



Convention on the Rights of the Child

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Summary record of the 1480th (Chamber B) meeting

Held at the Palais Wilson, Geneva, on Thursday, 21 January 2010, at 10 a.m.

Chairperson: Mr. Zermatten

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (*continued*)

Fourth periodic report of Norway (CRC/C/NOR/4; HRI/CORE/1/Add.6; CRC/C/NOR/Q/4; CRC/C/NOR/Q/4/Add.1)

1. *At the invitation of the Chairperson, the delegation of Norway took places at the Committee table.*
2. **Mr. Lysbakken** (Norway) said that an independent legal assessment conducted in 2008 had concluded that national legislation fully complied with the objectives and principles of the Convention, even though certain statutory rights enshrined in the Convention still needed to be introduced under the Child Welfare Act. Local self-government was an important aspect of democracy in Norway, and local authorities needed to be able to adjust their services to local needs, which could result in regional disparities in the provision of services.
3. In 2009, Troms county had undertaken an initiative to promote local implementation of the Convention, and the Governor had requested the municipalities to ensure the quality of their child services, with particular focus on seven basic rights set out in the Convention. The Government had decided to provide additional funding for local authorities in 2010 to make it possible to create 400 new posts in child welfare services.
4. Given the increasing number of children whose parents were separated, Norway had decided to establish a framework to help parents care for their children before and after the separation and to resolve their differences in the best and most expedient way possible for the sake of the children. Counselling groups would be set up in 2010 for children whose parents were separating. Nearly all children over the age of 7 were consulted by the court in custody cases.
5. A new law obliged local authorities to provide shelters for all children affected by domestic violence according to their specific needs. Six reception centres had already been set up and a seventh was due to open in 2010. Abused children were interviewed by specially trained staff and given medical examinations. If necessary, follow-up courses of treatment in the shelter were provided. The aim was to ensure that legal proceedings did not put additional pressure on the children and to help them recover from their trauma.
6. In 2007, it had been decided that unaccompanied asylum-seekers under the age of 15 would be cared for by child welfare authorities. Seven care centres had been established for that purpose. The Government intended to ensure that unaccompanied asylum-seekers aged 15 to 18 years would also be cared for by child welfare authorities, but this was unlikely to be achieved in the next four years owing to resource constraints. Norway was among the European countries that received the largest number of unaccompanied minor asylum-seekers, who were mostly boys aged between 16 and 18. The State intended to provide them with services adapted to their needs, in particular a suitable environment in which to develop their potential, and had therefore decided to provide them with a greater range of activities in the centres, which would have more specially trained staff to attend to their needs. Although the services provided to those over the age of 15 were different from those provided to younger children, they were in full accordance with the requirements of the Convention. All unaccompanied minor asylum-seekers were provided with health services and education.
7. Norway intended to increase children's participation in local and central decision-making. A report showed that 82 per cent of municipalities had a mechanism for the participation of children in the handling of local issues, but the situation varied considerably from one municipality to another. In 2011 a pilot project would be launched to

allow young people from the age of 16 to vote in 20 municipalities with a view to encouraging greater involvement of young people in local life. The new immigration legislation that had come into force at the beginning of 2010 attached increased importance to the right of children to be heard, including in asylum proceedings.

8. The proportion of children living in low-income households had risen in 2000–2007, but the number of poor children was still low in Norway. The State wished to construct a framework to allow all children to fully develop their potential in society regardless of their parents' economic and social situation. To reduce poverty, especially among minority groups, efforts would be made to help members of such groups acquire fundamental skills and find jobs. Since 2009, all children were entitled to a place in a day-care centre, and the Government was working to guarantee the quality of day care with a view to providing the same opportunities for development to all children as a way of evening out social differences, from early childhood.

9. Norway was committed to following up on United Nations studies on children affected by armed conflict and on violence against children and had supported the mandate of the Special Representative of the Secretary-General on violence against children. Norway was one of the three largest donors to the United Nations Children's Fund (UNICEF), with particular focus on education for girls. Norway had led international efforts to reach Millennium Development Goal 4 (reduce child mortality) and Goal 5 (improve maternal health) and provided funding to the GAVI Alliance for its vaccination and immunization programmes.

