



**UNITED FAMILIES  
INTERNATIONAL**

*Securing a Future for the Family Since 1978*

## **Written contribution to the Human Rights Council's Universal Periodic Review of the Republic of Iceland**

### **United Families International**

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**United Families International is an international non-governmental organization working to strengthen and defend family, marriage, human life, parents, and religious freedom. United Families International has worked to secure a future for the family since 1978 and has enjoyed consultative status with the United Nations Economic and Social Council since 1999. Our work has taken us around the world consulting with other like-minded entities to build a culture that is supportive of children and their parents and to shore up sustainable societies capable of helping all humans to flourish.**

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# Parental Rights and the Republic of Iceland

## Parental Rights are “Prior Rights”

1. Parents have long been universally acknowledged as having the primary responsibility of raising and caring for their children. The laws of many, if not most, countries are based on the principle that the parent-child relationship pre-dates the state, just as other natural individual rights pre-date the state in the classic political theory of human rights. Natural parents are not mere trustees of the state who receive their authority for childrearing because the state delegates that power to them, but parents have a “prior right.” “The child is not the mere creature of the state” (U.S. Supreme Court 1925) and parents are duty-bound to care for, teach and guide their children without government interference – except in unusual and unfortunate cases.
2. United Families International urges the Republic of Iceland to give serious consideration to changing laws which are in conflict with parental rights to ensure these laws align with both international and natural law while meeting the needs of Iceland’s children.

## International Commitments to Parental Rights

3. Parental influence in the life of their child is a right and takes precedence over the influence the state may have in the life of the child. This understanding protects both the rights of children as well as their parents, as both are benefited from a strong familial relationship, as reiterated in the World Fit for Children (2002) :“We recognize and support parents and families or, as the case may be, legal guardians as the primary caretakers of children, and we will strengthen their capacity to provide optimum care, nurturing and protection.”[1]
4. This basic principle is often misunderstood as reflected in the following example. Several years ago, a prominent U.S. media personality sparked heated controversy by arguing that if we are going to start investing adequately in public education, “we have to break through our kind of private idea that kids belong to their parents or kids belong to their families and recognize that kids belong to whole communities.” [2]

It is true, of course, that children “belong to”—i.e., are members of—a larger community beyond their families. But to say that children belong to the political community *just as much as, or in the same ways as*, they belong to their families is to make a fundamental mistake and to be in breach of international covenants and commitments.

5. States’ governments, with few exceptions, have committed to act in a supporting role in order to respect the rights of parents. “Parents, families, legal guardians and other caregivers have the primary role and responsibility for the well-being of children and must be supported in the performance of their child-rearing responsibilities.”[3]

6. "States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child." [4] State Parties are required to not infringe on parental rights in the rearing and upbringing of children.

7. Parents have a right to raise and guide their children. [5]

8. "Greater attention should be paid to helping the family in its supporting, educating and nurturing roles, to the causes and consequences of family disintegration, and to the adoption of measures to reconcile work and family life for women and men." [6]

## **Parental Rights Impacted in the Republic of Iceland**

### **A. Parental Right regarding Homeschooling**

9. Parents are responsible for and have the pre-existing right to control the education and moral development of their children. The Republic of Iceland requires that parents who homeschool hold both a teaching license and teach a "state sanctioned curriculum." [7] The requirement to hold a teaching license is onerous and creates an unnecessary "barrier to entry" for parents who desire to educate their children themselves. Requiring a state sanctioned curriculum is a violation of parental rights to control the education of their child. If a child can meet the state-mandated standardized tests, there is no need to dictate to a parent the curriculum to be taught to children.

10. Mandating a curriculum is a violation of the Universal Declaration, Article 26-3 which states that "Parents have a prior right to choose the kind of education that shall be given to their children."

11. The International Covenant on Economic, Social and Cultural Rights (ICESCR, Article 13-3) is clear: "The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions."

12. "The best interests of the child shall be the guiding principle of those responsible for his or her education and guidance; *that responsibility lies in the first place with the parents.*" (emphasis added) [8]

13. In addition, it is the parents and the family that have the opportunity, and obligation, to instill morals and values in their children.

14. "The family has the primary responsibility for the nurturing and protection of children from infancy to adolescence. Introduction of children to the culture, values and norms of their society begins in the family. For the full and harmonious development of their

personality, children should grow up in a family environment, in an atmosphere of happiness, love and understanding. Accordingly, all institutions of society should respect and support the efforts of parents and other care-givers to nurture and care for children in a family environment." [9]

15. According to the Convention on the Rights of the Child (Article 29-1c), the education a child receives should encourage "respect for the child's parents, his or her own cultural identity, language and values." Iceland violates this by ensuring that parents are not able to educate, and in particular, to homeschool their children according to their preferences.

## **B. Parental Rights Regarding Sexuality Education**

16. Sexuality education, often Comprehensive Sexuality Education, is taught in Icelandic schools, most often without the consent or knowledge of parents in terms of its timing or content. [10] This violates parental rights as outlined in the ICPD "...Age-appropriate education, especially for adolescents, ...taking into account the rights and responsibilities of parents and the needs of adolescents... should involve the active participation of parents and families..." [11]

17. In addition, the implementation of any type of sexuality education, without knowledge, input and consent of parents, violates the numerous conventions and treaties that specifically establish that parents have the right to instill their own cultural identity, language and values. (See Section A above, for a review of those commitments and language.)

