

**COMMITTEE ON THE  
RIGHTS OF THE CHILD**

WRITTEN REPLIES BY THE GOVERNMENT OF NORWAY CONCERNING THE LIST OF ISSUES (CRC/C/Q/NOR/3) RECEIVED BY THE COMMITTEE ON THE RIGHTS OF THE CHILD RELATING TO THE CONSIDERATION OF THE THIRD PERIODIC REPORT OF NORWAY (CRC/C/129/Add.1).

**[Received on 7 April 2005]**

**CRC/C/RESP/80**

## Part I

### A. Data and statistics

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## **B. General Measures of Implementation**

### **1. Measures related to previous recommendations from the Committee**

As concerns Norway's implementation of the provisions of the Convention on the Rights of the Child and the follow-up of the Committee's concluding observations on the consideration of Norway's second periodic report, reference is made to the treatment of these questions in Norway's third report. Below are the answers to the concrete questions raised by the Committee in their list of issues attached to the letter dated 22 February 2005.

#### **Concerning paragraph 21 in the Committee's concluding observations to Norway's second periodic report – non-discrimination for children without legal residence in the country**

The Immigration Act states that foreigners in Norway have the same rights and obligations as Norwegian citizens during their legal stay in the realm, unless otherwise provided for in the law. The Municipal Health Act, the Education Act and the Child Welfare Act all apply to children living in Norway and do not distinguish between those who have a legal right to reside in the country and those who do not. Reference is made to Norway's third periodic report to the Committee, paragraphs 111 – 115.

When it is probable that a foreign child will be in Norway for more than three months, the child has the right to primary school education under the same rules as all other children in Norway. The individual municipality has an overseeing responsibility for children's living conditions in the municipality. This responsibility also applies to children who are temporarily residing in a state-run asylum reception centre within the borders of the municipality. The health stations and school health services are services which the municipalities are obliged to run according to the Municipal Health Act.

#### **Concerning paragraph 27 in the Committee's concluding observations to Norway's second periodic report – (freedom of thought, conscience and religion):**

CREE (Christianity, Religious and Ethical Education) is an ordinary school subject in the same way as other subjects in school. The subject will give knowledge about religions and ethics, not education for one particular belief. The subject will be open, contribute to insight, respect and dialogue across the beliefs and ethical boundaries and promote understanding and tolerance in religious and moral questions. The purpose is to obtain a unified school subject, where the students, as far as possible, participate in a common instruction. Reference is made to the description in Norway's third periodic report.

In 1999, the state was sued with a demand that the right to full exemption from the subject, CREE, should be granted, claiming that the partial exemption arrangement represents a violation the UN Covenant on Civil and Political Rights and the European Convention on Human Rights. The Court of Appeal acquitted the state and concluded that within the formal framework surrounding the subject, it is possible to implement a partial exemption arrangement. On 22 August 2001, the Supreme Court upheld the judgement of the Court of Appeal.

After the decision by the Supreme Court, the plaintiffs took the case to the UN Human Rights Committee and the European Court on Human Rights.

The UN Human Rights Committee adopted their views on 3 November 2004, received by Norwegian authorities on 8 November that the arrangement with partial exemption from CREE constitutes a violation of article 18 paragraph 4 of the UN Covenant on Civil and Political Rights, which deals with parents' liberty to ensure the religious and moral education of their children. The Committee pronounced that religious ethical instruction in the public school will not be in violation of article 18, if this is done in a neutral and objective manner, but that public education that includes training in a particular religion or belief will be in violation of article 18. The Committee concludes that the instruction of CREE cannot be seen to be neutral or objective, unless the exemption arrangement in reality implies that the instruction offered to these children is neutral and objective.

Following the views of the UN Committee, the government proposes to make the following changes in the provisions governing the subject of CREE:

1. The reference in section 2-4 of the Education Act, that teachers in CREE should base the instruction on the object clause in section 1-2, will be deleted.
2. The reference in section 2-4 on exemption will become a separate provision. The exemption arrangement should take sufficiently into consideration the parents' rights/minority protection. The procedure for notice for exemption is simplified, and the school's duty to give information will be included in the law. Information will be sent to the schools on how to practice the exemption arrangement.
3. The curriculum will be amended to make a clearer separation between elements that can be conceived as practice of a particular religious belief and elements that cannot.
4. Selection of teaching methods should be clarified in the introduction to the curriculum as well as in a separate instruction for the subject in order to limit the possibilities that parts of the instruction could be conceived of as the practice of religion.
5. There should be a large degree of flexibility in relation to parents' wishes for adjusted instruction for their child/children. If necessary, until the permanent regulations enter into force, there will be a temporary right to full exemption. The proposed amendments will enter into force from the school year starting 2005/2006.
6. The implementation of the measures from Autumn 2005 implies a need for strength and knowledge among the teachers. The government will begin competence training as soon as the new curriculum is available.

