

Name of the member institution : The Ombudsman for Children/ Umboðsmaður barna

Current Ombudsperson: Ms. Margrét María Sigurðardóttir since July 1, 2007

## I. Role and structural organization

### 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.

### Principal functions as defined by law

According to Article 3 of Act no. 83/1994, the Ombudsman for Children shall strive to ensure that the rights, needs and interests of children are given full consideration by public authorities, individuals, societies and other associations of individuals and representatives of legal persons. In the course of his work, the Ombudsman for Children shall give instructions and make proposals for the furtherance of children's interests in all walks of life.

In particular, the Ombudsman shall:

- a) take the lead in promoting policy-making discussion on children's matters among the public,
- b) present proposals for the improvement of legal procedures and administrative instructions directly relevant to children,
- c) seek to further observance of international agreements, ratified by Iceland, relative to children's rights and well-being, as well as advocating the ratification of other agreements on this subject,
- d) take action with such means as are at his or her disposal when the Ombudsman considers that the rights, needs and interests of children in society have been infringed through acts or omissions of those listed in Paragraph 1 above,
- e) be instrumental in fostering public awareness of legislation and other rules regarding children and youngsters and seek to encourage research in this area.

When the Ombudsman for Children considers that the provisions of Paragraph 2,

Subparagraph (d) above may have been violated, he or she shall direct a reasoned opinion to the party involved, together with his or her proposals for remedy, if applicable.

The Ombudsman for Children has a special status. It is independent and does not take orders from the executive or the legislative powers and has an extensive right to get information. The Ombudsman for Children has free access to all institutions that house children and deals with all aspects of law and practices of law. Conclusions of the Ombudsman for Children are not binding by law.

### **Structural organization**

There are 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 319,368, including 80,781 children under age 18. Comments received by the Ombudsman through these channels have often led to further research and measures adopted by the Ombudsman.

Anybody, child or adult, may turn to the Ombudsman for Children for matters pertaining to children. There is no form required. Interested parties can contact the office by phone, email, letter, website, or meeting with the Ombudsman. People who contact the Office are not required to provide personal information, such as names and addresses, if they choose not to. The Ombudsman for Children will decide him- or herself whether a query warrants further consideration of a matter.

## **II. Individual complaints (if the institution has a competence to handle individual complaints)**

The Ombudsman for Children does not deal with disputes between individuals, but it has the obligation to provide those who turn to him or her on such matters with guidance about courses open to them, either in the administrative system or in the court system.

## **III. Expressed opinions, statements, policy recommendations and/or proposals for legislative and/or other reforms**

### **Initiation of new upper secondary school students**

At mid-year 2008, the Ombudsman for Children sent a letter to the chairpersons of all student organisations in upper secondary schools, as well as to the administrators of these schools. The letter encouraged these parties to ensure that new students are

treated with respect and that their safety and security are protected at initiation ceremonies. The schools' responses were very positive, and the Office of the Ombudsman received no complaints or negative comments related to new student initiation in 2008.

### **Athletic activities of children and youth; athletic club switching fees**

The Ombudsman for Children received a comment stating that, in some instances, children and youth who decide to switch from one athletic club to another are required to pay a special switching fee. If they do not pay the fee, they are not allowed to compete with the new club. As a result, the Ombudsman sent a letter to the Icelandic Sports and Olympic Federation (ÍSÍ), requesting information about whether such fees are charged and, if so, at whom they are directed. The Ombudsman also requested information on the regulatory authorisation for such fees and posed a number of additional questions on the matter. The matter concluded with a declaration by ÍSÍ that, in the future, the Ombudsman for Children's recommendations will be followed, and children will not be charged a fee for switching sports clubs.

### **Consumer protection for children**

In response to marketing campaigns directed at children, the Ombudsman for Children and a consumer affairs spokesman have worked together to increase consumer protection for children. The two offices therefore attempted to conclude an agreement with stakeholders, under which they would agree on a set of guidelines for marketing directed at children. Through such guidelines, the offices hope that it will be possible to increase consumer protection for children and impose limitations on when, how much, and how children are exposed to marketing campaigns. Concluding an agreement with stakeholders is a method used in a number of related fields and is provided for in European legislation. The new guidelines took effect early in 2009.

