

The Committee on the Rights of the Child

Norwegian Centre for Human Rights

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Date: 25. August 2009

Our ref.: 2009/13199

***The Norwegian Centre for Human Rights
Supplementary report 2009 to Norway's fourth report to
The Committee on the Rights of the Child***

Reference is made to the fourth periodic report of Norway on the Convention on the Rights of the Child and the Optional Protocols (the Convention / OP I / OP II) submitted 28. February 2008. The report is to be considered by the Committee on the Rights of the Child (the Committee) during the 53rd session Jan/Feb 2010.

The Norwegian Centre for Human Rights (NCHR / the Centre) welcomes the opportunity to submit supplementary information to the fourth report and review on Norway's fulfillment of the obligations undertaken under the Convention on the Rights of the Child.

The Norwegian Centre for Human Rights – National institution for human rights

The Norwegian Centre for Human Rights is Norway's national human rights institution (NHRI), established in compliance with the standards in the Paris principles.¹ The Centre is accredited with A-status according to the standards of the International Coordinating Committee of the global network of national institutions for human rights (ICC).

NCHR is a multi-disciplinary research centre which combines national and international human rights research, monitoring, training and advisory services. Through its mandate as national institution for human rights the Centre has a responsibility to monitor all human rights obligations in Norway, including children's rights. NCHR has no commissioner or section responsible for children's rights as recommended in the Committee's General Comment No. 2 on the role of independent national human rights institutions section 6.² Norway has a separate Ombudsman for Children. The Centre still has a special focus on children's rights.

Preparation of the report

The report is based on the Committee's guidelines for periodic reports³ and the NGO guidelines for supplementary reports⁴. NCHR has chosen to report on a limited amount of issues, focusing on structures for human rights implementation and groups of especially vulnerable children. The fact that a subject is not addressed in this report does not necessarily mean that the issue is not relevant to children's rights in Norway. NCHR has during the preparation of this report collaborated with the Ombudsman for Children, The Norwegian Coalition for the CRC and other partners from civil society.

Please find in the following comments from the Norwegian Centre for Human Rights on the fourth periodic report of Norway.

I General measures of implementation (arts. 4, 42 and 44.6)

International standards

1. Reservations to international human rights instruments

Norway has made a reservation to the UN Covenant on Civil and Political Rights (1966) article 10 with regard to separation of juvenile and adult offenders, arguing that small numbers of juvenile prisoners make non-separation in the best interest of the child. This practice has proven problematic (see section 30).

NCHR recommends that Norway reconsiders this reservation.

National structures for human rights implementation

2. National plan of action for human rights

Norway made a National Plan of Action for human rights in 1999⁵ as recommended in the 1993 Vienna Declaration⁶. The Committee commented positively on this in Concluding observation to Norway 2005 section 3 (e).⁷ The plan is no longer in use, the last report covering the years 2004-2005. The present lack of a comprehensive plan leaves Norway without a holistic approach to human rights. It's the opinion of NCHR that development of a new overall plan for human rights would strengthen the work on human rights, including children's rights, in Norway by giving clear objectives, priorities and responsibilities to strengthen human rights nationally.

NCHR recommends that Norway strengthens the implementation of human rights by developing a new National Plan of Action for human rights. This plan should focus on children's rights as an area of special consideration.

3. Effective follow-up of the recommendations of international monitoring mechanisms

Recommendations to Norway from human rights treaty bodies seems to be considered once they are received, but then tend to fade from the agenda until the next reporting process when they are reviewed for the next report. Some recommendations are part of the Government policy and are followed more closely, but some are left without any policy on how to follow up. Norway should have a stronger and more strategic approach on how to follow up the recommendations from human rights treaty bodies, including how to involve all relevant stakeholders.

NCHR recommends that Norway create stronger procedures for the follow-up of recommendations made by international monitoring mechanisms, both at national and local level, including the recommendations of the Committee on the Rights of the Child.

Allocation of resources

4. Stronger focus on resources provided to children and young people

The Committee recommends in its Concluding observations 2005 section 15 that "the State party undertake a study to assess and analyse the level and content of resources provided to children <...>". The State report section 52 refers to an analysis of services provided to children made in 2005 by the research institute SINTEF.⁸ This report shows

variations among the municipalities in resources allocated for children and young people. Concrete measures on how to follow up on this are not given in the state report. The table in the report section 55 gives an overview of resources, but presents only overall allocation to the municipalities, not specified into resources for children and young people.