### **Concerning paragraph 31 in the Committee's concluding observations to Norway's second periodic report – children's contact with imprisoned parents**

Reference is made to Norway's third periodic report, paragraphs 143 -144.

In 2004, the Ministry of Child and Family Affairs has granted means to develop different models for guidance to imprisoned parents. The purpose is to give children of inmates better support, assistance, and follow-up, as well as to give guidance to the imprisoned parents concerning his/her roll as a parent. Both the inmate, as well as the person having the daily responsibility for the child, is in a special situation in life, which justifies that the arrangement should be adjusted to the individual's situation. The models shall be tested in 2005 in different prison regions. Both father and mother groups will be established. Means are also granted to

carry out a survey among relatives and the children concerned about living conditions, including poverty and health situation.

**Concerning paragraph 41 in the Committee's concluding observations to Norway's second periodic report on mental health – updating Norway's third periodic report, chapter VI, paragraphs 356-362**

The capacity to deal with mental health care for children and adolescents is increasing, allowing a considerable increase in the number of children and adolescents who receive treatment. The emphasis on increasing capacity and efficiency in the polyclinic services will be continued, inter alia, through monitoring of the productivity figures at the individual regional health institutions.

Recruitment of psychiatrists and psychologists to the specialist health services for children and adolescents has improved, but there is a challenge to recruit and keep psychologists in the municipalities. The programme for education of psychologists with dual competence (research and clinical activities) started in 2003 at all universities. Several financing schemes to educate psychiatrists are implemented, including the project for adjusted education of psychiatrists/child- and adolescent-psychiatrists in areas with weak coverage. The amount of unfilled positions is reduced.

**Concerning paragraph 43 in the Committee's concluding observations to Norway's second periodic report concerning child care services and cash benefit scheme – updating of Norway's third periodic report, chapter VI, paragraph 395-404**

The government's most important aim in the policy on day care is to make continuous efforts so that all parents who so desire should receive an offer for a day care place. In the summer of 2003, Parliament submitted a day care agreement where lower parental payment and economically equal treatment of private and public day care were central elements. Lower parental payments have led to a considerable increase in the demand for full-time day care. This effect was greater than expected. It has therefore taken more time than predicted to reach the goal of full day care coverage. The government has set out to reach this goal in 2006.

As concerns the cash benefit scheme, reference is made to Norway's third periodic report, paragraphs 395-404. In Spring 2002, the cash benefit scheme was evaluated, equivalent to the evaluations from 1998 and 1999. The 2002 evaluation shows that 73 percent of children in the cash benefit age group received the benefits. The number of working mothers is approximately unchanged from 1998. There were, however, a higher number of mothers who took longer leaves and/or reduced the work hours in 2002 compared to 1999.

For almost half of the children in the cash benefit age, day care centre is preferred as the main supervisory arrangement, when there is free choice, independent of price and accessibility. For 26 percent of children, the parents prefer a combination of several schemes, and for 13 percent, the parents would rather take care of the children themselves. 6 percent prefer the care of a child minder and 3 percent the care by relatives.

Statistics from 2003 showed a reduction in the use of the cash benefit scheme. From 2002 to 2003, this reduction covered more than 5000 children. This is due to the fact that there are 3000 fewer children in the age group, and 2000 more children with a full-time place in day care.

## **2. Coordination of municipal measures for children and young people**

Reference is made to Norway's third periodic report, Ch. 1, item 35. In Report No. 40 to the Storting (2001-2002) relating to child and youth welfare, it is proposed that a single municipal agency assume the main responsibility for coordinating activities for vulnerable children and young people and their families. The Government recommends that the child welfare service assume responsibility for this task. To assist in this work, the relevant ministries have initiated the preparation of a status report on all services for children and young people. On the basis of this status report, the authorities will consider the roles of the child welfare service, day-care centres, schools, the leisure sector, the educational and psychological counselling service, regular GPs, health clinics and the school health service, the family welfare service and the police in conjunction with each other, and evaluate all services for children and young people in relation to their needs. The intention is to use the status report in connection with the ministries' further development of services for children and young people. Through the status report, the ministries also wish to facilitate the dissemination and exchange of experience. The report is scheduled to be completed by 1 November 2005.

## **3. Cases where the Convention on the Rights of the Child has been directly invoked in courts of law**

The Convention on the Rights of the Child has been invoked in Norwegian courts on several occasions. It has been invoked at all levels of the judicial system and in both civil and criminal cases. There has also been an increase in the number of times it has been invoked. For example, the Convention on the Rights of the Child was invoked 18 times in the Supreme Court in the period 8 January 1991 to 1 October 2003. From the time it was incorporated until the present day, the Convention has been invoked ten times in the Supreme Court.

