



The UN Convention on the Rights of the Child
SUPPLEMENTARY REPORT - NORWAY



The Ombudsman for Children in Norway

May 2017

NHRI report to Norway's Fifth and Sixth Periodic report to the UN Committee on the Rights of the Child

Barneombudet PB 8889 Youngstorget - 0028 Oslo - Tel: + 47 22 99 39 50 - e-mail: post@barneombudet.no
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NORWAY, NHRI Report:

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INTRODUCTION

For the majority of children, Norway is a good place to grow up. There is consensus in society to prioritize the living conditions for children and young people, and Norway has made significant steps to implement children's rights. The UN Convention on the Rights of the Child (CRC) has a strong legal position through the incorporation into Norwegian law in 2003, and from 2014 the Constitution has a special provision on the rights of the child.

Despite high awareness, strong legal status and a general high level of social services, there are still challenges to secure fundamental rights for all children in Norway. Children in vulnerable situations are the ones facing the highest risk of breaches in the fulfillment of their rights, many of them described in this report. Here, The Ombudsman wants to emphasize three main challenges;

In January 2017, the Norwegian Parliament voted against ratification of the Third Optional Protocol on an individual complaints procedure under the CRC. The decision was made on recommendation of the Attorney General, against the advice of a unified group of external actors, among them lawyers and civil society. The Ombudsman highly regrets this decision, as we for the last ten years have been documenting lack of effective national complaints procedures for children. The Ombudsman believes that endorsement of the Protocol would encourage the development of more accessible and child-friendly complaints mechanisms at national level. It is also highly regrettable that Norway, traditionally a champion of children's rights internationally, is sending this signal to other countries.

Despite a legal ban of all forms of violence, many children still experience violence and abuse. This has major consequences on their education, health and development. In addition it has great costs for society. The Ombudsman strongly advocates for higher efforts to combat all types of violence against children, and that preventative work must be significantly strengthened. An extremely important measure is to ensure that children – regardless of age – are aware that their body is theirs alone, and that no-one can do anything to their body that they don't want them to. The Ombudsman is pleased that a national escalation plan has been adopted in relation to violence against children. However, this plan is yet to be followed up with adequate resources. The plan must ensure increased efforts and targeted measures to strengthen the ability of society to prevent and protect children from violence and abuse.

Many children experience bullying at school. Bullying has a detrimental effect on children's lives, including their health and learning. Consequently, it represents a threat to the child's ability to reach his/her full potential. Despite measures in recent years, statistics have remained high over time. Efforts remain to establish a system that effectively – and in a child-friendly way – can handle complaints and provide measures to end bullying both online and face to face.



ABOUT THE OMBUDSMAN



PHOTO: Annie Spratt

The Ombudsman for Children in Norway was established in 1981, and is a national, independent supervisory body with a statutory mandate to monitor and promote children's rights in Norway. Monitoring whether Norwegian legislation and public administration are in accordance with Norway's obligations after the CRC are part of the mandate. The Ombudsman selects its own areas of priority.

The mandate of the Ombudsman excludes the authority to handle individual complaints. Nevertheless, the Ombudsman's Office gain important knowledge thru individual cases where we are contacted by children and adults where we provide guidance and make referrals to appropriate bodies. The Ombudsman also have a comprehensive network of professional and academic bodies, the public sector, fields of practice and user organisations.

It is an important task for the Ombudsman to secure children's right to be heard, both in our own work and to advocate for everybody to listen to children, for example, policy makers and people working directly with children. Children are experts on their own childhoods and experiences, and that's why we call our young partners experts. The Ombudsman works with expert groups with children and young people share their experiences with bullying, violence, child welfare services, migration, being imprisoned or having a parent in prison.

PHOTO: Justin Main

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CHAPTER 1 - GENERAL MEASURES OF IMPLEMENTATION

CHAPTER 1

GENERAL MEASURES OF IMPLEMENTATION

ARTICLES 4, 42 AND 44 (6)

A. IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD (CRC) (ARTICLE 4)

LEGISLATION

Concluding observations 8, 9 – State Party Report 1A

STRENGTHENING THE RIGHTS OF THE CHILD WITHIN HEALTH LEGISLATION

When the CRC was incorporated into the Norwegian law in 2003, a review of current legislation was carried out with a view to coherence between the Convention and Norwegian law. Since that time, the highest priority has been placed on the rights of children within legislation that was deemed as of particular relevance to children, and where the Convention's principles were enshrined in the wording of Norwegian Acts.

The incorporation of the CRC had little effect on health legislation, where consideration of the child and children's rights has not been incorporated into the law. The Ombudsman has compiled two comprehensive reports showing that the child's perspective is not being sufficiently considered within health services.¹ Our investigations show that children are rarely treated as individual rights holders and that children's vulnerability is given little weight in assessments. That the child's right to be heard is not being observed and assessments of the best interests of the child are seldom carried out.

The Ombudsman believes that the principles of the child's right to life and development, the best interests of the child and the child's right to participation are essential for the provision of good-quality health services for children. The implementation of these principles within health legislation is key to health service provision on children's own terms.

RECOMMENDATION:

The Committee recommends that the State party immediately start a process to implement the provisions of the CRC within health legislation, with particular focus on Articles 3, 6, 12, 23 and 24.

¹ The Ombudsman for Children in Norway's reports (2013) and (2015)

² Official Norwegian Reports 2016: 16

LEGAL RIGHT TO CHILD WELFARE SERVICES

The development of welfare law in Norway has gone towards establishing by law the rights of the individual. The Child Welfare Act is an exception to this. This Act is still based on the public sector's obligation to provide a service, rather than on the observance of a right held by the individual child. Discussion continued for many years, and in 2016 the Child Welfare Act Committee presented its proposal for a new Child Welfare Act based on the establishment of rights.² The consultative round produced many positive reactions to the proposal, with the belief that it would strengthen the legal status of children.

RECOMMENDATION:

The Committee recommends that the State party safeguard the legal status of the child by making the Child Welfare Act a bill of rights.

INTERNATIONAL AGREEMENTS

Concluding observations 6, 7 and 62. State Party Report 1A

RESERVATION

The State does not wish to follow the Committee's earlier recommendation to waive its reservation against the regulations on the segregation of children from adult inmates in prisons.

RECOMMENDATION:

The Committee repeats its recommendation that the State party consider withdrawing its reservation to the UN Convention on Civil and Political Rights, Article 10, no. 2 letter b) and no. 3, regarding the obligation to hold "juvenile offenders... segregated from adults".

3 The Ombudsman for Children in Norway's reports (2010), (2013), (2015), (2014) and (2017)

RATIFICATION OF THE THIRD OPTIONAL PROTOCOL

The Ombudsman believes that ratification of the optional protocol on a communications procedure would lead to improved legal protection for children. In January 2017, the Norwegian Parliament rejected ratification on the advice of the Government. The Ombudsman and several other bodies remarked that the Government's report provides an uneven picture. Concerns about national margin of appreciation, the lack of practical experience on the part of the Committee and the scarcity of information about how the procedure would work were heavily emphasised, while the positive impacts on children were given little attention. An assessment of the best interests of the child was not made as part of the ratification issue. The Ombudsman has long highlighted the need for improved complaint mechanisms for children in Norway. We believe that the main objective of the protocol, that state parties must strengthen their national complaint mechanisms for children, is of the utmost importance for children in Norway. When the complaint mechanism has been up and running for some time, there are good reasons for Norway to reconsider the question on ratification of the optional protocol. When the issue is raised again, the best interests of the child must form a fundamental part of the assessment.

RECOMMENDATION:

The Committee encourages the State party to re-assess its approach to ratification of the Third Additional Protocol after the system has been in place for a period of time, and the Committee has gained a level of practical experience. The Committee recommends that this take place prior to the next report and stresses that the best interests of the child must be a fundamental consideration in their assessment.

LEGAL PROTECTION OF THE CHILD – A LACK OF PROCEDURAL RIGHTS AND COMPLAINT MECHANISMS

The Ombudsman is concerned that children in Norway lack effective legal remedies to ensure that their rights are fulfilled. Children rarely have judicial rights in matters affecting them and therefore have no legal capacity.

The Ombudsman has presented several reports documenting shortcomings within

complaints systems for children, including in child welfare services and psychiatric healthcare, in cases of bullying and for children with disabilities³. Many decisions are not open for review and, in many cases, complaints procedures are far from child friendly. In some cases, a complaint made by a child is upheld, but the complaint mechanism lacks the authority to enforce the decision, and to generate a real change for the child. Every week we receive reports of failures to observe the rights of the child in accordance with the CRC and Norwegian legislation.

The Ombudsman believes there are grounds for concern about the lack of legal protection for children in many areas. Consequently, the Ombudsman has been highlighting the need to strengthen the right of appeal for children in Norway for many years.

RECOMMENDATION:

The Committee recommend that the State party ensure that children have access to effective, child-friendly complaints mechanisms that offer the necessary expertise to engage in dialogues with children, and that have formal authority to impose changes. The Committee asks that the State party immediately embark on the work of mapping children's opportunities to submit complaints, with a view to implement specific measures that will enhance opportunities for children to ensure that their rights are fulfilled.

IMPLEMENTATION AT LOCAL LEVEL

Concluding observations 10, 11, 15, 16 – State Party Report 1A

NEED FOR SKILLS DEVELOPMENT WITHIN MUNICIPALITIES

The Ombudsman has seen many cases involving local authorities where the provisions of the CRC were not fulfilled, and we note a strong demand for expertise on the CRC from several different bodies at various levels. This gives a clear signal that there is a need for more knowledge about the CRC. There is particular demand for information about how the principles of the best interests of the child and the child's right to be heard should be applied in practice. The State party's report describes "The Giant Leap" [Sjumilssteget], a method that county governors can use to get information about the CRC out to the municipalities. It is intended to be a national instrument to ensure the

municipalities' adherence to the CRC in the course of their work.

The method is good start but it is not enough. A national review has shown that county governors are at different stages, in terms of both knowledge about, and implementation of, the CRC – both internally and in interaction with the municipalities⁴. The Ombudsman's experience with the work of the county governors has shown similarly variation. The State Party Report shows that The Giant Leap has only been introduced in 52 percent of the country's municipalities, and is thus a long way from covering all children in Norway. Another challenge for The Giant Leap is that its funding is unstable, which affords little opportunity to steer efforts in a common direction.

The Ombudsman believes there is good reason to increase focus on training and dissemination of knowledge about the CRC. There is a high level of interest but the capacity of those who are well versed in this field – for example Ombudsman employees – is too limited to enable them to contribute to the extent desired. A great deal of work has been done in recent years towards implementing the rights of the child within different guidelines and regulations, which provides a good starting point for acquiring knowledge. The Ombudsman believes the State must contribute towards the development of training modules for the implementation of the CRC. Modules should include:

- Basic training in the CRC and rights-based work
- The implications of the CRC for people working with children
- Practical application of Article 12 regarding the child's right to participation
- Practical application of Article 3 regarding the best interests of the child

RECOMMENDATION:

The Committee recommends that the State party expand and intensify work to disseminate information and expertise on the CRC and how the general principles should be put into practice. The State party should ensure the development of training modules for the implementation of the CRC and make sure that county governors increase their commitment to The Giant Leap, including through securing funding.

MUNICIPAL AUTONOMY AND VARIATION WITHIN MUNICIPAL SERVICE PROVISION

The Committee on the Rights of the Child has several times expressed concerns about the high degree of variation seen in the municipalities' services for children. Both in terms of the range of services and the frameworks within which services are provided⁵. Monitoring of municipal services carried out in recent years shows an ongoing need for further investigation into how this may be rectified⁶. One solution could be to establish national standards for the content of services. Another possibility could be to increase the level of earmarked state funding for children's services. This applies particularly to children with the kind of complex needs that are difficult to meet for individual municipalities. The Committee should raise the issue in its dialogue with the State.

RECOMMENDATION:

The Committee recommends that the State party implement appropriate measures to reduce municipal variations in service provision to children.

LACK OF COORDINATED SERVICES

The Ombudsman has experienced that lack of coordination among different services often presents a major challenge for children and their families. This applies to many different areas such as education, health-care, child welfare services and rehabilitation services. It is particularly conspicuous in relation to children with complex needs. The authorities have implemented measures such as individual plans and municipal coordinators. However, these measures are unfortunately not working satisfactorily.

Reviews document a continued lack of coordination and insufficient cooperation in relation to services for children⁷. It is the responsibility of the individual service to ensure coordination, and the authorities must ensure that the individual service recipient is not saddled with the added burden of coordinating different services.

RECOMMENDATION:

The Committee encourage the State party to reinforce measures to improve the coordination of services.

⁴ Report by ministerial working group on Implementation of the CRC by County Governors (2015)

⁵ Concluding remarks from UN Committee on the Rights of the Child (2000), (2005) and (2010)

⁶ The Norwegian Board of Health Supervision, e.g. reports 2/2012, 2/2013 and 2/2014 (nationwide inspections)

⁷ Norwegian Social Research report 7/16 and Official Norwegian Reports 2016:17



PHOTO: Markus Spiske

B. NATIONAL STRATEGY FOR IMPLEMENTATION OF THE CRC

The Committee on the Rights of the Child emphasises the need for a national strategy for the implementation of the CRC. The Norwegian authorities have a range of action plans and strategies that are fully or partially applicable to children. However, what is missing is an overarching strategy to ensure that the CRC is actually being applied within the different services that are important to children. The strategy must be seen in connection with following up the Committee's recommendations and the need for more information in order to secure implementation at the local level and improved coordination of services.

RECOMMENDATION:

The Committee recommends that the State Party develop a national strategy for the implementation of the CRC.

C. DISSEMINATION, TRAINING AND RAISING AWARENESS IN CONNECTION WITH THE PROVISIONS OF THE CRC (ARTICLE 42)

Concluding observations 17, 18, 63, 64 – State Party Report 1G

TRAINING OF PROFESSIONALS

The State Party Report refers to three surveys that show that the CRC is part of the curriculum but that the knowledge students acquire is insufficient. The authorities have therefore issued a challenge to all educational institutions to assess the need for follow-up in terms of the training they provide. The Ombudsman believes that this is not enough. The survey "Thanks for Asking!" shows that educational institutions are providing more instruction on the CRC

than demonstrated by the previous survey in 2007⁸. Nonetheless, the majority of newly qualified teachers, kindergarten teachers and child welfare officers report feeling as though they have not been given sufficient skills about the CRC for their future working lives.

The Ombudsman's experience is that those already working with children also lack specific expertise on their obligations under the CRC or how the Convention should be applied in practice. This issue is closely connected to skills development under 1A.

RECOMMENDATION:

The Committee repeats its recommendation from 2010 to extend and strengthen the systematic training of professionals working with children, and to make information about the rights of children a part of the curriculum at all relevant educational institutions.

MORE EFFICIENT FOLLOW-UP OF THE RECOMMENDATIONS FROM HUMAN RIGHTS BODIES

The Ombudsman and NGOs have urged the State to take responsibility for more systematically following up the recommendations from human rights bodies. This would lead to an increased focus, and a more vigorous implementation of, human rights in Norway. The Committee's observations from 2010 were followed up by regular meetings, something the Ombudsman and other organizations regarded as extremely positive. These follow-up meetings were, however, discontinued. The Ombudsman believes efficient follow up of the observations, demands a plan and a formal structure to ensure regular assessment of the progress that have been achieved.

RECOMMENDATION:

The Committee recommends that the State party develop a plan for following up concluding observations with a formal structure across all ministries, to ensure effective follow-up of the Committee's recommendations. Such work must include the participation of monitoring bodies and civil society.

