

# STATE PARTY EXAMINATION OF NORWAY'S FOURTH PERIODIC REPORT

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Norway ratified the Convention on the Rights of the Child (CRC) on 8 January 1991. On 21 January 2010, the Committee on the Rights of the Child (the Committee) examined the fourth periodic report of Norway. It was last examined on 25 May 2005.

## **Opening Comments**

The delegation of Norway was led by H.E. Mr Audun Lysbakken, Minister of Children, Equality and Social Inclusion. He was supported by a very large delegation consisting of representatives of the Ministry of Foreign Affairs, Ministry of Justice and Police, Ministry of Health and Care, Ministry of Education and Research, Ministry of Children, Equality and Social Inclusion and the Permanent Mission in Geneva.

The head of the delegation noted that for the past twenty years the CRC was vital instrument in vocing the rights of the child, improving the family policy, increasing the right of the child to be heard and promoting the inclusion and integration of children from minority groups. He expressed his appreciation for the country Rapporteur's visit to Norway. He said Norway had made progress in protecting children's rights, but many challenges remained to be addressed. He explained that Norway did its best to meet the implementation of Committee's Concluding Observations (COs) of 2005 and to ensure that the legislation was in compliance with the CRC. Mr Lysbakken listed the areas where he believed Norway should take steps to strengthen the child welfare services and make sure children's rights to be heard were dully respected. Mr Lysbakken announced that additional funding was allocated to creating 400 new positions in 2010 to further expand the child welfare services. Moreover, as of 2010, Norway will provide a child care framework through creating counselling groups for those

children whose parents no longer lived together. He also emphasised the efforts carried out to address victims or witnesses of domestic violence, through considering a new legislation and providing shelters for victims affected by domestic violence. Six children's houses had been established in a short period of time. The head of the delegation expressed his concern regarding the high number of asylum seekers of 15 to 18 years of age and explained that Norway needed to pursue further efforts to raise additional resources in order to accommodate all asylum seekers. Mr Lysbakken said that different services such as vocational training and educational opportunities and healthcare were provided for boys of 16-18 years of age and for children under 16 years of age. Regarding the right to be heard, Mr Lysbakken stated that every child over 7 years of age was given an opportunity to be heard in Norway. He explained that in 82 % of the municipalities there was a mechanism involving children in the decision making process at a local level. Moreover, a pilot project which will be launched in 2011 in 143 municipalities, would allow young people of 16 years of age to vote in local elections. In this respect, new legislation on immigration had also entered into force in 2010 requiring the opinion of children in all matters affecting them. Mr Lysbakken stressed the fact that Norway was also aiming to improve the living standards of poor and vulnerable children. From 2000 to 2007, the rate of low-income families had increased. The State tried to combat poverty by supporting families, providing good day-care facilities for children and creating additional work and training opportunities for low-income families.

Mr Lysbakken mentioned Norway was an active member of the international community and served as one of the biggest donors to UNICEF on the programmes for girls' education. Norway continued supporting the civil society's efforts to promote the implementation of the CRC. It was strongly committed to the implementation of the recommendations of the UN Study on Violence Against Children and to the Millennium Development Goals (MDGs); in particular, in relation to goals no. 4 (child mortality) and no. 5 (maternal health). Mr Lysbakken said that Norway was among those countries who responded to the UN appeal by contributing some \$17. He explained that the State was cooperating with NGOs and the Ombudsman to ensure the promotion and the awareness raising of the CRC.

Mr Krappmann, the country Rapporteur, noted that Norway was one of the nine State parties that had always submitted its reports to the Committee on time. He said his trip to Norway in October 2009 to meet children was extremely useful and interesting. He remarked Norway was highly committed to the implementation of the CRC, both nationally and internationally. Mr Krappmann listed a number of issues that remained to be addressed in Norway including the right of the child to be heard, child welfare services, disparities in the provision of services among the different municipalities, issues concerning mental health services, etc.

Mr Krappmann explained that society should not only hear the child, but also respond to him/her. After meeting children in Oslo, the country Rapporteur shared his observations on how children felt when their opinion was ignored by their parents, teachers, social workers and adults. He asked what the State party planned on doing in order to change these widespread attitudes, lack of belief and trust towards children. He also wondered if the right to be heard was challenged because of age discrimination. He noted that there seemed to be gaps in judicial procedures, child welfare services, participation in the community.