Examples of cases (all the examples are from the Supreme Court):

### The Convention on the Rights of the Child, articles 3 and 12

In a decision concerning a father's visitation rights in Rt. 2004 p. 811, the father invoked Article 12 of the Convention; that the child had not been heard. The Supreme Court states that there is no doubt that, in principle, the child must be heard pursuant to both section 31 of the Children Act and the Convention on the Rights of the Child. Nevertheless, the Supreme Court finds that this view does not weigh so strongly in this case, since the issue concerns a change in the visitation arrangements in a new decision and not an original review of the visitation arrangement. The Supreme Court also states that "The case must also in any case be considered in the light of the fundamental principle of the best interests of the child, as laid down in both the Children Act and the Convention on the Rights of the Child," (paragraph 47 of the decision).

The Convention on the Rights of the Child, article 37

Rt. 2004 p. 1655 contains a consideration of the extent to which the Court of Appeal had, to a sufficient extent, considered whether further remand in custody of a 15-year-old boy would be in contravention of article 37, letter b of the Convention on the Rights of the Child; deprivation of liberty shall be used only as a measure of last resort. The Interlocutory Appeals Committee of the Supreme Court states in this connection that article 37, letter b of the Convention on the Rights of the Child “is, in the Criminal Procedure Act, covered by section 174, cf. section 184, which states that persons under 18 years of age should not be remanded in custody unless it is especially necessary. The legislation does not, therefore, prohibit the remand in custody of children, but the courts must take age into account. Section 174 also provides principles for the evaluation of proportionality pursuant to section 170 a, so the requirements relating to the grounds for imprisonment are stricter” (paragraph 13 of the ruling). The Interlocutory Appeals Committee of the Supreme Court does not agree that the grounds for the Court of Appeal’s ruling are insufficient in relation to article 37, letter b of the Convention on the Rights of the Child. However, the Court of Appeal’s ruling was set aside on other grounds.

In the ruling in HR-2005-00131-A the Supreme Court discusses the extent to which a ruling by the Court of Appeal concerning partial execution of a subsidiary sentence to imprisonment as part of a community service order is in contravention of the Convention on the Rights of the Child. The Supreme Court concludes that the ruling of the Court of Appeal is based on a correct understanding of the Convention on the Rights of the Child when it argues that imprisonment has been used as a last resort, and that imprisonment has been ordered for the shortest possible period of time, cf. article 37, letter b of the Convention on the Rights of the Child. The Supreme Court states that “[w]ithin the limits of the rules in section 58 of the Act relating to the execution of sentences and section 28 b of the General Penal Code, it is fully possible to take appropriate account of “the best interests of the child” and only use imprisonment as “a last resort” and within “the shortest possible period of time”” (paragraph 20 of the ruling). The Supreme Court also states: “[n]or do I have any objection to the Court of Appeal’s comment on article 3 no. 1 of the Convention on the Rights of the Child. This is almost a flag provision, very generally formulated, and in my view the Court of Appeal has good grounds for arguing that “a good deal is required before the Court, on these grounds – and when it has determined that the ruling of the Court of Appeal... is not in contravention of article 37, letter b of the Convention – can set aside other Norwegian legislation” (section 24 of the ruling).

#### **4. Measures to disseminate information on the Convention on the Rights of the Child**

Reference is made to information projects discussed in Norway’s third periodic report to the Committee on the Rights of the Child, items 56-65. In addition to these, the following projects have been initiated:

In 2004 the Ministry of Children and Family Affairs initiated an information and education project on the Convention on the Rights of the Child under the auspices of the Norwegian Centre for Human Rights. The project will result in an information brochure, which is expected to be completed in spring 2005. The target group comprises municipal employees and municipal politicians, especially employees in the fields of culture, leisure activities, education, social and health services, the child welfare service, the municipal administration and political decision-making bodies.

In 2004 the Ministry of Children and Family Affairs provided financial support for a project in the Municipality of Mandal, which aimed at implementing the UN Convention on the Rights of the Child in the municipality's long-term plan. This project is being run in cooperation with Save the Children Norway (Redd Barna). The municipality will focus on the UN Convention on the Rights of the Child in areas such as education, day-care and culture, and thereby prevent problems relating to living conditions for children and young people. Children and young people are also participating in the project.

In cooperation with a production company, UNICEF-Norway is planning to produce a series of spots for a children's TV programme. This programme is a two-hour, direct-broadcast morning TV programme for children aged 3 to 11 that is scheduled on Saturdays by the Norwegian Broadcasting Corporation. There are also plans to use these spots in educational programmes for schools. The aim of the project is to increase children's understanding of their own situation and the situation of other children in the world. The project will begin in 2005 and the Ministry of Children and Family Affairs is providing financial support.

Through the "Life Before 18" project, the Directorate of Education and the Ombudsman for Children have trialled different methods of teaching children about the Convention on the Rights of the Child. Among other things, they have prepared a pupil's manual and a teacher's manual to be used by schools in their work on the Convention on the Rights of the Child. The manuals are being tested in 200 schools. After an evaluation, the materials will be distributed to all schools nationwide.

