



The Ombudsman for Children in Norway

**Supplementary Report to the UN Committee on the
Rights of the Child**

- 2009 -





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The Ombudsman for Children

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ABBREVIATIONS:

Norway's Rep. = "The Rights of the Child - Norway's fourth report to the UN Committee on the Rights of the Child - 2008"

Concl. Obs. 2005 = UN Committee on the Rights of the Child: Concluding Observations: Norway, 2005,

CRC = The UN Convention on the Rights of the Child



INTRODUCTION

For the majority of children, Norway is a good place to grow up. However, considerable challenges remain for certain children and groups of children. This report touches on a number of key areas, and will place special focus on the areas within which the Ombudsman for Children has worked in recent years. The report can be read as a commentary on Norway's fourth periodic report to the UN Committee on the Rights of the Child (hereafter referred to as Norway's report). Certain themes in Norway's report are not commented on in the Ombudsman's report. This is not necessarily due to concurrence, but is rather a question of the space limitations of this report.

Although there are certain challenges associated with legislation enacted to protect children's interests in Norway, it is the Ombudsman for Children's opinion that the primary challenges lie in the practical implementation of children's rights. Today there is a gap between regulations and the reality in which many children live.

Norway has a relatively good welfare system designed to help children and families who experience problems. Nevertheless, there are substantial deficiencies in society's ability to identify children at risk. The Ombudsman for Children is concerned about children who are exposed to violence, neglect and abuse. Among other things, there are also concerns regarding children with psychological problems and children with disabilities.

Norway has many public services that become involved in various ways when children and their families encounter problems. Several reports show however that these services intervene too late and that the various occupational groups do not cooperate satisfactorily. A considerable effort is also needed in order to improve training in the area of children's rights as well as increasing the competence of those who come into contact with children in the course of their work. It is of special concern that child welfare services, which have a special responsibility to follow up children who are exposed to violence and neglect, are not functioning satisfactorily.

There are challenges associated with following up violations of children's rights. For example, it appears that municipalities are not being held accountable if they do not follow up violations of children's rights in schools. The Ombudsman has also experienced that children are not being heard to the extent to which they are entitled.

Additionally, in this report the Ombudsman for Children also addresses non-fulfilment of the rights of, among others, Sami children, ethnic minorities, refugee children and children in prison.

The Ombudsman for Children is a spokesperson for children. In line with Article 12 of the Convention on the Rights of the Child, the Ombudsman has established various fora in order to listen to children. The Ombudsman has its own Youth Panel that provides input to the Ombudsman on different subjects. The Ombudsman has also established its own expert groups comprised of children who have experience in particular areas. The Ombudsman has had expert groups of children who have been exposed to domestic violence, children who have experienced incest and children who have a family member in prison. In addition, the Ombudsman has had "expert meetings" with, among others, children with experience from child welfare services, children in prison and young offenders, children with psychological problems, children from Sami, Roma and minority backgrounds. The Ombudsman also often visits different places in Norway. In this context, the Ombudsman meets with a number of children with diverse experiences.

In addition to research, data, and information from the government, the Ombudsman's contact with children, parents and experts is an important backdrop for the Ombudsman's report.

Reidar Hjerermann, Ombudsman for Children

Oslo, September 2009



1. GENERAL MEASURES OF IMPLEMENTATION

a) Article 4 – Realisation of the rights stated in the Convention

1) Legislation (Concl. Obs. section 7, 2005)

Article 4 directs the Norwegian authorities to use diverse means in order to realise the rights of children as stipulated in the UN Convention on the Rights of the Child (hereafter referred to as the CRC). The CRC was incorporated into Norwegian law in 2003. In this connection, certain changes in national legislation were made in order to adapt and clarify the rights of children. There are still legislative challenges in terms of safeguarding children's rights in Norway. The Ombudsman for Children is looking forward to the forthcoming study on the concurrence between Norwegian law and the CRC; see the Norwegian authorities' report, section 8. Below are some of the challenges posed by current regulations from the perspective of the Ombudsman for Children. Other legislative deficiencies and challenges are addressed in the respective sections.

Guardianship legislation for unaccompanied minor asylum-seekers (Norway's Rep. section 81-82)

Guardians have an important function in ensuring that the needs and rights of unaccompanied asylum-seeking minors are safeguarded. Today's guardianship legislation is poorly updated in relation to the responsibilities that guardians have for unaccompanied minor asylum seekers. There is therefore a pressing need for the enactment of a new law. The Norwegian authorities have given notice of forthcoming legislation for several years, with no concrete time frame as to when it will be passed.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should prioritise efforts to enact a new law concerning guardians/representatives of unaccompanied minor asylum seekers.

Legislation concerning protection of children's privacy

Current legislation on protection of privacy allows for parents to consent to the disclosure of sensitive personal information pertaining to their child. The justification for this is that parents are expected to make good choices for their children. Current legislation does not however take into account that children may need protection against their parents' exposure of them¹. Of particular concern are information and pictures posted on the Internet. It is especially worrying when parents post sensitive information about child custody and child welfare cases on the Internet without the information being sufficiently anonymous. Among other things, the Ombudsman has witnessed several cases whereby videos of children are uploaded on YouTube by parents "fighting back" after losing custody to child welfare services.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should take necessary steps to ensure that children have good legal protection of privacy.

Children's right to be heard in health issues

As stipulated in the Patients' Rights Act, all children must receive information on their own health parallel to their parents. As a rule, parents can give their consent to medical assistance for children under 16, but as children grow older, they must be consulted before consent is given². Only when children turn 12, however, does the law clearly state that children must be allowed to have their opinion heard in all questions concerning their own health. The Ombudsman for Children is puzzled by the fact that there is a 12-year age requirement for when the child must be heard regarding health issues, when in other legislation the limit is seven years of age.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should amend legislation so that it is clear that children younger than twelve must also be heard in health issues.

Opportunities for children under twelve to contact the assistance network independently (Norway's Rep. 184)

It is positive that the authorities have clarified that in certain cases children over twelve can contact the assistance network without parental consent; see Norway's report, section 184. In Norwegian law, there is, however, very little regulation as to the extent to which a child under 12 may contact family counselling services, health services, school guidance counsellors, etc., without parental consent. The Ombudsman believes there is a need to assess when children under twelve are permitted to be in contact independently



with the assistance network. The Ombudsman is concerned that vague regulations may result in children who need to contact the assistance network being unable to do so, and that professionals may be uncertain as to what extent they can engage children in dialogue without parental consent. See also section 2 c) 1) on children's right to be heard.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should amend legislation to clarify the extent to which children under the age of 12 may make independent contact with the assistance network.

Children's right to be heard in immigration cases

(Norway's Rep. sections 145-146)

The Ombudsman for Children is pleased that the authorities are strengthening children's right to be heard in immigration cases. The Ombudsman regrets, however, that the Immigration Act does not include a general provision on the right of children to be heard, as is the case in other relevant acts such as the Children Act and the Child Welfare Act.³ The child's right to be heard is instead founded on regulations rather than in legislation. The Ombudsman emphasises that information from children must never be used to verify parental statements to the immigration authorities.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should legally establish the child's right to be heard in the Immigration Act.

2) Implementation of legislation – access to complaint mechanisms

Despite Norway's large body of apparently sound legislation, intended to safeguard the interests of children, in practice there are distinct challenges in implementing children's rights. There is currently a gap between regulations and the reality in which many children live. Below, through discussion of various themes, the Ombudsman for Children looks more closely at the challenges involved in the implementing of legislation.

In practice it seems to be a challenge for children to test out their rights, either on their own, or through a guardian. In addition to the court system, Norway has several complaint mechanisms that are set up to be easily accessible to the public. The Ombudsman for Children is not equipped to handle individual complaints, neither in terms of resources nor mandate. Among the relevant complaint mechanisms which should be mentioned here are: the Ombudsperson for Equality and Anti-discrimination and the Parliamentary Ombudsman. These entities have however handled relatively few cases involving children as complainants or complaints filed on behalf of children. The Ombudsman

for Children is concerned that the lack of cases dealing with children may, in practice, be a reflection of the inaccessibility of public complaint mechanisms to children.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should conduct a comprehensive review of children's access to complaint mechanisms and, where necessary, make these more accessible for children.

3) Children and youth participation in reporting to the UN (Norway's Rep. sections 12-13)

The Ombudsman for Children is pleased that the Ministry of Children and Equality has involved children in the reporting process. The methods that have been used in the various municipalities vary to a degree which makes it unfortunately difficult to compare the municipalities and form a general impression of the results. Of 1274 children who participated in the study, only 32 were recruited based on criteria indicating that they were facing particular challenges. The Ombudsman is of the opinion that a more extensive hearing should be conducted in order to ensure that children with particular needs are heard.

4) Coordination of Services (Concl. Obs. section 9, 2005, Norway's Rep. sections 29 and 33)

Services involving interaction with children must be equipped with the necessary knowledge about children at risk and the needs of these children. Particularly vulnerable groups, for example, children who have been exposed to violence and neglect, young offenders and children with extensive needs require special follow-up and good coordination of services.

In 2008 the Norwegian Board of Health Supervision and the Ministry of Children and Equality carried out a nationwide inspection of municipal health, social, and child welfare services for vulnerable children. The inspection revealed that only very few municipalities manage to follow up children with serious assistance needs in a completely satisfactory manner.⁴ 114 municipalities were surveyed in order to gauge the facilitation of follow up and cooperation between child welfare, health and social services for children. Contraventions of the regulatory framework were found in 90 of the municipalities. The inspection authorities found nothing to note in only eleven out of 114 municipalities. The Ombudsman for Children finds this extremely worrying.

Individual Plan (IP) is a tool for improving cooperation and coordination between services for children with complex needs. Everyone in need of long-term and coordinated services has the right to have an Individual Plan drawn up for them. Unfortunately, inspections have revealed that although required by law, there is a serious lack of IPs being prepared within the services.⁵ Moreover, where an IP is in place, there may be confusion re-



garding who is in charge of coordinating follow-up work.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should take immediate action to ensure better coordination of services for vulnerable children and young people.

5) Independent Supervision (Concl. Obs. sections 10-11, 2005. Norway's Rep. section 37).

In its recommendation to Norway in 2005, the Committee on the Rights of the Child asked the State party to grant the Ombudsman for Children a greater degree of independence. Following the extremely disorderly process of reappointing the sitting Ombudsman to a new term of office, an amendment has now been passed whereby the current system of two four-year terms is replaced by one six-year term. The Ombudsman has supported this and believes that it will promote independence by eliminating tactical manoeuvring during a re-nomination period, and thereby contributing to improved levels of performance within a one six-year period.

In order to further strengthen the Ombudsman for Children's independence the Ombudsman has suggested a much more comprehensive recruiting process than the one currently used, in which a panel consisting of experts/researchers, representatives of organisations, young people and representatives of political parties/government reviews the lists of applicants, conducts interviews and makes recommendations concerning candidates of interest. This recommendation is inspired by the way in which Ireland and other nations carry out the recruiting process. The formal nomination of the Ombudsman for Children will remain the responsibility of the King within the Cabinet.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should initiate a process in line with the Irish model, where diverse expert groups and not least children and young people themselves actively participate in selection of and recommendations for new Ombudsmen for Children.

6) Data Collection (Concl. Obs. sections 12-13, 2005. Norway's Rep. sections 38 – 50)

In recent years, we have seen more systematic research on the conditions in which children and adolescents grow up. There is, however, a pressing need for research and data on the living conditions of children, especially vulnerable children. Below are some of the themes that the Ombudsman considers important.

Violence and abuse

In its concluding observations to Norway in 2005, the Committee on the Rights of the Child called for an increase in knowledge and data concerning violence against children. In 2007, NOVA conducted an important survey in order to identify the extent of violence and sexual abuse against children.⁶ It was, however, based on the personal accounts of upper-secondary school students. This implies that an important group of young people are not represented in the survey – those who had dropped out of school. Furthermore, the survey is based on the informants' memory, which means that one can expect violence against very young children to be underrepresented in the feedback. Thus, there is a need for increased knowledge on the spread and extent of violence and violations against children across all sections of the child population. There is also a need for more knowledge about the ways in which schools, health services, child welfare services etc, deal with incidents in which children may have been exposed to violence and abuse.

