Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Norway - 6th Session – 2009
2nd December 2009, 9am to 12pm

National Report
21. In 1981 Norway established the world’s first Ombudsman for Children. The primary responsibility of the Ombudsman for Children is to promote the rights of children in respect of the public and private sector and to monitor the development of childhood living conditions. The Ombudsman for Children is independent of the Storting, the Government and other public authorities, and can freely raise issues and criticise official policy.

49. The rights and welfare of children have been a priority area of Norwegian policy for many years. Both the Children Act and the Child Welfare Act protect the rights of children, as do individual provisions in other legislation. The best interest of the child shall be a primary consideration in all decisions affecting children.

50. Particular efforts are focused on certain groups of children and young persons who, for various reasons, may be at risk, such as neglected children, children and young persons with disabilities, children who grow up in financially disadvantaged families and children and young persons who come to Norway as unaccompanied minor asylum seekers. Coordinated cross-sectoral efforts are required to anticipate and respond to the special needs and protect the rights of children.

51. The child welfare service in Norway has a special responsibility for taking care of the children who are most at risk. Its task is to protect children from neglect and prevent them from suffering physical and mental harm. The child welfare service has a variety of measures that it can implement as needed. Most of them consist of voluntary assistance in the home. However, on the basis of a judicial decision, the child welfare service may also take children into care.

52. It is an important principle that children and young persons be heard in matters concerning them. Strengthening child and youth participation, involvement in and influence on the development of society is an important priority. In connection with the incorporation of the CRC into Norwegian law, amendments were adopted to a number of statutes to ensure compliance with and highlight the convention’s provisions on the right of children to express their opinion and to be heard. There is, however, a need to improve training for professionals who work with children in methods for soliciting the views of children.

53. Children of persons suffering from mental illness, substance abuse and serious illnesses in general are an exposed and vulnerable group. There is therefore a special need to prioritise such children and strengthen their legal position to ensure that they are identified and taken care of by the welfare services. As a consequence of this the government has proposed amendments to the Patient Rights Act expected to enter into force in 2010.

54. In 2007, the Government decided to further strengthen and protect children’s rights by better monitoring the implementation of the CRC. Among other things, information and training programmes in the field of children’s rights have been initiated for ministries, and contact persons have been appointed to ensure closer monitoring of CRC implementation in the ministries concerned. In the light of comments by the UN Committee on the Rights of the Child, the Government commissioned a study in autumn 2007, to ascertain whether Norwegian law satisfies the requirements of the CRC. The report will be presented within the end of 2009. Children in conflict with the law

55. In Norway, minors in conflict with the law are criminally liable only from the age of 15 and above. Detention of persons between 15 and 18 years of age is used as a last resort. Serving sentences in a child welfare institution and the national mediation service are good alternatives to prison, and greater use will be made of community sentences as an alternative sanction.
56. In the past few years, projects have been carried out with a view to ensuring individually adapted follow-up of young offenders, including projects based on the principles of restorative justice. Cooperation between the different levels of public administration and the police and prosecuting authority has been reinforced. The sanctions imposed have included waiver of prosecution or a suspended sentence on individually adapted conditions. Results are promising.

57. It is similarly an aim to avoid situations where children serve their sentence in prison along with adult convicted persons and remand inmates. Norway has hitherto made certain reservations in respect of Article 10 (2) (b) and (3) of the ICCPR, concerning the obligation to keep young offenders and convicted persons segregated from adults. In the Norwegian Correctional Services, it is an important principle that convicted persons are able to serve their sentence as close to home as possible. Given the small number of children under 18 years of age in Norwegian prisons (between 5 and 10 persons at any given time), segregating children from older inmates would be tantamount to placing them in total isolation. In Norway’s opinion, such a solution would not be in the best interests of the child.

58. Nonetheless, Norway faces several challenges with regard to children who have been placed in prison. In addition to the fact that children under 18 years of age serve their sentences along with older inmates, many children are incarcerated far from their home and their parents/relatives, they spent too much time in isolation in their prison cell, and they are inadequately followed up after being released from prison. To avoid situations where children serve their sentences with adults, Norway is in the process of establishing a number of separate prison units for young offenders.

