



MINISTRY OF CHILDREN AND EQUALITY  
MINISTRY OF FOREIGN AFFAIRS

Report

# The Rights of the Child

Norway's fourth periodic report to the  
UN Committee on the Rights of the Child – 2008





## Foreword

1. Norway hereby submits its fourth periodic report to the UN Committee on the Rights of the Child on the follow-up of the Convention on the Rights of the Child, Part 1. Part 2 deals with the follow-up of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Part 3 concerns the follow-up of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. Reference is made to concluding observations from the UN Committee on the Rights of the Child, respectively CRC/C/15Add.262 of 3 June 2005, CRC/C/OPSA/CO/3 of 3 June 2005 and CRC/C/OPAC/NOR/CO/1 of 8 June 2007. The concluding observations are also found on the website of the Ministry of Children and Equality: [www.regjeringen.no/nb/dep/bld](http://www.regjeringen.no/nb/dep/bld).

2. The report is organized according to the General Guidelines Regarding the Form and Content of Periodic Reports to be submitted by States Parties, cf. Article 44, paragraph 1 (b) of the Convention (CRC/C/58/Rev.1 of 29 November 2005). Reference is continuously made to Norway's previous reports and to the concluding observations and recommendations of the UN Committee on the Rights of the Child. The observations and recommendations are cited in the report, but in a shortened version.

3. The Ministry of Children and Equality has coordinated the work on the report in close cooperation with the Ministry of Foreign Affairs, the Ministry of Labour and Social Inclusion, the Ministry of Defence, the Ministry of Health and Care Services, the Ministry of Justice and the Police, the Ministry of Local Government and Regional Development, the Ministry of Culture and Church Affairs, the Ministry of Education and Research and the Ministry of the Environment. The Sami Parliament has also contributed to the report.

4. Parallel with the reporting work, Norwegian authorities have collected opinions from children and young people in eight municipalities on how their rights are being followed up in daily life. We have therefore included a survey prepared by Norwegian Social Research (NOVA) as an annex to this report: "Children and young people report to the UN on their rights – annex to Norway's fourth periodic report on the Convention on the Rights of the Child". The Ministry of Children and Equality has also had consultations with the Ombudsman for Children and non-governmental organizations in the preparations of the report.

## Part 1 Norway's fourth periodic report to the UN Committee on the Rights of the Child

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## General measures concerning implementation of the Convention

### A. Measures within national legislation and practice (Article 4)

#### The UN Convention on the Rights of the Child and Norwegian law

5. Reference is made to Norway's third report, paragraphs 19–23. The incorporation of the Convention on the Rights of the Child in Norwegian law through the Human Rights Act, 21 May 1999 No. 30, entered into force on 1 October 2003. The Convention on the Rights of the Child thereby applies as Norwegian law and will have precedence if any conflict should arise between the Convention and other statutory law, cf. section 3 of the Human Rights Act. Changes in legislation proposed in connection with the incorporation (administrative law, civil procedure law, child law, child care law, adoption law), mentioned in Norway's third report, Chapter I, paragraph 23 and Chapter II, paragraphs 80–87 have been adopted.

6. On 1 January 2006, the new Kindergarten Act (Act No. 64 of 17 June 2005 relating to kindergartens) entered into force. In order to contribute to the fulfilment of the Convention on the Rights of the Child, the principle of the child's right to participate is prescribed in the Kindergarten Act section 3. Children in the kindergarten shall have the right to express their views on the day-to-day activities of the kindergarten, they shall be given the opportunity to take active part in planning and assessing the activities of the kindergarten, and the children's views shall be given due weight according to their age and maturity. Cf. Chapter III D, paragraphs 148–150 and Chapter VII, paragraphs 350–351 in this report.

7. With these changes in legislation, the child's right to be heard in any judicial and administrative proceedings (Article 12 of the Convention) are strengthened.

#### Legal study concerning compliance between Norwegian legislation and the Convention on the Rights of the Child

8. The Government stated in its political platform that it shall ensure and strengthen children's rights and actively follow up the recommendations from the UN expert committee. *In the observations from the UN Committee on the Rights of the Child to Norway's third report (paragraphs 6–7), the Committee requests the party to continue its efforts to ensure that the national legislation is and will be in full compliance with the Convention.* Already in connection with the ratification of the Convention on the Rights of the Child (1991), Norwegian legislation was considered to be in compliance with the Convention on the Rights of the Child. In connection with the incorporation of the Convention on the Rights of the Child in Norwegian





legislation (2003), an examination of the legislation was undertaken, and in part to eliminate potential discrepancies with the Convention, in part to make visible and to concretize the Convention's requirements.

9. The provisions in the Convention on the Rights of the Child are partly discretionary, and it could imply challenges to consider whether Norwegian legislation is in accordance with the Convention. Based on the observations from the UN Committee on the Rights of the Child, in autumn 2007 the Government approved the initiation of a study performed by an independent expert to illuminate whether Norwegian legislation in relevant areas satisfies the requirements of the Convention on the Rights of the Child. The study will be initiated in March 2008 and will have approximately a one-year duration. Pursuant to the mandate, the study's tasks are to:

- consider whether Norwegian legislation is in conformity with the requirements that, from a legal point of view, clearly follow from the Convention;
- consider also whether the legislation in other respects is poorly suited to safeguard the goals and values of the Convention on the Rights of the Child;
- undertake a dialogue about the significance of precedent provisions in practice, cf. Human Rights Act section 3;
- compose an overview summary on jurisprudential research concerning the Convention on the Rights of the Child and Norwegian legislation, including existing as well as ongoing research projects.

### **Better monitoring of children's rights in Norway**

10. In a general comment, the UN Committee on the Rights of the Child emphasizes that follow-up of the Convention on the Rights of the Child implies a commitment for government authorities themselves to monitor the implementation of the Convention: *"The governments of State parties ... must establish permanent monitoring mechanisms to ensure that the Convention is respected and applied for all children within its jurisdiction without discrimination"* Cf. *Committee on the Rights of the Child, General Comment No 5 (2003)*. Norway participated in the conference "Making Europe and Central Asia Fit for Children" in Palencia, Spain 19–20 June 2006, where monitoring mechanisms of children's rights were a central theme. In a note to the conference from the UN Committee on the Rights of the Child, mechanisms were mentioned such as inter-ministerial committees, monitoring units within a ministry, child impact studies, budget analyses, appraisal of macro economic policy, frequent data collection and analyses of children's living conditions.

11. In autumn 2007, the Norwegian government decided that it will strengthen and ensure children's rights through better monitoring of the implementation of the Convention on the Rights of the Child. The following measures apply:

- Strengthen the Ministry of Children and Equality's monitoring and initiating responsibility for implementation of the UN Convention on the Rights of the Child.
- Gather relevant statistics and develop indicators that may be used in considering whether children's rights have been safeguarded.
- Establish a dialogue forum between the Minister for Children and Equality and youth representatives.
- Collect information on educational programs concerning the Convention on the Rights of

the Child in relevant educations. On the basis of such information, consider the need for training on the provisions in the Convention for relevant professional groups.

- Initiate information and competence development measures in children's rights for the ministries/state sector and appoint contact persons in the relevant ministries.
- Prepare an information strategy for the Convention on the Rights of the Child in Norway.
- Improve guidance, information basis and analytical methods for assessment analysis of the governmental decision-making processes that concern children.



### **Children and young people's participation in reporting to the UN**

12. In connection with Norway's third report (2003), children and young people were involved in the reporting process through the project "Livet under 18" ("Life before 18"), financed by the Ministry of Children and Equality. The Ministry of Children and Equality also wants Norway's fourth report to contain children and youth's own viewpoints of how it is to grow up in Norway. The municipalities have a central role in following-up the Convention on the Rights of the Child, including children's right to express their thoughts and to be heard. The Ministry has therefore invited eight municipalities to participate directly in this effort. The municipalities are Alta, Kautokeino, Trondheim, Bjugn, Sandnes, Lillesand, Skedsmo, and Alna district in Oslo.

13. The participating municipalities have initiated locally based efforts to gather opinions from children and youths, using the articles/rights in the Convention on the Rights of the Child as a point of departure. Information is collected from schoolchildren and young people in the age group 13 to 18 years. Girls and boys as well as children with different ethnic backgrounds are represented. The municipalities have also included children and young people with disabilities, children in asylum reception centres and children in the child welfare services. Questions such as the children's knowledge of the Convention on the Rights of the Child, their well-being at school, and whether they have been exposed to unjust treatment or discrimination are included in the survey. The aim is both to engage children and young people in reporting to the UN, and to further develop competence in the municipalities concerning collection and follow-up viewpoints from children and young people. The Ministry has engaged NOVA (Norwegian Social Research) to guide the municipalities in this work and to summarise the reports from the participating municipalities. The report from children and young people is enclosed as a separate attachment to this report.

### **Research on children and young people's rights**

14. To ensure good work in the area of children and young people, the authorities consider research and research-related activities as important. Research shall contribute to providing knowledge as to how social change influences children and young people's living conditions, and gives a more secure basis for political and professional decisions. Funding is provided to programme activities within the Research Council of Norway and to individual projects, evaluation and development work under the direction of a number of different research milieus. Furthermore, funding is provided to development of statistics on children and young people, which among other things, municipalities and countries may make use of in their work. Reference is made to paragraphs 46–47 in this report.



15. Through the Programme on Welfare Research, the Research Council of Norway has started a project (2006–2009) where the overriding theme is the significance of the UN Convention on the Rights of the Child for children's living conditions and welfare. The project is carried out at the University of Oslo, the Department of Public and International Law. The subject will be elucidated through three sub-projects: Two of them take as their point of departure that the age that the child's right to express him/herself has been lowered from 12 to 7 years in central laws such as the Children Act and the Child Welfare Act. One of these is a comparative study of legal framework and arrangements in various countries to implement the children's right to be involved. The other examines how this pronounced change in the children's right to express him/herself has influenced case law in child custody cases in Norway, as well as the collection and the weight given to the child's opinion and the relationship between this and the best interests of the child. The last sub-project treats different rights dilemmas from a legal angle, since it takes up the relationship between children's autonomy and cultural and religious norms on which the parents base themselves. It considers the rights in the relationship between parents and children, and the public's (school's, child welfare services') obligations, rights and competence in relation to the rights dilemmas.

16. Through the Programme on Welfare Research, the Norwegian Centre for Child Research has received funding for the project "Children as fellow citizens and the best interests of the child – a challenge for modern democracies" and the project "The modern child and the flexible labour market: Institutionalizing and individualizing of children in light of changes in the welfare state". See [www.svt.ntnu.no/noseb/research/](http://www.svt.ntnu.no/noseb/research/). Oslo University College has received funding for the project "Talk with us – Child welfare services and children's participation". The project's primary objective is to develop knowledge about children's participation in child welfare services, and how such participation may be protected better by new working methods.

### Review of the Children Act

17. In January 2007, the Government appointed a governmental committee which will review the parental responsibility provisions of the Children Act, permanent residence and right of access to parents. The primary objective of the review is to assess changes of the Children Act with a perspective where both parents are regarded to be of equal importance for the child and where one tries to support development of the society where parents' time, responsibility, care and co-determination over essential aspects of the child's life remain central. The committee's mandate emphasizes that it will take as its point of departure that the Convention on the Rights of the Child is incorporated in Norwegian law and that the best interests of the child shall be a fundamental consideration with all acts which affect children. The mandate further states that the committee should look more closely at the substance in the concept of the best interests of the child. The committee shall in this connection look closer at the fact that the best interests of the child may be safeguarded better through creating conditions for a more equal distribution of care and responsibility between the parents. The committee should particularly look at how a more equal point of departure might contribute to decreasing conflicts between the parents. The Children Act Committee shall present its conclusions in a public study before 1 May 2008.

## **New Immigration Act**

18. A proposal for a new Immigration Act was presented to Parliament on 29 June 2007. The act is expected to enter into force on 1 January 2010. In the law proposition, the Government proposed a number of measures to strengthen and ensure children's legal position in the legislation concerning aliens. Through the Ministry's comments in the proposition, there are also several places giving guidance which will protect the consideration of the best interests of the child in practice. The following gives an overview of the most central measures which here are proposed to protect the consideration of the children in immigration cases:

- A separate provision is proposed in the refugee chapter in the new act that emphasizes that in the assessment concerning the refugee one must take into consideration whether the applicant is a child. The provision shall ensure a child-sensitive assessment in asylum cases. Reference is made to Chapter IV, paragraph 165.
- It is proposed to clarify that the best interests of the child will be a primary consideration in cases which affect children, and that there will be a lower threshold for granting residence permits to children than to adults. Cf. Chapter III B, paragraph 127–126.
- There is a particular reference in the law proposal to the best interests of the child as a basic consideration in cases concerning expulsion. Cf. Chapter V D, paragraph 202.
- It is pointed out in the proposition that the consideration of the best interests of the child must be weighed in relation to other relevant considerations which manifest themselves. Several participants have expressed concern as to whether the administration attaches too much importance to immigrant-regulating considerations, and have emphasized the need that the considerations which are performed be made visible in the decisions. In the proposition, it is therefore emphasized that a thorough assessment of all sides of the child's situation that may have significance for the case must be undertaken, and that the assessment must clearly be a result from the decision. It is particularly emphasized that the decisions must make visible which assessments are carried out in relation to children's rights, including the best interests of the child according to the Convention on the Rights of the Child Article 3, and how the interests of the child are considered in relation to potential contradictory considerations.
- Several modifications in the law proposal are proposed which will expand the child's right to live together with or have access to both parents. Cf. Chapter V E, paragraph 205.
- It is envisaged that children's right to be heard in immigration cases be subject to regulation. Cf. Chapter III D, paragraph 146.
- A provision is proposed in the visa chapter that accounts for situations where the child has a parent in another country than the country of residence, and which emphasizes that in the evaluation of applications for visas in such cases, particular weight should be given to the child's need for contact with the parents. Cf. Chapter V E, paragraph 208.

## **Measures to combat violence against children**

19. Norway participated in the UN's international study on Violence against Children in 2004, directed by an independent expert appointed by the UN General Assembly. Reference is made in Chapter I B, paragraphs 68–69. The independent expert was in Norway on an official visit in May 2006, and participated in a meeting on the follow-up of the study. Norway is following up the recommendations from the study in several ways:

- In 2005, the Ministry of Children and Equality and other affected ministries presented a strategy plan against sexual and physical abuse against children (2005–2009). The plan



contains 22 measures which deal with prevention, discovery, assistance and treatment, as well as research and skills upgrading. For more information, see Chapter V K, paragraph 254 in this report.

- Two Children's Houses (Barnehus) were established in the autumn of 2007 in Bergen and Hamar respectively, with the purpose of integrating the tasks that different authorities have concerning children who are exposed to sexual or physical abuse, or other violence, as well as children who have witnessed domestic violence. The Government furthermore proposes to establish three additional Children's Houses in 2008, so that all health regions receive the same offer. Cf. Chapter VIII C, paragraph 521.
- The research foundation NOVA (Norwegian Social Research) has made a study of the extent of sexual and physical abuse against children and of children who are exposed to domestic violence. Causal factors and consequences of abuse were also central in the study. (NOVA-report 20/2007) Cf. Chapter VIII C, paragraph 514.
- A plan of action against domestic violence was presented in 2004. The plan contains, inter alia, measures to strengthen offers to children who grow up in families where violence is practiced, and measures to strengthen the knowledge about violence and victims of violence questions in public authorities that have responsibility to assist women and children exposed to violence as well as the perpetrators of violence. See further description in Chapter V K, paragraph 260. In December 2007 the Government launched a new plan of action against domestic violence (2008–2011). The new plan also includes measures directed toward children.
- In 2006, amendments in the Children Act entered into force to contribute to giving children better protection in child custody cases where violence and abuse are suspected. The same year, staff members at private crisis centres were also given the duty of information disclosure to child welfare services. Cf. Chapter 3 B, paragraph 119.
- Family counselling services offers programmes to couples and families with violence problems. The offers are, inter alia, individual therapy for violence-exposed women, children and siblings, trauma therapy for children and siblings who have witnessed/been exposed to violence, groups for children and mother-child-conversations. Cf. Chapter V B, paragraphs 186–190.
- The Center for Crisis Psychology and Alternative to Violence run the project "Children who live with violence in the family". The project shall 1) develop treatment methods for children who have been exposed to violence, 2) spread knowledge to treatment-providing institutions, 3) give information and training to the assistance network, such that these services shall detect children who have been exposed to violence and 4) increase the population's awareness concerning children who have been exposed to violence. Competence-building in family counselling services, child welfare services offices, crisis centres and police through education/seminars; counselling, procedure development and publications have been initiated. In the continuation of the project (2007–2009), emphasis will be particularly placed on competence strengthening in child welfare services. Cf. Chapter V K, paragraph 257.
- Measures for raising the competence for teachers and preschool teachers in detecting violence against children are referred to in Chapter VII, paragraph 415.
- The efforts against female genital mutilation have been in progress for several years, with measures concerning information and behavioural efforts toward relevant target groups, specialized programmes for mutilated women, investigation of assumed extent, contact with resource persons about preventive measures, opportunities for parent counselling in

asylum reception centres, outreaching activities, etc. A new plan of action was presented in February 2008. Cf. Chapter VI B, paragraphs 315–320.

- Several legal amendments have been undertaken to combat forced marriage. The extent of forced marriage cases in the assistance network is mapped, and resources are allocated to non-governmental organizations that accept applications/inquiries from boys and girls who are exposed to forced marriages. The Government has presented a new plan of action against forced marriages for the period 2008–2011. See reference in Chapter VI B, paragraphs 321–332.

### **Child welfare services' responsibility for unaccompanied minor asylum seekers**

20. In the autumn of 2007, the government child welfare services assumed the responsibility for unaccompanied minor asylum seekers under the age of 15 in the stage from when they arrive in the country until settlement or return. Eidsvoll Care Centre for Children opened in December 2007, and will have space to accommodate up to 30 unaccompanied minors. The care centre will have the responsibility for attending to unaccompanied minors' daily needs for care and follow-up. The objective with the acquisition of responsibility is to provide an opportunity for shelter and care to unaccompanied minor asylum seekers that take care of their special needs, and the same quality standard as is given to other children that the child welfare services have responsibility for. The care centre will attend to the individual child closely and assess the child's need for treatment for trauma and difficult experiences, as well as give assistance in adapting oneself to Norwegian society. A long-term objective is that the unaccompanied minors will be active, qualified and independent participants in society. A strengthening of the offer in the first phase, when the children arrive in the country, might contribute to preventing psychosocial problems and criminality, together with contributing to a good and safe standard of living and childhood in Norway, or alternatiely best possible return to the child's home country. Cf. Chapter VIII A 1, paragraphs 463–480.

21. In parallel with the work which is done to implement the service offered to unaccompanied minors under 15 years old, in 2007 efforts will be made to prepare an offer for the group of unaccompanied minor asylum seekers between 15–18 years of age. Funding of NOK 5 million has been appropriated in 2008 to make preparations for the start-up of the care centres for this group, and efforts are under way to find suitable facilities. The Government estimates that a transfer of the responsibility for this group can be carried out in the course of 2009. Cf. Chapter VIII A 1, paragraphs 478–480.

### **Action Plan for Integration and Social Inclusion of the Immigrant Population**

22. In autumn 2006, the Government presented an Action Plan for Integration and Social Inclusion of the Immigrant Population, together with the state budget for 2007. The plan contains 28 measures at a value of NOK 400 million, divided throughout seven ministries' areas of responsibility.

23. The overriding objectives of the Action Plan are that:

- Immigrants will, as quickly as possible, contribute with their resources in society;
- society will not develop with large class discrepancies based on ethnicity;
- immigrants and descendants receive the same opportunities as others.





24. The Action Plan has focus on four priority areas: 1) employment, 2) childhood, education and language, 3) equality and 4) participation. Efforts against racism and discrimination are a focus throughout the plan.

25. Knowledge in Norwegian provides the basis for people to be able to participate and contribute in the Norwegian society. It is important that children and young people with immigrant backgrounds receive good schooling and education. Among the measures in the plan, several are directed toward children's language training and environment they grow up in, among other things, free core time in the kindergartens for all four- and five-year-olds in areas with a high percentage of linguistic minority children, extra resources to schools with more than 25 percent linguistic minority students, and development of a project with positive role models to stimulate children and young people to receive an education.

26. For 2008 the Action Plan is continued and strengthened further. The Government proposed a total appropriation of NOK 512 million for 40 measures in the Action Plan. Among the new measures one finds a strong effort directed against forced marriages.

#### **Plan of action for better diet**

27. In a cooperation among 12 ministries, a plan of action for better diet in the population was presented in January 2007. The plan of action shall apply for the period 2007–2011. Children and adolescents are a priority target group. The purpose of the plan of action for better diet is to focus on strategically important priority areas to change the population's overall diet in a health-related positive direction.

28. Accessibility of and knowledge about healthy food in kindergartens and schools are priority areas in the plan of action, inter alia, in cooperation with dental health, public health clinics and school health services. A concrete goal is to increase the proportion of those who eat fruits and vegetables daily. Children and adolescents eat more fruits and vegetables when it is offered for free; and from the autumn of 2007, over 300,000 schoolchildren in primary and lower secondary schools are receiving this offer. In addition, a subsidised subscription scheme for school fruit will be found for pupils in primary and lower secondary schools. It is a goal that eventually this free offer will be extended to include all schoolchildren in primary and lower secondary schools. Another measure in the plan of action is that schools shall be called upon to promote access to cold drinking water for the students; at the same time access to carbonated drinks should be hindered. Cf. Chapter VI B, paragraphs 287–288.

#### **Coordination of efforts nationally and locally**

29. *The Committee on the Rights of the Child recommends a strengthening of the cooperation and a coordination of the efforts locally and nationally for children and adolescents. Cf. the Committee's Observations 8–9.* Many children and adolescents have need for help from various services at the municipal level. It is a goal that these children be met in a comprehensive manner. Early intervention is important for preventing further development of problems with the exposed children. A better cooperation between the services could ensure an overall approach to the child and the family, where help and support are coordinated and all involved services have an understanding of what the individuals contribute to the totality.

### **Cooperation concerning preventive efforts**

30. The Government emphasizes in its political platform that the preventive work toward children and young people must be strengthened. The Ministry of Children and Equality, in cooperation with a number of ministries and directorates, has prepared a common prevention circular on preventive efforts for children and young people. The circular, which is signed by six cabinet ministers, is directed toward the political and administrative leadership in the municipalities and was sent out to the municipalities in September 2007. The purpose is to mobilize better and more coordinated efforts locally.



### **Knowledge status and municipal experiments**

31. As a follow-up of, inter alia, Report to Parliament No. 40 (2001–2002) On Child and Youth Welfare, Report to Parliament No. 40 (2002–2003) Prescription for a Healthier Norway and the Government's strategy plan for children and adolescents' mental health (2003), seven ministries cooperated in collecting knowledge on the status concerning the comprehensive services provided for children and young people. The primary objective of the task was to have an overview as to whether the service programme is in line with children and young people's need for a joint, comprehensive and coordinated offer. The report Knowledge status concerning the comprehensive services provided for children and young people (SINTEF Health Report 03/05), published in 2005. The report shows that it varies as to what degree and how the municipalities cooperate on measures for children and young people.

32. In order to obtain more experience with good models for coordination of services to children and young people, the Ministry of Children and Equality will initiate experiments of cooperation between services for children and young people in three municipalities. The purpose is to gain more experience with cooperation and to present good cooperation models, so that as a next step, it could be spread to other municipalities.

### **Nationwide supervision with municipal services**

33. In 2008, nationwide common supervision will be initiated, looking into municipal services to children living at home who have need for services regulated in the child welfare, health and social legislation. The purpose is to find out how the municipalities comply with the authorities' demands to assist children correctly and in a timely fashion. The supervision shall, inter alia, find out whether the relevant municipal services cooperate according to the legislation's requirements and coordinate measures according to the child's needs. Supervision of childcare services and social services is the responsibility of the County Governor; supervision of health services is performed by the County Board of Health Supervision. The supervision is directed toward areas of service where there is likelihood for failure, and where this failure may have serious consequences for children's life situations. The supervision shall be directed toward the municipalities' responsibility to govern the services, including implementing the requirements in the internal control regulations in social, health and child welfare services.

### **Efficiency improvement network for the child welfare services**

34. In 2005, the Ministry of Children and Equality entered into an agreement with the Nor-



wegian Association of Local and Regional Authorities (KS) (the municipalities' employers', interests and membership organization) in the area of child welfare services. The agreement is mutually binding for the parties and deals with how KS and the Ministry, in cooperation, can participate in developing the municipal child welfare services through dialogue and understanding of professional challenges, competence needs, organization of services and measures as well as through concrete projects. Concretely, this concerns competence, municipal organization of services and interaction between state and municipal authorities. The efficiency improvement network for child welfare services is an important arena where the employees in child welfare services can meet and discuss the form of work and working methods. The Ministry of Children and Equality therefore gives financial support to the networks so that they can be further developed and cover a larger number of employees in child welfare services.

### **Regional cooperation agreements between child welfare services, mental health and drug abuse care**

35. To strengthen the cooperation between child welfare services, mental health care for children and young people as well as multidisciplinary, specialized substance abuse treatment, all the regions in child welfare services and regional health authorities have developed and signed binding cooperation agreements. The aim is to provide better and more coordinated help to affected children, young people and their families. An inter-ministerial working group is established with representatives from the Ministry of Local Government and Regional Development, the Ministry of Labour and Social Inclusion, the Ministry of Health and Care Services and the Ministry of Children and Equality which shall consider measures for better cooperation between child welfare services, social services, mental health care and drug and alcohol abuse care. The report shall be available in the course of 2008. In line with the Government's political platform, the Ministry has stimulated local projects which can have better cooperation between child welfare services and mental health care for children and young people – among other things in the Central-Norway Health Region.

36. Children with disabilities and children with mental suffering, who are at the same time receiving support from child welfare services, have particular need for a coordinated assistance network. Experiences show that more of these children encounter a fault in the system, leaving them in a grey area between child welfare services, psychiatry, somatic, different municipalities and administrative levels. The Ministry of Children and Equality wishes to establish a dispute system which may be used in cases where no solution has been found.

### **The supervisory role of the Ombudsman for Children in Norway**

37. *The Committee on the Rights of the Child recommends that the State party further enhances the independence of the Ombudsperson for Children. Cf. paragraphs 10–11 in the Committee's Observations.* The Ombudsman for Children today has a completely independent and non-partisan role laid down in Act No. 5 of 6 March 1981 relating to the Ombudsman for Children (with changes, the latest with the act of 2 April 1998) and Instructions for the Ombudsman for Children adopted by Royal Decree of 11 September 1981 (with changes, the latest of 18 July 1998). Cf. Description of amendments in previous reports. The Ombudsman for Children and the Ministry of Children and Equality have an agreed understanding that the Ombudsman

has a completely independent role, and that the arrangement functions according to its purpose. The Ombudsman for Children has, however, raised the question as to whether the Ministry or Parliament should be responsible for the appointment of the Ombudsman.

### **Data collection**

38. *The Committee on the Rights of the Child recommends to improve the systematic collection of data concerning the situation of children, among other things, concerning children who are exposed to violence and abuse, children who do not start, or drop out of, upper secondary school, children within the alternative care system and immigrant children. Cf. paragraphs 12–13 in the Committee's Observations.*

### **Child welfare statistics**

39. The child welfare statistics from Statistics Norway (Statistisk Sentralbyrå) contain specific information concerning children who receive assistance from child welfare services on the basis of, among other things, sexual abuse, physical abuse, psychological abuse, neglect, parents' mental health and parents' drug and alcohol abuse. Starting in 2007, the child welfare statistics will also register children who receive assistance as a result of being exposed to domestic violence without necessarily being physically abused themselves. These statistics contain information on children, age and gender.

40. The child welfare statistics also contain information on the number of children in different types of foster homes and institutions. There are plans to have new institution statistics which will contain more detailed information concerning the institutions and the children and young people who stay there.

41. The child welfare statistics provide general possibilities to carry out analyses which until now have not been utilised to their full extent. Links may be made to data from other registers concerning characteristics by residence (urban/rural), household and family characteristics, parents' education, income and country background (parent/child). In 2004, the Ministry of Children and Equality and the Norwegian Directorate for Children, Youth and Family Affairs have started a cooperation with the research foundation NOVA to stimulate analyses and start using the potential which lies in linking with other statistics which Statistics Norway gathers.

42. Statistics Norway has received funding from the Ministry of Children and Equality for a project which has as its goal to improve the child welfare statistics concerning unaccompanied minors. The work was finished in the second half of 2007.

### **Statistics on young people who drop out of upper secondary education**

43. Since 2003, the Norwegian Directorate for Education and Training has administered the project "Initiative against dropping out of upper secondary education 2004–2006". An important part of the project has been to improve the statistical information regarding young people who do not apply to or drop out of upper secondary school. A common system for collection and storage of statistical material was established in June 2003. All county municipalities now



report to one and the same database, which has led to higher quality in the collected data. The collected information contains personal characteristics of the reported young people, why they are reported and which measure of follow-up service has been put into effect. In the Report to Parliament No. 16 (2006–2007) “And no one was left behind.... early efforts for life-long learning”, it is proposed to improve the data basis for statistics and research concerning social equalization. Cf. Chapter 6.7. Cf. also Chapter VII, paragraphs 406–410 in this report.

### **Information concerning children and young people with immigrant backgrounds**

44. Commissioned from the Ministry of Labour and Social Inclusion, Statistics Norway carried out the study “Living conditions among non-western immigrants and descendants 2005/2006”. In addition to a selection of 5000 persons in the age group 16–70 from the largest non-western immigrant groups, 1500 descendants in the 16–24 age group were interviewed. It is required to receive separate information concerning adolescent descendants’ situation with respect to school and education, employment, prospects for the future, family and social relations together with experienced discrimination. It is a goal to be able to prove how the inclusion into society develops from first-generation immigrants to the next generation. Reference is made moreover to Statistics Norway’s thematic pages on the subject concerning immigrants and immigration (also in English): [www.ssb.no/emner/00/00/10/innvandring/](http://www.ssb.no/emner/00/00/10/innvandring/).

45. The project Young People, Culture and Coping (UNGKUL) is a longitudinal study which examines how factors tied to migration affect development of emotional and behavioural problems through childhood and adolescent years among children and young people with immigrant backgrounds, also unaccompanied minors. The project is implemented by the Norwegian Institute of Public Health and has received funding from the Ministry of Children and Equality and the Ministry of Labour and Social Inclusion.

### **General statistics concerning children and young people**

46. Since 1998, the Ministry of Children and Equality has given annual funding to Statistics Norway to facilitate an Internet gateway for current statistics and information resources concerning children and young people, [www.ssb.no/barnogunge](http://www.ssb.no/barnogunge). The gateway is relevant for the most relevant target groups; students in the Norwegian education system, public planners, researchers or private individuals. In total, ten subject areas are covered: children and young people in the population, children and young people’s families, children and young people’s health, children and young people’s violations of the law, children and young people’s leisure time, children in kindergartens, children and young people in school, young people in the labour market, children and economy and children and young people in child welfare services.

47. In 2007, Statistics Norway has submitted a publication, financed by the Ministry of Children and Equality concerning adolescents’ living conditions, with focus on processes leading to marginalisation. The project presents an analysis of living conditions among adolescents in the age group 16–30. The project is organised into seven sub-projects, each of them presenting adolescent living conditions: demography, participation in the labour market and marginalisation, accumulation of living condition problems, youth and crime, young people’s health and health conditions, social contact and isolation among young people, focus on different

marginalised groups of young people, including young, single breadwinners and young social welfare clients. The report “Young People’s Living Conditions” was presented in December 2007, Report No. 93 in the series Statistical Analyses.

### **Research concerning children and young people’s childhood and living conditions**

48. The significance of research as a basis for policy development and public administration is steadily increasing. It is therefore of importance that authorities responsible for children and young people’s living conditions, either at the state, regional or municipal level, have the opportunity to make use of research in their work. In order for research findings to have impact on the society, the results must be communicated to the practitioners in the relevant field, the education sector, politicians, non-governmental organizations and others who make use of this knowledge in an effective way and in an easily accessible language.

49. The Government considers it important to protect and develop a long-term perspective concerning research on children and adolescents. A number of ministries and directorates provide annual funding for research concerning children and young people that can give a broad picture of the development of living conditions for children and young people in Norway.

50. Furthermore, in the time ahead, the Government will stimulate a broadly focused research concerning children and adolescents, through grants as well as contact and dialogue with the research milieu. The aim is to obtain a good scientific basis for developing an even better child and adolescent policy.

### **Allocation of resources**

51. *The Committee on the Rights of the Child recommends that the State party undertakes a study to assess and analyse the level and content of resources provided to children, and takes, where necessary, measures to ensure equal access and availability of services for all children, irrespective of geographical location or the size of the municipality. Cf. paragraphs 14–15 in the Committee’s Observations.*

52. The study “Knowledge status concerning the comprehensive services offered for children and young people” (SINTEF Health 3/05) demonstrates that there are municipal variations in resources allocated to children and young people. The variations are smallest in the primary and lower secondary school and kindergarten sectors. The largest differences were observed in activation programmes for children and young people, public health clinics and school health services. The variations in municipal services directed toward children and young people are accounted for, inter alia, by different framework conditions which differences in the size of the municipalities, settlement patterns and municipal revenues. The variations are also due to different political priorities.

53. In Norway, there is a criteria-based system for distributing funding to the municipalities. Reference is made to Norway’s 3rd report, paragraphs 25–30. This revenue system is also used for funding which shall benefit children and young people, for example through funding to schools and child welfare services. The criteria system, among other things, takes into



account geographic conditions and the number of children in various age groups with varying needs. Through the revenue system, all children in the country will be ensured access to an equivalent service programme. Through the local autonomy, the municipalities themselves will prioritize between the tasks, and in this way ensure that the allocation of services is adjusted to local needs. State authorities do not wish to micromanage, because it is expected that each individual municipality knows best which priorities must be made, provided that the service has a satisfactory standard. However, if the service programme is not in line with the services required by law, the individual has a right to lodge complaints with the County Governor. It is taken as a point of departure that the Convention on the Rights of the Child does not require that the services should be identical in all parts of the country.

54. A broad politically based committee is appointed to review parts of the revenue system. The committee shall review the equalization of revenue from the objective of having an equivalent service programme, safety nets for failure to secure sufficient tax revenues locally and nationally, motivation to increase the tax revenues and a simple system for equalization of the tax revenues.

55. The financial framework system takes as its point of departure a decentralization of the responsibilities, and that the municipalities themselves will be enabled to pay for ongoing tasks. As the table below indicates, the state's overall transfers to the municipalities have increased substantially in recent years, and the municipalities are therefore in a better position

	Transfers from the State <sup>1</sup>	Block grants	Earmarked grants within the municipal system	Earmarked grants outside the municipal system <sup>2</sup>	Value added tax compensation
1998	79 263	46 699	26 121	6 443	
1999	86 363	49 199	30 883	6 201	
2000	93 876	54 186	33 457	6 233	
2001	99 197	52 944	36 124	10 129	
2002 <sup>3</sup>	97 341	53 063	14 632	29 646	
2003	82 141	53 425	17 619	11 097	
2004 <sup>4</sup>	85 981	47 052	21 480	9 393	8 056
2005	92 128	48 573	24 200	8 641	10 714
2006 <sup>5</sup>	100 874	53 931	29 767	7 396	9 780
2007 <sup>5</sup>	107 312	57 708	32 393	7 511	9 700

**Table 1)** Municipal administration revenues – general purpose transfers and earmarked transfers from the state 1998–2007

1) All figures are in NOK millions.

2) Earmarked grants outside the municipal system are grants for refugees and asylum seekers.

3) The decline in revenue must be seen in connection with the state's takeover of the hospitals. A one-time appropriation of NOK 21.6 billion to cancel the debt, etc. in connection with the hospital reform is kept outside of the municipal reserves (entered in point 2.3).

4) The reduction in the general-purpose transfers must, inter alia, be seen in connection with the fact that the responsibility for childcare services, family counselling services and drug and alcohol abuse care were assumed by the state in 2004. Furthermore, new compensation for value-added tax arrangements is financed by reduction in general purpose transfers.

5) The amounts for 2006 and 2007 are estimates.

to secure a good service programme to children and young people. The table shows municipal administration's overall revenue 1998–2007. The figures for 2006 and 2007 are estimates. The table is taken from "Report from the Technical Calculation Committee estimated for municipal and county administrative revenues, April 2007."



## **B. Measures to make the principles and provisions of the Convention on the Rights of the Child widely known to adults and children (Article 42)**

56. *The Committee on the Rights of the Child wishes for more information and training on children's rights, and on the Convention on the Rights of the Child among students in primary and upper secondary schools, and training of professionals who work for and with children. Cf. paragraphs 16–17 in the Committee's Observations.*

### **Training and dissemination to children and young people**

57. Training about the Convention on the Rights of the Child and human rights is systematized in the subject Christianity and Religious and Ethical Education (CREE) and Social Studies in primary education. Training about the Convention on the Rights of the Child is provided for in the curriculum for CREE in the primary and lower secondary schools, competence goals after the 4th grade level. See in detail about the CREE subject in Chapter IV, paragraphs 152–154. The curriculum for CREE and Social Studies for primary and lower secondary schools has competence goals on human rights after the 10th grade level. The curriculum for Social Studies for primary and lower secondary schools and for upper secondary education have competence goals for education on human rights after the 10th grade level and after the 2nd class in upper secondary education. This implies that education in human rights is obligatory on all levels in education, even in the upper secondary. Cf. Chapter VII B, paragraphs 413–417.

58. In 2004, the then Ministry of Children and Family Affairs issued two brochures about children and family break-ups. One gives information to children on their right to be heard and has the title "What about my opinion, then?". The other is directed at parents and informs, inter alia, about the Convention on the Rights of the Child Article 12 and parents' obligation to give children the opportunity to express themselves. It has the title "Children and Family Break-ups". A collection of articles concerning hearing children was also published.

59. In connection with Norway's 3rd report to the UN Committee on the Rights of the Child, the Ombudsman for Children initiated the project "Life before 18" in cooperation with the Forum for the Convention on the Rights of the Child, the Norwegian Children and Youth Council and the Change Factory (Forandringsfabrikk). Reference is made to Norway's 3rd report, paragraphs 11–16. Through an extension of the project, pupil pamphlets and teacher pamphlets were distributed to 5th–7th grades and 8th–10th grades respectively, financed by the Norwegian Directorate for Education and Training. The pamphlets describe methods/tools for consciousness-raising concerning the Convention on the Rights of the Child and its content and rights. Cf. Chapter VII B, paragraph 417 in this report.





60. In 2006, a new poster was produced with a shortened version of the Convention on the Rights of the Child, financed by the Ministry of Children and Equality. The poster was printed in Norwegian (bokmål), New Norwegian and Sami, and distributed to all the school in the country, kindergartens, municipalities, child welfare institutions, asylum reception centres, etc. In addition, a new Norwegian (bokmål) version of the Convention on the Rights of the Child with additional protocols was translated into New Norwegian and Sami. Both the poster and the text of the Convention are available on the Ministry's home pages: [www.regjeringen.no/nb/dep/bld/tema/andre/Barns\\_rettigheter.html?id=1038](http://www.regjeringen.no/nb/dep/bld/tema/andre/Barns_rettigheter.html?id=1038).

61. Norwegian authorities have developed and implemented a new "Framework Plan for Information to Residents in Reception Centres" in 2005. The Convention on the Rights of the Child is the basis for the selection of several of the information themes. There is focus on children and children's rights in relevant modules, where children and their situation are emphasized as a theme about which special information should be given. As an example, Module 4a, Social conditions in Norway, values and mode of living should be mentioned. One of the main elements in this module is childhood and children's rights.

### **Training for professions and professional groups who work with children**

62. Training in the Convention for professional groups is ensured through the framework plans for preschool teachers, generalist teachers and child welfare educationists. The framework plan for educating generalist teachers is indicative for the education of teachers. CREE is a compulsory subject in the education of generalist teachers and here the students shall "have knowledge about and be able to discuss the meaning of different human rights conventions, including the Universal Declaration on Human Rights, the UN international covenants on human rights, the UN Convention on the Rights of the Child and ILO Convention on Indigenous and Tribal Peoples in Independent Countries".

63. The framework plan for preschool teachers' education has requirements that the students shall have knowledge about "the UN's international covenants on human rights and the UN Convention on the Rights of the Child". The framework plan for a 3-year-long child welfare educationists' training states that the Convention on the Rights of the Child is a central theme within the subject of children's rights. It is the colleges/universities which have responsibility to concretize how the training is conducted.

64. In January 2008, the Ministry of Justice, in connection with the curriculum work of the Norwegian Police University College, has requested that the UN Convention on the Rights of the Child will be made a subject in the teaching so that the police students are ensured necessary knowledge.

65. In 2005, the Ministry of Children and Equality published an information pamphlet to the municipalities on the Convention on the Rights of the Child, "UN Convention on the Rights of the Child – from vision to municipal activities", developed by the Norwegian Centre for Human Rights. The aim was to strengthen the knowledge on the UN Convention on the Rights of the Child among professional personnel and politicians in the municipalities, and make the Convention an active tool in child and young people's policy. Information pamphlets were spread to the country's municipalities, county authorities, educational institutions, other state

authorities and non-governmental organizations. The pamphlet is available on the Ministry's website: [www.regjeringen.no/nb/dep/bld/tema/andre/Barns\\_rettigheter/UN's-Convention on the Rights of the Child+fra+visjon+til+the+municipal+virkelighet.html?id=416485](http://www.regjeringen.no/nb/dep/bld/tema/andre/Barns_rettigheter/UN's-Convention+on+the+Rights+of+the+Child+fra+visjon+til+the+municipal+virkelighet.html?id=416485).

66. On the background of the increasing internationalisation of the legal questions judges are faced with, also in relation to children and children's rights, the National Courts Administration arranged a children's rights seminar in autumn 2006 with the competence committee for judges. The seminar dealt with themes from different legal areas where various international law sources have significance, including the UN Convention on the Rights of the Child and the European Convention on Human Rights.

67. In autumn 2007, the Ministry of Children and Equality had appropriated support to Save the Children for implementation of the project "Legal descriptions of children's rights". The project shall consist of a textbook with articles concerning children's rights as they are provided for in the UN Convention on the Rights of the Child, and a seminar in connection with the launching of the book. The book will give an updated account on interpretation and implementation of the UN Convention on the Rights of the Child which particularly aims at Norwegian circumstances. The book's aim is to be a practical tool for implementation of children's rights in Norway, both for lawyers and other professional groups. The target group is everyone who wishes increased knowledge concerning children's rights, but with a particular focus on professionals and lawyers who work with implementation, as well as those employed in state or municipal administration, employed in organizations, judges, lawyers and students.

### **International measures – violence against children**

68. Norway has supported the international study on violence against children referred to in paragraph 19. In 2001, the UN General Assembly recommended that the Secretary-General should appoint an independent expert to examine the extent of violence against children and propose recommendations for prevention and response. The work began in 2003 and in 2006, was completed after an encompassing global and participating process which involved UN organizations, governments, and civil society, including children and young people from all regions. The study revealed the extensive and worldwide use of violence against children. This demonstrated that violence impacts both girls and boys of all ages, from different social strata and of all nationalities, and that there are serious consequences both in short- and long-term for those who are affected. The report also contains a number of recommendations to prevent and respond to violence against children in the home, school, other institutions, work situations and in society, and is thus an instrument for action.