8 The Norwegian Centre for Violence and Traumatic Stress Studies, report 3:2016

CHAPTER 3

GENERAL PRINCIPLES

ARTICLES 2, 3, 6 AND 12

9 Norwegian Institute for Social Research, report 2015:001

10 Official Norwegian Reports 2015: 2

11 Save the Children Norway, report (2016)

12 Gender incongruence refers to a condition whereby a person experiences a lack of correspondence between gender identity or gender expression and the gender that was assigned at birth. This can often lead to gender dysphoria, i.e. mental anguish, severe discomfort or distress due to the dissonance (incongruence) between gender identity/gender expression and the gender that was assigned at birth. (The Norwegian Directorate of Health, report IS-0496 (2015), p. 8)

13 The Ministry of Health and Care Services, consultation (2015)

14 Law firms Økland & Co DA and PwC

A. NON-DISCRIMINATION (ARTICLE 2)

Concluding observations 19, 20 – State Party Report 3A

ETHNIC DISCRIMINATION

A review of existing knowledge indicates that children and young people from Sami and minority backgrounds experience discrimination in several areas of society⁹. The report also refers to lack of skills on the part of teachers and other school personnel in terms of understanding and handling the special challenges faced by these groups. This leads to a lack of knowledge-based and systematic preventative measures, including within schools. In 2015, a government-appointed committee identified the need for increased knowledge about i.a. ethnic discrimination in schools, and proposed measures to raise competency levels about discrimination on the part of personnel in schools and empower them to act against discrimination¹⁰.

Despite clear indications that children and young people are experiencing ethnic discrimination in Norway, there is insufficient knowledge about the scope and causes of ethnic discrimination.

RECOMMENDATION:

The Committee encourages the State party to initiate research into the scope and causes of ethnic discrimination against children and young people, and to disseminate information about preventing and stopping ethnic discrimination in schools and other places.

LGBTQ

Mapping of the relevant data and research projects on LGBTQ children's rights shows that these children are more vulnerable to mental health problems and that they are

more often the victims of violence, bullying and harassment from both fellow pupils and adults, including teachers¹¹. In GP's offices and within school health services, there is a lack of knowledge about the challenges faced by children who experience contradictions between physical gender expression and their own experiences of gender identity (gender incongruence and gender dysphoria)^{12, 13}.

RECOMMENDATION:

The Committee recommends that the State party compile instructions and other policy guidelines to ensure that healthcare personnel and other professionals, e.g. teachers and child welfare services personnel, are knowledgeable about the implications of breaking away from gender and sexual norms.

AGE DISCRIMINATION

Children and young people are rarely treated as rights holders in cases involving discrimination. The Equality and anti-discrimination Ombud receives very few complaints from children.

Moreover, the prohibition against discrimination based on age applies only to employment.

The Ombudsman believes that the introduction of a general prohibition against age discrimination is pivotal to ensuring that children are acknowledged as equal citizens. A report ordered by the Ministry for Children and Equality concludes that there is a need to extend protection against age discrimination and proposes a general legal prohibition¹⁴. On 5 April 2017, the Ministry followed up on this with its proposal for a new, unified Equality and Discrimination Act. The matter will be addressed by Parliament in June 2017.

The Ombudsman believes there are many reasons to introduce a general prohibition

PHOTO: Markus Spiske



against age discrimination. As long as protection against age discrimination does not appear in national legislation, it will not be covered by the mandate of the supervisory authorities. Regardless of whether or not a general prohibition against age discrimination is adopted, the State must guarantee children better access to the bodies that monitor the various discrimination prohibitions.

RECOMMENDATION:

The Committee recommends that the State party introduce a general prohibition against age discrimination. Further, the State party must introduce the necessary measures to ensure that children have access to supervisory bodies, through making sure that children are given appropriate information, that complaints mechanisms are accessible and child-friendly and possess expertise in talking to children.



B. THE BEST INTERESTS OF THE CHILD (ARTICLE 3)

Concluding observations 22-23 – State Party Report 3B

It is extremely positive that the principle of the best interests of the child has been included in the Constitution. A number of good measures have also been implemented to ensure sound individual assessment of the best interests of the child in individual cases. These are outlined in the State Party's report.

Despite such good measures, both assessment of, and emphasis on, consideration of the best interests of the child are still lacking within several arenas, including within healthcare, immigration administration, social services and the education sector. The Ombudsman is concerned that in many cases those making decisions that affect children lack the necessary knowledge about what is required in terms of the contents of and emphasis on the best interest assessment. The Ombudsman also has concerns that the consequences for children often are inadequately investigated in policies that may have major ramifications for certain groups of children.

KNOWLEDGE ABOUT THE BEST INTERESTS OF THE CHILD IN PUBLIC ADMINISTRATION

In the State party's report, measures on the part of the State to increase expertise on the best interests of the child in public administration are outlined, including the training of judges handling family disputes. The Ombudsman remains concerned that civil servants too often take decisions affecting children without adequate review and assessment of the best interests of the child.

There is a great need for training and guidance of administrative personnel on the requirements pursuant to Article 3, no. 1 and on the content of General Comment no. 14, at both central and local level. This was identified by the Norwegian Board of Health Supervision's nationwide inspections of social services provision by The Norwegian Labour and Welfare Administration (NAV). The inspections revealed alarming practices in the municipalities' handling of applications for financial support from persons with care for children¹⁵. In almost

90 % of the inspections, 'serious failures' were found in terms of how the municipalities assessed children's situations when evaluating applications for social security benefits. Examples of the lack of information uncovered include the child's needs in terms of clothes and equipment, and their opportunities to take part in leisure time activities. The Ombudsman has documented similar failures in complaint systems in the education and healthcare sectors¹⁶. We generally experience a high level of demand from both municipalities and other sectors for training on how the principle of the best interests of the child should be interpreted and applied in practice.

ASSESSMENT OF THE CONSEQUENCES FOR CHILDREN AS A GROUP

The consequences for children are often insufficiently investigated within proposals for amending regulations and other measures affecting children. A recent example is the Government's proposal on a tighter immigration policy. Amongst other things, proposals were made to increase the use of temporary residence permits for unaccompanied minor asylum seekers and raise the threshold for family reunification, without any clarification or reporting on the ramifications of these proposals for children, and without weighing them up against any other potential considerations¹⁷. Neither was any investigation carried out into the potential consequences for children with regard to ratification of the Third Optional Protocol to the CRC, an issue of immense significance for children.

RECOMMENDATION:

The Committee stresses the importance of proper assessment of, and emphasis on, the best interests of the child in all decisions affecting children. The Committee asks the State party to take steps to ensure that General Comment no. 14, regarding implementation of the principle of the best interests of the child, is applied to a far greater extent than is currently the case. In particular, the State party must ensure that:

- *Relevant staff at both central and local levels have knowledge about the content and application of the principle of the best interests of the child in individual cases.*
- *Thorough investigation into the ramifications for children is always carried out when presenting proposals that affect children as a group.*

15 The Norwegian Board of Health Supervision, report 2:2013

16 The Ombudsman for Children in Norway's reports (2017) and (2013)

17 The Ministry of Justice and Public Security, consultation (2015)

18 The Norwegian Directorate of Health (2011) and Bergens Tidene newspaper 02. January 2016

19 Bergens Tidene newspaper 02. January 2016

20 Kognijnenberg (2013) and Hamilton et al. (2010)

21 Helsenorge.no: Pregnancy and Medication

C. THE RIGHT TO LIFE AND DEVELOPMENT (ARTICLE 6)

STRENGTHENING IMPLEMENTATION OF THE PRINCIPLE OF THE RIGHT TO DEVELOPMENT

The fundamental principle of the child's right to development is a cornerstone of children's rights that is not given sufficient attention in Norway. The Committee on the Rights of the Child has not challenged Norway on this point. The child's right to development is a key right for ensuring good conditions for growing-up through acceptable standards of health, care and education, the right to information and participation, and, not least, protection against violations. The Ombudsman is happy that the child's right to development is now established by Section 104 of the Constitution, and we hope that this will result in the principle gaining greater practical significance. The Ombudsman would encourage the Committee to address the child's right to development in its dialogue with the State Party.

In the official Norwegian translation of Article 6, the right to development is translated as "the right to grow up". The Ombudsman believes this translation is incorrect and that it weakens the significance of the principle.

RECOMMENDATION:

The Committee urges the State party to review its official translation of Article 6 to ensure that the child's right to development is given due significance.

The Committee stresses the significance of the child's right to development in ensuring good living conditions for children, and in underpinning other provisions within the CRC, such as the right to adequate care, the right to health and education, the right to information and participation and the right to protection against violence. The Committee encourages the State party to work towards stronger implementation of this principle, by highlighting it in reports and investigations that hold significance for children, and in individual cases.

CHILDREN BORN WITH PHYSICAL DEFECTS AS A RESULT OF THE MOTHER UNDERGOING OPIOID MAINTENANCE TREATMENT (OMT)

Every year, around 40 children are born to women in opioid maintenance treatment (OMT)¹⁸. These children have been exposed to opioid-containing medication or Buprenorphine (Subutex) during pregnancy. These are medications that mothers in OMT

receive from public services. Well over half of these children are born with abstinence syndrome¹⁹. Abstinence is extremely painful; children are very sensitive to physical contact, light or other stimuli, and they struggle with being breastfed. Abstinence symptoms can last up to three months. Follow-up studies show that many of these children suffer motor- and neurological damage²⁰.

The Ombudsman believes the State has to do more to safeguard the child's right to development where childbearing-aged women are offered OMT treatment. As a rule, the health authorities advise using caution when taking medication during pregnancy out of consideration for the development of the fetus and to avoid inflicting injury²¹. An optimal start to life in good health should be a fundamental prerequisite also for children born to women in OMT. This is currently not the case. As the Norwegian health authorities' principal recommendation is to maintain or increase OMT medications during pregnancy, babies are born with abstinence symptoms and potential nerve damage due to the mother's medication intake. Instead, the health services should offer these women follow-up services to make it possible to limit the medications they are on.

RECOMMENDATION:

The Committee strongly recommends that the State Party conduct a review of its guidelines for pregnant women in opioid maintenance treatment, so that requirements can be set whereby women in OMT-treatment may be put on long-term contraception. In addition, the State Party must ensure the introduction of conditions whereby medication is gradually reduced and replaced, through close individual follow-up, in cases where women on opioid maintenance treatment become pregnant.

D. RESPECT FOR THE VIEWS OF THE CHILD (ARTICLE 12)

Concluding observations 24, 25 – State Party Report 3D

It is extremely encouraging that the principle of the child's right to be heard has been included in the Norwegian Constitution. A number of good measures have also been implemented to ensure the child's right to be heard in individual cases. These are outlined in the State party's report.

Despite these good measures, there is an ongoing lack of expertise in conversing with children and highlighting the views of children in several arenas, including within healthcare, immigration administration, social services and the education sector.

The Ombudsman is also critical of the fact that the views of children are seldom heard in connection with amendments to regulations and investigations that may hold great significance for children.

THE NEED TO IMPROVE EXPERTISE TO SAFEGUARD THE VIEWS OF CHILDREN

The Ombudsman is concerned that those working with children at different levels do not possess the necessary skills and confidence to conduct conversations with children in individual cases. The Ombudsman is often contacted by decision-makers seeking help and guidance in their work, in order to better hear the views of children on matters affecting them. Our experience is that there is too little expertise at all administrative levels in terms of enabling the views of children to be heard.

The Ombudsman would encourage the Committee, in its dialogue with the State party, to address how the State party can further strengthen implementation of Article 12, for example through application of General Comment no. 12 and benefitting from the sound guidance it provides. The Ombudsman notes a high demand for expertise on how Article 12 may be realized in practical work with children. The State should strengthen resources for the work being done in this area, both through The Giant Leap, among organizations and by the Ombudsman.

RECOMMENDATION:

The Committee recommends that the State party extend and strengthen efforts towards ensuring that the views of children are heard by e.g. securing funding for appropriate measures, strengthening training capacity and contributing to devising tools and training modules that administrative personnel can use at different levels. This work should form a part of the national strategy for implementation of the CRC.

CHILDREN'S PARTICIPATION IN REPORTS AND HEARINGS

Every year, several consultation papers are produced that affect the lives of children and young people. These papers are seldom put together with children and young people in mind and they contain complicated descriptions and difficult words and expressions. There is a range of ways to better lay the groundwork for children's participation in hearings, e.g. by creating easy-to-read versions and accommodating alternative ways of responding to consultations.

RECOMMENDATION:

The Committee recommends that the State party amend its guidelines for consultation papers in a way that highlights the administrative bodies' obligation to obtain the views of children and young people. Guidelines on the use of plain language and how to create conditions for obtaining the views of children and young people should be provided.

22 Norwegian Institute for Urban and Regional Research, report 2016:20

23 Norwegian Institute for Social Research, report 2016:19

PARTICIPATION IN MUNICIPAL PROCEDURES

Municipal Children's and Youth Councils are extremely important arenas in which children and young people can be heard within their local communities. The State party's report states that around 90 percent of municipalities have a participatory body for young people. The reality is that Youth Councils have become less common in the period between 2012 and 2016²². The State would like Youth Councils to remain optional, while participatory bodies for the elderly and for persons with disabilities are legally required. The Ombudsman is sceptical of the State's opinion that having participatory bodies for children and young people is of lesser importance, and would like the Committee to address this issue in its dialogue with the State.

RECOMMENDATION:

The Committee recommends that the State Party establish by law municipal and county-municipal participatory bodies for children and young people. Further, it is recommended that the State Party draw up sound guidelines for the participation of children and young people in municipal decision-making processes.

THE RIGHT TO VOTE

The Ombudsman believes there are good grounds for making 16-year-olds eligible to vote in local elections. Young people are experts on local conditions for children and young people and should therefore be granted stronger political influence over their local environment. Two pilot projects have been carried out on voting rights for 16-year-olds. Evaluations show good levels of participation and a high degree of engagement, and the trend is for political representation among young people to rise as legal voting age falls²³.

RECOMMENDATION:

The Committee recommends that the State Party introduce voting rights for 16-year-olds in municipal and county council elections.

24 Official Norwegian Reports 2011: 20

25 The Norwegian Directorate for Education and Training (2015)

26 Statistics from the Norwegian Directorate for Children, Youth and Family Affairs on children and marriage breakdown show that approx. 20,000 children experience their married parents splitting up. There are no figures for non-married cohabiting parents but a total of approx. 25,000 is often cited.

27 The Ombudsman for Children in Norway's report (2012)

28 "Ask the Ombudsman" is the Ombudsman's online Q&A service for children and young people. A large proportion of the questions are about parents who do not live together.

29 The Ombudsman for Children in Norway's report (2015)

THE CHILD'S RIGHT TO BE HEARD AT SCHOOL

Children have little opportunity to exert real influence at school. One national study shows an insufficient level of participation by pupils during the school day, either on an individual or group level²⁴. Inspections show that pupil participation at group level is inadequate²⁵. In addition, the Pupil Survey in 2015 showed that pupils feel that they do not participate in their own learning process.

RECOMMENDATION:

The Committee recommends that the State party strengthen work on pupil participation by:

- *Compiling guidelines for working with pupils' councils and on how other democratic efforts in schools should take place.*
- *Strengthening pupils' rights to participate in their own learning through clarification of legislation and training of school employees.*
- *Ensuring that the experiences of pupils are taken seriously through mandatory follow-up of results from the Pupils' Survey, inspections and other available information.*

THE CHILD'S RIGHT TO BE HEARD IN FAMILY LAW CASES

Every year, around 25,000 children in Norway experience their parents splitting up²⁶. The Ombudsman is contacted by many children and young people who are having a hard time dealing with their parents going their separate ways²⁷, and finding it difficult to live with parents who are unable to cooperate after a break-up²⁸.