## **C. Parental Rights regarding Health and Medical Issues**

### **I. Abortion**

18. The Republic of Iceland violates parental rights by allowing a minor to terminate their unborn child without parental consent and precludes the guiding influence of the people (parents) who are the most vested in caring for and assisting the pregnant minor - their daughter. A recent law gives the right to abortion solely to the pregnant person. [12] This violates both the parental rights of the parents of their underage pregnant daughter and the rights of the father of the unborn child.

19. Fathers are meant to actively work with the mother in all decisions related to their child. "Special efforts should be made to emphasize men's shared responsibility and promote their active involvement... shared control and contribution to family income, children's education, health and nutrition; and recognition and promotion of the equal value of children of both sexes. [13]

20. "States Parties shall respect the responsibilities, rights and duties of parents . . . to provide, in a manner consistent with the evolving capacities of the child, appropriate

direction and guidance in the exercise by the child of the rights recognized in the present Convention." [14]

21. We reiterate that the role of government in regard to family life is one of respect and support to parents. Parents have the "primary responsibility for the upbringing and development of the child." [15] This includes allowing parents to teach and rear their children in accordance with their convictions.

22. "The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions." [16]

## II. Medical Treatments

23. There are disturbing trends in the Republic of Iceland in regard to parental rights in medical treatments. For example, in 2018, Iceland attempted to pass a bill that would make it illegal for parents to circumcise their children. The bill did not pass, but the nature of it was an infringement on parental rights to rear their children according to their religious convictions. [17]

24. In addition, Iceland was recently looking to pass a law that would prevent children born as intersex from receiving surgery at a young age. [18] Passing a law like this is a direct infringement on parental rights, as it prevents them from acting on their medically informed, loving decisions in regard to their child.

25. Governments are to "strengthen early childhood development by providing appropriate services and support to parents, including parents with disabilities, families, legal guardians and caregivers, especially during pregnancy, birth, infancy and early childhood, so as to ensure children's physical, psychological, social, spiritual and cognitive development." [19]

26. We wish to voice concern regarding recent movement of Iceland toward banning therapy for sexual orientation concerns, while allowing minors to transition to a different sex without parental knowledge or consent. Parents have a right to have access to a full range of medical treatment and therapies available for their children that are in accordance with their values and they retain the right to make medically-informed decisions regarding the care of their child. A child's best interests are not served when options are limited and parents are left out of the decision-making loop.

## Recommendations

27. We recommend the Republic of Iceland change laws regarding homeschooling, allowing parents to teach their children at home without being forced to abide by onerous teacher-certification requirements and a mandated state curriculum.

28. We recommend the Republic of Iceland repeal laws that place the decision to abort a child solely in the hands of the pregnant woman, resulting in minors being able to abort

without parental involvement and consent - in order to provide the best outcomes for their pregnant daughter. We also recommend that consideration be given to the father of an unborn child, recognizing he is entitled to parental rights, as well.

29. We recommend the Republic of Iceland continue to recognize the rights of parents and their values and convictions in regard to the circumcision of their newborn sons; recognizing that medical institutions and academics say that the health benefits of circumcision outweigh the risks of the procedure. [20]

30. Lastly, we recommend the Republic of Iceland continue to recognize parental rights in regard to medical decisions for treatment or therapy of minor children with an intersex condition, children who experience same-sex attraction or gender incoherence.

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[1] World Fit for Children (2002)10-6.

[2] McKay, H. (2013). *Critics slam MSNBC host's claim that kids belong to community, not parents*. Fox News. <https://www.foxnews.com/entertainment/critics-slam-msnbc-hosts-claim-that-kids-belong-to-community-not-parents>.

[3] World Fit for Children (2002) 32-2.

[4] Convention on the Rights of the Child, Article 5.

[5] International Conference on Population & Development, Chapter II Principle 11.

[6] Further Initiatives for Social Development, III 56.

[7] Homeschool Legal Defense Association. (2019). *Iceland*. <https://hsllda.org/post/iceland>; <https://www.reglugerd.is/reglugerdir/allar/nr/531-2009>

[8] International Conference on Population & Development, Chapter II Principle 10.

[9] World Declaration on the Survival, Protection & Development of Children, 18.

[10] Britton, A. (2006). "A reference guide to policies and practices: Sexuality education in Europe." *The Safe Project*. (50-52). [https://www.dge.mec.pt/sites/default/files/Esaude/sexuality\\_education\\_in\\_europe.pdf](https://www.dge.mec.pt/sites/default/files/Esaude/sexuality_education_in_europe.pdf)

[11] International Conference on Population & Development, 11.24.

[12] Ciric, J. (2019, May 14). *Abortion Bill Passed in Icelandic Parliament*. Iceland Review. <https://www.icelandreview.com/news/abortion-bill-passed-in-icelandic-parliament/>.

[13] International Conference on Population & Development, 4.27.

[14] Convention on the Rights of the Child, Article 5.

[15] Convention on the Rights of the Child Article 18-1.

[16] International Covenant on Civil & Political Rights, 18-3.

[17] Demurtas, A. (2018, April 26). *Ban on circumcision in Iceland to be dismissed in parliament*. The Reykjavik Grapevine. <https://grapevine.is/news/2018/04/26/ban-on-circumcision-to-be-dismissed-in-parliament/>.

[18] Fontaine, A. S. (2019, February 12). *Law affecting trans, intersex and non-binary people*. The Reykjavik Grapevine. <https://grapevine.is/news/2019/02/12/iceland-set-to-make-major-changes-to-law-affecting-trans-intersex-and-non-binary-people/>

[19] A World Fit for Children (2002) 37-10.

[20] Children's Health Network, "Should I circumcise my son?"  
<https://www.childrens.com/health-wellness/should-i-circumcise-my-son>