69. Norway has supported the study and the follow-up work considerably with financial support and with persevering work. The issue is placed high on the agenda in international fora. HRH Crown Prince Haakon participated in the launching of the report at the UN in New York. In 2006, the Ministry of Foreign Affairs and the Ministry of Children and Equality cooperated on a national launching of the UN study. Norway also supports NGOs in their follow-up work at the country level. The independent expert received an extended mandate in 2007 to set in motion the work with the follow-up, and proposed, inter alia, to the General Assembly how the follow-up could in the best possible way be based in the UN system. In the follow-up, Norway



works with how the long-term follow-up shall take place. One of the main recommendations in the study is that it establishes a special representative to the UN Secretary-General on this subject. This is something Norway and the EU have worked for, and which the UN now has decided to establish.

### Human rights dialogue with China

70. Since 1997, Norway has had a formal human rights dialogue with China with yearly round-tables at a political level with expert participation. The Norwegian dialogue model has its roots in the model of Nordic society, founded on a close cooperation among different social partners. The experts who participate in the dialogue include different ministries and a broad spectrum of organizations from civil society. In the expansion of the political human rights dialogue, a number of projects are supported at academic and expert levels. In this connection, the Ombudsman for Children has, inter alia, worked together with UNICEF in China on development of institutions for “safeguarding children’s rights”.

## C. Measures to make Norway’s report available (Article 44.6)

71. Norway’s third periodic report (2003), our answers to the questions of the Committee on the Rights of the Child and the Concluding Observations of the Committee on the Rights of the Child (2005) are made known to the members of government, the national assembly and underlying organs. The report, the answers and the Committee’s Observations are translated into Norwegian, and sent to the country’s municipalities and non-governmental organizations. These reports are also found on the Ministry’s home pages: [www.regjeringen.no/nb/dep/bld/tema/andre/Barns\\_rettigheter.html?id=1038](http://www.regjeringen.no/nb/dep/bld/tema/andre/Barns_rettigheter.html?id=1038).

### The work with Norway’s fourth report

72. The work on this report is carried out in accordance with the guidelines for periodic reports, CRC/C/58/Rev.1 29 November 2005, *General guidelines regarding the form and content of periodic reports to be submitted by states parties under Article 44, paragraph 1 (b) of the Convention*. The Ministry of Children and Equality has coordinated the work, and the following ministries have contributed: the Ministry of Labour and Social Inclusion, the Ministry of Defence, the Ministry of Health and Care Services, the Ministry of Justice, the Ministry of Local Government and Regional Development, the Ministry of Education and Research, the Ministry of Culture and Church Affairs, the Ministry of the Environment and the Ministry of Foreign Affairs. Children and young people’s viewpoints on how they experience growing up in Norway are collected, and are available as an annex. Cf. paragraphs 12–13 in this report.

73. In autumn 2007, a draft of Norway’s fourth report was submitted to the Sami Parliament. The Sami Parliament was asked to look particularly at the mention of Sami children and young people, and if appropriate, make possible contributions. A meeting was also arranged with the Sami Parliament. The Sami Parliament has presented suggestions to the report which are in part included.

### **Cooperation with non-governmental organizations**

74. *Reference is made to General Comment No. 2 (2002) from the UN Committee on the Rights of the Child, The role of independent national human rights institutions in the promotion and protection of the rights of the child.*

75. The Ministry of Children and Equality has cooperated with non-governmental organizations in the process of developing Norway's 4th report. The NGO coalition Forum for the Convention on the Rights of the Child arranged a meeting in the spring of 2007, where the Ministry and a number of organizations mutually informed each other about the work on the next state report and the organizations' supplementary report. An NGO representative and a representative from the Ombudsman for Children were invited to a meeting in Stockholm in June 2007 concerning the implementation of the UN Convention on the Rights of the Child in the Nordic countries. Two members of the UN Committee on the Rights of the Child also participated.

76. A draft of Norway's 4th report was sent for comments to the Ombudsman for Children and non-governmental organizations in autumn 2007. The organizations were invited to submit written comments, and in addition, the Ministry arranged a hearing in October 2007. The objective of the meeting was to strengthen the dialogue between the organizations and politicians from affected ministries concerning the follow-up of the Convention. The organizations' written submissions and the themes which were raised at the hearing have provided useful contributions in connection with the further preparation of the report.





# Definition of the child

(Article 1)

## The age of majority

77. Reference is made to Norway's previous reports.

## Schooling and education

78. Reference is made to Norway's previous reports.

## Paid work

79. Reference is made to Norway's third report, paragraph 78 and previous reports.

## The child's right to be heard and right to progressive self-determination

80. Reference is made to Norway's third report, paragraphs 80–98 and previous reports. Amendments in public administration law, civil case law, child welfare law and adoption law which give children the right to express themselves in cases which concern them, entered into force on 1 October 2003. From 1 April 2004, the Children Act is changed so that children who are 7 years old shall be able to express their opinions before decisions are taken concerning personal relations for the child, among other things, in cases concerning with which of the parents the child shall live. The amendment does not exclude that younger children may also be heard. The wording in the Children Act section 31 is now more in line with the wording of the Convention on the Rights of the Child, so that it is now included in the wording of the act that the child's opinion shall be given due weight in accordance with the child's maturity and age. Children's right to involvement is also laid down in the Kindergarten Act, with effect from 2006. Cf. Chapter I A, paragraph 6 and Chapter III D, paragraphs 148–150.

## Amendments to the Guardianship Act

81. Reference is made to Norway's third report, paragraph 90. The Guardianship Committee presented its report on 17 December 2004 in Official Norwegian Report NOU 2004: 16 Guardianship. The Ministry of Justice is currently working with follow-up of the committee's findings. Reference is also made to Chapter VIII A 1, paragraph 485 in this report.

82. The Ministry of Labour and Social Inclusion has received the responsibility for follow-up of the Guardianship Committee's proposal concerning a representative arrangement for unaccompanied minor asylum seekers. In the spring of 2008, the Ministry plans to start up the work with proposals to new legal provisions. The questions concerning when the representative arrangement will be in place and new regulations can enter into force will be reverted to when the work on the law has progressed further. Possible measures will be considered in the period until a new arrangement can be put in place.



Photo: Patrick Sheandell O'Carroll / PhotoAlto



### Medical questions

83. Reference is made to Norway's third report, paragraphs 91–98.

### The obligation to give evidence

84. Reference is made to Norway's previous reports.

### Passports

85. Reference is made to Norway's previous reports.

### Age of criminal liability

86. Reference is made to Norway's previous reports.

### Legal age of sexual consent

87. Reference is made to Norway's third report, paragraph 99 and previous reports.

### Legal age of marriage

88. Reference is made to Norway's previous reports. Those under 18 years of age cannot enter into marriage without consent from those who have parental responsibility and authorization from the County Governor. From 1 June 2007, the law is changed so that the County Governor cannot give authorization if the petitioners is under 16 years of age.

89. Reference to other measures to combat forced marriages is in Chapter VI B, paragraphs 321–332.

### The right to vote

90. Reference is made to Norway's previous reports.

### Compulsory and voluntary military service

91. Reference is made to Norway's third report paragraph 100 and previous reports.

### Films

92. All films or videograms (DVDs) which shall be shown as a part of an economic activity for persons under 18 years of age shall be controlled in advance and be given an age limit rating by the Norwegian Media Authority, cf. section 5 in the Act of 15 May 1987 No. 21 on films and DVDs. Since Norway's first report, the regulations concerning age limits for film/video in the act concerning film and DVDs have been changed. Today's age limits have been in effect from 1 January 2007 and are as follows: all ages admitted, seven years and older, eleven years and older and fifteen years and older. Children who are up to three years younger than the age limit may nevertheless see the film "... if accompanied by the guardian or another in the

guardian's stead". Films that the Norwegian Media Authority cannot approve with a 15-year-old age limit may nevertheless be shown for persons over 18 years of age.

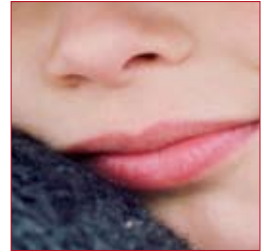
93. DVDs which shall be sold for financial gain must beforehand be registered with the Norwegian Media Authority. The DVD shall have a visible certificate of registration which acknowledges that the title is registered. DVDs "which the Norwegian Media Authority believes are in violation of provisions in the Penal Code section 204 or section 382" cannot be registered and thus not sold legally in Norway. DVDs shall be labelled with an age rating, but this rating will not be re-examined by the Norwegian Media Authority. If the DVD contains material which the Norwegian Media Authority previously made a determination on, that DVD should not have a lower age limit than was given for the presentation, cf instructions on film and DVDs section 8-3.

### **Sale of restricted goods**

94. Reference is made to Norway's previous reports.







## General principles

### A. Non-discrimination (Article 2)

95. *The Committee on the Rights of the Child requests Norwegian authorities to continue pursuing and intensifying the work to hinder and eliminate all forms of actual discrimination of children. Cf. paragraphs 18 and 19 in the Committee's Observations.*

#### Anti-Discrimination and Anti-Discrimination Ombud Act

96. The Act on Prohibition of Discrimination based on ethnicity, religion, etc. (the Anti-Discrimination Act) entered into force on 1 January 2006. The Act applies for all areas of society. At the same time as the Anti-Discrimination Act was adopted, Parliament made amendments in section 135a in the Penal Code where it is made clearer that racist expressions with qualified injurious effects are unacceptable.

97. At the same time, the Act concerning the Equality and Anti-Discrimination Ombud and the Equality and Anti-Discrimination Tribunal entered into force. The Act includes the law enforcement of several legal frameworks with protection against discrimination, including the Anti-Discrimination Act, the Equality Act (gender), the sections on equality of treatment in the Working Environment Act and a new protection against discrimination which is introduced in the housing acts. In 2006, an Equality and Anti-Discrimination Ombud and an Equality and Anti-Discrimination Tribunal were established. The Ombud investigates individual cases on violations of the prohibitions against discrimination in the legislation and is a driving force for increased equality and non-discrimination in society as a whole. The Ombud and the Tribunal are state-run but professionally independent administrative organs. Case consideration is free.

98. The Equality and Anti-Discrimination Tribunal consists of twelve members appointed by the Government. The Tribunal handles complaints concerning views expressed by the Ombud. The Tribunal's decisions in each case are binding for the parties. The Tribunal may impose compulsory fines on the discriminating party until the discriminating action ceases.

99. Together with the new law against ethnic discrimination, the Ombud and the Tribunal signify a clear strengthening of the protection against discrimination for persons, including children with ethnic minority background in Norway. The Ombud enforces the prohibitions against discrimination on the basis of gender, religion, lifestyle, skin colour, national or ethnic origin, political affiliation, sexual orientation, disability and age.





### **Proposal for new legislation on discrimination and accessibility**

100. Reference is made to Chapter VI A, Disabled children, paragraphs 264–266 in this report.

### **Study of comprehensive legislation against discrimination**

101. The protection against discrimination on the basis of personal characteristics or personal perceptions is spread today through various laws. We have legislative prohibitions against discrimination on the basis of gender, ethnicity, national origin, descent, skin colour, language, religion, lifestyle, political affiliation, membership in employee organizations, sexual orientation, disability, age and temporary employment or part-time employment. Discrimination protection is different depending on what the basis is for the discrimination.

102. On 1 June 2007, the Government decided to appoint a committee that will examine whether a more comprehensive discrimination legislation should be proposed. The committee shall develop proposals for a new legislation which merges the Equality Act, the Anti-Discrimination Act, the Working Environment Act chapter 13 and the new proposed Discrimination and Accessibility Act. The committee shall examine whether potential new bases for discrimination, which are not part of existing discrimination legislation, also should be covered by the law. In addition, the committee is given the task to study the question of ratification of Additional Protocol No. 12 to the European Convention on Human Rights (ECHR). The committee shall furthermore examine the question concerning a constitutional provision on protection against discrimination, unless a constitutional commission appointed by Parliament is given the task to study this question. In addition, the committee shall study the question of elimination of the exception from the discrimination prohibition for religious communities which today is provided for in the Equality Act and the Working Environment Act. The committee shall finish its work by 1 July 2009. A partial study concerning the exceptions for religious communities was submitted on 11 January 2008; NOU 2008:1 “Women and homosexuals in religious communities”.

### **Plan of action against racism and discrimination (2002–2006) – final report**

103. Reference is made to Norway's 3rd report, paragraphs 106–109. The Ministry of Labour and Social Inclusion has made a final report and an evaluation of the Government's Plan of Action against Racism and Discrimination (2002–2006), which contains 48 measures, among other things, in the area school/education and local environment. Virtually all the measures are implemented, but several of them are ongoing measures which are still not completed. The evaluation concludes that the plan of action has had a positive effect when it applies to receiving new measures and drawing directed attention to challenges in the area. The plan of action has contributed to maintaining consciousness around challenges in the area of racism and discrimination in the ministries and in their underlying bodies, and has had a driving-force function. The plan has provided a useful overview of the work which is done in the area. The evaluation recommends that any new plan of action will be focused on measures for equal opportunities for participation, in addition to continuance of current measures in the plan of action 2002–2006, and that the efforts in the area of racism and discrimination are connected more closely to the work for integration and inclusion. The government aims to present a new plan of action against racism and discrimination at the turn of the year 2008/2009.

### **Dialogue efforts**

104. To strengthen the dialogue between different immigrant communities and the authorities, in 2006 and 2007 the Ministry of Labour and Social Inclusion hosted meetings in several fora: a dialogue forum for young people and authorities with the aim to discuss questions related to integration and inclusion, meetings with Muslim religious leaders and with organizations for young people with immigrant backgrounds. The Ministry has also had frequent meetings with different national organizations who work with integration and inclusion.



### **The Council of Europe campaign “All Different – All Equal”**

105. The Council of Europe campaign “All Different – All Equal” is a campaign that has taken place in all Council of Europe member countries during the campaign period from June 2006 to October 2007. The goal with the campaign is to encourage and facilitate that young people can participate in the building up of peaceful societies, with importance placed on respect, tolerance and understanding for differences. In Norway, the secretariat for the campaign is situated in the Norwegian Children and Youth Council. Through the campaign, support is given to local and regional projects and measures. Methods and materials are developed and emphasis is placed on training instructors who may also further communicate the message after the conclusion of the campaign. The Norwegian part of the campaign was financed by the budgets of both the Ministry of Labour and Social Inclusion and the Ministry of Children and Equality.

### **Participation in the EU’s efforts against discrimination**

106. In 2007, Norway participated in the European Year of Equal Opportunities for All. The campaign “Conscious” is Norway’s contribution and is implemented by the Equality and Anti-Discrimination Ombud. An important part of the campaign is aimed at increasing the consciousness about the Anti-Discrimination Act and spreading information about it.

107. Furthermore, Norway has participated in the EU’s Action Programme to Combat Discrimination (2001–2006), where the goal has been to support implementation of new anti-discrimination legislation.

108. Teachers and students at all schools in the country have been invited to actively participate in “The year of equal opportunities for all”, and to place focus on the goals in the curriculum which deal with human rights, democratic values and participation, equality and active citizenship. The Equality and Anti-Discrimination Ombud has developed resource sites for teachers with, among other things, proposals for teaching material on human rights, bullying and equality.

### **Strategy for equality in kindergarten and primary education**

109. In the Kindergarten Act of 2005, equality is incorporated as a part of the mandate of the kindergarten in society. Care, upbringing and learning in the kindergarten will promote humane equal worth, equality, intellectual freedom, tolerance, health and understanding for sustainable development, cf. the Kindergarten Act section 2. The obligations of the kindergarten concerning equality are stipulated in detail in regulations to the Kindergarten Act, “Framework plan for the kindergarten’s subject matter and responsibilities”. Among other



things, the framework plan shows that the kindergarten has a social task in early prevention of discrimination and bullying. In connection with this, there is a focus on bullying in kindergarten and school. Furthermore, a pamphlet was published on equality in the educational work in the kindergarten. The Manifesto against Bullying 2006–2008 refers to the Convention on the Rights of the Child and emphasizes that all children have right to a learning and childhood environment without bullying. Cf. Chapter VII, paragraph 359.

110. The Education Act's objective paragraph stated in sections 1–2 states that primary and lower secondary schools, upper secondary education, higher education and adult education shall practice and promote equality and equal worth between sexes and solidarity crossing over groups and boundaries.

111. The objective for equality in the education between genders is that the activities in kindergartens and compulsory education contribute to an equal society, where everyone, independent of gender, is able to make the most of their abilities and interests. Equality between sexes shall be the basis for all activities in kindergarten and for organization, working conditions, adaptation and subject matter in education. The following measures are implemented:

- Strategy for equality in kindergarten and compulsory education 2008–2012 is being completed. The strategy will also deal with higher education and research which has relevance for kindergarten and primary education.
- National and local authorities shall follow up the efforts toward, among other things, gender-related bullying and harassment that occurs via digital media such as mobile telephones and the Internet (Manifesto against Bullying 2006–2008).
- Evaluation of the resource book “Sexuality and cohabitation” and revision of student and parent pamphlets, as well as development of information and guidance material on gender-related bullying and sexual harassment.
- A pamphlet has been published concerning recruiting and retaining men in kindergartens, since it is important to have masculine role models in the kindergarten.

### **White paper on men, man's roles and gender equality**

112. In the spring of 2008, the Government will present to Parliament a report concerning men, the man's roles and gender equality. The background for the report is the need to discuss men's role in family and equality policy. There is a need to strengthen the political and economic focus on the father's role. The report will discuss a number of current problems and propose concrete measures to mobilize men and boys, and propose measures for situations where men and boys are actually discriminated. The report will summarise actual knowledge concerning men and equality. Some of the policy areas which are dealt with will be boys in kindergarten and school, adolescent boys' socialization to and comprehension of masculinity and gender roles. Other themes will be education and career choice, men's role as caregivers, men and violence and men and health.

### **Examination of the provision concerning gender-discriminating advertising**

113. According to the Marketing Act section 1, today there is a prohibition against gender-discriminating advertising. The provision is a legal standard and this implies that the provision is flexible and adapts to changes in society. It is nevertheless desirable to consider the

subject matter in and placing of the provision. The Ministry of Children and Equality has therefore established a working group which, among other things, shall look at the possibility to clarify the provision in the UN Convention on the Elimination of All Forms of Discrimination against Women concerning gender stereotypes.

### **Sexualization of public space**

114. The sexualization of public space is presumed to influence the attitudes of boys and girls toward understanding their own sexuality. The access to pornography through new media has changed dramatically in the last years, but there is little information as to the effect on children and young people's understanding of equality, gender and sexuality. For two years, the Nordic countries have had a common research project under the direction of the Nordic Council of Ministers to increase knowledge in this area. The project was completed in 2006. The discoveries have been delivered to the Norwegian Children and Youth Council which shall study these and present proposals for further measures.

### **Efforts to improve homosexuals' and lesbians' situation**

115. The Government will put forward proposals regarding amendments of the Marriage Act, the Children Act, the Adoption Act etc. which will allow same-sex marriages, right to adoption and which will give lesbian couples the right to medically assisted reproduction. At the same time, amendments of the Children Act will be proposed, so that children of lesbian couples conceived by medically assisted reproduction are treated legally as children born in heterosexual relationships.

116. The Government will in the course of the first half year of 2008 present a new plan with measures for their policy in dealing with the situation for homosexuals and lesbians. The goal is to arrive at constructive proposals for measures which can contribute to better living conditions among lesbians and homosexuals. Furthermore, contributions will be given to projects and measures under the direction of non-governmental organizations and others to improve living conditions and quality of life among lesbians and homosexuals. Young people and immigrants are given particular priority. Priority has also been given to projects related to homosexuals and lesbians in the working life and athletic sports. In 2007, the Ministry of Children and Equality will initiate more research on living conditions for homosexuals and lesbians. The main focus is, among other things, homosexuals and lesbians with non-western backgrounds.

## **B. The best interests of the child (Article 3)**

### **Child custody cases**

117. Reference is made to Norway's third report Chapter III B paragraph 172. New case treatment regulations in child custody cases entered into force on 1 April 2004. In the introductory chapter to the new regulations, a provision is included stating that both the material decisions in child custody cases and the case procedure first and foremost shall be guided by what is best for the child.



118. The Government has appointed a governmental committee which shall review the Children Act's provisions concerning parental responsibility, permanent residence and access. Cf. Chapter I A, paragraph 17.

### Measures to protect children against abuse and violence

119. In April 2006, amendments in the Children Act entered into force to contribute to better protection of the child in child custody cases where violence and abuse are suspected. The amendments imply, among other things, that it is emphasized in the Act that if access is not in the best interests of the child, the court must determine that there shall not be access granted. Furthermore, it is emphasized that decisions concerning parental responsibility, permanent residence and access shall take into account that the child must not be exposed to violence or in any manner be treated such that the child's physical or mental health be exposed to injury or danger. On 1 January 2007, amendments entered into force, which also imply an obligation required by law for the public sector to appoint a supervisory person in particular instances in cases where supervision is made a condition for access. The obligation to appoint a supervisory person may include up to 16 hours of access per year. The Ministry of Children and Equality will supervise how the arrangement works in practice. From the same date also came amendments which imply that a parent who is charged with, accused or sentenced for having caused the other parent's death, no longer shall receive the parental responsibility for the child automatically.

120. Crisis centres give advice, support and counselling to women who have been exposed to abuse, assault or violence in the home. Furthermore, the crisis centres offer the violence-exposed women and their children temporary residence. The crisis centres are considered as an important supplement to the public assistance network. In the political platform, it appears that the Government will regulate the crisis centre programme by law. In this connection, the programme to children at crisis centres has a particular focus. Furthermore, a new plan of action to combat domestic violence is being prepared. The plan shall be implemented from 2008 and a strengthening of the efforts to help and protect children who live with violence in the family will be one of the main areas in the new plan.

121. The crisis centres on the whole are publicly financed. The municipal operating grant constitutes 20 percent, while the state contributes 80 percent. According to the public statistics for 2006, 1900 women lived at one of the country's 50 crisis centres in 2006. Forty-three percent of the women were accompanied by children, which amounted to 1500 children at the crisis centres.

122. As incorporated in the Government's plan of action to combat domestic violence 2004–2007, a regional pilot project for testing of cooperation models and routines between crisis centres, family counselling services and child care services is being implemented. The objective is to strengthen the programme for children at the crisis centres. In the pilot area, a project group is established consisting of crisis centres, childcare services, family counselling services, Centre for Childhood, Alternative to Violence and the police. The project shall result in an electronic handbook which describes the programme to children at crisis centres and which responsibilities shall be covered. The handbook will provide examples of and ideas as to how the responsibilities may be followed through in practice. The handbook shall be

distributed to the crisis centres, the child welfare office and family counselling services throughout the country.

123. With collected funds, together with support from the Norwegian Directorate for Children, Youth and Family Affairs and the Ministry of Justice, in 2005, the Crisis Centre Secretariat developed a guide which has the aim to raise the competence of those who assist violence-exposed women and their children at the crisis centres. The guidelines describe, among other things, violence-exposed women and children in a crisis perspective, how the conversation may be used as a tool to collect information about threats, the extent and the consequence of the violence, together with how the exposed may utilise various measures. The guidelines also focus on the importance of competence concerning violence-exposed women and children with minority backgrounds.

124. In 2005, a contribution scheme was established where the crisis centres could apply for funding for skills upgrading in relation to work with children, together with measures to promote well-being for children who stay at the centres. This contribution scheme was continued in 2006 and 2007. In 2007, a total of NOK 533,000 was allocated to such measures.

125. From 1 July 2006, disclosure requirements have been imposed by law on the staff members at private crisis centres. This information shall be given to the child welfare services, inter alia, in situations where it can be a risk for the child to move back to a violent father. One such obligation is in line with the other organizations; and private entities or persons who carry out tasks for the public sector have to notify child welfare services where there is danger that children suffer from molestation.

### **The best interests of the child in asylum cases**

126. Asylum-seeking children who have need for protection against persecution in their home country, receive asylum or residence on the grounds of protection, either they seek asylum together with their parents or alone. As indicated in paragraph 170 below, a separate provision in the proposal is recommended to the new Immigration Act, which emphasizes the need for a child-sensitive consideration.

127. When it concerns children who do not fulfil the conditions for asylum, a consideration shall nevertheless always be undertaken as to whether there is basis for residence permit for humanitarian reasons. The best interests of the child are a fundamental consideration in this assessment. Reference is made to Chapter I A, paragraph 18, where among other things, in the proposal for the new act, it is emphasized that the threshold to consent to residence for children is lower than the threshold to consent to residence for adults. In the proposition, it is further emphasized that the administration has the obligation to ensure that the case contains as much information as possible, and that the administration therefore must consider whether, in addition to the information the party him/herself submits, there is a need to obtain external professional observations, for example health professionals' observations, statements from child welfare authorities, schools, etc. Unaccompanied minor asylum seekers receive residence permits although a need for protection does not exist if Norwegian immigration authorities do not manage to track the parents or others who have or may have physical custody responsibility for the child.





### Children's affiliation to the realm

128. On 1 June 2007, a provision entered into force which emphasizes that children's affiliation to the realm shall be given particular weight when in the consideration of granting residence permit on humanitarian grounds. Residence permits on humanitarian grounds are considered first and foremost where the foreigner has applied for asylum, but is not considered to have a need for protection. Residence permits on humanitarian grounds may be granted after a comprehensive consideration. The amendment of the regulation implies that in the comprehensive consideration, the children's connection to Norway shall bear more weight – typical that the child has stayed a long time in the country. What should be a long stay must be considered individually and could vary from case to case. The requirement for the length of stay cannot be absolute, but as a point of departure, a period under three years will not be sufficient. A long period of stay will not automatically imply "affiliation to the realm", and it must, *inter alia*, be taken in account the child's age during the period of stay. For example, it must be the point of departure that a child of legal school age will more easily obtain affiliation to Norway than a child who has lived here in the very first years of his/her life. Furthermore, it must be considered whether the child has attended kindergarten/school, whether the child speaks Norwegian, whether the child participates in leisure activities and whether the situation in other respects implies that the child has special ties to the Norwegian society. It will finally depend on a concrete comprehensive consideration whether permission shall be given. Practice thus far shows that a great number of the children who have lived in Norway for a particularly long time, have received residence permit under this provision.

### Establishment of legislation on the right to accommodation while the application for asylum is being processed

129. All who seek asylum in Norway shall be given accommodation. This provision is to be found in the Immigration Act section 41a, and was added in 2006. The addition did not imply any changes in relation to the existing practice, but contributed to more clarity and visibility. Persons with final rejection on their application for asylum lose their accommodations in ordinary asylum reception centres, but receive an offer to stay in a so-called waiting reception centre. Families with children, unaccompanied minors, sick persons and persons who have applied for voluntary return with the International Organisation for Migration (IOM) are exempted from the loss of accommodation arrangement in ordinary reception centres, and are allowed to stay there until departure takes place.

### C. The right to life, survival and development (Article 6)

130. Reference is made to Norway's previous reports.

## D. Respect for the views of the child (Article 12)

131. Children's right to express themselves in cases which concern the child him/herself is lowered from 12 to 7 years old in the main legislation such as the Child Welfare Act and the Children Act. Reference is made to Norway's third report, paragraph 23. A research project is underway to enquire into the significance of the amendments. See further reference in Chapter I A, paragraph 15 in this report.

### Children and young people's participation in local planning

132. The most important instrument we have to protect children and young people's interests in planning is nationwide guidelines to strengthen children and young people's interests in planning. These guidelines give the municipalities a responsibility to organise processes so that children and young people's viewpoints are heard in the local planning. The nationwide guidelines have been evaluated in a research environment to see how they have worked. Reference is made to Norway's 3rd report, Chapter III D, paragraphs 184–185. The evaluation shows that children and young people's needs and interests are on the agenda in many municipalities, but that they often lose when in conflict with other interests and considerations. The Government therefore wants that nationwide guidelines for children and young people shall be enforced more strictly. In the Report to Parliament No. 26 (2006–2007) "The Government's Environment Policy and the Environmental Conditions of the Realm", it is stated that "Consideration to children and young people and their need for good and activity-promoting outdoor areas must be given decisive weight in balancing the different interests in the planning (p. 54)." It is proposed that the municipalities register where children and young people spend their time to make it easier to obtain knowledge about what consequences a measure/building/construction may have for children's movements and activities. The Ministry of the Environment has supported the work in the Norwegian Mapping and Cadastre Authority for development of a digital tool for such registration to use in municipal planning. This will then be one of many background data which is used in the planning for the municipalities.

133. Since 2003, the Ministry of the Environment has arranged annual training seminars for the children representatives in the largest cities in Norway. There are also corresponding annual seminars for the county municipalities and the County Governors, where those who are responsible for advising the children representatives participate. In 2007, the Ministry of the Environment commissioned the development of teaching materials to assist the county municipalities and the County Governors in their guidance work with the children representatives.

134. In the ongoing revision of the Planning and Building Act, the municipalities will receive a particular responsibility to provide for participation from children and young people in all planning. The Government intends to present the law proposal in the course of the spring 2008.

135. The Ministry of the Environment wishes that children to a greater extent were involved in the planning processes. It is a goal that as many as possible of the municipalities use the digital programme to register children's access to and use of areas in its planning, and that this becomes a customary instrument in the planning and cooperation process.



### Children and young people's participation in municipal decision-making processes

136. Reference is made to Norway's 3rd report, paragraphs 186–190. To strengthen children and young people's participation and influence in the municipalities has been a high priority goal from the Ministry's side for many years. Approximately 3 out of 4 municipalities have a body where children and young people may exercise their influence, usually a youth council or children and youth's municipal council.

137. The Ministry of Children and Equality has sent out a number of publications and circulars to promote the municipalities' work with children and young people's participation and influence. In 2006, a circular was published "Participation and influence from children and young people – information and guidance for work in the municipalities". The same year, a handbook was also published on youth councils. In 2007, the Ministry published the example pamphlet "From kindergarten to youth gateway – examples for children and young people's influence in the municipalities" which shows how children and young people have received influence on a number of different arenas in some selected municipalities. The aim with such publications is to give inspiration for the continued work in all municipalities in the country. The nomination of the Year's Children's and Young People's Municipality, which has taken place since 2003, also has influence as an important selection criterion. The Year's Children's and Young People's Municipality must be a municipality where children and young people receive genuine influence.

138. The Government has in its political platform stated that it will strengthen the possibility for children and young people to participate and influence. In autumn 2007, the Government agreed to appoint an expert group to examine the question on how the municipalities can arrange for positive leisure programmes for the youth groups, and questions related to youth and democracy, participation and influence. The expert group shall look into how one can facilitate the efforts so that the needs for different youth groups – also more marginalised youths; young people with ethnic minority backgrounds and young people with disabilities – are taken care of. The expert group shall also consider the need for possible amendments in legislation in these areas. A gender perspective shall be the basis for this work.

139. The Ministry of Children and Equality will also take the initiative for research to examine the status for the municipalities' efforts with participation and influence for children and young people.

### Dialogue between children and young people and state authorities

140. Reference is made to Norway's 3rd report, paragraphs 191–192. Article 12 in the Convention on the Rights of the Child concerning the child's right to express his/her opinions and be heard in cases which affect him/her, is also applicable to state decisions. State authorities as well as municipal and county authorities may find it useful to use their resources, experiences, thoughts and ideas in the design of policy and measures. An overarching principle for the work with children and young people's participation and influence is to ensure genuine influence which gives visible results.

141. Dialogue with representatives for children and young people (at conferences, discussion meetings, brainstorming, hearings, consultations, etc.) as well as representation in public

councils and committees are the most usual ways that central politicians and authorities collect viewpoints from children and young people. Through the political youth organizations, the youths promote their viewpoints directly to the political milieu. A mapping undertaken by the Youth Forum for Democracy (cf Norway's 3rd report, paragraphs 193–197) shows that there is a big difference in practice in the different ministries when it applies to the use of children and young people as dialogue partners. Knowledge concerning children's right to be heard in cases affecting them is present in varying degrees. It is a goal to secure a more systematic hearing of children's viewpoints in public administration. As a part of the implementation of better monitoring of the Convention on the Rights of the Child in Norway (cf. paragraph 11 in this report), a dialogue forum between youth representatives and the Minister for Child and Equality will be established.



142. Through the project Sami Guides, work is done to improve the dialogue between Sami children and young people and authorities. Cf. Chapter VIII paragraph 558.

143. Norway actively promoted child participation as a crosscutting theme in the preparations to the High level Meeting on the 62 UN General Assembly in December 2007. The meeting was a follow-up on the outcome of the Special Session on Children from 2002 and the implementation of the final document "A world fit for children". Two youth delegates also participated in the Norwegian delegation to the meeting and were also part of the UNICEF Children's forum. The youth delegates represented Save the Children's youth organization "Press" and the advisory youth council of the Norwegian Child Ombudsman. The State secretary from the office of the Prime Minister who delivered the official Norwegian Statement shared the limited speaking time with the youth delegates.

144. Some municipalities have begun to use new technology to stimulate children and young people in participation and cooperation. Examples of this are the four municipalities that have participated in a research-based evaluation project: Young people, ICT and Democracy Building – Can new technology contribute innovatively to participation and dialogue? The background experience in the area is limited, but relevant ministries will follow the development to see if ICT can contribute positively so that children and young people's viewpoints will be heard.

### **Children's right to express themselves in immigration cases**

145. A general provision concerning hearing of children in administrative cases is specified in the Administration Act section 17. Today's Immigration Act, however, does not have its own provision concerning children's right to express themselves; some provisions are given in the regulations. It appears from the regulations that the total circumstances of life of the accompanying children shall always be clarified during the asylum interview. In this connection, a conversation is arranged with the child, unless it is deemed evidently unnecessary, or one of the parents opposes this. At least one of the parents must be present during the conversation. This arrangement was introduced in June 2000, and is pursued in the current immigrant regulations section 55a (previously section 54, fifth paragraph, changed in 2003). Reference is made to Norway's third report paragraph 209.

146. The question concerning hearing children in immigration cases arises in a number of dilemmas. In 2007, the Norwegian Directorate of Immigration had received research and



development funding to implement a project on how children can be heard in immigration cases. The purpose is to take as a point of departure the Convention on the Rights of the Child Article 12 and describe how the provision is practiced within various types of cases and application situations according to the Immigration Act. The project shall result in a collected description and consideration of the current situation, with concrete recommendations for possible points for improvement. The project will form the basis for the work with guideline rules in the new immigrant regulations. It is planned to send out a hearing notice in November 2008.

### **Measures to strengthen the participation of children in decision-making in schools**

147. Reference is made to Norway's third report, paragraphs 203–205. Students' participation is anchored in the Education Act, which provides for student councils and school environment committees. Included in the Learning Poster in the Knowledge Promotion curriculum it states, *inter alia*, that schools and learning institutions shall facilitate pupil's participation, and pupil participation is also more specified under Principles for Education. The students' interests organization, Elevorganisationen (a student rights organization), has regular meetings with the Ministry's political leadership and Elevorganisationen has also received financial support to projects involving training of student representatives and work with engagement among the students.

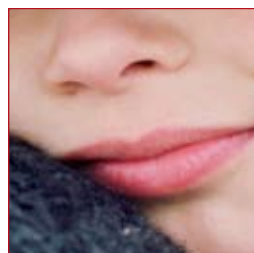
### **Participation among children in kindergarten**

148. To contribute to the fulfilment of the Convention on the Rights of the Child's Article 12, the principle concerning the children's right to participation was included in the Kindergarten Act of 2005. Cf. Chapter I, paragraph 6 in this report.

149. The provision shall ensure children's right to express themselves and to have influence on the everyday life in the kindergarten. Children shall be stimulated to think for themselves and be encouraged to actively give expressions for their thoughts and opinions. Children have the right to express themselves and be heard, but they shall not be left with a responsibility they are not prepared to take.

150. The framework plan and theme pamphlet concerning children's participation gives guidance as to how children's right to express themselves will be protected, and the kindergartens' annual plan must concretize efforts with ensuring children's participation. The national competence strategy for the kindergarten sector 2007–2010 has children's participation as one of four areas of emphasis.

151. In 2007, the Ministry of Education and Research has given NOK 66 million to follow up the measures in the competence strategy, and this campaign will be continued in 2008. Some funding goes to national measures directed by the Ministry of Education and Research, and funding is also in place for local development and competence measures. The Ministry of Education and Research shall have an ongoing evaluation of the competence strategy, and it will have particular focus on the status of the four prioritized areas of the efforts.





## Civil rights and freedoms

### A. Name and nationality (Article 7)

#### The Act on Norwegian nationality

152. The Act on Norwegian nationality entered into force on 1 September 2006. The regulations which are referred to in Norway's 3rd report, chapter IV, paragraph 217 are thus changed. The nationality law gives children an automatic right to Norwegian nationality after the parents by birth, independent of whether it is the mother or father who is Norwegian, regardless of whether the parents are married to each other at the time of the child's birth and independent of whether the child is born in Norway or abroad. Children who are adopted by a Norwegian parent also receive automatic Norwegian nationality from the time of adoption, as long as the adoption is – or later will be – acknowledged by Norwegian authorities. Children may apply for Norwegian nationality after they turn 12 years of age, even if parents choose to remain foreigners, that is to say, not submit an application for themselves. The basic rule is to have lived 7 years in Norway before nationality may be granted. For children and persons who arrived in Norway before turning 18 years old, a 5-year period of residence is required. Stateless children born in Norway may receive Norwegian nationality upon application if they meet the conditions for settlement permit. The child may receive such permission without a preceding period of stay, that is to say, immediately after birth, if the parents within the child's first year, fulfil the requirements for settlement permit and have applied for it. Unmarried children with parents who have received or are seeking Norwegian nationality together with the child, may receive Norwegian nationality after 2 years continuous stay in Norway with permission according to the Immigration Act. Children who are granted Norwegian nationality upon application or reporting must renounce their previous nationality.

#### No longer anonymity for sperm donors by artificial insemination

153. Reference is made to Norway's 3rd report chapter IV, paragraphs 219–220. After the last report to the Committee on the Rights of the Child, a new Biotechnology Act has been adopted, Act 5 December 2003 No. 100. relating til Application of Biotechnology in Human Medicine, etc. As a consequence of section 2–7, those who are born by assisted fertilisation with the help of donor sperm, upon becoming 18 years old, have the right to receive information concerning the donor's identity. A donor register shall assist the child with this. It is only the child who has the right to request the information about the sperm donor. It is up to the parents to tell the child that he/she has been born as a result of medically assisted reproduction involving sperm donation. The provision does not have retroactive force, and only applies to children who are conceived after the provision entered into force on 1 January 2005.



Photo: Simon Maina/Scampix





## B. Preservation of identity (Article 8)

154. Reference is made to Norway's previous reports. Cf. also paragraphs 152 and 153 in this report.

## C. Freedom of expression (Article 13)

155. Reference is made to Norway's third report paragraphs 221–223. The Constitution section 100 concerning the freedom of expression was amended by constitutional decision on 29 October 2004, and strengthens the Constitution's protection of freedom of expression as a fundamental human right and a central democratic principle. It follows from the provisions fourth paragraph that prearranged censorship is prohibited unless it is necessary to protect children and young people against harmful influence from living pictures.

## D. Freedom of thought, conscience and religion (Article 14)

156. *The Committee on the Rights of the Child refers to the views from the UN Human Rights Committee of 3 November 2004 concerning the education in the subject "Christian Knowledge and Religious and Ethical Education". The Committee encourages the party to accelerate the process to decide upon and legislate the amendments in the Education Act to bring the instruction in the subject of CREE into full accordance with the right to religious freedom. Reference is made to paragraph 20 in the Committee's observations.*

157. The subject Christianity and Religious and Ethical Education is changed (former Christian Knowledge and Religious and Ethical Education) after the criticism from the UN Human Rights Committee in 2004. The following amendments are adopted:

- The subject's name was changed in 2002 (Christianity and Religious and Ethical Education);
- The legal framework is changed, implemented 1 august 2005;
- The exemption rules are changed, implemented 1 august 2005;
- The curriculum is completely new as a part of the school reform Knowledge Promotion, implemented 1 august 2005.

158. The UN Committee stated in March 2006 in its concluding observations to Norway's fifth periodic report: "The Committee commends the prompt response and the measures taken by the State party to remedy the infringements on religious freedom identified in the Committee's views in Communication No. 1155/2003, including the adoption of amendments to the Education Act".

### Judgment against the subject of CREE

159. In June 2007, the European Court of Human Rights pronounced judgment which stated that the subject of CREE violated human rights. As a consequence of the judgment, the Min-

istry of Education and Research has sent a circular to all municipalities and schools in the country which states how the regulations for the CREE subject are to be understood in light of the judgment in the European Court of Human Rights. The Ministry will follow up the judgment and put forward proposals to the amendments of the Education Act and curriculum in the subject.

160. In December 2007, the Government proposed to change the name of the subject of Christianity and Religious and Ethical Education to Religion, View of Life and Ethics as one of several measures to follow up the judgment from the European Court of Human Rights. In a hearing notice which was sent out, there are also proposed amendments in the legal provision concerning the subject and in the exemption provision. In addition, the curriculum for the subject will be changed so that there is no doubt that the training will be in compliance with human rights.

161. The hearing notice has been sent out with a hearing deadline of 4 February 2008. The Government intends to put forward law proposals for Parliament in the spring of 2008. With reservations concerning Parliament's approval, the Norwegian Directorate for Education and Training will send drafts of the new curriculum for hearing. Both the curriculum and legal provision will apply for the school year 2008/2009.

#### **Knowledge status on religious sectarianism**

162. The Ministry of Children and Equality and the then Ministry of Education and Research financed in that time the project "GO ON", which provided help to young people who broke away from isolated religious communities. Reference is made to Norway's third report, paragraphs 232–233. In December 2006, the Ministry of Children and Equality took the initiative to develop a knowledge status concerning religious sectarianism, with focus on children and young people. The knowledge status shall involve a study of literature, compilation of existing programmes in the assistance network, a consideration of which measures are needed and proposals for further research, competence development and training. The Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS) is implementing the mapping, and the report will be available in the first half of 2008.

#### **E. Freedom of association and the right to freedom of peaceful assembly (Article 15)**

163. Reference is made to Norway's previous reports.

#### **F. Protection of privacy (Article 16)**

164. Reference is made to Norway's previous reports.



## G. Access to appropriate information (Article 17)

### Plan of action relating to children, young people and the Internet/SAFT

165. The Ministry is engaged in giving children, young people and parents good information concerning the use of media. The development in this area happens quickly and new problem areas constantly emerge. Examples of recent problem areas are bullying via digital media and excessive use of games/dependence on games involving money and dexterity games.