Pursuant to Section 31 of the Children Act, children have the right to be heard in matters affecting them, e.g. in cases concerning where they will live. Children are currently heard to a large extent when parental disputes are handled by the courts, and heavy emphasis is usually placed on the child's views. Despite the fact that mediation between parents is legally required in all cases, mediation at family welfare centres is not deemed part of official procedure. The child's right to be heard has therefore not been safeguarded in the same way during mediation, and statistics from the Norwegian Directorate for Children, Youth and Family Affairs show that only seven percent of children are heard in connection with mediation.

The Ombudsman believes that all children must be offered an individual consultation at a family welfare center in connection with mediation, in order to ensure that the child is given the chance to participate in the process, during which decisions will be made which will have a major impact on the child's life.

The Ombudsman is also concerned that children have nowhere to turn when they feel that the agreement reached by their parents no longer work for them.

RECOMMENDATION:

The Committee recommends the State party to ensure that children are given rights as individual clients of family welfare centres, that they are granted the right to an individual appointment in connection with mediation, as well as the right to receive guidance from the family welfare centre when they feel that the agreement reached by their parents is not working for them.

THE CHILD'S RIGHT TO BE HEARD BY CHILD WELFARE SERVICES

The Ombudsman is pleased about the measures the State has implemented to strengthen expertise about interviewing children within child welfare services, and recommends extending and reinforcing these measures. However, we are concerned that the right to be heard is not being sufficiently safeguarded in assessments that do not entail individual decisions but that are nonetheless of major significance to the child.

The Ombudsman is critical of the fact that children do not have sufficient influence over decisions concerning the choice of foster homes and institutions, and that children under public care are not being heard if they are to be moved to another care base.

RECOMMENDATION:

The Committee asks the State party to assess necessary measures to ensure the child's right to be heard in all actions taken by child welfare services, for example, in investigations into the child's situation, assessments of where the child should live, choice of foster home and in relation to being moved.

THE RIGHT TO BE HEARD IN HEALTH ISSUES

There has been criticism that the views of children are not being sufficiently heard in relation to health issues, even where the child is the patient. The Ombudsman's report "The Use of Force against Children in Residential Child Care and Mental Health Care" showed that the views of children and young people are rarely heard upon admission to mental health care institutions²⁹. The Ombudsman has been in contact with different groups of young people who describe outpatient services within child and adolescent mental health care as rigid and say that the conditions of treatment are decided without consulting them. Young people

say that they feel alienated and that everything seems to be about determining a diagnosis³⁰. See also Chapter 1A on children's rights in health legislation and Chapter 7D on mental health.

In the autumn of 2016, it was proposed that the views of younger children should be heard in health matters. The proposal grants children from the age of 7 a right to be heard, the current age limit is 12 years³¹.

RECOMMENDATION:

The Committee strongly recommends that the State party implement the proposed changes to the health legislation that clarify the obligation to hear the views of younger children in health care matters. The State party should follow up with training for health care personnel.

CIRCUMCISION OF BOYS

The circumcision of boys is one of the religious and traditional customs observed by the Jewish and Muslim communities. The Ombudsman believes that since ritual circumcision of boys is an irreversible surgical procedure performed on a child's body, the decision as to whether or not to undergo such a radical intervention must be made by the child himself. Ritual circumcision of boys is a completely unnecessary medical procedure for young boys in Norway. Furthermore, it is painful and can lead to complications. In addition, the procedure permanently alters the child's body and produces a clearly identifying characteristic that the child will have for the rest of his life.

The Ombudsman believes that the ritual circumcision of boys constitutes serious interference with the personal integrity of the child, and that the child himself should decide whether or not this should happen to his body. An age limit of 16 years, the legal age of majority for health-related decisions, should be introduced.

Despite opposition from the Ombudsman, medical communities and others³², the Norwegian Parliament chose to pass the Act on Ritual Circumcision of Boys in 2014. Practice must be evaluated pursuant to this Act and the compatibility of ritual circumcision with the child's right to identity, personal integrity and self-determination must be re-assessed.

RECOMMENDATION:

The Committee recommends that the State party consider the introduction of an age limit of 16 for ritual circumcision of boys, to ensure that boys are old enough to make this decision themselves. The Committee further recommends that the State party conduct an

investigation into the circumcision of young boys, in the light of the CRC's provisions regarding the right to identity, personal integrity and self-determination.

THE RIGHT TO BE HEARD IN IMMIGRATION CASES

Even though the child's right to be heard is specified in the Immigration Act, the Ombudsman still receives feedback that the immigration administration does not always obtain the views of children in matters affecting them. The report "Children in Cases of Asylum"³³ highlights that the Immigration Appeals Board does not always listen to the views of children who have not been able to express their views earlier in the processing of their case. The report also concludes that the Immigration Appeals Board places heavier emphasis on whether the case has been sufficiently informed, than on the child's right to give his/her opinion when assessing whether to call the child in for interview. Further, according to the report, there is a need for better routines in terms of how the child's views are to be heard and increased expertise in consultations with children.

RECOMMENDATION:

The Committee asks the State party to ensure that children who wish to have a chance to express their views prior to any decision by the immigration authorities on matters affecting the child, should be afforded that opportunity.

THE RIGHT TO BE HEARD IN CASES OF LEGAL GENDER CHANGES

Pursuant to a legislative amendment, children between the ages of six and 16 can, together with their parents, apply to change their legal gender. A county governor's office has been selected to assess cases in which only one parent has given their consent. The Ombudsman pointed out during the consultation that this part of the legislative amendment has been inadequately investigated.

The Ombudsman believes that children younger than 16 years of age, based on age and maturity, must have the right and the opportunity to apply to change their legal gender even where neither parent has given their consent.

RECOMMENDATION:

The Committee recommends that the State party investigate how children under the age of 16 may be assured the opportunity to apply to change their legal gender where neither parent has provided consent.

30 The Ombudsman for Children in Norway's report (2013), The Ombudsman for Children in Norway: Expert Group on Incest (2010), Expert Group on Violence (2009) and (2016), Expert group on Violence and Abuse (2017)

31 The Ministry of Health and Care Services, consultation (2016)

32 Aftenposten newspaper 18.10.2013 and The Nordic Ombudsmen for Children and pediatric experts, joint appeal 30.09.13

33 Norwegian Social Research report 1/14



PHOTO: Philipp Lubasser



CHAPTER 4

CIVIL RIGHTS AND FREEDOMS

ARTICLES 7, 8 AND 13-17

34 Save the Children Norway, report (2016)

35 Save the Children Norway, report (2016)

36 Here, the Ombudsman for Children in Norway agrees with the user association "Association for Gender and Sexual Diversity"

37 The Norwegian Media Authority (2016)

38 The Ombudsman for Children in Norway's expert group (2011)

39 Egedius and Torp (2016), Norwegian Broadcasting Corporation Nordland News 13.07.2016 and Vårt Land newspaper 26.04.2016

A. IDENTITY (ARTICLE 8)

Children born with indeterminate sex characteristics usually undergo surgery while still infants³⁴. Based on various examinations, among them examinations of chromosomes and physical examinations including the internal genitalia, doctors come to a conclusion as to what they believe is the sex of the child. The parents have the final say. For some children, hormonal composition determines sex, but such cases are not discovered until puberty³⁵. By this time, the child may already have undergone gender reassignment surgery soon after birth. It is important that the child receives any medical treatment for which there is a physiologically urgent need, but the Ombudsman believes that no gender assignment treatment should be carried out before the child is old enough to decide for him/herself³⁶. The child's right to development of personal identity applies to all children, including those with indeterminate sex characteristics.

RECOMMENDATION:

The Committee recommends the State party to take all necessary measures to ensure that any hormone treatment or surgery is not undertaken before the child is old enough to decide for him/herself with regard to his/her physical development and to provide informed consent.

B. FREEDOM OF EXPRESSION AND ACCESS TO INFORMATION (ARTICLE 13)

INTERNET SKILLS

In Norway, almost all children have access to a computer and a significant part of children's lives takes place online. This gives them access to a lot of important information, but the internet also presents a number of challenges. Comments, photographs and other personal information published online remains accessible for a long time. Children are not sufficiently aware of the consequences of publishing digital information. Chil-

dren publish images that they regret, send nude pictures and forward images of others, often without their consent³⁷. Children and their parents must receive guidance, and be made aware of, the consequences of sharing personal information about themselves and others and must learn how to protect themselves online.

RECOMMENDATION:

The Committee recommends that the State party, in line with the recommendations from the Committee's general day of discussion on digital media, acknowledge that it is a public duty to ensure that both children and adults have access to a good advisory service, and that the authorities must ensure that information is easily available and adapted for different age groups.

D. FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION (ARTICLE 14)

THE RIGHTS OF CHILDREN IN ISOLATED RELIGIOUS COMMUNITIES

Many children grow up within isolated religious communities where they are unaware of their rights and do not have the information to seek help when they need it³⁸. Within the last year, there have been several reports of mental and physical abuse against children in isolated religious communities in Norway³⁹.

The Ombudsman is concerned that children growing up within isolated religious communities may be subjected to physical and mental abuse without this being detected by society or triggering any reaction from within the religious community. Currently, the State sets no requirements for religious communities to act as active intermediaries in relation to the rights of children in order to receive support from the state. Neither is there any requirement to provide information to employees on the obligation to prevent violence and abuse, or requirements in terms of routines for handling information about violence or abuse.

**RECOMMENDATION:**

The Committee strongly recommends that the State party review the regulations on financial support for religious communities and set stricter requirements for safeguarding the rights of children. In particular the right to information and freedom of expression and the right to protection against violence and abuse. The State party must monitor that these requirements are being met and that the views of children are heard as part of this work.

THE STATE'S OBLIGATION TO MONITOR THE RIGHTS OF CHILDREN IN PRIVATE SCHOOLS

Ten-year compulsory schooling in Norway takes place at both state-run and private schools. Teaching aims and curriculum content are regulated by law for both independent and state schools. Some schools are run by religious communities that are secluded from the world around them. The Directorate of Education has responsibility for conducting inspections of independent schools. This is done by controlling written plans. Inspections of actual educational

content are not conducted⁴⁰. The Ombudsman has received repeated reports from former pupils of independent Christian schools that educational content was limited by religious preconceptions. The result is that the knowledge these pupils acquire about the society around them has severe deficiencies.

RECOMMENDATION:

The Committee recommends the State party to conduct systematic inspections of religious private schools to ensure that educational content is in accordance with the national curriculum and that the school are protecting the rights of the child.

⁴⁰ Official Norwegian Reports 2013: 1, page 241

CHAPTER 5

VIOLENCE AGAINST CHILDREN

ARTICLES 19, 24 (3), 28 (2), 34, 37 (a) AND 39

41 For example, strengthening crisis centers' focus on children, the Children's Houses, repeated impact evaluations and a research program on the theme of violence in close relationships. Several action plans and strategies have been devised in this area, see State party report for details.

42 The Norwegian Directorate for Children, Youth and Family Affairs on violence against children

43 The National Criminal Investigation Service [KRIPOS] (2016); approx. 30% under the age of 14, The Norwegian Directorate for Children, Youth and Family Affairs on violence against children; 1 of 3 children. Norwegian Social Research report 5/16 shows that more than one in three assaults are committed by a male or female friend

44 Norwegian Social Research report 5/16

45 World Health Organization report (2013)

46 The Ombudsman for Children in Norway: Expert group on Violence (2016), and Expert group on Violence and Abuse (2017)

Norway has clear legal prohibitions and a high level of awareness that violence against children is harmful and therefore unacceptable. There is a broad understanding that corporal punishment is not a good method for parenting. The work to protect children against violence receives far more attention today than it did ten to twenty years ago, and during this time, the State has introduced a range of effective and important measures⁴¹.

Nevertheless, tens of thousands of children in Norway are subjected to violence or abuse. Figures from the Norwegian Directorate for Children, Youth and Family Affairs, based on various studies⁴², show that every 20th person in Norway has experienced serious violence at the hands of their parents before the age of 18, in most cases, multiple times. 30 percent have experienced less serious violence, and 13 percent have experienced emotional abuse from their parents. 15 percent of children in Norway have suffered sexual abuse before the age of 18. Unrecorded cases are presumed to exist, amongst other reasons because violence and abuse are taboo issues, making it difficult for children to tell anyone about their experiences.

Studies show that between 30 and 50 percent of sexual abuse acts against children are committed by perpetrators under the age of 25⁴³. New figures show that increasing numbers of children are reporting abuse carried out by a male or female friend⁴⁴. The increase in abuse among peers constitutes a worrying trend.

The Ombudsman believes the authorities must continue to focus purposefully on preventative measures and increase resources and expertise in the services that offer protection to children.

A. AND C. PROTECTING CHILDREN AGAINST VIOLENCE AND ABUSE (ARTICLES 19 AND 34)

Concluding observations 36, 37, 55, 56 – State Party Report 5A-C

PREVENTATIVE WORK

Like the WHO, the Ombudsman believes there is a need for a major commitment to preventative work against violence and abuse⁴⁵. In recent years, domestic abuse has been given more attention in preventative health work, but there is a long way to go before we will be able to see any material results for children.

There is broad consensus that primary health care services for children, public health centres for younger children and school health services are extremely important in efforts to counteract violence and abuse against children. Capacity within these services is too low to ensure that key measures are carried out to uncover abuse and protect children against violence. The Ombudsman believes that a greater commitment to these services is necessary, see also Chapter 7 on health.

Children should know that violence against children is prohibited and that they decide over their own bodies. Children must also know that they must tell an adult if someone does something to their bodies that they do not like. When the Ombudsman asks children and young people about what could be done to prevent violence and abuse against them, they respond that children have to be able to identify what is acceptable and what is not acceptable to do to them. The children say that this must be ensured by the people who are regularly present in the child's life: the adults at school and at kindergarten⁴⁶.

47 The Ombudsman for Children in Norway' report (2013), The Ombudsman for Children in Norway: Expert Group on Incest (2010), Expert Group on Violence (2009) & (2016), Experts group on Violence and Abuse (2017)

48 The Norwegian Centre for Violence and Traumatic Stress Studies report 3:2016

RECOMMENDATION:

The Committee recommends that the State party ensure:

- *Preventative work to counteract violence and abuse against children, and that resources and priority are allocated along similar lines as in public health campaigns against tobacco and drugs, and promoting nutrition and physical exercise*
- *That home visits by health service personnel before the child is three months old are made mandatory*
- *That education which gives children knowledge about the body and the right to protection against violence are made mandatory through the educational course, from kindergarten to high school.*

ROUTINES AND TRAINING FOR PROFESSIONALS WORKING WITH CHILDREN

Children need adults they trust, who are present in their daily life, to enable them to talk about the things they are being subjected to. Many children have reported that neither their teacher, doctor or school nurse understood what they were trying to signal⁴⁷, while adults report feelings of uncertainty and not knowing what they are supposed to do when they are concerned about a child⁴⁸.