**5 (a) The follow-up to Report No. 39 to the Storting (2001-2002): The conditions in which children and young people grow up and live in Norway.**

Reference is made to the comments on the Report to the Storting in Norway's third periodic report, Ch. 1, item 31. The Report to the Storting outlines the Government's policy for children and young people in all relevant areas, such as:

- The influence of children and young people
- Family and childhood
- Safe, inclusive local communities
- Schools and education
- Culture and the media
- Health and social conditions
- Employment and housing
- Focus on youth in rural areas and major cities
- International contacts and cooperation

The Report to the Storting contains 168 measures which are being followed up by the relevant ministries. The measures and the way in which they are being followed up are discussed in various chapters in Norway's third periodic report to the UN Committee on the Rights of the Child. Follow-up in many areas is also discussed in the present response to the UN Committee on the Rights of the Child.

**5 (b) The Government's three-year plan of action to combat female genital mutilation**

Reference is made to Norway's third periodic report, Ch. I, items 46-47 and Ch VI, items 381-385. The plan of action to combat female genital mutilation covers the period 2001-2004 and is largely being implemented as a national project entitled OK - Care and Knowledge against Female Circumcision. The development of methods and instruments to reach affected groups and to improve the expertise of public authorities is a key focus of this work. It includes training resource groups, developing course materials and providing targeted information. The training of personnel is carried out partly by the Directorate of Health and Social Affairs and partly in connection with project activities. Informing relevant ethnic groups that are affected by this problem is an important part of these efforts. Among other things, the OK Project has carried out information and communication programs for individuals who will run these activities in their own communities.

The OK Project has prepared information for young girls who are at risk of being circumcised and for women who have already been circumcised, as well as general preventive information materials for minority groups where circumcision is part of the traditional culture. Efforts have been made to disseminate information through various channels, such as films, brochures, theatre, poems and songs. An information bank has been established on the project website ([www.okprosjekt.no](http://www.okprosjekt.no)). It is in three languages and is continuously updated.

The OK Project ended on 31 December 2004. The experience gained from the project was transferred to the Norwegian Centre for Minority Health Research (NAKMI), which is a government unit established by the Ministry of Health and located at the Ullevål University Hospital. The goal is to collect the experience and knowledge gained from the OK Project in one place so that it remains available and is updated and developed. Each ministry is also responsible for combating genital mutilation within its own area of responsibility.

The Government has adopted amendments to the Act of 15 December 1995 No. 74 relating to the prohibition against female genital mutilation. The Act now includes a provision whereby if members of named professional groups neglect to prevent a girl from being genitally mutilated, provided that they had knowledge that this would take place, they may be sentenced imprisonment for up to one year.

### **5 (c) Renewed Efforts to Combat Forced Marriage - Spring 2002**

Reference is made to Norway's third periodic report, Ch. 1, items 48-52. The Government's programme "Renewed Efforts to Combat Forced Marriage – Spring 2002" comprises thirty measures and is a continuation of the previous Plan of Action.

An amendment to the Children Act prohibits persons from arranging a marriage on behalf of a minor. An amendment to the Marriage Act has transferred responsibility for verifying compliance with the conditions for marriage to the Population Register.

A new provision in the Children Act section 30a makes it clear that parents or others cannot enter into a binding agreement of marriage on behalf of the child. The amendments were adopted into law on 9 December 2003 and entered into force 19 December 2005. The preparatory work to the amendments is Ot. prp. (proposal to the Odelsting) no. 103 (2002-2003) and Innst. O. (submission from the parliamentary committee) no. 106 (2002-2003).

Before a marriage can be entered into, there should be an examination of whether the conditions for marriage, according to the Marriage Act, are fulfilled. A law passed on 9

December 2003 amended the Marriage Act (sections 6, 7, 9,10,14,16 and 18). The amendments entered into force 1 October 2004 and led to introduction of obligatory civil examination of marriage conditions. This examination is the responsibility of the population registry. The purpose of the amendment was to improve the control and unify the handling of such cases. A marriage undertaken in Norway without the examination of the population registry will be invalid. The preparatory work to the amendment is Ot. prp. no. 103 (2002-2003) and Innst. O. no. 106 (2002 -2003).

A new provision in the Marriage Act section 16a gives the county governor access to initiate proceedings as to whether a marriage exists or does not exist (marriage validity). The amendment was adopted into law on 9 December 2003 and entered into force 1 March 2004. The preparatory work to the amendment is Ot. prp. no. 103 (2002-2003) and Innst. O. no. 106 (2002 -2003).

The rules in the Immigration Regulations relating to the maintenance requirement in the case of family reunification with a spouse or cohabitant were amended in November 2003. As of 1 May 2004, the maintenance requirement is NOK 167,500 when one of the parties is under the age of 23. It is the person living in Norway who must meet the maintenance requirement. Furthermore, in certain cases it will no longer be possible to provide a guarantee from a third party to meet the maintenance requirement. These amendments do not apply to family reunification with persons who have been granted asylum, or to transfer refugees who have been granted a work or residence permit pursuant to section 22, fourth paragraph of the Immigration Act, provided that the parties were married before the main person entered the realm. These amendments will not affect family reunification with persons under collective protection, cf. section 25, fourth paragraph. It will still be possible to grant dispensation from the maintenance requirement on especially strong humanitarian grounds, cf. section 25, third paragraph.