10. Given the devastating effect that the earthquake in Haiti had had on children in that country, Norway had pledged a contribution of \$17 million to the humanitarian operation, which was to be partly channelled through UNICEF.

11. **Mr. Krappmann** (Country Rapporteur) said that Norway was one of the Committee's best allies in the promotion of children's rights and in the implementation of the Convention, but that certain issues needed addressing. During his visit to Oslo in October 2009, he had met some 60 children who had reported difficulties in being heard by their parents, their teachers and social services. Although the right of children to be heard was established in Norwegian law, its practical implementation seemed to be problematic, which raised questions about the mechanisms available for children to participate in decision-making and the efforts being made to raise awareness among adults. He also wished to know whether the Ombudsman for children was empowered to receive children's complaints.

12. Since both children and observers had told him that emergency services were often overloaded and that a great number of municipalities needed to be covered, he wondered whether child welfare services were adequately funded and staffed and whether the creation of 400 positions in child welfare, however praiseworthy, would suffice. He wished to know whether the Government intended to alter the current practice whereby children could not contact child services without first notifying their parents. He requested details of the planned improvement of coordination between the various social services because the children he had met in Norway had complained that they were shunted around from one to the other.

13. The disparities in the quality of the education and health services provided by the municipalities, which had been attributed to the decentralized local self-government system in place in Norway, were hampering the equal implementation of children's rights, and minimum standards for those services needed to be applied nationwide.

14. **Mr. Koompraphant** asked what the State party was doing to ensure the same quality of care for all children in the country and what measures had been taken to promote alternative forms of discipline to corporal punishment within the home.

15. **Ms. Maurás Pérez** asked how the Norwegian Government envisaged the relationship between the public and private sectors in the light of the work of the Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises, Mr. John Ruggie, especially with regard to the social and environmental responsibility of enterprises towards communities in general and children in particular. She also asked whether the Government had the means to oversee and sanction Norwegian companies' operations in third countries, and whether it intended to further the issue of social responsibility and children's rights in those countries through its international cooperation programme. She requested more information on the promising pilot project to allow children to vote from the age of 16.

16. **Ms. Varmah** requested details on the efforts to improve the systematic collection of data on children who had suffered violence and abuse, on children who did not attend school or had dropped out of secondary school, on children placed in alternative care, on immigrant children and on children whose parents were in prison.

17. Certain sources had mentioned the increasing use of sensitive data (such as photographs and videos, sometimes provided by the child's parents) in legal proceedings, and she wished to know how Norway intended to guarantee respect for children's right to privacy in such cases and what role the Norwegian Data Inspectorate played in the matter.

18. **Mr. Pollar** asked how the Government intended to make sure that religious and moral issues were taught in a neutral and objective way given the existence of isolated religious communities in the country.

19. **Ms. Khattab** wished to know what proportion of the numerous asylum-seekers were children, whether disaggregated data were available, to what extent they were being used by the State to integrate those children in Norwegian society and how much emphasis was placed on disseminating the Convention in the country's international cooperation programme.

20. **The Chairperson** said he had been dismayed to learn that, in its decision of 9 October 2009 on a case involving a young Sri Lankan Tamil, the Supreme Court of Norway had ruled that the principles of immigration policy overrode the best interests of the child, even though Norwegian immigration laws stated that the best interests of the child must always take precedence. That raised the question of whether the child's best interests were effectively being taken into account in law-making in Norway and whether children were being informed of how their best interests were being assessed and the outcomes of such assessments.

21. According to some sources, the State party was not systematically ensuring that unaccompanied minor asylum-seekers were heard despite its obligation to do so. It was also surprising that parental consent was still required in matters that concerned their children. Such a requirement could be counterproductive in certain circumstances, particularly when the child was a victim of domestic violence, for example. Given that taking testimonies from children was a highly complex task, the Committee wished to know how police officers, prosecutors and judges were trained in that skill, particularly in the context of their work with immigrants.

22. He asked for information on the workings of the programme to limit undesirable access to the Internet that Norway had set up to protect children from inappropriate content and about its impact on excessive Internet use, given that children were virtually addicted to the latest technologies. He would like to know whether the Consumer Ombudsman's duties included shielding children from advertising that encouraged them to consume products that were not always appropriate or good for their health and what mechanisms were in place to provide such protection.