RECOMMENDATION:

The Committee recommends that the State party ensure:

- *That the municipalities prepare action plans that put in place necessary routines for employees and clear-cut division of responsibilities between different agencies.*
- *Professionals working with children has sound knowledge about children exposed to violence and abuse, through setting clear knowledge requirements within various forms of special training and courses.*

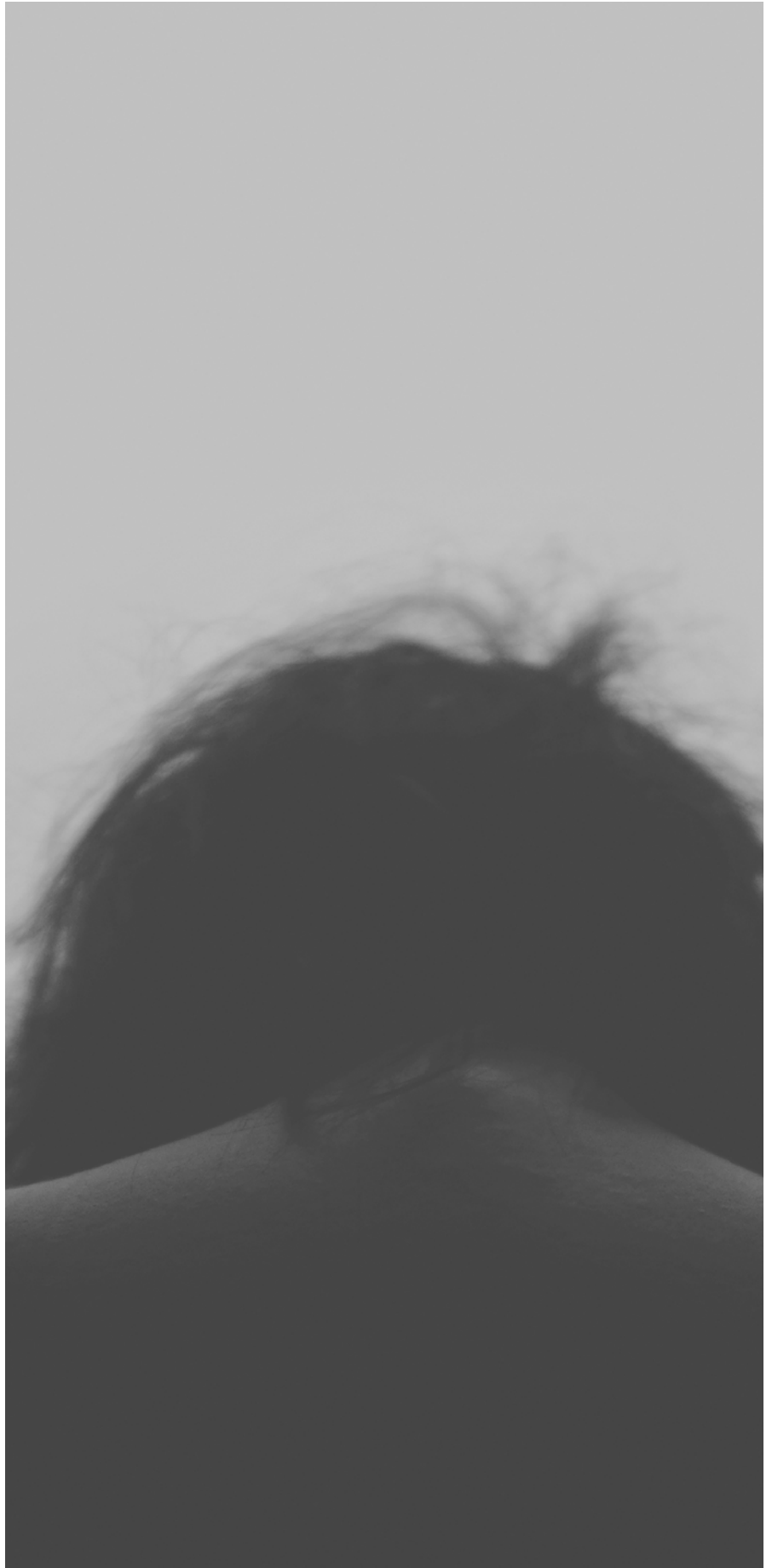


PHOTO: Valkan Olmez

49 Kjaer and Mossige (2013) and Office of the Auditor General of Norway 3:15 (2011-2012)

50 The National Criminal Investigation Service [KRIPOS] April 2017.

51 Norwegian Supreme Court Reports 2013 p. 588

52 The University of Tromsø in cooperation with The Sámi National Centre for Mental Health and Substance Use (2012-14)

53 The Norwegian Centre for Violence and Traumatic Stress Studies report 2:2017

CHILD WELFARE SERVICES' WORK AGAINST VIOLENCE AND ABUSE

In addition to the Government's general skills development programme, the Ombudsman believes that changes must be made to ensure that all notes of concern received by child welfare services involving the suspicion of violence are properly investigated. Too many reports of violence are currently being dismissed without sufficient investigation⁴⁹.

RECOMMENDATION:

The Committee recommends that the State party amend the Child Welfare Act to make child welfare services obligated to conduct investigations into all cases involving violence or abuse.

CHILDREN IN HIGH-RISK SITUATIONS

The Ombudsman is concerned about the State's lack of ability to protect families in extreme and life-threatening situations. Police figures show that in April 2017, 442 children were living at undisclosed addresses by police decision⁵⁰. In addition, child welfare services have the legal authority to place children at undisclosed locations, but it was not possible to obtain figures on this.

Children living under special protection orders are exposed to high levels of stress. They live in constant fear, and have to deal with threats against themselves or close relatives. Both the children and their closest care-givers live under a great deal of strain, which often severely limits self-expression. To a great extent, the child loses his/her identity and may have had to cut off contact with family members and former friends. Since these children "do not exist", no-one advocates for their rights and we have very little information about how they are coping.

In 2013, the Supreme Court concluded that Norway had failed its obligations under Article 3 of the European Convention on Human Rights for not providing adequate protection for a family under special protection orders⁵¹. The decision is still unknown and practice remains largely unchanged. As a rule, a restraining order is imposed, which limits freedom of movement for the family more than for the perpetrator. Legal authority has been granted to order a reverse security alarm that limits the perpetrator's, rather than the victims', freedom of movement. Even though the scheme has been working for several years, reverse security alarms are only used in a handful of cases

RECOMMENDATION:

The Committee urgently requests that the State party immediately initiate an investigation to boost the use of reverse security

alarms, and subsequently make the necessary changes. In addition, the Committee strongly encourages the State party to implement projects to gather information about the situations of children who have been subjected to life-threatening situations and/or are living at undisclosed addresses. The projects must ensure that feedback on experiences is obtained directly from children themselves.

CHILDREN IN ISOLATED RELIGIOUS COMMUNITIES

See Chapter 4D

SAMI CHILDREN AT A RISK OF VIOLENCE AND ABUSE

Sami women report higher incidences of sexual abuse during childhood than other women⁵². New research also shows that social workers and the police face barriers when dealing with domestic violence within the Sami community⁵³. To be able to implement preventative measures that are specially adapted to the situations of Sami children, it is important to disclose the causes of this situation.

RECOMMENDATION:

The Committee recommends that the State party investigate the causes of Sami girls' increased risk of sexual abuse and implement preventative measures to counteract violence and abuse against Sami girls.

D. THE RIGHT NOT TO BE SUBJECTED TO TORTURE

In 2015, the Ombudsman presented their report "The Use of Force against Children in Residential Child Care and Mental Health Care". The report identified knowledge gaps in the field. We saw major differences between institutions in terms of their use of force, how force was defined and the focus on preventative work. In addition, we found major deficiencies in supervisory systems, including the fact that views of children were rarely heard. The report has been well received and the authorities have embarked on the work of following up some of our recommendations.

RECOMMENDATION:

The Committee recommends that the State party:

- *Initiate research to gain more insight into the use of force against children*
- *Implement measures to prevent the use of force, e.g. by compiling a manual for mental healthcare professionals and offering training courses and guidance*
- *Develop the monitoring systems to make them more child-friendly.*

E. FOLLOW-UP AND REHABILITATION OF CHILDREN SUBJECTED TO VIOLENCE AND ABUSE

MEDICAL EXAMINATIONS OF CHILDREN SUBJECTED TO VIOLENCE AND ABUSE

The health services are obligated to establish crisis centers offering emergency health services to adults who have been subjected to violence or abuse. Children do not enjoy similar provision. Conducting medical examinations of children requires special expertise which the centers for adults do not have. Thus, children under 16 years of age are not offered emergency assistance at crisis centres for adults.

When suspicion of violence or abuse is reported to the police, the child is called in for interview at a Children's House where a medical examination of the child may also be conducted. Figures obtained by the Ombudsman from Children's Houses show that, in 2016, only 16.9 percent of the children interviewed received a medical examination. The Ombudsman believes that a full physical examination of the child constitutes necessary healthcare, and therefore is to be considered a mandatory service pursuant to the health legislation.

RECOMMENDATION:

The Committee recommends that the State party:

- Ensure that the child is offered emergency medical assistance upon suspicion of violence or sexual abuse that is on a par with services offered to adults.
- Determine that medical examination forms part of the right to necessary medical assistance for children where there is suspicion of violence or abuse.

FOLLOW-UP SERVICES FOR CHILDREN SUBJECTED TO VIOLENCE AND ABUSE

Children subjected to violence and abuse are not being offered satisfactory medical assistance⁵⁴. Many children from the Ombudsman's expert groups, made up of children and young people who have been the victims of violence or abuse tell us that child and adolescent mental health services are not suitable for them. The system has little flexibility, both because of its strong focus on diagnosis and its rigid system for determining where and how dialogues should take place. Children and young people tell us that they would prefer a service that is more easily accessible in everyday life and for dialogues to take place in a more natural setting, e.g. while taking a walk or

going for a drive together. For further details see "right to health".

RECOMMENDATION:

Identical recommendations to those stated in Chapter 7D on health.

F. HELPLINE FOR CHILDREN AND YOUNG PEOPLE

Children and young people who have lived with violence and abuse tell the Ombudsman that they were often afraid to tell anyone about what they have been through for fear of what would happen to their family. They ask for a place that children can contact to get advice and support so that they can open up gradually. The emergency helpline currently does not function in this way.

Many children and young people in Norway know the emergency helpline number for children and young people: 116 111. The helpline has been in operation since 2009. It is supplementary to other emergency preparedness measures within the municipalities, which means that children who call during municipal office hours are told to call their municipality. This can prove difficult for children. Not all children know the name of the municipality in which they live, and some lose heart if no-one answers when they finally have found the courage to call.

RECOMMENDATION:

The Committee strongly recommends that the State party conduct an evaluation of the Emergency Helpline for Children and Young People, aiming to make the helpline accessible 24 hours a day and further adapting the service to the needs of children and young people. Children and young people must be involved in this evaluation.

54 The Norwegian Centre for Violence and Traumatic Stress Studies report 6:2016 and The Ombudsman for Children in Norway's report (2013)



PHOTO: Jordan Whitt

CHAPTER 6

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

ARTICLES 5, 9-11, 18 (1 AND 2), 20, 21, 25 AND 27 (4)

55 Directorate of Immigration – annual statistics tables (2016)

56 The Ombudsman for Children in Norway, Expert Group on Deported Parents (2012)

57 Immigration regulations § 14-2 (amended from 1.9.2016)

58 Norwegian Supreme Court Reports (2015) p.93, paragraph 45-47

59 The Ministry of Justice and Public Security (2017)

A. SEPARATION FROM PARENTS (ARTICLE 9)

Concluding observations 32-33 – State Party Report 6 C og 6 J

EXPULSION

Currently, an unknown number of children are separated from their parents every year, without sufficient consideration of the child's situation and views during case processing.

6255 people were expelled (re-entry ban) from Norway in 2016⁵⁵. It is mainly adults who are expelled, but many of them have children in Norway. These children may have varying statuses; some have tenuous links to Norway, others are Norwegian citizens. Statistics are not gathered in terms of the number of children affected by expulsion cases. The Ombudsman has documented that deportation of a parent, has a major impact on the child⁵⁶. Children tell us that their care arrangements deteriorate significantly with just one parent and that there is a great deal of shame and stigma associated with having an expelled parent.

The Government has increased the maximum period for re-entry bans to ten years⁵⁷, and writes in its State Party Report that this will give the authorities better opportunity to balance considerations of the welfare of the child and other family members against the need to react to serious breaches of the law. The general rule is that foreign nationals with custody of children in Norway will not be permanently deported. However, the introduction of a ten-year maximum period may lead to longer periods of separation for children whose parents previously had a five-year entry ban. Ten years is a very long time in a child's life, and in most cases this will lead to separation from one parent for most of their childhood.

Despite the serious consequences for children of the expulsion of one parent, children are not regarded as parties in these cases, despite the fact that the Supreme Court in 2015 stated that many children should have individual legal rights⁵⁸.

RECOMMENDATION:

The Committee recommends that the State party take the necessary steps to ensure that decisions to separate children from their parents are in line with the CRC, Article 9, cf.

Articles 3, 10 and 12, by making sure that:

- The immigration authorities carry out individual assessments of the child's situation, including the consequences of the decision for the child.
- The child's views are obtained, documented and given due weight in the processing of the case
- Statistics are gathered in terms of the annual number of children who are separated from one of their parents as a result of an expulsion order.
- Children who are directly affected are conferred (partial) legal rights in expulsion cases involving their parents
- The option to expulse people with children in Norway for ten years is revoked.

B. FAMILY REUNIFICATION (ARTICLE 10)

State Party Report 6 D

In recent years, Norway has increasingly tightened the requirements for family reunification, including in relation to children. For example, maintenance requirements are set which can be difficult to fulfill for persons with migrant backgrounds. The maintenance requirement was increased in 2016. The Government also wishes to introduce an affiliation condition for family reunification, in relation to which the consequences for children have been very poorly investigated⁵⁹. Further, the Ombudsman is receiving feedback that submitting an application from abroad can be difficult for children to achieve in practice. In addition, the option to submit an application for family reunification from Norway, even for cases involving children, is extremely strictly administered.

In the Ombudsman's opinion, Norwegian regulations and practice are not compatible with the wording of Article 10 of the CRC, concerning the positive, humane and expeditious treatment of applications for family reunification submitted by children.

RECOMMENDATION:

The Committee recommends that the State party undertake a comprehensive review to determine whether current regulations safeguard the child's right to have an application for family reunification processed in a positive, humane and expeditious manner.

C. CHILDREN DEPRIVED OF THEIR FAMILY ENVIRONMENT (ARTICLE 20)

Concluding observations 34 and 35 – State Party Report 36 F

RESOURCES AND EXPERTISE IN CHILD WELFARE SERVICES

The most recent nationwide inspections conducted by the Norwegian Board of Health Supervision revealed variations and shortcomings within local child welfare services. In 49 of the 57 child welfare services that were investigated, failures amounting to violations of the law and/or improvement areas were uncovered⁶⁰. Notes of concern were put aside without further investigation, depriving help for children in need. Even though there were several different and complex causes for the failures, the fact is that child welfare services' tasks are increasing in scale. Both the number of notes of concern, and the number of children receiving measures, are increasing. In addition, many of the tasks are complex and demanding.

Child welfare is a demanding field in which increasingly greater demands are placed on employees. Many of the children have complex problems that require employees to have solid qualifications and keep themselves professionally updated. Child welfare services must have sufficient knowledge and confidence to undertake extremely complex assessments even when under intense external pressure. Employees must also be able to talk to children about difficult topics such as violence and abuse. Despite this, there are no basic requirements in terms of the training that child welfare services employees must have.

The Ombudsman appreciates that it may be difficult to set exact requirements when it comes to competency. However, it should be possible to set minimum requirements, for example, based on the justifiability requirement of health and social legislation. Children and their parents should be guaranteed encounters with child welfare services employees with sufficient training to provide a reasonable level of professional assistance.

The Ombudsman is concerned that the planned child welfare reform⁶¹ may widen

already existing disparities among municipal child welfare services, and that even more children will not receive the care and protection to which they are entitled. Firstly, the reform will increase the number of tasks to be performed by the municipalities. Secondly, the municipalities will be given greater funding responsibility and more discretion, including in their choice of measures. When inspections show that the municipalities are not able to attend to their current duties, there is a risk that the reform will have serious ramifications for an extremely vulnerable group of children.