59. Domestic violence is a serious social problem in Norway. A nation-wide survey conducted in 2005 showed that approximately 9 per cent of women over the age of 15 had been the victim of serious violence perpetrated by their present or former partner once or several times in their lifetime. Violence can occur in all couple relationships and its victims may be men, women or children. Nonetheless, women are more likely to experience partner-related violence than men, and women are subject to the most serious acts of violence. For children, witnessing one parent’s violent abuse of the other can in itself constitute abuse.

60. Victims of domestic violence have a right to consult with a lawyer free of charge before deciding whether to make a formal complaint. If criminal proceedings are instituted, the victim is entitled to free assistance from a victim’s advocate. This also applies to children who have been subjected to violence, sexual abuse or genital mutilation.

61. A separate penal provision on domestic violence came into force on 1 January 2006. It also covers mental abuse. In a new Penal Code (not yet in force), it is decided to increase the maximum penalty for domestic abuse from three to six years, and for gross abuse from six to 15 years. The Government also expressed the view that the penalty levels in such cases are to low. If a child witnesses the violence that is perpetrated, this is to be considered an aggravating sentencing factor.

62. Children have the right to grow up without being subjected to any form of violence. Every form of violence against children is prohibited. A report on violence against children published in 2007 revealed that 3.3 per cent of the boys interviewed and 4.6 per cent of the girls had been subjected to violence by adults in the last year. The Government has proposed further emphasising and clarifying in legislation that all use of violence against children is prohibited, even when it occurs in the context of child rearing, and that frightening or disturbing behaviour towards children is also prohibited.

63. One of the measures in the action plan is a project for children living with domestic violence. The project aims to provide assistance for as many child victims of violence as possible by increasing welfare service professionals’ knowledge of this problem. Children’s Houses are new facilities designed to provide comprehensive assistance, care and treatment for children who are victims of sexual abuse or violence or who have witnessed domestic violence and abuse. In June 2009, a nation-wide emergency hot-line was opened to ensure that children who are subjected to violence receive rapid assistance.

64. In a new Penal Code (not yet in force) the penalty for rape has been made significantly more severe. The minimum penalty for certain forms of rape was increased to three years’ imprisonment. Secondly, all sexual activity with children under the age of 14 and the most aggravated sexual acts with children aged under 14 shall be regarded as rape (and thus punishable by at least three years’ imprisonment). The Government also expressed the view that the penalty levels in rape cases and in child sexual abuse cases are too low, and it prescribes a norm of increased penalties in such cases. The Parliament supported this view. It is, however, still for the courts to decide the penalties in the concrete cases.

Compilation of UN information

22. Despite the ongoing measures of Norway, CRC was concerned about the discrimination faced by some children in schools and society on the basis of their religious or ethnic backgrounds. 62 CRC recommended that Norway continue to intensify its efforts to prevent and eliminate all forms of de facto discrimination against children. 63

33. CRC encouraged Norway to continue its efforts: to strengthen the capacity of the criminal police to deal with crimes related to child pornography on the Internet and to inform children and their parents about the safe use of the Internet. 84

41. CRC welcomed Norway’s information on the planned changes of the Education Act to bring the teaching of the school subject known as “Christian Knowledge and Religious and Ethical Education” into full compliance with the right to freedom of religion enshrined in article 15 of the Convention and encouraged Norway to expedite the process of adopting and enacting these changes. 94

48. CRC in 2005 noted with concern the high proportion of immigrant children living in households with a persistently low income and recommended that Norway 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. 106

49. In 2007, the CRC noted with particular concern, as highlighted also by UNHCR, 107 that, in some cases, children in need of health
52. CRC in 2005 noted with concern that children with disabilities are limited in their participation in cultural and recreational activities and recommended that Norway, inter alia, take all necessary measures to ensure that equal access to services is provided to them. 115

57. CRC regretted, as highlighted also by UNHCR, 122 that there is no national guardian system for unaccompanied asylum-seeking and refugee children and that, under the current guardian system, the quality of the recruitment and training of guardians may not be adequate in all municipalities. 123 CRC recommended that Norway, inter alia, as highlighted also by UNHCR, 124 consider establishing a unified national guardian system; and consider centralizing the responsibility for all unaccompanied asylum-seeking children under one child rights-oriented authority, such as the Child Welfare Services, in order to secure an equal provision of services to all such children. 125