Age assessment

Currently, dental examination is widely used by Norwegian authorities in order to determine the age of asylum seekers claiming to be minors. The methods used are highly disputed and the Ombudsman for Children is concerned that the tests are inadequate⁷. More research should be done on the quality of age assessment, including assessment of the ethical aspects of carrying out medical examinations for administrative purposes only.

Children with parents in prison

It is estimated that in any one year there are between 6000 and 9000 children with one parent in prison.⁸ There is however no systematic means of collecting data on how many children fall into this category and the kinds of challenges they face. More research and information is needed on these children and their needs.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should improve and initiate data collection in the above-mentioned areas.



7) Allocation of Resources (Concl. Obs. sections 14-15, 2005. Norway's Rep. sections 51-55)

In its concluding observations to Norway in 2005, The Committee on the Rights of the Child expressed concern about the disparities in the range of services available to children and young people based on geographical location. This is still the situation. There are, for example, considerable disparities within children's habilitation services, which affect the services offered to children with disabilities at both municipal and specialist levels.⁹ There are also differences in terms of how municipalities prioritise health services for children and young people, such as public health clinics and school health services. In many municipalities, school health services are practically non-existent.¹⁰ Many municipalities have insufficient services for children and young people with psychological problems. Inspection reports, enquiries to the Ombudsman for Children and reports in the media indicate that municipal disparity has negative consequences for a number of children.

The municipalities organise their range of services in different ways, and the Ombudsman sees a need for increased knowledge in terms of the practical implications of this for children and their families. The Norwegian government points out in its report that there is no same standard requirement for services offered on a national level. The Ombudsman for Children agrees that services do not necessarily need to be identical. However, the Ombudsman is concerned that the disparity in available services is such that in certain areas, the basic need for access to various services is not being met.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should ensure that services for children and young people are set up such that children all over the country are able to have their basic needs met.

8) Training in the Convention on the Rights of the Child (Concl. Obs. sections 16-17, Norway's Rep. sections 57 – 69)

The Ombudsman for Children sees systematic instruction on the Convention in compulsory education curricula as positive. An appendix to Norway's report on the CRC, however, reveals that many children have no knowledge of the Convention.¹¹

The Ombudsman has also learned that many children do not know enough about the Convention and its contents. In order for the CRC to have a function for Norwegian children, it is important that children know enough about it and are able to apply it.

Public documents such as green papers, reports, and judicial decisions do not often refer to the provisions of the Convention, which would suggest that the Convention is not well known and seldom used by public-sector personnel. This could be partly due to the fact that refer-

ence to national legislation is considered more relevant. Nevertheless, this also gives the impression that public-sector personnel who work with cases involving children do not have sufficient knowledge of the CRC. Although the CRC has become, to a larger degree, a part of the curricula in universities and colleges, the need for training and wider awareness of the Convention remains.

The Ombudsman for Children would also like to see initiatives to ensure that adults already on the job obtain sufficient knowledge about the CRC. Not least, it is important that leadership within various departments receive training on the implications of the Convention for children. Training on the CRC should not be limited to sectors that deal specifically with children. Children are affected by a large number of different decisions, and it is important that all sectors are aware of the obligations set down in the Convention.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

- The State party should raise the CRC to a higher level of importance in education, and ensure its use in everyday schooling.
- The State party should ensure high-quality training in the provisions of the CRC for municipal and government employees.



2) GENERAL PRINCIPLES

a) Non-discrimination (Article 2) (Concl. Obs. sections 18-19, 2005. Norway's Rep. sections 96-116)

1) Protection of children against age discrimination

Age is not specifically mentioned in Article 2. However, it is recognised as a basis for discrimination in other conventions, and there are reasons to believe that age will be covered by "other status" in CRC Article 2. Age is-



sues in Norway have, to a large extent, been focused on discrimination based on advanced age. Discrimination can however just as easily occur based on young age. Protection against age discrimination outside the workplace is not laid down in national legislation. The Ombudsman for Children would like to put more focus on age as a basis for discrimination against children too.

The Ombudsperson for Equality and Anti-discrimination only handles cases on age discrimination within the workplace. Hence there is no appeals body to which children may apply in order to test age discrimination beyond the court system. The Ombudsman for Children knows of no case in which age discrimination against children has been tested in the Norwegian court system.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should assess how protection against age discrimination can be implemented within national legislation and ensure that children have the opportunity to file complaints against age discrimination.

2) Discrimination of unaccompanied minor asylum seekers (Norway's Rep. section 103)

For some time now, the Ombudsman for Children has been seriously concerned that unaccompanied minor asylum seekers are not being adequately followed up. The Ombudsman is therefore pleased that, in 2007, child welfare services assumed care responsibilities for unaccompanied minor asylum seekers under the age of 15. Currently, there is particular concern about those over the age of 15. The level of follow-up these children receive is considerably inferior to that provided to Norwegian children without caregivers in the country and unaccompanied minor asylum seekers under the age of 15. The Norwegian government argues that many more unaccompanied minor asylum seekers have arrived in Norway and thus faster implementation of the reform is practically impossible. The transfer of the duty of care to child welfare services has been postponed indefinitely.¹² The Ombudsman is highly critical of this delay and argues that, in anticipation of improved capacity under child welfare services, sufficient resources must be supplied to enable the immigration administration to offer appropriate services to children over 15.

The Ombudsman is also very critical of a new regulation introduced by the Norwegian Government which allows for a temporary residence permit for unaccompanied minors from the age of 16. At 18 they must leave the country. This will apply to those who currently receive residence permits merely because the Norwegian Government cannot find caregivers for them in their country of origin. The Ombudsman for Children finds that the two age limits, 15 and 16 years of age, create a form of differential treatment which is very problematic in relation to the prohibition of discrimi-

nation in Article 2. In practice, it has been difficult to clearly determine age using current testing methods. This makes it additionally problematic to establish age limits, which entails serious consequences for the affected children.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should ensure that all children under 18 are granted equal rights and acceptable levels of care.

3) Discrimination of Minorities and Indigenous Peoples (Norway's Rep. section 103)

Racism and discrimination

Research on mental health shows that ten percent of children from immigrant backgrounds have experienced threats and violence due to their cultural background and that boys from minority backgrounds experience more frequent bullying than children within the majority population.¹³ Additional reports show that young people from ethnic minority backgrounds also feel stigmatised by and lack trust in the police.¹⁴

A collective report published by the Nordic Ombudsmen for Children, "Sami Children and Youth: The Right to Participation,"¹⁵ is one of only a few reports to address the stigmatisation felt by young Sami people because of their cultural background. This is described more closely in the chapter on indigenous people. The Ombudsman sees the need for the authorities to place more focus on discrimination against children.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should work actively to fight discrimination against children based on their ethnic group.

Interpreters

Surveys show a severely limited use of interpreters in health and child welfare services. Three reports¹⁶ from 2006-2008 reveal the main challenges of using interpreters in Norway today. The reports clarify the need for a distinct profile of rights and responsibilities regarding the use of interpreters; and that minimal training on the use of interpreters is available. A positive development is that a new action plan to fight discrimination mentions the challenges associated with interpretation.¹⁷ There is a serious need for better routines when using interpreters and for more qualified and more easily accessible interpreters. In the Ombudsman's view, the most worrying aspect is that minors are being used as interpreters in their own cases and on behalf of their parents. Hence, the Ombudsman fears that those sections of the population not proficient in Norwegian, receive an



inadequate level of service from the public authority, which also affects children both directly and indirectly.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party must make a considerable effort to ensure quality interpretation so that all children receive equal access to services.

Access to the assistance network

Research and information received by the Ombudsman for Children, show that front-line services are uncertain as to when and how one should act on behalf of ethnic-minority children. Research also shows that children who need help and advice do not seek out services that can provide assistance.¹⁸ There is a strong case for arguing that, in terms of “culturally sensitive problems”, the limited caseloads handled by the public authorities are an indication that a system designed to detect children in crisis does not have the capacity to detect such children if they happen to come from non-Norwegian backgrounds. This includes those children who do not request help, as well as those who do not receive help because the assistance network resists active involvement in culturally sensitive problems.

The Ombudsman for Children is concerned that there is widespread differential treatment, and that services are of a much lower standard for children from ethnic minority backgrounds.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should do more to ensure that children from ethnic minority backgrounds receive equal access to the assistance network.

b) The Best Interests of the Child (Article 3)

(Concl. obs. section 23, 2000. Norway's report sections 117-129)

Even though in recent years there has been increased focus on the principle of the “best interests of the child”, the Ombudsman feels that there is not enough awareness of the best interests of the child as a primary consideration throughout all government agencies. The best interests of the child shall be a primary consideration in all cases affecting children, whether these are individual cases, political decisions, studies, action plans etc. The Government should, to a larger degree, raise awareness in all departments on the content of the principle and its relevance for decision-making. For example, a concrete assessment must always be made on what is in the best interest of the child – and this must be made visible in relevant documents.

The principle of the “best interests of the child” is challenged in several areas. A key area is child custody cases. The Children Act has several provisions that should ensure that the best possible solutions for the child are reached. There are, however, great challenges in the practical implementation of the regulations. Difficult considerations arise connected to, among other factors, the child's right to be protected versus the child's right to contact with both parents. Research and input from both children and adults received by the Ombudsman indicate that the current system is not able to ensure both that the children requiring protection receive it and, at the same time, that those children maintain acceptable levels of contact with both parents, where this is the best solution for the child.

Immigration is another area where the principle of the best interests of the child is being challenged. The Ombudsman has been concerned for quite some time that in certain cases, the best interest of the individual child gives way to considerations related to immigration policy. A good sign is that the best interests of the child, as a principle, is emphasised in the new Immigration Act. Since the law has not yet been enforced, what remains to be seen is how, in practice, the child's best interests will be considered in relation to immigration policy. In any case, children must be more visible in decisions made by the immigration authorities. This includes clarifying what the individual child's best interest is, as well as clarifying the evaluation of other interests. It is also important that the immigration administration possess the appropriate competency in children's affairs to be able to assess what the best interests of the child are.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

- The State party should ensure awareness in all departments concerning the principle of the best interests of the child. A concrete assessment should always be made in regard to the best interests of the child.
- The State party should ensure that in practice the best interest of the child is the guiding principle in child custody cases.
- The best interests of the child must be assigned the appropriate importance in immigration cases, and assessments involving children must be more evident in decisions made by the immigration authorities.



c) Respect for the Child's Views (Article 12)

(Concl. obs. section 25, 2000)

Article 12 of the CRC gives children the right to express their opinions and be heard. The Ombudsman for Children believes that Norway has not adequately fulfilled the Convention's requirements both in terms of the child's right to express him/herself in cases which involve the child in question as well as the child's opportunity to be an active participant in society.

1) The child's right to express him/herself in cases involving the child in question (Norway's Rep., sections 15, 80, 131, 185)

The Ombudsman for Children is pleased that there is more focus in Norwegian legislation on the child's right to be heard. At the same time, in the Norwegian Government's report to the Committee on the Rights of the Child, it is striking how little focus there is on putting the regulations into practice. Research and input to the Ombudsman indicate that children are not being heard to the degree that they have a right to be, thus resulting in a gap between regulations and practice in this area.¹⁹

Child custody cases

The Children Act grants children the distinct right in to be heard in the course of court proceedings relating to conflicts between parents regarding living arrangements, visiting rights, and parental responsibilities. There have been improvements in this field. Nevertheless, the Ombudsman is concerned about research indicating that children are often heard only in terms of permanent residence, although the case may also include visiting rights.²⁰ It is especially problematic that the research also reveals this to be so in cases where it is alleged that children are exposed to violence and neglect by the visiting parent.

The child's right to be heard is vaguer in family counselling services than in the courts. Family counselling should be an easily accessible service for families experiencing different kinds of problems. It is primarily up to the parents whether or not children will have contact with family counselling services. In certain cases, however, the government is now allowing children between the ages of 12 and 16 to communicate with family counselling services on their own (see Norway's Rep. section 184)

The option for the child to contact family counselling services is only to a small extent communicated to children. It is worrying that there is not a better arrangement for children to be able to contact family counselling services, which is such an important and accessible service. Family counselling services must be developed in order to foster communication with children. This is especially important in cases in which parental conflict is present because children often find themselves caught in the middle and may need to talk to a neutral third party. It is also of concern that there is no regulation governing to what extent children under 12 can contact family counselling services without parental consent. See section 1. a) 1)

The Ombudsman requests that the Committee make the following recommendation to the State Party:

- The State party should examine in greater depth ways in which to ensure the child's right to be heard in child custody cases.
- The State party should ensure that family counselling services and other relevant departments improve their contact arrangements with children.

