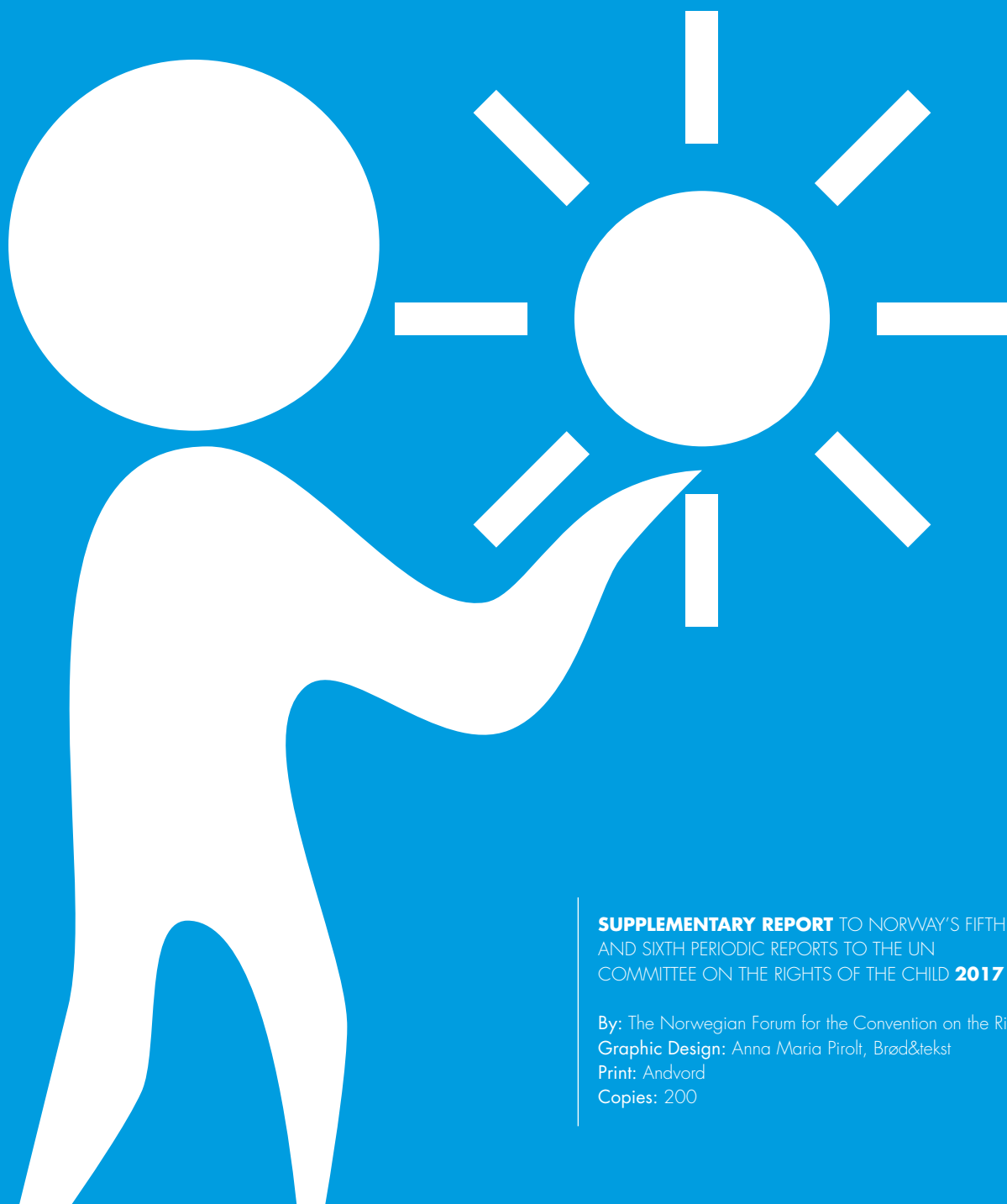




**SUPPLEMENTARY
REPORT**
TO NORWAY'S FIFTH
AND SIXTH PERIODIC
REPORTS TO THE UN
COMMITTEE ON
THE RIGHTS
OF THE CHILD
2017

THE NORWEGIAN FORUM FOR
THE CONVENTION ON
THE RIGHTS OF THE CHILD



**SUPPLEMENTARY REPORT TO NORWAY'S FIFTH
AND SIXTH PERIODIC REPORTS TO THE UN
COMMITTEE ON THE RIGHTS OF THE CHILD 2017**

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SUPPLEMENTARY REPORT TO NORWAY'S FIFTH AND SIXTH PERIODIC REPORTS TO THE UN COMMITTEE ON THE RIGHTS OF THE CHILD 2017

The Norwegian Forum for the Convention on the Rights of the Child (FfB) was established in 1994 and is a network of organisations, institutions, and individuals engaged in child rights in Norway and internationally. The network consists of around 50 organisations. The list of organisations behind this report can be found at the back of the report. FfB is an important driving force behind incorporating the UN Convention on the Rights of the Child (the Convention) into Norwegian law and works to ensure that the Convention's articles and principles have a strong legal status in Norway. FfB also participates in international processes that promote child rights.

Norway and the UN Convention on the Rights of the Child

Norway ratified the UN Convention on the Rights of the Child on 8 January 1991 and incorporated the Convention into Norwegian law in 2003. The Convention now forms part of the Human Rights Act of 21 May 1999. The Human Rights Act gives international conventions precedence in those cases where they ensure better rights than Norwegian legislation.

The State Party's implementation of the rights in the Convention is monitored by the UN Committee on the Rights of the Child (the Committee). All States Parties that have ratified the Convention must report on their implementation of the Convention every fifth year. The Committee also invites actors other than States Parties to contribute information concerning the reporting, and non-governmental organisations (NGOs) in particular are often important sources of information. Norway's fifth and sixth report was submitted in 2016 and FfB is now, for the fourth time, submitting a supplementary report to the State Party's report. The report includes compliance with the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

Preparation of the supplementary report

Preparing the supplementary report is a major job for FfB and the report has been produced through a long and comprehensive process. The work is coordinated by a reporting group appointed by FfB.

The report is based on the FfB organisations' areas of work and expertise. The fact that the report does not cover a topic

does not mean that addressing this topic is not relevant from a Norwegian child rights perspective.

Children's own experiences are covered in a separate report, *Kidz have rights*. Its contents are based on participatory processes with various groups of children under the auspices of some FfB organisations, and surveys they have conducted themselves. The children's report is produced by an editorial committee who are all aged under 18.

The report is produced in accordance with the Convention's "Treaty-specific guidelines regarding the form and content of periodic reports" (CRC/C/58/Rev.3 of 3 March 2015) and the *Guide for NGOs reporting to the Committee on the Rights of the Child* published by Child Rights Connect. The report refers to the concluding observations of the UN Committee on the Rights of the Child 2010. These are enclosed with the report. The report refers throughout to both the observations and Norway's fifth and sixth report in the text. Other sources are referred to in footnotes. Due to restrictions on the number of words, the term 'children' is used for both 'children and young people'/'youth'.

The report has been published in both Norwegian and English, and is available in both online and printed versions.¹ Free copies of the Supplementary Report 2017 in Norwegian or English can be ordered from FfB's secretariat. Save the Children Norway, Postboks 6902, St.Olavs plass, N-0130 Oslo. Phone: +47 22 99 09 00

FfB would like to thank the Norwegian Ministry of Children and Equality for its financial support in producing the report.



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I: GENERAL MEASURES OF IMPLEMENTATION

ARTICLES 4, 42, 44 (6)

A. IMPLEMENTATION OF THE CONVENTION (ARTICLE 4)

Legislation

Concluding Observations 8, 9 – State Party's report 1A

Correspondence between Norwegian legislation and the Convention

An external study was conducted of the correspondence between Norwegian legislation and the Convention in 2009.² The study led to a number of legislative amendments, although not all of the suggestions have been followed up. The study was limited to a few select issues and, therefore, an adequate review has not been conducted. This is particularly problematic in relation to the Immigration Act, which is one of the areas that have not been considered. We are also concerned about the Norwegian legislation with respect to the quality and structural reform of child welfare services, seen in light of the local government reform, some proposed amendments to the Education Act, and several amendments to, and the tightening up of, the Immigration Act and Immigration Regulation. These challenges are discussed in the respective sections.

RECOMMENDATION:

We recommend that the State Party produces a new, updated report on the correspondence between Norwegian legislation and the Convention, including the Immigration Act

Rights pursuant to the Child Welfare Act

Child welfare services have an obligation to prevent and identify neglect and to implement appropriate measures. Unlike most other welfare Acts, the Child Welfare Act contains no direct formulations or legal provisions that give children a 'right to' or 'entitlement to' services or measures.³ The question of whether children should have a statutory right to child welfare services has been a matter of extensive debate for many years. Establishing this in law has been proposed and considered many times, both by public committees and other actors, without having been followed up.⁴ A Norwegian public committee that published a re-evaluation of the Child Welfare Act in 2016 has again recommended turning it into a rights Act for children that gives them the legal right to services pursuant to the Act in order to safeguard children's rights to care and protection.⁵ An individual right to child welfare services would signal to children that they are taken seriously and are rights holders. This would contribute to a development in which children are treated as subjects with a right to care and protection, and not merely objects who need help.

RECOMMENDATION:

We recommend that the State Party amends the Child Welfare Act to give children an individual right to child welfare services and measures and to safeguard their right to care and protection

International instruments

Concluding Observation 62 – State Party's report 1A

In January 2017, the Storting (Norwegian parliament) approved the Government's proposal neither to ratify the Convention's Third Optional Protocol on a Communication Procedure, nor the Optional Protocols concerning complaints procedures to the International Covenant on Economic, Social and Cultural Rights (ESCR) and the Convention on the Rights of Persons with Disabilities (CRPD). The Government believes it is difficult to predict how the Committee would apply Article 3 on the best interests of the child as a fundamental consideration in specific cases, especially with respect to assessing these in relation to other considerations in asylum cases. The Government also believes that the arrangement would limit Norway's latitude, that the Committee is not a suitable appeals body, and that the statements could result in serious adverse social consequences.⁶ The Government has not considered whether ratification is in the best interests of the child and the weight this should be given.

RECOMMENDATION:

- The State Party must ratify the Third Optional Protocol of the Convention, as well as the two Optional Protocols to the ESCR and CRPD
- The State Party should consider the best interests of the child and the weight this should be given in their recommendation concerning ratification of the Convention's Third Optional Protocol on a Communication Procedure

Implementation at a local level

Concluding Observations 10, 11 – State Party's report 1A

Competence building in local authorities

The Government has taken a number of important steps that help to realise child rights at a local level, for example focusing on the Giant Leap method. The Government has granted funds aimed at ensuring that all county governor offices in Norway are aware of the method.⁷ However, figures show that only 52% of local authorities/city districts have introduced the Giant Leap programme, or a local version of it, for implementing child rights at a local level.⁸ A national survey shows that

county governor offices are at different stages in relation to both knowledge about, and the implementation of the Convention, internally and in local authorities. In many places, the implementation work remains on paper only and knowledge about the Convention is still inadequate in the county governor offices and local authority administrations, even though many are in practice involved in the Giant Leap programme.⁹

RECOMMENDATION:

- The State Party must ensure that child rights are realised in all local authorities by making the introduction of the Giant Leap method mandatory
- The State Party should ensure that the competence of county governor offices and local authority administrations in the Convention is systemically improved
- The State Party must monitor how local authorities practice child rights.
- The State Party must ensure that the introduction of the method and systematic competence building receives the necessary resources through earmarked funds

Local authority autonomy and inequalities in local authority service provision

One important concern the Committee has had for years is inequalities in local authority service provision.¹⁰ There is a correlation between inequalities, local authority autonomy, and a lack of Government guidelines in the form of minimum rates or legal authority that provides a legal claim to services. Norway has justified this by saying that it is not problematic “assuming that the services are of a satisfactory standard”.¹¹ A number of sources have criticised this assertion.¹² Meanwhile, the Government has made it clear that it wants to reform local government in order to give local authorities more power and autonomy.¹³ The State Party’s proposal states that one consequence of this allocation of responsibilities is that it puts the performance of duties more at the mercy of individual local authority’s capacity.¹⁴ We are concerned that this will exacerbate inequalities in provision, especially in light of the proposed changes in the allocation of responsibilities between the Government and the local authorities in the area of child welfare.¹⁵

RECOMMENDATION:

- The State Party should implement central measures to ensure more equal services for children nationwide and to make stronger use of its administrative powers in relation to local authorities
- The State Party should establish children’s individual right to child welfare services in law and deploy other government means to avoid local authority and regional differences

B. BUDGET (ARTICLE 4)

Concluding Observation 16 – State Party’s report 1D

The Committee has in its concluding observations repeatedly underscored to Norway the fact that the Government has a

duty to provide local authorities with sufficient resources, both through financial appropriations and in the form of human resources.¹⁶ The resources should not just be sufficient; they should preferably also be earmarked.¹⁷ The Committee has emphasised that grants for children should be highlighted in budgets such that the Committee and others can observe the changes in economic priorities from year to year. In its report, the Government refers to block grants and local authority autonomy, and states that a separate statistics and reporting tool, KOSTRA, enables the tracking of allocated funds for children.¹⁸ However, block grants result in many local authorities not using the funds for their intended purpose. An analysis shows that the funds used for children vary by up to 150% between the different local authorities.¹⁹ This results in unequal access to local authority services and quality.

RECOMMENDATION:

- The State Party should earmark funds for universal services for children and ensure genuine budget tracking of funds directly intended for children
- The State Party should look at how government transfer arrangements can be optimised to ensure equal access to, and quality in, the necessary services for children
- The State Party should look at the compliance with national guidelines at a local authority level, such that children’s rights to services are based on their needs and not the local authorities’ general economic situation

C. INTERNATIONAL ASSISTANCE AND DEVELOPMENT AID (ARTICLE 4)

Concluding Observation 12 – State Party’s report 1E

The White Paper *Opportunities for All: Human Rights in Norway’s Foreign Policy and Development Cooperation* highlights child rights as a priority for Norwegian foreign and development policy.²⁰ The White Paper states that recommendations from UN monitoring bodies are valuable in the cooperation on development and that the Norwegian authorities shall “develop the foreign service’s human rights expertise” and will practise a “harmonised policy” for human rights. The paper says a lot of positive things about child rights, but it has not been followed up in practice and there has been no concrete focus on child rights in Norwegian foreign and development policy. It is unclear how Norway makes use of the Committee’s concluding observations in its international work and there is still no guide on child rights for embassies. Furthermore, Norway’s refusal to ratify the Convention’s Optional Protocol concerning a complaints procedure contravenes the Government’s desire for a harmonised policy.

RECOMMENDATION:

- The State Party must develop a guide on child rights for all Norwegian foreign service missions
- The State Party must use the UN’s concluding observations actively in bilateral dialogues and in all relevant political forums

D. THE NORWEGIAN NATIONAL HUMAN RIGHTS INSTITUTION (NIM) AND THE OMBUDSMAN FOR CHILDREN (ARTICLE 4)

Concluding Observations 12, 13 – State Party's report 1F

The Committee's concluding observation concerning giving the Ombudsman for Children a mandate to receive complaints from children has, according to the State Party's report, been considered.²¹ As far as FfB is aware, an expansion of the mandate has only been considered in relation to cases of bullying and not as a formal study or comprehensive assessment.²² Since Norway has not ratified the Convention's Third Optional Protocol, and neither the Norwegian National Human Rights Institution (NIM) nor the Ombudsman for Children has a mandate to consider individual complaints from children, the opportunities for children in Norway to complain about breaches of their rights are almost non-existent. The complaints procedures that do exist are either unknown to children or difficult for them to access.

RECOMMENDATION:

- The State Party ought to ensure children have a genuine opportunity to complain about violations of their rights by explaining how national complaints procedures for children can be strengthened
- The State Party ought to explain which body or system would be best suited to addressing complaints from children

E. AWARENESS OF THE CONVENTION (ARTICLE 42)

Concluding Observations 17, 18, 63, 64 – State Party's report 1G

Training occupational groups

The Government has conducted three surveys since the Committee's 2010 recommendation that everybody working with and for children should receive mandatory training in child rights. In 2011, it called on educational institutions to assess the need to follow up their training. We know little about how this has been followed up after the call was sent out, but experience indicates that the knowledge of many professional groups is inadequate and/or superficial.²³ What has been surveyed to some extent is the teachers' competence.²⁴ We need to learn what healthcare personnel and other professions who are in contact with children know about the Convention, children's independent rights, and how this knowledge is used.

RECOMMENDATION:

- The State Party must survey what all professions working with and for children know about the Convention and child rights
- The State Party must ensure that training in the Convention is provided within the framework and syllabuses for training in all professions that work with and for children

Dissemination of information about the Convention

The State Party has come up with many good, important measures for disseminating information about the Convention,

but there is no systematic focus on dissemination, especially with respect to active measures for familiarising children with the reports and concluding observations. Save the Children Norway has produced a child-friendly version of the UN Committee on the Rights of the Child's concluding observations (2010), with financial support from the Ministry of Children and Equality.²⁵ Meanwhile, FfB believes that the focus on disseminating the report and the measures for familiarising children with them are inadequate.

RECOMMENDATION:

- The State Party must ensure all relevant parties in Norway, both children and adults, know about the Convention by systematically focusing on disseminating information about it
- The State Party must ensure children are familiarised with the observations and involve them in their follow-up

F. COOPERATION WITH CIVIL SOCIETY (ARTICLE 4)

A total of five dialogue meetings on following up the Committee's observations were held between the ministries, FfB, Ombudsman for Children, and NIM in 2011 and 2012. These were about protecting children from violence and sexual abuse, anti-bullying measures, better protecting children living in poverty, and strengthening children's right to be heard, as well as children's mental health and how local authority provision can be strengthened. The authorities planned to continue the dialogue meetings in 2013.²⁶ This was not followed up, despite repeated requests from FfB and the Ombudsman.²⁷

RECOMMENDATION:

- The State Party is urged to actively, systematically, and constructively include civil society in following up the Committee's concluding observations
- The State Party is urged to establish a special inter-ministerial body with responsibility for coordinating and following up concluding observations from the human rights conventions Norway has signed

G. CORPORATE SOCIAL RESPONSIBILITY (ARTICLE 4)

The Committee has clarified how States Parties should ensure their activities and the rest of the business sector act in line with human rights.²⁸ The State Party has a special responsibility to ensure that the activities of companies and enterprises do not breach child rights. Children are nevertheless not specifically mentioned in the national plan for following up the UN guiding principles.²⁹

RECOMMENDATION:

The State Party should clarify the business sector's responsibility for ensuring that enterprises do not breach child rights and ensure that children are specifically mentioned in the national plan for complying with the UN guiding principles

II: DEFINITION OF THE CHILD

ARTICLE 1

III: GENERAL PRINCIPLES

ARTICLES 2, 3, 6 AND 12

A. NON-DISCRIMINATION (ARTICLE 2)

Concluding Observations 19, 20, 21 – State Party's report 3A

The Discrimination Act

Family life and personal relationships will be exempt from the scope of the proposed new Discrimination Act.³⁰ These are areas in which children are especially vulnerable to discrimination. The State Party believes a prohibition against discrimination in family life and personal relationships would be extremely difficult to enforce due to evidential problems and the fundamental right to privacy. FfB believes this would signal that legislators do not view discrimination against children in this area as unacceptable.

RECOMMENDATION:

The State Party must ensure that family life and privacy are included in the Act's substantive scope. This will give children an opportunity to have any discrimination in one of their most important life areas verified and sanctioned

Age discrimination

Preventing age discrimination is an important, fundamental form of human rights protection for children. Age discrimination is currently only prohibited in relation to work.³¹ A study conducted on behalf of the Ministry of Children and Equality concludes that expanded protection against age discrimination is required in areas other than work, and a general prohibition is proposed.³² The Ministry has not taken a position on this in a new bill.³³

Children must also have genuine access to enforcement bodies if they are discriminated against. However, a new proposal concerning streamlining enforcement regarding discrimination does not contain a single proposal about how to make enforcement bodies in this area more easily accessible for children.³⁴

RECOMMENDATION:

We recommend that the State Party expands age discrimination protection to include children, make children's age discrimination protection visible through legislation, and ensure that the prohibition is enforced by a competent authority that is easily accessible for children

Ethnic discrimination

A review of what we know about ethnic discrimination in Norway shows that children experience and are exposed to ethnic discrimination.³⁵ The report shows that children are exposed to ethnic discrimination by their peers at school without teachers intervening and that several government actors such as schools, child welfare services and the police practise structural and indirect ethnic discrimination. Two research reports from 2015 show the same thing.³⁶ The reports also show there is a need to learn more about discrimination against Sami people and national minorities. The challenges documented in the reports have not been followed up with action plans and targeted measures. The action plan for promoting gender equality and preventing ethnic discrimination 2009-2012 was evaluated in 2013 on behalf of the Ministry, but has not been replaced by any new action plan against ethnic discrimination.^{37 38}

RECOMMENDATION:

- The State Party should produce a new action plan and specific measures to combat the ethnic discrimination of children
- The State Party should improve knowledge and awareness in government agencies about the ethnic discrimination of children
- The State Party should survey the discrimination of Sami children and children of national minorities

Discrimination based on residential status³⁹

Following a regulatory amendment in 2011, children without legal residence now have almost the same rights to health services as Norwegian children.⁴⁰ Nevertheless, the challenge is that they have no right to a family doctor and are in practice shut out of public healthcare institutions unless it is an emergency and they can contact accident and emergency.⁴¹ Healthcare personnel also have a duty to take departure date into consideration when assessing what medical help children will receive. Treatment expected to take longer than three weeks is therefore not started, even if the child's health status indicates that it should be. This applies to both mental and physical medical help.

RECOMMENDATION:

We recommend that the State Party amends the regulations so that children without legal residence are entitled to a family doctor and the same access to ordinary health services as any other child

Disability based discrimination

Children with disabilities and chronic illnesses experience they do not have the same opportunities with respect to quality of life, education, and recreation as other children.⁴²

RECOMMENDATION:

We recommend that the State Party produces an action plan for children with disabilities and actively and diligently works to combat disability based discrimination

Complex discrimination

Children can be exposed to discrimination based on multiple factors and thus experience complex discrimination. Little is known about children who are exposed to complex discrimination or the consequences of such discrimination.⁴³

RECOMMENDATION:

We recommend that the State Party conducts a national study of the situation of children who experience complex discrimination with a view to developing measures to improve their situation

B. BEST INTERESTS OF THE CHILD (ARTICLE 3)

Concluding Observations 22, 23 – State Party's report 3B

Best interests of the child in legislation

Although the principle of the best interests of the child appears in many Norwegian Acts, it is not expressed in all Acts important for children, like the Health and Care Services Act, Municipal Health Services Act, Patient and User Rights Act, and the Public Administration Act.⁴⁴ To ensure that the best interests of the child are considered and given weight in all cases involving children, the principle should be directly expressed in the above-mentioned Acts so it is clear that the best interests of the child are both a substantive and procedural right the child has in all measures and decisions that affect them.

RECOMMENDATION:

The State Party must ensure that the best interests of the child are visible and fundamental considerations in all legislation that affects children, especially in the Health and Care Services Act, Municipal Health Services Act, Patient and User Rights Act, and the Public Administration Act

Weighting the best interests of the child

Competence in, and procedures for, making individual assessments of the best interests of the child have improved in recent years. However, the weight given to the best interests of the child in relation to other considerations remains in practice a challenge. Contradictory statements about the weight that should be given to considerations result in misperceptions and differing interpretations. It is therefore important to further

clarify that the best interests of the child should be fundamental in all circumstances, and that other considerations must be compelling in order to take precedence over these and be justified on case by case basis.⁴⁵

RECOMMENDATION:

We recommend that the State Party produces clear guidelines, based on general comment no. 14, how the best interests of the child should be applied and weighted in practice. When balancing them against other interests, including immigration policy, economic and practical considerations, counter considerations must be justified on case by case basis.

The best interests of the child as a principle, substantive and procedural right

In a judgement from 2015, Norway's Supreme Court favoured the government lawyer's arguments against following the Committee's general comments.⁴⁶ This was based on the Government's assertions that the relevant statements from the Committee are recommendations, not interpretations, and are not supported by the Convention. The Government also claimed that the best interests of the child were only a principle and not a right, and that the composition of the Committee does not afford it authority given the number of members with a legal background and their competence in general. The Committee's procedures were also criticised and it was maintained that they were not reliable or credible. A majority on the Supreme Court agreed with the Government that the general comments were only recommendations and were not supported by the text of the Convention. The majority also thought it is not necessary for the immigration authorities to determine expressly the best interests of the child, but that an 'interpretation' is sufficient and that the child had no right to be heard directly, even though the child had requested this.⁴⁷

RECOMMENDATION:

- We recommend that the State Party follows the Committee's authoritative interpretations of the Convention in its general comments and in country reports
- The State Party should, through its lawyers, promote respect for international law and child rights, and present the Committee's general comments to the national courts as authoritative sources in international law
- The State Party should recognise that the best interests of the child are both a principle and a substantive and procedural right in all cases that affect children and at all stages of the procedures

C. RESPECT FOR THE VIEWS OF THE CHILD (ARTICLE 12)

Concluding Observations 24, 25 – State Party's report 3D

Right to be heard in practice

Although in many areas the legal framework concurs with the Convention, research and studies show that children are not heard in legal and administrative cases to the extent the law prescribes. Expertise, procedures, and knowledge are still

lacking in many areas, especially when it comes to groups of children who can easily be excluded, such as young children and children with disabilities. These children are often viewed as not mature enough or difficult to listen to.⁴⁸ Children can also easily be overlooked or their views not solicited in cases that directly affect children but where children are not direct parties, such as asylum cases, expulsion cases against parents, cases involving people being escorted out of the country, and cases that involve children as next of kin.

