



Input to the “List of Issues” for Norway’s seventh report to the UN Committee on the Rights of the Child from the Forum for the UN Convention on the Rights of the Child in Norway

1st March 2023



Introduction and main challenges

Attached are recommendations to the “List of Issues” from the Forum for the UN Convention on the Rights of the Child in Norway (The Forum). The Forum consists of more than 50 organisations and institutions. The attached input thereby reflects the challenges faced by civil society in Norway and can serve to document the Norwegian authorities’ fulfilment of the provisions of the UN Convention on the Rights of the Child (The Convention).

The Forum would like to highlight the following areas from the attached “List of Issues” that we deem to be particularly important and that we hope that the UN Committee on the Rights of the Child (The Committee) will follow up in relation to the Norwegian authorities in conjunction with Norway’s seventh report to the Committee:

1. Lack of complaint procedure in the event of a breach of the UN Convention on the Rights of the Child in Norway

An important condition for fulfilling the rights laid down in the Convention is that national complaints can be raised in the event of any breach of the Convention. There is no overview of any such opportunities to raise complaints in Norway today. We therefore ask the Committee to request this from the Norwegian authorities. This is in addition to ratifying the UN Convention on the Rights of the Child’s Optional Protocol concerning an individual right to submit complaints.

2. Violence against and abuse of children in Norway

Far too many children and young people in Norway experience violence and abuse. We ask the Committee to follow up the topics in the questions we raise in section 5 and to challenge the Norwegian authorities concerning how they will safeguard children and young people’s right to protection from violence and abuse.

3. Children with disabilities

There is insufficient knowledge and expertise concerning how children with disabilities, and especially children with intellectual disabilities, can be included in society. These children are therefore often subject to complex discrimination by being denied the opportunity to be heard in cases concerning themselves, services provided, school/education choices, community engagement, etc. We therefore ask the Committee to ask which measures the Norwegian



authorities will take to detect and prevent the systematic discrimination to which children with disabilities, and especially children with intellectual disabilities, are exposed in Norway.

4. Acceptable standard of living and inequalities in municipal services

The number of children and young people growing up in families with persistently low incomes is increasing in Norway. We can also see that the municipal support system differs according to municipality of residence. As a consequence, children with mental health problems, for example, do not have access to the same services. We therefore ask the Committee to ask which measures are being implemented to ensure equal welfare provision for all children in Norway

5. Displaced children

Children who come to Norway as asylum seekers or refugees still experience that their rights are not protected in Norway. Unaccompanied minor asylum seekers in particular do not receive the same welfare provision from the child welfare service as other children in Norway and are exposed to unfair discrimination. We would therefore ask the Committee to follow up on the issue of safeguarding the rights of children fleeing conflict in their questions to the Norwegian authorities.



“LIST OF ISSUES” for Norway’s seventh report to the UN Committee on the Rights of the Child

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PART 1 GENERAL IMPLEMENTATION MEASURES (ARTICLES 4, 42, 44 (6.))

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

Lack of complaint procedure and ratification of the Third Optional Protocol to the UN Convention on the Rights of the Child

An important condition for fulfilling the rights laid down in the UN Convention on the Rights of the Child is that national complaints can be raised on any breach of the UN Convention. There is no overview of any such opportunities to raise complaints in Norway, nor has Norway ratified the Third Optional Protocol to the UN Convention on the Rights of the Child.

Question

1. The state party is asked to present an overview of available opportunities for children to raise complaints
2. What is the reason that Norway has not ratified the Third Optional Protocol to the UN Convention on the Rights of the Child?

Inequalities in municipal service provision

In several instances, the Committee has raised the need to ensure adequate resources for more equal provision of services for children throughout Norway. This concern is still relevant. The variations in the municipalities' resources also increases the risk and likelihood of unequal provision of services.¹

Question

1. How does Norway ensure equal provision of services for children and young people by the municipalities?

The business community's compliance with the UN Convention on the Rights of the Child

The Norwegian Parliament has recently passed a new act on business enterprises' transparency and work on fundamental human rights and decent working conditions (the Norwegian Transparency Act)². The Act states that Norwegian enterprises that sell goods and services have

¹ <https://www.unicef.no/vart-arbeid/norge/oppvekst/kommuneanalysen>

² <https://lovdata.no/dokument/NLE/lov/2021-06-18-99>



a responsibility to ensure that the working conditions of the suppliers do not violate human rights. Nevertheless, the Convention is not included in the statutory provision concerning which rights the companies must ensure that suppliers comply with, see Section 3 b) of the Act.

In addition, the authorities must strengthen cooperation with the business community to give children access to child-friendly technology adapted to the child's age and maturity and they must protect children and young people from commercial exploitation in digital media, including protection from exposure to marketing of unhealthy and harmful products.³⁴⁵

Question

1. Why is the Convention not included in the new Norwegian Transparency Act?
2. How does cooperation with the business community ensure that children have access to child-friendly technology and how are children and young people protected from commercial exploitation in digital media?

B. AWARENESS OF THE UN CONVENTION ON THE RIGHTS OF THE CHILD (ARTICLE 42)

Strengthen expertise concerning the UN Convention on the Rights of the Child

In its previous report, the Committee pointed out that it is important to provide systematic instruction in the Convention to everyone who works with children or makes decisions that affect children's rights. This has not been followed up by Norway. There is limited instruction for politicians and civil servants in municipalities concerning the Convention, even though they make important decisions concerning children's rights. The Convention is only mentioned once in the updated curricula.

Question

1. How is comprehensive and systematic instruction ensured for children and everyone who either works with or makes decisions that affect children's rights?

³ <https://www.barnevakten.no/visjon-om-barnevennlige-telefoner/>

⁴ <https://www.barneombudet.no/aktuelt/inyhetene/unge-for-darlig-beskyttet-mot-kommersiell-utnyttning-pa-nett>

⁵ Sing, F., Backholer, K. Strengthening Global Legislative Actions to Protect Children from the Harmful Impacts of Unhealthy Food and Non-alcoholic Beverage Marketing. *Curr Obes Rep* (2023). <https://doi.org/10.1007/s13679-023-00492-6>



PART 3 GENERAL PRINCIPLES (ARTICLES 2, 3, 6 AND 12)

A. NON-DISCRIMINATION (ARTICLE 2)

Unaccompanied asylum-seeking children in Norway are entitled to the same level of care as other children

Child welfare services are only assigned responsibility for children aged below 15, while children aged 15-18 reside in reception centres for which the immigration authorities are responsible.⁶ The conditions for unaccompanied minors aged 15-18 in reception centres are far poorer than those in care facilities, which are regulated by the Norwegian Child Welfare Act.⁷

Question

1. Why are unaccompanied asylum-seeking minors under 18 not given the same care under the Norwegian Child Welfare Act as other children in Norway?

Follow-up work with unaccompanied refugee minors after settlement

When unaccompanied minors have been granted a residence permit, local authorities decide how they want to organise and legally authorise the work with unaccompanied refugee minors. The Norwegian Child Welfare Act has various sections authorising housing and care services for this group. Responsibility can be assigned to child welfare services, but also to refugee service offices, The Norwegian Labour and Welfare Administration, or other service units.⁸ This is part of the reason why there are major differences between municipalities when it comes to the measures available, the quality of the follow-up work, and the supervision provided. The Norwegian Child Welfare Act also permits the granting of aftercare until a child turns 25, but research shows that most municipalities only offer aftercare until unaccompanied minors turn 20.⁹ Recent research shows that there are major differences between the municipalities and that it

⁶ Official Norwegian Report (NOU) 2011: 10, I velferdsstatens venterom – Mottakstilbudet for asylsøkere (In the welfare state's waiting room – reception conditions for asylum-seekers); Lidèn, Levekår i mottak for enslige mindreårige asylsøkere (Living conditions in reception centres for unaccompanied asylum-seeking minors), 2013; Paulsen, Michelsen, Brochmann, Barnevernets arbeid med barn i asylsøkerfasen, NTNU Samfunnsforskning (Child welfare services' work with children in the asylum-seeker phase, NTNU Social Research), 2015; Aasen, Dyb, Lid, Forebygging og oppfølging av enslige mindreårige asylsøkere som forsvinner fra mottak og omsorgssentre, NIBR-rapport 2016:17 (Prevention and follow-up on unaccompanied asylum-seeking minors who disappear from reception centres and care facilities, NIBR (Norwegian Institute for Urban and Regional Research) report 2016:17).

⁷ Berg and Tronstad (NTNU og NIBR 2015), Levekår for barn i asylsøkerfasen (Living conditions for children in the asylum-seeker phase), NTNU Social Research and NIBR 20

⁸ Report from the Norwegian Institute for Social Research "Fra bosetting til voksenalv" (From settlement to adulthood) 2020

⁹ Garvik, Paulsen, Berg, Barnevernets rolle i bosetting og oppfølging av enslige mindreårige flyktninger (The child welfare service's role in settlement and follow-up of unaccompanied minor refugees), NTNU Social Research, 2016



is the municipality's economy that determines the provision for unaccompanied minors in the municipality.¹⁰

Question

1. Why are unaccompanied refugee minors not given the same follow-up under the Child Welfare Act as other children in Norway?