The meeting was suspended at 11.10 a.m. and resumed at 11.30 a.m.

23. **Mr. Lysbakken** (Norway) said that the Government attached considerable importance to the child's right to be heard but that more needed to be done to bring about changes in the attitudes towards children in society at large and to increase awareness of children's rights. In order to improve the implementation of the right to be heard in practice, guidelines and tools had been prepared for personnel working in the field, and different brochures had been published for parents and children. The children's right to be heard was particularly important when decisions were being made about their custody and place of residence, and the Children's Act included the provision that parents must seek their children's opinion before making decisions affecting their welfare.

24. According to a recent study, nearly all children in Norway over the age of 7 had the opportunity to express their opinion when involved in judicial proceedings, and the Government was considering the possibility of extending the practice to children under 7 as well. Children over 7 had the right to say which parent they would prefer to live with, and parents were obliged to take the child's opinion into account.

25. The authorities had developed various tools, including a manual that came with a DVD called "Talk to me", which was intended to improve the ability of personnel working in social services to communicate with children and would be used in training sessions in Norwegian municipalities in 2010.

26. The age of the child was decisive when it came to granting consent for medical treatment. From the age of 12, children had the right to express views regarding their health; between the ages of 12 and 16, their opinion was taken increasingly into account according to their age and level of maturity; from the age of 16, their consent was needed for medical care. Family counselling services were instructed to tell parents that children aged between 12 and 16 years could decide for themselves whether to seek advice.

27. The State promoted the participation of children in decision-making, especially at the local level, through leaflets, guides, lectures and other meetings aimed at establishing a regular dialogue within municipalities, 82 per cent of which already had units responsible for ensuring the participation of children and young people in local decision-making. Children and the State also exchanged ideas and opinions at lectures, meetings and hearings and in public committees and councils. A forum for dialogue between youth representatives and the Ministry of Children and Equality had been organized in March 2009 and was due to meet annually.

28. **Ms. Maurás Pérez** expressed concern that unaccompanied asylum-seekers aged between 16 and 18 were, according to the delegation, treated as adults because they were considered more mature and that the State party seemed to treat categories of children differently according to their age, for example by providing supplementary care to young persons aged between 18 and 23 who had been entitled to social welfare services. She feared that such distinctions impinged on the rights of the child to be heard and to express views or to benefit from certain services.

29. **Mr. Krappmann** (Country Rapporteur) pointed out that the right of the child to be heard implied not only the need to listen to children, but also to respond and await their reaction, in other words, to conduct a dialogue with them. Schools could contribute to that participative process by teaching all children the real meaning of the right to be heard. He asked for details on children's participation in school life, especially on student councils, as well as on communication in the classroom, and student involvement in the running and social life of the school.

30. **Mr. Lysbakken** (Norway) said that what he had wanted to say was that the experiences of unaccompanied 16–18 year old asylum-seekers made it necessary to treat

them according to their particular needs and therefore to adapt the services they were offered.

31. All schools in Norway had student councils, which provided an opportunity for students to express their opinions and taught them about democracy. There were also school environment committees, and student participation was enshrined in the Education Act. The right of the child to be heard could extend to participation and even to empowering the child in certain cases.

32. The pilot project to give children aged 16 and over the vote aimed to increase young people's influence in their communities and to see whether they would thus be heard more. Twenty municipalities had been selected for the pilot scheme, which was to be tried before the local elections in 2011. Given the great interest aroused, it had been suggested that the project be extended to all municipalities, but there were several arguments for not doing so, including the need to concentrate on identifying how to let young people in the selected municipalities participate before starting discussions on extending the right nationwide.