NCHR recommends that Norway makes a broader presentation of how resources are provided to services for children and young people, containing information like percent of GDP allocated to children and analysis of how local authorities prioritizes resources to children, especially groups of children and young people with special needs.

Further to this point please see section 14 about adequate resources to child welfare services.

Education, training and promotion of children's rights

5. Training/dissemination of the Convention

NCHR strongly believes that education in and for human rights is a critical element in the promotion and protection of human rights. Human rights education in Norway is fragmented.

NCHR recommends that Norwegian authorities develop a national action plan for human rights education that consists of programmes for human rights education at all levels. Special attention should be given to children's rights, and particularly to the obligation to secure that children themselves know and are aware of their human rights as stated in the Convention article 42.

6. Education on human rights and children's rights in particular

National authorities still have challenges following up on knowledge and training on children's rights under the obligations in the Convention articles 4 and 42, and the recommendations made in Concluding observations from the Committee 2000⁹ paragraph 19 and 2005 paragraph 17. The State has undertaken measures to improve the situation, but there is still a need for holistic and ongoing programmes to secure sufficient knowledge about children's rights. The Committee's concluding observations 2005 section 17 (a) focused on the need for stronger focus on education on children's rights.

NCHR recommends that Norwegian authorities take measures to secure that children's rights are included in the curricula of all education of professionals meeting children in their work.

7. Training of professionals to improve implementation of children's rights on local level

The rights of children are mainly implemented on local level. The child's local community is the most important factor in fulfilling the child's individual rights. Norway has five health regions, 19 counties and more than 400 municipalities. In addition, the police have 27 districts, and there are a number of institutions in the court system. National authorities have a great challenge to secure sufficient competence among different authorities on children's rights and how to fulfil these obligations. The Committee recommended in Concluding observations 2005 section 17 (b) that Norway ensure systematic training programmes for all persons working for and with children

(e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, teachers, social workers, health personnel and in particular children themselves). NCHR appreciates the initiatives taken by the Government as described in the State report section 62-67. However, production and dissemination of information materiel alone are not sufficient and should be followed by programmes for training and guidance.

NCHR recommends that the Government gives priority to offering quality training programs on human rights, including children's rights, and how to work on implementation of these rights to all relevant groups.

Legislation

8. Review of the constitutional human rights protection

The Norwegian Constitution has some, but not many human rights provisions. A new paragraph § 110 (c), added in 1994, stipulates a state responsibility to respect and secure human rights. The Parliament in June 2009 put together a commission for a review of the constitutional protection of human rights.¹⁰ Among those appointed to the commission there is no one with special competence on children's rights. This can however be secured by consultations with competent partners. Norway should look to Europe and how the European Union and Council of Europe include children's rights in their constitutional framework and strategies.¹¹

NCHR recommends Norway to ensure that the commission pays special attention to children's rights and considers whether these rights should be given special protection in the Constitution.

9. Follow up of the legal study of Norwegian law and compliance with the CRC

NCHR finds the legal study concerning compliance between Norwegian law and the Convention to be a positive measure in the implementation of children's rights (section 8-10). However, the State report makes no reference to how the study is meant to be followed up.

NCHR recommends that Norwegian authorities ensure a good follow-up of the study by inviting people with special competence on children's rights to a broad consultation.

A strong legal framework is of little use unless it is implemented in a good way. An analysis of practice among those who are working with implementation of child rights in different sectors and administrative levels (judges, lawyers, social workers, teachers, health workers etc) would give useful information about compliance between practice and the principles of the rights of the child. Such a study can also give information on what the needs are among these groups to improve the way they work in practical life.

NCHR recommends the study of the legal framework to be followed by a study on compliance between the legal framework and how it is practiced.

10. Legal right to child welfare services

The Child Welfare Act does not give legal rights for the child as it is based on the responsibility of the authorities. This makes it more difficult for children and/or families to claim the services that are regulated in this legislation.

NCHR recommends the Government to undertake a study on whether or not it would be more in compliance with the principle of the best interest of the child if children are given a legal right to child welfare services.

