overall development and increase the pupils' competence to relate with a constantly changing and complicated society. Education in human rights is emphasized;

Assessment of any special needs of pupils through solid analytical procedures;

More material to be covered in a shorter time by a constant increase in the number of primary school tuition hours and faster coverage. Pupils are to be afforded opportunities to progress at different rates;

The use of information technology as a tool in all study subjects by making the use of information, i.e. the ability to collect, analyse and present information, an obligatory subject in primary schools;

Ensuring a thorough basic knowledge of Icelandic and mathematics;

Increasing the emphasis on language studies.

85. A report on the research project *International Study of the Rights of Children at Home and at School* was prepared in 1999. This took place under the auspices of the Reykjavik Department of Education, in cooperation with the International Association of Psychologists in order to obtain knowledge of the relationship between reigning views with respect to the rights of children and the characteristics of different societies. The study was structured with regard to the rights of children as described in the Convention and conducted in approximately 20 countries. An introductory meeting on the project was held by the Icelandic Association of Psychologists in 1995. The conclusions indicate that Icelandic children attach higher importance to their rights than do children in other participating countries. Icelandic children, furthermore, consider that their rights at home are implemented to a greater extent than do the other children. As regards the children's perception of the implementation of their rights in school, Iceland ranks fourth among the participating countries. Generally the Icelandic children considered that the importance of their rights was greater than the presence of those rights, which indicates that they consider their rights inadequate in some respect.

86. The formation of a new Icelandic health policy until 2005 is now in the final stage.

87. Work on policy formation has been proceeding in many other fields, including those of refugee affairs, child protection and drug prevention. A more detailed account will be presented in the context of the various articles of the Convention.

### **The participation of independent associations in child protection and in introducing the Convention**

88. The *Barnaheill* organization convened a meeting on the Convention on the Rights of the Child and the situation pertaining to Icelandic children in October 1995, and published the conclusions and resolutions of that meeting. In the autumn of 1995 meetings were held in more than 400 workplaces in order to distribute a booklet and to introduce the Convention. Since 1996 the *Barnaheill* organization has, with the Icelandic Human Rights Office, conducted annual courses on human rights and the Convention on the Rights of the Child in cooperation with the Iceland University of Education's department of continuing education. The booklet of *Barnaheill* with its nutshell presentation of the Convention was revised and published anew in 1999. It has already been distributed to all health-care centres, municipal councils and nursery schools, and further distribution is planned. *Barnaheill* has also conducted some conferences and discussion meetings, including a conference on the situation of foreign children in Iceland held in October 1999 on the occasion of the organization's and the Convention's tenth anniversary.

89. In 1996 the Human Rights Office published lectures on the human rights activities of the United Nations in a specially printed edition. At the end of 1999 a booklet will be published on Iceland's participation in international human rights work in the period 1945-1995, describing, among other things, the Convention on the Rights of the Child. The Human Rights Office received a grant from the Ministry of Justice and the Ministry of Foreign Affairs to conduct a publicity effort on human rights on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights in 1998. Seventeen organizations joined in and conducted media programmes for children on this occasion.

90. The Icelandic Association of Lawyers held a meeting to introduce the Convention in 1995. In the same year, the Icelandic Bar Association conducted a course on human rights, which included a description of the Convention.

91. Many non-governmental organizations in Iceland are concerned with the interests of children. They make use of the Convention in their struggle for improvement and introduce the Convention in the course of their work.

### **III. THE CONCEPT OF "CHILD"**

92. Act No. 160/1998 amended the Child Welfare Act, No. 58/1992, following the increase of the age at which people become competent to manage their personal affairs, to 18 years. The term "child" is now defined as any person under the age of 18.

**Provisions granting rights and imposing duties on children**

93. Following the increase of the above-mentioned age limit all children are entitled to be in the custody of their parents until they have attained the age of 18 years. (77)

**Provisions granting special protection to children**

94. The Child Welfare Act contains provisions on the periods during which children may stay out of doors. Children under 12 years of age are not allowed to be in public areas after 8 p.m. except accompanied by adults. Children aged 13-16 are barred from being in public areas after 10 p.m. unless they are on their way home from school or from a sports or youth gathering recognized as such. In the period from 1 May to 1 September each year the outdoor time is lengthened by two hours. Municipal councils may change the age limits and times by a special ordinance.

95. In 1998 the General Penal Code, No. 19/1940, was amended to provide that the period of time at which criminal liability for sexual offences lapses shall be no sooner than when the victim attains the age of 14.

96. If a criminal offence is committed by, or against, a child under the age of 18, this shall be notified to the child welfare committee. (80)

97. In 1999 the Code of Criminal Procedure, No. 19/1991, was amended to provide for special rules to apply to statements to be obtained from children who have suffered a sexual offence. A judge shall obtain the child's statement during the investigation stage, with the objective that the statement shall generally not have to be repeated. (81)

98. Under the Act on Health Practices and Conditions in the Workplace, No. 46/1980, as amended by Act No. 52/1997, various special provisions apply to work to be performed by children. In this Act, the term "child" applies to any person under the age of 15 or a person receiving obligatory education. The term "adolescent" applies to any individual who has attained the age of 15 but not the age of 18, who is no longer receiving obligatory education. "Young person" refers to any individual under the age of 18. The engagement of children for work is only allowed in certain exceptional cases, which include engagement of children under the age of 14 for light work. A young person cannot be engaged for heavy or dangerous work. The Act also contains provisions on the active working periods of children and adolescents, and provisions on minimum rest periods. (82)

**Provisions on the minimum age for acquisition on certain rights**

99. The new Majority Act increased the age at which people become competent to manage their personal affairs from 16 years to 18. (83)

100. According to Act No. 25/1975 on Counsel and Education on Sexual Matters, Childbirth, Abortion and Sterilisation, a woman requesting an abortion shall apply for it in person. If the woman has not attained the age of 16 years the custodian parent shall, unless special reasons are against it, take part in her application. No changes are planned to these provisions.

101. According to the Unemployment Insurance Act, No. 12/1997, persons who have attained the age of 16 and also fulfil the other and additional requirements are entitled to payments.

102. According to the Rights of Patients Act, No. 74/1974, information on the health condition and treatment of a patient under 16 years of age shall be provided to the parents. Furthermore, parents having custody shall grant their approval for the necessary treatment of a child under 16 years of age. No necessary amendments to these provisions are foreseen.

103. A bill on religious organizations was submitted to Parliament in the autumn of 1999. This bill envisages raising the age at which a person is deemed competent to decide on membership of a religious organization from 16 years to 18, in keeping with the increase of the general age limit. (87)

104. The Tobacco Prevention Act, No. 74/1984, was amended by Act No. 101/1996, among other things because of a negative trend concerning smoking among adolescents. The age limit for the purchase of tobacco was raised from 16 years to 18.

105. The Legal Domicile Act, No. 21/1990, was amended by Act No. 145/1998. Children under 17 years of age now have the same legal domicile as their custodial parent. This previously applied to persons 15 years of age and younger.

106. The Personal Names Act, No. 45/1996, was amended by Act No. 150/1998. In keeping with the increase in the age at which people become competent to manage their personal affairs, the age required for a request to change one's name was raised from 16 years to 18. Changing the name of a child under 18 years of age requires the child's approval if he or she has attained the age of 12 years.

107. According to a new Weapons Act, No. 16/1998, the requirement that an applicant must have attained the age of 20 in order to obtain a firearms licence, in addition to fulfilling further requirements laid down in the Act, remains in effect. (86)

108. A new Alcoholic Beverages Act, No. 75/1998, came into effect on 1 July 1998. A committee was instituted, as provided for in the Act, to examine whether the minimum age for the purchase of alcoholic beverages should be reduced from 20 years to 18. The committee will also assess the feasibility of examining whether the minimum age for obtaining a driving licence should, in conjunction with the above, be raised from 17 to 18 years, and whether the limit of impunity regarding alcohol content in the blood of a driver aged 17-20 should be reduced to 0. (91)

109. It can be said that with the increase of the age at which people become competent to manage their personal affairs, and the changed definition of "child" in the Child Welfare Act, Icelandic law defines the term in the same way as article 1 of the Convention. Different ages for the enjoyment of rights and protection must be regarded as allowed in some cases in order to ensure a gradual increase in the rights of children as they grow and develop. (93)

110. In her comments on the bill enacted as the new Majority Act, the Ombudsman for Children observed that even though the increase in the age at which people become competent to manage their personal affairs defines the legal status of children with respect to their parents, the fact cannot be overlooked that this affects, at the same time, the right of children to decide on their own affairs. In her opinion, it is important to ensure this right for children in the 16-18 year age group in some fields and it has been emphasized that children should not be deprived of their right to self-determination in certain cases, unless this is dictated by their urgent interests.

#### **IV. GENERAL PRINCIPLES**

##### **A. Equality (art. 2)**

111. Article 65 of the Icelandic Constitution, No. 33/1994, as amended by Act No. 97/1995, provides that every one shall be equal before the law and enjoy human rights, irrespective of sex, religion, opinion, ethnic origin, race, colour, property, or birth or other status. Men and women shall enjoy equal rights in all respects. (94)

112. In an important judgement of the Supreme Court of Iceland rendered on 20 February 1997, the provision in article 65 of the Constitution was at issue in the case of a girl, 13 years of age, who requested compensation from the State on account of an accident. The State requested that the girl's permanent loss was calculated by reference to 75 per cent of a certain average income generally used unreduced in cases involving boys. This was based on calculations showing that the average income of women was generally lower than that of men. The conclusion of the Supreme Court was that different estimates of future income could not be justified by reference to average calculations. In the light of article 65 of the Constitution, the assessment of the girl's future loss was to be made by reference to average income without reduction.

113. On 28 May 1998, Parliament approved a four-year action plan to achieve equality between men and women. The guiding principle of the plan was that equality should be an integral part of every aspect of policy formulation, decisions and actions undertaken by the State, and it was stated that formal equality was inadequate unless it brought about actual equality in the life and activities of the members of both sexes. It is emphasized that equality is a matter of concern to both men and women, and that cooperation by the members of both sexes is an inevitable precondition for success. The plan enumerates a multitude of functions to be discharged by individual government ministries. This includes schools taking definite action to ensure equal rights for boys and girls, educate the pupils on the status of the sexes and counteract any tendencies of pupils to base their views on the traditional division of responsibilities between the sexes. A policy is set for increased education in schools on equality and special emphasis on the strength of both sexes and the duties and rights of both.

114. An equality bill was submitted to Parliament at the end of 1999. The objective is to institute and maintain equality and equal opportunities for men and women, and thus to make men and women equal in society in all respects. The chief reasons for revising the present

Equality Act are considered to be, on the one hand, the changes that have occurred in recent years in matters of equality as regards both the tasks to be carried out and the methodology to be applied and, on the other, the fact that progress in the direction of equality in society has not been adequate in various fields. In the preparation of the bill, particular consideration was given to the obligations undertaken by Iceland on the basis of the Agreement on the European Economic Area (EEA).

115. It is provided in the Primary School Act, No. 66/1965, that the objective of study and tuition, and of primary school practices, shall be to prevent discrimination on grounds of sex, residence, class, religion or disability. There is also a provision to the effect that differences in personal constitution, development, talents, abilities and interests shall be taken into account in all schoolwork. (97)

116. Respect for equality is emphasized in the general curricula of nursery schools, primary schools and secondary schools.

117. The General Penal Code, No. 19/1940, was amended by Act No. 135/1996. Section 180 now provides that anyone who refuses, in the course of a business operation, to provide goods or services to a person on an equal basis with others on grounds of nationality, colour, race, religion or sexual orientation, shall be fined or imprisoned for up to six months. The same penalty shall be ordered if a person is refused admittance to a place of public gathering or other place open to the public. Section 233 a was amended to provide that whoever publicly assaults another person or a group of persons with derision, defamation, denigration, threat or otherwise, on account of their nationality, skin colour, racial origin, religion or sexual orientation, shall be punished by fine or imprisonment for up to two years. These amendments improved the status of individual members of such groups and the legal status of homosexual persons. (96)

### **B. Precedence of the child's interests (art. 3)**

118. The section describing the objectives of the Child Welfare Act, No. 58/1992, was modified by Act No. 160/1998. It now reads: "The objective of child protection is to secure for children acceptable conditions of upbringing. This shall be done by strengthening the family's role of upbringing and by carrying out measures for the protection of individual children when applicable. In any acts designed for the protection of children, the measures deemed in the best interests of the child shall generally be adopted. Any activity undertaken for the protection of children shall be carried out so as to promote continuity in their upbringing. Children shall enjoy rights in conformity with their age and maturity." (98)

119. We repeat that the Child Welfare Act now applies in the same manner to all children below the age of 18 years. The total number of notifications sent to Icelandic child welfare committees in 1998 was 2,359. The following is a breakdown of such notifications by their sources: (100-102)

Notifications to child welfare committees	1998
Police	762
School/school office/nursery school	428
Parents	375
Neighbours	223
Relatives	186
Health-care authorities	150
Another child welfare committee	69
The child itself	15
Others	151
Total number of notifications	2 359

120. Among the purposes of the provision of article 76, paragraph 3 of the Constitution that for children the law shall guarantee the protection and care which their welfare demands, is to make it clear that the interests of children may justify interference with the interests of others.

121. According to Act No. 74/1974, a doctor or other health-care professional shall contact the child welfare authorities if parents or others having custody of a child refuse to sanction necessary treatment. If time is too short to seek the assistance of the child welfare authorities for vitally necessary treatment of a sick child, its health shall have precedence and the necessary treatment carried out without delay.

122. Provisions on the taking into account of the needs and interests of pupils recur in the new Acts on primary schools and secondary schools, as well as in the new general curricula for all school levels. (106)

### C. The right to life, survival and development (art. 6)

123. The objective of the Rights of Patients Act, No. 74/1997, is to ensure certain rights for patients in conformity with general principles on human rights, and thus to strengthen their legal status with respect to the health-care service. The Act contains a particular provision to the effect that everything possible shall be done to ensure the development of a sick child and possibilities for it to enjoy life in spite of its sickness and treatment, as its condition may permit.

124. The number of abortions in Iceland according to the available information: (112)

Abortions	Total number	Number per 100 children born alive
1993	827	17.8
1994	775	17.4
1995	807	18.8
1996	854	19.6
1997	921	22.1

#### **D. Respect for the child's views (art. 12)**

125. Act No. 160/1998 amending the Child Welfare Act, No. 58/1992, inserted a new provision, section 43 a, on the rights of children in the context of legal procedure. The formal right of children to express their views in child welfare cases was increased by reference to article 12 of the Convention on the Rights of the Child. According to section 43, a child shall be afforded an opportunity to express itself on matters affecting it personally, and the child's opinions shall be duly taken into account when resolving such matters, keeping in view the child's age and maturity. A child of 12 years or older shall always be afforded an opportunity to express itself in matters of personal concern to that child. The scope of the provision on appointment of a child's representative was widened. Now the child welfare committee is to appoint a representative for a child to protect its interests if this is needed. (117)

126. In 1998, child welfare committees sought information from 692 children in relation to the handling of individual child welfare cases. This number represents slightly less than 30 per cent of the total number of children assisted in that year. A representative was appointed for children in nine cases.

127. According to Act No. 45/1996, a change of name requires the approval of a child who has attained the age of 12 years. (121)

128. According to a new Act on the Rights of Patients, sick children shall be provided with information on their health condition and treatment, their age and maturity being taken into account. Their right to decline to accept information is the same as that of others. Sick children shall if possible be consulted with regard to their approval of necessary treatment, and this shall always be done when a child has attained the age of 12 years.

129. The new Primary School Act, No. 66/1995, abrogated the provision allowing pupils' representatives to attend meetings of head teachers and teachers' councils, and meetings of teachers, as it was considered preferable to leave the formal involvement of pupils in school administration to the discretion of each school. The new general primary school curriculum emphasizes the importance of the entire school community, i.e. school staff, parents and teachers, taking part in discussions and policy-making in all fields relevant to school activities. The Act contains a provision allowing the establishment of pupils' councils in primary schools to attend to their social affairs, interests and welfare. Each head teacher shall appoint one teacher to assist the pupils' council. There is also a provision that the head teacher shall at least twice each year convene a joint meeting of the councils of teachers, parents and pupils in order to provide information on the school's activities and consider the matters coming within the purview of each council.

130. According to Regulation No. 385/1996 on School Rules and Discipline in Primary Schools, each school head is to explain to the pupils the school's rules regulating the general conduct of pupils and their relations with others. The pupils and those who have custody of them shall always be afforded an opportunity to express themselves concerning alleged breaches of such rules within the school.

131. Regulation No. 710/1996 provides for the right of pupils and those who have custody of them to inspect the pupils' assessed examination results and any material used as a basis for any document attesting to the status of a pupil's studies.

132. According to the Secondary School Act, No. 80/1996, there shall be a students' council at each such school to represent the students in matters concerning their interests. Such councils have the right to make proposals and observations concerning study aims, the curriculum and tuition in their schools. The general associations of students of each school issue rules on the composition of the student council, its duties and its procedure. The students' association also nominates one observer to attend the meetings of school committees held for the purpose of laying down policies on the activities of each secondary school, with the right to speak and make proposals.

133. We refer to paragraph 67 on *Pingvöllur*, the new project of the Ombudsman for Children.

134. In March 1999, a Youth Parliament convened at the Icelandic Parliament on the occasion of the fiftieth anniversary of the Council of Europe for a session of three days. The young people discussed various matters and passed resolutions on, for example, young people and education in the twenty-first century and environmental affairs in Iceland.

135. Iceland sent two representatives to the Youth Convention, held in Paris in October 1999 under the auspices of UNESCO and the French Parliament. The purpose included consideration and approval of a Declaration of Youth for the 21st Century, as a part of the preparation for the International Year for a Culture of Peace, 2000. All Icelandic primary school children were invited to send their proposals.

## V. CIVIL RIGHTS

### A. Name and nationality (art. 7)

136. A new Personal Names Act, No. 45/1996, entered into effect on 1 January 1997. Amongst the objectives of the Act was to increase peoples' freedom in selecting and giving names, in particular by permitting adapted foreign names and middle names, and also to provide a better status for naturalized foreigners. The provisions on the duty of naming and the imposition of fines remain unchanged. The daily penalties provided for in this legislation have never been imposed in practice. (126)

137. The Personal Names Act no longer requires that personal names shall generally be Icelandic. A naturalized person bearing a foreign name may retain his or her name unchanged. This also applies to the children of such persons naturalized simultaneously with them. They are allowed to adopt first names, middle names and surnames provided for in the previous Personal Names Act. Persons who prior to the entry into effect of the new Act received Icelandic citizenship on the condition that they adapted their names to conform to the provisions of the older legislation can, with the permission of the Minister of Justice, again adopt the names previously used and/or cancel the names they thus were required to adopt.