61. CRC commended Norway on its ongoing and outstanding commitment to international assistance and cooperation, in particular in the area of education. 130 CEDAW commended Norway for increasing its focus on gender equality in its development cooperation policy. 131

62. CRC commended Norway for its active role as facilitator in a number of peace and reconciliation processes around the world and its efforts to strengthen the realization of human rights in conflict and post-conflict situations and in peace processes. 132

Summary of Stakeholder Compilation

11. Norwegian Ombudsman for Children (NOC) reported that adolescents from ethnic minority backgrounds feel stigmatised by and lack trust in the police. It regarded this as a worrying trend and recommended that the Government take action to reverse it. 24

12. NOC recommended that the Government secure immediate mainstreamed sector- responsibility in the municipalities for children with disabilities to receive the full range of services they need; and all municipality sectors must have nationwide minimum standards to ensure equal fulfilment of rights. 25

21. NCHR indicated that thousands of families experience domestic violence and recommended that the Norwegian authorities maintain a high focus on this issue. 46 NOC recommended more research on as well as the establishment and implementation of improved routines to identify and protect children that are exposed to domestic violence. 47 NFRC recommended that the Government: guarantee the right to rehabilitation measures and secure abused children immediate psychological support and treatment; include the need for special protection of children against all forms of violence - physical and psychological- in the current revision of the Penal Code to correspond with the current revision of the Children’s Act; secure educated staff in all sectors dealing with children and include mandatory learning about sexual abuse and violence in all vocational training and education of staff; provide training for child protection professionals including victim identification; ensure political commitment and prioritisation of victim identification and allocation of resources and staff. 48

22. NOC mentioned that children from ethnic minority backgrounds are more exposed to domestic violence and recommended that the Government increase awareness and knowledge about this issue within the support system; and provide parents with adequate alternatives to using physical punishment. 49

31. Concerned about the distribution of sensitive information on children, NFRC recommended that the government give the Data Inspectorate the mandate, through revision of legislation, to regulate and hinder distribution of information violating children’s rights to privacy, respect and reputation. 67

32. NFRC also recommended that the Government render appropriate assistance to the child in order to secure the child's right to maintain contact with both parents, if separated from one of them, unless this is deemed to be incompatible with the child's best interests. 68

34. NOC strongly urged that greater resources be allocated to the Child Welfare Service as soon as possible so that children exposed to violence or neglect in the home can receive the follow-up and assistance to which they are entitled. It also recommended that the government take urgent action to ensure that all children in foster care have a supervisor. 70

37. NFRC recommended that the government: take urgent actions to enforce the child’s right to be heard stipulated in the Child Welfare Act, as this right is massively neglected, due to incompetence and lack of education of staff; and initiate nationwide guidelines for involvement of the child in all phases of the different decisions according to the Child Welfare Act; and accordingly revise para. 6-3 of the Child Welfare Act to include all decisions affecting the child. 73

43. NOC indicated that Norway should implement measures which ensure that effective sanctions are imposed on school authorities who break the law. 80

44. According to NFRC, pupils with disabilities are according to the Education Act entitled to special education. Municipalities are however not fulfilling these nationwide obligations to secure equal rights to education. 81

45. INLO señaló que la política de las autoridades noruegas relativa al idioma materno podría dar lugar a discriminación, y sugirió que
se reintroduzca la enseñanza del idioma materno como un derecho básico de los menores que tienen otro idioma materno que no sea el noruego o el samisk (lapón).

46. NFRC noted that leisure and cultural activities offered to children are costly, which excludes children from families with financial difficulties from participating and that the proportion of ethnic minorities participating in organized spare time activities is far lower than ethnic Norwegian children.

**Final Report**

12. Domestic violence and violence against women and children was not a private matter and the Action Plan 2008-2011 targeted police, educational institutions and support services. From January 2010 all local authorities would have a statutory duty to provide shelter and coordinated assistance to victims.