166. Since 2001, the Ministry of Children and Equality has had the responsibility “Plan of Action – Children, Young People and the Internet”. Reference is made to Norway’s third report, paragraphs 238–240. The plan of action has as its main goal to contribute to giving children, young people and families relevant information so that they may utilise the Internet in a safe manner. The plan of action is an integrated part of the international project Safety, Awareness, Facts and Tools, SAFT. The measure has had great attention, nationally and internationally, and has developed an extremely good and useful internet site to help children, young people, parents and the educational system for safe and sensible use of the Internet. The projects cooperate with KRIPOS (the Norwegian National Criminal Investigation Service) and they fight against indecent images of children, child pornography, and measures which may prevent that children through the Internet meet assailants in reality. To also be able to meet the international challenges information and communication technology present, Norway actively contributes to participation in relevant measures through the EU/EEA Agreement. The measures also have a systematic cooperation with trade organizations and non-governmental organizations with interests and responsibility for protection of children and young people. From 2008, the project has received a new name: Trygg bruk-prosjektet (Safe Use Project). For more information: [www.tryggbruk.no](http://www.tryggbruk.no).

### Public information to children and young people

167. Reference is made to Norway’s third report, paragraph 241. The website [ung.no](http://ung.no) gives young people easy access to updated public information. There is continuous work to develop and make the website better known. There is systematised contact with user groups for development of the website. The website is financed by the Ministry of Children and Equality and operated by the Norwegian Directorate for Children, Youth and Family Affairs. It works together with other ministries/governmental entities on the development of the website.

168. The Norwegian Directorate for Children, Youth and Family Affairs will also cooperate with municipalities and county authorities concerning information efforts directed toward children and young people. In 2007, the Norwegian Directorate for Children, Youth and Family Affairs arranged a conference for the municipal sector on children and young people’s information concerning policy instruments in the regional and local efforts for children and young people. The Directorate will also develop a collection of examples directed toward the municipal sector concerning various methods to organise information efforts for children and young people that demonstrate how the work can be organised from local needs and conditions.

169. The Norwegian Directorate for Children, Youth and Family Affairs contributes to strengthening the international information and advice which the youth information gives to youth organizations and youth groups in Norway. This is to be implemented with subsidies

for membership fees in ERYICA (European Youth Information Charter) and support to Norwegian youth information centre's participation in meetings provided for in the statutes.

## **H. The right to not be subject to torture or other cruel, inhuman or degrading treatment or punishment [Article 37 (a)]**

170. In proposals to new immigration legislation, a separate provision is proposed that shall place importance on the regard for children when one considers the need for protection against persecution, cf. Article 37 (a). Reference here is also made to Article 22. This is to ensure a child-sensitive application of the refugee provisions. Reference is furthermore made to what is stated under Article 3, which is relevant where asylum is not granted and where residence on humanitarian grounds shall be considered.

171. By law of 25 June 2004 No. 52, the Penal Code received a separate provision against torture, cf. section 117a. A chief aim with the provision is to fulfil the recommendations from the UN Committee against Torture to have a separate penal provision against torture in compliance with the definition of torture in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Article 1, cf. Proposition to the Odelsting (the lower house) No. 59 (2003–2004) page 56.

### **Protection of children in war and armed conflict**

172. During this period, Norway has taken a number of initiatives internationally for the protection of children in war and armed conflict. Norway has, inter alia, financed and participated in the dialogue process related to UNICEF's strategic review of the Machel study – on protection and care for children in conflict situations. Norway has extended its support to non-governmental organizations, and has particularly worked with the principle concerning children's involvement and right to participation. Cf. Part 3, Chapter XV, paragraphs 662–667 where these efforts are elaborated.

173. Through the support Norway gives to the non-governmental organizations Save the Children, Plan Norway and SOS Children's Village, and also through support to UNICEF, Norway promotes children's involvement in planning and implementation of projects. This is done through a rights-based approach. Through these organizations, Norway also supports a youth parliament and clubs for children that either are established at schools or in the local community around various target groups such as child labourers and street children. Support is also given to the so-called "Life Skills" training through UNFPA, UNICEF and Save the Children, as well as directly at the country level in countries such as Malawi.





## Family and alternative care

### A. Family structure – including single parents

174. In 2006, 58,500 children were born in Norway. Nearly half, 46 percent, of the children who were born that year had married parents, 42 percent had cohabitating parents and 11 percent had single mothers. The percentage of those born to single mothers has been gradually increasing from 2001, when the percentage was just over 8 percent.

175. At the turn of the year (2006–2007), three out of four children under 18 years old lived with both parents. One out of four lived with only one of the parents. Among children who live with both parents (75 percent), 58 percent had married parents and 17 percent cohabitating parents. Among those who live with one of the parents (25 percent), the majority lived with the mother. This accounts for 21.7 percent of the children. There is an increase in the number of children who live with the father, from 2.8 percent in 2000 to 3.7 percent in 2007. The reason that only 17 percent of the children in the age group 0–18 years old live with cohabitating parents, despite the fact that 42 percent in 2006 were born to cohabitating parents, is twofold. Firstly, the cohabitating family is a relatively young type of family that is most common among the youngest children. Secondly, the cohabitating family is a group with a good deal of change. This means that a number of partners gradually choose to marry while some move away from each other.

176. In 2005, 11,200 children under 18 years old experienced the separation of their parents. This number is fewer children than the year before. No numbers were found concerning how many children experienced cohabitating parents moving away from each other. We know that partners with children have over three times as high the probability to move away from each other than those married with children. A special study from 1999 concluded that 7400 children experienced that their cohabitating parents moved away from each other. There is no indication that this situation has changed since 1999.

177. After a separation, the family undergoes a reconstruction and new family constellations emerge. Most of these children nevertheless continue to live with their mothers. Among the group of children who do not live with both parents, 86 percent live with the mother and 14 percent with the father (latest figures 2004).





## B. Parental guidance (Article 5)

### Parental guidance programme

178. Reference is made to Norway's third report, paragraphs 254–255. The programme for parental guidance is the first step in a chain of measures to prevent psychosocial difficulties with children and young people through parent groups administered by different municipal services. From 2006, the Norwegian Directorate for Children, Youth and Family Affairs assumed responsibility for implementation and further development of the Program for Parental Guidance. The goal is to build up a good training corps in the Norwegian Directorate for Children, Youth and Family Affairs which can ensure the training of employees in the municipalities. With time, municipal services in all municipalities shall be able to invite parents to participate in groups which focus on prevention of psychosocial problems with children and young people.

179. In 2007, the number of trainers employed with family counselling offices and professional teams was approximately 50. These have as their task to give training and counselling to municipal employees who work with children and young people. In 2008, emphasis will be placed on gradual expansion of this training programme, renewal of material and further development of existing programmes.

180. The Norwegian Directorate for Children, Youth and Family Affairs is also increasing the capacity and is continuing the implementation of the parental guidance programme directed toward families with minority background at public health clinics and other service areas which meet this group of parents. The objective is to provide for systematic training so that parental guidance becomes a permanent programme also for linguistic minority families.

### Parental guidance in asylum reception centres

181. See information under Chapter VIII A 1. Refugee children paragraph 452 in this report.

### Parental guidance in prison

182. Reference is made to Norway's third report, paragraphs 143–144 and Norwegian authorities' answers to the questions from the UN Committee on the Rights of the Child, 6 April 2005, part I, B, page 7. The work that began in 2005 with parental counselling in prison continues. Groups of 4–7 inmates are established who meet weekly for an 8-week period. It shall be emphasized that all prisons shall be able to offer this, and this autumn guidance training of employees take place for the third time. Furthermore, separate visiting apartments have been established in a few prisons so that visits with children may take place there. As concerns maintenance of contact with an imprisoned parent, reference is made to the fact that it will be considered whether to give extended lengths of visits and more frequent visits if it is in the best interests of the child. Children's visits shall be accomplished in child-friendly visiting rooms or other suitable locations. Inmates with children may receive lengthened leave quota and earlier consented compassionate leave. Extended telephone time may be granted with regard to inmates' contact with their children. When deciding on where the prison sentence is served, particular emphasis is placed on whether it is in the best interests of the child to be placed near the child's home. Concerning control measures with visits from children, it

follows from the guidelines to the Execution of Sentences Act that caution should be exercised with the use of a glass partition and that prohibition against physical contact should be practiced with caution. Support is given to the Organisation for Relatives of Prisoners for different measures to give inmate parents more quality time with their own children.

183. The Organisation for Relatives of Prisoners has performed the study “Health and quality of life among relatives of prisoners”, where a total of 75 percent of the relatives report a worsening of certain health complaints. Half of the relatives in the study responded that they have had poorer health after imprisonment. The study further shows that many relatives experience worse financial circumstances (33 percent) and particularly spouses (87 percent). Results from the study were released in August 2007.

### **Family counselling services’ programme to children and young people**

184. Reference is made to Norway’s third report, paragraphs 250–251. Concerning children’s possibility to take contact with a family counselling office, it is important to emphasize that it is primarily up to the parents to decide for the children in such instances. In addition to this, the Ministry has performed an evaluation of children and young people’s right to independent contact with a family counselling office. The evaluation takes as its point of departure the law concerning family counselling offices section 12, which deals with clients’ right to information. The fourth paragraph, point 2 states that “Parents or guardians of children between 12 and 16 years old do not have the right to free access to information concerning the child if the child for reasons that according to the professionals believe should not be disclosed”. The Ministry’s conclusion may be summarised as:

- Children and young people between 12 and 16 years old can, according to the circumstances, consult the family counselling office for conversation and to receive advice and counselling. Whether the parents’ consent is necessary will depend on the nature of the conversation, and how radical the conversation is.
- If the conversation is of the nature to require therapy or otherwise more radical medical treatment, it is assumed that both parents must consent if they have common parental responsibility.
- If the conversation, only to a small degree, may be characterized as being medical treatment and is to a small degree controversial, it is assumed that this is within the sphere of the child’s self-determination, and the parents’ consent is not necessary.
- There may also be situations in between, where there is reason to accept consent only from the person with whom the child permanently lives. To a great extent, this will only be relevant if the child is closer to 16 years old and he/she wishes to have the conversation.

185. The Ministry of Children and Equality has implemented several measures to improve children’s possibilities to be heard – primarily in mediation cases. The Ministry has financed a project concerning hearing of children in mediation cases, and a training course for mediators in hearing children has been arranged. The Ministry has also published a collection of articles “Conversations with small children in cases according to the Children Act”, and the brochures “What about my opinion, then?” and “Children and Family break-ups”.





### Mapping the efforts of children who are exposed/witness to violence

186. The political platform of the Government emphasizes that the treatment programme for persons who practice violence shall be further developed and be made to cover the entire country. As a part of this development work, the Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS) entasked by the affected ministries, has mapped the existing assistance and treatment programmes for children, young people and adults with violence and aggression problems in Norway. Researchers have found 57 instances with 64 programmes for adults. Eighteen of these are open to persons who wish to do something with the aggression or their violent practices. The remaining programmes are for those who are or have been in prisons, are in drug and alcohol abuse care or in psychiatric institutions. The majority of the programmes are in principle open to both sexes; in 55 percent of the adult programmes and 89 percent of the programmes for children and young people, however, the majority are men.

187. For children and young people, there are only 8 treatment programmes of the total 47 which may be used at the low threshold level, thus without children having been within the child welfare system or to child psychiatry first. Two-thirds of the programmes for children and young people were managed by child welfare services. The remaining programmes were distributed among mental health, family counselling, specific programmes (principally Alternative to Violence (ATV)), drug and alcohol abuse care and a couple of overarching programmes. Children will also indirectly enjoy the benefits of treatment measures which are aimed at adults who used and are exposed to violence (parents and other guardians). Below an overview of overall efforts of the family counselling services to combat domestic violence is given.

### Family counselling services to families with children who are exposed to or victims of domestic violence

188. Services to couples and families with violence problems are included in family counselling offices' ordinary programmes on treatment and counselling for couples and families. The family counselling measures for families with violence problems have various forms:

- couples therapy, among other things, according to a method especially-developed in Norway for work with couples with children and those wishing to live together although one or both adults has a violent behaviour;
- individual therapy for violence-exposed women, children and siblings;
- group therapeutic programmes for violence-exposed women;
- trauma treatment for children and siblings who have been witness to/exposed to violence;
- groups for children who have been exposed to/witness to violence;
- mother-child conversations;
- individual therapy for men who use violence;
- anger management courses for violent men;
- therapeutic programmes for women who use violence;
- inter-institutional consultation teams together with professional teams, municipal child welfare, pediatricians, public health clinics, etc. for assistance to the municipalities;
- inter-institutional cooperation (with the police, on-call child welfare services, crisis centre, Reform, etc.) with preventive objectives and early intervention in violence cases;
- education and counselling of cooperation partners and other parts of the local assistance network.

189. Some family counselling offices offer long-term treatment for men who use violence. The programme is in strong demand and many courses are overbooked.

190. In addition, over a 3-year period (2004–2006), nine family counselling offices have participated in the project “Children who live with violence in the family” managed by Alternative to Violence and the Centre for Crisis Psychology to develop special competence and extend the programme to families with violence problems. The project was financed by the Ministry of Children and Equality. In this connection, a comprehensive training package was developed. A separate method for treatment of children who are witness to family-related violence was developed. Cf. Paragraph 257 in this report.

### **Family counselling services’ efforts for children with lesbian/homosexual parents**

191. It is a goal that lesbian and homosexual couples and families will make use of the family counselling services to a greater extent than today. The methods of assistance to same-sex couples shall be further developed, among other things, by strengthening the competence with the family counselling offices in this type of relationship and families. This increased effort will also be beneficial for children and young people.

### **Family counselling services’ efforts for an equal parenthood**

192. Several family counselling offices have started various measures and projects to strengthen the fathers’ role and responsibility in care for children, in cooperation with other parts of the local assistance network and business activities. Among the most central, can be mentioned:

- “Adam – where are you?”, developed by the Family Counselling Offices in Egersund. The project focuses on the man’s role in family life and care for children from an equality perspective. The project has, through a broad and complex outward programme in nearby municipalities, reached out to workplaces and enterprises for, inter alia, increasing consciousness among leaders and employees on the significance of facilitating that men shall be able to take more responsibility and care for children. The project has assisted in relationship education at upper secondary schools, and discussion groups for men and groups for children who experience separation have been started. By placing focus on men and family life, the project will generalise relational conflicts, make conscious men’s role as a partner/spouse and father, make responsible the man’s important and necessary contribution to preserve good cohabitation relations, make visible the family counselling services and increase the knowledge concerning the family counselling services programmes, and thereby lower the threshold to seek help.
- “Sustainable families – equal careers”, is a project at the Church’s Family Counselling Office in Asker and Bærum in cooperation with the Nordic Institute for Women and Gender Research and the Work Research Institute. The project’s overarching objective is to increase men’s participation in family life and childcare. The project operates in cooperation with Asker municipality and will, inter alia, assist enterprises and business activities in creating better balance between men’s working life and family life. Models shall be developed for adaptation of workplaces which protect men’s role as caregivers, and men will receive services which help to establish networks with focus on the role of the father. Couples will also receive offers for courses on cohabitating/communication with focus on equality.



- The Ministry moreover gives support to the project “Fathers for Fathers” under the direction of the Church City Mission in Oslo. This project aims at facilitating so that fathers with little social networking may have closer contact with their children through a support programme of volunteer men who are also fathers. The thought behind the project is to increase fathers’ consciousness concerning how important they are to their children and help them with a father’s role they find difficult to master.

### **Allocations to management and administration of family counselling services and relationship enrichment measures**

193. 194. In 2007, the total allocation to family counselling services was NOK 280 million. In 2007, the total allocation to relationship enrichment measures was NOK 23 million (including the contribution scheme to the relationship enrichment measure, “Good life together – Couples course for first-time parents” and “What about us? – Cohabitation counselling for parents with children with disabilities”).

### **Mediation**

194. Reference is made to Norway’s third report, paragraphs 252–253. With separation or divorce, parents with common children under 16 years of age meet for mediation. The aim of the mediation is that the parents reach an agreement concerning parental responsibility, where the child shall live and access. From 1 January 2007, cohabitating parents must also mediate when they are separating. The reason for the amendment is that children’s needs must be treated equally, independent of whether the parents have chosen marriage or cohabitation.

195. From the same date, the mediation arrangement is amended. The parents are obliged to mediate for one hour (previously three). Simultaneously, the offer concerning voluntary mediation was extended so that the parents now may receive mediation up to seven hours if the mediation can result in an agreement being reached. The aim with the alteration of the amount of hours is to make the mediation arrangement more flexible and adjusted to the individual cases so that less time will be used on parents who cannot benefit from mediation, and more time on parents with bigger conflicts. The mediation is free for the parents. For 2007, NOK 13.6 million was allocated for payments to mediators.

## **C. Parental responsibility (Article 18, paragraphs 1–2)**

### **Joint parental responsibility for cohabitants**

196. From 1 January 2006, the Children Act has changed so that cohabitating parents automatically receive joint parental responsibility for common children. Cohabitants are parents who are registered with a common address in the National Register or who send a declaration of cohabitation to the National Register.

197. The amendments apply for children who were born after 1 January 2006. Cohabitating parents who had children before this date and who have not earlier agreed on joint parental

responsibility, do not receive joint parental responsibility automatically by this amendment. They can, however, send the cohabitation declaration to the National Register according to the new regulation and receive joint parental responsibility for children who are born before 1 January 2006.

### **Decision of the European Court of Human Rights in Strasbourg**

198. On 4 October 2007, Norway was judged by the European Court of Human Rights in Strasbourg to be in violation of Article 8 on the right to family life. The applicant was a father who, in a ruling from the Gulating Court of Appeal, was not given access to his two sons. The Court of Appeal had declared in the case that there was reason to believe that the father had abused one of the sons, but did not look more closely into this. The Court of Appeal concluded that access should not be given since, everything considered, this would not be in the best interests of the child. The human rights court criticized the appellate court partly for having considered, and partly for having failed to consider the question concerning sexual abuse, and determined that there was a violation of Article 8 on the right to respect for private and family life. No objections, however, are raised against the Norwegian regulations in child custody cases.

### **Travel expenses in connection with access**

199. Reference is made to the presentation of the rules in Norway's third report Chapter V C paragraphs 262–264.

200. In connection with the evaluation of the new maintenance regulations (see in more detail under G below, paragraphs 215–217, a consideration is also made as to how the provision concerning travel expenses works in practice. This work is presented in Report to Parliament No. 19 (2006–2007), Evaluation of new regulations for child maintenance. Travel distance and travel expenses are specified in access and maintenance studies carried out by Statistics Norway in 2002 and 2004 respectively. In both studies, the parents were asked how the travel expenses were covered, that is to say, whether the parent to be visited paid everything, whether the child the parent lives with paid everything, or whether they shared expenses. The study showed that it is still the parent to be visited who covers the travel expenses in many instances, but there is a tendency that the parents, to a greater extent, share the expenses. In families where there is a short period since the separation, less than four years in 2004, the tendency toward sharing is even more significant, and among these, as many as 60 percent share the expenses in one way or another. This implies that the amendments in the law are beginning to be implemented in the families' practices. In the Report to Parliament No. 19, the Government proposes that the regulations concerning travel expenses in connection with access are improved. The Government will follow up these proposals through a law proposition.



#### D. Separation from parents (Article 9)

201. *The Committee on the Rights of the Child urges the State party to ensure that the best interests of the child are a primary consideration in the decisions taken regarding deportation of the child's parents. Cf. the Committee's Observations 21–22.*

202. The best interests of the child are an important consideration in the assessment of whether deportation shall occur, not least where the deportation could result in a split-up of the family life. If the objective criteria for deportation are present, an assessment must be undertaken as to whether the immigrant should after all not be deported. Deportation shall not be decided if taken into account, the seriousness of the act and the immigrant's ties to the country will be a disproportionate measure against the immigrant him/herself or the closest family members, cf. section 29 second paragraph, and section 30 third paragraph in the Immigration Act. Whether deportation is a disproportionate measure depends on a complex consideration. Important elements here are, among others:

- the nature of the criminal act;
- the meted-out punishment;
- the penal provision's upper sentencing range;
- when faced with violation of the Immigration Act; to what degree the immigrant him/herself may be blamed or whether there was an act in good faith;
- the immigrant's ties to Norway considered in relation to the ties to the home country, where factors such as period of residence and relatives in Norway and the home country respectively, age on arrival in Norway, the basis for the stay in Norway, travels to the home country and length of possible stays there, proficiencies in languages, etc. are relevant;
- whether the immigrant has family and any minor children in Norway, and their interests including whether the immigrant lives together with his family, has care responsibilities for children etc.;
- whether the family life was established before or after the immigrant should have understood that deportation could be possible;
- the possibility for continuation of family life in the home country;
- the immigrants or family members' state of health and consequences of deportation for this reason;
- the degree of integration through, inter alia, education and work.

203. In cases where decisions on deportation are made, even when the immigrant has children in the country who the person concerned lives together with or has permanent and established access with, according to established practice as a main rule a permanent ban on entry will not be imposed unless there are particularly serious criminal acts as for example, gross narcotic violations, gross violent acts, violent acts against the child or the child's mother, incest or repeated convictions. If deportation is decided after a comprehensive consideration of the case, the ban on entry will be set for two or five years.

204. In the proposal to the new Immigration Act, an explicit reference to the best interests of the child as a fundamental consideration in cases concerning deportation is included.

## **E. Family reunification (Article 10)**

205. The consideration of children's need to live with the parents is a main theme in the immigrant legislation's rules concerning family reunification. In the proposal to the new Immigration Act, several liberalizations are proposed which will expand children's right to live together with or to have contact with both parents. An extended refugee notion is proposed, and this will result in that more applicants receive refugee status and thus exception from the maintenance requirements concerning family reunification. A strengthened right to family reunification for cohabitating parents is proposed, so that a parent who has lived together outside Norway with children who are Norwegian citizens, and where the child subsequently has moved to Norway, under more specified circumstances, receive the right to family reunification with the child in Norway. It is also proposed to inscribe a right to family reunification for cohabitants who have children together. Furthermore, it is proposed to inscribe that the best interests of the child shall be a fundamental consideration with the assessment as to whether this shall provide opportunity for family reunification, also when the right to reunification is not stated in the law.

206. In 2006, there were almost 14,000 family immigration permits granted. This is the highest number of such permits since 2002, when approximately 14,600 permits were granted. Slightly over 6,000 permits were given to persons under 18 years of age. Of those who received permits, 24 percent were under six years old, while 17 percent were of legal school age. Many of the children who received family immigration permits have not immigrated to Norway, but are born here to foreign parents. The most permits were given to Polish children. As in 2005, many permits were also given to children from Somalia, followed by Germany and Iraq.

207. From October 2006, a reduction in admission for spouses to apply for residence permit after arrival into Norway was introduced. Persons who travel into Norway on a visitor's visa, but who enter into marriage under the visa residence, must return to the home country to apply for residence permit at the Norwegian Foreign Service stations. One of the main reasons for this tightening-up of the law was to prevent immigrants who plan to enter into matrimony and seek residence in Norway, bring with them children from a previous relationship to Norway without having an approval from the other parent in the home country in advance.

208. It is also mentioned that in the proposal for a new immigration act, a provision in the visa chapter is included which directs itself to situations where the child has a parent in another country other than the country of residence, and which emphasizes that in considering applications for visa in such cases, one shall place particular weight on the child's need for contact with the parents.

## **F. Illicit transfer and non-return (Article 11)**

209. Reference is made to Norway's third report paragraph 273. Norway has ratified the Hague Convention of 25 October 1980 concerning the civil aspects of international child abduction, and the Council of Europe Convention of 20 May 1980 concerning recognition and enforcement of decisions concerning parental responsibility and concerning restoration of parental



responsibility. Both conventions regulate child abductions in different manners. The aim of the Hague Convention is to ensure a swift repatriation of illegally abducted children. The aim of the Council of Europe Convention is to ensure that decisions concerning, inter alia, parental responsibility taken in one State party to the Convention, be recognized and enforced in other State parties to the Convention – something which could lead to repatriation of illegally abducted children.

210. In 2005, 27 cases of abduction from Norway to outside of the country were registered and 11 cases from abroad to Norway. In 2006, 38 cases of abduction from Norway to outside of the country were registered and 12 cases from abroad to Norway. The statistics also include children who are abducted to countries which have not ratified the above-mentioned conventions.

211. In the spring of 2007, Norway set up web pages on child abduction ([www.barnebertforing.no](http://www.barnebertforing.no)). The pages are aimed at providing a short overview of what can be done when a child has been illegally abducted, and who can assist affected parties. There are also pages with more detailed information meant for lawyers and judges. The pages will also be accessible in English.

212. Furthermore, Norway has newly appointed two contact judges, who shall assist with advice to affected parties in the court's handling of child abduction cases.

213. The Government will prevent that those who abduct children receive public financial support which may contribute to sustaining child abduction. Work has therefore commenced to examine and consider whether the cessation of financial support to the abductor may be a useful instrument to prevent abduction and expedite repatriation of children.

## **G. Payment for maintenance for the child (Article 27, paragraph 4)**

### **New maintenance regulations**

214. Reference is made to Norway's third report Chapter V G paragraphs 274–278. The new maintenance arrangements for determination and amendment of child maintenance which Parliament adopted on 31 May 2001, entered into force on 1 October 2003. According to the new regulation, the child's maintenance expense is taken as the point of departure concerning the expenses. These expenses are divided between the parents according to their income. The maintenance will be tested against the ability to pay of the person required to pay maintenance and thereafter be reduced for the expenses incurred during agreed/determined contact visits. The purpose of the new regulations is to share the expenses of caring for the child as fairly as possible between the parents according to their ability to pay, with emphasis on the child's need for maintenance. The maintenance regulations will ensure equality between the parents and encourage both parents to care for their child.

215. In connection with the adoption of the new maintenance regulations, Parliament asked the Government to undertake a running evaluation of the effect of the new maintenance regulations. Parliament is given a provisional response in the budget proposal for 2005, and a

separate Parliamentary report, Report to Parliament No. 19 (2006–2007) Evaluation of new regulations for child maintenance, which discusses the new regulations was presented to Parliament on 22 December 2006. The report to Parliament was considered by Parliament in the spring of 2007.

216. The evaluation shows that the reform on the whole has worked according to the objective and that the amendments in the maintenance regulations were a necessary and correct modernization. The primary objectives for the reform have basically been reached. More parents enter into private agreements, and maintenance payments are more in compliance with what it costs to provide for children of different ages. The contact between the child and the non-custodial parent is also thought to have increased somewhat. Those with the weakest finances are well ensured. Statistics Norway's studies on access from 2002 and 2004 also show that the cooperation between parents who do not live together is thought to have improved somewhat in the period over which the studies span.

217. The current model will be built upon, and certain amendments and adjustments will be proposed to sharpen the model. These proposals were sent for general hearing in February 2008, and the amendments will tentatively be implemented by the end of 2008.

#### **Fee for official determination of child maintenance payments**

218. Reference is made to Norway's 3rd report, paragraph 278. The fee arrangement was introduced on 1 June 2002, and is evaluated in Report to Parliament No. 19 (2006–2007) Evaluation of new regulations for child maintenance payments.

219. The evaluation shows that the fee arrangement has worked according to the intention when it concerns contributing so that more persons agree privately on the child maintenance. The fee, however, may work as a hindrance for official determination or amendment where it is shown to be very difficult to reach a private agreement. There may therefore be need for fee reductions which makes the rules more adjusted toward those who really need help from the public sector in their maintenance cases, for example where there are inflexible conflicts. At the same time, fee reductions will be a useful means in relation to families with weak finances and protect those with lowest incomes. Proposals for fee reductions were sent for general hearing in February 2008, and the provision will be implemented tentatively by the end of 2008.

#### **Reimbursement of child maintenance**

220. New regulations concerning reimbursement of child maintenance in instances where a man is excluded from paternity, entered into force on 1 January 2007. Previously, maintenance paid was reimbursed using the nominal amount, that is to say, crown for crown. The legislative amendment implies that an arrangement has been introduced which secures against the decline in the value of money from the first time the maintenance was paid and until it is reimbursed. The way this is done is that the reimbursement amount is subject to an index adjustment on the background of the consumption price index from Statistics Norway. An index adjustment will first, however, be relevant when the previous tax advantage has been taken into account.





221. The amendment also gives a man, who according to previous legislation, was obliged to pay maintenance but not paternity, the right to demand reimbursement of maintenance where DNA analysis shows that he is not the father of the child. It is a condition that the DNA analysis which is presented is done in such a way that it is considered an irrefutable proof.

## H. Children deprived of their family environment (Article 20)

### Increased use of preventive measures

222. *The Committee on the Rights of the Child recommends that the State party take measures to address the causes of a rising number of children who are removed from their families. The committee encourages the State party to give priority to protecting the natural family environment, and ensure that removal from the family and placement in foster care or institutions is used only as a measure of last resort when in the best interests of the child. Cf. the Committee's Observations 23–24.* The Child Welfare Act's point of departure is that children shall grow up with their biological parents, and that help and protection according to the law shall primarily be given in the form of assistance measures. It follows from the law that decisions concerning care orders cannot be made if satisfactory conditions can be created for the child by assistance measures, cf. section 4–12. In Norway's third report reference is made to a shifting of the resources in child welfare services toward increased use of preventive measures, that is to say, measures in the home. It was referred to that measures in the home have increased more than the portion which was removed from the home. Cf. paragraphs 281–290 in Norway's third report. This policy will be continued.

223. The number of children who receive assistance measures from child welfare services continues to increase more than the number of children under public care. In the period from Norway's previous report to the UN, the amount of children receiving assistance measures went from 29,300 in 2003 to 33,200 in 2006. The number of children under public care increased from 6700 to 7300 in the same period, according to figures from Statistics Norway.

224. The efforts to turn the use of measure from institution placing to more use of home-based measures and foster homes continue. The annual report from the Norwegian Directorate for Children, Youth and Family Affairs in 2006 shows that the number of children and young people in institutions is reduced by 2.8 percent from 2005 to 2006. At the same time, the number of days of stay at institutions is reduced by 2.5 percent in the same period. The portion of children and young people who received home-based measures or move into foster homes has also increased.

### Parental support measures

225. The Child Welfare Act section 4-4 contains examples of assistance measures which shall be implemented for the child and the family when the child, due to the conditions at home or for other reasons, has particular need for them. According to the legislative amendment of 17 June 2005, the enumeration of examples was extended with a reference to respite care at home and other parental support measures. The purpose with the additions is, among other things, to make visible the existence of these assistance measures for parents who wish for such assistance, and for caseworkers in child welfare services. In this way, the measures

could reach more persons, and through this contribute to more children receiving a satisfactory care situation in the home.

226. The availability of community and family-based measures is increasing. Implementation of Functional Family Therapy (FFT) started in autumn 2007. Within the institutions, there are also amendments. A new model for institutions' treatment of young people with serious behavioural problems, MultifunC (Multifunctional Treatment in Institutions and the Community), where the stay at an institution shall be short, was being tested starting in 2006 in the public child welfare services' five regions. These institutions have their own family team, which works with families and the community through treatments and the follow-up care period.

227. The Kindergarten Act of 2005 has a new provision which gives priority for admission to kindergarten for children for whom there are decisions according to the Child Welfare Act sections 4–12 and 4–4 second and fourth paragraphs, cf. the Kindergarten Act section 13 second paragraph. According to statistics (Municipal-State-Reporting – KOSTRA 2006), 1610 children are admitted to kindergartens in accordance with this provision.

### **Selection of foster home**

228. Foster homes are the most usual placement alternative when a child is placed outside the home. There is a trend towards more use of foster homes in these cases. Figures from Statistics Norway show an increase in children placed in foster homes of 3.7 percent from 2005 to 2006.

229. In cases where the county social welfare boards have determined that the parents shall be deprived of the care for a child, according to the law, child welfare services shall place decisive weight on what is in the best interests of the child in the selection of the placement location. The Child Welfare Act, with supplementary regulations concerning foster homes of 18 December 2003 No. 1659, which entered into force on 1 January 2004, contains more detailed rules for the criteria on which child welfare service shall be based in the overall evaluation which is to be carried out with the selection of a foster home.

230. According to the regulations in section 4, child welfare services shall always consider whether someone in the child's family or close network can be selected as the foster home. Furthermore, it follows from the regulation that the parents, if possible, shall be given the opportunity to voice their opinion concerning the selection of a foster home, and that the parents' opinions shall be taken into account in the concrete overall evaluation child welfare services carries out from the remaining criteria which follows from the regulation.

231. In selecting a foster home for the individual child, the foster home circular requires that child welfare services create a situation in which the child feels the most possible comfort, and in addition, it is conducive to giving the child the opportunity to express his/her opinions without entering into a loyalty conflict with those closest to the child. The child shall also be informed that he/she is free to express him/herself.

232. The foster home circular emphasizes that supervision of the foster home shall include an opportunity for the child to raise, for example, problems related to the placement or opinions



the child might have, including for example moving and contact visits. Emphasis should be given to finding a person to whom the child has, or can get, necessary confidence, and who has special qualifications to carry out supervision for the child in question. The child shall be informed that at any time, he/she can raise his/her problems and opinions with the person responsible for the supervision.

233. The Ministry of Children and Equality is developing a plan for how child welfare services' competence in speaking with children can be improved. Several professionals and professional milieus have been involved in the work. The Ministry is now getting an overview of the subject area nationally and internationally. The next step is to develop a manual with guidelines for use in child welfare services and a video-based training programme.

### **Quality assurance of expert reports in child welfare services**

234. It is important to secure a good and professionally qualified basis for the decisions that are taken in child welfare cases. Child welfare services and courts are therefore often engaging experts who are undertaking a study and compiling a report based on the study. In 2005, the Ministry of Children and Equality established a committee with a mandate to examine measures to secure the quality of the professional standard of the individual expert report. The committee proposed, in the Official Norwegian Report NOU 2006: 9 "Securing quality of experts in child welfare cases", that a child expert commission be established after a model of the forensic psychiatric group under the Commission of Forensic Medicine. All reports that are developed following engagement and appointment of experts in child welfare cases are proposed to routinely be sent to the commission before they be utilised for a final decision both in the administration and in the courts. A legislative proposal will be developed concerning the establishment of an expert child commission for child welfare cases.

235. A position has not been taken as to whether one should consider similar arrangements in child custody cases. It is a goal that everyone who deals with cases concerning parental responsibility, permanent residence and access, has sufficient knowledge about the harmful effects for children by being exposed to violence and abuse, both directly and by being a witness to violence. In 2005, the Ministry therefore held courses for judges, experts and lawyers concerning the harmful effects of violence and abuse, and the handling of child custody cases where violence and abuse are suspected. The Ministry will also provide written counselling material on this theme for use in the legal apparatus.

### **Follow-up of the parents' after care orders**

236. By the legislative amendment of 17 June 2005, a clarification has been introduced in the Child Welfare Act section 4–16 concerning the responsibility of child welfare services for the parents after a care order. In addition to following the development of the child and the parents carefully, child welfare services have an obligation to offer the parents follow-up and guidance. The legislative amendment instructs child welfare services to introduce routines which ensure the parents guidance and follow-up a short time after the care order, if the parents wish it. The parents' needs may be complex and extensive, and good and overall follow-up may therefore require services from several agencies and assistance instances. Child welfare services shall arrange contact with relevant agencies/instances if the parents wish this.

237. The aim of the assistance provided by the child welfare services' will vary depending on the concrete circumstances in each individual case. In some cases, the point of departure for assistance will be to give the parents a genuine opportunity to be in such a position that they may again assume care of the child. In cases where repatriation is not realistic, the counselling and the follow-up may facilitate the access between the child and the parents, or help the parents shaping the new parents' role in relation to a child for whom they no longer have the physical care. The purpose of the counselling may also be of a more general nature and have as its aim to improve the parents' circumstances of life. Moreover, many parents may need to be kept informed and oriented as to their child's situation in the foster home or in the institution. Child welfare services' counselling and follow-up should be adapted to the parents' wishes and situation at any time.

238. In autumn 2007, the Ministry of Children and Equality started development of an instruction pamphlet for the municipal child welfare services. The pamphlet shall contain text concerning the importance of giving good assistance and support to the biological parents after care orders, and provide concrete examples of what are considered good measures and working methods in this area.

#### **After-care for those between 18–23 years old**

239. According to the Child Welfare Act, the municipality shall consider, well before the child reaches 18, whether the youth has need for future measures. Together with the youth, child welfare services will clarify what the youth him/herself wishes, and develop a plan with measures for the person concerned. Among youths in the age group 18–22 years, 4286 had child welfare measures in the course of 2006. This amounted to 11 percent of all recipients of child welfare measures. The ratio has increased over the past few years, rising from a level of 9 percent in 2000. Among youths who have been under the care of child welfare services and who have reached 18 years of age in the first half of 2007 (i.e. youths who are moved into institutions, foster homes, etc.) 82 percent have received continued care after reaching 18 years of age. In the past year, the Ministry of Children and Equality has had a particular focus on after-care efforts. The Ministry has, inter alia, provided comprehensive guidelines on how the after-care for young people should be practiced and financed with a DVD on after-care, "A dignified start on adulthood", produced by the Norwegian Federation for Child Welfare Children and Grepperød Child Welfare Centre. The DVD is distributed to all municipalities in the country and to other relevant institutions. In the course of 2008, results are expected from a project which the Norwegian Directorate for Children, Youth and Family Affairs is following up. The project shall identify factors for good efforts concerning after-care for young people. Subsequently, a collection of examples with proposals for measures that work shall be developed; these shall be sent to the municipalities. If child welfare services cannot meet the youth's wish to maintain measures according to the Child Welfare Act, the services must inform the youth that the refusal may be appealed to the County Governor.



## I. Adoption (Article 21)

240. The Norwegian Directorate for Children, Youth and Family Affairs, which is the central authority according to the Hague Convention on protection of children and cooperation concerning international adoptions, reports that in the course of the last three years, the number of adopted children from foreign countries to Norway through adoption organizations has declined by 36 percent. In 2004, a total of 706 foreign children were adopted through adoption organizations to Norway. In 2006, the number dropped to 448 children. In major adoption countries like China, South Korea and Colombia the decline has been greatest. The Norwegian Directorate for Children, Youth and Family Affairs states that one of the main explanations for the decline is that these countries wish to take care of the children in their own countries. Economic growth and development of prosperity has made national care measures possible in these countries of origin.

241. Concerning ascertainment of the child's opinion on adoption, an amendment was made in the Adoption Act section 6. As from 1 October 2003, children who have reached 7 years of age, and younger children who are capable of forming their own opinions, shall be informed and given the opportunity to voice their own opinion before a decision is taken as to whether adoption authorization shall be given.

242. Preparatory adoption courses for adoptive applicants under the management of the public authorities was introduced in 2006. The course is voluntary and free and is directed at first-time applicants. The aim with the course is first and foremost that applicants at an early stage in the adoption process be given necessary information concerning adoption. The course contains themes which satisfy different aspects of adoption in a good and balanced manner. Thus far, the course has been viewed as successful, since the participants express that they are being well prepared to receive an adopted child.

243. Amendments in the guidelines concerning case treatment of applications for adoption have been carried out. The amendment is limited to cases which concern adoption of a step-child in registered partnership where the child is born into an established partnership, planned in the family and there has not been possible to determine paternity. Applications for adoption in these instances, as a consequence of the amendment, will be dealt with and decided upon relatively soon after the child's birth. In a discussion document concerning the common marriage act for heterosexual and homosexual couples, it is proposed that homosexual married couples shall be considered for adoption along the same lines as heterosexual married couples.

## J. Periodic review of placement (Article 25)

244. *The Committee on the Rights of the Child recommends that the State party pursue its efforts to ensure adequate supervision of the situation of children placed in foster homes or institutions. Reference is made to the Committee's Observations 25–26.*

245. From 1 January 2004, the Ministry of Children and Equality introduced new provisions concerning supervision with the institutions and introduced requirements concerning a more systematic supervision in addition to individualised supervision. The County Governors' report to the Ministry on implementation of supervision through annual reports. In 2006, individualised supervision in the institutions was implemented in compliance with the regulations in 14 of 19 counties (100 percent or more in reaching the goal). Three counties were close to the minimum requirement and had 96–99 percent effectiveness; two had 90 percent effectiveness, while one county had an effectiveness of 85 percent. System audits of the institutions shall be implemented one time per year per institution. The majority of counties have implemented this according to the regulations. Certain counties did not reach all the institutions within the calendar year, but within one year after the institution was established.

246. In accordance with the provisions of the Child Welfare Act section 2–3 third paragraph, letter a), the County Governor shall exercise special supervision of child welfare activities in the individual municipalities. The County Governor shall control that the municipalities carry out the tasks required by law, and that the tasks that are carried out are within the framework of the act. The act does not demand that this supervision shall be implemented according to a special method, but often the County Governors use the system audit method. The annual reports show that all County Governors have had administrative supervision according to the system audit method for selected municipalities in 2006. Moreover, they have been supervising the municipalities that have not met the deadlines in relation to the provisions in the Child Welfare Act. In addition to this, many County Governors have conversations, meetings and have given guidance in relation to particular needs in the municipalities.

247. From 1 January 2004, an approval and quality regulation for the institutions was also introduced. The purpose is to secure the best possible programme for children and young people in institutions and to contribute to strengthening follow-up and control with the institutions.

### **Persons responsible for supervision of children in foster homes**

248. Between 85 and 90 percent of all foster children have received their own person appointed for supervision. This can, inter alia, be explained with a temporary absence of those supervisors due to illness, or that the responsible person leaves their job. It is an aim to increase the proportion of supervisors, and the Ministry of Children and Equality has in 2005 and 2006 prepared guidelines and routine handbooks for appointment of supervisors, work and follow-up of the foster homes. The guidelines also apply to preparation of plans for measures and care which include all children, also children in foster homes. The material is available in electronic form and is published as a DVD. At the same time as the launching of the material, in 2006, government authorities arranged regional courses and conferences for all 430 of the country's municipalities.



## K. Abuse and negligent treatment (Article 19), including physical and psychological recovery and social reintegration (Article 39)

249. *The Committee on the Rights of the Child is concerned that children who are exposed to violence within the family do not always receive sufficient care and assistance, and recommends that the State party continue to strengthen its efforts to these children, including children with parents who are psychiatric patients and/or drug abusers. Reference is made to the Committee's Observations 27–28.*

### Legislative protection

250. By law of 21 December 2005 No. 131, a new provision was included in the Penal Code which is directed at domestic violence, by changing the existing penal clause against abuse, etc. in close relations (section 219). The provision was at the same time simplified and modernized to facilitate so that it may be more useful. Section 219 is the provision which primarily shall be used with abuse in close relations, cf. Proposition to the Odelsting No. 113 (2004–2005). We will also refer to the proposal in law proposal to Parliament (Proposition to the Odelsting) No. 11 (2007–2008) Concerning legislative amendments in the Criminal Procedure Act etc. (the strengthened position for the aggrieved and the surviving relatives) on the right to lawyers for victims of domestic violence. The proposal is discussed in more detail in paragraph 525 in this report.

251. In a decision from the Supreme Court in 2005, a stepfather was sentenced in accordance with the Penal Code section 228 for violence against his two stepsons. The Supreme Court stated, however, that it will not be affected by the Penal Code section 228 if parents for educational purposes give their children a light slap.

252. This statement from the Supreme Court has set off public debate. The Ministry of Justice is in the process of developing a proposal to a special section in the new Penal Code. This includes the penal provisions against violence, and the Penal Code 1902 section 228 is among the provisions which will be examined. The Ministry of Justice will, in this connection, consider whether there is a need to clarify and possibly strengthen children's protection against physical punishment. A law proposition to Parliament with a proposal for a new Penal Code – special part – which includes penalty provisions against violence is planned to be brought before Parliament in the course of autumn 2008.