As part of the implementation of this programme, the Ministry of Justice presented proposals for amendments to the General Penal Code, as discussed in item 51 of the Report. The named amendments to the General Penal Code were adopted by the Act of 4 July 2003 No. 76 and entered into force on 1 September 2003. The travaux préparatoires for the Act of amendment are contained in Proposition No. 51 to the Odelsting (2002-2003) and Recommendation No. 106 to the Odelsting (2002-2003).

- In Proposition No. 41 to the Odelsting (2002-2003), the Ministry of Justice proposed amending section 222 of the General Penal code relating to coercion so that the provision would make it clear that the penalty will apply to anyone forcing a person to enter into marriage. The penalty for forced marriage is imprisonment for up to 6 years. The penalty for being an accessory is the same.
- The rules relating to prosecution for threats in sections 222 and 227 of the General Penal Code have also been amended. Unconditional public prosecution now applies in all such cases.
- An amendment has also been made to section 220 of the General Penal Code, making it a punishable offence to enter into marriage with a person under the age of 16. Pursuant to section 1 of the Marriage Act of 4 July 1991 No. 47, one of the conditions for entering into marriage is that a person has reached the age of 18, with the possibility of the County Governor on special grounds to grant dispensation from this

age limit, down to the age of 16. Until section 220 of the General Penal Code was amended, entering into marriage in contravention of section 1 of the Marriage Act was not a punishable offence. The penalty for contravention of section 220 of the General Penal Code is imprisonment for up to 4 years.

- Amendments to the Act of 13 June 1980 relating to free legal aid have been adopted in order to ensure the right to free legal advice and free legal representation without a means test in cases relating to forced marriage. These amendments are very likely to enter into force from 1 January 2006.

Other important measures:

*The forced marriage hotline* has national coverage and is run by the Oslo Red Cross International Centre (ORKIS). The organisation mainly works on individual cases and continuously provides information to employees of the child welfare service, reception centres for asylum-seekers, health clinics, the police, etc.

*Self-help for Immigrants and Refugees (SEIF)* is an organisation that receives funding to assist young individuals who believe they are at risk of being forced into marriage. The organisation works closely with the official welfare apparatus and has helped to raise awareness and improve expertise in this sector. Both these organisations state that there has been a significant improvement in the authorities' knowledge and handling of these cases. They also point out that the new system of providing emergency housing through the Norwegian State Housing Bank has made the situation easier because young people can quickly move to protected accommodation when the need arises. Both organisations state that the number of enquiries from young people is rising steadily.

The Government also allocates funds for organisations engaged in information and awareness-raising activities relating to forced marriage among minority populations in Norway.

Another priority has been to teach public employees how to deal with forced marriage cases. This training has been concentrated on employees of the public welfare apparatus in the largest towns. A *national team of experts* has been established under the auspices of the Directorate of Immigration, which started work in autumn 2004. The team consists of representatives of the Directorate of Immigration, the Norwegian Red Cross and the police. The team will provide advice and guidance in cases of conflict between generations relating to forced marriage. The goal is to increase the focus, quality and expertise of the work that is done.

## **6. Priorities requiring the most urgent attention with regard to the implementation of the Convention**

Norwegian legislation is today assumed to meet the requirements of the Convention on the Rights of the Child. Reference is made to Norway's third periodic report to the UN Committee on the Rights of the Child, Ch. 1A, items 20-23. Below is a brief description of some of the challenges and ongoing projects that are significant with regard to the realisation and strengthening of children's rights pursuant to the Convention.

### *Guardian/representation for unaccompanied minors who are asylum-seekers*

There is a need for a special representative/guardian for unaccompanied minors who come to Norway as asylum-seekers. In Official Norwegian Report 2004:16, the Guardianship

Committee proposes a special Act relating to representation for this group of minors. The proposal has been distributed for consultation and the final date for response was 22 February 2005.

#### *New penal provision relating to sexual depictions of children*

Sexual depictions of children often reflect actual sexual abuse of the child. This is in many ways different from other types of pornography and there is a need for stricter penal provisions. Section 204 of the General Penal Code currently concerns both child pornography and other pornography. In December 2004 the Government presented Proposition No. 37 to the Odelsting (2004-2005) relating to amendments to the General Penal Code, where it proposes a special penal provision for sexual depictions of children. According to this proposal, it will be a punishable offence to produce, acquire, introduce, possess, transfer to others for payment or systematically familiarise oneself with such sexual depictions of children. The proposed penalty is a fine or imprisonment for up to 6 years. The proposal is currently being processed in the Storting.

