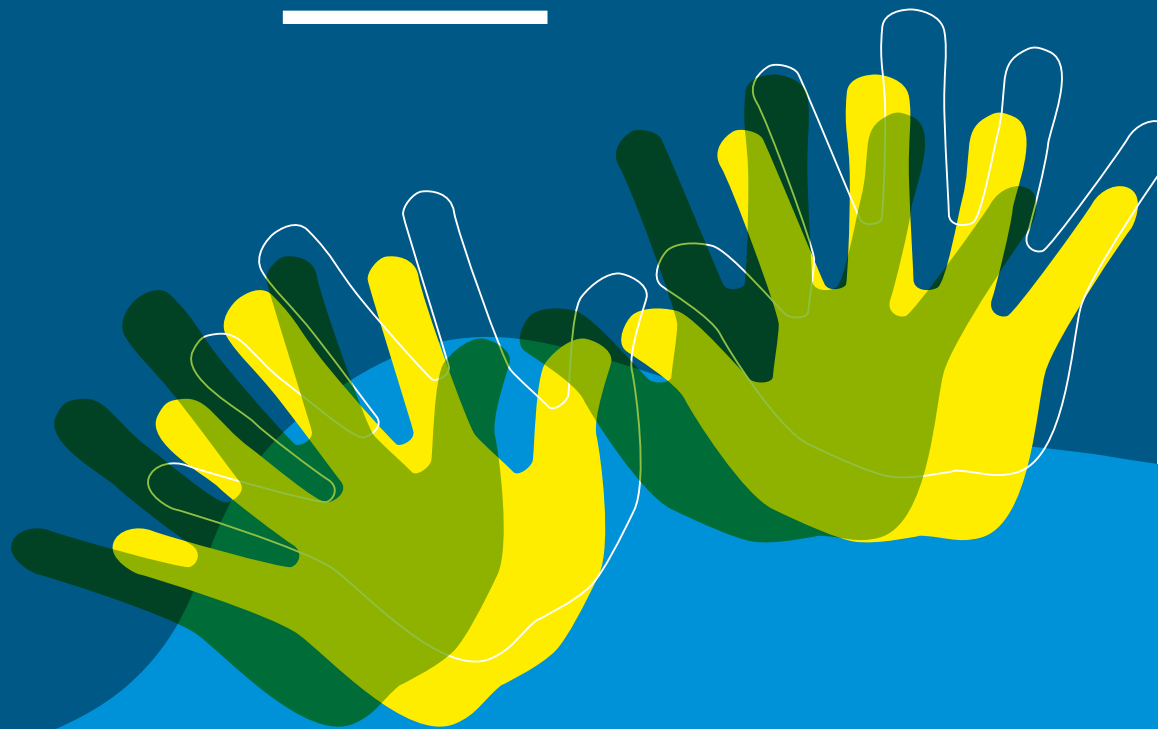
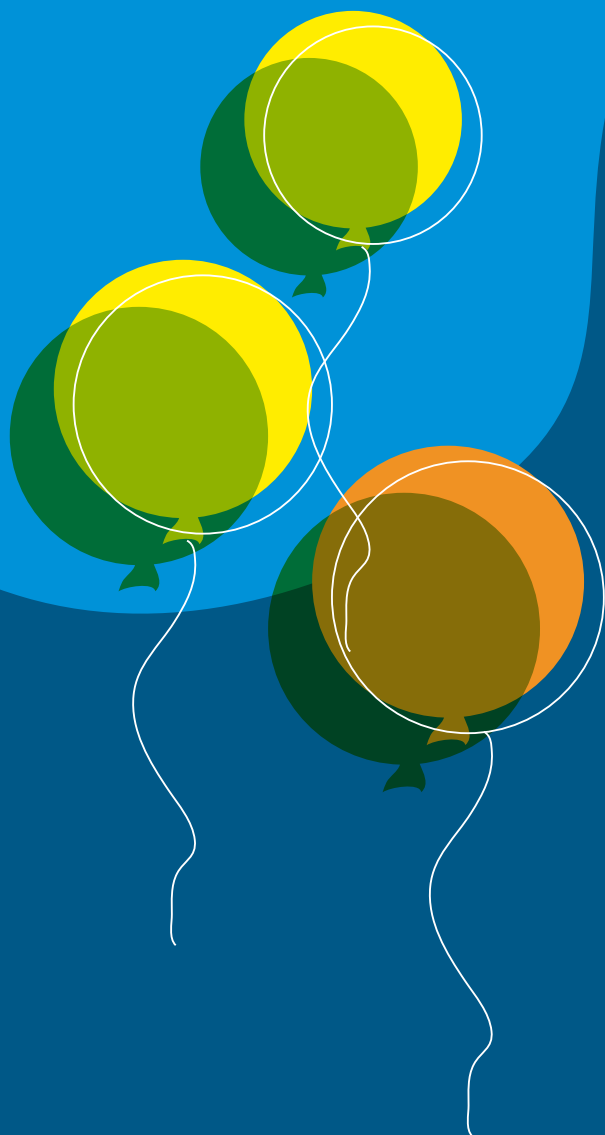