Child Welfare Services

The Ombudsman for Children is concerned that child welfare services do not adequately arrange for children to be heard.²¹ Children have told the Ombudsman that families have received help from child welfare services for many years without anyone from this agency having spoken to the child alone. In the Ombudsman's view, it is very problematic that children are given such limited opportunities in which to participate in a process which is decisive to their own lives.

It is necessary to increase caseworkers' competence in speaking to children. The Norwegian Government has recently published a guide to how child welfare officers should speak to children.²² Input received by the Ombudsman implies that child welfare services are not familiar enough with Government-published guides. In order for children to benefit from these guidelines, it is essential that the authorities assign responsibility to child welfare services and see that information is disseminated throughout the services.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

- The State party must ensure that child welfare services familiarise themselves with guides and guidelines from the authorities.
- The State party must ensure that children are heard when in contact with child welfare services.

2) The Child's Participation in Society

Children and young people's participation at the municipal, regional and national levels is in need of improvement in Norway. As of today, it is still unusual for a public-sector employee, politician or other parties to consult children and young people about cases relating to children. In addition, there are sizable areas within the Norwegian public domain which lack the structure, resources and knowledge to achieve a meaningful level of participation with children. The Ombudsman expects clear directives to be developed on how the Government and municipalities should raise participation levels on the part of children and young people. With regard to this, the Ombudsman refers to the Committee on the Rights of the Child "Day of General Dis-



cussion” on the right of the child to be heard, sections 25-38, and General Comment on Article 12.

Children and young people’s participation in municipal decision-making processes (Norway’s Rep. sections 136-139)

According to the Norwegian authorities’ report, three out of four municipalities have a consultation body for children and youth, which means that approximately 100 Norwegian municipalities lack this type of institution. Moreover, the Ombudsman for Children has the impression that several consultation bodies for young people lack influence. The Ombudsman has learned that, for the most part, it is not procedure for municipal employees and politicians to listen closely to children and young people before they make decisions that will affect the children, despite several publications and guides from the central authorities. The Ombudsman has experienced that, on the whole, neither publications nor the selection of the Year’s Children and Young People’s Municipality have had much effect on children and young people’s opportunities to participate in municipal decision-making processes. The Ombudsman recommends that, for example, a resource centre be set up that can provide sufficient resources and knowledge for municipalities, administrations, the business sector, sports clubs etc., about children’s participation in decision-making processes.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should create a binding mandate and guidelines for work with consultation bodies for children and young people at the municipal and regional levels.

Dialogue between children and young people and government authorities (Norway’s Rep., sections 140-143)

In the Ombudsman’s experience, there are currently few national authorities that make listening to children a part of routines when working with cases affecting children. The Ombudsman has also experienced that there is little knowledge among the authorities as to how they should carry out hearings. More awareness among government employees and politicians is therefore required. The Ombudsman for Children would like the Government to be clearer on the importance of children and young people increasing their influence in society in general, and to incorporate child participation into the work routines of the authorities.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should develop good structures and directives for working on children’s and young people’s participation and at governmental level, including alternative forms of hearings, participatory methods and employee training.



3) CIVIL RIGHTS AND FREEDOMS

a) Freedom of thought, conscience and religion (Article 14)

Supervision of isolated religious communities (Norway’s Rep., section 162)

Most religious communities in Norway engage in the religious education of children. Today, the possibility of carrying out inspections within religious communities is very limited and for the most part restricted to formal criteria related to financial issues and membership numbers. The Ombudsman for Children is concerned that religious communities are able to engage in the comprehensive education of children with little opportunity for the Norwegian government to ascertain whether this education contravenes Norwegian law, in terms of both physical and psychosocial conditions.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should develop mechanisms to screen religious education programmes for their adherence to Norwegian law.

b) Access to Appropriate Information (Article 17) (Norway’s Rep., sections 165 - 169)

Public Information for Children and Young People (Norway’s Rep., sections 167-169)

Young people have a significant need for information related to rights and the ways in which they can take control of their own lives. There is currently a lot of useful information for young people available on the Internet but less and less information is physically available in areas where young people live. The experience of some of the few youth information centres in Norway is that young people most often find information by themselves but need professional guidance to sort through and relate to the information.²³ While the authorities subsidise information measures, the number of



young people with a functioning information centre or other good guidance service in their local area is extremely low.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should proactively conduct national coordination of information for young people in the form of youth information centres or other local-level, professional guidance centres.



4) FAMILY ENVIRONMENT AND ALTERNATIVE CARE

a) Separation from parents (Article 9)

1) Child custody cases (Norway's Rep. section 17)

As is the case in many other countries, a high number of children in Norway experience their parents splitting up and moving away from each other. A large proportion of these children also experiences that their parents continue the conflict after they have moved apart. This taints a substantial part of their childhood and children will expend a disproportionate amount of energy living in the midst of their parents' "battleground". The Ombudsman for Children has concerns in relation to the extent to which the current system is able to safeguard the needs of the individual child in child custody cases. The Ombudsman for Children requests a wide-scale review of current conflict-resolution mechanisms, both in and out of the court system.

It is vitally important that the courts and various players within the legal system are capable of making accurate assessments on behalf of children. It is crucial that judges are equipped with the necessary skills and knowledge in relation to the needs of the child. It is also especially important that judges possess knowledge about the type of psychological stress the child may be experiencing connected to the parental conflict. Judges should also have competence in relation to children and violence, in terms of children who are subjected to or witness acts of violence. The Ombuds-

man for Children receives a great deal of feedback indicating that judges' levels of knowledge of and interest in this field vary.

The courts make extensive use of various kinds of experts in child custody cases. It is vitally important that these experts are highly competent in assessing the needs of the children and that they study the case in sufficient depth such that themes such as violence, negligence, loyalty etc are thoroughly elucidated. The Ombudsman for Children has long been a spokesman for improving quality assurance of experts in this type of case. The Ombudsman is pleased that better quality assurance of experts in child welfare cases has been introduced but calls for the implementation of such measures in child custody cases. See section 2. b) The best interest of the child

The Ombudsman requests that the Committee make the following recommendation to the State Party:

- The State party should undertake a wide-scale review of current conflict resolution mechanisms, in and out of the court system, to ensure that the child's best interest is the guiding principle in such cases.
- The State party should ensure that all judges deciding child custody cases possess sufficient competence in the field.
- The State party should improve levels of quality assurance for experts in child custody cases.

2) Children with parents in prison (Norway's Rep. section 182)

There is a lack of definitive data in terms of the number of children who have a parent serving a prison sentence, but the figure is estimated to be between 6000 and 9000 children per year.²⁴ Imprisonment has a significant effect on the child's daily life. One study shows that almost half of all children whose parents are serving time report deteriorations in health.²⁵ These children suffer from, among other things, sleep disorders and changes in behaviour.

The Norwegian authorities are obligated to ensure that children are able to have a high level of contact with a parent who is serving a prison sentence. It is evident in Norway's report that visits by children should take place in child-friendly visiting rooms or other suitable locations (section 182). The Ombudsman for Children does not agree with this description. The Ombudsman has established an expert group comprising children who have a family member in prison. They report a high level of variation in prison visiting arrangements and that inadequate visiting arrangements and provision have a significant effect on the quality of their contact with the parent in prison. Relevant issues here are:



the poor physical features of the visit (small, windowless rooms, lack of outdoor areas etc), lack of provision in terms of games and activities for children of all ages and insufficient visiting time and telephone time. The fact that no government agency appears to be monitoring the provision of visiting arrangements in the individual prisons is problematic.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

- The State party should ensure improved registration of data about inmates with children.
- The State party should ensure that all prisons have a family liaison officer.
- The State party should implement improved arrangements for contact with a parent in prison, including mandatory basic requirements for all prisons on visiting arrangements for children, and implement supervised follow-up.

3) Deportation (Concl. Obs. sections 21- 22, 2005. Norway's Rep. sections 202-204)

The Committee expressed concern in its comments to Norway in 2005 regarding Norwegian deportation practice. Little research has been conducted into instances of deportation involving children. However, the Ombudsman for Children receives a great many enquiries from families in crisis over the deportation of a parent. This is particularly true of cases where the parent has contravened the Immigration Act by e.g. giving a false identity on arrival in Norway, or where a parent has lived illegally in Norway for a period of time. The Ombudsman for Children has long been concerned that considerations related to immigration regulation appear to take priority in these cases at the expense of considerations related to the child.

Each deportation of a parent, even a limited deportation of two or five years duration, has major repercussions on the children. The Ombudsman is therefore happy that Parliament has given indications that significant emphasis will be placed on the best interests of the child in deportation cases. However, the Ombudsman is still concerned that in deportation cases there seems to be more emphasis on measures designed to control immigration at the expense of children's needs. The Ombudsman is also concerned that preparation of the new regulations does not open up for greater emphasis on considerations related to the child in cases where parents have provided false identities on entering the country. The consequences of the deportation on children will be just as significant, irrespective of the background for the deportation decision. In this context, the Ombudsman refers to the Committee on the Rights of the Child's general comment, no.7, paragraph 18, where the Committee stresses that small children are particularly vulnerable when separated from their parents due to their physical dependency and emotional attachment to their parents.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

- The State party should ensure that the best interest of the child is a decisive factor in all deportation cases, including where there is uncertainty concerning the parent's identity.
- The State party should ensure that parents receive adequate guidance and information in cases where deportation is a possible outcome.

b) Family Reunification (Article 10) (Concl. Obs. section 33, 2000. Norway's Rep. sections 205-208)

As a rule, a first-time residence permit must be granted before entering Norway. However, exceptions to this can be made in several cases. The Ombudsman for Children has been critical of the fact that legal residence in the country is required in order for exceptional provisions to apply and that these also will not be applicable if one is in Norway on a Schengen visa. In practice, this means that in many cases the child is effectively separated from his/her parent over an extended period of time. The regulations are especially problematic because case-processing time for family reunification may be extremely long, sometimes over a year. This is not conducive to speedy and humane reunification of parent and child, as set out in Article 10 of the CRC.

The fact that in some cases assured subsistence is required is another practical obstacle in the path of family reunification for parents and children. This could result in children being constrained to remain in their home country or a third country without a caregiver.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

- The State party should ensure that the family reunification application process results in the speedy and humane reunification of parent and child.
- The State party should grant exception to the assured subsistence requirement where an application is made for family reunification involving a child.



c) Children Deprived of their Family Environment (Article 20) (Concl. Obs. sections 23-24, 2005. Norway's Rep. sections 222-239))

1) The role and responsibilities of child welfare services

Child welfare services is the agency in Norway that has been given special responsibility to follow up and assist children who are exposed to violence and neglect in the home. Child welfare services thus play an extremely important role in terms of at-risk children. The Ombudsman consistently receives reports that services are severely underfunded and is therefore extremely concerned about how child welfare services can be in any position to administer the duties imposed on them by law.^{26, 27}

It has been reported that concern reports that should have been followed up have instead been shelved, that deadlines are consistently exceeded and that there are substantial variations country-wide in terms of how child welfare services carry out their duties.²⁸ In many places in Norway, child welfare offices consist of one personnel member, who, in some cases, only works part time. This does not promote a level of professional breadth and flexibility capable of safeguarding the interests of children in contact with child welfare services. The Ombudsman is concerned about the existence of so many small child welfare offices. In the Ombudsman for Children's opinion, there should be at least two posts within each child welfare office in order to ensure professional stability.

Furthermore, there is a limited capacity within child welfare services to carry out preventative work, which often results in child welfare services intervening when the child's situation has deteriorated far more than was necessary. It appears that child welfare services are currently experiencing a systemic crisis.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should take significant steps to ensure that child welfare services are able to carry out the duties required of them by law, including ensuring that child welfare services have a sufficient number of posts to ensure that the service can be managed responsibly.

