

# Supplementary Report 2009

- to Norway's fourth Report to The UN Committee on the Rights of the Child



The Norwegian Forum for  
the Convention on the Rights of the Child



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### **The Norwegian Forum for the Convention on the Rights of the Child**

The Norwegian Forum for the Convention on the Rights of the Child (FFB) was inaugurated in 1994, and is a network of organisations, institutions and individuals who are interested in children's rights in Norway and internationally. The network currently consists of nearly 50 participants. Names and websites of supporting organisations can be found at the end of this report. FFB's objective is to contribute to the exchange of information and experiences regarding work for children, and to be a source of inspiration for continued development in the understanding of the rights of children. FFB has been an important advocate for the incorporation of the Convention of the Rights of the Child (CRC) into Norwegian legislation, thereby ensuring that the articles and principles of the Convention have strong legal effect in Norway. FFB also participates in international processes promoting the rights of children.

### **Norway and the UN Convention on the Rights of the Child**

Norway ratified the CRC on January 8th 1991, and incorporated the Convention into Norwegian legislation in 2003. The CRC now forms part of the Norwegian Human Rights Act of May 21st 1999. The Norwegian Human Rights Act stipulates that the conditions of the international conventions shall be given precedence over Norwegian law if they ensure better rights.

The UN Committee on the Rights of the Child monitors the State's compliance with the rights stipulated in the Convention. All states, which have ratified the CRC, undertake to report on their implementation of the Convention every five years. The Committee invites parties other than the states to contribute information to the re-ports, and non-governmental organisations (NGOs) in particular are often important sources of information. Norway's fourth official report was submitted in 2008, and for the third time the combined network of the Norwegian Forum for the Convention on the Rights of the Child is submitting a supplementary report. The report includes the follow-up on the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

### **Preparation of the Supplementary Report**

The preparation of the Supplementary Report is a major effort by FFB, and a long and comprehensive process lies behind the report. The work has been coordinated by a working group appointed by FFB (see below).

The report is based on focused issues and areas of competence within the Member Organisations of FFB. The fact that a subject

is not addressed in this report does not mean that the issue is not relevant to address in the child rights context in Norway.

Children's own experiences are included in the report. These are, among other, gained from a parliamentary hearing between children and ministers on the subject of violence and sexual abuse in November 2008. In addition, a project involving child participation in connection to the CRC reporting will start in the fall of 2009. Two unaccompanied asylum-seeking minors at Hvalstad asylum-reception centre have painted the illustrations on the cover and back of this report.

The report is produced in accordance with the CRC "General Guidelines regarding the form and content of periodic reports" (CRC/C/58/Rev.1 of 29 November 2005) as well as the "Guide for Non-Governmental Organizations reporting to the Committee on the rights of the child" by the NGO Group for the Convention on the Rights of the Child. The latter guide recommends the report to be no longer than 30 pages. For this reason, the report some places refers to the report submitted by the Ombudsman for Children.

The report refers to the Concluding Observations by the Committee, and these are attached as an appendix. The report also refers to the sections from Norway's fourth report consecutively in the text. An overview of the material used in the report can be found in the list of endnotes.

FFB wishes to thank the Norwegian Ministry of Foreign Affairs for its financial support in connection with the report.

### **The Norwegian Forum for the Convention on the Rights of the Child and its report to the UN**

FFB's working group for the preparation of the report consisted of Elin Saga Kjørholt of Save the Children (group leader up until May 2008), Marianne Hagen of Save the Children (group leader as of August 2008), Irene Dotterud (secretary), Kirsten Kolstad Kvalø of PRESS - Save the Children Youth Norway, Kirsten Helene Teige of the Norwegian Children and Youth Council, Kari Engen Sørensen of The Support Center for Victims of Incest Oslo, Ove Helset of the Norwegian Federation of Organisations of Disabled People, Charlotte Bayegan of Red Cross, Susanne Abelsen of Norwegian People's Aid and Mette Yvonne Larsen of the Norwegian Bar Association.

This report is published in both English and Norwegian, and it is available both online and in print. The Supplementary Report 2009 can be ordered free of charge from the FFB Secretariat, Save the Children Norway: Postboks 6902 St. Olavs plass, 0130 Oslo. Tel. +47 22 99 09 00

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Painting front: "Bird" Zaynab Omar, 17 years

Painting back: "Pattern" Hamdi, 16 years

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# I General Measures of Implementation

## Article 4 – Realisation of the recognised rights

**A. Legislation** (Norway's fourth report to the UN Committee on the Rights of the Child, hereinafter referred to as Norway's fourth report, Section 9)

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*The UN's recommendation to Norway in 2005, Sections 6 and 7*

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The Norwegian Forum for the Convention on the Rights of the Child (hereinafter referred to as FFB) is pleased that an external review has been undertaken of national legislation within the field covered by the Convention on the Rights of the Child (hereinafter referred to as the CRC) and awaits the results of this review. However, in FFB's opinion, there are serious shortcomings in the Norwegian legislation relating to non-discrimination, the child's right to care and protection and with regard to the stipulations in the Guardianship Act (cf. Articles 2, 3B, 19A and 22F).

**B. Administrative initiatives** (Norway's fourth report, Sections 10, 11, 75 and 76)

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*The UN's recommendation to Norway in 2005, Section 9*

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FFB is of the opinion that in order to achieve the objectives and values of the CRC, it is of major importance that, in addition to the reporting to the Committee itself, civil society is actively and continuously included by the State parties in their efforts to ensure that the CRC is fully implemented. In Norway's fourth report, Sections 10 and 11, on improved monitoring of the rights of the child in Norway, the relationship and cooperation between the State and civil society is not mentioned.

**FFB recommends that the Committee put the following question to the State party:**

**In the opinion of the State party, how can the role of civil society be strengthened with**

**regard to identification of relevant issues and as contributors in order to ensure follow-up of the implementation of the CRC? In what way will the State party systematically include civil society in the implementation of the CRC in general, and in the follow-up of the Committee's recommendations in particular?**

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**The Committee should make the following recommendation to the State party:**

**The State party should more actively and systematically include civil society in its efforts to ensure realisation of the CRC. The State party is encouraged to actively include civil society in the follow-up of the Committee's recommendations to the State party.**

**C. Coordination of services** (Norway's fourth report, Sections 31 to 33)

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*The UN's recommendation to Norway in 2005, Section 8*

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The rights of children are safeguarded in the municipality where the child lives, through, e.g. the municipal services available for children. It is a constant challenge to ensure that these services are coordinated in such a manner that the rights of children are safeguarded in a satisfactory manner. The need for coordination applies between and within various levels of administration: government, municipal, and in the individual municipality. FFB finds that there is a particular need for better management and coordination of services for children with special needs. In 2008, a nationwide audit was conducted to determine how cooperation on services for vulnerable children and minors was being facilitated and followed up<sup>1</sup>. The audit revealed that in 90 out of 114 municipalities there were violations of the regulatory framework that exists to ensure that the municipalities facilitate cooperation to assist vulnerable children and young people (cf. Article 23 and 34E).

**FFB recommends that the Committee put the following question to the State party:**

**How will the State party ensure that the**

municipalities safeguard the rights of children? Will the State party enhance its use of control mechanisms in order to clarify the municipalities' responsibilities according to the CRC? Will the State party consider adopting a stricter system of sanctions for municipalities that do not comply with the regulatory requirements, as demonstrated in the nationwide audit?

**The Committee should make the following recommendation to the State party:**

**The State party should make use of its control mechanisms vis-à-vis the municipalities to ensure that the municipal services for children genuinely safeguard the rights of the children. The State party should follow up the municipalities' coordination of services more systematically.**

**D. Other initiatives** (Norway's fourth report, Sections 19 and 514)

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***The UN's recommendation to Norway in 2005, Section 13***

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FFB is of the opinion that a study should be conducted of violence against children. Such a study should look into our overall knowledge of children subjected to violence and abuse and review the implemented measures, as well as their effect. The objective of the study must be to provide recommendations for specific, lasting and preventative measures to protect children against violence and abuse, and to recommend effective measures for disclosure and treatment of abuse. The study must include statements from children who have been subjected to violence and abuse or who have witnessed such violence/abuse. Experiences from the parliamentary hearing between children and ministers (Barnas Spørretime) in 2008 underlined the importance of listening to children's and young people's accounts of their own experiences of violence and abuse, as well as to their views on measures.

**FFB recommends that the Committee put the following question to the State party:**

**Will the State party ensure that the existing knowledge acquired through the work with children subjected to violence is reviewed and**

**systematised in a broad study?**

**The Committee should make the following recommendation to the State party:**

**The State party should initiate a study on violence against children. The study should contain a summary of existing knowledge and experiences, and also propose specific measures.**

**E. The supervisory role of the Ombudsman for Children** (Norway's fourth report, Section 37)

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***The UN's recommendation to Norway in 2005, Sections 10 and 11***

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In order to strengthen the Ombudsman for Children's role as an independent spokesperson for children, it is vital to ensure that the nomination process is independent of political affiliation, networks or other external factors. Furthermore, children and young people should be involved in the nomination process. To ensure an even greater degree of independence, the Norwegian Government has proposed amending the Act relating to the Ombudsman for Children, so that the Ombudsman will be appointed for a fixed term of six years, without the option of reappointment. In FFB's opinion, this does not ensure sufficient independence. FFB also sees the need for a detachment from the Ministry.

**FFB recommends that the Committee put the following question to the State party:**

**What will the State party do to further increase the degree of independence for the Ombudsman for Children? How will the State party ensure that children and young people participate in this work?**

**The Committee should make the following recommendation to the State party:**

**The State party should prepare a comprehensive report on the Ombudsman for Children's function. In order to ensure a greater degree of Ombudsman independence, the report should assess affiliation and the allocation of resources *as well as* the appointment process. Furthermore, the involvement of children and young people should be ensured, both in the report and**

in the appointment of the Ombudsman for Children.

## F. International measures

**The rights of the child in foreign policy and development aid policy** (Norway's fourth report, Section 665)

The rights of the child must be strengthened and systematised in Norway's foreign and development aid policy. Norway should set requirements for prioritisation of children and young people when extending loans or granting development aid to other countries. Foreign policy action plans should include separate analyses and measures aimed at children. Measures for children should be specified within all areas, but particularly within the budget area. The State must ensure that the rights of the child to participate and play an active role in disaster prevention are safeguarded. Child-led and child-focused prevention activities have proven effective, providing children and families with more information and reducing their fear of unfamiliar consequences.

In March 2005, Norway launched a Norwegian development strategy for children and young people in the South. The title of the strategy is *Three Billion Reasons*. There is no mention of any follow-up to this strategy in Norway's fourth periodic report. FFB is of the opinion that the long-term strategy should be followed up by assessments along the way.

**FFB recommends that the Committee put the following question to the State party:**

**What initiatives will the State party take to increase the focus on the rights of the child in foreign and development aid policy? What is being done to follow up the child strategy "Three billion reasons" and what has been the impact of the strategy so far?**

**The Committee should make the following recommendation to the State party:**

**The State party should ensure that foreign policy and development aid policy to a greater degree serve to clarify children's rights through further analyses and measures aimed at children. "Three billion reasons" should be reviewed and experiences from**

**the work on the strategy be included in the efforts to strengthen children's rights in the international work.**

**Protection against violence** (Norway's fourth report, Sections 68 and 69)

FFB recognises the State's commitment to follow up the UN study on Violence Against Children. The study should be included in bilateral and multilateral dialogues, particularly in the field of health and education. There is a need for earmarked resources to follow up the study.

Norway must support the development of systems; from legislation and policies to specific relief measures such as reception centres and prevention measures to protect children against violence, abuse and exploitation. Together with the other member countries, Norway should intensify its efforts to ensure that the newly appointed Special Representative of the UN Secretary-General (SRSG) enjoys broad financial and political support, and to ensure that as many member countries as possible feel a sense of ownership in relation to this office. Furthermore, Norway must continue its active efforts to ensure that the participation of children and civil society is a high priority in the future work of the SRSG.

**FFB recommends that the Committee put the following question to the State party:**

**In what way will the State party follow up the UN study on violence in the time ahead? How will the State party follow up the efforts of the Special Representative of the UN Secretary-General (SRSG) to combat violence against children, so that this office receives the broadest support possible and includes children and civil society in its work?**

**The Committee should make the following recommendation to the State party:**

**The State party should maintain a strong focus on follow-up of the study through dialogues and allocation of resources. The State party should observe the role of the SRSG and promote a strong role which includes children and civil society.**

**Education** (Norway's fourth report, Section 664)  
In its report on the right to education, the UN



Special Rapporteur on the Right to Education recommends that the international community take a more wholehearted approach to maintaining the right to education in a crisis situation<sup>2</sup>. Reinforcing this right will be of great practical significance to the protection of children affected by war, conflicts or natural disasters.

**FFB recommends that the Committee put the following question to the State party:**

**How will the State party ensure that the right to education is integrated in all emergency relief response?**

**The Committee should make the following recommendation to the State party:**

**The State party should ensure that the right to education in a crisis situation is strengthened in the foreign and development aid policy.**

**G. Allocation of resources** (Norway's fourth report, Sections 52 and 53)

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*The UN's recommendation to Norway in 2005, Sections 14 and 15*

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FFB is still concerned about the great disparities in the range of services available to children. The increased transfer of funds to local authorities does not automatically strengthen the range of services available to children, nor will it even out geographical differences (cf. Articles 23, 24 and 31A). It is difficult to gain an overview of the actual distribution of resources locally. The situation since the last report remains unsatisfactory and children still do not have equal access to the same standard of services.

**FFB recommends that the Committee put the following question to the State party:**

**How does the State party follow up framework transfers to local authorities to ensure that it is aware of exactly how much is allocated to children in each municipality? What policy instruments will the State party employ to even out differences, particularly in areas that fall outside of the statutory services?**

**The Committee should make the following recommendation to the State party:**

**The State party should prepare a system for**

**collection and dissemination of information on how the transfer of state funds to children is distributed between the different municipalities and regions. This would enable a comparison between the municipalities and regions and reveal any geographical variations, which could then be followed up.**

**Article 42 – Dissemination of the principles and provisions of the Convention**

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*The UN's recommendation to Norway in 2005, Section 16 and 17*

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**Information and instruction** (Norway's fourth report, Sections 57, 59, 60 and 62)

In "Children and young people report to the UN on their rights", it emerges that only about half the children have heard about the CRC and that instruction in and practise of the CRC seem somewhat arbitrary. A survey conducted in 2008 revealed that only 55% of children between the ages of 8 and 11, and 64% of 8 to 24-year olds, had been taught about the rights of the child at school and had discussed what it means that children have these rights<sup>3</sup>. This indicates that teaching of the CRC in schools is inadequate and arbitrary.

Many professional groups, including nursery school teachers, teachers and child welfare-officers, find that they receive insufficient instruction in the CRC at university/college<sup>4</sup>. For several of these professional groups CRC instruction is not mandatory. White Paper No. 11 "The Teacher - the Role and the Education", confirms that instruction in and practice of children's rights could be improved<sup>5</sup>. FFB questions the fact that no clear objectives have been established in the White Paper in this respect, nor has the use of resources been defined.