Complex discrimination

There is insufficient knowledge and expertise concerning how children with disabilities, and in particular children with intellectual disabilities, can be included in society.

Question:

1. What measures will the state party take to detect and prevent the systematic discrimination to which children with disabilities, and in particular children with intellectual disabilities, are exposed?

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

The best interests of the child in administrative decisions

Even though the best interests of the child are highlighted in various special legislation, this has not been proposed as a fundamental principle in the proposed new Norwegian Public Administration Act, even though this is recommended by the Committee.¹¹

Question

1. Will the best interests of the child be included in the new Norwegian Public Administration Act?
2. Are there plans for national guidelines on how to assess the best interests of the child and which weight it should be given in administrative decisions?

¹⁰ Report from the Institute for Social Research "From settlement to adulthood" 2020.

¹¹ <https://www.regjeringen.no/no/dokumenter/nou-2019-5/id2632006/>



Safeguarding the best interests of the child when placing siblings in foster care

Six out of ten children in Norway are separated from their siblings when they are placed in foster care, even though this should only occur where there is a professional assessment that siblings should not grow up together.¹²

Question:

1. How is it ensured that siblings are not separated when they are placed in foster care, unless this is in the best interests of the child?

A lack of individual assessment of the best interests of the child in family reunification cases and immigration cases concerning the expulsion of parents who are foreign nationals

The Norwegian Organization for Asylum Seekers and Save the Children Norway published a report in 2020 regarding the best interests of the child in expulsion cases.¹³ A main finding was the use of standard text in decisions from the Norwegian Immigration Directorate and the lack of collection of the information necessary to determine the best interests of the child. The immigration authorities also do not assess the real possibility of family reunification of these children after an expulsion, which must be a key component of the assessment of the best interests of the child.

After the publishing of the mentioned report, a government-appointed committee examined the threshold for expulsion in cases that affect children. The majority of this committee concluded in their 2022 report that the consideration of the child's best interest is not sufficiently taken into account in the immigration administration's practice.¹⁴ The committee also gave a set of recommendations, including changes in the legislation to ensure the child's best interest is given greater status as a fundamental interest in the weighing against other considerations. The government is not yet finished following up the committee's recommendations.

In humanitarian cases concerning children with prolonged illegal stays, the clear guidelines from December 2014 concerning assessment of the best interests of the child have significantly improved the decisions from the Norwegian Immigration Appeals Board. Such clear guidelines should also be implemented for expulsion and family reunification cases.

¹² <https://oda.oslomet.no/oda-xmlui/bitstream/handle/20.500.12199/6443/Nettutgave-NOVA-Rapport-11-17-S%c3%b8sken-og-plassering-i-fosterhjem.pdf?sequence=1&isAllowed=y>

¹³ https://www.noas.no/wp-content/uploads/2020/03/NOAS_Barnets-beste_rapport_WEB.pdf

¹⁴ <https://www.regjeringen.no/contentassets/dfd8b5b1d1e245139598a2d7437ac141/rapport.pdf>



In practice, it seems as if the threshold for families with prolonged illegal stay to gain residence permits on humanitarian grounds is lower than for family reunification between children with refugee status or Norwegian citizenship and their parents who are in Norway illegally.

Question

1. How does the state party ensure that assessment of the best interests of the child in expulsion and family reunification cases is based on sufficient information?
2. Please provide information on your regulations concerning how assessment of the best interests of the child is regulated in expulsion and family reunification cases?

C. RESPECT FOR THE CHILD'S VIEWS (ARTICLE 12)

Need to strengthen youth councils

A survey shows that in several municipalities it is teachers, principals or other adults who choose the members of the youth council.¹⁵ Youth councillors have also faced ridicule due to their opinions.¹⁶

Question

1. Please provide information on the measures taken to strengthen children and youth councils as representative bodies facilitating real and meaningful participation of children in decision-making processes on matters that concern them.
2. Please further provide information on initiatives or measures being taken or envisaged to ensure that all children can effectively participate in decision-making processes in schools and communities.

Voting rights for 16-year-olds

In 2020, a majority of the Norwegian Election Law Committee recommended that 16-year-olds should be given the right to vote in municipal and county council elections.¹⁷ A minority recommended that the voting age should be lowered to 16 years for parliamentary elections. There was good experience from a previous trial scheme with voting rights for 16-year-olds in

¹⁵ <https://framtida.no/2020/12/14/Inu-leiar-vaksne-kan-ikkje-velja-kven-som-skal-representera-ungdommen>

¹⁶ <https://www.sb.no/det-a-anta-at-grunnen-til-at-ungdomsradet-er-uenig-med-ordforeren-er-at-radet-ikke-har-forstatt-hva-de-har-foreslatt-vitner-enten-om-mistillit-overfor-var-evne-til-a-gjore-jobben-var-eller-om-arroganse-overfor-dem-som-er-uenig-med-hans-egen-holdning/o/5-73-1130084?fbclid=IwAR1fa657cREdQpSpQWRWrlacRnJDom5xThhgqZaVu83tsnDu0D131C94jMc>

¹⁷ <https://www.regjeringen.no/no/dokumenter/nou-2020-6/id2703131/>



local elections. In June 2022 the Parliament voted against the Committee's recommendation of lowering the voting age to 16 years.

Question:

1. Please provide information regarding the follow-up of the Norwegian Election Law Committee's recommendations, and which other measures are initiated to ensure that children get to participate in national and local policy making.

National guidelines on children's participation

Even though the principle of the child's right to be heard has been included in several special acts, there are no common national guidelines on when and how all children's right to participation can be complied with.

Question:

1. Are there joint national guidelines for how the right to participation should be applied in practice to all children?
2. How do the Norwegian authorities work to ensure all children's right to participation?

Child's right to be heard in expulsion and family reunification procedures

Three recent reports have raised concerns regarding the lack or limited direct hearing of children in expulsion cases affecting children.¹⁸¹⁹²⁰ A key finding is the lack of direct hearing of children in expulsion cases by both the Immigration Directorate and the Immigration Appeals Board. The appeals board published its own review of 54 cases, in which no children were heard directly by the board.

Question

1. How does the State Party ensure that the best interest of the child assessment in expulsion and family reunification is based on sufficient information?
2. How does the State Party ensure the child's right to be heard on cases concerning expulsion of a parent and family reunification?

¹⁸ "Terskelen for utvisning i saker som berører barn» (2022)

<https://www.regjeringen.no/contentassets/dfd8b5b1d1e245139598a2d7437ac141/rappport.pdf>

¹⁹ "Om høring av barn i utvisningssaker» (2022), FAFO. <https://www.fafo.no/zoo-publikasjoner/fafo-rapporter/om-horing-av-barn-i-utvisningssaker>

²⁰ "Barnets beste i utvisningssaker" (2020) NOAS og Redd Barna, https://www.noas.no/wp-content/uploads/2020/03/NOAS_Barnets-beste_rappport_WEB.pdf



Children’s right to be heard in cases concerning changes of legal gender

Children aged 6-16 who wish to change their legal gender must currently apply together with their parent(s) or legal guardian(s). If neither of the parents or guardians’ consent, there is no independent body from which the child can gain approval. Furthermore, children under the age of 6 may only have their legal gender changed if they have what is referred to as an innately uncertain somatic gender development, which must be documented by healthcare personnel.²¹

Question:

1. How are children and young people’s views heard in cases of changing legal gender?

PART 4 CIVIL RIGHTS AND FREEDOMS (ARTICLES 7, 8 AND 13-17)

A. NATIONALITY (ARTICLE 7)

Stateless children

Despite the Committee’s last recommendation Norway has not adopted a specific definition of statelessness in the law.

Question

1. Please provide information on the progress of adopting a legal definition of stateless persons, and on establishing legal and other safeguards to ensure that all children born in your country are entitled to a nationality at birth, if otherwise stateless.

B. IDENTITY (ARTICLE 8)

Intersex children

It is still unclear what the state party’s practice is when it comes to the medical treatment of conditions categorised as intersex conditions.

Question

1. The state party is asked to clarify the concepts of medically-somatic indicated interventions and psycho-social indication, and explain the distinction between them.

²¹ “Skeive barn og unge i barnevernet” (Queer children and young people in child welfare), Paulsen et al. 2020, NTNU Social Research and Sintef Health, Trondheim



About the right to identity for non-binary trans children and young people

Today, there are only two legal gender categories in Norway. Not all children and young people identify as either girls or boys. For these children to be able to live in line with their own identity, it is necessary to introduce a third legal gender alternative.

Question

1. How does the state party assess the introduction of a third legal gender alternative?

C. RIGHT TO FREEDOM OF EXPRESSION AND TO INFORMATION (ARTICLE 13)

Digital media and children

Internet harassment is a growing problem for the engagement of children and young people.²² Internet harassment can range from adults who harass young people for their political opinions, to shaming of young people's opinions as large-scale harassment in comment fields and in DMs.