RECOMMENDATION:

We recommend that the State Party puts in place mandatory competence building measures concerning a child's right to be heard in all areas and produce guidelines on applying the principle in practice, based on general comment no. 12 (2012)

Children's right to be heard in school and the local community

Children's actual opportunities to influence their school day and local community are, by far too great an extent, characterised by chance and a lack of structure. Municipal participatory bodies for children have not been established in law. A survey shows that 26% of Norwegian local authorities have no arrangements for a participatory body for children.⁴⁹ In local authorities with a participatory body, the degree to which it involves a broad range of children varies greatly, as does whether it provides them with genuine influence in decision-making processes.⁵⁰

Whether or not schools honour pupils' right to co-determination also varies greatly. A national study made recommendations about how schools can strength pupil democracy and every pupil's right to be heard.⁵¹ One of the recommendations involves reintroducing the "class's hour", which used to be a statutory period set aside for pupil participation in class or a pupil group.⁵² So far, the recommendation has not been followed up.

RECOMMENDATION:

- We recommend that the State Party establishes mandatory municipal and county authority youth councils by law, with clear requirements about how they should function
- The State Party should reintroduce the "class's hour" as a statutory period for pupil participation for all pupils

Children's right to be heard in asylum cases

The authorities' practices with respect to listening to asylum seeking children show that children younger than 7 are seldom heard, despite the legislation stating that younger children, who are able to form their own views, should also be informed and given an opportunity to be heard before a decision is taken in their case.^{53,54} These children, including those older than 7, are seldom given an opportunity to make direct statements to the Immigration Appeals Board, since it basically only considers written documentation.⁵⁵ This is also true where children have not previously been heard. The extent to which children should be heard in a case may depend on whether or not the child is expected to provide information of vital significance to the outcome of the case.⁵⁶

RECOMMENDATION:

- The State Party should remove the age limit of 7 for a child's right to be heard from the Immigration Regulation
- The State Party should clarify that as a general rule children should, if they wish to, be given an opportunity to testify verbally to a decision-maker or an independent spokesperson
- The State Party must clarify that the views of children must always be listened to and given weight, irrespective of whether this can be assumed to be of significance to the outcome of a case
- The State Party should study how the Immigration Appeals Board can best facilitate children being heard on their own terms

Children's right to be heard in mediation in divorce cases

Only 7% of children participate in the mediation process when their parents split up.⁵⁷ The State Part's goal is for more children to participate in the mediation such that their views are heard directly. Mediators have a duty, pursuant to the Children Act and Regulation, to make parents aware of the child's right to be heard.⁵⁸ In the national budgets for 2016 and 2017, funds were appropriated to ensure that more children are offered a chance to talk to someone when their parents split up.⁵⁹ Nevertheless, FfB is concerned that not all children offered this opportunity in the mediation process take advantage of it, since it is up to the parents to accept the offer and not the child.

RECOMMENDATION:

- The State Party must ensure, through legislation or regulations, that it is the child who receives the offer to talk to someone and that it is the child who can decide whether to accept it or not
- The State Party should present concrete guidelines for the involvement of children and the weighting of children's views in the event of compulsory mediation

Children's right to co-determination in health services

The Committee has underscored the importance of children receiving information and being allowed to take part in processes relating to their health. The Ombudsman for Children's report from 2013 shows that Norway has a long way to go before this is the case, both on an individual and systemic level.⁶⁰ A decision has been made to establish youth councils in all hospitals.⁶¹ The Government has also proposed amendments to the Patient and User Rights Act that strengthen a child's right to be heard. However, this is not sufficient to ensure children real co-determination in all health-related questions. Child health centres and school health services in local authorities do not have an explicit legal requirement to involve children in the development of services.

RECOMMENDATION:

- We recommend that the State Party introduces an explicit provision in the Municipal Health and Care Services Act that requires the involvement of children in the development of health services
- The State Party should study whether a dedicated contact person, who follows the child through the care system in both local authority and specialist health services, could help strengthen the child's need for, and right to, information and participation

Children's right to be heard in cases concerning changes of legal gender

Children aged 6-16 who want to change their legal gender must currently apply together with their parents. If only one of the parents consents, the County Governor in Oslo and Akershus may still grant the application to change legal gender if it is in the best interests of the child. If neither of the parents consent, there is no independent body from which the child can get approval. Moreover, children aged younger than 6 can only change their legal gender if the child's somatic gender development is congenitally uncertain. The child's condition must be documented by health personnel.⁶²

RECOMMENDATION:

- The State Party should study the possibility of assessment by an external body in cases where children aged younger than 16 want to change their legal gender but both parents are against it, in order to ensure that the child is heard
- The State Party should also ensure that children aged younger than 6 whose somatic gender development is congenitally uncertain are heard and are able to change legal gender



IV: CIVIL RIGHTS AND FREEDOMS

ARTICLES 7, 8 AND 13-17

A. NATIONALITY (ARTICLE 7)

State Party's report 4A

According to the Government's new instructions, stateless children born in Norway have the right to apply for Norwegian nationality, even if they have not been legally resident in Norway.⁶³ However, statelessness is not defined in either the Norwegian Nationality Act or the instructions. Applicants who, through their own actions or omissions, have chosen to be stateless or who could "easily" become nationals of another country are not covered by the instructions.

RECOMMENDATION:

- The State Party must ensure that the right to Norwegian nationality for children born into statelessness in Norway is directly regulated in the Norwegian Nationality Act
- The State Party must ensure that the Norwegian Nationality Act explicitly defines statelessness in accordance with Article 1(1) of the UN Convention relating to the Status of Stateless Persons
- The State Party must ensure that any reasons for exclusion from the exemption rules for stateless children born in Norway are not unclear

B. IDENTITY (ARTICLE 8)

Children who breach gender norms

Children who breach gender norms face a number of challenges and barriers that prevent them from living out their identity.⁶⁴ These include design rules for cloakrooms and toilets in public buildings, the fact that names cannot be changed before someone turns 16, even though legal gender can be changed from the age of 6, and the fact that there is no third gender alternative for those children who do not identify with the categories boy or girl.⁶⁵

RECOMMENDATION:

- The State Party must review the design rules for cloakrooms and toilets so that children who breach gender norms have genuine and unhindered access to them in public buildings
- The State Party must lower the age limit for name changes from 16 to 6 so that it corresponds with the ability to change legal gender
- We recommend that the State Party studies the possibility of introducing a third gender alternative

Intersex children

It is unclear what the State Party's practices are when it comes to the medical treatment of intersex conditions. FfB is concerned that the definition of what are described as medical and surgical interventions based on medical-somatic indications versus psycho-somatic indicated interventions has been expanded as experienced by researchers in Sweden and the UK.⁶⁶ In our opinion, the available documentation appears unclear with respect to what the actual practices are in the health service in 2016.⁶⁷ There is concern that Norway may practise what is characterised by the UN's special rapporteur on torture as "forced gender-normalising surgeries". There is a great need for more transparent and verifiable health services.

RECOMMENDATION:

- We recommend that the State Party clarifies what is meant by the terms medical-somatic indicated intervention and psycho-social indicator, as well as explain the delineation between these in order to achieve more transparent and verifiable health services
- We recommend to the State Party that children born with intersex conditions should not receive any hormone treatments or surgical interventions that are not required to address necessary bodily functions in line with the child's age. Other forms of treatment and intervention should not be carried out before the child is old enough to give informed consent

C. RIGHT TO FREEDOM OF EXPRESSION AND INFORMATION (ARTICLE 13)

Children in isolated religious communities

Many isolated religious communities in Norway impose strict restrictions on children's contact with the world outside the religious community. This particularly affects children who attend religious communities' own schools. The children's use of media and the Internet and their access to information, books, TV, radio, magazines, newspapers, films and social media are limited and sometimes censored, and the children's opportunities to express themselves are strictly regulated and sanctioned.⁶⁸

RECOMMENDATION:

- The State Party must ensure and monitor that syllabuses in faith-based schools safeguard the children's right to information other than that prevalent in the religious community to which they belong

- The State Party must, through the proper supervision of faith-based schools, ensure that children in isolated religious communities have free access to information and that they can freely receive and share information and ideas of any kind through any means of expression whatsoever

D. FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION (ARTICLE 14)

Concluding Observations 26, 27 – State Party's report 4D

Religious education in schools

In 2010, the Committee recommended an evaluation of the current religion, philosophies of life and ethics (RLE) subject, which had previously been criticised by international bodies.⁶⁹ This has not been followed up. In 2015, the RLE subject's name was changed to Christianity, religion, philosophies of life and ethics (KRLE) and the authorities introduced a requirement that around 50% of the lessons in the subject must deal with Christianity.⁷⁰

RECOMMENDATION:

The State Party should evaluate the subject, end the teaching time requirement, and reintroduce a neutral subject name

E. PROTECTION OF PRIVACY AND PROTECTION OF IMAGE (ARTICLE 16)

Concluding Observation 9 – State Party's report 4F

Children in isolated religious communities

Isolated religious communities practise strict norms, rules, and social control that can deprive children of their right to privacy. What the rest of society would regard as the private affairs of children, such as choice of education, exploring their body and sexuality, and recreational interests, are subjected to the religious communities' supervision and sanctions.⁷¹ This can be so invasive that it affects the child's right to privacy.

RECOMMENDATION:

We recommend that the State Party studies the possibilities of protecting children's right to privacy in isolated religious communities.



V: VIOLENCE AGAINST CHILDREN

ARTICLES 19, 24 (3), 28 (2), 34, 37A, 39

A. ABUSE AND NEGLECT (ARTICLE 19)

Concluding Observations 36, 37 – State Party's report 5A

Knowledge and action competence in the field

The work on protecting children from violence and sexual abuse has advanced. Action plans, strategies, and White Papers have been presented, legislative amendments have been implemented, and more are being prepared. Measures have also been initiated to prevent and combat Internet-related child abuse. In most respects, Norwegian laws satisfy the Convention's requirements and recommendations, and there is no lack of effort on the part of the authorities. However, a survey shows that most people who work with children believe they possess theoretical knowledge about violence and abuse but lack action competence in relation to picking up on signs, talking to children exposed to violence, or intervening.⁷² Major challenges remain in the field associated with competence and routines for appropriately protecting children exposed to abuse and neglect. In 2016, Norway introduced new requirements in the framework plans for teacher training so that students learn about and acquire skills in handling cases in which children are exposed to violence and sexual abuse. Universities and university colleges have to organise the teaching, without government guidelines. Health and social work courses are not subject to the same requirements yet.⁷³ Personnel in child health centres and school health services also need more resources and greater competence to ensure they can identify and report suspicions of violence and child neglect.

RECOMMENDATION:

- The State Party must ensure that students on all courses learn the specific knowledge they need to deal with violence and sexual abuse against children
- The State Party must ensure that the existing services have the resources they need for knowledge-based prevention by earmarking funds. Regular training measures must be offered in order to strengthen practical skills in the field

Psychological violence

Psychological violence against children is the most invisible form of violence. Children subjected to psychological violence do not turn up in hospitals with bruises and fractures. It is a part of all types of mistreatment, abuse and neglect, but can also occur on its own. Research into violence and abuse shows that neglect and psychological violence have the greatest impact on abused children's mental health as adults, and greater attention should therefore be paid to these than is currently the case.⁷⁴ If one looks at why child welfare services start investigations, psychological violence accounts for a very small

proportion.⁷⁵ This shows that it is far easier to intervene when a child is exposed to physical violence than when the violence is less visible.

RECOMMENDATION:

The State Party must increase knowledge about the frequency and consequences of psychological violence against children and ensure that this kind of violence receives greater attention than is currently the case, so that child victims of psychological violence are discovered more quickly.

Children who subject other children to violence and sexual abuse

Little is known about the numbers, prevention and treatment of children who subject other children to violence and sexual abuse. It is estimated that as many as one third of all sexual assaults against children are committed by people younger than 18.⁷⁶ Research clearly shows that early intervention works and lowers the risk of recidivism by 50-70% among children who receive treatment compared with those not offered treatment.⁷⁷ Good treatment opportunities can prevent more sexual abuse. The treatment services available are few and fragmented, and far from meet all local needs.⁷⁸ Studies show that four out of five treatment institutions believe they cannot, or can only partly, provide the treatment these children need, and a third report that they do not have the necessary cooperation routines in place to help the children.⁷⁹

RECOMMENDATION:

The State Party should focus on building new expertise, and strengthening existing, on the problem of sexual abuse by young perpetrators so that adequate services can be provided to all children who have subjected other children to violence and/or sexual abuse.

Children in crisis centres

Services for children in crisis centres have improved considerably since the Crisis Centre Act was introduced in 2010. Nonetheless, a 2016 review of the provision described great local variation and inadequate systematic follow-up of the children in crisis centres.⁸⁰ The reports show that services for children accompanied by men are usually poorer than those for children accompanied by women.⁸¹ The guidelines for the preliminary work on the Crisis Centre Act stated that it would be beneficial for staff to have child-related qualifications, but this is currently not a requirement. The 2016 review points out a need for child-related qualifications and skills development among the staff. A comparison of the statistics on services children received while in a centre shows that many did not

receive these services.⁸² Having a providing written guidelines with recommendations concerning the content and quality of crisis centre services is not sufficient. Legal requirements should be stipulated.⁸³

RECOMMENDATION:

- The State Party must implement concrete measures/prepare regulations that ensure all children in crisis centres receive equal, comprehensive services
- The State Party must prepare a Regulation that stipulates requirements for the content of crisis centre services for children
- The State Party must stipulate in the Crisis Centre Act that crisis centres must have some staff with child-related qualifications

PROTECTING ESPECIALLY VULNERABLE GROUPS OF CHILDREN FROM VIOLENCE AND SEXUAL ABUSE

Sami children

Research shows that Sami people are more exposed to violence and sexual abuse than the majority population.⁸⁴ A large proportion of these assaults take place during childhood.⁸⁵ However, there is no statistical data about Sami children exposed to violence and sexual abuse. The scale is unknown, as are the types of violence involved, what is being done, and what would constitute good support services for Sami children exposed to violence and sexual abuse.

RECOMMENDATION:

The State Party must study the frequency of, and obtain statistical data concerning, Sami children's exposure to violence and sexual abuse in relation to numbers, the types of violence involved, and what is being done, with a view to developing good prevention measures

Children with disabilities

Norway knows little about violence and abuse against children with disabilities,⁸⁶ but children with disabilities are at greater risk of becoming victims of violence and abuse than children in the general population.⁸⁷ However, cases of violence and sexual abuse against children with disabilities are not systematically registered by child welfare services, the police, or Children's Houses. The lack of statistics makes it difficult to assess whether measures that have been implemented ensure that violence and abuse is identified, investigated and prosecuted.⁸⁸ Research shows that support and treatment services also have major flaws.⁸⁹ The use of support services by children with disabilities is unknown. These children have poorer access to information about violence and sexual abuse, and much of the material is not adapted for them.

RECOMMENDATION:

- The State Party should survey the frequency of violence and sexual abuse against children with disabilities and commence systematic registration in child welfare services, the police and Children's House's
- The State Party must study and obtain data on the

vulnerability of children with disabilities to violence and sexual abuse, good prevention measures, and identifying measures and treatment services so it can implement targeted measures

- The State Party must ensure adapted information is available to children with disabilities about their right to a life free of violence, and where and how they can get help

Children from radical, fundamentalist and isolated religious communities

Vigilante justice in place of criminal prosecution is common in cases of violence and sexual abuse in isolated religious communities.⁹⁰ Few cases reach the authorities since this requires reporting them to the police and investigations, and the perpetrators are thus often able to continue.⁹¹

Children in isolated religious communities are often exposed to psychological violence via explicit methods of discipline such as humiliation and exclusion from the community.⁹² Improving the ability of ordinary care system to help people with traumatic experiences from religious communities and the issue of leaving them became health policy priorities in 2009.⁹³ This resulted in the 2011 report *Religiøse grupper og bruddprosesser; kompetansetiltak og veiledning [Religious Groups and Leaving Processes: training measures and guidance]*.⁹⁴ The report's proposals have not been followed up.

RECOMMENDATION:

- The State Party must ensure that all religious communities are aware of their statutory duty of prevention; they should be forced into transparency through cooperation and their contingency plans and internal routines for dealing with cases of violence and sexual abuse should be examined
- The State Party must ensure that information about the right to a life free of violence is available to children in isolated religious communities
- The State Party must ensure that support and help are available to children who have left or want to leave isolated religious communities, including by following up the 2011 report.

Accompanied and unaccompanied minor asylum seeking and refugee children

Children who have experienced war and conflict may be especially vulnerable to violence and abuse before, during and after fleeing.⁹⁵ For example, children can be exploited through human trafficking on their way to, and while residing in, Norway.⁹⁶ A number of studies of living conditions in refugee reception centres raise concerns about the situation for children.⁹⁷ There is a risk that children can easily become victims of violence and sexual abuse in reception centres. Drugs, violence and crime are often elements in childhood experiences in reception centres and such places also make parenting difficult.⁹⁸ Even though child welfare services have the same responsibility to ensure that children living in reception centres receive the help and care they need, there are still many challenges and barriers in this work that heavily impact the children's chances of growing up in safe conditions and receiving proper care.⁹⁹

RECOMMENDATION:

- The State Party must introduce an introductory medical check-up in the transit phase to identify minor asylum seekers who need assistance early on
- The State Party should systemise what is known about children exposed to sexual abuse on their way to Norway and develop better treatment services for the children concerned
- The State Party must ensure that all children in reception centres are protected from violence and sexual abuse
- Good parental guidance programmes must be introduced in reception centres

Children who breach gender norms

A number of surveys indicate that people who breach gender norms have experienced more violence and other neglect by their parents in childhood and are more often in contact with child welfare services than other children.¹⁰⁰ More research is required to produce better outcomes and targeted measures to protect these children from violence and neglect.¹⁰¹ There is also a need for increased knowledge about how child welfare services deal with this group of children.¹⁰²

RECOMMENDATION:

- The State Party must ensure that research projects that look at children who breach gender norms and their assumed vulnerability to violence, sexual abuse, and neglect, both inside and outside the family are carried out
- The State Party must ensure child welfare staff have the competence in sexual orientation, gender identity, and gender expression required to provide proper child welfare services for all children

B. PROHIBITING AND ABOLISHING ALL FORMS OF HARMFUL PRACTICES

(ARTICLE 24 (3))

*Concluding Observations 44, 45 – State Party's report 5B***Circumcision of boys**

The ritual circumcision of boys raises difficult issues of a medical, economic, legal, and ethical nature. The State Party believes that it has not been established that circumcising boys probably harms children enough to warrant a ban, and that it cannot be viewed as contrary to the Convention or the European Convention on Human Rights (ECHR).¹⁰³ FfB is unable to agree with the State Party's conclusion since the issue of whether circumcising boys conflicts with the child's fundamental rights has never been studied. We believe there is a need for a more thorough assessment of this point. A public study into the circumcision of boys, in light of both the Convention and other international human rights conventions, must be commenced.

RECOMMENDATION:

The State Party must conduct a thorough study of the issue in relation to the Convention and other human rights conventions, taking the best interests of the child as its starting point

Female genital mutilation, forced marriage, and negative social control

In recent years, the State Party has demonstrated significant initiative with respect to proposing measures for combating female genital mutilation, forced marriage, and negative social control.¹⁰⁴ Government policy defines forced marriage and female genital mutilation as domestic violence, in line with the Istanbul Convention.¹⁰⁵ However, the Government's efforts have been organised into a number of separate action plans and strategies.¹⁰⁶ Responsibility for measures against abuse associated with ethnic minority groups has been assigned to the integration authorities. Firstly, this structure entails splitting up and fragmentation and, secondly, it reproduces the unfortunate distinction between "us" and "them". A broad approach to violence and sexual abuse against children is also important in order to prevent stigmatising children of specific minority groups.¹⁰⁷

The care system has identified many cases of extremely authoritarian parenting and social control to a degree that breaches the principles of the Children Act and the Convention concerning participation and self-determination in line with increasing maturity. Children who are sent or left abroad against their will also represent a growing problem. Such situations can involve female genital mutilation and forced marriage. The geographical scope of section 1-2 of the Child Welfare Act was amended as part of Norway's ratification of the Haag Convention of 1996 such that the Act also applies to children normally resident in Norway but who are abroad.¹⁰⁸ However, the clarification of child welfare services' obligations was based on cases within the Haag alliance, while little attention has been paid to children who are in non-convention countries. The Norwegian authorities' obligations in relation to these children should be clarified and strengthened.

Forced marriage and entry into marriage by children younger than 16 have been criminalised in Norway.¹⁰⁹ However, these two provisions do not prevent entry into extrajudicial, religious marriages. Many forced marriages are extrajudicial and in practice they are equally binding to civil law marriages.

RECOMMENDATION:

- The State Party must coordinate and anchor the efforts against female genital mutilation and forced marriage in the field of domestic violence
- The State Party must improve competence in harmful, traditional practices among all those who work with children. Better coordination is required between the sectors and associated services
- The State Party should encourage the organisations' efforts and bridge building role
- The State Party should carry out a legal study of how serious restrictions on children's freedom/negative social control are affected and covered by the Child Welfare Act and General Civil Penal Code
- The State Party must cover entry into extrajudicial, religious marriage in the General Civil Penal Code.

C. SEXUAL ABUSE AND SEXUAL EXPLOITATION (ARTICLE 34)

Concluding Observations 55, 56 – State Party's report 5C

Sexual abuse and the Internet

An increasing number of children are exposed to sexual abuse when they use the Internet.¹¹⁰ The action plan *A Good Childhood Lasts a Lifetime* contains measures for strengthening the police's efforts to investigate and prevent crimes, and the escalation plan against violence and sexual abuse describes plans to develop digital training resources covering web-based abuse for front-line staff and guardians.^{111 112} None of the action plans contain means that require schools and the care system to prevent sexual abuse when it takes place in children's online arenas allowing children to receive training, follow-up and the framework they need to use the web in a safe and responsible manner.

RECOMMENDATION:

- The State Party must develop a comprehensive, multidisciplinary action plan for preventing sexual abuse online, which should include children's knowledge about their rights
- The State Party must improve knowledge about sexual abuse and the Internet in schools, the care system and among guardians in order to be able to prevent sexual abuse in children's online arenas
- The State Party must ensure increased resources and expertise within the police so they can investigate and prevent more child sexual abuse cases

D. FOLLOW-UP AND PROTECTION OF VICTIMS OF VIOLENCE AND SEXUAL OFFENCES (ARTICLE 39)

Concluding Observations 36, 37, 55, 56¹¹³ – State Party's report 5E

Emergency services for children subject to abuse staffed 24-hours a day

In a report on children's right to health, the Ombudsman for Children has looked at health services for children exposed to violence and sexual abuse. Among other things, the provision of medical examinations varies greatly.¹¹⁴ The report also points to a documented lack of expertise in both the specialist and primary health services. The evaluation of reception facilities for victims of sexual abuse has also shown that there has been uncertainty about who is responsible for providing these services to children, and that there have been challenges associated with ensuring good, professional services.¹¹⁵

RECOMMENDATION:

- The State Party should establish regional reception centres for sexually abused children and ensure equal provision nationwide in order to build up expertise in identifying mistreatment and sexual abuse in clinical forensic examinations
- The State Party should improve specialist expertise in hospitals and primary health services to ensure that mistreatment and sexual abuse are identified in both the specialist and the primary health services

E. AVAILABLE HELPLINES FOR CHILDREN

Concluding Observation 37 – State Party's report 5F

Emergency preparedness

One cannot expect children to only need emergency care and protection during office hours. It is up to local authorities to have emergency help in place and around half of all local authorities in Norway have some sort of round the clock availability.¹¹⁶ However, this still means that the other half of children in Norway do not have access to services, and that existing services do not necessarily provide adequate care for children.

RECOMMENDATION:

We recommend that the State Party makes it a statutory requirement for all local authorities to have formal, emergency child protection help for vulnerable children, which is locally based and available at all times to review concern reports about one or more children



VI: FAMILY ENVIRONMENT AND ALTERNATIVE CARE

ARTICLES 5, 9-11, 18 (1,2), 20, 21, 25, 27 (4)

A. FAMILY ENVIRONMENT AND PARENTAL GUIDANCE (ARTICLE 5)

Concluding Observations 32, 33 – State Party's report 6A

Parental guidance and parental support measures are a priority area in the Government's action plan for combating violence and sexual abuse against children.¹¹⁷ However, little is known about parental guidance among minority parents. Surveys and research show that some minority groups greatly distrust child welfare services.¹¹⁸ Some immigrant families have different views concerning what constitutes good parenting and what the best interests of the child are, and many are unfamiliar with Norwegian law, child welfare services, and society's means of intervening when problems arise. Early, trust-building, culturally sensitive, and respectful efforts to guide these families are therefore especially important.