It is important that the services are organised in a way that safeguards the best interests of the child. It is essential that the reform does not undermine the child's right to professionally competent child welfare services. The Ombudsman is sceptical that the reform is not founded on analysis of the best interests of the child at system level. We believe that such analysis is vital to ensure that the reform preserves consideration of the best interests of the child, both during the reform and in the long term.

RECOMMENDATION:

The Committee recommends that the State party:

- *Undertake significant measures to ensure that child welfare services can perform the tasks required by law, and that the service is being adequately run.*
- *Establish by law requirements for professional expertise within municipal child welfare services*
- *Assess whether the planned reform of child welfare services is in the best interests of the child.*

THE RIGHT TO HAVE CONTACT WITH SIBLINGS

Children have a right to family life in the same way as adults⁶². This also entails to the right to have contact with siblings. The UN guidelines for alternative care recommend that siblings live together unless this is not in their best interest.

Children under alternative care tell us that contact with their siblings is important⁶³. Nevertheless, figures show that around 50 percent are not allowed to live together with their siblings in foster homes⁶⁴. The most common reason is a lack of foster homes that can accommodate several children at

60 The Norwegian Board of Health Supervision report 1/2017

61 Prop. 73 L (2016-2017)

62 Ref. The European Convention on Human Rights (ECHR), Article 8

63 Winsvold et al. (2012) and The Ombudsman for Children in Norway's report (2015)

64 SOS Children's Villages Norway (2016) questionnaire distributed to child welfare managers in Norway – 42% provided responses.



the same time. This information is not new; the Foster Homes White Paper in 2016 proposed the compilation of professional recommendations on the placement of siblings⁶⁵. However, no specific measures have been undertaken to recruit and retain foster homes that can accommodate siblings.

The Child Welfare Act gives children the right to contact with their parents, but not with their siblings. Laws in other Nordic countries give children the right to contact with siblings and other close relatives.

RECOMMENDATION:

The Committee recommends that the State party:

- Amend the Child Welfare Act so that children are given the right to have contact with siblings and other close relatives unless this is not in the best interests of the child.
- Implement measures to recruit foster homes that can care for siblings, and consider increasing support for such foster families.

INTERIM ORDERS

In 2014, temporary care orders in emergency situations were issued for a total of 1842 children⁶⁶, where 82 percent of the children had to be immediately removed from the home to avoid significant injury. Interim orders are important and necessary to protect child in high-risk and detrimental situations. However, it is important to keep in mind that interim orders expose the children to significantly higher levels of stress than planned placement. Children who have been subjected to neglect may already be especially vulnerable to stress and will therefore not cope as well with the situation as other children⁶⁷.

RECOMMENDATION:

The Committee recommends that the State party implement measures to reduce the numbers of interim care orders.

FOLLOW-UP OF CHILDREN IN FOSTER HOMES

Children who have been deprived of their family environment are vulnerable and the State must thoroughly monitor how the child is coping with the situation. There are several challenges inherent to child welfare services' responsibility to follow up children in foster homes. The most recent nationwide

inspections uncovered violations of the law in over half of the 151 inspected municipalities⁶⁸. Many children did not get the inspection visits they were entitled to and many foster homes did not receive adequate follow-up and guidance. Professionals and academics express their concern about the number of children being moved between foster homes. It is essential that child welfare services provide support and guidance to foster families so that they do not give up, with the result that the child have to move again.

RECOMMENDATION:

The Committee recommends that the State party ensure that the municipalities fulfil their legal obligations and enforce sanctions on municipalities that do not adhere to the legal requirement to follow up children in foster homes.

D. CHILDREN WITH CARE GIVERS IN PRISON

Concluding observations 32-33, State Party Report 6J

It is a positive development that the Norwegian Correctional Service has introduced a scheme appointing a person responsible for child issues in all prisons and probation offices.

Many inmates are placed in prisons far from their home towns and there are no systems in place to cover travel expenses for children who want to visit their caregiver in prison. It is difficult to keep in touch with the caregiver in prison for children left behind with a single caregiver. Opportunities to keep in touch by telephone remain extremely limited. The Norwegian Correctional Service has not extended provision through the introduction of more telephone-based methods of communication despite that this intention was stated in Parliamentary White Paper no. 37 (2007-2008)⁶⁹.

RECOMMENDATION:

The Committee recommends that the State party create a travel expenses support scheme for children with caregivers in prison. The State party must also review the rules about telephone communication between inmates and their children.

⁶⁵ White Paper 17 (2015-2016)

⁶⁶ The Norwegian Directorate for Children, Youth and Family Affairs on child welfare services

⁶⁷ Baugerud and Melinder (2012)

⁶⁸ The Norwegian Board of Health Supervision report 1/2015

⁶⁹ White Paper no. 37 (2007-2008)

CHAPTER 7

DISABILITY, BASIC HEALTH AND WELFARE

ARTICLES 6, 18 (3), 23, 24, 26, 27 (1-3) AND 33

70 Norwegian Social Research report 7/16

71 Official Norwegian Reports 2016:17

72 The Norwegian Association of Disabled (NAD) in cooperation with International Research Institute of Stavanger (IRIS)

A. CHILDREN WITH DISABILITIES (ARTICLE 23)

Concluding observations State Party Report 7A

SHORTCOMINGS IN MUNICIPAL SERVICES TO CHILDREN WITH DISABILITIES

Throughout all Norway's reporting procedures, the Committee has been concerned about the variation in provision of local services for children, cf. Chapter 1 on municipal autonomy. Local services are crucial to children with disabilities and the Ombudsman is concerned about the continued wide disparity of municipal service provision for children with disabilities.

A report from 2016 shows that service provision for families with disabled children is often inadequate, difficult to access and poorly coordinated. Many parents experience difficulties navigating the support system and triggering assistance from different agencies. One reason for this is the fragmented nature of the system and the fact that it is governed by different laws. Many experience information about services as inadequate, haphazard and dependent on who they meet. This leads to the skewed distribution of assistance in favour of those children whose parents are equipped to navigate the various systems⁷⁰. A review of the living conditions of disabled people showed a similar level of inadequate coordination and poor collaboration both between welfare services in the municipality and between the municipality, and other agencies⁷¹.

The two reports show that arrangements involving individual treatment plans and coordinators in the municipalities do not work satisfactorily.

RECOMMENDATION:

The Committee recommends that the State party assess how regulations governing individual treatment plans and coordinators may be amended, for example through the introduction of individual administrative decisions, which will ensure the user's right to appeal. In addition, create regulations containing clear guidelines as to the role of the coordinator.

SCHOOLS NOT ACCESSIBLE FOR CHILDREN WITH DISABILITIES

Studies show that pupils with physical disabilities are excluded from equal participation at school due to physical obstacles. As much as 80 percent of existing school buildings have physical barriers that exclude physically disabled children⁷². This results in pupils not getting access to rooms and being excluded from academic and social communities at school.

Section 8-1 of the Education Act gives children the right to attend their local school. Nonetheless, many children with disabilities experience an entirely different reality. An exception in the Anti-Discrimination and Accessibility Act exempts municipalities from the obligation to ensure universal design, where making improvements to existing buildings would constitute an undue burden. The municipalities make extensive use of this exception which results in many children being essentially deprived of the right to attend their local school. In this they are deprived important social interaction with other children in the local area. This practice is not in accordance with the State's goal of a universally designed society by 2025, and there is little indication that the authorities will achieve this goal in relation to school buildings.

The Ombudsman is concerned about the lack of measures to ensure that children with disabilities, who often have an especial



need for access to social environments, can attend their local schools.

RECOMMENDATION:

The Committee recommends that the State party ensure that existing school buildings are made accessible to all children by:

- *Introducing regulations stating deadlines for the universal design of existing buildings pursuant to the Planning and Building Act, prioritising school buildings*
- *Devising escalation plans for the universal design of school buildings and securing suffi-*

cient annual funding to ensure that plans are carried out within the deadlines.

B. HEALTH AND HEALTH SERVICES (ARTICLE 24)

Concluding observations 38-39, State Party Report 7C and D

LOCAL SERVICES

The most important municipal health services for children and young people is

73 Government press release 12.08.2016: 135 new FTEs in health and school health services

74 Sykepleien, journal, 29.01.2014

75 The Norwegian Board of Health Supervision, report 4/2014

76 World Health Organization report (2013)

77 The Ombudsman for Children in Norway's report (2013)

78 Letter from the Minister of Health and Care Services, to the Norwegian Parliament 30.06.2015 with figures from Statistics Norway, Government press release 12.08.2016: 135 new FTEs in health and school health services and The Norwegian Directorate of Health report (2016)

79 The Ombudsman for Children in Norway's report (2013)

provided by community health centres for the youngest children from 0-5 years of age, school health services and community health centres for young people. The Ombudsman believes the municipalities pays too little attention on preventative health work for children and that they are not sufficiently committed to these vital services. The services have long been under-resourced and in many places, children are not receiving a reasonable level of service. Even though the Norwegian Parliament and Government have granted almost NOK 700 million extra to public and school health services over recent years, this has only led to 135 new posts divided between Norway's 428 municipalities⁷³. Just NOK 100 million was earmarked and investigations show that municipalities are using the allocated funds for other⁷⁴.

The Ombudsman is extremely concerned that municipalities are not giving higher priority to this basic health services for children. Community health centers can provide support to families with small children and can uncover cases where the caregiver(s) or the child require special follow-up. The school health service is extremely important for children of school age to have a place to go if they need special follow up or someone to talk to.

Both community health centers and the school health service are pivotal in uncovering cases of development disturbances in children, where children are the victims of neglect or violence or are living in conditions that give cause for concern. This is discussed in greater detail in Chapter 5.

COMMUNITY HEALTH CENTERS FOR YOUNG CHILDREN

In 2013, the Norwegian Board of Health Supervision conducted nationwide inspections that revealed that many municipalities face major challenges in ensuring a reasonable level of health provision to the youngest children via public health centers⁷⁵. Inspections showed that more than half of the municipalities were breaking the law by failing to conduct the health authorities' recommended health checks, for example postnatal home visits. The postnatal home visit is an extremely important measure in the work to counter violence⁷⁶. Other examples include a lack of qualified interpreters and insufficient cooperation with other services. Inspections also show deficient planning and management of the service on the part of many municipalities. In addition, there is a lack of routines and procedures; in other cases they are simply not being followed.

SCHOOL HEALTH SERVICES

Studies show that many school health services are understaffed and are not able to deliver low-threshold services for children in need. Children would have been helped earlier if school health services were adequately staffed, more accessible and had more expertise in mental health⁷⁶. There is still a shortfall of over 1000 person-years within the school health service in relation to the recommended norm for staffing⁷⁸.

Children tell the Ombudsman that the school health service is important to them, and it is a cause for concern that many Norwegian school children are not able to access adequate health services at school.

RECOMMENDATION:

The Committee is concerned about the lack of capacity within basic health services for children and urgently requests that the State party:

- Ensure that more stringent checks are conducted on the municipalities' management of services, and that there are consequences for the municipalities where serious failures are uncovered
- Embark on the work of determining a legally binding norm regarding the number of employees per child in community health centres and school health services
- Ensure the earmarking of funds for community health centres and school health services

CHILDREN IN NEO-NATAL INTENSIVE CARE UNITS IN HOSPITALS

Children's health and development is greatly influenced by proximity and attachment to parents directly after birth. The Ombudsman is concerned about the physical environment provided by Norwegian hospitals for premature babies and their families. In most intensive care units for newborns, the infants live in cramped and noisy surroundings, and opportunities for the child to be together with his/her parents are limited to the extent that the child's health and development may be negatively affected⁷⁹.

RECOMMENDATION:

The Committee strongly recommends that the State party devise a plan to improve neo-natal intensive care units within hospitals. The plan must show when and how the units are to be adapted so that the newborn can be together with his/her parents and that the fundamental right of the child to health and development is being preserved.

YOUNG PEOPLE IN HOSPITALS AND HEALTH SERVICES

Young people constitute a vulnerable group who fall between the cracks in the

health services: not small children, not quite grown-ups. Neither young people themselves nor healthcare personnel are knowledgeable about the child's right to participation and young people's rights as patients and service users⁸⁰.

In 2016, the Norwegian authorities presented their youth health strategy⁸¹. However, this does not contain any specific measures in relation to how the health service better can provide and organize health services for young patients.

RECOMMENDATION:

The Committee recommends that the State party design guidelines on how health services can involve and accommodate young people.

C. MEASURES TO COUNTER THE MOST WIDESPREAD HEALTH ISSUES FACED BY CHILDREN AND YOUNG PEOPLE

Concluding observation 43 – State Party Report 7D

MENTAL HEALTH

Around 70,000 children and young people at the age 3-18 years have problems that qualify as mental conditions⁸². In addition, estimates indicate that between 15 and 20 percent of children aged 3-18 years have reduced life quality due to symptoms such as anxiety, depression and behaviour disorders⁸³. Community health centres and the school health service are important components in preventative mental health work and their capacity levels are therefore significant, see section B above. Meanwhile, waiting times are increasing for mental health care for children and young people within the specialist health service⁸⁴.

Over a period of several years the Ombudsman has met children with difficult life experiences. The feedback has been that psychiatric healthcare is extremely focused on diagnoses. Children often experience receiving assistance that is ill-suited to their needs, either in terms of content, or delivered in a way they are uncomfortable with. This applies especially to children who have been subjected to violence or abuse⁸⁵.

RECOMMENDATION:

The Committee strongly recommends that the State party initiate a broad review and evaluation of mental health provision for children and young people, at both municipal and

national level. The evaluation must include the experiences of the children and young people themselves.

CHILDREN WITH MENTAL HEALTH CONDITIONS IN CHILD WELFARE INSTITUTIONS

The Ombudsman is concerned that children with mental health conditions in child welfare services are not receiving adequate follow-up from the health services. Many children in child welfare institutions have severe mental health conditions but only around half of them are getting the healthcare they need⁸⁶.

It is a serious problem that many children in child welfare services alternate between being placed in child welfare services and mental health services and the Ombudsman recommends establishing common establishments for children who need help from both services⁸⁷.

In January of 2017, the Government proposed measures to strengthen mental healthcare provision to children in child welfare services⁸⁸. A proposed child welfare reform involved considerations to ensure coordination between child welfare, mental healthcare and drug and alcohol rehabilitation services⁸⁹.

RECOMMENDATION:

The Committee strongly recommends that the State party:

- *Establishes common institutions for children in need of help from both child welfare and mental healthcare services*
- *Implements the reform to ensure coordination between child welfare, mental healthcare and drug and alcohol rehabilitation services*
- *Implements measures to strengthen mental healthcare provision to children in child welfare services*

D. SOCIAL SECURITY AND CARE SERVICES (ARTICLES 26, 18 NO. 3)

CHILDREN AS NEXT OF KIN

Parents' health problems or substance abuse have a major impact on children. There is a strong need for information and appropriate help to families, but these needs are largely unmet. Amendments to legislation have been introduced to remedy this⁹⁰. Nonetheless, it appears that the health services are not adequately following up children whose parents suffer from substance abuse or serious illness. Children who are

80 The Ombudsman for Children in Norway's report (2013)

81 Government strategy for Youth Health 2016-2021

82 The Norwegian Directorate of Health report (2010)

83 The Norwegian Institute of Public Health about children and young people's mental health

84 Dagens Medisin newspaper 24.04.2017

85 The Ombudsman for Children in Norway's report (2013)

86 Norwegian University of Science and Technology [RKBU] report (2015)

87 The Ombudsman for Children in Norway's report (2015)

88 Government press release. 09.01.2017: Better mental healthcare for children in the child welfare system

89 Official Norwegian Reports 2016:16

90 Children are defined as next of kin in the Health Personnel Act and the Specialist Health Services Act but not in the Health and Care Services Act.