Question

1. Please provide information on measures taken to stop internet hate speech, ensure safe digital spaces and the freedom of speech for children and youth
2. How will the state party safeguard children's right to protection from harmful media content in relation to their right to express their own opinions and receive information through digital channels?

Children receive an increasing amount of information through digital channels. The information is controlled more and more by algorithms based on the user's preferences and by commercial interests. Digital media also collect a large amount of personal information about children, and it is unclear how this information will be used by the parties that collect it.

²² <https://www.stoppfatprat.no/>, <https://www.uio.no/english/research/strategic-research-areas/nordic/research/research-groups/living-the-nordic-model/news/eu-kids-online-hovedrapport-for-norge-2019.pdf>, <https://www.medietilsynet.no/nyheter/aktuelt/medietilsynets-undersokelse-barn-og-medier-2020--fire-av-ti-13-18-aringer-har-sett-skremmende-eller-voldelig-innhold-pa-nett/> (Norwegian Media Authority's investigation of children and media 2020; four out of ten 13-18-year-olds have seen frightening or violent content online), <http://ytringsfrihet.no/status-for-ytringsfriheten-i-norge> (Status of freedom of expression in Norway), https://www.tietoevry.com/contentassets/27f4f634228946d6b6b7c8a4da3730bb/a_vokse_opp_pa_netts.pdf (Growing up online)



Question

1. How is it ensured that children receive information that is adapted to their level of maturity and age, and that their personal information is not shared with unauthorised persons?

PART 5 VIOLENCE AGAINST CHILDREN (ARTICLES 19, 24 (3), 28 (2), 34, 37 A AND 39)

A. ABUSE AND NEGLECT (ARTICLE 19)

Violence against children with disabilities

A scope survey from 2019 of 12-16 year-olds showed that children with hearing impairment, impaired vision and impaired mobility experienced far more violence and abuse than other children.²³ This concerns physical, psychological and sexual violence, by both adults and peers. However, there is a lack of knowledge about the extent of violence and abuse of children with other types of disabilities.

The lack of statistics makes it difficult to assess whether measures that have been implemented ensure that violence and abuse are identified, investigated, and prosecuted. Research shows that support and treatment services also have major flaws.²⁴

Question

1. What is being done to prevent and reveal violence and abuse of children with disabilities?
2. What is being done to obtain knowledge about the extent of violence and abuse of children with disabilities other than mobility impairment, hearing impairment and visual impairment?
3. What is the State party doing to ensure accessible support services for children with disabilities who experience violence and abuse?

Criminal records checks

Even though a criminal records check is required by, among others, kindergartens and schools, there are several offences that are not listed in a criminal record. Several of the remarks listed in

²³ https://www.nkvt.no/content/uploads/2019/10/Rapport_4_19_UEVO.pdf

²⁴ Gundersen, Madsen, Winsvold (NOVA 2014), Tjenestetilbudet til voldsutsatte personer med nedsatt funksjonsevne: (Provision of services for persons with disabilities who are subject to violence) <http://www.hioa.no/Om-HiOA/Senter-for-velferds-og-arbeidslivsforskning/NOVA/Publikasjoner/Rapporter/2014/> (University College of Oslo and Akershus/Centre for welfare and working life research/Provision of services for persons with disabilities who are subject to violence)



criminal records are also difficult to follow up in practice for the individual employer, while offences committed abroad are not included in Norwegian criminal records.

Question

1. What procedures does the State party have to ensure that persons with remarks listed in criminal records do not work with children?
2. What procedures does the State party have to ensure that persons who have been convicted of offences in Norway or abroad, and which are not listed in the current criminal records, do not work with children?

B. SEXUAL ABUSE AND SEXUAL EXPLOITATION (ARTICLE 34)

Knowledge and competence to act

Only one in five children who have experienced violence or abuse have been in contact with the professional support system, such as a public health nurse, the police or the child welfare services.²⁵ In order for violence and child abuse to be discovered and stopped, it is necessary that these children encounter adults in schools and kindergartens who know how to talk to children about this topic, and what to do if they are concerned. Various surveys show that this is not the case.^{26 27} A strategy has also been put forward for coordinated efforts to combat internet-related child abuse, without the necessary resources being allocated.²⁸

Question

1. How is it ensured that students in relevant education programmes gain sufficient knowledge to prevent, discover and deal with suspected violence and sexual abuse of children?
2. How are good further education and competence enhancement ensured among employees who encounter children daily, so that they gain sufficient knowledge and the ability to act to prevent, discover and deal with suspected violence and sexual abuse of children?
3. What resources have been allocated and how will the authorities coordinate this initiative with children, parents, authorities, and non-profit stakeholders?

²⁵ https://www.nkvts.no/content/uploads/2019/10/Rapport_4_19_UEVO.pdf

²⁶ Opinion survey for Save the Children Norway. <https://www.reddbarna.no/aktuelt/laerere-mangler-verktoy-for-a-fange-opp-overgrep/> (Teachers lack tools to discover abuse)

²⁷ Naper et.al (2017) [Spørsmål til Barnehage-Norge 2016](#), Trøndelag Forskning og Utvikling (Questions for kindergartens-Norway 2016; Trøndelag Research and Development)

²⁸ https://www.regjeringen.no/contentassets/2915ff68eb2849edb3218055be32d8cb/strategi-mot-internetrelaterte-overgrep-mot-barn_uu.pdf



C. PROTECTION AGAINST TORTURE OR OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (ARTICLE 37 A)

Risk of refoulement faced by asylum seekers in inadmissibility procedures

According to Section 90(3) of Norway's Immigration Act, as amended in 2016, certain types of inadmissibility decisions in asylum cases "may be implemented immediately". This includes inadmissibility decisions made pursuant to the first country of asylum provision and the safe third country provision. The Norwegian Directorate of Immigration does not normally conduct asylum interviews in cases that are deemed inadmissible, relying instead on the information registered by the police. As highlighted by the Immigration Appeals Board (UNE), the consequence of the amendment is that UNE normally does not take part in inadmissibility assessments while these asylum seekers are in Norway, thus making the appeal process illusory. Furthermore, asylum-seekers, including families with children (but not unaccompanied minors) in inadmissibility procedures are not eligible for free legal assistance.

Question

1. What procedural safeguards does Norway provide to asylum seekers, including families with children and unaccompanied minors, when applying the concept of safe third country?

D. RIGHT TO FREEDOM OF ASSOCIATION AND TO FREEDOM OF PEACEFUL ASSEMBLY (ARTICLE 15)

Children and young people's opportunities to participate in organisations

A new research report concerning civil society and the voluntary sector shows that social inequality greatly affects whether children and young people take part in leisure activities and which activities they attend. Children from lower socioeconomic backgrounds are left out.²⁹ Moreover, young people from multicultural backgrounds attend organised leisure activities and take part in organisations to a significantly lesser extent³⁰.

Question

1. Please provide information on measures taken to include all children in accessing youth organisations and recreational opportunities.

²⁹ <https://samfunnsforskning.brage.unit.no/samfunnsforskning-xmlui/bitstream/handle/11250/2728534/Sosial%20Bulikhet%20Bi%20Barn%20Bog%20Bunges%20deltakelse%20Bi%20Borganiserte%20fritidsaktiviteter.pdf?sequence=2&isAllowed=y>

³⁰ <https://www.idrettsforbundet.no/contentassets/a4744409156046f9bd0ee569a7f8965a/2021-osb-sivilsamfunn-og-integrering---en-kunnskapsoppsummering-15.04..pdf>



PART 6 FAMILY AND ALTERNATIVE CARE (ARTICLES 5, 9-11, 18 (1,2), 20, 21, 25 AND 27 (4))

A. SEPARATION FROM PARENTS (ARTICLE 9)

Separation from parents of children with disabilities

Children living, or receiving respite care, in children's homes spend a part of their childhood in an institution with caregivers other than their parents.³¹ Children's homes are often organised as large institutions, for both permanent and temporary stays. There are several examples of children's homes being co-located with nursing homes. This does not observe the principle of normalisation and the right of the child to grow up in a secure family environment. There are no procedures for assessing placements in relation to the best interests of the child, or procedures for consulting the child involved.³² In addition, government inspection of children's homes is rarely conducted. The last nationwide inspection was in 2009.³³

Question

1. How it is ensured that children are heard and that the best interests of the child are observed is a fundamental principle in decisions on respite care measures and placement in children's homes?
2. What is done to ensure that services provided in children's homes and respite homes are in the best interests of the child and in accordance with the Convention?

³¹ Sigurdson (2011), Plassering av barn i barnebolig – krenkelse av barns menneskerettigheter? (Placement of children in children's homes – violation of children's human rights?) FAB 2011-3, <http://www.bufdir.no/Bibliotek/RettsdataStartPage/Rettsdata/?grid=gFAB2011z2D3z5FSIGURDSEN>; Saatvedt (2014), Om barnets stilling i saker om avlastningsbolig og barnebolig for barn med nedsatt funksjonsevne (The Norwegian Directorate for Children, Youth and Family Affairs, About the child's position in cases concerning respite homes and children's homes for children with disabilities). Master's thesis in jurisprudence at the Faculty of Law, University of Oslo.