### Right to victims of violence compensation for children who have been witness to violence

253. A child who has been exposed to violence has the right to victims of violence compensation according to the provisions in the Victims of Violence Compensation Act of 20 April 2001 No. 13. For children, it will be an experience with heavy strain to be a witness to one of the parents or other closely related persons who were exposed to violence or threats concerning violence. One such experience can give feelings and reactions of the same nature when the child him/herself is exposed to violence. They will then have the same need for support. To the extent that the damage is inflicted, the perpetrator could become responsible to provide compensation according to general compensation law. But as in other cases, this demand can

be without value, as the perpetrator may not have the means to pay. In November 2007, the Ministry of Justice proposed an amendment in the Victims of Violence Compensation Act which implies that children who have been witness to violence which is conducive to harming the child's security and confidence in its relation to a person close to them, will receive the right to victims of violence compensation, see Proposition to the Odelsting No. 10 (2007–2008). The proposal goes further than a general compensation law, so that the child will receive the right to compensation although the perpetrator is not under an obligation to pay the compensation. In the proposition, a special period of limitation is also proposed for children and young people. It will be sufficient that the demand for compensation is forwarded before the injured party reaches 21 years of age.



### **Strategy plan against sexual and physical abuse against children**

254. The Ministry of Children and Equality and other affected ministries in 2005 presented a strategy plan against sexual and physical abuse against children (2005–2009). The plan contains 22 measures in the areas of prevention, uncovering, assistance and treatment, as well as research and skills upgrading. Some examples of measures can be mentioned:

- Material to parents to hinder physical punishment of children is developed. As concerns the Committee's recommendations to stimulate "non-violent forms of discipline", reference is made to Chapter V B. Parental guidance, paragraphs 178–180 in this report.
- A knowledge status is under development as concerns how the assistance network may establish contact med minority parents concerning use of violence as a part of the upbringing and about the consequences for children to experience domestic violence.
- Mapping of routines with suspicions about violence and abuse committed by employees in child welfare institutions, asylum reception centres and residences for children with disabilities. The mapping (finished in April 2007) has thus far been followed up through introduction of new national routines for state child welfare institutions in June 2007.
- The arrangement for police certificates of good conduct for persons who carry out work for children and young people has been reviewed by an inter-ministerial working group under the leadership of the Ministry of Children and Equality. Cf. Chapter VIII C 3, paragraphs 516–520.
- Work is carried out to develop routines for registration and documentation in cases where there exist suspicions concerning physical abuse with children who are admitted into hospitals.
- A study on establishment of assistance programmes for exposed children and families in the form of the organization model Children's Houses (similar to "Child Advocacy Centers" in USA) was available in 2006. As a follow-up to the study, two Children's Houses were established in the course of the autumn of 2007. The Government will establish a further three Children's Houses in 2008. Cf. paragraph 521. For abuse-exposed children and young people, testing and evaluation of the approved treatment method Trauma-Focused Cognitive Behaviour Therapy (TF – CBT) is planned to be implemented and evaluated.
- Extensive mapping of sexual and physical abuse against children and of children who are exposed to domestic violence. Cf. see further discussion in Chapter VIII C, paragraph 514.
- Development of a system for training and guidance for foster parents who have children in their custody who have been exposed to physical and/or sexual abuse.





255. Norwegian Centre for Violence and Traumatic Stress Studies, which was established in 2004, has an important role in the implementation of several measures, inter alia, in this strategy plan. Regional resource centres on violence, traumatic stress and suicide prevention – four of five planned centres were established in 2006 – will also play an important role with regard to guidance for the assistance network and knowledge dissemination. The national and the regional resource centres have both adults and children as target groups. The centres have, among other things, a special focus on violence and trauma to which immigrants and refugees have been exposed.

256. Research from other countries indicates that in general there exists a correlation between, inter alia, poverty and violence in the family. Reference is made in this connection to the measure “Strengthened efforts against poverty among children, young people and families through child welfare services” in Chapter VI D Living standard, paragraphs 345–346 in this report.

#### **The project Children who live with violence in the family**

257. The Ministry of Children and Equality has allocated funding to the project «Children who live with violence in the family» managed by Alternative to Violence in Oslo and Telemark and the Centre for Crisis Psychology in Bergen. The project's target group is children who are exposed to violence either as a witness to violence in the family and/or children who themselves are exposed to child abuse/physical violence. The tasks are:

- Develop treatment methods for children who have been exposed to violence.
- Spread competence to instances providing treatment.
- Provide information and training to the local assistance network for children who have been exposed to violence, so that these services shall detect the children.
- Provide information and increase the attention in the population concerning children who have been exposed to violence so that they may be detected and receive assistance earlier.

258. In the period 2004–2006, the project had its main focus on competence strengthening in the family counselling services. Work was also done with the family counselling offices' cooperation partners such as child welfare offices, crisis centres, police etc. Four main elements were included in the building up of competence: 1) education/seminars, 2) guidance, 3) method development and 4) publications. Both Alternative to Violence and the Centre for Crisis Psychology have worked clinically with children in the first project period, inter alia, to develop competence/conduct research. In the continuation of the project, emphasis will be particularly placed on competence strengthening in child welfare services. It is therefore decided to continue the project for an additional three years from 2007–2009.

#### **Children of alcohol and drug abusers and mentally ill parents**

259. Children with alcohol and drug abusing parents and/or parents who are mentally ill, are particularly exposed and vulnerable as a group. There are indications that many of them are not brought into the assistance network, and that they do not receive the help they need. The Ministry of Children and Equality has therefore started a larger campaign to identify and follow up these children. In 2007, the campaign is a cooperation with the Ministry of Health and Care Services. The campaign includes a series of measures which shall be of direct benefit to

the children. Among other things, the services shall work more systematically to find and follow up the children who need it. The Ministries' funding in 2007 was used to provide better help and guidance to the municipalities, among other things in the form of counselling material about how they shall reach the affected children. In 2008 the affected ministries will contribute to a strengthened cooperation between child welfare, schools, the health sector and police, through, inter alia, arranging conferences at the county level. New procedures to speak with parents as to possible alcohol and drug abuse and mental health in relevant municipal services shall be developed and taken into use. Furthermore, good mapping tools shall be implemented to identify the problems and used as a help to find good measures. There shall also be implemented group programmes for children and young people with mentally ill or alcohol and drug abusing parents in the municipalities. Cf. Chapter VI B, paragraph 309.



### **Plan of action to combat domestic violence (2004–2007)**

260. It is a priority task for the Government to combat violence which occurs in the home and which mainly affects women and children. In 1999, the Bondevik I Government, presented the plan of action "Violence against women". The implementation of the plan gave results, but the work detected weaknesses and need for strengthened efforts. To ensure the continuity in the efforts, the Government presented a new plan of action to combat domestic violence in June 2004. In all, the plan contains 30 measures and they are directed toward the following areas;

- Through a series of measures, emphasis is given to strengthen knowledge in the police and in the assistance network. Knowledge concerning this violence characteristic and the victims' reactions is a necessary precondition to be able to do a good job. Among other things, regional conferences for affected agencies have been carried out. The aim has been to put violence against women on the agenda, increase competence, gather the actors in the area in the different regions and last but not least, contribute to strengthen the interdisciplinary and cross-agency cooperation.
- We know that victims of violence in the home have need for assistance from a number of different authorities. Through support for local projects, it is a goal to develop better cooperation and stimulate network-building among local authorities.
- Children who witness that people they love and who are close to them are exposed to violence, must be offered necessary follow-up and assistance. Under the plan of action, a 3-year national project "Children who live with violence in the family" is implemented. Cf. paragraph 257.
- The arrangement with family violence coordinators is central, and shall contribute so that the police can give comprehensive, coordinated and good qualitative processing of cases concerning domestic violence. The coordinator shall provide that the person exposed to violence and the family members are met with understanding, expertise and insight from the police – both from a humane and a professional point of view. This can contribute to lowering the threshold for contacting the police and thus contribute to more notifications. Establishment of family violence coordinators, quality assurance of the work which is done, as well as development of expertise is regulated in instructions from the Police Directorate.
- The police also have with new equipment for better ability to assist the violence- and threat-exposed. Mobile violence alarms are an example of this. As of today, a little over 1400 per-



sons have been given violence alarms, mainly women exposed to violence or threats of violence from previous partners. In order to secure good follow-up in the individual police district, the Police Directorate has developed its own guidelines for offering mobile violence alarms. The guidelines consist of instructions for the service as well as routines for receiving and handling of mobile violence alarms in the operation centrals. A separate information pamphlet and user manual have also been developed for the threatened person.

- Amendments are also implemented in the legislation to strengthen the situation for victims of violence in the home. The amendment in the rule concerning ban on visits is an important milestone. Few have questioned the reasonableness that women and children are the ones who have been forced to leave the home in order to escape the violence. From January 2003, a provision was introduced which made it possible for the police to ban visits also in one's own home. This means that it is the perpetrator that must move out independent of whether he is registered as the owner of the house or not. To a large extent, this marks an important change in our opinion as to whom shall be made responsible for the violence that is carried out. The interpretation of the law which is obvious in public circles – namely that the perpetrator must be made responsible – is now also implemented privately.
- In December 2005, we adopted a new penalty provision concerning domestic violence which also includes psychological abuse. Cf. paragraph 250.

261. The plan is found in English at this address; [www.regjeringen.no/en/dep/jd/Subjects/Vises-ikke-i-venstremeny/Domestic-violence.html?id=447110](http://www.regjeringen.no/en/dep/jd/Subjects/Vises-ikke-i-venstremeny/Domestic-violence.html?id=447110).

### Measures in the Immigration Act

262. In January 2006, the Immigration Act was changed so that residence permits and visas could be denied if it were likely that the applicant or the applicant's children from a previous relationship would be exposed to abuse or gross exploitation. As a part of this measure, the Immigration Act also was amended so that the immigrant authorities give permission to control the reference person's conduct in order to consider the risk for abuse/exploitation. The proposal is incorporated in the existing Immigration Act and entered into force on 1 February 2006. The conduct control, however, will not enter into force before regulations are developed (according to the plan, autumn 2008).

### Requirements for certificate of good conduct to work in asylum reception centres

263. Work with children and young people implies a great responsibility. To create the safest possible framework around the stay in reception centres for children and young people, a requirement for police certificates of good conduct for all persons employed in reception centres was introduced in 2006, cf. the Immigration Act section 41c. The provision was added to ensure that children and young people who stay in reception centres do not meet reception personnel who have previously abused children and young people sexually. The law provision also contains a job ban in reception centres for the mentioned persons. Cf. Chapter VIII C 3, paragraphs 516–520.





## Health and welfare

### A. Children with disabilities (Article 23)

264. *The Committee on the Rights of the Child recommends that the State party take all necessary measures to ensure that equal access to services, including cultural and recreational activities, is provided to children with disabilities. Cf. the Committee's Observations 29–30.* To ensure equality and equal possibilities for participation independent of disabilities is an important objective in the Government's policy. The disabled today have protection against discrimination in working conditions. It is, however, important that the protection against discrimination applies to all areas of society where persons with disabilities may be exposed to discrimination. A separate discrimination and accessibility law will be an important step in the direction to gain rights for the disabled.

#### **Proposal for new discrimination and accessibility law**

265. The Ministry of Children and Equality aims at proposing an anti-discrimination and accessibility law to Parliament. The proposal follows up the Syse Committee's law proposal in the Official Norwegian Report NOU 2005: 8 "Equal status and accessibility". The legislative proposal includes prohibition against discrimination for reasons of disability. The committee proposes that the law shall apply to all areas of society, including the working life. This will be a prohibition against direct and indirect discrimination, against harassment, against instructions whether to discriminate or harass, etc. is proposed. The committee also proposes separate rules concerning obligation to physical adaptation, through obligation to general adaptation as well as individual adaptation, and it is proposed that violations of the obligations are to be considered discrimination. The proposal includes shared burden of proof and reactions. The committee proposes that the law is enforced by the Equality and Anti-Discrimination Ombud and the Norwegian Equality Tribunal, which already enforces other legislation with discrimination protection.

266. In order to follow up the law, a separate plan of action for accessibility, among other things, will be developed. Lack of accessibility is an important barrier which keeps the disabled from participating along the same lines as others in society. Furthermore, the Government aims at revising the strategy plan for families who have children with disabilities to improve the conditions for these children and their families.

#### **The plan of action for increased accessibility**

267. In 2006, the Government has started work with a new plan of action for accessibility. It is envisaged that central areas of efforts in the plan will be buildings, outdoor areas/planning,



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transport, IT and work. The plan of action will be an important means for building up the implementation of the new discrimination and accessibility law. The existing plan of action for increased accessibility for persons with disabilities will be continued in 2008.

268. In the Government's plan of action, one of the measures is the development of a collection of examples which show sound solutions for universally designed outdoor areas by kindergartens, at schools and in the community. The purpose is to present how one may use the municipal planning process to obtain good versatile and inclusive outdoor spaces which is for all children. The examples shall include the outdoor areas in addition to the buildings. The target group for this collection of examples (documentation) is the authorities responsible for planning and expansion and rehabilitation of kindergartens, schools and the community.

269. In the plan of action, focus is also placed on outdoor areas which shall be modelled so that they are adapted for all. The Ministry of the Environment works with integrating universal modelling in outdoor work, and through funding from the Directorate for Nature Management, grants are given for measures to increase the accessibility to green areas in cities and densely populated areas. A number of municipalities have already made their walking paths accessible for everybody.

### **UN Convention on the Rights of Persons with Disabilities**

270. Norway signed the UN Convention on the Rights of Persons with Disabilities on 30 March 2007. The Government wishes to ratify the Convention as soon as possible, but is temporarily unsure when a proposal to Parliament may be submitted. The reason is that it could be necessary to make some amendments to existing national legislation.

271. Norway has not signed the optional protocol that gives the Committee on the Rights of Persons with Disabilities competence to receive and consider communications from or on behalf of persons or groups of persons who claim to be victims of a violation of the Convention. Before Norway ratifies this protocol, there is a need for a study of what this could imply for Norway, especially in relation to the economic, social and cultural rights in the Convention. The work for this impact study has begun.

### **Disabled children in kindergarten**

272. The right to priority in admission in kindergarten for children with disabilities is maintained in the Kindergarten Act of 2005 section 13. See Norway's third report paragraph 318.

273. Adaptability of the physical surrounding is often a condition for participation. In accordance with the Kindergarten Act of 2005 section 10, reference is made to section 2, fourth paragraph on the approval of the kindergarten's suitability. The kindergarten shall take into account children's different levels of function and accessibility for everyone is an important consideration in designing the kindergarten. Furthermore, it follows from the framework plan that in planning the kindergarten's design, consideration must be taken of society's goal for dismantling of disabling barriers. Planning, localizing and building of new kindergartens should be based on the principle of universal design. In December 2006, "Guide for designing the kindergarten's outdoor areas" was completed.

274. Adaptability of the kindergarten for children who have disabilities often implies extra expenses for the owner of the kindergarten. Therefore earmarked grants are given from the state for such measures. Reference is made to Norway's third report paragraph 318. The state grant to children with disabilities in kindergartens is allocated according to the number at each facility. Approximately NOK 736 million was allocated in grants to the municipalities.

275. The Norwegian Centre for Child Research (NOSEB) has submitted the report *Physically disabled children in kindergarten. Knowledge status and research challenges* in April 2005. The report emphasizes that there is a need for more research, particularly with emphasis on the kindergarten's content and quality in its services for children with disabilities. In the same report, reference is made to studies where the personnel in the kindergarten state that they are not fully professionally updated in relation to children with disabilities. In order to meet this need, in 2007 a pamphlet on the subject of children with disabilities was published. This pamphlet shall contribute to increase the competence of the personnel in facilitating a good programme for children with disabilities.

276. The programme for practice-oriented research and development in primary education and teacher training (PrakisisFoU) was strengthened and extended in 2006, also applying to the kindergarten sector. The kindergarten part of the programme is given an annual allocation of NOK 15.5 million in the period 2006–2009. To strengthen knowledge concerning the qualitative programme for children with disabilities, NOK 2.5 million of the annual appropriation is meant to be utilised for research on children with disabilities in kindergartens.

### **Children with disabilities in the school**

277. Education in primary and lower secondary schools and upper secondary schools shall, among other things, promote inclusion of the disabled. The main rule is that the disabled shall attend normal classes with other children and young people at the local primary and lower secondary schools. Students who have sign language as their first language, have the right to primary and lower secondary school as well as upper secondary education in sign language. The visually impaired and the blind students have the right to necessary education in Braille and training in the use of necessary technical equipment. The students also have the right to necessary training to find their way around school, to and from the school and in the home environment.

278. In 2006, the state-run county offices had implemented a common national supervision in the area of education. The objective with the supervision was to study how the municipalities fulfil their obligations to have a proper system for consideration and follow-up so that requirements in the Education Act are fulfilled. This also implies, inter alia, the legal provisions concerning inclusion. The supervision shows that the majority of the municipalities, which have been subject to supervision, do not fulfil the requirements to have such a system.

### **Disabled children's opportunities to pursue sports**

279. In the allocation of income from state-controlled gambling, there is a separate contribution scheme for groups with special needs. The goal with this arrangement is to contribute so that disabled, and especially children and young people, shall receive an opportunity to par-





ticipate in sports and physical activity. In addition, there is a requirement for receiving such funding that the sports facilities are adapted to all user groups, including the disabled. There is also guidance in allocation of income from gambling to the Norwegian Confederation of Sports (NIF) that disabled athletes shall be fully integrated in NIF and the different individual activities of the federations. The integration process is expected to be completed in the course of 2007.

### **Disabled children and leisure activities**

280. Through the contribution scheme “Urban Children and Youth Projects”, the Ministry of Children and Equality provides support for measures and projects which contribute to equal opportunities for children and young people with disabilities. This can be physical adaptation so that children and young people with disabilities can participate in ordinary leisure activities or specially-adapted activities and programmes for the target group. When the urban municipalities, to a small degree, have applied for funding for this target group, in meeting with the municipalities, the Ministry has encourage them to particularly to apply for leisure measures directed toward young people with disabilities. This has resulted in three of the cities having applied and received consent for their applications. The measures were not only about special activities and groups for young people with disabilities, but also measures to contribute to including these young people in activities for young people in general.

### **Organization support to disabled young people**

281. In 2007, 16 non-governmental organizations for children and young people with disabilities, as well as the umbrella organization Norwegian Federation of Youth Organisations of Disabled People, received core funding from the Ministry of Children and Equality. These types of organizations, where children and young people are together with others who have the same disabilities, can be a platform for developing a confidence which can make it easier to develop social competence in other children and youth's milieus. At the same time, it is an important goal to contribute so that all children and young people as far as possible are included in their local community, and thus in the local children and youth organizations.

### **Strategy plan for families with children who have disabilities**

282. The strategy plan for families with children who have disabilities was submitted in 2005. It had its background in Report to Parliament No. 40 (2002–2003), Dismantling of disabilities barriers, where the situation for families with children with disabilities was particularly discussed. The aim of the plan was “to give an overview of strategies and measures which are or will be implemented to improve the child's and the family's total situation”.

283. The plan is continued by the present Government and a series of measures will be implemented which shall contribute to ensuring that families with children who have disabilities shall have the same opportunity as others to live an independent and active life, and be able to participate in working life as well as social life to the same extent as others. The measures are divided into the main categories: kindergartens, schools, municipal health and social services, specialist health services, national insurance benefits and financial measures, housing, communication and support to the family.

284. The plan's strategies and measures reflect that children with disabilities and their families often have need for assistance from various parts of the public assistance network; health services in the form of medical help and psychosocial support, competence-building services, technical means assistance, social services, special educational assistance, kindergarten and school programmes, financial support arrangements and assistance to solving housing problems. Focus is given to coordination of measures and information concerning rights and support arrangement. In Proposition to Parliament No. 1 (2006–2007), notice is given that the Government aims to revise the strategy plan, and work is now being carried out to follow this up.



## **B. Health and health services (Article 24)**

### **Special challenges concerning health and well-being**

285. *The Committee on the Rights of the Child recommends that the State party pay close attention to child and adolescent health. Cf. paragraphs 31–32 in the Committee's Observations.* Well-being and lifestyle illnesses are the new big health challenge in Norway as in the rest of the western world. The development of illnesses in the Norwegian population can increasingly be linked to living habits and health behaviour. The increase in weight as well among children and young people as among adults and older people is an expression of a societal development and a lifestyle that implies too little physical activity and an unfavourable diet with too much sugar and fat.

286. Diet-related illnesses such as heart attacks and overweight affect different parts of the population in differing degrees. The differences are visible among children and young people as well as among adults. A higher intake of fruits and vegetables and lower amounts of fat in the diet have been documented in groups with high education. It also showed that children of parents with high education eat healthier and more regularly.

### **Plan of action for improved diet**

287. The plan of action for improved diet was submitted in January 2007 and shall run until 2011. Cf. the description in Chapter I, paragraphs 27–28. The plan of action consists of 10 areas of efforts which represent different target groups and different arenas where measures are implemented continuously. Measures which may contribute to reducing social differences in diet and health are emphasized in the plan of action. Children and young people are a priority target group, and below are mentioned some of the measures in the plan of action which especially affect these:

- Programme for free fruit and vegetables in primary and lower secondary schools for 300,000 schoolchildren – the goal is that the programme in time shall include all schoolchildren in primary and lower secondary schools.
- Measures to promote breastfeeding and proper nutrition for infants and small children. Through the project Mother-Child-Friendly-Initiative (MBVI) it is sought to assist mothers to get a good start with breastfeeding.
- Treatment programmes for overweight children and young people.
- Measures to give free vitamin D-enrichment to children with non-western immigrant backgrounds.



288. Yearly appropriations total NOK 36.5 million, of which NOK 30 million is appropriated to Fruit and Vegetables in the School.

#### Plan of action for physical activity

289. Physical activity has high priority in the Government's policy to promote the population's health and quality of life. The ministries' plan of action for physical activity 2005–2009 includes policy instruments and measures for eight ministries' areas of responsibility. The goal is improved public health through increased physical activity in the population. Children and young people and groups who are physically inactive are priority target groups.

290. The measures in the plan shall contribute to the development of locally-based low threshold activities, good opportunities for physical activity in kindergartens, schools and at workplaces – and so that our physical surroundings are planned and modelled in a way which protect the need for play and physical development in a safe way for all.

#### Eating disorders

291. *The Committee on the Rights of the Child recommends that the State party strengthen measures to address the occurrence of eating disorders and to promote a healthy life style among adolescents. Cf. paragraphs 31–32 in the Committee's Observations.* Estimates show that approximately 50,000 Norwegian women between 15 and 45 years old have anorexia or other forms of eating disorders that need treatment, of which approximately 600 patients per year have need for treatment in the specialist health services. Approximately 10–20 percent of those who develop eating disorders are men. The condition is relatively rare among young people under 15–17 years old. In few instances, eating disorders occur among children as young as 11–12 years old. Most of them will have need for polyclinic treatment, while a small portion will have need for hospitalization. Treatment for eating disorders is given at all polyclinics throughout the country, both within mental health care for adults as well as for children and young people. Person physicians treat patients with minor forms of eating disorders.

292. Several measures have been started in relation to treatment programmes for patients with eating disorders. A mapping, which was performed, by the Norwegian Directorate of Health and Social Services in the country's health regions shows that there is a general competence concerning eating disorders at polyclinics for adults as well as for children and young people, but that it lacked top competence in the area. A national network with representatives from the health regions shall contribute to competence building. Units/divisions for treatment of serious eating disorders are now established and under establishment in all health regions.

293. The Ministry of Children and Family Affairs has, in cooperation with the Norwegian Directorate for Education and Training, financed an internet-based education scheme which may contribute to making children and young people conscious of the media and advertising's means and methods and their role when it concerns development of eating disorders (Project "THINK – mobilization for self-worth and media understanding"). The internet site is directed to young people in primary and lower secondary schools as well as upper secondary schools and is accessible through the school gateway «Skolenett ». Through this tool, a

communication channel has been developed which young people use and which increases their knowledge concerning eating disorders and the media's role. The project and the web-site have been developed in close cooperation with teachers and students using selected pilot schools. An educational scheme has been prepared which is implemented through selected lower secondary and upper secondary schools in several cities.

## **Mental health**

294. *The Committee on the Rights of the Child encourages the State party to speed up the development of mental health care so as to ensure that adequate treatment and care are provided to all children and young people that need it without undue delay. The Committee also urges the State party to strengthen the health service's resources for people in suicidal crisis and to take measures to prevent suicide among groups that are at risk. Cf. the Committee's Observations 33–36.*

295. Mental health services for children and young people generally are still not satisfactorily developed, but are being continuously improved through the National Programme for Mental Health, also called The escalation plan for mental health (1998–2008). Reference is made to Norway's third report, paragraph 358. The Office of the Auditor General (Document No. 3:7 (2006–2007) and the Norwegian Board of Health Supervision (8/2007) substantiate that the programme for children and young people with greater or lesser mental problems still needs development work in relation to qualitative content, organization and dimensioning. The strong growth in the resource efforts within mental health care for children and young people has contributed to the fact that more than double as many children receive treatment in specialist health services in 2006 compared with 1998. At least 47,000 children and young people less than 18 years old received an offer of treatment from mental health care services in 2006. The number of polyclinic measures had more than a tripling in the period from 1998 to 2006, and the growth has been strongest in the last three years.

296. Early intervention is important to prevent mental suffering. The Government will continue to strengthen the municipal mental health efforts for children and young people, so that low threshold programmes will be offered with study, treatment and follow-up to children and young people with mental problems in the municipalities, inter alia, through establishing more psychological programmes, mental health teams and further development/establishment of family centres, strengthening of school health services as well as skills upgrading through the newly established postgraduate studies in psychosocial work with children and young people. Mental health work for children and young people in the municipalities is in an establishment phase and we have need for a substantial focus also after 2008. Cf. paragraphs 301–308 for elaboration of the measures.

297. The waiting period in mental health care for children and young people has increased from 75 days (average) in the first third of 2006 to 79 days in the first third of 2007. The number taken from these waiting lists, however, increases more than the number of new referrals. It is therefore expected, with current developments, that the waiting period in mental health care for children and young people will level out and in time fall. There are still a number of places that struggle with a backlog.

298. It is being worked on, among other things, to increase the competence of municipal em-



ployees through a new interdisciplinary further education in psychosocial work, a strengthening of public health clinics and school health services, as well as development of good models for overall follow-up of children and young people with mental problems. In specialist health services, the resource growth has been considerably greater in mental health care for children and young people than for adults in the programme period. The operational expenses for the services to children and young people have increased by 141 percent from 1998 to 2006 (72 percent adjusted for price inflation). More than double as many children today receive offers for assistance in specialist health services in relation to 1998 figures.

### **Introduction of waiting period guarantee**

299. By Act 21 December 2007 No 123 amendments in the Patients' Rights Act were adopted with the aim of introducing a waiting period guarantee in specialist health services for children and young people under 23 years of age with mental suffering or alcohol or drug dependency. (Proposition to the Odelsting No. 53 (2006–2007)). The adopted amendments gives title to adopt regulations to the effect that children and young people with mental suffering and alcohol or drug dependent young people are entitled to assessment by specialist health services within a shorter time limit than the ordinary of 30 business days, and a deadline may be set for the limit within which this group of children and young people under 23 years of age at the latest are to receive necessary health care. The plan is to set a time limit for assessment to 10 business days, and a deadline for treatment to a maximum of 65 business days.

300. It is the aim to introduce the waiting period guarantee during 2008. As a part of the implementation, work is underway with other measures which are assumed to be able to have an impact on the waiting periods, inter alia, improvement of referrals to mental health care services and implementation of measures during the waiting period. In addition, the Norwegian Directorate of Health and Social Services works with shaping national guidelines for prioritizing in connection with the right to necessary health assistance.

### **Increased competence and recruitment of professional personnel in the municipalities**

301. In the municipal sector, there is great need to increase the number of psychologists in order to have a better-developed and accessible low threshold mental health care programme for children and young people. Pilot projects have been implemented (2006) to assess how one may contribute to increasing the portion of psychologists in municipal services, and on this background, from 2007, these focused measures have been implemented. Through the National Programme for Mental Health (1998–2008), in the autumn of 2007, a postgraduate studies programme was established in psychosocial work among children by a number of colleges around the country. Measures are also taken to increase the number of psychologists in the municipalities. There will also be systematic efforts to develop the municipal programme to children and young people in risk groups and to those who have developed mental problems. This will contribute to ensuring that children and young people may receive assistance earlier at the lower threshold level (in the municipality). An example of targeted municipal mental health services to children and young people is found in the family centres in several municipalities. These centres coordinate various services that are directed toward children, young people and their families, and shall hereafter be strengthened further with

programmes which protect children and young people with mental problems and great difficulties. Approximately 60 such centres are found today.

302. Funding is being allocated to measures to upgrade skills, including post-qualifying and postgraduate studies and specialist education. Measures for increased competence concerning children and young people with mental suffering have been started. Regional centres in mental health care for children and young people have been established for all the health regions (R-BUP), in Trondheim, Tromsø, Bergen and Oslo. The centres' tasks are research, development work, counselling and teaching. Cooperation with child welfare services' development centres is emphasized as well as other competence milieus that work with children. The regional centres are allocated funding for post-qualifying and postgraduate studies measures and the number of educated candidates has increased considerably. The centres have also contributed to increased research. In order to receive more knowledge about and develop good models for long-term follow-up of children with mental illness and alcohol or drug abusing parents, a research-based test project in 10 municipalities will be implemented from 2008 until 2014. The purpose of the project is to develop good models for early intervention and systematic follow-up of children with mental illness and alcohol or drug abusing parents – from pregnancy through school aged children. The objective is to be able to give early and proper assistance and prevent the development of problems with this risk group.

303. Training and evaluation of the interactive method Marte Meo will be initiated. Marte-Meo guidance is used preventively in connection with public health clinics and as measures and treatment within child welfare services, foster homes and mental health care for children and youths. The aim is to provide assistance for self-help. In order to get more evidence-based knowledge about the programme, the National Competence Network for Infants and Small Children's Mental Health (R-BUP Øst Sør) has started training and evaluation effects. Among other things, the staff members at the centres for parents and children will receive an offer for training. This is a group that has much contact with mental illness and alcohol and drug abusing parents.

304. One of the goals of the National Programme for Mental Health (1998–2008) is to increase the number of professional persons in polyclinic activities with 400 man-labour years. Professional persons mean personnel with a minimum of three years' health profession training at the college/university level. In the escalation plan period, the number of man-labour years has increased by approximately 1400 (1999–2006) within mental health care for children and youths. Almost the entire increase is personell with a minimum of three years' higher education, including psychologists whose numbers have increased by 549 and the number of psychiatrists and other physicians has increased by 350. As a part of the continued prioritizing of the mental health care for children and young people, the regional health authorities through guideline documents from the Ministry of Health and Care Services have been requested to increase the number of professional persons beyond the goals for the national programme.

305. In the municipalities, through the escalation plan, an increase of 1044 new man-labour years, of which 561 man-labour years are growth in public health clinics and school health services and 483 man-labour years are growth in other prevention/psychosocial work such as mental health teams, child welfare, educational-psychological service, etc. It is a goal of the National Programme for Mental Health that public health clinics and school health services shall be strengthened by 800 man-labour years by the end of 2008. Municipal-State-Reporting



(KOSTRA) indicates, however, that the service is only strengthened by 440 man-labour years. The municipalities invest, however, the escalation funding other place than public health clinics and school health services. Towards the goal of the National program for mental health (1998–2008) of 260 man-labour to “Other preventive psychosocial work for children and young people with mental problems” 392 new man-labour years has been reported as of 31 December 2005, that is to say, an effectiveness rate of 127 percent, already 3 years before the end of the escalation plan. Of the corresponding goal of 800 new man-labour years for strengthening of public health clinics/school health services, 449, that is, 56 percent have been reached. This gives an indication that new man-labour years which shall specifically strengthen the service programme for children and young people with mental problems, be organizationally located in other places than in public health clinics/school health services.

306. The Norwegian Directorate of Health and Social Services works with development of a permanent statistic for the municipality's overall mental health work. This will be able to provide a deeper understanding of this picture as the basis for implementation of measures. A new framework which satisfies the total efforts is implemented in the services, and the municipalities will report on this framework from the year 2007.

307. In 2008, special attention should be given to reaching the goal of new posts. The efforts through the escalation plan are, however, not sufficient to achieve satisfactory offers managed by the school health services. Public health clinics and school health services are services regulated by law and the municipalities have an independent responsibility to fulfil the legal requirements. The Government has, inter alia, provided for a considerable increase in the municipalities' unearmarked income. In addition, it is relevant to consider stronger measures to strengthen the service, for example whether there is need for standards or norms for accessibility. In this connection, the Ministry of Health and Care Services has begun work to evaluate the personnel need in the service.

308. In addition to the municipalities' use of earmarked funding for competence, state measures to consider arrangements which contribute to recruiting psychologists to the municipalities will be prioritized in 2008. This is to continue strengthening the professional content in the municipal mental health work. The recruiting programmes for psychiatrists/child and adolescent psychiatrists and psychologists will also continues in 2008.

### **Children of alcohol or drug dependent and mentally ill parents**

309. In Norway, there are roughly 130,000 families who at any time live with mental illness and alcohol or drug problems. Children of mentally ill parents are a considerably neglected risk group. Many factors indicate that the service does not see the child's situation and needs when the parents have problems.

310. In the budget for 2007, the Ministry of Health and Care Services and the Ministry of Children and Equality have allocated NOK 15 million and NOK 14 million respectively to measures for children of alcohol or drug dependent and mentally ill parents. The funding will, among other things, be used for information measures, counselling and skills upgrading in the services, long-term follow-up of the child (testing of models for follow-up of children until the start of school), research and stimulation of non-governmental organizations and to the establishment

of a national competence network. Cf. Chapter V K Abuse and negligence, paragraph 259.

311. In 2006, the regional health authorities were instructed to provide that young people with drug or alcohol problems receive an overall programme, and that children and young people with mentally ill or drug or alcohol dependent parents are examined and secured follow-up if they have need for it. Parliament has, in Decision VII from Budget recommendation S. No. 11 (2006–2007), requested an assessment of the need for a legal regulation which can protect the needs of children of psychiatric patients and drug or alcohol dependent within the drug or alcohol abuse and psychiatric services. The Ministry of Health and Care Services will follow up the decision and assess this need.

### **Suicide**

312. Approximately 550 suicides are registered yearly in Norway. In addition, there are an unknown number of suicide attempts. The suicide rate has shown a downward tendency in the last decade. Strategic goals and priority areas for suicide prevention work have been developed until 2010. This implies, inter alia, improvement of national statistics, identification and assessment of measures for special risk groups, intervention measures with effect evaluation and assistance for the surviving relatives after the suicide.

313. Guidelines for prevention of suicide are being prepared. Emphasis is given to development of knowledge and competence-building in the service apparatus and to strengthen the general knowledge and the competence among employees in the municipalities, i.e. personal physicians, psychologists, employees at public health clinics and in school health services, teachers, etc. An education programme has been established (Vivat) for the “first line” who provide basic competence in risk assessment in relation to suicide. Suicide prevention is also a theme in the interdisciplinary postgraduate studies in psychosocial work with children and youths.

314. Two important research works directed toward children and suicide risks have been started. One of them is an intervention study for treatment of young people who are suicide threats, and the other study gives us knowledge about those who commit suicide but who never have been in contact with the treatment network. This often applies to young people.

### **Traditional practices which are harmful for the child’s health – female genital mutilation and forced marriages**

#### *Female genital mutilation*

315. Reference is made to Norway’s third report Chapter I A paragraph 46–47 and Chapter VI B paragraphs 381–385. Reference is also made to Norway’s written answer to the UN Committee on the Rights of the Child of 6 April 2005.

316. The work against female genital mutilation is coordinated by the Ministry of Children and Equality and is an extensive cooperation among several ministries – the Ministry of Health and Care Services, the Ministry of Culture and Church Affairs, the Ministry of Education and Research, the Ministry of Foreign Affairs, the Ministry of Labour and Social Inclusion, the Ministry of Justice and the Police as well as the Ministry of Children and Equality. Each ministry has its respective areas of responsibility.





## 317. The work in 2005

- The previous plan of action 2001–2004, “OK – Care and knowledge against female genital mutilation”, was basically implemented as a national project. The OK project was evaluated from January until May 2005. The evaluation showed that the OK project achieved good results and a high degree of legitimacy in the target group, and that strategy, with use of knowledge and care as methodical means has been necessary, but at the same time, insufficient. While one is waiting for a change in attitude, compensating measures are needed and user perspective should be developed to, inter alia, include men and religious leaders.
- Female genital mutilation is included as a theme in the information programme to residents in asylum reception centres, developed by the Norwegian Directorate of Immigration in 2005.

## 318. The work in 2006

- In 2006, a funding was given to undertake a study to better document the effect of earlier efforts and more knowledge about which methods are effective. The study was published in March 2007 and showed that the religion and health aspects are important tools in attitude-changing work, and it should be clarified what “sunna genital mutilation” is, and that female genital mutilation is not a religious requirement.
- The Ministry of Health and Care Services made a study upon the request from Parliament No. 385 (2004–2005). In the study, introduction of routine clinical observations of girls’ sexual organs to prevent female genital mutilation was not recommended. Today such examinations are made when there are medical grounds for it and consent is given.
- In the Norwegian Directorate of Immigration’s information gateway, New in Norway, which was launched in the spring of 2006, a presentation about female genital mutilation is included.

## 319. The work in 2007

- For a long time, information has been given to asylum seekers that female genital mutilation and forced marriages are prohibited. Asylum seekers must sign that the information has been received and is understood in connection with the asylum interview.
- A mapping project has been started (July 2007). The project shall obtain information concerning the estimated extent of female genital mutilation in Norway, and whether relevant professions who are under a legal obligation to avert this practice follow up this obligation. Furthermore, one shall find out what persons in the exposed environments, professional and resource persons, believe can have a positive effect in the efforts to terminate this practice and their opinions about obligatory clinical studies. The Government will take a final stance on the question of health examinations in the course of 2008.
- Work is taking place to involve the family care to a greater extent than today in the preventive work.
- Female genital mutilation shall be incorporated into the knowledge status about multicultural child welfare, and it shall, inter alia, be developed national teaching programme for the child welfare services.
- A parental guidance programme is offered in many asylum reception centres. In asylum reception centres, a good parental guidance programme from when the children are quite young, provides a good basis for the children’s possibilities and development in Norwegian society, and for the parents’ possibilities for active participation and follow-up of the children’s situation.
- Funding is given to organizations and others who work with the issue of female genital mu-

tilation. Among other things, funding is given to a project which the purpose is to train Somali girls/women as agents of change within their own ethnic group and stand up against civil and religious leaders.

- Health care; In each of the four health regions, separate polyclinics with special programmes for mutilated women have been established. Specialists in the field have been designated to guide both the specialist and the primary health service.
- Immediate measures have been implemented in the summer of 2007. Letters were sent to all municipalities in the country and other relevant target groups with more detailed information about the regulations concerning client confidentiality, an obligation to avert and disclosure requirements to child welfare services. Outreaching activities are carried out for these target groups, such as distribution of information material, 24-hour telephone service and support to information material and arrangements, more open public health clinics, information campaign on trams, trains and in taxis, establishment of a national advisory group with representatives from affected milieus and authorities. Norway's police commissioners were informed about the possibility to refuse issuance of passports when there is a danger for female genital mutilation, etc.
- International plan of action against female genital mutilation; the Ministry of Foreign Affairs has a separate plan of action against female genital mutilation related to the development cooperation and had in 2007 a marking of the international day against female genital mutilation.
- The Government is conscious that the risk for female genital mutilation may form the basis for authorization for protection (for example asylum) in Norway. The Ministry of Labour and Social Inclusion has started work with drafting guidelines for treatment of cases where gender-related persecution is involved. In such guidelines, female genital mutilation will be an issue, including female genital mutilation as grounds for residence permit in Norway.
- In the curriculum in Norwegian and social studies for adult immigrants, it is stated that the theme female genital mutilation shall be raised with some participating groups where this is relevant (for example under the subjects health, or children and family). It is the municipalities that follow up the teaching, and it is the individual teaching institution that carries out the work.
- Operating support is given to some nationwide organizations from the Ministry of Labour and Social Inclusion's budget. Among those who have received operating support are SEIF (Self-Help for Immigrants and Refugees), the MiRA Resource Centre and HRS (Human Rights Services). These organizations have also worked against female genital mutilation problems.

#### *New plan of action against female genital mutilation*

320. In February 2008, The Government presented a new plan of action against female genital mutilation.

#### *Forced marriage*

321. Reference is made to Norway's third report Chapter I A paragraphs 48–52 and Chapter VI B paragraph 386, Norway's written answer to the UN Committee on the Rights of the Child of 6 April 2005.

#### *Legislative amendments*

322. It has been necessary to make several legislative amendments to combat forced mar-



riages. In a new provision in the Marriage Act section 1a, it is established that voluntariness is a condition to be able to enter into marriage. The legislative amendment shall contribute to clarifying the current state of the law according to the Marriage Act and the obligations according to the UN Convention on the Elimination of All Forms of Discrimination against Women, Article 16. In addition, it is evident from the Marriage Act section 7 that the bride and groom will affirm that the marriage was entered into of their own free will. In December 2006, Parliament adopted additional legislative amendments which shall hinder forced marriages, including child marriage and helping the parties out of a forced marriage. A main goal with the proposals is to prevent persons residing in Norway from circumventing the Marriage Act's requirements by travelling abroad and entering into marriage there. The amendments entered into force on 1 June 2007. The most important amendments are:

- The Marriage Act section 18a stipulates that a marriage entered into abroad is recognized here in Norway as long as it is validly entered into in the country where the ceremony took place and it evidently will not be objectionable in the Norwegian legal system (*ordre public*).
- Section 18a stipulates that a marriage entered into abroad where at least one of the parties is a Norwegian citizen or permanently residing in Norway at the time of the ceremony, shall not be recognized in Norway if both parties were not present during the ceremony, or if one of the parties were under 18 years of age or if one of the parties were already married.
- A possibility in new section 18a for being able to recognize an originally non-authorized marriage at the request of both parties in case strong grounds exist.
- Section 1 stipulates that the County Governor may not give authorization to the contracting of marriage if applicants are under 16 years of age, and furthermore, that the County Governor is only able to give authorization for contracting of marriage for persons between 16 and 18 years old where strong grounds exist.
- The access to immediate divorce by judgment in section 23 is extended to apply to forced marriages generally, including where the other spouse has used force.
- The Criminal Procedure Act sections 3 and 427 stipulate that requirements concerning invalidity (possibly immediate divorce) also may be pursued in cases where another person than the spouse is charged.

323. A brochure has been made on the most important provisions which are translated into English, Somali, Sorani, Arabic and Urdu. (Q-1130/B/E/Som/Sorani/A/U)

*Mapping of the extent of forced marriage cases in the assistance network*

324. The organizations and the assistance instances that work with the problem report about the increasing number of forced marriage cases. This may of course be due to the fact that it has actually become a bigger problem. The increase, however, may also be explained by the fact that many young people have come into marriageable age. Furthermore, it may be that how to find help has become better known, leading to the fact that more people are seeking assistance.