2) Measures outside the home

Child welfare services' main focus is on implementing measures and providing assistance in the home (around 80 % of the measures implemented by child welfare services are assistance measures²⁹). In some cases, circumstances in the home are so problematic that it would not be acceptable to allow the child to remain living there. The Ombudsman for Children is concerned that service provision is inadequate for those children whose needs exceed assistance in the home. The child's best interest should be the guiding principle in child welfare cases. The Ombudsman receives a great deal of feedback indicating that

other factors such as: financial status, the type of institution placement, availability of foster homes etc., are also decisive in the choice of measures in relation to the child. The Ombudsman for Children has amongst other things received reports from children and young people, institution personnel and child welfare services that there are long "waiting lists" for children who are to be placed in child welfare institutions. That some children try illegal drugs for the first time in child welfare institutions also gives cause for concern.³⁰ A sufficient number of institutions and a broad range of institutions and foster homes are necessary in order to safeguard the individual needs of the child.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should ensure that there are sufficient foster homes and different institutions so that the individual needs of the child are safeguarded when deciding on which measures to implement.

3) Children's access to assistance from child welfare services

When child welfare services initiate assistance measures for families that are in contact with them, they are dependent on consent to these measures from parents and children over 15 years of age. Assistance measures are implemented for families in which the child is not exposed to severe neglect. The parental right to consent in terms of assistance measures can, however, limit the possibility of the child receiving help.³¹ The Ombudsman is concerned that a child in need of assistance measures may not receive them due to his/her parents being able to reject measures. That the Child Welfare Act does not stipulate the rights of the child and thus does not specifically entitle children to receive assistance is a shortcoming within current legislation.

The Ombudsman for Children considers it necessary for the Norwegian authorities to assess whether to introduce the option for child welfare services to implement several, less radical measures without the consent of parents.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

- The State party should review the potential for measures in the home in cases where parents have rejected assistance measures that are deemed necessary for the child.
- The State party should assess how the child's right to assistance from child welfare services can be safeguarded by legislation.



4) Child welfare services and minority children

The Ombudsman for Children receives a lot of input from people working with children and young people, children from expert groups and parents which indicates that parents from ethnic minority backgrounds are apprehensive about contacting child welfare services. There is widespread fear of child welfare services' involvement in families' private lives and apprehension that child welfare services will take children away from their parents. The authorities also struggle to find minority-background foster homes.

A lack of understanding on the part of ethnic-minority families of the duties of child welfare services means that there is a risk that children who are experiencing difficulties may not receive the assistance they need from child welfare services. The Ombudsman believes that child welfare services need to step up their outreach efforts and build confidence among ethnic minority families.³²

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should evaluate alternative outreach strategies for ethnic minority families.

5) Periodic review of placement (Article 25) (Concl. Obs. sections 25-26, 2005. Norway's Rep., sections 245 – 248)

When children live in a foster home or institution they are supposed to have supervisors who ensure that they are doing well. In its comments to Norway in 2005 (paragraph 25-26), the Committee on the Rights of the Child expressed concern about a shortage of supervisors. Subsequent reviews demonstrate that many children still do not receive supervision and that follow-ups of children by a third party do not take place as often as they are supposed to.³³

Additionally, in many instances children do not build up the necessary trust in their supervisor and are therefore unable to make use of the service in such a way that preserves the child's right to be heard. Children and young people who are placed in foster homes and institutions should be able to choose their own supervisor if they want to. This would contribute to safeguarding the child's trust in their supervisor and ensure their right to be heard.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should ensure that all eligible children have a supervisor. The State party should also ensure that the child is consulted when choosing a supervisor.

d) Abuse and negligent treatment (Article 19), including physical and psychological recovery and social reintegration (Article 39)

1) General

Studies show that children are both exposed to and witness violence in Norway.³⁴ Several individual cases over recent years demonstrate that the assistance network, e.g. the health service and schools, have fundamentally failed to detect and disseminate information about children who are exposed to violence and neglect.³⁵ Research supports the need for improved routines and competency in service provision in order to be able to detect and help children who are exposed to violence.³⁶ The Ombudsman for Children's expert group, who has been exposed to domestic violence, stressed the importance of all parties who come into contact with children to be well skilled in talking to children about violence.

In 2007, in total about 1400 children were at shelters with their mothers. New research shows that there is great variation as to the follow up the children are given at the shelters, and that the children's status at the shelters also varies.³⁷ There are also concerns related to cooperation between the shelters and other institutions that deal with children. There is, among other things, a lack of clear distribution of responsibility regarding the follow up of the child after a stay at a shelter. This is particular of concern due to the fact that research shows that 23 % of the women with children return to an alleged violent partner.³⁸

There is substantial evidence to suggest that babies and small children risk more exposure to violence than older children.³⁹ At the same time, such abuse is often extremely difficult to uncover. In order to ensure that smaller children do not end up with inferior legal protection than older children, the authorities should put in dedicated resources and organise services in such a way as to ensure that, where possible, smaller children receive the equal protection and assistance to which they are entitled.

In the light of this, it is of particular concern that Norway does not conduct mandatory death-scene investigations in all cases where an abrupt and unexpected death of an infant has taken place. The authorities are in the process of introducing a scheme whereby a voluntary investigation of the scene of the infant's death will be offered in all such cases. The Ombudsman for Children believes that these investigations should be made mandatory. It is unfortunate that parents can refuse to have such investigations conducted. Routine death-scene investigations for all cases would improve the statistics on infant deaths, counteract stigmatisation of the parents as well as safeguard the legal protection of the infant to the highest degree possible.

The Ombudsman requests that the Committee make the following recommendation to the State Party:



- The State party should ensure improved routines and increased competence for services involving contact with children such that children who are exposed to violence are more easily detected.
- The State party should introduce mandatory death-scene investigation for all cases involving the abrupt and unexpected death of an infant.

2) Emergency standby/ Emergency hotline

A recently published report indicates that not all children in emergency situations are able to receive professional assistance from child welfare services outside their office hours.⁴⁰ Over 50 % of Norwegian municipalities lack emergency standby services in the evenings and at night. These municipalities are home to a quarter of all under 18-year-olds in Norway. The police, who operate a 24-hour service, are therefore alone in responding to children in emergency situations. It is extremely important to set up national guidelines for the organisation, follow-up and monitoring of emergency standby within child welfare services outside office hours.

It is positive that the authorities have recently established a countrywide emergency response centre that children and adults can call if they encounter a child in crisis. The Ombudsman for Children has long requested such a hotline. The Ombudsman for Children is concerned that the authorities have not granted sufficient funds to market the hotline to the public who are currently largely unaware of its existence.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

- The State party should ensure national guidelines for the organisation, follow up and monitoring of emergency standby services within child welfare services outside office hours.
- The State party should ensure that the emergency hotline is sufficiently marketed to raise awareness of it among the entire community.

3) Cultural-specific violence

Several national studies have concluded that ethnic minority children face greater exposure to violence than the majority population, after adjusting for other factors such as poverty levels⁴¹. This is also the impression given by our expert group of ethnic minority girls. The Ombudsman for Children believes there is a need for an increase, within the assistance network, in knowledge about culturally-specific violence and information provision to ethnic minority children and parents, focusing on the illegal and damaging nature of violence.

The Ombudsman calls for a substantial increase in the provision of multicultural parental guidance courses to give parents alternatives to the use of physical punishment. Although development of parental guidance courses for multicultural families is the responsibility of the central authorities, it is up to the municipalities to offer the courses. The municipalities do not currently prioritise this type of course.⁴² The Ombudsman for Children is concerned about parents coming to Norway from cultures where one-way communication and physical punishment are norms in child-rearing and not being given the opportunity to learn a form of child-rearing that focuses more on the child's needs.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

- The State party should ensure that skills levels within the assistance network are raised and that families are given guidance in violence-free child-rearing.
- The State party should do more to ensure that multicultural family guidance is prioritised in all municipalities in Norway that are home to immigrants.



5) BASIC HEALTH AND WELFARE

a) Children with disabilities (Article. 23) (Concl. Obs. sections 29-30, 2005. Norway's Rep. sections 264-284)

The County Board of Health Supervision's study from 2007 shows that the habilitation services designed to follow up children with disabilities are significantly deficient, random and poorly coordinated in many places.⁴³ In three quarters of municipalities, deficiencies were found in routines and measures intended to ensure coordinated planning and regular follow-up of habilitation services in cooperation with children and parents. In practice, the parents frequently took on the coordinating role. In the Ombudsman's opinion, it is extremely worrying that children with disabilities are not receiving the level of follow-up services they are entitled to in accordance with the CRC article 23.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should ensure that habilitation services and interaction by services for children with disabilities are improved.

b) Health and health services (Article 24) (Concl. Obs- sections 31-36, 2005. Norway's Rep. sections 285-332)

1) Municipal health services

Health services for children and young people in the municipalities include: public health clinics providing assistance to younger children, school health services for school-age children and public health clinics for young people, among other services. The Ombudsman for Children is concerned that there is an inadequate level of commitment to these services, despite the fact that they constitute a vital low-threshold programme for children and young people.

Section 298 of Norway's report states that the network of public health clinics will be reinforced but the Ombudsman for Children does not see any evidence of this. The public health clinics and the school health services have, in many

places, inadequate resources, little time and few personnel, and at some schools, the service is partly absent.⁴⁴ In sections 296 and 298, the government writes in their report that they will reinforce school health services. The health authorities have promised to do this for several years in various government documents, but the Ombudsman has yet to see a single, concrete strategy for this work. The Ombudsman is concerned that new man-years, which were meant to strengthen the health services offered to children and adolescents with psychological problems, are organisationally placed elsewhere and not in health clinics and school health services, as described in Norway's report section 305.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should ensure that habilitation services and interaction by services for children with disabilities are improved.

2) Focus on mental health care (Concl. Obs. sections 33-36, 2005. Norway's Rep. sections 294 - 300)

In 2005 the Committee expressed concern about the waiting times for assistance from mental health services. Although many more children receive assistance from specialist health services in line with the National Programme for Mental Health (1998-2008), there is still an average waiting time of 70 days before assistance is received.⁴⁵ In section 297 of their report, the Norwegian authorities say that they anticipate that waiting times will flatten out and eventually decrease. Nonetheless, the Ombudsman for Children is concerned about waiting times within mental health services. The Ombudsman also calls for a greater focus on the quality of the services provided. One of the Ombudsman's concerns is that efficiency requirements may have an adverse effect on the quality of the services provided. Several inspection reports describe substantial deficiencies in the chain of services for children and young people with mental health issues, both at the municipal and specialist health service levels. Capacity varies greatly across the country and in many areas cooperation between municipal and specialist health services is sub-standard.⁴⁶

Better developed and equipped municipal mental health services would be able to assist children and young people at an earlier stage in their difficulties and shorten specialist health service waiting-lists. Many children will already have developed major problems by the time they come into contact with specialist services due to the deficiencies in mental health services and under-resourced public health clinics and school health services.

The Ombudsman requests that the Committee make the following recommendation to the State Party:



The State party should work towards the establishment within both municipal and specialist health services of adequate health services for children and young people with mental health issues.

3) Traditional practices which are harmful to the child's health (Norway's Rep. sections 315 - 319)

The Ombudsman for Children's expert group of ethnic minority girls has reported to the Ombudsman that many young girls are circumcised when they arrive in Norway. The girls are therefore concerned that information about options for reconstructive surgery subsequent to female genital mutilation should be made more widely available. These options are so poorly publicised that young girls in great pain are not receiving the help they need to make improvements to their health and lives in general.

It also appears that the police dismiss cases involving female genital mutilation due to a lack of resources and that cooperation on these cases between different relevant institutions is inadequate.⁴⁷ This is extremely regrettable. Cases reported to the police must be followed up in order to demonstrate that the authorities take this issue seriously. The Ombudsman knows that many young girls feel that it is difficult to ask for help in cases involving genital mutilation. It is therefore essential that the assistance network is able to provide adequate levels of support.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

- The State party should take steps to ensure that information on options for reconstructive surgery is made more widely available among girls in the target group.
- The State party should ensure that the police follow up all reported cases of genital mutilation.

