



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fourth session

SUMMARY RECORD OF THE 625th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 22 May 2000 at 3 p.m.

Chairperson: Ms. OUEDRAOGO

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Norway (CRC/C/70/Add.2; CRC/C/Q/NOR/2; written replies of the Norwegian Government to the Committee's list of issues (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, Mr. Wille, Mr. Helland, Ms. Hellerud, Ms. Vinnes and Ms. Mollestad (Norway) took places at the Committee table.
2. Mr. WILLE (Norway) said that the Norwegian Government was convinced that preventive action against human rights violations was not sufficient but that, at the same time, efforts should be made to establish a real culture of respect for those rights throughout the world. He was in favour of strengthening the treaty bodies, notably by accordin them greater resources, in view of the important task entrusted to them of reviewing periodic reports.
3. Since the submission of its initial report, Norway had been very active in the field of human rights and had established a national Plan of Action for Human Rights which accorded priority attention to children's rights. The Norwegian Government had also taken steps to sign and ratify the two optional protocols to the Convention on the Rights of the Child. Furthermore, it attached great importance to international cooperation in the field of children's rights. In November 1999, an international seminar had been held in Oslo on the influence of the media on children and adolescents, which should lead to the preparation of training and sensitization material and a communication to the Committee on the Rights of the Child outlining the responsibilities of States parties pursuant to article 17 of the Convention.
4. The CHAIRPERSON invited Committee members to put questions on general measures of implementation and the definition of the child.
5. Ms. MOKHUAINE said she was pleased that Norway's second periodic report (CRC/C/70/Add.2) followed closely the Committee's guidelines and contained disaggregated data. She praised the dialogue that had started between the Government and non-governmental organizations (NGOs), the withdrawal in 1995 of the reservation in respect of article 40 of the Convention and the creation of a vast network offering assistance to parents. She welcomed the amendments that had been made to legislation relating to children, citizenship and marriage, as well as the adoption of a text prohibiting female genital mutilation. She also praised the State party for its efforts at ensuring free care for children in crèches and nurseries. In spite of the recession, the State party had increased budgetary allocations to child assistance programmes, and the creation of a follow-up mechanism for the implementation of the Convention and various programmes in the interests of children were commendable. Significant efforts had been made to involve young people in the fight against intolerance, racism and xenophobia.
6. However, it was regrettable that Norwegian legislation did not fully comply with the Convention's provisions. Furthermore, certain administrative measures and directives relating to the application of the Convention were not always in line with the spirit of the Convention. In fact, sometimes the decisions taken by civil servants in different areas of public administration violated the rights of the child, especially with respect to the expulsion of immigrants, causing children to be separated from their parents, and the granting of child custody. In that connection, she wondered whether the guidelines governing the implementation of the Convention effectively ensured maximum protection of children's rights.

7. Referring to paragraph 22 of the State party's report (CRC/C/70/Add.2), she said she regretted the inadequate training of those responsible for implementing the Convention and recalled that the objective of the Convention was to change mentalities and behaviour. Such change could only occur if social workers, in particular, were sensitized to the issues and she would like to know if the State party intended to remedy the situation.

8. Mr. FULCI said he would like to be informed of any recent discussions or decision concerning the inclusion of the Convention's provisions in a legal instrument, since the human rights act adopted in 1999 had incorporated provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the European Convention on Human Rights, but not those of the Convention as they were considered to be too specific. He would also like to know if the Government had evaluated the work of the Commissioner for Children. Other countries could draw inspiration from the way in which Norway's initial report had been broadly publicized, and it was to be hoped that the second periodic report would be just as widely disseminated.

9. Ms. EL GUINDI said she would welcome information on any cooperation between the Ministry of Children and Family Affairs and the other ministries working in areas of relevance to children, such as health and education, as well as more detailed information on undocumented foreign children in Norway and the rights of single mothers under 18 years of age. What was the legal minimum age at which women could marry?

