



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Fifty-third session

### Summary record of the 1482nd (Chamber B) meeting

Held at the Palais Wilson, Geneva, on Thursday, 21 January 2010, at 3 p.m.

*Chairperson:* Mr. Zermatten

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports of States parties** (continued)

*Fourth periodic report of Norway* (continued) (CRC/C/NOR/4; CRC/C/NOR/Q/4 and Add.1; HRI/CORE/1/Add.6)

1. *At the invitation of the Chairperson, the members of the delegation of Norway took places at the Committee table.*
2. **Mr. Pollar** asked how parents and children maintained contact when one of the parents was in prison, what position the State party took on placing children with foster families or in institutions, and whether the situation of children who were placed in institutions was monitored. He also wished to know how the principle of the best interests of the child were respected when one of the child's parents was expelled from the territory.
3. **The Chairperson**, noting that the minimum age of criminal responsibility was 15, asked which court dealt with young offenders under the age of 15, who conducted the investigation, what procedural guarantees were in place and whether offenders under the age of 15 could be deprived of their liberty and held in pretrial detention. He also wished to know whether alternatives to deprivation of liberty were applied for juveniles aged between 15 and 18 and why minors were still held together with adults in the State party's prisons. It would be useful to learn what the maximum duration of police custody was for minors.
4. Given that several unaccompanied minors had disappeared from children's homes, he asked what preventive measures the State party was taking to tackle that problem. He wished to know whether the Children's Houses could be regarded as a single point of contact that provided access to the entire child protection mechanism.
5. **Mr. Lysbakken** (Norway) said that all Norwegian children were registered with the civil registry at birth. In the case of doubt about the father's identity, the authorities had a duty to help the family establish the child's parentage.
6. Religious studies and ethics lessons took the diversity of religious sensitivities into account and placed significant emphasis on multiculturalism.
7. The Immigration Act provided that migration officials and social workers received basic training in children's rights. Since January 2009, hearings of unaccompanied minors had been conducted behind closed doors in a purpose-built unit.
8. **Mr. Krappmann** (Country Rapporteur) asked whether child migrants or asylum-seekers were provided with the assistance of a guardian and the services of an interpreter.
9. **Ms. Khattab** asked the delegation to explain whether the physical examinations of asylum-seekers respected everyone's right to privacy, if the authorities endeavoured to determine whether child asylum-seekers had been involved in armed conflict and, if so, whether rehabilitation and assistance measures were provided.
10. **Mr. Lysbakken** (Norway) said that the migration authorities' rejection of a young Sri Lankan Tamil's asylum application, confirmed by a Supreme Court judgement, suggested that the best interests of the child, which had duly been taken into account, had not justified granting the application in that case.
11. Under the new Guardianship Act, all unaccompanied minor asylum-seekers had the right to the assistance of a legal guardian and the services of a lawyer. However, it was not always possible to guarantee the services of an interpreter owing to the lack of qualified interpreters.

