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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-ninth session

SUMMARY RECORD OF THE 1037th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 24 May 2005, at 3 p.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 5) (continued)

Third periodic report of Norway (CRC/C/129/Add.1; HRI/CORE/1/Add.6; CRC/C/Q/NOR/3; CRC/C/RESP/80)

1. At the invitation of the Chairperson, Ms. Ajamay, Ms. Ervik, Mr. Helland, Ms. Hellerud, Mr. Lied, Mr. Wille (Norway) took places at the Committee table.
2. Mr. WILLE (Norway) said that 80 per cent of Norway's budget (over €11 million) for the 2003-2005 plan of action against trafficking in women and children had been spent abroad. The Government expected to maintain at least the same level of spending in its 2005-2008 plan of action.
3. As part of the plan of action against suicide, funds had been allocated for competence-building and suicide-prevention programmes. The Directorate of Health and Social Welfare had been instructed to draw up national guidelines for suicide prevention for children and adolescents.
4. The Aliens Act granted refugee status to some immigrants, while others received a stay permit on humanitarian grounds. Fewer requirements for family reunification and more favourable pension rights were granted to persons with refugee status. There were moderate subsistence requirements for persons without refugee status who wished to be reunited with family members; however, many exemptions were permitted.
5. With a view to implementing its plan of action to prevent juvenile delinquency, the Government had developed a project that promoted cooperation among the various sectors of society concerned. The project provided for the establishment of conflict boards, as well as for the follow-up of rehabilitated juvenile offenders who had completed prison terms.
6. In order to ensure conformity with the Convention, private schools were required to submit their curricula to the Directorate of Education for approval.
7. Joint parental responsibility was granted to parents who lived together or who had lived together. A proposal to grant joint parental responsibility to unmarried couples in the same circumstances was under consideration. It was difficult to ensure compliance with visitation rights. Although the Children Act enabled one party to apply for an amendment to visitation arrangements, it was not always in the best interests of the child to change those arrangements.
8. The CHAIRPERSON asked whether there was a remedy for non-compliance with visitation rights on the part of one of the parents.
9. Mr. WILLE (Norway) said that, under the Children Act, it was possible to change the decision on parental responsibility.
10. Mr. HELLAND (Norway) said that a Government-appointed committee had proposed a bill to prohibit discrimination on the grounds of disability and promote the full participation of disabled persons in society. The bill required that new and existing buildings should be made

accessible to persons with physical disabilities. An equality and anti-discrimination ombudsperson and an equality and anti-discrimination tribunal would be responsible for monitoring compliance with the proposed legislation.

11. Norway had spent more than 900 million Norwegian kroner (Nkr) on programmes and infrastructure for disabled kindergarten children. The Government planned to strengthen measures to improve the indoor climate of public buildings in Norway as a means of preventing asthma and allergies.

12. Mr. HELLAND (Norway) said that, because of the shortage of child psychologists and psychiatrists in Norway, a strategic plan for children and young people's mental health had included measures to recruit more psychologists.

13. Mr. LIWSKI wished to know why there was a shortage of psychologists. He asked why there was such a demand for psychological counselling for adolescents.

14. Mr. HELLAND (Norway) said that there was no evidence of an increase in psychological problems among adolescents; most likely, young people were currently more inclined to request professional help than in the past. In 2005, the Government had presented a new plan on juvenile delinquency. The results of an evaluation of the youth contract system had been very positive, and the Ministry of Justice planned to continue implementing it.

15. The CHAIRPERSON wished to know what treatment victims received under the youth contract system.

16. Mr. HELLAND (Norway) said that victims were not treated any differently under the youth contract system than they were under other measures to deal with juvenile delinquents. The youth contract system focused on the best interests of the child, not on those of the victim.

17. Mr. ZERMATTEN said that the youth contract system appeared to disregard both the intervention of the court and the victim. That was in stark contrast to the current trend in juvenile justice.

18. Mr. HELLAND (Norway) said that, under the youth contract system, the consequences of juvenile delinquents' actions were taken into account. The main purpose of the youth contract was to ensure that the young person did not commit another crime. The Government planned to maintain that system.

19. The CHAIRPERSON asked whether a youth contract could contain provisions on reparations to victims.

20. Mr. HELLAND (Norway) said youth contracts could contain such provisions. The Government had recently presented a plan to prevent the sexual and physical abuse of children; the plan provided for a survey to determine the prevalence, causes and consequences of such abuse. The information obtained would enable the Government to design better preventive measures and to improve medical care for victims. The implications for children living in new family arrangements, such as single-parent or blended families or homosexual unions, required further research.