10. Ms. TIGERSTEDT-TÄHTELÄ remarked that training should be provided not only for social workers but also for politicians, members of parliament and members of the municipal councils, who seemed not to be very familiar with the content and scope of the Convention. Local government bodies must be made aware of the need to ensure, at all times, adequate funding for pro-child activities. She wondered whether children's access to a crèche or nursery was an individual right in Norway.

11. Mr. RABAH asked whether the State party intended to take action to remedy the situation in which 52 per cent of local government bodies had been obliged to reduce their public service activities, to the detriment of schools, in particular. Efforts at ensuring the dissemination of the Convention should also be directed at parents and all those involved in child-related activities. Did refugee children have access to the same services as their Norwegian counterparts?

12. Ms. KARP asked whether the Convention would be translated into the languages of the principal immigrant groups and wondered what measures had been taken to acquaint local authorities with the provisions of the Convention so as to ensure its full implementation, especially to help bring about a change of attitude in civil servants, and to take children's views into account when making decisions concerning them. Had any guidelines been formulated in that regard?

13. Ms. RILANTONO asked if the regions received the same resources for children's services and whether the Ombudsman for children was given sufficient resources to fulfil his mandate effectively.

14. The CHAIRPERSON inquired as to the place accorded to the Convention in colleges and universities. According to one study, 11 State colleges out of a total of 19 and two of three universities had persons competent in children's rights on the staff. Did the authorities plan to improve the situation and had the Youth Forum for Democracy, introduced in 1999 for a trial period of two years, been subject to a preliminary evaluation? To what extent had it achieved the objectives set?

The meeting was suspended at 10.50 a.m. and resumed at 11.05 a.m.

15. Mr. WILLE (Norway) pointed out that immigration legislative practice could never be completely satisfactory. Numerous measures had recently been taken in an effort to improve the situation of unaccompanied foreign minors. Agreements were to be concluded with a number of municipalities in order to expand their capacity to take care of such minors. The financial assistance accorded the latter had been increased and the age limit for receiving that assistance had been raised from 18 to 20. Work was under way to define best practices to be adopted and a survey would be conducted to discover the present circumstances of unaccompanied foreign minors who had arrived in Norway 10 years earlier. The authorities were also doing their utmost to involve NGOs in activities on behalf of those minors.

16. Norway had moved from a dualistic tradition towards a “semi-monistic” conception of the law. A number of laws provided for their enforcement in accordance with the country’s international obligations, while certain international instruments had been incorporated in a domestic legislative text. Under the Government’s Plan of Action for Human Rights, a study would be conducted on the possibility of integrating the Convention into domestic law. An inter-ministerial group responsible for the matter would deliver its conclusions in the coming months.

17. He said the Convention on the Rights of the Child had been translated and published in 1996 in some of the languages most commonly spoken by immigrants settled in Norway. A pamphlet containing the complete text of the Convention had had a print run of 50,000.

18. The minimum age for marriage for girls had been set at 18, but dispensations could be granted. Mothers under 18 years of age enjoyed the same rights as older mothers, particularly where access to social services was concerned. All parents enjoyed equal access to social services, whether or not they headed a single-parent family.

19. Mr. HELLAND (Norway) said his country had been one of the first to set up an Office of the Ombudsman for children. The Ministry of Children and Family Welfare had embarked on an evaluation of that institution. The resources needed by the Ombudsman varied according to the view the incumbent had of his or her role. The current - and third - incumbent had requested an increase in resources with a view, among other things, to launching a new project centred on questions linked to child health, and both the Ministry of Children and Family Affairs and other ministries would most likely accede to the request. The Ministry of Children and Family Affairs was responsible for coordinating all matters concerning children with the other ministries. Furthermore, a committee composed of senior officials from the main ministries had been established to facilitate that coordination.

20. The amount of the funds allocated by the State to the municipalities had increased, with additional resources amounting to NKr 2 billion having been allocated to them in the recently presented budget package. A number of municipalities tended to become indebted. Local democracy necessarily involved differences among municipalities, but the State regulated very precisely the conditions that children must enjoy and the manner in which social workers must intervene, thus making for equal treatment of children in the various municipalities.