SUPPLEMENTARY REPORT

TO NORWAY'S
SEVENTH PERIODIC REPORT
TO THE UN COMMITTEE
ON THE RIGHTS
OF THE CHILD
2024



FROM THE NORWEGIAN FORUM
FOR THE CONVENTION ON THE RIGHTS OF THE CHILD



SUPPLEMENTARY REPORT
TO NORWAY SEVENTH REPORT TO THE
UN CHILDREN'S COMMITTEE **2024**

Prepared by: FORUM FOR THE CHILDREN'S
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INTRODUCTION

This is a supplementary report from the Norwegian Forum for the Convention on the Rights of the Child (FfB) to the UN Committee on the Rights of the Child (the Committee). FfB consists of more than 50 organisations and institutions working for the rights of children. The report reflects the challenges that, in the experience of civil society stakeholders, children's rights face in Norway and can serve as documentation of the Norwegian authorities' fulfilment of the provisions of the UN Convention on the Rights of the Child (the Convention).

Preparation of the report:

Preparing the supplementary report is a key task for FfB and involves a thorough process. The work is coordinated by FfB's working committee. The report is based on the fields and expertise of the organisations that make up FfB. The issues covered in the report are limited to the list of issues sent out by the Committee. The areas focused on do not necessarily reflect those where FfB believes the challenges are the greatest, rather they are where members have specialist expertise and have provided input. Sources are referred to continuously in footnotes.



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II.
RIGHTS UNDER
THE CONVENTION
AND OPTIONAL
PROTOCOLS



A. GENERAL MEASURES OF IMPLEMENTATION

(ARTS. 4, 42, 44(6))

LEGISLATION

Incorporate the provisions of the Convention into all legislation relevant for children, point 4(a)

Children's rights must be explicitly incorporated into all legislation relevant to children, in particular the Public Administration Act, Social Services Act, National Insurance Act, Integration Act, Enforcement Act, Debt Settlement Act and health legislation.

RECOMMENDATIONS:

The State party is advised to establish the rights of children by law in all legislation relevant to children.

Review the regulations on children's stays in health institutions, point 4(b)

The Patient and User Rights Act gives children special rights. This is elaborated on in, inter alia, the special regulations on children's stays in health institutions. Some of the wording in these regulations provides too much room for discretion and exceptions, often based on financial and organisational priorities. For example, children should merely "preferably" be admitted to dedicated children's wards. This has resulted in concrete cases where children have, for example, had frightening experiences while admitted to a health institution.¹ There are no plans to revise the regulations.

RECOMMENDATIONS:

The State party is advised to revise the current regulations on children's stays in health institutions.

¹ Gudbrandsdølen Dagningen, "Pleietrengende voksne skremmer pasienter på barneavdelingen", 16.02.2024.

Ratifying the Third Optional Protocol to the Convention, point 4(d)

Norway has still not ratified the Third Optional Protocol to the Convention concerning the rights of individuals to lodge complaints. A mechanism that allows children to lodge complaints outside the national legal system is a central and important prerequisite when it comes to fulfilling the rights of children under the Convention.

RECOMMENDATIONS:

The State party is advised to ratify the Third Optional Protocol to the Convention concerning a complaints mechanism for children.

COMPREHENSIVE POLICY, STRATEGY AND COORDINATION**Disparities in the provision of municipal services to children, point 5(a)**

In several instances, the Committee has raised the need to ensure adequate resources regarding more equal provision of services for children across Norway. Despite an equalisation mechanism and good intentions, major disparities have been identified in municipal service provision. The differences are particularly large in municipal service provision for children with disabilities,² municipal child welfare services³ and mental health assistance for children and youths,⁴ as well as in the implementation of youth follow-up and youth punishment.⁵

RECOMMENDATIONS:

The State party is advised to allocate sufficient resources to all municipalities to ensure equal services and provision for all children across Norway.

2 Save the Children Norway, "Barn med funksjonsnedsettelse: Diskriminering vs. Inkludering - i skolen, fritida og kommunen". 03.05.2023.

3 Kjelsaas, Pedersen et al., "Evaluering av barnevernsreformen", Menon, no. 165, December 2023.

4 Norwegian Ombudsperson for Children, "Unge må ha lett tilgang til psykisk helsehjelp i kommunen", 15.09.2022.

5 Andrews, Eide, "Mellom hjelp og straff- fungerer nye straffereaksjoner for ungdommer etter intensjonen?", 2019.



INDEPENDENT MONITORING

National complaint mechanisms for children, point 8(b)

Despite the fact that the State has initiated important processes in various sectors to ensure children have better complaint mechanisms, children in Norway still do not have good enough complaint mechanisms to complain about violations of their rights under the Convention. Many children still do not know enough about the complaint mechanisms that exist, and they are perceived as inaccessible. Children are frequently at the mercy of their parents with regard to complaints to the authorities.

RECOMMENDATIONS:

The State party is advised to ensure children have a genuine opportunity to complain about violations of their rights, including in cases involving more than single sectors. This includes complaints about violations of rights under the Convention. The State party must investigate how national complaint mechanisms for children can be strengthened and, if applicable, which body or system is the most suitable for handling complaints from children.