12. Draft legislation currently being drawn up recognized the right of minors from 7 years of age to be heard without their parents' consent or presence. Clearly, that legislation would also apply to child refugees.
13. **Ms. Khattab** pointed out that, in its general comment No. 12 on the right of the child to be heard, the Committee had not set a minimum age for the exercise of that right and asked why age 7 had been chosen.
14. **Mr. Lysbakken** (Norway) replied that traditionally, Norwegian children began school at the age of 7, which is why it had been chosen. However, Norway planned to implement measures to ensure that younger children were heard, especially in the context of divorce proceedings.
15. The number of parents taking advantage of the cash benefits scheme for not using childcare facilities had decreased, not least because of the rise in the number of day-care centres. The allowances, currently for children aged 1 and 2, would shortly be available only for children aged 1. That should have a positive effect on the integration of the children of non-Western immigrants, as more of them would attend day-care centres where they would interact with their peers. As part of the pilot projects being run in neighbourhoods with high numbers of children of immigrant origin, the authorities were trying out providing places at day-care centres free of charge at certain times of the day. Within the context of the reform of day-care centres, fees had been capped in order to enable low-income families to enrol their children.
16. Regarding respect for children's right to privacy, the Government was currently considering a bill on personal information and the possibility of amending the Penal Code, adding an article prohibiting the dissemination of personal information about one's child on the Internet.
17. Children wanting to seek help without their parents' consent could either contact one of the Children's Houses or telephone the hotline for children.
18. On the issue of data collection, he referred the Committee to paragraphs 38 to 41 of the periodic report. He pointed out that Norway was funding a large research project into social risk indicators. The resulting report, which would be published in the spring of 2010, should provide valuable information on children's and young people's living conditions. Turning to data collection in the immigration context, he said that the Immigration Act entitled the authorities to photograph foreign nationals and, in some cases, to take their fingerprints, particularly those of individuals who were unable to prove their identity, were in an irregular situation or were applying for a residence permit. The Immigration Act included detailed provisions on the deletion of fingerprints from the registers.
19. The authorities used dental and wrist X-rays and information gathered during interviews with unaccompanied minors in order to ascertain their age. Given that there was no method of determining age with certainty, all persons who, after the evaluation, were estimated to be aged 19 at most were considered minors. There had been plans to supplement the evaluations with a clinical examination performed by a doctor, but that proposal had met with some opposition and had not been implemented for the time being.
20. In order to fight child poverty, the Government had taken a range of measures relating to social protection, assistance, education and the participation of vulnerable groups in the job market. It continued to help families with children, particularly through family allowance and maternity benefits.
21. The municipalities received funding to help them ensure that children from disadvantaged families participated in society on an equal footing with other children. The income threshold at which people were entitled to housing benefit had been raised in order to improve the situation of families with children. The level of social assistance could vary

from one municipality to another because, while the Government provided guidelines on the amounts it considered necessary, the municipalities had some leeway in that area.

22. **The Chairperson** asked for additional information on the unemployment rate among young people aged between 16 and 20, especially young people of immigrant origin. He wished to know whether measures had been taken to help young people receive vocational training and gain access to employment.

23. **Mr. Lysbakken** (Norway) said that the rate of unemployment was higher among young people than in the rest of the population and that there was a clear correlation between the school dropout rate and unemployment. Measures had been taken to prevent young people of immigrant origin from dropping out, including appointing minority counsellors in schools; their main responsibility was to help pupils from minorities to complete their secondary studies. The Government had submitted a White Paper to Parliament containing proposals to smooth the transition from primary to secondary school, improve vocational training and strengthen the counselling services available in both primary and secondary schools.

24. The Norwegian Government was concerned about the increase in the number of children being treated with Ritalin and was closely following research into the issue. It was also looking into measures to prevent children from selling on medication prescribed for them.

25. The Norwegian authorities had implemented three successive action plans to prevent forced marriage. One of the measures contained in the 2008–2011 plan was to appoint to some secondary schools minority counsellors who did preventive work and supported students affected by the problem. Other measures included the provision of secret shelters where people seeking to avoid forced marriages or wishing to put an end to such a marriage could take refuge. A specialist team had been assembled to advise people who were likely to come across cases of forced marriage in their professional activities, such as child welfare services staff, police officers, and teachers.

26. **Ms. Khattab** noted that, in some communities affected by the practice of forced marriage, for a woman who was married or engaged to be married to spend a night away from home constituted extreme misconduct and could compromise her future. Working with the members of the community concerned to raise the marriageable age and gain acceptance for the principle that a girl's consent was necessary would be more effective than providing care for victims in secret locations. She wished to know how the authorities promoted foreign communities' integration in Norwegian society.

27. **Mr. Lysbakken** (Norway) said that the Government was implementing a wide range of measures and policies to combat forced marriage and was particularly focusing on dialogue with young people from the communities concerned and informing them of their rights. While secret shelters were a last resort, it was nonetheless necessary when dialogue was no longer an option and the person was in full-blown conflict with her family. In such situations, the authorities had a duty to protect the person and ensure that her fundamental rights were respected.

28. The Norwegian integration policy for immigrants had been quite successful over the years. Similarly, the housing policy that had been implemented in recent decades had prevented ghettos from forming. Several problems remained, such as the large number of children of immigrant origin in some schools, and the higher unemployment and school dropout rates among immigrants than in the rest of the population.

29. **Mr. Krappmann** (Country Rapporteur) asked why immigrants' children were sent to their parents' country of origin to complete some of their education there. He also wished to know why the State party had set up or was planning to set up reception and training

centres in some regions of the world for young people wishing to emigrate, instead of hosting those minors in Norway.

