



The Ombudsman for Children in Iceland
Ms Margrét María Sigurðardóttir

ENOC ANNUAL MEETING
Dublin, 3 - 5 September 2008

ENOC Annual Meeting
Dublin
3– 5 September 2008
Annual Report

Contact information

Name of office (in national language): Umboðsmaður barna

Name of office (in English): The Ombudsman for Children

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Title of Ombudsman (or director of office): Ombudsman for Children

Name of Ombudsman (or director of office): Ms. Margrét María Sigurðardóttir

Name of contact person for ENOC: Ms. Margrét María Sigurðardóttir, Ombudsman for Children

Office size and structure

Number of staff members: 4, including the Ombudsman

List of staff members and functions: Permanent staff: the Ombudsman, a lawyer, an advisor, and an office manager.

When working on cases, the Ombudsman also seeks the advice of specialists in various fields, including lawyers, teachers, health care professionals, and social workers.

Summary of annual budget: The budget for 2008 is ISK 34 million (ca. EUR 290,000), 70% of which is used to pay salaries.

Principal sources of funding: 100% by government grant.

Legal framework

The office of the Ombudsman for Children was established by Act no. 83/1994, the purpose of which was to improve the standing of children and to establish a particular office to safeguard their interests and rights. In particular, the office's role is to formulate policy; generate discussion in society concerning the affairs of children; make proposals for amendments to legislation; promote ratification and adherence to international instruments relating to the rights and welfare of children; respond by appropriate means if administrative authorities, individuals, societies or associations are deemed to have infringed upon the rights, needs, or interests of children; promote public awareness of the regulatory framework relating to children; and promote research in fields related to children and youth.

General work

The new Ombudsman's first year in office has been busy. Among other things, she has studied cases that the office has worked on recently, visited various associations and institutions working for the interest and rights of children and young people, and

attended numerous conferences and meetings focusing on children's issues. Furthermore, the Ombudsman has given a number of presentations and appeared in the media, among other things.

There are now four full-time position equivalents at the office of the Ombudsman for Children. The Ombudsman's job consists largely of responding to daily queries; i.e., providing information and consultation by phone and e-mail. The number of written letters from children and young people has risen during the past year. Visits to the Office website have increased steadily. This must be considered in relation to Iceland's population of 313,376, with 77,000 children under age 18. Comments received by the Ombudsman through these channels have often led to further research and measures adopted by the Ombudsman.

Specific projects

Marketing campaigns targeting children

In March 2006, the Ombudsman for Children, a consumer affairs spokesman, and the national parents' organisation Home and School held a symposium on children and advertising in order to draw attention to current legislation and to encourage public discourse on whether there is the need — and the will — to set further limits on marketing campaigns that target children. Icelandic law provides children with special protection against advertising and marketing directed at them. Nonetheless, it is a fact that the advertisement and marketing of all sorts of products and services is directed in ever greater measure at children and teenagers, and in an increasingly aggressive and effective way.

The collaboration between the Ombudsman for Children and the consumer affairs representative has continued, and in May 2008 round table discussions were held with various parties, with the aim of achieving the broadest possible consensus concerning limitations on marketing that targets children. In this context, it is important to remember that children are not independent consumers, and they generally do not have the maturity necessary to assess what they need and what is good for them. Furthermore, they do not have the financial strength to respond to advertisements and other marketing campaigns directed at them.

Website

The Office of the Ombudsman for Children is always improving the Office website. There is a great need for reliable and accessible information on children's rights and on legislation related to children. The site is divided into three categories: a children's page, a teenagers' page, and a general information page for adults. In the future, it will include information on a wide range of issues relating to children, with primary emphasis on children's rights. In recent years, visits to the Office's website have increased steadily in number, averaging 15,000 per month over the past 12 months. The website is intended to give children and adults easy access to information on children's rights, thereby answering a variety of questions that would otherwise be directed to Office personnel via e-mail or telephone. The Office staff can refer interested parties to the information on the website, thus lightening the load related to that part of their work and enabling them to devote more time to other important tasks.