138. For persons under the age of 18, a change of name is subject to the approval of their parents.

139. Citizenship is the subject of article 66 of the Constitution in its present form. A foreigner can be granted Icelandic citizenship by law, but contrary to the previous situation the enactment of a statute is not the only means of doing so. Thus the legislator is empowered to enact a generally applicable law granting citizenship. Act No. 62/1998 made a number of amendments to the Citizenship Act, No. 100/1952, including a provision to the effect that the Minister of Justice can grant Icelandic citizenship to foreign applicants who fulfil certain further specified conditions without having to submit their applications to Parliament. Parliament, however, continues to have the power to grant citizenship by enactment. (132, 134)

140. According to the Citizenship Act now in effect, a child becomes an Icelandic citizen at birth if its mother is an Icelandic citizen or if its mother is a foreign citizen married to an Icelandic citizen. Any difference in this respect between children born in wedlock and children born out of wedlock has been abrogated. If an unmarried foreign woman gives birth to a child abroad and its father is an Icelandic citizen, the father can, before the child attains the age of 18, request the Ministry of Justice that the child be granted Icelandic citizenship. The request shall be handled in consultation with the child if it has attained the age of 12. (132)

141. A foreign child adopted by an Icelandic citizen as permitted by the Icelandic authorities becomes an Icelandic citizen when so adopted, if under 12 years of age. A foreign child under the age of 12 who is adopted by an Icelandic citizen in accordance with a foreign decision recognized by the Icelandic authorities becomes an Icelandic citizen when the Ministry of Justice confirms the adoption upon the adoptive parent's request.

142. The Minister of Justice may also grant Icelandic citizenship to a child born in Iceland who demonstrably did not acquire the citizenship of some other country at birth and has not acquired such citizenship, or a right to such citizenship, at the time an application for Icelandic citizenship is lodged. A child to whom this applies shall have had its residence in Iceland for a period of not less than three years from the time of its birth. The enactment of this provision took place by reference to the Convention on the Rights of the Child and the European Convention on Citizenship of 1997, which has been signed by Iceland. (133)

#### **B. The right to preservation of identity (art. 8)**

143. No changes have been made in substance to the provisions of section 7 of the Citizenship Act on loss of citizenship. (135)

144. According to section 4 of the Act, a person who has lost his or her Icelandic citizenship after having acquired it by birth and after having resided in Iceland to the age of 18 shall be granted Icelandic citizenship anew if a request to that effect is notified to the Ministry of Justice in writing following that person's stay in Iceland for two years prior to making the request. The condition for renewal of citizenship that proof must be submitted that the person in question loses foreign citizenship by making such a request has been abrogated. Thus, there is no longer any particular emphasis on preventing double citizenship. (136)

145. An Icelandic citizen who was born abroad and has never resided in Iceland nor stayed in Iceland for some purpose, loses Icelandic citizenship upon attaining the age of 22. The President may, however, allow a person to retain his or her foreign citizenship if an application to that effect is lodged within the specified time. Act No. 62/1998 introduced the change that a person in such a situation will not lose Icelandic citizenship if this has the effect of rendering that person without citizenship. (137)

146. As regards the personal names of foreigners, refer to paragraph 137. (138-140)

### **C. Freedom of expression (art. 13)**

147. According to article 73 of the Constitution, everyone shall be free to express his thoughts, but shall also be liable to answer for them in court. The law may never provide for censorship or other similar limitations on freedom of expression. Freedom of expression may only be restricted by law in the interests of public order or the security of the State, for the protection of health or morals, or for the protection of the rights or reputation of others, if such restrictions are deemed necessary and in agreement with democratic traditions. (141)

148. Limitations on general freedom of expression are sometimes imposed with specific reference to the interests of children, as in Act No. 47/1995 on Cinema Inspection and Prohibition of Films of Violence. Another case is the prohibition on advertising alcoholic beverages contained in section 20 of the Alcoholic Beverages Act, No. 75/1998, which the Supreme Court of Iceland, in its judgement of 25 February 1999, deemed not to conflict with article 73 of the Constitution. In its judgement, the Court referred to research carried out under the auspices of the World Health Organization indicating that advertising alcoholic beverages is conducive to increased consumption, not least among young people. (142)

### **D. Access to information (art. 17)**

149. The number of public media in Iceland has constantly increased in recent years. In 1998 nine television stations, in addition to the State-operated television station, and over 20 radio stations were in operation. Programmes were also relayed from a total of 22 foreign television stations. (146)

150. State Television broadcast approximately 500 hours of programmes designed for children and adolescents in 1998. About 90 per cent of this material was in the form of foreign programmes for children, for the most part dubbed in Icelandic. Total daily broadcasting hours of State Television averaged nine in number.

151. The State Broadcasting Service operates two radio channels covering all Iceland, which in 1998 broadcast a total of approximately 250 hours of programmes for children and adolescents.

152. The largest privately operated television station, Channel 2, broadcast about 700 hours of material for children and young people in 1998. Approximately 98 per cent of this material was of foreign origin and about 60 per cent of it, especially the material designed for the youngest

viewers, was dubbed. The broadcasting hours of Channel 2 in 1998 averaged 16 hours per day. Late in 1999 Channel 2 began to broadcast in the morning. Until that time Icelandic television stations had not broadcast during those hours. This increased the daily supply of televised material for children.

153. A radio bill submitted to Parliament in November 1999 includes provisions on the protection of children against programmes with illegal content and against improper advertising, intended to supplement the provisions of the Competition Act, No. 8/1993, of similar content.

154. In 1998, there were 25 cinema theatres in Iceland with 45 showrooms, showing an average of 860 films each week attended by a total of 1.5 million guests. In Iceland the proportion of cinema theatres and guests to the population is among the highest in the world.

155. In 1998, approximately 1,800 books, Icelandic or translated, were published in Iceland. Of these, books for children numbered 146 and textbooks 263. In 1997, 143 books for children and 303 textbooks were published. Book production in Iceland is proportionately considerably greater than in the other Nordic countries, approximately six books per year for every 1,000 inhabitants. (150)

156. In 1998, 23 newspapers were published in Iceland, including three daily papers. The newspaper with the largest circulation, *Morgunblaðið*, is published in approximately 53,000 copies daily. It includes a separate weekly for children. The second largest daily, *Dagblaðið*, issues a separate weekly for teenagers. In 1998, approximately 1,000 periodicals were published, compared with about 600 in 1993. Approximately 10 periodicals, excluding cartoon magazines, are designed especially for children.

157. In recent years, a revolution has occurred in the information field and this has had great effects in Iceland. The use of computers and the Internet has increased at a very rapid rate. According to a survey conducted by the University of Iceland Institute of Sociology, approximately 60 per cent of all Icelanders have access to a computer in their home. Of these, about 50 per cent have modems and Internet connections. This proportion was 3 per cent in 1994. The present proportion is almost twice that in the other Nordic countries. The estimated number of Internet users in Iceland is approximately 45 per cent of the population, a proportion ranking among the highest in the world.

158. In accordance with the new general curricula for primary and secondary schools issued in 1999, a new subject, information and information technology, is being introduced. It is emphasized that both boys and girls must acquire a solid knowledge of computers and information technology of the modern age. Emphasis is also placed on information reading skills generally, i.e. the knowledge and ability necessary to obtain, classify, process and impart information in a critical and constructive manner. The pupils are taught to obtain information from books, computer networks, pictorial material, sound recorded material and other sources. At the same time, pupils are taught to assess information and to process it in an organized way. Information and information technology is at once a separate field of study and intertwined with other studies in order to emphasize the fact that skills in reading information also constitute a way of acquiring knowledge and competence in various different fields independently.

159. Act No. 47/1995 on Cinema Inspections and Prohibition of Films of Violence now applies to cinema films. The Act prohibits production in Iceland and importation of films of violence and the showing, distribution or sale of such films is also prohibited. The Minister of Education appoints a committee of six members, referred to as the Cinema Inspection Committee, for a term of three years at a time. If the committee deems that a film is a film of violence within the meaning of the Act, it decides that its distribution and showing in Iceland is prohibited. If the committee deems that a cinema film may harm children morally or psychologically it decides whether its showing or delivery to children under 16 years of age, or to persons in certain younger age groups, shall be prohibited. The committee is empowered to provide for particular age limits relating to different visual media. The committee reviewed a total of 172 films in 1998. It imposed age limits on approximately 55 per cent of these and prohibited approximately 20 per cent of them for persons under the age of 16. (151)

160. Licensed television stations review the cinema films to be broadcast on their own, in consultation with the Cinema Inspection Committee.

161. Rules may be issued on the inspection of computer programmes containing interactive games in order to ensure that their use does not conflict with the purposes of the Act prohibiting films of violence. Such inspection may be carried out in a manner analogous to inspections of cinema films, after the proposals of the Cinema Inspection Committee have been obtained.

162. The Information Act, No. 50/1996, entered into effect on 1 January 1997. Its chief purpose is to ensure that the citizenry are enabled to keep an eye on activities and operations of institutions serving the public. This is deemed to be a precondition for democratic government practices and suited to keeping the public administration within the limits of the law. The Act obliges State and municipal administrative institutions to grant the public access to files and documents concerning any particular matter, subject to certain stated limitations. The authorities must also generally, upon request, grant a person access to files and documents relating to any particular case, if such material contains information relating to that individual. The Information Act does not state any age limits relating to those requesting access to information. This must mean that children and teenagers are entitled to such access, if their age and maturity enables them to understand the requested information.

#### **E. The right to freedom of thought, conscience and religion (art. 14)**

163. According to article 73 of the Constitution, everyone has the right to freedom of opinion and belief. No limitations may be imposed on this right. (155)

164. The provision of article 62 of the Constitution relating to the Icelandic National Church has not been changed. On 1 January 1998, a new act on the status, administration and practices of the National Church entered into effect. The purpose of the Act is to grant the National Church a greater measure of independence in its field in order to strengthen it in its work and its efforts to promote the nation's welfare. (156)

165. Act No. 97/1995 introduced changes of a minor nature to articles 63 and 64 of the Constitution. According to article 63 of the Act, all persons have the right to form religious associations and to practise their religion in conformity with their individual convictions. Nothing,

however, may be preached or practised which is immoral or prejudicial to public order. Article 64 provides that no one may lose any of his civil or national rights on account of his religion, nor may anyone refuse to perform any generally applicable civil duty on religious grounds. Everyone shall be free to remain outside religious associations and no one shall be obliged to pay any personal dues to any religious association of which he is not a member. (156)

166. In the autumn of 1999, a bill on religious associations was submitted to Parliament. Among its purposes is to define such associations more precisely and to define their differences as compared to other associations in the light of other provisions of general and constitutional law. The bill envisages that a religious association can be registered as such if it promotes beliefs and doctrines that can be linked to world religions having historical and cultural roots. Other conditions are that such an association has gained a foothold, that it actively and constantly promotes its purposes, and that it contains a core of members that regularly practise their beliefs in conformity with the doctrines promoted. As mentioned above, the bill provides for a higher age limit, 18 years instead of 16, for deciding on membership of a religious association. This is in conformity with the increase in the age at which people become legally competent to manage their personal affairs. (157-158)

167. Article 65 of the Constitution, the equality provision, states that every one shall enjoy human rights, irrespective of factors including religion.

168. Registered membership of religious associations and persons outside religious associations in Iceland, 1 December 1998: (160)

Members of religious associations - Total population of Iceland at the end of 1998: 275 277			
The National Church	246 012	<i>Vegurinn</i>	721
Free churches	10 007	<i>Kletturinn</i> - a Christian community	78
Roman Catholic Church	3 513	The Icelandic Buddhist Association	349
Adventists	723	Kefas - a Christian Community	47
Pentecostal Church	1 349	The Baptist Church	4
Plymouth Brethren Congregation	49	Icelandic Muslim Association	89
Jehovah's Witnesses	616	Church of Christ in Iceland	132
The Baha'i Community	425	Bodunarkirkjan	45
The Pagan Association	301	Community of the Faithful	23
The Cross	542	Other and unspecified associations	4 335
The Church of Jesus Christ of Latter Day Saints	171	Outside religious associations	5 746

169. Section 2 of the Primary School Act, No. 66/1995, provides that school activities shall be governed by tolerance, Christian ethics and democratic cooperation. The Act emphasizes that studies and tuition shall have the aim of preventing discrimination, including religious discrimination. Schools shall emphasize the building up of pupils' self-respect and social responsibility, and their ability to understand causal relationships and make logical inferences, and shall promote understanding and fruitful, constructive activity.

170. According to section 30 of the Primary School Act, the general curriculum may include provisions on the content and organization of Christian studies, ethics and religion. This is further described in the chapter on education. (162)

#### **F. Freedom of association and the right to assemble peacefully (art. 15)**

171. Article 74 of the Constitution guarantees the right to form associations for any lawful purpose, including political associations and trade associations. In this respect a license granted in advance shall not be required. An association may not be dissolved by administrative decision. The activities of an association considered to have unlawful objectives may, however, be banned, in which case legal action shall be brought without undue delay for a judgement dissolving the association. (163)

172. The provisions on freedom of association do not prevent conditions being set for the establishment of associations of particular kinds. Examples of this are the Private Limited Companies Act, No. 138/1994, and the new Joint Stock Companies Act, No. 30/1995. (164)

173. According to article 74, paragraph 2, of the Constitution, no one may be obliged to be a member of any association. Membership of an association may, however, be made obligatory by law if this is necessary in order to enable an association to discharge its functions in the public interest or that of the rights of others.

174. Freedom of assembly is the subject of article 74, paragraph 3, of the Constitution. According to that provision, people are free to assemble unarmed. Public gatherings may be attended by the police and public gatherings in the open may be banned if it is feared that riots may ensue. (168)

#### **G. Protection of privacy (art. 16)**

175. According to article 71, paragraph 1, of the Constitution, everyone shall enjoy freedom from interference with privacy, home and family life. Its paragraph 2 permits bodily or personal searches or searches of a person's premises or possessions only in accordance with a judicial decision or a statute. This also applies to the examination of documents and mail, communication by telephone and by other means, and to any other comparable interference with a person's right to privacy. (171)

176. Notwithstanding the provisions described, article 71, paragraph 3, of the Constitution permits interference with privacy, home or family life in accordance with statutory provisions if this is urgently necessary for the protection of the rights of others. It chiefly concerns cases where

interference with home and family life is necessary to protect the rights of children. This conforms to the provision of article 76, paragraph 3, of the Constitution, to the effect that, for children, the law shall guarantee the protection and care which their welfare demands.

177. The provision on the protection of family life is regarded as protecting the family in a wide context, and the right of people to enjoy family life must be protected by law. The mutual right of a child and a parent to associate with each other is therefore protected by that provision, as is the right to establish a family.

178. The duty of the State to provide the family with protection by law against interference from private parties is an important aspect of the provision on protection of the family. In 1997, Parliament considered a report on the causes, scope and consequences of violence in the home and other violence against women and children. Committees were then instituted to consider action in this field. They included a committee charged with considering the treatment of cases of domestic violence by the police at the investigation stage and a committee to consider the treatment of such cases by the judiciary. The latter committee proposed, in its report of April 1998, the enactment of a provision on prohibition of access. The committee members considered that there was an urgent need for a law making such a measure possible as a means of preventing crime. Thus a person could be ordered to stay within certain geographical limits and prohibited from following, persecuting or otherwise establishing contact with another party, if there were reasons to believe that the person subject to such order or prohibition could commit a criminal act against the party to be protected, or persecute or otherwise disturb that party. The committee also proposed that a provision to this effect should be included in the General Penal Code. The plan is to have a bill to this effect submitted to the present session of Parliament.

179. Act No. 36/1999 introduced various amendments to the Code of Criminal Procedure, Act No. 19/1991, chiefly in order to improve the status of victims of crime. The provisions in question relate to the right and duty to appoint a representative for a victim, in particular a child victim. A judge may prevent the parties to a case from being present in a courtroom or elsewhere where statements are received in court from children at the investigation stage, if the judge considers that their presence may be excessively burdensome for the child or affect its statement. This will be further described later. (174)

180. The changes planned to the Child Protection Act are intended to secure yet further the status of children when coercive measures are being carried out or other procedural actions taken. (175)

#### **H. The right not to suffer torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))**

181. According to article 68 of the Constitution, no one may be subjected to torture or any other inhuman or degrading treatment or punishment, and no one shall be required to perform compulsory labour.

182. According to section 51 of the Child Protection Act, the Ministry of Social Affairs shall ensure that specialized homes and institutions are available for children when the recourses provided for in that Act are inadequate. Such homes and institutions are subject to the Child Welfare Office. (179)

183. In 1998, professionals working under the auspices of the Ministry of Social Affairs prepared a report on coercive measures taken in homes operated by the State for teenagers and the monitoring functions of the child welfare authorities. On 1 November 1997, the Child Welfare Office issued rules on the rights of children in treatment homes, but these were revised for reasons including this report and on 1 February 1999 rules were issued on the rights of children and coercive measures taken in treatment homes subject to the Child Welfare Office. It is stated in the rules that all work in treatment homes shall aim to secure the general human rights of the children and respect their personal freedom, their right to maintain contact with others, their right to privacy and their right to freedom of opinion and expression. This is to be done within the framework of the purpose of their accommodation there, and subject to the limitations specified in the rules.

184. The rights of children in treatment homes may be limited when this is considered necessary in order to achieve the lawful aims of the institution in question as regards their treatment and upbringing, in order to protect their own life and health and that of their fellow residents and the staff, and to protect property. Such limitations may never exceed what is necessary in order to achieve the intended aim.

185. It is stated in the rules that application of physical punishment and solitary confinement, administration of drugs without medical consultation, and any application of restraints, such as ropes, adhesive tape, belts or other similar means of physical restraint, are prohibited, whether as a means of punishment or for the purpose of treatment or upbringing. The rules furthermore provide for reactions to emergencies, what measures are allowed in order to curb undesirable behaviour, conditions for physical searches and room searches, and reactions to unauthorized absence.

186. According to the rules, the opening of mail to or from public authorities, lawyers or representatives, or listening to a child's phone conversation with such parties, is prohibited.

187. All and any decisions taken on the limitation of rights or application of coercive measures shall be recorded. In the case of an alleged breach of the rules, the children, their guardians, the child welfare committees and the staff of the home can lodge a complaint with the Child Welfare Office. The children shall be assisted in lodging a complaint. The decisions taken by the Child Welfare Office may be referred to the Ministry of Social Affairs.

188. Individuals, associations and any other parties are free to establish a home or an institution to support children, if they have obtained the permission of the Child Welfare Office to do so. Such homes are governed by Rules No. 401/1998, where various conditions are set for the issue of such a permit. It is stated in these rules that children may never be subjected to physical or psychological punishment in such homes, and that their staff shall act in the fullest conformity with the children's physical and psychological needs and promote, in their upbringing, their overall maturity and health, keeping in view the personality of each individual.

189. The child welfare committee of each community shall ensure that no unlicensed homes are operated within its area, and shall also control the activities of licensed homes. The Child Welfare Office can at any time request a report from a child welfare committee on the control exercised over the homes in its area. The Office may also, either after having received information from a child welfare committee or on its own initiative, deprive a party of the right to operate a home if the care afforded a child is inappropriate or inadequate, or if the administration of the home is inadequate.