21. Mr. PARFITT said that sexual abuse often involved incest. Although not all such cases were prosecuted in court, families usually broke up as a result. He asked whether the Ministry of Children and Family Affairs played a role in custody arrangements in such situations.
22. Mr. HELLAND (Norway) said that it was often difficult to prosecute cases involving incest owing to a lack of evidence. If the family split up, the child was separated from the offending parent. It was difficult for children to participate in court cases involving incest.
23. Ms. ORTIZ asked whether any research had been conducted on the link between child abuse to the parents' use of pornography.
24. Mr. HELLAND (Norway) said that no such research had been conducted.
25. The CHAIRPERSON asked whether a parent could be removed from his or her home in the case of child abuse.
26. Mr. WILLE (Norway) said that a court could remove the abuser from his or her home.
27. There was broad agreement among all the parties in the Norwegian Parliament that the State should take more responsibility for children than it had in the past. It would be useful to have consensus at the European level on that question.
28. Some children lived in relative poverty in Norway. The Government's action plan to combat poverty included measures to help the unemployed and immigrants to find regular employment. In 2005, Nkr 15 million had been spent on holidays for the children of poor families.
29. Studies had shown that both Multi-Systemic Therapy and Parent Management Training were effective in helping children to overcome behavioural difficulties. The Government had commissioned a major study on foreign institutions for children with behavioural problems. The results of that survey would be applied in the five new centres for such children that were to open in each region of Norway in 2005. If those centres proved successful, additional centres would be opened. Children would stay at the centres for six months, after which they would receive appropriate follow-up care.
30. In January 2004, the State had assumed responsibility for child welfare institutions from the county authorities because the care provided by such institutions in some parts of the country had been sub-standard. Some children in care had not received care plans, which were required by law.
31. Ms. ORTIZ asked whether intercountry adoption was accessible to wealthy families only, given that the average cost of such an adoption was reportedly about US\$ 20,000. She wondered whether the Government had placed a ceiling on those costs. The reporting State should indicate what measures it was taking to ensure that such large sums of money did not involve corruption in the adopted children's countries of origin.
32. She had received reports of children being moved from one foster family to another. The delegation should indicate whether Norway planned to introduce measures to allow the child welfare authorities to declare a child available for adoption without the biological parents'

consent. It would be useful to know what kind of training potential foster families received. Data should be provided on the number of children who had been reintegrated into their biological families after a period in a childcare institution or foster family.

33. She requested information on the system for monitoring State-subsidized nannies. She asked whether the Government was concerned that some families might opt for the subsidy as a means of supplementing their income.

34. Mr. HELLAND (Norway) said that about 700 intercountry adoptions took place in Norway every year. The adoptions had to be authorized by the Government, and there were thorough checks on families who applied to adopt a foreign child. A Government subsidy refunded about 30 per cent of the cost of intercountry adoption, making it accessible to many families. The Government had implemented measures to monitor adoption processes in the children's countries of origin in order to ensure that children were not being sold.

35. The Government had lost a case at the European Court of Human Rights that had been brought against it by a mother whose parental rights had been challenged by the child welfare services. The European Court's ruling, which was based on article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms, had required Norway to exercise extreme caution when considering the removal of biological parents' rights.

36. The Government recognized the detrimental effect of moving children from one foster home to another. The municipal authorities were responsible for providing foster families with the support they needed; the support system would be strengthened in the forthcoming welfare system reforms. The welfare system provided a training programme for all prospective foster families, which also helped to identify unsuitable families. A recruitment drive in early 2005 had ensured that there were currently enough foster families to meet the demand in Norway.

37. Ms. VUCKOVIC-SAHOVIC asked how many children currently living in institutions had families.

38. Mr. HELLAND (Norway) said that most children in institutions had parents. In Norway, parental rights were seldom removed; if a child required protection from its family, a third party usually provided care until the problem was solved.

39. Mr. LIWSKI asked whether there was any follow-up mechanism to monitor foreign children adopted by Norwegian families. He wished to know whether Norwegian intercountry adoption agencies explained to the Government how the fees charged to adoptive parents were spent.

40. Mr. HELLAND (Norway) said that the money paid by Norwegian families to intercountry adoption agencies covered all costs, both in Norway and in the child's country of origin. Intercountry adoption agencies, which were run as non-profit organizations, were supervised by the Government. All fees paid by adoptive parents covered administrative costs; no money went to institutions in the adopted child's country of origin.

41. Ms. ORTIZ commended the State party on its control over intercountry adoption and recommended that it should participate in the Special Commission on the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption in September 2005.

42. Ms. LEE asked whether Norway had a school lunch programme that took account of the problem of childhood obesity. She wished to know at what age children began receiving human rights education, and whether teachers and other education staff were trained in human rights.

43. Mr. HELLAND (Norway) said that obesity among children was a problem in Norway. Steps were being taken to inform parents about healthy eating habits. An action plan had been developed to encourage adults and children to participate in physical activities, expand recreational areas for children and ensure funding for sports activities, particularly for immigrant girls. The Minister of Education and Research was considering the possibility of introducing a school lunch programme.