DISSEMINATION, AWARENESS-RAISING AND TRAINING

Improving competence on the Convention, points 9(a) and (b)

Systematic training on the Convention for everyone who works with children is still lacking. For example, in the health and education sectors. Children must also be taught about the Convention.

RECOMMENDATIONS:

The State party is advised to take measures that provide systematic and comprehensive training on the Convention to all those who work with and make decisions that affect the rights of children. The State party is advised to take measures to ensure that children are made aware of their rights.

CHILDREN'S RIGHTS AND THE BUSINESS SECTOR

The business sector's compliance with the Convention, point 10

Children use platforms made for adults and have little access to child-friendly technology suitable for their age and maturity.^{6 7} Content marketing platforms and stakeholders in digital arenas should have greater respect for the protections designed to shield children and youths from commercial exploitation.⁸ This includes their right to protection from the targeted marketing of unhealthy foods and beverages.⁹ WHO recommends that a statutory prohibition be enacted and that this not be left to the industry to determine and enforce itself.¹⁰ Marketing prohibitions are considered necessary, although not necessarily sufficient, measures to protect children and youths from commercial exploitation and malicious marketing in digital media.¹¹

RECOMMENDATIONS:

The State party is advised to put in place a comprehensive legal framework that obligates the business sector to better protect children from commercial exploitation and harmful marketing in digital media. At the same time, the State party should work with business to develop technology based on children's rights principles.

6 Barnevakten, "Behov for barnevennlige telefoner", 06.10.2020.

7 5RIGHTSFOUNDATION, "Child rights by design".

8 Norwegian Ombudsperson for Children, "Unge for dårlig beskyttet mot kommersiell utnyttning på nett", 18.10.2021.

9 Sing, F., Mackay, S., Cinà, M. et al., "The tilization of legal instruments by United Nations actors to restrict the exposure of children to unhealthy food and beverage marketing: a qualitative content analysis of UN instruments". *Global Health* 19, 45 (2023).

10 WHO, "Making the WHO European Region the healthiest online environment for children: position statement", (2024).

11 Ministry of Health and Care Services, "Høring om forslag til ny forskrift om forbud mot markedsføring av visse næringsmidler rettet mot barn og forslag til ny hjemmel i matloven § 26 a for å kunne ilagge overtredelsesgebyr ved brudd på forskriften" (2024)

B. GENERAL PRINCIPLES

(ARTS. 2, 3, 6 AND 12)

NON-DISCRIMINATION

Complex discrimination against children with disabilities, point 11(c)

Despite the fact that the Government's strategy (2020-2030) and action plan (2020-2025) for equality for people with disabilities have been in effect for several years, children with disabilities experience complex discrimination in all areas of society. Both plans contain few direct measures for children, and these children face a number of barriers as regards the fulfilment of their rights under the Convention.¹² Important barriers include a lack of equal services, municipal disparities,¹³ inadequate adaptations, universal design of schools and recreational arenas, accessible teaching aids¹⁴ and equal training, as well as prejudice, attitudes¹⁵ and inadequate knowledge about children with disabilities.^{16 17 18 19}

RECOMMENDATIONS:

The State party is advised to develop an action plan containing specific measures that, in particular, prevent and protect children and youths with disabilities from complex discrimination, with a particular focus on participation, involvement, knowledge and attitudes.

Discrimination against children who break with gender and sexuality norms, point 11(c)

Studies show that the basic rights of children who break with gender and sexuality norms are not being fulfilled, and that they are at greater risk of experiencing bullying, violence, abuse, sexual harassment and hate crimes, as well as having poorer mental and physical health.^{20 21 22} The Government's Action

12 Save the Children Norway, "Dette passer ikke for sånne som deg", 23.05.2024.

13 Ministry of Culture and Equality, NOU, 2023: 13. "High Time – Realization of Disabled People's Rights", 2023.

14 Authority for Universal Design of ICT, "Den digitale skolen. Kan alle delta?", 2024.

15 Frisell, Olsen, "Summen av de stadige påminnelser: Funksjonshemming, mikroagresjon og helse". Fafo report 2024: 32.

16 Ministry of Culture and Equality, NOU, 2023: 13. "High Time – Realization of Disabled People's Rights", 2023.

17 Ministry of Culture and Equality, NOU 2023: 20. "Tegnspråk for livet", 2023.

18 Ministry of Culture and Equality, Meld. St. 8 2022-2023 (White Paper), "Human rights for persons with intellectual disabilities", 2023.

19 Ministry of Health and Care Services, NOU 2021: 11. "Selvstyrt er velstyrt". 2021.

20 Auestad and Roland, "Seksuell orientering og mobbing", Senter for atferdsforskning", University of Stavanger, 2009.

21 Frøyland et. al., NOVA rapport 11/23. "Vold og overgrep mot barn og unge. Omfang og utviklingstrekk 2007-2023", 2023.

22 Eggebo et. al., KUN Centre for Equality and Diversity, "Skeiv på bygda", 2015.

Plan on Gender and Sexual Diversity (2023-2026)²³ does not contain a knowledge summary related to children, has few measures targeted directly at children and youths, and does not mention knowledge about children in relation to increasing the knowledge base going forward. There is a need for a comprehensive knowledge base about what it will take to better fulfil the rights of children who break with gender and sexuality norms, and to ensure they enjoy good living conditions.