New legislation on pre-school, compulsory school, and upper secondary school affairs

In recent months, the Parliament of Iceland has engaged in a comprehensive review of legislation pertaining to schools and educational affairs: that is, the Pre-School Act, no. 78/1994; the Compulsory School Act, no. 66/1995; the Upper Secondary School Act, no. 80/1996; and the Act on Educational Credentials and Hiring of Pre-School, Compulsory School, and Upper Secondary School Teachers and Administrators, no. 87/2008. Although various provisions of these Acts have been amended over the years, it was long past time to conduct a comprehensive review of this body of legislation and adapt it to the developments and changes in focus that have taken place in the educational system. The previous Ombudsman for Children had the opportunity to meet with the committees engaged in the review of the legislative bill of the new Pre-School and Compulsory School Acts, and submitted written comments and suggestions. It was very satisfying to see, in the legislative bills presented to Parliament in November, that many of her comments and suggestions were incorporated and that the interests and welfare of students and their families took precedence. Parliament approved the bills this past spring, with the amendments proposed by the Educational Affairs Committee. The new Acts entered into force during the summer. The Ministry of Education has commenced extensive work on the implementation of the new legislation, specifically to include drafting regulations on the basis of the Acts and revising the National Curriculum Guides for the pre-school, compulsory school, and upper secondary school levels.

School attendance of children in foster homes

The Office of the Ombudsman for Children has received a number of reports of children in temporary foster homes who have been denied the right to attend school in the municipality where their foster homes are located. In order to shed light on the scope of the problem, a letter was sent to all of the child protection committees in Iceland in January 2008. The letter requested information on school attendance of children placed in foster homes by child protection committees during the period 2005 – 2007. The answers do not always reveal whether the children concerned are in foster homes permanently or temporarily. This is an important distinction because it is assumed that there will be no problem with school attendance for children placed permanently in foster homes, as permanent placement involves a change of legal address, which obliges the municipality to provide suitable schooling for the child in question. Therefore, the statistics were rather flawed in this respect.

The main findings were that, of the 361 school-aged children living (temporarily or permanently) in foster homes during the period 2005 – 2007, 18 (5%) of them did not attend school during that period, according to the child protection committees. There are many more examples, however, of children's missing school for periods ranging from several days to several months because they were waiting for permission to attend school. It appears that the small size of some schools may affect school boards' and school administrators' attitudes toward attendance by foster children. Information from child protection committees suggests that one of the principal explanations for refusal to grant permission for attendance was that, in most instances, the schools concerned were small and lacked the capacity to engage personnel with the qualifications necessary to provide an acceptable level of service to children with special needs (such as learning disabilities and behaviour problems). It can be difficult for small schools to take in new children and help them to adapt to the school

environment. In this context, the schools under scrutiny considered themselves unable to provide the children with the service and support that they needed. The new Compulsory School Act, which was passed by Parliament this spring, contains amendments that should eliminate this problem.

New introductory brochure on the Office of the Ombudsman for Children

A new introductory brochure on the Office of the Ombudsman for Children has been published. The new brochure contains a brief summary of the role and tasks of the Office, as well as highlighting some salient points concerning children's rights. It is intended for both children and adults.

UN Convention on the Rights of the Child posters

The Ombudsman for Children, Save the Children (Barnaheill), UNICEF Iceland, and the National Centre for Educational Materials have issued two posters featuring an abridged version of the provisions of the UN Convention on the Rights of the Child. The UN Convention on the Rights of the Child has been ratified by most of the world's nations, and Iceland is obliged by national law to respect and fulfil the provisions therein. The Convention represents international recognition of the fact that children are a group with rights separate from those of their parents or guardians, and that they need more protection than adults do. It appears as though both children and adults are relatively unfamiliar with the Convention and its significance. The publication of the posters is an element in changing this and in promoting enhanced public awareness of the Convention and the rights it confers. The posters are intended for use in schools.