190. The relevant child welfare committee shall be afforded an opportunity to monitor the investigation of a case involving suspicion of a criminal offence having been committed either by or against a child under the age of 18, and have its representative attend any interrogation or questioning of the child. (181)

191. A Regulation, No. 385/1996, has been issued on School Rules and Discipline in Primary Schools. This requires every primary school to issue clear and unequivocal rules describing clearly how the school plans to react to any violations thereof. The rules shall specify whether a pupil can be dismissed from school permanently or for a limited period of time in cases of serious or repeated breaches, and whether a pupil can be dismissed from class if he or she has caused significant disturbance or failed to heed the teacher's admonition. The Regulation states that school staff shall relate with the pupils with courtesy and fairness, and that the pupils shall respect the school rules and obey its staff. This regulation is now being revised in order to make its provisions clearer and in order to better secure the children's rights.

192. According to a formal decision taken by the Ministry of Education in February 1999, school authorities are not empowered to demand that pupils undergo tests without their approval in order to determine whether they have used alcohol or other inebriating substances, nor are they empowered to search pupils or their belongings. School authorities have the right to seek police assistance if they suspect that primary school pupils have violated criminal law.

## **VI. FAMILY AFFAIRS**

193. We refer to the discussion on the inviolability of the family, provided for in article 71 of the Constitution, and the separate provision of article 76 of the Constitution on the right of children to protection. (183-185)

### **A. Parental direction and guidance (art. 5)**

194. After the increase in the age at which people become competent to manage their personal affairs, parents have custody of their children to the age of 18. (186)

195. We refer to the discussion on article 3 of the Convention relating to the interests of children in the context of amendments made to the Child Welfare Act providing that children shall enjoy rights in conformity with their age and maturity (para. 118 above).

## **B. Parental responsibilities (art. 18, first and second paragraphs)**

### **First paragraph**

196. The Children's Act, No. 20/1992, contains provisions on determination of paternity. The husband of a mother is automatically presumed to be the father of her child, if the child is born while they are married. If the mother of a child and the man pronounced by her to be its father live together at the time of its birth, or enter into cohabitation later, that man is presumed to be the child's father. If these rules do not apply, the paternity of a child will be determined by a recognition of fatherhood or by a judgement rendered in a paternity case. The Children's Act provides that legal action for the determination of paternity can be brought by the mother or the child itself. This arrangement has been subject to criticism, on the grounds that it conflicts with the equality principle of article 65 of the Constitution to deny a man considering himself the father of a child the right to bring legal action for recognition of his fatherhood. This will be examined with the planned revision of the Children's Act. It will also be examined whether mothers will be obliged to have the fatherhood of their children determined, which they are obliged to do now. In 1998, a total of 4,178 children were born in Iceland. In 14 cases the mother did not pronounce any particular man to be the father. In six of these cases such a pronouncement was made later, and in two of them the paternity of the children in question has been lawfully determined.

197. Joint custody of cohabiting or married parents also applies to step-parents under the Children's Act. It is also considered proper and reasonable that persons in confirmed cohabitation according to Act No. 87/1996 on Confirmed Cohabitation likewise have joint custody of children brought up by them. (192)

198. The planned revision of the Children's Act will include an examination of whether it is necessary to allow parents having joint custody of a child to request a magistrate to resolve their differences on right of access and support for a child. This possibility is not open to them under the present legislation. An examination will probably also be made regarding the provision of increased counselling to parents, the right of children to be represented separately, the legal status of step-parents, and other points. (193)

199. The Children's Act, No. 20/1992, was amended by Act No. 23/1995. The purpose of the amendment was to strengthen the links between a child and the parent not having custody, and in this context the Convention on the Rights of the Child was referred to. In addition to the traditional right of access, a provision was enacted to the effect that in special cases a magistrate can, upon the request of a parent, issue orders concerning the parent's right to maintain contact with the child by mail, telephone or similar means. (196)

200. A provision was also enacted to the effect that the parent not having custody of a child is entitled to information from the other parent on the child's situation, including its health, maturity, stay in a nursery, school studies, interests and social ties. The parent not having custody is entitled to information on the child from nurseries, schools, hospitals, health-care centres, social service centres and police. Provision of information may be refused if it is considered harmful for the child or the relationship between the child and its parent. A refusal to provide information may be referred to a magistrate, who takes a final administrative decision on

the matter. In special situations the magistrate may, upon the request of the parent having custody, deprive the other parent of his or her right to information. Such a decision may be referred to the Ministry of Justice, but the Ministry has never received cases of this kind.

201. Statistical information on the total number of agreements and decisions taken in Iceland on the custody of children is not collected regularly, but the Statistical Bureau is now working on correcting this situation. The total number of custody cases handled by the district courts annually is between 30 and 40. The number of custody cases resolved by the Ministry of Justice is decreasing. There were 41 in 1996, 26 in 1997 and 21 in 1998. Specialists at the University of Iceland are now engaged in a wide-ranging study of joint custody, and a report on this will probably be issued at the beginning of 2000. The study covers parents who discontinued their cohabitation or divorced in the years 1994-1996. According to the preliminary conclusions, approximately two thirds of all parent separations involved severance of cohabitation, and one third were divorces of married spouses. It also seems considerably more common for parents severing their cohabitation than for divorced parents to agree between themselves on joint custody (approximately 65 per cent versus approximately 35 per cent). Younger parents more frequently agree to joint custody than older parents. The following table shows custody of children following divorce of their parents. In the light of these statistics, approximately 60 per cent of parents who separate (i.e. divorce or discontinue their cohabitation) can be expected to agree between themselves on joint custody of their children. (195)

Custody	Number of divorces	Children total	Custody with mother	Custody with father	Joint custody
1996	530	569	375	5	189
1997	514	545	311	20	214
1998	484	521	281	27	213

202. The legally prescribed minimum support for a single child has increased somewhat. It amounted to ISK 12,693 monthly at the end of 1999. (199)

### **Second paragraph**

203. The basic rules regulating birth vacations remain as previously. The Birth Vacations Act, No. 57/1987, and the Social Security Act, No. 117/1993, were, however, amended by Act No. 51/1997. All the amendments aim at increasing birth vacation rights in particular circumstances. Birth vacation due to the reception of a foster child under five years of age for a permanent fostering arrangement was increased from five to six months. The birth vacation on account of multiple births is now three months for each child in excess of one, instead of the previous one month. Double and triple births have increased somewhat in frequency in the past few years, a factor chiefly believed to be due to the higher frequency of artificial insemination. This means that a woman giving birth to triplets is entitled to a birth vacation of one year. Parents adopting or receiving for fostering more than one child enjoy the same increase. If a child stays in hospital for more than seven days immediately after birth, the birth vacation is lengthened by the same period of time up to a maximum of four months. Birth vacation may also be lengthened owing to a child's serious sickness following its birth, to a maximum of three months instead of the previous one month, and for up to two months on account of a mother's serious post-natal sickness. (201)

204. The Birth Vacations Act, No. 57/1987, was also amended by Act No. 147/1997, the subject of which is a father's independent right to a birth vacation of two weeks. It entered into effect on 1 January 1998. A father may take birth vacation at any time in the first eight weeks after a child is born or is discharged to its home, and this is extended to up to four weeks in the case of a child's or its mother's serious sickness. A father is also entitled to a birth vacation of two weeks for each child in excess of one. This right of a father is subject to the condition that he is married to the child's mother or in registered cohabitation with her. A father enjoying a birth vacation has proportionally the same right to financial benefits as a mother enjoying such a vacation.

205. Rules issued by the Minister of Finance on a separate birth vacation for fathers in State employment entered into effect on 1 January 1998. This secures for fathers in State service a right to wages for two weeks on account of childbirth.

206. The Social Security Act, No. 117/1993, provides for birth benefits. Some amendments were made by Act No. 51/1997. Birth benefits shall be paid for each childbirth to a mother enjoying a birth vacation. The amendment was made that the mother shall generally have her registered home in Iceland at the time of the birth, and have had her registered home in Iceland during the 12 months preceding the birth. This condition was previously set without any exception. The considerations underlying this change included the provisions of Regulation (EEC) No. 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community and the Nordic Convention on Social Security, cf. Regulation No. 655/1994 on Implementation of the Social Security Act. The birth benefit paid to mothers amounted to ISK 32,005 per month at the end of 1999. (202)

207. Parents whose paid employment is suspended during a period of birth vacation are entitled to a daily birth allowance if they reside in Iceland at the time their child is born and generally have been residing in Iceland during the 12 months immediately preceding the birth. This condition was made less stringent to accord with that set for birth benefits. The daily birth allowance amounted to ISK 1,342 per day at the end of 1999. (202)

208. The following table shows the number of parents receiving birth benefits without deduction, and daily birth allowances, in 1998:

Number of birth vacationers	Women	Men	Total
Birth vacation generally			
Birth benefits to mothers	5 004	0	5 004
Daily birth allowances	4 273	5	4 278
Fathers' birth vacations, independent entitlement			
Birth benefits	0	1 108	1 108
Daily birth allowances	0	1 097	1 097

209. According to the Social Security Act, child support is paid for children under 18, if one parent is dead or receives invalidity benefits and either parent, or the child, has resided in Iceland during at least the three years preceding the application for such benefits. If both parents are dead or receive invalidity benefits, double support shall be paid. Support may be paid for the

child of an old-age pensioner and also for a child of a person remanded in custody or serving a prison sentence if this has lasted for a minimum of three months. A mother will also be paid support for her child if she submits documents establishing that the paternity of her child is unknown. The following is an overview of the number of men and women receiving child support in 1998:

Child support by cause	Women	Men	Total
Disability of parents	1 931	553	2 484
Death of parents	485	154	639
For children of known paternity	133	0	133
Old-age pension	11	31	42
Imprisonment	6	2	8
Rehabilitation benefits	114	31	145

210. The Social Assistance Act, No. 118/1993, was amended by Act No.144/1995. As of 1 January, the obligation to pay a mother's or father's benefit for a single child was abrogated. At the end of 1999 such benefits amounted to ISK 3,697 for two children and ISK 9,612 for three children. A total of 2,959 women and 105 men received such benefits in 1998. (203)

211. According to the Social Assistance Act, child support may be paid for school attendance or the vocational training of a person aged 18-20, if one or both parents are dead or receive an old-age pension or disability pension, and also on account of a parent's poverty or if a parent cannot be found. A total of 313 parents received such payments in 1998. (203)

212. Payments for care made to persons caring for disabled children or children suffering from long-term diseases at home or in hospitals, and/or to carers who carry an increased burden by reason of a child's adverse mental or physical condition causing them significant outlays and necessitating particular care or control, are also classified as social assistance. This is governed by Regulation No. 504/1997 on Financial Assistance to Persons Caring for Disabled Children and Children Suffering from Long-Term Diseases. Such payments may be made to persons caring for children with serious developmental deficiencies analogous to disability and for children suffering from serious behavioural defects analogous to mental illness. The services offered by nurseries and schools do not affect the entitlement to such payments. Other special services rendered on a day-to-day basis, and accommodation outside the home, including short-term accommodation of any magnitude, affects such payments. The amount of such care payments was ISK 67,179 per month at the end of 1999. Payments of this kind were made to a total of 1,765 parents in 1998.

213. The Regulation also provides for the possibility of applying for certain cards, the use of which reduces the price to be paid for medical services and medicines. In addition to this, the conditions set in the Social Security Act for support for the purchase of nutrients and special foods for those needing such commodities have been made less stringent.

214. Act No. 66/1996 authorizes the Government to approve, on behalf of Iceland, the Nordic Convention on Social Assistance and Social Services. The Convention applies to all legislation on social affairs in effect at any particular time in the Nordic countries, including social

assistance and social services, and other social benefits to which the Nordic Convention on Social Security of 1992 does not apply. The Act provides that the nationals of one Nordic country who lawfully stay or reside in another Nordic country shall enjoy the same rights as the nationals of the latter.

215. The Income Tax Act, No. 75/1981, contains various provisions designed to assist families with children. Thus, the income tax base of a person shall be reduced if that person supports a child suffering from a disease of long duration or who is disabled or mentally retarded, and who causes that person significant outlays in excess of the normal costs of support and any benefits received. The same applies if a person bears significant costs due to the education of his or her children 16 years of age and older.

216. Act No. 65/1997 amended some provisions of the tax laws concerning child benefits and additional child benefits. Now the benefits paid are paid in one sum as child benefits, calculated with regard to income, property and family type. Thus child benefits are reduced if this is indicated by a carer's income and capital tax base. At the end of 1999 unreduced child benefits were in the following amounts: (204)

Unreduced child benefits	ISK
Spouses	
For first child	104 997
For each child in addition to one	124 980
Addition for children under 7 years	30 930
Single parent	
For first child	174 879
For each child in addition to one	179 389
Addition for children under 7 years	30 930

217. At the end of 1998 the nursery schools active in Iceland totalled 249. Day-care nurses working in their own homes were approximately 400 in number at that time. (205)

218. Families are supported in many ways under the provisions of Act No. 40/1991 on Municipal Social Services. The purpose of that Act is to promote financial and social security and the welfare of the inhabitants of each municipality on the basis of mutual aid. This is to be done, inter alia by improving the conditions of the disadvantaged, providing children with conditions for their upbringing that promote their successful development, assisting people to maintain their own homes, pursue their occupations and lead normal lives as long as possible, and by taking measures to prevent social problems.

219. The Municipal Social Services Act was amended by Act No. 34/1997, making social welfare committees obliged to offer social counsel instead of endeavouring to do this, as previously provided. The purpose of social counsel is, on the one hand, to provide information and guidance on matters concerning social rights and entitlements, and, on the other, to provide support with regard to social and personal difficulties. Social counsel covers counsel in the

fields of finance, housing and the upbringing of children, and counsel for family problems, including divorce, custody and right of access, and adoptions. These services also perform extensive preventive work.

220. The Minister of Justice has decided to initiate a pilot project in 2000 at the office of the Magistrate of Reykjavik involving the provision to parents of specialist conciliation procedures in disputes concerning custody and rights of access. The purpose is to assist parents in settling their differences with a view to the best interests of their children.

221. One of the aims of the Child Welfare Act, No. 58/1992, is to secure for children acceptable conditions of upbringing, which is chiefly to be done by strengthening the family's role in their upbringing. Thus the child welfare committees are obliged to assist parents in discharging their duties of upbringing, while also taking the appropriate measures in accordance with the provisions of the Act. The following is an overview of the chief support measures taken within the home, by reference to the number of children involved:

Support measures taken by the child welfare committees	1996	1997	1998
Section 21 a - Guidance to parents	228	1 263	1 073
Section 21 b - Family supervisor	99	167	132
Section 21 b – Personal consultant for child	156	144	183
Section 21 b - Support family for child	82	67	120
Section 21 c - Day care, school, etc., for child	59	101	126
Section 21 d - Other acts applied	98	162	302
Section 21 e - Assistance in treatment for parents	60	118	224
Section 23 - Counsel to child on account of violence	92	106	125
Counsel to child on the basis of other acts	160	253	336
Families accommodated for investigation and provision of instruction	21	9	28

### C. Separation from parents (art. 9)

222. There have been no referrals to the Ministry of Justice in recent years of complaints that rights of access under the Children's Act cannot be exercised.

223. In 1998, the child welfare committees rendered a total of 13 formal decisions on the right of association between a foster child and a relative. Such formal decisions are necessary if a settlement cannot be achieved with the party claiming this right. In 1997, the Child Welfare Council upheld two decisions temporarily suspending the right of access. No such cases were referred to the Child Welfare Council in 1998. (208)

224. There follows a survey of the decisions of the child welfare committees concerning removals of children from their homes in accordance with provisions of the Child Welfare Act, No. 58/1992. (210-211)

Children accommodated outside their homes	1996	1997	1998
Section 21 - With approval of parents	128	150	146
Section 21 - Fostered with approval of parents	19	9	6
Section 22 - Accommodated in institutions	78	137	96
Section 24 - Temporarily removed from home	25	18	8
Section 25 - Deprivation of custody	5	18	9
Section 35 - Decision that a child remains in foster care	23	5	2

225. It should be noted that the courts in fact review in substance the decisions taken in child welfare cases. At the end of 1998, a judgement was rendered by the District Court of Reykjavik invalidating a decision of the Reykjavik Child Welfare Committee depriving a mother of the custody of her child. That judgement was reversed by the Supreme Court by a judgement of 26 March 1999. Both judicial instances gave thorough consideration to the reports of specialists on which they based their conclusions, and the Supreme Court considered the report of specialists appointed in court in assessing the capability of the mother and the interests of the child after the lower court's judgement had been rendered. (213)

226. The decisions taken by the child welfare authorities have very seldom been referred to the courts, as is shown by the following table:

Judgements	1994	1995	1996	1997	1998
District courts	0	0	0	2	1
Supreme Court	0	0	0	2	0

227. When revising the Child Welfare Act, it is planned to make radical changes to the powers of decision given the child welfare committees and to the avenues of appeal. The most likely outcome will be to obligate the committees to bring legal action if they consider that a parent must be deprived of custody. (213)

228. We refer to the discussion on article 12 of the Convention, where the increased rights of children to express themselves in child welfare cases and the provisions on the appointment of a representative are described. (215)

229. The provisions of the Child Welfare Act on procedure have been interpreted with the Administrative Practices Act, No. 37/1993, for example as regards limiting the rights of the child welfare committees to deny the parties access to evidence before taking a decision. Such access may only be denied them in extraordinary circumstances and only on the grounds that the interests of the child recommend such a measure. (217)

230. The right to information in a child welfare case can also, in some situations, be based on the Information Act, No. 50/1996, and Act No. 121/1989 on Registration and Handling of Personal Information, which applies to the reports of psychologists and social counsellors following an amendment made by Act No. 76/1997. (217-218)

#### **D. Family reunification (art. 10)**

231. According to article 66 of the Constitution, the right of aliens to enter Iceland and stay there, and the reasons for which they may be expelled, shall be laid down by law. (220)

232. The Immigration Act, No. 45/1965, was amended by Act No. 23/1999. Instead of the National Commissioner of Police serving as the head of the Immigration Office, the Office now has a separate director as from 1 October 1999. The chief arguments behind this change are that the matters in the charge of the Immigration Office are not in the nature of law enforcement, and therefore the arrangement of having the Commissioner serve this function is not entirely logical. Furthermore, the tasks to be discharged by the Office have increased significantly in scope in recent years and it was therefore considered advisable to strengthen the Office and provide it with an independent basis. This may be assumed to improve the status of foreigners in Iceland. (220)