RECOMMENDATIONS:

The State party is advised to develop a knowledge base about the rights situation of children who break with gender and sexuality standards and to ensure good measures that prevent and prohibit discrimination.

Discrimination against children with minority backgrounds, point 11(c)

Children with minority backgrounds experience discrimination on the basis of ethnicity, colour and religion. A survey shows that a large proportion of children in Norway with minority backgrounds encounter discrimination in their everyday lives. 71% of respondents aged 13-24 of African heritage stated that they had experienced racism in the past year.²⁴ 64% of children of Middle Eastern heritage and 63% of those of Asian heritage stated the same.²⁵ Reports also show that youth with minority backgrounds experience being stopped by the police without justification more often than the population otherwise.²⁶

RECOMMENDATIONS:

The State party is advised to take measures to improve knowledge about racism and discrimination among children with minority backgrounds and among those who come into contact with children through their work.

23 The Government, *"The Norwegian Government's Action Plan on Gender and Sexual Diversity"*, 2023-2026.

24 Proba Research, *"Barn og unges erfaringer med rasisme og diskriminering"*, 2023.

25 Proba Research, *"Barn og unges erfaringer med rasisme og diskriminering"*, 2023.

26 Save the Children Norway and the Anti-Racist Centre, *"Første gang jeg ble stoppet av politiet var jeg bare 12 år"*, 2023.

BEST INTERESTS OF THE CHILD

National guidelines for determining the best interests of the child, point 12(a)

There are still no national guidelines on how the best interests of the child should be determined and weighted. This results in the best interests of the child being overlooked and not being considered a fundamental factor. It has been discovered that the Norwegian Labour and Welfare Organisation (NAV) often overlooks consideration of the best interests of the child in cases of financial support for disadvantaged families with children. This is concerning.^{27 28}

RECOMMENDATIONS:

The State party is advised to draw up national guidelines on how the best interests of the child should be determined and weighted.

Consideration of the best interests of the child in immigration cases concerning the deportation of parents who are foreign nationals, point 12(b)

Consideration of the best interests of the child is not adequately addressed in government immigration practices, even though expulsion of a parent has a great impact on children.²⁹ Draft legislation introduces a general rule that expulsion should not occur when there are insurmountable obstacles to continuing family life in the home country.³⁰ This is not sufficient. The current wording of the draft legislation will not strengthen how the best interests of the child are safeguarded.

A 2024 report shows that the best interests of the child are not adequately considered in asylum cases.³¹ The child's situation has been subordinate to that of the parents in a number of cases involving accompanying children. This can result in consideration of the best interests of the child being afforded less weight when balancing immigration control considerations. The report also shows that children's health problems are not being adequately assessed and weighted.

RECOMMENDATIONS:

The State party is advised to ensure that the best interests of the child are specifically assessed and given weight in expulsion cases. The State party is advised to introduce a general no expulsion rule in all cases involving breaches of the Immigration Act that affect children.

27 Norwegian Board of Health Supervision, "Rapport fra tilsyn med kommunens behandling av søknader om økonomisk stønad etter sosialtjenesteloven ved NAV Vestre Aker", 2023.

28 Norwegian Board of Health Supervision, "Landsomfattende tilsyn", 2022-2023.

29 Ministry of Justice and Public Security, "Terskelen for utvisning i saker som berører barn", 01/2022.

30 Ministry of Justice and Public Security, "Høring om endringer i utledingsforskriften om utvisning av forelder med mindreårige barn i Norge", 05/2024.

31 KPMG, "Barnets beste i asylsaker", 2024.

RESPECT FOR THE VIEWS OF THE CHILD

The child's right to be heard in cases concerning expulsion and asylum, point 13(a)

There are concerns that children are not being adequately or sufficiently heard in expulsion cases that affect them, both in Directorate of Immigration cases and in Immigration Appeals Board cases.

The asylum process for children is not well enough tailored to children. For example, no formal competence requirements exist for case managers who interview children, the interview locations are not well enough designed with children in mind and children do not receive adequate legal assistance and guidance.³² A recent review of around 100 individual cases identified a clear need for improvements.³³

RECOMMENDATIONS:

The State party is advised to take measures that safeguard the child's right to be heard in cases involving expulsion and asylum.



³² Save the Children Norway, "Vi må være trygge for å fortelle", 2022.

³³ KPMG, "Barnets beste i asylsaker", 2024.

Need to strengthen youth councils, points 13(b) and (c)

How children's and youth councils function in practice varies greatly.^{34 35 36 37} Little systematic work is done to ensure that youth councils function as a spokesperson for all those the council is meant to represent, including minority groups. Few statistics concerning the composition of youth councils are available, although disability advocacy organisations are told that the representation of children with disabilities is low. Major differences exist in the training provided to youth councils and their adult coordinators. The extent to which procedures and guidelines are in place that ensure genuine participation in decision-making processes varies greatly, this includes in relation to follow-up and feedback on matters to which they have contributed. The provision of sufficient resources for continuous and predictable support and follow-up of a youth council is crucial for the youth council to function in practice. Major differences exist between different municipalities and counties regarding the extent to which resources are allocated to this.