#### *Adapted education and education of equal value in schools*

Special challenges have been discovered with respect to Norwegian pupils' reading, mathematics and science abilities, and with respect to preventing minority language pupils from dropping out of upper secondary school. One of the main aims of the coming reform of primary and secondary education, *Kunnskapsløftet*, is to seek to solve these problems. *Kunnskapsløftet* is based on Report No. 30 to the Storting (2003-2004): *Culture for Education*, which was debated in the Storting on 17 June 2004, cf. Recommendation No. 268 to the Storting (2003-2004). See Part III for further information on this topic.

#### *Elimination of differences in living conditions for all children growing up in Norway*

For the descendants of immigrants, the Government's goal is that, as adults, they must not have systematically worse living standards than others, i.e. in the course of two generations any disadvantages that result from being an immigrant must have been eliminated. In order to achieve this, differences in living conditions between children and young people must be eliminated through selective measures and by providing equal opportunities in day-care centres and schools, cf. Report No. 49 to the Storting (2003-2004) *Diversity through inclusion and participation*, discussed in Part III below.

#### *Services targeting children with impaired abilities*

One of the main challenges is to ensure that families who have children with impaired abilities as far as possible function in the same way as other families. This requires focus on access to and the organisation of various services targeting the child or the family, parents' possibilities for participating in working life, and the family's financial situation.

#### *Preventing substance abuse*

Although alcohol consumption is still high among young people, it declined slightly from 2003 to 2004. Young people copy the drinking habits of adults and it is important to continue to pursue a policy that aims to both reduce total consumption and influence drinking patterns. There is also concern about children who grow up with substance-abusing parents, and their need for follow-up and participation in treatment programmes.

## Part II

The text of the Convention on the Rights of the Child is printed in English, in the two official Norwegian languages: Literary language and New Norwegian, and in Sami. Short versions are printed as posters in the following languages: Literary and New Norwegian, Sami, English, Arabian, Urdu, Serbo-Croatian, Vietnamese, Spanish. A complete version of the Convention in Literary Norwegian follows in electronic form. We also forward in electronic form a short version in Literary and New Norwegian, English and Spanish.

[http://redaksjon.dep.no/filarkiv/178931/FNs\\_Barnekonvensjon.pdf](http://redaksjon.dep.no/filarkiv/178931/FNs_Barnekonvensjon.pdf)

[http://redaksjon.dep.no/filarkiv/178931/FNs\\_Barnekonvensjon.pdf](http://redaksjon.dep.no/filarkiv/178931/FNs_Barnekonvensjon.pdf)

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[http://www.odin.dep.no/bfd/norsk/dok/andre\\_dok/veiledninger/004051-990096/dok-bn.html](http://www.odin.dep.no/bfd/norsk/dok/andre_dok/veiledninger/004051-990096/dok-bn.html)

## Part III – New legislation, new measures, etc.

### New laws and proposed amendments to laws

Reference is made to amendments in laws proposed in connection with the incorporation of the Convention on the Rights of the Child in Norwegian legislation, referred to in Norway's third periodic report, paragraphs 23 and 80-89. All proposed amendments (public administration act, *civil procedure act*, *child welfare act*, *adoption act* and *children act*) are adopted.

Reference is made to *the government's plan of action against trafficking in women and children*, including amendments in the *penal code*, referred to in Norway's third periodic report, paragraph 577, and in Norway's first periodic report on the implementation of the optional protocol to the UN Convention on the Rights of the Child – on the sale of children, child prostitution and child pornography, October 2004.

Further reference is made to adopted amendments in *the Children Act*, *the Marriage Act* and *the penal code* in order to combat forced marriage, explained in more detail in part I question 5c above.

### Protection against ethnic discrimination

- In December 2004, the government made a proposal for a *new discrimination law* which shall strengthen the protection against ethnic discrimination. The bill prohibits discrimination on grounds of ethnicity, national origin, descent, colour, language, religion and conscience. The government also proposes a strengthening of *penal code* section 135a (the so-called racism paragraph) where it will be emphasised that racists expressions with clear offensive effects are unacceptable.
- The government has also proposed to establish a *new common body* that will monitor several bodies of law concerning protection against discrimination, including the discrimination act. It is proposed to establish an Equality and Discrimination Ombud and an Equality and Discrimination Board.

### The Child Welfare Act

- From 1 January 2004, the tasks for which the county was responsible in the area of child and family welfare were transferred to the state, ref. Norway's third periodic report, paragraph 286. In this connection, *regulations about acceptance of private and municipal institutions* to be used for children who are placed outside of their homes according to the Child Welfare Act. Regulations have also been adopted on quality requirements *in child care institutions*.
- It is explicitly stated in the *Child Welfare Act* that when placing the children outside their homes, sufficient account should be taken into consideration of their ethnic, religious, cultural and linguistic background.
- In the *foster home regulation*, a provision is included stating that it should always be considered whether someone in the child's family or close network can be chosen as the foster home. In the same regulation, provisions are also adopted which considerably strengthen the monitoring of children in foster homes.
- In Spring 2005, the government has proposed to introduce *compulsory internal control for the municipalities' tasks according to the Child Welfare Act*. The purpose is to ensure that the municipality take its responsibility and carry out their tasks according to the requirements in the law or following from law or regulation.
- Furthermore, there is a proposal to make it a legal obligation for the municipality to consider relevant *housing measures for unaccompanied minors* who have asked for asylum or have received stay permit on the basis of such an application while settling in the municipality. The purpose of this law is to ensure that choice of housing is made on the basis of the individual child's needs.
- It is also proposed to increase the extension of *demands for police attestations according to the Child Welfare Act*, making it prohibited to employ not only persons accused, charged, fined or sentenced for sexual violations against or related to children and adolescents, but also persons who are accused, charged, fined etc., for activities concerning commercial sexual exploitation of children and adolescents.