233. We refer to paragraph 359 below as regards the Aliens Bill.

234. A new Passport Act, No. 136/1998, entered into effect on 1 June 1999. A passport shall only be issued to a single individual. This abrogates the rule that a child under the age of 15 may be registered in the passport of a close relative. Each child must therefore have a separate passport containing a portrait photograph. This is in conformity with prevailing international views, for example those of the International Civil Aviation Organization (ICAO). For a passport to be issued to a child under the age of 18, its custodians must have given their approval. This also applies if parents exercise joint custody following their separation or severance of cohabitation. This is necessary in the light of the fact that according to the Children's Act one parent cannot take the child out of Iceland without the approval of the other in such cases. This requirement may be waived in extraordinary circumstances with a view to a child's interests, as it may be necessary in some cases to issue a passport to a child when the approval of a custodian cannot be obtained. (221)

#### **E. Recovery of maintenance for a child (art. 27.4)**

235. The substantial rules on payment of support and the participation of the State Social Security Institution remain unchanged. According to information from the Institution a total of 6,777 children were, in 1998, in the charge of their mothers, and 232 in the charge of their fathers. (224-225)

#### **F. Children deprived of their family environment (art. 20)**

236. Act No. 22/1995 amending the Child Welfare Act made some changes to the provisions on foster arrangements. The Child Welfare Office is now to assess the suitability of prospective foster parents and provide instruction courses for them. A child can only be fostered by a person or persons having obtained the recommendation of the Office, and the local child welfare committee must also have given its approval. The Child Welfare Office maintains a registry of persons deemed suitable as foster parents. About 30 persons are annually accredited by the

Office as foster parents. Each child welfare committee must then consult with the Office on prospective foster parents when a child must be fostered temporarily or permanently. More detailed rules on foster arrangements were issued in the form of Rules No. 532/1996. (231, 235)

237. The Child Welfare Office has conducted annual courses for foster parents and prospective foster parents. The introduction of a new and effective system, the so-called *FOSTERPRIDE*, is being prepared in order better to assess and train foster parents. A study of foster children under the auspices of the Child Welfare Office is also in the planning stage. (235)

238. The Child Welfare Office maintains a registry of foster children. The following tables present various statistics on foster children (236-237):

Foster children	1996	1997	1998
Number of permanently fostered children	193	185	189
Number of temporarily fostered children	36	54	56
Total	229	239	245

Foster arrangements	1996	1997	1998
New permanent foster arrangements	16	20	19
New temporary foster arrangements	13	19	31
Total	29	39	50

239. As regards support families, supervisors and personal consultants, we refer to the discussion on support to parents (art. 18, para. 2 of the Convention). (238-239)

240. The Reykjavik Social Service now operates two homes principally intended for children under the age of 12. The most common reason for accommodation there is for diagnosis and treatment, and when children must be removed from their homes in emergency situations. The homes are also equipped with flats where parents can stay with their children. In 1998, a total of 60 children were accommodated in such homes in Reykjavik. Their average age was 7.5 years and their average time of stay was 60 days. (241)

241. The Reykjavik Social Service also operates one family home for children, mainly those for whom a foster arrangement has not been found. In 1998, five children were accommodated there. In addition, one home is operated for adolescents who need temporary accommodation outside their homes. The intention is to return them to their parents in one or two years. In 1998, a total of eight young people stayed in that home.

242. Significant changes were made as regards the institutions and treatment homes run by the State by Act No. 22/1995 amending the Child Welfare Act. These changes were made following an examination of the overall organization of these matters that brought to light some faults in the State treatment system, inflexible operational methods, inadequate utilization of treatment homes and inefficient forms of operation. The changes in question were designed to remedy this situation. (242-245)

243. The Child Welfare Office is now in overall charge of the State treatment homes now in operation and exercises financial and professional control over them. The State is obliged to ensure that specialized homes and institutions are available for children when other recourses available to the child welfare committees have not been successful. Such homes and institutions offer specialist treatment, such as for drug abuse, and accommodation in urgent cases for reasons including crime and serious behavioural problems. The Child Welfare Office therefore maintains an overview of all the treatment recourses available to the State, and their use, and is empowered to direct in what way they are to specialize among themselves. A team of professionals is also active under the auspices of the Office, charged with promoting the cooperation and joint efforts of treatment homes for children. (245)

244. A child welfare committee sends a request for the accommodation of a child in a State home or institution to the Child Welfare Office. The Office generally submits the applications to a professional team for an opinion. If the conditions for accommodation are fulfilled an accommodation agreement is made out between the child welfare committee in question, the home or institution, the custodian(s) and the child.

245. According to the provisions of Act No. 160/1998 amending the Child Welfare Act, a child shall always be accommodated at a treatment home for a determined period of time and never for a period exceeding what is necessary. The arrangement shall be revised at least semi-annually. If a child 12 years of age or older is accommodated in such a home against its will, the child shall be afforded an opportunity to express its views before the child welfare committee, with the assistance of a representative as applicable. A child under the age of 12 shall likewise be offered the opportunity to express itself if it is deemed to be of sufficient maturity, or if the child so requests.

246. Initial treatment accommodation is expected to be at the *Stuðlar* State treatment centre for adolescents, to which Regulation No. 271/1995, as later amended, applies. The centre provides the following services:

Short-term accommodation in emergency cases and urgent cases in a closed ward upon the request of a child welfare committee or the police authorities. The maximum duration of such accommodation is 14 days.

Special treatment, including drug treatment, with accommodation for up to four months. Concurrently, analysis of the problems affecting the young person in question is expected to take place.

Accommodation of young persons already accommodated in other treatment homes if treatment must be reassessed or following unauthorized leave or other unruly behaviour.

Follow-up treatment after accommodation for up to six months, mainly emphasizing group therapy.

247. The average number of adolescents each month at the *Stuðlar* treatment ward in 1998 was 7.8. Accommodation is available there for 8 persons. The average number on the closed ward was 1.5 per month, while accommodation is available for 4. Average age on arrival was 15.3 years and the average period of accommodation was approximately 90 days. In 1998, a total of 84 applications for treatment accommodation were received; of these, 68 came from Reykjavik and the neighbouring municipalities. The following table presents statistics relating to the number of children at *Stuðlar* in 1998:

<i>Stuðlar</i>	Boys	Girls	Total
Closed ward	27	43	70
Treatment ward	23	21	44

248. The following table presents information on the problems affecting the adolescents coming to *Stuðlar* for treatment in 1998. The counting is multiple, so that each individual may fall into more than one category:

Analysis	Boys	Girls	Total
School problems	18	12	30
Home problems	17	9	26
Drug abuse	12	14	26
Depression	12	8	20
Crime	12	4	16
Violence/perpetrators	10	4	14
Hyperactivity/inattention	8	3	11
Vagrancy	4	10	14
Violence/mobbing/victims	4	5	9
Trauma	5	4	9
Number of children	23	21	44

249. Seven long-term treatment homes were active in different places in Iceland under the supervision and control of the Child Welfare Office at the beginning of 2000, subject to service agreements concluded with private parties. The child welfare committees apply for accommodation for approximately one third of the children discharged from *Stuðlar*. Most commonly the children are expected to stay at the long-term treatment homes for one school year, but they sometimes stay longer. These treatment homes operate on a family basis. Most of the children attend school and efforts are made to take advantage of the surrounding environment for treatment purposes. Generally, cooperation with the custodians is emphasized. The long-term treatment facilities specialise to some extent, both as regards the age of the children and the analysis of their chief problems.

250. The following table presents an overview of State long-term treatment facilities, and statistics for those active in 1998:

Long-term treatment facilities	Number of places	Number of children accommodated over the year	Average stay in days	Average age at end of stay
Árbót/Berg <sup>a</sup>	6/4	8	312	15.3
Bakkafliót/Háholt <sup>b</sup>	6	13	96.2	15.3
Geldingalækur	6	7	325.5	11.5
Hvítárþakki <sup>c</sup>	6	6	-	-
Torfastaðir	6	9	406	16.0
Varpholt	6	11	272.6	15.8
Skjöldólfsstaðir <sup>d</sup>	6	-	-	-

<sup>a</sup> Berg became active as an addition to Árbót in March 1999.

<sup>b</sup> Bakkafliót was closed at the end of 1998 and replaced by a specially designed treatment home, Háholt, which opened in January 1999.

<sup>c</sup> Hvítárþakki became active in November 1998.

<sup>d</sup> Skjöldólfsstaðir will become active in February 2000.

251. Throughout 1998, demand increased for accommodation at *Stuðlar* for analysis and treatment. The demand for long-term treatment also increased. This increase is linked to the increase in the age at which people become competent to manage their personal affairs. The average age of children in the treatment homes has increased, as has the use of ever more dangerous illicit drugs. The places available for long-term treatment have constantly increased in number. They numbered 29 at the end of 1996, 35 at the end of 1997 and 36 at the end of 1998. Treatment places increased by 4 in 1999 and as from 1 February 2000 the places available at long-term treatment homes subject to the control of the Child Welfare Office will be 46 in total. Ideas are now being considered for an increase in the places available for urgent accommodation and analytical accommodation in cooperation with the University Hospital's psychiatric ward for children and adolescents, more flexible treatment periods and a further increase in long-term treatment places.

252. The control exercised by the Child Welfare Office over treatment homes has mainly been in the form of visiting the homes a number of times each year, when the status of each child has been reviewed and information collected. Independent parties have also been recruited to examine their activities. Work on defining further the role and tasks of the Child Welfare Office with respect to the treatment homes is now in progress.

253. Private parties wishing to run a treatment home must apply for permission to do so to the Child Welfare Office, as required by Rules No. 401/1998. In the middle of 1998, *Götusmiðjan* opened the *Virkið* treatment centre for young drug abusers. This home is intended for young

people in the age group 16–20 and, according to the licence issued by the Child Welfare Office, a total of four adolescents aged 16–18 may be accommodated there. A total of 30 individuals began treatment at *Virkið* in 1998, of whom 19 were younger than 18. The average length of stay of the persons involved was 46 days.

254. The emergency sanctuary of the Icelandic Red Cross is used considerably by young people having problems to contend with. The following is an overview of its use: (246):

The Red Cross House	1996	1997	1998
Guests staying	170	138	123
Number of adolescents	97	83	76
Average age	16.3 years	16.2 years	14.2 years
Average length of stay	5.7 nights	5.9 nights	5.3 nights

255. The Women's Sanctuary Association has operated a sanctuary in Reykjavik for 20 years, supported by the State and by municipalities. The purpose is to offer a sanctuary for women and children in cases when they cannot stay at home for reasons of a family member's violence. The Sanctuary offers, inter alia, lodging and support, services for children and interview services. In 1998, a total of 114 women came to stay at the Sanctuary and a total of 98 children, of whom 48 were boys and 50 were girls. Approximately 65 per cent of the children were under the age of 18. The children's average period of stay was 23 days.

256. We refer to paragraph 405 as regards children receiving treatment for abuse of alcohol and drugs at the *Vogur* Hospital.

### G. Adoption (art. 21)

257. An adoption bill was submitted to Parliament in the autumn of 1999. An important aspect of this bill relates to the planned ratification of the Hague Convention of 29 May 1993 on intercountry adoption. The change is proposed that a man and a woman who have cohabited for five years can apply for adoption. (255)

258. The bill, like the Act now in force, contains a general provision to the effect that a person having attained the age of 12 can only be adopted with his or her approval. It is proposed that before such approval is given the matter shall be discussed with the child under the auspices of the relevant child welfare committee and guidance provided on adoption and its legal sequels. It is also proposed that the opinion of a child under 12 years of age shall be sought if this is considered possible with regard to the child's age and maturity. This is supported by reference to the Convention on the Rights of the Child. The negative attitude of a child younger than 12 need not prevent adoption, but the discussions held shall be a factor in assessing whether adoption best serves the child's interests.

259. The bill proposes that adoptive parents must inform their adopted child of its adoption as soon as its maturity makes this feasible, ordinarily no later than when the child has attained 6 years of age, and for this the adoptive parents shall be entitled to counsel by the relevant child

welfare committee. It is furthermore proposed that when an adopted child has attained the age of 18 it will be entitled to information on its natural parents or its former adoptive parents from the Ministry of Justice.

260. The following table presents an overview of the number of adoptions in Iceland in the period 1996-1998 (253):

Adoptions in Iceland	1996	1997	1998
Total number of adoptions	39	35	36
Adoptions of Icelandic children	14	8	6
Adoptions of foreign children	10	10	13
Adoptions by step-parents	15	17	17

#### **H. Illicit transfer and non-return of children abroad (art. 11)**

261. Iceland has ratified the European Convention of 20 May 1980 on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children and the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction. A particular Act, No. 160/1995 on Recognition and Enforcement of Foreign Decisions on the Custody of Children, has been enacted. This applies to children who have not attained the age of 16. Separate provisions of the Act apply to Iceland's relations with the parties to each of the two international instruments. The Ministry of Justice shall receive the communications sent subject to the provisions of the European Convention, and forward them to the appropriate authorities. Generally, any requests under the two conventions shall be handled as provided for in the Enforcement Act, No. 90/1989, with the proviso, however, that they are always subject to procedure in the district courts at the beginning. Cases of this nature shall be handled expeditiously. (260)

262. The Act contains a provision to the effect that before a district court judge decides to permit enforcement of a decision taken under the European Convention or under the Hague Convention, the attitude of the child shall be ascertained if it has attained the age and maturity that justifies taking its opinion into account. Section 343, paragraph 4 of the Children's Act applies in this respect. That provision requires consultation of the child generally if it has attained the age of 12, and of younger children taking their age and maturity into account. Consultation with the child and the preparation of a report on its outcome can be entrusted to a specialist.

263. Act No. 22/1995 amended the Children's Act, No. 20/1992, specifying that if parents have joint custody, one parent cannot remove the child from Iceland without the approval of the other. This provision is linked to the international instruments mentioned above. (257)

#### **I. Abuse and neglect of children (art. 19) physical and psychological recovery, and social reintegration (art. 39)**

264. Risk registration under the Child Protection Act, No. 58/1992, has never been commenced in Iceland and in recent years such registration has increasingly been regarded as lacking a significant purpose. The emphasis has been on the registration of individual cases and

the collection of statistics on their number, the number of children involved, the reasons for intervention and the recourse taken in each case. This registration should ensure a proper overview of the problems in question and the need for assistance. (264)

265. As stated in paragraph 245, the provisions of the Child Protection Act on commitment of a child for treatment were amended at the end of 1998. (265)

266. As regards amended procedure in sexual offence cases, we refer to the discussion on article 34 of the Convention below, i.e. paragraphs 416-421 of this report. (267)

267. Icelandic municipalities are required to provide special professional services to primary schools, in accordance with Regulation No. 386/1996 on such services. This applies both to tuition counsel and psychological services and is intended to ensure the best possible utilization of instructional and psychological knowledge in school activities, and the provision of counsel and support to school heads and teachers in their work. Persons providing these services perform preventive work in cooperation with school staff, including by observation and analysis of pupils in difficulties. School and health-care staff can request such checks with the approval of the children's guardians, and so can the guardians themselves. Subsequently, the specialists make their proposals as to the appropriate treatment and action. It is stated in the Regulation that all examinations and checks relating to individual pupils shall be performed in consultation and with the approval of their guardians. (268)

#### **J. Periodic review of treatment (art. 25)**

268. We refer to the changes made to section 22 of the Child Welfare Act by Act No. 160/1998, as discussed in paragraph 245 of this report. (271)

269. We refer to the discussion of the new Majority Act in paragraphs 46 to 50 above as regards the fact that its provisions on commitment to an institution no longer apply to children. (272-277)

270. According to sections 35 and 50 of the Child Welfare Act No. 58/1992 parents can in some circumstances request a revision of a decision taken by the child welfare committees on fostering of children and deprivation of custody. This depends first and foremost on the interests of the child in question, but any changes in the circumstances of the parents can also be taken into account. A child welfare committee may decide that a foster arrangement shall be maintained, if it suits the child well and its interests recommend it.

### **VII. HEALTH CARE**

#### **A. Survival and development (art. 6.2)**

271. In the general discussion presented above in paragraph 123 on article 6, the objectives of the Rights of Patients Act, No. 74/1997 were described. This Act contains many new and important provisions and addresses many questions. The rights of patients are now subject to much discussion within the World Health Organization and Iceland was among the first countries to ensure these rights by separate legislation. (278)

272. As regards birth vacations and daily birth allowances we refer to paragraphs 203 to 208 of this report. (279).

### **B. Disabled children (art. 23)**

273. A separate Regulation, No. 155/1995, applies to services rendered to disabled children and their families. The families of disabled children are afforded the support of a support family in order to reduce the load on their own home, as well as short-term stays outside the family home, the purposes of which include recreation and preparation of the children for movement from the parental home. Disabled children are also to have the opportunity of a summer stay in the same way as other children, and enjoy other support services.

274. In December 1998 the Ministry of Social Affairs published a report on the affairs of the disabled in 1997. The information it contains is for the first 10 months of that year. According to the report, approximately 350 disabled persons lived in 66 common homes in Iceland, of whom about 20 per cent were aged 16-25. Three homes were operated specially for a total of 12 disabled children. The number of children provided with short-term stays was 250 and they stayed in 18 homes for an average of 4.8 days per month. Approximately 270 children had support families and stayed with them for an average of three days a month.

275. The Act on the Disabled now in effect, No. 59/1992, provides that it shall be revised within four years from its entry into force and that the aim of the revision shall be to increase the responsibilities of the municipalities as regards the affairs of the disabled. The Act on the Disabled was amended by Acts Nos. 161/1996 and 156/1998, involving such a change. Before the municipalities undertake all the responsibilities in this field, Parliament shall have passed a new Act on Municipal Social Services, which is to include provisions on services to the disabled. This legislation is now in the final planning stage. Some municipalities have already taken over services to the disabled, either by service agreements concluded with the State, or as trial projects under the Act on Trial Municipalities, No. 82/1994. (281-283)

276. The objective of the transfer of the affairs of the disabled to the municipalities is to take the final step towards making the participation of the disabled in society full and self-evident. It is not considered desirable to segregate services to the disabled from the services provided to the other persons residing within a municipality, and such services are deemed akin to the general social services that the municipalities are required by law to provide. It is hoped that the services rendered will be improved by the transfer of responsibilities in this field, and the transfer is also regarded as a natural part in the evolution of the roles of municipal government. The interest organizations of the disabled have in recent years pointed out that it is a factor in the assimilation of the disabled into society in general that services are rendered to the disabled and the able-bodied side by side, and that any separation of these groups is undesirable. (281-283)

277. A regional council is active in each region organized as an administrative area as regards the disabled. Such councils are composed of representatives of the Ministry of Social Affairs, the municipalities, and the relevant non-governmental organizations. This is provided for in Act No. 59/1992 on Administration of Matters Concerning Disabled Persons, and in Regulation No. 606/1998 on Regional Councils for the Disabled. The regional councils control whether the disabled receive the services provided for by the law and supervise the institutions for the

disabled. Their other functions include endeavours to coordinate the services provided for the disabled by all parties in the respective region. Each regional council also takes care of the rights of the disabled in its area, individually and collectively. Each council appoints an agent for its area to guard the interests of disabled persons living in collective homes, institutions for children and other institutions. The agent monitors their situation by regular visits and submits their cases to the regional councils if he considers their rights have been infringed upon.