Mr Krappmann commended the creation of 400 new positions by 2010 State budget, however he questioned whether it was sufficient for all 430 municipalities. Turning to the child welfare services, the country Rapporteur noted a child could use various services with his parents' consent which could be counterproductive and asked the delegation whether it would consider giving the right to children under 12 years of age to address the service

independently. He also noted that there were disparities between different kinds of services, including in schools and in the health care system in different municipalities ranging from well established to almost non-existent services. Mr Krappmann asked it the State could ensure equal standards throughout the country. Commenting on the coordination of child welfare services, Mr Krappmann was concerned that the lack of coordination sometimes resulted in sending children back and forth to various bodies. He asked for more information on the monitoring body. He believed that despite all the efforts made by the country, children's life in Norway could be further improved.

## General measures of implementation

#### Coordination

The Committee asked how the State party planned to provide similar services in every municipality. It requested further details on the functioning of the Child Welfare System. The delegation noted that, according to official reports published by independent committees, coordination efforts were to be undertaken in this regard, and that consultations were ongoing to ensure reforms. It added that any child could receive assistance and support from the Child Welfare System. Regarding the 400 new positions, the delegation explained that it would increase the trust of the population towards the Child Welfare System. It further explained that the State could not guarantee similar services in each municipality as they managed their budgets independently. The Committee then asked about the coordination and the evaluation of the municipalities' actions and policies. The delegation answered that the government tried to increase the cooperation between municipalities by increasing the exchange of information amongst them. The Child Welfare System created a tutor system in order to monitor the development of each municipality. The delegation added that municipalities were monitored by various entities, such as the Ombudsman office and various NGOs. Municipalities had an obligation to ensure their staff and personnel were trained. In order to ensure the elimination of violence against children, a number of measures were undertaken, including the establishment of family council agencies that offered services such as group and couple therapy, as well as various measures to control and eliminate aggression. Action Plans were enacted in schools, providing pupils with classes on conflict management in schools and at home. The delegation reiterated that coordination was needed, as there was no single gateway to access the welfare services. A committee of experts was established to report the government on the evaluation of action plans of all the municipalities. In addition to ensuring the coordination of municipalities, the government issued guidelines to adopt streamlined policies.

## Legislation

The Committee asked for an update on the legislation, especially regarding corporal punishment. The delegation said that after the Supreme Court ruling in 2005, corporal punishment was sanctioned. A new bill was enacted sanctioning all kind of violence sentencing. Prevention of violence against children had been strongly emphasised in all settings. For example, a law guaranteeing shelter service for child victims of violence had been enacted through the Shelter Service Act. The delegation mentioned that the new Bill on corporal punishment was still pending before the Parliament and was delayed due to formal reasons but it will be dealt with in March 2010.

#### Cooperation

The Committee asked about the relationship between the business sector and the obligation to protect the rights of the child. It noted that the Special Representative of the Secretary-General (SRSG) on human rights and transnational corporations and other business enterprises developed a paradigm on a normative framework for the protection of human right as they pertained to the private sector. It enquired whether the State party had normative provisions for private sector to protect human rights, especially children's rights, to fulfil their social and environmental obligations. It further asked about the measures taken to monitor the Norwegian companies operating abroad. The delegation said the State party supported the work of the SRSG and was supportive of the framework developed by him. The SRSG visited the country and triggered the interest of most companies. Moreover, all Embassies were in contact with Norwegian companies working abroad. The State party had prioritised this issue fairly recently. Norway was currently looking into the proposal of NGOs on creating an ethical Ombudsman for Norwegian business sector. No decision had been made yet.

Regarding international cooperation, the delegation explained the State party was strongly committed to the CRC both domestically and internationally. As such, the personnel of all its Embassies were well trained and aware of the Concluding Observations issued by the Committee. As already mentioned in the opening statement, the State party was one of the largest donors to UNICEF and was supporting NGOs, such as the Child Rights Information Network (CRIN).