91 The Norwegian Directorate of Health report 11/2015

92 Statistics Norway: The Income and Wealth of Households with Children 2004-2014

93 The Norwegian Directorate for Children, Youth and Family Affairs (2017) p.14: Childhood and Adolescence report 2017

94 Government's Strategy against child poverty (2015-2017)

95 The Norwegian Directorate for Children, Youth and Family Affairs (2017), p.12: Childhood and Adolescence report 2017

96 The Norwegian Board of Health Supervision report 2/2013

97 The Norwegian Board of Health Supervision report 2/2013

98 The FAFO Research Foundation report 2014:44

99 Government's Strategy for social housing (2014-2020)

100 Norwegian Broadcasting Corporation, news, 09.07.2016

next of kin provide care and assistance at the expense of their own wellbeing, quality of life and schooling, which has ramifications for their entire childhood⁹¹.

RECOMMENDATION:

The Committee recommends that the State party put into effect measures to ensure that the health services adhere to the law, so that children identified as next of kin, are given information and follow up. The responsibility for follow-up of the next-of-kin child must be incorporated into the Health Care Act.

E. ADEQUATE STANDARD OF LIVING (ARTICLE 27 (1-3))

Concluding observations 46, 47 – State Party Report 7E

CHILD POVERTY

In 2015, there were 98.175 children living in long-term, low-income households. This constitutes 10 percent of all children in Norway. Children from immigrant backgrounds make up over 50 percent of all children living in low-income situations for extended periods⁹².

Children in low-income households are more likely to experience health problems, accidents and bullying⁹³. This affects the child's quality of life, development and at worst future life opportunities. The Government acknowledges that poverty is a challenge at both an individual and societal level, and has adopted a strategy to counteract poverty⁹⁴.

The strategy's primary focus is on compensatory measures, which has no effect on the reasons why the proportion of children living in poverty continues to grow⁹⁵. In addition, these measures don't always reach children with parents who are dependent on social security benefits. The strategy does not focus enough on measures to help families out of poverty, for example by increasing the universal child benefit, which has not been regulated since 1996.

Inspections of the social services reveal serious failures in municipal reporting of children's situations and needs during the processing of applications for social security benefits⁹⁶. Examples of circumstances that

were not reported include children's clothing and equipment needs and their opportunities to take part in leisure time activities⁹⁷.

Most children in Norway attend kindergarten, an important social arena for children. Attending a kindergarten has a positive effect on future education and may thus reduce the risk of "inheriting" poverty. Children from immigrant backgrounds also experience positive linguistic development through attending kindergarten⁹⁸.

Despite the knowledge that low-income families and families from immigrant backgrounds make less use of kindergartens than other families, specific measures to ensure that these children attend kindergarten are lacking.

The After School Programme has the same effect for school-age children. There is a need to ensure provision for children from low-income families, also for After School Program.

RECOMMENDATION:

The Committee recommends that the State party:

- *Strengthen universal benefits schemes aimed at children, such as child benefit.*
- *Take measures to ensure that the needs of children and the best interests of the child are assessed when parents apply for social security benefits.*
- *Introduce measures whereby all children from low-income families are offered free access to kindergartens and in after-school programs.*

CHILDREN IN PUBLIC HOUSING

The State has presented a report for its social housing strategy (2014-2020)⁹⁹. The Ombudsman remains concerned about the situation for children living in public housing based on, amongst other things, reports in the media. These reports describe children living in sub-standard public housing, in environments with high incidence of crime and substance abuse¹⁰⁰.

RECOMMENDATION:

The Committee recommends that the State party intensify work to provide safe and child-friendly public housing.





CHAPTER 8

EDUCATION, LEISURE AND CULTURAL ACTIVITIES

ARTICLES 28-31

101 The Education Act, §§ 2-9 and 3-7

102 Official Norwegian Reports 2015: 2, page 244

103 National Pupil Survey 2015, Appendix, Statistics on County level 2015

104 The Kindergarten Act, § 12 a

105 Directive RS 2011-025

106 The Education Act, § 3-1

107 ABC News 20.6.2015, Anniken Hauglie, member of the City Council Standing Committee on Education, stating a level eight times the average rate of absenteeism.

108 The Ministry of Labour and Social Inclusion (2009): Action plan to improve living conditions for Roma people in Oslo

109 The FAFO Research Foundation, report 2014:50

A. RIGHT TO EDUCATION (ARTICLE 28)

Concluding observations 48-49 and 61, State Party Report 8 A

THE USE OF FORCE AND PHYSICAL RESTRAINT IN SCHOOLS

The use of force against pupils at Norwegian schools is prohibited¹⁰¹. Physical control of pupils is only allowed in emergency situations, to prevent injury or damage to people or property. Nonetheless, physical force is to some extent being used against pupils in schools¹⁰².

The nationwide Pupil Survey conducted in 2015, 574 pupils report being hit, pushed, kicked or held down two to three times per month or more by adults at school¹⁰³.

RECOMMENDATION:

The Committee recommends that the State party:

- Investigate the use of force against children in schools
- Ensure improved adherence to the prohibition of corporal punishment and humiliating treatment, for example through compilation of a manual detailing alternative pedagogical instruments to replace the use of force
- Assess the need for further regulation of the use of force in schools, to ensure that force is only used where absolutely necessary, and motivated by the best interest of the child. Force must never be used by employees without special training.

THE RIGHT TO KINDERGARTEN AND SECONDARY EDUCATION FOR ALL CHILDREN

All children resident in Norway have a right and an obligation to receive primary school education. Certain groups are excluded from the right to kindergarten and secondary school, even though these measures are

considered to form part of the Norwegian education system.

The right to kindergarten only applies to children who are settled in Norway¹⁰⁴. The fact that a child does not have a legally established right, means that they are not prioritized in admissions. Some children in asylum reception centers are allocated kindergarten through funding,¹⁰⁵ but not the youngest children.

The right to secondary school education is linked to legal residency¹⁰⁶. Several families who have had their asylum applications rejected nonetheless, remain living in Norway. Thus, children living in Norway for an extended period may be excluded from educational provision to which all other children are entitled.

RECOMMENDATION:

The Committee recommends that the State party amend education sector legislation so that children are given the right to secondary school education and a kindergarten irrespective of residency status.

ABSENCE RATES AMONG ROMA CHILDREN

The Ombudsman is concerned about the high school absence rate among Roma children¹⁰⁷ that leads to a higher drop-out rate among Roma children than among other children in primary education. The State has implemented an action plan to improve the living conditions of Roma people through a range of measures¹⁰⁸. The action plan's measures were evaluated and it was found that only the "Romlos" measure has had a visible effect on school attendance rates¹⁰⁹.

RECOMMENDATION:

The Committee recommends that the State party put in place measures to build trust between schools and Roma families and to help children with school work, preferably based on the "Romlos" model in Oslo.





110 The Education Act, § 5-1

111 The Ombudsman for Children in Norway's report (2017)

112 See also, The Norwegian Directorate for Education and Training (2015) and The Ombudsman for Children in Norway's report (2017)

113 The Ombudsman for Children in Norway's report (2017)

114 Norwegian University of Science and Technology, Social research report (2016)

115 Strøm et al. (2013)

116 Knowledge Centre for Education 1/2015

117 The Ombudsman for Children in Norway's report (2014)

B. AIMS AND QUALITY OF EDUCATION (ARTICLE 29)

Concluding observation 49 – State Party Report 8A

PUPILS WITH SPECIAL EDUCATION NEEDS

Pupils who do not benefit satisfactorily from ordinary educational, are entitled to special education¹¹⁰. Provision must be up to standard and must ensure the pupil an equivalent level of service.

The Ombudsman's annual thematic report from 2017 shows that many special education pupils do not receive a good standard of education and have low learning outcomes. Schools generally have low expectations of the pupils. A large proportion of special education is administered by unqualified assistants, and by teachers without approved training. This trend has increased over time. Assessments of pupils needs and guidance of schools made by experts from the educational and psychological counselling service's (PPT), are often inadequate. For example, the PPT frequently does not sufficiently map the pupil's development potential, and pupils seldom have any say about educational content or organization¹¹¹.

Over several years, public inspections and research have documented a low level of understanding and adherence to the regulations¹¹². Complaints and supervisory systems are largely inaccessible to children, processes are long and children are rarely heard¹¹³. There are no sanctions or other effective instruments in relation to schools that break the law.

Despite the State's familiarity with the challenges in special education, they have not put in place effective measures. Neither is there any mention of special education in the State party's report.

RECOMMENDATION:

The Committee recommends that the State party implement measures to ensure that children with special education needs are provided

with education that is designed to bring out their full potential by:

- *Initiate research on how pupils with special education needs can receive quality education and benefit more from their education*
- *Ensure that students with special education needs are taught by staff with sufficient expertise.*
- *Make special needs education subjects an obligatory part of teacher education.*
- *Introduce an accessible and effective complaints mechanism that can trigger sanctions in cases where the rights of pupils with special needs are not being met*
- *Strengthen the PPT and compiling national standards for the planning, implementation and evaluation of special education.*

BULLYING

The Ombudsman believes that bullying is closely connected to the benefits gained from education and that this centres on the education sector's ability to protect children. Thus, bullying is addressed in Chapter 8. Bullying may involve serious violence against children. The measures and recommendations in Chapter 5 are therefore also important in preventing bullying.

In 2015, 6.3 % of pupils reported that they experience various offences and bullying at school two-three times a month or more¹¹⁴.

Being a victim of bullying can have serious consequences in terms of the benefits gained from education. Pupils who have been subjected to bullying achieve lower grades compared to other pupils¹¹⁵. Pupils with lower average grades have higher drop-out rates at secondary school level¹¹⁶. Based on this, there appears to be a direct correlation between bullying, reduced ability to benefit from education and drop-out rates within secondary school education.

Children who report that they are being bullied, are not always taken seriously. This applies both at school level and when pupils complain about how the school handle a case of bullying¹¹⁷.

There is reason to believe that certain groups of children are more vulnerable

to being bullied at school than others. A smaller study of 81 parents of children with visual impairments showed that 40 percent of these children experienced bullying. Most of them reported bullying over extended periods¹¹⁸. A knowledge summary from 2015¹¹⁹ shows that children from minority and immigrant backgrounds experience bullying more often than other children. There is, however, a lack of information about the incidence of bullying among vulnerable groups.

The Ombudsman is concerned about the consistently high figures in relation to bullying, despite the fact that a lot of attention has been given to efforts to counteract bullying for several years. There is a need to consider other measures. The authorities are working on several legal amendments to better safeguard the right of pupils to a good school environment.

RECOMMENDATION:

The Committee recommends that the State party strengthen efforts to counteract bullying in schools, by:

- *Ensuring an effective and accessible complaints mechanism for bullying cases, and secure that children are heard as part of complaints handling.*
- *Initiating research on bullying against vulnerable groups of children and strengthening goal-oriented preventative efforts related to these groups*
- *Reinforcing the preventative work against bullying and implementing measures to improve knowledge about bullying on the part of pupils, parents and teachers.*
- *Ensuring that children who experience bullying are followed up and that measures are implemented to help them catch up on learning lost because of bullying.*

C. CULTURAL RIGHTS OF CHILDREN BELONGING TO MINORITIES AND INDIGENOUS GROUPS (ARTICLE 30)

Concluding observation 61 – State Party Report 8 B and C

For Sami children, the language is an important part of their cultural identity. If the parents themselves do not speak Sami, kindergarten and school are important linguistic arenas, that must be seen in context. The obligation to offer a child a place at a Sami kindergarten is vague and contingent on practical considerations. It is through the kindergartens that are outside the Sami administrative area that children are recruited for Sami education in schools. . Financial

support for kindergartens to strengthen the Sami language has proved effective¹²⁰.

It is important that Sami education in schools is of good quality. Not all Sami pupils are currently being afforded their right to Sami education. There is still a lack of teaching resources in Sami and a shortage of Sami-speaking teachers¹²¹. The number of pupils who receive a Sami language education has fallen drastically since 2005 and has now stabilized at a low level. There is a small increase in the number of pupils receiving Lule Sami education, while there has been a drastic decrease in the numbers receiving Southern Sami education¹²².

RECOMMENDATION:

The Committee recommends that the State party:

- *Intensify efforts to support Sami kindergartens financially and clarify the responsibility of municipalities to create conditions whereby Sami children can learn their language.*
- *Intensify work to safeguard the right to a Sami education in schools through information on the rights of children, stable, adequate funding of distance education and development of good-quality teaching materials.*

D. HUMAN RIGHTS EDUCATION

Concluding observation 18 – State Party Report 8 D

The Ombudsman informs children and young people in schools about the CRC. Many children are still expressing that children's rights only apply to children in developing countries. Schools must teach children that the CRC also applies to them, and the impact different articles can have on their lives, e.g. the right to be heard, or not be discriminated against, and the right to protection against violence and abuse. This information must be incorporated into general curriculum and subject-specific curricula within Norwegian schools.

RECOMMENDATION:

The Committee recommends that the State party ensure that information about the CRC is implemented within curricula, both the general curriculum and the subject-specific curricula. Curricula should clearly state that children must learn about the importance of the CRC both internationally and in Norway.

118 The Norwegian Association of the Blind and Partially Sighted, report (2015)

119 Norwegian Institute for Social Research, report 2015:001

120 Official Norwegian Reports 2016:18

121 Official Norwegian Reports 2016:18, p.118

122 Sami University of Applied Sciences and The Nordic Associations, report 1/2015



FOTO: Dmitry Ratushny

CHAPTER 9

SPECIAL PROTECTION MEASURES

ARTICLES 22, 30, 32, 33, 35, 36, 37 (b-d) AND 38-40

123 Based on statistics from the Directorate of Immigration, received via email 28.09.2016.

124 Norwegian University of Science and Technology, Social Research report (2015)

125 Example calculation: Married couple with two children at a reception centre pending application processing: NOK 7500 per month. (NOK 5900 per month upon application rejection). Average national assistance for married couple with two children NOK 14,950 (Sources: Directive A-2/2015 and RS 2008-035V1)

126 Norwegian National Human Rights Institution, report (2016)

127 The requirements for reception centers for unaccompanied minor asylum seekers are stipulated in a Norwegian Directorate of Immigration directives. The requirements for child welfare establishments are regulated by section 5 of the Child Welfare Act.

128 Adresseavisen, newspaper 11.1.2017: based on figures from The Directorate of Immigration

129 The Ombudsman for Children in Norway's report (2013)

130 Jensen et al. (2014)

A. MIGRANT CHILDREN AND UNACCOMPANIED MINOR ASYLUM SEEKERS (ARTICLE 22)

Concluding observations 51-52 – State Party Report 9A

LIVING STANDARDS AT RECEPTION CENTRES

Reception centres for asylum seekers are intended to provide temporary accommodation. Still, many families with children are currently living in reception centres for extended periods. As of 31.8.2016, 6543 children were living in Norwegian reception centres. For 503 of them, more than three years had elapsed since their asylum application was registered. 286 children had residence permit in Norway but were not allowed to take up residence in a municipality and had to live at the reception centre for an unspecified period¹²³. Uncertainty about the identity of parents is an important reason for this.

A 2015 study shows that living standards in reception centres are very basic, and problematises the consequences for children of living under such conditions for extended periods¹²⁴. Families at reception centres are expected to live on benefits that are on average 50% lower than those received by social security clients¹²⁵. Such living conditions over time may adversely affect the children's development and can obstruct integration and participation in the community.