### The Children Act

- Conditions and deadlines to institute proceedings to *change paternity*, which were previously governed by the *pater est* rule or by admittance, were repealed in 2003. In addition, legislation was introduced, making it possible to resume paternity cases decided by the court, where judgement was pronounced without DNA testing.
- In 2004, the Children Act received new procedural regulations. According to the new rules, the judge can get *expert assistance in children's affairs* to contribute to conflict resolution agreements on the child's residence and access to the other parent.
- In Ot. prp. no. 82 (2003-2004), the government proposes to *introduce a common parental responsibility for co-habiting parents* when paternity is admitted according to the rules in section 4 of the Children Act and the parents have signed a co-habitation declaration which is registered in the population registry. The proposition has been sent to Parliament for adoption.
- The government will, in the course of this Spring, propose to Parliament amendments in the Children Act to improve protection of the child in cases concerning parental responsibility/permanent residence and visits where there are allegations about violence etc. The proposition will also contain proposals to repeal the Children Act definition of "ordinary right of access", amendments in the mediation arrangements, as well as

amendments in the regulations in refund of child support in cases where paternity has previously been decided.

#### The Education Act

- In Spring 2005, the government has proposed amendments in the Education Act and the Act on Independent Schools. The proposal is mainly a follow-up of Report to Parliament no. 30 (2003-2004) *Culture for learning*. Among the proposals are:
  - To increase the right to secondary education for adolescents until the person concerned reaches 24 years of age. The aim of this increase of rights is to make more pupils finish their secondary education.
  - To establish school environment boards.
  - To establish a demand for police attestation for persons to be employed at secondary schools.
  - To clarify the school owners' responsibility to have a correct and necessary competence in their activities.
  - New law provisions for stipulation of curricula and the extent of education
- Section 2-8 of the Education Act, which regulates the special language teaching for pupils with minority language, was amended in the autumn 2004. Pupils with other mother tongues than Norwegian and Sami have *the right* to special training in Norwegian until they have sufficient abilities in Norwegian to follow the regular teaching in the school.
- In Spring 2003, a change was made to chapter 9a of the Education Act to strengthen *the pupils' participation*. The right to complain is extended, and the schools' obligations to create a good learning environment are strengthened. The pupils now also have the right to appoint their own school environment representatives who can meet in the school's work environment board when cases are discussed concerning the pupils' environment.
- In Autumn 2003, the Education Act's provisions on *class organisation rules* were *repealed* and replaced with an arrangement where the pupils are divided into groups according to need. The purpose is that the group's size is pedagogical and justifiable from a security point of view in the individual situation.

#### The Patient's Rights Act

- The provision on the right to necessary health assistance in the Patient's Rights Act section 2-1 is amended with effect from 1 September 2004 so that all patients who are referred to the specialist health service and who are considered to have a right to necessary health assistance, shall received a concrete *individual deadline* for when the health assistance can be given at the latest.
- The arrangement with *the right to free choice of a hospital*, etc., according to the Patient's Rights Act section 2-4 is extended to apply to referrals to all public hospitals and district psychiatric centres and private hospitals which have an agreement with a regional health enterprise. The arrangement now also applies for patients receiving psychiatric health care for children and adolescents. The amendments entered into force 1 September 2004.

## **New Institutions**

*The Education Directorate* – the directorate for development of primary and secondary education – was established 15 June 2004. The directorate is a continuation of the old Learning Centre. The Education Directorate's main task is to develop and ensure the pupils' and apprentices' rights to a basic education of high quality, adjusted to the individual's needs. The directorate has responsibility for the work with human rights in the school and for follow-up of the work with the Convention on the Rights of the Child. The Directorate is subordinate to the Ministry of Education and Research.

*Child, Adolescent and Family Service* was established 1 January 2004. The county's task in childcare and family care areas was, on this date, transferred to the state. The main task of the service is to give children, adolescents and families in need of assistance and support, such support with a high quality regardless of geographic placement in Norway. The service is organized in five regions with the Child, Adolescent and Family Directorate as the main office in Oslo. The service is subordinate to the Ministry of Children and Family Affairs. Concerning the background for the reform, see Norway's third periodic report, paragraph 286.