RECOMMENDATIONS:

The State party is advised to strengthen children's and youth councils such that they can continue to represent a diversity of children's and youths' voices in their work and have a real influence within municipal and county authority decision-making processes.

Right of children with disabilities to be heard, point 13(d)

All children have the right to be heard, but children with disabilities face particular obstacles to exercising this right. Studies show that children with disabilities are seldom able to participate directly in encounters with those who make decisions that affect their lives, and that the staff in these services often do not have the competence necessary to involve the child in designing the provision.³⁸ Findings from nationwide inspections of children's homes and respite homes in 2022-2023 indicate multiple breaches of children's right to participation.³⁹ Furthermore, the funding to organisations for children and youths with disabilities is low. This means that these organisations cannot ensure the participation of disabled children in processes that concern them.

RECOMMENDATIONS:

The State party is advised to take measures that ensure children with disabilities are able to exercise their right to be heard and that counter discrimination in the exercising of that right. The State party is advised to review existing grant schemes with a view to strengthening the organisations run by and for children and youths with disabilities.

34 Landsverk Hagen et. al., Oslo Metropolitan University, Work Research Institute (AFI) (3), "Unges mulighet til å medvirke – En samskapt studie av ungdoms deltagelse og engasjement i norske kommuner", 2023.

35 Oxford Research, "Ungdomsmedvirkning i distriktskommuner", 2023.

36 Youth Panel on Rural Development, "10 råd fra Ungdommens Distriktspanel", 2021.

37 Rambøll, "Kartlegging av medvirkning på systemnivå", 2024.

38 I Bossy, D. and Mamley Hervie, V., NOVA Rapport 6/21, "Mellom idealer og praksis - Ivaretagelse av rettighetene til barn med funksjonsnedsettelse", 2021.

39 Norwegian Board of Health Supervision, "Landsomfattende tilsyn 2022-2023, Barne- og avlastningsboliger habilitering/opplæring i samsvar med barnas behov", 2023.

National guidelines for child participation, point 13(e)

Although the child's right to be heard has been incorporated and clarified in multiple Norwegian laws in recent years, no common national guidelines exist for how and when the right to be heard must be safeguarded for all children. The Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) has prepared a guide to children's participation at a system level, which is aimed at government, county authority and municipal employees,⁴⁰ although the extent to which people are aware of and use the guide varies greatly. Adults with responsibility for facilitating the participation of children and youths in various contexts want more systematic training and guidance.^{41 42 43 44}

RECOMMENDATIONS:

The State party is advised to develop and issue common national guidelines on the child's right to be heard and to establish a national resource centre for children and youths participation.

40 Norwegian Directorate for Children, Youth and Family Affairs (Bufdir), "*Prinsipper og råd: Barn og unges medvirkning på systemnivå*", 2021.

41 Proba Research, the Norwegian Association of Local and Regional Authorities (KS) and the Telemark Research Institute, "*Erfaringer med lovpålagte råd for medvirkning*". 2022.

42 KS Konsulent og Oxford Research, "*Elevmedvirkning. FoU om hvordan elevmedvirkning kan styrkes i norske skoler i tråd med nytt læreplanverk*", 2022.

43 Oslo Metropolitan University, Work Research Institute (AFI), "*Unge mulighet til å medvirke – En samskapt studie av ungdoms deltagelse og engasjement i norske kommuner*", 2023.

44 Rambøll, "*Kartlegging av medvirkning på systemnivå*", 2024.

C. CIVIL RIGHTS AND FREEDOMS

(ARTS. 7, 8 AND 13-17)

NATIONALITY

Stateless children, point 14

Norway has yet to establish a statutory legal definition of statelessness.

RECOMMENDATIONS:

The State party is advised to establish a legal definition of stateless persons, and to establish legal and other safeguards that identify and ensure that all children born in Norway are entitled to citizenship at birth, if otherwise stateless.

RIGHT TO PRIVACY AND ACCESS TO APPROPRIATE INFORMATION

Children and digital media, point 15(b)

Children are exposed to a massive amount of advertising and commercial content in digital arenas. The information children look up is increasingly controlled by algorithms based on user preferences and commercial interests. Digital media also collects large amounts of personal information about children that is used for behavioural marketing. It is unclear how this information is used by the stakeholders who collect it. The rules in place to protect children from advertising and commercial content do not apply to digital arenas.⁴⁵ Harmful content must be controlled through stricter legislation.⁴⁶

RECOMMENDATIONS:

The State party must prohibit behavioural marketing targeted at children and strengthen monitoring mechanisms to protect children from harmful advertising and content in digital arenas. Children must be ensured good, quality-assured information tailored to their age and maturity, and children's personal data must not be shared with unauthorised persons.