278. One of the conditions set for the transfer of matters concerning disabled persons to the municipalities is that a specific law be enacted on the State Diagnostic and Counselling Centre. In the middle of 1997 some changes were made to the organization and operation of that institute, which among other things reflect the policy of coordinating services to the disabled with the municipal social services. This is expected to render the services rendered by the Centre yet more specific and to widen the scope of its counselling function. The aim is to make the work performed there more efficient and to increase specialized knowledge of disability of various kinds. Four areas were defined, having responsibility for services to persons with, and the acquisition of knowledge of, certain disabilities, and increased emphasis was placed on research, education and training courses. (284)

279. Financial assistance to disabled children and children suffering from long-term diseases, cf. Regulation No. 504/1997, is based on an assessment of service needs. The following table shows the numbers of children assessed as having such needs. (285)

Assessment of service needs - number of children	1997	1998
Disabled children	575	684
Children suffering from long-term diseases	787	1 112
Children with developmental or behavioural problems	871	1 035
Total	2 233	2 831

Disabled children by disability stages	1998
Very serious disability - totally dependent on others	71
Serious disability - assistance and almost constant care	235
Disability - assistance and care	351
Serious developmental deficiencies analogous to disability or mental disease	27
Less serious developmental deficiencies - assistance, training and care	0
Total	684

280. According to Regulation No. 225/1995 on Nursery Schools, provision shall be made for accessibility and facilities for disabled children with special requirements, and working facilities for staff tending such children. The Regulation also reiterates the provisions on counselling and psychological services to be provided by nursery schools. A plan shall be made for each child needing special assistance and training, aimed at increasing the abilities of the child with regard to its development. In 1998, a total of 553 children who needed special support, for example on account of disability or emotional or social difficulties, attended nursery schools.

281. The Primary School Act, No. 66/1995, provides that the aim of study and tuition and of the working methods employed in primary schools shall be to prevent discrimination, for example on account of disability. It also provides that in issuing the general curriculum, organizing study and tuition, and in preparing study materials, special care shall be taken that all pupils have as equal opportunities as possible. Children for whom schoolwork is difficult on account of special factors or emotional or social difficulties, and/or disability, are entitled to special support. Their tuition may be provided individually or to groups within or without the ordinary classes, in special classes, or in special schools. The main policy shall be to provide tuition in local schools. In 1998, there were three special schools at the primary school stage for disabled children, with a total of approximately 150 pupils.

282. A new school policy on which new general curricula for all school stages are based emphasizes thorough assessment of the special needs of the pupils, in particular at the beginning of primary school studies. Children with dyslexia are to be given special consideration. The primary school general curriculum makes clear requirements of schools as regards diagnosis of reading difficulties. (288)

283. A particular Regulation, No. 389/1996, applies to special tuition in primary schools. Again, it is emphasized that primary schools shall adapt their work to the maturity and abilities of all their pupils. Each municipal council shall ensure that children of primary school age who need special tuition receive suitable tuition. Emphasis is placed on analysing which individuals need special tuition on account of disability or for other reasons, and on preparing a reasoned study plan for each pupil. Regulation No. 709/1996 applies furthermore to study assessments for pupils who diverge from the general development level to the extent of rendering coordinated examinations unsuitable for them.

284. The primary school general curriculum contains new provisions on special tuition in Icelandic for deaf pupils and pupils with impaired hearing, and training in sign language for the deaf. A bilingual policy is emphasized, the foundation of which is to learn sign language and subsequently other languages on that basis. It is emphasized that sign language shall be afforded the same status as Icelandic.

285. According to the Secondary School Act, No. 80/1996, disabled students shall be provided with tuition and particular study support. Professional assistance and the necessary facilities shall be provided as needed. Disabled students shall study with other students as possible. The Minister of Education may permit the establishment of particular secondary school divisions for disabled students. Establishment of special schools is not envisaged.

286. A particular Regulation, No. 372/1998, applies to tuition provided to disabled secondary school students. It provides that disabled persons shall study side by side with other students as possible, and that they are also entitled to particular tuition and support. Their tuition shall be based on a reasoned study plan prepared on an individual or group basis.

287. The Secondary School Act provides for the right of deaf students to tuition in Icelandic. According to Regulation No. 329/1997 on Special Tuition in Icelandic in Secondary Schools, deaf students and the hearing children of deaf parents are entitled to such tuition. The main curriculum emphasizes a bilingual policy and training in sign language.

288. On 4 February 1999, the Supreme Court rendered a judgement whereby the University of Iceland was deemed to have infringed upon the rights of a disabled student. A blind girl maintained that she had not received the assistance and facilities demanded by her disability, while she was studying at the University in 1990-1994. The Court held that the University had been obliged to receive the student and carry out the measures necessary in order to enable her to enjoy the services afforded other students. References were made to the Act on Services to the Disabled, the European Convention on Human Rights and the equality principle of article 65 of the Constitution. The Court held that in spite of the fact that various requests of the student regarding dispensations and assistance on account of her disability had been accommodated, adequate measures had not been carried out or a comprehensive policy formed on study assistance, progress, examination assistance and examination times acceptable to the student. It should be noted that in 1995 the University revised its resolutions on matters concerning disabled students.

289. As regards social assistance to the parents of disabled children, a reference is made to the discussion in paragraphs 212 and 213 above, in particular to Regulation No. 504/1997 on Financial Assistance to the Supporters of Disabled Children and Children Suffering from Long-Term Diseases. In addition, home nursing for such children can be applied for, from both the private and public sectors. (289)

### **C. Health and health care (art. 24)**

290. Act No. 97/1990 on Health Care Services remains largely unchanged, but is under general revision. Important provisions on the right to such services are found in the Rights of Patients Act, No. 74/1997, and in that context we refer to the discussion presented in paragraph 123 above. According to this Act, all possible measures shall be taken to ensure that a sick child attains normal maturity and may enjoy life in spite of its sickness and treatment, as its condition allows. Such children shall be spared all unnecessary tests and medical interventions. The Act also contains provisions on the right of sick children who stay in medical institutions to have their parents or other close relatives with them as possible, the right of siblings and friends to visit them in the institutions where they stay and the right of sick children of school age to tuition suitable for their age and condition. Furthermore, their environment and the facilities afforded them in medical institutions shall suit their age, maturity and condition.

291. On 1 January 1998, a new Act on Prevention of Infectious Diseases, No. 19/1997, entered into effect to ensure that a better general overview is obtained of infectious diseases in Iceland and that they are reacted to promptly.

292. The Act on the Medical Profession, No. 53/1988, was amended by Act No. 68/1998. The amendment instituted a system for reacting efficiently to unforeseen emergencies, a reporting duty for health institutions, and registration, investigation and procedure in such cases.

293. Act No. 139/1998 on a Health Care Database has been passed in order to authorize the compilation and operation of a central database containing health information, not traceable to individuals, for the purpose of gathering knowledge for improving health and health-care services. According to the Act, a patient can at any time notify the Director General of Public Health that information on that patient should not be transferred to the database.

294. The Ministry of Health instituted a special Prevention Fund in 1995 for the prevention of alcohol and drug abuse. The Fund is subject to the Alcohol and Drug Prevention Council, on which a more detailed discussion is presented in paragraph 409.

295. Preparations are under way for the construction of a new paediatric hospital at the University Hospital, to come into use in 2002. The new hospital will considerably improve the possibilities for serving child patients. A new paediatric ward at the Akureyri Regional Hospital will also come into use in the first half of 2000.

296. Various advances have been made as regards policy-making in the field of health care, not least in relation to children. The government policy declaration of May 1999 states that unrestricted access to health care shall be ensured for all Icelanders, and that measures shall be taken in order to improve the services afforded sick children and young persons.

297. The Icelandic Accident Prevention Council is active, as provided for in Act No. 33/1994. In June 1998, the Minister for Health submitted to Parliament a report on the frequency and nature of accidents involving children in the period 1990-1996. The report describes various measures taken by administrative authorities in cooperation with other parties involved in accident prevention. The Accident Prevention Council has, along with the Traffic Council, held courses and provided education in cooperation with municipal authorities and police, and furthermore the Traffic Council has provided instruction designed to improve the traffic safety of children. The report states that studies show a significant increase in the use of safety equipment for children of nursery school age. The preparation of standards has been stepped up and the Regulation on Building Constructions has been revised with a view to the safety of children. A control of the sale and quality of toys has been introduced in accordance with Regulation No. 408/1994 on the Safety of Toys and Dangerous Imitations, and Act No. 134/1995 on the Safety of Goods and Official Market Monitoring. Furthermore, safety surveys have been conducted in some municipalities in cooperation with accident prevention societies. The following information on the number of accidents involving children is taken from the report. The information is chiefly obtained from the Reykjavik City Hospital, which has an emergency ward serving people not only in Reykjavik, but also from many other places.

Accidents involving children	1993	1994	1995	1996
Accidents at home	2 876	2 837	2 975	2 969
Accidents at school	1 238	1 251	1 349	1 476
Sports accidents	1 518	1 440	1 281	1 302
Traffic accidents	650	634	851	1 191

Total number	1990-1996	Boys	Girls
Accidents at home	22 153	12 422	9 731
Accidents at school	10 139	5 771	4 368
Sports accidents	9 924	6 239	3 685
Traffic accidents	6 019	3 374	2 645

298. The most common accidents involve blows from objects or collisions with objects, and falls on an even surface. Fatal accidents involving children in 1990-1995 totalled 70, of whom 48 were boys and 22 were girls. The most common causes were natural disasters, traffic accidents and drowning.

299. In 1997 a three-year campaign for preventing accidents among children and young persons was embarked upon under the auspices of the Ministry of Health. A board composed of the representatives of six government ministries and a representative of the municipalities was appointed to control the project. Its main tasks are to reduce the number of accidents involving children, promote uniform registration of such accidents, promote and coordinate the efforts of parties already engaged in preventing accidents among children, ensure that links are maintained with public institutions, municipalities, private associations and professional groups, and provide counsel on accident prevention. A separate managing director was engaged for the project, a person who previously functioned as the child accident prevention manager with the Icelandic Society for the Prevention of Accidents.

300. In recent years a cooperation project has been pursued by the Ministry of Health and the office of the Director General for Public Health on prevention and improved lifestyles, referred to as *Heilsuefning - hefst hjá þér* (Health improvement - begins with you). This is done with a view to achieving the objectives of the World Health Organization of health for all. The objective of the project is to promote public awareness and responsibility for leading a healthy life, improve public knowledge of risk factors and promote people's desire and possibilities for maintaining healthy lifestyles. Surveys have been conducted of people's ways of life and their well-being, educational material has been published and the importance of health has been emphasized in schools and in the workplace. In 1997 cooperation was instituted with the Icelandic Sports Federation on a campaign of wide scope for health promotion and prevention of dangers to health.

301. A team on policy formulation with regard to the affairs of the mentally ill, working under the auspices of the Ministry of Health, delivered its report at the end of 1998. It considered that special emphasis should be placed on the affairs of children and adolescents suffering from mental diseases. Among its proposals was to strengthen considerably the services offered by the University Hospital's Psychiatric Ward for Mentally Ill Children and Adolescents, to promote a basic psychiatric service for schools and in the general health-care system, to increase the number of professionals in all fields capable of assisting children and their families, and to institute organized cooperation among public institutions as regards assessment and treatment of adolescent persons with behavioural and drug problems.

302. A definition of priorities and preparation of action programmes in conformity with the policies laid down is now in progress. The first measures relating to improvement of psychiatric services for adolescents, in particular those afflicted with alcohol and drug problems, have been taken. The Government recently resolved to strengthen the services rendered by the University Hospital's Psychiatric Ward for Mentally Ill Children and Adolescents and to institute cooperation between the Ward and the Child Welfare Office for an acute reception facility for

teenagers. At the same time a cooperation council was formed by the Ministry of Health and the Ministry for Social Security as regards treatment of children and adolescents with drug, behavioural and psychiatric problems. The cooperation council will finalize its proposals on future organization on these matters before 1 July 2000.

303. The University Hospital's Psychiatric Ward for Mentally Ill Children and Adolescents opened a ward for continued care of children suffering from long-term mental diseases at the beginning of 1998.

304. The Ministry of Health is now finishing a new Icelandic health-care plan for the period up until 2005. This is a national plan based to a significant degree on the policy of the World Health Organization, Health for All in the Twenty-first Century, and the European programme, Health 21. (290)

305. The health-care plan is also based on new criteria for the priorities and roles of the Icelandic health-care service, where particular emphasis is placed on ensuring the rights of those who are at a disadvantage on account of young or old age, or disability. According to the draft health-care plan certain priorities are defined, relating inter alia to children, accident prevention and tobacco prevention. The objectives are to even out the differences in the health of children linked to the social situation of their parents, and that psychiatric services will annually reach 2 per cent of children 0-18 years of age, as in the other Nordic countries. In 1997, such services only reached 0.4-0.5 per cent of them. A significant reduction of smoking among children and adolescents is also a priority.

306. In addition to the foregoing, the draft health-care plan sets various specific objectives, such as:

Equal rights to health care;

The preparation of a national plan on environmental affairs and health;

That Iceland remain at all times among the five countries enjoying the best health care in the world as defined by the United Nations;

That all children of school age receive health education in every school year and that children are given organized health promotion education and training;

Reduction of infant mortality, accidents, fatalities and birth rates among mothers aged 19 years and younger;

Reduction of alcohol, drug and tobacco use among young people;

Reduction of the frequency of, and deaths resulting from, violence in the home, sexual violence and other violence.

307. The Tobacco Prevention Act, No. 74/1984, was amended by Act No. 101/1996, which changed the provisions on access to tobacco, advertisements and smoking in various places, in order to strengthen the struggle against smoking among children. The age limit for the purchase of tobacco has been increased from 16 to 18 years. Smoking is completely prohibited in nursery schools, in primary schools, special schools, day-care centres and on premises intended for the social and leisure activities of children and young people.

308. In June 1998, Parliament approved a resolution entrusting the Government with the formulation of a comprehensive and coordinated policy on the affairs of children suffering from long-term diseases. A preparatory report on this has been compiled, and in June 1999 the Government resolved to appoint a committee composed of representatives of the Ministries of Health, Social Affairs, Education and Finance to draft a text on the matter. In 1998, there were a total of 48 children whose need for care had been assessed as placing them in the most serious categories, i.e. children who need long-term hospitalization or home nursing and constant care, and children who frequently need hospitalization. Both categories relate to life-threatening diseases. See also paragraph 279 above.

**D.-E. Social assistance and childcare services (arts. 26 and 18.3),  
and living conditions (art. 27, 1-3)**

309. According to article 76 of the Constitution the law shall guarantee for everyone the necessary assistance in the case of sickness, invalidity, infirmity by reason of old age, unemployment and similar circumstances. As noted previously, the law shall guarantee for children the protection and care which their welfare demands. (296, 307-308)

310. We refer to the discussion on article 18, paragraph 2 of the Convention (paras. 203-221 above), concerning social security benefits and the Social Assistance Act. It may be noted in addition that linking benefit entitlement to income has generally been reduced. For example, financial social assistance rendered by the municipalities has not affected social security benefits as from 1 September 1997. Furthermore, in March 1999 the Ministry of Social Affairs issued rules, as authorized by the Social Security Act, by which the right to payment of the travel expenses of patients and their relatives was widened. (297-306, 309)

**VIII. EDUCATION, LEISURE AND CULTURE**

**A. Education, including vocational education,  
and information and guidance (art. 28)**

311. Article 76 of the Constitution provides that the law shall guarantee for everyone suitable general education and tuition. The Government's policy declaration of May 1999 states that everyone shall be provided with equal opportunities for education without regard to place of residence or financial status. (310)

312. A particular Regulation, No. 225/1995, has been issued on Nursery Schools, containing provisions on those aspects of their work that provide the basis for the attainment of their objectives with regard to the upbringing of children. For each teacher's position in a nursery school there shall be eight "individual child equivalents", which is a unit defined as follows:

A child of 5 years is 1.0 such unit;

A child of 4 years is 1.0 such unit;

A child of 3 years is 1.3 such units;

A child of 2 years is 1.6 such unit;

A child of 1 year or younger is 2.0 such units.

313. On 1 July 1999, a general curriculum for nursery schools entered into effect in Iceland for the first time. This has the same legal status as an administrative regulation. The general curriculum contains a professionally based policy for nursery schools relating to their upbringing and educational function and the ways to achieve their objectives, in which the development and needs of the child are central. It also contains information and criteria for parents in order to enable them to monitor nursery school activities and the results thereof. Emphasis is placed on nursery school and primary school cooperation to secure the child's interests. There follow some statistics on nursery schools in Iceland in 1998. (311)

Children in nursery schools	Proportion of children at the respective age, %
Total 1 - 5 years old	69
1 year old	12
2 years old	65
3 years old	87
4 years old	91
5 years old	88

Information on nursery schools	Number
Children 0-5 years, total	26 098
Children in nursery schools, 0-5 years	15 105
Boys	7 809
Girls	7 296
Number of nursery schools	249
Staff positions, total	2 780
nursery schoolteachers	788
other professional education	129
non-professionals	1 588
other work than upbringing	275
Individual child equivalents total	13 083

314. According to the Primary School Act, No. 66/1995, primary school is of 10 years' duration; a pupil is expected to begin in the year he or she becomes 6 years old. Primary school attendance is obligatory and each municipality is obliged to enable all children aged 6-16 who reside there to attend school. We refer to the description of the roles of the Ministry of Education and the school authorities in paragraphs 17 to 24 of this report, and to information on primary school in paragraphs 35 to 38, 40, 42, 84, 115, 129 to 131, 158, 169 to 170, 191 to 192 and 282 to 284 above. One may note, in addition, that the Ministry of Education is now obliged to ensure that coordinated examinations take place in the fourth class, the seventh class and at the end of the tenth class. This represents an increase in the number of coordinated examinations as compared to the previous situation, and simultaneously an increased control and supervision of school work. (312, 314)

315. In 1998, there were a total of approximately 30,000 nuclear families with children of primary school age and more than 15 per cent of the Icelandic nation were children of that age.

316. The Primary School Act establishes the minimum number of hours during which pupils are to attend school and that number of hours also constitutes the minimum education to which pupils are entitled. The school days shall not be fewer than 170 in each school year. The following standards are applicable as from and including the school year 2001/2002, when the provisions of the Primary School Act on tuition hours will have been implemented in full. Given school attendance for nine months, and 40-minute class hours, the pupils are entitled to the following number of tuition hours:

Pupils in the first to fourth classes are entitled to 30 class hours weekly;

Pupils in the fifth to seventh classes are entitled to 35 class hours weekly;

Pupils in the eight to tenth classes are entitled to 37 class hours weekly.

317. According to Regulation No. 388/1996 on Pupil Protection Councils, the head of each primary school may institute such a council. Its purpose is to coordinate the organization and implementation of health care, study counselling and special services for pupils, and to assist in the preparation of plans for particular assistance to pupils.