30. **Mr. Lysbakken** (Norway) said that some immigrant families forced their children to go to their country of origin to study, possibly in order to avoid them becoming overly integrated in Norwegian society. The authorities were keen to prevent that from happening and encouraged children of foreign origin to be educated in Norwegian schools. The guide entitled "Children at school in the parents' country of origin", cited in paragraph 385 of the periodic report, set out the regulations on interruption of schooling in Norway and was a useful basis for dialogue between the parents and the school.

31. **The Chairperson** requested additional information on female genital mutilation (FGM).

32. **Mr. Lysbakken** (Norway) said that, in 2008, the Government had adopted its third action plan against FMG, which would be implemented from 2008 to 2011, in parallel with the action plan against forced marriages. Staff of medical facilities and school health services were responsible for raising awareness of FGM among several target groups and entering into dialogue with parents and girls from those groups in an effort to prevent the practice. Those units were also responsible for ensuring that girls and women who had undergone FGM received appropriate care. Oslo Police District had received 12 reports of FGM since autumn 2008 and in most cases, investigations were under way.

33. Since 2008, all girls and women from regions where, according to the World Health Organization (WHO), FGM affected at least 30 per cent of the female population, were offered counselling services and a gynaecological examination. The examinations were carried out by qualified doctors from the Municipal Health Services one year after the girls and women in question had arrived in Norway and were also offered to girls of immigrant parents born in Norway, before they began school, during their fifth school year at primary school and again during their tenth year. Under the Patient Rights Act, the gynaecological examination could be carried out only with the consent of the patient and that of her parents or guardians.

34. **Ms. Khattab** asked why the parents' or guardians' consent was necessary, since in most cases it was the parents who decided to mutilate their daughter. She wished to know how many cases of FGM had been encountered in the State party and how many of those cases had resulted in legal proceedings and, where appropriate, convictions. She also wished to know whether the media reported on such cases and any sentences handed down.

35. **Ms. Gulbrandsen** (Norway) said that, under health legislation, only children over the age of 12 could consult a doctor without their parents' consent.

*The meeting was suspended at 4.35 p.m. and resumed at 4.55 p.m.*

36. **Ms. Herczog** requested additional information on school meals at primary schools and kindergartens.

37. She also wished to know why young offenders were held with adults and whether there were any school mediation programmes.

38. **Ms. Khattab**, noting that the plan of action against trafficking had ended in 2009, asked whether a new plan had been drawn up. She also wished to know whether the reflection period for victims of trafficking, which had been extended from 45 days to 6 months, was available to all trafficking victims.

39. **Mr. Lysbakken** (Norway) said that a new plan of action against trafficking would be implemented in 2010. Since the consideration of the third periodic report, a new law had been adopted making it an offence to buy sexual services, in an attempt to prevent trafficking.