4) Social differences in health

A child's social origin is highly influential in relation to his/her health.⁴⁸ This is due to differences in, amongst other things, material, psychosocial and behaviour-related risk factors. Universal welfare schemes, designed for everyone, may contribute to reducing these health differences. In 2007, the Government announced that it would implement a range of measures to reduce health differences, including further developing and reinforcing school health services, expanding municipal services for children with mental health issues and strengthening child welfare services to ensure that children and their families received assistance at an earlier stage⁴⁹. As documented elsewhere in this report, the Ombudsman for Children has so far seen no evidence of the success of these measures.⁴⁸

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should strengthen general welfare schemes to reduce health differences in Norway.

5) Children as next of kin

Children whose parents are struggling with e.g. drug addiction or mental health issues comprise an especially vulnerable group. The Ombudsman for Children has long been concerned that these children are not being sufficiently followed up. Inspection reports confirm this.⁵⁰ 75% of children and young people receiving out-patient help and approximately 80% of those who are admitted to institutions run by the mental health services are living under so-called "aberrant psychosocial" conditions in the home. This could involve e.g. parental drug abuse or mental illness.⁵¹ This is a clear indication that a child's problems should not be regarded in isolation; one should see the child in the context of his/her home environment. That the authorities, in recent years, have increased their focus on this group of children is a positive development; see Norway's report 309-311. The Ombudsman believes that there continues to be a need for a significant increase in efforts to raise awareness and facilitate the care of these children within the assistance network, both in terms of specialist health services and municipal services.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should continue to work on improving follow-up routines for children with parents dealing with mental health issues or problems with drugs or alcohol.

c) Standard of Living (Article 27) (Concl. Obs. sections 37-38, Norway's Rep. 340-347)

1) Children living in poverty

It is estimated that in 2006, 85,000 children lived in low-income families in Norway.⁵² Children of single-parents, non-western immigrants, the unemployed and social-welfare recipients are more likely to be poor than the rest of the population.⁵³ Financial problems lead to exclusion. Children from poor families score lower on a range of social and psychological indicators.⁵⁴ Higher proportions of poor children struggle socially, do not participate in leisure activities and feel socially isolated.⁵⁵ While section 343 of Norway's report points out that children from non-western backgrounds comprise 35-40 percent of all children from long-term low-income families, concrete measures for working with these groups are absent.

The combination of poverty among families with children, a difficult property market and a scarcity of municipal housing all too often leads to children having to live in municipal housing together with heavy drug users and

psychiatric patients. The State party's responsibility to contribute to safe, adequate living conditions for children is being overlooked and the problems created by this type of home environment are not taken seriously. Families and children become a "hot potato" passed between governmental and municipal authorities, and this shirking of responsibility results in new generations being denied the chance of a decent childhood and adolescence.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

- The State party should step up its efforts to counteract poverty among children.
- The State party should ensure that children are offered acceptable municipal housing.



6) EDUCATION, LEISURE AND CULTURAL ACTIVITIES

a) Education (Article 28) (Concl. Obs. sections 39-40, 2005. Norway's Rep. sections 348 - 411)

1) Access to education

Norway is a country with good welfare schemes and Norwegian schools maintain a generally good standard. A case in point is that there is little difference in terms of quality between state-run and private schools. Nonetheless, official national inspections confirm that high numbers of children in Norway are not receiving an adequate education.⁵⁶

Students with special educational requirements (Norway's Rep. sections 391-393)

The Education Act stipulates that all children have the right to adapted education, including special education where required. However, this falls short in practical application. There are major challenges in terms of the schooling currently provided for children with disabilities. A report from

2008 points out amongst other things that there are long waiting times for needs assessments to be carried out and that municipalities and educational experts limit their definitions of pupils' needs according to the state of municipal finances.⁵⁷ As the Norwegian authorities write in their report (section 391), there is a goal to intervene early in the students' development and learning.⁵⁸ Nonetheless, needs assessments of relevant children are postponed until late in their school career.⁵⁹ The Ombudsman for Children is concerned that many children receive assistance at such a late stage that their assistance needs and educational losses have increased in the meantime.⁶⁰ The Ombudsman is aware that a recently published government report discusses these themes and encourages the authorities to intensify their efforts to guarantee all children access to a good school education.⁶¹

Reports also show that linguistic minority pupils are receiving an inadequate level of adapted education.⁶² This group of students also achieves poorer grades than students from majority backgrounds. There is a particular need for improving the transition from the educational programme provided to students arriving in the country during the course of their schooling and ordinary education. The Ombudsman is concerned that this student group is being given an inadequate foundation for coping with subsequent schooling and that this contributes to both poorer grades and dropping out of upper secondary education.

It is of concern that also a high proportion of pupils from the majority population do not complete their schooling. Reasons for this include: long distances between home and school, the socio-economic status of parents, dissatisfaction and lack of facilitation.⁶³

The Ombudsman requests that the Committee make the following recommendation to the State Party:

- The State party should ensure that students receive assistance at an early stage so that problems and needs are detected in time.
- The State party should ensure improved interaction from services for school children with disabilities.
- The State party should improve language tuition for linguistic-minority students to ensure that they have sufficient linguistic skills to manage the requirements in upper secondary education.
- The State party should implement efficient measures to counteract students dropping out of school.



Children who disappear from school (Norway's Rep. sections 384-386)

The Norwegian government has for some time been concerned over the fact that children fail to attend their first day of schooling after summer holiday.⁶⁴ The majority of these children are in their parents' country of origin. The Ombudsman for Children's expert group of girls from ethnic-minority backgrounds has reported that the schools tend to have very little communication with students before their departure. Such communication may play an important part in detecting any coercive elements of the trip. A guide has been developed for use when children are due to attend school in their parents' country of origin, but it does not invite dialogue with the child.⁶⁵ Neither does the guide say anything about how schools should react upon discovering that the stay abroad is against the child's will and could therefore be indicative of abuse.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should step up its efforts to establish a more comprehensive guide for use by schools in the event of stays abroad.

2) Psychosocial and physical learning environment – The Education Act, Chapter 9A (Norway's Rep. sections 394-403)

Chapter 9a of the Education Act confers on children the right to an acceptable physical and psychosocial school environment. The Ombudsman for Children is concerned that the rights of children are not being respected in practice.

The psychosocial learning environment

Despite the fact that the Education Act gives children the right to a good psychosocial school environment, free from bullying, discrimination and violation, studies show an increase in bullying among children attending school.⁶⁶ Over the last three years, joint national inspections have shown that municipal education authorities are aware of or adhere to legislation on children's psychosocial school environment to a very small degree.⁶⁷ In this respect, the "Manifesto against Bullying" has not been honoured; see Norway's report, sections 339 - 403. The Ombudsman for Children believes school personnel should receive better training on the rights of children to a good psychosocial environment, the detrimental repercussions of bullying and how incidences of bullying should be handled.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

- The State party should implement measures to ensure that school personnel are equipped with sufficient skills in relation to bullying, how to handle incidences of bullying and associated legislation.
- The State party should implement concrete anti-bullying measures, and evaluation of these measures.

The physical learning environment

Current legislation sets standards for physical conditions in schools, amongst these: requirements for air quality, temperature, light, classroom size, and bathroom facilities.⁶⁸ If a school fails to maintain adequate standards, it will not be approved. The Ombudsman for Children receives many reports of schools that have inadequate physical learning environments and that are not approved. Children and young people complain of bad air quality and high/low classroom temperatures.

In 2007, the Ombudsman for Children carried out an investigation of the country's municipalities to map out the extent to which schools were approved and satisfied legislative requirements. The results were discouraging.⁶⁹ In 2008, the government conducted a similar survey that showed that 50 % of the responding schools were not approved in accordance with legislation.⁷⁰ Although the municipalities own the schools, the Government has ultimate responsibility for ensuring that municipalities adhere to the law.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should ensure that schools maintain adequate standards and are approved in accordance with regulations.

3) Governmental follow-up of municipalities in contravention of the Education Act

Although the Education Act ostensibly provides children with a good legal framework, in practice its regulations are consistently broken. This applies to both follow-up of pupils' physical and psychosocial environments and their right to adapted and special education.⁷¹ It is the Ombudsman for Children's understanding that contraventions of the Education Act, to the extent they are exposed by, for example, government inspections, are only possible because municipalities run very little to no risk at all when they contravene the provisions of the Education Act. The Act is not equipped with the kind of sanctions that would make municipal compliance imperative. It is the Ombudsman's view that current monitoring systems do not extend to guaranteeing pupils the rights conferred upon them pursuant to the Education Act. It is the Government's responsibility, through its county governors, to ensure that



municipalities adhere to the Education Act and preserve the rights of children. The Ombudsman has received a lot of feedback from individuals reporting cases where complaints were upheld by the County Governor but the municipality failed to follow up the contraventions that had been demonstrated. The Government should introduce stronger measures to ensure that the municipalities adhere to the Act and that lead to concrete consequences for municipal educational authorities and school administrators who fail to implement measures when legislation is contravened.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

- The State party should implement measures ensuring that municipal educational authorities adhere to the Education Act.
- The State party should consider measures that imply consequences for municipal educational authorities should they fail to comply with the provisions of the Education Act.

b) Aims of Education (Article 29) (Norway's Rep. sections 412 – 417)

Indigenous peoples

The Ombudsman for Children's report and other research shows that pupils in Norwegian schools still lack knowledge about the Sami population.⁷² Education preserves an image of Sami people as a uniform group and does little to contribute to breaking down stereotypes and prejudice. An important part in the creation of a sound identity is for education to promote respect for the cultures of others but also for one's own culture. After the Knowledge Promotion reform was introduced in Norway, new curriculum material for social studies was developed. It is possible this will rectify the situation. Education is however dependent on the knowledge of teachers and their willingness to understand. It is therefore important that knowledge about Sami culture is included in general teacher training and does not remain simply a "special interest" area.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should do more to ensure that pupils from majority backgrounds are taught about the Sami people in a way that accurately reflects the lives of Sami children and promotes respect for one's own culture.

c) Leisure, recreation and cultural activities (Article 31) (Norway's Rep. sections 418 – 445)

In accordance with Article 31, children and young people have the "right to full participation in cultural and artistic life." The Ombudsman for Children is under the impression that artistic and cultural institutions prioritise the provision of services to adults over those aimed at children and young people. Furthermore, the Ombudsman also has reason to believe that art for children and young people carries lower status, has a lower profile in the cultural context and, in a great many cases, relies on traditional stories, and allows little opportunity for innovation. The Ombudsman therefore calls for a survey of the ways in which artistic and cultural institutions exercise their obligations towards children and young people in relation to Article 31 of the CRC as well as determining whether children and young people are receiving an acceptable level of professional provision in terms of the various artistic expressions in line with services to adults.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should map out and analyse the provision and quality of art and cultural services for children and young people, both where children are the audience and where they are active participants.



7) SPECIAL PROTECTION MEASURES

a) Refugee children (Article 22) (Concl. Obs. sections 41 – 42, 2005. Norway's Rep. section 448 – 487)

Guardian system for unaccompanied minor asylum seekers

Guardians have an important role in terms of ensuring that the needs and rights of unaccompanied minor asylum seekers are safeguarded. Reports received by the Ombudsman indicate that the current system caters insufficiently to the needs of children. The Ombudsman for Children calls for the implementation of a national guard-



ianship model capable of contributing to the creation of more equal provision to unaccompanied minor asylum seekers See also section 1 a) 1) relating to legislation and section 2) a) 2) relating to unaccompanied minors.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should implement a national guardianship model that can provide a more equal level of provision to unaccompanied minor asylum seekers across the entire country.

Children in asylum reception centres

Children living in asylum reception centres are in a particularly vulnerable position. Reception centres are ill-suited to accommodate children, especially over long periods of time. Uncertainty, fear, cramped quarters and frustrated parents characterise the lives of the children.⁷³ In addition, children may experience strong emotional reactions to traumatic events from the past. There is a lot to suggest that refugee children, both those who arrive with their parents and unaccompanied minor asylum seekers, live with a high incidence of psychiatric problems.⁷⁴ The children have a right to schooling, health care and assistance from child welfare services. However, the Ombudsman for Children has received reports indicating that the level of service provided to children is variable and sometimes inadequate. A report by the authorities highlights clear challenges in terms of the coordination of health services to asylum seekers.⁷⁵ Many health personnel feel insecure in relation to this patient group and receiving assistance from mental health services is problematic.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should ensure that refugee children receive the assistance they require from child welfare services, schools and health services.

