



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
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**

Initial reports of States parties due in 2005

NORWAY*

[30 January 2006]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

**IMPLEMENTATION OF THE OPTIONAL PROTOCOL TO THE
CONVENTION ON THE RIGHTS OF THE CHILD ON THE
INVOLVEMENT OF CHILDREN IN ARMED CONFLICT**

Norway's first periodic report January 2006

Introduction

1. Norway regards the Optional Protocol on the involvement of children in armed conflict as an important instrument for strengthening the human rights of children. Children's rights are given high priority in Norway and in Norwegian efforts to promote international protection of human rights. The ratification of the Protocol was an element in Norway's efforts in this area. Norway ratified the Protocol on 23 September 2003.

2. In Proposition No. 45 (2002-2003) to the Odelsting, the Government proposed that the United Nations Convention on the Rights of the Child and its optional protocols should be incorporated into Norwegian law through an amendment to the Human Rights Act of 21 May 1999. The incorporation of the Optional Protocol on the involvement of children in armed conflict means that the Protocol now applies as Norwegian law and in the event of conflict will prevail over other legislation, cf. section 3 of the Human Rights Act.

Articles 1-6

3. When the United Nations Convention on the Rights of the Child was adopted, many States, including Norway, considered the age limit of 15 years for direct participation in hostilities and recruitment into national armed forces to be too low. The Optional Protocol raises the age limit for compulsory recruitment and direct participation in armed conflict and other hostilities to 18 years. With regard to voluntary recruitment into a State's armed forces the Norwegian Government decided to commit itself to an age limit of 18 years for such recruitment.

4. In accordance with article 3, paragraph 1, of the Protocol, the States Parties shall raise in years the minimum age for the voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention on the Rights of the Child, which is 15 years. In accordance with paragraph 2, each State Party shall deposit a binding declaration upon ratification of or accession to the Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its armed forces. Norway deposited such a binding declaration upon ratification of the Protocol, whereby the Government of Norway declared, in accordance with article 3, paragraph 2, of the Protocol, that the lower age limit for recruitment for voluntary service in the armed forces is 18 years.

5. At the time the Protocol was signed, it was considered necessary to make amendments to the Home Guard Act, the Compulsory Military Service Act and the Penal Code before the protocol could be ratified. The amendments to the Home Guard Act and the Compulsory Military Service Act were passed by the Storting in November 2000 and entered into force in July 2002, cf. Act of 19 January 2001 No. 3. The amendments to the Penal Code were passed in June 2002 and entered into force the same month, cf. Act of 28 June 2002 No. 54. As a result of these amendments, Norway meets the age-limit requirements that apply for taking direct part in hostilities (art. 1), compulsory recruitment to the armed forces (art. 2) and recruitment and use of soldiers in armed groups that are distinct from the armed forces of the State (art. 4).

6. During the negotiations on the Protocol, Norway supported the introduction of a lower age limit of 18 years for voluntary recruitment to national armed forces (art. 3). A flexible system was adopted in which States make a declaration setting forth the age limit they wish to adopt. This may be 16, 17 or 18 years. In this connection, Norway had to consider whether its home guard youth organisation, the Home Guard Youth, was an obstacle to Norway declaring a binding age limit of 18 years for voluntary recruitment to the Norwegian armed forces. The question is relevant as the Home Guard Act still allows for persons being admitted as volunteers to the Home Guard Youth from the age of 16 after the amendments of November 2000, cf. section 5, paragraph 1, of the Home Guard Act. Upon ratification of the Convention, the Government commented on this as follows:

7. The Home Guard Youth is formally attached to the Norwegian armed forces. However, the Home Guard Youth cannot be considered to be recruited to the Norwegian armed forces within the meaning of the Protocol because it is presumed that a person is not considered to have been recruited before he or she has formally or de facto become a member of the armed forces with the rights and obligations that this entails. Members of the Home Guard Youth are not to receive any practical training in or take part in any other way in war-related activities, and they are to be exempt from service in situations where the armed forces could be involved in hostilities, cf. section 6, paragraph 1, of the Home Guard Act. Pursuant to section 4, subsection 1, of the Home Guard Act, the Home Guard Youth shall not to be liable for service. Furthermore the Home Guard Youth are not subject to military disciplinary authority or to the Military Penal Code. This is clearly set out in Proposition No. 61 (1999-2000) to the Odelsting. Participation in the Home Guard Youth is solely on a voluntary basis and takes place in the young person's free time. No form of coercion may be applied if any person should wish to leave or fails to attend meetings. It is pointed out in this connection that the Home Guard Youth may not, according to established practice, be punished pursuant to section 32, subsection 2, of the Home Guard Act, inter alia because they are not liable for service in the armed forces. In short, the Home Guard Youth is an arena for outdoor recreation and other physical and sporting activities with a military element.

8. Reference is also made to Proposition No. 61 (1999-2000) to the Odelsting on amendments to the Home Guard Act and the Compulsory Military Service Act. According to the amendments, no persons below the age of 18 years are to be considered to be members of the Norwegian armed forces. The Storting endorsed this provision, cf. Recommendation No. 6 (2000-2001) to the Odelsting.