RECOMMENDATION:

- We recommend that the State Party increases its knowledge about the content, quality, and effect of parental guidance for minority families, and develops new models that inspire trust, are culturally sensitive, and can contribute to improving dialogue and collaborative solutions.
- The State Party must ensure that minority families receive preventive training and guidance provision as early as possible in order to increase their confidence as parents and prevent the use of physical punishment

B. SEPARATION FROM PARENTS (ARTICLE 9)

Concluding Observations 32, 33, 35 – State Party's report 6C

Children with disabilities

According to the Municipal Health and Care Services Act, families can be granted services for children with extensive special needs that involve the child being placed outside the family. Children living, or receiving respite care, in children's homes spend a larger or smaller part of their childhood in an institution with caregivers other than their parents.¹¹⁹ Surveys show that parents' often primarily want their child to live at home, but that, due to inadequate or unadapted services, at the end of the day children's homes appear to be the only alternative.¹²⁰ There are no procedures for assessing placements in relation to the best interests of the child, or procedures for listening to the children involved.¹²¹

RECOMMENDATION:

- The State Party must ensure that no child is separated from their parents because of the child's disability, and only when this is necessary in the best interests of the child
- The State Party must make it clear in the relevant legislation that considering the best interests of the child is a fundamental principle in decisions concerning respite care measures and placements in children's homes
- The State Party must ensure procedures are in place for listening to the children involved, and ensure that the local authority employees responsible for taking these decisions can make reasonable choices that are based on the best interests of the child

Undocumented children

Children who are undocumented have basic rights via the Child Welfare Act.¹²² However, these rights are not always passed on to their parents. Health centres for undocumented migrants have seen child welfare services separate undocumented children from their parents, despite the parents having the ability to care for them, for example because the parents have been unable to obtain housing.¹²³ When parents make choices that have consequences for their children, children cannot lose their basic rights. This presents problems that the State Party should resolve out of consideration for the best interests of the child.

RECOMMENDATION:

- The State Party must ensure that child rights and the principle of considering the best interests of the child also apply to undocumented children and their parents when they interact with child welfare services
- The State Party must undertake a comprehensive review of Norwegian legislation and practices to ensure that there are no obstacles to undocumented children's rights being fully respected

Expulsion of parents

The expulsion of a parent has a huge impact on a child. Nevertheless, decisions concerning expulsion are often taken by the head of the board only, not by the full Immigration Appeals Board (UNE). In 2016, the Government amended the regulations to enable the imposition of 10-year entry bans.¹²⁴ The Government clarified that a 10-year entry ban would primarily be relevant in cases "where a 5-year entry ban would be set today because permanent exclusion is deemed disproportionate, for example out of regard to the immigrant's

*family in Norway.*¹²⁵ In other words, the authorities are introducing a stricter practice whereby the child's parent can be expelled for 10 years instead of 5 years, even though expulsion is contrary to the best interests of the child. The authorities do not keep statistics of the number of children affected by the expulsion of a parent, nor has any research been conducted into the consequences this has for children.

RECOMMENDATION:

- The State Party must strengthen the decision-making process and children's opportunities to be heard in expulsion cases against their parents
- We recommend that the State Party lays down guidelines ensuring greater emphasis on the best interests of the child than is currently the case when considering expulsion and determining the duration of entry bans
- We recommend that the State Party records and keeps statistics of how many children are affected by the expulsion of a parent and that independent research be commenced to survey the consequences the expulsion of parents has for children

C. FAMILY REUNION (ARTICLE 10)

State Party's report 6D

Family reunion

The Parliamentary Ombudsman has severely criticised the administrative procedures in family reunion cases, as well as both the organisation of the case processing and the lack of resources.¹²⁶ The processing time in the front-line differs depending on which police district or which foreign service mission is preparing the case. The prolonged case procedures place a great strain on children, who risk not seeing their parent or parents for many years, and represent a breach of Article 10 of the Convention, which requires rapid, positive, and humane administrative procedures.

RECOMMENDATION:

The State Party must practise a family reunion policy that corresponds with Article 10 of the Convention and the best interests of the child, take concrete measures, and increase resources in order to significantly reduce case procedures

D. CHILDREN DEPRIVED OF THEIR FAMILY ENVIRONMENT (ARTICLE 20)

Concluding Observations 34, 35 – State Party's report 6F

Strengthened capacity in municipal child welfare services

Even though local authority child welfare services were reinforced with 960 new positions between 2011 and 2016 via earmarked funds, there is still a lack of funding, resources, and staff positions in many child welfare services.¹²⁷ The demand on child welfare services has increased and in many places the earmarked funds merely compensated for this growth.^{128 129} Child welfare services have been assigned more

responsibilities and increasingly demanding tasks through legislative amendments, and more duties are on their way following proposals concerning the division of responsibilities between central and local government.^{130 131}

RECOMMENDATION:

The State Party must ensure that all children receive the help and protection they need by implementing a long-term plan for staffing local authority child welfare services, where the State Party must earmark funds for these purposes

UN Guidelines for the Alternative Care of Children

In 2010, the Committee recommended that Norway take the *UN Guidelines for the Alternative Care of Children* into consideration. The guidelines are an aid for everyone working with children without care and children at risk of losing their family. The guidelines are intended to make it easier to implement the Convention and deal with how one can strengthen existing families to keep them together and how one can help children who are without care get a new home and have a safe childhood. The guidelines have not been translated into Norwegian and local authorities have not been familiarised with them. There are also still many points with which Norway does not comply.

RECOMMENDATION:

We recommend that the State Party translates the *UN Guidelines for the Alternative Care of Children* into Norwegian and ensures that local authorities are familiar with them.

Geographic differences in the proportion of children subject to care measures

There are large differences between counties in the number of children subject to care measures in relation to the population aged 0-17 in each county.¹³² The same is true of emergency placement decisions.¹³³ These differences are assumed to have different causes, but this has never been analysed.

RECOMMENDATION:

The State Party should initiate independent research into the causes of the large geographic differences in the number of children subject to care decisions and emergency placement decisions, and thereafter implement measures to even out the differences

Sensitive emergency removal from the home of children

Child welfare services can make an emergency decision when a child is at significant risk of harm if he or she remains in the home.¹³⁴ Children may need to be removed from their home in an emergency in the best interests of the child. However, an increasing number of notes of concern are coming in from both children and adults concerning the ways in which children are collected in emergency cases, which do not always prove to be sufficiently sensitive. This also includes reports of children being collected for interviews in a Children's House. The reports give account of children being collected at unsuitable times or taken out of class at school, and, in some cases, force and coercion being used with or without the involvement of

the police. This is not only frightening and stressful for the child concerned; it can also cause long-term anxiety about what happened in the other children involved.

RECOMMENDATION:

- The State Party should draw up clear guidelines on the emergency collection of children in the event of emergency placements and when collecting them for interviews in Children's Houses
- The State Party should, when a child needs it, ensure the child receives crisis help from professionals to mentally process the emergency collection

Following up children in foster homes

A nationwide inspection in 2013 and 2014 showed major challenges still exist when it comes to following up children in foster homes, their parents and foster parents, as well as the supervision of homes.¹³⁵ Based on this, a White Paper on foster homes was presented in 2016.¹³⁶ The White Paper contains a number of good measures that could redress these challenges. No extra funds have been allocated to implement the measures.¹³⁷ New draft legislation has simultaneously been proposed concerning structural changes to child welfare services, including foster home care becoming far more a local government responsibility and far less a central government responsibility.¹³⁸ One expected consequence of giving local authorities' comprehensive responsibility for foster home care is that foster home care will become dependent on the size of the local authority's and its finances. Disparities between local authorities are also expected to increase.

RECOMMENDATION:

- The State Party must ensure implementation strategies are in place to carry out the measures in the foster home bill and set aside earmarked funds for the implementation of these measures
- The State Party must ensure that local authorities have expertise and adequate earmarked resources in relation to foster home care

Following up children in institutions

The use of force in child welfare institutions represents a serious intervention in the lives of very vulnerable children, who often have major and complex needs. There are many reports documenting the unlawful and criminal use of force in institutions, and which describe the consequences the *lawful* use of force can have for children living in a child welfare institution.¹³⁹

It has been shown that a significant proportion of children placed in child welfare institutions have mental health disorders and diseases.¹⁴⁰ Only a third of these children receive help and treatment, and health services for children with complex needs appear inadequate.¹⁴¹ Many also face extra challenges with their physical health and comprehensive medical care is required.¹⁴²

RECOMMENDATION:

- The State Party should revise the legal framework for the use of force in institutions and ensure that the provisions concerning rights and the use of force are incorporated into the Child Welfare Act
- The State Party must ensure well-integrated provision for children with complex needs for services from both child welfare services and mental health care, ensure comprehensive medical care, and develop good, new treatment provision for children in child welfare institutions

Complaints procedures for children placed in care

Even though this has been brought up several times, there is still no easily accessible and child-friendly means for children to complain or report when they are subjected to violations while in care.¹⁴³

RECOMMENDATION:

The State Party should as soon as possible ensure that children in care have easy access to child-friendly opportunities to make complaints

Placement with siblings

The *UN Guidelines for the Alternative Care of Children* say that siblings should not be separated when their care is taken over by child welfare services, unless this can clearly be justified as being in the best interests of the child. A 2013 survey shows that no fewer than six out of ten siblings are separated when they are placed in foster homes.¹⁴⁴ A new survey from 2016 shows almost identical figures.¹⁴⁵ The 2016 White Paper on foster homes underscored the prioritisation and states that professional recommendations will be prepared to ensure siblings stay together.¹⁴⁶ Nevertheless, there are no concrete measures for resolving this issue in practice and there is no framework or funds to follow it up.

RECOMMENDATION:

- The State Party must increase support for foster families caring for siblings, and increase the resources and earmarked funds for local authorities to follow up these foster families
- We recommend that the State Party produces concrete guidelines for how child welfare services can place siblings together and should introduce a duty to map sibling relationships. Splitting up siblings must always be justified on the basis of the best interests of the child.

E. CHILDREN WITH PARENTS IN PRISON

Concluding Observations 32, 33 – State Party's report 6G

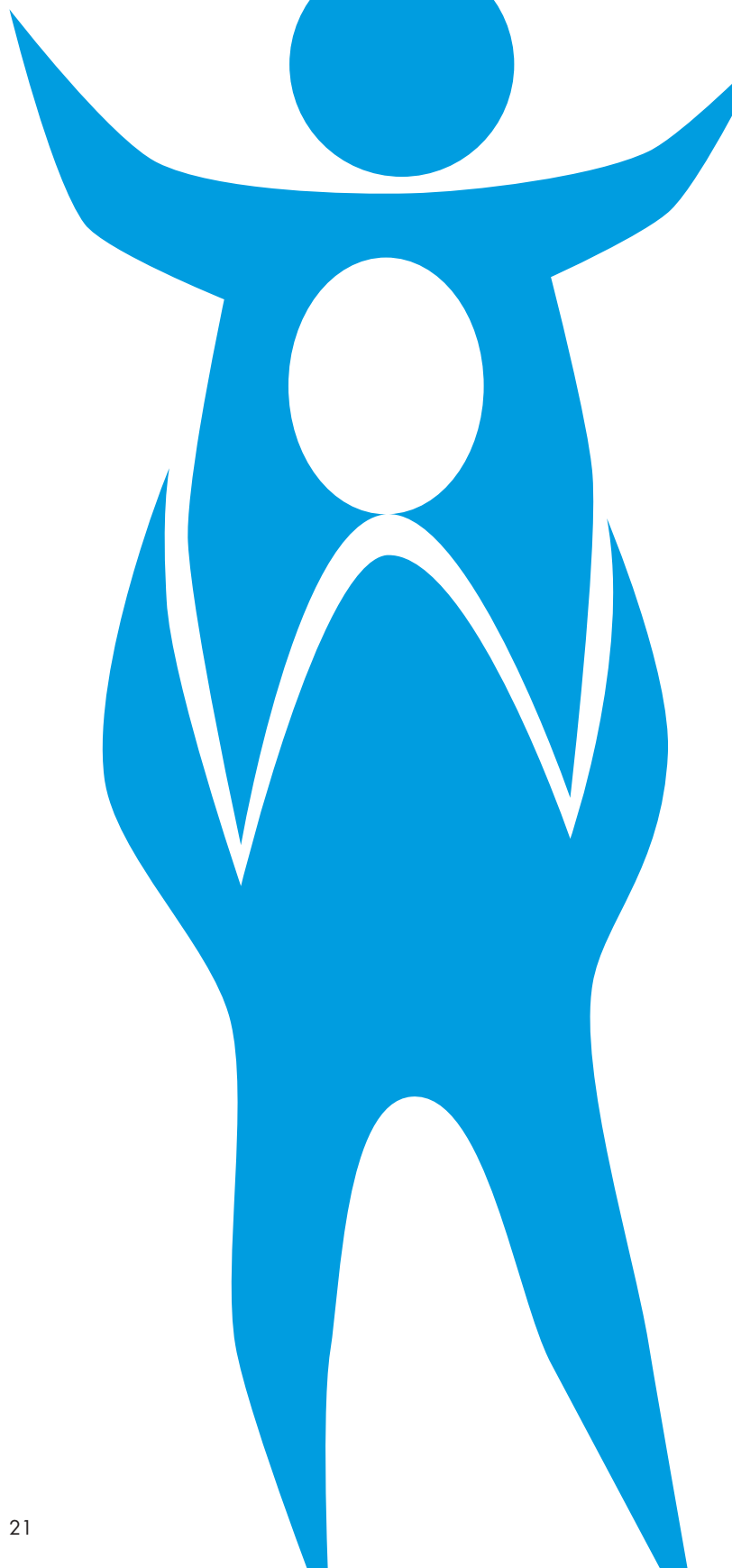
Children's right to contact with parents in prison

The protection of children with parents in prison has been strengthened by appointing a child responsible officer in all Norwegian Correctional Service units.¹⁴⁷ Nevertheless, there are constant challenges when it comes to realising the right children with parents in prison have to contact with both

parents. The Norwegian Correctional Service's principle of proximity is being breached in many cases and prisoners are being put in prisons far away from home. No statutory travel support exists for visiting parents in prison. The possibility for maintaining contact via telephone are also very limited. White Paper No. 37 (2007-2008) proposes increasing the provision of telephone use through more flexible rules and new control methods using new technology. The establishment of financial assistance schemes for families with children was also under consideration.¹⁴⁸ This has not been followed up.

RECOMMENDATION:

We recommend that the State Party ensures that the best interests of the child is duly considered when choosing a prison for parents, develops a travel support scheme that ensures children can visit parents in prison, and reviews the rules for telephone use between prisoners in prison and their children



VII: DISABILITY, BASIC HEALTH AND WELFARE

ARTICLES 6, 18 (3), 23, 24, 26, 27 (1-3), 33

A. CHILDREN WITH DISABILITIES (ARTICLE 23)

State Party's report 7A

Cultural and recreational activities

Children with disabilities face numerous obstacles in the form of a lack of physical accessibility, economic and human resources, transport, and a lack of information that prevents them from taking part in cultural and recreational activities.¹⁴⁹ The obstacles can also be social, for example underestimating someone's ability to cope, inadequate competence and prejudices in the surroundings.¹⁵⁰ The need for human service assistants and recreation assistants is not being adequately met.¹⁵¹ There is also an unwelcome trend towards greater segregation of services for children with disabilities. Inclusion through education and meaningful recreation together with their peers is becoming less frequent.¹⁵² From institutional care and special schools which used to constitute the provision, children should now be active participants in their local communities, local schools, sports teams, and other recreational activities.¹⁵³ Nevertheless, we are seeing special small groups being set up again for children with disabilities, both in schools and recreational activities, and these groups are not being included in the community. Research reports demonstrate a clear correlation between segregation in school situations and low social participation, both in informal contexts and in organised activities.¹⁵⁴ A segregated school day negatively affects social participation, regardless of the degree and type of disability.¹⁵⁴

RECOMMENDATION:

- The State Party must ensure that children with disabilities have rights in after-school schemes on a par with those they have in the Education Act
- The State Party must ensure that the rights of children with disabilities to take part independently and actively in society are honoured, and that they receive the necessary help and support to take part, irrespective of their municipality of domicile
- The State Party must make human service assistant and escort arrangements in connection with day-to-day activities, recreational activities and holidays universal an important measure for achieving the goal of inclusion. Costs for escorts and assistance must be covered by the Government
- The State Party must ensure that all arenas for children are universally designed

Universal design

All children in Norway have the right to attend their local school.¹⁵⁵ Nevertheless, almost 80% of Norwegian schools are inaccessible for many people with disabilities.¹⁵⁶ When the Anti-Discrimination and Accessibility Act and new Planning and Building Act came into force in 2009 and 2010, the Government was meant to follow them up with a Regulation containing deadlines for the universal design of school buildings. A number of committees have since demanded that the Storting release the deadlines to no avail. In practice, this means that schools can exclude children with disabilities.

RECOMMENDATION:

The State Party must adopt deadlines for when all school buildings in the country must be universally designed

Necessary information, services and support

Families with children with disabilities say that they are not receiving the necessary information, services and support to which they are entitled. The care system is viewed as fragmented and complex, and parents are critical of obstacles in the process up to the services being granted. Repeated application and complaint processes create a lopsided distribution of services that benefits those who do not give up.

Children with disabilities in ethnic minority families receive fewer public services. Difficulties communicating and poor knowledge about the welfare system results in children not receiving the services they need and to which they are entitled.¹⁵⁷ Information and measures exist, but they do not reach the users.

Foster parents of children with disabilities have a particular need for close follow-up, as well as a good, stable framework. The current situation is such that many people experience that this is not the case.¹⁵⁸ Foster parents generally have limited opportunities for complaining about public decision-making. This is especially challenging in relation to foster children with disabilities.

RECOMMENDATION:

- The State Party must ensure that children with disabilities and their (foster) families receive the information, services, and support to which they are entitled by organising the care system more comprehensively, simplifying processes, offering help in application processes up to when services have been granted, and ensuring the follow-up and coordination of the services granted

- The State Party must ensure that information, services, and support also reach ethnic minorities with children with disabilities by being both linguistically and practically accessible by them
- The State Party must ensure that foster parents of children with disabilities have opportunities to complain about public decision-making.

Asylum seeking and refugee children with disabilities

Research shows that children with disabilities living in refugee reception centres are socially deprived and that no good system for identifying these children exists.¹⁵⁹ Young children in refugee reception centres rarely attend kindergarten and this reduces the opportunities for qualified professionals to observe the children in their day-to-day lives and assess linguistic and motor development. Staff in reception centres are subject to few educational requirements, which means few of them have health, social work, or child-related qualifications. This reduces the chances of noticing early signs of disabilities, making a correct diagnosis, and providing adequate treatment. Asylum seeker status makes it difficult to gain access to social services and practical assistance. Local authorities do not receive extra subsidies for children while they reside in reception centres and local authorities interpret the legislation very differently in terms of the requirements for health measures intended for this group of children.¹⁶⁰

RECOMMENDATION:

- The State Party must ensure better procedures for identifying disabilities in children in reception centres and improve the competence in disabilities among reception centre staff
- The State Party should ensure that cooperation routines are developed to ensure better coordination between reception centres and local authority services and offer day care to all asylum seeking children from the age of 1

B. HEALTH AND HEALTH SERVICES (ARTICLE 24)

Concluding Observations 38, 39, 43 – State Party's report 7C and D

Child health centres and school health services

Despite the greater focus on expanding school health services, several surveys show that staffing levels are still too low to ensure availability to all children in Norway.¹⁶¹ Surveys show that only 1.4% of pupils have a school nurse present every day and that availability varies greatly between counties, local authorities and schools.¹⁶² The Government has increased local government funding with guidelines on improving child health centres and school health services, but only a small amount of this is earmarked funds.¹⁶³ Meanwhile, surveys have shown that in one in two local authorities these funds are spent on things other than school nurses.¹⁶⁴ It is also important that child health centres are strengthened so that early intervention can be reinforced.

RECOMMENDATION:

The State Party must earmark funds to improve child health centres and school health services so that school nurses are available at all times, early intervention ensured, and all children in all local authorities have access to early medical help

Health services for newborns and children in hospitals

Children aged under 18 should preferably be put on children's wards designed for children when admitted to hospital. Nonetheless, there are few facilities that enable children in newborn and intensive care wards to have their parents with them round the clock, and staffing is inadequate when it comes to personnel with expertise in the treatment and care of acutely and critically ill children.¹⁶⁵ There are also concerns about the care of newborns, early discharge from hospital, and breaches of guidelines on postnatal care, especially when it comes to home visits and failures in communication between specialist and local authority health services.^{166 167}

RECOMMENDATION:

- The State Party must ensure sick newborns and children access to specialist health services, with family-centric treatment, satisfactory child expertise, and suitable wards/ children's hospitals
- The State Party must facilitate the training of more health professionals with child-related qualifications
- The State Party must ensure that home visits and other necessary consultations are carried out to take care of newborns

Health and health services for children with mental health problems and disorders

It is estimated that around 15-20% of all children in Norway aged 3-18 have disabilities due to symptoms of mental health problems and disorders such as anxiety, depression and behavioural disorders. Around half of these, which comes to approximately 70,000 children in Norway, experience such serious symptoms that they satisfy the criteria for a psychiatric diagnosis.¹⁶⁸ The number of children with mental health problems and disorders is increasing.¹⁶⁹ It is therefore highly problematic that local authority mental health services for children have been cut by 13% in the last few years.¹⁷⁰ The State Party believes that it has addressed this by increasing local authorities' free assets, which means that children with mental health disorders have become an expense item for local authorities.¹⁷¹

RECOMMENDATION:

The State Party must earmark funds for the range of services for children within mental health services so that the range of services is strengthened and not reduced

Health and health services for children with disabilities

Children with disabilities face more challenges than other children with respect to speech and communication, mobility, and means to communicate their own needs. A high degree of expertise is required to deal with and assist children and their next of kin such that good and correct medical treatment is provided. This expertise is currently quite rare in somatic wards. Family centre care is not very widespread, the specialist

health services' somatic wards are not very suitable for the needs and life situations of children with disabilities, and they often receive inadequate motor and pedagogic follow-up.¹⁷²

RECOMMENDATION:

The State Party must stipulate requirements for family centre care in wards where children with disabilities are admitted to somatic hospitals, and ensure that the somatic wards have the necessary multidisciplinary expertise to address the complex needs of children with disabilities

Health and health services for asylum seeking children

Asylum seeking children may have had many traumatic and abusive experiences and thus have a serious need for follow-up. Many reports show that these children do not receive proper care.¹⁷³ Please note that reception centres have only limited access to child welfare services' child-related expertise and local services have limited expertise in working with children in the asylum seeking phase.¹⁷⁴

RECOMMENDATION:

- The State Party must require the establishment of local cooperation teams involving reception centres, health services, and professional child-related services in order to build up expertise and strengthen the cooperation
- The State Party must strengthen local services in the form of resources and knowledge about children with refugee backgrounds

C. MEASURES FOR COUNTERING THE MOST SERIOUS HEALTH CHALLENGES

Concluding Observation 43 – State Party's report 7D

Mental health

The White Paper on public health (2014-2015) stipulates that mental health problems and disorders have become major health problems in Norway.¹⁷⁵ One presumed reason for the increase in mental health problems and disorders among children is that they are subject to ever increasing body-image pressure.¹⁷⁶ Reports show that 85% of girls and 30% of boys experience body-image pressure and that advertising is an influential force.¹⁷⁷ A negative body-image appears to predict various eating disorders and mental health disorders. Little is known about the casual relationships between advertising, body-image pressure, eating disorders, and mental health disorders. One of the goals of the Government's strategy for young people's health 2016-2021 is that fewer young people should experience body-image pressure, but none of the concrete measures in the strategy are specifically aimed at reducing this.¹⁷⁸

RECOMMENDATION:

- The State Party should learn more about the causes and consequences of children experiencing body-image pressure and the causal relationships between body-image pressure, advertising, and mental health disorders
- The State Party must prepare measures specifically aimed at reducing body-image pressure on children

D. SOCIAL SECURITY AND CARE SERVICES (ARTICLES 26, 18 NO. 3)

Concluding Observations 46, 47 – State Party's report 7D

Social security benefits

The government rates for social help are advisory and not fixed. The differences in rates are due to local authority autonomy and a lack of government guidelines in the form of minimum rates or legal provisions that provide a legal right to services.¹⁷⁹ Local decision-making systems may result in children missing out on benefits to which they are entitled.

RECOMMENDATION:

The State Party must ensure there are fixed government rates and thereby ensure that all children receive the services they are entitled to irrespective of where they live

Child benefit

Child benefit rates have not been adjusted since 1996. The number of children living in low income families would have been drastically reduced had child benefit been adjusted in line with general wage inflation in Norway.¹⁸⁰ Other National Insurance Scheme benefits and the determination of pension points are already adjusted in this way.

