

Norwegian Ombudsman for Children
Submission to the Universal Periodic Review of Norway,
6th UPR Session, Nov/Dec 2009
Submitted 20 April 2009

The Ombudsman for Children in Norway is an independent and non-partisan institution established by the Parliament to monitor and promote children's rights and interest in Norway. The Ombudsman is given a particular mandate to monitor whether Norwegian law and administrative routines are in accordance with Norway's obligations to the Convention on the Rights of the Child (CRC).

The Ombudsman's submission focuses on some crucial areas of concern. Due to the space constraints, there will be issues of concern that are not addressed. The Ombudsman's submission will focus on promotion and protection of human rights on the ground and on implementation of international human rights obligations.

1) Right to life, liberty and security of the person

a) Domestic violence

Studies show that children in Norway are both exposed to and are made witness to domestic violence in violation of CRC art 19.¹ It is the impression of the Ombudsman for Children – one which is supported by studies² – that agencies in the support system, such as the health service, the police, the child welfare service and the schools, are lacking in good routines for and competence in identifying children who are exposed to domestic violence and neglect. There is also a need for more knowledge in terms of both scope and measures. **This is an area of great concern and the Ombudsman highly recommends more research, as well as establishment and implementation of improved routines to identify and protect children that are exposed to violence.**

Several national studies also conclude that children from ethnic minority backgrounds are more exposed to domestic violence than the majority population when adjusted for other factors such as poverty.³ **The Ombudsman for Children recommends that the Norwegian government increase awareness and knowledge of culturally-conditioned violence within the support system. The Ombudsman also recommends that the government provide parents with adequate alternatives to using physical punishment.**

b) Services

Particularly vulnerable groups, such as children who have been exposed to violence or neglect, children who commit crimes or children with special needs, require close follow-up and coordination of services. Supervision reveals that very few municipalities manage to follow up on children with serious problems in a satisfactory way.⁴ Weaknesses exist in the organisation and coordination of work on identifying, investigating and following up children who are in need of help⁵. **The Ombudsman considers this to be extremely worrisome, and urges the government to act immediately to ensure that services offered to children are well organized and coordinated in their best interest, cf. CRC art 3.**

i) Child Welfare Service

In Norway, the Child Welfare Service is the body assigned with responsibility for following up and assisting children who are exposed to violence or neglect in the home. Supervisory reports from across the country show that the service does not function satisfactorily.⁶ Child

protection referrals which ought to have been followed up are dismissed, deadlines often fail to be met and there are considerable geographical variations in the way in which the Child Welfare Service manages its duties. The Ombudsman is constantly being informed that the service is underbudgeted and it is therefore very concerned about how the Child Welfare Service can manage to perform the duties it is required to perform by law. **The Ombudsman for Children strongly urges that greater resources be allocated to the Child Welfare Service as soon as possible so that children can receive the follow-up and assistance to which they are entitled cf. CRC art 19.**

Children who are living in foster homes are entitled to an assigned supervisor to ensure that they are being well looked after. In its comments to Norway in 2005, the UN Committee on the Rights of the Child expressed concern over the lack of supervisors⁷. National supervision shows that there are still many children who are not assigned a supervisor and that the children are not followed up by an independent person as often as they are supposed to be⁸. **The Ombudsman recommends that the government take urgent action to ensure that all children in foster care have a supervisor.**

ii) Health service

In the Ombudsman's opinion, the Norwegian authorities do not give sufficient priority to health services for children and adolescents cf. CRC Article 24. Studies show that there is a lack of quality control and inadequate services when it comes to mental health care, both in the municipalities and in the specialist health services.⁹ The average waiting time to receive help from the specialist health service is 70 days.¹⁰

A better organised and equipped mental health care service in the municipalities would help children and adolescents at an earlier stage in the development of their problems and reduce the waiting lists for the specialist health service. School Health Service which is a very important low threshold service for children and adolescents has poor resources, insufficient time and too few personnel. In some places it is non-existent.¹¹ **The Ombudsman recommends that School Health Service be seriously strengthened with necessary allocations.**

iii) Children with disabilities

The supervision undertaken by the Norwegian Board of Health Supervision in 2007 reported that the services for children with special needs had significant deficiencies, were randomly provided and were poorly coordinated in many areas.¹² In three of four municipalities, deficiencies were detected in routines and measures that should ensure coordinated planning and regular follow-up of services for children with special needs. In practice, it was often the parents who had the role of coordinator. **The Ombudsman is concerned that children with disabilities are not receiving the follow-up to which they are entitled under Article 23 of the CRC and recommends that the government take steps to improve the situation.**