11. Stronger legal prohibition of children against violence

In 2003 the Supreme Court of Norway left a stepfather without punishment for slapping the children as it found his actions to be below the threshold of what was regulated in the Penal Code. Reactions to this ruling lead the Government to seek clarifications in the legislation to secure an absolute prohibition of violence against children. NCHR is very satisfied that all forms of violence against children are now explicitly prohibited after recent changes in the Children's Act.¹² However, there is a need to follow up with changes in the Penal Code so that the definition of violence in the criminal legislation is as strong as in the Children's Act. The new Penal Code uses terms like "violence" and "abuse", which indicates that mental abuse or lighter forms of physical violence may still be below the threshold of what leads to punishment.

NCHR recommends that the government review the provisions in the Penal Code to make sure that the wording reflects the total prohibition of violence against children.

II Definition of the child (art. 1)

No special consideration made by NCHR

III General Principles (arts. 2, 3, 6 and 12)

No special consideration made by NCHR

IV Civil rights and freedoms (arts. 7, 8, 13-17 and 37a)

12. Inclusive approach to religion and belief

NCHR acknowledges how Norwegian authorities have responded to statements from international human rights bodies on the religious teaching in schools.¹³ The regulations of religious teaching in schools have been adjusted for better compliance with our human rights obligations (State report section 157). However, the content of lessons is still to a great extent left up to the teachers. The framework which the schools and kindergartens operate within is still not free of religious preferences. The statements of objectives in the laws on both schools and kindergartens mention humanity and Christianity specifically, with no reference to other religions or beliefs.¹⁴ This might not be in direct conflict with Norway's human rights obligations; it might however exclude groups of children. NCHR finds the principle of inclusion to be highly relevant in this debate.

NCHR recommends that Norwegian authorities reconsider whether there is a need for explicitly highlighting the Christian belief in the statement of objectives in the laws on schools and kindergartens.

V Family environment and alternative care (arts. 5, 18.1, 18.2, 9, 10, 27.4, 20, 21, 11, 19, 39 and 25)

13. Coordination of services for children

The Committee recommended in the Concluding observations 2005 section 9 that “the State party continue to strengthen its effort to improve the coherency and coordination of efforts on behalf of children and young people to ensure adequate coordination”. In 2008 the Norwegian Board of Health Supervision (the Board) carried out supervision of how municipal services cooperate in providing services to vulnerable children and adolescents (report published in March 2009¹⁵). The English summary states:

We investigated whether the municipalities organize and follow up cooperation between health, social and child welfare services for children of school age and young people in the age-group 18-23. 114 municipalities were included.

The results show that not all municipalities organize services so that cooperation can take place, and many of them do not follow up planned cooperation.

The municipalities shall evaluate services to prevent inadequacies, follow up inadequacies, and use this information to improve the services. This rarely happens with regard to cooperation in providing services for children and adolescents. The municipalities do not provide adequate training of staff. The result of lack of follow up and lack of control of cooperation between services can be that children and young people do not receive the services they require when they need them. <.....>

There is cause for concern about whether children and adolescents are identified at the right time and whether they receive the services they need. The municipalities should assess their routines to ensure that they plan, follow up and evaluate cooperation between services for vulnerable children and adolescents.”

In 103 out of the 114 municipalities examined, the Board found that their practice either did not follow the legal obligations or there were grounds for remarks about required improvements. This is a serious situation that needs to be addressed by Norwegian authorities. NCHR recommends that the Committee ask the Government to explain the concrete measures undertaken to improve the situation.

NCHR recommends that Norwegian authorities make timely plans to follow up with a new round of supervision of how the municipalities cooperate when it comes to services for children to examine whether implemented measures to improve the situation have had the wanted effect.

14. State monitoring of resources and services provided by the child welfare services

Concerns are raised on a regular basis questioning whether the local child welfare services have adequate resources to meet the needs of children, and to fulfil these needs within the principle of the best interest of the child. The municipalities are responsible for the services on a local level, and prioritize resources allocated to Child Welfare Services. The national authorities still have the responsibility to secure that the services given are in accordance with the rights of the child as stated in the Convention. The monitoring mechanisms established (see section 245-248 in the State report) are under

constant pressure, and none of these mechanisms have been able to address the resource situation in a satisfactory manner.

The prioritisation of resources on a local level is decided by local politics. Children in need of special services are a small group without any impact on local elections. It is difficult to see how their interest will be a priority in local communities. It is the opinion of NCHR that this gives national authorities a special obligation to monitor the situation closely.