RECOMMENDATION:

The Committee recommends that the State party work systematically to ensure that children live at reception centres for a very limited period of time. The State party should introduce standards for reception centres to ensure reasonable living standards that provide opportunities for inclusion and participation.

CARE OF UNACCOMPANIED MINOR ASYLUM SEEKERS

The duty of care for unaccompanied minor asylum seekers is divided between the Directorate of Immigration, which is responsible for unaccompanied minors over 15 years of age, and the Norwegian Directorate for Children, Youth and Family Affairs, which has responsibility for those younger than

15 years. Formal care orders are not issued for the children. This means that the legal framework surrounding the care of these children is weaker than for other children without parental care in Norway. The Norwegian National Human Rights Institution has concluded that the discrimination to which unaccompanied minors are subjected in relation to care services is a violation of the CRC¹²⁶.

Unaccompanied minors over 15 years of age are placed in reception centres with some extra staffing and expertise. The requirements for reception centres are, however, far less stringent than those governing child welfare institutions, for example in relation to expertise, staffing, inspections and complaints mechanisms¹²⁷. 182 children disappeared from such reception centres in 2016¹²⁸. Children have informed the Ombudsman about high levels of conflict that staff are unaware of at some reception centres¹²⁹.

Unaccompanied minor asylum seekers are a vulnerable group. Recent research indicates that the mental health of this group of children does not improve within their first two years in Norway¹³⁰. This points towards building up more robust care services for this group.

In 2016 and 2017 there has been an increase in the number of unaccompanied minors who are granted temporary residency. The Ombudsman receives notes of concern regarding unaccompanied minors with temporary residency who are struggling with mental health problems, self-harming, suicidal tendencies and high school absence. The current follow-up of unaccompanied minors does not provide security and necessary humanitarian assistance, medical observation and rehabilitation in accordance with Articles 22 and 39 of the Convention.

RECOMMENDATION:

The Committee recommends that the State party implement measures to better safeguard the care of unaccompanied minor asylum seekers, including by:

- Issuing child welfare care orders for all unaccompanied minors and securing adequate housing and care services for them in accordance with the same standards as for other children deprived of parental care
- Preventing the disappearance of unaccompanied minors from reception centres and

implementing the necessary measures to track down children who disappear

- *Ensuring that individual assessments of the need for follow-up, especially in relation to mental health and education are conducted, and that a low-threshold mental health service offering expertise on the unaccompanied minor seekers' needs is accessible*
- *Amending the Immigration Regulations so that unaccompanied minor asylum seekers who are between 16 and 18 years of age are no longer given temporary residency.*

B. CHILDREN BELONGING TO MINORITY OR INDIGENOUS GROUPS (ARTICLE 30)

Studies show that there is a lack of trust between families with minority backgrounds and the child welfare services¹³¹, and a need for better multicultural understanding within child welfare services¹³². Families often lack an understanding of the child welfare services' duties. This can lead to children not receiving help when needed.

There are also challenges linked to child welfare services' ability to uphold the cultural rights of children from indigenous groups and national minorities, for example in foster homes for Sami children and Roma children.

The Ombudsman is pleased that the authorities have initiated research and compiled an action plan to increase trust between minority groups and child welfare services. It is important that the children and young people themselves are involved in this work.

RECOMMENDATION:

The Committee recommends that the State party ensure that children and young people from different both the Sami and other minority groups can participate in efforts to build trust and cooperation between child welfare services and minority groups.

C. STREET CHILDREN AND HUMAN TRAFFICKING (ARTICLES 32-36)

Concluding observations 53, 54 – State Party Report 9D

In the period between January 2012 and June 2015, the Norwegian authorities were in contact with 139 children who were believed to be minor victims of trafficking¹³³. The Ombudsman is concerned about the possible hidden statistics in relation to the human trafficking of minors in Norway, and that relatively few cases reach the courts.

The systems that are meant to detect victims of human trafficking appear fragmented and at times poorly coordinated. A report from 2015¹³⁴ shows variation in the follow-up that minor victims receive. Variation in municipal practices and in knowledge among professionals affect the chance of young people being detected by these systems and followed up. The report also discusses placement of minors who are believed to be victims of human trafficking in institutions pursuant to Section § 4-29 of the Child Welfare Act. The aim of such placement is to protect the child against re-trafficking. The report points to several positive sides to these placements but also identifies many problems. Among these are: the young person's legal protection, the opportunity to provide necessary and appropriate care within the framework of an involuntary placement, and the uncertain future for the victim if no criminal charges are brought against alleged traffickers in court.

RECOMMENDATION:

The Committee requests that the State party:

- *Ensure the existence of effective and competent units within child welfare services and the police to protect child victims of trafficking or other forms of exploitation*
- *Train professionals within all relevant agencies including reception centres, immigration authorities, child welfare services and the police on human trafficking, so that suspected minor victims can be detected and protected as quickly as possible*
- *Conduct screening of unaccompanied minor asylum-seekers as early as possible to uncover human trafficking or other exploitation*
- *Follow up the evaluation of involuntary placements of suspected minor victims of trafficking and implement necessary measures to provide a good standard of care for these children.*

¹³¹ See also, Fylkesnes et al. (2015)

¹³² Norwegian University of Science and Technology, Social research report (2017)

¹³³ The FAFO Research Foundation, report 2015:45

¹³⁴ The FAFO Research Foundation, report 2015:45

135 The National Police Directorate (2016)

136 Appendix to State party report) Items 5 a) and d)

137 EL 20.01.2012 no. 6

138 The Ministry of Justice and Public Security, consultation paper (2016)

139 The Norwegian Organization for Asylum Seekers report (2015)

140 National body for the prevention of torture, established in line with the Optional Protocol to the Convention Against Torture (OPCAT)

D. CHILDREN IN CONFLICT WITH THE LAW (ARTICLES 37 (B)-(D) AND 40)

Concluding observation 58 – State Party Report 9F and 9G

POLICE CUSTODY

In 2016, children were placed in police cells on 343 occasions. 34 children were detained in such cells for more than 24 hours without court hearing, despite the Criminal Procedure Act's provision that minors must be presented before a court as soon as possible and, at the latest, the day after the arrest¹³⁵.

It is a positive development that the number of children in police cells has decreased in recent years and that statistics on the number of children in custody now exists. Nonetheless, a significant number of minors are still placed in police cells. There is consensus that conditions in such cells are not appropriate for children. Variations among the police regions indicate opportunities for better solutions in many places.

RECOMMENDATION:

The Committee recommends that the State party:

- *where police custody of a child is absolutely necessary, prohibit the use of police cells. The police must be obligated to ensure that the conditions in custody are as innocuous as possible.*
- *Introduce more stringent guidelines and reporting when children are placed in police cells to enable better adherence to the legislation*

ISOLATION IN PRE-TRIAL DETENTION AND WHILE SERVING SENTENCE

We are pleased that there are only a small number of children in prisons in Norway. The establishment of youth prisons has probably made it possible for young people in prisons to have meaningful contact with their peers to a greater extent than before. However, children in prison risk isolation for several reasons. Firstly, young people continue to be imprisoned in prisons for adults, where in practice they are cut off

from social contact with other inmates. The statistical appendix to the State party's report shows that as many as 15 out of the 25 young people in prison in 2015, were held for some time in adult prisons¹³⁶.

Isolation of an inmate can also be decided as a preventive or disciplinary measure. It is encouraging that the Authorities in 2012 passed amendments to the Execution of Sentences Act, such that isolation could no longer be used as a disciplinary measure against minors, and that isolation as a preventative measure must be limited to a maximum of seven days¹³⁷. The Ombudsman is concerned that many of these amendments are still not put into force.

RECOMMENDATION:

The Committee refers to General Comment no. 10 paragraph 89, and urges the State party to immediately:

- *Implement the prohibition against the use of isolation as a disciplinary measure against minors.*
- *Ensure that the provision intended to limit the exclusion of minors as a preventative measure to a maximum of seven days is brought into force, and that the State party assess further limiting this option.*

IMPRISONMENT OF CHILDREN UPON DEPORTATION (ARTICLE 37 (b) AND (c))

In 2016, at least 145 children were deprived of their liberty upon deportation, irrespective of age. 17 of the children were imprisoned for more than three days¹³⁸. Most of the children were arrested and imprisoned together with their families. The regulations governing the imprisonment of children in the Immigration Act are unclear and inadequate. This has led to insufficient considerations related to the child situation by the courts when a family is presented for imprisonment pursuant to the Immigration Act. Imprisonment of children is assessed based on the State's need to imprison their parents. Alternatives to the imprisonment of families with children are given inadequate consideration¹³⁹.

Children who are imprisoned in immigrati-

on cases are placed at the police detention centre at Trandum. The National Preventive Mechanism (NPM)¹⁴⁰ visited Trandum in 2015 and concluded that the detention centre was not a suitable place for children, amongst other reasons due to the proximity of the family section to sections for other adult inmates¹⁴¹.

There are no separate rules for the use of force against children who have been imprisoned at Trandum.

In the autumn of 2016, the Ministry of Justice sent a proposal for a consultation on new rules for the use of force in the Immigration Act. Amongst other things, procedural rules intended to safeguard the rights of children were proposed in the consultation paper, as well as an upper limit for the length of time a child can be detained. The Ombudsman and several other parties are sceptical of the proposal's wide-ranging exemption clauses in relation to the maximum imprisonment period, which does not preclude the possibility of long-term detention for children.

RECOMMENDATION:

The Committee recommends that the State party prohibit imprisonment of children for migration control purposes. As a minimum, the State party must introduce clear rules for the arrest and detention of children in migration cases and for the use of force against children held at Trandum. Amongst other things, a short absolute maximum time limit for detention of children must be established by law. Alternatives to detention of families with children must be applied. Apprehension of families before enforced return must seek to cause as little harm to the children as possible. Detention must only be used for the shortest possible time, as a last resort and at locations that are suitable for children.



141 Parliamentary Ombudsman's Prevention Unit against torture and inhumane treatment in places where people are deprived of liberty, inspection report (2015)

PHOTO: Alessio Lin

*unofficial translation

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PHOTO: Dan Carlsson

RECOMMENDATIONS

CHAPTER 1 – GENERAL MEASURES OF IMPLEMENTATION

A. Implementation of the Convention on the Rights of the Child (CRC)

Strengthening the rights of the child within health legislation

The Committee recommends that the State party immediately start a process to implement the provisions of the CRC within health legislation, with particular focus on Articles 3, 6, 12, 23 and 24.

Legal right to child welfare services

The Committee recommends that the State party safeguard the legal status of the child by making the Child Welfare Act a bill of rights.

Reservation

The Committee repeats its recommendation that the State party consider withdrawing its reservation to the UN Convention on Civil and Political Rights, Article 10, no. 2 letter b) and no. 3, regarding the obligation to hold "juvenile offenders... segregated from adults".

Ratification of the Third Optional Protocol

The Committee encourages the State party to re-assess its approach to ratification of the Third Additional Protocol after the system has been in place for a period of time, and the Committee has gained a level of practical experience. The Committee recommends that this take place prior to the next report and stresses that the best interests of the child must be a fundamental consideration in their assessment.

Legal protection of the child – a lack of procedural rights and complaint mechanisms

The Committee recommend that the State party ensure that children have access to effective, child-friendly complaints mechanisms that offer the necessary expertise to engage in dialogues with children, and that have formal authority to impose changes. The Committee asks that the State party immediately embark on the work of mapping children's opportunities to submit complaints, with a view to implement specific measures that will enhance opportunities for children to ensure that their rights are fulfilled.

Need for skills development within municipalities

The Committee recommends that the State party expand and intensify work to disseminate information and expertise on the CRC and how the general principles should be put into practice. The State party should ensure the development of training modules for the implementation of the CRC and make sure that county governors increase their commitment to The Giant Leap, including through securing funding.

Municipal autonomy and variation within municipal service provision

The Committee recommends that the State party implement appropriate measures to reduce municipal variations in service provision to children.

Lack of coordinated services

The Committee encourage the State party to reinforce measures to improve the coordination of services.

B. National strategy for implementation of the CRC

The Committee recommends that the State party work develop a national strategy for the implementation of the CRC.

C. Dissemination, training and raising awareness of the CRC*Training of professionals*

The Committee repeats its recommendation from 2010 to extend and strengthen the systematic training of professionals working with children, and to make information about the rights of children a part of the curriculum at all relevant educational institutions.

More efficient follow-up of the recommendations from the human rights bodies

The Committee recommends that the State party develop a plan for following up concluding observations with a formal structure across all ministries, to ensure effective follow-up of the Committee's recommendations. Such work must include the participation of monitoring bodies and civil society.

CHAPTER 3 - GENERAL PRINCIPLES**A. Non-discrimination***Ethnic discrimination*

The Committee encourages the State party to initiate research into the scope and causes of ethnic discrimination against children and young people, and to disseminate information about preventing and stopping ethnic discrimination in schools and other places.

LGBTQ

The Committee recommends that the State party compile instructions and other policy guidelines to ensure that healthcare personnel and other professionals, e.g. teachers and child welfare services personnel, are knowledgeable about the implications of breaking away from gender and sexual norms.

Age discrimination

The Committee recommends that the State party introduce a general prohibition against age discrimination. Further, the State party must introduce the necessary measures to ensure that children have access to supervisory bodies, through making sure that children are given appropriate information, that complaints mechanisms are accessible and child-friendly and possess expertise in talking to children.

B. The Best Interests of the Child

The Committee stresses the importance of proper assessment of and emphasis on the best interests of the child in all decisions affecting children. The Committee asks the State party to take steps to ensure that General Comment no. 14, regarding implementation of the principle of the best interests of the child, is applied to a far greater extent than is currently the case. In particular, the State party must ensure that:

- Administrative personnel at both central and local levels have knowledge about the content and application of the principle of the best interests of the child in individual cases
- Thorough investigation into the consequences for children is always carried out when presenting proposals that affect children as a group

C. The right to life and development*Strengthening implementation of the principle of the right to development*

The Committee urges the State party to review its official translation of Article 6 to ensure that the child's right to development is given due significance. The Committee stresses the significance of the child's right to development in ensuring good living conditions for children and in underpinning other provisions within the CRC, such as the right to adequate care, the right to health and education, the right to information and participation and the right to protection against violence. The Committee encourages the State party to work towards stronger implementation of this principle, by highlighting it in reports and investigations that hold significance for children, and in individual cases.

Children born with physical defects as a result of the mother undergoing opioid maintenance treatment (OMT)

The Committee strongly recommends that the State Party conduct a review of its guidelines for pregnant women in opioid maintenance treatment, so that requirements can be set whereby women in OMT-treatment may be put on long-term contraception. In addition, the State Party must ensure the introduction of conditions whereby medication is gradually reduced and replaced, through close individual follow-up, in cases where women on opioid maintenance treatment become pregnant.

D. Respect for the views of the child*The need to improve expertise to safeguard the views of children*

The Committee recommends that the State party extend and strengthen efforts towards ensuring that the views of children are heard by e.g. securing funding for appropriate measures, strengthening training capacity and contributing to devising tools and training modules that administrative personnel can use at different levels. This work should form a part of the national strategy for implementation of the CRC.

Children's participation in reports and hearings

The Committee recommends that the State party amend its guidelines for consultation papers in a way that highlights the administrative bodies' obligation to obtain the views of children and young people. Guidelines on the use of plain language and how to create conditions for obtaining the views of children and young people should be provided.

Participation in municipal procedures

The Committee recommends that the State party establish by law municipal and county-level participatory bodies for children and young people. Further, it is recommended that the State party draw up sound guidelines for the participation of children and young people in municipal decision-making processes.