In FFB's opinion, there is a general need for further knowledge about the Committee on the Rights of the Child's interpretation of the CRC. Furthermore, FFB welcomes a translation of the Committee's General Comments on the Convention on the Rights of the Child and distribution of these. The State must prepare a plan for how to make the General Comments

known to the relevant authorities and decision-makers.

**FFB recommends that the Committee put the following question to the State party:**

**How will the State party better incorporate the CRC into the curricula for the relevant professional groups? How will the State party ensure that teachers have the necessary knowledge, time and tools to give sufficient instruction in and practice of the rights of the child in school? What measures will the State party implement to ensure that professional groups that have completed their training receive the necessary instruction?**

**The Committee should make the following recommendation to the State party:**

**CRC instruction must be incorporated into the curricula for primary and lower secondary schools, as well as for upper secondary schools and relevant university and college courses. The instruction must be incorporated into the primary school curriculum in social sciences and in Religion, Philosophy of Life and Ethics. Objectives for such instruction should be specified. All specialists working with and for children, e.g. lawyers and employees in the health and care sector, should receive mandatory instruction in the rights of children. The State party must prepare a plan for how to make the General Comments known to the relevant authorities and decision-makers.**

## II General Principles

### Article 2 – Non-discrimination

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*The UN's recommendation to Norway in 2000, Sections 20 and 21*

*The UN's recommendation to Norway in 2005, Sections 18, 19 and 42*

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**A. Age discrimination** (Norway's fourth report, Section 99).

FFB questions the fact that there are no national rules protecting children against age discrimination. Rules against age discrimination are only laid down in the Working Environment Act and consequently do not serve to protect children. The rules against age discrimination of children are consequently not enforced by the Equality and Anti-Discrimination Ombud.

**FFB recommends that the Committee put the following question to the State party:**

**What will the State party do to strengthen and highlight protection against age discrimination of children? What will the State party do to ensure that the rules against age discrimination are enforced on a par with other anti-discrimination legislation?**

**The Committee should make the following recommendation to the State party:**

**The State party should highlight through legislation the protection children have against discrimination on the basis of age and ensure that the prohibition is enforced by a competent authority.**

**B. Care of unaccompanied asylum-seeking minors** (Norway's fourth report, Sections 471 to 480)

FFB is very pleased that the child welfare system assumed responsibility for the care of unaccompanied asylum-seeking minors below the age of 15 as of December 2007.

However, FFB is still concerned about the fact that a distinction is drawn between children below and above the age of 15. Unaccompanied asylum-seeking minors between the ages of 15 and 18 are subject to discrimination in as far as they are not given the same rights to care, pursuant to the Child Welfare Act, as other children. According to Section 1-1 of the Act of 17 July 1992 relating to Child Welfare Services, the Act applies to all children residing in the realm.

Despite repeated criticism from the Committee

and urgent requests to transfer responsibility for the care of unaccompanied asylum-seeking minors between the ages of 15 and 18 to the child welfare system, the responsibility for the care of these children still rests with the immigration authorities. Sufficient resources have still not been allocated to facilitate a real transfer of the care of children between 15 and 18 years of age to the child welfare services. The organisations in FFB find it unacceptable that the authorities have not started transferring the responsibility for the care of children between the ages of 15 and 18 to the child welfare services.

**FFB recommends that the Committee put the following question to the State party:**

**How does the State party assess the consideration of non-discrimination with regard to unaccompanied asylum-seeking minors' right to care? When will the State party grant unaccompanied asylum-seeking minors between the ages of 15 and 18 the same rights and access to care as all other children in Norway?**

**The Committee should make the following recommendation to the State party:**

**The State party should submit a progress plan with a final date for when the child welfare services will assume responsibility for the care of all unaccompanied asylum-seeking minors in line with the provisions stipulated in the Child Welfare Act. The unfair discrimination of unaccompanied asylum-seeking minors with regard to their care situation must cease.**

**C. Disabled children** (Norway's fourth report, Sections 265 and 266)

The Anti-discrimination and Accessibility Act came into force on January 1<sup>st</sup> 2009. The purpose of the Act is to promote equality and ensure equal opportunities for and rights to social participation for all persons regardless of disabilities, and to prevent discrimination on the basis of disability. The Act shall help dismantle disabling barriers created by society and to prevent new ones from being created.

FFB believes that the Act provides a good basis for ensuring children's participation in important areas such as school and leisure activities. This,

however, is contingent on children's awareness of their rights and of the existence of the enforcement body; the Equality and Anti-Discrimination Ombud (LDO), so that the purpose of the Act is fulfilled. The Ombudsman for Children does not consider individual cases. Hence, it is of particular importance that the LDO maintains the child's perspective in relation to the Act.

**FFB recommends that the Committee put the following question to the State party:**

**How will the State party ensure that the purpose of the Act is realised for children with disabilities? How does the State party intend to ensure that children are made aware of their rights in this field, and that they have the proper channels to assert violations of the Act's provisions?**

**The Committee should make the following recommendation to the State party:**

**The State party should implement measures to familiarise children with the content of the Anti-discrimination and Accessibility Act, and ensure proper channels for children in these cases.**

**Article 3 – The best interests of the child**

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*The UN's recommendation to Norway in 2000, Sections 22 and 23*

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**A. The best interests of the child in the immigration administration** (Norway's fourth report, Sections 18, 127, 128 and 449).

In the experience of the organisations in FFB, the immigration administration only to a variable extent makes specific and individual evaluations of the best interests of the child in each case<sup>6</sup>.

The immigration administration does not possess the appropriate competency in children's affairs to be able to assess what the best interests of the child are, and the immigration-regulating mandate of the immigration administration does not sufficiently ensure that the consideration of the best interests of the child is given enough emphasis. In cases where decisions have been made that have turned out not to be in the best interests of the child, the basis upon which the decision was made has often been inadequate



and based on routine. This makes it difficult to ascertain retrospectively whether a sufficient evaluation of the best interests of the child has actually taken place. Furthermore, FFB finds that, in general, considerations of immigration policy are given disproportionately high emphasis, compared with the consideration of the best interests of the child, and that children only to a limited extent are given the opportunity to express their opinion on matters affecting them. This is in conflict with the UN Committee on the Rights of the Child's recommendations and General Comments<sup>7</sup>.

Despite new regulations stating that children's connection with the realm should be emphasised in the assessment of whether a residence permit should be granted on humanitarian grounds, and despite the fact that the State has requested that the immigration authorities prioritise appeal cases from families whose cases have been under review for more than two years, 233 children have lived in reception centres for more than three years (as of March 2009)<sup>8</sup>. Furthermore, families with children who have lived in Norway for a long time may risk not being granted residence because the child is not found to have a connection with the realm, despite having lived in Norway for most, or all of, its life.

**FFB recommends that the Committee put the following question to the State party:**

**How does the State party intend to strengthen the competency in children's affairs in the immigration administration in general and in interview situations with children in particular? What assessments and evaluations of the best interests of the child regarding the child's connection with the realm have formed the basis for the case processing? In the State party's opinion, how should the best interests of the child be weighed against matters of immigration policy?**

**The Committee should make the following recommendation to the State party:**

**The State party must ensure that an assessment of the best interests of the child is given due emphasis in the immigration administration as stipulated in the CRC. The considerations that have been decisive in cases affecting children must be made visible in specific and**

**substantiated decisions, so that it is possible to check this retrospectively. The State party's focus on the best interests of the child must be strengthened vis-à-vis immigration policy considerations.**

**B. Article 3 no. 2 on the right to care (Norway's fourth report, Section 225)**

FFB finds that there are shortcomings in the legislation and in the child welfare services' resource situation and that these shortcomings affect children's care situation. The child welfare legislation does not stipulate the rights of the child, but the obligations of the State. By increasing the focus on the rights of the child in the legislation, children's rights to care will be made clearer and thus be further safeguarded.

Assistance initiatives from the child welfare services are conditional upon parental consent. In those cases where the parents do not wish to receive help or assistance from the child welfare services, the case may be dropped without the child having received help<sup>9</sup> (cf. Article 20 for more details on children in the care of the child welfare services).

**FFB recommends that the Committee put the following question to the State party:**

**What will the State party do to ensure that children who need help are given adequate assistance from the child welfare services at the right time? Will the State party consider putting children's right to receive help from the child welfare services into law, including the right to assistance regardless of their parents' consent?**

**The Committee should make the following recommendation to the State party:**

**The State party should review the child welfare legislation and how this is practised with a view to strengthening the child's right to assistance when the family environment is inadequate. The local child care services should be allocated sufficient funds to ensure that they can execute their statutory responsibilities in a satisfactory manner which ensures that children who are in need of their services are given the necessary care at all times.**

## Article 12 – The child’s right to express its opinions

*The UN’s recommendation to Norway in 2000, Sections 24 and 25*

**A. Children and young people’s participation in municipal decision-making processes** (Norway’s fourth report, Sections 136 to 138). In its fourth report, Norway states that three out of four municipalities have a consultation body for children and young people. These bodies often lack legitimacy. Several of them are not comprised of democratically elected members and in many cases they are not well-known amongst the young people they are meant to represent<sup>10</sup>. The consultation bodies have primarily been established on the adults’ terms, rather than on the basis of the children’s and young people’s right to be heard.<sup>11</sup> Children and young people are invited to participate, but within a highly limited framework and structures over which they have no real influence<sup>12</sup>.

*“I learned that people will actually listen to you as long as you say things the right way. If you follow the ground rules of the adults, they’ll be friends with you” (“Jan”-leader of a local council for children and young people)<sup>13</sup>*

There is no common mandate for such bodies, and the way the municipalities organise the work varies<sup>14</sup>. This entails that children’s and young people’s right to participation in municipal decision-making processes is not sufficiently safeguarded.

**FFB recommends that the Committee put the following question to the State party:**

**How will the State party ensure that measures relating to children’s participation meet the objective that children and young people should have real influence in municipal decision-making processes?**

**The Committee should make the following recommendation to the State party:**

**The State party should formalise a requirement that all municipalities in the country should establish a representative consultation body for children and young people. The body must be democratically elected and have**

**real influence in municipal decision-making processes. Furthermore, the body must act in close cooperation with organisations for children and young people.**

**B. Student participation** (Norway’s fourth report, Sections 147, 394 and 398)

There are several provisions in the Education Act to ensure a good learning environment and student participation. However, the genuine influence that students have over their own school day varies significantly. Whether the students are taught about democratic processes depends too much on chance and on the motivation of the individual teacher. The same goes for participation in a well-functioning student democracy, as well as for being treated with respect<sup>15</sup> (cf. Article 28E on student participation in anti-bullying initiatives).

*“Nobody has asked me if I want to take part in making decisions. If they did ask, I would like to take part.” (a pupil on students’ influence on the school day)<sup>16</sup>*

**FFB recommends that the Committee put the following question to the State party:**

**How does the State party intend to ensure compliance with the Education Act with regard to the rights of the child to participate in all areas of the school day that affect them, such as the school environment, subjects and teaching methods?**

**The Committee should make the following recommendation to the State party:**

**The State party is requested to implement a mapping of how and to what extent students at different schools are ensured influence on their school day, in terms of school environment, subjects and teaching methods.**

**C. The child’s right to be heard in judicial and administrative proceedings** (Norway’s fourth report, Sections 80 and 185).

All children above the age of seven, and younger children who are capable of forming their own views, shall receive information about, and be given a say in cases that affect them<sup>17</sup>. In spite of this, there are still children and young people affected by decisions pursuant to the Child Welfare Act who do not receive sufficient

information to understand their own case, and who do not have an opportunity to express their views. Research has shown that children more or less "disappear" in child care cases and that Norwegian child care services lack the necessary competence, clear guidelines, structures, arenas and routines for including children's viewpoints in their decisions<sup>18,19</sup>. According to the current wording in Section 6-3 of Child Welfare Act, there is a focus on the rights of the child to state his or her opinion in connection with the *decision* in a child care case. It represents a problem that children are not sufficiently heard during the investigation phase of child care cases, nor after the decision has been made, for instance in connection with the planning and evaluation of measures. According to Section 31 of the Children Act, attention shall be paid to the opinion of the child, inter alia, during mandatory mediation in the event of a breakdown of the parents' relationship.

The project "Childhood's Ambiguity – Politics and Practice on Children's Rights in Context of Family Change" has documented great variations in the practice of the rights of the child to be heard during mediation by the child and family protection agencies, both between the different agencies and within each agency. Whether the child is involved, and to what extent, often depends on the mediator's subjective assessment in each case. There are substantial differences in practice, ranging from the child's viewpoints not being an issue at all, to direct conversations between the child and the mediator<sup>20</sup>.

**FFB recommends that the Committee put the following question to the State party:**

**Children's right to be heard is laid down in the Children Act and in the Child Welfare Act. How will the State party strengthen this right in practice?**

**The Committee should make the following recommendation to the State party:**

**The State party should prepare national guidelines on how to involve children and**

**obtain and place emphasis on children's views in all phases of a child care case. This includes the rights of the child to be heard in all cases that concern them during stays in foster homes or institutions. The State party should lay down specific guidelines on how to involve children and on how to place emphasis on the child's views during mandatory mediation. Furthermore, the mediator's competence should be strengthened relating to how to talk to the child and obtain his or her views.**

**D. The child's right to be heard in immigration cases** (Norway's fourth report, Sections 145 and 146)

A thorough review of the current legislation and practice in immigration cases shows that the child's right to be heard is not being respected in all proceedings today<sup>21</sup>. This clearly conflicts with the CRC requirement that children are entitled to make their views known in all cases affecting them (cf. Article 9D).

**FFB recommends that the Committee put the following question to the State party:**

**How does the State party safeguard the child's right to be heard in all cases concerning the child in immigration cases? In what way do the child's own experiences form the basis for the consideration of the best interests of the child when decisions are made in a case?**

**The Committee should make the following recommendation to the State party:**

**The State party should establish the child's right to be heard as a paramount principle of the Immigration Act. Moreover, the State party should prepare regulations and guidelines which will ensure that children are interviewed on their own terms, and that the child's particular experiences, including child-specific reasons for persecution, are given due weight in the decision-making process.**



# III Civil Rights and Freedoms

## Article 14 – The right to freedom of thought, conscience and religion

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*The UN's recommendation to Norway in 2005, Section 20*

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### A. Following up and studying children in isolated religious communities (Norway's fourth report, Section 162).

Upon request from the Ministry of Children and Equality, the Norwegian Centre for Violence and Traumatic Stress Studies has studied the problems and needs for assistance faced by people who opt out of religious communities. The study concluded that there is a need for more research and a higher level of competence among employees in the support system. A knowledge centre on religion should also be established to assist the support system<sup>22</sup>. Furthermore, the study focuses on dialogues with the religious communities. The State is responsible for taking these experiences into account. The results form the basis for better follow-up and better control routines for children and young people growing up in isolated religious communities.

### **FFB recommends that the Committee put the following question to the State party:**

**How does the State party intend to ensure that the rights of the child to freedom of thought, belief and expression are safeguarded in isolated religious communities? How will the State party ensure that children who break out of isolated religious communities receive the assistance they need? How will the State party ensure that the support system gains a higher level of competence about this group of children and thus ensure that the rights of the child are better safeguarded?**

### **The Committee should make the following recommendation to the State party:**

**The State party should establish a national knowledge centre that can assist the support system.**

### B. Religious and ethical instruction in school (Norway's fourth report, Sections 160 and 161)

The subject Religion, Philosophy of Life and Ethics (RLE) has open frameworks for quantitative differences in the instruction on different religions and philosophies of life. The central authorities choose to a large extent to leave the practical implementation of the subject to the individual school and teacher, based only on vague guidelines in the curriculum. This makes it difficult to ensure that the legislator's intentions in the new provisions of the Education Act are realised for the individual student. The proposed regulation of the subject is in keeping with the principle that the instruction should take place in a neutral and objective manner, but it does not seem to sufficiently ensure that this is safeguarded in the practical solutions locally.