44. Mr. WILLE (Norway) said that he was not aware of any significant regional differences in child mortality. With regard to human rights education, he said that information on democratic values had been incorporated into the school curriculum. Under the Life Before 18 project, there were various activities to inform schoolchildren about the Convention. The Ministry of Education and Research had developed a series of Internet pages for schoolchildren, teachers and parents, which contained information about various human rights programmes.

45. Ms. LEE said that posting information on the Internet was not enough. The reporting State needed to conduct courses on human rights for teachers, the police, social workers and judges. She asked in what grade human rights education was first taught to children.

46. Mr. HELLAND (Norway) said that 13,200 new kindergarten places had been made available in 2004, and 15,000 children were on the waiting list for a place. The Government, which financed the building and maintenance of kindergartens, expected to satisfy the demand for kindergarten places by 2006.

47. Nannies who cared for more than three children had to obtain permission from the municipal authorities. The municipal authorities were responsible for inspecting the facilities and conditions in which children lived. The Government did not attempt to prevent nannies from working in the informal sector because it trusted parents to decide who should care for their children.

48. Mr. WILLE (Norway) said that the human rights pamphlets that were distributed under the Life Before 18 project were intended for schoolchildren in grades 5 to 10, and for teachers. Teachers had an obligation to provide instruction in such issues as the rights of the child, child abuse and violence. Seminars, workshops and courses on human rights issues were organized for teachers, social workers and the police.

49. In August 2005, the Government would put forward a new plan of action to address the problem of drug and alcohol abuse; the plan focused on prevention, treatment and research. The Government had suggested that every municipality should develop a plan of action to prevent crime and drug and alcohol abuse among young people.

Initial report of Norway under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
(CRC/C/OPSA/NOR/1)

50. Mr. WILLE said that the Government was currently revising its plan of action to prevent the sale of women and children. The revised plan would be implemented in the summer of 2005 and would cover the period from 2005 to 2008. Although few cases involving the sale of persons under the age of 18 had been registered, the Government did not exclude the possibility that there had been many other cases. The Central Criminal Police Bureau was responsible for gathering and analysing information on the sale of women and children. Efforts were being made to improve the national system for assisting and protecting victims of that offence.

51. Mr. FILALI asked what measures had been taken to implement the Optional Protocol and whether staff who dealt with cases involving the sale of children, child prostitution and child pornography received proper training. He enquired why a Norwegian national who had committed an offence in another country could not be extradited to that country. The delegation should provide detailed information on the Safety, Awareness, Facts and Tools (SAFT) project. He asked what measures the Government was taking to raise awareness among young people of such offences as child prostitution and pornography.

52. Ms. VUCKOVIC-SAHOVIC said that the new plan of action to combat the sale of women and children should contain a description of police investigation measures, and an analysis of the problem of trafficking in children and child prostitution. She was concerned that the new plan focused on the problem of trafficking in women rather than on trafficking in children. Norway should establish clear guidelines for preventing trafficking in children.

53. Mr. KOTRANE said that, under the Penal Code, children were defined as persons who were or appeared to be under 18 years of age. He was worried that pornographers could claim that the child concerned had appeared to be over 18 years of age. The delegation should explain what had been the result of the Government's proposal to separate child pornography from the general provision on pornography. He requested information on the results of the plan of action to combat the sale of women and children for the period 2003-2005, and of the plan of action relating to children, young people and the Internet. He asked what measures were in place to implement the provisions of article 4, paragraph 2, and article 5 of the Optional Protocol.

54. Ms. ORTIZ asked who was responsible for identifying children in pornographic photographs and what measures were taken to provide assistance to victims of child pornography and of other similar offences. It would also be useful to know whether adult and child victims were treated differently.

55. Mr. PARFITT asked whether compensation was provided to victims of child pornography and trafficking in children. He wondered whether the immigration authorities applied the best interests of the child when they took decisions concerning victims of trafficking.

56. Mr. ZERMATTEN asked whether compensation could be provided to children living abroad who had been subjected to prostitution, pornography or abuse by a Norwegian citizen or a person residing in Norway.

57. The CHAIRPERSON asked whether an 11-year-old girl who had been sexually abused in the Philippines by a Norwegian man who was later arrested by Norwegian authorities, was entitled to compensation. He wished to know who was responsible for informing the victim that she was entitled to compensation, and how the case would be investigated. He asked whether a Norwegian man who had committed a sexual offence in an African country could be prosecuted in Norway only if the act was a punishable offence in both Norway and the country in which the act had been committed.

58. Mr. LIWSKI asked whether the Government had any experience in cooperating with Internet companies in filtering Internet pornography.

The meeting was suspended at 5.05 and resumed at 5.15 p.m.