RECOMMENDATION:

The State Party must adjust child benefit upwards from the 1996 level in accordance with wage and price inflation, as is the case for a number of other social security benefits

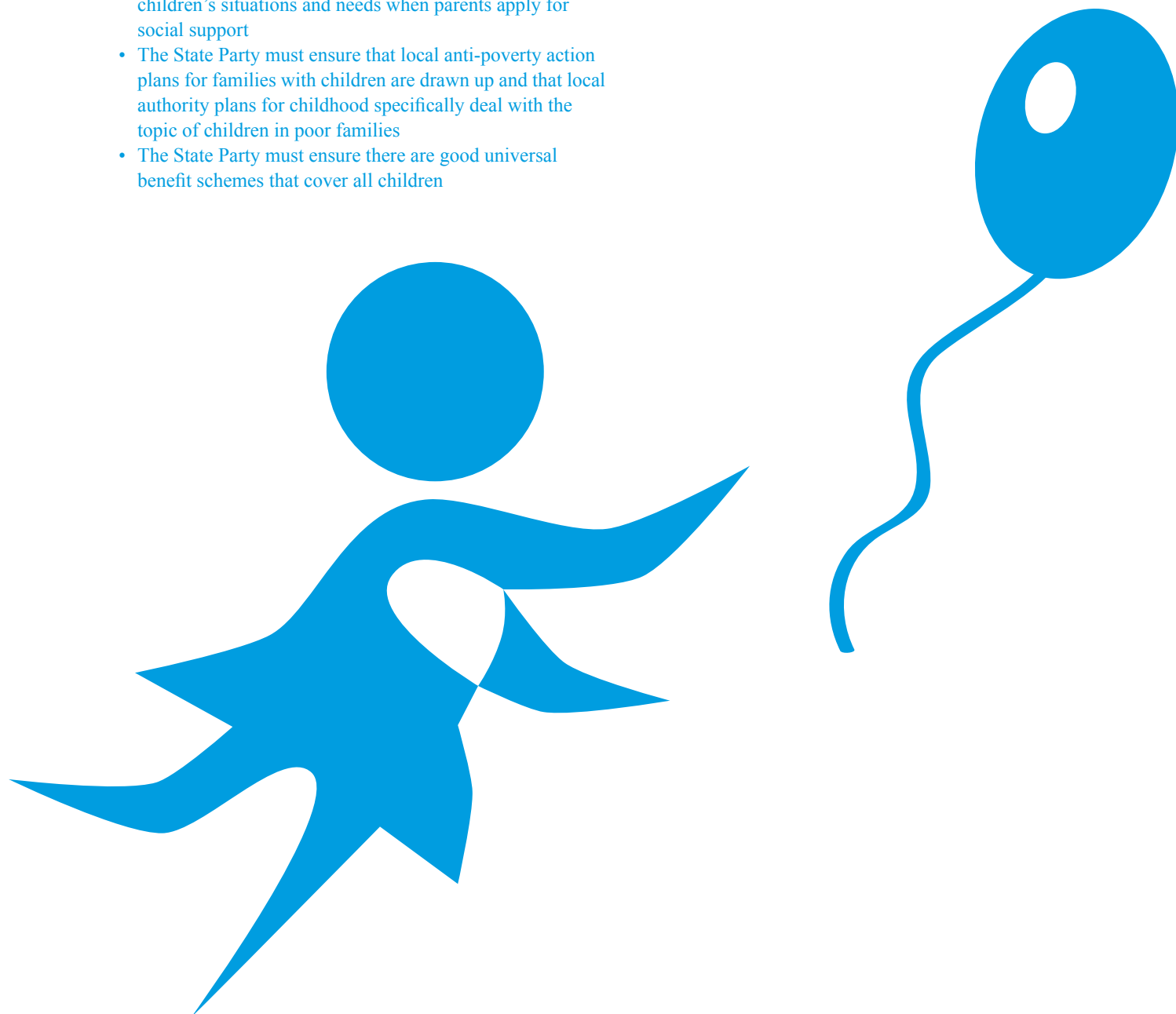
E. ADEQUATE STANDARD OF LIVING (ARTICLE 27 NO. 1-3)

Concluding Observation 47 – State Party's report 7F

The number of children growing up in poverty in Norway is increasing. 98,200 children lived in families with persistent low income in 2015, compared with 78,200 children in 2012. This represents 10% of all children. Children with immigrant backgrounds account for half of these children, but only 11% of the total number of children.¹⁸¹ Research shows that growing up in families with a low socio-economic status impacts almost all areas of a child's life.¹⁸² Local authorities do far too little to ensure that children growing up in poverty can participate socially. The State Party's efforts to reduce the effects of poverty have not been adequately coordinated and the needs of the child are not structurally researched when parents apply for social support.¹⁸³ In 2014, the Government launched an anti-child poverty strategy in Norway.¹⁸⁴ However, the strategy does not view poverty as a structural problem and lacks measures for lifting families out of poverty.

RECOMMENDATION:

- The State Party must focus its efforts on the major social structures and systems that create poverty challenges instead of implementing compensatory measures
- The State Party should ensure that the Norwegian Labour and Welfare Administration (NAV)¹⁸⁵ maps and addresses children's situations and needs when parents apply for social support
- The State Party must ensure that local anti-poverty action plans for families with children are drawn up and that local authority plans for childhood specifically deal with the topic of children in poor families
- The State Party must ensure there are good universal benefit schemes that cover all children



VIII: EDUCATION, LEISURE AND CULTURAL ACTIVITIES

ARTICLES 28-31

A. RIGHT TO EDUCATION (ARTICLE 28)

Concluding Observations 48, 49, 61 – State Party's report 8A

UNIVERSAL ACCESS TO DAY CARE

Asylum seeking and refugee children

According to the current regulations, children living in refugee reception centres do not have a statutory right to a place in day care like all other children in Norway. The right is first acquired when the child and parents have gained residence and are permanently resident in a local authority.¹⁸⁶ Families living in refugee reception centres that have acquired residence may be offered places in day care for children aged 4-5. From 2017, local authorities can also offer children aged 2-3 places in day care, but only for a few hours each day and only to those who have acquired a residence permit but are still living in a reception centre.¹⁸⁷ The current regulations and the fact that many families remain in reception centres for many years mean that these children do not gain the same foundation for further education as other children.

RECOMMENDATION:

The State Party must ensure that the right to a place in kindergarten no longer depends on residence status in the same way as the right to compulsory education

COMPULSORY EDUCATION FOR ALL

Asylum seeking and refugee children

Every school-aged child (6-15) has a right and obligation to compulsory education if the child is going to be staying in Norway for more than 3 months.¹⁸⁸ It is important that minor refugees are admitted to school as quickly as possible to ensure they get a proper education. The rules governing when children start compulsory education has been proposed changed such that children must be provided with education as soon as possible and no later than within 1 month after arrival.¹⁸⁹ The introduction of an exemption allowing dispensations to be granted in extraordinary situations has also been proposed. The best interests of the child must be emphasized. The State Party must ensure the necessary plans are made to ensure children's right to an education in extraordinary situations, a point the Committee has also made on several occasions.¹⁹⁰

RECOMMENDATION:

The State Party must draw up contingency plans that safeguard a child's right to education within 1 month of arriving in Norway, including in extraordinary situations

Children with special needs

All children in Norway are regarded as capable of learning pursuant to the Education Act. This means that all children have the same rights regardless of their physical or mental capabilities. Children who do not satisfactorily benefit from ordinary teaching are entitled to special education.¹⁹¹ This primarily applies to pupils with special educational needs, for example because of disabilities. A concrete assessment must be made if a child is going to be taken out of ordinary classes and provided with tuition in a special group or alone.¹⁹² One out of ten pupils in Norway receives special education. Meanwhile, research and statistics show that this largely takes place outside ordinary classrooms and that the number of pupils being placed in separate special groups has increased significantly in recent years.^{193 194} In practice, this entails exclusion and increasing segregation between children in primary, lower secondary, and upper secondary education.¹⁹⁵

RECOMMENDATION:

- The State Party must introduce quality assurance systems so that children with special needs receive inclusive teaching adapted to their physical and mental abilities
- The State Party must ensure individual assessments are made of education provision for each child, irrespective of diagnosis and functional level. If pupils are taken out of ordinary tuition, the measure must be time-limited and justifiable given the pupils' needs. The child must always be heard.
- The State Party must review syllabuses that exclude pupils with disabilities, so that all pupils receive teaching materials adapted to their needs, and ensure that individual teaching plans are prepared for pupils who require special education

Sami children and children from national minorities

Pursuant to the Independent School Act, private schools do not have a duty to provide tuition in and about the Sami language.¹⁹⁶ This narrows the choices of Sami pupils who want tuition in and about the Sami language.

Families with traveller/Romany and Roma backgrounds traditionally travel for parts of the year. In order to practise their travelling tradition outside normal Norwegian school terms they have to take their children out of school.¹⁹⁷ As a result, these children are overrepresented in the group of children with little or no education.¹⁹⁸ Measures intended to keep children within the school system while preserving the tradition of travelling have not been successful.¹⁹⁹

RECOMMENDATION:

- The State Party must ensure that private schools also have a duty to provide tuition in the Sami language
- The State Party must honour the rights of children with national minority backgrounds, and ensure that they receive both an education and are able to preserve their culture through adapted measures

UPPER SECONDARY EDUCATION FOR ALL**Asylum seeking and refugee children**

Article 28 of the Convention states that upper secondary education should be available and attainable for any children. Children who arrive in Norway as asylum seekers but receive a final refusal concerning their application for a residence permit, lose the right to upper secondary education.²⁰⁰ The same applies to children who arrive in Norway with so-called “Dublin status”, i.e. children who have previously been registered as asylum seekers in another European country.²⁰¹

RECOMMENDATION:

The State Party must amend the Education Act so that children without legal residence and children with “Dublin status” also have a right to upper secondary education

Children with special needs

Many pupils with special educational needs do not get grades or are exempt from subjects due to a diagnosis and thus do not get grades in these subjects. These pupils thus receive either no diploma or a limited diploma.²⁰² Without a diploma, admission to higher education is at the discretion of the institution. This often means that, among other things, pupils with disabilities are excluded from higher education.²⁰³

RECOMMENDATION:

The State Party must ensure that pupils with special education can also receive a vocational or higher education entrance qualification and/or the chance of higher education

Use of force and restraint in schools

Current legislation does not permit the use of force and restraint in schools, but it is possible to intervene against violent actions if this is deemed necessary.²⁰⁴ Nevertheless, pupils who exhibit challenging behaviour or misbehave are subjected to both force and restraint through planned measures against individual pupils and there are examples of schools keeping records of when force is used.²⁰⁵ An alternative that is also used is that these pupils are exempted from parts of teaching and thus can miss (parts of) their tuition.²⁰⁶ A survey in one of Norway's counties showed that 73% of the teachers had used unlawful force.²⁰⁷ The scale of the use of force in schools is described as significant in other counties, although corresponding surveys have not been conducted.²⁰⁸ The use of force in schools is not merely a matter of legislation, but about prevention, limitation, and expertise through good professional work and individualised teaching.

RECOMMENDATION:

- The State Party must ensure there is sufficient competence and multidisciplinary expertise in schools, introduce early intervention measures, and establish a teacher standard by law
- The State Party should clarify the legal situation of the pupils and teachers and which regulations apply to the use of force and restraint in schools, as well as produce an overview of how much force is used in schools

B. PURPOSE OF EDUCATION (ARTICLE 29)

Concluding Observation 49 – State Party's report 8A

A good, safe, and inclusive school environment

Ensuring pupils a good, safe, and inclusive school environment is a prerequisite for being able to fulfil the pupils' right to education. Research and reports from the field have for many years shown that schools are not fulfilling pupils' right to a good school environment well enough.²⁰⁹ A new draft bill,²¹⁰ due to an official Norwegian report,²¹¹ emphasises efforts aimed at *managing* bullying (complaint procedures/duty to act), while preventive measures based on systematically working on creating well-being and inclusion in schools are given less weight.

RECOMMENDATION:

- The State Party must stipulate clearer requirements to oblige schools to work systematically on pupils' well-being and inclusion in schools
- The State Party must increase its expertise and resources in order to be able to work on well-being, friendship, and children's right to be heard early on in day care and school
- The State Party must ensure that the proposed complaint procedures are adequately designed for children

Digital bullying and abuse

Children are growing up in a digital world. The pupils' sense of belonging and security in school can therefore not be separated from the pupils' well-being and digital contact. 7% of children aged 9-16 experience digital bullying on a weekly or monthly basis. Half of bullied children do not speak up about it and it is difficult for teachers and guardians to uncover digital abuse and bullying because the online world of children is inaccessible to adults.²¹² There are big differences between schools' work on safe internet use and research shows that children often do not trust teachers and other assistants in cases of digital bullying and abuse.²¹³ An official Norwegian report points out a need to clarify schools' responsibilities and roles in preventing and identifying digital bullying and believes it is unfortunate that this responsibility is not made clearer in the Education Act.²¹⁴ This responsibility must be clarified in the text of the Act so that it is clear to schools what responsibilities they actually have.

RECOMMENDATION:

- The State Party must stipulate a requirement that the Education Act should also regulate who is responsible for digital bullying that takes place outside school hours and impacts children's well-being and security in school

- The State Party must implement systematic training measures that improve teachers' competence in digital bullying and teaches them about the necessity of involving children and guardians in teaching measures
- The State Party must ensure that the school's duty to act and follow-up, notify and step in with measures also applies in cases of digital bullying and abuse, even if the bullying between the pupils takes place outside school hours

Quality of education

Special education is part of the individualised teaching provision and should help to ensure that all pupils receive an equal education. A supervisory report on special education in primary school and lower secondary school shows that the quality of special education varies greatly.²¹⁵ Special education requires good and relevant training in special education, but is in around 40% of cases provided by unqualified staff.²¹⁶ At the same time, the report shows that government control and follow-up in this area does not sufficiently contribute to compliance with the regulations in local authorities. More than half of local authorities were not fulfilling the requirements for a proper system.²¹⁷

RECOMMENDATION:

- The State Party must ensure that requirements are stipulated concerning the content of special education, ensure that tuition is provided by qualified staff, and ensure that all schools have an internal control system
- The State Party must ensure that all local authorities have a proper system for special education.
- We recommend that the State Party focuses on more multidisciplinary expertise in school: a greater number of social educators, child welfare officers, and social workers in schools would help to improve the facilitation of the teaching

C. CULTURAL RIGHTS FOR INDIGENOUS CHILDREN AND (NATIONAL) MINORITIES (ARTICLE 30)

State Party's report 8C

Sami children and children from the five Norwegian national minorities speak of their feelings of being an outsider and a lack of belonging to Norwegian society because they often experience being ignored and not being fully accepted.^{218 219}

Information about Sami people and, in particular, about the national minorities appears to have been omitted from the syllabuses of teaching training courses. School textbooks contain little information about national minorities.²²⁰

RECOMMENDATION:

- The State Party must improve the information about Sami people and national minorities in teacher training by specifying concrete competence aims in the framework plan for teacher training

- The State Party must ensure that more, nuanced information about national minorities is included in school textbooks than is currently the case, and ensure resources are procured for schools such that they are ensured the most updated and qualitatively best teaching materials on the subject
- The State Party should involve indigenous children and children from national minorities in the teaching about indigenous people and national minorities in school

D. EDUCATION ABOUT HUMAN RIGHTS AND SOCIAL STUDIES

Concluding Observation 18 – State Party's report 8D

A number of reports document the fact that major deficiencies remain with regard to knowledge about the Convention among teachers and pupils. Studies point out that not all student teachers are assured training in the Convention and child rights in their basic training.²²¹ One out of four primary and lower secondary school student teachers state that they have not received training in the Convention and 45.7% of Norwegian pupils says that they know very little or nothing about child rights.²²²

RECOMMENDATION:

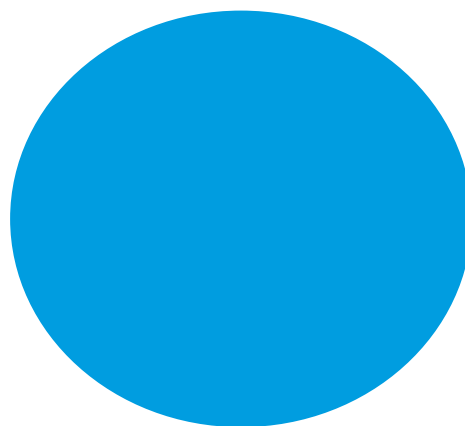
- The State Party must improve the systematic training in child rights in primary and lower secondary school teacher training and teachers' continuing education, with regard to both knowledge and professional practice, with an emphasis on pupil participation
- The State Party must give the Convention a principal place in the general part of the syllabuses and it should be a part of the national curriculum at all levels

E. LEISURE, PLAY, AND CULTURAL ACTIVITIES (ARTICLE 31)

Around 85% of all children in Norway take part in organised activities.²²³ In 2016, the Government launched its "Declaration on recreation", which is intended to ensure that all children have an opportunity to take part in at least one recreational activity.²²⁴ Nevertheless, some groups, such as children with disabilities, children in isolated religious communities, ethnic minority children, and children in low income families, take less part in recreational activities and have less social interaction.²²⁵ The reasons are complex, like physical accessibility, finances, human resources, underestimating abilities, isolation, etc.²²⁶ Knowledge about obstacles to participation irrespective of group is important in ensuring all children are able to take part in cultural and recreational activities. Furthermore, all recreational arenas must have competent and safe adults, both staff and volunteers, and the quality and availability of the recreational activities on offer should not depend on the local authorities' resources.

RECOMMENDATION:

- The State Party must ensure that plans and strategies for participation in recreational arenas contain requirements concerning the inclusion of groups that are systemically excluded
- The State Party must ensure that children are made aware of their right to participate thanks to the “Declaration on recreation” and secure funds for interaction between authorities, minority groups, and users in order to provide good information about children’s right to recreation and cultural activities
- The State Party should cover the costs and/or subsidise user fees and assistance for participation in publicly funded activities
- The State Party should ensure that government guidelines and quality standards apply to the recreational activities local authorities offer and we recommend establishing relevant educational provision in order to strengthen the competence of adults who work with children in cultural and recreational activities



VIII: SPECIAL PROTECTION MEASURES

ARTICLES 22, 30, 32, 33, 35, 36, 37 B-D, 38-40

A. DISPLACED CHILDREN (ARTICLE 22)

Concluding Observations 51, 52 – State Party's report 9A

Age determination procedures for unaccompanied asylum seeking minors

Concluding Observation 52d – State Party's report 9A

The Norwegian practice of age determination does not protect the rights of unaccompanied asylum seeking children. Medical age determination procedures are used more often than what the Immigration Act permits and the UN guidelines indicate.²²⁷ The overuse of medical age determination procedures is unfortunate because uncertain methods may contribute to minor asylum seekers being wrongly assessed as over-age. Too much weight is afforded to results from medical age determination procedures when determining age and efforts are not being made to ensure that comprehensive assessments are being made in line with UN guidelines, with importance being attached to both physical and psychosocial development.²²⁸

RECOMMENDATION:

- The State Party must ensure that age determination procedures are only carried out when reasonable doubt exists about age following a specific assessment in the individual case
- The State Party must ensure that a research project is carried out to develop a method for psychosocial age determination procedures as a supplement to medical age determination procedures
- The State Party must ensure age determination procedures take a multidisciplinary approach in accordance with UN guidelines, and include physical, developmental, psychological, environmental, and cultural factors

Phasing out temporary residence for unaccompanied asylum seeking minors

Temporary residence permits for unaccompanied asylum seeking minors aged 16-18 is aimed at children who are basically not regarded as needing protection, but who lack caregivers in their home country. The children are only allowed to stay in the country up to the age of 18. The temporary permit places an enormous strain on those involved.²²⁹ The use of temporary permits is increasing and, according to figures from the Norwegian Directorate of Immigration (UDI), 316 unaccompanied minors were granted temporary residence in 2016.²³⁰ In comparison, a total of 15 unaccompanied minors were granted temporary residence in 2015.

RECOMMENDATION:

The State Party must abolish temporary residence permits for displaced children who have arrived in Norway alone

Cancellation of residence permits for unaccompanied refugee minors

In autumn 2016, the Government instructed the UDI to cancel residence permits if the conditions for protection pursuant to section 28 of the Immigration Act are no longer met when applying for a permanent residence permit.²³¹ This also means that unaccompanied minors can have their residence permit cancelled after they turn 18 if conditions in their home country have improved or because the applicant was granted protection based on a child-sensitive assessment. The instruction can mean that children have to live in uncertainty for even more years and this will have negative consequences for their quality of life.

RECOMMENDATION:

The State Party must make an exception when it comes to cancelling residence permits of unaccompanied minors who received residence before they turned 18

Proper and equal care provision

Concluding Observations 51, 52e, 52f and 52g – State Party's report 9A

Children who arrive in Norway alone are entitled to the same care and protection as other children. It has been broadly documented that the current situation is not adequate to ensure that unaccompanied minors aged 15-18 receive the care and protection, legal and otherwise, they need and to which they are entitled.²³² Child welfare services are only assigned responsibility for children under 15, while children aged 15-18 live in reception centres for which the immigration authorities are responsible. The conditions for unaccompanied minors aged 15-18 in reception centres are far poorer than those in care facilities, which are regulated by the Child Welfare Act.²³³ Low staffing levels in reception centres limit opportunities for care and follow-up, and result in many children being in a vulnerable position in relation to being exploited in drugs sales and recruited to drug using environments.²³⁴ Despite the 2010 recommendations of the Committee, the Government proposed in autumn 2016 that care provision for unaccompanied asylum seeking minors under 15 should no longer be regulated by the Child Welfare Act either, but by its own Act.²³⁵ The

proposal involves a considerable impairment of the care provision for unaccompanied asylum seeking minors compared with the situation for children in the care of child welfare services. The proposed Act will result in the unequal treatment of a group of children, contrary to the non-discrimination principle, and goes against all professional and research-based recommendations, including the research the Government commissioned itself.²³⁶

RECOMMENDATION:

- The State Party must ensure child welfare services are given responsibility for all unaccompanied refugee minors under 18, the care provision is regulated by the Child Welfare Act, and adequate resources are provided to follow up the children
- The State Party must reduce the number of times children are moved and ensure a greater degree of continuity of care provision for unaccompanied asylum seeking minors and refugees
- The State Party must ensure child-related expertise is improved throughout the reception centre system

Follow-up work with unaccompanied refugee minors after settlement

When unaccompanied minors have been granted a residence permit, local authorities decide how they want to organise and legally authorise the work with unaccompanied refugee minors. The Child Welfare Act contains various paragraphs that authorise housing and care services for this group.²³⁷ Responsibility can be assigned to child welfare services, but also to refugee service offices, NAV, or other service units. This is part of the reason why there are major differences between local authorities when it comes to the measures available, the quality of the follow-up work, and the supervision provided.²³⁸ The Child Welfare Act also permits the granting of aftercare until a child turns 23, but research shows that most local authorities only offer aftercare until unaccompanied minors turn 20.²³⁹

RECOMMENDATION:

- The State Party must ensure there is a clear legal basis for the housing and care provision for unaccompanied refugee minors that contributes to less variation between local authorities in the care provision after settlement
- The State Party must ensure that unaccompanied minors receive aftercare until they turn 23

Disappearances from reception centres

Every year, tens of unaccompanied minors vanish from care facilities and reception centres.²⁴⁰ Little is known about those who vanish and many fear that they may have been recruited into criminal environments where they are exploited in human trafficking or that they have fallen victim to criminal acts.²⁴¹ Reception centres do not have the resources necessary to investigate the disappearance of minors and there is disagreement and ambiguity about which authorities are responsible for addressing and following up the disappearances.²⁴² The increased use of temporary permits may result in more minors vanishing from reception centres.²⁴³

RECOMMENDATION:

- The State Party must transfer responsibility for the care of unaccompanied minors aged 15-18 to child welfare services to prevent minors disappearing from reception centres
- The State Party must strengthen the cooperation and routines between the various agencies that are responsible for prevention and following up minors who disappear
- The State Party must learn more about why unaccompanied minors disappear, where they disappear to, and what the increased influx of unaccompanied minors into Europe means for the minors' vulnerability and risk of exploitation through human trafficking
- The State Party must abolish the system of temporary/ time-limited residence pursuant to section 8-8 of the Immigration Regulation

B. CHILDREN BELONGING TO ETHNIC MINORITY GROUPS OR OF INDIGENOUS ORIGIN (ARTICLE 30)

It follows from the Child Welfare Act and Foster Home Regulation that children's ethnic, religious, cultural, and linguistic background must be considered when placing them with a foster family and that consideration must always first be given to whether someone in the child's family or immediate network can be chosen as a foster home.²⁴⁴ Nevertheless, Sami children and children from national and ethnic minorities are often placed in Norwegian ethnic-majority foster homes. Knowledge of their own language and culture is not always ensured and these children are at risk of losing their identity, ties to their religious and cultural backgrounds, and often to their families because children forget the language. These children experience major problems finding a sense of belonging to their own minority, and also lack a sense of belonging to the Norwegian ethnic-majority community.²⁴⁵

RECOMMENDATION:

The State Party should ensure routines are in place that ensure Sami children and children from (national) minorities who are placed outside their family and/or culture can maintain their cultural, religious, and linguistic identities and receive information about their rights with regard to culture, religion and language

C. CHILD EXPLOITATION (ARTICLE 35)

Concluding Observations 53, 54 – State Party's report 9D

Minors vulnerable to human trafficking

Measures have been implemented to improve the situation of children who may be vulnerable to human trafficking, and more measures have been proposed.^{246 247} Nevertheless, major challenges remain in the work of preventing, identifying, and combating the trafficking of children.²⁴⁸ The provision for children identified as possible victims of human trafficking is

far too fragmented and results in many children never receiving the follow-up and support to which they are entitled.²⁴⁹ It is difficult to determine the exact scope of the human trafficking of children in Norway.²⁵⁰ The large number of separated children makes the situation more complex and reinforces their vulnerability and risk of exploitation.²⁵¹ There is also a need to learn about new forms of human trafficking with children, where the Internet has become a new arena for exploitation.²⁵²

RECOMMENDATION:

- The State Party must establish a central unit with responsibility for all cases where the trafficking of minors is suspected and highlight the responsibility the various authorities have to identify and follow-up these children
- The State Party must improve what front-line services (child welfare services, the police, and immigration authorities) know about how minors are recruited and exploited in human trafficking
- The State Party must ensure more is learned about how children can be exploited in multiple and different forms simultaneously and about new forms of child exploitation in human trafficking

D. CHILDREN WHO HAVE BEEN VICTIMS OF, OR WITNESSES, TO CRIME

Concluding Observations 56, 59 – State Party's report 9E

Children's Houses

One of the most important measures in Norway for ensuring the better follow-up of children who have been the victim of, or a witness to, violence and abuse is Children's Houses. Children's Houses provide comprehensive services for children, which include facilitated interviews, medical examinations, short-term therapy, follow-up, and treatment in the same place.²⁵³ Unfortunately, the focus on interviews has affected the resources available for other important measures, such as medical examinations and following up children.²⁵⁴

Using Children's Houses became mandatory in 2015 for children aged under 16. Children aged 16-17 can only be offered interviews in Children's Houses in exceptional circumstances, meaning that children over the age 15 do not receive the comprehensive provision they may need.²⁵⁵ It also results in differing practices in the police districts and Children's Houses. Furthermore, there are varying practices in relation to whether Children's Houses have services for young sex offenders. Children's Houses are not required to accept these children. Their investigation of a case, which can shed light on the facts and motives for the act, may however provide a good basis for initiating prevention measures.