2) Equality and non-discrimination

The Ombudsman is concerned about the insufficient use of interpreters in the health and child care services.¹³ Uncertainty over who is responsible for providing interpreters, the insufficient use of interpreters, use of children as interpreters and the lack of training in the use of interpreters are all problematic for children's access to public services and the prohibition against discrimination under Article 2 of the CRC. **The Ombudsman recommends that the government take serious action to improve the interpretation service.**

In Norwegian research and statistics, ethnic indicators, such as country of origin or native tongue, are rarely used.¹⁴ Moreover, researchers are subject to very stringent restrictions on the use of ethnic indicators in their work. This means that it is more difficult than in other countries to identify possible patterns of discrimination and thereby initiate specific measures aimed at certain groups in society. **The Ombudsman considers this to be a problem with respect to being able to create good, specific measures, and urges the government to revise its policy on this matter.**

Several reports show that adolescents from ethnic minority backgrounds feel stigmatised by and lack trust in the police.¹⁵ **The Ombudsman regards this as a worrying trend, and recommends the government to take action to reverse it.**

3) Juvenile justice

The Ombudsman is deeply concerned about the follow-up of children who commit serious or repeated crimes, particularly children who are in prison or police cells. The Ombudsman regards the situation for children in prison today to be in breach of the CRC. In violation of Article 37 of the CRC, children are placed in ordinary prisons with adults and, to a large extent, under the same conditions. This treatment of children is detrimental to their right to development and possibility for rehabilitation, cf. Articles 6 and 40 of the CRC.

The Ombudsman is also very critical of the use of police cells to detain children. It is reprehensible that no national statistics exist on how many children are detained in police cells and for how long. The Ombudsman has spoken to children who told of how they had been detained in police cells for days. Although the detentions have been within the maximum three day limit, the Ombudsman is very concerned about children being detained in this manner, given that children describe the detention as very stressful.

The authorities are currently working on ways to improve the services for children who commit crimes. The Ombudsman is concerned that this is taking too long and that it is difficult to achieve good and coordinated follow-up of individual children. **The Ombudsman recommends the government to take urgent action to ensure basic human rights for juveniles in detention and prioritize alternatives to detention. The Ombudsman urges the government to compile national statistics on children in police detention.**

4) The right to be heard

Article 12 of the CRC states that children have the right to express their views and to be heard. In the Ombudsman's opinion, Norway does not adequately fulfil its obligations under the Convention regarding children's participation. The Ombudsman sees this as a problem with regard to both children as active participants in individual administrative cases and also with respect to children being active participants in their local communities.

Research shows that it varies to what extent children are given the opportunity to express their views in individual cases, e.g. in immigration cases and in the Child Welfare Service¹⁶. **The Ombudsman recommends that the government have a stronger focus on children's right to participate in individual cases within the support system.**

Norway has the potential to be a model-example with respect to children's participation, also in the local community. According to figures given in Norway's fourth report to the UN Committee on the Rights of the Child, only 75% of the municipalities have a political body of influence for young people. Moreover, there are significant differences between

municipalities in the amount of child participation within these 75%. **The Ombudsman recommends a binding mandate for and guidelines on work in connection with bodies of influence for children and adolescents at municipal, regional and national levels. In addition to this, all public institutions that make decisions relating to children and adolescents should have a strategy for listening to children and adolescents in accordance with CRC Article 12.**

5) Indigenous children and children of national minorities

a) Sami children

Sami children in Norway belong to an indigenous population and therefore have special rights under both national and international law.

The Ombudsman is very concerned about language instruction for Sami children. The problem is manifested in insufficient Sami teaching materials, lack of teaching personnel and a generally poor organisation of Sami language instruction on the part of the schools.¹⁷ In the opinion of the Ombudsman, the situation is unacceptable with regard to Sami children's right to non-discrimination under Articles 2 and 29 of the CRC, as well as Article 28 of the ILO Convention no. 169 concerning the right to learn their indigenous language. **The Ombudsman strongly urges the Norwegian government and the Sami Parliament to take the necessary steps to improve the situation.**

Mental health problems and suicide seem to be taboo subjects among the Sami people. Studies show that Sami adolescents outside the Sami core areas struggle more with mental health problems than other Sami.¹⁸ **The Ombudsman therefore recommends the government to increase expertise in Sami language and culture in all of the country's municipalities to ensure Sami children a proper support service.**

b) Roma children

Only vague estimates exist for how many Roma children of compulsory school age are living in Norway. Estimates vary between 50 and 150 children. **In the opinion of the Ombudsman, not knowing how many Roma children are living in Norway and where they are living is something which poses challenges, and should be addressed, ref. paragraph 2) above.**