318. We refer to paragraph 311 above as regards equal rights to education. Regulation No. 391/1996 entitles all primary school pupils whose native language is other than Icelandic and who reside permanently in Iceland to particular tuition in the Icelandic language. The general curriculum refers in this context to the Convention on the Rights of the Child. By reference to the Regulation, pupils whose native language is not Icelandic can be provided with tuition in their native language in consultation with their guardians and with the approval of the relevant municipal government. The aim is to make the pupils in question actively bilingual. In the school year 1998/99, a total of 747 primary school pupils were regarded as having a foreign language as their native language, i.e. the native language of one or both guardians was not Icelandic and one or both guardians used that language generally in relating with the pupil. (313)

319. The following table presents some statistics on primary schools in the school year 1998/99. (317)

Information on primary schools	Number
Total pupils	42 421
Boys	21 793
Girls	20 628
Total primary schools	196
general primary schools	185
private schools	5
special schools	6
Private school pupils	655
Special school pupils	147
Average number of pupils in each school	217
Average number of pupils per teacher	10.5
Average number of pupils per class	18.9
Total number of primary school staff positions	6 092
fully qualified teachers	3 336
teachers without full qualifications	709

320. The new Secondary School Act, No. 80/1996, provides clearer policies relating to the activities of secondary schools, their objectives and organization, and the methods used. The Act provides that all those who have completed primary school or received education equal thereto shall have the opportunity of commencing secondary school studies. Pupils who have not completed primary school successfully shall be afforded an opportunity of preparatory studies or to attend special tuition at the secondary school stage. On average, 85 to 90 per cent of all pupils commence secondary school studies, but some of them subsequently discontinue their studies. Among the aims of the new Secondary School Act is to widen the supply of educational alternatives; it also emphasizes the availability of suitable avenues for all students. As regards secondary schools, reference is made to paragraphs 42, 132 and 285 to 287 above. (319)

321. Annual secondary school attendance shall be at least nine months. During that period tuition shall be provided for at least 145 days. A particular Regulation, No. 552/1997, applies to school periods and free days. In the school year 1998/99 there were a total of 40 schools active at the secondary stage; of these 4 were private schools. The students totalled approximately 40,000. (319)

322. The Secondary School Act involves a new policy concerning vocational education at the secondary school stage. The changed emphasis in the supply of education relates mainly to an increase in vocational education. The Act envisages active participation by business and industry in making proposals and in policy formulation, and a forum is created for a cooperation between business and industry and educational staff as regards the provision of vocational education. A new Regulation, No. 648/1999, has been issued on accredited industries. (322)

323. The subject of Regulation No. 329/1997 is special tuition in Icelandic in secondary schools, by which all secondary school students whose native language is not Icelandic and who reside permanently in Iceland, and Icelandic students who have resided abroad for long periods, are entitled to special tuition in Icelandic. The general secondary school curriculum emphasizes that the gap between the knowledge of one's native language and Icelandic must be bridged, and that native language proficiency is a basis for the knowledge of any languages learned later.

324. The Act on Universities, No. 136/1997, has been passed to provide a framework for universities as regards administration and State financial support, and to define the conditions to be fulfilled by an educational institution to qualify as a university. In 1998, a total of 10 institutions were so defined in Iceland, of which 2 were private institutions. A separate Act, No. 43/1995, has been issued on university education in the field of art. Act No. 137/1997 now applies to the Teaching University of Iceland, Act No. 40/1999 on the University at Akureyri, and Act No. 41/1999 on the University of Iceland. Regulation No. 331/1999 applies to quality control of university education, aimed at increasing the quality of such education, employing quality management techniques to improve organization and flexibility, and increasing the responsibility of university institutions for their own activities. (324)

325. The University of Iceland is the largest university institution. Organized basic paths to first graduation are 57 in number, 47 lead to a Master's degree, and 7 lead to doctorates. A total of 1,500 courses are delivered annually in the University's faculties and study routes. The students number approximately 6,000 and more than 800 students graduate each year. (325)

326. The following is a survey of public expenses for educational purposes as a proportion of national product and in millions ISK, showing the increases in recent years.

Education expenses (% of gross national product)	1996	1997	1998
Primary school stage	2.71	2.83	3.01
Secondary school stage	1.46	1.32	1.42
Universities	0.65	0.65	0.72
Total	5.32	5.35	5.70

Education expenses in millions ISK	1996	1997	1998
Primary school stage	13 159	14 977	17 631
Secondary school stage	7 081	7 015	8 352
Universities	3 148	3 459	4 250

327. The OECD recently published a paper entitled *Education at a Glance 1998*, where Icelanders are considered to enjoy a high rate of education, counted in years, by comparison to other OECD countries. The expected school attendance of a 5-year-old child in Iceland is 17.5 years. In this respect, Iceland is in sixth place out of 33 countries.

## B. Educational aims (art. 29)

328. According to the Primary School Act, No. 66/1995, the role of primary school remains unchanged.

329. We refer to paragraph 84 above as regards the general primary school curriculum. It entered into effect on 1 June 1999 and resulted in considerable amendments as regards school activities, on the foundation laid by a new school policy. Its implementation began in the school year 1999/2000 and it is to be fully implemented in June 2002. The curriculum is divided into a general part, describing inter alia the upbringing function of primary school, main tuition policies and study and tuition aims, and 11 separate sections describing the aims, substance and organization of studies in particular fields. (330)

330. Life skills is made an obligatory subject in primary schools. A special section of the general curriculum describing this subject notes that the Icelandic educational authorities shall, in accordance with the law and various domestic and international obligations undertaken by Iceland, provide children with various tuition not falling under traditional subjects. References are made in particular to article 26 of the Universal Declaration of Human Rights, the Convention, and the Act on Equal Status and Rights of Men and Women. The subject of life skills is intended to facilitate the fulfilment of these obligations in schools, and meet the increasing demands on their function of upbringing. The subject is intended to strengthen the pupils' development in general. This involves, among other things, encouraging pupils to develop spiritual values and physical and psychological health. Social maturity, moral sense and respect for oneself and others are to be encouraged. It also involves an endeavour to strengthen courage, initiative, natural creativity and adaptability in accepting the demands and challenges of ordinary life. This involves the consideration of aspects linked to participation in a democratic society and belonging to a family.

331. Christianity, ethics and religion also form an obligatory primary school subject. It is intended to encourage the pupils' general education and maturity, and further their understanding of Icelandic society and culture. According to the general curriculum, this subject is to strengthen the individual's religious, ethical and social development, in order to make him or her continuously better able to take a stand with respect to religious, ethical and social questions. Religious education is to disseminate knowledge of the reigning religious and ethical views, and thus further the pupils' understanding of different religious and cultural traditions. The aim is thus to further tolerance and broadmindedness. Emphasis is placed on the fact that the upbringing function of primary school has steadily increased, although the chief responsibility in this respect rests with the parents, and that ethical upbringing is an important aspect thereof. The school system is to provide the pupils with opportunities to tackle matters related to their search for the meaning of life and to ethical values, and to encourage them in formulating and asking questions about their duties, rights and responsibilities in their relations with other individuals, society and their environment. (331)

332. The National Centre for Educational Materials has received a financial appropriation earmarked for the revision of the study materials used in primary schools, with a view to a new curriculum and making improvements where they are considered needed.

333. According to the Secondary School Act, No. 80/1996, the role of secondary school is to encourage the overall personal development of students in order to make them as well suited as possible for active participation in a democratic society. Secondary school prepares students for

employment in business and industry and for further studies, and for this it is to encourage responsibility, broadmindedness, initiative, self-reliance and tolerance, train the students in self-discipline, independent work procedures and critical thinking, and enable them to enjoy cultural values and encourage them in a continual quest for knowledge.

334. The general secondary school curriculum entered into effect on 31 June 1999. The first school year during which it was applied was 1999/2000, and it will be fully implemented five years after its entry into effect. Its general section includes consideration of the roles and aims of secondary school, tuition and study arrangements, and study programmes, general admission criteria, the school curriculum, the rights and duties of the students, progress assessments and examination, junior craftsmen's (journeymen's) examinations, apprenticeship, waivers, treatment of personal information and procedures. The curricula for individual subjects and vocational education include definitions of study aims and study organization.

335. Life skills is also a mandatory subject in secondary school. At that school stage, it involves aspects intended to make the students more suited for membership in a democratic society and further their understanding thereof, such as its historical development, the development of its industries, culture and art, nature and environment, and to introduce them to its economy and natural resources, relations with others and family and individual responsibilities. According to the general curriculum, the subject is divided into two parts. One concerns self-knowledge, relations with others, creativity and lifestyle, and the other society, the environment, nature and culture. Following the second part, the student is to have acquired an overview of society enabling him or her to understand and respect its rules and to know its principal institutions concerned with the public good and their roles, and to have developed an international awareness and acquired a knowledge of the most important international human rights instruments.

336. According to the Secondary School Act, vocational education shall encourage general education, prepare students for their chosen vocation and provide them with an insight into the economic roles of enterprises and workers in business and industry. Their studies are also intended to encourage them to maintain their knowledge and improve it by re-education or advanced education.

337. According to Act No. 136/1997, a university is an educational institution also engaged in research. A university college shall provide its students with education preparing them for independent scientific work, innovation and art, and for various occupations where university education is demanded. University colleges shall disseminate education to the public and serve society through their knowledge.

### **C. Rest, leisure and cultural participation (art. 31)**

338. According to the general curriculum of nursery schools, emphasis is to be placed on creative activity and play. Play is emphasized as a way of education and personal development, and nursery school organization aims to encourage children in their play, initiatives and activity.

339. The Primary School Act, No. 66/1995, contains provisions identical in substance to the previous provisions on leisure and social activities and restrictions on work performed jointly with studies. (335)

340. Sports, physical education and health promotion are necessary aspects of primary school work. According to the sports section of the main curriculum, the role of physical education is to promote the overall maturity of pupils, their health and efficiency. Emphasis is placed on the beneficial effects of sports and motion for the pupils' mental and social condition, and the basis it may provide for a healthy lifestyle.

341. Art is also an obligatory subject in primary schools. According to the section of the main curriculum on this subject, all art education is to promote creative abilities, self-awareness and cultural appreciation. Emphasis is placed on a balance between creation, interpretation and expression on the one hand, and appreciation, analysis and assessment on the other. (340)

342. Sports, physical education and health promotion are mandatory subjects in secondary schools. According to the main curriculum, the role of sports education is to exert a beneficial influence on physical health and mental and social well-being. Sports education aims to promote students' self-respect, and can be linked to the study subject of life skills.

343. The Secondary School Act envisages that art study programmes prepare the students for further art studies at the university stage. Art is also offered as an elective subject. The main curriculum defines the aim of art tuition as, firstly, to explain the various forms of artistic expression and, secondly, to encourage awareness among the students of the purpose and meaning of, and the continuity among, the various forms of art.

344. A separate Sports Act, No. 64/1998, has been enacted, according to which the main aims of the measures taken by the State and the municipalities in this field are to ensure that all Icelanders have the opportunity of taking part in sports under the most favourable conditions. The Act mentions especially the value of sports for upbringing and prevention; factors which are to be taken into account in the cooperation between the public authorities and the sports movement. The Ministry of Education is in charge of matters relating to sports as far as they concern the national authorities, and appoints a special Sports Committee to make proposals on financial appropriations for this purpose. The Research Institute for Upbringing and Education issued a report in 1994 published in the book *Um gildi íþróttar fyrir íslensk ungmenni* (On the Value of Sports for Icelandic Youth). There, the conclusions of a study are presented, which show that youngsters who are active in sports and in good physical condition are less likely to smoke, drink and use drugs, as compared to young people who are not active in sports and/or are less fit physically. Members of the former group generally state that they receive higher grades in school, are better prepared for class and feel better in school.

345. According to the Sports Act, the Ministry of Education shall initiate safety measures on premises used for sports, including control thereof, and of sports equipment and related equipment. In 1999, rules were issued on safety in swimming places and in swimming pools used for training. The issue of safety rules for other sports premises is now in preparation.

346. In 1998, the Ministry of Education, in cooperation with the State Youth Council, the State Sports Committee and private organizations, procured an opinion on responsibilities and safety matters in the context of social and leisure activities of children and young persons. This is suited to promote good practices and safety in this field.

347. A new Theatre Act, No. 138/1998, has been passed. This is a comprehensive act on theatre containing a separate chapter on the National Theatre. The aim of the Act is to promote Icelandic theatre and other stage arts, and favourable conditions for their practice. The National Theatre shall, each term, stage one or more works intended for children. For each theatre term, Parliament shall also appropriate funds in support of other theatre activities, to both professional and amateur theatres. Such support may also apply to children's theatres and puppet theatres.

348. The Ministry of Education is now preparing a bill on children's leisure activities, which, if enacted, is to replace the present Youth Act. This is due, among other things, to the Convention and the increased emphasis on the interests and rights of children. Emphasis is placed on defining the content of the right of children to leisure activities, and on a formal framework for the involvement of public authorities in promoting organized leisure activities and the requirements of those working with children in organized leisure activities. (339)

349. Parties regularly operating summer camps, riding schools and similar facilities for children must have a licence to do so from the Child Welfare Office. In 1998, a total of 12 parties had such licences for a total of 556 children.

350. The Ministry of Social Affairs appointed a task group in 1998 to examine the possibilities for disabled persons to enjoy art, culture, leisure activities and summer vacations in the same manner as other citizens. Examination has been made of the manner in which organized leisure activities are offered by the municipalities, and policies are being formed in this context.

351. To supplement the increasing activities conducted by the Reykjavik Council for Sport and Leisure, a well-equipped cultural, leisure and information centre for young people 16-25 years of age was opened in 1995. This is located in new premises in the centre of Reykjavik and conducts activities of a multifarious nature. (337)

352. The Information and Cultural Centre for Immigrants, established in 1993, conducts group activities for teenagers in cooperation with the Sports and Leisure Council and three primary schools. These activities consist of a mixture of education and entertainment. Reading groups are also active for children of primary school age in order to help them retain their native languages.

353. Reykjavik is among the European cultural cities in the year 2000. The primary schools in the city take part in this project with the aim of increasing the opportunities for children of artistic creation and expression. Emphasis is placed on broad participation of children, and cooperation with other parties concerned with the affairs of children and youth in general.

354. A cooperation project between municipalities and the Ministry of Education, with Norwegian support, *Tónlist fyrir alla* (Music for all) has been ongoing for some years. Under the auspices of this project, 358 school concerts and 30 public concerts were held in 1998, in addition to concerts by the Icelandic Symphony Orchestra for pupils and the public.

355. Since 1995, 16 November each year has been the day of the Icelandic language. In 1999, its motto was "School and language". Emphasis was placed on participation by schoolchildren. All Icelandic schools were sent letters and wall posters on this occasion.

## **IX. SPECIAL PROTECTIVE MEASURES**

### **A. Children in situations of emergency**

#### **1. Refugee children (art. 22)**

356. In 1995, the Government resolved to establish a Council for Refugees. This is composed of representatives from five government ministries, with observers from the Association of Icelandic Municipalities and the Icelandic Red Cross. A representative from the Ministry of Education attends the meetings of the Council regularly. The Council's main roles are preparation of proposals for a comprehensive policy and organization as regards reception of refugees and supervising their reception. The functions of the Council have mostly been concerned with reception of refugee groups arriving in Iceland under the auspices of the Government. (346)

357. In other respects the reception of refugees under government auspices is based on trilateral cooperation between the Ministry of Social Affairs, the Red Cross, and the municipality where the refugees will stay. In 1996, an agreement was concluded between the Ministry and the Red Cross on such projects for a term of five years.

358. In 1999 the Ministry of Justice concluded an agreement with the Icelandic Red Cross on service to persons arriving in Iceland on their own, seeking asylum. In 1998, a total of 19 persons applied for refugee status in Iceland, including 2 children. This was the first time children sought refuge in Iceland without being members of organized refugee groups. Until 1 December 1999, 17 persons had sought refuge, including 2 children.

359. In March 1999, the Minister of Justice submitted to Parliament a bill on the affairs of foreigners in Iceland. The purpose is to define their legal status in Iceland, on arrival, during their stay and on departure. The bill takes into account the general evolution that has occurred in law and general attitudes in this respect, such as the constitutional amendments of 1995, evolution of administrative law and human rights, Iceland's participation in international cooperation, Nordic and European, and its status as a party to human rights conventions such as the Convention relating to the Status of Refugees. (343)

360. Considerable work has been devoted to the formation of policies in the context of foreigners and their affairs in Iceland. In 1995, the Minister of Education appointed a committee for this purpose relating to immigrants. In 1997, the Committee delivered its report, entitled "On the status and participation of foreigners in Icelandic Society", in which its task was handled

mainly with external circumstances in view. In the report, the Committee sought to define the relevant terms, considered the original legal status of foreigners in Iceland and presented detailed accounts of matters such as education, social assistance, health care, social security, matters concerning the labour market, information and interpreter services. In 1997, the Research Institute for Upbringing and Education issued a report, entitled "Adaptation of Icelanders of foreign origin and policy formation in their affairs". This may be traced to Iceland's participation in Council of Europe projects conducted on the basis of the 1993 Vienna Declaration of the World Conference on Human Rights. The report describes in detail the different conceptual foundations for policy formation relating to refugees. It is also based on interviews with immigrants concerning their experience of Icelandic society and with persons engaged in providing services to immigrants.

361. When these reports became available, the Government decided to entrust the Ministry of Social Affairs with appointing a task group on matters relating to immigrants. The Minister appointed such a group at the end of 1997 in order to follow up on the proposals outlined in the reports. In mid-1998, the group issued a report entitled "Proposed measures that may facilitate the adaptation and participation of foreigners in Icelandic society". Its members tried to formulate and prioritize its tasks in such a way as to obtain a clearer comprehensive view of and strengthen the services provided to immigrants. The group emphasized three points:

The importance for people of retaining their native language and of mutual understanding between majority and minority groups;

The importance of tuition and education;

The need for a nationwide cooperation forum.

362. The implementation of the task group's proposals is now in progress. At the end of 1999, a committee was appointed to examine the feasibility of the establishment of a centre for the nationwide provision of services and information relating to matters concerning foreigners. The foreseeable roles of such a centre are provision of information and counselling services, interpretation and translation services, supervision of tuition and courses, preparations for the arrival of refugees in cooperation with the Council for Refugees and the Red Cross, and various cultural activities. (344)

363. The Ministry of Social Affairs has recently issued an information booklet for foreigners immigrating to Iceland, containing information on Icelandic society, rights and duties. It contains for example information on the public institutions with which foreigners must chiefly relate. Registration, permits to stay and work, refugees, the rules governing custody and support of children, child benefits, and marriage and cohabitation are discussed in the booklet, which also contains all the most important information on social services, child protection, social security, health services, taxation and education. The booklet is published in Icelandic, English, Polish, Russian, Thai, Serbian and Vietnamese, and is widely available. Publication in more languages is planned. In 1999, the Ministry of Social Affairs also published a manual for foreigners on Icelandic society, covering in detail the aspects and significance of a decision to immigrate. Its translation into foreign languages is planned.