325. No concrete figures are to be found as to how many are exposed to forced marriages. The extent of forced marriage cases and related problems in part of the assistance network are, however, mapped in the report "Forced marriage cases in the assistance network. Extent and challenges", prepared by the Centre for Women and Gender Research, the University of Oslo. It is apparent from the report that child welfare services in the period 2005–2006 had contact with 63 children in cases concerning forced marriages, of which 83 percent were girls. Cases

tioned to authoritarian upbringing and control of girls' sexuality in the same period amounted to 276 children. Self-Help for Immigrants and Refugees (SEIF) registered 64 "crisis cases". Red Cross helpline, the telephone information on forced marriages which is operated by Oslo Red Cross, had 172 concrete communications. Competence teams against forced marriages registered 114 cases, of which Red Cross was involved in 49 of them. The large majority of cases dealt with young women. Most were between 15 and 25 years old. The majority of them have backgrounds from Pakistan and Iraq.

#### *Agreement with Pakistan*

326. One of the challenges in cases which deal with forced marriages is that the conflicts often affect other countries. In the handling of such cases, Norwegian authorities are very often dependent on cooperation and assistance from authorities in other countries. A goal is to build contacts with authorities in countries where forced marriages can occur, for receiving a quick and effective handling of concrete cases. In December 2005, Norway and Pakistan signed a bilateral agreement (also called the family protocol). The agreement provides the framework for an advisory body which shall address family-related problems, including forced marriages. The agreement entered into force on 1 May 2006, and in September 2006, the first meeting was held in Islamabad, Pakistan.

#### *Intermarriage in Norway – extent and medical consequences*

327. Intermarriage – marriage between related persons – is widespread in large parts of the world, especially in the Middle East, North Africa and South Asia. This seldom occurs in Norway today, but was far more common some generations ago. The Norwegian Institute of Public Health has been tasked by the Ministry of Health and Care Services, the Ministry of Labour and Social Inclusion and the Ministry of Children and Equality to produce a report on this marriage practice in Norway today, and what health consequences this may have for children. A corresponding work was done in a doctoral thesis in 1998. The report is, to a large extent, a continuation of the thesis. These are the main findings in the report which was published on 22 March 2007:

- In Norway, intermarriage is most widespread among persons of Pakistani origin. Among first-generation immigrants from Pakistan, 43.9 percent of all children are born to parents who are first cousins.
- Among direct descendants of first-generation immigrants from Pakistan, the portion of first-cousin couples is 35.1 percent, accordingly somewhat lower than with the parents' generation.
- The number of intermarriages appears to be on the way down in the Norwegian-Pakistani population.
- Intermarriage is also relatively common among persons with origins in Turkey, Iraq, Iran, Sri Lanka, Morocco and Somalia.
- Among persons with Norwegian origins, intermarriage is seldom occurring, but it was more common some decades ago. This especially applies to second-cousin marriages.
- Intermarriage involves increased risk for stillbirth, infant death and congenital deformities. In addition, there is an increased risk of death all the way up to adulthood among children of intermarriage parents.
- Since intermarriage seldom takes place in the population as a whole, intermarriage is of little significance for public health in Norway. It is, however, an important reason for illness and death among children in the country groups where intermarriage is widespread.



328. The Government will not propose a prohibition against first-cousin marriage, but will implement information measures on the medical implications for affected groups.

*Plan of action against forced marriages*

329. On 29 June 2007, the Government presented a new plan of action against forced marriages for the period 2008–2011. The plan gives a unified presentation of how the Government will strengthen and further develop the efforts against forced marriages. The plan contains both preventive and assistance measures and has a particular focus on the school's role, the Foreign Service stations' role, the need for secure living as well as treatment programmes and strengthening of public foundation and coordination. Non-governmental organizations will also receive increased support for preventive measures. The plan contains 40 continued and new measures and has the following primary objectives:

- Legal framework against forced marriages shall be effectively enforced;
- Forced marriages shall be prevented;
- Competence and cooperation shall be strengthened;
- Assistance measures will be sound and accessible;
- International efforts and cooperation will be strengthened;
- Knowledge and research will be strengthened.

330. Among the concrete measures in the plan, mentioned can be made of, an arrangement with minority counsellors in upper secondary schools with high percentages of students with minority backgrounds, an arrangement with integration attachés, by particularly relevant embassies and support for voluntary organizations for awareness-raising activities aimed at combating forced marriages.

331. Furthermore, the plan contains measures which deal with information to residents in asylum reception centres concerning the prohibition against forced marriages, consciousness-raising of participants in Norwegian education concerning forced marriages, strengthening and continuing of competence teams against forced marriages, and also contributing to European cooperation to solve the challenges which arise when persons who are vulnerable to forced marriages with stay or resident permit in a Schengen country have need for security and temporary subsistence in another country.

332. The plan of action against forced marriages involves eight ministries. The Ministry of Children and Equality has the responsibility to coordinate the follow-up. The Government has allocated over NOK 70 million in 2008 for measures in the plan.

### **C. Social security and child care services (Articles 26 and 18, paragraph 3)**

#### **The children's allowance**

333. Reference is made to Norway's third report Chapter VI C paragraphs 388–390. The children's allowance applies for all children residing in Norway. As of 2007, the children's allowance ordinarily amounts to NOK 11,640 yearly per child. From 1 January 2007, in addition to the children's allowance, NOK 3,840 yearly for children residing in Svalbard has been

introduced. The right to the children's allowance during stay abroad has been tightened as of 1 January 2007. The child is no longer regarded as residing in Norway, and has therefore neither the right to the children's allowance with stays abroad which are intended to last more than six months (previously 12 months). Also introduced is a duty for schools to notify NAV when a student has been absent which may be due to staying abroad. The purpose of the amendments is to promote integration so that children, to a lesser extent, are taken out of Norwegian schools to stay abroad.

334. Extended children's allowance (the children's allowance for one child more than the actual number of children) is given where the children's allowance recipient is a widow/widower, unmarried, separated or divorced and does not live the other parent of the child. From 1 July 2007, the right to extended children's allowance is given when one of the parents is in prison, although the parents continue to be a couple. Parents who in reality have become the single primary provider because the spouse/cohabitant is in prison are equalised now with those who become the single primary provider due to separation/divorce. The purpose of the provision is to make the situation better for families of inmates.

335. In 2007, approximately NOK 14.4 billion was paid out in children's allowance.

### **Parental leave**

336. Reference is made to Norway's third report Chapter VI C paragraph 391. Payment to parents secures the mother and the father the right to paid leave in connection with birth and adoption. The aim is that parents may safeguard children's care needs and at the same time retain the ties to working life. With effect from 1 January 2005, the father has received the right to wage compensation under the father's quota. Previously, fathers' wage compensation was reduced if the mother worked in a post 50–75 percent before birth. The father's quota was extended from 4 to 5 weeks with effect from 1 July 2005 and from 5 to 6 weeks with effect from 1 July 2006. The goal is to strengthen the contact between fathers and children and make mothers' and fathers' work ties more equal.

337. From 1 January 2007, simple rules for a more flexible scheme for payment to parents was introduced. The amendment makes it easier for parents who so wish to combine partial leave with partial work. In 2007, approximately NOK 11 billion was paid out in parental benefits in connection with birth and adoption.

### **Cash benefit scheme**

338. Reference is made to Norway's third report, Chapter VI C paragraphs 394–404 and Norway's written reply to the UN Committee on the Rights of the Child of 6 April 2005. The cash benefit scheme is given to children who do not, or only part-time, attend kindergartens that receive public funding for operating costs. The cash benefit is given from the month after the child turns one year of age and including the month before the child turns three years old. From 1 July 2005, adopted children are given the right to cash benefit for a corresponding period, even if the child is over three years old. The cash benefit is not given to children of legal school age. In 2007, full cash benefit amounts to NOK 39,636. In 2007, a total of approximately NOK 2 billion was paid in cash benefits.



339. Statistics Norway (SSB) has the task from the Ministry to implement a project on the extent of the use of the cash benefit scheme among children with non-western immigrant backgrounds (SSB-report 26/2006). The report shows that a larger portion of children with non-western backgrounds use the cash benefit scheme more than the average for all children in the cash benefit scheme age group, 78 and 62 percent respectively as of 1 September 2004. If one looks at all one- and two-year-olds, there has been a decline in the use of cash benefit scheme during the period 1999–2004. For children with non-western background, there has been a slight increase in the use of the cash benefit scheme during the same period. Improved kindergarten coverage ergo does not appear to have influence on the use of the cash benefit scheme for this group.

### D. Standard of living (Article 27, paragraphs 1–3)

340. *The Committee on the Rights of the Child expresses concern over the high portion of immigrant children who live in households with persistently low income. The Committee recommends that the State party ensure that no group of children lives below the poverty line. Cf. the Committee's Observations 37–38.*

341. The Government will combat poverty and reduce social and economic differences through universal welfare schemes, strong community solutions, and by giving everyone the opportunity to participate in the working life.

342. At the same time as the Government presented the proposal for the state budget for 2007, a plan of action against poverty was also presented. In 2007, the main areas of effort are measures so that everyone shall be given opportunities to work, measures so that all children and young people shall be able to participate and develop, and measures to improve the living conditions of those in the most difficult situation. Beyond measures to strengthen the parents' labour market connections, competence and development measures are strengthened and implemented in order to prevent and reduce child poverty, measures for children with mentally ill and/or drug or alcohol dependent parents, measures for children and young people in larger urban communities and measures for youths in the risk zone. See discussion about measures for children and young people in larger urban communities and the poverty initiative in Chapter VII C, paragraph 440 in this report. The Government's goal is that all children and young people shall have the same rights and opportunities to development independent of the parents' finances, education and ethnic and geographic status. In the state budget for 2008, the Government is following up the plan of action with a further strengthening of NOK 336.1 million, at the same time as the measures from 2007 are continued.

343. In the three-year period 2003–2005, approximately every fourth child under 18 years of age (24.8 percent) with non-western immigrant background was living in a household with persistently low income where low income is measured as less than half the median income (OECD scale). This is equivalent to 14,000 children. Measured at 60 percent of the median income (EU scale), every third child (33.1 percent) with an immigrant background lives in low-income households. This is equivalent to 19,000 children. In comparison, 3.8 and 6.1 percent respectively of all children belonged to households with persistently low income in the same period. This means that children with non-western country backgrounds, according to both definitions, constitute in order of magnitude 35–40 percent of all children with persistently low income. An

important explanation concerning the low income on differences in low income among immigrant children is the differing degrees of occupations among the parents.

344. Statistics Norway prepares a report yearly concerning finances and living conditions for vulnerable groups, including families with children and children in low-income households. As part of the follow-up of the plan of action against poverty, one will further develop and improve the social indicators to give a broader and better picture of the different sides of poverty and social exclusion.

### **Strengthened efforts against poverty among children, young people and families through child welfare services**

345. In 2004, the Ministry of Children and Equality began a strengthened effort against poverty connected to child welfare services. Twenty-nine selected municipalities that scored high in relation to child poverty in the regions, are now participating in a strengthened cooperation tied to child welfare services. The municipalities receive funds to stimulate this effort and the goal is to develop good local models which can be a point of departure for child welfare services' work with mapping and coordinating services directed at children and families who live in poverty. The Ministry cooperates with the Norwegian Directorate for Children, Youth and Family Affairs and in 2005, entered into a cooperation with the Norwegian Directorate of Health and Social Services which has a corresponding arrangement in connection with social services. The Ministry of Children and Equality in cooperation with the mentioned directorates, has also started development work in eight selected municipalities. This work includes close follow-up of vulnerable young people from 17–23 years old in transition phases to independent adulthood.

346. The Ministry of Children and Equality is following up a research project on child poverty which focuses on families with both majority and minority backgrounds. The research project: "Do the measures against child poverty reach children and young people from the poorest families?" is implemented by the research foundation Norwegian Social Research (NOVA). The project has a clearly applied objective and should be able to contribute with knowledge that is important and necessary for the continuing effort against child poverty. The project shall examine life circumstances, use of measures and accessibility of measures among children and young people from the poorest families. The research project will be finished in 2008.

### **Maximum price for payments from parents and the right to a kindergarten place**

347. The Kindergarten Act section 15 gives authorization to determine further rules in the regulation concerning payments from parents in kindergarten. The regulation concerning payments from parents in kindergarten section 1 emphasizes that there shall be a maximum limit for payments from parents. The maximum limit for payments from parents for a full-time place in kindergarten in 2007 was NOK 2,330 per month and NOK 25,630 on a yearly basis. In addition to this, various reduction arrangements for example, sibling reduction, were offered. The municipality shall see to that parents/guardians are offered a minimum of 30 percent sibling reduction in payments from the parents for the second child and minimum of 50 percent for three or more children. Reductions are also offered where siblings attend different kindergartens within the same municipality. With respect to the regulations on payments from parents in kindergartens section 3, all municipalities will have arrangements which may offer families with children who have the lowest ability to pay a reduction in or exemption from payments from the parents.





## Education, leisure and cultural activities

### A. Education including vocational training and guidance (Article 28)

#### Kindergartens

348. A well-developed, enriching and reasonable kindergarten programme is central in the Government's policy to create good and safe childhood and educational conditions for children and youths. The goal is full kindergarten coverage, high quality and low price. Kindergartens are both an educational offer and a safe day care offer for children, at the same time it gives parents of small children the opportunity to take an active part in gainful employment. The Government's aim is therefore that all who wish a place in a kindergarten shall receive an offer for it.

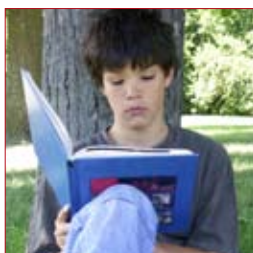
349. By the end of 2006, nearly 235,000 children attended an ordinary kindergarten or family kindergarten in Norway. This means a kindergarten coverage of 80.4 percent for children in the one- to five-year-old age group. A large majority of the municipalities in the country have reached full kindergarten coverage and are offering the inhabitants a well-developed kindergarten programme. The goal for the Government is that full kindergarten coverage be maintained in these municipalities and that full kindergarten coverage be reached in the municipalities which still have not established a sufficient number of kindergarten places. The State contributes to the kindergarten development by fully financing all new kindergarten places and the Government has given notice that it will introduce a right to kindergarten places, when full kindergarten coverage is reached.

#### New framework plan for kindergartens

350. The new Kindergarten Act entered into force on 1 January 2006. Cf. Chapter I, paragraph 6. The law requires that care, upbringing and learning in the kindergarten will promote humane equal status. The kindergarten shall give children under legal school age good development and activity opportunities in close cooperation and understanding with the child's home.

351. The Ministry of Education and Research has, with authorization in the Kindergarten Act section 2, determined a regulation concerning a framework plan for the kindergarten's content and responsibilities. The regulation entered into force on 1 August 2006. The framework plan specifies the kindergarten's value base, content and responsibilities with its point of departure in the Kindergarten Act and in international conventions which Norway has ratified, inter alia, the ILO convention on indigenous peoples (No. 169) and the UN Convention on the Rights of the Child. The framework plan builds on the fact that the best interests of the child





will be a fundamental consideration in all actions that concern children and which are undertaken by authorities and organizations.

352. To support the kindergartens' work with introduction of the framework plan, the Ministry of Education and Research has developed a series of theme pamphlets. The theme pamphlets are meant as inspiration and a basis for reflection in the kindergarten's work. The content in the theme pamphlets is tied to the Convention on the Rights of the Child and contributes to increased focus on the Convention on the Rights of the Child in the kindergarten. The Kindergarten Act, the framework plan and theme pamphlets are distributed to all kindergartens in the country and are available at the Government's website: [www.regjeringen.no/nb/dep/kd/tema/Kindergartenr.html?id=1029](http://www.regjeringen.no/nb/dep/kd/tema/Kindergartenr.html?id=1029).

### **Integration of refugees and minority languages in kindergarten**

353. The kindergarten is the most important integration and language-training arena for linguistic minority children of preschool age. A separate earmarked grant is given to kindergarten programmes for newly arrived refugees' children. The goal of the grant is that municipalities and private kindergarten owners shall be able to give the children of newly arrived refugees a kindergarten programme while the family is establishing themselves in the municipality where they shall live after having stayed in the reception centre. The grant includes a 15-hour weekly kindergarten programme over eight months. The contribution scheme also includes the children of people who have received residence on humanitarian grounds.

354. The new framework plan for the kindergarten's content and responsibilities emphasizes that early and good language stimulation is an important part of the kindergarten's content. The framework plan makes visible the significance of the age of small children in the development of language. As concerns linguistic minority children, the kindergarten must «support the fact that children use their mother tongue and at the same time work actively to promote children's Norwegian language competence» (the Framework Plan 2006:29).

355. In 2008, NOK 50 million was allocated so that the arrangement with free core time in kindergartens for four- and five-year-olds in areas with high proportions of immigrants should be extended to other districts in Groruddalen in Oslo, and to the Søndre Nordstrand district. The arrangement is a continuation of an experiment in the Stovner district in Oslo. The experiment includes all children in the districts. Part of the experiment is that the funding shall be used for active recruiting of four- and five-year-olds who have not applied for a place in the kindergarten. In practice, this will basically be directed at children with immigrant backgrounds, since they are under represented in kindergarten. A four-year project to organise an overall range of measures from public health clinics, kindergartens and in schools, shall contribute to promoting good language and Norwegian proficiency for children who have particular need for language stimulation. An important objective with the experiment is to secure a goal-oriented follow-up of the guardians with minority backgrounds, so that they may contribute to children being able to follow an ordinary education in the school.

356. In spring 2008, the Ministry of Education and Research shall present a Parliamentary report on the teaching of language. This report will, among other things, take up the challenges which linguistic minority children face when it concerns grasping the Norwegian lan-

guage before they begin school, and in the Parliamentary report, the Ministry will assess various means to ensure that children with linguistic minority backgrounds receive early and adequate education in the Norwegian language before they begin school.

357. In the period 2005 to 2007, the City of Oslo, with support from the Ministry of Education and Research, has implemented a development project in four districts to give 4- and 5-year-olds who do not have kindergarten places a language-stimulating programme if they have need for it. Fafo (a research institute) has completed an evaluation of the project. The evaluation shows that the children who have participated in the project have had linguistic benefits from the programme, and for many families, this has been a well-adapted programme for their circumstances. Mapping of children's linguistic development has not been performed, the results are based on interviews of parents and employees. Most children who participated in the project are not attending kindergarten for economic reasons and because of geographic distances, but many children have begun in kindergarten following participation in this language-stimulating programme.

358. The government appropriated NOK 10 million in 2007 to the continuation of the experimental arrangement with systematic mapping at the public health clinics of all four-year-olds' linguistic development in 12 municipalities in 2006. The measure shall contribute so that children with poor knowledge of the Norwegian language and/or poor linguistic development may be included as early as possible so that they receive a better basis to follow the instruction at the school and participate in social activities at the same level as other children. The measure will be continued in 2008.

### **Measures against bullying in the kindergarten**

359. The kindergarten has an important societal task in early prevention of discrimination and bullying. The Government, in cooperation with KS (the Norwegian Association of Local and Regional Authorities), the National Parents' Committee for Primary and Lower Secondary Schools and the Union of Education Norway, has signed a Manifesto against Bullying (2006–2008) to emphasize that it is important to work for a good caring and learning environment. Cf. paragraph 401. An important objective is to place importance on quality in the learning and caring environment in the kindergarten. In the plan of action for the manifesto period, children's participation and implementation of the framework plan for the kindergarten are of particular importance.

360. The kindergarten shall give children under the legal school age good opportunities for development and activity in close cooperation and understanding with the children's home, cf. the Kindergarten Act section 1. The questions related to the child's prosperity and development shall be discussed with the parents. A pamphlet on "Health, environment and prosperity in the kindergarten" was developed which illustrates, among other things, how parents can address the kindergarten if there are circumstances with the environment which they experience as negative.

### **Primary education (Article 28.1a)**

361. Reference is made to Norway's third report, paragraphs 416 and 418.



### **New regulations concerning private schools**

362. As proposed in Proposition to the Odelsting No. 43 (2005–2006), proposals for more comprehensive and permanent amendments in the Private School Act were submitted for Parliament in spring 2007. The proposed legislative amendment was considered by Parliament 7 June 2007, and the Private School Act with the right to state subsidies entered into force 1 July 2007. The law implies that private schools no longer have the right to authorization, but that the Ministry, according to a comprehensive assessment, may authorise new schools and management changes with existing schools.

363. New schools which shall be authorised according to the Private School Act must fulfil prescribed requirements for their basis. Schools that are approved with the right to state subsidies, shall pursue their activities on either religious bases, according to a recognized educational direction or be an international school which is certified. In addition, the law gives a possibility for approval with the right to state subsidies to specially adjusted upper secondary education in combination with top-level athletics, Norwegian primary and lower secondary school training abroad and specially adjusted schools for the disabled.

### **Payments from parents in day care facilities for school children**

364. Reference is made to Norway's third report, paragraphs 422–423. According to the \*Education Act section 13–7, the municipalities shall have an offer of day care facilities before and after school hours for class levels 1–4, as well as for children with special needs for class levels 1–7. But there is no right stating that everyone will have a place.

365. The municipalities may require that the expenses for the day care for school children be covered through payments from parents, but they cannot claim payment for more than what it actually costs. The amount of payments from parents for day care facilities varies from municipality to municipality. The municipalities with low payments from parents are generally small district municipalities, and some are open half an hour or an hour less and generally are closed during school holidays.

366. In summer 2007, a study was implemented by the Consumer Council of Norway on the service level in all Norwegian municipalities, the day care facilities programme was also the subject of a study. The results show great variation when concerning prices and sibling discounts. The number of hours for teaching was extended for the students in class level 1–4. This means less time in day care facilities for this group of children.

367. The Ministry of Education and Research and the Ministry of Health and Care Services have entered into an intention agreement with the Norwegian Confederation of Sports and the Olympic Committee on a project to develop good models for how sports clubs can contribute with more substance in day care facilities. In 2007, NOK 2 million was allocated for this measure.

### **Special measures for students with minority backgrounds**

368. As concerns students with minority backgrounds, one often distinguishes between linguistic minority students, national minorities and the Sami indigenous people. References to

linguistic minority students in this document are meant to be directed toward students with mother tongues other than Norwegian or Sami. National minorities are Jews, Kvener, Roma (gypsies), Romani (travellers) and Skogfinner. The situation in the schools and the challenges for these groups vary.

369. Concerning linguistic minority students, this is a very complex group, with different experiences, cultural backgrounds and school background. Generally the results from research and national tests show that students with immigrant backgrounds have weaker school performance and poorer completion rates than the majority students.

370. At the same time, there are many positive signs in the development; descendants (second generation) have a higher tendency to study than the majority population when one looks at the population between the ages of 19–24, with 32.4 percent and 30.6 percent respectively. Linguistic minority girls do especially well and have a study tendency of 37 percent. Girls in general, both minority and majority, have higher study tendencies than boys. Majority youths often delay the start of their studies, while youths with immigrant backgrounds continue directly to higher education. Continually more youths with immigrant backgrounds are participating in upper secondary education.

371. The Education Act section 2–8 gives students in primary and lower secondary schools with another mother tongue than Norwegian or Sami the right to special training in Norwegian until they have the capability to follow the ordinary instruction. Special Norwegian instruction shall be the primary means for students who cannot follow schooling given in Norwegian. If necessary, such students also have the right to mother tongue instruction, bilingual skill training or both.

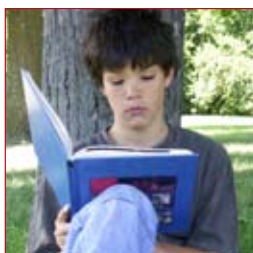
372. According to the Education Act section 2–7, students with Kven/Finnish background in Troms and Finnmark have the right to education in Finnish if at least three students at the school so require.

### **The project Positive Role Models**

373. In 2007, the Ministry of Children and Equality has taken the initiative to establish a mentor arrangement directed toward minority children. Eight colleges/universities participate in this initiative, where students studying for child welfare professions and social professions are offered to be mentors for minority children in the age group 8–12. The aim of the initiative is:

- to contribute so that more children and young people with minority backgrounds complete upper secondary education and continue in higher education;
- to strengthen the multicultural experience basis in child welfare services so that students studying for child welfare professions and social professions receive increased knowledge concerning children, young people and families with minority backgrounds.

374. The initiative starts at the colleges/universities in the beginning of 2008 and first-generation mentors shall be operative from autumn 2008. The initiative is a 3-year trial arrangement with an evaluation after the test period.



### The strategy Equal education in practice!

375. In February 2007, the revised strategy “Equal education in practice! Strategy for better learning and greater participation by language minorities in day care centres, schools and education 2007–2009” was launched. The strategy introduces five goals for integration and inclusion and 38 concrete measures. The strategy is also translated to English.

376. As a part of the strategy, new curricula in basic Norwegian and mother tongue are initiated. The new curricula shall be level-based, so that the students receive education based on their level and not age. It is up to the individual municipality to determine whether they shall follow the new curriculum in basic Norwegian or the normal curriculum in Norwegian. To the curriculum in basic Norwegian, an identification material has been developed which shall make it easier to determine when the pupil has sufficient Norwegian to follow the normal curriculum in Norwegian. Furthermore, guidance material and a post-training programme for teachers who will teach in basic Norwegian are being developed. To be able to follow the implementation and see how the curricula and attached measures are actually being used in the sector, the Ministry of Education and Research is initiating a three-year follow-up evaluation. The evaluation begins in spring of 2008.

377. Basic Norwegian took effect from autumn 2007 and replaces from the same time the old curriculum, Norwegian as a Second Language (NOA). In November 2006, the report “Evaluation of the practice of Norwegian as a Second Language for linguistic minorities in primary and lower secondary schools” was submitted. The report points out, among other things, that there was a lack of standardised mapping procedures clarify whether the students have sufficient knowledge of Norwegian start with normal Norwegian teaching. It also shows that very many students received special Norwegian training throughout their schooling. In other words, the practice of Norwegian as a second language (NOA) showed that the curriculum did not become the platform for transfer to the normal Norwegian curriculum that it was meant to be. Another element which is emphasized is lack of competence among the teachers who give special Norwegian training. This was the background for the change to Basic Norwegian and measures tied to it.

378. The Ministry of Education and Research is working to strengthen the rights of linguistic minority students. Proposals to provide linguistic minority students in upper secondary schools with a right to special linguistic training, will be submitted to Parliament in the spring of 2008. Students in compulsory school today have such a right, cf. the Education Act section 2–8. The proposal has been for general hearing. Furthermore, according to the plan, this spring the Ministry shall submit a proposal for hearing related to introducing an obligation for school owners to identify linguistic minority students’ capabilities in Norwegian.

379. In the time to come, focus will also be directed toward students who start their schooling late and therefore have particular challenges in catching up lost schooling and learning Norwegian in a short time. The Ministry of Education and Research has, among other things, taken initiative to form an inter-ministerial working group which will examine how different arrangements under different ministries which are of significance for education programmes for these students, can be better coordinated.

may be mentioned. These measures also enter into the Ministry for Labour and Social Inclusion's Plan of Action for integration and inclusion of the immigrant population and the goal for inclusion. Other measures are bachelor education for bilingual teachers, flexible preschool teacher education for persons with immigrant backgrounds, various skills upgrading measures for teachers and recruiting for higher education. The Norwegian Directorate for Education and Training has the responsibility for implementation of the measures in the strategy. NAFO (National Centre for Multicultural Training) plays an important role concerning the implementation of several of the measures.

381. Experiments with mother tongue as a second language and test arrangements with non-European languages as foreign languages are implemented. The measures described in the strategies "Language opens doors" and "Equal education in practice!".

382. The National Parents' Committee for Primary and Lower Secondary Schools (FUG) launched the report Linguistic minority parents a resource. The report is an evaluation of the now-terminated measure with name which was included in the old strategy "Equal education in practice!". Strategy for better learning and greater participation by language minorities in day care centres, schools and education 2004–2009. The report outlines several examples on how municipalities and schools can begin to use linguistic minority parents as a resource in children's learning. In the evaluation report, several measures are pointed out which have established a good dialogue between linguistic minority parents and the school as well as the success criteria for this work. An important result of the measures is the establishment of MIR, a resource network for linguistic minority parents.

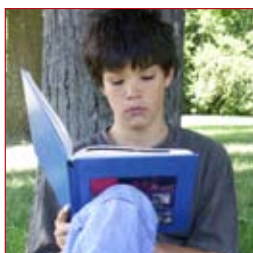
383. Work is carried out both from the National Parents' Committee for Primary and Lower Secondary Schools and the Norwegian Directorate for Education and Training's sides by providing good information to linguistic minority parents in several languages and to strengthen a school-home cooperation.

### **Children at school in the parents' country of origin**

384. In 2005, Oslo University College received funding from the Ministry of Labour and Social Inclusion for a mapping project which should find reasons for, and effects of, children with immigrant backgrounds being sent to Pakistan to attend school. In 2006, the college published a report from the project "School attendance in Pakistan" with proposals for measures. This issue was again relevant in autumn 2007, when children were absent from the start of school in Oslo schools.

385. As a follow-up of the report, the Norwegian Directorate for Education and Training has on behalf of the Ministry of Education and Research and the Ministry of Labour and Social Inclusion developed a guide which is called "Children at school in the parents' country of origin". The guide gives useful information to parents considering whether to send their children to school in their countries of origin. The guide will function as a point of departure for dialogue between guardians and schools or kindergartens on how they may cooperate before, during and after the stay abroad. Information is also given on possibilities for, and the significance of, maintaining Norwegian during longer stays abroad. The guide is found in Norwegian, Turkish and Urdu, and will also be translated into other languages.





386. In 2008, the Ministry of Labour and Social Inclusion will gather additional knowledge concerning the effects of attending school in the parents' country of origin. It will be a follow-up study, where one sees how the children/youths who have attended school in Pakistan succeed in further studies and occupational careers in Norway.

### **Education programmes for children with Roma and Romani backgrounds**

387. The majority of Roma students live in the City of Oslo. Work is done at the local primary and lower secondary schools to create good local and flexible solutions for Roma students. It is a goal to prevent absenteeism and drop outs and receive good school-home cooperation. With economic support from the Ministry of Labour and Social Inclusion, the City of Oslo is working to establish a new adult education programme for Romas from autumn 2007. The programme will also include some young people of junior high school age. Babysitting will presumably be facilitated. The measure's main focus will be on basic skills, reading, writing and arithmetic and thus raise their competence.

388. The Ministry of Education and Research, the Ministry of Labour and Social Inclusion and the City of Oslo have close contact concerning questions connected to school attendance for Roma students. There is also contact with the Council of Europe which has a number of measures directed toward the Roma people, among other things, developing a curriculum in Roma.

389. Many Roma (gypsies) wish a better culturally adjusted education programme which to a greater extent takes into account language and culture, including travelling. Over several years, funding has been given according to the budget section, Measures for Roma. The funding is, inter alia, allocated to improve the school situation for Roma, to establish a meeting place for Roma and to stimulate to their own responsibility in the group.

390. The Ministry of Education and Research, the Ministry of Labour and Social Inclusion and the Norwegian Directorate for Education and Training support the project "Romani/travelling people – from child to adult". The project is led by Queen Maud's College (College of Early Childhood Education) and Sør-Trøndelag University College. The aim of the project is to implement measures and development work directed toward children of Romani people in kindergartens and schools. In the work, identification of environmental factors that are of significance for Romani students and preschool children's prosperity in school and kindergarten are emphasized. A distance-learning programme for Romani traveller students at a number of schools has been established. The measures are carried out in cooperation with one of the Romani peoples' interest organizations.

### **Students with special learning needs**

391. In Parliamentary Report No. 16 (2006–2007), the principle concerning early efforts and the goal for early intervention in the students' development and learning is emphasized. The portion of students who receive individual decision concerning special education (in total 5.9 percent), increases gradually from first to tenth level. Of those who received individual decision, 70 percent were boys and 30 percent girls. The portion of students who receive special education in primary and lower secondary schools have been relatively stable over the last

years. In upper secondary teaching, fewer students receive special education according to individual decision. This portion of students has remained stable, between 4–5 percent, over the last years.

392. In relation to the total student body in primary and lower secondary schools, the portion of the students attending special schools has been relatively constant in the last decades, between 0.3 and 0.4 percent of the students. Approximately two-thirds of the children with hearing disabilities attend their locale schools in the neighbourhood. The rest attend school branches at the state competence centres for the hearing disabled.

393. Statped (the National Support System for Special Education) is a national system which shall assist school owners to facilitate qualitatively good education for children, young people and with special education needs. The support system today includes 13 state special education competence centres and has a total resource use of almost NOK 570 million. A separate committee is appointed which shall examine the special teaching and the state special educational support system. The committee shall, among other things, consider to what degree we have a system which ensures early efforts to preschool children, students and apprentices with special educational needs. “The committee for better learning for children, young people and adults with special needs” shall submit concrete proposals for better organization and effective use of resources for a future comprehensive range of measures for children, young people and adults with need for special educational support. The committee shall deliver its report by 1 July 2009.

### **School environment and student participation**

394. The Education Act has several provisions that shall ensure the students a good learning environment and contribute to student participation. Chapter 9a in the Education Act has as an overarching goal that all students and apprentices have the right to a physical and psychosocial learning environment that promotes health, prosperity and learning. Guidance material concerning the students’ school environment has been developed. The school owners shall have routines for follow-up. The County Governor has responsibility to create fora and meeting places for the work, for handling of complaints, guidance and supervision with the school’s follow-up of chapter 9a. Students are encouraged to report on injurious words or acts such as bullying, discrimination, violence or racism.

395. In accordance with the Education Act Chapter 11–1a and 11–5a, all schools must establish their own school environmental committee. Students and parents shall have the majority in the committee. The purpose is to give the students and parents increased influence over everyday life at school and contribute so the students actively take part in the work to create a good school environment.

396. It is the school owner and principal’s responsibility that the school environmental committee is established and functions in accordance with the provisions in the Education Act. It is furthermore up to the school owner and the individual school to implement concrete school environmental measures. In the Curriculum Part II – Principles for education, it is stated that the students shall be stimulated in development of ethical, social and cultural competence, and student participation shall be facilitated. The Norwegian Directorate for Education and



Training has in cooperation with representatives for students, parents, employees and interest organizations developed net-based guidance material for work in the school environment committee. The guidance material consists among other things of:

- The brochure The Students' School Environment – Chapter 9a in the Education Act. The brochure is revised – available at the skolenettet.no; and in autumn 2007, was sent out to all the country's parents with children in the first grade as a start of school package by the National Parents' Committee for Primary and Lower Secondary Schools.
- Guidance: Platform for work in the school environment committee
- Letter to students in the school environment committee and student council: Take school environment seriously
- Checklist for work with the school environment
- Examples for organization or work in the school environment committee by academic year
- Guidance: the school environment committee – for the benefit of everyone
- Presentation – training for representatives in school environment committee
- Presentation which may be used to inform parents and students about the school environment committee.

397. The Ministry of Education and Research has in cooperation with the Ministry of Health and Care Services started a representative committee study to obtain better knowledge about the actual state of the environment in Norwegian schools. The results of this will form a basis for additional measures with aim at ensuring that the regulations concerning the state of the environment in the schools are complied with.

398. Today, student council work is an obligatory subject with 71 school hours per year for all students at the lower secondary level. This means that not only those who are have been selected to the class' student representatives receive training in student council work, but that all students shall receive this training. Among the competence goals in the subject, we find under the main area Participation so that the students after having finished their training shall be able to:

- explain children and young people's obligations and rights in society;
- discuss/debate the content in the concept cooperation, participation and democracy;
- discuss/debate the student council's tasks, discuss voting system and participate in decision and election processes;
- discuss what it implies to show loyalty for decision by a majority vote and respect for the minority;
- raise and present cases which concern the students in different bodies in and outside the school;
- map, implement and consider concrete measures to create an inclusive and learning promotive environment.

### Measures against bullying in schools

399. *The Committee on the Rights of the Child recommends that the State party strengthen the measures taken to combat bullying, and ensure the participation of children in the initiatives aimed at reducing bullying. Reference is made to paragraph 39–40 in the Committee's Observations.*

400. In the student survey, bullying is defined as “negative or malicious behaviour repeatedly from one or more persons directed at a student who has difficulty defending him/herself. Repeated teasing in an unpleasant and offensive manner is also bullying”. The analyses of the student survey in 2007 show no decline in the bullying, compared with the year before. 5 percent of the students answer that they have been bullied one or more times per week, and 3 percent say that they have been bullied two or three times per month. Somewhat fewer say that they themselves are bullying other students. 2.5 percent say they do this one or more time per week, while 2.1 percent do it two or three times per month. The boys bully somewhat more often than the girls, and there is more bullying in primary and lower secondary schools than in upper secondary schools.

401. The Stoltenberg Government has signed the Manifesto against Bullying together with the Norwegian Association of Local and Regional Authorities, the National Parents’ Committee for Primary and Lower Secondary Schools and the Union of Education Norway. The schools are offered various measures and programmes which can refer to the documented effect. One of the goals for the parties of the Manifesto is to facilitate children and young people’s active participation and co-determination. Through the Manifesto against Bullying, the parties will motivate and assist the local efforts against bullying. The most important work is done where children and young people stay, inter alia, in the school. The work against bullying is about working comprehensively and long-term through cooperation with school leadership, schools, teachers, students and parents. The education authorities shall provide that school owners and schools are conscious of their responsibility in relation to bullying among students.

402. The Government has expanded the Manifesto against Bullying to also include bullying on the basis of sexual orientation and sexual harassment. The Ministry of Education and Research has prepared a report on gender-related bullying among children and youths. The report shows that much of the bullying that happens at school takes as a point of departure gender and sexual orientation. Questions concerning bullying on the background of sexual orientation shall be in the study concerning the school’s learning environment.

403. Reference is made to paragraph 359 concerning measures against bullying in kindergartens. Concerning measures against bullying in the leisure environments, cf. paragraphs 437–439.

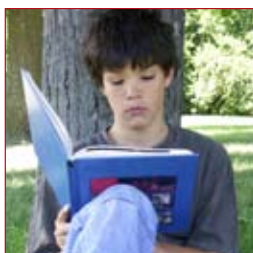
### **Upper secondary education**

404. Reference is made to Norway’s third report, paragraphs 458–460.

### **Knowledge Promotion**

405. In autumn 2006, new knowledge reforms, Knowledge Promotion and Knowledge Promotion – Sami were introduced. These reforms apply to the overall teaching in school and business. The most important changes are that a new curriculum has been developed in all subjects and new, mainstream curricula have been developed. More emphasis is placed on the five basic skills: the ability to express oneself orally, the ability to read, the ability to do arithmetic, the ability to express oneself in writing and the ability to make use of information and





communication technology. The basic skills have been integrated into the competence objectives in all subjects – both academic specialization and vocational. The programme structure has some changes, and today we have three academic specialization education programmes and nine vocational education programmes in upper secondary education. A comprehensive competence development program for the teachers has also been implemented.

### **The goal of reducing the number of students who do not complete their schooling**

406. In Norway, stable and continuous figures show that among the students who start with academic specialization, 83–84 percent of the students completed, while only just under 60 percent of those from the same age group with vocation specialization have completed after five years.

407. The Parliamentary Report No. 16 (2006–2007) “...and no one was left behind – early efforts for life-long learning” places focus on how important it is that measures be in place early in a child’s life when problems are revealed. In addition, measures are directed at the upper secondary education. New two-year practical levels shall be tested in cooperation with the parties in the working life. In addition, it is an ongoing effort to expand follow-up services’ role and let this service work more preventively. Amendments connected to counselling services will also be implemented to professionalize this.

408. The portion of boys who do not complete upper secondary education in Inner Finnmark is high. This produces consequences for the boys’ participation in gainful employment. Likewise, changes in reindeer husbandry cause many men lose their social and professional networks and young people boys who shall pursue reindeer husbandry have an unsure future ahead. Work is continuing on this and other current problems within the project, Boys in Finnmark – a challenge in kindergarten and school, which began in autumn 2007. The project will continue through 2009. The project is implemented in kindergartens, primary schools and upper secondary schools in several municipalities in Finnmark and shall be evaluated through follow-up research. Chapter The County Governor in Finnmark is coordinating the project. The Norwegian Directorate for Education and Training is taking part and financing the project and will follow this up through its work against dropouts in upper secondary schools.

409. The portion of linguistic minority students is too low, the same applies to students who come from families with little educational background. In addition, many students unnecessarily make the wrong choice in their studies. This may result in students using longer times for the studies than planned or non-completion. Work has therefore been initiated with study and career counselling to better follow-up students in higher education institutions. Three experiments with regional partnership for career counselling will be evaluated for assessment of nationwide implementation. The measures imply a cooperation among municipalities, county authorities, NAV (the Norwegian Labour and Welfare Administration), universities/colleges and social partners in the working life.

410. Norway has a principle in providing free higher education. Tuition fees have been able to contribute to creating greater barriers against taking higher education in social groups which have lower participation at this education level.

### **Free teaching aids in upper secondary schools**

411. In upper secondary schools, students have previously had to pay for their own textbooks. With effect from 1 August 2007, the Education Act sections 3–1 and 4A–3 and the Private School Act section 6–2 were amended so that school owners have the responsibility to supply the students in upper secondary school with necessary printer and digital teaching material and necessary digital equipment. The provision in the Education Act is a continuation of the principle that public upper secondary education is free, that is to say, that school owners cannot demand money for the schools. NOK 373 million has been allocated to free teaching aids in the budget for 2007. The arrangement will apply to upper secondary level 2 for the school year 2007/2008, for upper secondary level 3 for the school year 2008/2009 and for upper secondary level 1 for the school year 2009/2010. In addition, the stipend, which is independent of how much the parents earn, will be granted. It shall contribute to necessary individual equipment that the students need for their education, for example clothing for cooking, calculators or sports equipment.

## **B. Aims of Education (Article 29)**

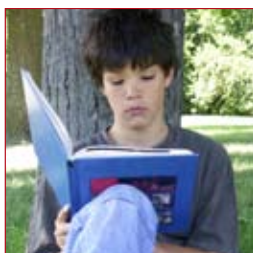
### **Measures to strengthen the aims of education**

412. An addition has been made to the Education Act section 9a, which took effect on 1 April 2003, on the students' learning environment (school environment). "All students in primary schools and upper secondary schools have the right to a good physical and psychosocial environment which promotes health, prosperity and learning." A new amendment is underway which deals with discrimination on religious background.

### **Education in human rights principles/Convention on the Rights of the Child's principles**

413. The curriculum has changed since 2003 with the education and training reform Knowledge Promotion and Knowledge Promotion – Sami. In Principles for education (June 2006), which is a part of the curriculum, part of the UN Convention on the Rights of the Child is incorporated, as concerns democracy education and student participation. The curriculum includes binding guidelines for adjusted and equal education. The diversity in the students' backgrounds, conditions, interests and talents shall in the education be met with a diversity of challenges. All students shall have the same opportunities to develop through the work with the subjects in an inclusive learning environment, independent of gender, disability, social, geographic, cultural or linguistic background. Adjusted teaching for the individual student is characterized by variation in use of teaching materials, work methods, teaching aids as well as a variation in the organization of and intensity in the education in relation to national stipulated competence goals.