### **FFB recommends that the Committee put the following question to the State party:**

**How does the State party intend to ensure that the religious and ethical instruction is genuinely objective and neutral for the individual student?**

### **The Committee should make the following recommendation to the State party:**

**The State party should initiate an evaluation of the implementation of the new rules on religious and ethical instruction, to ensure that the rights of the child to freedom of religion are met.**

## Article 16 – Protection of privacy, honour and reputation

There is an increasing extent of distribution of sensitive information about children from private individuals, in the form of pictures and videos. In some cases this information is distributed by the child's own parents. Some of the information that is disclosed relates to personal data and pictures of children that are used in private custody battles, child protection cases, etc. It is unclear who has the mandate to interfere in individual cases to ensure that the rights of the child are safeguarded in accordance with Article 16. In a communication to the Ministry of Children and Equality, the Norwegian Data Inspectorate has expressed concern that they lack the authority

to order that such material be deleted as long as the parents have given their consent to the publication. In its reply, the Ministry states that it is "uncertain whether any barriers exist in the legislation which the Ministry of Children and Equality is responsible for that may prevent this type of publication."<sup>23</sup> Furthermore, no precedence exists in this area, which, considering the extent of this matter, should give rise to concern. The ambiguity of the legislation and administration renders it impossible to review cases, thus hindering compliance with Article 16.

**FFB recommends that the Committee put the following question to the State party:**

**How does the State party intend to ensure that the child's right to privacy is safeguarded? What real opportunity does a child have to have its case reviewed if its private life, honour or reputation has been violated?**

**The Committee should make the following recommendation to the State party:**

**The State party should grant the Norwegian Data Inspectorate authority to, through legislation, stop distribution of information about children which violates the child's right to privacy, honour and/or reputation.**

**Article 17 – Protection from harmful information** (Norway's fourth report, Section 293)

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*The UN's recommendation to Norway in 2005, Section 32*

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Children and young people are subjected to great pressure from advertising and the media. Four out of ten 14 and 15-year-olds believe that they are overweight and have considered dieting, without there being a need for it. The proportion

increases as they grow older<sup>24</sup>. Young people are subjected to a commercialised body image and purchasing pressure which in the long run could have a negative impact on children's and adolescents' quality of life. Whereas there is increasing awareness of the pressure on young girls, very little research has been conducted on boys and their experience of their own body and sexuality.

In Norway there is a ban against TV and radio advertising directed towards children. The ban, however, does not comprise channels broadcasting from other countries. FFB is of the opinion that a more comprehensive ban is necessary to protect children from unhealthy commercial pressure, and that the State should promote a ban on advertising directed towards children on channels broadcasting from abroad.

**FFB recommends that the Committee put the following question to the State party:**

**How does the State party intend to protect children and young people against commercial pressure? What will the State party do to look into what effect sexualisation in advertising and the media has on boys? Will the State party review the ban on advertising to ascertain how it better can protect children against commercial pressure?**

**The Committee should make the following recommendation to the State party:**

**The State party should review acts which regulate advertising and media directed at children, focusing on better protection of children. The State party should give the Office of the Consumer Ombudsman the right, through legislation, to clamp down on marketing that promotes ideals that may be harmful to children.**

# IV Family Environment and Alternative Care

## **Article 9- The right to maintain personal relations and contact with both parents**

*The UN's recommendation to Norway in 2000, Sections 30 and 31*

*The UN's recommendation to Norway in 2005, Sections 21 and 22*

### **A. Child custody** (Norway's fourth report, Section 17)

In practice, there are many challenges relating to resolving conflicts between parents in a way that ensures that the best interests of the child are safeguarded. FFB would welcome an increased focus on the need for good resolution mechanisms in such situations. Statutory provisions and the legal system will not always, and never on their own, lead to the best result for the child. FFB sees a need for a broad review and evaluation of the currently available solution mechanisms, both the judicial and extrajudicial ones. Such a review must be based on the child's perspective and on the principle of the best interests of the child.

#### **FFB recommends that the Committee put the following question to the State party:**

**How will the State party continue its efforts to secure the best interests of the child as a principle in the case processing in these types of cases? Will the State party initiate an evaluation of the current conflict resolution models with a view to strengthening the child's perspective?**

#### **The Committee should make the following recommendation to the State party:**

**The State party should initiate a review of how the principle of the best interests of the child is followed up in child custody cases, in order to ensure that the principle of the best interests of the child is generally strengthened in the case processing.**

### **B. The right to maintain contact after marriage/relationship breakdown**

A marriage or relationship breakdown can in some cases entail that the child loses its right

and opportunity to maintain direct contact with one of the parents. In most cases it will be in the child's best interests to receive care and maintain close contact with both parents. When direct contact is in the child's best interest, visitation rights should be maintained irrespective of the parents' conflict by facilitating contact through support schemes.

#### **FFB recommends that the Committee put the following question to the State party:**

**What measures exist to ensure fulfilment of the child's right to maintain direct contact with both parents after a marriage/relationship breakdown, when this is in the best interests of the child?**

#### **The Committee should make the following recommendation to the State party:**

**The State party must implement suitable initiatives for assistance which ensure that the child's right to direct contact with both parents is fulfilled, when this is in the best interests of the child, irrespective of the conflict between the parents.**

### **C. Children of imprisoned persons** (Norway's fourth report, Sections 182 and 183)

FFB finds that children of imprisoned persons only to a limited extent have their right to direct contact fulfilled while their parents are in prison, despite the fact that Section 3 of the Execution of Sentences Act states that particular emphasis shall be attached to a child's right of access to his or her parents during the implementation of a sanction. Many children are only granted one one-hour visit a week. The Execution of Sentences Act allows for extended visits for inmates with children, but this is not a right that the child has<sup>25</sup>.

Unsuitable visiting conditions means that many parents do not want their children to visit them in prison. FFB is of the opinion that minimum standards should be introduced for visiting facilities. Next of kin are not entitled to travel expense coverage to visit family members in prison. Applications for travel expense coverage



from the Norwegian Labour and Welfare Administration or the child care authorities are granted on a discretionary basis and are often denied.

**FFB recommends that the Committee put the following question to the State party:**

**How does the State party intend to make it easier for children to maintain contact with imprisoned parents regardless of where they live?**

**The Committee should make the following recommendation to the State party:**

**The State party should implement registration of whether inmates have children, to ensure that the interests of the child are safeguarded during imprisonment and to give the authorities an overview of how many people are affected. The State party should grant inmates with children the right to special visiting quotas which should exceed the regular quotas, and introduce minimum standards for visiting facilities. On certain terms, children with an escort should have the right to travel expense coverage for visits to the prison.**

**D. Children of deported parents (Norway's fourth report, Sections 202 to 204)**

FFB is concerned that the best interests of the child are not sufficiently safeguarded when the authorities make deportation orders. Furthermore, FFB is concerned that the child's right to be heard is not fulfilled in cases where deportation orders are made. It is often argued that the contact between the child and the deported parent can be maintained by telephone/letter, or that the child can move to the deported parent. The authorities do not provide financial support to help maintain parent-child contact. FFB is concerned that the authorities make deportation orders with permanent re-entry prohibition in cases where this may conflict with the consideration of the best interests of the child. Furthermore, FFB is concerned that a deportation, also where the re-entry prohibition is temporary, leads in many cases to a permanent parent-child separation, due to financial or other circumstances (cf. Article 3 on the best interests of the child in immigration matters and Article 12 on the child's right to be heard).

**FFB recommends that the Committee put the following question to the State party:**

**How does the State party intend to increase knowledge on the consequences a deportation order will have for children who are affected by it?**

**The Committee should make the following recommendation to the State party:**

**The State party should collect and systematise general knowledge on how children of deported parents will be affected, and, in particular, to what extent the contact between the deported parent and the child is in fact maintained.**

Article 10 – Family reunification (Norway's fourth report, Section 205)

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*The UN's recommendation to Norway in 2000, Sections 32 and 33*

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As a general rule, assured subsistence is required in order to be granted family reunification. Many people find it difficult to meet this requirement for various reasons. The result of this is often that children who remain in the home country, or who are living as refugees in a third country, are not granted family reunification with their parents. They are thus left alone in areas of war or conflict, without their closest care persons. The administration may grant dispensation from the subsistence requirement, but in FFB's experience dispensations from the subsistence requirement are very rarely granted in cases where children seek family reunification with their parents<sup>26</sup>. Furthermore, FFB is concerned about the considerable time it takes to process applications for family reunification where children are involved.

**FFB recommends that the Committee put the following question to the State party:**

**Does the State party believe that the strict practice and the long case processing time are in accordance with the child's right to a positive and humane handling of applications for family reunification?**

**The Committee should make the following recommendation to the State party:**

**The State party should grant a general dispensation from the assured subsistence requirement in family reunification cases when children are involved, and also initiate measures to reduce the long case processing time.**

**Article 19 – Protection from all forms of violence and abuse**

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*The UN's recommendation to Norway in 2005, Section 27 and 28*

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**A. Protection afforded by the law** (Norway's fourth report, Section 252)

FFB welcomes the proposed clarification in the Children Act provision on parental responsibility (Section 30, third subsection) so that the wording of the law clearly specifies that all forms of *physical* and *psychological* violence against children are prohibited, also in the name of discipline. At present, there are no provisions in the General Civil Penal Code which correspond with the prohibition laid down in the Children Act, nor has this been proposed in the new General Civil Penal Code. FFB is of the opinion that special protection of children against violence and abuse should be laid down in the Penal Code to clarify and strengthen children's protection in criminal law. This will be of particular value with regard to the lower limit of what is considered violence, both physical and psychological, and what is considered violence in the upbringing of children. Linking the prohibition directly to a criminal law sanction will emphasise the seriousness of the matter.

**FFB recommends that the Committee put the following question to the State party:**

**How does the State party intend to ensure that children's special protection against violence and abuse is laid down in the General Civil Penal Code?**

**The Committee should make the following recommendation to the State party:**

**In connection with the prohibition against physical and psychological violence laid down in the Children Act, the State party should also strengthen and lay down children's protection in criminal law by incorporating this into the General Civil Penal Code.**

**B. Competence in exposure of violence against children** (Norway's fourth report, Sections 19 and 415).

The serious consequences that violence and threats of violence have on children are well documented in, amongst others, the ACE Study<sup>29</sup>. The damage may appear immediately as physical injuries or psychological problems, but children can also experience delayed effects many years after the violence was inflicted. Few acts of violence against children are reported to the child welfare services and tried in the legal system. In FFB's experience, the general population is somewhat reluctant or unable to report suspected acts of violence against children. This also goes for professionals who work with children, such as teachers, nursery school teachers and child welfare officers. Even though several of these professions have a duty to report cases of violence, there is reason to believe that many such cases go unreported, and that many children who need follow-up do not receive it.

Many employees in schools and nursery schools do not have sufficient competence to discover cases of violence against children. This is because the topic is not sufficiently covered in their training programmes. Studies carried out by the Norwegian Centre for Violence and Traumatic Stress Studies have revealed that students training to become teachers, nursery school teachers or child welfare officers do not receive the training they feel they need on the rights of the child and violence and sexual abuse. Nor do they gain the necessary competence in talking to children about difficult subjects<sup>30</sup>.

**FFB recommends that the Committee put the following question to the State party:**

**What will the State party do to increase competence on violence against children and ensure that professionals and others know how to act in such situations?**

**The Committee should make the following recommendation to the State party:**

**The State party must ensure that professionals who work with children are given sufficient competence as regards violence and abuse against children. The knowledge of how professionals and others should act in cases**

of violence should be strengthened to ensure that instances where children are in need of follow-up are reported to the child welfare services.

**C. Contact in risk situations** (Norway's fourth report, Section 119)

FFB is pleased about the amendment to the Children Act which gives the child better protection under the law with regard to contact with a suspected abuser. However, FFB organisations experience that in some cases where the parents have separated because of violence in the family, children must continue to be in contact with the abuser. Children who witness violence between parents are also considered victims of violence, and FFB is of the opinion that these children's status as victims should to a greater extent affect the visitation assessment.

*"When I was little my mum got a violence alarm and a restraining order against my dad. At the same time I had to go to my dad's every second weekend even though my mum knew he could be dangerous and could hit me or make me do things I didn't want to. When I was a bit older my mum got a new restraining order against my dad, while I still had to visit him even though I was scared of him"<sup>31</sup>.*

In special cases a supervisor is appointed as a condition for visitation. Organisations in the Forum have experienced through user contact that how the municipalities organise the supervisor scheme is arbitrary.

In cases when a parent has been convicted of abuse against one child, siblings must in some cases continue to be in contact with this parent. FFB user organisations experience that children do not feel safe in such contact situations.

**FFB recommends that the Committee put the following question to the State party:**

**How does the State party intend to ensure that professionals who are involved in the contact assessment process have the necessary knowledge on the harmful effects on children who have witnessed violence? How does the State party intend to ensure that the legal requirement of proper supervision is met**

regardless of where in the country the child lives? What measures will be implemented to follow up how the arrangement works?

**The Committee should make the following recommendation to the State parties:**

**The State party should ensure that the bodies who assess the right to contact, for instance during mediation and in the law courts, have sufficient knowledge of how violence in the family affects children. The State party must establish a system to supervise and quality-assure that contact takes place under proper supervision regardless of where in the country the child lives.**

**Article 20 – Children deprived of family care**

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*The UN's recommendation to Norway in 2005, Section 24*

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**A. Resources** (Norway's fourth report, Sections 223 and 228)

An increasing number of children receive assistance from the child welfare services. The initiatives for assistance must be followed up closely to ensure that they improve the children's situation. FFB welcomes the proposal of making the evaluation of these initiatives into law. However, seen in the context of the current resource situation in the child welfare service, FFB is in doubt as to how these evaluations will be implemented in practice. FFB also stresses that children should be ensured real participation in the evaluation of the assistance initiatives. FFB is concerned that children do not receive the help they require at the right time. User organisations in FFB often find that children have not received assistance from the child welfare services in an early phase. There are reasons to fear that the resource situation in the local child welfare system means that the welfare services are not able to sufficiently follow up all children who require assistance.

There is an increase in the use of foster homes as a placement alternative. For some children, however, placement in an institution may be a better solution. FFB believes that it is important to keep the focus on being able to offer suitable and varied alternatives, because children's needs



vary to a great extent. Stability is a vital factor for the child, and efforts must be made to ensure this.