9. On the basis of the facts outlined above, the Norwegian Government has declared, in connection with the ratification of the Protocol, that the lower age limit for recruitment to voluntary service in the armed forces is 18 years, and that no amendments to the legislation are necessary in this connection.

Article 6, paragraph 3

10. To help refugee children in Norway who have experienced war and conflict, the Ministry of Children and Equality and other national authorities has for several years provided funding for crisis therapy, group therapy and parental guidance in reception centers. The Center for Crisis

Psychology has been responsible for the implementation of this programme. For a more detailed description, reference is made to Norway's third report to the United Nations Committee on the Rights of the Child (2003), paragraphs 151-152.

11. Recently, The Center for Crisis Psychology has developed an instrument for screening of traumas and late stress syndromes among refugee children. The Ministry of Children and Equality has provided funding for the project and for a clinical testing of the instrument, which will be implemented in 2006. The screening instrument will make a more adequate basis for following up measures and integration of the individual child after settling in a municipality.

Article 7

12. Norway regularly calls on States that have not yet ratified the Optional Protocol to do so as a matter of priority. Ratification and efficient implementation is brought up at relevant bilateral meetings at both political and administrative level. Last year, Norway launched "Three Billion Reasons" Norway's Development Strategy for Children and Young People in the South. The Strategy underlines the importance of addressing the special protection needs of children affected by armed conflicts and underlines efforts to promote the Optional Protocol and protection of children in armed conflict as a priority for the Norwegian Government.

13. UNICEF represents one of the most important channels for Norwegian support to children affected by armed conflicts through core support to UNICEF's "Medium Term Strategic Plan" (MTSP). The Norwegian core funding of UNICEF amounts to NOK 300 million for 2006 with a further substantial increase of the general contribution throughout the MTSP period (2006-2009). One of the five focus areas in the MTSP of UNICEF is dedicated to provide children better protection from the impact of armed conflict and natural disasters. Norway has also recently (Dec. 2005) supported UNICEF's activities within monitoring and reporting on child rights violations in conflict situations with NOK 4 million in order to follow up on the recommendations made in Security Council resolutions 1539 (2004) and 1612 (2005) on children and armed conflict.

14. Norway has strongly supported the Security Council initiatives on protection of civilians and on children affected by armed conflict and we will continue to support measures strengthening implementation of the relevant Security Council resolutions.

15. From the initial establishment of the United Nations Special Representative for Children and Armed Conflict Norway has been a staunch ally and financial contributor of the Representative. We regard this mandate and its office as a crucial advocate for the rights and needs of children living in situations of armed conflict.

16. In 2005 Norway provided NOK 3 billion in humanitarian assistance and assistance to peace and reconciliation. A high number of the countries in need of support are affected by situations of armed conflict. Every partner working with Norwegian support in these situations is encouraged to take the special needs of children into account.

17. Among our most important partners in this field is Norwegian Refugee Council (NRC), Save the Children and UNICEF. Norway supports NRC's activities for children in situations of armed conflict in Sri Lanka, Afghanistan, Palestine, Burundi, Liberia, Sudan, Somalia, Uganda, Democratic Republic of Congo and Colombia. The approach of NRC is to make no distinction between former child soldiers and other marginalised children, in order not to contribute to stigmatisation of former combatants.

18. Other of our partners implement special projects for demobilised child soldiers only, such as Christian Relief Network in the Democratic Republic of Congo (which has received NOK 7 million over the last 2 years). Furthermore, Norway supports several projects related to children and conflict in Sri Lanka, through organisations as Save the Children and the NRC. Financial support is also given to rebuilding of schools in conflict affected areas and to programmes for vocational training conducted by UNICEF's "Action Plan for Children affected by war".

19. Moreover, Norway supports UNICEF's activities for children in situations of armed conflict in Somalia, Burundi, Afghanistan, Ivory Coast, Sudan, Uganda and the Democratic Republic of Congo. In 2003 Norway provided NOK 3 million specifically for a UNICEF programme for child soldiers in Colombia. Since 2002 Norway has supported a special section for Child Protection within MONUC (United Nations Mission to the Democratic Republic of Congo). Our support has enabled the unit to assist in the demobilisation, social reintegration of ex-combatants, rehabilitation of child soldiers and other related activities (NOK 6 million).

20. Norway also supports a wide array of projects and organisations conducting advocacy, monitoring and research in the area of children and armed conflict and the implementation of the Optional Protocol. These include international, regional, national and local organisations as well as networks such as the NGO Coalition to Stop the Use of Child Soldiers.

21. One example of a specific project in this area is the "Children in Armed Conflict project", initiated by the South Africa-based Institute for Security Studies in 1999 and concluded in 2005. The project has raised awareness of various issues surrounding the role of children in armed conflicts in Africa. It has undertaken field research in Mozambique, Sierra Leone, Uganda and Ethiopia and presented to policy makers a different way of understanding the role of children and youth, especially during post-conflict peace-building. The Norwegian financial contribution to the project has totalled NOK 4,500,000.