NCHR finds that the State report not in a satisfactory manner addresses the question whether local Child Welfare Services have sufficient resources to fulfil their obligations. In a radio debate 6th July 2009 the Minister of Children and Equality acknowledges that the Child Welfare Services have big challenges and that there is need for a vigorous pull to improve the situation for children and young people living in institutions and foster care.¹⁶

NCHR recommends that the Committee raises this concern with the Norwegian Government. The Committee should ask to what extent the Government is confident that municipalities are fulfilling their obligations to provide child welfare services in the best interest of the child.

15. Stronger aftercare

During 2008 the research institute NOVA conducted a study on aftercare in Norway.¹⁷ The objective was to elicit research-based knowledge about how the Child Welfare Services do their aftercare work. From the English summary:

Yearly slightly below 1.000 young people aged 16 or older leave public care. The number of aftercare clients has increased during later years, from 550 in 1995 to almost 2.100 in 2005. However, the number of clients is halved for every year after age 18. Half as many 19-year olds receive such services compared to the 18-year olds, etc.

The main conclusion is that child welfare services at both the state and local level should make joint efforts to give young people transitioning from public care better and more holistic services adapted to their individual needs. This can contribute to increasing the chance of young people to attain life conditions that are experienced as good and meaningful.

A survey from 2008 shares the experiences of 13 young people in the phase of leaving public care to establish their own independent household.¹⁸ They ask for more aftercare, closer follow-up, better preparations and stronger guidance. They need someone to hold their hand as they move on to a more independent life.

The government has put in place measures to strengthen the services given to children in aftercare, State report section 239. Still the situation leaves grounds for concern, especially in light of the information given under section 13 and 14 (see above) about lack of coordination and resources.

NCHR recommends that The Committee ask the Norwegian Government to examine the situation today in light of the information given above, and the results of the measures put in place during 2008 described in the State report.

Domestic violence

16. Uphold strong focus on violence against children

NCHR appreciates the positive development in the protection of children against domestic violence that has followed after the UN Global Study on violence against children.¹⁹ The State initiatives on improving legislation, the establishment of Children's houses for stronger evidence and better assistance, and the work NGOs are doing on awareness raising, have given good results. Increasing numbers of reported cases show that stronger focus and better services leave less children living with violence in a state of silence. But as the State report shows: still thousands of children in Norway experience domestic violence, and still a high number of children are left in a situation with little or no protection.

NCHR recommends that Norwegian authorities continue the strong focus on domestic violence.

17. Registration and investigation of cases of violence against children

The Committee's Guidelines on reporting section 23 requests that "deaths of children are registered, and, when appropriate, investigated and reported".²⁰ Strong advocates for children, among them the Ombudsman for children, researchers and doctors working on the medical cases, have raised concern that there is no proper registration and investigation of cases of violence against children. Not even when a child dies from suspicious injuries. The Government has proposed legislation that will give the health authorities an obligation to offer parents a voluntarily investigation. The Government has chosen to place the responsibility for investigations with the health authorities who meet constitutional limitations on investigating private homes. By defining all sudden deaths of children as suspicious and placing responsibility for investigations with the police this limitation could be avoided. It is questionable whether this will give children exposed to violence and abuse sufficient protection. In one recent case a stepfather was convicted for causing the death of an 8 year old boy after severe violence.²¹ The mother supported the stepfather in his claim for innocence. This is an example where an offer for voluntarily investigation would not be enough. The concern of how an investigation might stigmatize the parents might be avoided by making the investigation of all sudden and unexpected deaths of children mandatory.

NCHR recommends the Committee to ask the Government to explain how the child's right to protection and the principle of the best interest of the child are considered in regard to the proposed legislation.

It is the responsibility of the Government that all staff working with cases of suspected violence and abuse against minors has the sufficient means to meet such challenges. To secure adequate knowledge the registration of reported or suspected cases of children and adolescents exposed to violence should be improved both within the legal system, the health care services and child welfare services.

NCHR recommends that the Government secure routines, guidelines and competence for personnel facing situations where children might have been exposed to severe violence and abuse and to make a review of the registration of such cases.