*"I sort of feel like a thing, a package that keeps being sent on. And on the package there is a note saying "no return". (Girl, 15 years old and now in foster care)*

*"I have been given a new caseworker from the child welfare services many times. They could at least tell me their name"<sup>27</sup>*

**FFB recommends that the Committee put the following question to the State party:**

**How does the State party intend to ensure that there are sufficient resources in the local child welfare system to follow up and implement measures for children in need? What is the State party doing to ensure that a varied range of services is offered and that there are enough foster homes and institution places? What can the State party do to help strengthen the stability of the services offered?**

**The Committee should make the following recommendation to the State party:**

**The increasing number of children who receive assistance necessitates corresponding resources in order to be able to follow up the child as required. The State party should ensure that a stricter requirement for evaluation of assistance measures in the child welfare services is followed up with resources to the local child welfare services. The State party must always ensure that children who have been deprived of their family environment are offered broad and diversified assistance.**

**B. Follow-up care** (Norway's fourth report, Section 239)

Research on follow-up care for children who have been in the care of the child welfare services has shown that there is a need for better and coordinated follow-up care for adolescents who are going to establish their own adult life upon reaching the age of 18<sup>28</sup>. As for other measures pursuant to the Child Welfare Act, follow-up care is not a right enjoyed by the individual. An amendment has been proposed to provide better follow-up care. The amendment proposes that refusals for follow-up care must be substantiated

and open to appeal. FFB believes that follow-up care should be open and accessible to all. Young people should be able to contact the child welfare services for a long period after the original care has ceased. The initial period after child welfare measures have ceased seems to be particularly vulnerable. It is therefore important that the child welfare services state in no uncertain terms that they are still available for the young people. The assessment of the need for follow-up care must be based on the needs of the individual. Whether the care should be provided by the municipality or the State must be of secondary importance. In a phase where young people are becoming independent of the child welfare system, smooth coordination between the various bodies is of particular importance and will be crucial in securing a good start to their adult life. The increasing number of children who receive assistance necessitates corresponding resources to ensure that the child receives the necessary follow-up.

**FFB recommends that the Committee put the following question to the State party:**

**How will the State party ensure that the gradual transition from child to adult is as smooth as possible for children who have been in the care of the child welfare services?**

**The Committee should make the following recommendation to the State party:**

**The State party should continue to strengthen the follow-up care services during the transition to adult life. Coordination of services during this phase is of major importance and the State party must ensure that the child welfare services are able to maintain the best coordinating role possible.**

**Article 25 – Regular monitoring of children in placement** (Norway's fourth report, Section 248)

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***The UN's recommendation to Norway in 2005, Section 25 and 26***

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The fact that not all children under public care have an appointed supervisory person represents a problem. At present, the State cannot guarantee that children receive the follow-up they are

entitled to whilst staying in foster homes or institutions. The supervisor scheme is a good way of quality-assuring the care situation and in many cases the supervisor may be the one to discover deficient care and abuse. In order for the supervisor scheme to function optimally, it is necessary that the children as far as possible are allowed to choose their own supervisor. There is currently a shortage of supervisors, and many children experience having to change their supervisor frequently. This makes it more difficult for the child to have confidence in the person who is to supervise the care situation.

**FFB recommends that the Committee put the following question to the State party:**

**What is the State party doing to ensure that the rights of the child to suitable supervision**

**are fulfilled? What is the State party doing to ensure that the child is given a supervisor who can follow the case for as long as the child lives in the foster home? What is being done to ensure that the child has a chance to express its views on the choice of supervisor?**

**The Committee should make the following recommendation to the State party:**

**The State party must continue its efforts to recruit supervisors, so that all children have their right to a suitable supervisor fulfilled. The State party must help ensure that supervisors can follow the case in the best possible way and for as long as the child stays in the foster home. The State party must further ensure that children are heard in the choice of supervisor.**

## V Basic Health and Welfare

**Article 23 – The right of disabled children to have a full and decent life** (Norway's fourth report, Sections 282 to 284)

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*The UN's recommendation to Norway in 2005, Sections 15, 29 and 30*

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Many families with disabled children require a combination of services, and in many municipalities the services offered seem highly fragmented, placing the responsibility of coordination upon the parents<sup>32</sup>. The services offered vary from municipality to municipality, and there are examples of families who have found it necessary to move from one municipality to another in order to receive more comprehensive services for children with disabilities. The Norwegian Government has appointed a public committee which will consider how the services for children and young people can be better coordinated. Introducing new models will be time-consuming. FFB is of the opinion that in the meantime a stronger order should be issued for coordination between the services.

**FFB recommends that the Committee put the following question to the State party:**  
**What measures does the State party intend**

**to implement to provide more coordinated services for children with disabilities and their families, and what temporary measures could be taken to better safeguard the rights of these children?**

**The Committee should make the following recommendation to the State party:**

**The State party must prepare clearer guidelines and orders for coordination of the public services to vulnerable children and young people.**

**Article 24 – The child's right to the highest attainable standard of health**

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*The UN's recommendation to Norway in 2005, Sections 33 and 34*

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**A. Habilitation** (Norway's fourth report, Section 284)

In 2007, the Norwegian Ministry of Health and Care Services put forward a national strategy for habilitation and rehabilitation where the need for separate services for children and young people is recognised. The strategy has not been followed up with the necessary financial support.

In 2007, the Norwegian Board of Health Supervision revealed that there are great disparities in the services offered and that the services for the target group in need of habilitation are not equal<sup>33</sup>. In almost three out of four municipalities, the routines were inadequate, as were the measures that were supposed to ensure coordinated planning and regular follow-up of habilitation services in collaboration with children and parents. One out of four child habilitation services failed to meet the deadline to process referrals within 30 workdays and deadlines for processing were not set.

**FFB recommends that the Committee put the following question to the State party:**

**What measures will the State party implement to ensure that habilitation and rehabilitation of children and young people are made a priority and ensure that the standard of services are the same in all municipalities throughout the country?**

**The Committee should make the following recommendation to the State party:**

**The State party must ensure that children and young people who are in need of habilitation and rehabilitation have equal access to the same standard of services in all municipalities. The State party should assess whether earmarked funds will ensure better fulfilment of the rights of the child to habilitation.**

**B. Children with mental suffering**

(Norway's fourth report, Section 295 to 297 and 305)

One of the objectives of the National Programme for Mental Health was to reinforce the public health centres and school health services by 800 man-labour years by the end of 2008. However, KOSTRA (municipal-State-reporting) shows that the services have only been reinforced by 440 man-labour years. A number of white papers and State documents emphasise that the public health centres and school health services shall be reinforced, as one of several important measures to even out social inequalities in the health services provided. The State and local authorities do not follow this up by allocating the necessary funding for the services.

As FFB sees it, the consideration of the best interests of the child is not given the highest priority when services are coordinated. Increasingly long waiting lists result in children not being given the help they need when they need it. FFB is of the opinion that a stronger commitment should be given to low-threshold services, for instance through the school health services.

**FFB recommends that the Committee put the following question to the State party:**

**How does the State party intend to reduce waiting lists for psychiatric health care for children and young people? What measures would the State party consider critical to achieve equal psychiatric treatment for children and young people with mental suffering? What measures does the State party intend to implement to ensure that children and young people have equal access to public health centre and school health services?**

**The Committee should make the following recommendation to the State party:**

**The State party must implement measures to reduce waiting lists for psychiatric health care for children and young people as soon as possible. The State party is requested to ensure that children and young people have easy and equal access to public health centre and school health services in all municipalities. Furthermore, the State party should consider using earmarked funds for this purpose.**

**Article 26 – Social security**

**The UN's recommendation to Norway in 2005, Section 14 and 15**

Norway has a decentralised decision-making system and the range of services for children varies from municipality to municipality. The same applies to family income supplements. The amount of support that families with children receive varies significantly according to where in the country they live. In some places, the supplement is insufficient to meet the needs of the children in the short term<sup>34</sup>. This constitutes unfair differential treatment of children.



**FFB recommends that the Committee put the following question to the State party:**

**How does the State party intend to ensure that all families with children are offered the same services and support to secure children adequate living conditions irrespective of their municipality of residence?**

**The Committee should make the following recommendation to the State party:**

**It is recommended that the State party secure a universal minimum standard for family income support. The support should be the same for all families with children in Norway.**

**Article 27 – Standard of living** (Norway's fourth report, Sections 342, 343 and 346)

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*The UN's recommendation to Norway in 2005, Section 37 and 38*

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Child poverty is an increasing problem in Norway and a difficult financial family situation will to a large extent affect children. Particularly affected are children of single parents, children of immigrant families and children of families with casual affiliations with working life<sup>35</sup>. The Norwegian Government's efforts to combat poverty are primarily aimed at adult providers. FFB is of the opinion that additional efforts should be made that are directed at children and that children should play a larger role in framing these measures.

It is estimated that more than 20,000 children live in municipal housing. However, there are no national statistics to prove exactly how many children live in such accommodation, or how long these children are likely to stay.<sup>36</sup>

A disproportionate number of families that are granted council accommodation are single parents or non-western immigrants<sup>37</sup>. Municipal housing is in principle temporary, with a contract period of five years. However, the average period of residence is usually much longer. The childhood environment for children in council accommodation is often unfavourable as the standard of living is poor and the environment not very child-friendly.

**FFB recommends that the Committee put the following question to the State party:**

**How does the State party intend to ensure that initiatives to combat child poverty in Norway will have a positive impact on children and young people, particularly on the groups of children that are regarded as particularly vulnerable to the consequences of poverty in Norway? What measures will the State party implement to improve the conditions for growing up for children in municipal housing?**

**The Committee should make the following recommendation to the State party:**

**The State party should undertake a review of children in municipal housing, as well as look into the possibility of stipulating requirements for more child-friendly municipal housing.**

**The State party should prepare national minimum standards for municipal housing for families with children. The State party should increase its use of methods for including children and young people when preparing poverty-reducing measures. The State party should pay particular attention to why minority families are overrepresented and implement measures targeting this group.**

## VI Education, Leisure and Cultural Activities

**Article 28 – Education**

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*The UN's recommendation to Norway in 2000, Sections 46 and 47*

*The UN's recommendation to Norway in 2005, Sections 39 and 40*

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**A. Education for children from Roma and Romani minorities** (Norway's fourth report, Sections 387 to 390).

FFB refers to the Ombudsman for Children's supplementary report.

**B. Students with special educational requirements** (Norway's fourth report, Sections 277, 278 and 391)

The Education Act stipulates that all students in Norwegian schools are entitled to adapted education. Unfortunately, the municipal follow-up of the national legislation does not guarantee equal education for all. The municipalities lack a system for identifying, assessing and following up whether the duty to provide adapted education has been complied with, and whether the students benefit from the tuition<sup>38</sup>. A lack of individual decisions has been identified for students who receive extra tuition. Furthermore, it appears that some students do not receive extra tuition, even when this has been recommended by the educational-psychological service<sup>39</sup>.

FFB is of the opinion that penalties should be introduced for municipalities that violate the law. It is serious that schools have been found to disregard orders issued following appeals.

**FFB recommends that the Committee put the following question to the State party:**

**How does the State party intend to ensure that the municipalities comply with the Education Act, so that students with special needs receive the tuition they are entitled to?**

**The Committee should make the following recommendation to the State party:**

**The State party should follow up municipalities and county municipalities that do not comply with the County Governor's order in connection with appeal cases.**

**C. The Education Act, Chapter 9a** (Norway's fourth report, Sections 394 and 412)

FFB refers to the Ombudsman for Children's supplementary report.

**D. Insufficient language proficiency and language tuition** (Norway's fourth report, Sections 371 and 378).

The current practice is for students to attend ordinary classes even though they do not necessarily have sufficient knowledge of the language to be able to benefit from the tuition or interact with others. The support and follow-up that these students receive are arbitrary, due to insufficient evaluation of their proficiency in

the language, as well as insufficient resources for the relevant adapted tuition. The result is that many students do not benefit from the tuition, and thus do not receive the education that they are entitled to<sup>40</sup>.

Asylum-seeking children's right to adapted education will not be fulfilled as long as there are no standards or minimum requirements which the schools must meet in terms of number of lessons of adapted tuition, composition of the native language tuition, bilingual tuition and adapted Norwegian tuition, or somebody to make sure that the minimum requirements are met<sup>41</sup>. Moreover, the services offered to newly arrived asylum-seeking children must be strengthened. Integration into municipal activities should be a guiding principle also in this connection<sup>42</sup>.

**FFB recommends that the Committee put the following question to the State party:**

**Will the State party carry out a systematic evaluation of the students' language proficiency? What will the State party do to ensure that these students receive a satisfactory education irrespective of what municipality they live in?**

**The Committee should make the following recommendation to the State party:**

**The State party must ensure, through systematic evaluations and varied measures, that students with insufficient knowledge of the language are provided with an educational environment where they receive sufficient professional knowledge and language tuition to fully benefit from the tuition.**

**E. Bullying and children's participation in initiatives against bullying** (Norway's fourth report, Sections 401 and 402).

FFB recognises the Government's efforts relating to the "Manifesto against Bullying" and the support that has been given to various programmes against bullying. It is all the more worrying therefore that the percentage of children who claim to have been bullied is increasing (24% in 2008 compared with 23.2 % in 2007) and that the proportion of children who are subjected to serious or frequent bullying is increasing<sup>43</sup>. It is therefore important to keep a strong focus on bullying also in the future.

Little effort has been made to facilitate children's participation in the framing of measures to prevent bullying and exclusion. The report "Forebyggende innsatser i skolen" (preventative measures in schools) evaluates several programmes to combat bullying. Children's participation is not a factor in the assessment of whether the programme can be deemed effective. Many of the programmes that are recommended to schools are managed by adults and it is up to each school to secure student participation. FFB is sceptical that such programmes will be used if teachers are not given training and student participation does not form an integral part of the programmes.

**FFB recommends that the Committee put the following question to the State party:**

**How does the State party ensure that the focus on social environment and bullying prevention is prioritised as intended according to the Knowledge Promotion<sup>44</sup>? How does the State party intend to facilitate children's participation in the efforts against bullying?**

**The Committee should make the following recommendation to the State party:**

**The State party must introduce measures that contain a prioritised focus on social environment and prevention of bullying in schools. The State party must ensure that children have the opportunity to participate in the planning and implementation of measures against bullying.**

**Article 29 – The aims of education** (Norway's fourth report, Sections 413 and 414)

FFB is concerned about the actual implementation of the aim to include the human rights/CRC principles in education. The previously mentioned aims are not as clearly stated in the curriculum as the aim of the education itself. The teaching of human rights and CRC principles is an aim for certain class levels. However, as mentioned above, CRC is only mentioned once in one subject and not until after class level 4. FFB is of the opinion that CRC teaching and knowledge should be included in the subject Social Science, not just in the subject Religion, Philosophy of Life and Ethics. FFB finds that the separation of CRC and human rights instruction in the current curriculum is unfortunate.

**FFB recommends that the Committee put the following question to the State party:**

**How does the State party intend to ensure that instruction in the CRC and human rights at the level outlined in Norway's fourth report, Sections 413 and 414 is reflected in the curricula?**

**The Committee should make the following recommendation to the State party:**

**The State party should ensure that CRC instruction is incorporated into the primary and secondary school curricula, as well as in the upper secondary school curriculum. Human rights teaching must be integrated into various subjects, in different class levels, and be a recurrent theme from nursery school to secondary education.**

**Article 31 – The right to leisure and cultural activities**

**A. Leisure activities and recreational facilities**

Children in Norway do not have equal opportunities when it comes to taking part in cultural and leisure activities. The costs incurred for leisure activities mean that some groups are excluded. It is worrying that the proportion of ethnic minorities who take part in voluntary organisations and organised activities is far lower than the proportion of ethnic Norwegian children. In order to safeguard children's right to participate in cultural activities and activities organised by voluntary organisations, we need more knowledge of the economic and cultural barriers which can prevent participation.