45 Norwegian Media Authority, "Barn og medier", 2022.

46 Norwegian Consumer Council, "Forbrukerrådet vil forby overvåkningsbasert markedsføring", 21.06.2023.

D. VIOLENCE AGAINST CHILDREN

(ARTS. 19, 24(3), 28(2), 34, 37(A) AND 39)

VIOLENCE, INCLUDING SEXUAL EXPLOITATION AND ABUSE

Strengthen the protection of child victims of violence and sexual abuse, point 17(a)

The provision for child victims of violence and sexual abuse varies too much and many children do not have access to follow-up or treatment after violence and sexual abuse.

A significant proportion of child sexual abuse victims are not offered forensic examinations because there is no 24-hour emergency provision for children under 14.⁴⁷

RECOMMENDATIONS:

The State party is advised to establish a statutory right to quality-assured assistance measures for all child victims of violence and sexual abuse, including 24-hour emergency provision for children under 14 as well. Children must be ensured good information about existing assistance services.

Prevention of child sexual abuse, point 17(b)

A 2023 study shows there was a sharp increase in sexual violence against and between youths from 2015-2023.⁴⁸ One in four youths has been a victim of sexual violence during their childhood, and girls are four times as vulnerable as boys. Children who break with gender and sexuality norms, and children who grow up in difficult conditions, are particularly vulnerable. The survey also shows that there was an increase in digital sexual offences and that the majority involved people of the same age.

One in five women have been raped and half of these were raped when younger than 18.⁴⁹ An expert committee has pointed out the authorities' inadequate efforts to prevent violence and sexual abuse against and between children and

47 Ministry of Justice and Public Security, NOU 2024: 4, "Rape – an unsolved problem", 2024.

48 Frøyland, L.R., Lid, S., Schwencke, E.O. and Stefansen, K., NOVA Rapport 11/23, "Vold og overgrep mot barn og unge. Omfang og utviklingstrekk 2007–2023", 2023.

49 Dale, M. T. G., Aakvaag, H. F., Strøm, I. F., Augusti, E. M., and Skauge, A. D., Norwegian Centre for Violence and Traumatic Stress Studies, "Omfang av vold og overgrep i den norske befolkningen", (Report 1), 2023.

youths.^{50 51} In spring 2024, the Royal Commission on Rape⁵² strongly criticised the Norwegian authorities. The Commission found “no signs” that the authorities are addressing the high incidence of rape. The number of rapes appears to be increasing despite various national action and escalation plans and measures. The Commission advises the Norwegian authorities to strengthen prevention efforts targeted at children and youths, where better sexuality education in schools and kindergarten is an important measure.⁵³ Major differences currently exist in how municipalities work on preventing and following up violence and sexual abuse against children. Statutory municipal action plans against violence in close relationships will be important measures for combating violence and child abuse.⁵⁴

RECOMMENDATIONS:

The State party is advised to strengthen its efforts to prevent violence and sexual abuse against and between children and to implement specific measures over time. These include strengthening comprehensive sexuality education in kindergartens and schools, as well as establishing a statutory duty for municipalities to have action plans to combat violence against children and violence in close relationships.

Evaluation of the Norwegian children’s houses model, point 17(d)

The 2021 evaluation of the Norwegian children’s houses model has only been partially followed up by the authorities. The target group for children’s houses must be expanded to child suspects and children aged 16-18. The evaluation showed that in some places in Norway, the sanctions route takes precedence over the child welfare aspects in children’s houses. No action has been taken to remedy this.

RECOMMENDATIONS:

The State party is advised to extend the target groups for children’s houses to child suspects and all children aged up to 18, as well as to take the measures necessary to ensure that the balance between prosecution and child welfare routes in children’s houses is addressed across Norway.

50 Ministry of Justice and Public Security, NOU 2024: 4, “Rape – an unsolved problem”, 2024.

51 Ministry of Justice and Public Security, NOU 2023: 5 “*The Big Difference: on women’s health in Norway and why sex and gender matter*” 2023.

52 Ministry of Justice and Public Security, NOU 2024: 4, “Rape – an unsolved problem”, 2024.

53 Ministry of Justice and Public Security, Prop. 36 S 2023-2024. “*Escalation plan to combat violence against and abuse of children and violence in close relationships*”, (2024-2028). 12/2023.

54 Sandmoe et. al., Norwegian Centre for Violence and Traumatic Stress Studies, “*Kommunale handlingsplaner mot vold i nære relasjoner - hvordan brukes de og til hvilken nytte*”, 2019.

Violence and sexual abuse against children with disabilities, unaccompanied asylum-seeking children and children who break with gender and sexuality norms, point 17(e)

New research shows that the proportion of victims of violence and abuse is particularly high among youths with disabilities.⁵⁵ One reason for this is that these children are more often in contact with adults.⁵⁶ The Government's efforts to combat and prevent sexual abuse lack specific measures targeted at children with disabilities.⁵⁷

Several recent studies show that children who break with gender and sexuality norms are more likely to become victims of violence and sexual offences and abuse than others, both at home and committed by their peers.⁵⁸ ⁵⁹The "Dobbel Tabu" report from 2024 calls for more expertise in gender and sexual diversity in schools as an important preventive measure.⁶⁰ A number of unaccompanied asylum-seeking children report being subjected to sexual offences when they lived in asylum reception centres in Norway. Professional child welfare responsibilities need to be strengthened to ensure better follow-up and protection against sexual abuse.⁶¹

RECOMMENDATIONS:

Norwegian authorities must take measures to protect children from violence and sexual abuse. These must be inclusive and reflect the diversity of society. Furthermore, specific measures must be taken to protect children with disabilities, children who break with gender and sexuality norms and unaccompanied asylum-seeking children from violence and sexual abuse.



