



**Enoc annual meeting**  
**Warsaw 21st - 23rd September 2005**  
**Annual Report**

## **Contact information**

**Name of office (in National Language):** Umbodsmadur barna

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

**Postal Address:**

Laugavegur 13,  
101 Reykjavik,  
Iceland

**Visiting Address:** See above

**Telephone (with country and area codes):** +354 552 8999

**Fax (with country and area codes):** +354 552 8966

**E-mail address:** [ub@barn.is](mailto:ub@barn.is)

**Internet:** [www.barn.is](http://www.barn.is)

**Title of Ombudsman (or director of office):** Ombudsman for children

**Name of Ombudsman (or director of office):** Ms Ingibjörg Rafnar

**Name of contact person for ENOC:** [Sigríður Anna Ellerup](#), lawyer

## **Office size and structure**

**Number of staff members:** 3 including the Ombudsman

**List of staff members and functions:** Permanent staff: The Ombudsman, a lawyer and an Office Manager.

The ombudsman also seeks the advice of specialists in various fields when working on cases, such as lawyers, teachers and health- or social workers.

**Summary of annual budget:** The budget for 2005 is 25.8 million Icelandic crowns (ca. EUR 310,000), whereof 70% is for salaries.

**Principal sources of funding:** Total income by government grant.

## **Legal Framework**

The office of the Ombudsman for Children was established by Act No. 83/1994. The purpose of its enactment was to improve the standing of children and establishing a particular office to guard their interest and rights. The office performs an important role and shall in particular initiate policy - generate discussion in society concerning the affairs of children; make proposals for amendments; promote ratification and adherence to international instruments relating to the rights and welfare of children; react by appropriate means if considered that administrative authorities, individuals, societies or associations have infringed upon the rights, needs or interests of children; promote public awareness of laws and rules relating to children and to promote research in that field.

## **General work**

There was a certain turning point at the Ombudsman for Children last new year when Ms Thórhildur Línadal, Iceland's first Ombudsman for Children gave up her job after 10 years' service. Working on behalf of Icelandic children, she was an active and successful pioneer, whereby she established the office's working procedures.

The new Ombudsman is lawyer Ingibjörg Rafnar. Rafnar was for some time City of Reykjavík Council Member, then she ran a law office for 14 years, working mostly on cases concerning children and families, such as divorce, custody, visitation rights, paternity and child protection.

The new Ombudsman's first months have 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 as well as attending numerous conferences and meetings associated with children's issues. Furthermore, the Ombudsman has held many presentations and appeared in the media. This has served the purpose of introduction and getting to know others in the field.

As the office has only three employees and limited funds, it is the new Ombudsman's opinion that it would be of benefit to the office and increase the likelihood of achieving results in children's affairs to cooperate formally with governmental and non-governmental organisations on individual projects.

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 quadrupled during the past year. Visits to the office website have increased steadily with monthly visits now exceeding 5,000. This must be considered in relation to Iceland's population of 295,000 with 79,000 children under 18. Comments received by the Ombudsman through these channels have often lead to further research and measures by the Ombudsman.

## **Specific projects**

### **Symposium**

Since last ENOC meeting in Cardiff in 2004 the Ombudsman has been part of and has initiated various projects. In November 2004 there was a joint symposium with the Rector of the University of Iceland headed "Young Icelanders Seen through Science". There were 50 theoretical papers covering the position and status of children in light of research conducted in Iceland's scientific and academic community. The papers will be published in a book in October.

### **Children's right of expression**

Cooperating with law students the office initiated research on the extent to which children were allowed to express their will when District Commissioners decided in cases involving visiting rights. The Children's Act contains provisions providing such a right according to the UN Children's Charter. Following this the Ombudsman sent a letter to the Minister of Justice and the District Commissioners introducing the research findings while at the same time requesting that these parties find ways to ensure that these provisions be observed.

### **School Environment**

The office undertook a survey of whether children were guaranteed an independent right to a safe and healthy environment in schools. Icelandic legislation contains various provisions concerning children's working environment at school in one way or another. None of them, however, deals with the issue in an unequivocal manner and there is not sufficient authorisation for effective and

safe monitoring, nor other authorisations for children to complain of inadequate working conditions. The Compulsory School Act is now being revised and the Ombudsman has sent a request to the Minister of Education that the revised Act provide students with these rights.

The Ombudsman has also challenged the educational authorities to perform significant research on stress among children in schools. This is to follow an Ombudsman's survey indicating clearly that children and young people in Iceland experience some stress in their lives.