#### Data collection

The Committee noted that a more systematic data collection system would help the State party to address and understand issues such as violence against children, sexual exploitation, school dropout and the issue of child immigrants. It added that disaggregated data regarding refugees and asylum seekers could help the State party integrate the vulnerable groups in society. It asked how the State was handling data collection. The delegation explained that the State party compared registered data according to social risk indicators, for example on children from low-income families. The report from these figures will be published in Spring of 2010. Regarding the data collection of immigration cases, photographs and pictures were sometimes taken as a proof of identity. All the details were listed in the Immigration Act.

#### Dissemination

The Committee asked how the State party was disseminating the CRC. The delegation responded that schools had incorporated in their curriculum subjects on the right to privacy and some provisions of the CRC. Moreover, educational programmes were provided for those who already had completed their education. However, universities and colleges were independent institutions and the government could not determine the content of their curricula. In 2008, the Norwegian Centre for Human Rights, with financial support from the Ministry for Children, Equality and Social Inclusion and with the initiative of the Save the Children, had published a book on the Convention. An event to celebrate the twentieth anniversary of the Convention had also been organised in Norway.

## **Training**

The Committee requested more information on training of judges, prosecutors and immigration officers. It asked whether they received a special training on the provisions of the CRC. The delegation answered that in June 2009 all the Ministries attended seminars and received training on the provisions of the CRC.

#### **Definition of the child**

The Committee was surprised to learn about the minimum age of a child to be heard. It asked how the age of 7 was chosen and why there was a minimum age when there were no such provision in the CRC. The delegation explained that 7 years of age was when a child started to attend school so it seemed logical. It added that this age was "at the heart of an ongoing domestic debate".

## **General principles**

#### Right to be heard

The Committee was interested about the pilot project enabling 16 years old adolescents to vote in local elections. It asked for more information in order to suggest this initiative to other countries. It was concerned that children would be only heard, and not listened to. It noted that the right to be heard should be mandatory in the State party for everybody, especially for vulnerable groups such as migrants or unaccompanied minors. The delegation answered many efforts were carried out to further implement the right to be heard. Responding to the questions raised by Mr. Krappmann, it confirmed that more adult awareness raising campaigns would help to address this issue. According to the Children's Act, parents should listen to their child before taking a decision affecting them. A survey showed that there were some improvements, and that the majority of children over seven years of age had the opportunity to be heard in Norway. The delegation explained that children were heard in cases of custody and in the process of decision making. Regarding custody, below 12 years of age, a child could give his opinion about which parent they want to stay with in cases of divorce. Between 12 and 16 years of age, the child's opinion will be further considered. From 16 to 18 years of age, the child could give his consent in matters affecting their lives. The government published guidelines for parents, professionals and children stressing the importance of the right to be heard and how one should not only hear the child but also react to what was said. At a local level, 82% of municipalities had a body involving children in local decision-making. There were systematic research and exchange of information to improve the role of the child in the decision making process. Regarding the pilot project, it created an environment where young people were heard and their opinions were taken into account. The delegation noted that although the project had already generated a lot of interest, expanding the age of voting was creating controversy domestically. The delegation also emphasised the efforts to promote child participation in schools. Pupils' councils were created, aiming to have a body where children can discuss everyday matters. The delegation said that it was aware of the gaps and shortcomings in this area and will prioritise the matter on its agenda.

## Best interest of the child

The Committee asked whether the concept of the best interest of the child was integrated in the legislative framework of the rights of the child in Norway. Furthermore, it wondered how the best interest of the child was assessed and guaranteed in different procedures including in the immigration policy. The Committee further asked how the best interest of the child was respected and heard regarding the cases of asylum-seeking minors during asylum procedures. The delegation answered that the best interests of the child were integrated in the Immigration Act. It added that although the current legislation considered the best interest of an unaccompanied asylum-seeking child, the child's point of view could not always be implemented in the final decisions due to the conflict between the immigration policy and the

CRC. Unaccompanied minors were appointed a lawyer. Children's rights to visit their imprisoned parents were also based on the best interests of the child. Extended visiting hours were always considered and there had been so called "visitors hours" in a number of prisons to accommodate children's visits. There were no facilities where imprisoned mothers could serve their sentences with their child but there were child care facilities, such as those for young mothers in hospitals.

The Committee asked about the care provided for mental health of children whose parents were imprisoned. The delegation referred to additional visiting hours when a parent was in prison. It added that the best interest of the child was applied when a child was detained.