*"I notice that money tends to make people more sociable – money does matter a lot, everything costs money, it does you know" (girl, 17)*

**FFB recommends that the Committee put the following question to the State party:**

**What will the State party do to gather knowledge about the causes for the unequal participation in leisure activities? How will the State party contribute to making after-school programmes and cultural activities more available to all children in Norway?**



**The Committee should make the following recommendation to the State party:**

**The State party should further examine how to prevent the costs involved from excluding children from participating. The State party should consider lowering or subsidising the fees for cultural and organised after-school programmes.**

**B. Access to day care facilities for school children** (Norway's fourth report, Sections 364 to 366)

There is considerable variation between the local municipalities as regards the fees parents have to pay for day care facilities for school children<sup>45</sup>. 89 local municipalities charged more than NOK 2000 for a full-time place in the SFO. This affects children's opportunities of participating in this

common arena, a place where friendships are formed and much of the social codes are learned. Those who are most negatively affected are the economically vulnerable families.

**FFB recommends that the Committee put the following question to the State party:**

**How will the State party ensure that all children can participate in the school's day care facilities?**

**The Committee should make the following recommendation to the State party:**

**The State party is requested to ensure that all children are able to attend the school's day care facilities (SFO) - regardless of the parents' economic situation.**

## VII Special Protection Measures

### Article 22 - Refugee children

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*The UN's recommendation to Norway in 2000, Sections 48, 49, 50, 51 and 52*

*The UN's recommendation to Norway in 2005, Sections 41 and 42*

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**A. Children accompanying adults in asylum reception centres** (Norway's fourth report, Sections 451 and 452).

The situation for children in the reception centres is characterised by very poor living conditions such as cramped quarters and low staffing. The general services provided for families with children are limited, which is a particular worry as many of the children live with parents who are traumatised or mentally ill. The requirements stipulated by the Norwegian Directorate of Immigration (UDI) for these centres do not ameliorate these conditions<sup>46</sup>. The stipulated minimum standards for the operation of reception centres do not take the actual conditions into account, such as long-term duration of stay. The report *Avmakt og mestrings* (*powerlessness and mastery*) documents how the asylum seeker phase and living at reception centres increase the risk of violence and sexual abuse<sup>47</sup>.

*"We live in such small and close quarters. We can hear our parents argue, and we hear other adults argue and fight and saying "I will kill you!" – What will happen to us children?" (girl, 17)<sup>48</sup>.*

It is the view of FFB that the State's framework for the operation of reception centres may contribute to creating risk areas for violence and sexual abuse, as well as exposing people to psychiatric ailments.

**FFB recommends that the Committee put the following question to the State party:**

**When will measures be adopted and implemented that will ensure families with children safe and secure living conditions?**

**How will the State party ensure the implementation of a minimum standard for asylum reception centres?**

**The Committee should make the following recommendation to the State party:**

**The State party should prepare specific minimum standards relating to the physical living conditions, staffing, working hours, follow-up measures and activities offered to the individual. The State party must ensure that economic resources are available to achieve the minimum standard.**

## **B. Children in reception centres and mental health** (Norway's fourth report, Section 456)

The proportion of children and young people in reception centres suffering from mental disorders is high, and the lack of competence in psychosocial work at the reception centres and the ordinary support network in general, increases the risk of these ailments becoming chronic conditions<sup>49</sup>. Many aspects of the asylum seeker process induce stress and insecurity in the child and the family. Several asylum seekers have also been through traumatic experiences such as violence, torture and war, all of which are known risk factors in relation to the mental health of the child<sup>50</sup>.

The organisations in FFB find that children at the reception centres do not receive satisfactory treatment from BUP (child and adolescent psychiatry) and that the waiting time is long. There is also considerable variation as regards follow-up by the child welfare services. The reception centres end up with the responsibility of implementing measures for which the staff has neither the competence nor capacity<sup>51</sup>. There is a need for a higher degree of preparedness relating to children's state of health and insecurity in the asylum centres<sup>52</sup>.

### **FFB recommends that the Committee put the following question to the State party:**

**What measures will the State party implement to ensure that local health care is of an equal quality nationwide? How will the State party ensure that asylum-seeking children receive adequate treatment?**

### **The Committee should make the following recommendation to the State party:**

**The State party must ensure that asylum-seeking children receive adequate treatment regardless of where they live. The State party should improve the competence in relation to the special vulnerability of asylum children.**

## **C. Settlement of unaccompanied asylum-seeking minors** (Norway's fourth report, Sections 483 and 484)

The quality of municipal settlement and care measures for unaccompanied asylum-seeking minors varies considerably, and it seems to be a matter of chance whether children receive

adequate care when a place to live<sup>53</sup>. There are considerable challenges connected with finding housing for those who have been granted residency. The average waiting time is around six months, and in 2009 there will be 700 asylum-seeking minors waiting to be settled in local municipalities<sup>54</sup>.

### **FFB recommends that the Committee put the following question to the State party:**

**Why are there such great disparities in the quality of the local municipalities' living conditions and in the care they offer asylum-seeking minors, and why does it so take such a long time for minors and families with children to be settled in a local municipality?**

### **The Committee should make the following recommendation to the State party:**

**The State party must ensure that asylum-seeking children are settled in a local municipality as soon as possible once the residency permit has been granted.**

## **D. Children who disappear from reception centres** (Norway's fourth report, Sections 458 and 459)

In 2008, 18 cases were recorded by the UDI in which unaccompanied minors disappeared from reception centres without leaving a new address, or being found again, against 11 cases in 2007<sup>55</sup>. A survey prepared in 2008 by PRESS – Save the Children Youth, showed that several of the police districts around a reception facility for asylum-seeking minors stated that they did not search for missing asylum-seeking children<sup>56</sup>. The Minister of Justice and the Police promised in 2008 to intensify efforts in this field, and presented several measures to ensure that cases involving the disappearance of asylum-seeking minors are investigated with the same force as other cases of missing children. From a letter from the National Police Directorate to the Ministry of Justice and the Police of June 7<sup>th</sup> 2009 it is clear that far from all the promised measures have been implemented.

### **FFB recommends that the Committee put the following question to the State party:**

**Is priority being given to the State party's efforts to improving the routines and procedures for investigating cases of missing**

asylum-seeking minors? When does the State party aim to successfully complete all the measures presented in 2008?

**The Committee should make the following recommendation to the State party:**

**It is recommended that the State party allocate the sufficient competence, resources and guidelines to the Police, so that adequate investigations can be carried out when children disappear from asylum reception centres.**

**E. Age assessments** (Norway's fourth report, Section 461)

The methods used for age testing of unaccompanied asylum-seeking minors do not return a definite result. FFB is highly critical of the way the immigration authorities conduct the tests, as well as the evaluation of the age assessments of unaccompanied minors<sup>57</sup>. Of the applicants who received a decision in 2007 after having applied for asylum as an unaccompanied minor, 43 per cent were assessed to be 18 years or older at the time of decision<sup>58</sup>. Experience shows that children who are defined with uncertainty as being above the age of 18 are dispatched to ordinary reception facilities for adults without any new decisions, and stripped of the rights to which unaccompanied minors are entitled<sup>59</sup>. Many of them do not receive the guardian, lawyer, schooling or residential and care facilities to which they are entitled.

**FFB recommends that the Committee put the following question to the State party:**

**Which measures will the State party implement to ensure better methods of assessing the age of unaccompanied asylum-seeking minors and to ensure that asylum seekers of an undetermined age maintain their rights as unaccompanied asylum-seeking minors?**

**The Committee should make the following recommendation to the State party:**

**The State party should implement a set of methods to ensure more reliable age assessments. The State party should look into better and more reliable methods for age assessment of unaccompanied asylum-seeking minors.**

**F. Amendment to improve the Guardianship Act** (Norway's fourth report, Section 485)

Despite repeated criticism by the Committee, urging an improvement of the care for children living in reception centres, no nationwide scheme has been introduced to ensure that competent guardians are appointed to oversee that the rights and needs of unaccompanied asylum-seeking minors are complied with. The situation is characterised by variations in practices and circumstances with respect to recruitment and training. Methods, models and recommendations on how the work on recruitment, training and follow-up of guardians can take place in a uniform manner nationwide have been prepared and available for years, but have not yet been implemented as a permanent system<sup>60</sup>. Funds have been allocated to temporary measures: providing training for guardians of unaccompanied asylum-seeking minors between the ages of 15 and 18 during the transitory stage. This means that the State does still not ensure training of guardians for children below 15 years of age who live in ordinary reception facilities (which is the longest phase, and where the case processing and preparations for placement of children takes place), nor for unaccompanied minors who have been resettled. Norway's fourth periodic report refers to new regulations that will be incorporated into a new immigration act, this, however, will not enter into force until 2010, and it is hard to say when a nationwide system will actually be in place. Frequent relocations and changes of guardians make the situation particularly unpredictable, difficult and with higher risks of rights violations for the older children<sup>61</sup>.

**FFB recommends that the Committee put the following question to the State party:**

**What obstacles does the State party find in setting up a system that ensures that the needs and rights of *all* unaccompanied asylum-seeking minors are looked after by competent guardians? What kind of assessments in the best interests of the child form the basis of a system for transit and reception which means that the older children are moved from one reception facility to the next rather than allowing them to settle in in peace and quiet and forming an attachment to *one* guardian only?**



**The Committee should make the following recommendation to the State party:**

**It is recommended that the State party immediately allocate money for training and follow-up of guardians, for all unaccompanied asylum-seeking minors in the country, as an interim measure until the new legislation has entered into force. Funds must also be allocated for remuneration and interpreters for the guardians. The State party should introduce new legislation and a permanent, nationwide system as soon as possible. The reception system must be adapted to protect the children's need for stability and predictability. The State party must as soon as possible prepare a bill to govern the system of representation for unaccompanied minors.**

**G. The Government's measures against the increased influx of asylum seekers to Norway**

On September 3<sup>rd</sup> 2008, the Government launched an action programme to counteract the increasing numbers of asylum seekers to Norway<sup>62</sup>. FFB is very concerned about some of the proposed measures, and feels that these measures will have a considerable negative impact on the rights of the child. It is a cause for concern that measures to regulate immigration are more weighty than the Convention on the Rights of the Child in this matter.

Among the requirements which the Government wants to introduce is a stipulation that a person must have worked or studied for a period of four years in Norway before family reunion may be granted. This will seriously impact children who are left by themselves in areas of war and crises, and unaccompanied minors who have been granted asylum in Norway (see Article 10). Effective as of May 1<sup>st</sup> 2009, the Government has also instructed the Norwegian Directorate of Immigration that unaccompanied asylum-seeking minors can be returned to signatory of the Dublin II Regulation following an individual assessment. FFB holds that this does not sufficiently safeguard violations of these children's rights in the country they are returned to. A separate measure is directed at unaccompanied asylum-seeking minors over the age of 16, who come to Norway because they have no care persons in their home country. These are only to be granted temporary residence until they turn

18, whereupon the principle is that they should be returned to their home country. The reason for these measures is to control immigration. FFB holds that the measures are in conflict with the principles of the best interests of the child and non-discrimination. (See Articles 2A and 3B).

**FFB recommends that the Committee put the following question to the State party:**

**To what degree is the CRC taken into consideration in the State party's measures to restrict the increased influx of asylum seekers?**

**The Committee should make the following recommendation to the State party:**

**The State party should abolish the proposed and partially implemented restriction measures that have an impact on children, and strive to enforce a humane practice for this particularly vulnerable group.**

**Superior recommendation in respect to article 22:**

**We request that the Committee ask for a report on the implementation of the rights of unaccompanied asylum-seeking minors and other asylum-seeking children, preferably in relation to the guardianship scheme and other supervisory schemes. The formal rights are becoming fairly well mapped, whereas the rights that children have in practice can be a different matter. This applies both to the asylum seeking process, and the time thereafter.**

**Article 34 - Protection from sexual exploitation and sexual abuse**

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*The UN's recommendation to Norway in 2000, Sections 56*

*The UN's recommendation to Norway in 2005, Sections 46*

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**A. Mapping the extent** (Norway's fourth report, Section 514)

In addition to the findings outlined in Norway's fourth report, there is reason to believe that there is a considerable number of unrecorded cases. The mapping was performed on students

in the third class of the upper secondary schools, and experience shows that children who suffer the hardest from violence within the family have a higher drop-out rate than other children. These will therefore not have been fully represented in the study<sup>63</sup>.

#### **B. Children's Houses** (Norway's fourth report, Section 521)

Over the last few years, the Government has established several Children's Houses (similar to "Child Advocacy Centers" in the USA). In the course of 2009, there will be a total of six Children's Houses. FFB is of the opinion that a Children's House must be established in every county to ensure that the offer is nationwide. There is also a need for more resources for existing Children's Houses. There must be a follow-up of the existing Children's Houses by means of an evaluation.

#### **FFB recommends that the Committee put the following question to the State party:**

**How are the State party's efforts to establish Children's Houses progressing?**

#### **The Committee should make the following recommendation to the State party:**

**The State party should set up a Children's House in every county. The State party must provide sufficient resources to the existing Children's Houses, and ensure follow-up of these by means of an evaluation.**

#### **C. Legal safeguards for children** (Norway's fourth report, Section 523 to 525)

In cases concerning sexual abuse of children, the child's statement shall have been heard by a judge within fourteen days according to regulation. An interview shall be conducted by a well-qualified person. In many cases, it takes much longer before the police call for interview with the child. In some cases, the children are not interviewed at all. When children are not interviewed, their experiences are not brought before the legal establishment, and their security under the law is diminished. Examinations that are carried out after a long period of time may also have less evidential value than a statement taken immediately after an incident. FFB further questions the follow-up that children receive in the period between the examination of the

judge and the time of the court case. FFB's user organisations experience that children find it humiliating when they are not taken seriously. Children in contact with these organisations, inform that it takes a long time from the examination by a judge until the case is brought before the courts, usually between 18 months to two years. The interim waiting period impacts the children, often resulting in problems with concentration, doubt and insecurity. Whether children receive attention from the public support services in this period seems to be rather arbitrary. It is the experience of the FFB that old criminal cases concerning sexual abuse are reopened and that the perpetrator is acquitted based on new evidence, without the victim being heard or informed.

#### **FFB recommends that the Committee put the following question to the State party:**

**How does the State party intend to ensure that a witness statement is taken down in a competent and child-friendly manner in all cases concerning sexual abuse, and also that this is done within two weeks by qualified personnel? How will the State party make sure that all children who have reported a crime receive follow-up by the proper support services?**

#### **The Committee should make the following recommendation to the State party:**

**The State party must ensure that persons who conduct judicial examinations have specialist competence. Furthermore, the State party must ensure compliance with the legal requirement that a judicial examination must be conducted within 14 days of the crime being reported. The State party should ensure that all children who have reported a crime of sexual abuse receive an offer of follow-up by the support services, regardless of where in the country the child resides. These type of cases must be conducted by the State party as speedily as possible to safeguard the best interests of the child.**

#### **D. Treatment of children who have been subjected to sexual abuse** (Norway's fourth report, Sections 301 and 521).