33. The State was working on incorporating training on the Convention into the relevant vocational training courses. Universities and higher education institutions were autonomous and the State could not impose specific programmes, although it could establish national framework plans for certain types of training, as it had done for training in the health sector, social services and teaching. In the light of one of the Committee's recommendations of 2005, the Ministry of Children and Equality had launched a project, the results of which had been published in 2009, to incorporate training on the Convention in colleges, higher vocational training institutes and universities. Compulsory courses and discussions on the Convention were organized by law faculties and training institutes for preschool teachers, child protection and welfare officers, social workers and the police. Training programmes for other types of teachers and for nurses also covered the Convention, but without obligatory discussion modules. Graduates from teacher training institutes had to know about the rights of the child, the laws on professional secrecy and privacy, preventive action, the rights of children with special needs and other United Nations human rights instruments. Training programmes for medical and psychology students did not yet cover the Convention.

34. A book on the Convention and children's rights in Norway had been published in 2008 under a project carried out by the Norwegian Centre for Human Rights and Save the Children, with financial support from the Ministry of Children and Equality. The book was being used in professional training seminars in certain fields. A two-day course on the Convention had been given to staff from all public ministries in June 2009.

35. The Commission set up by the Ministry to study ways to improve the coordination of social services for children had published its report in December 2009, which was to serve as the basis for deliberations on the changes that needed to be introduced. The report recommended establishing one-stop windows and appointing a personal advisor or coordinator for users who required the services of various agencies over an extended period of time. It also recommended the implementation of a plan of action to improve psychological support services and ensure their provision at the municipal level.

36. **Mr. Krappmann** (Country Rapporteur) asked whether the State party could be sure that the loans made to municipalities, given their high degree of autonomy, would be used to create the additional posts scheduled for 2010.

37. **Mr. Lysbakken** (Norway) said that there was no way to guarantee for certain that the funds that the State allocated the municipalities each year would be spent on the required posts, but if it appeared that the funds had been diverted to other services, ways would be found of ensuring that the posts were duly created. There was no reason to worry, however, because increasing numbers of children were using the services, and people's

confidence in them were growing. The demand was there (according to estimates a further 2,500 posts would be needed by 2014), and the State was clearly committed to meeting that demand.

38. **Ms. Herczog** asked whether there was a mechanism to monitor and evaluate the quality of the social services on offer and to compare them over time and across regions.

39. **Mr. Lysbakken** (Norway) said that he would respond to that technical question after consultation.

40. In one of its rulings of 2005, the Supreme Court had decided that light smacks administered within the context of child rearing were not forbidden under the Criminal Code although corporal punishment of both children and adults was prohibited and penalized. An amendment to the Children's Act in 2009, however, prohibited all forms of violence, including light smacks.

41. To date, the Ministry of Justice had opened six children's homes, where child victims of violence, including sexual violence, could be examined and treated. The emphasis was placed on prevention however. For example, the programme "Children living with domestic violence" and the Turning Point project of the Directorate for Children, Youth and Family Affairs were being extended, while an overview of experiences and knowledge of the subject was being published. A new website on the topic would be launched shortly.

42. **The Chairperson** said he would like to know the status of the proposed amendment to prohibit all forms of corporal punishment and whether children could contact directly the one-stop windows set up in the municipalities, with or without their parents' consent.

43. **Mr. Lysbakken** (Norway) said that the bill submitted to the Government in 2009 was under parliamentary review and should be passed in March 2010. The workings of the one-stop windows had yet to be defined. The report prepared by the Commission entrusted with examining the issue would then form the basis for the ensuing discussion and analysis.

44. **Ms. Maurás Pérez** asked whether the Commission was the same one referred to on page 4 of the State party's written replies, and if not, requested an explanation of its role.

45. **Ms. Dietz** (Norway) said that, as social services often called on experts to conduct studies and prepare reports to serve as a basis for their decision-making, the State had set up a committee in 2008 to consider how best to ensure the quality of the experts' advice. That committee had been behind the creation of a commission of experts responsible for assisting social services in taking the best possible decisions regarding the children in their care. It had also suggested that both social services and courts should base all final decisions on the reports of experts.

46. **Mr. Krappmann** (Country Rapporteur) asked whether the individualized plan that set out the needs of each child under supervision did consist of a single document drawn up by the various social services. He would like details of the benefits offered to families living below the poverty line, which depended on the region and not on the poverty level, as well as on the results of the research project undertaken to assess the benefits to which children and young people were entitled under anti-poverty measures, and on State action to implement the right of children to an adequate standard of living, which entailed perhaps reviewing local social housing policies.