## Non-discrimination

The Committee noted that there was a plan to provide care to people from 18 to 23 years of age. Moreover, young immigrants and asylum-seekers of 16 to 18 years of age were treated as adults, on the ground that they were more mature. The Committee was concerned by this inconsistency as discriminatory. The delegation answered this decision did not discriminate young immigrants, but it showed a better consideration for their situation and provided them with a solution better tailored for their needs. Regarding discrimination on the ground of age, the delegation indicated that an independent commission was currently drafting a Non-Discrimination Bill to see whether age discrimination provisions should be extended to areas other than employment.

## Civil rights and freedoms

## Birth registration

The Committee noted that the State party had a new Nationality Act (2006), however it wondered if every child had been registered in the country. The delegation said all children were automatically registered at birth. It added that if the child had no legal parents, it was then the State's responsibility to ensure his or her registration.

#### Protection of privacy

The Committee was concerned that personal information about children was overly used in custody. It asked what the State's plans were to address this issue. The delegation claimed the State party was currently reviewing data to assess cases when boundaries were overstepped. The delegation further noted that public distribution of child's data could be prosecuted in Norway. In the bill proposing a new penal code information was more protected. The delegation added that parents were unaware of the protection of privacy, and efforts to raise awareness were carried out in the country.

## Freedom of thought, conscience and religion

The Committee was concerned about whether religious and ethical values taught in schools were genuinely neutral and whether various religious groups with minority backgrounds had freedom to exercise their religion. It wondered how the State ensured that religious education taught in the school was neutral. It also asked about the Christian and humanity values taught in secondary schools. The delegation answered that religious education curriculum was replaced with a subject called 'Religion and Ethics'. It was no longer relevant to the practice of Christian religion, but it consisted of a neutral perspective of different religions, in compliance with the respect of human rights.

#### Access to appropriate information

The Committee noted that Norway had developed advanced software programmes preventing the access of children to harmful information on the Internet. It wanted to know how it worked in practice and whether it was effective. It asked what the State party was doing to prevent cases of virtual dependence on new technologies including mobile phones and Internet among children. The delegation explained that ensuring Internet safety required continuous efforts. For example, the supervision body of the media ran a project disseminating information on safer use of Internet by children, parents and municipality authorities.

## Family environment and alternative care

#### Foster home

The Committee asked about the availability of foster home in the State party. The delegation said that they were trying to ensure that foster homes and institutions were available to different groups, for example children with special needs or children from an ethnic minority groups. It added that it aimed to strengthen the stability of these services. Campaigns were currently ongoing to check whether there were enough foster homes in the country.

#### Basic health and welfare

#### Living standards

The Committee was concerned about the disparities of living standards in different parts of the country. Moreover, the family income supplements varied depending on the place where a family lived and not depending on the extent of poverty. Although the State's GDP per capita was one of the highest in the world, inequalities in family income in the country were considerable. The Committee further asked whether municipal housing projects were child-friendly and created stimulating environment for children. The delegation explained poverty was a serious issue in the country. Measures were undertaken to change labour and social policies, promote education and labour market and to eradicate poverty. The State granted family allowances, maternity grants and lowered day-care fees in order to strengthen its efforts on fight against poverty. Regarding the municipal housing, the delegation answered that under the Social Services Act, housing support was granted to poor families and children.

## Attention-deficit hyperactivity disorder (ADHD)

The Committee noted that a growing number of children were treated with psycho stimulant drugs in order to treat ADHD. According to a recent survey, these drugs were overused by children. Moreover, it seemed some children sold these pills. The Committee asked what kind of measures the State party planned to take in order to address this issue. The delegation answered that ADHD was increasingly diagnosed. The State party was concerned about this phenomenon but ensured that the prescription of medicine was used as a last resort. In addition, it was challenged by the fact that young people were selling their medicine as drugs. It initiated a project to substitute the medicine by Omega 3. It considered that a lower use of the medicine would address this issue.