Children in hiding

It is common knowledge that a number of children and families with children currently live in Norway without resident permits and in hiding. They may have had their residence permit applications rejected or may not have registered their presence in the country. Children have a right to health services among other things. However, the Ombudsman for Children is concerned about the lack of knowledge in terms of the number of children, the type of assistance they are actually receiving and how these children are faring, and asks the authorities to do more to ascertain this kind of information. It is regrettable that the Norwegian authorities' report does not touch on these issues.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should gain better oversight of the situation for children living in hiding in Norway and ensure that their basic rights, such as the right to health care and schooling, are preserved.

Children's affiliation to the realm

In section 128 of their report, the Norwegian authorities state that particular emphasis will be placed on children's affiliation to the realm when evaluating whether to grant a residence permit on humanitarian grounds. The Ombudsman for Children is pleased that the authorities emphasise children's affiliation to the realm. However, the Ombudsman has received reports from health personnel, reception-centre personnel and other parties interacting with refugees on a daily basis, who experience rigorous application of the affiliation requirement and who describe cases of children, who have spent over four years of their childhood in Norway, being sent back to their parents' homeland, despite sound documentation of affiliation to Norway. This gives great cause for concern.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should place substantial emphasis on the needs of children who have been in Norway for long periods when assessing whether to grant a resident permit.

b) Children in conflict with the law (Concl. Obs. sections 53-54, 2000. Norway's Rep. sections 488-501)

1) Prevention and follow-up of young offenders (Article 40)

In 2000, the Committee on the Rights of the Child expressed its concern to Norway with regard to the lack of focus on preventive and rehabilitative measures in terms of young offenders. The Ombudsman for Children has experienced that, despite the somewhat increased focus on this group of children in recent years, there are still significant deficiencies in follow-up routines for children who commit repeat or serious offences. A newly published report shows that child welfare services intervene too late.⁷⁶ This is confirmed by dialogues the Ombudsman for Children has had with several children; both children in prison and those who have had contact with the police, as well as professionals working in the field. Incentives must be given for the relevant services to step in at an early stage.

The follow-up of children who commit serious offences requires close cooperation between different agencies. Pilot projects carried out on follow-up teams working with young offenders have yielded good results; see section 488 of Norway's report.⁷⁷ This type of measure should be introduced across the country. The focus should be



on measures comprising elements of restorative justice and drawing on the network around the young person.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should ensure that the relevant services are obligated to follow up young offenders with adequate levels of provision.

2) Children deprived of their liberty (Article 37)

In Norway, there are three different ways in which criminal proceedings may deprive a person of their liberty: police custody, detention in custody and post-conviction imprisonment.⁷⁸

Police custody

The Ombudsman for Children is highly critical of the use of police custody for children. The Ombudsman has spoken to children who tell of stays in police custody spanning several days. Many of these children describe their stays as very exhausting with extremely poor or non-existent follow-up from the assistance network. The absence of central statistics on the numbers of children entering custody and the duration of their stays also gives cause for concern.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

- The State party should ensure that police detention is not, as a rule, imposed on children. In exceptional cases, police detention should only be imposed for up to a maximum of 12 hours.
- The State party must ensure the care of the child while he/she is in custody in accordance with the principles of the CRC.
- The State party should compile central statistics on the numbers of children entering custody and the duration of their stays.

Prison and detention in custody

The Ombudsman for Children is highly critical to the fact that children are imprisoned in Norway. The Ministry of Justice has reported that, in 2008, a total of 51 children were remanded in custody, while 24 children were serving a prison sentence. The Ombudsman is concerned over the fact that there seem to be a recent increase in the numbers of imprisoned children. In the Ombudsman's opinion, the current prison conditions for children are unacceptable and in contravention of the CRC, see Articles 6, 37 and 40. The treatment received by children goes against basic psychological knowledge about the type of follow-up children need. Children are in ordinary prisons together with adults and, to a large extent, subject to the same conditions as adults,

a contravention of the CRC, Article 37. It is extremely worrying that children are imprisoned together with adults who are hardened criminals, sometimes in high-security prisons. It is also of grave concern that children have reported being in isolation in their cell for up to 23 hours over extended periods of time.

The physical conditions in prisons are most definitely not appropriate for children, and the follow-up they receive is often extremely inadequate. With the exception of a few prisons employing child-welfare professionals, prison personnel are not required to have any specific training in working with young people. Children entering prison form a particularly vulnerable group in need of follow-up from different services, such as child welfare services, health services, schools etc. Information received by the Ombudsman for Children, including from correctional services and from children the Ombudsman has spoken to in prison, points to substantial deficiencies in the follow-up provided by these services. It seems to be the case that the assistance network abdicates responsibility when children enter prison. Follow-up is insufficient both during the child's time in prison and upon his/her release.

The authorities are currently working to improve services to young offenders. The Ombudsman for Children is concerned that it appears to be difficult, generally, to establish good, coordinated follow-up routines for the individual child and that necessary and swift action is not being taken to improve the situation for children in prison. With such a low number of children, it should be possible to provide children with immediate and appropriate follow-up services. The Ombudsman for Children emphasizes that focus must be on finding alternatives to prison, in accordance with the recommendations under no.10, General Comments by the Committee on the Rights of the Child.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

- The State party should actively develop and use alternatives to prison for children. The overall aim must be that children are not imprisoned.
- The State party should ensure that all relevant services are obligated to follow up children in prison.
- The State party should ensure that children do not serve sentences together with adults unless this is deemed the best solution for the individual child. All children must be followed up on an individual basis.
- The State party should ban the use of isolation for children.



C) Children exposed to exploitation, including physical and psychological recovery and social reintegration

1) Illicit Use of Narcotic Drugs (Article 33) (Concl. Obs sections 43 – 44, 2005. Norway's Rep. sections 504 - 512)

Children and steroid use (doping)

Current data on children's use of anabolic-androgenic steroids (doping) is insufficient. The experiences of those working in the field may indicate that numbers are increasing, but figures are uncertain. The Ombudsman for Children believes the authorities should prioritise the work against doping outside the context of organised sports. Both preventative and rehabilitative measures should be implemented.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should obtain more information on children's abuse of steroids and the relationship between anabolic-androgenic steroids and aggression.

2) Sexual exploitation and sexual abuse (Article 34) (Concl. Obs. sections 45 – 46, 2005. Norway's Rep. sections 514 – 535)

The Public Service Apparatus

The study to which the authorities refer in section 514 gives cause for concern in terms of the scale of sexual offences and violations committed against children in Norway.⁷⁹ It is of the utmost importance that the assistance network and the legal system are able to deal in a professionally sound manner with children who may have been subjected to abuse. The Ombudsman for Children's expert group of young female incest-survivors describes negative relationships with the assistance network. Based on several reports to the Ombudsman's office, there is reason to believe that a procedural skills-gap exists within the assistance network when dealing with very young children. For example there are concerns about hospital admittance routines concerning young children where there is suspicion of sexual abuse.

Employees within child welfare services, schools and kindergartens need more knowledge about sexual abuse.⁸⁰ The same is true of employees within the health sector, including dental health services. They need to know more about the symptoms of abuse and what children who have experienced abuse need in terms of support and follow-up from their respective services. This knowledge should be integrated into training programmes for the various professions.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should increase the public service apparatus' knowledge of sexual abuse. Routines aimed at detecting sexual abuse against children should be improved.

Schools

The Ombudsman's expert group describes problems connected to concentration and sleeping. This has repercussions on schooling and many experience a lack of understanding about these issues in the schools themselves. It is a good idea to thematise sexual abuse and the setting of limits at a much earlier schooling stage, perhaps as early as kindergarten. This will make it easier for children to recognise violations.

Additionally, we know that a large proportion of sexual assaults and violations are committed by the young person's peers.⁸¹ The Ombudsman for Children is concerned about current sex education, which does little to thematise limit-setting and abuse. In addition, sex education is provided extremely late, often not until lower secondary school. The feedback from young people is that sex education in today's schools is generally unsatisfactory.⁸²

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should ensure that children are provided with knowledge about sexual abuse and limit-setting as early as possible.

Judicial Examination

Children's Houses is a service offered to children who are dealing with the legal system due to suspicion of sexual abuse. The thought behind the children's houses is that children who have been subjected to violent or sexual assault should be guaranteed good, comprehensive assistance and treatment services which are co-located in one place. After a case has been reported, there is a 14-day statutory deadline within which examination by a judge may take place. An annual report by one of the children's houses in Norway shows that in three out of four cases it takes over two weeks from reporting to judicial examination. On average, there is a period of 73 days between reporting and the examination.⁸³ This is extremely worrying.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party must ensure that the deadline for judicial examination is upheld.



c) Abduction, sale of and trafficking in children

(Article 35) (Concl. Obs. sections 47 – 48, 2005. Norway's Rep. sections 537 – 546)

The Ombudsman is concerned about children who are subjected to trafficking. The substantial increase in unaccompanied minor asylum seekers arriving in Norway means that we have many potential victims of trafficking in the country. Measures have been implemented aimed at identifying possible victims, but mapping and identification is labouring under the vast numbers of refugee children arriving in Norway. The Trafficking Team at Hvalstad Asylum Reception Centre highlights several challenges: the availability of suitable places within child welfare services and reception centres and a lack of routines in terms of communication and information-flow between immigration authorities and other parts of the public assistance apparatus.⁸⁴ See also the Ombudsman's comments on the Optional Protocol.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should improve opportunities for detecting potential victims of trafficking and implementing adequate measures to protect them.

d) Children belonging to a Minority or an Indigenous Group (art. 30)

1) Sami children (Norway's Rep. sections 548 – 566)

Sami children in Norway belong to an indigenous group and, as such, have special rights in accordance with both national and international legislation. Through the Ombudsman's report "The right to participation for sami children and youth", written in collaboration with the Sami Parliament, and encompassing contributions from Sami children and related research, the Ombudsman for Children has reached the conclusion that Norway faces certain challenges in terms of upholding the rights of Sami children.

Language Education

The Ombudsman for Children is deeply concerned about language education for Sami children. Problems are seen in the lack of Sami teachers, teaching resources and a general absence of organised Sami language education in schools.⁸⁵ In the Ombudsman's opinion, the situation is unsustainable in terms of Sami children's rights in accordance with Articles 2, 29 and 30 of the CRC.

It is important that government funding to the municipalities that are home to Sami inhabitants is sufficient in terms of being able to offer Sami children solid educational provision. The Ombudsman for Children fears that in many cases, poor municipal finances are used as a pretext for the lack of working towards improving Sami language education. The Government is responsible for monitoring that

municipalities fulfill the rights of children. The Ombudsman believes it is important that municipal responsibility for the education of children in and through the medium of the Sami language is closely monitored at governmental level.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should do its utmost to improve educational opportunities for Sami children in order to safeguard lingual and cultural affiliation.

Psychiatric health care

Most Sami people in Norway live in areas in which they form a minority group. Studies show that the incidence of psychiatric disorders in young people is highest in those areas where Sami people live amongst a predominately Norwegian population. Psychiatric problems and suicide are taboo in Sami communities.⁸⁶ In the opinion of the Ombudsman for Children, it is vital to the safeguarding of the children's safety and psychiatric health that permanent services and educational provision aimed at the Sami population are established. Such efforts should also be geared towards the adult population in order to promote attitude shifts that may benefit the psychiatric health of children and provide improved opportunities for assistance. The Ombudsman is dedicated to enhancing skills in the Sami language and culture in all municipalities that are home to Sami inhabitants such that Sami children are ensured solid and culturally-sensitive support.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should work towards instilling an understanding of Sami culture within the health service in order to ensure that Sami children receive adequate support.

Child welfare services for Sami children

The report, "The Status of and Need for more Knowledge within the Child Welfare Service in Norway's Sami areas,"⁸⁷ highlights a substantial lack of knowledge on Sami children within child welfare services; and the data that does exist is mainly related to the situation in Finnmark. The study offers concrete recommendations in terms of measures aimed at lessening the shortage of information within child welfare services. Of these, the Ombudsman for Children would like to draw particular attention to increasing the focus on Sami culture within the basic training of child welfare officers. The Ombudsman believes that this is important given that most Sami people in Norway live in areas where they are a minority group and that there is a need for competency in Sami culture in the rest of the country.