47. In his opinion, allocating grants to families that preferred to stay at home to look after their one- or two-year-old children rather than put them in day care, even if it was intended to offset a loss of income, was prejudicial to children from vulnerable families because it prevented them from socializing and, if Norwegian was not their mother tongue, also from learning the language.

48. He was alarmed by the growing number of children who had been diagnosed as hyperactive or suffering from attention deficit disorder that were being treated with psychostimulants, such as Ritalin (the number of prescriptions having increased by a factor of 25 over the past 10 years). He wondered whether Norway was thinking of conducting a study of the problem and whether measures had been taken to stop children selling their Ritalin to other children as a drug.

49. **Ms. Herczog** requested data, disaggregated by age, on the children attending day-care centres or preschools and on the proportion that came from vulnerable households. She also wished to know whether children aged between 1 and 5 years attended the same establishments and whether the State intended to provide school meals in day-care centres and schools in order to prevent the nutritional deficiencies that especially affected the poorest children.

50. She asked what type of teaching methods were used and what services were offered to children of newly arrived refugees other than the 15 hours of class a week, and whether the State was considering providing all children with free access to after-school care facilities, which was the best way to save children from dropping out of school and delinquency.

51. The delegation should indicate whether parents were involved in the programme to combat violence and bullying in schools, the programme's *raison d'être* and whether it was being carried out under a comprehensive approach.

52. **Mr. Koompraphant** asked what the State was doing to combat domestic violence, especially towards children. He wished to have information on the psychotherapeutic or other types of care offered to perpetrators of sexual violence, whether on a voluntary basis or otherwise, and on their criminal liability, as well as on the measures taken to track down and punish child traffickers and users of sexual services provided by children, to help the victims and to return them to their families or countries.

53. **Ms. Khattab** asked what action was taken when children went missing.

54. She was concerned about the slow handling of asylum requests involving unaccompanied minors and the practical application of the right of such children to be heard, and she hoped that, when choosing how to determine the age of someone claiming to be a minor, Norway would bear in mind the Committee's earlier recommendations on the right to privacy and physical integrity. The failure to obtain the child's consent could cast doubts on the introduction of the relevant medical examinations.

55. She asked whether any awareness campaigns were being conducted to prevent forced or consanguineous marriages and female genital mutilation, and whether the communities affected were involved. She wanted to know in particular whether the State party intended to join the international network of European, African and other affected countries set up to combat those practices or to use the network's resources to protect migrants, as well as naturalized Norwegians, and to end the present, worrying situation, in which most cases of mutilation, often performed in the country of origin, were ignored owing to a lack of police resources and poor coordination among the authorities involved. The State party should inform the communities concerned that such practices were subject to prosecution.

56. **Ms. Varmah** asked what was being done to inform children, parents and guardians about the possibilities of family reunification and the procedures involved and what measures had been taken to expedite those procedures.

57. She asked for information on how the State ensured full observance of the laws on discrimination and accessibility for persons with disabilities, and how children with disabilities were made aware of their rights.

58. She asked for statistics on child victims of sexual exploitation.

59. **Ms. Maurás Pérez** asked what was being done to combat the abuse of alcohol and other harmful substances by adolescents in view of the high suicide rate among young people. She wanted to know whether efforts targeted the sexes differently and what had happened to the plan presented on the subject in 2009.

60. She wondered whether the State party intended to launch a plan of action to improve school meal programmes and eating habits in society at large, especially since the Citizen's Commission on Human Rights had concluded that diet could be a factor in the attention deficit problems that were being treated with Ritalin and other psychotropic drugs. The Committee on the Rights of the Child had recommended that Denmark and Finland conduct research into the diagnosis and treatment of attention deficit disorder and the eventual side-effects of psychostimulants on the physical and psychological well-being of children and to study the possibility of using alternative treatments.

61. The delegation should explain what was meant by the clause in the Education Act to the effect that schools and kindergartens were to base their activities on "the fundamental values of the Christian and humanist heritage". Was that compatible with human rights and the rights of the child? She also wished to know whether children from minority groups had access to education in their mother tongue.

The meeting rose at 1 p.m.