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WRITTEN REPLIES BY THE GOVERNMENT OF NORWAY CONCERNING THE LIST OF ISSUES (CRC/C/OPAC/NOR/Q/1) TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE INITIAL REPORT OF NORWAY UNDER ARTICLE 8 (1) OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT (CRC/C/OPAC/NOR/1)

[Replies received on 30 April 2007]

Written replies by the Government of Norway to the list of questions relating to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

With reference to the list of issues contained in document CRC/C/OPAC/NOR/Q/1, the following answers are provided to the questions posed by the Committee:

Question 1

No specific authority has been given a particular responsibility for the implementation of the Protocol. This responsibility rests with the respective authority responsible in the relevant area. The evaluation and monitoring of the implementation of the Protocol is also part of the general evaluation and monitoring in this area.

Question 2

The General Civil Penal Code of 1902 currently in force does not include provisions on war crimes as such. Most of the acts included in article 8 of the Rome Statute of the International Criminal Court 1998 are punishable as ordinary crimes, such as murder, torture and rape etc.

Recruiting children under the age of 15 and using them to participate actively in hostilities are acts punishable under section 108 of the Military Penal Code of 22 May 1902, No. 13. Under this section, a person who violates any of the provisions of the Geneva Conventions of 1949 or the two Additional Protocols of 1977, is liable to imprisonment not exceeding four years, unless the act is punishable with a longer term of imprisonment under another provision.

Recruitment of children under the age of 15 or the use of children under the same age to participate actively in hostilities is prohibited under article 77, paragraph 2, of the First Additional Protocol.

Under section 104 a of the General Civil Penal Code, any person who forms or takes part in a private organization of a military character, or who recruits members to or supports any such organization, is liable to imprisonment for a term not exceeding two years. If the organization has members under the age of 18 or uses persons under the age of 18 during hostilities, the maximum penalty is increased to six years. It follows from section 12, No. 4 of the General Civil Penal Code that crimes under this section are subject to universal jurisdiction, but in practice, the provision, included in chapter 9, entitled "Crimes against the Constitution of Norway and the Head of State", is considered only to apply to organizations that may pose a threat to Norwegian interests.

Section 224 of the General Civil Penal Code attaches criminal liability to anyone who by force, threats, misuse of another person's vulnerability, or other improper conduct exploits another person for the purpose of war service in another State. If the act is committed against anyone under 18 years of age, the perpetrator is liable to punishment independently of any use of force or threat, misuse of a person's liability, or any other improper conduct. Anyone found guilty of such an offence is liable to imprisonment for a term not exceeding 5 years, and 10 years if the offence is grave. In deciding whether the offence is grave, particular importance shall be attached to whether the person who was exposed to the act was under 18 years of age. The provision is also applicable to acts committed abroad by any Norwegian national or any person resident of Norway, and to acts committed abroad by a foreigner.

Recruiting children under the age of 18 in the Norwegian Armed Forces, or using children under the age of 18 to participate actively in hostilities in Norway, is prohibited under Act No. 29 of 17 July 1953 relating to compulsory military service sections 3 to 5, and

On 3 April 2007, the Norwegian Ministry of Justice sent a proposal for new penal provisions regarding genocide, crimes against humanity and war crimes for a public hearing. The provisions will be included in the new Penal Code currently being drafted by the Ministry of Justice. The general provisions of the new Penal Code were adopted in 2005, and section 5, paragraph 3, of this act states that the crime of genocide, crimes against humanity and war crimes are subject to universal jurisdiction. The definitions of the crimes in the proposal are based on the Rome Statute, but on some points the proposal goes further in criminalizing acts not included in the Rome Statute. Under the proposal for section 103, first paragraph (e), is considered a war crime to conscript or enlist children under the age of 18 or to use them actively to participate in the hostilities. The Rome Statute operates with an age limit of 15 years. The Ministry of Justice has invited public bodies, non-governmental organizations and private organizations to comment particularly on this question.

Question 3

The fact that volunteers under the age of 18 in the Home Guard Youth are exempted from military disciplinary authority is based on both an established practice as well as an established interpretation of the scope of application of the Norwegian Military Disciplinary Authority Act of 1988.