RECOMMENDATION:

- The State Party must ensure comprehensive provision in Children's Houses though extra resources earmarked for this purpose
- The State Party must also ensure that children aged 16-18 who have been the victims of, or have witnessed, violence and abuse have the right to access Children's Houses

- The State Party must ensure that children's legal safeguards are protected equally, nationwide, by ensuring that the police and other public agencies have the same practices for reporting and following up cases involving children
- The State Party should give Children's Houses a mandate such that young sex offenders receive places in Children's Houses, supplemented with the resources necessary to ensure a good programme

E. SENTENCING (ARTICLE 37(A))

Concluding Observations 58a and 58f – State Party's report 9F

Minor asylum seekers and alternative sentences

The "juvenile sanction" criminal sanction has been adopted as an alternative sentence.²⁵⁶ Children must have residency in Norway in order to have access to this. Minor asylum seekers are not eligible for this alternative form of sanction. Prison as the last alternative also applies to this group of children.

RECOMMENDATION:

The State Party must also ensure that minor asylum seekers have the right to access alternative forms of sentences

Preventive detention

Norway sentenced a minor to preventive detention for the first time in January 2017.²⁵⁷ Preventive detention is a special criminal sanction that was introduced into the Norwegian legal system in 2001. Offenders the courts consider *compos mentis* can be sentenced to preventive detention if there is a high risk that the offender might repeat the or is considered a danger to society. However, minors above the age of criminal liability can only be sentenced to preventive detention when "completely extraordinary circumstances" exist.^{258 259} When a sentence of preventive detention is handed down, a time frame and a minimum time are set, in this case 9 years with a minimum time of 6 years. A preventive detention prisoner cannot be released before the end of their minimum time and the preventive detention sentence can be extended by up to 5 years at a time after the expiry of the time frame.²⁶⁰ Preventive detention can thus mean a life sentence, since there is no upper limit for the duration of such a sentence. Preventive detention is served in special, high-security preventive detention facilities. In principle, a person sentenced to preventive detention can be transferred to an ordinary prison, but there are currently no specially adapted preventive detention facilities with a lower security level. Preventive detention cannot be served outside a prison.²⁶¹

RECOMMENDATION:

- We recommend that the State Party assesses whether preventive detention is an appropriate criminal sanction for minors who have committed offences and whether this criminal sanction complies with Article 37a of the Convention
- We recommend that the State Party reviews the rules on children serving preventive detention sentences and critically assess the institutions that are available for serving such sentences. Special consideration should be given to whether the necessary flexibility and treatment are

being facilitated with a view to rehabilitation and reintegration in accordance with the provisions of the Convention and general observation no. 10 concerning the rights of children who are in conflict with the law²⁶²

- We recommend that the State Party considers whether or not there are alternatives to preventive detention, in or outside preventive detention arrangements, when it comes to minors who have committed offences

F. CHILDREN IN PRISON (ARTICLE 37 (B)-(D))

Concluding Observations 7, 58 – State Party's report 9G

Use of detention and remand for children

The age of criminal liability in Norway is 15. The number of children in jail in Norway has fallen in recent years when it comes to detention, remand, and serving a sentence. In 2013, 28 new cases of imprisonments, remand or serving a sentence, were registered in Norwegian prisons of people aged 15-18. All of these were cases of remand.²⁶³ The number of new imprisonments in 2014 was 27, of which one involved serving a sentence. In addition to imprisonment on remand and serving a sentence, there are children who are detained and held by the police before being transferred to child welfare services or remand. 631 children were held by the police in 2014 and 482 in 2015.^{264 265} With the exception of two new youth units intended for use for remand and serving sentences by prisoners under 18, minors are not kept separately from adults in police custody, on remand or when serving a sentence. The State Party's reservation in relation to Article 10, nos. 2 and 3 of the International Covenant on Civil and Political Rights (ICCPR) has not changed.^{266 267}

RECOMMENDATION:

- The State Party must ensure that minors are kept separate from adult prisoners while detained by the police, on remand and serving sentences
- The State Party must remove the reservation against Article 10, nos. 2 and 3 of the ICCPR

Detention of children in connection with forcible return

Norwegian legislation and practices breach the Convention when children are detained together with their family in connection with immigration enforcement. As a rule, detention is regarded as necessary because there is a risk that the parents will attempt to evade being returned. 330 children were detained in 2014. Many of the children are detained at night.²⁶⁸ Assisted return accounted for 73% of all returns, including forcible returns, of accompanying children in 2013. This proportion fell to 49% in 2014.²⁶⁹

RECOMMENDATION:

- The State Party must prohibit the detention of children in connection with immigration enforcement. As a minimum, a short maximum limit should be set for how long children can be detained while awaiting forcible return from Norway
- The State Party must, as long as the detention of children is permitted, regulate this directly in the Immigration Act in line with the principle of legality
- The State Party must to the greatest possible degree, limit the internment of children and families with children, study new alternatives to internment, and provide greater support for guidance and voluntary return



ENDNOTES

- 1) <http://forumforbarnekonvensjonen.no/rapportering/relevante%20linker.html>
- 2) Søvig (2009), *Barnets rettigheter på barnets premisser* - utfordringer i møtet mellom FNs barnekonvensjon og norsk rett: https://www.regjeringen.no/globalassets/upload/bld/barnets-rettigheter/utredning_sovig_end_versj.pdf
- 3) Sections 1-1 and 3-1, paragraph two, of the Child Welfare Act.
- 4) Official Norwegian Report (NOU) 2000: 12 – Tilstandsvurderinger, nye perspektiver og forslag til reformer: <https://www.regjeringen.no/contentassets/051e391fbb3d4ef2be97a4478dd62e86/no/pdfa/nou200020000012000dddpdfa.pdf>; White Paper No. 40 (2001-2002) om barne- og ungdomsvernet: <https://www.regjeringen.no/contentassets/0a685a98cda24c5f83207c4be6d1b665/no/pdfa/stm200120020040000dddpdfa.pdf>; Official Norwegian Report (NOU) 2009: 22 *Det du gjør, gjør det helt* – Bedre samordning av tjenester for utsatte barn og unge: <https://www.regjeringen.no/contentassets/a0ba82b642e343b890b94b7314b0a4e4/no/pdfs/nou200920090022000dddpdfs.pdf>; Official Norwegian Report (NOU) 2012: 5 *Bedre beskyttelse av barns utvikling*: <https://www.regjeringen.no/contentassets/e212cde211d4e699983049c3070870e/no/pdfs/nou201220120005000dddpdfs.pdf>; Proposition to the Storting 106 L (2012-2013) om endringer i barnevernloven: <https://www.regjeringen.no/contentassets/7d0ea1b89cc54939b17e69a20d5f7b48/no/pdfs/prp201220130106000dddpdfs.pdf>; Doc 8:31 S (2014) Parliamentary motion to turn the Child Welfare Act into an Act providing legal rights: <https://www.stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Representantforslag/2014-2015/dok8-201415-031/>; Innst. 197 S (2014-2015), <https://www.stortinget.no/globalassets/pdf/innstillinger/stortinget/2014-2015/inns-201415-197.pdf>
- 5) Official Norwegian Report (NOU) 2016: 16 *Ny barnevernslov* – Sikring av barnets rett til omsorg og beskyttelse: <https://www.regjeringen.no/contentassets/53164b1e70954231b2a09d3fdec1888b/no/pdfs/nou201620160016000dddpdfs.pdf>
- 6) Report to the Storting 39 (2015-2016) – *Individklageordningene til FNs konvensjoner om økonomiske, sosiale og kulturelle rettigheter, barnets rettigheter og rettighetene til mennesker med nedsatt funksjonsevne*: <https://www.regjeringen.no/contentassets/386decab599c4043a2080df8e1de6496/no/pdfs/stm201520160039000dddpdfs.pdf>; Innst. 161 S (2016-2017) - Recommendation from the Standing Committee on Foreign Affairs and Defence on individual complaint procedures for UN conventions on economic, social, and cultural rights, child rights, and the rights of people with disabilities: <https://www.stortinget.no/globalassets/pdf/innstillinger/stortinget/2016-2017/inns-201617-161s.pdf>
Se for Stortingets behandling: <https://www.stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Referater/Stortinget/2016-2017/refs-201617-01-31?m=4>
- 7) <http://www.regjeringen.no/nb/dokumentarkiv/stoltenberg-ii/bld/Nyheter-og-presse-meldinger/Nyheter/2013/sjumilsteget.html?id=723716>
- 8) *The Rights of the Child in Norway* - Norway's fifth and sixth periodic reports to the UN Committee on the Rights of the Child (2016), 1a s. 3.
- 9) Report to BLD from the working group for the implementation of the UN Convention on the Rights of the Child in county governor offices (2015): <https://www.fylkesmannen.no/PageFiles/802491/BLD-rapport.pdf>
- 10) Concluding observations of the UN Committee on the Rights of the Child, 2000, 2005 and 2010.
- 11) Appendix to letter dated 1 July 2005 to the UN Committee on the Rights of the Child: https://www.regjeringen.no/contentassets/05da-1751d6e040199f5e293277d49fa1/tredje_rapport_fn_barnekonvensjon.pdf; Norway's fourth periodic report to the UN Committee on the Rights of the Child (2010), page 22: <https://www.regjeringen.no/contentassets/0fd2eb1efd3940409d7e036eabc63da8/q-1173binmat.pdf>
- 12) See, inter alia: Oppedal (2013) i: *Barnekonvensjonen – Barns rettigheter i Norge*, 2. utgave, s. 248 og Søvig (2009), *Barnets rettigheter på barnets premisser*, s. 87 flg.
- 13) Politisk plattform for en regjering utgått av Høyre og Fremskrittspartiet (2013), side 6: <https://www.regjeringen.no/contentassets/a93b067d9b-604c5a82bd3b5590096f74/plattform.pdf>
- 14) Proposed amendments to the Child Welfare Act: quality and structural reform (2016): <https://www.regjeringen.no/no/dokumenter/forslag-til-endringer-i-barnevernloven-kvalitets--og-struktureform/id2480238/>
- 15) Ibid.
- 16) See the UN Committee on the Rights of the Child's concluding observations to Norway, 2005 and 2010.
- 17) Day of General Discussion on Resources for the Rights of the Child (2007), para 23 flg.
- 18) *The Rights of the Child in Norway* – Norway's fifth and sixth periodic reports to the UN Committee on the Rights of the Child (2016), 1a d) Budget, s. 4.
- 19) <https://www.unicef.no/nyheter/15330/store-forskjeller-barn-i-kommunene>
- 20) <https://www.regjeringen.no/contentassets/261f255d028b42cab91ad099ee3f99fc/en-gb/pdfs/stm201420150010000engpdfs.pdf>
- 21) *The Rights of the Child in Norway* – Norway's fifth and sixth periodic reports to the UN Committee on the Rights of the Child (2016), 1f Ombudsman for Children, s. 5.
- 22) Consultation paper on the proposed amendments to the Education Act and Independent Schools Act (new chapter on school environments) <https://www.regjeringen.no/contentassets/5b19bede3b07465890b3c0f5de0f00e9/horingsnotat-endringer-i-opplaringsloven-nytt-kapittel-om-skolemiljo.pdf>
- 23) Øverlien & Moen (NKVTS-rapport 3/2016), "*Takk for at du spør!*" En oppfølgingsstudie om kunnskap om vold og seksuelle overgrep mot barn blant blivende barnevernspedagoger, grunnskolelærere og forskolelærere: https://www.nkvts.no/content/uploads/2016/02/Rapport_NKVTS_3_2016_nettpdf
- 24) <https://www.unicef.no/nyheter/12303/norge-gir-ikke-barna-kunnskap-om-rettigheter>
- 25) Hvordan står det til med barns rettigheter i Norge? Publication available from <http://www.reddbarna.no/nyheter/hjelper-barn-aa-forstaa>
- 26) Proposition to the Storting 1S (2012-2013) from the Ministry of Children, Equality and Inclusion, section 1.5.
- 27) Letters and emails from the Norwegian Forum for the Convention on the Rights of the Child to the Ministry of Children, Equality and Inclusion, dated 13.09.2013, 16.12.2013, 3.2.2014, and 23.4.2014.
- 28) General Comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights.
- 29) https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/naringsliv/ud_naeringsliv_og_menneske_uu-versjon2.pdf
- 30) Proposed new single Discrimination Act (2015): <https://www.regjeringen.no/contentassets/5342e1dd1467426a98d4b02b7a4a79ca/horingsnotat.pdf>
- 31) Section 13-1 of the Working Environment Act..
- 32) <https://www.regjeringen.no/contentassets/7378a753b77d4b3b8a50151b5b3d35bb/aldersutredning.pdf>

- 33) Consultation paper on the proposed single equal opportunities and anti-discrimination Act: <https://www.regjeringen.no/contentassets/5342e1d-d1467426a98d4b02b7a4a79ca/horingsnotat.pdf>
- 34) Consultation paper on streamlining enforcement in the area of discrimination: <https://www.regjeringen.no/contentassets/14dd1daa159348c88d-e5dbe043feb0a4/horingsnotat.pdf>
- 35) Marie Louise Seeberg (NOVA Rapport 8/11), *Kunnskapsstatus* (1990-2010). Forskning om etnisk diskriminering av barn og unge: <http://www.hioa.no/Om-HiOA/Senter-for-velferds-og-arbeidslivsforskning/NOVA/Publikasjoner/Rapporter/2011/Kunnskapsstatus-1990-2010--Forskning-om-etnisk-diskriminering-av-barn-og-unge>
- 36) Midtbøen og Lidén (Bufdir 2015), *Kunnskapsoppsummering om likestilling og diskriminering knyttet til etnisk opprinnelse og livssyn*: <http://www.hioa.no/Om-HiOA/Senter-for-velferds-og-arbeidslivsforskning/NOVA/Publikasjoner/Rapporter/2011/Kunnskapsstatus-1990-2010--Forskning-om-etnisk-diskriminering-av-barn-og-unge>; Midtbøen og Lidén (Institutt for samfunnsforskning (2015), *Diskriminering av samer, nasjonale minoriteter og innvandre*. En kunnskapsgjennomgang: <http://samfunnsforskning.no/Publikasjoner/Rapporter/2015/2015-001>
- 37) Action plan to promote equality and prevent ethnic discrimination 2009-2012: http://www.regjeringen.no/upload/BLD/Planer/2009/hpl_etnisk_diskriminering.pdf
- 38) Tronstad m.fl. (NIBR-rapport 2013:11): *Evaluering av handlingsplanen for å fremme likestilling og hindre etnisk diskriminering*.
- 39) Residential status is not mentioned as a basis for discrimination in the Convention, but does come under 'other positions', see general comment no. 6 (2005), section 18 and the UN Committee on the Rights of the Child's observations for Norway in 2000.
- 40) Section 4 of the Regulation on the right to health and care services for persons without permanent residence in Norway: <https://lovdata.no/dokument/SF/forskrift/2011-12-16-1255>
- 41) <http://legeforenningen.no/Arbeidsliv-og-jus/Legens-ansvar/Lege-og-pasient/Rett-til-helsehjelp/Rett-til-helsehjelp-for-personer-uten-lovlig-opphold/>
- 42) Tøssebro og Wendelborg (2014), *Oppvekst med funksjonshemming*: www.gyldendal.no/Faglitteratur/Helse-og-sosialfag/Vernepleie/Oppvekst-med-funksjonshemming; Kittelsaa, Wik og Tøssebro (2014). *Levekår for personer med nedsatt funksjonsevne*: <https://samforsk.no/Publikasjoner/Levek%C3%A5r%20for%20personer%20med%20nedsatt%20funksjonsevne%20-%20Fellestrekk%20og%20variasjon%20WEB.pdf>; Finnvold (NOVA 2013), *Langt igjen? Levekår og sosial inkludering hos menneske med fysiske funksjonsnedsetjingar*; Official Norwegian Report (NOU) 2016:17 *På lik linje - Åtte løft for å realisere grunnleggende rettigheter for personer med utviklingshemming*: <https://www.regjeringen.no/contentassets/b0baf226586543ada7c530b4482678b8/no/pdfs/nou201620160017000dddpdfs.pdf>.
- 43) Sandberg (2014), *'Barnekonvensjonens vern mot sammensatt diskriminering'*, i: Like rettigheter – ulike liv – Rettslig kompleksitet i kvinnebarne-, og innvandrerperspektiv.
- 44) Examples of relevant Acts: <https://lovdata.no/lov/1998-07-17-61> <https://lovdata.no/lov/2011-06-24-30> <https://lovdata.no/lov/1999-07-02-63>. For a comprehensive presentation of key Norwegian legislation based on the principle of the best interests of the child, see Haugli (2016), *Barnekonvensjonen – Barns rettigheter i Norge*, 3. utgave, s. 64-68.
- 45) General Comment no. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1).
- 46) Supreme Court judgement of 18 December 2015, HR-2015-02524-P (sak nr. 2015/203).
- 47) HR-2015-02524-P (sak nr. 2015/203), avsnitt 153, 192.
- 48) Bekken (2013), *The role of objects in understanding children's participation in paediatric rehabilitation*, Scandinavian Journal of Disability Research. Studien er en del av et tverrfaglig forskningsprosjekt 'Snakk med oss', som retter fokus mot barns deltakelse i hverdagsliv og i profesjonell praksis knyttet til barnevern, skole og habilitering; Asbjørnslett, Engelsrud og Helseth (2014), *Inclusion and participation in everyday school life: experiences of children with physical (dis)abilities*, International journal of inclusive education, Vol. 19, Issue 2 (2015). 39 Norwegian children with disabilities were interviewed about their everyday school day experiences. They reported that they rarely got an opportunity to participate in formal meetings where they could influence their own tuition or individual support.
- 49) <http://www.hioa.no/Om-HiOA/Senter-for-velferds-og-arbeidslivsforskning/NIBR/Publikasjoner/Publikasjoner-norsk/Kommunal-organisering-2012.-Redegjorelse-for-Kommunal-og-regionaldepartementets-organisasjonsdatabase>
- 50) Knudtson og Tjerbo (NIBR-rapport 2009:34), *De unge stemmene, innflytelsesorgan for barn og unge i kommuner og fylker*; Sletterød, Carlsson, Kleven, og Sivertsen (Trøndelag Forskning og Utvikling rapport 2014:8), *Ungdom og medvirkning i planlegging og lokalt utviklingsarbeid. Å slippe til og slippe løs er to sider av samme sak*.
- 51) Official Norwegian Report (NOU) 2011:20 *Ungdom, makt og medvirkning* <https://www.regjeringen.no/contentassets/e68e3849077544e0a23f-060916e2e3f2/no/pdfs/nou201120110020000dddpdfs.pdf>;
- 52) Ibid. Se også Frøyland (2011), *Ungdom i lokalpolitikken*, som er vedlegg til utredningen, for flere perspektiver på hvordan ungdom selv opplever medvirkning i skole, lokalpolitikk og sivilsamfunn.
- 53) Stang og Lidén (NOVA-rapport 2014), *Barn i asylsaker* - Evaluering og kartlegging av hvordan barns situasjon blir belyst i Utlendingsnemndas saksbehandling, herunder høring av barn: <http://www.hioa.no/Om-HiOA/Senter-for-velferds-og-arbeidslivsforskning/NOVA/Publikasjoner/Rapporter/2014/Barn-i-asylsaker>
- 54) Section 81 of the Immigration Act, cf. Section 17-3 of the Immigration Regulation
- 55) Stang og Lidén (NOVA-rapport 2014), *Barn i asylsaker*; UNE 's website: <http://www.une.no/no/Aktuelt/Redegjorelser/Horing-av-barn-i-asylsaker/>
- 56) Ibid.
- 57) https://www.bufdir.no/Statistikk_og_analyse/Oppvekst/Familie_omsorg_og_relasjoner/Barn_og_samlivsbrudd/
- 58) Regulation on mediation pursuant to the Marriage Act and Children Act, cf. section 31 of the the Children Act.
- 59) http://www.statsbudsjettet.no/upload/Statsbudsjett_2017/dokumenter/pdf/bld.pdf (s. 41).
- 60) Ombudsman for Children's report (2013), *Helse på barns premisser*: http://barneombudet.no/wp-content/uploads/2014/03/Helse_p%C3%A5_barns_premisser.pdf
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ANNEX
TO THE SUPPLEMENTARY
REPORT TO NORWAY'S
FIFTH AND SIXTH PERIODIC
REPORTS TO THE UN
COMMITTEE ON THE RIGHTS
OF THE CHILD
2017



ANNEX I:

COMPLIANCE WITH THE OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

A. PREVENTING AND RAISING AWARE- NESS ABOUT CHILD EXPLOITATION

Observations 53, 54, 56 – State Party's report 10D

Identification of human trafficking victims

Major challenges exist in the work of preventing, identifying, and combating the trafficking of children.¹ Front-line services (child welfare services, the police, and immigration authorities) know far too little about how minors are recruited and exploited in human trafficking, which means serious weaknesses exist in the work of identifying minors who may be victims of human trafficking.² Little is also known about how children can be exploited in multiple and different forms simultaneously and about new forms of child exploitation in human trafficking.³

RECOMMENDATION:

- The State Party must improve what front-line services (child welfare services, the police, and immigration authorities) know about how minors are recruited and exploited in human trafficking.
- The State Party must ensure more is learned about how children can be exploited in multiple and different forms simultaneously.

Unaccompanied asylum seeking minors who disappear from reception centres or care centres

Each year, tens of unaccompanied minors vanish from care facilities and reception centres.⁴ Little is known about where those who vanish are living and many fear that the minors may have been drawn into criminal environments where they are exploited in human trafficking or that they have fallen victim to criminal acts.⁵ Reception centres do not have the resources to follow up minors who vanish and there is disagreement and ambiguity about which authorities are responsible for addressing and following up the disappearances.⁶ One of the reasons more minors have vanished from reception centres is the increased use of temporary residence.⁷ The number of unaccompanied minors receiving temporary residence until the age of 18 has increased dramatically. A steadily increasing number of unaccompanied minors are receiving time-limited residence permits pursuant to section 8-8 of the Immigration Regulation.

RECOMMENDATION:

- The State Party must transfer responsibility for the care of unaccompanied minors aged 15-18 to child welfare services to prevent minors vanishing from reception centres.
- The State Party must strengthen the cooperation and routines between the various agencies that are responsible for prevention and following up minors who vanishing.
- The State Party must abolish the system of temporary (time-limited) residence pursuant to section 8-8 of the Immigration Regulation.