In Norway, children have both a right and an obligation to compulsory education. The Ombudsman is concerned about the very high levels of absenteeism among Roma children.¹⁹ This level of absenteeism does not only affect the children's education and ability to participate in society on an equal par with other children; it also makes it difficult for schools to identify breaches of the children's rights in other areas. **The Ombudsman insists that the government does its utmost to ensure the right to education for Roma children.**

Norway has an obligation to ensure national minorities an education which respects and develops their cultures.²⁰ Norway has no teaching materials in the Roma language. **It is the Ombudsman's opinion that such teaching materials could contribute to generating interest and confidence in the Roma language and cultural identity and be a positive measure towards preventing discrimination, and recommends the government to produce such material.**

6) Right to education

Norway is a country with good welfare schemes, and the Norwegian school system holds a generally high standard. There is, for example, little difference in quality between public and private schools. Nevertheless, inspections by public supervisory authorities have produced documentary evidence that many children in Norway do not receive a proper education.²¹ For example, these authorities have revealed lack of systems to control that children under the care of the Child Welfare Service do receive an adequate education.

Furthermore, some children do not receive the amount of teaching hours which the government requires local school authorities to provide, and that the schools employ a large proportion of unqualified personnel or teachers who lack sufficient competence as teaching staff.²² Surveys among schoolchildren also indicate an increase in poor psychosocial environments, including bullying.²³

School legislation in Norway forms a good legal framework. However, the Ombudsman has found that there are serious challenges to its practice. The reason for this may be that breaches of provisions entail few consequences for the responsible bodies. The county governors, who serve as supervisory and appellate bodies, impose few binding instructions, penalty fees or other penal sanctions against local school authorities who break the law. This is problematic with respect to Articles 28 and 29 of the CRC. **Norway should implement measures which ensure that effective sanctions are imposed on school authorities who break the law.**

7) Migrants, refugees and asylum seekers

a) Unaccompanied asylum seekers

For some time, the Ombudsman has been concerned that unaccompanied minor asylum seekers are not adequately followed up. This particularly applies to those over the age of 15. Today the Child Welfare Service is responsible for caring for those under 15, while the immigration authorities are responsible for those above 15. The follow-up given by the immigration authorities is considerably poorer than that provided by the Child Welfare Service. This entails systematic discrimination, which is extremely problematic with regard to the prohibition against discrimination in Articles 2 and 22 of the Convention on the Rights of the Child and to children's right to development and care, cf. Articles 3, 6 and 39 of the Convention on the Rights of the Child. **The Ombudsman urges the government to provide equal and sufficient care to all asylum seeking children.**

Guardians have an important role in ensuring that the needs and rights of unaccompanied minors who are seeking asylum are met. Information provided to the Ombudsman indicates that the current scheme does not meet children's needs to an adequate degree. **The Ombudsman recommends that the work on a new guardianship act is speeded up, and the implementation of a national guardianship model that could contribute to creating a more uniform service for unaccompanied asylum-seeking children.**

b) Persons without legal status in Norway

It is a well known fact that, in Norway today, there are children and families with children who have no residence permits and who are living in hiding. This may be because their applications for residence permits were rejected or because they have not declared their entry into the country. The Ombudsman is concerned about the uncertain number of children living in hiding, what type of support service they are receiving and how these children are faring. **The Ombudsman recommends the authorities to obtain an overview of these children's situation and to strengthen the effort to secure their basic human rights.**

Notes

¹ Mossige and Stephansen (2007): *Vold og overgrep mot barn og unge (Violence and abuse against children and adolescents)*, NOVA www.nova.no

² Ministry of Children and Equality and the Norwegian Board of Health Supervision, (2009). *Utsatte barn og unge – behov for bedre samarbeid [Vulnerable children and adolescents – need for better cooperation]*. Report by Norwegian Board of Health Supervision 5/2009.

http://www.helsetilsynet.no/upload/Publikasjoner/rapporter2009/helsetilsynetrapport5_2009.pdf

³ Mossige and Stefansen (ibid),

Kalve and Allertsen (2006) *Innvandrerbarn i barnevernet 2004- 2006 (Immigrant children in the Child Welfare Service2004-2006)*, http://193.160.165.34/emner/03/03/rapp_200619/rapp_200619.pdf

Bredal and Skjerven (2007) *Tvangsekteskapsaker i hjelpeapparatet- Omfang og utfordringer (Forced marriages, extent and challenges)* University of Oslo,

http://www.sfk.uio.no/til_nedlasting/Rapport_Anja%20Bredal.pdf

Schou, Dyb and Graff-Iversen (2007) *(Violence against adolescents in six counties)* Folkehelseinstituttet 2007:8.