On the basis of a new knowledge status, the Ministry of Children and Family Affairs has, in cooperation with corresponding Swedish authorities, taken the initiative to develop a completely new model for *treatment in institutions of adolescents with serious behavioural problems*. In Norway, the model will be tried out in five institutions, one in each of the five regions within *Child Adolescent and Family Service*. The model contains an analysis part, a treatment part in-institution and a follow-up after release. The institutions will become operative in the course of the autumn 2005.

## **New measures, projects and priority areas**

The pilot project, *Turn adolescent criminals around in time – a common responsibility for state, municipal and local society*, focuses on the need to adopt an integrated approach, working with different sectors of society, such as judiciary, health authorities, school, child care, the civil society and local environment, in the efforts of combating child and adolescent crime. Through six partial projects, one will, among others, attempt to: 1) establish and develop an overseeing state-run cooperation to ensure placement of responsibility, 2) ensure obligatory cooperation among different state-run and municipal professional services and local society, and 3) ensure continuity in following up of youth before, during and after serving a prison sentence. The project will run from 2003 – 2006.

The Ministry of Justice is considering the introduction of a pilot project with "Children's House", after a model from Iceland, to better take care of the protection of children who have been exposed to sexual abuse. Children's House is based on a model from the USA which is called Children's Advocacy Centers. The house is a child-friendly, cross-professional and cross-institutional centre where different professional groups work under one roof with studies concerning sexual abuse cases. The fundamental idea is to save children from repeated conversations with many services in different places. At the Children's House, a child is examined in a special room by a particular person with special education in legal interrogation. The house also offers treatment to children who are exposed to sexual abuse and to their families.

Norwegian school is facing a big reform in the whole area of primary education. The reform has received the name *Knowledge Promotion (Kunnskapsløftet)*, and is based on challenges proposed in the Report to Parliament no. 30 (2003 – 2004), *Culture for learning*, which was discussed in Parliament on 17 June 2004, ref. Innst. S. no. 268 (2003-2004). The aim of the reform is that what is best in primary education in Norway is taken care of and further developed – so that pupils and apprentices are better prepared to meet the challenges of the knowledge-demanding society. Through the reform, new curricula will be developed in all subjects in the primary education. In connection with the reform, the national quality evaluation system will be further developed.

In Autumn 2003, the Ministry of Education and Research launched the strategy plan, *Equal education in practice! Strategy for better learning and greater participation of language minorities in day care, school and education 2003-2008*. The strategy plan has five main goals; better language understanding among minority language children of pre-school age, better school performances for minority language pupils, increase the proportion of minority language pupils and apprentices who complete secondary education, increase the proportion of minority language students in higher education, better Norwegian proficiency for minority language adults. Several measures are, and will be, implemented through the strategy plan.

*Manifesto against bullying* was signed 23 September 2002, ref. Norway's third periodic report, paragraph 131. The Ministry of Education and Research, through the Education Directorate, has had the main responsibility for follow-up of the efforts during this period. The parties to the manifesto are mutually obliged to work towards zero tolerance against bullying in school. In March 2003, the Ministry of Children and Family Affairs joined the work on the manifesto and the efforts were strengthened through measures in the day care centres and in children's and adolescents' leisure activities. The work thus far is evaluated and positive results can be shown. The government has therefore, together with the parties to the manifesto, decided to continue the manifesto to 2007.

The Ministry of Education and Research will prepare a *strategy plan for active citizenship* with several measures. The aim behind the strategy is to strengthen Norwegian pupils will and ability to be active citizens who take part in the democratic system, through exercising their duties and demanding their rights. One of the measures in the plan is to allocate means for measures for education of pupil representatives.

In Autumn 2004, the government submitted a *Report to Parliament about Diversity through Inclusion and Participation* (St.meld. nr. 49 (2003-2004)). It will be dealt with by Parliament in Spring 2005. The report focuses on descendants of immigrants – those who are born in Norway or have had a large portion of their upbringing here. The report states that diversity is the normal and desirable. All population groups shall be included and represented by different areas of society.

The government shall, in Spring 2005, submit a separate *strategy plan for families with children with disabilities*. The purpose with the strategy plan is to ensure that families with children with disabilities, as far as possible, should be able to function as other families.

In 2004, the Social and Health Directorate started up a test project on *prevention of drug abuse problems among children and adolescents* in some selected municipalities. The municipalities have implemented measures based on an investigation of which measures and interventions are effective. The aim is that this should lead to reduced extent and damages of

drug abuse, and that it should contribute to increasing the age when alcohol consumption begins in the selected municipalities. The project shall be evaluated and it shall be considered whether the methods can be implemented in other municipalities.

The government's *strategy plan for children's and adolescents' mental health* (2003 – 2008) is under implementation. The strategy plan comprises 100 measures under seven responsible ministries. Prioritised measures for 2005 will be, among others, to implement the cross-professional further education in psychosocial work with children and adolescents, to follow-up the work with early intervention in health stations, to systematically work with small children in at-risk families, and to develop guidelines for those services which should be rendered to adults with psychiatric suffering or substantial drug problems so that their children receive the necessary help.