364. As regards the education of children with a native language other than Icelandic, reference is made to paragraphs 318 and 323 above. In 1998, a total of 747 primary school students had other native languages. The number of children in nursery schools with other native languages was 572.

365. The following table shows the Icelandic population broken down by country or continent of birth at the end of 1998.

Country of birth	Number
Iceland	261 922
The Nordic countries	5 137
Other European Economic Area countries	2 538
Other European countries	2 131
The Americas	1 840
Africa	331
Asia	1 720
Australia and Pacific islands	93
<b>Total Icelandic population</b>	<b>275 712</b>

366. The following statistics show the number of refugees arriving in Iceland under the auspices of the Government. (345)

Nationality of refugees	Number	Year of arrival
Yugoslavia	30	1996
Yugoslavia	17	1997
Yugoslavia	23	1998
Yugoslavia	76	1999

Refugee children	Number	Age	Year of arrival
Yugoslavia	16	1-15 years	1996
Yugoslavia	6	5-15 years	1997
Yugoslavia	7	7-17 years	1998
Yugoslavia	37	2 months-17 years	1999

## **2. Children in armed conflicts (art. 38). Psychological recovery and social reintegration (art. 39)**

367. Iceland has encouraged fixing of the minimum age limit for participation in warlike operations at 18 years. A resolution to this effect was passed by the meeting of Ministers of the Nordic countries, held in Iceland in 1999. (351).

## **B. Children in conflict with the law**

### **1. Criminal offences by young persons (art. 40)**

368. The Act on the Judiciary, No. 15/1998, is to ensure that, on the one hand, the courts remain to the greatest possible extent independent of the other two branches of government, the actions of which they are empowered to review, and also as far as possible independent as regards the management of their own internal affairs. (354-355)

369. Article 69 of the Constitution provides that no one may be subjected to punishment unless found guilty of conduct that was punishable according to the law at the time of its commission, or is totally analogous to such conduct. The sanctions may not be more severe than the law permitted at the time of commission. Capital punishment may never be stipulated by law. (356)

370. According to article 70 of the Constitution, everyone shall, for the determination of his rights and obligations or in the event of a criminal charge against him, be entitled, following a fair trial and within a reasonable time, to the resolution of an independent and impartial court of law. A hearing by a court of law shall take place in public, except if the judge decides otherwise as provided for by law in the interest of morals, public order, the security of the State or the interests of the parties. Everyone charged with criminal conduct shall be presumed innocent until proved guilty. (357-358)

371. Article 67 of the Constitution lays down the principles governing the rights of arrested persons. It includes the provision that no one may be deprived of his liberty except as permitted by law. Any person deprived of his liberty shall be entitled to be promptly informed of the reasons for this measure. Any person arrested on suspicion of criminal conduct shall be brought before a judge without undue delay. If he is not released at once the judge shall, within 24 hours, give a reasoned decision on whether he shall be imprisoned on remand. The possibility of ordering remand is limited in ways provided for in further detail. Any person deprived of his liberty for other reasons shall be entitled to have the legality of the measure reviewed by a court as soon as possible, and any person deprived of liberty without valid reasons shall have a right to compensation.

372. The Code of Criminal Procedure, Act No. 19/1991, was amended by Act No. 36/1999, providing, among other things, for increased access by defence counsels to evidence. The objective was to improve the legal status of the defendant, which will be explained further in due course. Special provisions were enacted on the questioning of victims of crime under the age of 18 years. (359, 363)

373. With the entry into effect of a new Police Act, No. 90/1996, fundamental changes were made to the police organization and its supreme command. The new office of National Commissioner of Police was established and that of the State Criminal Investigation Police (SCIP) ceased to exist. The responsibility of the SCIP was previously to investigate various categories of crime, but with the new Act, the investigation of most such offences became the responsibility of local police agencies. Among the roles of the new office of the National Commissioner is to support the local commissioners in more serious criminal cases. There are also certain investigation departments under the office of the National Commissioner of Police, such as departments for economic and tax offences.

374. The Police Act provides that the police and other authorities shall maintain mutual cooperation in law-enforcement related fields, such as crime prevention. The police shall in particular cooperate with the social authorities, health authorities and educational authorities as regards crime prevention, where necessary and feasible, and provide such authorities with information on matters that require their involvement. The police shall intervene if children stay in places where their health or welfare is seriously endangered, and bring them to their custodians or the child welfare authorities if necessary.

375. A special regulation, No. 395/1997, applies to the legal status of arrested persons and police interrogations. The police shall immediately contact parents or a representative of the relevant child welfare committee if a person under the age of 18 has been arrested. The parents, or any other person enjoying the child's trust, shall be notified of the interrogation, if possible, and they shall be afforded the opportunity to be present. The parents shall be afforded an opportunity to nominate a defence counsel. The child welfare committee shall be afforded an opportunity to have its representative present, and the police may also require the presence of such a representative.

376. The Regulation also contains rules on the questioning of children as witnesses. If a witness under the age of 18 is to be questioned, the parents shall be afforded an opportunity to be present. This does not apply, however, if the person in question has the status of a suspect or if other reasons advocate against it. A representative or a staff member of the relevant child welfare committee shall be afforded an opportunity to be present. The Regulation states that a child under the age of 18 shall be questioned with all due consideration. The child shall be questioned in the area of its home, if possible. The Code of Criminal Procedure, as amended in 1999, contains specific provisions on the questioning of child victims of sexual crimes. These will be explained later.

377. Accommodation of children deprived of their liberty will be explained in the next chapter. (368, 371)

378. The Minister of Justice appointed a committee in 1998 to consider matters relating to young criminal offenders and to submit proposals for improvements. The committee delivered a detailed report in May 1999. Its conclusions are now under consideration.

## **2. Children deprived of their liberty, including any detention or imprisonment, and custody-related measures (art. 37 (b), (c) and (d))**

379. The Prison and Probation Administration (PPA) notifies persons resident in the Reykjavik area of decisions to suspend an indictment conditionally. A special staff member of the PPA exercises supervision and control of young persons in this regard. Their situation is assessed in cooperation with their parents, where possible, and efforts are made during the period of the suspension, usually two years, to guide them to a law-abiding life. PPA studies indicate that approximately 70 per cent of the young persons involved do not commit further offences against the General Penal Code in the suspension period. There follows a survey of conditional suspensions of indictment exercised by the PPA. (370)

Suspension of indictment	1997	1998
Total aged 15	12	23
boys	9	18
girls	3	5
Total aged 16	41	41
boys	36	31
girls	5	10
Total aged 17	31	30
boys	31	23
girls	0	7

380. An Act on Community Services entered into effect for the first time on 1 July 1995. The provisions of that Act were incorporated in the Prison and Imprisonment Act, No. 48/1988, by Act No. 123/1997. If the public interest does not advocate against it, a person who has been sentenced to up to one year in prison can be permitted to serve his or her sentence by unpaid work for the community's benefit. This may be of a minimum duration of 40 hours and up to 240 hours maximum. The PPA assesses whether the conditions of the Act are fulfilled in other respects. From the beginning, the work performed in this way has generally been service as assistants with public institutions, with institutions enjoying public financial support, and with independent associations. No person under the age of 18 has performed such community service. In 1998, six persons aged 18-20 completed such service.

381. With the amendment provided for by Act No. 123/1997, the possibility was opened for remand prisoners to be accommodated in prisons intended for convicted prisoners. Until 1996 there was a special remand prison in Reykjavik, but now remand prisoners are accommodated in the ordinary prisons. There follows a table of cases where young persons, not judged criminally irresponsible, have been remanded.

Remand imprisonment	1996	1997	1998
16-17 years	4	3	5

382. There follows a survey of the criminal sanctions ordered for sentenced persons in the age group 15-17. "Partial conditional sentence" means that the sentence has been conditionally suspended in part, whereas service of the remaining part has been ordered.

Criminal sanctions	1996	1997	1998
Imprisonment, not suspended	2	1	5
Partial conditional sentence	2	2	4
Imprisonment, conditionally suspended	23	47	57
Imprisonment conditionally suspended + fine	12	14	18
Determination of penalty conditionally suspended	5	11	29
Determination of penalty conditionally suspended + fine	0	1	1
Fine	11	19	20
Totals	55	95	134

383. The following is a survey of the number of prisoners aged 16-17 who had completed their sentences or were serving their sentences at the end of the respective years:

Sentence served	1996	1997	1998
16-17 years of age	5	2	3
% of total prison population	1.2	0.6	1.1

384. The PPA and the Child Welfare Office concluded a cooperation agreement in October 1998, to the effect that prisoners under the age of 18 shall generally be accommodated at treatment homes operated under the supervision and control of the Child Welfare Office. This is done in order to comply with the requirements of the Convention on the Rights of the Child. Their accommodation is subject to the general rules applying to accommodation in such homes, but the prisoner's own desire is a condition for such accommodation instead of accommodation in prison. The Child Welfare Office selects a particular home in each case in consultation with the child welfare committee. Before a decision is taken on such accommodation, an agreement is to be made with the prisoner and his or her custodian in writing, for the duration of at least six months and independent of the duration of the sentence, or a formal decision is rendered by the child welfare committee. If the prisoner violates the conditions underlying this arrangement or the rules of the home in question, for example by absconding or attempting to abscond, he or she shall generally be removed to prison immediately. The Child Welfare Office undertakes to offer accommodation for the duration of the sentence for prisoners who attain the age of 18 while the sentence is being served, if the period of sentence is not over that date. Until the end of 1999, two prisoners have made use of this possibility. (375)

385. We refer to the discussion of section 22 of the Child Welfare Act in paragraph 245 above, and also to the discussion on the treatment homes of the Child Welfare Office in paragraphs 243 to 251.

386. The total number of prison places in Iceland is slightly under 140. The Litla-Hraun prison is by far the largest, with 87 places. There, significant changes have been made in the past few years. The prison is now divided into seven wards of 10 to 11 prisoners. When assigning prisoners to the wards, conduct, drug abuse, age, social situation and the individual prisoner's plans for the period of serving the sentence are among the considerations taken into account. There are two isolation wards, with four and six places, principally intended for remand prisoners who must be isolated from others. A school offering good possibilities for tuition is active at the prison, and prison work of diverse nature is available. Most of the staff have completed their training in the School for Prison Wardens and have also been given special training in various fields. A new sports hall came into use in 1997, marking a drastic change in the possibilities offered the prisoners as regards fitness and healthy leisure activities.

387. According to Regulation No. 408/1998 on Work, Studies and Daily Allowances to be Paid to Convicted Prisoners, prisoners are entitled to pursue studies or vocational training. There is also a Regulation on Leave for Convicted Prisoners for Staying outside Prison, No. 719/1995, as later amended. (376)

388. The Prisons and Imprisonment Act, No. 48/1988, was amended by Act No. 22/1999. Then, a clear provision was enacted on the PPA's authority to permit a prisoner to complete his or her sentence outside prison, provided the prisoner pursues work or studies approved by the PPA, resides in a special institution or home where the prisoner is subject to supervision, and provided the prisoner's work or study forms a part of his or her readjustment to society.

389. Under the provisions of Act No. 123/1997 amending the Prisons and Imprisonment Act, health services for prisoners were reorganized and significantly improved. The recommendations in the report of the European Committee for the Prevention of Torture and Cruel, Inhuman and Unusual Treatment or Punishment (CPT), sent to the Government of Iceland in 1994 following the Committee's visit to Iceland in 1993, were among the factors taken into account. The CPT sent a new report to Iceland in February 1999, following a visit in 1998. There, the CPT observed that most of the recommendations made in the initial report had been acted upon by the Icelandic authorities. Some further recommendations were made in the second report, and further improvements are in progress.

### **3. Penalties applied to young persons, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a))**

390. As stated in paragraph 369, the Icelandic Constitution prohibits capital punishment.

391. It may be noted that Act No. 82/1998 abrogated penal custody as a form of criminal sanction, as neither law nor practice made any actual distinction between penal custody and imprisonment.

392. In other respects we refer to the discussion on article 40 and article 37 (b), (c) and (d) above.

### **4. Physical and psychological recovery (art. 39)**

393. We refer to the observations on the Icelandic health-care-system in chapter VII above.

#### **C. Abuse of children. Physical and psychological recovery and social reintegration (art. 39)**

##### **1. Economic exploitation, including child labour (art. 32)**

394. We refer to paragraphs 43 and 98 above concerning amendments made to the Act on Health Practices and Conditions in the Workplace, No. 46/1980, and ratification of ILO conventions. There are rather detailed provisions in enacted law on child labour, and a regulation, No. 426/1999, has also been issued on work performed by children and adolescents. As noted above, the terms "child" "adolescent" and "young person" are defined in the rules on work performed by them. (384)

A "child" is an individual under the age of 15 or an individual who receives obligatory education;

An “adolescent” is a person who has attained the age of 15 but remains under the age of 18 and no longer receives obligatory education;

A “young person” is a person under the age of 18.

395. Various general rules apply to labour performed by any individual under the age of 18. In all cases where young people perform work, this shall be selected and organized so as to prevent any danger to their safety and physical and mental well-being, and to ensure that their work does not disturb their education and development. It shall be made certain that they are provided with adequate training and instruction, so as to prevent any danger to their safety. Their work shall be performed under suitable supervision of a person who has attained the age of 18 years and has adequate perception of the nature of the work performed. There are specific provisions on work prohibited to persons under the age of 18, such as work where certain equipment is used and work on particularly dangerous assignments. Exceptions are made as regards vocational training of adolescents and older persons in family enterprises, such as in agriculture, subject to certain further conditions. Young persons may not work with, or be exposed to, certain enumerated chemical materials. Young persons may not handle heavy things, and care shall be taken that they are not subjected to an unnecessary physical burden in general. A young person may not be engaged for work involving particular danger to their physical or mental development, unless they perform such work with adults or persons who have attained the age of 18 years. This refers in particular to work in kiosks, shops leasing videotapes, fast food outlets, petrol stations and similar places. Furthermore, young persons may not work under conditions specifically enumerated in regulation annexes.

396. There are special rules that apply to work by children. Children may not be engaged for work unless this is specifically allowed. Children between 13 and 14 years of age, and children receiving compulsory education, may only perform work coming under a regulation annex on light work, such as gardening, light work in fish processing and shops, minor cleaning duties, light messenger duties, newspaper sale, mail delivery and light office work. A person 13 years of age or older may be engaged for light work during the summer vacation from school, when the work forms a part of theoretical study or vocational training. The work in question is enumerated in particular regulation annexes referring to persons under the age of 15 years, persons who have attained the age of 15 years and persons who have attained the age of 16 years. When children are engaged for work, the custodians shall be informed of all the engagement terms and the measures taken to provide for their safety and health at work.

397. There are particular rules on the working hours of children and adolescents. The working hours of children aged 13-15 may be 2 hours in a school day and 12 hours per week if the work is performed during term time but outside organized school hours. During vacations from school, the working hours of children aged 13-14 may be 7 hours per day and 35 hours per week. The daily working hours of children aged 15 may be 8 hours per day and 40 hours per week. Children may not work between 8 p.m. and 6 a.m. and they shall be provided with a continuous rest period of at least 14 hours per day. Adolescents may not work longer than 8 hours per day and 40 hours per week. In the absence of provisions allowing it, adolescents may not work between 10 p.m. and 6 a.m. and never between midnight and 4 a.m. and shall have a continuous rest period of at least 12 hours per day. The relevant statutes and regulations provide for some exceptions from the provisions on working hours and rest hours in certain situations.

398. Children under the age of 13 years may be engaged to take part in cultural or artistic events, and in activities relating to sports and advertising. Advance permission from the Occupational Safety and Health Administration is required.

399. With the increase in the age at which people become competent to manage their personal affairs, the special rules on the right of children aged 16-18 to decide on their own what work to perform no longer apply. The rules on the use of money personally earned remain in effect without change. (385)

## 2. Illicit use of drugs and psychotropic substances (art. 33)

400. Act No. 10/1997 introduced some changes to the provisions of the General Penal Code, No. 19/1940, on the treatment of proceeds from crime, and also amended the Drugs of Abuse Act, No. 65/1974, as regards the definition of drug offences. Thus, the import, export, sale, purchase, exchange, delivery, reception, preparation and possession of equipment, parts and materials for use in unlawful cultivation, production or preparation of drugs of habituation and dependence is now prohibited. These changes preceded Iceland's ratification of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and the 1990 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of 1990. (386-387)

401. A new Alcoholic Beverages Act, No. 75/1998, has been enacted as a part of more comprehensive changes in matters relating to the sale of alcohol and tobacco products in Iceland.

402. In 1995 Iceland took part in a multinational project referred to as ESPAD (European School Survey Project on Alcohol and Other Drugs). The survey was conducted on the initiative of the Council of Europe and involved 100,000 students aged 15-16 in 25 countries.

403. Various research has been performed relating to drug use by children and adolescents. In 1998, the book *Vímuefnaneysla ungs fólks - umhverfi og aðstæður* (Drug Abuse among the Young - Environment and Situations) was published. It contains information on drug use by adolescents as indicated by a survey conducted in all primary schools in Iceland in 1997. In 1998, an investigation took place into the abuse of drugs by pupils in the three senior primary school classes. This brought to light that more than 80 per cent of pupils in the last year of primary school had used alcohol at some time. Sniffing is also a problem among primary school pupils and the fact that use of cannabis and its derivatives seems to have increased as compared to 1997/98 is also of concern.

404. The following information comes from the research mentioned above relating to drug use among children and adolescents. The percentage of pupils concerned in the three senior primary school years is indicated.

Daily smoking, %	1997	1998
8th class	5.0	5.9
9th class	12.5	13.6
10th class	21.4	22.3

Use of alcohol, %	1997	1998
8th class - have never used alcohol	49.4	49.3
" - once or more	50.6	50.7
9th class - have never used alcohol	34.2	32.9
" - once or more	65.8	67.1
10th class - have never used alcohol	18.7	19.3
" - once or more	81.3	80.7

Various substances - 8th class, %	1997	1998
Cannabis - once or more	3.6	5.0
" - three times or more	1.8	1.8
Sniffing - once or more	5.7	6.3
" - three times or more	2.7	2.4

Various substances - 9th class, %	1997	1998
Cannabis - once or more	7.7	8.4
" - three times or more	3.8	4.5
Amphetamines - once or more	3.2	2.5
" - three times or more	1.3	1.0
Mushrooms - once or more	3.8	2.1
" - three times or more	1.6	1.1
Sniffing - once or more	8.1	7.5
" - three times or more	4.1	3.5

Various substances - 10th class, %	1997	1998
Cannabis - once or more	13.0	16.5
" - three times or more	7.4	9.9
Amphetamines - once or more	4.6	5.8
" - three times or more	2.0	2.3
E-tablet - once or more	2.3	2.2
" - three times or more	1.0	0.7
Mushrooms - once or more	5.3	4.6
" - three times or more	2.1	1.6
Sniffing - once or more	8.0	9.9
" - three times or more	4.2	5.5

405. An association bearing the name "Association of Persons Concerned With the Alcohol and Drug Abuse Problem", abbreviated SÁÁ from its Icelandic name, has for many years offered treatment for alcohol and drug abuse at the *Vogur* Hospital, and rehabilitation wards in addition. A prevention department was founded in 1995, where emphasis is placed on cooperation with municipal authorities as regards prevention of drug abuse among young persons. In 1998, preparations were commenced for the construction of a separate treatment facility for young people under the auspices of SÁÁ. The new department, designed for adolescents, is scheduled to open at the beginning of 2000. The number of young people seeking treatment at the *Vogur* Hospital has increased in recent years. The number of children arriving at *Vogur* in 1998 was as follows.

