



ngo group for the crc

STATE PARTY EXAMINATION OF NORWAY'S THIRD PERIODIC REPORT

39TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE
CHILD

16 MAY – 3 JUNE 2005

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Norway ratified the Convention on the Rights of the Child (CRC) in 1991, the Optional Protocol (OP) on the sale of children, child prostitution, and child pornography in 2001, and the OP on the involvement of children in armed conflict in 2003. The Committee on the Rights of the Child (the Committee) met with State Party representatives on 24 May 2005 to examine Norway's third periodic report on the implementation of the CRC and the OP on the sale of children, child prostitution and child pornography.

Opening Comments

The Norwegian Delegation summarized the State's progress on implementing the CRC. It emphasised the incorporation of the CRC and OP into Norwegian legislation with the CRC taking precedence over Norwegian legislation. Civil procedure, adoption and child welfare had all been changed accordingly. Norway was working from a rights-based approach that welcomed child participation.

The Country Rapporteurs, Mr. Filali and Ms. Vuckovic, welcomed Norway's prioritisation of children's issues both in Norway and worldwide. Norway had illustrated its commitment to the CRC by following the Committee's recommendations to incorporate the CRC in its legislation. They also noted that Norway had been one of the State parties most active in creating and implementing the CRC, and most children lived well in Norway. The country's outstanding commitment to foreign aid and development (0.9% of its GDP) and the universal implementation of the CRC was

acknowledged. The Rapporteurs also highlighted that certain legislative standards were higher than the CRC.

The Rapporteurs identified immigration and discrimination as key concerns. They recommended more training and education about the CRC for parents and professionals working with children.

Legislation

The Delegation made it clear that all legislation was being harmonized with the CRC. If there were any incompatibilities the CRC would take precedence over current and future laws.

Budget

In response to questions about child poverty, the Delegation said that the latest study showed that there were fewer children living in poverty. The Government had presented its plan of action to improve this situation, focusing mainly on employment. The priority groups were immigrants, the unemployed and single mothers.

Child Participation

The Delegation reported that child participation was generally encouraged in accordance with the CRC. The children's age and level of participation varied between municipalities. Certain municipalities were more conservative than others.

Child and Family

The Delegation said Norway had published a report on children exposed to violence and was initiating a survey to determine the prevalence of child sexual abuse to design better programmes. The Committee asked if there were any studies connecting pornography and sexual abuse, but the Delegation was not aware of any. The Committee also asked if the Government played a role in the complex custody and visitation access for families with such abuses.

The Committee asked how foster care was monitored in municipalities. The Delegation responded that municipalities appointed a supervisor to visit foster homes four times a year. The county governor had the supervisory responsibility. The Delegation noted that the State had assumed responsibility for child welfare institutions from counties, as the latter were not doing a sufficiently good job.

Criminal care would place priority on children visiting their incarcerated parents and child friendly visiting rooms. Visiting apartments would be established in 2005. Certain prisons allowed mothers and fathers to live with their children, but this was not the norm. The Committee asked who decided when and where visits occurred. The Delegation said this depended on the situation, but the mother could make a request to the institution (appealing to the Minister of Justice) or the judge. Women with children could be sent to mothers' institutions to help them with child-care. This was dependant on the Judge's decision.

Juvenile Justice

The Delegation reported on 'Youth Contracts'. These plans of action aimed to stop young people's criminality by assisting young people in being successful in life. Youth Contracts involved the parties affected by criminal activity and ensured follow-up after release.

Adoption

The Delegation indicated that adoptions were relatively frequent in Norway compared to other countries, with approximately 700-800 per year. The Government was aware of international buying and selling of children and had taken measures to circumvent this, such as being active in the Hague

Convention. All adoptions had to be authorized by the Government. They had a system to scrutinize parents and support those who qualify for adoption.

The Committee advised that such a large number of adoptions require a Government response as children were deprived of links to their history and culture. The Committee noted that adoption should be free. The Delegation responded that the costs may seem high, but they were the same as in other Nordic countries. Some of these funds went to the non-profit controlling system in the country of origin of the children, to ensure that children were not being sold.

Health

The Committee was interested in boys' higher suicide rate. The Delegation confirmed that data showed that boys' suicide rate was three times higher than girls. Studies and projects were being carried out with a pilot teaching programme in schools on interventions in suicide crisis. Suicides were generally declining (lower than in the 80s).

The Committee noted that there were variations in infant mortality between counties, but the Delegation indicated that its data did not support this claim. Asthma and obesity were increasing problems. They asked if the Government was making efforts to recruit to alleviate the shortage of psychologists.

The Committee asked about the decentralization of basic health care centres to the municipalities. It also asked about the funding structure and monitoring. This could lead to inequality if a municipality had less funding or different priorities. The constitution was based on local democracy and the municipality could decide which services they needed within certain limits. In response to the Committee, the Delegation indicated that drug prevention would be prioritised for youth. Treatment was also part of the plan to improve evidence-based methods. The plan would be published in August 2005. In addition, the Delegation stated that children had the right to know the sperm donor.