21. The authorities impressed upon persons working with children that the best interest of the child must be their primary consideration. The proposal that any measure taken against the child’s will must be accounted for deserved to be implemented in order to make people aware of the importance of the child’s views. State agents were extremely concerned with the best interest of children, and the staff assigned to child protection had doubled since 1993.

22. Access to creches or nurseries was not an individual right, but the State gave special subsidies to the municipal nurseries. It was still too soon to assess the impact of the Youth Forum for Democracy, which would most likely be extended at the end of the initial two-year experimental period.

23. Ms. HELLERUD (Norway) said that Norway's initial report, the Committee's questions and observations concerning that report, and the second periodic report had all been disseminated among the municipalities an effort to inform the population about the dialogue established between the Norwegian authorities and the Committee.

24. The figures concerning the number of State colleges and universities with teachers possessing sufficient knowledge of the Convention might appear small, but the Ministry of Children and Family Affairs had distributed the text of the Norwegian report in those establishments and had asked them to step up their teaching of the Convention. A project had been launched to increase efforts to publicize the Convention at the municipal level. The purpose was to strengthen the participation of children and young people and to provide advice to the schools and municipalities. The latter, as well as youth organizations and reception centres for asylum seekers, were involved in the project.

25. Ms. VINNES (Norway) explained that the national Plan of Action covered a five-year period and envisaged numerous measures concerning human rights training and awareness of teachers, central government employees, lawyers, magistrates and judges. In addition, the Norwegian Institute of Human Rights would receive additional resources from the State to enable it to acquire the status of national human rights institution.

26. The CHAIRPERSON invited Committee members to put questions relating to general principles and civil rights and freedoms.

27. Mr. DOEK said he was impressed by the extent to which the Convention was implemented in Norway, although there was room for improvement in various areas.

28. It was stated in paragraph 86 of the report that the Immigration Act did not restrict the right to "necessary" medical assistance; did that mean that a refugee child would have the right, for example, to dental care just like any other child? Was the quality of that care the same as that received by other children?

29. It was stated in paragraph 99 of the report that the principle of the best interest of the child was safeguarded in the asylum-seeking process by a number of legal guarantees; what did "the best interest of the child" mean in that context? What did the term "applicant" mean in the statement in subparagraph 101 (c) that the applicant had the right to have the decision of the first instance reviewed by a higher authority? Did it refer to the parents, the child or to both the parents and the child? Could the child seek a review of the decision in question independently of its parents?

30. It was stated in paragraph 105 of the report that a residence permit could be granted in accordance with the Convention relating to the Status of Refugees or on humanitarian grounds, the guiding principle in that respect being the best interest of the child. He would like to know precisely what occurred in practice. Supposing a child had come to Norway accompanied by its parents, fleeing a country where the Norwegian authorities deemed the situation to have improved sufficiently to enable them to return in safety, while a psychological examination of the child showed that it had suffered a great deal in its country of origin and was terribly afraid of returning to it: did the Norwegian authorities grant that child and its parents residence permits? Or were the parents repatriated and the child allowed to remain in Norway?

31. Similarly, what occurred in the case of an unaccompanied foreign minor who would be in great danger in the event of its return to its country of origin where parents or relatives lived? Did the Norwegian authorities still insist on repatriating the child? Before deciding on possible repatriation, did the authorities also assess the parent's or relative's ability and willingness to look after the child? If the results of the evaluation were negative, did the child remain in Norway? Who was responsible for the evaluation in the child's country of origin? Was it the Norwegian Embassy in that country? If so, what information sources did it use and were they reliable? Lastly, was the unaccompanied minor's view taken into consideration? For example, was an unaccompanied minor aged 16 wishing to remain in Norway while his parents wished to look after him in the country of origin given a residence permit or was he sent back to that country?