The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should work towards ensuring the integration of Sami cultural knowledge into the basic training of child welfare officers.

2) Roma children (Norway's Rep. 567 – 569)

The number of Roma children of legal school age in Norway is unknown. Estimates vary between 50 and 150 children. The Ombudsman believes that there are particular challenges related to Roma children in Norway.

Schooling

In 2000, the Committee on the Rights of the Child expressed concern about the fact that many children of Roma people do not complete compulsory schooling. The Ombudsman continues to be concerned by the fact that Roma children demonstrate high levels of absence.⁸² Not only does non-attendance have negative repercussions on the child's schooling and ability to participate in society compared to other children, but it makes it more difficult for the school to detect violations of the child's rights in other areas. As the Ombudsman understands it, uncertainty remains in schools in terms of the routines to be followed and what constitutes invalid absence. This uncertainty is linked to the nature of the rights of Roma children in accordance with international conventions in relation to travelling and absence as part of cultural practices. Responsibility rests with the government to clarify the routines to be followed in terms of the Education Act and other legislation in order to ensure that schools follow similar practice in relation to absence, reporting to child welfare services and the police.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should implement improved routines for following up Roma children with high levels of absence from school. In addition, stable supply of resources should be provided to schools with Roma pupils.

Child welfare

Several child welfare offices report that cases involving Roma children are complicated for a number of reasons. Firstly, many Roma children escape back to their families after having been placed in care. Secondly, there is uncertainty surrounding to what extent cultural affiliation should be emphasised in assessing the placement of children in care. A study conducted in Sweden⁸⁸ concluded that child welfare service personnel show more caution when intervening in cases involving Roma children than in cases involving other children. There was also a lack of knowledge about working with the Roma population.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should consider implementing mapping of child welfare cases involving children with Roma backgrounds.

Housing

The housing situation for the Roma population is unstable. As a result, many children are moved from school to school and have to start afresh several times in the course of their schooling. Several institutions have identified stable housing as extremely important in terms of keeping children in school; additional measures should therefore be implemented in order to ensure that Roma people are provided with housing.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should implement additional measures to ensure stable housing for the Roma population.



Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography

The Ombudsman for Children has received messages of concern from several organisations in connection with unaccompanied minors who appear to have been recruited as drug dealers in Norway.⁸⁹ Drug and alcohol care workers, who encounter such children in the course of their work, relate that these children are extremely difficult to get in touch with, because, amongst other things, care workers believe that contact is being obstructed by adults in this environment. Feedback received by the Ombudsman for children indicates that a high proportion of these children are victims of human trafficking.

There are currently no good routines in place to detect these children and they become “hot potatoes” passed between the immigration authorities, the police and child welfare services. According to information the Ombudsman has received from several organisations, some children are registered as unaccompanied minor asylum-seekers but disappear from reception centres. Some of these children are living illegally in Norway and are not registered in any system. The Ombudsman for children is extremely concerned about the situation for these children.

The Ombudsman requests that the Committee make the following recommendation to the State Party:

The State party should develop increased competence in the detection of, and ensure provision of adequate services to, children living in Norway without caregivers and who are recruited to carry out illegal activities.

In addition, the Ombudsman for Children refers to the recommendations in the section on human trafficking in the Supplementary Report to the UN Commission on the Rights of the Child, see section 7 d).



LITTERATURLISTE

- [1] The Ombudsman for Children, letter to Barne Lovutvalget 1. september 2009, http://www.barneombudet.no/temasider/familie_samvar/barn_og_sa/arkiv/ny_barneLov/NOU_2009:1_Kapittel_14_Individ_og_integritet_Personvern_i_det_digitale_samfunn.
- [2] The Patient's Rights Act of 2. juli 1999 nr. 63 § 4-4.
- [3] Lidén H., Rusten H., Aarset M.F. (2008) *Å høre barn i utlendingssaker*, Rapport nr 2008:2, Oslo, The Institute for Social Research (ISF)
- [4] Ministry of Children and Equality and the Norwegian Board of Health Supervision: Utsatte barn og unge- behov for bedre samarbeid. [Vulnerable children and adolescents – need for better cooperation] Rapport 5/ 2009, http://www.helsetilsynet.no/upload/Publikasjoner/rapporter2009/helsetilsynetrapport5_2009.pdf
- [5] Norwegian Board of Health Supervision: Ikkje likeverdige habiliteringstenester til barn, [“Variable Services for Children with Special Needs”], Rapport 4/2007, http://www.helsetilsynet.no/templates/Document_8805.aspx
- The Office of the Auditor General: Undersøkelse av tilbudet til barn og unge med psykiske problemer, [Survey of services for children and young people with mental health problems], Document 3:7 (2006-2007), http://www.riksrevisjonen.no/Aktuelt/Nyhetsarkiv/Nyhet_Tilbudet_til_barn_og_unge_med_psykiske_problemer.htm
- [6] Mossige, S. og Stefansen, K. (2007). *Vold og overgrep mot barn og unge. En selvrapporтерingsstudie blant avgangselever i videregående skole*. Rapport 20/07, Oslo, NOVA
- [7] NOAS and Save the Children (2006) *“Mamma vet hvor gammel jeg er” En kartlegging av aldersvurderingen av enslige mindreårige asylsøkere*, http://www.reddbarna.no/default.asp?V_ITEM_ID=9907
- [8] Foreningen for Fangers Pårørende. <http://www.fpp.no/>
- [9] Norwegian Board of Health Supervision: Ikkje likeverdige habiliteringstenester til barn, [“Variable Services for Children with Special Needs”], Rapport 4/2007
- [10] Ministry of Children and Equality and the Norwegian Board of Health Supervision: Utsatte barn og unge- behov for bedre samarbeid. [Vulnerable children and adolescents – need for better cooperation] Rapport 5/ 2009
- [11] Sandbæk, M. og Einarsson. J. H. (2008). Children and young people report to the UN on their rights. Annex to Norway's fourth report on the Convention on the Rights of the Child. Report Nr 2/08, Oslo, NOVA
- [12] Ministry of Children and Equality (2009). Press release. <http://www.regjeringen.no/nb/dep/bld/pressesenter/pressemeldinger/2009/overforing-av-omsorgsansvaret-fra-udi-ti.html?id=570369>
- [13] Oppedal, B. m. fl. (2008) *Psykososial tilpasning og psykiske problemer blant barn i innvandrerfamilier*. The Norwegian Institute of Public Health 2008:14
- [14] Organisasjonen mot offentlig diskriminering (2006) *Pionerer i Norge: Ung, svart og norsk*, Oslo, OMOD-rapport
- The Equality and Anti-discrimination Ombud (2008): “Kartlegging av diskriminering i statlig sektor– første trinn?”, Oslo, http://www.regjeringen.no/upload/BLD/Diskriminering/Rapport_diskriminering_i_statlig_sektor_feb_2008.pdf
- [15] The Ombudsman for Children (2008): “Retten til medvirkning for samiske barn og unge” [“The Right to Participate for Sami Children and Young People”], http://www.barneombudet.no/publikasjoner/retten_til/
- [16] Kale, E. (2006): *Vi tar det vi har. Om bruk av tolk i helsevesenet i Oslo. En spørreundersøkelse*. Norwegian Center for Minority Health Research, skriftserie om minoriteter og helse 2/2006. Oslo, NAKMI.
- Directorate of Integration and Diversity: Fastleger og tolketjenester [Doctors and translation services], IMDI- report 6-2007
- Directorate of Integration and Diversity: Bruk av tolk i barnevernet [Use of interpreters in the Child Welfare Service], IMDI-report 5- 2008
- [17] Ministry of Children and Equality (2009): Handlingsplan for å fremme likestilling og hindre etnisk diskriminering (2009-2012), http://www.regjeringen.no/nb/dep/bld/dok/rapporter_planer/planer/2009/handlingsplan-for-a-fremme-likestilling-.html?id=555077
- [18] Bredal, A. (2007): *Tvangsekteskapsaker i hjelpeapparatet. Omfang og utfordringer*. Senter for Kvinne og kjønnsforskning, University of Oslo, http://www.sfk.uio.no/til_nedlasting/Rapport_Anja%20Bredal.pdf
- Neuymayer, S. M., Melinda A. M. og Sveaass, N. (2008): *Forebygging av vold i oppdragelsen*. Nasjonalt kunnskapssenter om vold og traumatisk stress (NKVTS), http://www.nkvts.no/biblioteket/Sider/Info_VoldOppdragelseMinoritetsforeldre.aspx
- Directorate of Integration and Diversity: Ungdom med innvandrerbakgrunn. Verdier, normdannelse og livsvalg-en kunnskapsstatus. IMDI report 10-2008.
- [19] Skjørten, K., Survey cited at NRK: <http://www.nrk.no/nyheter/1.6655558> [20.07.2009]
- Strandbu, A. (2007): *Barns deltakelse og barneperspektivet i familierådsmodellen*. Tromsø, University of Tromsø
- Strandbu, A. og Vis, S. A. (2008): *Barns deltakelse i barnevernssaker*. Nord-Norge: Barnevernets Utviklingssenter
- [20] Skjørten, K., Survey cited at NRK: <http://www.nrk.no/nyheter/1.6655558> [20.07.2009]
- [21] Strandbu, A. (2007): *Barns deltakelse og barneperspektivet i familierådsmodellen*. Tromsø: University of Tromsø