Children and young people who have been in contact with FFB's user organisations tell that

the type of help they receive to deal with their trauma is left entirely to chance. It also takes too long before they are offered help.

*"I have been abused by my father over many years myself; from the age of six until fourteen. This means that I have had problems with my schooling, I have had to quit my job, and I am now in a rehabilitation programme, and I have serious problems with brushing my teeth, so that I always have a lot of cavities, and my psychologist bills are not cheap either. Being on rehabilitation means it is very difficult to get my dental bills and psychologist paid for, and it is very hard. I know that abusers get free help when they are in prison so why can't we who are victims receive free help?" (Girl, 19) <sup>64</sup>*

**FFB recommends that the Committee put the following question to the State party:**

**How will the State party follow up and quality-assure that children and young people who have been exposed to sexual abuse receive proper treatment at the right time? How will the State party ensure that competent personell have the requisite skills and training to treat children who have been exposed to abuse?**

**The Committee should make the following recommendation to the State party:**

**The State party should introduce a waiting list guarantee for treatment of children and young people who have been exposed to violence, negligence and sexual abuse. The State party must make sure that all people in public service who have any dealings with children who have been exposed to sexual abuse must have the requisite competence and knowledge about sexual abuse, delayed effects and treatment.**

**E. Training of specialists and intermunicipal cooperation** (Norway's fourth report, Sections 19, 29, 33 and 415).

Children who have been in contact with SMI-Oslo relate that there is insufficient knowledge in relation to sexual abuse amongst the medical profession, teaching profession and in the child welfare system<sup>65, 66</sup>.

*"I find it difficult. The teachers don't see. They have*

*very little time because of many pupils. If they ask, and I say no, then they are satisfied with that reply. They should put a bit more pressure on and not give up so easily. Show that they really want and can cope with what's coming". (Adolescent to SMI-Oslo).*

The number of cases concerning violence and abuse which is reported to the child welfare system is not in proportion with the figures that emerge from the mapping carried out by NOVA. It turns out that very few of the cases that are reported to the child welfare system come from schools and kindergartens, despite the fact that staff in schools and kindergartens see the children daily and over prolonged periods of time, and have every opportunity to become well acquainted with the children and to note any potential signs that they might struggle with serious problems. One of the reasons for this is that teachers and pre-school teachers are not familiar with the rights of children, nor do they have sufficient knowledge about violence and abuse of children, and the signals that such children display. Furthermore, they have not learned how to talk to the children about such sensitive subjects<sup>67</sup>. Many professionals also feel uncertain about how to proceed with reporting a case. This is a challenge the authorities must address. Everybody who attends child-related study programmes must be given more knowledge and competence on subjects that will help protect children from violence and abuse.

Moreover, it presents a considerable challenge that employees in the municipal child welfare services often lack training in how to deal with cases relating to violence and sexual abuse<sup>68</sup>. This might result in them not responding to signals from children or acting upon suspicions that they may have when processing a case.

*"They ask everyone in my family how they are doing, and how I am doing, but nobody's asking me" (Girl, 14 years old, to SMI-Oslo)*

**FFB recommends that the Committee put the following question to the State party:**

**How will the State party ensure that all public and private employees who come into contact with children who have been exposed to sexual abuse have sufficient knowledge of and**



**competence in relation to sexual abuse?**

**The Committee should make the following recommendation to the State party:**

**The State party is requested to ensure that tuition on sexual abuse becomes mandatory in all relevant college,- and university courses and no longer a matter left to the individual teaching institutions, as is the situation today. The State party should introduce a mandatory refresher course to ensure that professionals working with children and young people receive the requisite information and competence on sexual abuse.**

#### **F. Sex education**

Children and young people are entitled to a thorough and comprehensive sex education. The tuition must focus on safe limits with respect to sex, and on influence from the sexualisation in the media. Today's tuition practices are not adequate, and lacking in information on important subjects that relate to young people and sexuality<sup>69</sup>. A large number of sexual assaults take place between children of the same age, and sex education can act to mediate this<sup>70</sup>.

**FFB recommends that the Committee put the following question to the State party:**

**What will the State party do to improve today's sex education in school?**

**The Committee should make the following recommendation to the State party:**

**The State party should perform a mapping of causes for the high frequency of violence and abuse taking place between adolescents. The school's curriculum should be reviewed with the intention of including all aspects of sex education in the school's competence targets.**

**G. Internet-related offences against children** (Norway's fourth report, Sections 166 and 530 to 533)

While most sexual abuse of children takes place in the child's close relationships, children are also prone to sexual abuse as a result of their social activities on the Internet. Practically all children in Norway have access to the Internet (98 per cent have Internet access at home<sup>71</sup>), and children and adolescents make use of many social network sites on their mobile phones and on the Internet

in their daily lives. Child molesters use the web to establish contact with children and to 'groom' them, i.e. establish trust and befriending the child. Children can be exposed to different types of sexual abuse as a result of meeting somebody on the web. Children who visit open chat rooms on the Internet often express their vulnerability and desire for attention and may be especially vulnerable to sexual abuse on the web.

KRIPOS (The Norwegian National Criminal Investigation Service) launched a red button service in September 2008 ([www.tips.kripos.no](http://www.tips.kripos.no)), making it possible for children, young people and the general public to report any Internet-related offences. However, good practices for interdisciplinary cooperation have not been established to ensure that tips registered with the police are followed up by the support system. It is also important that the medical profession increase its competence of the harmful effects of Internet-related abuse.

Furthermore, it is important to prevent Internet-related offences against children. As the Fourth Report states, the Norwegian Media Authority's Safe Use project has contributed to a higher degree of interest and involvement in schools and among parents with respect to children's Internet activities. However, even though adult supervision of children's use of various media has increased, it is important to underline that there are no specific activities directed towards preventing Internet-related abuse of children. We hold that all work to prevent sexual abuse must also incorporate and integrate Internet-related offences and abuse, and that the efforts to prevent Internet-related abuse must be integrated into the social and medical services' work to promote sexual health.

**FFB recommends that the Committee put the following question to the State party:**

**How will the State party contribute to ensure that all professional authorities responsible for preventing and to dealing with sexual abuse also incorporate internet-related abuse into their areas of responsibility? Will the State party give children who report cases of internet-related offences an offer of follow-up by the support services?**

**The Committee should make the following recommendation to the State party:**

**The State party must ensure that its strategies and measures to improve children's right to protection against sexual abuse also include internet-related offences. This will relate to the work for children's legal rights, the support services' work and all other efforts made by the authorities to protect children's sexual health.**

**Article 35 – Abduction, prostitution and sale of children** (Norway's fourth report, Section 546)

The purpose of the reflection period (offer for a provisional residence permit for six months) is to give the victims an opportunity to break free from the traffickers and to facilitate prosecution of the people responsible for the trafficking. FFB is of the opinion that this scheme is not suitable for children. FFB further holds that a child who has been identified as a potential victim of trafficking must automatically be granted temporary residence on humanitarian grounds, and be permitted to stay in the country on a legally valid basis whilst awaiting identification and a permanent solution, regardless of whether the child is cooperating with the prosecution authorities or not. The State's assistance to a minor, potential victim of trafficking should not be conditional on the child's willingness to cooperate with the authorities.

**FFB recommends that the Committee put the following question to the State party:**

**Upon which assessments regarding the best interests of the child does the State party base their scheme of a reflection period for children who are presumed to be victims of trafficking?**

**The Committee should make the following recommendation to the State party:**

**The State party is requested to develop a new arrangement for children to replace the current reflection period. This arrangement must aim to uncover and prosecute trafficking of children, and also safeguard the rights of the child to protection and care. Furthermore, it must comply with the child's right to apply for asylum, and to have its asylum application processed in a thorough manner. The arrange-**

**ment must be based on the principle of the best interests of the child.**

**Article 37/40- Imprisonment and cases concerning penal reactions** (Norway's fourth report, Sections 489 to 491)

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*The UN's recommendation to Norway in 2000, Sections 53 and 54*

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#### **A. Children in prison**

The age of criminal liability in Norway is 15. Many provisions have been incorporated into the Norwegian General Civil Penal Code and the Criminal Procedure Act which stipulate restrictions on the practice of imprisonment of children between the ages of 15 and 18. It is a principal rule of the Norwegian Criminal Procedure Act that children shall not be apprehended and remanded unless this is absolutely essential. Beyond this, there are no special provisions applicable to children who are remanded in custody or serving a sentence.

The right to not be subject to torture or other cruel, inhuman or degrading treatment or punishment is also laid down in Article 3 of the European Convention on Human Rights (ECHR), and again in the UN Covenant on Civil and Political Rights' Article 7. The regulations of the CRC should be more strictly enforced or be given another meaning because these are rights given to children. For example, the thresholds for degrading treatment can be different in the case of a child than for an adult. The term "last resort" in Article 37b of the CRC must be supplemented with Article 14 of the Beijing Regulations, which include an in-depth explanation of how the term 'last resort' should be understood, and outline examples of different alternatives to custody. This must be understood to mean that the member states are encouraged to actively establish alternatives to custody, and that these measures be made known to the courts, the police, and the authorities that in their line of duty come into contact with children who perpetrate criminal acts.

FFB is of the opinion that Article 4 of the CRC, in view of Norway's resources, gives the State party an obligation to find alternative solutions

to imprisoning children which safeguard both the best interests of the child and society at large. FFB holds that there should be good possibilities of finding alternatives, especially considering that the number of children kept in custody at any given time in Norwegian prisons is very low.

**FFB recommends that the Committee put the following question to the State party:**

**How is the State party going to set up specific alternatives to custody or imprisonment of children? Is it an expressed objective for the State party that there shall be no children in Norwegian prisons?**

**The Committee should make the following recommendation to the State party:**

**The State party must actively pursue alternatives to imprisoning children. It must be a clear objective for the State party that children shall not be confined in prison.**

**B. The Norwegian Bar Association's survey**

According to the records of the Ministry of Justice and the Police, 46 children were confined in Norwegian prisons in 2006. In 2007 the figure was 41. As of June 24th 2008, there were 11 children in prison, four of whom had been imprisoned in one of the highest security prisons in the country; Oslo Prison. To shed light on children's time in prison, the Norwegian Bar Association (NBA) has initiated a survey based on interviews. Ten children in Norwegian prisons have been interviewed in-depth, which is one quarter of the number of children imprisoned in the course of a year. The survey has focused mainly on Articles 37 and 40 of the CRC. As regards the ban on torture, the focus has been on whether the child has been isolated in its cell for a shorter or longer period of time, and also whether the child has shared a cell with an adult.

This must be understood to mean that the member states are encouraged to actively establish alternatives to custody, and that these measures be made known to the courts, the police, and the authorities that in their line of duty come into contact with children who perpetrate criminal acts. Pursuant to Article 37C, children who serve a prison sentence shall be kept separate from adults, unless it is considered to be in the best

interests of the child to serve time with adults. A specific assessment of each individual case is required. All the ten children interviewed (all of whom are boys), serve together with adults. Two of ten children have shared a cell with an adult male, who has been up to 25 years older than the child. When the child is in the same cell as an adult, the child is locked up with the adult for at least twelve hours a day. It also emerges that one of the children has taken drugs together with the adult prisoner in the cell. FFB is of the opinion that this is a clear breach of the CRC, which states that an individual assessment must be made in each case.

**FFB recommends that the Committee put the following question to the State party:**

**Why does the State party systematically not comply with the provisions in the CRC to undertake an individual assessment? What grounds does the State party have for allowing children to be imprisoned in the same cell as adults?**

**The Committee should make the following recommendation to the State party:**

**No children shall be confined in a cell together with adults. Each child must be given an individual assessment of how the sentence should be served, taking into account the best interests of the child. The State party must prepare alternatives to make sure that prison always is the last resort.**

**C. Children in high-risk institutions**

Seven out of ten children are confined in the same prison unit as one or more perpetrators of the most serious crimes, such as homicide, rape and drug trafficking. Three out of ten children are committed to "high-risk institutions". These institutions have been subject to serious criticism in the past, by e.g. the European Committee for the Prevention of Torture.

**FFB recommends that the Committee put the following question to the State party:**

**Why are children incarcerated in high-risk institutions such as Oslo Prison and Ringerike Prison? What professional assessments are made in advance of such incarcerations?**



**The Committee should make the following recommendation to the State party:**

**The State party must ensure that no child is imprisoned in a high-risk institution.**

**D. The use of isolation on children in prison**

The survey has also revealed that as many as seven out of ten children have been exposed to isolation over prolonged periods of time. Three of the children were in isolation for three months or more, with no other breaks than one hour in the prison yard per day. It has also been identified that in many of the instances where children have been exposed to isolation, this is because of a collective punishment which mostly relates to the adult inmates, but which affects the child as well, without an individual assessment being made as to whether the child can or should be punished for this matter.

On this subject, FFB refers to General Comment #10 stating that the consideration of the best interests of the child must be safeguarded, also for children who have committed criminal offences. It states, inter alia, that children to a lesser degree than adults can be made responsible for their own actions, and the fact that they are children means that they must be treated differently to adults.

The Committee also draws attention to Article 6; the inherent right to life, survival and development, as an important element. There is a special focus on the fact that deprivation of liberty, which a prison sentence entails, will be much worse for a child as it will adversely affect the child's development and its opportunities of establishing itself in society. In view of the recommendations in the General Comment, FFB finds that the State party's lack of "positive discrimination of children who are in prison" is in breach of the CRC.

**FFB recommends that the Committee put the following question to the State party:**

**Why does the State party place children in isolation as a form of collective punishment? What assessments are made in relation to the adverse effects on children who are exposed to isolation?**

**The Committee should make the following recommendation to the State party:**

**The State party must establish statutory**

**prohibition on exposing children to isolation.**

**E. Conclusions with respect to Article 40 of the CRC**

The survey has focused on whether the child has had its rights fulfilled with regard to a lawyer, interpreter, communication with its family, and the child's right to receive training or to work during its term of imprisonment, or as an alternative to confinement.

One of the children, the only non-Norwegian speaker, was hampered in his communication with next-of-kin because he was not permitted to speak his own mother tongue. The Criminal Procedure Act allows communication to take place in a language that the staff is able to speak, such as English, but this child was told that all communication must take place in Norwegian. Only three out of ten children have been given an offer of schooling or vocational guidance in prison. One out of ten children have been offered follow-up by an advisor for young people for three hours a week. Only two out of ten children have received a visit from the child welfare services or the social services during their stay in prison. Five out of ten children have been imprisoned far away from their families, most of them over 200 km away. The gravest instance was a boy of 16 who was imprisoned 2000 km away from his mother.

**FFB recommends that the Committee put the following question to the State party:**

**How will the State party ensure that children in prison are able to receive visits from their families? How will the State party ensure that children are entitled to tuition and/or vocational guidance in prison? How will the State party ensure that the child welfare system or the social services follow up these children, not only in prison but also after they have served their sentence?**

**The Committee should make the following recommendation to the State party:**

**The State party must ensure that children are permitted to serve their sentences near their families. It should also make sure that the child welfare services and the social services look after the children during imprisonment, in order to prepare the reintegration process.**

# Appendices to the Supplementary Report 2009

## I Follow-up of the Optional Additional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography

**A. National plans of action** (Norway's fourth report, Sections 574 and 575)

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*The UN's recommendation on the Optional Additional Protocol to the CRC on the Sale of Children (...) to Norway in 2005, Section 8*

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The organisations in FFB acknowledge that the action plans are a valuable tool in the work to combat trafficking of children, and FFB will strongly emphasise the importance of keeping up these efforts. In the plan of action "Stop the Trafficking" (2006-2009) seven of 37 measures specifically target children, while the action plan as a whole and the 30 other measures are adapted to children to a varying degree. The organisations in FFB call for a more distinctly integrated children's perspective in the work on the action plan, with a clearer answer of how to solve the challenges involving children who are victims of trafficking. Furthermore, the State should introduce more specific, operative measures, entailing the necessary funding, with a view to

identifying, protecting and offer satisfactory care for children who have been exploited by trafficking.