18. Evaluations of the Plan of Action against Domestic Violence

Norway has a plan of action against domestic violence.²² NCHR finds it very positive that the Government has developed this plan, which consists of 50 concrete measures. A review of the plan was made during the first half of 2009 with an updated status for all measures given in the plan.²³ What is new about the situation is that a strong focus on violence has had the positive effect of a strong increase in reported cases. There are no signs that the evaluation had any involvement from groups of people exposed to violence and abuse to make sure that the measures have practical impact.

NCHR recommends asking the Norwegian government what they see as the main challenges in the work on violence against children and to what extent the system is ready to handle the increased number of cases. NCHR recommends that the government make plans to evaluate the Plan of Action against Domestic Violence in cooperation with representatives from groups exposed to violence and abuse, and that the children's perspective is attended to in this work.

19. New hearing on the “Children’s Whitepaper” on violence

In the Parliament 20th November 2008 there was a hearing between children and young people and Ministers from the Cabinet.²⁴ The topic for the hearing was children exposed to violence. For this session the Minister of Justice presented to the children and young people a “Children’s Whitepaper” on what the Government will do to improve the situation.²⁵ This document should be followed up, regardless of change of Government, by a new hearing with children and young people exposed to violence, evaluating the results and helping to create a new “Plan of Action to combat violence against children”.

NCHR recommends that the Government follow-up on the “Children’s Whitepaper” with a new hearing with children to review the document and secure that the measures have a positive and practical impact in their lives.

20. Children in crisis centres for women exposed to violence

In Norway there is a tradition with crisis centres as safe places for women exposed to violence. The report “Children in crisis centres” examines the situation for children that due to violence have to escape their home together with their mother.²⁶ These children are either exposed to direct physical violence, they are witness to violence, or both. The report shows that during 2007 1420 children and 1797 adults lived in crisis centres. The average stay for children was 28 days, but 14 percent stayed for more than 6 months. The facilities and services offered are based on the needs of the adults and often they do not fulfil the needs of the children. The last few years there has been a growing awareness of the special needs of children in crisis centres. This has led to a demand that children should be seen as individual beneficiaries of the protection and services offered at crisis centres.

NCHR recommends asking the Government what measures are taken to secure children's perspective in crisis centres, and that the Government is recommended to make sure that the crisis centres offer services that are in compliance with the best interest of the child.

21. Training of professionals on children in crisis

Children who live with domestic violence and abuse are in crisis. They are especially vulnerable and must rely on adults for support. On this basis, it is of crucial importance

that those working with children have the sufficient knowledge to deal with such cases. The report “Competence gives the courage to see and the confidence to act” shows lack of knowledge on children exposed to violence and abuse among newly educated teachers and pre-school teachers.²⁷

NCHR recommends that Norwegian authorities in a stronger way than today secure education and training that include dealing with children in crisis.

VI Basic health and welfare (arts. 6.2, 23, 24, 26, 18.3, 27.1, 27.2 and 27.3)

22. UN Convention on the Rights of Persons with Disabilities and the Optional Protocol

On 30 March 2007, Norway signed the UN Convention on the Rights of Persons with Disabilities (CRPD). However; it has not yet been ratified. According to the Ministry of Foreign Affairs and the Ministry of Children and Equality, the Government plans a proposition to the parliament on the ratification of this convention at the end of 2009. No decision has yet been made regarding the signing and/or ratification of the CRPD Optional Protocol. However, the processes necessary for ratification are presently under consideration by the Government. It is the opinion of NCHR that ratification and implementation of these instruments will be of great importance to children with disabilities in Norway and their right to non-discrimination.

NCHR recommends that required measures be put in place and that Norway ratify CRPD and its Optional Protocol as soon as possible.

23. Health services for children and adolescent

Healthcare for children and adolescents are primarily the responsibility of local authorities. The municipalities have a legal obligation to offer free health services to all under the age of 18. This consists of monitoring of pregnancies, health posts for children aged 0-5 and healthcare services in school. There is a general understanding that these services are specially important as they reach all children and adolescents no matter background or family situation, and that they are one of the pillars of having good public health. Despite this fact it seems these services are not prioritized. The Norwegian Directorate for Health commented in January 2009 that the lack of capacity of healthcare services in schools give reason for concern. There are great variations among different municipalities and in some places the capacity of healthcare services in schools are very low or even non-existing. The directorate pointed to the fact that the number of staff has to be doubled before the capacity will be satisfying.²⁸ The Ombudsman for Children also has raised concern about the situation, and reference is made to the Ombudsman’s supplementary report. The fact that these services are imposed by national authorities as a legal obligation proves their importance. National authorities should follow closely how the municipalities fulfil these obligations.