³² Sigurdson (2011), Plassering av barn i barnebolig – krenkelse av barns menneskerettigheter? (Placement of children in children's homes – violation of children's human rights?) Saatvedt (2014), Om barnets stilling i saker om avlastningsbolig og barnebolig for barn med nedsatt funksjonsevne (About the child's position in cases concerning respite homes and children's homes for children with disabilities).

³³

https://www.helsetilsynet.no/globalassets/opplastinger/Publikasjoner/rapporter2010/helsetilsynetrapport2_2010.pdf/



B. JOINT PARENTAL RESPONSIBILITY AND SUPPORT FOR THE PERFORMANCE OF PARENTAL RESPONSIBILITY (ARTICLE 18)

Obstruction of access

Statistics Norway's survey of access and residence from 2012 shows that 12% of fathers state that they have not had access during a given month. At the same time, the resident mothers state that 21% of the fathers with access had not had access during a given month. Only 3% of the fathers' state that they had not had access or contact with their child. The same report shows that far more fathers with access have a lot, rather than little, access. There is little knowledge of what this means for the child and why up to 21% of fathers with access do not have access to their child. According to Statistics Norway 43% of children have parents who agree to shared residence after a break-up.³⁴ A recent study concludes that there is a positive correlation between children's health and shared residence.³⁵ It confirms previous studies showing that young people with shared residence report rather fewer mental health and other health-related conditions than young people in other residence schemes after a divorce.

Question

1. How does Norway facilitate that children receive good care from and have regular contact with both parents when the parents do not live together?
2. There are knowledge gaps in several areas when it comes to the residence and care situation of children and young people after divorce. How will Norway ensure that parents and decision-makers have new and up-to-date knowledge of the best interests of the child when making decisions related to the child's care situation after divorce?
3. How does Norway ensure that all children have an independent legal relationship with both their parents?

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

The child's right to contact with parents who are in prison

Children's opportunity for contact with parents who are in prison is very limited. Normally, prison inmates in Norway are granted a minimum of one hour of visiting time and 20 minutes of telephone time per week. Prison inmates with children can be granted extended visiting time and five minutes of extra telephone time per child. The quotas are still very limited. Children cannot make calls to the prison, either. Prison inmates themselves must make calls, and telephone calls from prison are very expensive. Furthermore, the Norwegian Correctional Service's principle of

³⁴ https://www.ssb.no/befolkning/barn-familier-og-husholdninger/artikler/delt-bosted-for-barn-etter-samlivsbrudd.nye-utviklingstrekk-og-kjennetegn/_/attachment/inline/7945a9e4-7e99-4dd8-8215-cfd0860da930:d6034f5d4940669f57aca2d54c78f9924651397c/RAPP2022-53.pdf

³⁵ <https://www.f2f.no/delt-bosted-og-lik-botid-hos-foreldrene-positivt-for-barnas-helse.6389707-98626.html>



proximity is often breached, and prisoners are placed in prisons far away from their home area. Long and expensive travel distances make it difficult for many children to be able to visit their parent in prison. No statutory travel support exists for visiting parents in prison.

Question:

1. Is Norway of the view that children's contact with parents who are serving prison sentence is in accordance with the Convention?

The child's right to contact with a parent when post and visits are prohibited

Children are only in exceptional cases permitted to have contact with parents serving prison terms for whom post, and visits are prohibited. The Council of Europe recommends that children should normally be allowed to visit imprisoned parents within a week of commencement of the term of imprisonment, and thereafter on a regular basis³⁶ (Recommendation CM/Rec (2018)5 of the Committee of Ministers to Member States concerning children with imprisoned parents, Article 17).

Question:

1. How does Norway safeguard children's right to contact with parents for whom post and visits are prohibited?

Strengthen municipal child welfare

In the national budget for 2021, it is recognised that there are capacity challenges in many child welfare services. Nevertheless, no funds were allocated for new earmarked positions. As part of the child welfare reform, the earmarked positions are proposed to be discontinued, with the funds being made available via the municipal framework in the national budget for 2022.³⁷

Question

1. How are sufficient funds secured for the municipalities to ensure that children who are deprived of their family environment receive special protection and assistance?

Legal protection in the child welfare service

Every year, around 58,000 messages of concern are sent to the child welfare service, of which 80% trigger investigation. In 2020, 28,000 cases were closed without a decision on voluntary

³⁶ Recommendation CM/Rec (2018) 5 of the Committee of Ministers to Member States concerning children with imprisoned parents, Article 17.

³⁷ Proposition to the Storting 1 S (2021–2022), Norwegian Ministry of Local Government and Regional Development, and Proposition to the Storting 192 S (2020–2021), Municipal Bill 2022.



assistance measures or enforced measures. This means that just over 60% of the investigated cases are closed, equivalent to around half of the incoming reports.³⁸ Unfounded and unjustified messages of concern are an overlooked legal protection challenge.³⁹ There is currently no systematic knowledge overview of the extent of unfounded messages of concern, whether correct messages are sent, or the impact on children and families of unfounded messages.⁴⁰

Question

1. What do the Norwegian authorities do to clarify regulations relating to the duty of notification, duty of confidentiality and duty of disclosure to the child welfare service?
2. What do the Norwegian authorities do to ensure that the correct messages of concern are sent and that unfounded reports are discovered before any investigations are initiated?
3. What do the Norwegian authorities do to obtain systematic knowledge about the potential harm and strain that unfounded messages and investigations can cause to children and families?
4. What do the Norwegian authorities do to improve participation, access to complain and legal protection for anyone who discovers that they are subject to messages of concern and investigations, and in particular those who are subject to investigations which there was no basis to initiate in the first place?

Coercion against children and adolescents

New knowledge from children and young people's experience of the use of coercion and what coercion does to them gives cause for concern and questions concerning children's legal protection as recipients of healthcare and care services. The Parliamentary Ombudsman has revealed that for children/young people in 24-hour care where coercive mental healthcare is used there are no measures to prevent coercion, inadequate information is provided on patients' access to complain, there is a lack of engagement, and there are critical material conditions.⁴¹ The Norwegian Board of Health Supervision's review of four serious supervision cases found that the health and child welfare services did not provide adequate and reasonable care.⁴² In as early as

³⁸ https://www.ssb.no/sosiale-forhold-og-kriminalitet/barne-og-familievern/statistikk/barnevern?fbclid=IwAR3KU_ap_tR66qjGeS3NUZ120q13k6SZ3yLM3ZytUJKv04K8YAuMxutjSi4

³⁹ Ohnstad, B., Sønderskov, M. & Ødegaard, T. (2021). Urettmessige meldinger til barnevernet: En utilstrekkelig påaktet rettssikkerhetsproblematikk (Unfounded reports to the child welfare service: An insufficiently investigated legal issue). *Fontene Forskning*, 14(1), pp. 32-44.

⁴⁰ Christiansen, Ø., Havnen, K. J. S., Iversen, A. C., Fylkesnes, M. K., Lauritzen, C., Nygård, R. H. & Vis, S. A. (2019). Barnevernets undersøkelsesarbeid. Når barnevernet undersøker (Investigations by the child welfare service. When the child welfare service investigates), sub-report 4. (Report 4). RKB Nord, in Bente Ohnstad, Mette Sønderskov & Terje Ødegaard (2021).

⁴¹ https://www.sivilombudet.no/wp-content/uploads/2018/12/Temarapport-2018_Skjerming-i-psykisk-helsevern.pdf

⁴²

https://www.helsetilsynet.no/globalassets/opplastinger/publikasjoner/rapporter2019/helsetilsynetrapport9_2019.pdf



2016, the Norwegian Ombudsperson for Children pointed to the need for arena-flexible measures to better ensure children's legal protection when it comes to the use of coercion in both mental healthcare and child welfare services.⁴³ There is little knowledge about the use of coercion against children with developmental disabilities. The last nationwide inspection of children's and respite homes took place in 2009, but the inspection was limited to the use of coercion.⁴⁴

Question:

1. How does Norway ensure that the use of coercion against children and young people safeguards their rights?
2. What measures has Norway taken to prevent the unregulated use of coercion against children and adolescents?

D. TAKING A CHILD INTO CARE (ARTICLE 25)

Implementation of taking a child into care

The Committee has pointed to how, in cases where decisions are made about taking a child into care, these have not always been implemented in line with the principle of the best interests of the child. Furthermore, the Committee recommended reviewing the guidelines to ensure that children are taken into care on a gentle basis. The child welfare service is still criticised by the Ombudsperson for Children for the fact that to a great extent the police are involved when a child is taken into care on an emergency basis.⁴⁵

Question

1. What is the status of the preparation of guidelines to ensure gentle emergency procedures for the collection of children when the police are involved and that this only takes place when the child's life and health are at risk?
2. Is there systematic registration or statistical data on the involvement of the police in connection with taking a child into care?