**FFB recommends that the Committee put the following question to the State party: What measures does the State party intend to introduce in order to succeed in its efforts to identify and help children who are victims of trafficking?**

**The Committee should make the following recommendation to the State party: The State party is recommended to continue to use action plans in the work on combating trafficking of children. The action plans should have a more distinct and all-encompassing child perspective, and include specific measures for identifying, protecting and offering satisfactory care to children who have been exploited through trafficking. The measures must be accompanied by adequate funding which must be made available to the correct administrative level.**

## II Recommendations from the UN to Norway referred to in the Supplementary Report 2009

Concluding observations from the Committee on the Rights of the Child, 2000

### 2. General principles

#### Non-discrimination

20. The Committee expresses appreciation of the State party's efforts to ensure that, in practice, children within Norwegian jurisdiction, includ-

ing those whose presence is not in line with legal requirements, benefit from the rights defined in the Convention. The Committee expresses its concern, nevertheless, that this principle is not established in all relevant domestic legislation, that the absence of a legal guarantee may deprive

some children without Norwegian nationality of their rights, and that some limitations are placed on these children's access to health and education services.

21. The Committee recommends that the State party consider the full, including long-term impact of this situation on the rights of children without Norwegian nationality and without legal status living within Norwegian jurisdiction. The Committee further encourages the State party to consider amendments to national legislation which would ensure the full applicability of article 2 of the Convention.

#### Best interests

22. The Committee acknowledges the State party's significant efforts to respect the best interests principle but notes that improvements can be made. In particular, the Committee is concerned that in the context of the role of municipal authorities the best interests of the child are not always taken into full consideration and, further, that the best interests of children with an imprisoned parent, unaccompanied child asylum-seekers or refugees are not always a primary consideration.

23. The Committee recommends that the State party, in consultation with the office of the ombudsperson and with civil society, consider the implications of the best interests principle in the context of the above situations and that further efforts be made to ensure that the principle is a primary consideration in decisions which affect children.

#### The right of the child to express his/her views freely

24. The Committee commends the State party for its efforts to respect the rights of children to have their views heard including, notably, through the appointment of child representatives at a municipal level. The Committee joins the State party in expressing concern, however, that in practice children's views are insufficiently heard and taken into consideration. The Committee is concerned that many children are not aware of their rights in this domain under the Convention and national laws, or of the opportunities which have been created for their views to be expressed.

25. Taking note of the State party's recent commitments, the Committee recommends that the State party continue its efforts to inform child-

ren and others, including parents and legal professionals, of children's right to express their views and of the mechanisms and other opportunities which exist for this purpose. The Committee recommends, further, that the State party undertake a regular review of the extent to which children's views are taken into consideration and of the impact this has on policy, programme implementation and on children themselves.

#### **4. Family environment and alternative care**

##### Separation from parents

30. The Committee is concerned that the best interests of the child and, in particular, child rights with regard to separation from parents are not fully respected in the context of maintaining contact with parents serving prison sentences. The Committee is further concerned that despite the State party's positive efforts, when decisions to deport foreigners convicted of a criminal offence are taken, professional opinions on the impact of such decisions upon the children of the deported persons are not systematically referred to and taken into consideration.

31. The Committee recommends that the State party be more flexible in its application of family contact rules for imprisoned persons so as to ensure that a child maintains personal relations and direct contact with an imprisoned parent, where this is in the best interests of the child. The Committee also recommends that the State party review the process through which deportation decisions are made to ensure that where deportation will mean the separation of a child from his or her parent, the best interests of the child are taken into consideration.

##### Family reunification

32. While supporting the State party's very positive approach to family reunification of non-Norwegian children, the Committee is concerned that the significant domestic measures providing for family reunification are not applied to their full extent. In particular, the Committee is concerned that children are not always able to take advantage of these provisions either because they have not been informed of the possibilities for family reunification because of procedural delays, or because procedures are not systematic.

33. The Committee urges the State party to establish a standard procedure through which child-



ren and other concerned persons such as their parents or legal guardians, are informed of the possibilities and procedures for family reunification and for these procedures to be implemented systematically in accordance with set guidelines.

## **6. Education, leisure and cultural activities**

### Access to education

46. The Committee is concerned that many Roma children, and the children of other itinerant groups, in the State party do not complete the required years of obligatory education.

47. The Committee recommends that the State party explore means of making formal education more accessible to children who travel for a part of the year, such as through the use of mobile communications facilities and distance learning programmes.

## **7. Special protection measures**

### Unaccompanied, asylum-seeking and refugee children

48. The Committee is concerned that the provisions and principles of the Convention are not entirely respected with regard to asylum-seeking children. Specifically, the Committee is concerned that child applicants for asylum are provided with insufficient opportunities to participate in their application process and that their views are insufficiently taken into consideration. The Committee considers that positive mechanisms, such as the appointment of individual guardians for each unaccompanied asylum-seeking child, are not implemented to their full extent. Further, the Committee is concerned by delays in the processing of asylum applications and the fact that some child applicants are not integrated into local education systems.

49. Recognizing the State party's ongoing plans to improve child participation in these procedures, the Committee encourages the State party to pursue these efforts and recommends that the State party review its procedures for considering applications for asylum from children, whether accompanied or unaccompanied, to ensure that children are provided with sufficient opportunities to participate in the proceedings and to express their concerns. Recognizing further the valuable contribution that can be made by the guardian mechanism developed by the State

party, the Committee recommends that additional efforts be made to implement the mechanism and to ensure that it functions as intended, including through the provision of appropriate training to guardians.

50. The Committee recommends that the State party examine the reasons for delays in the procedures for processing applications and for the settlement of children, with a view to shortening them. The Committee also recommends that the State party make further efforts to ensure the rapid integration of children into the normal school system. The Committee recommends, in addition, that the State party consider the provisions and principles of the Convention in the review of procedures.

51. Noting the additional efforts of the State party to provide psycho-social assistance to refugee and asylum-seeking children, the Committee joins the State party in expressing concern that not all children in need of such help are given the opportunity to receive it. The Committee is also concerned at cases of malnutrition among refugee and asylum seeking children upon their arrival in the State party.

52. The Committee recommends that the State party pursue its plans to extend the current available psychological assistance to a wider number of children and their parents, and to ensure that every effort is made to identify children who require such help, upon their arrival in the State party. The Committee encourages the State party to continue its efforts to address malnutrition concerns.

### Juvenile justice

53. The Committee is concerned that current responses by the State party to children who commit crimes often focus either uniquely on child welfare action or, for children over 15, on responses appropriate for adult offenders, with insufficient emphasis being placed on the preventive and rehabilitative aspects of juvenile justice.

54. The Committee recommends that the State party pursue its efforts to ensure that the best interests of the child are a primary consideration in the context of juvenile justice proceedings, giving greater consideration to the need for prevention and rehabilitation of child offenders.

### Sexual exploitation and abuse

56. The Committee urges the State party to con-

tinue its efforts to prevent and address cases of sexual abuse by increasing the resources available, including for an appropriate review of the employment of adult staff working with children, by monitoring, through the legal processes of re-

sponding to accusations of child abuse, by training of legal and other relevant professionals, and by the timely provision of care to the victims of such acts.

## Concluding observations from the Committee on the Rights of the Child, 2005

### 1. General measures of implementation

#### Legislation and implementation

6. The Committee welcomes the many measures taken to bring national legislation into full conformity with the Convention. It notes, however, that national legislation in some areas, such as immigration, participation of children in governing bodies and religious freedom, require further attention in order to ensure that the actual implementation is in full conformity with the principles and provisions of the Convention.

7. The Committee invites the State party to continue its efforts to ensure that national legislation is, and remains, in full conformity with the Convention. The Committee encourages the State party to provide training for judges on the direct applicability of the Convention in cases related to children as well as training on the Convention for officials in central government and the municipalities.

#### Coordination

8. The Committee joins the State party in its concern that there is need to improve the coordination and coherency of efforts on behalf of children and young people at both central and local levels, particularly with regard to local authorities.

9. The Committee recommends that the State party continue to strengthen its efforts to improve the coherency and coordination of efforts on behalf of children and young people so as to ensure adequate cooperation among central and local authorities as well as cooperation with children, young people, parents and non-governmental organizations.

#### Independent monitoring structures

10. While acknowledging the important contri-

bution made by the Children's Ombudsman, the Committee notes that the Children's Ombudsman faces limitations in carrying out his activities due to his apparent dependence on the Ministry of Children and Family Affairs.

11. The Committee recommends that the State party further enhance the independence of the Children's Ombudsman.

#### Data collection

13. The Committee recommends to the State party that it continue its efforts to improve the systematic collection of data concerning the situation of children, inter alia concerning children who have been subjected to violence and abuse, children who do not start, or drop out of, upper secondary school, children within the alternative care system and immigrant children.

#### Allocation of resources

14. While noting with appreciation measures taken in this respect, the Committee is concerned that the range of services available to children varies depending on the place in the country where children live, both with respect to the content and the execution of the services.

15. The Committee recommends that the State party undertake a study to assess and analyse the level and content of resources provided to children and take, where necessary, measures to ensure equal access and availability of services for all children, irrespective of the geographical location or size of the municipality.

#### Training/dissemination of the Convention

16. The Committee is concerned that, despite the various measures taken by the State party in this area, awareness of the Convention among children and youth remains low and that not all professionals who work with and for children re-

ceive adequate training in children's rights. The Committee regrets, in this regard, that human rights is only taught in schools as an optional subject in upper secondary education.

17. The Committee encourages the State party to:

- a) Incorporate education on the rights of the child in the curricula of both primary and secondary education;
- b) Ensure systematic and ongoing training programmes on human rights, including children's rights, for all persons working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, teachers, social workers, health personnel and in particular children themselves);
- c) Ensure the dissemination and translation of the Committee's general comments.

## 2. General principles

### Non-discrimination

18. Despite the ongoing measures of the State party in this area, the Committee is concerned about the discrimination faced by some children in schools and society on the basis of their religious or ethnic backgrounds.

19. In the light of article 2 of the Convention, the Committee recommends that the State party continue to intensify its efforts to prevent and eliminate all forms of de facto discrimination against children.

## 3. Civil rights and freedoms

### Right to freedom of thought, conscience and religion

20. The Committee takes note of the Views of the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights of 3 November 2004 (CCPR/C/82/D/1155/2003) regarding the teaching of the school subject Christian Knowledge and Religious and Ethical Education. In this regard, the Committee welcomes the State party's information on the planned changes of the Education Act to bring the teaching of Christian Knowledge and Religious and Ethical Education into full compliance with the right to freedom of religion enshrined in article 15 of the Convention. The Committee encourages the State party to expedite the process of adopting and enacting

these changes.

## 4. Family environment and alternative care

21. The Committee is concerned that the best interests of the child are not adequately taken into consideration in cases where foreign nationals who have children in Norway are permanently deported as a consequence of having committed a serious criminal offence.

22. The Committee urges the State party to ensure that the best interests of the child are a primary consideration in the decisions taken regarding deportation of their parents.

### Children deprived of their family environment

24. The Committee recommends that the State party take measures to address the causes of the rising number of children who are removed from their families, including through adequate support to biological parents. The State encourages the State party to give priority to protecting the natural family environment and ensure that removal from the family and placement in foster care or institutions is used only as a measure of last resort when in the best interests of the child.

### Periodic review of placement

25. While welcoming the efforts of the Ministry of Children and Family Affairs, the Committee is concerned about the insufficient periodic review of children placed in foster homes due to a lack of sufficient numbers of supervisors and lack of training of supervisors.

26. The Committee recommends that the State party pursue its efforts to ensure adequate supervision of the situation of children placed in foster homes or institutions.

### Abuse and neglect, including physical and psychological recovery and social reintegration

27. The Committee is concerned that children who are exposed to violence within the family do not always receive sufficient care and assistance.

28. The Committee recommends that the State party continue to strengthen its efforts to provide adequate assistance to children who are exposed to violence within the family or whose parents are psychiatric patients and/or drug abusers, including through:

- a) Ensuring that all victims of violence have ac-



cess to counselling and assistance with recovery and reintegration;

- b) Providing adequate protection to child victims of abuse within their homes;
- c) Strengthening measures to address the root causes of violence within the family, giving special attention to marginalized and disadvantaged groups;
- d) Public education campaigns about the negative consequences of ill-treatment and preventive programmes, including family development programmes promoting positive, non-violent forms of discipline.

## 5. Basic health and welfare

### Children with disabilities

29. The Committee notes with concern that children with disabilities are limited in their participation in cultural and recreational activities.

30. The Committee recommends that the State party take all necessary measures to ensure that equal access to services, including cultural and recreational activities, is provided to children with disabilities taking into consideration the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339).

### Basic health and welfare

32. The Committee recommends that the State party pay close attention to child and adolescent health, taking into account the Committee's general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child. In particular, the Committee recommends that the State party strengthen measures to address the occurrence of eating disorders and promote a healthy lifestyle among adolescents.

### Mental health services

33. While welcoming measures taken to strengthen the mental health services for children and young people, the Committee is concerned at the remaining challenges, such as the waiting time for assistance and care. The Committee is also concerned at the shortage of child and ado-

lescent psychiatrists and psychologists.

34. The Committee encourages the State party to speed up the development of mental health care so as to ensure that adequate treatment and care are provided to all children and young people in need without undue delay.

### Adequate standard of living

37. The Committee notes with concern the high proportion of immigrant children living in households with a persistently low income.

38. The Committee recommends that the State party ensure that the needs of all children are met and take all necessary measures to ensure that no group of children lives below the poverty line.

## 6. Education, leisure and cultural activities

39. The Committee welcomes the numerous measures taken to combat bullying at school, particularly the initiatives taken by the Ombudsman for Children, but it remains concerned at the persistence of this phenomenon in many schools.

40. The Committee recommends that the State party strengthen the measures taken to combat bullying and ensure the participation of children in the initiatives aimed at reducing bullying.

## 7. Special protection measures

### Refugee children

41. The Committee expresses concern about the large number of unaccompanied asylum-seeking children (33 in 2003) who disappear from reception centres in the State party. It is particularly concerned that these children are vulnerable to abuse and exploitation. The Committee is also concerned about the insufficient supervision of and care provided to unaccompanied asylum-seeking children as well as the insufficient psychological and psychiatric services provided to children living in reception centres. Furthermore, the Committee is concerned that the processing of asylum claims is too slow.

42. The Committee urges the State party to strengthen measures to ensure that adequate support and supervision are provided to children living in reception centres, as well as adequate psychological and psychiatric care for traumatized asylum-seeking children. The Committee

recommends that the State party improve the situation in reception centres for unaccompanied children seeking asylum, in terms of resources and adequately trained and competent staff, so that the assistance and care for these children reaches the same level as that provided in other institutions under the child welfare system. The State party should also take further measures to ensure more expeditious processing of asylum claims.