414. The curriculum also provides guidelines for teachers' and instructors' competence and roles, cooperation with the home and with local society. Knowledge goals on human rights, and children's rights, are incorporated in curricula for subjects, such as Christianity, Religion and Ethical Education (CREE) (class levels 1–10 in Norwegian and Sami), Social studies (class levels 1–10 Sami), Politics, individual and society, which are topics in specializing



education programmes (upper secondary level) and in the general programmes (upper secondary level) for health workers.

415. There is need to increase the competence for teachers and preschool teachers when it concerns uncovering violence against children, supporting children who are exposed to violence and abuse, and knowing how one can report from the support apparatus. In the framework plans for all teacher training, it is presumed that children and young people who experience bullying are in crisis due to negligence, abuse, war trauma and similar; this shall be an interdisciplinary theme which is described in the colleges'/universities' curricula. It must consider how the teacher training institutions may strengthen their training in this area and contribute to covering a more closely defined competence need. This is a competence area which will be considered strengthened in the framework plans for teacher training in connection with the follow-up by the Ministry of Education and Research of the evaluation by the Norwegian Agency for Quality Assurance in Education (NOKUT) of preschool teacher training and the ongoing work with general teacher training.

#### **Strategy plans and plans of action**

416. National areas of effort and programmes which are particularly relevant for follow-up of the Convention on the Rights of the Child, are the strategy for equal education in practice, which has been applied since 2004, and with a revised addition for 2007–2009 and a plan for education for sustainable development in compulsory education 2006–2010, which is Norway's follow-up of the United Nations Decade of Education for Sustainable Development (2005–2014) and a follow-up of the European strategy for education for sustainable development. A strategy for equality between the sexes in kindergarten and primary education for the period 2008–2012 is being prepared.

#### **Teaching aids concerning the Convention on the Rights of the Child**

417. The teaching aid project "Life before 18" was developed in cooperation with the Ombudsman for Children, and consists of a student pamphlet and a teacher pamphlet which have been in use by approximately 200 schools from 2004. An Internet version of the material is provisionally in use by schools in Kristiansand, and will be offered to all schools in 2008.

## C. Leisure, recreation and cultural activities (Article 31)

### Frifond (the Free Fund Scheme)

418. Reference is made to Norway's third report, paragraph 503. The Free Fund Scheme is a support scheme established by Parliament to improve the economic framework conditions for democratic and member-based activities in the local and non-governmental organizations' work. In 2005, the state granted NOK 140 million to activities for children and young people. The arrangement has received the name Frifond, and is administered by these three umbrella organizations:

- The Council for Music Organizations in Norway (30 percent)
- The Council for Theatre in Norway (8 percent)
- The Norwegian Children and Youth Council (62 percent)

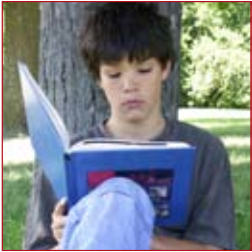
419. The three umbrella organizations distribute the funds further through the Frifond organization to approximately 110 organizations within music, theater and other leisure activities. In addition, Frifond children and youths, Frifond music and Frifond theatre have approximately 7000 applications per year. Applicants may be a voluntary organization, association or a group of three or more persons who work according to democratic principles. At least one-third of the participants in the activities must be under 26 years old.

420. Both Frifond and the Cultural Rucksack (cf. paragraph 425) are financed by the surplus from the state lottery's gambling activities. The surplus is distributed via the so-called lottery scheme, where 50 percent shall go to cultural purposes. Gambling is prohibited in Norway, unless it is provided for by law. It is a condition for the legalised gambling that the surplus is allocated to purposes that are useful to society and humanitarian purposes. The authorities have not wanted to totally prohibit gambling, because this can provide a basis for an illegal gambling market. Instead, one wishes to channel the population's wish to gamble toward justifiable and well-controlled gambling operations. The distribution of the funds from the state lottery's gambling activities is done via the Government and the Parliament and not directly from the state lottery itself. The surplus from the state lottery's gambling activities has, ever since the establishment of the business in 1948, been allocated to sports purposes. From 1986, cultural purposes have also been included in the lottery scheme. The level of the funds which have been allocated for cultural purposes from lottery surplus has been steadily increasing. There are no indications that the lottery funds for cultural purposes will not continue to be stable. Both the lottery funds to sports and cultural purposes are benefiting children and young people, through earmarked initiatives for activities and programmes for these groups.

### Creative learning – strategy plan for art and culture in education

421. On 27 June 2007, the Ministry of Education and Research presented the first strategy plan for art and culture in education, "Creative learning". The plan contains 27 measures and has overarching goals to develop artistic and cultural expertise aesthetic and creative competence among children, students and employees in kindergartens, compulsory and higher education. In autumn 2007, NOK 5.5 million was allocated for work with these measures.





422. In 2007, the Ministry of Education and Research has placed considerable emphasis on art and culture in education, both through establishment of the Norwegian Centre for Art and Culture in Education and the strategy plan for art and culture in education “Creative learning 2007–2010”. The Norwegian Centre for Art and Culture in Education is a central actor in the implementation of the measures in the strategy plan. The main task for the centre is to contribute to the art experiences and strengthen the competence around art and culture among children in kindergarten, students, teachers and school leaders. The professional work related to the centre is based on research, experiments and development projects. The yearly grant is NOK 6 million.

### “Demonstration” cultural schools

423. The Norwegian Council of Music and Art Schools administers on behalf of the Norwegian Directorate for Education and Training funds (NOK 3.5 million) to development of the cultural school as a resource centres. The Norwegian Council of Music and Art Schools has now announced that these funds will support development of the cultural school as a local resource centre for kindergartens, primary and lower secondary schools as well as upper secondary schools.

424. Through the Norwegian Directorate for Education and Training, an arrangement has been made for a scheme for “demonstration” cultural schools (2006–2009). These schools are cultural schools which characterize themselves with emphasis on all-round forms of expressions with culture and which appear to be good examples for other cultural schools and provide for dispersion of experience to others concerning local development work. These are also cultural schools which may refer to good cooperation models with schools and cultural life, good use of teaching resources and cooperation concerning the Cultural Rucksack. The “demonstration” cultural schools receive 1 million each to further development and dissemination of experience. Four “demonstration” cultural schools are appointed. Such schools for 2006–2008 are Larvik Culture School and Trondheim Municipal Music and Cultural School, and for 2007–2009, Time Cultural School and Tolga Cultural School.

### The Cultural Rucksack

425. The objective with the Cultural Rucksack (DKS) is to contribute so that students in primary and lower secondary schools receive a professional art and cultural programme. The students shall develop a positive relation to art and cultural expressions of all forms and DKS shall contribute to developing an overall inclusion of artistic and cultural expressions in the realisation of the school’s learning objectives. For the academic year 2007–2008, NOK 167 million from lottery surplus funds was transferred to this programme. Of these funds, NOK 6 million will be used to expand the measure to include pilot projects in upper secondary schools. The Cultural Rucksack is a cooperation project between the Ministry of Culture and Church Affairs and the Ministry of Education and ResearChapter.

426. The Cultural Rucksack (DKS) shall contribute to realising the school’s objectives the way these objectives are expressed in the curriculum. DKS shall encompass a diversity of various art and cultural expressions. On 30 November 2007, the Report to Parliament No. 8 (2007–2008) “Cultural rucksack for the future”, was presented by the Ministry of Culture and

Church Affairs. The report concerns further development of the scheme with the Cultural Rucksack. In chapter 4 on content and quality in DKS, the Ministry of Culture and Church Affairs states that Sami expressions shall be a permanent and natural part of the arrangement. DKS should also be used to strengthen the knowledge about the Sami among people in Southern Norway. The county authorities have a special responsibility to administer and coordinate DKS. The county authorities administer the main portion of the lottery surplus for the arrangement and distribute these funds to the municipalities. The county authorities and the municipalities have responsibility so that students in primary and lower secondary schools and gradually also students in upper secondary school experience a diverse art and cultural programme. This also implies a responsibility so that Sami art and cultural expressions are passed on to the students. The Ministry of Culture and Church Affairs furthermore states that they will provide that this will appear in the guidelines for transfer of these funds to the county authorities.



### **Land use planning**

427. In the Parliamentary report on the Realm's Environmental Condition (2006–2007), the Government states that it will more strictly monitor the nationwide guidelines for children and young people's interests in planning. The consideration for children's and young people's interests must be given decisive weight in considering different interests in the planning. This will be followed up in the work on a new plan and building law.

### **Children and young peoples' participation in sports**

428. Reference is made to Norway's third report, paragraph 484, which deals with Parliamentary report Report to Parliament No. 14 (1999–2000) – Sports in change. On the states relationship to sports and physical activity, and Report to Parliament No. 39 (2000–2001) – Outdoor recreation. These reports are still guiding policy in this area.

429. As for many non-governmental organizations, the problem of dropping out is also a current topic within the sports organizations. In the children and youth survey carried out by Synovate MMI (a market research company) in 2007, they examined the reasons cited by young people for ceasing to take part in organised sports. The most common reason given is that they have lost interest because it was no longer fun. Some adolescents also quit to have more time for school and work.

430. The scheme for grants to local sports clubs and associations was established in 2000, cf. paragraph 486 in Norway's third the report. In 2007, NOK 125 million of the state lottery surplus was allocated fully to local sports clubs. All voluntary member-based sports clubs and associations which have physical activity or sports for children and/or youths as the primary goal, may receive support. A follow-up evaluation carried out in the period 2000–2004 by IRIS (the then Rogalands Research) showed that the scheme functions well. A follow-up evaluation in 2007 supports this, and confirms that the sports clubs are satisfied with the scheme and how the funds are allocated.



### **Greater participation from immigrant youths in culture and sports**

431. Grants for inclusion in sports clubs are strengthened in 2007. The overarching aim with the scheme is to include new groups in the sports clubs' ordinary activities, through counteracting economic and cultural barriers which can prevent participation in organised sports activities. The primary target group is immigrant children and youths, with particular emphasis on girls. The Government has in the period 2001–2005 supported the project Fargerik Fotball (Colourful Football) under the direction of the Football Association of Norway (NFF) with in total approximately NOK 1.9 million. The project is now an integrated part of the inclusion work by NFF. The Government furthermore gives support to the project "Give racism a red card" under the direction of Norwegian Athletes Central Organisation (NISO) and Norwegian Peoples Aid.

### **Voluntary child and youth organizations**

432. The voluntary child and youth organizations play a central role within the child and youth policy. They offer meaningful leisure activities which socialise children and young people into the society, and function as "schools for democracy" in the sense that they give the adolescents valuable training in democratic principles such as elections, representativity and societal responsibility.

433. The Ministry of Children and Equality has a separate scheme for basic funding to the voluntary child and youth organizations. This is unearmarked funding which goes to the central activities of the organization. More than 70 nationwide child and youth organizations receive grants from this scheme, and the total grant in 2007 is approximately NOK 73 million. In addition, the Ministry allocates a total of NOK 10 million in basic support to the three umbrella organizations, the Norwegian Children and Youth Council (LNU), the National youth club organisation and the Norwegian Federation of Youth Organisations of Disabled People.

434. A public committee which assessed the state funding policy to the voluntary child and youth organizations delivered its study, Official Norwegian Report NOU 2006:13 Leisure time with meaning, on 29 June 2006. Based on the study's proposal, the Ministry of Children and Equality has prepared new regulations for basic funding and has taken the initiative to strengthen state coordination for the voluntary children and youth sectors.

435. A new and improved regulation for basic funding for the child and youth organizations will enter into force from the budget year 2008. The new regulations are developed in close dialogue with the organizations, and are adjusted to a society where organizations are changing. In connection with introduction of the new regulations, the Ministry strengthened the grant scheme with NOK 6 million for 2008.

### **Grant scheme to promote diversity, human rights and tolerance**

436. In the period 2003–2007, the Ministry of Children and Equality has financed the grant scheme the Idea Bank, which has as its objective to promote multicultural activities in the voluntary child and youth organizations. Reference is made to Norway's third report, paragraph 502. The grant scheme has been NOK 1 million every year. In 2008, the Idea Bank will be discontinued, and replaced by a new contribution scheme to strengthen the work to pro-

mote diversity, human rights and tolerance in the voluntary child and youth organizations. In 2008, the grant scheme will be NOK 1.2 million, and will be administered by the Norwegian Children and Youth Council (LNU). The new grant scheme will continue the positive and important work which is done in connection with the European youth campaign “All Different – All Equal” in 2006 and 2007, and has the same goal as the youth campaign. Cf. Chapter III A, paragraph 105 in this report.



### **Measures against bullying in the leisure environments**

437. In the Government’s Manifesto against Bullying 2006–2008, efforts against bullying in the leisure environments is special responsibility for the Ministry of Children and Equality. In 2004, the Ministry supported three projects to prevent and handle bullying in the leisure environments under the direction of the National Youth Club Organisation (“Action against bullying”), the Norwegian Federation of Youth Organisations of Disabled People (“Youths teaching Youths”) and the Norwegian 4H (“Mobbestopp” – Stop Bullying).

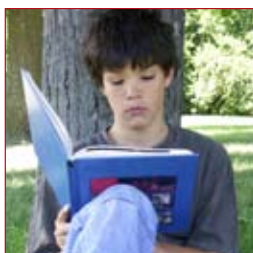
438. In autumn 2006, the Ministry supported a national conference on bullying in the leisure environments. The conference, which was arranged by the Norwegian Children and Youth Council, the National Youth Club Organisation and the Norwegian Federation of Youth Organisations of Disabled People, gathered participants both from leisure clubs and the voluntary child and youth organizations. Most of the participants were employees in leisure clubs.

439. In autumn 2006, a handbook was prepared for the Ministry on bullying in the leisure environments. The handbook shall give leaders and elected representatives in leisure clubs and organizations advice and tips on how to work systematically to combat bullying, and what to do if they discover that bullying arises in their own organization or at the leisure club. The handbook is distributed to the voluntary child and youth organizations and all the country’s youth clubs.

### **Urban Children and Youth Projects**

440. The Ministry of Children and Equality administers the grant scheme Urban Children and Youth Projects. The goal of the scheme is to improve the conditions in which children and young people live and grow up, particularly young people in the age group 12–25 years, in the largest cities. Reference is made to Norway’s third report, paragraph 505. From 2004, the scheme was expanded with 13 cities and now includes 23 cities and 7 selected Oslo districts. A total grant of NOK 51 million was given in 2007, of which NOK 31.5 million are earmarked contributions against poverty problems. Cf. paragraph 441. The appropriation is used for measures and projects which are directed toward children and young people with special needs and vulnerable youth groups and youth environments. Emphasis is placed on:

- Preventing unwanted social behaviour, inter alia, violence, bullying, crime, substance abuse and racism, to combat prejudices, discrimination, homophobia and to promote mutual acceptance;
- Participation for youth groups who make little use of the existing cultural and recreational facilities;
- Skill acquisition, inclusion and establishment of alternative learning arenas;



- Work and efforts aimed at reaching children, young people and families affected by poverty problems;
- Equal status and equal opportunities for girls and boys;
- Participation and equal opportunities for children and young people with disabilities.

441. In the past few years, the grant has increased considerably to strengthen the efforts for children and young people who are affected by poverty problems. Poverty funding shall stimulate interdisciplinary or cross-administrative efforts directed toward children, young people and families who are affected by poverty problems. The support goes to public and private entities and instances, districts, voluntary organizations and youth groups. The grants shall go to holiday and leisure activities or contribute to ties to the labour market for the part of the target group with little or lacking education. In addition, long-term and coordinated measures are supported, which contribute to open and inclusive arenas that counter marginalisation of children and young people who are affected by poverty problems.

### Measures for young people in the risk zone

442. In 2007, the Ministry of Children and Equality started a development work directed toward young people in the risk zone to prevent marginalisation and exclusion from education and working life. The efforts are directed toward young people in the age group 15–25 years old who are neither in school or working. The aim is to contribute so that the youths are included and receive sufficient and adequate help. The efforts occur in cooperation with relevant ministries. NOK 5 million is allocated to this work in the state budget for 2007. The allocation is continued in 2008. As a part of these efforts, eight municipalities are invited to participate in a development work over a two-year period. These are municipalities that have already developed good working methods toward the target groups. The development work shall contribute to further develop and secure the quality of the work, so that the country as a whole may benefit from it. Experiences and competence will be spread through conferences and publications.

### Youth efforts in the districts

443. Reference is made to Norway's third report, paragraph 504. In the period 1999 to 2006, the Ministry of Children and Equality has had a special grant scheme for youth work in the districts. The funds have been provided to local initiatives in the field of culture and recreation in small district municipalities with significantly declining populations. The goal has been to stimulate increased youth activities and make young people believe in a future life in the districts. The funds have been used to local meeting places and various youth activities. A condition for allocation of funds is that the municipalities shall conduct an active dialogue with youth on how to carry out the work, and that both girls and boys' interests should be taken into consideration. In 2006, NOK 2.85 million was granted for these efforts. 43 municipalities received a grant of up to NOK 100,000. The arrangement was discontinued from 2007. Further efforts in this area are followed up by the Ministry of Local Government and Regional Development.

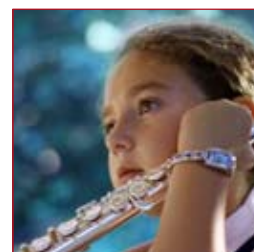
### **Development program to improve the environment in which children grow up**

444. The development program for improving the environment in which children grow up was initiated by the Ministry of Children and Family Affairs in 1998. The goal has been to strengthen and further develop the local environments where children grow up through a broad-based cooperation between public and voluntary bodies. Reference is made to Norway's third report, paragraph 497. In the period 2005–2007, ten new municipalities participated in the programme. Central in the efforts is follow-up of the work in the municipalities and to stimulate dialogue and exchange experiences. The last grant to the municipalities was given in 2006, and the cooperation with the municipalities was completed at the end of 2007. The experiences will be summarised in a collection of examples in 2008.

### **Nordic cooperation in the area of children and young people**

445. The Ministry of Children and Equality participates actively in the Nordic cooperation in the area of children and young people, among other things, through participation in Nordic Children's and Youth Committee (NORDBUK) managed by the Nordic Council of Ministers. This is an important arena for experience exchange and learning. In 2006, the Nordic Council of Ministers submitted its new strategy for children and young people in the Nordic countries, who have the vision that the Nordic countries shall be the best place for children and young people.

446. In connection with the Norwegian chairmanship in the Nordic Council of Ministers, in 2006 a Nordic Youth Panel was established, consisting of fourteen youths from the Nordic countries and self-governing areas. The panel's task has been to present youths' experiences of today's welfare society, and what type of expectations they have for the future in the Nordic countries. In December 2006, the panel delivered the results of its work to the Nordic cooperation ministries. Increased focus on environment protection, to facilitate increased mobility across the country borders and cultures and to create enthusiasm around the Nordic countries and the Nordic cooperation were three of the main challenges that the Nordic Youth Panel presented to the ministries.





## Special protection measures

### A. Children in emergency situations, including:

#### 1. REFUGEE CHILDREN (ARTICLE 22)

447. *The Committee on the Rights of the Child requests the State party to strengthen the measures to ensure adequate support and supervision are provided for children living in reception centres, as well as adequate psychological and psychiatric care for traumatized asylum-seeking children. The Committee recommends to improve the situation in reception centers for for unaccompanied children seeking asylum, both in terms of resources and adequate trained and competent staff, so that this assistance and care reach the same level as that provided in other institutions under the child welfare system. The State party is also requested to ensure more expeditious processing of asylum claims. Cf. the Committee's Observations 41 and 42.*

#### Processing of asylum claims

448. The consideration for children is one of the foremost challenges in the area of migration which the Government will prioritize. Children in immigration cases are a particularly vulnerable group. Cases where unaccompanied minor asylum seekers are involved shall therefore be prioritized in all areas in the immigration administration. The child's need for a quick clarification must nevertheless be balanced against the requirement concerning a proper case processing of the individual case. All children who are accompanied by their parents who also are seeking asylum receive their own asylum case. This also applies to children who are born in Norway while the parents are waiting for the application to be finalised.

449. The Government wishes to modernize the immigration administration so that case-processing time can be reduced. The Government is concerned with the long case-processing time in immigration cases, particularly where children are involved. In 2007, extra funding was granted to the Norwegian Directorate of Immigration and the Immigration Tribunal to see to it that the backlog does not increase. In the Immigration Tribunal's letter of allocation for 2007, the Ministry requested the tribunal to prioritize complaint cases from families with children where it had been more than two years since the asylum case was initiated.

450. From 2002 to 2004, the decline in the number of asylum seekers to Norway was substantial. In the last years, there has been a steady influx to Norway. However in 2007 Norway experienced an increase of persons seeking asylum. In 2006, 5300 persons sought asylum in Norway, while in 2007 the number increased to 6500. In 2007 slightly over 1500 were children who sought asylum. Of these almost 400 stated that they were unaccompanied minors. In 2006 the number was almost 350.







### Children in asylum reception centres

451. Asylum reception centres offer voluntary residence to all asylum seekers, including families with children who are seeking asylum. An important task for the reception centres is to support the parents' ability to protect the role of the parent while they live in reception centres. At the end of 2007, a little more than 2,000 children were residing at state reception centres. Approximately 250 children lived at reception centres adjusted to unaccompanied minors between 15 and 18 years old. Slightly over 460 children who sought asylum more than three years ago still lived in reception centres at the end of 2007. A new provision in the immigration regulations was introduced with effect from 1 June 2007 which has led to many long-staying children in asylum reception centres now having been granted residence permit. Cf. Chapter III B, paragraph 128.

452. In 2006, an inter-ministerial working group was established to review the situation for accompanied children in asylum reception centres. The group proposed a number of measures to bring down the stay time and to improve the relationships for families with children in reception centres. The working group pursued several of the measures from the previous working group from 2005, referred to below. Several of the proposals have been started. Among other things, since 2006, funding for activities measures for children in reception centres has been allocated. In 2007, the Norwegian Directorate of Immigration was requested to initiate measures which could be implemented within the existing budget framework. Relevant measures are to establish programmes for parental guidance in reception centres, develop a DVD for children/parents in reception centres with information concerning children, establish conversation groups for children in reception centres, and to develop a training programme for child professional employees in reception centres. This work will be continued in 2008.

453. To create the safest possible framework around the stay period for children and young people in reception centres, in 2006 a requirement concerning police certificates of good conduct for all persons employed in reception centres was introduced. Cf. Chapter V K, paragraph 263.

### Children in reception centres and mental health

454. In 2005, an inter-ministerial working group presented a report about children in reception centres and mental health. The report concerns the situation for both unaccompanied minor asylum seekers and children who live in asylum reception centres together with their parents. A number of proposals for measures were presented within the different ministries' areas of responsibility. Reference is made to measures mentioned in paragraph 452. A guide for work with mental health for asylum-seeking and refugee children within child and adolescent psychiatry was prepared. In 2006, the Norwegian Directorate of Immigration and the Norwegian Directorate of Health and Social Services arranged a conference where children of mentally ill parents was the theme. The Norwegian Directorate of Immigration has furthermore considered whether to increase the requirement for child professional competence among reception centre employees.

455. The Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS) has implemented a pilot project on testing instruments for mapping of mental health among newly

arrived asylum seekers (report 4/2007 from NKVTS). The Norwegian Directorate of Health and Social Services has recently received the report for consideration. The Ministry of Health and Care Services will consider the case when recommendations from the Directorate are available. Parliament will be informed about the follow-up of the case at the latest in the state budget for 2009.

456. Children who live in asylum reception centres have the right to specialist health services to the extent they have need for it. Reference is particularly made to the new waiting period guarantee for children and young people under 23 years old with mental and/or drug and/or alcohol suffering, adopted by Act 21 December 2007 No. 123 (Proposition to the Odelsting No. 53 (2006–2007)). Cf. Chapter VI B, paragraph 299. An important work is improvement of the competence among those who are employed in the reception centres. The regional resource centres on violence and traumatic stress have main responsibility for this work.

457. The authorities have recently considered and implemented a coordination of the integration grant for refugees with known disabilities, with a scheme for additional financing for particularly resource-demanding users. Families with children are prioritized in the settlement work, and several measures to improve the situation have been initiated. The most difficult settlement cases are, however, related to persons with major health problems, be they children or adults in a family. So long as it is voluntary for the municipalities to settle, the state has no sanction possibilities against the municipalities. The state has, however, an incentive programme in the ordinary integration grant, and the special integration grant for refugees with known disabilities. The concept “disability” is here extended to cover both mental and somatic suffering, as well as behavioural difficulties. In coordinating the integration grant scheme for refugees with known disabilities, the additional financing scheme for particularly resource-demanding users, one has established an arrangement which shall give the municipalities better incentives to settle persons with considerable health problems, including children.

### **Children who disappear from reception centres**

458. The Norwegian Directorate of Immigration informs that the number of unaccompanied minors who have left reception centres without leaving a new address were seven in 2006, and that at the end of September 2007, the number was nine. These were children who as of 1 October 2007, had not returned to a reception centre. The figures do not include unaccompanied minors where it has been confirmed afterward that they are in other countries. Concerning children who are in the company of their parents, the corresponding figures are 131 in 2006 and 100 at the end of September 2007.

459. In 2007, a working group was established to study children’s disappearances from state asylum reception centres and propose measures which can be implemented to prevent and clear up such disappearances. The working group is led by the Ministry of Justice and the Police. Representatives from the Norwegian Directorate of Immigration participate from the immigration authorities’ side.



### Unaccompanied minor asylum seekers

460. Unaccompanied minor asylum seekers is the common term for all children and young people under 18 years of age who come to the country seeking asylum without their parents or other adults with parental responsibility in Norway. It is a goal to give unaccompanied minor asylum seekers speedy processing of the asylum cases without this coming into conflict with basic case processing.

461. Unaccompanied minor asylum seekers who do not meet the conditions for protection or have special grounds for residence permit on humanitarian grounds, are nevertheless given residence permit if Norwegian immigrant authorities do not manage to trace parents or others have or may have care responsibility for the child. Clarification of identity and age, along with localization of care persons outside Norway, are time-consuming and may explain the at times long processing time. Because the method for age testing cannot give definitive answers concerning age, it is emphasized both in the law and in the preparatory works the result of the age testing only shall be included as a factor in an overall consideration of the age, and not alone be decisive.

462. Today Norway has four reception centres with sections for unaccompanied minor asylum seekers. In addition, Norway has a separate reception centre for unaccompanied minor asylum seekers between the ages of 15 and 18. Asylum seekers always receive offers to stay in reception centres, but alternative living arrangements may be considered if unaccompanied minor asylum seekers have relatives living in Norway. A potential move to the family may occur after an in-depth consideration in each individual case.

### Child welfare services' assumption of the care responsibility for unaccompanied minor asylum seekers

463. Unaccompanied minor asylum seekers are children and young people who have come to the country without parents or others with parental responsibility. They are a group of children and young people with different backgrounds and life experiences. Many have experienced poverty, emergencies, assault, war and persecution, and some have lived in an untenable care situation for several years. Some come, however, from more resourceful families who have lived under better conditions in the home country and have had a more satisfactory care situation. Unaccompanied minor asylum seekers are nevertheless vulnerable and often experience grief and loss which follows after they have left their families, their community and their homeland. They have need for extra protection, care, security and close follow-up pending the processing of the asylum cases and subsequent settlement or return to the home country.

464. The Government has, in line with its political platform, resolved to improve the conditions for unaccompanied minor asylum seekers who come to Norway, and transfer the responsibility for care for these children from the immigration authorities to child welfare services. Therefore, from December 2007, child welfare services has assumed the responsibility for implementation of this group's daily need for care and follow-up in the phase from arrival to the country and until settlement or return.

465. The Government has resolved that in the first round, the child welfare authorities shall

take over the responsibility in the reception centre phase for unaccompanied minor asylum seekers under the age of 15. The Government aims at transferring the responsibility for unaccompanied minor asylum seekers between 15 and 18 years old in the course of 2009.

466. In December 2007, Eidsvoll Care Centre for Children opened, which is a residence and care facility in the phase until settlement in a municipality or return. The centre shall receive approximately 30 unaccompanied minors under the age of 15. The objective is to provide a residence and care facility to unaccompanied minor asylum seekers who protect their special care needs and who are qualitatively as good as the services which are provided to other children under child welfare services' care.

467. The centre shall take a point of departure in the unaccompanied minor asylum seekers' needs and shall give children:

- safe residence and care base;
- care characterized by predictability and warmth;
- treatment for trauma, loss and difficult experiences;
- help to adjust to the Norwegian society;
- basis for a best possible settlement or return, and;
- the same legal protection as other children who are under the care of child welfare services.

468. Already at the arrival, the care centre shall consider the individual child's situation and needs and safeguard the individual needs in the best possible manner. The care centre shall furthermore provide for informing the public trustee's office to appoint a guardian. The care centre shall furthermore give the children a possibility for group treatment. To adjust to the Norwegian society, it is important that the care centre provide for swift start-up in school and kindergarten. A network shall be further developed in the community where children may receive offers for activities and socialization with Norwegian children and adults, inter alia, through contact with non-governmental organizations and sports clubs.

469. The care centre shall be divided into smaller units, which provide opportunities for flexibility and differentiation in relation to the child's age, nationality, siblings and varying arrival numbers. The staff shall be the same as the staff at an ordinary child welfare institution. This shall ensure continuity and stable care and follow-up. The professional basis for the centre shall build on the principles of development support care and what helps children who have experienced trauma. To ensure a structured and predictable daily life is the first step in trauma treatment. The personnel shall be trained in developmental psychology, trauma psychology, knowledge on how one survives as a refugee, the culture in the country of origin, cross-cultural communication, Norwegian refugee policy and administration, use of interpreter and child welfare professional care.

470. In connection with the transfer of the care responsibility, a proposal is submitted for legal regulation of child welfare services' responsibility for care and the content of the residence and care programmes which shall be given. The proposal contains, inter alia, also regulation of the unaccompanied minor asylum seekers' rights during the stay at the care centre, supervision with the individual unaccompanied minor asylum seekers and the care centre, as well as approval of and quality at the care centre.



### Care for unaccompanied minor asylum seekers – changes in the Child Welfare Act

471. In connection with the transfer of the responsibility for care, a proposal is submitted for legal regulation of child welfare services' care responsibility and the content of the residence and care programmes which shall be given. The Ministry proposes that a new chapter 5A Centres for minors in the Child Welfare Act is added to the law of 17 July 1992 No. 100. The chapter shall regulate both child welfare services' responsibility for care for unaccompanied minor asylum seekers and the care programme with child welfare services' care centres for minors. In addition, the Ministry proposes necessary amendments in and additions to other provisions in the Child Welfare Act that contribute to ensuring that children's needs and legal protection are taken care of in the best possible manner.

472. According to the Ministry's view, the proposal to the new chapter should naturally be placed in the Child Welfare Act, since the responsibility for the unaccompanied minor asylum seekers and the care centre are proposed to be placed with the regional child welfare authorities. By introducing the new provision in this law, it would furthermore be made clear that today's Child Welfare Act applies for unaccompanied minor asylum seekers, with the special provisions that are proposed for safeguarding these children in the first phase after they have arrived in the country.

473. The Ministry proposes, as mentioned above, that the responsibility to provide unaccompanied minor asylum seekers a residence and care programme during the asylum application process and until settlement or they leave the country following the rejection, is given to the state's regional child welfare authorities. The residence and care programme is proposed given in the form of a stay at the care centre for minors, which shall be a specially adjusted offer for unaccompanied minor asylum seekers. The centre shall give the children adequate care and security, and contribute so they receive the follow-up and treatment they need.

474. The Ministry further proposes that state regional child welfare authorities shall have the responsibility to establish and operate care centres, in the same way as the authorities have the responsibility for establishment and operation of ordinary child welfare institutions. According to the Ministry's view, it is important to ensure that unaccompanied minor asylum seekers receive a care programme at the care centre of equal value to what other children who are protected by child welfare services receive according to current provisions in the Child Welfare Act. The Ministry therefore proposes that the legal framework for the centre shall be the same as for the ordinary child welfare institutions. That is to say that the current provisions for child welfare institutions concerning the residents' rights, supervision, demand for quality and approval of private and municipal actors, are given corresponding application for the care centre.

475. The Ministry has proposed a legally binding obligation for state regional child welfare authorities to offer all unaccompanied minor asylum seekers a place at the care centre. This is proposed, combined with an obligation for the care centre to inform the municipal child welfare services for consideration of whether special measures according to the Child Welfare Act chapter 4 shall be implemented. This may be relevant in the cases where an unaccompanied minor asylum seeker does not want to stay at the care centre, or has needs which cannot be taken care of in a satisfactory manner at the centre.

476. In addition, it is proposed that state regional child welfare authorities, within six weeks after the child's arrival at the centre, shall make a follow-up decision as a basis for the child's follow-up while he/she stays at the centre. As a basis for the decision, a study of the child's situation and needs shall be undertaken and a proposal for the child's follow-up shall be made. The decision will be an individual decision following the Administration Act's rules, and which according to the Ministry's proposal can be appealed to the County Governor. Permission to appeal the decision implies that one may get a professional review of whether the decision safeguards the child's individual need for follow-up.

477. It is also proposed that the care centre, in cooperation with the child and the guardian, shall establish information concerning the individual child's situation and needs as a basis for potential subsequent settlement in a municipality. It is further proposed that both the care centre and the state regional child welfare authorities shall have the obligation to closely follow the child's development through the stay at the centre. This requires on the part of the state regional child welfare authorities' that some case handlers receive as their special responsibility to follow the development of the children who have been subject to special follow-up decisions.

### **Unaccompanied minor asylum seekers between the ages of 15 and 18**

478. In parallel with the work being done for implementation of the programme for unaccompanied minors under the age of 15, work was ongoing in 2007 to prepare a programme for the group in the age group 15–18. In the budget for 2008, a grant of NOK 5 million is proposed for preparations of the transfer of the responsibility for unaccompanied minor asylum seekers over 15 years of age from the immigration authorities to child welfare services. The funds will be used to cover expenses in the preparation phase. The Ministry of Children and Equality will, inter alia, in cooperation with the Directorate of Public Construction and Property, initiate the work for considering relevant locations for the care centres. The Government intends to transfer the responsibility for this group in the course of 2009. Work is also ongoing for further development of good and necessary routines and practice for child welfare services' work with the group.

479. In December 2007, the Ministry of Children and Equality allocated funds to Asker municipality for a project which shall ensure professional studies in child welfare for unaccompanied minor asylum seekers in the age group 15 to 18 years. Since all unaccompanied minors in this age group first arrive at Hvalstad asylum reception centre in Asker, everybody will be covered by the measure. With this study, it will be possible to start assistance measures for these children very soon after their arrival.

480. It is important to emphasize that the municipal child welfare services today has a responsibility for these adolescents when the reception centres or others send reports of concern about the youth's situation, on the same level as other youths in Norway. Such reports may be made when a youth has great difficulties adjusting to the reception centre, and for this reason develops problems; it can be feared that the youth is exposed to criminal acts or needs follow-up for other reasons.



### Settlement of unaccompanied minor asylum seekers

481. The aim is that unaccompanied minor asylum seekers shall be settled within three months upon receiving their residence permit. Expenses for municipal measures in connection with housing for unaccompanied minor asylum seekers and refugees (established in the Child Welfare Act section 4–4) in addition to the portion the municipalities must pay, is refunded. The arrangement implies that a possible financial risk for the municipalities will be reduced. This must also be seen in connection with special grant schemes from the Ministry of Children and Equality to work with unaccompanied minors in the municipalities. The aim of the grant is to contribute so that the unaccompanied minors can be settled as quickly as possible and with good care programmes adjusted to local conditions.

482. Tasked by the Ministry of Children and Equality, ECON (Econ Pöyry, an international consulting firm) mapped out the care programme in municipalities that settle unaccompanied minors. The objective has been to receive systematic knowledge on which residence and care measures have been established, and to make an assessment of quality and costs in the programmes. The assessment is important to be able to give a better offer to unaccompanied minors where strengthened efforts are necessary.

483. In the ECON report “Residence and care measures for unaccompanied minors in the municipalities – costs mapping and assessment of quality”, which was published in autumn 2007 concludes that it can be arbitrary whether unaccompanied minors receive good and individually-adjusted care in their municipality. The quality of the programme varies considerably and is not sufficient in some municipalities. ECON points out, inter alia, that certain municipalities do not follow up children settling with relatives. A rented room within a house seems to be used considerably, at the same time, the municipalities state that this is the poorest care offer. The municipalities are concerned about the offer to and the follow-up of young people over the age of 18. Municipalities where child welfare services have overarching responsibility assess the care as better than where refugee services have the responsibility. Although a total of 70 percent receive measures from child welfare services, the mapping shows that not even the child welfare services always provides a good programme.

484. The ECON report also shows positive sides of the municipalities’ work. Much sound professional work is done based on knowledge, participation and care. The majority of municipalities are of the opinion that reimbursement and the contribution schemes make it possible to be able to give good and individually adjusted residence and care services. The Ministry of Children and Equality will follow up the report in 2008.

### Amendments in the Guardianship Act

485. Reference is made to Norway’s third report paragraphs 90, 157 and 514, and in this report, paragraph 81. A legislative committee appointed by the authorities has made an evaluation of whether there is need for special rules in relation to unaccompanied minor asylum seekers and refugees, including whether guardians for these persons should have a more closely defined care function. The Guardianship Committee found that unaccompanied minor asylum seekers have special needs and often need a type of support and guidance which is different from the normal responsibilities a guardian has, cf. Official Norwegian Report NOU 2004: 16 Guardianship. The Committee was of the opinion that there was need for special

rules for this group and that “representative” was a suitable concept for the person who will take care of the interests of the child. Based on the Committees’ draft of the legislation on representation for unaccompanied minor asylum seekers, cf. Official Norwegian Report NOU 2004: 16 chapter 20, the Ministry of Labour and Social Inclusion shall develop a proposal for regulations concerning representation for unaccompanied minor asylum seekers. The provisions are planned to be included in existing immigration legislation.



## **2. CHILDREN IN ARMED CONFLICTS INCLUDING PHYSICAL AND PSYCHOLOGICAL RECOVERY AND SOCIAL INTEGRATION (ARTICLE 38)**

### **Proposal to penalty provisions on genocide**

486. In November 2007, the Ministry of Justice submitted a proposal for new penalty provisions concerning genocide, crimes against humanity and war crimes, see Proposition to the Odelsting No. 8 (2007–2008). The proposal was adopted by parliament (lower house) on 12 February 2008. According to the new provisions, it is punishable as a war crime to recruit or use children under the age of 18 years in armed forces. In the corresponding provision in the statutes for the International Criminal Court, the age limit is 15 years. The Convention on the Rights of the Child’s optional protocol on children in armed conflict, however, obliges the states that have ratified the protocol among other things to ensure that children who have not attained the age of 18 years do not take a direct part in hostilities (Article 1) and are not compulsorily recruited into their armed forces (Article 2).

### **International work concerning children in war and armed conflict**

487. As concerns Norway’s international work on children in war and conflict, Cf. part 3, Chapter XIV, paragraph 653–657 concerning Child soldiers – meeting with Norwegian soldiers in international operations, and part 3, Chapter XV, paragraphs 661–667 concerning support to activities directed toward children involved in armed conflict.





## B. Children in conflict with the law, including:

### 1. ADMINISTRATION OF JUVENILE JUSTICE (ARTICLE 40)

488. Reference is made to Norway's third report paragraphs 535–547. The plan of action “Together against child and youth crime” (2005–2008), has 21 measures which shall ensure a coordinated, age-adjusted, making responsible and quick following up of the individual young perpetrator, also those under the age of 15 years. One measure includes the testing of four local follow-up teams that shall provide for close cooperation in individual cases among the law enforcers, assistance apparatus and the child's network. One of the teams is anchored in conflict advice and focuses on use of active conflict resolution and restitution. Everyone affected by a criminal act will thus be able to participate in a process where together they may influence how one shall handle the effects of the criminal act. The work is being evaluated continuously by NTNU (The Norwegian University of Science and Technology) and will be completed toward the end of 2008.

### 2. CHILDREN DEPRIVED OF THEIR LIBERTY (ARTICLE 37)

#### Children in Norwegian prisons

489. Reference is made to Norway's third report paragraphs 548 and 549. Due to the low number of children under the age of 18 years, who at any time find themselves in Norwegian prisons, it will result in virtually complete isolation if children and young people should be kept separated from the adult inmates. Such a solution will, according to Norway's view, not be in the best interests of the child. The young inmates shall nevertheless have special follow-up by the prison staff to prevent harmful effects of the imprisonment.

490. In June 2006, the Ministry of Justice submitted a report to Parliament concerning alternative penal reactions for young perpetrators, Cf. Report to Parliament No. 20 (2005–2006). In the report to Parliament, it is proposed to establish a specially adjusted programme for children and young people less than 18 years of age in prison or in custody in the six regions of the Correctional Services. The programme shall facilitate that the deprivation of liberty is implemented in a manner that takes into account the age and individual needs. The need for proximity to family and community shall be ensured and there shall be established responsibility groups as soon as possible after the incarceration. The responsibility groups shall facilitate good and lasting measures after the release and it is considered as important to achieve continuity and coherence from incarceration to release.

491. Implementation of penalties in institutions or outside prison may be good alternatives to limit the harmful effects of imprisonment, and in the Parliamentary report the Ministry of Justice opens for more active use of this.

#### Measures against serious youth crime

492. In April 2007, a governmental committee was established to study reactions and measures against serious youth crimes. The committee shall, inter alia, study alternatives to having persons between 15 and 18 years of age go through custody or imprisonment and see to

it that the proposals are within the framework of Norway's international obligations, including the Convention on the Rights of the Child. The Committee's mandate is further described in relation to chapter IV paragraph H, paragraph 500.

493. In 2003, a pilot project "Turn young perpetrators around in time", was initiated where state, municipality and local society have cooperated to assist young perpetrators to live a life without crime. The pilot project last until the end of 2006 and in total consisted of six sub-projects. Correctional Services has three sub-projects and these are evaluated by KRUS (the Prison and Probation Staff Educational Centre). Two of the sub-projects continued in 2007.

494. It appears from the Parliamentary report, that it is proposed to amend the Criminal Procedure Act section 186a so that the law prohibits that children under 18 years of age are being exposed to complete isolation in custody.

### **Research project on minor asylum seekers' right to protection**

495. The Ministry of Labour and Social Inclusion has entered into agreement with Norwegian Centre for Human Rights on a research project on children's right to protection. The project shall focus on the UN Convention on the Rights of the Child Article 37, cf. the European Convention on Human Rights Article 3, and the protection these provisions give concerning minor asylum seekers in Norway. The project shall study whether the consideration of the provisions include other/more elements for minors than for adults, in other words, whether an extended torture definition shall be applied concerning children, and whether elements in the provisions have a different content where it concerns children. An assessment shall also be made as to the threshold to receive residence permit in Norway or to be included in the prohibition against non-refoulement shall be different for children than for adults.

## **3. LEGAL PROSECUTION OF CHILDREN (ARTICLE 37, A)**

496. Reference is made to Norway's previous reports.

## **4. PHYSICAL AND PSYCHOLOGICAL RECOVERY AND SOCIAL REINTEGRATION (ARTICLE 39)**

497. The plan of action "Together against child and youth crime" (2005–2008) has 21 measures which shall ensure a coordinated, age-adjusted, making responsible and quick following up of the individual young perpetrator, also those under the age of 15 years. The goal is to prevent the individual from developing a criminal career, but also to protect the surrounding against crime committed by minors. The plan is especially directed toward repeat offenders and those who commit serious crimes.