⁴³ <https://www.barneombudet.no/uploads/documents/Publikasjoner/Fagrappporter/Grenselos-omsorg.pdf>

⁴⁴

https://www.helsetilsynet.no/globalassets/opplastinger/publikasjoner/internserien/veileder_barneboligtilsyn2009_internserien1_2009.pdf

⁴⁵ <https://www.barneombudet.no/aktuelt/innyhetene/barneombudet-bekymret-over-politiets-bruk-av-tvang-overfor-barn>



Regular placement assessment

Several reports are critical of the provision and follow-up provided to children residing in a child welfare institutions.⁴⁶ Among the challenges named are that the needs of many children are not adequately mapped when choosing a child welfare institution and that many children are not adequately followed up during their stay in child welfare institutions. Furthermore, the system for quality assurance of child welfare institutions has not functioned well enough, and the tendering and competitive procurement system increases the risk of expensive purchases, and that insufficient consideration is made of the needs of the child.

Question

1. How can varied, differentiated and accessible institutional child welfare protection be ensured to secure real options in terms of choosing the measure that is best suited for the individual child?

PART 7 DISABILITY, HEALTH AND WELFARE (Articles 6, 18 (3), 23, 24, 26, 27 (1-3), 33)

A. CHILDREN WITH DISABILITIES (ARTICLE 23)

Strengthening healthcare for children with disabilities

There is little knowledge about disabilities and how they affect the expression of fundamental needs, such as insecurity, discomfort, and pain.⁴⁷ To a greater extent than other children, children with disabilities face challenges related to language and communication, mobility, and opportunities to communicate their own needs, besides increased probability of illness and pain. It is not uncommon to see children with linguistic challenges, and who have different communication abilities, compensate through atypical behavioural patterns. It requires a high degree of expertise to meet the children and their close relatives and be able to assist so that good

⁴⁶ Investigation of whether government child welfare authorities ensure the best conditions for children in child welfare institutions (Office of the Auditor General of Norway's Document 3:7 (2019-2020)), Institusjonstilbudet i barnevernet (Institutional provision in the child welfare service). (Menon publication no. 54/2020), Nytt institusjonstilbud for unge med samtidig behov for omsorg og psykisk helsehjelp (New institutional services for young people with a concurrent need for care and mental healthcare). Final report. (Sintef fag 66, 2020), Når barn trenger mer. Omsorg og rammer (When children need more. Care and frameworks) (Report from the Norwegian Board of Health Supervision 9/2019), "De tror vi er shitkids" (They think we're shitkids) (The Ombudsperson for Children's report on children residing in a child welfare institutions, 2020)

⁴⁷ <https://helsedirektoratet.no/publikasjoner/helsetilbud-til-ungdom-og-unge-voksne> (Healthcare provision for adolescents and young adults), http://barneombudet.no/wp-content/uploads/2014/03/Helse_på_barns_premisser.pdf (Healthcare on children's terms).



and adequate medical treatment is provided, and that caregivers have key expertise to safeguard this. This expertise is not found to any great extent in somatic wards as it stands today, except for child rehabilitation.⁴⁸

Question

1. The State party is recommended to work to increase the number of positions within the healthcare services where health and social welfare care expertise with special knowledge of the healthcare challenges faced by children with disabilities is required.
2. We also recommend that the State party stipulates requirements for family-centred care on wards where children with disabilities are admitted to somatic hospitals and ensure that the somatic wards have the necessary multidisciplinary expertise to address the complex needs of children with disabilities.

Follow-up of children with disabilities in institutions

The Norwegian Government launched a plan to strengthen mental health services in child welfare institutions, among other things with coordinated early assessment of children and adolescents by the child welfare services for implementation in 2019.⁴⁹⁵⁰ Several inspections show, however, that this is still a challenge (there is currently no report on this). It should be assessed whether the child welfare service is the right authority and has the right expertise to ensure that these children receive the healthcare and/or treatment they need and to which they are entitled. One example of this is children with cognitive and mental disabilities who are placed in child welfare institutions without their specific needs for assistance and healthcare services being addressed. It is also a challenge that the right to be involved in the choice of support is not always safeguarded in such a way that the child receives the necessary help, which is solely assessed in conjunction with health mapping by healthcare personnel.

Question

1. In what way is the right to mental healthcare and adapted services of children with cognitive and mental disabilities fulfilled?

Cultural and recreational activities for children with disabilities

There are many barriers to the involvement of young people with disabilities in large parts of society, and not least in organisations. Prejudice and a lack of knowledge prevent these children

⁴⁸ <https://sykepleien.no/2021/09/8-av-10-barneavdelinger-har-fa-barnesykepleiere>

⁴⁹ https://www.ntnu.no/trykk/publikasjoner/Barnevernrapport_RKBU/files/assets/basic-html/page-1.html#

⁵⁰ <https://www.regjeringen.no/no/dokumentarkiv/regjeringen-solberg/aktuelt-regjeringen-solberg/bld/nyheter/2015/styrker-det-psykiske-helsetilbudet-i-barnevernsinstitusjoner/id2403428/>



from participating on an equal footing with others.⁵¹ Children with disabilities face numerous obstacles such as a lack of physical accessibility, economic and human resources and transport, and a lack of information. There are also social obstacles, such as underestimating someone's ability to cope, lack of expertise, and a prejudicial environment.⁵² The need for support contacts and recreational assistants is not adequately met.⁵³ Many children do not receive assistance in SFO (after-school clubs), even though they are followed up closely throughout the school day.⁵⁴ Inclusion through education and meaningful recreation together with their peers takes place increasingly less frequently.⁵⁵ Research reports refer to a clear correlation between segregation in school situations and low social participation, both in informal contexts and in organised activities.

Question

1. How are children with disabilities ensured the right to independent and active participation in society, and the right to optimal development?

B. HEALTH AND HEALTHCARE SERVICES (ARTICLE 24)

⁵¹https://www.bufdir.no/en/Statistikk_og_analyse/Nedsatt_funksjonsevne/Deltakelse_og_fritid/Idrett_fysisk_aktivitet_og_kultur/; NOU 2016: 17 På lik linje – Åtte løft for å realisere grunnleggende rettigheter for personer med utviklingshemming:

<https://www.regjeringen.no/contentassets/b0baf226586543ada7c530b4482678b8/no/pdfs/nou201620160017000ddd.pdf> (The Norwegian Directorate for Children, Youth and Family Affairs/Disability/Participation and leisure time/Sport, physical activity and culture, NOU (Official Norwegian Report) 2016:17 On equal terms – Eight measures to achieve fundamental rights for people with disabilities).

⁵² Empirical knowledge from organisations for the disabled

⁵³ Ibid; and NOU 2016: 17 På lik linje (On equal terms).

⁵⁴ Tøssebro and Wendelborg (2014). Growing up with a disability: www.gyldendal.no/Faglitteratur/Helse-og-sosialfag/Vernepleie/Oppvekst-med-funksjonshemming; Kittelsaa, Wik og Tøssebro (2014). Living conditions for people with disabilities:

<https://samforsk.no/Publikasjoner/Levek%C3%A5r%20for%20personer%20med%20nedsatt%20funksjonsevne%20-%20Fellestrekk%20og%20variasjon%20WEB.pdf>; Wendelborg (2010), “Å vokse opp med funksjonshemming i skole og blant jevnaldrende – en studie av opplæringstilbud og deltakelse blant barn med nedsatt funksjonsevne” (Growing up with disabilities in school and among peers – a study of educational programmes and participation among children with disabilities); Finnvold (NOVA 2013), Langt igjen? Levekår og sosial inkludering hos menneske med fysiske funksjonsnedsetjingar (A long way to go? Living conditions and social inclusion for people with physical disabilities); NOU 2016: 17 På lik linje (On equal terms).

⁵⁵ Wendelborg, Caspersen, Mordal, Ljusdal, Valenta og Bunar (2018), Lek, læring og ikke-pedagogikk for alle: (Play, learning and non-pedagogics for everyone)

<https://samforsk.no/Publikasjoner/2019/Lek,%20l%C3%A6ring%20og%20ikke-pedagogikk%20for%20alle%20-%20nasjonal%20evaluering%20av%20SFO%20WEB.pdf>



Many children and young people in Norway do not receive the necessary mental healthcare

Under the Norwegian Care Coordination Reform, the municipalities must take greater responsibility for the treatment and follow-up of patients with mental health challenges and conditions. The Office of the Auditor General of Norway has recently documented that mental healthcare is not uniformly available and developed in different regions, which also affects the services for children and young people.⁵⁶ We also know that each year, 20% of children and young people who are referred to mental healthcare are rejected (Norwegian Patient Register), which may indicate that large numbers of children and young people do not receive the necessary mental healthcare in their municipality. The Norwegian Healthcare Investigation Board has also pointed out that there is great variation in the provision of services in the municipalities in terms of organisation, scope and expertise, that rejection by Child and adolescent psychiatry polyclinic may in itself present a risk for the individual young person, and that further help may cease when the young person does not have a BUP assessment, etc.⁵⁷

Question

1. How can it be ensured that children and young people have equal access to the necessary mental healthcare and treatment, irrespective of which municipality they grow up in?
2. How will Norway ensure that all children and young people receive the necessary mental healthcare?