Question 4

Education and training on and dissemination of the provisions of the Optional Protocol are embedded in the humanitarian law and human rights law education system at every level in the Norwegian Armed Forces. Furthermore, special courses and training are given to personnel in preparation for deployment to international operations. Particular focus is given to the issue of child soldiers during such preparatory training, sometimes through field training as well as case studies/classroom training. The Norwegian Armed Forces cooperate with the Norwegian Save The Children to that end. In addition to the above-mentioned activities, ad hoc seminars and similar events are carried out on an ad hoc basis. For instance, the Norwegian Minister of Defence recently hosted a national conference on child soldiers, open to the media and NGOs and also with participation from the Armed Forces. The Optional Protocol, including its scope of application, was one of the issues discussed at the conference.

Question 5

Since Norway does not have statistical data on countries or areas where armed conflicts take place, the figures below cover persons applying for asylum in Norway:

	2004	2005	2006
Total number of asylum applicants to Norway (accompanying children of these in %)	7 900(24%)	5 400	5 300(25%)
Unaccompanied minor asylum-seekers	424	322	349
	3 300	2 300	2 000
Children living in reception centres	(27% of all residents)	(26% of all residents)	(27% of all residents)

Unaccompanied minor asylum-seekers

Unaccompanied minor asylum-seekers are persons who upon arrival in Norway state that they are under 18 years of age and are not accompanied by parents or others with parental responsibility. The number of unaccompanied minor asylum-seekers declined by almost 500 in 2004 compared with 2003. The majority of the unaccompanied minor asylum-seekers in 2004 came from Afghanistan, Somalia and Iraq. Of the cases which were examined in 2004, 40 per cent had their application granted, and 60 per cent were rejected. In 2006 most of the unaccompanied minors were Iraqi or Somali citizens. Eighty per cent of the unaccompanied minors were boys.

Question 6

The Government, in cooperation with Parliament, decided in autumn 2006 to transfer responsibility for unaccompanied minor asylum-seekers at reception centres from the immigration authorities to the child welfare services. This transfer of responsibility will take place in two stages, the first of which will occur in autumn 2007 and will involve unaccompanied minors under 15. Besides care and supervision, the child welfare services will enhance the psychological services provided to the children. (See also the answer to question 7.)

Question 7

The report on mental health of children living in reception centres in Norway was submitted and published shortly before the parliamentary elections in September 2005. Some of the measures have been followed up on, others are still in the process. The Ministry of Health and Care Services through the Norwegian Centre for Violence and Traumatic Stress Studies is responsible for carrying out a pilot project which aims at finding adequate methods and tools for mapping the mental health of asylum-seekers shortly after they arrive in Norway, and to provide proper care when needed. The pilot project includes the mapping of 50 asylum-seeking children, depending on whether parents will allow the children to attend, as the project is based on voluntary participation. In order to increase the consciousness and skills among health workers within the psychic health care, a guide for psychological and psychosocial work with asylum-seeking children and refugee children has been developed and widely distributed.

The Directorate for Immigration and the Directorate for Health and Social Affairs cooperate in organizing a yearly national conference and regional conferences which focus on different aspects of mental health for asylum-seekers and refugees, including topics related to children as a part of the programme, or as the main topic for the conference. The participants of the conferences are reception centre workers, health-care workers, childcare workers and the police.

Shortly after the elections in 2005 which led to the formation of a new Government, the new Minister of Labour and Social Inclusion established a new working group dealing with the situation of asylum-seeking children accompanying their parents in reception centres. Some of the suggested measures from the above-mentioned report that were not being followed up were adopted by the new working group. Some of these measures require financing. The Ministry of Labour and Social Inclusion and the Directorate for Immigration are currently discussing which of these measures should be prioritized and the possible time frame for implementing them.

Question 8

To help refugee children in Norway, the Ministry of Children and Equality and other national authorities have been for several years providing funds for crisis therapy, group therapy and parental guidance in reception centres. The Centre for Crisis Psychology has been responsible for the implementation of the parental guidance programme in some reception centres. In 2006, the Ministry for Children and Equality initiated a project for adjusting experiences from different parental guidance programmes to programme(s) that can be used nationwide in reception centres. The programmes will be clinically tested in 2007.

Recently, the Centre for Crisis Psychology has developed an instrument for screening of traumas and late stress syndrome among refugees. The Ministry for Children and Equality has provided funding for the project, and clinical testing of the instruments is now taking place.
