



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-fifth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 8 OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON
THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF
CHILDREN IN ARMED CONFLICT**

Concluding observations: Norway

1. The Committee considered the initial report of Norway (CRC/C/OPAC/NOR/1) at its 1238th meeting, held on 25 May 2007, without the presence of a delegation of the State party, which, in accordance with the Committee's decision number 8 adopted during the thirty-ninth session, opted for a technical review of the report. The Committee adopted at its 1255th meeting, held on 8 June 2007, the following concluding observations:

A. Introduction

2. The Committee welcomes the submission of the State party's initial report, as well as the submission of the written replies to its list of issues (CRC/C/OPAC/NOR/Q/1/Add.1), which provide additional information on the legislative, administrative, judicial and other measures applicable in Norway in respect of the rights guaranteed by the Optional Protocol.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted in the State party's third periodic report on 3 June 2005 (CRC/C/15/Add.263).

B. Positive aspects

4. The Committee welcomes the State party's declaration made upon the ratification of the Optional Protocol that the minimum age for voluntary recruitment into the Norwegian armed forces is 18 years. It also welcomes the amendments made to the Home Guard Act and the Compulsory Military Service Act (act of 19 January 2001 No. 3) and to the Penal Code Act

(act of 18 June 2002 No. 54) to ensure that the State party meets the minimum age requirements that apply for taking direct part in hostilities, compulsory recruitment to the armed forces, and recruitment and use of soldiers in armed groups that are distinct from the armed forces of the State.

5. The Committee commends the State party for its active role as facilitator in a number of peace and reconciliation processes around the world and its efforts to strengthen the realization of human rights in conflict and post-conflict situations and in peace processes. In this context the Committee welcomes the Norwegian Government's Action Plan of 8 March 2006 for the implementation of Security Council Resolution 1325 (2000) on women and peace and security.

6. The Committee welcomes the State party's strategy for children and young people in the south entitled "Three Billion Reasons" which reinforces Norway's extensive economic, political and diplomatic efforts in Africa, Asia and Latin America to prevent armed conflict, promote peaceful solutions to conflicts and build lasting and stable peace. It also welcomes the State party's commitment to preventing the recruitment of children into armed forces and to promoting the disarmament, demobilization and reintegration of child soldiers into their local communities, as well as their protection and rehabilitation.

7. The Committee notes with appreciation the State party's efforts to keep and strengthen the issue of children in armed conflict on the agenda of the United Nations Security Council.

C. Principle areas of concern and recommendations

General measures of implementation

Legislation

8. The Committee notes that the State party is in the process of reforming its Penal Code in order to introduce as separate criminal offences those crimes which are listed in articles 6, 7 and 8 of the Rome Statute of the International Criminal Court, in particular in article 8, paragraph 2(b)(xxvi), which criminalizes conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities as a war crime. In particular, the Committee welcomes the proposed section 103, first paragraph (e) of the draft Penal Code which would criminalize conscripting or enlisting children under the age of eighteen years into the armed forces or using them to participate actively in hostilities as a war crime and thus introduce a higher standard than in the Rome Statute of the International Criminal Court.

9. The Committee recommends that the State party expedite its efforts to reform the Penal Code in order to strengthen the national and international measures for the prevention of the recruitment of children for armed forces or armed groups and their use in hostilities.

10. The Committee takes note of the State party's assurance that volunteers under the age of 18 in the Home Guard Youth cannot be considered as recruited into the Norwegian armed forces. It notes that volunteers under the age of 18 shall not be subject to mobilization or enrolled as members of the armed forces, they do not take part in any practical training or

in any other way in war-related activities. Despite the aforementioned safeguards of the Home Guard Act, the Committee is of the view that these kinds of activities with “a military element” for children are not in full conformity with the spirit of the Optional Protocol which emphasizes that conditions of peace and security are indispensable for the full protection of children. While noting that the volunteers of the Home Guard Youth are not subject to military discipline, the Committee, nevertheless, is concerned that this exemption from military disciplinary authority is based on practice and an interpretation of the Military Disciplinary Authority Act of 1988, but not clearly prohibited by law.

11. The Committee encourages the State party to raise the minimum age of volunteers joining the Home Guard from 16 years to 18 years in order to fully respect the spirit of the Optional Protocol and to provide full protection for children in all circumstances. The Committee also recommends that the State party order by law that volunteers under the age of 18 in the Home Guard Youth are not subject to any kind of military discipline.

Dissemination and training

12. The Committee is encouraged by the State party’s efforts to raise awareness of the issue of child soldiers. For example, it notes with appreciation a national conference on child soldiers, including the scope of application of the Optional Protocol, hosted by the Minister of Defence on 26 March 2007 which brought together representatives of the State administration, the Armed Forces, non-governmental organizations (NGOs) and the media. It also notes with appreciation that the State party’s armed forces provide training on the Optional Protocol and related issues in collaboration with Save the Children Norway. The Committee is, nevertheless, concerned that the State party’s dissemination and training activities regarding the Optional Protocol at the national level are generally limited to the armed forces and military training.

13. The Committee recommends that the State party continue providing its armed forces, as well as personnel to be deployed on international operations, with training on the provisions of the Optional Protocol and that it continue cooperating with civil society organizations in this respect. It also recommends that the State party develop systematic awareness raising, education and training programmes on the provisions of the Optional Protocol for all relevant professional groups working with and for children, such as health personnel, social workers, teachers, authorities working for and with asylum-seeking and migrant children coming from countries affected by armed conflict, lawyers and judges.

