

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations

1. Signature and Ratification of the Optional Protocol to the Convention on the rights of the Child (OP3 CRC)

1. The OP3 CRC was adopted at the sixty-sixth session of the General Assembly of the United Nations by resolution 66/138 of 19 December 2011 and opened for signature in Geneva, Switzerland, on 28 February 2012. The Third Optional Protocol introduces a communications procedure that allows children, groups of children or their representatives to submit a complaint about violations of their rights by their State to the UN Committee on the Rights of the Child. The communications procedure will cover the full range and details of rights in the CRC and its two existing Optional Protocols and will significantly contribute to the overall protection of children's rights and strengthen the monitoring of the Convention. The possibility of submitting complaints at the international level will encourage the State Party to strengthen and develop appropriate remedies at national level.

2. Norway has not yet signed or ratified the Optional Protocol. We welcome the unanimous decision adopted by the Norwegian Parliament in June 2013 to ask the Government to put forward a proposal to ratify the Optional Protocol¹.

3. **Recommendation:** The government of Norway should sign and ratify the Optional Protocol to the Convention of the Rights of the Child.

2. Signature and Ratification of the Optional Protocol to the UN Convention on the Protection and Promotion of the Rights and Dignity of persons with Disabilities (OP-CRPD)

4. We welcome the ratification by Norway of the UN Convention on the Protection and Promotion of the Rights and Dignity of persons with Disabilities (CRPD) on 3 June 2013, as stated in recommendation 105.2 in the first UPR of Norway². The OP-CRPD introduces a communications procedure that allows individuals or groups to submit complaints about the violations of their rights to the Committee on the Rights of Persons with Disabilities. Following the signature of the CRPD, the signing and ratification of the Optional Protocol would be a logical next step to show Norway's commitment to respect, protect and fulfil the right and obligations under the CRPD.

5. **Recommendation:** The government of Norway should sign and ratify the Optional Protocol to the UN Convention on the Protection and Promotion of the Rights and Dignity of persons with Disabilities, as stated in recommendation 106.5 from the first UPR of Norway³.

3. Signature and Ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR-OP)

6. The ICESCR-OP was adopted by consensus and with the vote of Norway at the UN General Assembly on 10 December 2008. It would be of great value if Norway sign and

¹ Minutes from The Norwegian Parliament (in Norwegian) <http://www.stortinget.no/no/Saker-og-publikasjoner/Saker/Sak/Voteringsoversikt/?p=57320&dnid=1>

² http://www.upr-info.org/IMG/pdf/Recommendations_to_Norway_2009.pdf

³ http://www.upr-info.org/IMG/pdf/Recommendations_to_Norway_2009.pdf

ratify the Optional Protocol. By signing and ratifying Norway will send out a strong signal of our support for ensuring that children and young people internationally have their basic human rights respected.

7. Recommendation: The government of Norway should sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

B. Implementation of international human rights obligations

1. Migrants, refugees and asylum seekers

4. Unaccompanied asylum-seeking children and the right to care

8. Despite repeated concern voiced by civil society⁴ and the Committee on the Rights of the Child in its Concluding Observations to the 2nd, 3rd and 4th state reports for Norway⁵, the responsibility for the legal care of unaccompanied minor asylum seekers between 15 and 18 years of age remain with the immigration authorities, while the Child Welfare Services are responsible for those under 15 years of age. We believe this difference in treatment is discriminatory.

9. Unaccompanied asylum-seeking children between the ages of 15 and 18 are subject to discrimination in so far as they are not given the same rights to care pursuant to the Child Welfare Act as other children, nor do the standards in asylum centre meet the norms and standards of the Child Welfare Services⁶. This group is particularly vulnerable and should have the same right to protection, education and medical treatment as other orphaned children in Norway. We welcome the recent amendment of the Immigration Act that intends to ensure unaccompanied asylum-seeking minors the right to a representative, as stated in recommendation 106.40 from the last UPR of Norway⁷.

10. **Recommendation:** The responsibility for all unaccompanied minor asylum seekers up to the age of 18 is placed with the Child Welfare Services under the general provisions of the law, as planned.

5. Limited residence permits for unaccompanied asylum-seeking children aged 16-18

11. In 2008, the Government launched an action program to counter-act the increasing number of people seeking asylum in Norway. One measure, which has since been added to the regulations of the Immigration Act, enables immigration authorities to grant limited residence permits to children aged 16-18 who the Norwegian authorities deem will be without proper care if they were to be returned to their country of origin. The limited permit lasts until the child turns 18, whereupon the principle is that they should be returned to their country of origin.

12. Since the measure took effect in 2009, the Government has repeatedly been criticised by Norwegian NGOs, legal experts, child psychologists and the Child Ombudsman. Much of

⁴ <http://www.lnu.no/sitefiles/1/dokumenter/kompetanse/rettigheter/Norsksupplerenderapport2009.pdf>

⁵ <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.NOR.CO.4.pdf>

⁶ www.samfunnsforskning.no/content/download/.../file/R_2013_3_web.pdf

⁷ http://www.upr-info.org/IMG/pdf/Recommendations_to_Norway_2009.pdf

the criticism has focused on the damaging psychological effect this situation has on the children living with limited permits, as well as the fact that the measure is deemed to be in conflict with the principles of the best interests of the child and non-discrimination. The regulation ensures that unaccompanied children aged 16-18 who applies for asylum in Norway have been given a significantly weaker starting point for their application than those below the age of 16. The consequence for the individual child can be severe, both during their stay in Norway as noted above, as well as after they are returned to their country of origin.

13. Recommendation: The Government of Norway should remove the regulation regarding limited residence permits for children aged 16 to 18, and provide equal treatment to all asylum-seeking children.