NCHR recommends that the Government conduct a survey on healthcare services for children and young people to put down concrete measures on how the municipalities can work to strengthen the fulfilment of their obligations.

24. The right to social security

The Committee recommends in its Concluding observations 2005 section 38 that Norway ensure that no group of children lives below the poverty line. The Norwegian

welfare state provides social security for the population. However, children with parents who are disadvantaged in the labour market, or not entitled to adequate benefits, are exposed to poverty. In the social welfare services children are dependent on benefits given to their parents. It's a question whether this gives children sufficient social security. Poverty has a special influence on children and affects their rights to development. The number of children below 16 years in Norway considered to be poor increased from 52.000 in 1998 to 70.000 in 2004.²⁹ This is a situation of great concern. There are big differences on how social services are provided on local level. This raises the question whether there is equal access for all to such benefits. NCHR supports the need for a discussion on whether existing regulations define the state responsibility in a satisfactory manner. It should be considered whether the social welfare services to a greater extent should give special benefits directly to activities for children, like directly covering charges for participating in sports, music schools etc, included the equipment needed to participate.

NCHR recommends Norwegian authorities to review provisions and practice in the social welfare services to better secure children's right to social security, participation and to enjoy their cultural rights.

25. Children's right to adequate housing

The Convention article 27 gives children the right to adequate housing. Young people in difficult life situations might face challenges that are connected with the level of aftercare services provided by the child welfare services (section 14), and lack of coordination between different municipal services (section 13).

The research institute NIBR has made a study on homeless persons in Norway in 2008.³⁰ The study shows that one in four homeless is under the age of 25 and the number is rising.

The percentage of young homeless people – under 25 – has been growing since 1996. This group is over-represented in the smaller municipalities. <...> Social benefits are the main source of income of 40 per cent, and the main source of income overall among the homeless population. A slightly lower percentage, 37, receives a pension of some kind. All the forms of income are work related. <...>

The researcher comments the study to the media in this way:

The study showed that in 2008 there were 1.189 homeless persons under the age of 24 years. This group of young people among the homeless has increased from 18 to 24 per cent during the last twelve years. More than half of the young homeless live with friends or acquaintances. "A big part of this group has their background from Child welfare services and institutions, and being homeless at a low age reduces the change of a normal education- or job situation. To avoid young people from becoming homeless on a long term basis Child welfare services, Correctional services and Social services have to make a strong effort".³¹

Norway also has families with children who are homeless. Normally they have temporarily housing.

More than a quarter of all homeless people have children under 18. 16 per cent of these parents have full or shared custody of their children. <...> 378 children are homeless,

together with their parents. This figure is not weighted, unlike the homelessness figure. In other words, the number of homeless children in the custody of homeless parents is almost certainly higher.<...> A large percentage of this group (30 per cent) are housed in crisis centres.

Prices for housing are high in Norway. This gives the authorities special challenges when it comes to offering adequate housing supporting families with children. Reference is made to Supplementary report from the Norwegian Forum for the CRC page 22.

NCHR recommends asking the Government how they secure adequate housing for families, and how this practice implements the best interest of the child, the child's right to development and the child's right to be heard.

VII Education, leisure and cultural activities (arts. 28, 29 and 31)

No special consideration made by NCHR

VIII Special protection measures

- (a) Children in situations of emergency:
 - (i) Refugee children (art. 22);

26. Keep strong focus on the vulnerability of refugee children

Children who come to Norway as refugees are one of the most vulnerable groups of children in Norway. It is of great importance that Norwegian authorities and other stakeholders keep a strong focus on their situation. At all times, in the asylum process, during their stay in reception centres and in the process of settlement or return the best interest of the child shall be the primary consideration. Principles of working with refugees give special attention to protection, participation and upholding a normal life situation. The relatively high number of refugees to Norway during the last year puts guiding principles under pressure. It is of special concern that the principle of the best interest of the child to be a primary consideration seems to be lost in the ongoing debate.

NCHR recommends that Norwegian authorities are asked to present their consideration of the best interest of the child in their policy on migration.