Disabled Children

The Delegation provided information on a proposed separate act on disability. New buildings had to meet the code and old ones had to be upgraded accordingly. The Equality and Anti-Discrimination Ombudsman and Tribunal were enforcing these changes. Special programmes were established in Kindergartens and the Home Star programme for parents of disabled children.

Independent Budgets

The Committee asked about the independence of the Centre for Human Rights and the Children's Ombudsman. It focused on the lack of independence in funding structures. The Delegation responded that the Ombudsperson had a high media profile and the way the budget was passed did not affect its independence.

Pornography

The Committee asked if legislative compensation for victims was also available to children abused for pornography. The Delegation was asked if child and adult pornography were separated, with special penal provisions for penalties of up to three years.

Discrimination

The Committee expressed its concern about reports of continued discrimination against immigrants such as minors experiencing delays in being accepted, the deportation of children with parents in prison and the closing of reception centres for asylum seekers.

The Delegation admitted there was still discrimination against immigrants and that the Government took this very seriously. Certain reception centres were closed as the number of asylum seekers declined in 2002- 2004. Reception centres had improved, as there was a separate centre for children

below 15 with a connection to the psychiatric centre for guidance. There was another centre for children of 15 to 18. Many of them experienced war and other traumas requiring treatment. Many adults suffered greatly and did not focus on their children in the reception centres. Programmes for parenting were developed to deal with this issue. There were discussions about the possibility of Child Welfare taking over child reception centres. The main goal was to provide care and try to find the parents or other relatives.

The Committee was interested in forced marriages and the number of calls the hotline received. The Delegation did not have this number but indicated that 1 ½ million had been allocated for the hotline and it was beneficial. There was a pilot project on female genital mutilation called the 'OK project' (it took place in 2004). The Delegation had heard that it was very positive and was being implemented in ordinary health work.

In response to the Committee, the Delegation indicated that information showed that boys and girls were treated in an equal manner. The Delegation thought that children below 18 should be able to open bank accounts for their organisations. The discrimination law was going to be monitored by the Ombudsman.

Education

The Committee noted that there was substantial controversy surrounding mandatory Christian Religious instruction. The Delegation informed the Committee that the purpose of the religious instruction was to provide training on religion and ethics in general and promote acceptance and tolerance. Exemption from these studies would be simplified and the curriculum was being changed. The Committee suggested that it would be easier if the course was not mandatory, but the Delegation said that this option had been discussed comprehensively and it was not agreed upon. The Committee asked what was provided for the children as an alternative. Appropriate programming was being developed.

The school system required immigrant children to be fluent in Norwegian. The Government was conducting language programmes in day-care centres.

The Committee queried Norway's level of bullying. The Delegation noted that bullying was happening worldwide and was not more frequent in Norway. The latter had completed the first studies on bullying and people worldwide were using the results. It recognized the importance to improve school climate and started a pilot project for parent management training. The whole municipality was being trained.

Optional Protocol

The Delegation stated that the penal code, provision on child pornography, and the plan of action on the sale of women and children would be launched in summer 2005. It noted that few children were trafficked in Norway. A national survey system, initiated to track movement and assistance for women and children who were sold, had been improved. The Committee commented that this was the first Optional Protocol (OP) to be reviewed. It noted that the National Plan related to child prostitution focused on trafficked women. The Committee emphasized the need for clear guidelines for trafficked children.

The Committee noted that the Norwegian code and the OP moved along the same lines. The State Party recognized that there was not much information on the subject. As it had been in force since 2003, the Committee asked about the measures for implementing the OP and whether professionals had been trained to deal with the issue. The Committee also requested information on the SAFT programme and awareness-raising to instruct children how to react in such cases. The Delegation described the SAFT programme as a collaboration between five countries in the area of pornography on the Internet. The programme involved awareness-raising and police cooperation.

The Committee was concerned that perpetrators could escape the law by saying that the children looked over 18. The Delegation assured the Committee that the burden of proof would be on the adult even if the child looked older.

The Committee asked about the policy for Norwegians who abused children overseas. The Delegation indicated that Norway would prosecute individuals and companies. It was more difficult for a company to say that it was deceived by age, and the burden of proof was weighted against them. The Committee asked whether compensation for pornography, prostitution and other forms of sexual abuse were available to victims abused by Norwegians abroad. The Delegation indicated that Norway had already dealt with cases where compensation was provided to children abroad. The Committee asked if the Delegation had experience in drawing up mechanisms so that phone and cable companies could filter and block pornography on the Internet.

The Committee asked if rehabilitation of trafficked victims was different for children and adults. The Delegation indicated that all victims had a right to health services and there were no major differences. The Committee countered that the child welfare system had the responsibility to take care and treat these children.

The Government also supported outreach team to work with prostitutes to disseminate information in different languages and provide assistance.

Concluding Remarks

The Country Rapporteurs hoped that Norway would continue to strengthen its legislation in harmony with the CRC. They recommended further training in child rights education in school. They suggested that services for asylum seekers and institutions particularly children without parental care continued to be improved. They encouraged the Delegation to broadly disseminate conclusions with general public and other competent players in the civil society. They noted that Norway served as an example and was a strong supporter of human rights. The Delegation responded that the CRC Committee was an expert test to see if the Government's work was valid.