### **Domestic Violence**

The book **Domestic Violence Against Children in Iceland** was published in September 2004. The primary objective of the study is to glean information on Icelanders' ideas concerning punishment and domestic violence against children in Iceland, in both an historical and a modern context. The terms *punishment* and *domestic violence* refer to emotional/psychological and physical violence, exclusive of sexual violence, that occurs within the home and is directed at children. A further objective of the study is to examine attitudinal changes through the generations concerning violence and punishment of children, including what forms of punishment can be considered just. The research will be continued and funds are being raised.

### **Children's financial issues**

The Ombudsman has for a long time encouraged banks to develop coordinated rules, according to present legislation on legal majority, concerning deposit accounts and use of debit cards by financially dependent children and the extent to which parents or guardians should be authorised to interfere in their children's accounts. This work is now in its final phase and a brochure is forthcoming that will explain the relevant rules.

## **Current and upcoming projects**

### **Spiritual well being**

It is of concern that behavioural- and mental disorders in children are a growing problem in Iceland as elsewhere. The key to social services, assistance in schools etc. is diagnosis and it has posed further problems that in some instances there has been a long wait for diagnosis. This problem has to be solved and it must be ensured that children and their families are provided with direct access to diagnosis so that they can receive the help offered by society. In the coming months the office of the Ombudsman for Children will investigate these issues and press for measures.

### **Research**

As previously stated the office is small and funds are limited which has made it difficult to undertake time consuming and costly research. The Ombudsman has therefore begun negotiations with The Icelandic Centre for Social Research and Analysis, ICSRA, which is associated with Reykjavik University and specialises in youth research, for cooperation and access to various research. One of the issues the Ombudsman intends to research this winter is how well school children are aware of assistance available within the schools.

### **Let us protect childhood**

September this year has seen the beginning of a 10 month campaign called Let us Protect Childhood, undertaken by the Prime Ministry, the Evangelical Lutheran Church of Iceland, the Children's Welfare Fund, the Ombudsman for Children and Home and School which is a national parents' association. The campaign is meant to present ten good advices regarding children and children's upbringing to all parents and guardians of children in Iceland. The objective is to improve the conditions of Icelandic children by raising discussions on parental and custodial duties as well as how society should support them in their demanding task.

## **Website**

The Ombudsman has decided to improve the office website. Experience has shown that there is great need for good and accessible information on legislation and rights regarding children's issues. The site will be divided in three categories, i.e. a children's page, a teenager's page and a general informative page for adults, and will include information on all kinds of issues relating to children, but mostly their rights. A poster on children's rights and obligations is also being completed.

## **Thematic issues ENOC 2005**

### **Preventing Family Separation**

Child protection has received priority attention from the legislature in recent years and has resulted in substantial amendments to Icelandic legislation with the aim of increasing child protection and improving the legal standard of children. The Child Protection Act No. 80/2002 and the Children's Act No. 76/2003 went for instance through a complete review and the Ombudsman was able to present recommendations and observations which were taken into account in the process. Few problems of this kind have arisen concerning foreign children in Iceland and the Ombudsman for Children hasn't dealt with such matters.

### **Protecting the Rights of Unaccompanied and Separated Children**

In recent years our neighbouring countries have dealt with a growing number of foreign children, separated from their parents, seeking refuge or found unregistered. Even though such instances have been very few in Iceland, an action plan has been set up in order to address situations when foreign children are in Iceland without parental supervision, i.e. which authorities or organisations are responsible for their care during their stay in the country at each stage and measures to bring them safely to their homelands. The guiding principle is to use methods on an individual basis and with due regards to the children's needs. The authorities' main task is to establish the children's origins and to bring them safely back to their families in their homeland. It is necessary for case treatment to be as swift as circumstances allow and that final solutions on the disposition of the children be implemented as rapidly as possible. If it is not possible to reunite a child with its family in its homeland, an appropriate future home in Iceland must be found. That task falls within the scope of child protection authorities but in such instances the Icelandic Directorate of Immigration can give a child a residence permit on humanitarian grounds or asylum on the basis of the Convention on Refugees. Both the Foreigners Act and the Child Protection Act have been amended in accordance with this action plan.

### **Commercial and Media Pressure on Children**

Children as target groups for marketing and advertisement is a constantly growing issue that the office has to deal with. The Ombudsman has now initiated cooperation with the Consumer Spokesman, an office established in September, on how best to handle increased commercial pressure on children and encourage debate on ethics in advertising. The Ombudsman will organise a forum on this issue in February/March next year.

### **International relations**

Throughout the years, numerous parties have approached the Ombudsman with queries regarding the establishment of new independent children's rights institutions in other countries. The Office has answered these queries as well as it can and sent information available in English about the Office of the Ombudsman for Children. The Office has also granted interviews as a result of such queries.