#### Early childhood and care

The Committee noted that there was a lack of disaggregated data on kindergarten attendance and early education in general. It was worried that the lack of relevant information could prevent from an effective evaluation as children from vulnerable groups might be opt-out. The Committee asked for further information on the anti-bullying programme in

kindergarten. The delegation responded that anti-bullying programme in kindergarten aimed to focus on building strong feeling of responsibility of children towards one another and avoid isolation of children in social environment. The delegation added that early intervention was a priority in education policies. Moreover, teachers were trained to address and combat the issue of bullying.

#### Children with disabilities

The Committee asked to what extent children with disabilities were aware of their rights and whether the State party had plans to disseminate the CRC among this vulnerable group of children. The delegation answered that the National Plan for Rehabilitation was implemented in 2008. A new plan (2008-2011) was developed to ensure the follow up of the previous plan and to coordinate the rehabilitation of children with disabilities. The delegation added that children with disabilities were increasingly participating in cultural activities. It did not address the issue of dissemination of the CRC among this group of children.

#### Substance abuse

The Committee was concerned about the use of alcohol and drugs amongst children. It wondered if this phenomenon was linked to the rate of suicide among children. The delegation answered that the State party took this issue very seriously. The directorate of health was engaged in systematic information and awareness raising about drugs and alcohol. Issues related to alcohol were often raised in meetings. Moreover, there was a ban on advertising alcohol and tobacco in the country.

## Education, leisure and cultural activities

#### Pre-school

The Committee remarked that money was given to those parents who could not afford sending their children to day-care facilities or kindergartens. It asked whether the cash remuneration system really worked as there was no guarantee that low-income families would address the money to organise the day-care services for their children. It asked whether the State party had taken any measures to provide free, universal day-care services. In addition, the Committee noted that meals were not provided in every day-care centres and asked if the State party planned to make amendments in day-care service regulations. Regarding the cash benefits scheme, the delegation explained that it was less used due to the successful implementation of the day-care centre reform. The delegation answered that there was no risk of abuse of the money remuneration scheme as it was designed only for children up to 2 years old. This scheme had had positive effects on the integration of children of non-western background. The delegation further explained that fees for kindergarten were lowered in 2003. The State party believed that resources spent on this sector could bring considerable social benefits. It would continue improving welfare policy measures for families through improving and further lowering day-care costs.

## Unemployment

The Committee was concerned about the correlation between the rate of poverty and unemployment, especially among migrant families in the North. It asked whether the State party implemented specific measures to provide additional vocational training to those children dropping out of the school. The delegation explained the State party was aware of the issue and was trying to address it. It acknowledged the existing link between unemployment and young people dropping out of school early. Measures were undertaken to

promote employment of young immigrants, and studies were ongoing to further address this issue. The State party was also ensuring better vocational training and better advisory services within schools. Moreover, it had set a priority to promote early intervention; for example the prevention of non-attendance and insufficient progress at school at an early stage.

## **Special protection measures**

## Refugee children

The Committee was concerned about the lack of data on refugee children and asked whether precise data was available. It enquired whether special language courses were available for refugee children in kindergartens upon their arrival in the country. The delegation answered that a pilot project was created to provide free of charge day-care centres for children from vulnerable groups. Moreover, children whose mother tongue was not Norwegian, were entitled to have both their primary and secondary education in their own language or benefit from a bilingual education.

## Asylum seekers

The Committee commended the State party for its efforts regarding asylum seekers and unaccompanied minors. However, it was concerned about the length of cases pending consideration. It also asked whether any measures were taken to address the issue of disappearances. It was concerned whether the integrity of unaccompanied and undocumented children asylum seekers was kept when their age was verified. The delegation stated that under the Immigration Act, officers were aware of human rights principles and practices in relation to immigration policies. It explained that they determined the age of an unaccompanied asylum-seeker by using dental and hand/wrist X-rays. However, this examination was under consideration to check whether it was feasible, effective and more importantly ethical. Asylum-seeking persons were given the benefit of the doubt, and were treated in the best interest of the child. For example, if test gave an age between 17 and 19, the person would be given the status of a child. It added that translation could be available and the State party was trying to recruit more translators. The delegation assured the Committee that the best interest of the child was respected concerning immigration cases and asylum seekers.

Regarding the length of cases, it could vary depending on the case. If unaccompanied, minor asylum seekers were granted a legal guardian who would follow the case throughout all proceedings. The delegation added that the State party was disseminating the right to family reunification among unaccompanied asylum seekers.