498. As examples of measures that may be mentioned are the establishment of local follow-up teams that shall follow up the individual young perpetrators, the establishment of a round-the-



clock continuous child professional follow-up, national guidelines in the police for notifying the child welfare authorities, adjusted measures under deprivation of liberty and education for sentenced young people.

499. The plan of action builds on the principle that “the best interests of the child” shall be fundamental. All instances that are involved in follow-up of perpetrators less than 18 years of age shall have “the best interests of the child” as a fundamental consideration, also in the consideration of potential penal sanctions. Possibilities will be considered for cooperation between the prosecuting authority, child welfare services, the health and social services and the school to arrive at individual, recovery measures which are suited for the individual in implementation of a penalty.

500. In April 2007, the Government appointed a committee which shall examine reactions and measures against serious youth crime. The committee shall give an account for the current treatment and reaction system and point out strengths and weaknesses. Furthermore, the committee shall study alternatives to using custody and imprisonment for children between the ages of 15 and 18 years, and look at what other measures society should have at their disposal for children between the ages of 15 and 18 years who carry out serious or repeated crimes. This can include treatment and care measures, as well as measures that motivate the young people themselves to take responsibility for their own situations and their own actions. The committee is also requested to see what special needs and considerations are present for young perpetrators with foreign backgrounds. With the establishment of the committee, emphasis was placed on child welfare professional competence and broad knowledge concerning treatment of young people with serious behavioural difficulties. The committee shall complete its work by 1 October 2008.

501. It will take time before potential new measures or reaction forms are implemented or enter into force. In this intervening period, efforts shall be made which protect both the child's and society's needs in the best possible manner in line with proposals from an inter-ministerial working group, “Children who commit serious crimes”, delivered in 2007.

## **C. Children exposed to exploitation, including physical and psychological recovery and social reintegration, including:**

### **1. ECONOMIC EXPLOITATION OF CHILDREN, INCLUDING CHILD LABOUR (ARTICLE 32)**

502. Reference is made to Norway's third report paragraphs 550–554.

### **2. ILLICIT USE OF NARCOTIC DRUGS (ARTICLE 33)**

503. *The Committee on the Rights of the Child notes with concern the high number of children who consume drugs and alcohol. The Committee is also concerned about the large number of children who suffer as a result of their parents' drug abuse, and recommends the State party to take measures concerning prevention, information and to secure help for recovery and reintegration. Cf. the Committee's Observations 43 and 44.*

#### **Use of alcohol and drugs among youths**

504. While the estimated average alcohol consumption in the first half of the 1990s of young people in the age group 15–20 years old nationwide was estimated at approximately 3 litres pure alcohol per year, it increased to approximately 5 litres at the turn of the century and has basically remained at the same level or has gone somewhat down in the past few years. These results are now confirmed in the status report on substance abuse situation in Norway for 2006, which shows that young people have reduced their consumption somewhat in the last three years. The average age of debut for the various types of beverages are thought, however, to have stabilized around 14.5 years for beer and around 15 years for wine and spirits. In 2000, 86 percent of all young people in the age group 15 to 19 years of age have tasted alcohol, while in 2006, the corresponding portion was 78 percent.

505. The consumption of drugs among young people has been relatively stable over the past few years, approximately 13–15 percent of the young people (15–20 years old) state that they have tried cannabis. The number of drug or alcohol dependent persons who use injections is now estimated to be 8200–12,000. In 2006, the number of deaths due to drug abuse (overdoses) was 195. Although the overdose deaths have decline since the peak in 2001 (338 deaths), the figures are still high.

#### **Escalation plan for drugs and alcohol abuse**

506. The Norwegian Government continues to actively work to prevent substance abuse problems among children and youths. The Government will submit a escalation plan in this area which shall apply through 2010. In the plan, the Government has set clear goals for the alcohol and drug abuse policy, and clarified which strategies and measures will be used to reach the goals. Children and young people are a prioritized target group.



507. The plan deals with the whole area of drug and alcohol abuse – including prevention, specialist health services, follow-up and inclusion in municipalities and local society, in addition to research and research dissemination.

508. The overarching goal is to reduce negative consequences of substance abuse for individual persons and for the society. The plan will furthermore have the following primary objective areas:

- Increased user influence and better safeguarding of relatives and children;
- Clearer public health perspective;
- Better quality and increased competence;
- More accessible services;
- More binding interaction.

509. The plan will have a comprehensive perspective on the challenges. Important goals are, inter alia, early intervention towards children and young people, measures to strengthen user participation and measures for relatives of substance abusers. An arrangement shall be established for postgraduate studies in substance abuse problems at the colleges/universities for social and health personnel and for staff in Correctional Services and the police. The Government will establish a guarantee concerning prompt treatment for drug or alcohol dependent people less than 23 years of age, cf. reference on mental health care.

### **Regional project for municipal prevention**

510. The responsibility for preventive measures in Norway is with the municipalities. The regional project is a pilot project financed by the state. The project, which has included nine municipalities, has had as a purpose to develop and coordinate locally based prevention efforts. The measures which were put in place, should be knowledge-based and have documented effect. The project was completed in September 2006, and an evaluation report was available as of autumn 2007. The Government hopes that more municipalities can learn from the experiences which the regional project gives. In spring 2006, the Norwegian Directorate of Health and Social Services presented a guide for development of municipal substance abuse policy action plans. It recommends that the municipalities see the substance abuse policy as a whole, and that the preventive work receives an inter-administrative basis. This guide is sent to all municipalities in the country.

### **Information measures**

511. In order to pursue effective prevention of substance abuse and substance abuse problems, it is important that the population possesses good and sufficient knowledge concerning potential harmful effects of various substance abuse. This applies to children and young people and their parents. Work is therefore continuously underway to develop steadily better information material and information strategies to spread such knowledge. The Norwegian Directorate of Health and Social Services receives annual grants earmarked for attitude and information campaigns. In autumn 2006, the Norwegian Directorate of Health and Social Services launched a strategy for better and more effective prevention in the school where information and knowledge strategies will be included.

### **Young people and drug and alcohol abuse treatment in child welfare services**

512. There is need for increased competence in child welfare services to improve drug and alcohol abuse treatment of young people, and there is particular need for methods which can document effect. The Ministry of Children and Equality has initiated testing of the method behaviour modification intervention, where contract, substance abuse control and a system of consequences are developed with young people and their families – CM (Contingency Management) or learning-based drug and alcohol abuse treatment (LRB). The experiment is a cooperation with Family Services Research Center (FSRC), Medical University of South Carolina, USA and in part financed by the National Institute of Drug Abuse (NIDA). The method has been used in conjunction with Multisystemic Therapy (MST), a parental support method for young people with serious behavioural problems. Furthermore, a project started in six counties in 2007 was directed toward institutions which provides treatment programmes to young people under 18 years of age with drug and alcohol problems with teaching programmes in learning-based drug and alcohol abuse treatment. As concerns children with drug abusing parents, cf. Chapter V, paragraph 259 and Chapter VII paragraphs 309–311.



### **3. SEXUAL EXPLOITATION AND SEXUAL ABUSE (ARTICLE 34)**

513. *The Committee on the Rights of the Child recommends more recent studies concerning the nature and extent of sexual abuse among children and adolescents, and recommends strengthening the measures to combat sexual abuse of children and adolescents. Cf. Observations 45 and 46.*

#### **Mapping the extent**

514. Initiated by the Ministry of Children and Equality, a mapping has been implemented of sexual abuse (in and outside the family), physical abuse against children in the home and of children who are exposed to domestic violence. In addition to mapping the extent of less severe and severe violations, causal factors and consequences of these violations were also central parts of the study. The collection of empirical data has been performed through a nationwide and representative questionnaire study among a selection of approximately 9,000 students in the age group 18–19 years. The response rate was 77 percent. The results were published in November 2007 in NOVA report 20/2007 “Violence and offences against children – a self-reporting study among senior students in upper secondary schools”. The report contains an English “Summary”. As concerns the extent, some of the central findings are as follows:

- 25 percent have been exposed to an incident of physical violence from their own parents at least once. Eight percent have been exposed to at least one incident of severe violence from a parent while growing up. As concerns severe violence, gender differences were relatively small both with regard to the victims and the perpetrators.
- Every tenth adolescent had witnessed at least one incident of violence against one of his or her parents. Six percent have witnessed at least one incident of severe violence against a parent; in most cases against the mothers.
- 22 percent of the girls and 8 percent of the boys have experienced less severe forms of sexual abuse. 15 percent of the girls and 7 percent of the boys have experienced more seri-



ous sexual offences. Approximately half of the offences were committed by friends, boy/girlfriends and acquaintances; also in approximately half of the incidences, both the offender and the victim were teenagers.

- 16 percent of those who answered had been exposed to at least one severe type of offence.
- Approximately one half percent have been exposed to all three of the types of severe offences.
- Risk factors: Poor family economy, alcohol problems among the adults in the family and minority background (their own or parents' country of birth outside Norway/the Nordic countries), were associated with an increased risk of experiencing direct violence from parents, witnessing violence and sexual abuse.
- Danger for revictimization: The findings show several connections between exposure to different types of offences before the age of 13 and after the age of 13.
- Consequences of sexual offences, violence and witnessing violence: Experiences with sexual offences increased the risk of self-destructive behaviour in form of suicide attempts, self-mutilation and eating disorders as well as excessive extrovert behaviour. These experiences resulted in problems related to sexuality in the form of early sexual debut, selling sex, multiple partners, and forcing others to have sex (concerned only severe sexual offences). These experiences also resulted in psychological problems in the form of poor self-image (concerned only severe sexual offences), anxiety, depression and dissociation. Severe violence from the mother and the father increased the risk for depression. Severe violence from the father in addition increased the risk for eating disorders, anxiety and dissociation. Severe violence from the mother increased the risk for suicide attempts. To have witnessed severe violence against father and mother increased the risk for suicide attempts, depression and dissociation. To have witnessed severe violence against the mother also increased the risk for anxiety.

### **Strategy against sexual and physical abuse against children**

515. To strengthen the efforts against among other things sexual abuse against children and youths, the Ministry of Children and Equality and other affected ministries in 2005 presented a strategy plan against sexual and physical abuse against children (2005–2009). The plan has as its aim to strengthen the efforts for children and young people in order to uncover and prevent abuse, as well as to give assistance to the victims. Cf. the description of the plan and initiated measures in Chapter V K, paragraph 254 in this report.

### **Requirements concerning police certificate of good conduct**

516. In Norway's 3rd report, it is apparent that the police certificate of good conduct is required for persons who are applying for positions in kindergartens, in primary and lower secondary schools and in child welfare services. The police certificate of good conduct shall show whether the applicant is charged with, indicted or sentenced for sex crimes against children. If that is the case, the applicant cannot be employed.

517. With the act of 22 December 2006 No. 100, new provisions were added to the Health Personnel Act, and to the Act on Social services that require police certificates of good conduct for health and social personnel who will provide services to children. The provisions entered into force on 1 April 2007. The goal of the amendments is to prevent sexual abuse

against children. The requirement of the police certificate of good conduct applies to positions, work relations, etc., where health and social personnel in exercising their work can come into situations with children where sexual abuse may take place. The police certificate of good conduct shall show if the person concerned is charged with, indicted, fined or sentenced for sex crimes, including child pornography. The certificate shall be exhaustive and not older than three months.

518. Requirements are also introduced concerning the police certificate of good conduct for all persons who are employed in asylum reception centres. Cf. Chapter V K, paragraph 263 in this report.

519. Measure No. 7 in the above-mentioned strategy against sexual and physical abuse against children is as follows: "There will be a review of all arrangements with police certificates of good conduct for persons who work with children and youths. There should among other things be considered whether the arrangements shall be extended to include other acts than sexual abuse against children. On the background of the review, it should be considered whether proposals shall be put forward for comprehensive solutions for arrangements for police certificates of good conduct."

520. An inter-ministerial group has been established and has conducted such a review. The working group delivered its report to the Ministry of Children and Equality in June 2007. Work is now ongoing for the follow-up of the report.

### **Children's Houses**

521. The Government wishes to ensure better follow-up of children who are exposed to abuse, including sexual abuse, which may have very serious harmful effects. In the course of 2007, two Children's Houses were established in Bergen and Hamar respectively. The Government proposes to establish an additional three Children's Houses in 2008 so that it will then be established in all health regions, which implies that the programme is nationwide. Here children who have been exposed to sexual or physical abuse or who have been witness to abuse or violence, will be medically examined, receive help and treatment, and the children will be judicially examined by a judge. The functions that the difference instances have toward this target group shall be integrated in the Children's Houses. The health service, child welfare services, the police, prosecuting authority and the courts shall cooperate closely to render the best possible assistance for children and their relatives, so that the follow-up for children will be implemented in the best possible comprehensive way.

### **The incest centres**

522. The incest centres are primarily a support programme accessible during the day for adults who have experienced sexual abuse, and for relatives of children and young people who have been exposed. Several incest centres, however, also provide a programme for children and young people. The incest centres' objective is to give advice, support and help to the users, based on the principle 'help to self-help'. Many centres also conduct preventive work and information and guidance for other instances that work in this field. From 2006, the incest centres are financed in the same way as the crisis centres with full public support, of which





20 percent is contributions from municipalities or health authorities and the remaining 80 percent comes directly from the state.

### **Judge examination of children in sexual felony cases**

523. Section 239 of the Criminal Procedure Act contains provisions concerning examination of witnesses separately from a sitting of the court and observation. In cases concerning sexual felony, the judge when examining a witness who is under 14 years of age, shall take the statement separately from a sitting of the court when he finds this desirable in the interests of the witness or for other reasons. The judge shall in such cases as a general rule summon a well-qualified person to assist with the examination or to carry out the examination subject to the judge's control. When it is possible, the examination shall as a main rule, be recorded on a videocassette and if necessary on a separate sound recorder. Examination of witness separate from a sitting of the court may also be used in cases concerning other criminal matter when the interests of the witness so indicate. When, among other things, the witness' age so indicates, the judge may decide that instead of or prior to an examination separately from the sitting of the court, the witness shall be placed under observation.

524. Examination of witness separately from a sitting of the court and observation shall normally be carried out no later than two weeks after the criminal offence has been reported to the police. A separate rule is prescribed relating to the procedure for examination separately from a court sitting and for observations (2 October 1998 No. 925).

525. The Ministry of Justice has in Proposition to the Odelsting No. 11 (2007–2008) On law concerning amendments in the Criminal Procedure Act, etc. (strengthened position for aggrieved and the surviving relatives), which follows up Official Norwegian Report 2006: 10 The aggrieved in the penal process – new perspective and new rights, proposed to change the regulations for judge examination so that these shall also apply for children from 14 to 16 years of age. The Ministry also agrees in the proposition to the Committee on the Aggrieved's view that the judge examination should be used in all cases where there will be particularly stressful for the child to testify in the case or where the child should be protected from the strain of repeated examinations. The Ministry of Justice also proposes, as a part of the extension of the arrangement with counsel for the aggrieved party, that victims of domestic violence (the Penal Code section 219) is given an unreserved right to such counsel.

### **Separate provision in the Penal Code concerning sexual depictions which make use of children**

526. By law of 20 May 2005 No. 29, a separate new provision was added to the Penal Code concerning sexual depictions which make use of children (child pornography). The provision is to a great extent a continuation of former rules (section 204). The objective of a new provision is to clarify that such descriptions as a rule are a representation of abuse against children. The sexual abuse is regulated by other and stricter penal provisions (for example section 192 on rape and sections 195 and 196 on sexual abuse against children. For a more in-depth presentation of the Penal Code section 204a, see observations to the additional protocol Article 3. Cf. the reports part 2, paragraph 613.

### **New provision in the Penal Code concerning meeting a child with intent to commit sexual offences etc.**

527. The Penal Code section 201a, the so-called “grooming-paragraph”, is applicable to those who have arranged a meeting with a child under 16 years old, and who with the intent of violating the penal provisions against sexual activity with children under 14 or 16 years of age and against sexual activity with children under 16 years of age, has arrived at the meeting place or a place where the meeting place may be observed. The penalty is fines or imprisonment up to one year.

528. The provision was adopted on 13 April 2007 and entered into force the same day. The background for the new penal provision in particular is that several aspects of new means of communication such as Internet and mobile telephone, have made children more vulnerable to abuse, among other things, because it has become easier for adults to come in contact with children without control from other adults. The new penal provision may be said to strengthen children’s rights according to the Convention on the Rights of the Child Article 34, although the Convention does not require such penal provision.

529. At the same time as the adoption of the Penal Code section 201a, an amendment was also adopted to the Penal Code section 201, inter alia, is directed against those who by word or deed behave in a sexually offensive or otherwise indecent manner in the presence of or toward children under 16 years of age. A specification was included in the provision so that behaviour as mentioned is regarded as committed toward somebody, also when it is committed through use of telephone, the Internet or other electronic communication.

### **Measures against internet-related offences**

530. Children shall have the society’s strongest protection against all forms of abuse. The Government wishes to give children who are exposed to abuse, a comprehensive and coordinated service, and ensure a better follow-up of those who are exposed to abuse and to facilitate so that we can have a more efficient discovery and criminal process of such offences against children. This also applies for children who are exposed to abuse in connection with use of the Internet and other technological media. The Government has in its political platform, expressed that it will intensify the efforts against abuse against children. The Internet shall not function as a free zone which gives great opportunities for abusers to spread images of abuse and to use the Internet to come in contact with vulnerable and contact-seeking children and youths.

531. The Internet is a part of children’s actual lives. This activity, however, may also be vulnerable to abuse. On this background, on 1 June 2006, the Ministry of Justice appointed a working group. The purpose of the working group was to study what knowledge one has concerning children’s use of the Internet, map measures which administrators of chat sites themselves can carry out to prevent internet-related, sexual abuse from adults against children, as well as propose other measures to prevent internet-related abuse against children and youths, both nationally and internationally.

532. The report from the working group is directed primarily toward preventive measures. The study comes with 18 proposals for measures and several of them should be implemented



on a Nordic basis. The working group's main viewpoints are that a considerable increase of efforts is necessary to strengthen the work to prevent internet-related abuse. The report has been on hearing, and the Ministry will take the initiative to follow-up the proposals for measures, inter alia, should use of filters to prevent access to certain areas with illegal content be further developed and proposed internationally, together with tips to the police, use of direct reporting to the police on illegal material ("red button") and development of strengthened police efforts on the net to improve the police's possibility to "patrol" on the net to combat internet-related abuse against children. Cf. part 2, paragraph 572.

### **A new Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse**

533. A new Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse was opened for signature on 25 October 2007. Norway signed on the opening day. The Convention contains more specific obligations than the Convention on the Rights of the Child and the additional protocol to this, and the implementation of it will strengthen the work against sexual abuse of children.

534. Concerning measures against sexual exploitation of minors under the age of 18 years, reference is furthermore made to part 2 of the report on follow-up of the additional protocol on the sale of children, child prostitution and child pornography.

### **Comparative study on sale and trafficking of sexual services**

535. A regional comparative study in six countries that are members of the Council of the Baltic Sea States (WGCC), shows that according to the Norwegian study, sale and exchange of sexual services among Norwegian young people is relatively speaking, not a widespread problem, seen in relation to being exposed to sexual abuse. The Norwegian study is based on questionnaires in the country's nine largest cities and answers from approximately five thousand young people in the age group 17–19 years. The results from this study were published in autumn 2007 (NOVA-report 18/07 – english). In Norway, 3–4 percent of the boys and just less than 1 percent of the girls stated that they had sold or exchanged sexual services one or more times. A very large majority both among the boys and the girls stated that they had done this one time.

## **4. ABDUCTION AND SALE OF AND TRAFFICKING IN CHILDREN (ARTICLE 35)**

536. *The Committee on the Rights of the Child encourages the State party to strengthen the efforts to ensure an effective implementation of the plan against sexual exploitation and trafficking. Cf. the Committee's Observations 47 and 48. Reference is also made to the Committee's concluding observations to Norway's first report in connection with the Convention's optional protocol on the sale of children, child prostitution and child pornography (cf. document CRC/C/OPSA/CO/3).*

537. By law of 4 July 2003 No. 78, a revised provision on trafficking (section 224) was added to the Norwegian Penal Code, reference is made to Norway's first report on the follow-up of the

protocol (paragraph 8). The provision was amended by law on 30 June 2006 No. 48 to expressly emphasize that also exploitation and leading someone astray to begging, is covered by the law.

538. In July 2006, the Ministry of Children and Equality distributed a circular Q-11/2006 Child welfare services' responsibility for minors who are vulnerable to trafficking, and cooperation with other states.

### **Plan of action against trafficking of people**

539. Reference is made to Norway's third report, Chapter VIII C 4, paragraph 577. A revised plan of action (2006–2009) against trafficking was launched in December 2006. The new plan of action will strengthen the efforts, inter alia, in relation to children and young people. This will, in addition to age-independent measures, involve mapping of the assistance networks' experiences to follow up minor victims, regional training programmes and development of tools to identify vulnerable persons under the age of 18. Further description of measures in the plan of action in part 2 of the report on follow-up of optional protocol on the sale of children, child prostitution and child pornography, cf. paragraphs 573–579.

540. As part of the new plan of action, Norway will also strengthen its international efforts against trafficking of minors. In the work with protection of children, the Government will take the initiative to strengthen efforts and implementation of effective measures against trafficking of children under the age of 18 years in relation to prevention, protection and follow-up.

541. The plan of action is, inter alia, part of Norway's follow-up of the Council of Europe Convention on Action against Trafficking in Human Beings. The Convention, which was signed by Norway on 16 May 2005, contains, inter alia, particular obligations for victims of trafficking who are children. In Proposition to Parliament No. 2 (2007–2008) On consent to ratification of the Council of Europe Convention 3 May 2005 on Action against Trafficking in Human Beings, there is a detailed account of how Norway fulfils/will fulfil its convention obligations – including towards minor victims. The already initiated and ongoing work with fulfilling the obligations in the Convention will strengthen the work against abduction, sale and trafficking of children. Norway ratified the convention on 17 January 2008. Cf. paragraph 533.

### **Information campaign**

542. Demand and ample opportunities for profit maintain the basis for trafficking. Demand for women and children for sexual exploitation is a requirement for the criminal sex market, and prostitution customers can thus indirectly contribute supporting organized slave trade.

543. In 2006, the Government launched a three-year information campaign where the target groups are the general public and buyers/potential buyers of sex. Through this broadly based information campaign, the Government will seek to contribute to increased knowledge on what trafficking implies for the individual and society as well as increase knowledge concerning the connection between prostitution and trafficking. Furthermore, the Government wishes through the campaign to influence men's attitudes toward buying sexual services. The aim is to hinder persons from ever beginning to buy sex and stop continued demand through change of attitude with established clients.



544. An important target group for the campaign is men between 18 and 40. In order to reach young men, a cooperation is initiated which is being implemented in 2007/2008 with the Defence concerning information measures at the military academies and with the Department of Education in Oslo on measures directed toward students in upper secondary schools.

545. In 2002, Norway introduced ethical guidelines for government employees. The authorities and the state as employer wish through these guidelines to prevent that Norwegian government employees on mission in Norway and abroad buy sexual services.

### Reflection period for victims of trafficking

546. Victims of trafficking who have resided illegally in Norway have previously been able to postpone the obligation to leave the country for 45 days – a so-called reflection period. The purpose has been that during this period, the victim shall receive information and help, as well as assistance to denounce against the traffickers. Few persons made use of this offer, and in 2006, the arrangement was therefore expanded further so that it, to a larger extent, was directed so that victims of trafficking can receive assistance. The expansion implies that supposed victims of trafficking who reside illegally in the country, receive offers for a provisional work permit for six months. It is not a condition that the person concerned has broken with the traffickers, but there must be indications that the foreigner in the course of the period the provisional permit shall apply, is motivated to receive help and follow up measures that the authorities might offer, including offers for safe residence. If police investigation or prosecution against the traffickers is initiated, a new provisional work permit of a longer duration may be issued. By extending the so-called reflection period to six months, victims of trafficking will to a greater degree, be ensured predictability. And by giving them a work permit during this period, the person concerned will to a greater extent, be given genuine action alternatives to bring themselves out of the trafficking situation. The Government has proposed that in the new Immigration Act it is emphasized that immigrants who have been victims of trafficking may receive residence on humanitarian grounds. It is also proposed that previous victims of trafficking shall be regarded as forming a social group in the terms of the UN Convention Relating to the Status of Refugees, so that refugee status may be granted if the other conditions for refugee status are fulfilled. The above-mentioned will also apply to children who are victims of trafficking.

## 5. OTHER FORMS OF EXPLOITATION (ARTICLE 36)

547. Reference is made to Norway's previous reports.

### Children belonging to a minority or an indigenous group (Article 30)

#### *Sami children and young people*

548. Sami children belong to Norway's indigenous people, and shall according to the Convention on the Rights of the Child Article 30 not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.

549. Sami children are not a homogeneous group, neither with regard to linguistic background, residence or experience background. Sami children in Norway who speak Sami belong to three different language groups; North Sami, Lule Sami – and South Sami. It is important that Sami children who so wish, receive the opportunity to develop a Sami identity and belonging, regardless of where in the country they live. According to the Convention on the Rights of the Child article 17 d), the parties shall ensure that the child has access to information and materials from different national and international sources. The state shall therefore encourage the mass media in the production of information and material to give special consideration to the linguistic needs among children who belong to an indigenous people.

550. For Sami children and their families, it is important that the public service apparatus, such as, inter alia, the health services and child welfare services, have Sami language and cultural competence. To be able to develop good plans of action, it is also important to have research on Sami children's conditions while growing up. Sami children have a unique knowledge concerning how it is to grow up with a Sami identity in Norwegian society today. Inter alia, for this reason, Sami children are included in the reporting process to the UN in Norway's fourth report, cf. paragraphs 12–13 and attachments.

#### *Sami children in kindergarten*

551. In the Kindergarten Act of 2005 section 2 fourth paragraph on the kindergarten's content, it is, inter alia, stated that "the kindergarten shall take account of children's age, level of functioning, gender, and social, ethnic and cultural background, including the language and culture of Sami children". The municipalities' responsibility for ensuring Sami children a kindergarten programme is emphasized in the Kindergarten Act section 8: "The municipality is responsible for ensuring that kindergartens for Sami children in Sami districts are based on the Sami language and culture. In other municipalities steps shall be taken to enable Sami children to secure and develop their language and their culture." In Sami kindergartens, it is a condition that there is personnel who know the Sami language and culture.

552. Furthermore, the Sami perspective is an integrated part of the new framework plan for 2006. The Sami Parliament has participated in the work with the framework plan, and has worked with guidance material for the plan. The framework plan establishes that "(...) Sami children need support to preserve and develop their language and their culture independent of where in the country they live." It is particularly important to facilitate Sami kindergarten programmes where the Sami language and culture are weak. In these municipalities, Sami children should meet Sami language and culture in the kindergarten in an adequate way.



553. The Sami Parliament was strengthened with funding from the Ministry of Education and Research to work with Sami kindergartens. This will be allocated, inter alia, as a special grant. The intention with the grant is, among other things, to strengthen the use of the Sami language. Forty-five Sami kindergartens with approximately 1000 Sami children received the special grant in 2006. The Sami Parliament also allocated funding to linguistic training and to information, development as well as counselling work in Sami kindergartens and kindergartens with Sami children.

554. The Kindergarten Act and Framework plan for the kindergarten's content and tasks are translated into North Sami. In connection with the framework plan, a theme pamphlet has been developed on Sami language and culture, which is distributed to all kindergartens in the country. An instruction pamphlet for employees in Sami kindergartens and kindergartens with Sami children shall also be developed.

#### *Compulsory education*

555. Funding is allocated to Sami objectives in compulsory education, which includes production and development of teaching aids for Sami students in kindergarten, primary and lower secondary school as well as upper secondary school, together with special educational support for the Sami area, as well as the operation of Sami schools and boarding schools. Funding is also given to language instruction in Sami municipalities and county authorities that have students with the right to receive instruction both in Sami and through the medium of Sami according to section 6–2 in the Education Act. In addition, there is separate development funding for implementation of the larger reform in the compulsory education, Knowledge Promotion. The funds are distributed among various measures, also in the Sami area.

556. In accordance with the Education Act Chapter 6, children of primary and lower secondary school age in Sami districts have the individual right to instruction both in and through the medium of Sami. Outside Sami districts, students have the right to such instruction if there are at least 10 students in a municipality, and if the group can maintain at least 6 students, cf. the Education Act section 6–2. In total, 2672 students received education in one of the Sami languages in the academic year 2006/2007 – of these, 1020 received education in Sami as a first language. Sami is divided into North Sami, Lule Sami and South Sami. 2479 students received instruction in North Sami, 77 in Lule Sami and 116 in South Sami.

#### *Knowledge Promotion*

557. The Ministry of Education and Research, the Norwegian Directorate for Education and Training and the Sami Parliament have cooperated on the development of the curriculum for Knowledge Promotion – Sami. The Norwegian Directorate for Education and Training and the Sami Parliament have cooperated on the curriculum, and the Sami Parliament has received transferred funding from the Directorate for this work. The Sami Parliament and the Ministry have had cooperation on subjects and time allocation for compulsory education.

### *The project “Sami Pathfinders”*

558. The project “Sami Pathfinders” was established as a test project in 2004. According to a competence-providing instruction at Sami University College, three Sami youths each year have travelled around and enlightened people about the Sami culture, history and way of life. The information has been in the form of conversations between other people of the same age about how it is to be a young Sami today.

559. Evaluation of the project shows that Pathfinders visits have been very informative, both for teachers and students. The concept has functioned well for eliminating prejudices and wrong ideas about Sami culture. Almost all students think that the visits have been useful with regard to increased knowledge. The evaluation showed that the programme and the working method for the Pathfinders project have transferable value to other contexts where one wishes to disseminate knowledge and influence attitudes.

560. The Government is of the opinion that the measure shall be able to continue under the direction of Sami University College. The Ministry of Labour and Social Inclusion has allocated money to the project managed by Sami University College to examine how the project possibly may be extended to also include children and young people in Finland and Sweden.

### *Sami sports*

561. Since 2005, grants to Sami sports have been given from income from state-controlled gambling for sports. The purpose with the grant is to support maintenance and further development of the unique Sami sports activities which are a part of traditional Sami culture, and are primarily directed toward children and young people.

### *Sami youth conference*

562. In spring 2007, the Ministry of Children and Equality, in cooperation with the Sami Parliament, arranged the conference: “Sami Adolescence”. The conference focused on what it is like to grow up with Sami identity and a belonging to Sami culture. Through introductions from young people, researchers and practitioners, knowledge, information and good examples were presented, but also identified problems and challenges were illuminated and discussed. Participants at the conference were facilitators and persons from the service sectors, local politicians and employees at the County Governor and at county authorities.

### *Operating grants for Sami children and youth organizations*

563. In the period 2003–2007, two Sami organizations have received grants from the arrangement of the Ministry of Children and Equality with basic support to voluntary children and youth organizations in Norway. The number of members and local teams are the primary criteria for allocation of such grants. The youth organization Davvi Nuorra had received such funding until 2003, while the Norwegian Sami Association has received basic support on the basis of its children and youth work through the entire period. In total, NOK 835,000 has been given in grants to these two organizations for the period 2003–2007.

### *Child welfare to Sami children*

564. Knowledge of the Sami language and culture is an important condition in order to enable child welfare services to give Sami children and their families the services they require. It is a goal for the Government to further develop a professionally adequate child welfare service





with good multicultural competence and good knowledge about Sami child welfare in areas with Sami population. The Government's objective concerning a child welfare service in the best interests of the child, implies a child welfare where Sami language and culture are also experienced as important and equal.

565. Child welfare services' development centre in Northern Norway has as an important task to contribute to development of knowledge concerning child welfare services' meeting with the multicultural society, with emphasis on Sami child welfare services. The centre receives funding for operations from the Ministry of Children and Equality. In 2006, child welfare services' development centre in Northern Norway distributed a number of educational pamphlets on the cultural perspective in child welfare services with a point of departure in child welfare's work in Sami areas. The pamphlets deal with which theoretical and practical foundations a cultural perspective in child welfare services should have. The theme pamphlets may be used in teaching for students in the compulsory and postgraduate studies, and for employees in child welfare services. At the conference "Sami Adolescence", the theme culture and child welfare's work was discussed.

566. The Norwegian Directorate for Children, Youth and Family Affairs, North Region (Alta) has a special responsibility to provide the Sami people with a good child welfare programme. An aim for the activity is that child welfare services shall safeguard the Sami perspective in the work with Sami children and families. The Norwegian Directorate for Children, Youth and Family Affairs, North Region shall, through the recruitment of professionals, provide so that the regional office, professional teams and other selected entities have employees with Sami background and who master the Sami language and have a good understanding of the culture. The Norwegian Directorate for Children, Youth and Family Affairs shall furthermore provide so that the state may give Sami parents facilitated programmes of a preventive character. The Norwegian Directorate for Children, Youth and Family Affairs has provided Child Welfare Services Development Centre in Northern Norway have entrusted them to prepare "Knowledge status and knowledge needs for child welfare services in Sami areas of Norway". The final report was available in December 2007. The objective with the knowledge status is to have an overview of, inter alia, methods and measures which can work well for Sami children, young people and families. Future method development shall build on results from this project and the report shall be used as a part of the knowledge foundation for a larger implementation of some selected culture-sensitive methods.

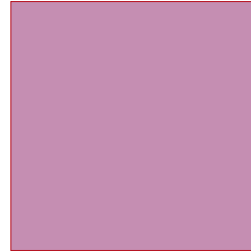
### National minorities

567. Jews, Kvener, Roma (gypsies), Romani (travellers) and Skogfinner are national minorities in Norway. Through ratification of the Council of Europe Framework Convention on Protection of National Minorities, Norwegian authorities have committed themselves to facilitate so that persons belonging to national minorities shall be ensured active participation in all parts of societal life, and particularly in the cases which affect them particularly. This obligation implies that measures from the authorities which apply to children and young people from one or more of these minorities must be designed in dialogue with representatives for the minority.

568. The Government is working with measures which shall contribute to dialogue between the national minorities and the authorities when it concerns development and implementation of measures. Grants to individual organizations and projects done by themselves, together with information concerning the rights for the group which follows from Norway's international obligations.

569. As concerns education programmes for children with Roma and Romani backgrounds, cf. chapter VII A, paragraphs 387–390.





## General measures of implementation

### Coordination and evaluation of the implementation of the Optional Protocol

570. *The Committee on the Rights of Child encourages Norway to strengthen the coordination, at both central and local levels, in the areas which are covered by the Optional Protocol, and to establish mechanisms to evaluate the implementation periodically of the Optional Protocol. Cf. paragraphs 6–7 in the Committee's Observations.*

571. follow-up work, it is often appropriate to note the three types of problems that the Optional Protocol applies to in connection with other subject areas. For example, Norwegian authorities' work against child pornography (abusive images) is closely related to more general measures to make the use of the Internet safer. Cf. paragraph 595 in this report. The efforts against the sale of children have mainly been safeguarded through the Government's various plans of action against human trafficking of women and children. Cf. paragraphs 573–578 in this report. The implementation mechanisms for the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography are related to the general implementation mechanisms for the UN Convention on the Rights of the Child. Cf. Part 1 paragraphs 10–11.

572. of abusive images of children (child pornography) and children's exposure and behavioural risks on the Internet are ensured coordinated treatment since the involved ministries, state organs and affected organizations participate in the work. There is, however, need for clarifications concerning further follow-up of the Plan Action for a Safer Internet and the SAFT project. Cf. Norway's initial report on the Optional Protocol and Part 1 paragraphs 165–166. Cf. also paragraph 595 in this report. National authorities will also make a more thorough decision as to how the working group report from 2007 "Prevention of Internet-related offences against children" shall be followed up. The latter report was made on the request by the Ministry of Justice. Cf. Part 1 paragraphs 530–532.

### National plans of action

573. *The Committee on the Rights of Child encourages Norway to continue the work with a new plan of action against human trafficking based on an assessment of the existing the plan of action. Cf. paragraph 8 in the Committee's Observations.*

574. Norway's initial report on the follow-up of the Optional Protocol refers to the Government's first plan of action (2003–2005) against trafficking of women and children. After this, a revised plan of action was launched for the period 2005–2008. In December 2006, the Government presented a new plan of action against trafficking for the period 2006–2009. Minors who





are exposed to human trafficking are a central target group, particularly in the latest plan of action.

575. The plan is a further development of previous plans of action, and builds on experiences state authorities and other actors have made. Under the leadership of the Ministry of Justice, affected ministries and directorates have cooperated on the implementation of the three mentioned plans of action. The plan of action “Stop the trafficking” (2006–2009) in total contains 37 measures. Safeguarding of children’s interests is also a central objective in the measures that are not particularly directed toward children. Seven of the measures in the plan apply specifically to children:

- Measure 12: Map the assistance network’s experiences with follow-up of victims who are minors;
- Measure 13: Provide regional training programmes about victims who are minors (Cf. paragraph 592);
- Measure 14: Develop tools for identification of children (Cf. paragraph 576);
- Measure 15: Arrange a Nordic experience conference in 2008 to enlighten about the situation for victims of trafficking who are minors;
- Measure 16: Strengthen Norway’s efforts internationally against trafficking of children (Cf. paragraphs 632–637);
- Measure 17: Strengthen the information concerning unaccompanied minor asylum seekers’ rights and demands for protection. The information shall strengthen the knowledge among employees at reception centres and employees in other parts of the assistance network concerning children and young people who are exposed to trafficking;
- Measure 18: Prevent and resolve cases of disappearances of minors from reception centres (Cf. paragraph 577–578).

576. The Ministry of Justice has, inter alia, responsibility for Measure 14 on developing tools for identification of children. The Ministry is, in cooperation with the Coordination Unit for Victims of Human Trafficking (KOM – based in the National Police Directorate) currently developing identification tools to use for first-line services and organizations – including subject-specific indicator lists and guides for how one may identify and how one reports concerns to the proper responsible instances. Thus far, indicator lists and action cards for the police and for employees in the child welfare services are available, as well as a guide on how employees in first-line services and organizations can identify, report concern and assist victims of human trafficking. The mentioned tools for identification of children shall be ready in the first half of 2008.

577. In accordance with Measure 18 in the plan of action, a working group has been established, led by the Ministry of Justice, which shall propose measures which can be implemented to prevent and resolve cases of disappearances of minors from reception centres. The group started its work in February 2007.

578. Some unaccompanied minors in child welfare services’ care centres and asylum reception centres may be exposed to human trafficking and other exploitation, and will thus have need for extra protection. If there is reason to believe that the child has been exposed to human trafficking, the care centre or asylum reception centre shall notify both the local child welfare service and the police so that they can assess the child’s risk situation and needs, see

to it that the necessary measures are taken to ensure and safeguard children in the best possible manner.

579. Furthermore, Norway has ratified the Council of Europe Convention on Action against Trafficking in Human Beings on 17 January 2008. Cf. Parliamentary Proposition No. 2 for 2007–2008. The Convention enters into force for Norway on 1 May 2008. Cf. Part 1, paragraph 533–534 and 541.

### **Dissemination and training**

580. *The Committee on the Rights of Child recommends Norwegian authorities to raise the awareness among its population concerning the issues covered by the provisions of the Optional Protocol. Cf. paragraphs 9–10 in the Committee’s Observations.*

581. Information measures to limit demand and purchases of sexual services are an important measure in the current plan of action against trafficking. This measure is not limited to the purchase of sex which is related to human trafficking. An important target group is men between the ages of 18 and 40. The measure applies to both adults and minors. Cf. Part 1 paragraphs 541–543.

582. Public and private organizations have information on their websites on the subject of children and young people who sell or exchange sex, see [www.sexhandel.no](http://www.sexhandel.no) and [www.prosentrret.no](http://www.prosentrret.no) – with both Norwegian and English pages. The website [www.notforsale.no](http://www.notforsale.no) is especially directed toward young people.

583. Also see information on the continuation of the work to inform children and parents about safe use of the Internet under the section “Prevention”, paragraphs 604–611 in this report.

### **Data collection**

584. *The Committee on the Rights of Child regrets the lack of disaggregated data and recent representative national studies, and recommends that research be undertaken into issues covered by the Optional Protocol. Cf. paragraphs 11 and 12 in the Committee’s Observations.*

585. The SAFT studies of children and parents’ understanding of children’s use of the Internet, provides a very good picture of what challenges the authorities face. Cf. Norway’s initial report, paragraph 43. In 2006, 69,000 Norwegian children between the ages of 9 and 16 years state that they have met someone in person who they first met on the Internet. This is an increase of 38 percent since 2003. In most of the cases, such meetings are with people of the same age. A surprising finding in the SAFT study is that more boys than girls are exposed to unwanted sexual comments on the Internet. It is the oldest children who experience most unpleasant experiences. The studies also provide knowledge on abusive images and behavioural risks in relation to becoming victims of unwanted contact with adults through the Internet. For more information on the results of the studies, see [www.saftonline.no/presse/2873/](http://www.saftonline.no/presse/2873/).



586. Strengthened research is a goal and means in the Government's plan of action against trafficking. The earlier-mentioned working group report (2007) "Prevention of Internet-related offences against children" points out the need for more research on Internet-related offences against children.

587. After the submission of Norway's initial report on the Optional Protocol, a representative questionnaire has been implemented in Trondheim (published in 2006) concerning, inter alia, youths' experiences with the sale and exchange of sex. A large and representative (for larger cities) questionnaire among young people in Norway and five other member countries in the Baltic Sea Council concerning experiences with the sale/exchange of sex, sexual offences and their own use of pornography has also been implemented. The Norwegian data is based on a selection of approximately 4900 pupils in the last year of upper secondary school in the country's nine largest cities. The response rate was 82 percent. The results of the research were published in September (NOVA report 18/07 – is written in English). Cf. Part 1, paragraph 535 and Part 2, paragraph 634.

### Allocation of resources

588. *The Committee on the Rights of Child encourages more complete information on the budget allocations for the implementation of the Optional Protocol. Cf. paragraphs 13–14 in the Committee's Observations.*

589. In general, the budget and accounting systems in Norwegian municipalities, county authorities and state organs are built up in such a way which only exceptionally makes it possible to separate allotments to special issues such as, for example, sale of children, child prostitution and child pornography. Norway has a well-constructed service system in all municipalities, county authorities and state regions, and challenges which are covered by the Optional Protocol will, as a main rule, be included and integrated into the ordinary service system. Transfers of funding to such purposes are to a small extent earmarked.

590. It is still possible to provide some examples of relevant allotments. In 2007, the Government allocated NOK 6 million to the police work to prevent Internet-related offences against children. The funds will also be continued for 2008. Cf. Chapter II paragraph 606. For 2007 and 2008, the Government will contribute in total NOK 2.4 million to Interpol's image database. Cf. Chapter IV paragraph 626.

591. Accounting figures indicate that in the period 2003–2006, the Ministry of Children and Equality used approximately NOK 1.9 million for measures directed specifically against trafficking of minors. In the period 2005–2006, the Ministry of Children and Equality and the Norwegian Directorate for Children, Youth and Family Affairs used approximately NOK 1.1 million to produce a theme pamphlet and educate on the subject of young people who sell and exchange sex. Cf. discussion under Training. In addition, allocations come from other state organs and municipalities which cannot be singled out in budgets and financial statements.