Children at <i>Vogur</i> , 1998	Girls	Boys	Total
Aged 14	2	1	3
15	7	11	18
16	16	26	42
17	15	15	30

406. In December 1996, the Government approved various measures in the field of defence against the use of drugs, alcohol and tobacco. The Government decided to take a firm initiative to coordinate the actions and efforts of ministries and public institutions, law enforcement and customs agencies, in cooperation with municipalities, parents' associations, private associations and others, with a view to eradicating drug abuse among children and reducing greatly their use of alcohol and tobacco. The points of emphasis in this field until 2000 are, according to the government policy declaration, as follows:

To strengthen prevention, in particular relating to individuals at risk with regard to the use of drugs, alcohol and tobacco;

To restrict the access of children and young persons to drugs, alcohol and tobacco;

To enhance public security by a reduction in the frequency of drug-related offences;

To strengthen society's resistance to the use by children of drugs, alcohol and tobacco;

To improve the treatment possibilities available to young persons who have become dependent.

407. Implementation plans were prepared by the ministries and the institutions subject to them for defining the policy further with regard to the roles of the individual ministries. We refer in particular to the points made previously in this report relating to this matter, such as paragraph 79 on the Family Council, paragraph 243 on treatment homes under the auspices of the Child Welfare Office, paragraph 294 on the Ministry of Health's Prevention Fund, paragraph 300 on health improvement, paragraph 302 on the new cooperation council of the Ministry of Health and Social Security, and paragraph 307 on tobacco prevention.

408. Among the measures taken by the Government was to join the City of Reykjavik and ECAD (European Cities Against Drugs) in the programme *Ísland án eiturflyfja* (Iceland Without Drugs). A cooperation agreement was signed in February 1997, to remain in effect until 2002. The chief objectives of this cooperation are to unify the nation's efforts against illegal drugs, to promote prevention and to organize projects and measures directed to this end. The project has been provided with a board of five directors and a project manager has been appointed. The board has prepared a five-year plan and also prepares implementation plans on an annual basis. In cooperation with the Ministry of Social Affairs, Icelandic municipalities have been encouraged to prepare their policies and planning in the field of drug prevention. Cooperation in the prevention field has included the national organization *Heimili og skóli* (Home and School), and the parents' organization *Vímulaus æska* (Youth Without Drugs). Particular campaigns have also been prepared, conferences, lectures and meetings held, and the project and the cause in its entirety have been widely publicized.

409. An Act on the Alcohol and Drugs Prevention Council, No. 76/1998, has been passed. The purpose of the Council's foundation was to improve and strengthen defences against alcohol and drug abuse, and to lessen the effects of their use. The efforts of the Council are directed at all age groups, but alcohol and drug abuse among children and adolescents are given particular attention. The objective of the work of the Council is to eradicate drug abuse and reduce greatly the use of alcohol. The Council lays particular emphasis on cooperation between all parties concerned and the coordination of their efforts, such as those of the health-care services and health institutions, municipal social authorities, police agencies, the educational system, the criminal justice system and private associations.

410. The following is a survey of the main achievements until now:

Increased financial appropriations to police and customs agencies, and increased cooperation between them;

Organized prevention within the school system. Work relating to prevention of drug use in schools has been performed by very many parties, such as the police, social authorities and the Ministry of Education in cooperation with the Educational Centre for Drug Prevention. A team of specialists delivered a report in 1998 on drug prevention in schools, which was among the materials used in preparing the general curriculum. Many schools have also prepared drug prevention programmes on their own.

The Ministry of Education has conducted courses for secondary school staff on risk behaviour of children and adolescents and reactions thereto. This has been done in cooperation with the Educational Centre for Drug Prevention, the Department for Continuing Education at the University of Iceland, and the Iceland University of Education.

In 1998 a cooperation agreement was concluded between the Ministry of Health and the prevention department of SÁÁ on cooperation in drug prevention for a term of two years. The aim of this project is to harness the efforts of municipalities, national authorities, private associations, schools, pupils, parents and any other concerned parties for determined prevention work within each municipality, involving professional counselling, assistance and support. SÁÁ's prevention department has concluded agreements with a number of municipalities for the implementation of this project. A number of municipalities have also laid down special prevention plans for themselves.

Peer education. In 1995 the Association of Secondary School Teachers decided to embark on a drug prevention project organized in cooperation with the Ministry of Education and other parties. In recent years the secondary school peer education project has made efforts worthy of note. The idea is to disseminate knowledge of drugs of abuse and of the harm of which they are capable, among equals.

In 1997 a Family Centre was opened. This is a prevention project among primary school pupils in Reykjavik supported by the Ministry of Social Affairs, the Ministry of Health, the Reykjavik section of the Icelandic Red Cross and the City of Reykjavik. The aim is to reduce the use of drugs and alcohol among children of primary school age, to evoke

and strengthen their aversion to drug abuse and support them in their resolve, thus contributing to a drug-free primary school. Heavy emphasis is placed on cooperation with parents and participation of the primary school pupil councils.

Supportive treatment was introduced under the auspices of the Child Welfare Office for children of alcohol-dependent parents in 1996. The *Vímulaus æska* association took this over in 1997, with financial support from the Drug Prevention Fund.

Increased emphasis has been placed on prevention within the health-care system. The office of the Director-General of Public Health has conducted organized publicity work in support of healthy lifestyles, accident prevention, drug prevention, matters relating to mental health, health education and health care in schools.

In 1999, rules were issued on tobacco prevention in the workplace, in cooperation with the State Tobacco Prevention Committee, the Icelandic Cancer Society, the Occupational Safety and Health Administration, the Board of Public Health and social partners.

Increased emphasis has been placed on investigation of risk factors relating to drug abuse and assessment of the results of prevention efforts.

411. According to the Government's policy declaration of May 1999, its aims during the present election term include the preparation of a campaign against misuse of drugs, in cooperation with parents and schools, independent associations concerned with prevention and treatment, municipalities, and sports and youth associations. The principal emphasis is on increased prevention measures, coordination of the efforts made by police and customs, and increased diversity in treatment modalities for young drug abusers. In August 1999, the Minister of Social Affairs appointed a task group to make proposals concerning measures to be taken against misuse of drugs and the aid available for victims of such misuse, in line with the Government's policy declaration. The group is to formulate plans for a special campaign in this field and make proposals on how to follow it up in the coming years.

### **3. Sexual exploitation and misuse (art. 34)**

412. With Act No. 126/1996, amendments were made to the General Penal Code, No. 19/1940, with the purpose of criminalizing the possession of material containing child pornography and thus increasing the protection of children against sexual abuse. This prohibition is considered conducive to making the abuse of children in connection with the preparation of such material less likely. Anyone possessing photographs, cinema material or similar things exhibiting children in a sexual or pornographic manner is to be fined. The same penalty will be imposed if a person has in his or her possession material exhibiting children in sexual acts with animals or using objects in a pornographic manner. Generally, imprisonment for up to six months will be imposed if a person prepares, imports for purposes of distribution, or hands out or otherwise distributes pornographic writings, pictures or other similar objects, or exhibits them publicly, or delivers public lectures or stages plays of such immoral nature. In November 1999, a bill was submitted to Parliament for an increase of the maximum penalty to two years' imprisonment in cases of child pornography. (396)

413. Act No. 63/1998 amended the General Penal Code to provide for a specific statute of limitations in relation to sexual offences against children. The general rule is that the time begins to be counted on the day a criminal act was carried out. The period in which criminal liability on account of certain sexual offences lapses does not begin, however, until the victim attains the age of 14 years. Criminal liability lapses after different periods, depending on the period of imprisonment that can be imposed. As regards the offences under consideration here, the minimum period after which criminal liability lapses is five years and, therefore, this cannot occur until the victim has attained the age of 19 years. This applies to the least serious offences; longer periods apply to the more serious ones.

414. In 1997, various information on sexual offences against children was submitted to Parliament, based on research made by the Child Welfare Office. The child welfare committees received a total of 465 cases of alleged sexual violence for consideration over a period of five years, 1992-1996, involving 560 children under the age of 16. Police investigation was requested in 50 per cent of these cases. The Director of Public Prosecutions issued indictments in 45 cases, i.e. in about one third of the cases referred to that office by the police. Thirty cases are known to have resulted in conviction. This survey also led to the conclusion that support of victims of sexual offences was not adequate. The Child Welfare Office is now examining such cases further and a conclusion is expected in 2000. (393)

415. Following this examination, the Minister of Social Affairs requested the Child Welfare Office to submit proposals on how to respond to the need for treatment of children who have suffered sexual offences. Its proposals were compiled in cooperation with the Reykjavik Social Office, other social authorities, medical professionals, the Reykjavik police, the National Commissioner of Police, the Director of Public Prosecutions and other specialists. In November 1998, the Child Welfare Office opened its House for Children, which is a cooperation forum for all parties concerned with these matters. The chief objectives of the House for Children are:

To coordinate the efforts of the social authorities, the police authorities and other parties in this field;

To institute multi-professional cooperation in order to improve research methods;

To prevent the need for requiring a child to recall a bad experience in repeated interviews with many questioners, and to secure the interests of the children involved during interrogation and at other stages of legal procedure;

To improve the quality of the psychological treatment that a child may need;

To ensure the availability of professional knowledge in this field.

416. The House for Children uses specially designed premises with equipment for receiving the statements of children, enabling the parties to monitor the questioning process without being present. The facility is designed with the interests of the child in mind, and all necessary equipment for medical inspection is at hand. Specialists were engaged to conduct the

questioning process and to attend to the needs of the young people questioned. The House for Children opened in November 1998 and in the first year cases relating to 130 children were received there.

417. The Code of Criminal Procedure, No. 19/1991, was amended by Act No. 36/1999. The chief purpose of the amendment was to improve the status of the victim. If a police investigation relates to a sexual offence against a child, the police are required by law to appoint a representative for the child, to protect its interests. Such a representative can also be appointed in other cases. The role of the representative is to protect the interests of the victim and to grant the victim assistance during the procedure. The representative can always be present when the victim is questioned, and after an indictment has been issued the representative is also entitled to attend all court sessions. During the investigation stage the representative is only entitled to have access to the evidential material necessary in order to carry out his or her task. When an indictment has been issued the representative is generally entitled to have access to all the evidential material.

418. The provisions of the Code of Criminal Procedure were also amended by Act No. 36/1999, relating to statements to be obtained from children as witnesses. If a police investigation relates to a sexual offence and the victim has not attained the age of 18 years at the time the investigation is commenced, the police shall request that the victim's statement be received by a judge. The prosecutor, the defence counsel and the victim's representative shall be notified of this in advance, so as to enable them to be present. If possible, the statement shall be recorded on videotape. The judge may summon the assistance of a professional person for questioning the victim. The prosecutor, the defendant and the defence counsel are not entitled to be present in the courtroom or other place where the court holds its session, if the judge considers that their presence may be particularly burdensome to the victim or affect the statement the victim provides. In such a case, the judge shall ensure that the parties can monitor the questioning, and the judge may decide to pose any questions the parties may require. When the victim has provided a statement under the observance of these rules, the victim shall generally not testify again unless the judge considers that there is a particular need for it.

419. A regulation, No. 321/1999, has been issued on the questioning in court of victims of crime under 18 years of age. This provides that the statement of such victims shall generally be received during a court session held *in camera*. If the victim has not attained the age of 14 years, or if the case involves a sexual offence, questioning shall generally not take place in a courtroom, but in a specially equipped facility if at all possible. The room where the questioning is conducted shall be furnished and provided with toys so that the child providing the statement can feel at ease. Equipment for recording the questioning on videotape shall be available. The premises shall be so equipped as to enable the persons not present in the room to monitor the questioning while it is taking place. It is repeated in the regulation that the judge can summon professional assistance, for example a psychologist or a policeman with special training, in particular when the victim is under the age of 14. The questioning shall be conducted in a manner as considerate as possible while bearing in mind the purpose of obtaining from the victim a true and complete statement.

420. Since the autumn of 1999, a specially equipped facility has been available in the Reykjavik Court House for the District Court of Reykjavik for receiving statements from children, enabling the parties to monitor the process at a distance, but such facilities are not available for other Icelandic courts. The judges have generally used the facility at the Court House since it came into use. However, the facility in the House for Children has been used in some cases.

#### **4. Other forms of exploitation (art. 36)**

421. No particular changes have been made in this regard. (397)

#### **5. Sale and abduction of children, and trafficking in children (art. 35)**

422. We refer to the discussion on the abduction of children under certain circumstances in paragraphs 261 to 263 of this report.

#### **6. Children of minority or aboriginal groups (art. 30)**

423. We refer to the discussion on refugees and foreigners in paragraphs 356 to 366 above.

### **Conclusion**

#### **Concluding observations of the Committee on the Rights of the Child, approved at its 287th meeting, on 26 January 1996 (CRC/C/15/Add.50)**

424. We present below, in summary, some points relating to the concluding observations of the Committee on the Rights of the Child. All these are given further consideration in our report.

#### **Principal points of concern**

425. The new constitutional provision on the protection of children, the increase in the age at which people become competent to manage their personal affairs and the changed definition of the term "child" in the Child Protection Act are important steps towards securing for children the protection and care they need. The increase in the age at which people become competent to manage their personal affairs also incited public discussion on the rights of children independent of their age, and their gradually increasing rights in conformity with their age and maturity. Furthermore, it is to be expected that in the preparation of the new Child Protection Act and the amendments to the Children's Act, a better definition of the status of children as parties in the important fields covered by these laws will be given special attention. (13)

426. Extensive legal amendments have been introduced since the initial report was compiled, as described in further detail in the chapter on the measures taken in conformity with the provisions of the Convention. Determined efforts are made to ensure that the Convention is fully reflected in Icelandic laws and administrative regulations. (14)

427. In the field of policy-making, notable advances have been made. In this regard, the resolution on the formation of a family policy and the establishment of the Family Council are of cardinal significance. The general curricula reflect a new and progressive school policy. Health planning will emphasize the needs of children. It is expected, furthermore, that a proposal for a comprehensive policy and implementation plans relating to matters concerning children and adolescents will be approved in Parliament in the first half of 2000. (15)

428. Centralized control in various fields of public administration has been emphasized. The control exercised over the child welfare committees by the Child Welfare Office is important for ensuring coordinated service. When responsibility for primary schools was transferred to the municipalities, care was taken to organize the supervisory role of the Ministry of Education, and a special monitoring department was instituted. Also, emphasis is placed on self-assessment in the individual schools, and review of the methods used for that purpose. When matters relating to disabled persons are transferred to the municipalities, the need for supervision and control will also be emphasized in order to ensure coordinated service to the greatest possible extent. (16)

429. The Convention on the Rights of the Child was taken into account in preparing general curricula for all school levels, as were other international human rights instruments. The new study subject, life skills, which is a mandatory subject in primary and secondary schools, ensures that children are given human rights education, and study material is now in preparation. (17)

430. Regular courses and publication of educational material by the Child Welfare Office are of high importance for the child welfare committees, as well as for their staff and the parties cooperating with them, such as teachers, police personnel, health-care professionals and others. The Child Welfare Office maintains a policy of providing education in an organized manner to most parties having to do with children and affairs relating to them. The courses on human rights and the Convention on the Rights of the Child given by the *Barnahell* association and the Human Rights Office in cooperation with the department of continuing education of the Iceland University of Education ensure that guidance is provided on the rights of children. The Ministry of Education has also conducted courses for school personnel on various matters relating to the rights of children, and the Ministry of Health has provided health-care service workers with such courses, not least as regards the Act on the Rights of Patients. (18)

431. The objective of the public family policy is to strengthen the family and create the conditions necessary for achieving a balance between family life and work. The need for cooperation between public institutions and the family is emphasized, as is the need for such institutions to take the responsibility of parents for their children into account. The lengthening of the school day and a whole-day school where children can take part in leisure activities and receive assistance with their homework also constitute important changes that will be implemented in the coming years. (19)

### **Proposals and recommendations**

432. As regards Iceland's declarations relating to the Convention on the Rights of the Child we refer to the attachment to Iceland's additional observations (CRC/C.11/WP.8). It is to be expected that with the revision of the Child Protection Act, the courts will be entrusted with

resolving in a clear manner certain disputes relating to child protection, such as whether to deprive parents of their custody. Avenues of appeal will also be simplified in general. It should be reiterated that individual persons may submit administrative decisions for judicial review and that the courts have reviewed the decisions of the child welfare authorities as regards their legality. As regards young prisoners, reference is made to the agreement between the Prison and Probation Administration and the Child Welfare Office on accommodation of prisoners under 18 years of age in treatment homes, which is designed to prevent the accommodation in prison of the few children sentenced to unconditional imprisonment. (20)

433. As noted, determined efforts are being made to have domestic law and regulations reflect in full all provisions of the Convention, so as to ensure full protection of the rights enumerated therein. (21)

434. As regards policy-making, a reference is made to paragraph 427 above. (22)

435. Work to disseminate information about the Convention and promote awareness of it will continue. It can safely be maintained that awareness of the rights of children has gained strength in recent years, and public discussion on their individual material rights has increased. Measures such as health promotion, defence against the use of alcohol, drugs and tobacco, and public discussion on sexual offences and other offences against children can be mentioned in this context. Increased emphasis has been placed on educating professionals about the rights of children, not least in the context of the increase in the age at which people become competent to manage their personal affairs, and this work will continue. (23)

436. The Government's policy declaration for the present election term emphasizes increased services for children, increased protective measures and a wider range of treatment possibilities for abuse of alcohol and drugs, increased services for sick children and adolescents, and ensuring to all equal opportunities for education, independent of place of residence or financial status. It is also expected that the formation of a comprehensive policy concerning children will be conducive to securing further similar services for all children. (24)

437. Parliament's implementation plan of 1998 on measures to achieve full equality of the sexes is of great importance, as it envisages that the equality principle will be made an integral part of all State policy formation and decisions and actions taken. In addition, a large number of municipalities have prepared such equality plans for themselves. (25)

438. Revision of the Children's Act is now in progress and, in the course of that work, heavy emphasis will be placed on protection of the interests of children. (26)

439. Iceland's initial report on the implementation of the Convention on the Rights of the Child was sent to all the most important parties involved with the affairs of children. The concluding observations of the Committee on the Rights of the Child were translated into Icelandic and sent to all government ministries, public institutions and private associations concerned. The concluding observations were also sent to the public media, accompanied by a news release. (27)