<http://www.fhi.no/dav/1a156dc0c4.pdf>

⁴ Ministry of Children and Equality and the Norwegian Board of Health Supervision, (2009). (ibid)

⁵ Concluding observation by the UN Committee on the Rights of the Child, CRC/C/15/Add.263 paras. 8 and 9

⁶ County Governor, <http://www.fylkesmannen.no>

⁷ Concluding observation by the UN Committee of the Rights of the Child, CRC/C/15/Add.263 paras. 25 and 26

⁸ County Governor (2009) <http://www.fylkesmannen.no/fagom.aspx?m=4137&amid=2511441>

⁹ The Office of the Auditor General Survey of services for children and young people with mental health problems, Document no. 3:7 (2006-2007),

http://www.riksrevisjonen.no/en/WhatsNew/PressReleases/2007/Press_release_Doc_3_7_2006_2007.htm,

"Tjenestetilbudet til personer med psykiske lidelser" [Services for persons with mental health problems] 8/07 by the Norwegian Board of Health Supervision,

http://www.helsetilsynet.no/upload/Publikasjoner/rapporter2007/helsetilsynetrapport8_2007.pdf

¹⁰ Norwegian Board of Health Supervision *Ventetider og pasientrettigheter 2. tertial* [Waiting time and patients' rights, 2nd tertial] 2008,

http://www.helsedirektoratet.no/norsk_pasientregister/publikasjoner/ventetider_og_pasientrettigheter_2_tertial_2008_272074

¹¹ Norwegian Directorate of Health,

http://www.helsedirektoratet.no/helsestasjon_og_skolehelsetjene/styrk_skolehelsetjenesten_317244,

Ministry of Children and Equality and the Norwegian Board of Health Supervision, (2009) (ibid)

¹² Norwegian Board of Health Supervision's report 4/07 "Ikke likeverdige habiliteringstjenester til barn" ["Variable Services for Children with Special Needs"],

http://helsetilsynet.no/templates/ArticleWithLinks_8801.aspx

¹³ IMDI (2007) *Fastleger og tolketjenester (Doctors and translation services)*, IMDI (2008) *Bruk av tolk i barnevernet (Use of translation services in the Child Protection Service)*, www.imdi.no

NAKMI (2006) *Vi tar det vi har (We use what we have)*,

<http://www.nakmi.no/publikasjoner/artikkel.asp?NyhetID=907&SprakID=1&SeksjonID=3>

ECRI report on Norway 2008. <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Norway/NOR-CbC-IV-2009-004-ENG.pdf>

¹⁴ ECRI report on Norway 2008 (ibid), CERD report on Norway 2005, Recommendation by the Open Society Institute EU 2008.

¹⁵ OMOD (2006) *Ung, svart og norsk (Young black and Norwegian)*,

http://www.omod.no/pdfs/Rapport_2006.pdf, The National Police Directorate 2008, ECRI report on Norway 2008 (ibid).

¹⁶ Seim, S. (2007) "Brukermedvirkning -et fremmedord for barn og ungdom i barnevernet" i S. Seim og T. Slettebø: *Brukermedvirkning i barnevernet*. Oslo: Universitetsforlaget, [Participation in the Child Welfare Authority]

Liden, Rusten, Aarset (2008): *Å høre barn i utlendingssaker [Child participation and the Immigration authorities]*, Institutt for samfunnsforskning. [http://www.samfunnsforskning.no/page/Publications//7982/36083-](http://www.samfunnsforskning.no/page/Publications//7982/36083-8255.html)

[8255.html](http://www.samfunnsforskning.no/page/Publications//7982/36083-8255.html)

¹⁷ Ombudsman for Children (2008) "Retten til medvirkning for samiske barn og unge" ["The Right to Participate for Sami Children and Young Yeople"].

¹⁸ Kvenmo (2000) *North Norwegian adolescents in a multiethnic context : a study of emotional and behavioural problems, ethnic identity and acculturation attitudes in Sami, Kven and Norwegian adolescents*, Sámediggi Council's youth conference 2008.

¹⁹ Oslo municipality (2008) *Absenteeism statistics*

²⁰ European Council's Framework Convention for the Protection of National Minorities, Articles 5 and 12 and Convention on the Rights of the Child, Article 29.

²¹ Government supervision in the period 2006-2008, *Report no. 31 to the Parliament*, <http://www.regjeringen.no/nb/dep/kd/dok/regpubl/stmeld/2007-2008/stmeld-nr-31-2007-2008-.html?id=516853>, FFO (Norwegian Federation of Organisations of Disabled People) 2008 *Report 2008*.

²² *Ibid.*

²³ Utdanningsdirektoratet (2007,2008) *Pupil survey 2007-2008*.