B. PROTECTION OF CHILD VICTIMS OF HUMAN TRAFFICKING

Observations 53, 54, 56 – State Party's report 10F

The provision for children identified as possible victims of human trafficking is far too fragmented and results in many children never receiving the follow-up and support to which they are entitled.⁸

It is difficult to determine the exact scope of the human trafficking of children in Norway.⁹ The large number of displaced minors makes the situation more complex and reinforces their vulnerability and risk of exploitation.¹⁰ There is also a need to learn about new forms of human trafficking with children, where the Internet has become a new arena for exploitation.¹¹

RECOMMENDATION:

- The State Party must establish a central unit with responsibility for all cases where the trafficking of minors is suspected and highlight the responsibility the various authorities have to identify and follow-up these children.
- The State Party must learn more about new forms of child exploitation in human trafficking.

VEDLEGG II: ANBEFALINGER TIL NORGE

I: GENERAL MEASURES OF IMPLEMENTATION (ARTICLES 4, 42, 44 (6))

A. IMPLEMENTATION OF THE CONVENTION (ARTICLE 4)

Legislation

Correspondence between Norwegian legislation and the Convention

Recommendation:

We recommend that the State Party produces a new, updated report on the correspondence between Norwegian legislation and the Convention, including the Immigration Act.

Rights pursuant to the Child Welfare Act

Recommendation:

We recommend that the State Party amends the Child Welfare Act to give children an individual to child welfare services and measures and to safeguard their right to care and protection.

International instruments

Recommendation:

- The State Party must ratify the Third Optional Protocol of the Convention, as well as the two Optional Protocols to the ESCR and CRPD.
- The State Party should consider the best interests of children and the weight this should be given in their recommendation concerning ratification of the Convention's Third Optional Protocol on a Communication Procedure.

Implementation at a local level

Competence building in local authorities

Recommendation:

- The State Party must ensure that child rights are realised in all local authorities by making the introduction of the Giant Leap method mandatory.
- The State Party should ensure that the competence of county governor offices and local authority administrations in the Convention is systemically improved.
- The State Party must monitor how local authorities practice child rights.
- The State Party must ensure that the introduction of the method and systematic competence building receives the necessary resources through earmarked funds.

Local authority autonomy and inequalities in local authority service provision

Recommendation:

- The State Party should implement central measures to ensure more equal services for children nationwide and to make stronger use of its administrative powers in relation to local authorities.
- The State Party should establish children's right to child welfare services in law and deploy other government means to avoid local authority and regional differences.

B. BUDGET (ARTICLE 4)

Recommendation:

- The State Party should earmark funds for universal services for children and ensure genuine budget tracking of funds directly intended for children.
- The State Party should look at how government transfer arrangements can be optimised to ensure equal access to, and quality in, the necessary services for children.
- The State Party should look at the compliance with national guidelines at a local authority level, such that children's rights to services are based on their needs and not the local authorities' general economic situation.

C. INTERNATIONAL ASSISTANCE AND DEVELOPMENT AID (ARTICLE 4)

Recommendation:

- The State Party must develop a guide on child rights for all Norwegian foreign service missions.
- The State Party must use the UN's concluding observations actively in bilateral dialogues and in all relevant political forums.

D. THE NORWEGIAN NATIONAL HUMAN RIGHTS INSTITUTION (NIM) AND THE OMBUDSMAN FOR CHILDREN (ARTICLE 4)

Recommendation:

- The State Party ought to ensure children have a genuine opportunity to complain about violations of their rights by explaining how national complaints procedures for children can be strengthened.
- The State Party ought to explain which body or system would be best suited to addressing complaints from children.

E. AWARENESS OF THE CONVENTION (ARTICLE 42)

Training occupational groups

Recommendation:

- The State Party must survey what all professions working with and for children know about the Convention and child rights.
- The State Party must ensure that training in the Convention is provided within the framework and syllabuses for training in all professions that work with and for children.

Dissemination of information about the Convention

Recommendation:

- The State Party must ensure all relevant parties in Norway, both children and adults, know about the Convention by systematically focusing on disseminating information about it.
- The State Party must ensure children are familiarised with the observations and involve them in their follow-up.

F. COOPERATION WITH CIVIL SOCIETY (ARTICLE 4)

Recommendation:

- The State Party is urged to actively, systematically, and constructively include civil society in following up the Committee's observations.
- The State Party is urged to establish a special inter-ministerial body with responsibility for coordinating and following up observations from the human rights conventions Norway has signed.

G. CORPORATE SOCIAL RESPONSIBILITY (ARTICLE 4)

Recommendation:

The State Party should clarify the business sector's responsibility for ensuring that enterprises do not breach child rights and ensure that children are specifically mentioned in the national plan for complying with the UN guiding principles.

II: DEFINITION OF THE CHILD (ARTICLE 1) III: GENERAL PRINCIPLES (ARTICLES 2, 3, 6 AND 12)

A. NON-DISCRIMINATION (ARTICLE 2)

The Discrimination Act

Recommendation:

The State Party must ensure that family life and privacy are included in the Act's substantive scope. This will give children an opportunity to have any discrimination in one of their most important life areas verified and sanctioned.

Age discrimination

Recommendation:

We recommend that the State Party expands age discrimination protection to also include children, make children's age discrimination protection visible through legislation, and ensure that the prohibition is enforced by a competent authority that is easily accessible for children.

Ethnic discrimination

Recommendation:

- The State Party should produce a new action plan and specific measures to combat the ethnic discrimination of children.
- The State Party should improve knowledge and awareness in government agencies about the ethnic discrimination of children.
- The State Party should survey the discrimination of Sami children and children of national minorities.

Discrimination based on residential status¹²

Recommendation:

We recommend that the State Party amends the regulations so that children without legal residence are entitled to a family doctor and the same access to ordinary health services as any other child.

Disability based discrimination

Recommendation:

We recommend that the State Party produces an action plan for children with disabilities and actively and diligently works to combat disability based discrimination.

Complex discrimination

Recommendation:

We recommend that the State Party conducts a national study of the situation of children who experience complex discrimination with a view to developing measures to improve their situation.

B. BEST INTERESTS OF THE CHILD (ARTICLE 3)

Best interests of the child in legislation

Recommendation:

The State Party must ensure the best interests of the child are visible and fundamental consideration in all legislation that affects children, especially in the Health and Care Services Act, Municipal Health Services Act, Patient and User Rights Act, and the Public Administration Act.

Weighting the best interests of the child

Recommendation:

We recommend that the State Party produces clear guidelines, based on general comment no. 14, how the best interests of the child should be applied and weighted in practice. When balancing them against other interests, including immigration policy, economic and practical considerations, counter considerations must be justified on case by case basis.

The best interests of the child as a principle, substantive and procedural right

Recommendation:

- We recommend that the State Party follows the Committee's authoritative interpretations of the Convention in its general observations and in country reports.
- The State Party should, through its lawyers, promote respect for international law and child rights, and present the Committee's general observations to the national courts as authoritative sources in international law.
- The State Party should recognise that the best interests of the child are both a principle and a substantive and procedural right in all cases that affect children and at all stages of the procedures.

C. RESPECT FOR THE VIEWS OF CHILDREN (ARTICLE 12)

Right to be heard in practice

Recommendation:

We recommend that the State Party puts in place mandatory competence building measures concerning a child's right to be heard in all areas and produce guidelines on applying the principle in practice, based on general comment no. 12 (2012)

Children's right to be heard in school and the local community

Recommendation:

- We recommend that the State Party establishes mandatory municipal and county authority youth councils by law, with clear requirements about how they should function.
- The State Party should reintroduce the "class's hour" as a statutory period for pupil participation for all pupils.

Children's right to be heard in asylum cases

Recommendation:

- The State Party should remove the age limit of 7 for a child's right to be heard from the Immigration Regulation.
- The State Party should clarify that, as a general rule, children should, if they wish to, be given an opportunity to testify verbally to a decision-maker or an independent spokesperson.
- The State must clarify that the views of children must always be listened to and given weight, irrespective of whether this can be assumed to be of significance to the outcome of a case.
- The State Party should study how the Immigration Appeals Board can best facilitate children being heard on their own terms.

Children's right to be heard in mediation in divorce cases

Recommendation:

- The State Party must ensure, through legislation or regulations, that it is the child who receives the offer to talk to someone and that it is the child who can decide whether to accept it or not.
- The State Party should present concrete guidelines for the involvement of children and the weighting of children's views in the event of compulsory mediation.

Children's right to co-determination in health services

Recommendation:

- We recommend that the State Party introduces an explicit provision in the Municipal Health and Care Services Act that requires the involvement of children in the development of health services.
- The State Party should study whether a dedicated contact person, who follows the child through the care system in both local authority and specialist health services, could help strengthen the child's need for, and right to, information and participation.

Children's right to be heard in cases concerning changes of legal gender

Recommendation:

- The State Party should study the possibility of assessment by an external body in cases where children aged younger than 16 want to change their legal gender but both parents are against it, in order to ensure that the child is heard.
- The State Party should also ensure that children aged younger than 6 whose somatic gender development is congenitally uncertain are heard and are able to change legal gender.

IV: CIVIL RIGHTS AND FREEDOMS

(ARTICLES 7, 8 AND 13-17)

A. NATIONALITY (ARTICLE 7)

Recommendation:

- The State Party must ensure that the right to Norwegian nationality for children born into statelessness in Norway is directly regulated in the Norwegian Nationality Act.
- The State Party must ensure that the Norwegian Nationality Act explicitly defines statelessness in accordance with Article 1(1) of the UN Convention relating to the Status of Stateless Persons.
- The State Party must ensure that any reasons for exclusion from the exemption rules for stateless children born in Norway are not unclear.

B. IDENTITY (ARTICLE 8)

Children who breach gender norms

Recommendation:

- The State Party must review the design rules for cloakrooms and toilets so that children who breach gender norms have genuine and unhindered access to them in public buildings.
- The State Party must lower the age limit for name changes from 16 to 6 so that it corresponds with the ability to change legal gender.
- We recommend that the State Party studies the possibility of introducing a third gender alternative.

Intersex children**Recommendation:**

- We recommend that the State Party clarifies what is meant by the terms medical-somatic indicated intervention and psycho-social indicator, as well as explain the delineation between these in order to achieve more transparent and verifiable health services.
- We recommend to the State Party that children born with intersex conditions should not receive any hormone treatments or surgical interventions that are not required to address necessary bodily functions in line with the child's age. Other forms of treatment and intervention should not be carried out before the child is old enough to give informed consent.

C. RIGHT TO FREEDOM OF EXPRESSION AND INFORMATION (ARTICLE 13)**Children in isolated religious communities****Recommendation:**

- The State Party must ensure and monitor that syllabuses in faith-based schools safeguard the children's right to information other than that prevalent in the religious community to which they belong.
- The State Party must, through the proper supervision of faith-based schools, ensure that children in isolated religious communities have access to freely seek information and that they can freely receive and share information and ideas of any kind through any means of expression whatsoever.

D. FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION (ARTICLE 14)**Religious education in schools****Recommendation:**

The State Party should evaluate the subject, end the teaching time requirement, and reintroduce a neutral subject name.

E. PROTECTION OF PRIVACY AND PROTECTION OF IMAGE (ARTICLE 16)**Children in isolated religious communities****Recommendation:**

We recommend that the State Party studies the possibilities of protecting children's right to privacy in isolated religious communities.

V: VIOLENCE AGAINST CHILDREN

(ARTICLES 19, 24 (3), 28 (2), 34, 37A, 39)

A. ABUSE AND NEGLECT (ARTICLE 19)**Knowledge and action competence in the field****Recommendation:**

- The State Party must ensure that students on all courses learn the specific knowledge they need to deal with violence and sexual abuse against children.
- The State Party must ensure that the existing services have the resources they need for knowledge-based prevention by earmarking funds. Regular training measures must be offered in order to strengthen action competence in the field.

Psychological violence**Recommendation:**

The State Party must increase knowledge about the frequency and consequences of physical violence against children and ensure that this violence receives greater attention than is currently the case, so that child victims of physical violence are discovered more quickly.

Children who subject other children to violence and sexual abuse**Recommendation:**

The State Party should focus on building new expertise, and strengthening existing, on the problem of sexual abuse by young perpetrators so that adequate services can be provided to all children who have subjected other children to violence and/or sexual abuse.

Children in crisis centres**Recommendation:**

- The State Party must implement concrete measures/prepare regulations that ensure all children in crisis centres receive equal, comprehensive services.
- The State Party must prepare a Regulation that stipulates requirements for the content of crisis centre services for children.
- The State Party must stipulate in the Crisis Centre Act that crisis centres must have some staff with child-related qualifications.

Protecting especially vulnerable groups of children from violence and sexual abuse**Sami children****Recommendation:**

The State Party must study the frequency of, and obtain statistical data concerning, Sami children's exposure to violence and sexual abuse in relation to numbers, the types of violence involved, and what is being done, with a view to developing good prevention measures.

Children with disabilities**Recommendation:**

- The State Party should survey the frequency of violence and sexual abuse against children with disabilities and commence systematic registration in child welfare services, the police and Children's House's.
- The State Party must study and obtain data on the vulnerability of children with disabilities to violence and sexual abuse, good prevention measures, and identifying measures and treatment services so it can implement targeted measures.
- The State Party must ensure adapted information is available to children with disabilities about their right to a life free of violence, and where and how they can get help.

Children from radical, fundamentalist and isolated religious communities**Recommendation:**

- The State Party must ensure that all religious communities are aware of their statutory duty of prevention; they should be forced into transparency through cooperation and their contingency plans and internal routines for dealing with cases of violence and sexual abuse should be examined.
- The State Party must ensure that information about the right to a life free of violence is available to children in isolated religious communities.
- The State Party must ensure that support and help are available to children who have left, or want to leave, isolated religious communities, including by following up the 2011 report.

Accompanied and unaccompanied minor asylum seeking and refugee children**Recommendation:**

- The State Party must introduce an introductory medical check-up in the transit phase to identify minor asylum seekers who need follow-up early on.
- The State Party should systemise what is known about children exposed to sexual abuse on their way to Norway and develop better treatment services for the children concerned.
- The State Party must ensure that all children in reception centres are protected from violence and sexual abuse.
- Good parental guidance programmes must be introduced in reception centres.

Children who breach gender norms**Recommendation:**

- The State Party must ensure that research projects that look at children who breach gender norms and their assumed vulnerability to violence, sexual abuse, and neglect, both inside and outside the family are carried out.
- The State Party must ensure child welfare staff have the competence in sexual orientation, gender identity, and gender expression required to provide proper child welfare services for all children.

B. PROHIBITING AND ABOLISHING ALL FORMS OF HARMFUL PRACTICES**(ARTICLE 24 (3))****Circumcision of boys****Recommendation:**

The State Party must conduct a thorough study of the issue in relation to the Convention and other human rights conventions, taking the best interests of the child as its starting point.

Female genital mutilation, forced marriage, and negative social control**Recommendation:**

- The State Party must coordinate and anchor the efforts against female genital mutilation and forced marriage in the field of domestic violence.
- The State Party must improve its competence in harmful, traditional practices among all those who work with children. Better coordination is required between the sectors and associated services.
- The State Party should address the organisations' efforts and bridge building role.
- The State Party should carry out a legal study of how serious restrictions on children's freedom/negative social control are affected and covered by the Child Welfare Act and General Civil Penal Code.
- The State Party must include entry into extrajudicial, religious marriage in the General Civil Penal Code.

C. SEXUAL ABUSE AND SEXUAL EXPLOITATION (ARTICLE 34)**Sexual abuse and the Internet****Recommendation:**

- The State Party must develop a comprehensive, multidisciplinary action plan for preventing sexual abuse online, which includes children's knowledge about their rights.
- The State Party must improve knowledge about sexual abuse and the Internet in schools, the care system and among guardians in order to be able to prevent sexual abuse in children's online arenas.
- The State Party must ensure the police have more resources and expertise so they can investigate and prevent more child sexual abuse cases.

D. FOLLOW-UP AND PROTECTION OF VICTIMS OF VIOLENCE AND SEXUAL OFFENCES (ARTICLE 39)**Emergency services for children subject to abuse staffed 24-hours a day****Recommendation:**

- The State Party should establish regional reception centres for sexually abused children and ensure equal provision nationwide in order to build up expertise in identifying mistreatment and sexual abuse in clinical forensic examinations.

- The State Party should improve specialist expertise in hospitals and primary health services to ensure that mistreatment and sexual abuse are identified in both the specialist and the primary health services.

E. AVAILABLE HELPLINES FOR CHILDREN

Emergency preparedness

Recommendation:

We recommend that the State Party makes it a statutory requirement for all local authorities to have formal, emergency child protection help for vulnerable children, which is locally based and available at all times to review concern reports about one or more children.

VI: FAMILY ENVIRONMENT AND ALTERNATIVE CARE – ARTICLES 5, 9-11, 18 (1,2), 20, 21, 25, 27 (4)

A. FAMILY ENVIRONMENT AND PARENTAL GUIDANCE (ARTICLE 5)

Recommendation:

- We recommend that the State Party increases its knowledge about the content, quality, and effect of parental guidance for minority families, and develops new models that inspire trust, are culturally sensitive, and can contribute to improving dialogue and collaborative solutions.
- The State Party must ensure that minority families receive preventive training and guidance provision as early as possible in order to increase their confidence as parents and prevent the use of physical punishment.

B. SEPARATION FROM PARENTS (ARTICLE 9)

Children with disabilities

Recommendation:

- The State Party must ensure that no child is separated from their parents because of the child's disability, and only when this is necessary in the best interests of the child.
- The State Party must make it clear in the relevant legislation that considering the best interests of the child is a fundamental principle in decisions concerning respite care measures and placements in Children's Houses.
- The State Party must ensure procedures are in place for listening to the children involved, and ensure that the local authority employees responsible for taking these decisions can make reasonable choices that are based on the best interests of the child.

Undocumented children

Recommendation:

- The State Party must ensure that children's rights and the principle of considering the best interests of the child also apply to undocumented children and their parents when they interact with child welfare services.

- The State Party must undertake a comprehensive review of Norwegian legislation and practices to ensure that there are no obstacles to undocumented children's rights being fully respected.

Expulsion of parents

Recommendation:

- The State Party must strengthen the decision-making process and children's opportunities to be heard in expulsion cases against their parents.
- We recommend that the State Party lays down guidelines for ensuring that more weight is given to the best interests of the child than is the currently case when considering expulsion and determining the duration of entry bans.
- We recommend that the State Party records and keeps statistics of how many children are affected by the expulsion of a parent and that independent research be commenced to survey the consequences the expulsion of parents has for children.

C. FAMILY REUNION (ARTICLE 10)

Family reunion

Recommendation:

The State Party must practise a family reunion policy that corresponds with Article 10 of the Convention and the best interests of the child, take concrete measures, and increase resources in order to significantly reduce case procedures.

D. CHILDREN DEPRIVED OF THEIR FAMILY ENVIRONMENT (ARTICLE 20)

Strengthened capacity in municipal child welfare services

Recommendation:

The State Party must ensure that all children receive the help and protection they need by implementing a multi-year escalation plan for staffing local authority child welfare services, where the State Party must earmark funds for these purposes.

UN Guidelines for the Alternative Care of Children

Recommendation:

We recommend that the State Party translates the UN Guidelines for the Alternative Care of Children into Norwegian and ensures that local authorities are familiar with them.

Geographic differences in the proportion of children subject to care measures

Recommendation:

The State Party should initiate independent research into the causes of the large geographic differences in the number of children subject to care decisions and emergency placement decisions, and thereafter implement measures to even out the differences.

Sensitive emergency removal from the home of children

Recommendation:

- The State Party should draw up clear guidelines on the emergency collection of children in the event of emergency placements and when collecting them for interviews in Children's Houses.
- The State Party should, when a child needs it, ensure the child receives crisis help from professionals to mentally process the emergency collection.

Following up children in foster homes

Recommendation:

- The State Party must ensure implementation strategies are in place to carry out the measures in the foster home bill and set aside earmarked funds for the implementation of these measures.
- The State Party must ensure that local authorities have expertise and adequate earmarked resources in relation to foster home care.

Following up children in institutions

Recommendation:

- The State Party should revise the legal framework for the use of force in institutions and ensure that the provisions concerning rights and the use of force are incorporated into the Child Welfare Act.
- The State Party must ensure well-integrated provision for children with complex needs for services from both child welfare services and mental health care, ensure comprehensive medical follow-up, and develop good, new treatment provision for children in child welfare institutions.

Complaints procedures for children placed in care

Recommendation:

The State Party should as soon as possible ensure that children in care have easy access to child-friendly opportunities to make complaints.

Placement with siblings

Recommendation:

- The State Party must increase support for foster families caring for siblings, and increase the resources and earmarked funds for local authorities to follow up these foster families.
- We recommend that the State Party produces concrete guidelines for how child welfare services can place siblings together and should introduce a duty to map sibling relationships. Splitting up siblings must always be justified on the basis of the best interests of the child.

E. CHILDREN WITH PARENTS IN PRISON

Children's right to contact with parents in prison

Recommendation:

We recommend that the State Party ensures that the best interests of the child is duly considered when choosing a prison for parents, develops a travel support scheme that ensures children can visit parents in prison, and reviews the rules for telephone use between prisoners in prison and their children.

VII: DISABILITY, BASIC HEALTH AND WELFARE (ARTICLES 6, 18 (3), 23, 24, 26, 27 (1-3), 33)

A. CHILDREN WITH DISABILITIES (ARTICLE 23)

Cultural and recreational activities

Recommendation:

- The State Party must ensure that children with disabilities have rights in after-school schemes on a par with those they have in the Education Act.
- The State Party must ensure that the rights of children with disabilities to take part independently and actively in society are honoured, and that they receive the necessary help and support to take part, irrespective of their municipality of domicile.
- The State Party must make human service assistant and escort arrangements in connection with day-to-day activities, recreational activities and holidays universal as an important measure for achieving the goal of inclusion. Costs for escorts and assistance must be covered by the Government.
- The State Party must ensure that all arenas for children are universally designed.

Universal design

Recommendation:

The State Party must adopt deadlines for when all of the country's school buildings must be universally designed.

Necessary information, services and support

Recommendation:

- The State Party must ensure that children with disabilities and their (foster) families receive the information, services, and support to which they are entitled by organising the care system more comprehensively, simplifying processes, offering help in application processes up to when services have been granted, and ensuring the follow-up and coordination of the services granted.
- The State Party must ensure that information, services, and support also reach ethnic minorities with children with disabilities by being both linguistically and practically accessible by them.
- The State Party must ensure that foster parents of children with disabilities have opportunities to complain about public decision-making.

Asylum seeking and refugee children with disabilities

Recommendation:

- The State Party must ensure better procedures are in place for identifying disabilities in children in reception centres and improve the competence in disabilities among reception centre staff.
- The State Party should ensure that cooperation routines are developed to ensure better coordination between reception centres and local authority services and offer day care to all asylum seeking children from the age of 1.

B. HEALTH AND HEALTH SERVICES

(ARTICLE 24)

Child health centres and school health services

Recommendation:

The State Party must earmark funds to improve child health centres and school health services so that school nurses are available at all times, early intervention ensured, and all children in all local authorities have access to early medical help.

Health services for newborns and children in hospitals

Recommendation:

- The State Party must ensure sick newborns and children access to specialist health services, with family-centric treatment, satisfactory child expertise, and suitable wards/ children's hospitals.
- The State Party must facilitate the training of more health professionals with child-related qualifications.
- The State Party must ensure that home visits and other necessary consultations are carried out to take care of newborns.

Health and health services for children with mental health problems and disorders

Recommendation:

The State Party must earmark funds for the range of services for children within mental health services so that the range of services is strengthened and not reduced.

Health and health services for children with disabilities

Recommendation:

The State Party must stipulate requirements for family centre care in wards where children with disabilities are admitted to somatic hospitals, and ensure that the somatic wards have the necessary multidisciplinary expertise to address the complex needs of children with disabilities.

Health and health services for asylum seeking children

Recommendation:

- The State Party must require the establishment of local cooperation teams involving reception centres, health services, and professional child-related services in order to build up expertise and strengthen the cooperation.
- The State Party must strengthen local services in the form of resources and knowledge about children with refugee backgrounds.

C. MEASURES FOR COUNTERING THE MOST SERIOUS HEATH CHALLENGES

Mental health

Recommendation:

- The State Party should learn more about the causes and consequences of children experiencing body-image pressure and the causal relationships between body-image pressure, advertising, and mental health disorders.

- The State Party must prepare concrete measures specifically aimed at reducing body-image pressure on children.

D. SOCIAL SECURITY AND CARE SERVICES

(ARTICLES 26, 18 NO. 3)

Social security benefits

Recommendation:

The State Party must ensure there are fixed government rates and thereby ensure that all children receive the services they are entitled to irrespective of where they live.

Child benefit

Recommendation:

The State Party must adjust child benefit upwards from the 1996 level in accordance with wage and price inflation, as is the case for a number of other social security benefits.

E. ADEQUATE STANDARD OF LIVING

(ARTICLE 27 NOS. 1-3)

Recommendation:

- The State Party must focus its efforts on the major social structures and systems that create poverty challenges instead of setting in motion compensatory measures.
- The State Party should ensure that the Norwegian Labour and Welfare Administration (NAV)¹³ maps and addresses children's situations and needs when parents apply for social support.
- The State Party must ensure that local anti-poverty action plans for families with children are drawn up and that local authority plans for childhood specifically deal with the topic of children in poor families.
- The State Party must ensure there are good universal benefit schemes that cover all children.