Strengthen health centre and school health services

A report from 2020 shows that there are currently too few public health nurses to meet the service's needs, that there is a need to hire more people, and that the education programme capacity is too low.⁵⁸

Question

1. What is being done to ensure access to enough public health nurses for all children in municipalities?

About measures to respond to the most serious health challenges

In the spring of 2021, the latest findings concerning living conditions among LGBT people in Norway were published.⁵⁹ The findings show that transgender and bisexual people are overrepresented for a number of parameters. Among transgender people, more than two in three

⁵⁶ <https://www.riksrevisjonen.no/globalassets/rapporter/no-2020-2021/psykiske-helsetjenester.pdf>

⁵⁷ <https://ukom.no/rapporter/ungdom-med-uavklart-tilstand/ungdom-med-uavklart-tilstand>

⁵⁸ <https://www.sintef.no/publikasjoner/publikasjon/?pubid=1862343>

⁵⁹ "Seksuell orientering kjønnsmangfold og levekår" (Sexual orientation, gender diversity and living conditions), N. Andersen et al., University of Bergen: 2021



reported having suicidal thoughts, and just under one in three said they had tried to take their own lives.

We do not know so much about living conditions and particular health challenges among LGBT children: in the survey, the youngest respondents were aged between 16 and 19, accounting for only a small proportion of the total number of respondents. Nevertheless, the main findings here can give us a picture of the challenges that children can also face.

Greater knowledge is also an element of the work to prevent stereotyping and prejudice, which may be related to some of the challenges children may face. Good knowledge of children who break with the norms of gender and sexuality is necessary to ensure trust-based encounters between children and public bodies.

Question

1. What measures has the government taken to prevent suicide, particularly among LGBTIQ children?
2. What systematic knowledge is there about LGBTIQ children's living conditions in general and health challenges in particular?
3. How can sufficient knowledge about children who breach the norms of gender and sexuality be ensured among all groups of persons working with children and young people?
4. How can it be ensured that all children and young people, including non-binary persons, who need gender-affirming treatment have good and adequate access to this regardless of their own finances and place of residence, based on the model of informed consent; and ensured that their needs and expectations can be discussed with competent healthcare personnel without fear of not receiving the treatment they need?

Better health examination of newly arrived refugees

The Norwegian health authorities have developed a national guide describing examination of and healthcare for persons who come to Norway as refugees.⁶⁰ Only TB (tuberculosis) screening is a mandatory examination. A report from 2021 highlights the importance of identifying asylum seekers who are torture victims and developing good referral procedures in connection with further investigations, including use of the Istanbul Protocol to identify and document any torture injuries.⁶¹ The report notes that Norway has a special duty to identify children who have been

⁶⁰ <https://www.helsedirektoratet.no/veiledere/helsetjenester-til-asylsokere-flyktninger-og-familiegjenforente>

⁶¹ The Fafo report "Torturutsatte i den norske asylprosessen. En utredning av Norges forpliktelser, og anbefalinger til praksis" (Torture victims in the Norwegian asylum process. An investigation of Norway's obligations and recommendations for practice) is authored by Cecilia Dinardi, Birgit Lie, Nora Sveaass and Nerina Weiss.



subject to abuse, torture or other cruel and degrading treatment, and to ensure that their health status is followed up properly throughout the asylum process.

Question

1. How will Norway ensure that torture-exposed refugees who are children are identified in the asylum process?
2. In what way will Norway ensure the implementation of systematic health examination of children arriving as refugees during the arrival phase?
3. How will Norway ensure that refugees who are children with an identified need for mental healthcare treatment receive this treatment?

C. RIGHT TO AN ADEQUATE STANDARD OF LIVING, INCLUDING NUTRITION, CLOTHING AND HOUSING (ARTICLE 27 (1-3))

Increased child benefit

Child benefit is the unique benefit that raises most families with children above the poverty line.⁶² In 2023 the rates were adjusted to follow the general price increases in society for the first time since 1996, but since the rates have not been adjusted over time the child benefit's impact in the families economy has been significantly reduced. In 2020 and 2021 the rates were increased, but only for children up to the age of 6.

It is also challenging that the Norwegian Labour and Welfare Administration has a weak child and family perspective, and that there is little mapping and safeguarding of children's needs and requirements on calculating the support to which a family is entitled.⁶³

Question:

1. How will the state party ensure that child benefit remains a universal benefit that helps to offset inequalities between families with children?
2. How will the state party ensure that NAV's expertise concerning children is strengthened, and that NAV has a clearer responsibility for the entire family's living conditions?

⁶² The Government's collaboration strategy for children and young people in low-income families (2020-2023). Equal opportunities during childhood

⁶³ Ref. inspection report, etc.



Children living in low-income families

The number of children growing up in families with persistently low incomes in Norway is increasing and has increased threefold since 2001.⁶⁴ Increasing inequalities have major consequences for children's opportunities to achieve their potential, today and in adulthood.

The living conditions of children living in public housing are characterised as remarkably poor, but there is little knowledge and documentation of the number of children, living conditions and length of residence for children in municipal housing.⁶⁵ Furthermore, there are no guidelines concerning housing standards for families with children, and it is not required to document that the best interests of the child have been assessed when housing is allocated to families.

Question:

1. What is being done to counteract the growing economic inequalities and ensure a continued strong welfare state that contributes to good childhood conditions for all children?
2. What will the State party do to ensure a better knowledge base concerning children in public housing, and that the housing environment and standard are satisfactory in public housing in Norway?

Children and adolescents during the pandemic and future crises

During the pandemic, children were severely affected by infection control measures and the lockdown of society. The Kjøs committee concludes that healthcare services must be strengthened and that conditions for those who faced difficulties before the pandemic have probably been exacerbated.⁶⁶ In the previous concluding observations, it was pointed out that mental health resources are insufficient.

⁶⁴ <https://www.ssb.no/inntekt-og-forbruk/inntekt-og-formue/artikler/115-000-barn-i-husholdninger-med-vedvarende-lavinntekt>

⁶⁵ – Brattbakk, I., Woll, K. M., Aunan, S. og Aasen, L. (2019) "Utvikling av 'Boindeks' for leieboliger. Beboeropplevelse av bolig, bomiljø, kontraktsforhold og utleier" (Development of 'housing index' for rental housing Residents' experience of housing, housing environments, contractual relationships and landlords). AFI, OsloMet. AFI R&D results 1/2019.

– NOU 2020: 16. Levekår i byer. Gode lokalsamfunn for alle (Living conditions in towns and cities. Good local communities for everyone.)

– Kristine von Simson and Janis Umblijs. Boforhold og velferd (Living conditions and welfare). Report 2019:2. Norwegian Institute for Social Research

⁶⁶ <https://www.regjeringen.no/contentassets/f3f79f0e0acf4aebaa05d17bfd4fb28/rapport-fra-ekspertgruppe-livskvalitet-psykisk-helse-og-rusmiddelbruk.pdf>



Question

1. Please provide information on how children and youth will be prioritised during future pandemics and other crisis situations

PART 8 EDUCATION, LEISURE AND CULTURAL ACTIVITIES **(ARTICLES 28 -31)**

A. RIGHT TO EDUCATION (ARTICLE 28)

Ensuring children the right to education

We still face challenges with bullying and exclusion. We are particularly concerned that some children are more vulnerable and exposed, children with disabilities and refugees are two examples.

Children on Svalbard do not have the same rights as children on the mainland when it comes to adapted teaching and special education, to mention two areas of concern. There was consultation round in 2021, and it became obvious that legislation must be clearer to ensure childrens rights in Svalbard.⁶⁷

Question

1. How does the state party ensure that the rights of all students to a secure and good school environment are fulfilled?
2. Please describe how the state party ensures that, regardless of their circumstances and needs, all students' right to adapted teaching and to special needs education is fulfilled.
3. How will the State party ensure that children on Svalbard enjoy the same educational provision and legal protection as children on the mainland?

Ensure equal and inclusive education for children with disabilities

Research and statistics show that special needs teaching mainly takes place outside ordinary classes and that the number of pupils being placed in separate special groups has increased in recent years. This takes place even though children should only be taken out of ordinary classes and taught in a separate group or alone when this is justified by the needs of the child and consideration of the best interests of the child.

⁶⁷ <https://www.regjeringen.no/no/dokumenter/horing-forslag-til-nye-forskrifter-om-barnehagevirksomhet-og-grunnskole-og-videregaende-opplaring-pa-svalbard/id2839428/?expand=horingsbrev>



All students have the right to start in one of three selected study programmes in upper secondary education. However, surveys show that most students with learning difficulties have little involvement in their own choice of education. In most cases, the student must choose a “suitable offer” or an adapted field of specialised study. Students in need of special education, who are admitted to the study programme of their choice, find that the teaching lacks connection to curricula and the class fellowship of the study programme for which they are enrolled.⁶⁸

Question

1. Which quality assurance systems exist for children with disabilities to receive inclusive teaching that is adapted to their needs?
2. Which measures have been taken to ensure that students with learning difficulties get their right to attend one of three selected study programmes fulfilled?
3. How is it ensured that students with disabilities have an adapted syllabus?
4. How does the state party work with the universal design of kindergartens and schools, to ensure that children can attend kindergarten and school in their local area?