27. The right of refugee children to protection and asylum

The Norwegian Centre for Human Rights has made a review of the protection for refugee children in Norway published in the report "Children, torture and return".³² The study shows a need for stronger consideration of children as individual subjects of protection and the report present a range of measures to improve the situation. The government's suggestions for a stronger legal protection of refugee children in the new Migration Act are presented in the State report section 18.

NCHR recommends that the Government initiates a new study in due time to secure that the measures in the new Migration Act are implemented and that practice are in line with the principles of the best interest of the child, the child's right to development and the child's right to be heard.

28. Separated children

After years of discussions the Government has agreed that unaccompanied minors seeking asylum should, like other children without parental care, be cared for by the Child welfare services. The reform is implemented for children up to 15 years. For the group of children between 15 and 18 the reform is put on hold due to the high number of arrivals to Norway. NCHR sees this as discriminatory practice against one group of particularly vulnerable children in Norway. The government must make sure that all separated children are cared for in ways that secure the best interest of the child.

NCHR recommends that the Government put in place the required measures to ensure that all minors without parental care have right to equal standard of care.

29. Persons without legal status in Norway

Researchers have estimated the number of illegal immigrants in Norway to around 18 000.³³ The media describes this group as the country's new underclass. Most are in hiding in friends' homes, basements, churches, or makeshift shelters. This group is extremely vulnerable. The children have the right to health services and education. However; the families are afraid that their whereabouts might be known to the authorities and are reluctant to let the children outside. There is lack of knowledge about the situation of children living in hiding in Norway.

NCHR recommends Norwegian authorities to conduct more surveys on the situation, and to put in place required measure to secure fulfilment of basic rights for children without legal status in Norway.

- (ii) Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39);
- (b) Children in conflict with the law:
 - (i) The administration of juvenile justice (art. 40);
 - (ii) Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b), (c) and (d));

30. Juvenile justice

The Norwegian Bar Association has during 2008 made an assessment of the conditions for juveniles in Norwegian prisons.³⁴ Their work raises concern over the treatment of juvenile prisoners. Some juveniles are placed hundreds of kilometres away from their families, there is a large information deficit, and some are placed in a cell 23 hours a day for weeks as well as sharing a cell with an adult. The Ombudsman for Children has also expressed serious concern about the treatment of juvenile prisoners.³⁵ The Government are working on measures to improve the situation. However, new numbers show that 58 minors spent time in prison during the first half of 2009, compared to 50 during all of 2008.³⁶

NCHR recommends asking the Norwegian government how and when they will be able to improve the situation, and recommend that awaiting this the government should make a strong effort to secure basic human rights for juveniles in detention.

31. Use of force against children in need of special care

Some children in Norway are put in detention when this is considered necessary due to violent acts, criminal activity, mental disorder or mental disability. Their need of special care and detention are putting them at risk when it comes to strict detention, forced treatment, use of coercive means and intervention of privacy while they are under public care.

NCHR calls on Norwegian authorities to strengthen the awareness and knowledge of human rights among professionals who face situations where force might be used against individuals in need of special care.

- (iii) The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a));
 - (iv) Physical and psychological recovery and social reintegration (art. 39);
- (c) Children in situations of exploitation, including physical and psychological recovery and social reintegration (art. 39):
- (i) Economic exploitation, including child labour (art. 32); *not considered*
 - (ii) Drug abuse (art. 33); *not considered*
 - (iii) Sexual exploitation and sexual abuse (art. 34);

32. Children exposed to sexual abuse

Sexual abuse is also defined as violence, and the descriptions under section 16-21 also relates to this point.

- (iv) Other forms of exploitation (art. 36); *not considered*
- (v) Sale, trafficking and abduction (art. 35);

33. Human Trafficking

Norway is a recipient country of human trafficking. As an economically wealthy country in Western Europe, Norway is a market for human trafficking with the attached risks of sexual and labour exploitation. The Government has a plan of action against trafficking of women and children to Norway for 2006-2009.³⁷ Buying sex from minors has been prohibited in Norway for a number of years. As a step in combating human trafficking for sexual exploitation in general, Norway has a new legislation as of 1 January 2009, criminalizing the purchase of sexual services.³⁸ This might lessen the risk of children being trafficked to Norway.

NCHR recommends that Norwegian authorities follow up with an evaluation to determine impact of these measures and that adjustment are made to maximize their effectiveness.

