Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 14160
10 October 2016

Legislation and practice of removal of children from theirs families in Norway

Reply to Written question[1]: Written question No. 704 (Doc. 14058)
Committee of Ministers

1. During examination of the question from the Honourable Parliamentarian, the Norwegian delegation gave a thorough presentation of the principles and safeguards of Norwegian Child Welfare Services. In particular, the delegation informed the Committee of Ministers that the principle of "the best interest of the child" is enshrined in the constitution and that the UN Convention on the Rights of the Child and the European Convention on Human Rights apply directly as Norwegian law. There is a variety of control mechanisms and measures in the Norwegian system with the aim of ensuring that the correct decisions are made in accordance with the applicable law. Child welfare services or prosecuting authorities can implement temporary emergency orders. However, the ruling must be sent immediately for approval to the County Social Welfare Board, an independent State body led by a judge and serving as a tribunal. The board will assess the request to assure that the emergency order complies with the legal requirements. Furthermore, the delegation informed the Committee that parents have access to free legal aid and that all decisions can be brought before the independent courts.

2. During discussions, the Romanian delegation pointed out that there was a constructive bilateral co-operation between the Romanian and Norwegian authorities with regard to the childcare cases. Romania also underlined that the larger issue of the best interest of the child should be approached in line with Parliamentary Assembly Resolution 2049 (2015).

3. It was recalled that in adopting the new Council of Europe Strategy for the Rights of the Child (2016-2021), member States reaffirmed their commitment to "explore how could be put into place laws, regulations and procedures which ensure that the best interests of the child are a primary consideration in removal from parental care, placement and reunification decisions" (Article 4.3. Children's rights in the family). It was also noted that the UN Convention on the Rights of the Child states that "States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child".

4. Finally, the Committee would recall that it closed the supervision of the execution of the judgment in *Johansen v. Norway* by a final resolution on 29 October 1997. After the Norwegian authorities adjusted their practice concerning child care cases, a later application by Ms Johansen to the Court in 2002 was considered by the Court to be manifestly ill-founded, and was declared inadmissible on 10 October 2003.

1. Adopted at the 1267th meeting of the Ministers' Deputies (5 October 2016).