Netting of child subsidy allowances

The Ombudsman receives repeated queries and comments concerning child subsidy allowance payments, particularly to include complaints about the practise of crediting child subsidy allowances toward outstanding public levies. The child subsidy allowance system in Iceland is a part of the tax system and not a part of the social services system, as alimony and children's pension benefits are. The aim of child subsidy allowances is to support families with children and equalise their status. The Ombudsman considers it important that these matters be re-evaluated, particularly in view of the fact that, in the countries with which Iceland wishes to compare itself, such netting is not permitted.

Children's dental health

In recent months, repeated comments have been received concerning children's dental health. For quite a while there has been no agreement in effect between the Social Security Institute and the Icelandic Dental Association concerning reimbursements for dental care. Available data indicate that Icelandic children's dental health is deteriorating. Reimbursements are utterly out of line with the actual cost of dental services. Children from less well-to-do families are much more likely to feel the effects of this, and their dental health is likely to suffer as a result. This is unacceptable. The Ombudsman has drawn particular attention to this issue and has, among other things, written to the ministry about the matter.

Speech pathologists

Regular comments are received concerning speech therapy for children. Very few speech teachers and speech pathologists have a contractual agreement with the Social

Security Institute. The Ombudsman for Children has received repeated comments from parents and other parties because of the increased expense burden for children's speech therapy. Some are unable to continue purchasing the service because of the increased cost. There is the risk that children from less well-to-do families will be particularly affected by this. The Ombudsman has drawn particular attention to this issue and has, among other things, written to the ministry about the matter.

Day of the Child

The Government of Iceland has decided to celebrate the Day of the Child annually. The last Sunday in May has been chosen for the event. The first Day of the Child was held on 25 May 2008, with the theme *Gladness and togetherness*. The aim of dedicating one day a year to children is to create an opportunity to remind all Icelanders of the importance of this group of citizens, to bring children's issues to the forefront, and to enable children to be heard. In connection with the Day of the Child, posters prepared in collaboration with Save the Children, UNICEF, and the National Centre for Educational Materials were published. Children from Laugarnesskóli read the text of the posters for a group of guests that included the Minister of Social Affairs.

Initiation of new upper secondary students

Every autumn, the Ombudsman for Children receives comments on the practice of initiating new students into the nation's upper secondary schools. Most often the initiation takes place without unpleasant incident, but in isolated instances the initiation ceremony can spiral out of control, and the Office has been informed of cases involving degrading treatment of new students in ceremonies where they are humiliated in various ways and even subjected to physical and/or psychological violence. The Ombudsman for Children has sent school administrators and student union leaders in upper secondary schools a letter encouraging them to ensure that new students are treated with respect and that their safety is guaranteed during initiation ceremonies.

Current and upcoming projects

Barnasattmali.is – The UN Convention on the Rights of the Child – a collaborative project of the Ombudsman for Children, Save the Children, and UNICEF

The Ombudsman for Children intends to continue its collaboration with Save the Children and UNICEF. Plans include launching a website containing information on the UN Convention on the Rights of the Child and featuring instructions on the use of the posters; for example, in the classroom. The website www.barnasattmali.is was launched in May 2008. It is still under construction, and action is being taken to guarantee continued funding. The website will eventually include a wide range of information on the Convention and how it can be used in the classroom and elsewhere.

Marketing campaigns targeting children

The collaboration between the Ombudsman for Children and the consumer affairs representative will continue during the coming year, and we intend to establish an agreement with market participants concerning marketing directed at children.

Projects involving primary schools

This autumn, the Ombudsman will launch a project aimed at soliciting the viewpoints of school-aged children in Iceland. In co-operation with their teachers, children will be given the opportunity to express themselves, in a variety of ways, on what it is like to be a child in Iceland today. All primary schools in the country have been invited to participate. At this writing, 15 of the nation's 175 primary schools have accepted the invitation.