International assistance and cooperation

Protection of victims

14. The Committee commends the State party for including in the National Plan of Action for Children (Main Goal No. 9) the protection, rehabilitation and integration of children who have experienced war and conflict, as well as refugee children who come to Norway as unaccompanied minors. It notes that the majority of unaccompanied asylum-seeking children come to Norway from conflict areas and that, for example in 2004, 60 per cent of the applications examined were rejected. The Committee notes with concern that the State party does not

provide an adequate follow-up strategy to asylum-seeking and refugee children, including children who have been recruited or used in hostilities, who are returned to their home countries from Norway.

15. The Committee recommends that the State party continue to take concrete action to implement, in consultation and cooperation with relevant partners, including civil society, the National Plan of Action for Children, and that it provide adequate budget allocations and follow-up mechanisms for the its full implementation. With regard to asylum-seeking and refugee children who have been recruited or used in hostilities and returned from Norway to their home countries, the Committee recommends that the State party take measures, including appropriate bilateral measures, to follow up these cases. The Committee encourages the State party to provide these children with a personal follow-up strategy, when feasible. In this regard the Committee recommends that the State party take note of the Committee's general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin.

Financial and other assistance

16. The Committee commends the State party for its remarkable financial support to numerous United Nations agencies and to bodies which have programmes for children affected by war, in particular to UNICEF. It also welcomes the State party's support for the Special Representative of the Secretary-General for children and armed conflict and to various national and international non-governmental organizations, such as Save the Children, Norwegian Refugee Council and the NGO Coalition to Stop the Use of Child Soldiers. The Committee is also encouraged by the State party's bilateral activities in this field.

17. The Committee recommends that the State party continue providing financial support as well as other assistance to a full implementation of the Optional Protocol, including its multi- and bilateral activities to address the rights of children involved in armed conflict, with a particular focus on preventive work as well as on the physical and psychological recovery and social reintegration of children who are victims of acts contrary to the Optional Protocol.

Measures adopted with regard to disarmament, demobilization and social reintegration

Measures of social reintegration

18. With regard to the physical and psychological recovery and social reintegration of children who are victims of acts contrary to the Optional Protocol, the Committee notes with appreciation that the State party provides asylum-seeking parents with guidance in some of the reception centres and that an instrument for the screening of traumas and post-stress syndromes among refugee children developed by the Centre for Crisis Psychology has entered the phase of clinical testing. Nevertheless, the Committee reiterates its concern about the insufficient supervision of and care provided to unaccompanied asylum-seeking children, including children who have been recruited or used in hostilities, as well as the insufficient psychological and psychiatric services provided to children living in reception centres (see the Committee's concluding observations on the State party's third periodic report adopted on 3 June 2005,

CRC/C/15/Add.263, paras.41-42). It notes with particular concern that, in some cases, children in need of health care but residing in the State party without a residence permit may have been denied access to health services because they have not been properly registered, and that among them there may have been children recruited or used in hostilities abroad. The Committee regrets that:

(a) There is no national guardian system for unaccompanied asylum-seeking and refugee children. Under the current guardian system, the quality of the recruitment and training of guardians may not be adequate in all municipalities;

(b) The responsibility for unaccompanied asylum-seeking children, including children who have been recruited or used in hostilities, will be divided between two authorities, the Norwegian Directorate of Immigration (unaccompanied asylum-seeking children from the age of 15 to 17 years) and the Child Welfare Services (unaccompanied asylum-seeking children under the age of 15 years) at the beginning of October 2007. The Committee is of the view that all unaccompanied asylum-seeking children, including children who are victims of acts contrary to the Optional Protocol, should be provided with appropriate protection and services, preferably under the same service authority.

19. The Committee recommends that the State party:

(a) **Take measures to ensure that children who have been recruited or used in hostilities and living in reception centres are provided with adequate support and supervision as well as adequate psychological and psychiatric care;**

(b) **Take measures to expand the provision of parental guidance programmes in reception centres and expedite its effort to implement an instrument developed by the Centre for Crisis Psychology for the screening of traumas and post-stress syndromes among refugee children, including children who have been recruited or used in hostilities;**

(c) **Consider establishing a unified national guardian system for unaccompanied asylum-seeking and refugee children, including children who have been recruited or used in hostilities;**

(d) **Consider centralizing the responsibility for all unaccompanied asylum-seeking children under one child-rights oriented authority, such as the Child Welfare Services, in order to secure an equal provision of services to all such children.**

20. The Committee also recommends that the State party systematically collect data on refugee, asylum-seeking and migrant children within its jurisdiction who may have been recruited or used in hostilities in their home country.

Follow-up and dissemination

Follow-up

21. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the State Council, the Parliament (*Storting*) and to the counties and municipalities

as well as to the Children's Ombudsman, the Norwegian armed forces and the Home Guard, when applicable, for appropriate consideration and further action.

Dissemination

22. The Committee recommends that the initial report submitted by the State Party and these concluding observations adopted by the Committee are made widely available to children and their parents through, inter alia, school curricula and human rights education. It also recommends that the State party make the Optional Protocol widely known to the public at large in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

Next report

23. In accordance with article 8, paragraph 2, of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its fourth periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.