40. **Ms. Mowinkel Normann** (Norway) said that the rules governing the reflection period allowed for victims of trafficking were the same for minors and adults. Temporary permits had been granted to 60 trafficking victims, only 1 of whom had claimed to be under 18. All victims were informed of their right to apply for asylum.
41. **Mr. Lysbakken** (Norway) said that there were no statistics available on the number of cases of FGM in Norway. To date, there had been no convictions.
42. The project to set up reception and training centres for young people in their countries of origin was linked to the rise in the number of asylum applications filed by unaccompanied minors, which had increased six-fold between 2007 and 2009.
43. The texts of decisions granting refugee status or permits on humanitarian grounds specified whether family reunification was permitted.
44. The procedure for examining asylum requests submitted by unaccompanied minors lasted about six months and was longer for minors over the age of 15.
45. Children at primary school and in the first cycle of secondary school whose mother tongue was not Norwegian or Sami had access to specialized teaching until they were sufficiently fluent in Norwegian. If necessary, they had the right to be taught in their mother tongue or to bilingual teaching. That was also a possibility in the second cycle of secondary education.
46. Most of the minors who disappeared from asylum reception centres were eligible for temporary residence permits which were valid until they were 18, and they often disappeared shortly before their eighteenth birthday. There was no legal provision whereby minor or adult asylum-seekers could be forced to stay in a reception centre.
47. The implementation of children's right to visit one of their parents serving a prison sentence was always based on the principle of the best interests of the child. Visiting times could therefore be arranged for children, and some prisons had specific buildings allocated for visits. In addition, prisoners who had children had extended telephone access. There were currently no prisons in Norway that allowed mothers to keep their children with them.
48. The possibility for children to maintain contact with one of their parents who was the subject of an expulsion order was taken into consideration before the expulsion decision was taken. The fact that foreigners had children did not prevent their expulsion, but the interdiction of return to Norwegian territory was generally limited to a period of 2–5 years. The expelled parent could apply for a Norway visa in order to maintain contact with his or her child and could file a request to cancel the interdiction of return to the country.
49. The age of criminal responsibility was 15. Below that age, minors could not be prosecuted or convicted. The police were nonetheless obliged to conduct an inquiry, the results of which were sent to the child welfare services, which could then provide appropriate assistance to the family and the young person. A Green Paper had been prepared in October 2008 proposing restorative justice measures for young offenders aged 15–18 as an alternative to deprivation of liberty. As part of a two-year experimental programme, Norway was currently putting in place separate prison units for the age group 15–18 who had been convicted or were in pretrial detention.
50. **The Chairperson** asked whether those units were already operational, how many of them there were and where they had been located. He also wished to know whether, in general, minors were held together with adults.
51. **Ms. Mowinkel Normann** (Norway) said that Norway planned to set up two such specialist units with room for a total of 10. One of the units, located in Bergen, had been taking in young offenders since the end of 2009, and the other would be built in Oslo as soon as the right location had been found.

52. **Mr. Lysbakken** (Norway) said that, since fewer minority children than ethnic Norwegian children attended kindergarten, the Government had asked municipalities to reduce kindergarten and nursery school fees and to set up more such facilities in order to increase access to those services.

53. All children with special educational needs were entitled to specialist support; the municipal education and psychology authorities decided the type of support.

54. The issue of school meals was paramount and was the subject of national political debate. There was no doubt that the quality of the meals had an effect on learning, and the provision of fruit and vegetables was being prioritized. In practice, most kindergartens had school canteens, but they had no legal obligation to provide school meals.

55. **Ms. Herczog** asked whether the State party planned to make kindergarten and preschool education free of charge.

56. **Mr. Lysbakken** (Norway) said that, prior to the education reform launched in 2003, kindergarten fees had been very high in general and had varied significantly from one place to another. Since the reform had been introduced, municipalities always set the fees but could not exceed a ceiling established by the national authorities, which should be lowered progressively. Significant budget allocations had been made to kindergartens and preschool education over the previous seven years, and there should be tangible results at the educational and social levels.

57. The Directorate of Health and Social Services ran regular campaigns for the prevention of alcoholism and drug addiction, aimed at all population groups. There were plans to address the problem of alcoholism at parent-teacher meetings in primary and secondary schools and to involve young people in implementing strategies to prevent drug addiction. While alcohol and tobacco advertising was prohibited in Norway, children were exposed to some indirect commercial pressure through the Internet or satellite television channels.

58. In an effort to increase the possibility of placing children who were deprived of a family environment, the Norwegian authorities were trying to recruit increasing numbers of foster families and to build new institutions. The Directorate for Children, Youth and Family Affairs undertook campaigns to find foster families in urban areas, where there was an urgent need; families belonging to minorities; and families that were able and willing to take care of children with special needs or children with behavioural difficulties. New provisions had entered into force on 1 January 2010 and aimed to consolidate placements and prevent children from being removed from their foster family unnecessarily. A dedicated telephone line had also been made available to foster parents.

59. The national plan for persons with disabilities for the period 2008–2011 had highlighted the opportunities for children with disabilities to attend cultural events.

60. **Mr. Krappmann** (Country Rapporteur) said that, in the Committee's concluding observations on the fourth periodic report of Norway, it would take note with satisfaction of the numerous measures the country had taken to ensure better respect of children's rights on its territory. Its recommendations would include that the State party should establish procedures to improve its monitoring of the relevant activities it was implementing.

61. **The Chairperson** said that the Committee had come to the end of its consideration of the fourth periodic report of Norway.

*The meeting rose at 6 p.m.*