32. Ms. MOKHUAÑE said she would like to know to what extent the NGOs' contribution had been taken into account in the report submitted by the State party.

33. She asked whether the county governor established alone, or together with the Ministry of Children and Family Affairs, the budget priorities for children and what percentage of the block grants allocated to the counties and municipalities was devoted to them. She also wished to know whether the State party had considered raising the age of criminal responsibility from 15 to 18.

34. Had Norway followed up on the Committee's recommendation, following consideration of the country's initial report, concerning the need to remedy the suicide situation? It would be useful to know whether a study had been made to evaluate the effectiveness of the National Plan for Suicide Prevention currently being implemented and to be informed of the precise number of suicides among children under 10.

35. Did the Government intend to extend the mandate of the children's Ombudsman to other local child-related sectors such as culture and schooling? Lastly, what had been the conclusions of the conference organized by the Ministry of Children in April to give children who had been involved in local decision-making the opportunity to express their views?

36. Ms. TIGERSTEDT-TÄHTELÄ said she had found it difficult to follow the argument adduced by Norway in its written replies relating to general principles. Why was there a restriction on a foreign child's right to admission to a care establishment? And why was the right to attend a primary or secondary school subject to a minimum stay of three months in Norway? On the subject of training, the Convention was difficult of access and called for a special learning effort on the part of policy-making personnel and professionals; it was not enough, for instance, to disseminate it among the municipalities; what needed to be taught was its underlying philosophy.

37. Ms. KARP asked why precisely the Convention did not enjoy the same status in Norway as the two United Nations Covenants and the European Convention and why additional studies were needed to be able to incorporate the Convention in domestic law, when the only basic difference between the latter and those other instruments, whose principles it endorsed, was that it was aimed specifically at children. That difference in treatment might give the authorities and professionals concerned the impression that the Convention was less important.

38. Was the State party's claim that there were very few disparities at the local level based on the results of a survey? If not, did the Government envisage undertaking such a study? It was, after all, for the Government, as the signatory to the Convention, to ensure that there was no de facto discrimination among children on the basis of where they lived.

39. On the subject of the best interest of the child, it would be useful to know what had been done to put into practice the idea of an independent and special interest of the child, given the way in which society was evolving and the new ideas contained in the Convention, and in order to promote a change of attitude in the administration which would make that interest prevail, when, for example, the child was a victim of family violence. The best interest of the child could not be defined unless the child itself was listened to; however, it appeared that professionals, such as judges, were not used to that type of procedure and felt rather awkward about dealing directly with children. Some sort of documentation must therefore be put together to alert them to the difficulties encountered by more experienced persons, or support mechanisms created so that they could profit from that experience.

40. Mr. RABAH asked whether there were plans to increase budgets following the cuts made in 1999. The report of the Commissioner for Children contained a set of 10 recommendations. Did the State party intend to implement them? More particularly, under the tenth recommendation the Norwegian State should take "prompt and full" measures relating to religious and ethical education of schoolchildren. Did that mean that there was a serious problem in that regard in Norwegian schools?

41. Ms. RILANTONO asked what lessons had been drawn from children's participation in local decision-making. Had any cultural gap between children and adults been discerned? It was stated in paragraph 93 of the report that the educational choices of boys and girls had again become more traditional and that female students were under-represented in the natural sciences, mathematics and information technology, all of which were extremely important, given the prospect of future challenges. How did the delegation explain that development?

The meeting was suspended at 12.15 p.m. and resumed at 12.20 p.m.

42. Mr. WILLE (Norway) said that NGOs made a considerable contribution to the preparation of all reports destined for the various treaty bodies through a consultation process, but that those reports contained the views of the Norwegian Government alone. The NGOs could present their own views, especially in the framework of the Committee, as attested to by their participation at the current meeting.

43. While the age of criminal responsibility had been established at 15 and there were no plans to raise it, the Criminal Procedure Act stipulated that a minor of 18 years was liable to a shorter prison term than an adult for the same offence and was treated more gently and lived in less harsh detention conditions.