VIII: EDUCATION, LEISURE AND CULTURAL ACTIVITIES (ARTICLES 28-31)

A. RIGHT TO EDUCATION (ARTICLE 28)

UNIVERSAL ACCESS TO DAY CARE

Asylum seeking and refugee children

Recommendation:

The State Party must ensure that the right to a place in kindergarten no longer depends on residence status in the same way as the right to compulsory education.

COMPULSORY EDUCATION FOR ALL

Asylum seeking and refugee children

Recommendation:

The State Party must draw up contingency plans that safeguard a child's right to education within 1 month of arriving in Norway, including in extraordinary situations.

Children with special needs**Recommendation:**

- The State Party must introduce quality assurance systems so that children with special needs receive inclusive teaching adapted to their physical and mental abilities.
- The State Party must ensure individual assessments are made of education provision for each child, irrespective of diagnosis and functional level. If pupils are taken out of ordinary tuition, the measure must be time-limited and justifiable given the pupils' needs. The child must always be heard.
- The State Party must review syllabuses that exclude pupils with disabilities, so that all pupils receive teaching materials adapted to their needs, and ensure that individual teaching plans are prepared for pupils who require special education.

Sami children and children from national minorities**Recommendation:**

- The State Party must ensure that private schools also have a duty to provide tuition in the Sami language.
- The State Party must honour the rights of children with national minority backgrounds, and ensure that they receive both an education and are able to preserve their culture through adapted measures.

UPPER SECONDARY EDUCATION FOR ALL**Asylum seeking and refugee children****Recommendation:**

The State Party must amend the Education Act so that children without legal residence and children with "Dublin status" also have a right to upper secondary education.

Children with special needs**Recommendation:**

The State Party must ensure that pupils with special education can also receive a vocational or higher education entrance qualification and/or the chance of higher education.

Use of force and restraint in schools**Recommendation:**

- The State Party must ensure there is sufficient competence and multidisciplinary expertise in schools, introduce early intervention measures, and establish a teacher standard by law.
- The State Party should clarify the legal situation of the pupils and teachers and which regulations apply to the use of force and restraint in schools, as well as produce an overview of how much force is used in schools.

B. PURPOSE OF EDUCATION (ARTICLE 29)**A good, safe, and inclusive school environment****Recommendation:**

- The State Party must stipulate clearer requirements to oblige schools to work systematically on pupils' well-being and inclusion in schools.
- The State Party must increase its expertise and resources in order to be able to work on well-being, friendship, and children's right to be heard early on in day care and school.

- The State Party must ensure that the proposed complaint procedures are adequately designed for children.

Digital bullying and abuse**Recommendation:**

- The State Party must stipulate a requirement that the Education Act should also regulate who is responsible for digital bullying that takes place outside school hours and impacts children's well-being and security in school.
- The State Party must implement systematic training measures that improve teachers' competence in digital bullying and teaches them about the necessity of involving children and guardians in teaching measures.
- The State Party must ensure that the school's duty to act and follow-up, notify and step in with measures also applies in cases of digital bullying and abuse, even if the bullying between the pupils takes place outside school hours.

Quality of education**Recommendation:**

- The State Party must ensure that requirements are stipulated concerning the content of special education, ensure that tuition is provided by qualified staff, and ensure that all schools have an internal control system.
- The State Party must ensure that all local authorities have a proper system for special education.
- We recommend that the State Party focuses on more multidisciplinary expertise in school: more social educators, child welfare officers, and social workers in schools would help to improve the facilitation of the teaching.

C. CULTURAL RIGHTS FOR INDIGENOUS CHILDREN AND (NATIONAL) MINORITIES (ARTICLE 30)**Recommendation:**

- The State Party must improve the information about Sami people and national minorities in teacher training by specifying concrete competence aims in the framework plan for teacher training.
- The State Party must ensure that more, nuanced information about national minorities is included in school textbooks than is currently the case, and ensure resources are procured for schools such that they are ensured the most updated and qualitatively best teaching materials on the subject.
- The State Party should involve indigenous children and children from national minorities in the teaching about indigenous people and national minorities in school.

D. EDUCATION ABOUT HUMAN RIGHTS AND SOCIAL STUDIES**Recommendation:**

- The State Party must improve the systematic training in child rights in primary and lower secondary school teacher training and teachers' continuing education, with regard to both knowledge and professional practice, with an emphasis on pupil participation.

- The State Party must give the Convention a principal place in the general part of the syllabuses and it should be a part of the national curriculum at all levels.

E. LEISURE, PLAY, AND CULTURAL ACTIVITIES (ARTICLE 31)

Recommendation:

- The State Party must ensure that plans and strategies for participation in recreational arenas contain requirements concerning the inclusion of groups that are systemically excluded.
- The State Party must ensure that children are made aware of their right to participate thanks to the “Declaration on recreation” and secure funds for cooperation between authorities, minority groups, and users in order to provide good information about children’s right to recreation and cultural activities.
- The State Party should cover the costs and/or subsidise user fees and assistance for participation in publicly funded activities.
- The State Party should ensure that government guidelines and quality standards apply to the recreational activities local authorities offer and we recommend establishing relevant educational provision in order to strengthen the competence of adults who work with children in cultural and recreational activities.

VIII: SPECIAL PROTECTION MEASURES (ARTICLES 22, 30, 32, 33, 35, 36, 37 B-D, 38-40)

A. DISPLACED CHILDREN (ARTICLE 22)

Age determination procedures for unaccompanied asylum seeking minors

Recommendation:

- The State Party must ensure that age determination procedures are only carried out when reasonable doubt exists about age following a specific assessment in the individual case.
- The State Party must ensure that a research project is carried out to develop a method for psychosocial age determination procedures as a supplement to medical age determination procedures.
- The State Party must ensure age determination procedures take a multidisciplinary approach in accordance with UN guidelines, and include physical, developmental, psychological, environmental, and cultural factors.

Phasing out temporary residence for unaccompanied asylum seeking minors

Recommendation:

The State Party must abolish temporary residence permits for displaced children who have arrived in Norway alone.

Cancellation of residence permits for unaccompanied refugee minors

Recommendation:

The State Party must make an exception when it comes to cancelling residence permits of unaccompanied minors who received residence before they turned 18.

Proper and equal care provision

Recommendation:

- The State Party must ensure child welfare services are given responsibility for all unaccompanied refugee minors under 18, the care provision is regulated by the Child Welfare Act, and adequate resources are provided to follow up the children.
- The State Party must reduce the number of times children are moved and ensure a greater degree of continuity of care provision for unaccompanied asylum seeking minors and refugees.
- The State Party must ensure child-related expertise is improved throughout the reception centre system.

Follow-up work with unaccompanied refugee minors after settlement

Recommendation:

- The State Party must ensure there is a clear legal basis for the housing and care provision for unaccompanied refugee minors that contributes to less variation between local authorities in the care provision after settlement.
- The State Party must ensure that unaccompanied minors receive aftercare until they turn 23.

Disappearances from reception centres

Recommendation:

- The State Party must transfer responsibility for the care of unaccompanied minors aged 15-18 to child welfare services to prevent minors vanishing from reception centres.
- The State Party must strengthen the cooperation and routines between the various agencies that are responsible for prevention and following up minors who disappear.
- The State Party must learn more about why unaccompanied minors disappear, where they disappear to, and what the increased influx of unaccompanied minors into Europe means for the minors’ vulnerability and risk of exploitation through human trafficking.
- The State Party must abolish the system of temporary/ time-limited residence pursuant to section 8-8 of the Immigration Regulation.

B. CHILDREN BELONGING TO ETHNIC MINORITY GROUPS OR OF INDIGENOUS ORIGIN (ARTICLE 30)

Recommendation:

The State Party should ensure routines are in place that ensure Sami children and children from (national) minorities who are placed outside their family and/or culture can maintain their cultural, religious, and linguistic identities and receive information about their rights within culture, religion and language.

C. CHILD EXPLOITATION (ARTICLE 35)

Minors vulnerable to human trafficking

Recommendation:

- The State Party must establish a central unit with responsibility for all cases where the trafficking of minors is suspected and highlight the responsibility the various authorities have to identify and follow-up these children.
- The State Party must improve what front-line services (child welfare services, the police, and immigration authorities) know about how minors are recruited and exploited in human trafficking.
- The State Party must ensure more is learned about how children can be exploited in multiple and different forms simultaneously and about new forms of child exploitation in human trafficking.

D. CHILDREN WHO HAVE BEEN VICTIMS OF, OR WITNESSES, TO CRIME

Children's Houses

Recommendation:

- The State Party must ensure comprehensive provision in Children's Houses though extra resources earmarked for this purpose.
- The State Party must also ensure that children aged 16-18 who have been the victims of, or have witnessed, violence and abuse have the right to access Children's Houses.
- The State Party must ensure that children's legal safeguards are protected equally, nationwide, by ensuring that the police and other public agencies have the same practices for reporting and following up cases involving children.
- The State Party should give Children's Houses a mandate such that young sex offenders receive places in Children's Houses, supplemented with the resources necessary to ensure a good programme.

E. SENTENCING (ARTICLE 37(A))

Minor asylum seekers and alternative sentences

Recommendation:

The State Party must also ensure that minor asylum seekers have the right to access alternative forms of sentences.

Preventive detention¹⁴

Recommendation:

- We recommend that the State Party assesses whether preventive detention is an appropriate criminal sanction for minors who have committed offences and whether this criminal sanction complies with Article 37a of the Convention.
- We recommend that the State Party reviews the rules on children serving preventive detention sentences and critically assess the institutions that are available for serving such sentences. Special consideration should be given to whether the necessary flexibility and treatment are being facilitated with a view to rehabilitation and reintegration in accordance with the provisions of the Convention and general observation no. 10 concerning the

rights of children who are in conflict with the law.¹⁵

- We recommend that the State Party considers whether or not there are alternatives to preventive detention, in or outside preventive detention arrangements, when it comes to minors who have committed offences.

F. CHILDREN IN PRISON (ARTICLE 37 B AND D)

Use of detention and remand for children

Recommendation:

- The State Party must ensure that minors are kept separate from adult prisoners while detained by the police, on remand and serving sentences.
- The State Party must remove the reservation against Article 10, nos. 2 and 3 of the ICCPR.

Detention of children in connection with forcible return

Recommendation:

- The State Party must prohibit the detention of children in connection with immigration enforcement. As a minimum, a short maximum limit should be set for how long children can be detained while awaiting forcible return from Norway.
- The State Party must, as long as the detention of children is permitted, regulate this directly in the Immigration Act in line with the principle of legality.
- The State Party must to the greatest possible degree, limit the internment of children and families with children, study new alternatives to internment, and provide greater support for guidance and voluntary return.

ANNEX III: USED CONCLUDING OBSERVATIONS FROM THE UN TO NORWAY (2010) REFERRED TO IN THE SUPPLEMENTARY REPORT 2017

I: GENERAL MEASURES OF IMPLEMENTATION

Implementation of the Convention (art.4)

Legislation

8. The Committee takes note of the ongoing activities of the Government to amend laws or to adopt new ones in order to bring legislation in full harmony with the Convention and welcomes the Government's initiative to order an expert review of the relation between the Convention and Norwegian law (the Søvig report).

9. **The Committee recommends** that the State party continue its efforts to harmonize Norwegian law with the Convention, including by child-rights based revisions or new laws with regard to the right of the child to be heard in health matters, the protection of the child's right to privacy and regulations for guardianship of children separated from their parents.

Ratification of International Instruments.

62. **The Committee recommends** the State party to consider ratifying international human rights instruments which are also relevant for the implementation of child rights, to which it is not yet party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Convention on the Rights of Persons with Disabilities, the International Convention for the Protection of all Persons from Enforced Disappearance and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

Implementation on local level/coordination

10. While the Committee recognizes the value attributed to the autonomy of municipalities in Norway, it is concerned that efforts to achieve improved coordination between government and municipalities, among municipalities and within municipalities have not become effective and consequently, availability, easy access, coordination of different services and adaptability to new challenges are not guaranteed across the country in a comparable manner. The Committee notes with concern that the services of municipalities implementing the rights of the child differ widely with regard to the extent such services are provided and agreed frameworks of delivery observed. The Committee is also concerned that the lack of coordination exposes groups of vulnerable children whose rights tend to be neglected to the risk of particular shortcomings in the implementation of their rights.

11. **The Committee recommends** with particular urgency that the State party closely monitor the extent of implementation of child rights across the country, including by the "Better Monitoring" initiative of the Government, strengthen the use of its mechanisms to monitor compliance by all service providers with agreed regulations and frameworks and ensure that the system of coordinated services at all levels pays particular attention to children who need particular assistance in order to fully enjoy their rights.

Budget (art. 4)

15. The Committee welcomes information that the central budget for 2010 provides 400 additional posts for municipalities but notes that, in view of the extensive autonomy of municipalities, this provision may not necessarily be allocated for the improvement of services for children and also notes that according to State party, more posts will be needed in the coming years. The Committee is concerned about information received, including from children, about disparities in the services available to children depending on the geographical location, and that some of these services are seriously understaffed and have inadequate resources

16. **The Committee urges** the State party to continue and strengthen its efforts to provide municipalities with increased personnel and material resources necessary to ensure that quality services are available to implement the fundamental rights of children in the entire country and to take measures to ensure that municipalities use allocated resources for this purpose. The Committee, recommends that the State party introduce budget tracking from a child right's perspective with a view to monitoring budget allocations for children and that it take into account the Committee's recommendations issued after the day of general discussion of 21 September 2007 devoted to "Resources for the rights of the child - responsibility of States".

International assistance and development aid (Article 4)

12. The Committee welcomes the strong efforts by the State party to contribute to international cooperation. The Committee also welcomes the State party's White Paper on "Corporate Social Responsibility in a Global Economy" (Report No.10 2008-2009 for the Parliament) which contains numerous references to child rights and notes with interest the State party's support to United Nations efforts to develop international standards for business and human rights, which should refer

to children and their rights. The Committee encourages the State party to also take into account in its cooperation with bilateral development partners the Committee respective concluding observations in order to enhance the enjoyment by children of their rights.

The Norwegian National Human Rights Institution (NIM) and the Ombudsman for Children (Article 4)

13. The Committee notes the newly adopted regulation of the office term of the Ombudsman for Children but regrets that its proposal to give the Ombudsman for Children the mandate to receive complaints from children was not accepted even though such a mandate would have been a way to provide immediate assistance to children if needed, and could have served as an instrument to diagnose main problem areas of child rights violations.

14. The Committee recommends that the State party consider providing the Ombudsman with the mandate to receive complaints from children and the resources to follow up complaints in a timely and effective manner.

Awareness of the Convention (Article 42)

17. While the Committee appreciates the State party's efforts to raise awareness of the Convention and to train professionals and practitioners involved with children, it is nevertheless concerned that this training does not fully cover all professional groups, is not obligatory and is not systematically followed up. The Committee is particularly concerned that local authorities responsible for children are not well informed about the rights enshrined in the Convention.

18. The Committee reiterates its previous recommendation that the State party continue and strengthen systematic training of all professional groups working for and with children, including personnel of childcare institutions, health personnel, social workers and law enforcement officials, and that awareness of child rights is also raised in the policy making bodies and the administration of municipalities. The Committee also recommends that comprehensive information about children's rights be a part of the college and university curricula of all professions that deal with children and families, and of the school curricula at all levels.

63. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, inter alia by transmitting them to the Parliament (Storting), relevant ministries and the Supreme Court, and to local authorities, when applicable, for appropriate consideration and further action.

64. The Committee further recommends that the fourth periodic report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available in the languages of the country, including (but not exclusively) through the Internet to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.

II: DEFINITION OF THE CHILD (ART. 1)

III: GENERAL PRINCIPLES (ARTS. 2, 3, 6, 12)

Prevent discrimination and ensure the rights of children (art. 2)

19. The Committee welcomes the entry into force in January 2006 of the Antidiscrimination Act and the establishment also in 2006 of an Equality and Anti-Discrimination Ombud, an Equality and Anti-Discrimination Tribunal and the adoption of an Action Plan to Promote Equality and Prevent Ethnic Discrimination. The Committee takes note of the ongoing debate as to whether age discrimination of children should be included in the law and whether children should be given the right to file complaints if they are discriminated against due to their age. However, it is concerned at information, including from children, that minority and indigenous children feel stigmatized and maltreated, including by other children, and that children with disabilities complain that their rights are not respected.

20. The Committee urges the State party to take all necessary steps to combat discrimination against children from minority groups, indigenous children and children with disabilities and to familiarize children from an early age with the right of every child to be protected against discrimination. The Committee also recommends that the State party carefully examine the possibility of expanding legislation to provide protection of children against discrimination on the grounds of their age.

21. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance as well as the outcome document adopted at the 2009 Durban Review Conference, taking into account general comment No.1 (CRC/GC/2001/1) on the aims of education.

Best Interests of the Child (art. 3)

22. The Committee recognizes that the best interests of the child are stressed as a guiding principle in the case treatment regulations of 2004 and the amendments to the Children Act of 2006, both referring to protection of children in custody cases, as well as in the new immigration Act of 2008 which regulates the decision making process in children's asylum and residence on humanitarian grounds applications. The Committee is nevertheless concerned that the principle of primary consideration of the best interests of the child is not yet applied in all areas affecting children, such as child custody cases and immigration cases, and that those responsible for taking the child's best interest into account are not always sufficiently trained to conduct a thorough case-by-case assessment of the best interests of the affected child.

23. The Committee recommends that the State party continue and strengthen its efforts to ensure that the general principle of the best interests of the child is appropriately integrated in

all legal provisions as well as in judicial and administrative decision-making procedures, including those related to family and alternative care issues and immigration cases, and in all projects, programmes, and services that have an impact on children. The Committee also recommends that the State party elaborates practicable directions for how to operationalize the principle and train all those involved in the determination of best interests of a child or children.

Respect for the views of the child (art. 12)

24. The Committee welcomes the fact that amendments to the Children Act and the Child Welfare Act have lowered the age at which children have the right to express themselves in cases of concern to them, from twelve to seven years and that also younger children may be heard. The Committee is concerned, however, that, in practice, the child's right to be heard is not fully implemented or effectively practiced in all phases of decisions about and arrangements for children's lives, in particular in child care and immigration cases. The Committee regrets that children have the right to be heard regarding health issues only after the age of 12. The Committee notes with interest that a pilot project in 21 municipalities will allow children from age 16 on to vote in their local elections.

25. **The Committee recommends** that the State party continue and strengthen efforts to fully implement article 12 of the Convention and promote due respect for the views of the child at any age in administrative and judicial proceedings, including child custody hearings, immigration cases, and in society at large. The Committee also recommends that the State party promote the participation of children, assist them to effectively exercise this right and ensure that due weight is given to their views in all matters that concern them in the family, school, other children's institutions, the community, national policy formation and in the evaluation of plans, programmes and policies. In line with article 29 of the Convention, the Committee encourages the State party to ensure that the pilot project on voting from the age of 16 is appropriately supported through the provision of civic and human rights education and that impact of the project on the citizenship role of adolescents is evaluated. The Committee recommends that the State party take into account the Committee's General Comment No. 12 adopted in 2009 on the right of the child to be heard.

IV: CIVIL RIGHTS AND FREEDOMS

(ARTS. 7, 8, 13-17)

Freedom of thought, conscience and religion (art. 14)

26. The Committee welcomes the amendment to the Education Act related to the school subject now being named Religion, Philosophies of Life and Ethics in order to indicate that children should be given a fair-minded orientation about differing approaches to fundamental questions and challenges of human life, but is concerned about how this objective is implemented in practice. The Committee is further concerned about children in several isolated religious communities whose educational objectives are rarely examined for their compatibility with Norwegian law.

27. **The Committee recommends** that the State party conduct a study on how the aims of the revised school subject Religion, Philosophies of Life and Ethics are achieved and what kind of support teachers need in order to adequately implement the objectives of this subject. It further recommends that the State party examine the educational objectives and practices of isolated religious communities with respect to their compatibility with the child's right to a holistic, human rights oriented education.

Protection of privacy and protection of image (Article 16)

28. The Committee is concerned at information that parents may violate their children's right to privacy when revealing the particulars of their children's lives on webpages, sometimes in order to support positions in custody conflicts.

29. **The Committee recommends** the State party to mandate the Norwegian Data Inspectorate to prevent parents and others to reveal information about children which violates children's right to privacy and is not in their best interests.

V: VIOLENCE AGAINST CHILDREN

(ARTS. 19, 24 (3), 28 (2), 34, 37A, 39)

Abuse and neglect (Article 19)

36. The Committee notes with appreciation the numerous Actions Plans elaborated by the State party to address abuse and neglect of children. The Committee welcomes the fact that training was held for judges, experts and lawyers on violence and abuse and custody cases where violence and abuse are suspected. The Committee is concerned, however, that Child Welfare Services in some areas of the country do not have the resources or the competencies to identify and support children who are exposed to violence and that the existing helpline is not well enough known to children. The Committee is also concerned that competence is limited to dealing with violence in families of different cultures and to communicating advice for violence-free upbringing of children.

37. **The Committee recommends** that the State party ensure that adequate and appropriate assistance is provided to children and their families in all areas of the country, taking into account respect for other cultures and that children have information about the helpline and where to find effective assistance.

Prohibiting and abolishing all forms of harmful practices – Article 24 (3)

44. While noting with appreciation the 2008 plans of action against female genital mutilation (FGM) and against forced marriages, and measures taken to address both issues, the Committee is nevertheless concerned over reports that the number of forced marriages and intermarriages have increased. The Committee is also concerned over reports that cases involving FGM are not systematically collected and prosecuted and that even reported cases have been dismissed by the police due to limited resources and inadequate cooperation between relevant institutions.

45. The Committee encourages the State party to continue and strengthen preventive and protection measures, particularly with regard to children, to address the issues of FGM, forced marriages and intermarriages, including the prosecution of perpetrators of these acts. The Committee encourages the State party to cooperate with community leaders and NGOs to raise awareness of the negative impact of these practices, analyse information gathered on forced marriages in order to determine the actual reason for the reported increase in forced marriages in the country and include the fight against FGM and forced marriage in its international cooperation programme.

Sexual abuse and sexual exploitation (Article 34)/ Follow-up and protection of victims of violence and sexual offences (Article 39)

55. The Committee welcomes new provisions and amendments to the Penal Code in the area of sexual exploitation and abuse, including a provision concerning child pornography and meeting a child with the intent to commit a sexual offence. The Committee also welcomes the strategy plan against sexual and physical abuse against children (2005-2009). The Committee notes with interest that a mapping project to map the extent of, inter alia, sexual exploitation and abuse was carried out. The Committee also notes with appreciation the existence of “children’s houses” which provide support for children who experience abuse, including sexual abuse. The Committee regrets, however, that competence in dealing with sexual exploitation and abuse is limited. The Committee is also concerned at the very long period between reporting and examination of cases of sexual abuse, despite the 14-day statutory deadline for a judge’s examination of the case.

56. The Committee recommends that the State party:

- (a) Continue to implement appropriate policies and programmes for prevention, recovery and social reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996, 2001 and 2008 World Congresses against Sexual Exploitation of Children as well as the outcome of other international conferences on this issue;
- (b) establish more Children’s Houses in all counties and provide them with adequate human and financial resources;
- (c) Ensure that exploited and abused children receive help as soon as possible;
- (d) Ensure that knowledge of sexual exploitation and abuse is integrated into training programmes of professionals working with and protecting children; and
- (e) Expedite the examination of cases of sexual abuse in line with the 14-day statutory deadline.

Available helplines for children

36. The Committee notes with appreciation the numerous Actions Plans elaborated by the State party to address abuse and neglect of children. The Committee welcomes the fact that training was held for judges, experts and lawyers on violence and abuse and custody cases where violence and abuse are suspected. The Committee is concerned, however, that Child Welfare Services in some areas of the country do not have the

resources or the competencies to identify and support children who are exposed to violence and that the existing helpline is not well enough known to children. The Committee is also concerned that competence is limited to dealing with violence in families of different cultures and to communicating advice for violence-free upbringing of children.

37. The Committee recommends that the State party ensure that adequate and appropriate assistance is provided to children and their families in all areas of the country, taking into account respect for other cultures and that children have information about the helpline and where to find effective assistance.

VI: FAMILY ENVIRONMENT AND ALTERNATIVE CARE (ARTS. 5, 9-11, 18 (PARAS. 1-2), 20, 21, 25, 27 (PARA. 4))

32. The Committee welcomes the extension of paternal parental leave to ten weeks. The Committee also notes that cohabiting parents routinely receive joint parental responsibility for their children under the Children Act, and that family counseling services have been expanded and strengthened to assist parents in their capacities and responsibilities. The Committee is concerned, however, at information that, in cases of separation and conflict, judges and experts may not be sufficiently qualified, that children do not receive assistance to ensure contact, if it is in their best interests, with both parents in the case of separation and conflict and that the right of a child to live with his or her parents is not adequately considered when the deportation of a parent is impending. The Committee is furthermore concerned that the continued relation of a child to her/his parent in prison is not sufficiently supported. The Committee is also concerned that, except in cases of severe neglect and abuse, parental consent is needed before the Child Welfare Services can provide assistance to a child and notes that because of this a child in need of assistance may not receive it.