592. For the period 2000–2010, from the budget for the Ministry of Foreign Affairs, pledges have been made for approximately NOK 33 million to projects aimed directly against trafficking with special focus on child and young people in the Balkan countries, in Africa and in Asia.

In the same period, approximately NOK 30 million has been allocated in support to measures where trafficking of children is a part of the target. See detailed discussion in Chapter V, paragraph 637.

## **Training**

593. *The Committee on the Rights of Child recommends to continue and to strengthen training for all relevant professional groups. In addition, the Committee recommends that the State party make the provisions in the Optional Protocol widely known, particularly to children through, inter alia, school curricula. Cf. paragraph 27 in the Committee's Observations.*

594. Education concerning the provisions in the Convention on the Rights of the Child is safeguarded through the framework plans for the various professional groups. Cf. Part 1 paragraphs 62–67.

595. The plan of action for children and young people as well as the Internet and the SAFT project have to an increasing degree been used for information and education purposes by students, teachers and guardians. See Norway's initial report, paragraphs 42–45. Other relevant professional groups can, without special training, use the resources which are freely available on the project's home page. The SAFT project has recently changed its name to the Safe Use project: [www.tryggbruk.no](http://www.tryggbruk.no).

596. *The Committee on the Rights of Child also recommends that child welfare workers be given adequate training on subjects that are covered by the Optional Protocol to give vulnerable minors assistance and support. Cf. paragraph 20 in the Committee's Observations.*

597. By initiative from the Ministry of Children and Equality, in 2005/2006, the research foundation NOVA developed a professional guide on working with young people who sell or exchange sex. This guide (in Norwegian) was published in 2006, and is also available on the website of the Ministry of Children and Equality. Partly based on the mentioned guide, in the autumn of 2006, the Norwegian Directorate for Children, Youth and Family Affairs arranged a course in the country's five child welfare regions on the subject of young people who sell and exchange sex. The courses had participants from, inter alia, municipal and state child welfare, employees in outreaching services, public health clinics for young people, mental health care for children and young people, measures for young substance abusers, the police, reception for unaccompanied minor asylum seekers and refugees and non-governmental organizations. The Ministry is of the opinion that there are still uncovered needs for competence on this subject, and has requested the Directorate see to it that new courses be arranged in 2008.

598. Minors who are exposed to trafficking were one of the subjects in the nationwide regional courses that the Norwegian Directorate of Immigration arranged in 2006. The courses were arranged in dialogue with the Norwegian Directorate for Children, Youth and Family Affairs. Training programmes concerning trafficking victims who are minors are one of the measures in the current (2006–2009) plan of action against trafficking.

599. In January 2008, the Ministry of Justice has requested that the Police Academy, in con-





nection with developing their curricula, makes the Convention on the Rights of the Child and the Optional Protocol a subject in the teaching so that police students are ensured the necessary knowledge.

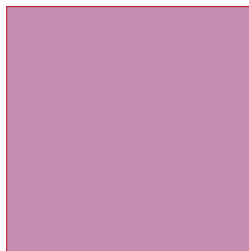
### Follow-up and dissemination

600. *The Committee on the Rights of Child recommends that the State party ensure that its recommendations are implemented, inter alia, through transmitting them to the members of the Government and Parliament as well as corresponding bodies at lower levels where it is applicable. Cf. paragraph 28 in the Committee's Observations.*

601. The recommendations from the Committee on the Rights of Child to Norway's third report to the UN on the follow-up of the Convention on the Rights of the Child and the Committee's recommendations on the Optional Protocol are translated into Norwegian and gathered in one report. The report is sent to the members of Government, relevant ministries and directorates, Parliament, municipalities, education institutions and non-governmental organizations.

602. *The Committee on the Rights of Child recommends that the initial periodic report and Norway's written replies as well as the Committee's recommendations be made widely available. The Committee recommends that this be done, inter alia, but not exclusively through the Internet. Cf. paragraph 29 in the Committee's Observations.*

603. Norway's initial report on the follow-up of the Optional Protocol is available on the home pages of the Ministry of Justice and the Ministry of Children and Equality. The same applies to the recommendations of the Committee on the Rights of Child concerning Norway's initial report on the follow-up of this Optional Protocol.



604. *The Committee on the Rights of Child encourages the State party to continue its efforts to strengthen the capacity of the criminal police to investigate criminal acts in connection with child pornography on the Internet. The Committee also encourages the State party to continue its efforts to inform children and their parents about safe use of the Internet. Cf. paragraphs 23 and 24 in the Committee's Observations.*

## Prevention

(Article 9, paragraphs 1 and 2)

### Police patrolling of the Internet

605. Prevention of Internet-related offences against children is a prioritized task for the Government. This is emphasized in the working group report (2007) "Prevention of Internet-related offences" that will be followed up by Norwegian authorities. The Ministry of Justice will, in cooperation with relevant authorities, non-governmental organizations and Internet service providers follow up the proposals for measures in the report.

606. The Internet shall not be a "lawless" area. As a part of this work, the police shall "patrol" the Internet (also called "online police station") and map and follow up crimes which are related to sexual offences. The Norwegian National Criminal Investigation Service (KRIPOS) is now following this up by implementing measures. Internet users shall also be able to report directly to the police by using an easily identifiable link (button) on the web page ("Red button"). Development of a direct tip line to the Norwegian National Criminal Investigation Service shall be done in cooperation with the websites so that the tip information is made easily visible for children who use the Internet or other electronic media.

607. In order to meet the challenge that the extent of confiscated material and the identification work represent, from October 2006, the Norwegian National Criminal Investigation Service has initiated an undertaking to establish a reference library of Norwegian criminal cases where images have been taken of the offences. The Norwegian National Criminal Investigation Service has established a method and a tool to automate parts of the examination of confiscated materials related to already known material disseminated on the Internet. One such tool is expected to be able to simplify the individual police district's examinations of confiscations, so that focus and efforts to a greater degree can be directed toward material which had previously not been known to the police. The work continues and is further developed in cooperation with the police districts to establish an effective, nationwide tool for examination of known illegal materials in Norway.

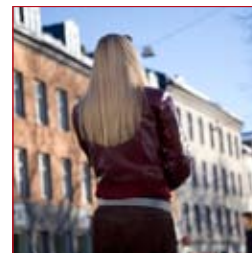
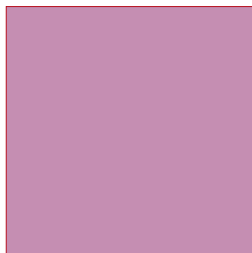
608. As concerns the work to inform children and parents about safe use of the Internet, this is also touched upon in paragraphs 572. and 539. in this report. In addition, the following measures are found:



609. The website [www.nettvett.no](http://www.nettvett.no) is produced by the Norwegian Post and Telecommunications Authority as instructed by the Ministry of Transport and Communications, and contains, inter alia, advice to parents developed by SAFT (now: Safe Use), ICT Norway and the Norwegian Media Authority and netiquette (proper behaviour on the Internet) rules for children and young people.

610. The Data Inspectorate's website presents eight tips to all who wish to give children and young people advice concerning safe use of the Internet and Mobile network. The tips can, if so desired, be downloaded in the form of a brochure.

611. In addition, the Data Inspectorate has established the website [www.dubestemmer.no](http://www.dubestemmer.no), to which there is a link from the Data Inspectorate's own home page ([www.datatilsynet.no](http://www.datatilsynet.no)). The website deals with personal data protection; how information about individuals can be used by others, and how one can take control over this information. The page is directed toward young people from the lower secondary school age and upward. It contains films and brochure material in addition to links to a number of other websites (including SAFT's/the Safe Use project's home pages [www.saftonline.no](http://www.saftonline.no) /[www.tryggbruk.no](http://www.tryggbruk.no)) and the Norwegian Post and Telecommunications Authority's page ([www.nettvett.no](http://www.nettvett.no)), to net-based newspaper articles on youth and personal data protection, and to relevant rules and regulations.



612. *The Committee on the Rights of Child recommends that the protection according to the Penal Code for persons under the age of 18 covers all acts and activities related to “producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography”. Furthermore, the Committee encourages separating child pornography from the general penal provision of pornography. Cf. paragraphs 15 and 16 in the Committee’s Observations.*

613. By law of 20 May 2005 No. 29, a separate penalty provision was introduced in the Penal Code section 204a that applies to dealing with descriptions of sexual offences against children or descriptions which sexualize children. The provision covers, inter alia, those who produce, purchase, import, possess, transfer to another or against remuneration or systematically make him/herself familiar with descriptions of sexual offences against children or descriptions which sexualize children (first paragraph letter a), or who publish, sell or in another way seek circulate such descriptions (first paragraph letter b Cf. section 204 first paragraph letter a). ‘Children’ is defined in the provision as persons who are or appear to be under the age of 18. The penalty range is imprisonment for up to three years, but six months if the act is committed negligently. The provision is applicable for acts committed on Norwegian territory, on Norwegian vessels or aircraft, when the act is committed abroad by Norwegian citizens, and when the act is committed abroad by foreigners when the act is also a punishable crime according to the law of the country in which it is committed (the Penal Code section 12 Nos. 1–4, Cf. Optional Protocol Article 4 Nos. 1–3).

614. The introduction of a new “grooming paragraph” is mentioned under the heading “New penal provision about meeting a child with the intent to commit sexual offences” etc. Cf. paragraphs 527–528 in Part 1.

615. *In Observation 17, the Committee on the Rights of Child encourages Norway to consider adopting specific legislation on the obligations of the Internet service providers in relation to child pornography on the Internet.*

616. Today a voluntary filtering arrangement exists between Norwegian authorities and Internet service providers. The service providers who participate in the arrangement install a filter which makes it difficult to have access to websites which contain sexualized descrip-

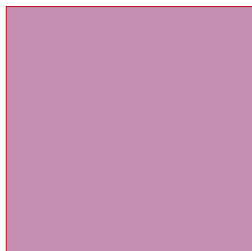
## Prohibition against the sale of children, child pornography and child prostitution

(Article 3; Article 4, paragraphs 2–3;  
Articles 5, 6 and 7)



tions of children according to instructions from the Norwegian National Criminal Investigation Service. Most, but not all, Norwegian Internet service providers participate in the arrangement.

617. A minority in the Data Crime Committee, which had as its mandate to consider legal measures against data crime, has in the committee's sub-study II (Official Norwegian Report NOU 2007: 2) proposed to include a provision in the Penal Code for the filtering of websites, inter alia, with the purpose of filtering sexualized descriptions of children. The study has had a general hearing, and the proposal for a provision for filtering will be considered in connection with the Government's work with a new penal code – special part. A law proposition where the question of including a filter provision will, according to the plan, be presented for Parliament (lower house) in the course of 2008.



618. *The Committee requests more detailed information concerning how the principle of “discretionary prosecution” (paragraph 28 in Norway’s initial report) has been applied in practice, with examples of relevant case law, and on any relevant cases where children have been prosecuted for criminal acts which are committed as a consequence of the child being a victim of human trafficking. Cf. paragraph 18 in the Committee’s Observations.*

619. Norwegian authorities are not familiar with examples of children having been prosecuted for actions which are committed as a consequence of the child having been victim of human trafficking. This is not a particularly relevant problem in Norway, which is also the basis in our initial report (paragraph 28). As concerns the Committee’s Observation 18, Cf. paragraph 28 in Norway’s initial report, it can be mentioned that the rules concerning the principle of necessity and lawful self-defence in the Penal Code sections 47 and 48 can lead to exemption from punishment in cases where the victim has been in a situation of emergency or has been forced.

620. After an amendment of the Penal Code in 2005, the law contains a new penal reaction in the form of a rule stating that no punishment shall be meted out. The rule will, after entry into force, give the courts a possibility not to mete out punishment when special circumstances so dictate, even though guilt is considered proven.

621. It should also be mentioned that the Council of Europe Convention on Action against Trafficking in Human Beings in Article 26 contains an explicit obligation to ensure a provision in internal legislation to provide for the possibility of not imposing penalty on victims of human trafficking for unlawful activities to the extent that they have been compelled to do so. In this connection, the Ministry of Justice has requested the Director General of Public Prosecutions to ensure that the mentioned Article 26 must be followed up in practice by the prosecuting authority. This is followed up in the circular No. 1 2007 of the Director General of Public Prosecutions – Goals and priorities for the conduct of criminal cases by the police (which contains instructions to the subordinate organs), where it is emphasized that persons exposed to human trafficking are victims of criminal acts. The Director General of Public Prosecution furthermore refers to Article 26 and the obligation to ensure that victims of such trafficking not to an unreasonable extent are exposed to prosecution. The access to waiver of prosecution is mentioned, and it is expressed that this particularly can be relevant in cases of illegal entry, the use of false documents in this regard and illegal work.

## Protection of the rights of children who are victims

(Articles 8 and 9, paragraphs 3 and 4)



622. The Ministry of Justice has in Proposition to the Odelsting (the lower house) No. 11 (2007–2008) Law concerning amendments in the Criminal Procedure Act, etc. (strengthened position for the aggrieved and the surviving relatives), which follows up Official Norwegian Report NOU 2006:10 The aggrieved in the penal process – new perspective and new rights, proposed a number of legislative amendments with the purpose of strengthening the aggrieved and the aggrieved’s position in criminal cases. A general provision is, inter alia, proposed concerning the police and prosecuting authority’s information obligations toward the aggrieved and surviving relatives. In addition, it is proposed to give victims of human trafficking an unreserved right to legal counsel. This proposition to Parliament (lower house) is also discussed under Part I, paragraph 525.

623. *The Committee on the Rights of Child recommends that the State party continues and strengthens measures to ensure that child welfare workers receive adequate training on the provisions of the Optional Protocol and to provide assistance and support in this area for vulnerable children. Cf. paragraphs 19 and 20 in the Committee’s Observations.*

624. Training measures are described in paragraphs 593–599 in this report.

625. *The Committee on the Rights of Child requests that children who are affected by criminal acts in connection with child pornography, receive access to adequate services. Cf. paragraphs 21 and 22 in the Committee’s Observations.*

626. It is a great challenge to identify children who are affected by criminal acts in connection with abusive images such that one may ensure them adequate services. The Government will strengthen Interpol’s efforts to prevent and combat sexual offences against children, as well as contribute to identifying children who have been exposed to such offences, with a view to providing them with assistance. For 2007 and 2008, the Government will contribute a total of NOK 2.4 million to Interpol’s image database. The new database will provide direct access to Interpol’s existing database of abused children to each individual country’s investigations. In this way, the police can simplify the work in parallel with detecting offenders; at the same time one can identify victims of offences and hinder distribution of images and videos. Cf. Chapter V, paragraph 630.

627. Children, who have experienced that abusive images of them have been disseminated, will often have a need for extensive and specially adjusted treatment and follow-up. It is also a challenge both in Norway and other countries to develop and disseminate knowledge concerning, for example, the additional trauma involved in having images of offences distributed over the Internet. This type of follow-up is thus far given by the ordinary assistance and treatment system. Norway will strengthen the regional and local competence to work with children and young people who are exposed to violence and other traumatizing experiences, inter alia, through establishment of Children’s Houses (“Child Advocacy Centers”) in the country’s regions. Cf. Part 1 paragraph 521.



### Protection of victimized children

628. *The Committee on the Rights of Child encourages the continued co-operation efforts at regional and international levels. Cf. paragraph 25 in the Committee's Observations.*

### Nordic cooperation

629. At the last meeting among the Nordic justice ministers, Norway proposed to increase and strengthen the Nordic cooperation to prevent and combat offences against children. A special meeting for the Nordic justice ministers on this theme was held in Oslo on 4 December 2007.

630. At the Nordic justice ministers' meeting in 2008, Norway will raise the possibilities for a strengthened Nordic cooperation in a shared database for improved identification of victims of offences, implement common operations at the Nordic level, and develop shared competence milieus in this area. This concerns, inter alia, strengthened coordinated efforts through:

- an extensive interdisciplinary and inter-sectoral cooperation among the police, the social and health services, the school system, research milieus and the Internet industry's organs;
- development of the possibility for police "patrolling" on the net ("Virtual Police Station"), Cf. Chapter II, paragraphs 605–606;
- reception of tips from the public to the police in the Nordic countries;
- direct reporting to the police on illegal material ("red button") on websites, and the use of "stop pages" (filter) to prevent one from coming into areas with illegal content;
- development of a shared Nordic image database for the police to have more effective investigations and better opportunities to identify both victims and perpetrators.

631. Through the Nordic cooperation under the direction of the Nordic Council of Ministers, Norway has – in cooperation with other Nordic countries – placed focus on human trafficking and victims who are minors of human trafficking through seminars, conferences and shared Nordic projects.

### Strengthened regional and international efforts

632. Norway has raised the issue of children's positions as victims of human trafficking in several international fora. A UN study on violence against children, including human trafficking, was presented in the autumn of 2006 and was the subject of several follow up meetings in

# International assistance and cooperation

(Article 10)





the spring of 2007. Cf. Part 1 of the report, paragraphs 68–69. Focus on children’s positions as victims of human trafficking was also the theme for a conference in New York on 5 March and the theme was raised during the Commission on Crime Prevention and Criminal Justice in Vienna (23–27 April). It has also been central in OSCE’s work. At the Ministerial Council meeting in Brussels 2006, Norway was, inter alia, initiator for a decision regarding sexual exploitation of children and not least human trafficking. This was followed up in 2007, inter alia, through an expert meeting in November.

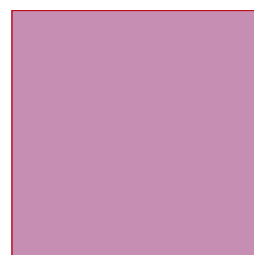
633. The measures in the working group for exposed children and young people (WGCC – Working Group for Cooperation on Children at Risk) in the Council of the Baltic Sea cooperation, has in the period 2006 and 2007, inter alia, included training of key personnel in the country of origin and the country of destination to prevent, treat and take care of minor children at risk for human trafficking. The neighbouring countries, Ukraine and Belarus, have participated. The experiences from this regional training are, for the time being, the subject of summarizing and assessing the need for continuance. A network is also established among authorities and the voluntary sector that raise questions connected to human trafficking of children. Norway has contributed to initiating the training measures, while the EU and voluntary sector have mainly contributed financially to implementation of the measures. For the time being, a mapping of trafficking of children is in progress to describe the life situation for this group and how children are followed up by the assistance instances, NGOs and authorities in the region. The report is expected to be completed in the first half of 2008.

634. Norway has, through the cooperation in the Council of the Baltic Sea working group for children and young people at risk (WGCC) coordinated a regional research project in six countries (Norway, Sweden, Poland, Estonia, Lithuania and Russia) on youth’s experiences with and attitudes toward the sale or exchange of sex, use of pornography and sexual offences against minors”. The study includes over 20,000 young people between the ages of 17–19 years of age, and comparative studies have been made. The study provides much knowledge that will be important in the work to prevent sexual exploitation and offences. Cf. Part 1, paragraph 535.

635. Under the Norwegian chairmanship in the working group for children at risk (WGCC) under the Council of the Baltic Sea, the working group has, in cooperation with Allmänna Barnhuset (Swedish Children’s Welfare Foundation), developed a compendium on “Children and Young Persons with Abusive and Violent Experiences Connected to Cyberspace Challenges for Research, Rehabilitation, Prevention and Protection” (“Internet-related sexual exploitation of children and young persons – challenges for research, prevention work and treatment”) where prominent international experts have made contributions to the theme. The compendium is distributed to the member countries and all other interested parties (is published in Swedish and English).

636. Under the Norwegian chairmanship in the WGCC, the working group, in cooperation with the authorities in Russia, have started the planning of an international expert meeting for spring 2008 on Internet-related offences against children and youths. The purpose is to discuss appropriate instruments and measures that can combat Internet-related sexual exploitation of children and young persons, both in Russia and other countries. The EU supports the plans for the meeting.

637. Under the plan of action against human trafficking, the Ministry of Foreign Affairs has implemented a number of measures against trafficking of children. The Norwegian support has gone mainly to organizations such as Save the Children, UNICEF, Terre des Hommes, La Strada, Norwegian Church Aid, IOM (International Organization for Migration) and their collaborating partners in the countries of origin for human trafficking. The primary objective for the effort is to limit recruiting, assist the victims, including safeguarding children, organize follow-up, prosecute human traffickers, and increase knowledge, interdisciplinary cooperation and a strong international framework. As examples of the Ministry of Foreign Affairs' supporting measures directed toward children can be mentioned: the project "Not for Sale" where UNICEF, Albanian authorities and local non-governmental organizations work in several areas to prevent trafficking of children. IOM receives contributions for its cooperation with governmental organs and non-governmental organizations in Bangladesh for assistance, particularly for young female victims and efforts to prevent that more children are exploited. In Mozambique, the Norwegian Embassy supports a project under the direction of Save the Children, which through an information campaign shall make children and parents conscious of the dangers of human trafficking.



### **Military personnel in foreign operations**

638. The Norwegian Defence has a total prohibition in relation to purchase of sexual services under foreign operations. This is reflected in the Defence's "Code of Conduct", which provides guidelines for how the individual shall act during a foreign operation. The Minister of Defence has circulated "Plan of Action for the Defence Sector – Conduct, ethics and leadership". The plan of action emphasizes the importance of ethics and conduct in the Defence in general. It is important that the individual soldier understands what type of driving force lies behind prostitution. It is important that soldiers and officers understand how support to such activities can undermine even the basis for the military operation. Often the fact that military forces are present can attract criminal activity, and thereby weaken the possibilities to develop a society, which is stricken by war and conflict, in a positive direction. Norwegian soldiers or officers in foreign operations who have bought sexual services, and are discovered, will be sent home. Purchase of sexual services will also have consequences for military personnel on official missions in the country and abroad.

639. The Defence School Centre (Norwegian Education Command) has developed an education programme for measures against human trafficking. Soldiers and officers must understand how human trafficking can be one of several obstructions for building up a well-functioning state. Certainly, the nation building itself is normally a civil (UN) task, but international military forces have, as a rule, a mandate which involves creating safety so that nation building can be pursued by civil institutions. Human trafficking and prostitution must be seen as a destructive activity in the same way as other criminal acts prevent establishment of a well-functioning society.

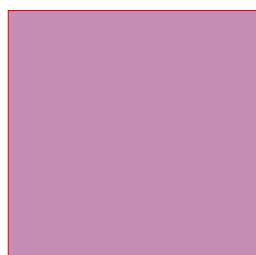


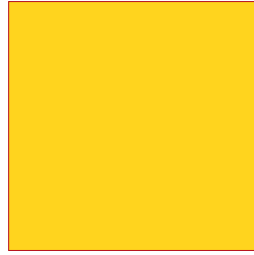
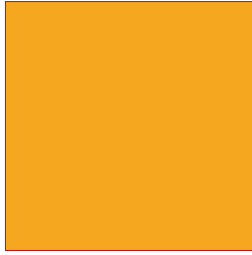
### Law enforcement

640. *The Committee on the Rights of Child encourages the State party to continue the work at international and European levels and to strengthen and improve its bilateral cooperation on law-enforcement in areas that are related to the Optional Protocol. Cf. paragraph 26 in the Committee's Observations.*

641. For investigation of criminal acts related to this Optional Protocol – inter alia, illegal use of the Internet – the international police work is of great significance. The Norwegian National Criminal Investigation Service today receives communications concerning Norwegian Internet users' behaviour from a number of channels and organizations. Collaborating countries, together with Interpol and Europol, are effecting issuance of operations directed toward downloading and distribution of series of images after operations to counter illegal websites. Through an established network of police units, identification work is continued on the basis of what the evidence images and film represent. The Norwegian National Criminal Investigation Service receives communications from a number of countries concerning possible Norwegian images which are abusive in nature, as well as Norwegians' behaviour on the Internet related to sexual offences against children. This concerns Norwegians who demand specific material or who advertise for children. The Norwegian National Criminal Investigation Service also analyzes and investigates series of images and films with specific national characteristics, and sends the cases to countries that can follow the cases further.

642. Police units worldwide monitor particular channels where one has knowledge that images of sexual offences are distributed. All activity related to uploading and downloading of material is logged, and is thereafter sent to the respective countries where the user's Internet service provider is registered. The Norwegian National Criminal Investigation Service has a national responsibility in Norway for the preliminary investigation in larger operations where the suspects are residing all over the country.





## General measures of implementation

(Article 1–6)

### Legislation

643. *The Committee on the Rights of the Child recommends amendments in the Penal Code in order to strengthen national and international measures for the prevention of the recruitment of children for armed forces or armed groups. Cf. paragraphs 8–9 in the Committee's Observations.*

644. The proposal to new penalty provisions on genocide, crimes against humanity and war crimes was presented to Parliament in November 2007, see Proposition to the Odelsting (the lower house) No. 8 (2007–2008). The proposal was adopted by Parliament (lower house) on 12 February 2008. According to the new section 103 first paragraph letter f, it is punishable as a war crime to recruit or enlist children under the age of 18 to armed forces or to use them to actively take part in the hostilities. The sentencing framework is imprisonment for up to 15 years, but up to 30 years in case the crime is serious. In the consideration of whether the crime is serious, particular importance shall, according to section 103 third paragraph, inter alia, be attached to the damage potential and damage impact, and if the act is committed as part of a plan or an aim or as part of extensive perpetrations of such crimes.

645. The Government has expressed that it is desirable that the new penalty provisions on genocide, crimes against humanity and war crimes enter into effect as soon as possible after Parliament has considered the proposal. It is therefore the aim to have entry into force early in 2008. The proposal on the new penalty provision on recruitment and use of children in armed forces is also discussed in Part 1 of the report paragraph 486.

646. *The Committee on the Rights of the Child recommends the authorities to raise the minimum age of volunteers joining the Home Guard from 16 years to 18 years. Cf. the Committee's Observations paragraphs 10–11.*

647. Norwegian authorities do not see that it is required or necessary to raise the minimum age of volunteers in the Home Guard Youth from 16 years to 18 years in order to fully respect the spirit of the Optional Protocol or in order to ensure full protection to children under all circumstances. The reason for this is that the law regulating the Home Guard (the Home Guard Act) states that volunteers who have not reached the age of 18 shall not be given practical training or participate in combat-related activities, and they shall be exempt from service should the Defence be involved in hostilities, cf. the Home Guard Act section 6, first paragraph. Pursuant to the Act's section 4, first paragraph, the Home Guard Youth shall not be liable for military service.





648. Furthermore, the Home Guard Youth are not subject to military disciplinary authority or the Military Penal Code. This is clearly presumed in Proposition to the Odelsting No. 61 (1999–2000). Participation in the Home Guard Youth is solely on a voluntary basis and takes place during the young person’s free time. No form of coercion may be exerted if a volunteer should wish to leave or fails to attend meetings. It is emphasized in this connection that the Home Guard Youth, according to established practice, may not be punished pursuant to for example, the Home Guard Act’s section 32, second paragraph because they are not liable for service in the armed forces. In short, the Home Guard Youth is an arena for outdoor recreation and other physical and sporting activities with a military element.

### Dissemination and training

649. *The Committee on the Rights of the Child recommends continued training on the provisions of the Optional Protocol to armed forces in international operations, but also to all relevant professions who work with children who come from countries affected by armed conflict (professions such as health and social personnel, teachers, lawyers and judges). Cf. the Committee’s Observations paragraphs 12–13.*

650. As concerns dissemination of the Protocol, reference is made to paragraph 60 in Part 1 of the report “Training and information to children and young people”. Concerning training for relevant professions, reference is made to paragraph 62 in Part 1 of the report “Training of professions and professional groups who work with children”.

651. The Ministry of Defence has a cooperation agreement and very close cooperation with the Norwegian Red Cross concerning dissemination of knowledge and training, which includes all types of personnel, not only military. Mention should also be made to the annual seminar (arranged in cooperation with the Ministry of Defence and the Norwegian Red Cross) regarding the law of war/international humanitarian law, which is open for participation from personnel from the Defence’s (Armed Forces) as well as NGOs. This year, the participants were more or less split in half between personnel from NGOs and representatives from the state administration on the one hand and personnel from the Defence on the other.

652. Mention should also be made of the Defence’s annual, national course on the law of war/international humanitarian law, which last time took place in Oslo 26–30 November 2007. The course is open for and has participants both from the Armed Forces and personnel from NGOs as well as representatives from the state administration.

### Child soldiers – meeting with Norwegian soldiers in international operations

653. The Ministry of Defence and the Defence’s School Centre (Norwegian Education Command) arranged Conference on Child Soldiers on 26 March 2007, in cooperation with the Norwegian Red Cross, Save the Children, the Norwegian Refugee Council and the Norwegian People’s Aid. The purpose of the conference was to focus on the ethical dilemma for our forces who may meet children who are used in various roles in conflict and war, also as soldiers. The children who are involved in war and conflicts are used as combatants, messengers, guards, scouts, carriers and kitchen help. Some are forced into sexual services. Chil-

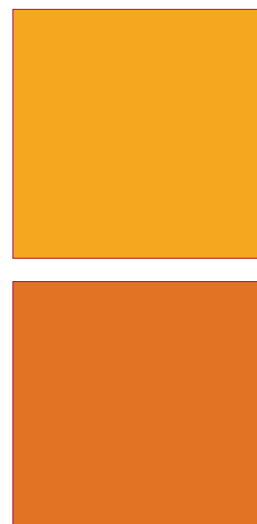
dren are used as soldiers, inter alia, because they are easy to manipulate, they do not understand the dangers connected with the tasks and have unclear perceptions regarding right and wrong.

654. Norway has for the time being approximately 770 women and men in international operations. The main portion of them is in Afghanistan, a country where we know that the insurgents have recruited children. Norway has also expressed intentions to increase our UN involvement in Africa. In several African conflicts, we have seen considerable presence of child soldiers, although there are considerable regional differences. This means that Norwegian soldiers may be put into a situation involving difficult ethical dilemmas, for example, where one is faced with a child in uniform who is armed.

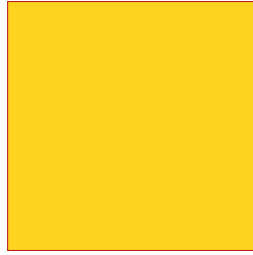
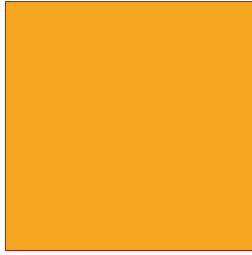
655. In order to be as well prepared as possible for this and similar situations, Norwegian soldiers are well trained in existing guidelines, laws, rules and international conventions that Norway has ratified. To better prepare soldiers to handle challenging ethical problems, the Minister of Defence has published “Plan of action for the defence sector – Attitudes, ethics and leadership”.

656. The plan of action includes concrete measures which place ethical reflections of daily life in focus. For example, the respect for the law of war and ethics shall be emphasized from the first day when one begins in the military. The Minister of Defence has emphasized that the atmosphere among the soldiers shall be characterized by respect for human life and respect for the tasks which shall be carried out.

657. In order to be better prepared to handle dilemmas concerning children in war as well as child soldiers, the soldiers are prepared before they leave for the operation areas. Among other things, the Defence has cooperation with Save the Children. Save the Children is giving briefings about their work in courses arranged by the Defence for officers who shall participate in international operations. The theme ‘child soldiers’ is a part of this arrangement. This measure is highly valued, particularly because it is an important cooperation area between the military and civilians.







# International assistance and cooperation

(Article 7)

## Protection of victims

658. *The Committee on the Rights of the Child notes that some children who have experienced war who are seeking asylum are returned to their home countries without follow-up. They recommend appropriations and follow-up mechanisms for this group. Cf. the Committee's Observations paragraphs 14–15.*

659. If children who are seeking asylum in Norway have been exposed to traumatic experiences in their home countries which imply that they have need for special follow-up, this will be a central subject of consideration when the question of whether residence permit shall be granted.

660. Norway does not have a special follow-up of children who have been returned to their home countries after a final rejection on the application for asylum, but through Norway's general assistance work, children will always be an important target group.

## Financial and other forms of support

661. *The Committee on the Rights of the Child continues to recommend multilateral and bilateral support to activities directed toward children involved in armed conflict, preventive work, recovery and reintegration of victims. Cf. the Committee's Observations paragraphs 16–17.*

662. Protection of children in war and armed conflict and children's participation in peace-building, peace and reconciliation are a prioritized area within Norwegian strategy for children and young persons in the south. Children's rights to protection and participation are identified as prioritised areas.

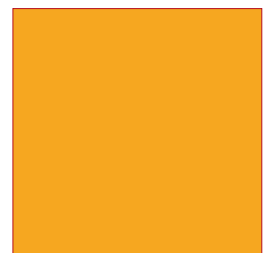
663. August 2006 marked the 10th anniversary of the launching of the UN report on children in armed conflict. The report "The Impact of Armed Conflict on Children" led by Graca Machel, 'the Machel Study', is one of the most important international reports on children in recent times and has had far-reaching consequences. The report includes a plan of action for member countries and the international society to improve protection of children in conflict situations. A Special Representative of the UN Secretary-General on children in conflict was appointed in this connection. In 2007/2008, the Special Representative, in cooperation with UNICEF, will complete a strategic review of the Machel study, to assess progress and identify challenges and priorities for further work. Norway has contributed to this work and to the dialogue process in connection to the review.

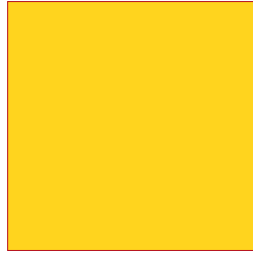
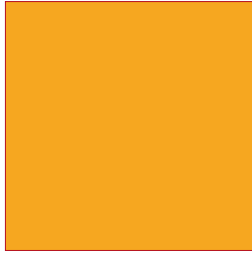
664. The UN Security Council has adopted several resolutions concerning children in conflict and has established a working group for ongoing work with this. Norway is focusing on the follow-up of the Security Council Resolution No. 1612, which indicates a number of measures and mechanisms to protect children in war and conflict. As part of this, Norway actively participated in the launching of the so-called “Paris Principles”, global principles and guidelines concerning children who are connected to armed groups and forces. Support to the non-governmental organization Coalition to Stop the Use of Child Soldiers was extended. The Ministry has given considerable support to the Save the Children Alliance’s perennial focus on education for children in conflict-afflicted areas, the so-called “Rewrite the Future” programme. The goal is to increase and strengthen the work to ensure that children in war and conflict situations maintain attendance in a formal school system.

665. Another priority theme which is closely connected to peace and reconciliation is children and young people’s involvement, or right to participation. In order to achieve effective protection of children in conflict, and in order to have the best possible point of departure for peace and reconciliation processes, children and young people’s needs and rights must be taken into account. On this basis, Norway takes as a point of departure Resolution 1612 in consideration of Norwegian support or involvement to such processes. Norway has worked to include issues such as this for enlightenment in the Machel review. Norway has supported Save the Children’s extensive follow-up research project on children in war and peace, which has as its aim to develop tools for policy and programme work. In 2006, a seminar was held with Norwegian partners and the UN on this theme. In 2007, a seminar was also held on children’s involvement where the Norwegian professional milieu as well as actors within the international milieu in Norway participated with a view to make suggestions to international processes where Norway participates and to follow up in programme work.

666. In Norway’s programme agreement with UNICEF for 2007–2008, to support for UNICEF’s medium-term strategy plan, contributions to monitoring and reporting are included (“monitoring and reporting MRM”) concerning implementation of Resolution 1612.

667. In December 2007, Norway took part in the 5-year marking for follow-up to the international Special Session on Children in the UN, “A World Fit for Children”. The Norwegian intervention raised, inter alia, the question on how one best protects children and young people in today’s complex conflicts, a challenge identified in the review of the Machel study. Children and youth delegates were included in the Norwegian delegation.





# Measures with regard to disarmament, demobilization and social integration

(Article 6, paragraph 3)

## Measures of social reintegration

668. *The Committee on the Rights of the Child recommends in its Observations paragraphs 18–20 measures to:*

669. *a) ensure that children in asylum reception centres who have experienced war receive adequate support, supervision and psychiatric care.*

670. Children in asylum reception centres have the same right to health care services as other children, and shall be assisted by the ordinary services network with necessary adjustments. The responsibility for essential health care services to residents in reception centres lies with the host municipality, which, inter alia, shall carry out psychosocial measures based on need. The public health clinic is, in this connection, a vital resource in the preventive and health-promoting work and offers measures directed both toward the community and the individual. Furthermore, all children shall, like adults, be referred to specialist health care services – psychiatric as well as somatic – if identification and clinical examinations in primary health care services so dictate.

671. The guide from the Directorate for Health and Social Affairs “Health care services for asylum seekers and refugees” (IS-1022) recommends that the municipal health care service contact asylum seekers as soon as possible after arrival in ordinary reception centres to establish contact and identify health problems which require treatment or follow-up, including a preliminary assessment of mental health. Municipal health care services’ responsibilities and obligations in relation to asylum seekers and refugees are clarified in the circular to the services network autumn 2004 (IS-22/2004) “Health care services for asylum seekers and refugees – professional advice and a reminder of prevailing laws and regulations – with particular emphasis on mental health”.

672. As from 1 December 2007, the Ministry has been given the legal basis to introduce a special waiting period guarantee in specialist health care service for children and young people under the age of 23 with mental suffering, alcohol or drug dependency. Cf. Part 1, 299–300. Children with needs for long-term and coordinated services have the right to have an individualized plan developed. The municipality and the hospital trust have corresponding obligations to see to the preparation of such a plan in cooperation with the patient and other service providers to contribute to a comprehensive programme for the patient.

673. Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS) was established on 1 January 2004 to strengthen knowledge and competence concerning violence and abuse, refugees and forced migration, catastrophes and traumatic stress. The Centre has a separate section for refugee health and forced migration (previously called Psychosocial Centre for refugees). Presently, NKVTS is carrying out an intervention study on treatment and recovery of traumatized refugees.

674. It has been a priority for the authorities to strengthen the knowledge and competence in health care services to improve the conditions for mentally ill refugees and asylum seekers. This has led to the implementation of clinical competence centres for violence, traumatic stress and suicide prevention (RVTS) in all four health regions. The competence centres have teams of professionals with special qualifications on refugees' health situation. The teams shall assist the health care services in strengthening the competence on and the service available to traumatised refugees, develop methods of treatment for the group and strengthen the work with refugee children and youth. Earmarked means to this function are granted over the Action Plan for Mental Health Care.

675. *b) expand parental guidance in reception centres and expedite measures directed toward trauma (screening).*

676. As concerns parental guidance in asylum reception centres, reference is made to Part 1 of this report, paragraphs 451–452.

677. In 2006–2007, NKVTS conducted a pilot project to identify serious mental problems among newly arrived asylum seekers. The pilot project, which included different instruments (inter alia, internationally used questionnaires) to assess psychiatric problems, showed that these instruments were to a certain degree inadequate in diagnosing psychiatric problems, partly due to illiteracy among the asylum seekers in the project, and partly due to the difficulties and inadequate use of interpreters. Mentally ill asylum seekers who were detected in the project, however, were followed up in a satisfactory manner.

678. The Directorate for Health and Social Affairs has recently received an evaluation report on the above-mentioned pilot project. New approaches will be assessed on the basis of the conclusions in the report. For the time being, it is too early to give any details as to which initiatives will be implemented.

679. The Directorate for Health and Social Affairs has issued a circular regarding health care services for asylum seekers and refugees, with particular focus on mental health (IS-22/204). The Directorate has also been given the assignment to evaluate whether there is a need for professional guidelines to improve the services offered to these groups. NKVTS has issued a thorough guide "Psychiatric and psychosocial work with refugees", where treatment and rehabilitation for victims of torture and trauma is one of the topics. The guide is available at: [www.nkvts.no/Bibliotek/Publikasjoner/BokerReporterNotater/Voksenveileder\\_refugees.pdf](http://www.nkvts.no/Bibliotek/Publikasjoner/BokerReporterNotater/Voksenveileder_refugees.pdf).

680. *c) consider establishing a unified guardian system for unaccompanied minor (asylum seekers and) refugees*



681. As referred to in Part 1, paragraph 82, in the spring of 2008, the Ministry of Labour and Social Inclusion will begin work on proposals to new legal provisions concerning a separate representation arrangement for unaccompanied minor asylum seekers. The question of when the representation arrangement will be in place and new regulations may enter into force will be reverted to when the work on the law has progressed further. Possible measures will be considered in the period until a new arrangement can be put in place.

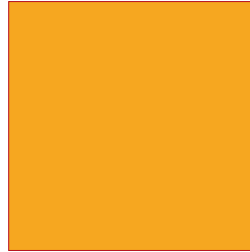
682. *d) consider centralizing the responsibility for all unaccompanied asylum-seeking children under one authority, such as the Child Welfare Service.*

683. In autumn 2007, the state Child Welfare Service assumed the responsibility for unaccompanied minor asylum seekers under the age of 15 in the phase from when they arrive in the country until settlement or return. Eidsvoll Care Centre for Children opened in December, and will have room for 30 unaccompanied minors. The care centre shall have the responsibility for the implementation of the unaccompanied minors' daily needs for care and follow-up.

684. Parallel with the work which is being done to implement the programme for unaccompanied minors under the age of 15, in 2007, work was being done to prepare a programme for the group of unaccompanied minor asylum seekers between the ages of 15–18. Funds were allocated in 2008 to prepare the start up of care centres for this group, and work is ongoing to find adequate locations. The Government aims at transferring the responsibility for this group to be carried out in the course of 2009. Cf. Norway's fourth report, Part 1, paragraphs 478–480.

685. *e) collect data on refugees, unaccompanied minors and children with immigrant backgrounds who may have been recruited for war and conflict in their home countries*

686. Through asylum interviews, efforts are made to identify the background of unaccompanied minors and children with immigrant backgrounds, including whether they may have been recruited in war and conflict in their home countries. No data collection is made beyond this.



### Follow-up

687. *The Committee on the Rights of the Child recommends that the State party take all appropriate measures to ensure full implementation of the Committee's recommendations. Cf. the Committee's Observations paragraph 21.*

688. In the autumn of 2007, the Norwegian Government has agreed that it will strengthen and ensure children's rights through an improved monitoring of implementation of the Convention on the Rights of the Child. Cf. Part 1, paragraph 10–11.

### Dissemination

689. *The Committee on the Rights of the Child recommends that Norway's initial report and the Committee's concluding observations are spread and made available to children, parents, at schools in teaching human rights and to the public at large. Cf. the Committee's Observations paragraph 22.*

690. The report and the Committee's concluding observations are made publicly available through the website for the Ministry of Foreign Affairs.

## Follow-up and dissemination

(Article 3, paragraph 2)

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Published by:  
Norwegian Ministry of Children and Equality

Additional copies may be ordered from:  
Government Administration Services  
Post og distribusjon  
E-mail: [publikasjonsbestilling@dss.dep.no](mailto:publikasjonsbestilling@dss.dep.no)  
Fax: + 47 22 24 27 86

Publication number: Q-1141 E

Design: Aase Bie  
Printed by: Rolf Ottesen AS 03/2008 – Impression 500  
Photos: Patrick O'Carroll/Photoalto, Manpreet Romana/Scanpix