55 Frøyland, L.R, Lid, S., Schwencke, E.O. and Stefansen, K., NOVA Rapport 11/23, "Vold og overgrep mot barn og unge. Omfang og utviklingstrekk 2007–2023", 2023.

56 Ministry of Culture and Equality, NOU, 2023: 13 p.60., "High Time – Realization of Disabled People's Rights", 2023.

57 Ministry of Justice and Public Security, Prop. 36 S 2023-2024. "Escalation plan to combat violence against and abuse of children and violence in close relationships", (2024-2028). 12/2023.

58 Frøyland, L.R, Lid, S., Schwencke, E.O. and Stefansen, K., NOVA Rapport 11/23, "Vold og overgrep mot barn og unge. Omfang og utviklingstrekk 2007–2023", 2023.

59 Hafstad and Augusti, Norwegian Centre for Violence and Traumatic Stress Studies, "Ungdoms erfaringer med vold og overgrep i oppveksten: En nasjonal undersøkelse av ungdom i alderen 12-16 år", 2019.

60 Save the Children Norway and the Centre for Equality, "Dobbel tabu", 2024.

61 Save the Children Norway, "Trygghet på asylmottak", 2022.

Knowledge and competence, point 17(f)

Only one in five young victims of violence and abuse have been in contact with support services.⁶² In recent years, the State party has conducted training measures designed to enhance competence on violence and abuse, although the measures have not been systematic.

The Office of the Auditor General has stated that important stakeholders such as teachers, kindergarten staff and family doctors do not know enough about violence in close relationships and that many are uncertain about whether and how to report suspected violence.⁶³ Employees in schools and other adults in contact with children as part of their job lack the knowledge and skills necessary to teach children about sexuality, abuse and digital risks, and to know how to talk to youths about setting boundaries and what is violence and abuse.⁶⁴

RECOMMENDATIONS:

The State party is advised to take measures that provide all professionals working with children and youths with the knowledge and competence necessary to prevent and deal with violence and abuse.

62 Hafstad and Augusti, Norwegian Centre for Violence and Traumatic Stress Studies, “*Ungdoms erfaringer med vold og overgrep i oppveksten: En nasjonal undersøkelse av ungdom i alderen 12-16 år*”, 2019.

63 Office of the Auditor General, *Document 3:8 (2021–2022)*, 2022.

64 Øverlien et.al., Norwegian Centre for Violence and Traumatic Stress Studies, “*‘Nesten innafør’: Seksuell vold og krenkelser i unges nære relasjoner*”, 2024.

E. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

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

CHILDREN DEPRIVED OF A FAMILY ENVIRONMENT, AND ADOPTION

The best interests of the child when placing siblings in foster care, point 20(b)(i)

Six out of ten children in Norway are separated from their siblings when they are placed in foster homes, including when there is no professional assessment justifying the separation.^{65 66}

RECOMMENDATIONS:

The State party is advised to take measures to ensure that siblings are not separated when placed in foster care unless it is in the best interests of the child.

Children who are moved urgently based on serious behavioural issues, point 20(b)(iii)

In the preparatory work on the current Child Welfare Act, there was little discussion on the requirement to safeguard children's rights under the Convention including article 37 d) and 40 no.2, b) during the preparation of Section 4-4, which concerns emergency orders for placement in a child welfare institution.^{67 68 69}

RECOMMENDATIONS:

The State party is recommended to ensure that the decision-making procedure for emergency decisions pursuant to § 4-4 of the Child Welfare Act complies with the requirements of the Convention on the Rights of the Child.

65 Falch-Eriksen, Oslo Metropolitan University, Nova Rapport 11/17, "Søsken og plassering i fosterhjem. Rapport om utfordringer, hindringer og tiltak ved søskenplassering i fosterhjem", 2017.

66 Norwegian Organisation for Asylum Seekers and Save the Children Norway, "Rapport om barnets beste i utvisningssaker", 2020.

67 NOU 2016:16 New Child Welfare Act, 2016..

68 Ministry of Children and Families, "Høringsnotat – Forslag til ny barnevernslov", 2019

69 Ministry of Children and Families, Prop. 133 L (2020–2021) Child Welfare Act), 2021

Monitor children in residential child welfare institutions, point 20(b) (iv)

Many children experience frequent relocations, often far from home. Children experience a lack of participation, feel that they do not receive proper and useful help and are calling for safety, warmth and care in institutions.⁷⁰ Children also do not receive the healthcare they need.⁷¹ Many children's needs are not adequately mapped when choosing child welfare institutions and the quality assurance mechanism for child welfare institutions has not worked well enough. The bidding and competitive tendering system increases the risk of expensive procurement, and insufficient consideration is given to the needs of the child. The Government has initiated a project designed to improve child welfare institutions. The work has not gone far enough and the financial framework for following up the strategies is highly uncertain.