33. The Committee recommends that the State party strengthen its efforts to assist parents to competently exercise their parental responsibilities and to enhance the capacities of all professionals and practitioners who are involved in counseling, conflict resolution or family separation issues to support the continuation of family life or find the most acceptable custody solution and, in the case of divorce or separation, to assist children’s contact with both parents, considering under all circumstances the best interests of the child. The Committee also recommends that the right of a child to live with his or her parents be adequately considered in cases of deportation of a parent and that prison authorities facilitate the visiting arrangements of a child with his or her imprisoned parent. The Committee further recommends that children are given the right to address the Child Welfare Services independently of their parent’s consent if informing the parents would obstruct the possibility to provide assistance to the child.

34. The Committee notes that the State party has made efforts to decrease the placement in residential care institutions of children who cannot live with their parents, instead using foster

homes whenever possible. However, the Committee is concerned that despite extensive assistance at home, the number of children taken into out of family care has increased. The Committee notes with regret that not all children in foster homes have someone appointed for their supervision and that supervisors may not be sufficiently prepared for their tasks. The Committee is also concerned that suitable alternatives are not available at all places and, therefore, the placement of a child is sometimes dependent on chance. The Committee is further concerned that the Child Welfare Services responsible for assistance to families and children at home and for placement in alternative care, are severely underfunded and have limited capacity to do preventive and follow-up work when children are in foster families or homes.

35. The Committee recommends that the State party provide the Child Welfare Services with resources to expand and intensify its preventive efforts in families at risk of failing to provide adequate care and support to their children and, if preventive efforts are unsuccessful, make available the variety of alternative facilities needed to offer children the kind of care that is in accord with their best interests. The Committee further recommends that the State party carefully follow up on children in alternative care, regularly examine the possibility of returning the child to its family and, if the child remains in alternative care until the age of majority, facilitate the transition to adulthood. The Committee also recommends that the State party take into account the Guidelines for the Alternative Care of Children contained in United Nations General Assembly Resolution A/RES/64/142 adopted on 20 November 2009.

VII: DISABILITY, BASIC HEALTH AND WELFARE (ARTS. 6, 18 (3), 23, 24, 26, 27 (1-3), 33)

Health and access to health services (art. 24)

38. The Committee notes with appreciation the Plans of action for improved diet (until 2007) and for physical activity (2005 - 2009). The Committee recognizes the commitment of the State party to strengthen the system of public health clinics and the school health service. It is concerned, however, that according to information received, including from children, municipalities still do not provide these services to a comparable extent and quality.

39. The Committee recommends that the State party ensure that children have access to good health services, including in schools, everywhere in the country.

Measures for countering the most serious health challenges

42. While noting that mental health services for children are being improved through the National Programme for Mental Health, the Committee is concerned at the increasingly long waiting period for mental health care for children and young people. The Committee is also seriously concerned about studies that indicate a rapid increase within a short period of time of the prescription to children of psycho-stimulants such as Ritalin

and Concerta diagnosed with Attention Deficit Hyperactivity Disorder (ADHD).

43. The Committee recommends that the State party continue to develop all components of a mental health care system for children and young people, including prevention, treatment of common mental health problems in primary health care and specialised care for serious disorders through an increasing number of specially trained professionals working with children in the field of mental health care, and reduce the waiting period in mental health services. The Committee also recommends that the State party carefully examine the phenomenon of over-prescription of psycho-stimulants to children and take initiatives to provide children diagnosed with ADHD, as well as their parents and teachers, with access to a wide range of psychological, educational and social measures and treatments.

Adequate standard of living (Article 27 nos. 1-3)

46. The Committee notes the increased attention paid to children living below the poverty line, particularly in families with unemployed parents, low education, single-parent families, families with several children and immigrant families. It welcomes measures targeted at families and children, but is concerned that they do not specifically protect children against the negative impact of poverty on development, health and education. The Committee is concerned that poverty rates clearly differ across the country, also as a consequence of unequal and unsystematic variations of family income supplements, and that municipal housing, where many families with low income live, has not been transformed in a more child-friendly environment.

47. The Committee recommends that the State party undertake efforts to protect children living in poverty against detrimental consequences of this situation, particularly by specific early care and education, targeted programmes in school to compensate deficits of development and learning, measures for better nutrition and health of children from disadvantaged groups and efforts to make municipal housing more child-friendly. The Committee furthermore urges the State party to ensure that poor families get adequate assistance independent of where they are living in Norway.

VIII: EDUCATION, LEISURE AND CULTURAL ACTIVITIES (ARTS. 28-31)

Right to education (Article 28)/ Purpose of education (Article 29)

48. The Committee takes note of the State party's policy to achieve young children's full attendance of a kindergarten of high quality, but is concerned that children with immigrant backgrounds are underrepresented despite an earmarked grant for the inclusion of newly arrived young refugee children. The Committee is further concerned that a number of municipalities do not follow the new curricula in basic Norwegian and mother tongue, which has a negative impact on the whole school career of children. The dropout rate of children, including from the majority population and from both academic

and vocational secondary schools, is a further concern to the Committee. The Committee welcomes the many efforts to combat bullying in kindergartens and schools, but is deeply concerned at the reported high level of bullying occurring in these settings.

49. The Committee encourages the State party to intensify its efforts to educate all parents about the value of early education and provide places in good quality kindergartens for all children, particularly immigrant and other children in need of early educational support. The Committee also recommends that the State party urgently advise municipalities to introduce the new language curricula in their schools so that children can better follow class instruction and that it take measures to ensure that children complete their schooling, with a particular focus on groups that traditionally do not have a good completion rates. The Committee further recommends that the State party continue and strengthen its efforts to combat bullying in school and invite children to participate in efforts to reduce and eliminate these harmful behaviours.

61. The Committee recommends that the State party make every effort to ensure that children from ethnic minority backgrounds and indigenous children have equal access to all children's rights, including access to welfare, health services and schools and are protected against prejudice, violence and stigmatisation.

Education about human rights and social studies

17. While the Committee appreciates the State party's efforts to raise awareness of the Convention and to train professionals and practitioners involved with children, it is nevertheless concerned that this training does not fully cover all professional groups, is not obligatory and is not systematically followed up. The Committee is particularly concerned that local authorities responsible for children are not well informed about the rights enshrined in the Convention.

18. The Committee reiterates its previous recommendation that the State party continue and strengthen systematic training of all professional groups working for and with children, including personnel of childcare institutions, health personnel, social workers and law enforcement officials, and that awareness of child rights is also raised in the policy making bodies and the administration of municipalities. The Committee also recommends that comprehensive information about children's rights be a part of the college and university curricula of all professions that deal with children and families, and of the school curricula at all levels.

VIII: SPECIAL PROTECTION MEASURES (ARTS. 22, 30, 32, 33, 35, 36, 37 B-D, 38-40)

Displaced children (Article 22)

51. The Committee is also concerned that the State party has limited the responsibility of the Child Welfare Services to children under the age of 15 leaving older children with reduced assistance and that despite the State party's statement that

emphasis will be placed on children's affiliation to Norway in decisions on residence permits on humanitarian grounds, there are reports that children who have spent many years in Norway may be deported despite sound documentation of affiliation to Norway. The Committee is further concerned about the State party's plan to establish care and education centres for unaccompanied asylum-seeking children in their countries of origin, since these children mostly come from war and conflict ridden countries where their protection cannot be guaranteed.

52. The Committee recommends that the State party:

- (a) Carefully identify children affected by armed conflicts among asylum-seeking children and ensure rehabilitation and social reintegration of these children;
- (b) Expedite the assignment of a guardian to assist asylum-seeking children in understanding the procedures and clarify the role of guardian through the initiated guardianship legislation;
- (c) Take measures to shorten the waiting period for determining the status of asylum seekers;
- (d) Ensure that age determination procedures are conducted in a scientific, safe, child and gender-sensitive and fair manner, avoiding any risk of violation of the physical integrity of the child;
- (e) Expand, as planned, the responsibility of the Child Welfare Services to children aged 15, 16 and 17;
- (f) Carefully follow up on these children during their stay in Norway;
- (g) Make sure that children do not disappear and fall into the clutches of trafficker and exploiters;
- (h) Investigate cases of disappearances and find ways to make access available to hidden children;
- (i) Avoid sending children back to unsafe places from which they have fled and use their stay in Norway to equip them with the competencies and skills they will need when they return under more peaceful conditions;
- (j) Ensure a primary consideration of the best interests of the child and his or her affiliation to Norway whenever decisions about the child's future are under consideration; and
- (k) Take into account the Committee's General Comment no. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin.

Child exploitation (Article 35)

53. The Committee notes with interest that the Penal Code provision on trafficking (section 224) was amended in June 2006 to emphasize the fact that exploitation and leading someone astray to begging is also covered. The Committee notes with appreciation the existence of the Coordinating Unit for Assistance and Protection of Victims of Trafficking (KOM), a project for nation-wide coordination of assistance and protection of victims of trafficking. The Committee is further concerned that information about child victims of trafficking is fragmentary and that sellers and traffickers and persons who exploit trafficked children are not effectively brought to justice.

54. The Committee recommends that the State party:

- (a) Evaluate the results of the Plan of Action which ended in 2009 and use the review to elaborate a new Plan of Action;
- (b) Set a focus on child victims of sale and trafficking and allocate the necessary human and financial resources to the units mandated to combat this crimes;
- (c) Develop and implement measures to systematically identify victims of trafficking in the country, enforce the laws that criminalise the sale, trafficking and abduction of persons and make sure that victims are competently treated; and abduction of persons and make sure that victims are competently treated

Children who have been victims of, or witnesses, to crime

55. The Committee welcomes new provisions and amendments to the Penal Code in the area of sexual exploitation and abuse, including a provision concerning child pornography and meeting a child with the intent to commit a sexual offence. The Committee also welcomes the strategy plan against sexual and physical abuse against children (2005-2009). The Committee notes with interest that a mapping project to map the extent of, inter alia, sexual exploitation and abuse was carried out. The Committee also notes with appreciation the existence of “children’s houses” which provide support for children who experience abuse, including sexual abuse. The Committee regrets, however, that competence in dealing with sexual exploitation and abuse is limited. The Committee is also concerned at the very long period between reporting and examination of cases of sexual abuse, despite the 14-day statutory deadline for a judge’s examination of the case.

56. The Committee recommends that the State party:

- (a) Continue to implement appropriate policies and programmes for prevention, recovery and social reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996, 2001 and 2008 World Congresses against Sexual Exploitation of Children as well as the outcome of other international conferences on this issue;
- (b) establish more Children’s Houses in all counties and provide them with adequate human and financial resources;
- (c) Ensure that exploited and abused children receive help as soon as possible;
- (d) Ensure that knowledge of sexual exploitation and abuse is integrated into training programmes of professionals working with and protecting children; and
- (e) Expedite the examination of cases of sexual abuse in line with the 14-day statutory deadline.

59. The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes, e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, are provided with the protection required by the Convention and that it take fully into account the United

Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).

Sentencing (Article 37(a))

58. The Committee urges the State party to ensure that juvenile justice standards are fully implemented, in particular articles 37 (b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules). In particular the Committee recommends that the State party, while taking into account the Committee’s general comment No. 10 on the administration of juvenile justice (CRC/C/GC/10, 2007):

- (a) Ensure that children are held in detention only as a last resort and for as short a time as possible and reduce the number of children in prison by actively pursuing diversion measures for juvenile offenders, wherever appropriate;
- (f) Ensure that all children under 15 committing crimes are treated by civil or administrative authorities with respect of the CRC and of the international standards and, in particular, make sure that they have access to alternatives measures.

Children in prison (Article 37 (b)-(d))

6. The Committee is concerned about the State party’s reservation to article 10, paragraph 2(b) and paragraph 3 of the International Covenant on Civil and Political Rights “with regard to the obligation to keep accused juvenile persons and juvenile offenders segregated from adults”, as this also has an impact on the rights of the child under the Convention on the Rights of the Child.

7. The Committee urges the State party to consider withdrawing the abovementioned reservation and draws the attention of the State party to paragraphs 59 and 60 of the present concluding observations referring to juvenile justice.

57. While noting that, as indicated during the dialogue, the number of children under 18 years of age who are in prison in Norway is low and that children and young people who are detained receive special follow-up by the prison staff to prevent harmful effects of imprisonment, the Committee is concerned that there has been an increase in the number of imprisoned children and that these children are not detained separately from adult inmates. The Committee also notes with concern that physical conditions in prisons may not be appropriate for children and that training of prison personnel for the treatment of juvenile offenders is not mandatory. The Committee is also concerned about the lack of information on the judicial and procedural treatment of children below 15 committing crimes.

58. The Committee urges the State party to ensure that juvenile justice standards are fully implemented, in particular articles

37 (b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules). In particular the Committee recommends that the State party, while taking into account the Committee's general comment No. 10 on the administration of juvenile justice (CRC/C/GC/10, 2007):

- (a) Ensure that children are held in detention only as a last resort and for as short a time as possible and reduce the number of children in prison by actively pursuing diversion measures for juvenile offenders, wherever appropriate;
- (b) Ensure that when detention is carried out, it is done in compliance with the law and with respect to the rights of the child as set out under the Convention;
- (c) Make sure that children are held separately from adults both in pre-trial detention and after being sentenced;
- (d) Take the necessary steps to ensure that persons working with children in the justice system, juvenile judges, prison officers, probation officers etc. receive appropriate training;
- (e) Actively use the time of imprisonment for rehabilitation and education, including vocational training;
Protection of witnesses and victims of crimes
- (f) Ensure that all children under 15 committing crimes are treated by civil or administrative authorities with respect of the CRC and of the international standards and, in particular, make sure that they have access to alternatives measures.



ENDNOTES



- 1) Tyldum, Lidén, Skilbrei, Dalseng, Kindt (FAFO 2015): Ikke våre barn. GRETA 2013: Report concerning the implementation of the Council of Europe Convention of Action against Trafficking in Human Beings by Norway.
- 2) Tyldum, Lidén, Skilbrei, Dalseng, Kindt (FAFO 2015): *Ikke våre barn*. GRETA 2013: Report concerning the implementation of the Council of Europe Convention of Action against Trafficking in Human Beings by Norway. Lidén og Holst (ISF 2016): *De sa du må*. Ruud Vollebæk (Redd Barna 2012), *Menneskehandel med barn*. Barnevernets kunnskap om og arbeid med barn utnyttet i menneskehandel.
- 3) Lidén og Holst (ISF 2016): *De sa du må*.
- 4) Report from PRESS (Save the Children Norway's youth section) (2013): *Savnet*:
<http://press.no/file/rapport-om-asylsokende-barn-som-forsvinner-fra-mottak-ferdig.pdf>
- 5) Ruud Vollebæk (Redd Barna 2012), *Menneskehandel med barn*. Barnevernets kunnskap om og arbeid med barn utnyttet i menneskehandel.
- 6) Tyldum, Lidén, Skilbrei, Dalseng, Kindt (FAFO 2015), *Ikke våre barn*. Identifisering og oppfølging av mindreårige ofre for menneskehandel i Norge; Paulsen, Michelsen, Brochmann (NTNU Samfunnsforskning 2015), *Barnevernets arbeid med barn i asylsøkerfasen - Faglige utfordringer og barrierer i mottaksapparatet*; Aasen, Dyb, Lid (NIBR-rapport 2016); *Forebygging og oppfølging av enslige mindreårige asylsøkere som forsvinner fra mottak og omsorgssentre*.
- 7) Aasen, Dyb, Lid (NIBR-rapport 2016); *Forebygging og oppfølging av enslige mindreårige asylsøkere som forsvinner fra mottak og omsorgssentre*.
- 8) Tyldum (FAFO 2016): *Oppfølging av mulige mindreårige ofre for menneskehandel i Norge*.
- 9) Report from the Coordinating Unit for Victims of Trafficking (KOM) 2015.
- 10) Lidén og Holst (ISF 2016): *De sa du må*.
- 11) National Criminal Investigation Service (NCIS) trend report 2016.
- 12) Residential status is not mentioned as a basis for discrimination in the Convention, but does come under 'other positions', see general comment no. 6 (2005), section 18 and the UN Committee on the Rights of the Child's observations for Norway in 2000.
- 13) Norwegian Labour and Welfare Administration (NAV).
- 14) <http://www.kriminalomsorgen.no/forvaring.237879.no.html>
- 15) General Comment no. 10 (2007) *Children's rights in juvenile justice*.

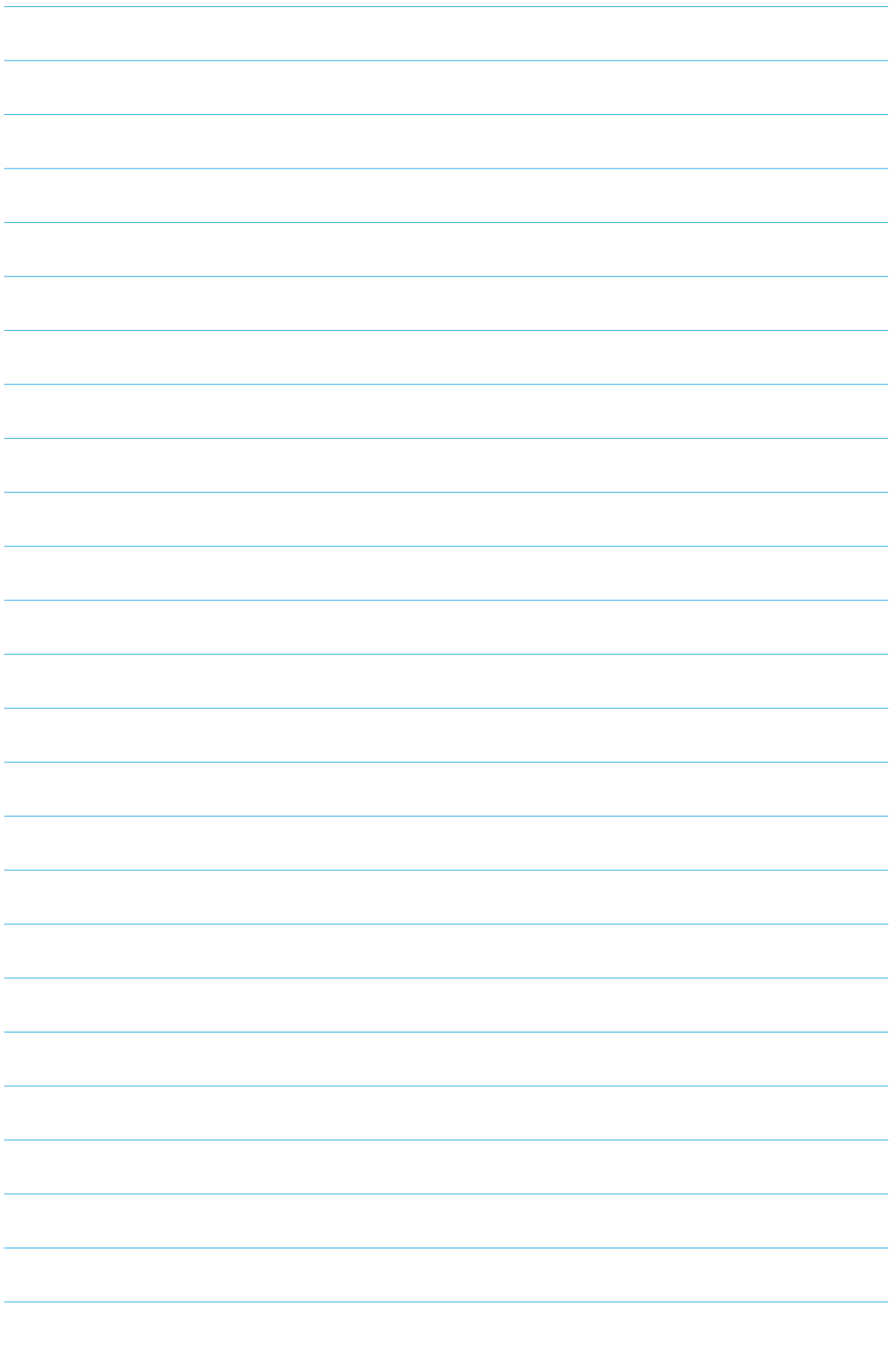
ORGANISATIONS SUPPORTING THE REPORT

 <p>ADVOKATFORENINGEN The Norwegian Bar Association www.advokatforeningen.no</p>	 <p>KIRKENES BYMISJON The Church City Mission Oslo www.bymisjon.no</p>
 <p>BARNESYKEPLEIERFORBUNDET NSF Barnesykepleierforbundet and Norwegian Nurses Organisation www.nsf.no/faggrupper/barnesykepleierforbundet</p>	 <p>Landsgruppen for helsesøstre www.nsf.no/faggrupper/helsesostre</p>
 <p>FMSO FELLESSKAP MOT SEKSUELLE OVERGREP The Norwegian Foundation Against Sexual Abuse (FMSO) www.fmso.no</p>	 <p>The Norwegian Children and Youth Council www.lnu.no</p>
 <p>FO Norwegian Union of Social Educators and Social Workers (FO) www.fo.no</p>	 <p>Norsk organisasjon for asylsøkere NOAS NOAS - The Norwegian Organization for Asylum Seekers www.noas.org</p>
 <p>FFP For Fangers Pårørende Organisation for Relatives and Friends of Prisoners www.ffp.no</p>	 <p>JURIST FORBUNDET Norges Juristforbund www.juristforbundet.no</p>
 <p>fri. Foreningen for kjønns, - og seksualitetsmangfold (FRI) foreningenfri.no</p>	 <p>Norsk barnelegeforening DEN NORSKE LEGEFORENING Norsk Barnelegeforening (NbF) www.legeforeningen.no/Fagmed/Norsk-barnelegeforening</p>
 <p>FFO Norwegian Federation of Organisations of Disabled People (FFO) www.ffe.no</p>	 <p>Norsk Folkehjelp Norwegian People's Aid www.folkehjelp.no</p>
 <p>HJELPEKILDEN Hjelpekilden www.hjelpekilden.no</p>	 <p>nfu 1967-2017 Norsk Forbund for Utviklingshemmede The Norwegian Association for Persons with Developmental Disabilities (NFU) www.nfunorge.org</p>
 <p>Human-Etisk Forbund The Norwegian Humanist Association www.human.no</p>	 <p>NORSK FOSTERHJEMSFORENING Norsk Fosterhjemforening www.fosterhjemforening.no</p>
 <p>Landsforeningen for barnevernsbarn Landsforeningen for barnevernsbarn www.barnevernsbarna.no</p>	<p>Norsk psykologforenings Menneskerettighetsutvalg www.psykologforeningen.no/foreningen/utvalg-raad-og-interesseforeninger/menneskerettighetsutvalget-mru</p>

 <p>Plan International Norway www.plan-norge.no</p>	 <p>The National Youth Club Organisation www.ungdomogfritid.no</p>
 <p>PRESS - Save the Children Youth Norway www.press.no</p>	 <p>UNICEF Norway www.unicef.no/</p>
 <p>Save the Children Norway www.reddbarna.no</p>	 <p>Union of Education Norway www.utdanningsforbundet.no</p>
 <p>Queer Youth www.skeivungdom.no</p>	 <p>Vergeforeningen www.vergeforeningen.no</p>
 <p>SOS Barnebyer www.sos-barnebyer.no</p>	 <p>UngOrg- Barne- og ungdomsorganisasjonene i Oslo www.buro.unginfo.oslo.no</p>
 <p>The Support Centre against Incest - Oslo www.sentermotincest.no</p>	 <p>Voksne for barn (VfB) www.vfb.no</p>

EXTERNAL ORGANISATIONS

 <p>Norwegian Red Cross www.rodekors.no</p>	 <p>KIA www.kianorge.no</p>
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the 1990s, the number of people with a mental health problem has increased in the UK, and the number of people with a mental health problem who are in contact with mental health services has also increased. This is a reflection of the fact that mental health problems are becoming more common, and that more people are seeking help for their mental health problems.

The increase in the number of people with a mental health problem who are in contact with mental health services is a reflection of the fact that mental health services are becoming more accessible. This is due to a number of factors, including the fact that mental health services are now available in a wider range of settings, and that there is a greater emphasis on early intervention and prevention.

The increase in the number of people with a mental health problem who are in contact with mental health services is also a reflection of the fact that mental health services are becoming more effective. This is due to a number of factors, including the fact that mental health services are now able to provide a wider range of services, and that there is a greater emphasis on evidence-based practice.

The increase in the number of people with a mental health problem who are in contact with mental health services is also a reflection of the fact that mental health services are becoming more cost-effective. This is due to a number of factors, including the fact that mental health services are now able to provide a wider range of services, and that there is a greater emphasis on evidence-based practice.

The increase in the number of people with a mental health problem who are in contact with mental health services is also a reflection of the fact that mental health services are becoming more user-friendly. This is due to a number of factors, including the fact that mental health services are now able to provide a wider range of services, and that there is a greater emphasis on evidence-based practice.

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THE NORWEGIAN FORUM FOR
THE CONVENTION ON THE RIGHTS OF THE CHILD