- (d) Children belonging to a minority or an indigenous group (art. 30); *not considered*
- (e) Children living or working on the street; *not considered*

¹ Human Rights Commission Resolution 1992/54, General Assembly Resolution 48/134 1993

<http://www.un.org/documents/ga/res/48/a48r134.htm>

² The CRC Committee General Comment No. 2 (CRC/GC/2002/2)

[http://www.unhchr.ch/tbs/doc.nsf/\(symbol\)/CRC.GC.2002.2.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/CRC.GC.2002.2.En?OpenDocument)

³ The CRC Committee General Guidelines regarding the form and content of periodic reports to be submitted by the states parties under article 44 paragraph 1 (b), of the Convention (CRC/C/58/Rev.1)

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.58.Rev.1.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.58.Rev.1.En?Opendocument)

⁴ NGO Group for the Convention on the Right of the Child, A Guide for Non-governmental organizations reporting to the Committee on the Rights of the Child

<http://www.crin.org/docs/Reporting%20Guide%202006%20English.pdf>

⁵ White paper on human rights: St.meld. nr 21 (1999–2000)

<http://www.regjeringen.no/nb/dep/ud/dok/regpubl/stmeld/19992000/Stmeld-nr-21-1999-2000-.html?id=192704>

⁶ Vienna Declaration, World Conference on Human Rights, adopted by UN General Assembly

[http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.157.23.En?OpenDocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.157.23.En?OpenDocument)

⁷ CRC Committee Concluding observation to Norway 2005, CRC/C/15/Add.263

⁸ SINTEF Helse 3/05, "Kunnskapsstatus om det samlede tjenestetilbudet for barn og unge"

⁹ The CRC Committee, Concluding Observations to Norway 2000, CRC/C/15/Add.126

¹⁰ <http://www.stortinget.no/no/Hva-skjer-pa-Stortinget/Nyhetsarkiv/Pressemeldinger/2008->

[2009/Menneskerettighetsutvalg/](http://www.stortinget.no/no/Hva-skjer-pa-Stortinget/Nyhetsarkiv/Pressemeldinger/2008-2009/Menneskerettighetsutvalg/)

¹¹ European Union Charter of Fundamental Rights, art. 24 (part of The European Union draft Constitution, art. II-84) http://ec.europa.eu/justice_home/unit/charte/en/charter-equality.html, Council of Europe program "Building a Europe for and with children" http://www.coe.int/t/transversalprojects/children/BriefDescription/Default_en.asp

¹² The Children's Act § 30 (3)

¹³ The Human Rights Committee (CCPR/C/82/D/1155/2003) and CRC Committee Concluding Observations to Norway 2005 section 20

¹⁴ Day Care Institution Act, lov 17. juni 2005 nr. 64 (barnehageloven) <http://www.lovdatabase.com/all/hl-20050617-064.html>, Education Act, lov 17. juli 1998 nr. 61 (opplæringslova) <http://www.lovdatabase.com/all/hl-19980717-061.html>

¹⁵ Ministry of Children and Equality, Norwegian Board of Health Supervision Report 5/2009

http://www.helsetilsynet.no/upload/Publikasjoner/rapporter2009/helsetilsynetrapport5_2009.pdf

Summary in English: http://www.helsetilsynet.no/templates/ArticleWithLinks_9999.aspx

¹⁶ Barneminister Anniken Huitfeldt på Her og nå, NRK P1 6. juli 2009

¹⁷ Backe-Hansen, E. og Bakketeig, E. (red) NOVA 17/08 Forskningskunnskap om ettervern. Commissioned by the Directorate of Children, Youth and Family Affairs <http://www.nova.no/index.gan?id=19093&subid=0&language=0>, summary in English <http://www.nova.no/index.gan?id=19093&subid=0&language=1>

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¹⁹ UN Global Study on violence against children <http://www.violencestudy.org/r242>

²⁰ General guidelines regarding the form and content of periodic reports, CRC/C/58/Rev.1

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.58.Rev.1.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.58.Rev.1.En?Opendocument)

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- ²³ <http://www.regjeringen.no/nb/dep/jd/tema/kriminalitetsbekjempelse/vold-i-nare-relasjoner/handlingsplanen-vendepunkt---status-juli.html?id=522260>
- ²⁴ Barnerettsnettverket på Stortinget, Barnas spørretime 2008
- ²⁵ Ministry of Justice and the police "Barnas stortingsmelding" (Children's whitepaper)
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