B. PURPOSE OF EDUCATION (ARTICLE 29)

Access to teachers with completed teacher education

The number of teachers with completed teacher education in schools has increased, still almost 1.8 million teaching hours in 2019 were given by people without teacher training.

Question

1. How is it ensured that all children have access to education by teachers with completed teacher education?

C. CULTURAL RIGHTS FOR INDIGENOUS PEOPLES AND (NATIONAL) MINORITIES (ARTICLE 30)

Ensure information for Sámi parents and children about their rights under the UN Convention on the Rights of the Child

A survey from 2019 shows that parents of children with a Sámi background lack knowledge about their rights to Sámi education in school.⁶⁹ There is reason to believe that the same applies to kindergartens.

⁶⁸ «Elever med nedsatt funksjonsevne» Christian Wendelborg, rapport 2017

⁶⁹ <https://www.riksrevisjonen.no/rapporter-mappe/no-2019-2020/undersokelse-av-samiske-elevers-rett-til-opplaring-i-og-pa-samisk/>



Question

1. How is it ensured that Sámi parents and children receive information about their rights under the Convention?

Sámi children's right to education

Sámi children do not receive education on an equal footing with the majority population. This was pointed out by the Office of the Auditor General in 2019.⁷⁰ A review published in the summer of 2021 shows that there are still major problems in securing teaching materials for the student group.⁷¹

Question

1. How are teaching materials and recruitment to the teaching profession ensured for the Sámi population?
2. Why are Sámi children not entitled to education in Sámi, and in the Sámi language in independent schools?

D. LEISURE, PLAY AND CULTURAL ACTIVITIES (ARTICLE 31)

Lack of legal regulation and quality assurance of recreational clubs

Recreational clubs are used by around 100,000 young people. Recreational clubs recruit a relatively high proportion of children from minority backgrounds and have a free-of-charge principle that makes the clubs accessible to youth with less privileged socioeconomic backgrounds. A lack of legislation leads to large regional differences in competence level, quality, and availability.⁷² The Concluding observations from 2018 state that Norway must continue to provide greater opportunities for children with limited financial means and minority backgrounds to participate in safe, accessible, and inclusive arenas for recreational activities. The Council of Europe's youth work recommendation encourages member states to draw attention, among other things, to the need for legislation that promotes equal access to youth work for all young people, and to establish a cohesive and flexible competence-based framework for the education and training of paid and voluntary youth workers.⁷³

⁷⁰ <https://www.riksrevisjonen.no/globalassets/rapporter/no-2019-2020/opplaringiogpasamisk.pdf>

⁷¹ https://www.vista-analyse.no/site/assets/files/7092/va-rapport_2021-26_evaluering_av_sametingets_tilskuddsordning_for_laeremidler.pdf

⁷² <https://www.regjeringen.no/contentassets/84138eb559e94660bb84158f2e62a77d/mn-no/pdfs/stm201820190019000dddpdfs.pdf> p. 36 and <https://evalueringsportalen.no/evaluering/mangfold-og-engasjement-i-motvind-en-studie-av-aapne-fritidstiltak-for-ungdom> p. 143 (Diversity and commitment challenged in a study of open recreational provision for young people)

⁷³ <https://rm.coe.int/cmrec-2017-4-on-youth-work-norwegian-pdf/16809e0a8f>



Question

1. How is it ensured that all children have access to safe, positive and formative recreational activities, with cultural activities, youth participation, informal learning and relationship training?

PART 9 SPECIAL PROTECTIVE MEASURES (ARTICLES 22, 30, 32, 33, 35, 36, 37 B-D AND 38-40)

A. DISPLACED CHILDREN (ARTICLE 22)

Lack of right to kindergarten places and upper secondary education

Children of asylum seekers are not entitled to a kindergarten place until a decision has been made on a residence permit and the parents and children are permanently resident in a municipality.⁷⁴ According to Section 5-9 of the proposed new Norwegian Education Act, young people whose applications have been finally rejected are not entitled to upper secondary education.

Question

1. Why are children of asylum seekers not entitled to kindergarten places on an equal footing with other children?
2. How can children whose applications have been finally rejected be ensured the same right to upper secondary education as other children in Norway?

Lack of healthcare for children without a residence permit

Children without legal residence have the same right to healthcare as other children, however in practice there are several barriers that prevent children from accessing the same health care. One such example is that they are not entitled to be registered with a general practitioner.

Question:

1. How will the State Party ensure children without a residence permit the same access to healthcare as other children in Norway?

⁷⁴ <https://www.udir.no/laring-og-trivsel/minoritetspraklige/flyktninger/rett-tilbarnehageplass/> (Learning and welfare, minority language, refugees, right to a kindergarten place)



The Norwegian practice of age determination does not protect the rights of unaccompanied asylum-seeking children

Medical age determination procedures are used more often than permitted under the Immigration Act and indicated by the UN guidelines.⁷⁵⁷⁶ This is of concern because uncertain methods may contribute to minor asylum seekers being wrongly assessed as over-age.

Question

1. How does Norway ensure that age determination procedures are only carried out when reasonable doubt exists about age following a specific assessment in the individual case?
2. How does Norway work towards ensuring age determination procedures that take a multidisciplinary approach in accordance with UN guidelines?

Temporary residence permits for unaccompanied asylum-seeking minors

Temporary residence permits for unaccompanied asylum-seeking minors aged 16-18, only allows them to stay in the country until the age of 18. This places an enormous strain on the children.⁷⁷ The number of unaccompanied children receiving temporary residence permits has decreased the last couple of years. However, it is still of concern, as it has such negative impact on the children.

Question:

1. Please describe how temporary residence permits are considered a durable solution for children in line with their best interest?

⁷⁵ 8 UNCRC General Comment No. 6, Treatment of Unaccompanied and Separated Children outside their country of Origin, 2005;

⁷⁶ <https://www.noas.no/wp-content/uploads/2016/03/Over-eller-under-18-Aldersvurderinger-av-enslige-mindre%C3%A5rige-asyls%C3%B8kere.pdf>

⁷⁷ Sønsterudbråten, Veien Videre: Evaluering av kvalifiserings- og opplæringsopplegget som tilbys enslige mindreårige med begrensede oppholdstillatelser, Fafo, 2010:46; Lidén, Eide, Hidle, Nilsen og Wærdahl, Levekår i mottak for enslige mindreårige asylsøkere, Institutt for samfunnsforskning, 2013; Save the Children Norway, Mens vi venter - En hilsen fra barn som søker asyl i Norge, 2010; Aasen, Dyb, Lid, Forebygging og oppfølging av enslige mindreårige asylsøkere som forsvinner fra mottak og omsorgssentre, NIBR-rapport 2016:17. <http://www.hioa.no/Om-HiOA/Senter-for-velferds-og-arbeidslivsforskning/NIBR/Publikasjoner/Forebygging-og-oppfoelging-av-ensligemindreaarige-asylsoekere-som-forsvinner-fra-mottak-og-omsorgssentre>

Cancellation and revocation of residence permits for unaccompanied refugee minors

Cancellation and revocation of resident permits is a prioritized area in Norwegian immigration practice.⁷⁸ This includes that unaccompanied minors can have their residence permit cancelled after they turn 18 if conditions in their home country have improved or because the applicant was granted protection based on a child-sensitive assessment.⁷⁹ The number of years before a refugee can apply for a permanent residence permit also increased from three to five.⁸⁰ Consequently, children have to live in uncertainty for years and this will have negative consequences for their quality of life.

Question

1. How do the Norwegian authorities assess the uncertainty resulting from such access in line with the best interests of the child, including the need for stability and continuity?

Disappearances from reception centres

Little is known about unaccompanied minors who disappear from reception centres and many fear that they may have been recruited into criminal environments where they are exploited in human trafficking or that they have fallen victim to criminal acts.⁸¹ There is disagreement and ambiguity about which authorities are responsible for addressing and following up the disappearances.⁸²

Question

1. What is done to prevent unaccompanied minors from disappearing for reception centres?

Children at reception centres

The level of benefits for residents in reception centres is very low. The monthly pay out has been as low as half the social welfare assistance rates.⁸³ A study by researchers at Oslo Met from 2018

⁷⁸ Institutt for Samfunnsforskning, Tilbakekall. Rettsikkerhet og kontroll ved tilbakekall av tillatelser etter søknad om beskyttelse, 2018.