## **IV. Communication, Promotion and Publications**

### **Barnasáttmáli.is – The UN Convention on the Rights of the Child – a collaborative project of the Ombudsman for Children, Save the Children, and UNICEF – educational website about the Convention**

The Ombudsman for Children has collaborated with Save the Children and UNICEF on the preparation of a new educational website on the UN Convention on the Rights of the Child, which will be formally launched on 20 November 2009, the 20<sup>th</sup> anniversary of the Convention.

## V. Research, investigation, studies

### Being a child in Iceland

In the fall of 2008, a project led by the Ombudsman for Children was launched, bearing the title *What is it like to be a child in Iceland?* The project, which is based on Articles 12 and 13 of the UN Convention on the Rights of the Child, aims to give children the chance to let their voices be heard. All primary schools in the country were sent a letter inviting them to participate in the project. Over 20 schools signed up, and the Ombudsman visited them during the autumn to introduce the project to them. At the beginning of December, the Ombudsman for Children visited several pre-schools in the greater Reykjavík area as well, and introduced the project to faculty members. Pre-schools were then offered the chance to participate in the project. The response was very positive, and over 20 pre-schools have signed on.

Participating schools have been given so-called postcards on which the children can write, draw, or what they will. The Ombudsman for Children has received over 1000 postcards from pre-school and primary school students. The postcards received reveal that family and friends are very important to children. Some children indicated that they were tired of all the discussion of the financial crisis, while others expressed the importance of not teasing or bullying others and making them feel bad. Exhibitions have been held and the results of the children's work displayed.

### Youth Councils

In 2007 the new Youth Act, no. 70/2007, entered into force. Article 11, Paragraph 2 of the Act contains a new provision stating that municipal authorities are required to promote the establishment of special youth councils. The role of the youth council is, among other things, to advise municipal authorities on the affairs of young people in the community concerned. The municipal authorities are then to adopt their own more detailed rules on the role of the youth council and the selection of its members. The Ombudsman for Children therefore sent all municipalities a questionnaire including questions on whether a youth council had been established or was planned. Of 78 municipalities, 74 responded to the Ombudsman's questions; this corresponds to a 99.8% response ratio. The municipalities that did not respond are very sparsely populated. Of the responses received by the Ombudsman, however, it can be determined that youth councils are active in 14 municipalities and are planned in a further 30 communities. The remaining 30 municipalities do not plan to found a special youth council. The questionnaire also explored whether the municipalities had another forum for listening to the views of children, and if so, what forum that is. 46 municipalities answered in the affirmative, indicating that schools and community centres were the chief forum for communication. Among smaller municipalities, it emerged that both children and adults have ready access to community leaders. It is somewhat difficult to compare the answers from the various municipalities; however, from the responses received, it can be concluded that the largest communities have established a special youth council. Several municipalities began planning to found a youth council after receiving the Ombudsman for Children's questionnaire, while others had already begun preparations.

### **School councils**

In 2008 the new Compulsory School Act, no. 91/2008, entered into force. The Act states that primary schools shall operate a school council that is the forum for consultation between administrators and the school community on school affairs. The Act also states that the school council shall comprise nine members, two of whom shall represent the student body. The Ombudsman for Children has been informed that, in some instances, children participating in school councils know little about what they are supposed to do, and that they need further information and advice. Therefore, the Ombudsman for Children has decided to prepare introductory materials for the children so as to support them in their role as school council representatives. The Ombudsman is also compiling information on whether schools have established such councils.

### **The economic situation**

The Ombudsman for Children has grave concerns about the status of children in view of Iceland's current economic situation. Increased unemployment and economic pressures on families are among the factors that a large number of studies have shown to affect children's quality of life directly. In order to give children and youth readier access to the Office of the Ombudsman for Children, a new telephone system with a 24-hour-a-day voice message option was installed at the Ombudsman's offices. Furthermore, the Office began preparing to establish an advisory group for the Ombudsman for Children, and nominations were solicited among schools in the greater Reykjavík area for schools to participate in the project called *What is it like to be a child in Iceland?* The Ombudsman for Children has collaborated closely with other parties that are involved in children's issues and have focused on the economic crisis and its effect on children. The Ombudsman has also been in communication with other ombudspersons for children in order to obtain information about research and surveys on the impact of economic crises on children. Letters have been written to the authorities, and articles have appeared in the news media, among other things.

The Office of the Ombudsman for Children has a number of other tasks planned in relation to this topic.

## **V. Other activities**