- [23] Norwegian Directorate for Children, Youth and Family Affairs (2007): "Hvor finner jeg det? Eksempler på informasjon til barn og unge", http://www.bufetat.no/filestore/Bufetatno-dokument/Ungdom/Bufdir_brosjyre_2007_lav.pdf
- [24] Foreningen for Fangers Pårørende. <http://www.fpp.no/>
- [25] Foreningen for Fangers Pårørende (2007): *Helse og livskvalitet for fangers pårørende*, <http://www.fpp.no/modules.php?op=modload&name=News&file=article&sid=22&mode=thread&order=0&thold=0>
- [26] Reports from County Governors, <http://www.fylkesmannen.no>
- [27] The Office of the Auditor General of Norway: Riksrevisjonens virksomhetsanalyse av det statlige barnevernet (Bufetat), Dokument nr. 3:6 (2007–2008), http://www.riksrevisjonen.no/NR/rdonlyres/D85ECB8C-FCED-4AEB-8AA5-F0340B7B1963/0/Dok_3_6_2007_2008.pdf
- [28] Reports from County Governors: <http://www.fylkesmannen.no>
- [29] Statistics Norway(2009): <http://www.ssb.no/barneverng/>
- [30] <http://www.dagsavisen.no/innenriks/article419404.ece>
- [31] Stang, E. G. (2007): *Det er barnets sak. Barnets rettsstilling i sak om hjelpetiltak etter barnevernloven § 4-4*. Oslo, Universitetsforlaget
- [32] Ibid
- [33] Reports from County Governors, e.g. <http://www.fylkesmannen.no/fagom.aspx?m=19649&amid=2511441>
- [34] Mossige, S. og Stefansen, K. (2007). *Vold og overgrep mot barn og unge. En selvrporteringsstudie blant avgangselever i videregående skole*. Rapport 20/07, Oslo, NOVA
- [35] Kodal-saken, see County Governor inspection report: <http://www.fylkesmannen.no/hoved.aspx?m=3492&amid=2565834>
- Nittedal-Municipality, se granskingsrapport: http://www.nittedal.kommune.no/upload/A_Sladdet%20granskingsrapport.pdf?epslanguage=en
- [36] Øverlien, C og Sogn, H. (2008): *Kunnskap gir mot til å se og trygghet til å handle*. Oslo, NKVTS Rapport 3/2007, http://www.nkvts.no/biblioteket/Sider/Info_KunnskapMotHandle.aspx
- [37] Øverlien, C., Jacobsen, M., Evang A. (2009) *Barns erfaringer fra livet på krisesenter. En landsomfattende studie om flukter, oppholdet og forestillinger om fremtiden*. Oslo, NKVTS Rapport 2/2009, http://www.nkvts.no/biblioteket/Sider/Info_Barnserfaringerfralivetpakrisesenter.aspx
- [38] Ibid
- [39] US Department of Health and Human Services: *Child Maltreatment: Fact Sheet* <http://www.cdc.gov/ncipc/factsheets/cmfacts.htm>
- [40] Falck, S. og Vorland, N. (2009) *Problemer har ikke kontortid. Akuttberedskapen i barnevernet*. Rapport 5/2009, Oslo, Nova. <http://www.nova.no/?id=19914>
- [41] Allertsen, L. M og Kalve, T. (2006) *Innvandrerbarn i barnevernet 2004*, Oslo, SSB rapport 2006/19
- Bredal Anja og Lill Salole Skjerven. 2007. *Tvangsekteskapsaker i hjelpeapparatet : Omfang og utfordringer*. Oslo: Universitetet i Oslo
- Mossige, S. og Stefansen, K. (2007) *Vold og overgrep mot barn og unge. En selvrporteringsstudie blant avgangselever i videregående skole*. Rapport 20/07, Oslo, NOVA
- Schou, L., Dyb, G. og Graff-Iversen, S. (2007) *Voldsutsatt ungdom i Norge*. Folkehelseinstituttet og Nasjonalt Kunnskapssenter om vold og traumatisk stress. Rapport 2007:8.
- [42] Letter from Norwegian Directorate for Children, Youth and Family Affairs to the Ombudsman for Children 17.04.2009.
- [43] The Norwegian Board of Health Supervision: *Ikkje likeverdige habiliteringstenester til barn*, Report 4/2007, http://www.helsetilsynet.no/templates/Document_8805.aspx
- [44] Norwegian Directorate of Health (2007): *Utviklingstrekk i helse- og sosialsektoren, IS-1443*, Ministry of Children and Equality and the Norwegian Board of Health Supervision: *Utsatte barn og unge- behov for bedre samarbeid. [Vulnerable children and adolescents – need for better cooperation]* Rapport 5/ 2009
- Andersson, H. W. og Steihaug, S. (2008) *Tilgjengelighet av tjenester for barn og unge med psykiske problemer: Evaluering av Opptrappingsplanen for psykisk helse*, Sintef rapport A 4727. <http://www.sintef.no/upload/Helse/Psykisk%20helse/Pdf-filer/Rapport%20A4727%20Sluttrapport%20Opptrappingsplanen%20-%20tilgjengelighet.pdf>
- [45] Norwegian Directorate of Health: *Ventetider og pasientrettigheter 2.tertial, 10/2008*, http://www.helsedirektoratet.no/publikasjoner/rapporter/ventetider_og_pasientrettigheter_2_tertial_2008_272074
- [46] The Office of the Auditor General of Norway: *Undersøkelse av tilbudet til barn og unge med psykiske problemer*, Dokument 3:7 (2006-2007), http://www.riksrevisjonen.no/Aktuelt/Nyhetsarkiv/Nyhet_Tilbudet_til_barn_og_unge_med_psykiske_problemer.htm,
- The Norwegian Board of Health Supervision: *Tjenestetilbudet til personer med psykiske lidelser*, Rapport 8/2007, http://www.helsetilsynet.no/templates/ArticleWithLinks_9081.aspx
- [47] Lidén, H. og Bentzen, T. 2008 *Kjønnslemlestelse i Norge* Institutt for samfunnsforskning 2008:8. Se også artikkel i [Aftenposten](http://www.aftenposten.no) 08.06.09.



- [48] St.meld. nr. 20 (2006-2007), Nasjonal strategi for å utjevne sosiale helseforskjeller
- [49] Ibid.
- [50] Norwegian Board of Health Supervision (2007): *Tjenestetilbudet til personer med psykiske lidelser* [Services for persons with mental health problems] 8/07 fra Helsetilsynet,
- [51] Andersson, H. W. (2009) *Pasienter og behandlingstilbud i psykisk helsevern for barn og unge*. SINTEF-rapport 2/09
- [52] Nadim, M. og Nielsen R.A. (2009): Barnefattigdom i Norge. Sammendrag. Fafo-rapport 2009:45
- [53] Ytrehus, S. (2004): *Fattige barn i Norge. Hvem er de og hvor bor de?* Fafo-rapport 445
- [54] Ytrehus, S. (2004): *Fattige barn i Norge. Hvem er de og hvor bor de?*. Fafo-rapport 445, <http://www.fafo.no/pub/rapp/445/445.pdf>
- Save the Children (2008): *Se meg nå*. Save the Children - report
- [55] Fløtten, T. (2006): Barnefattigdom – hva er det og hva gjør vi med det? I: *Fattigdom blant barn, unge og familier – et kunnskaps- og erfaringshefte* fra Barne- og likestillingsdepartementet, http://www.regjeringen.no/upload/kilde/bld/bro/2006/0001/ddd/pdfv/271804-fattigdom_web.pdf
- [56] Government inspections from 2006-2008: www.fylkesmannen.no, NOU 2009:18. Rett til læring. Ministry of Education and Research
- White Paper No. 31 on quality in school (2007-2008) *Kvalitet i skolen*. Ministry of Education and Research
- Funksjonshemmedes Fellesorganisasjon (2008): *Rett til spesialundervisning i praksis. En rapport om spesialundervisning i grunnskolen og videregående skole*, FFOs Rettighetssenter, Skriftserie 07/08, http://www.ffe.no/upload/Rettighetssenteret/Dokumenter/spesialundervisning_inkl_forside.pdf
- [57] Norwegian Federation of Organisations of Disabled People, FFO (2008): *Rett til spesialundervisning i praksis. En rapport om spesialundervisning i grunnskolen og videregående skole*, Skriftserie 07/08
- [58] White Paper No. 16 (2006-2007). *Og ingen sto igjen. Tidlig innsats for livslang læring*. Kunnskapsdepartementet
- [59] NOU 2009:18. Rett til læring. Ministry of Education and Research
- [60] Organisation for economic cooperation and development (OECD). 2007. Report: PISA-survey.
- [61] NOU 2009:18. Rett til læring, Ministry of Education and Research
- [62] White Paper No 31 on quality in school (2007-2009) *Kvalitet i skolen*, Ministry of Education and Research
- [63] Johansen, V. og Schanke, T. (2009): *Trivsel og fravær i videregående opplæring*. ØF-rapport nr. 8, 2009. Lillehammer: Østlandsforskning
- [64] Ahmad, S, Døving, C, A Skinstad Van der Kooij, K, Storeng, M. Aarsæther, F., Østberg, S. 2006 *Skolegang i Pakistan, Barn med innvandrerbakgrunn som går på skole i foreldrenes opprinnelsesland*. Oslo University College. [NRK Østlandssendingen 04.05 2007](http://www.nrk.no/ostlandssendingen/04.05.2007)
- [65] Norwegian Directorate for Education and Training (2007): *Veiledning - minoritetsspråklige barn og ungdom på skole i foreldrenes opprinnelsesland* <http://www.udir.no/Brosjyrer/Veileder-om-minoritetsspraklige-barn-og-unge-pa-skole-i-foreldrenes-opprinnelsesland/>
- [66] Norwegian Directorate for Education and Training (2008): *Elevundersøkelsen [the Student Survey] 2007-2008 – Nasjonal brukerundersøkelse*
- [67] Norwegian Directorate for Education and Training: National inspections (letter to Ministry of Education and Research 26.08.2008), <http://www.utdanningsdirektoratet.no/Sokeresultat/?quicksearchquery=tilsyn>
- [68] Forskrift om miljørettet helsevern i barnehager og skoler. FOR 1995-12-01 nr 928. Ministry of Health and Care Services
- [69] Survey adopted by the Ombudsman for Children: http://www.barneombudet.no/temasider/skole_og_b/skole_og_b/arkiv/arbeidsmil1/
- [70] TNS Gallup: Report from Norwegian Directorate for Education and Training (2008): *Status for Godkjenning av skoler i Norge*, http://udir.no/upload/Rapporter/helsevern/kartlegging_miljorettet_helsevern.pdf
- [71] Norwegian Directorate for Education and Training: National inspections (letter to Ministry of Education and Research 26.08.2008), <http://www.utdanningsdirektoratet.no/Sokeresultat/?quicksearchquery=tilsyn>
- [72] The Ombudsman for Children (2008): *Retten til medvirkning for samiske barn og unge* [“The Right to Participate for Sami Children and Young People”], http://www.barneombudet.no/publikasjoner/retten_til/
- Jamå, E. M. (2008): *Vi vet bare at de har en annerledes kultur, men vi lærer ikke å forstå den*. Masteroppgave i sosial samfunnspsykologi, NTNU, Trondheim.
- [73] Newspaper *Dagsavisen*. Asylbarna sliter psykisk. Nettutgave 12.08.2008., <http://www.dagsavisen.no/innenriks/article363486.ece>
- [74] Berg B., Sveaass N. m.fl. 2005. *Det hainnle om å leve. Tiltak for å bedre psykisk helse for beboere i asylmottak*. Report from SINTEF og NKVTS.
- Norwegian Directorate of Health (2009): *Migrasjon og helse, Utfordringer og utviklingstrekk*. IS 1663/2009 http://www.helsedirektoratet.no/publikasjoner/rapporter/migrasjon_og_helse_utfordringer_og_utviklingstrekk_418374
- [75] Norwegian Directorate of Health (2009): *Migrasjon og helse, Utfordringer og utviklingstrekk*. IS 1663/2009 http://www.helsedirektoratet.no/publikasjoner/rapporter/migrasjon_og_helse_utfordringer_og_utviklingstrekk_418374



[76] NOU 2008:15:45-46. *Om Barn og straff*. Ministry of Justice and the Police

[77] Kvello, Ø., Wendelborg, C. 2009 *Prosessevaluering av det treårige prosjektet: Oppfølgingsteam for unge lovbrøyttere i Kristiansand, Oslo, Stavanger og Trondheim* NTNU Samfunnsforskning

[78] *Police custody*: When someone arrested or brought in is put in a room (a cell) until he/she is released or transferred to an ordinary prison. Police custody is administered by the local police authority.

Detention in custody: When a person is detained in prison while a crime is investigated. The court decides whether a person will be detained in custody. A person may be remanded in police custody for up to a maximum of three days prior to detention in custody.

Post-conviction imprisonment: When a court has imposed the sentence of deprivation of liberty. The sentence may be served in prisons with varying levels of openness and security. Some people carry out all or parts of their sentence in alternative institutions.

[79] Mossige, S. og Stefansen, K. (2007). *Vold og overgrep mot barn og unge. En selvrporteringsstudie blant avgangselever i videregående skole*. Rapport 20/07, Oslo, NOVA

[80] Øverlien, C. og Sogn, H. (2007): *Kunnskap gir mot til å se og trygghet til å handle*. Rapport nr 3/2007, NKVTS

[81] Mossige, S. og Stefansen, K. (2007): *Vold og overgrep mot barn og unge. En selvrporteringsstudie blant avgangselever i videregående skole*. Rapport 20/07, Oslo, NOVA

[82] Grande, H. B. (2005): *Sex og sånn*. Ungdoms innspill til seksualiseringsdebatten. Report from Save the Children

[83] The Children House at Hamar (2008) Annual Report:

[84] Hero asylum reception centres, Hvalstad transittmottak. 2008. Årsrapport. Menneskehandelsteamet

[85] The Ombudsman for Children 2008. Retten til medvirkning for samiske barn og unge [The Right to Participate for Sami Children and Young People]. http://www.barneombudet.no/publikasjoner/retten_til/

[86] Kvernmo, S.E. (2001): *Psykisk helse hos samisk, norsk og kvensk ungdom* Tidsskrift for Norsk Lægeförening 2001; 121: 341.

Sámediggi Council's youth conference 2008

[87] Barnevernets utviklingscenter i Nord Norge (2007): Kunnskapsstatus og kunnskapsbehov for barnevernet i samiske områder av Norge.

[88] Sosialstyrelsen (2006): Omhändertakanden av romska barn, Artikel nr. 2006-131-36, <http://www.sosialstyrelsen.se/NR/rdonlyres/BF0146AB-0830-4EA4-9A56-93ADD15116DD/6790/200613136.pdf>

[89] Letter to Barneombudet fra Landsforeningen for Utekontakter, Fellesorganisasjonen (FO-klubben i Rusmiddeletaten) og Sosiale institusjoners fagforening (SIF).