⁷⁹ [GI-14/2016 – revidert instruks om tilbakekall av flyktningstatus og oppholds-tillatelse når beskyttelsesbehovet er bortfalt, jf. utlendingsloven § 37 første ledd bokstav e og f - regjeringen.no](#)

⁸⁰ <https://www.regjeringen.no/contentassets/64148543ddcc4a53a6f73feb00b7e01d/rundskriv-f-08-20.pdf>

⁸¹ Ruud Vollebæk, Menneskehandel med barn. Barnevernets kunnskap om og arbeid med barn utnyttet i menneskehandel, Redd Barna, 2012

⁸² Tyldum, Lidén, Skilbrei, Dalseng, Kindt, Ikke våre barn. Identifisering og oppfølging av mindreårige ofre for menneskehandel i Norge, Fafo, 2015; Paulsen, Michelsen, Brochmann, Barnevernets arbeid med barn i asylsøkerfasen - Faglige utfordringer og barrierer i mottaksapparatet, NTNU Samfunnsforskning, 2015

⁸³ [Seeberg, Marie Louise 2017. Alt er relativt: Ytelser til barnefamilier i norske asylmottak](#) (Everything is relative: Benefits for families with children in Norwegian asylum reception centres) [Tidsskrift for velferdsforskning 04/2017.](#)



revealed that food insecurity in reception centres is a serious problem.⁸⁴ In a 2020 report that interviewed families at reception centres, everyone interviewed stated that the financial support is below what it is possible to live on.⁸⁵ The rates were slightly raised for 2023 but are still below the social assistance rates.

Question

1. Why are the benefits for residents in reception centres not equivalent to social assistance rates?

Removal of the condition of reasonableness

In 2016, the Parliament removed the condition of reasonableness. This made it possible for families with children, and those who came to Norway as unaccompanied minors, to be returned as internal refugees, without assessing whether this was reasonable – i.e. whether they had a network, or whether it would be difficult for them to manage. UNHCR has been clear that this is in violation of the UN Convention on Refugees.

Question

1. How are the best interests of the child safeguarded in cases concerning referral to internal refugee status?

B. UNLAWFUL AND ARBITRARY PUNISHMENT (ARTICLE 37 B)

A lack of alternatives to immigration detention and detention in the name of the best interests of the child

In December 2019 there was a public consultation concerning alternatives to detention.⁸⁶ The proposal has still not been submitted to Parliament. In the proposal, the Ministry also proposed to abolish the main rule that children in return procedures must not be held detained for a longer period than 24 hours, suggesting that a longer period of detention might be in the child's best interest, as a child might need more time to calm down when effecting a forced return.⁸⁷

⁸⁴ <https://www.oslomet.no/forskning/forskningsnyheter/nesten-halvparten-sier-de-ikke-har-nok-mat-asylmottak>

⁸⁵ https://www.noas.no/wp-content/uploads/2020/05/NOAS_Lengev%C3%A6rende-barn_rapport_WEB.pdf

⁸⁶ <https://www.regjeringen.no/no/dokumenter/horingsbrev--utredning-av-alternativer-til-frihetsberovelse-av-mindrearige-og-forslag-til-mulige-regelendringer/id2683469/>

⁸⁷ Ibid. p. 55



Question

1. Please elaborate on why Norwegian authorities consider that “immigration detention” may be in the best interests of the child.

C. TREATMENT IN PRISON (ARTICLES 37 C AND D)

Children in prison

In 2015, a total of 20 children under the age of 18 were imprisoned. This was a decrease from 2014 (27) and 2013 (29). From 2016 to 2019, the number rose to 42, while in 2020 there were 25 imprisonments (Norwegian Directorate of Correctional Services). This mainly concerns persons held on remand. As of 7 August 2021, there were six inmates under the age of 18.⁸⁸ Four are serving sentences and two are held on remand.

Question

1. What is being done to prevent children from being remanded in custody?

Forced placement of children with behavioural difficulties

Placements of children with serious behavioural difficulties can be adopted in two ways: 1) As an emergency decision where the decision is first made administratively by the head of the municipal child welfare service or by the prosecuting authority, and then sent to the county board immediately for approval.⁸⁹ 2) As an ordinary decision made by the county board for child welfare and social affairs following a court-like process. In recent years (2017-2021), there have been an estimated 280-350 decisions each year regarding emergency decisions, and 150-200 decisions each year regarding county board decisions.⁹⁰

The control arrangements related to the emergency decisions (legality control of all emergency decisions by the county board chair, supplemented by a subsequent right of appeal) have been criticised and proposed to be replaced by an automatic court-like process shortly after the decision. In this connection, it is also criticised that a child’s right to an attorney pursuant to Article 37 d) of the Convention has not been safeguarded. It is also claimed that the presumption

⁸⁸ <https://kommunikasjon.ntb.no/pressemelding/nokkeltall-fra-kriminalomsorgen-for-august-2021?publisherId=17847130&releaseId=17913797>

⁸⁹ <https://bufdir.no/fagstotte/produkter/hasteflytting/#heading-contentlink-115104>

⁹⁰ The figures are derived from statistical data from the county boards for child welfare and social affairs/central unit, sent yearly to Professor Mons Oppedal, OsloMet – Oslo Metropolitan University.



of innocence (Article 40) is not taken into account when the alleged behavioural difficulties relate to serious or repeated crime.⁹¹

Question:

1. Can it be explained whether the legislation and practice relating to the forced placement of children with behavioural difficulties is in line with the Convention?
2. Is the child's right to immediate assistance from an attorney, etc. pursuant to Article 37 d) of the Convention safeguarded in legislation, circulars and practice?
3. What assessments has the national legislator made of the significance of the assumption of innocence (Article 40 of the Convention) for access to emergency decisions when the serious behavioural difficulties consist of criminal activity?

D. PROTECTION OF CHILDREN IN ARMED CONFLICT (ARTICLE 38)

Protection of children in armed conflict

A report from Save the Children Norway documents that violence, murder, attempted murder, assault, and arson are common in the al-Hol and Roj camps in Syria, while at the same time it is noted that an estimated 40,000 children live there.⁹² In total, four Norwegian women, and four Norwegian children, live in the two camps. These are detained in the camps as a consequence of armed conflict. There have been reports of the recruitment of child soldiers in the two camps.⁹³ We are not aware of whether there are Norwegian children in other armed conflicts today, but this cannot be ruled out.

Question

1. How many Norwegian children are involved in armed conflict abroad?
2. What is being done to evacuate these children to Norway?
3. What is being done to prevent these children from being recruited to take part in armed conflict?

⁹¹ Mons Oppedal: *Akutthjemlene i barnevernloven* (Emergency powers under the Norwegian Child Welfare Act), Gyldendal Akademisk 2008.

Mons Oppedal: Consultation response of 30 January 2017 to NOU 2016 16 New Child Welfare Act. Published at: regjeringen.no.

Mons Oppedal: "Will the proposed new Child Welfare Act in the Norwegian Ministry of Children and Family Affairs' consultation paper of 4 April 2019 be able to alleviate the weaknesses in the current legislation and practice regarding emergency intervention?" Script for a lecture at the county boards' child welfare conference in Bergen on 14 November 2019. The script of the lecture is published on the conference's website.

⁹²

https://resourcecentre.savethechildren.net/pdf/when_am_i_going_to_start_to_live_final_0.pdf/?_ga=2.11418934.342872569.1632862451-1809373975.1632862451

⁹³ <https://www.hrw.org/news/2018/08/03/syria-armed-group-recruiting-children-camps>



Organisations supporting these inputs:

Advokatforeningen- The Bar Association

Barnesykepleierforbundet - Pediatric nursing association Norway

Barnevakten – www.barnevakten.no

FRI – The organization for Gender and Sexual Diversity

Fellesorganisasjonen - Norwegian Union of Social Educators and Social Workers

Foreldreutvalget for barnehager - The Parents Committee for Kindergartens

Foreningen 2 Foreldre - Joint Custody Association of Norway

For fangers pårørende - Organisation for Relatives and Friends of Prisoners

Hjelpekilden – www.hjelpekilden.no

Foreningen for barnepalliasjon - The Norwegian Association for Children's Palliative Care

Kirkens bymisjon – The Church City Mission

Kreftforeningen - The Norwegian Cancer Society

Landsgruppen av helsesøstre NSF- The public health nursing section of the Norwegian Nurses Organization

LNU – The Norwegian Children and Youth Council

Nok.Oslo – senter mot incest og seksuelle overgrep - The Nok. centre

Norsk barnelegeforening - Norwegian Pediatric Association

Norsk forbund for utviklingshemmede - The Norwegian Association for Persons with Developmental Disabilities (NFU)

Norsk fosterhjemsforening- www.fosterhjemsforening.no

Norsk organisasjon for asylsøkere – Norwegian organisation for Asylum Seekers (NOAS)

Press – Save the Children Youth Norway



Redd Barna – Save the Children

Skeiv ungdom – Queer Youth Norway

SOS Barnebyer - SOS Children's Villages Norway

UngOrg – The Children and Youth organisations in Oslo

Unicef - United Nations Children's Fund Norway

Utdanningsforbundet – Union of Education Norway

Ungdom og fritid – The National Youth Club Association