15. An Action Plan for Equality in Early Childhood Education and Primary Education was recently issued.

20. In order to avoid detention of juveniles, local projects introducing restorative justice measures had been launched and new legislation with regard to alternative sanctions was under consideration. Norway still had 13 juveniles in prison. To avoid juveniles serving their sentences together with adults or in total isolation, Norway was establishing two separate prison units for young offenders.

34. Turkey noted that Norway’s national report provided a sincere account of the challenges facing the country in combating racial discrimination. It welcomed measures taken to improve the living conditions of immigrants, while noting concerns expressed in recent reports. Turkey, while understanding the priority given to Norwegian language education for children with an immigrant background, encouraged Norway to put an emphasis on mother-tongue education by competent language teachers.

36. Brazil commended Norway for establishing, as early as in 1981, an Ombudsperson for Children and, more recently, an Equality and Anti-Discrimination Ombudsman. Brazil commented on Norway’s recognition that there are challenges in a number of areas such as hate crimes targeting minority groups and discriminatory police stops of persons and made a number of recommendations.

40. The United States of America noted the actions taken to confront the problem of ethnic discrimination and racism. It referred to the reports of the Norwegian Ombudsman for Children that adolescents from ethnic minority backgrounds feel stigmatized by and lack trust in the police and made a recommendation to address this issue. Note was also taken of continuing allegations of nationality-based discrimination in Norway’s labour market and a recommendation was made in that regard.

51. Sweden welcomed Norway’s 1981 initiative to establish the world’s first Ombudsman for Children. Sweden referred to reported concerns that children in detention are kept in isolation for extended periods and that alternatives to detention are not pursued efficiently. Sweden made a related recommendation. Sweden noted that that UNHCR and the Committee on the Elimination of Racial Discrimination indicated that persons with an immigrant background and persons belonging to minorities, such as the Roma, often face discrimination in areas such as employment, housing and education. Sweden made a related recommendation.

52. Germany stated that Norway is one of the countries with a very good human rights record. It asked about the situation of women, particularly their position in the labour market and their educational choices, and about further measures planned to address those concerns. Noting the absence of a national guardian system for unaccompanied asylum-seeking and refugee children, Germany asked about responses to meet the needs of such children.

53. Bosnia and Herzegovina noted the important role of civil society in Norway and the participation of more than half the adult population in such organizations. It asked Norway about the steps taken to address the problems faced by persons with an immigrant background in the labour market and the dropout rate of immigrant children in upper secondary education. It welcomed the amendments to the Penal Code aimed at strengthening protection against expressions of racial hatred. Bosnia and Herzegovina made a recommendation.

64. Norway noted that the act relating to the Ombudsperson for Children clearly states that the work shall be conducted independent of the Government and all national authorities.

83. Mauritius asked for the views of Norway on the recommendations made by the Special Rapporteur on the right to food in his report following his mission to WTO. While welcoming Norway’s efforts, Mauritius noted that CEDAW continues to express concern over the persistence of stereotypical cultural attitudes, as reflected for example in the predominance of women in part-time work and significant job segregation. It expressed concern over the high prevalence of domestic violence and its effects on children. It noted reports highlighting that since children serve prison sentences alongside convicted adults and remand inmates, these children spend extended periods of time in isolation. Mauritius made recommendations.

**Conclusion and Recommendations**

26. Strengthen measures to improve the welfare and conditions of detention of children in conflict with the law (Philippines);

27. Take further measures to ensure that rights of children deprived of their liberty are fully protected, including by ensuring that children shall be deprived of their liberty only as a measure of last resort and for the shortest appropriate period of time (Sweden);

28. Face up to the challenges and establish appropriate measures to deal with the situation of children in the juvenile justice system, taking fully into account the best interest of the children concerned and ensuring their smooth reintegration into society (Mauritius);

32. Pursue efforts to counter trafficking in women and children (Belarus);

33. Evaluate its 2006-2009 national plan of action against trafficking of women and children to determine which actions were effective
and should be continued in the future (France); evaluate the measures taken with regard to the action plan concerning combating human trafficking and strengthen its efforts in this regard through follow-up measures (Netherlands);