#### Sexual exploitation and sexual abuse

46. In the light of article 34 and other related articles of the Convention, the Committee

recommends that the State party:

- a) Conduct a comprehensive study to assess the nature and extent of sexual abuse of children as well as the characteristics of abused children with a view to identifying those groups which are particularly vulnerable to abuse;
- b) Strengthen measures to combat sexual abuse of children and adolescents;
- c) Ensure that children's testimony is recorded in an appropriate way and that the persons carrying out the hearing have the necessary specialist qualifications.

## Concluding Observations from the Committee on the Rights of the Child on the Optional Additional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography, 2005

### **1. General measures of implementation**

#### National plans of action

8. While welcoming the 2003-2005 Plan of Action to Combat Trafficking in Women and Children, the Committee encourages the State party to continue its efforts under a new plan of action based on an evaluation of the current one.

### III The Norwegian Bar Association's Survey

Prison	Born	Age at imprisonment	Custody duration	Duration of imprisonment	Placed at a ward with adults	Shares cell with an adult prisoner (age of the other prisoner)	Solitary confinement, locked in 23 hours a day, how long	Physical/mental illness, subjective afflictions	Visit from family last 10 days before interview, if not, how long since last visit
Larvik	1991	17		15 days	yes	yes (23)	yes, 6 days	ADHD	no, 15 days
Horten	1992	16	27 days		yes	yes (41)	yes, 12 days	ADHD, anxiety	no, 21 days
Ringerike	1990	16		160 days	yes	no	yes, 105 days	ADHD, anxiety	no, 28 days
Oslo	1992	15	62 days		yes	no	yes, 12 days	ADHD	no, 62 days
Oslo	1989	17		150 days	yes	no	yes, 23 days	anxiety, war traumas	no, unclear
Oslo	1991	17	90 days		yes	no	no	anxiety, fear	no, 90 days
Kongsvinger	1991	16	12 days		yes	no	yes, unclear	ADHD	yes
Kragerø	1991	17	11 days		yes	no	no	ADHD	no, 11 days
Stavanger	1990	17	133 days		yes	no	yes, 90 days	anxiety, fear	yes
Skien	1991	15		210 days	yes	yes (19)	yes, 60 days	ADHD	no, 50 days

# Endnotes

- 1 [http://www.helsetilsynet.no/templates/ArticleWithLinks\\_\\_\\_\\_\\_9996.aspx](http://www.helsetilsynet.no/templates/ArticleWithLinks_____9996.aspx)
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# Organisations supporting the report

 <p>NORWEGIAN SIDS AND STILLBIRTH SOCIETY</p>	<p>Norwegian SIDS and Stillbirth Society www.sids.no</p>		<p>Landsgruppen av helsesøstre NSF</p>
	<p>The Norwegian Children and Youth Council www.lnu.no</p>		<p>NOAS - The Norwegian Organization for Asylum Seekers www.noas.org</p>
	<p>Norsk Folkehjelp www.folkehjelp.no</p>		<p>NOSEB - Norwegian Centre for Child Research www.ntnu.no/barneforskning</p>
	<p>OMOD – Institution against Public Discrimination www.omod.no</p>		<p>PLAN Norway www.plan-norge.no</p>
	<p>PRESS - Save the Children Youth Norway www.press.no</p>		<p>Save the Children Norway www.reddbarna.no</p>
	<p>Norwegian Red Cross www.redcross.no</p>		<p>Norsk psykologforening www.psykologforeningen.no</p>
	<p>Selvhjelp for innvandrere og flyktninger (SEIF) www.seif.no</p>		<p>SOS- Racism www.sos-rasisme.no</p>
	<p>Star of Hope www.starofhope.org</p>		<p>The Support Centre against Incest - Oslo www.sentermotincest.no</p>
	<p>The National Youth Club Organisation www.ungogfri.no</p>		<p>UNICEF Norway www.unicef.no</p>
	<p>Union of Education Norway www.utdanningsforbundet.no</p>		<p>Voksne for Barn www.vfb.no</p>
	<p>Amnesty Norway www.amnesty.no</p>		<p>The Norwegian Association for Parents with Disabled Children www.hbf.no</p>

 RUSFELTETS SAMARBEIDSGRAN	ACTIS Norway - Norwegian Policy Network on Alcohol and Drugs www.actis.no	 ADHD Norge	ADHD Norway www.adhdnorge.no
	The Norwegian Bar Association www.advokatforeningen.no	 AFRICAN YOUTH IN NORWAY	African Youth In Norway www.ayin.no
	Agenda X www.agendax.no	 ANTIRASISTISK SENTER www.antirasistisk-senter.no	Norwegian Center against Racism www.antirasistisk-senter.no
 BARNESYKELEIERFORBUNDET	Barnesykeleierforbundet	 Foreningen 2 Foreldre	Foreningen 2 Foreldre www.f2f.no
 FAGFORBUNDET	Norwegian Union of Municipal and General Employees (NUMGE) www.fagforbundet.no	 Familiestiftelsen 15. mai www.familiestiftelsen.no	Familiestiftelsen 15. mai www.familiestiftelsen.no
 FFO	Norwegian Federation of Organisations of Disabled People (FFO) www.ffo.no	 FO	Norwegian Union of Social Educators and Social Workers (FO) www.fo.no
 NORWEGIAN REFUGEE COUNCIL	Norwegian Refugee Council www.flyktninghjelpen.no	 FFP Foreningen for Fangers Pårørende	Organisation for Relatives and Friends of Prisoners www.ffp.no
 FORENINGEN FOR HJERTESYKE BARN	The Norwegian Association for Children With Congenital Heart Disease www.ffhb.no	 FORUT	FORUT - Campaign for Development and Solidarity www.forut.no
 NORSK FOSTERHJEMSFORENING	NFF - The Norwegian Foster Care Association www.fosterhjemsforening.no	 75 år LDs barne- og familjeorganisasjon	Framfylkingen - The Norwegian Confederation of Trade Unions (LO) children and family organization www.framfylkingen.no
 INTERNATIONAL COMMISSION OF JURISTS	ICJ- International Commission of Jurists Norway www.icj.org	 Human-Etisk Forbund	The Norwegian Humanist Association www.human.no
 Juss-Buss	Juss-Buss www.jussbuss.no	 KIM	KIM -Norway's Contact Committee for Immigrants and the Authorities www.kim.no
 KIRKENS BYMISJON	The Church City Mission Oslo www.bymisjon.no	 LANDSFORENINGEN FOR BARNEVERNBSBARN	LFB - Organisation for Children Under Care www.barnevernsbarna.no

# The Convention on the Rights of the Child

- Abridged version from the Ministry of Children and Equality

**1. 18 YEARS OF AGE** - Everyone under 18 years of age is a child, unless the state has another statutory age of majority.

**2. NO DISCRIMINATION** - The rights set forth in the Convention apply to all children without discrimination of any kind, irrespective of the child's or his or her parents' race, colour, sex, language, religion, ethnic or social origin, property, disability or political or other opinion. The state shall ensure that the child is protected against all forms of discrimination.

**3. BEST INTERESTS OF THE CHILD** - In all actions concerning children, whether undertaken by the authorities or organisations, the primary consideration shall be the best interests of the child. The state shall ensure that the institutions and services responsible for the care or protection of children shall conform with the established standards, particularly in the areas of safety and health, in the number and suitability of their staff, as well as competent supervision.

**4. THE STATE'S RESPONSIBILITY** - The state is responsible for the implementation of the rights of the child.

**5. PARENTAL RESPONSIBILITY** - The state shall respect the responsibilities, rights and duties of parents and other guardians have to provide the child appropriate direction and guidance in the exercise by the child of the rights recognised in the Convention.

**6. RIGHT TO LIFE** - The state shall ensure to the maximum extent possible the survival and development of the child.

**7. NAME AND NATIONALITY** - Immediately after birth the child has the right to a name and a nationality and, as far as possible, the right to know and be cared for by his or her parents.

**8. IDENTITY** - The state undertakes to respect the right of the child to preserve his or her identity, including nationality, name and family rela-

tions. Where a child is illegally deprived of his or her identity, the state shall provide assistance with a view to re-establishing speedily his or her identity.

**9. KEEPING THE FAMILY TOGETHER** - The child shall not be separated from his or her parents against his or her will, except when necessary in consideration of what is best for the child.

**10. FAMILY REUNIFICATION** - Applications to enter or leave a state for the purpose of family reunification shall be dealt with in a positive, humane and expeditious manner. The child shall have the right to maintain on a regular basis contact with both parents.

**11. ILLICIT TRANSFER AND NON-RETURN** - The state shall take measures to combat the illicit transfer and non-return of children abroad, and to this end shall enter into agreements with other countries.

**12. FREEDOM OF EXPRESSION** - The child has the right to express his or her views in all matters affecting the child, and the child's views shall be given their due weight.

**13. FREEDOM OF INFORMATION** - The child has the right to freedom of expression, to seek, receive and impart information and ideas of all kinds and in all forms.

**14. FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION** - The child has the right to freedom of thought, conscience and religion. The state shall respect the rights and duties of the parents to provide direction to the child regarding his or her rights in such matters.

**15. FREEDOM OF ASSOCIATION** - The child shall have the right to freedom of association and to freedom of peaceful assembly.

**16. RIGHT TO A PRIVACY** - No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or corre-



spondence. The child shall be protected from unlawful attacks on his or her honour and reputation.

**17 MASS MEDIA** - The state shall ensure the child has access to information from a diversity of national and international sources. The state shall encourage the mass media to publish and disseminate information, which creates understanding, knowledge, social skills and well-being, and to produce suitable material for children, including minority children. The state shall protect children from information and material injurious to their well-being.

**18. PARENTAL RESPONSIBILITY** - Both parents have a primary responsibility for the child's care and development according to what is best for the child. The state shall render assistance and ensure the development of institutions, facilities and services for the care of children, including taking children of working parents into consideration.

**19. PROTECTION FROM ABUSE** - The state shall protect the child from physical or mental abuse, neglect or exploitation by parents or any other person who has the care of the child.

**20. CHILDREN DEPRIVED OF FAMILY CARE** - A child deprived of his or her family environment is especially entitled to protection and care, for example foster placement, or if necessary, placement in suitable institutions or adoption.

**21 ADOPTION** - National and international adoption shall only be undertaken pursuant to the law, and shall be authorised by the authorities. Inter-country adoption shall not result in improper financial gain for those involved, and should be considered as an alternative to childcare in the child's country of origin.

**22. REFUGEE CHILDREN** - A child who is seeking refugee status or who is considered a refugee shall receive appropriate protection and humanitarian assistance. The state shall in co-operation with international organisations assist an unaccompanied child to be reunited with his or her parents

**23. DISABLED CHILDREN** - A mentally or physically disabled child has the right to enjoy a

full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. A disabled child has the right to special care. The child shall be provided with education, training, health-care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible integration and individual development. The state shall co-operate with other countries on this and particular account shall be taken of the needs of developing countries.

**24. HEALTH** - The child has the right to the enjoyment of the best possible medical treatment of illness and assistance in rehabilitation of health. The state shall take appropriate measures to diminish infant and child mortality, ensure the provision of necessary medical assistance to all children, provide good post-natal health care for mothers, combat disease and provide information and education on health and proper nutrition. The state shall also abolish traditional practices prejudicial to the health of children, co-operate with other countries, and particularly take into account the needs of developing countries.

**25. CHILDREN UNDER CARE OF THE AUTHORITIES** - A child placed under care outside of the family environment is entitled to periodic review of the treatment and his or her placement.

**26. SOCIAL SERVICES** - The state shall ensure that the child receives the social assistance and financial support he or she is entitled to in accordance with national law.

**27. STANDARD OF LIVING** - The child is entitled to a standard of living, which is adequate in all areas. The parent(s) or others responsible for the child have the primary responsibility to secure the conditions of living necessary for the child's development. The state has the obligation of supporting the parent(s) or others responsible for the child.

**28. EDUCATION** - The child has the right to education. The state shall make primary education compulsory and free and make different forms of secondary education available to every child, and take measures to reduce drop-out rates. School discipline shall be administered in a manner consistent with the child's human dignity. The state

shall also promote international co-operation in matters relating to education, and particular account shall be taken of the needs of developing countries.

**29. OBJECTIVE OF THE EDUCATION** - The education shall promote the development of the child's personality and mental and physical abilities. It shall promote the development of respect for human rights and understanding of peace, tolerance and friendship among all peoples. The education shall develop respect for the natural environment and the child's own culture and the culture of others.

**30. MINORITIES AND INDIGENOUS PEOPLES** - A child belonging to a minority or indigenous peoples shall not be denied the right to enjoy his or her own culture, religion and language.

**31. PLAY AND RECREATIONAL ACTIVITIES** - The child has the right to rest and leisure and to engage in play, recreational activities and cultural and artistic life.

**32. CHILD LABOUR** - The child has the right to be protected from economic exploitation and from performing any work which might interfere with his or her education or development.

**33. NARCOTICS** - The child has the right to be protected from the illicit use, trafficking and production of narcotic substances.

**34. SEXUAL EXPLOITATION** - The child has the right to protection from all forms of sexual exploitation and sexual abuse. For these purposes the state shall take all appropriate national and international measures.

**35. ABDUCTION, PROSTITUTION AND SALE** - The state shall take all appropriate national and international measures to prevent kidnapping, abduction or trafficking of children for any purpose or in any form.

**36. OTHER FORMS OF EXPLOITATION** - The state shall protect the child against all other forms of exploitation prejudicial to the child's welfare.

**37. IMPRISONMENT, DEATH PENALTY AND TORTURE** - No child shall be subjected to torture

or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be allowed for offences committed by persons below eighteen years of age. A child who is deprived of his or her liberty shall be separated from adults unless it is considered in the child's best interest not to do so. Imprisonment shall only be used as a last resort and for the shortest appropriate period of time. Arrest and detention shall be in conformity with the law and the child has the right to legal and other appropriate assistance, and to a prompt and independent review of his or her case.

**38. CHILDREN IN WAR** - The state shall implement measures to ensure that persons who have not attained the age of fifteen years do not take direct part in hostilities.

**39. REHABILITATION AND REINTEGRATION** - The state shall take all appropriate measures to ensure rehabilitation and social reintegration of a child victim of: abuse, exploitation, neglect, torture, armed conflicts or other inhuman or degrading treatment or punishment.

**40. INFRINGEMENT OF PENAL LAW** - A child who is accused or convicted of a criminal offence has the right to be treated in a manner which will ensure his or her dignity and promote his or her respect for human rights. The objective is that the child shall find a constructive place in the community. The state shall establish a minimum age for legal proceedings. It shall be possible to have a higher authority or judicial body review a conviction. The child shall receive free assistance of an interpreter if he or she does not speak the language used.

**41. WHEN OTHER LAWS ARE BETTER** - If other national or international laws the state has passed are more conducive to the realisation of the rights of the child than the provisions in the Convention, these laws shall apply, and not those provisions in the Convention.

**42. INFORMING ABOUT THE CONVENTION** - The state undertakes to make the principles and provisions of the Convention known to adults and children alike.





HAMDI