44. Any foreign child who had been in Norway for more than three months had the right to attend school. Conversely, there was no time restriction on access to health care, which did not mean that all care was necessarily provided immediately on the spot if there was no urgency. Any foreign child attending school had the right to dental care, which formed part of school medicine and was therefore free.

45. Mr. HELLAND (Norway) pointed out that the Nordic Council of Ministers had undertaken to spell out the notion of best interest of the child in order to establish guidelines for specialized staff working with children.

46. The local authorities responsible for taking decisions on child-related questions did not have limitless room for manoeuvre in budgetary matters - a fact of which they complained - since they came under the supervision of the county governor who ensured that they conformed to the national legislation and the Government's instructions. The purpose of that system was to guarantee the democratic principle of equality among all regions of the country.

47. It was difficult to indicate the amount of the sums allocated for child protection at the municipal level, since funds were largely assigned under the general purpose grant scheme. As local statistics were not very reliable, the State intended to set up a system that would guarantee transparency in the distribution of budgetary expenditure among the municipalities.

48. No case of suicide of a child under 7 had been reported, but nine suicides of children aged 7-14 had been recorded in 1995. The municipalities were not required to report those suicides to the Government, and the Government had not attempted to analyse the reasons for them.

49. The Scandinavian countries, more than other European countries, assigned higher priority to children's rights than to family rights. There were currently 5,000 children who had been removed from family custody. A debate had built up around the fact that Norway, like Sweden, had been repeatedly condemned by the European Court of Human Rights in connection with matters in which it has been concerned to protect the child's interests rather than those of the family.

50. Child victims of sexual abuse within the family were cared for by specialists who employed play-therapy methods to enable the child to express itself. Judges were trained to listen to children, and the courts availed themselves of child specialists.

51. A film based on the example of certain municipalities had been made in order to sensitize the country to the beneficial effects of children's participation in local decision-making. A national programme had been launched in order to improve children's environment through their own participation in local decision-making and planning. The Government had made recommendations to all the municipalities, most of which had initiated consultations with children. The local communities should also assign the associations a role in the implementation of the process.

52. Ms. HELLERUD (Norway), speaking on the same subject, pointed out that one in two municipalities had begun to implement a project for children's participation in local planning, but that it was too early to draw any lessons from the experiment. A conference on the theme, held in April, had shown that an increasing number of municipalities were striving to involve children in the decision-making process, but that the children complained that they were not taken seriously enough. A great deal therefore remained to be done.

53. Mr. HELLAND (Norway) said that local teams existed for looking after child victims of sexual abuse. The county governor could be consulted on any questions relating to children and supervised the activities of the specialists in those areas. A partnership scheme among municipalities, especially the smaller ones, had been established.

54. Mr. DOEK reaffirmed his opposition to the principle of confidentiality of the identity of sperm donors in cases of artificial insemination. Referring in particular to the beginning of paragraph 134 of the second periodic report, he asked whether a teenager who learned that his legal father was not his biological father could appeal to the courts to have his father's paternity legally recognized. Could a natural child appeal to the courts to have the paternity of his biological father recognized if the latter's identity were known?

55. Ms. MOKHUAINE, referring to the written reply to question 7 on the list of issues, asked why a child could be partially exempted from compulsory religious and ethical education. Did not the fact that the parents requested the exemption violate the child's freedom? What steps did the authorities intend to take to guarantee respect for freedom of thought, conscience and religion in Norway?

56. In the light of the conditions cited in the Norwegian Government's written reply to question 6, was the authorities' attitude in encouraging parents without permanent resident status to approach the authorities in their own country in order to have their children naturalized not discriminatory? Did the principle of non-discrimination apply to refugee children?

57. Lastly, she requested more detailed information on the intervention programmes concerning children over 15 who had committed a crime or offence, since they did not appear to meet children's basic needs.

The meeting rose at 1 p.m.