59. Mr. WILLE (Norway) said that training in children's rights was provided by the child welfare services. The National Criminal Investigation Service investigated acts constituting a criminal offence under the Optional Protocol. General extradition legislation also applied to offences covered under the Optional Protocol, and Norway had ratified a number of relevant multilateral instruments. There was thus no need to conclude additional extradition agreements.

60. The draft proposal to separate child pornography from general provisions on pornography had been adopted. The code of ethics for civil servants prohibited the purchase of sexual services. Immigration procedures affecting minors were conducted in the best interests of the child.

61. Mr. HELLAND (Norway) said the Safety, Awareness, Facts and Tools (SAFT) project was a European Union programme initiated by Norway to promote the safer use of the Internet, primarily through awareness-raising activities. The project involved close cooperation between the various actors concerned, including the police and the Ministry of Justice. The European Commission was currently preparing a new programme on safer use of the Internet, and Norway planned to participate in that programme. The use of Internet filters to restrict access to materials harmful to minors was widespread. However, many professionals considered awareness-raising for children and parents about the safer use of the Internet and risk behaviour to be more effective.

62. Mr. WILLE (Norway) said that the National Criminal Investigation Service was responsible for identifying children in photographs. Section 211 of the Criminal Code defined acts constituting pornography. The National Criminal Investigation Service was currently drafting guidelines on police investigation into such acts.

63. Ms. ORTIZ requested information on the rehabilitation of child victims of pornography and trafficking and asked whether the relevant plan of action contained measures that addressed the specific needs of children.

64. Mr. HELLAND (Norway) said that child victims of prostitution or pornography had access to the same rehabilitation and health services as other children in Norway. Cases involving sexual abuse were covered under the action plan against sexual abuse. The child welfare services provided assistance to child victims of trafficking for the purpose of commercial sexual exploitation; staff members received specific training in handling such cases.

65. Mr. WILLE (Norway) said that the National Plan of Action to Combat Trafficking in Women and Children (2003-2005) provided for the care, return and rehabilitation of child immigrants based on cooperation between NGOs, the Norwegian authorities, the authorities in the country of origin and the International Organization for Migration. Child immigrants were allowed to stay in Norway during the so-called “reflection period” and were issued permanent residence permits where required. Outreach teams worked with prostitutes to disseminate information in various languages on assistance and protection measures.
66. The CHAIRPERSON asked the delegation to explain the procedure that applied to cases involving the commission by a Norwegian national abroad of an offence under the Optional Protocol.
67. Mr. WILLE (Norway) said that the Norwegian authorities cooperated with the authorities of the country where the offence had been committed. Prosecution could take place either in Norway or in the country concerned. If the alleged offender was tried before a Norwegian court, the victim could be brought to Norway to testify. All victims of offences under the Optional Protocol were eligible for compensation, regardless of citizenship. In cases involving child victims, the requirement of double criminality did not apply.
68. Mr. KOTRANE asked whether Norway had taken measures to establish its jurisdiction in accordance with article 4 (b) of the Optional Protocol. He wondered whether charges could be withdrawn in cases where the victim had appeared to be over 18 years of age and whether companies could be prosecuted for violating the Optional Protocol.
69. Mr. WILLE (Norway) said that domestic legislation provided for the prosecution of companies for such offences. It was up to the alleged offender to prove that he or she had been unaware of the victim’s age. The withdrawal of charges on those grounds was extremely unlikely.
70. The Norwegian Criminal Code granted extensive extraterritorial competence for the prosecution of crimes involving Norwegian victims, even if those crimes had been committed by non-nationals abroad. Thus far, those provisions had not been invoked in connection with offences covered by the Optional Protocol.
71. The CHAIRPERSON asked whether the defence counsel of the alleged offender had the right to raise questions during the examination of the alleged victim.
72. Mr. WILLE (Norway) said that, as a rule, questions were raised only by the judge. The provision prohibiting the presence of the defence counsel under certain circumstances had thus far not been challenged in cases covered under the Optional Protocol.
73. Ms. ORTIZ asked whether Norway cooperated with non-European countries in combating transnational crime.
74. Mr. WILLE (Norway) said that his Government cooperated with the authorities of Thailand, Bangladesh and the Philippines.

75. Ms. VUCKOVIC-SAHOVIC, Country Rapporteur, said that the Committee was encouraged by the progress made in the implementation of the Convention and would recommend that Norway should continue its efforts to disseminate the Convention and the Optional Protocol and to implement the Committee's recommendations. The State party should consider improving child rights education. Areas of concern included discrimination, child asylum-seekers, children without parental care, and adolescent health. The Committee would support the drafting of new guidelines to enhance the implementation of the Optional Protocol.

76. Mr. WILLE (Norway) said that his Government looked forward to the Committee's recommendations and would take them into account in its efforts to improve the situation of all children in Norway.

The meeting rose at 5.55 p.m.