Regarding minors disappearing from reception centres, the delegation explained that it was challenging as the State did not have specific legal provisions to forcibly keep them in these centres. Some of the disappearances had also been linked to the fact that the person's cases had been rejected. These reception centers provided education as well as information on the asylum application procedure and possibilities of returning to their country of origin. The delegation noted that some progress was seen in terms of the integration of immigrants; for example children born in a family of immigrant parents showed high rate of high school attendance. It added that immigration was enriching the country by its multiculturalism. The delegation also talked about the long processing time of cases of unaccompanied asylum-seeking children. It explained that asylum applications were given priority and were dealt within six months following their submission. However, it acknowledged that they were away from achieving that target for children aged between 15 and 18.

#### Harmful traditions

The Committee was concerned about cases of forced marriages among ethnic minorities or refugees. It asked whether female genital mutilation was practiced in the country. The delegation explained it was combating forced marriages by helping victims of abuse and young people to avoid forced marriages. Eight different ministries initiated a number of action plans aimed at combating forced marriages among ethnic minorities. Other measures such as integration counselling services and awareness raising campaigns were part of this initiative. The government tried to ensure a closer cooperation between immigration services, the Red Cross and State bodies to address this issue. The delegation also explained that special shelters and flats were provided for those young people exposed to forced marriages. The Committee noted this measure did not address the issue properly as it could cause more problems within the concerned family and community as a whole. The delegation emphasised its efforts to raise awareness of families. Regarding female genital mutilation, the delegation said that there were 12 reported cases. Measures to address this issue consisted of providing appropriate care to girls and women, engaging in dialogue with families and raising awareness in school health services. The State party also initiated an Action Plan (2008-2011) to prevent FGM in the long term by offering systematic examination to those affected or vulnerable groups of girls.

#### Juvenile Justice

The Committee was concerned about the threshold of criminal liability of children. It requested more information on custodial procedures and preventive detention measures for young offenders and those in conflict with law. The delegation said the criminal responsibility was set at 15. An offender below the age of 15 would be taken care of by the Child Welfare Services. From 15 to 18 years of age, the detention of the child would only be used as a last resort. After detention, each child was closely monitored. The delegation added that new units were available to better facilitate children in detention. These special detention units were established only in Oslo and Bergen. They could accommodate 10 young people. These centres were only used when a serious crime was committed. This project was created in cooperation with the Child Welfare Services and the Ministry of Justice. Alternative measures were undertaken for young offenders by providing special vocational trainings.

## Child trafficking

The Committee asked whether there was a new Action Plan to tackle child trafficking, as the last plan covered the period of 2008- 2009. It enquired which body was responsible for the implementation of the penal code enacted in 2006 regarding child trafficking. It noted that the reflection period given to victims of trafficking was extended from 48 days to 6 months and asked whether it was applied to any victim. The delegation explained child trafficking was high on the political agenda of the State party. As such, the State party strengthened the legal rights and protection of victims of trafficking. A law was recently enacted sanctioning the purchase of sexual services. Regarding the reflection period, it can be applied to any victim, child or adult.

## **Concluding remarks**

The Country rapporteur, Mr Krappmann, thanked the delegation for its active involvement in reviewing the implementation of Norway's obligations under the CRC. He noted that he could not summarize the discussion as too many issues were raised. He commended different reforms and changes implemented in the country, especially those at the level of

municipalities. He stressed the fact that Norway should focus on the dissemination of the CRC to further implement all its new projects. He informed the delegation that the COs would evolve around the Child Welfare System, immigration, mental health, use of medicines and disparities among municipalities. He praised the number of efforts carried out by Norway to implement the CRC and its strong commitment to the rights of the child. In addition, Mr Krappmann quoted the Minister by saying that "there is always room for improvement". He concluded by saying the dialogue was interesting and stimulating.

The head of the delegation appreciated that the Committee was well informed about the efforts undertaken and challenges faced by the country. He found the dialogue valuable and comprehensive. He emphasised that the Committee and the UN system as a whole were well respected in Norway. He ensured the COs would be disseminated widely and with strong authority. He noted that it was useful to have an external perspective on his country's policies and performance towards achieving better results. He thanked the Committee and Mr Krappmann for his visit to Norway.

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