The right to vote

The Committee recommends that the State party introduce voting rights for 16-year-olds in municipal and county council elections.

The child's right to be heard at school

The Committee recommends that the State party strengthen work on pupil participation by:

- Compiling guidelines for working with pupils' councils and on how other democratic efforts in schools should take place
- Strengthening pupils' rights to participate in their own learning through clarification of legislation and training of school employees
- Ensuring that the experiences of pupils are taken seriously through mandatory follow-up of results from the Pupils' Survey, inspections and other available

information.

The child's right to be heard in family law cases

The Committee recommends the State party ensure that children are given rights as individual clients of family welfare centres, that they are granted the right to an individual appointment in connection with mediation, as well as the right to receive guidance from the family welfare centre when they feel that the agreement reached by their parents is not working for them.

The child's right to be heard by child welfare services

The Committee asks the State party to assess necessary measures to ensure that the child's right to be heard in all actions taken by child welfare services, for example, in investigations into the child's situation, assessments of where the child should live, choice of foster home and in relation to being moved.

The right to be heard on health issues

The Committee strongly recommends that the State party implement the proposed changes to the health legislation that clarify the obligation to hear the views of younger children in health care matters. The State party should follow up with training for health care personnel.

Circumcision of boys

The Committee recommends that the State party consider the introduction of an age limit of 16 for ritual circumcision of boys, to ensure that boys are old enough to make this decision themselves. The Committee further recommends that the State party conduct an investigation into the circumcision of young boys, in the light of the CRC's provisions regarding the right to identity, personal integrity and self-determination.

The right to be heard in immigration cases

The Committee asks the State party to ensure that children who wish to have a chance to express their views prior to any decision by the immigration authorities on matters affecting the child, should be afforded that opportunity.

The right to be heard in cases of legal gender changes

The Committee recommends that the State party investigate how children under the age of 16 may be assured the opportunity to apply to change their legal gender where neither parent has provided consent.

CHAPTER 4 – CIVIL RIGHTS AND FREEDOMS

A. Identity

The Committee recommends the State party to take all necessary measures to ensure that any hormone treatment or surgery is not undertaken before the child is old enough to decide for him/herself with regard to his/her physical development and to provide informed consent.

B. Freedom of expression and access to information

Internet skills

The Committee recommends that the State party, in line with the recommendations from the Committee's general day of discussion on digital media, acknowledge that it is a public duty to ensure that both children and adults have access to a good advisory service, and that the authorities must ensure that information is easily available and adapted for different age groups.

C. Freedom of thought, conscience and religion*The rights of children in isolated religious communities*

The Committee strongly recommends that the State party review the regulations on financial support for religious communities and set stricter requirements for safeguarding the rights of children. In particular the right to information and freedom of expression and the right to protection against violence and abuse. The State party must monitor that these requirements are being met and that the views of children are heard as part of this work.

The State's obligation to monitor the rights of children in private schools

The Committee recommends the State party to conduct systematic inspections of religious private schools to ensure that educational content is in accordance with the national curriculum and that the school are protecting the rights of the child.

CHAPTER 5 – VIOLENCE AGAINST CHILDREN**A and C. Protecting children against violence and abuse***Preventative work*

The Committee recommends that the State party ensure:

- Preventative work to counteract violence and abuse against children, and that resources and priority are allocated along similar lines as in public health campaigns against tobacco and drugs, and promoting nutrition and physical exercise
- That home visits by health service personnel before the child is three months old are made mandatory
- That education which gives children knowledge about the body and the right to protection against violence are made mandatory through the educational course, from kindergarten to high school.

Routines and training for professionals working with children

The Committee recommends that the State party ensure:

- That the municipalities prepare action plans that put in place necessary routines for employees and clear-cut division of responsibilities between different agencies.
- Professionals working with children has sound knowledge about children exposed to violence and abuse, through setting clear knowledge requirements within various forms of special training and courses.

Child welfare services' work against violence and abuse

The Committee recommends that the State party amend the Child Welfare Act to make child welfare services obligated to conduct investigations into all cases involving violence or abuse.

Children in high-risk situations

The Committee urgently requests that the State party immediately initiate an investigation to boost the use of reverse security alarms, and subsequently make the necessary changes. In addition, the Committee strongly encourages the State party to implement projects to gather information about the situations of children who have been subjected to life-threatening situations and/or are living at undisclosed addresses. The projects must ensure that feedback on experiences is obtained directly from children themselves.

Sami children at a risk of violence and abuse

The Committee recommends that the State party investigate the causes of Sami girls' increased risk of sexual abuse and implement preventative measures to counteract violence and abuse against Sami girls.

D. The right not to be subjected to torture

The Committee recommends that the State party:

- Initiate research to gain more insight into the use of force against children
- Implement measures to prevent the use of force, e.g. by compiling a manual for mental healthcare professionals and offering training courses and guidance
- Develop the monitoring systems to make them more child-friendly.

E. Follow-up and rehabilitation of children subjected to violence and abuse***Medical examinations of children subjected to violence and abuse***

The Committee recommends that the State party:

- Ensure that the child is offered emergency medical assistance upon suspicion of violence or sexual abuse that is on a par with services offered to adults
- Determine that medical examination forms part of the right to necessary medical assistance for children where there is suspicion of violence or abuse.

Follow-up services for children subjected to violence and abuse

Identical recommendations to those stated in Chapter 7D on health.

F. Helpline for children and young people

The Committee strongly recommends that the State party conduct an evaluation of the Emergency Helpline for Children and Young People, aiming to make the helpline accessible 24 hours a day and further adapting the service to the needs of children and young people. Children and young people must be involved in this evaluation.

CHAPTER 6 – FAMILY ENVIRONMENT AND ALTERNATIVE CARE***A. Separation from parents******Expulsion***

The Committee recommends that the State party take the necessary steps to ensure that decisions to separate children from their parents are in line with the CRC, Article 9, cf. Articles 3, 10 and 12, by making sure that:

- The immigration authorities carry out individual assessments of the child's situation, including the consequences of the decision for the child
- The child's views are obtained, documented and given due weight in the processing of the case
- Statistics are gathered in terms of the annual number of children who are separated from one of their parents as a result of an expulsion order
- Children who are directly affected are conferred (partial) legal rights in expulsion cases involving their parents
- The option to expulse people with children in Norway for ten years is revoked.

B. Family reunification

The Committee recommends that the State party undertake a comprehensive review to determine whether current regulations safeguard the child's right to have an application for family reunification processed in a positive, humane and expeditious manner.

C. Children deprived of their family environment***Resources and expertise in child welfare services***

The Committee recommends that the State party:

- Undertake significant measures to ensure that child welfare services can perform the tasks required by law, and that the service is being adequately run
- Establish by law requirements for professional expertise within municipal child welfare services

- Assess whether the planned reform of child welfare services is in the best interests of the child.

The right to have contact with siblings

The Committee recommends that the State party:

- Amend the Child Welfare Act so that children are given the right to have contact with siblings and other close relatives unless this is not in the best interests of the child.
- Implement measures to recruit foster homes that can care for siblings, and consider increasing support for such foster families.

Interim orders

The Committee recommends that the State party implement measures to reduce the numbers of interim care orders.

Follow-up of children in foster homes

The Committee recommends that the State party ensure that the municipalities fulfil their legal obligations and enforce sanctions on municipalities that do not adhere to the legal requirement to follow up children in foster homes.

D. Children with care givers in prison

The Committee recommends that the State party create a travel expenses support scheme for children with parents in prison. The State party must also review the rules about telephone communication between inmates and their children.

CHAPTER - 7 DISABILITY, BASIC HEALTH AND WELFARE

A. Children with disabilities

Shortcomings in municipal services to children with disabilities

The Committee recommends that the State party assess how regulations governing individual treatment plans and coordinators may be amended, for example through the introduction of individual administrative decisions, which will ensure the user's right to appeal. In addition, create regulations containing clear guidelines as to the role of the coordinator.

Make schools accessible for children with disabilities

The Committee recommends that the State party ensure that existing school buildings are made accessible to all children by:

Introducing regulations stating deadlines for the universal design of existing buildings pursuant to the Planning and Building Act, prioritising school buildings
Devising escalation plans for the universal design of school buildings and securing sufficient annual funding to ensure that plans are carried out within the deadlines.

B. Health and health services

Community health centers for young children and School Health Services

The Committee is concerned about the lack of capacity within basic health services for children and urgently requests that the State party:

- Ensure that more stringent checks are conducted on the municipalities' management of services, and that there are consequences for the municipalities where serious failures are uncovered
- Embark on the work of determining a legally binding norm regarding the number of employees per child in community health centres and school health services

- Ensure the earmarking of funds for community health centres and school health services.

Children in neo-natal intensive care units in hospitals

The Committee strongly recommends that the State party devise a plan to improve neo-natal intensive care units within hospitals. The plan must show when and how the units are to be adapted so that the newborn can be together with his/her parents and that the fundamental right of the child to health and development is being preserved.

Young people in hospitals and health services

The Committee recommends that the State party design guidelines on how health services can involve and accommodate young people.

C. Measures to counter the most widespread health issues faced by children and young people

Mental health

The Committee strongly recommends that the State party initiate a broad review and evaluation of mental health provision for children and young people, at both municipal and national level. The evaluation must include the experiences of the children and young people themselves.

Children with mental health conditions in child welfare institutions

The Committee strongly recommends that the State party:

- Establishes joint institutions for children in need of help from both child welfare and mental healthcare services
- Implements the reform to ensure coordination between child welfare, mental healthcare and substance abuse treatment.
- Implements measures to strengthen mental healthcare provision to children in child welfare services

D. Social security and care services

Children as next of kin

The Committee recommends that the State party put into effect measures to ensure that the health services adhere to the law, so that children identified as next of kin, are given information and follow up. The responsibility for follow-up of the next-of-kin child must be incorporated into the Health Care Act.

E. Adequate standard of living

Child poverty

The Committee recommends that the State party:

- Strengthen universal benefits schemes aimed at children, such as child benefit
- Take measures to ensure that the needs of children and the best interests of the child are assessed when parents apply for social security benefits
- Introduce measures whereby all children from low-income families are offered free access to kindergartens and in after-school programs.

Children in public housing

The Committee recommends that the State party intensify work to provide safe and child-friendly public housing.

CHAPTER 8 EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Right to education

The use of force and physical restraint in schools

The Committee recommends that the State party:

- Investigate the use of force against children in schools
- Ensure improved adherence to the prohibition of corporal punishment and humiliating treatment, for example through compilation of a manual detailing alternative pedagogical instruments to replace the use of force
- Assess the need for further regulation of the use of force in schools, to ensure that force is only used where absolutely necessary, and motivated by the best interest of the child. Force must never be used by employees without special training.

The right to kindergarten and secondary education for all children

The Committee recommends that the State party amend education sector legislation so that children are given the right to secondary school education and a kindergarten irrespective of residency status.

Absence rates among Roma children

The Committee recommends that the State party put in place measures to build trust between schools and Roma families and to help children with school work, preferably based on the "Romlos" model in Oslo.

B. Aims and quality of education

Pupils with special education needs

The Committee recommends that the State party implement measures to ensure that children with special education needs are provided with education that is designed to bring out their full potential by:

- Initiate research on how pupils with special education needs can receive quality education and benefit more from their education.
- Ensure that students with special education needs are taught by staff with sufficient expertise.
- Make special needs education subjects an obligatory part of teacher education. Introduce an accessible and effective complaints mechanism that can trigger sanctions in cases where the rights of pupils with special needs are not being met.
- Strengthen the PPT and compiling national standards for the planning, implementation and evaluation of special education.

Bullying

The Committee recommends that the State party strengthen efforts to counteract bullying in schools, by:

- Ensuring an effective and accessible complaints mechanism for bullying cases, and secure that children are heard as part of complaints handling
- Initiating research on bullying against vulnerable groups of children and strengthening goal-oriented preventative efforts related to these groups
- Reinforcing the preventative work against bullying and implementing measures to improve knowledge about bullying on the part of pupils, parents and teachers
- Ensuring that children who experience bullying are followed up and that measures are implemented to help them catch up on learning lost because of bullying

C. Cultural rights of children belonging to minorities and indigenous groups

The Committee recommends that the State party:

- Intensify efforts to support Sami kindergartens financially and clarify the responsibility of municipalities to create conditions whereby Sami children can learn their language.
- Intensify work to safeguard the right to a Sami education in schools through information on the rights of children, stable, adequate funding of distance education and development of good-quality teaching materials.

D. Human rights education

The Committee recommends that the State party ensure that information about the CRC is implemented within curricula, both the general curriculum and the subject-specific curricula. Curricula should clearly state that children must learn about the importance of the CRC both internationally and in Norway.

CHAPTER 9 SPECIAL PROTECTION MEASURES**A. Migrant children and unaccompanied asylum-seeking minors***Living conditions in reception centers*

The Committee recommends that the State party work systematically to limit the time children live at reception centers. The State party should introduce standards for reception centers to ensure reasonable standard of living that provide opportunities for inclusion and participation.

Unaccompanied minor asylum seekers right to care

The Committee recommends that the State party implement measures to better fulfill the unaccompanied minor asylum seekers rights to care, including by:

- Issuing child welfare care orders for all unaccompanied minors and securing adequate housing and care services in accordance with the same standards as for other children deprived of parental care
- Preventing the disappearance of unaccompanied minors from reception centres and implementing the necessary measures to track down children who disappear
- Ensuring that individual assessments of the need for follow-up, especially in relation to mental health and education are conducted, and that a low-threshold mental health service offering expertise on the unaccompanied minor seekers' needs is accessible
- Amending the Immigration Regulations so that unaccompanied minor asylum seekers who are between 16 and 18 years of age are no longer given temporary residency.

B. Children belonging to minority or indigenous groups

The Committee recommends that the State party ensure that children and young people from different both the Sami and other minority groups can participate in efforts to build trust and cooperation between child welfare services and minority groups.

C. Street children and human trafficking

The Committee requests that the State party:

- Ensure the existence of effective and competent units within child welfare services and the police to protect child victims of trafficking or other forms of exploitation
- Train professionals within all relevant agencies including reception centres, immigration authorities, child welfare services and the police on human

trafficking, so that suspected minor victims can be detected and protected as quickly as possible

- Conduct screening of unaccompanied minor asylum-seekers as early as possible to uncover human trafficking or other exploitation
- Follow up the evaluation of involuntary placements of suspected minor victims of trafficking and implement necessary measures to provide a good standard of care for these children.

D. Children in conflict with the law

Police custody

The Committee recommends that the State party:

- Where police custody of a child is absolutely necessary, prohibit the use of police cells. The police must be obligated to ensure that the conditions in custody are as innocuous as possible.
- Introduce more stringent guidelines and reporting when children are placed in police cells to enable better adherence to the legislation

Isolation in pre-trial detention and while serving sentence

The Committee refers to General Comment no. 10 paragraph 89, and urges the State party to immediately:

- Implement the prohibition against the use of isolation as a disciplinary measure against minors
- Ensure that the provision intended to limit the exclusion of minors as a preventative measure to a maximum of seven days is brought into force, and that the State party assess further limiting this option

Imprisonment of children upon deportation

The Committee recommends that the State party prohibit imprisonment of children for migration control purposes. As a minimum, the State party must introduce clear rules for the arrest and detention of children in migration cases and for the use of force against children held at Trandum. Amongst other things, a short absolute maximum time limit for detention of children must be established by law. Alternatives to detention of families with children must be applied. Apprehension of families before enforced return must seek to cause as little harm to the children as possible. Detention must only be used for the shortest possible time, as a last resort and at locations that are suitable for children.