RECOMMENDATIONS:

The State party is advised to ensure varied, differentiated and accessible institutional child welfare provision to ensure genuine options are available when choosing the most suitable measure for the individual child. The State party is advised to ensure interdisciplinary health mapping for children in institutions in all regions and to ensure that children receive adequate healthcare. The State party should ensure that there are adequate resources to implement the measures.

CHILDREN OF INCARCERATED PARENTS

Children's rights to contact and visit parents in prison, point 21

Children's opportunities for contact with incarcerated parents are very limited. Inmates in high security prisons are normally granted at least a one hour long visit and 20 minutes of telephone time a week. Inmates with children can be granted a bit longer visiting times and five minutes extra telephone time per child. The quotas are still very limited. Nor can children call the prison. Inmates must call, and it is very expensive. Furthermore, the Norwegian Correctional Service's proximity principle is frequently flouted and inmates are sent to prisons far away from home. Long and expensive journeys make it hard for many children to visit their parent in prison. No statutory travel support is available for visiting parents in prison. Whether the opportunities for contact are sufficient to fulfil a child's right to contact is questionable.⁷²

Children with parents subject to bans on contact or visits are only allowed to visit them in exceptional circumstances. The Council of Europe recommends that children should normally be allowed to visit incarcerated parents within one week after a prison sentence starts and thereafter on a regular basis.⁷³

70 Ministry of Children and Families, NOU 2023:24, "Med barnet hele vegen- barnevernsinstitusjoner som har barnets tillit", 2022.

71 SINTEF, "Barn i barnevernet får ikke den helshjelpe de trenger", 11.04.2024.

72 Ministry of Justice and Public Security, *Guidelines for the Execution of Sentences Act, Section 31.10, Regulations relating to the Execution of Sentences, Section 3-29*

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

RECOMMENDATIONS REGARDING CONCLUDING OBSERVATIONS:

The State party must ensure that children's contact with incarcerated parents is consistent with the best interests of the child, and ensure that children are allowed regular contact with their parents even if the parents are in custody and banned from receiving correspondence and visits.



F. CHILDREN WITH DISABILITIES

(ART. 23)

Municipal disparities in the provision of services for children with disabilities, point 22(a)

Major municipal disparities exist in the provision of services for children with disabilities, including access to a child coordinator.⁷⁴ This results in unequal treatment and children with disabilities being unable to move anywhere they want.⁷⁵ One measure for reducing municipal disparities would be to incorporate the UN Convention on the Rights of Persons with Disabilities (CRPD) into the Human Rights Act.

RECOMMENDATIONS:

The State party is advised to incorporate the CRPD into Norwegian human rights legislation and to lower the threshold for particularly resource-intensive services to reduce municipal disparities (Chap. 575 National Budget 2024).⁷⁶

Preventing the institutionalisation of children with disabilities, point 22(b)

Many children with disabilities spend part of their childhood in institutions with caregivers other than their parents.⁷⁷ Children's homes are often organised as large institutions and co-located with nursing homes, and that does not comply with the principle of normalisation and the child's right to grow up in a safe family environment. A better user-controlled personal assistance (UCPA) scheme could be an important measure for, inter alia, preventing the institutionalisation of children with disabilities.⁷⁸ The criteria governing entitlement to UCPA need to be expanded to prevent institutionalisation and to ensure that more children with disabilities can participate in society on a par with other children.

RECOMMENDATIONS:

The State party is advised to implement measures that prevent the institutionalisation of children and youths with disabilities, including expanding the right to UCPA and amending regulations to ensure an absolute prohibition on placing children in nursing homes. The provision for those children who are in an institution must be improved.

74 PWC, "Prosjekt barnekoordinator – En kartlegging av indikasjoner på best praksis i barnekoordinatorordningen", 2022.

75 Ministry of Culture and Equality, "CRPD Report – Convention on the Rights of Persons with Disabilities", 2024.

76 Ministry of Local Government and Regional Development, *Prop 1 S (2023-2024)*, 2024.

77 Report: Norwegian Board of Health Supervision 7/2024 "Det viktigaste er at barna er trygge og har det bra", 2024

78 Ministry of Health and Care Services, NOU 2021: 11. "Selvstyrt er velstyrt". 2021.

Strengthened healthcare provision for children with disabilities, points 22(c) and 23(a) and (b)

Specialist expertise is required to meet the complex needs of children with disabilities and their relatives.

Measures have been proposed to strengthen municipal mental health services.⁷⁹ These goals will not be achieved if municipalities are not given the resources to provide good low-threshold services, and there are no concrete measures to ensure that mental health services for children are followed up by the somatic health system.

A nationwide survey of children's and respite homes shows, inter alia, that children's participation is not being adequately safeguarded, that information about the child's needs is not being adequately documented and that the flow of information between employees and services is not adequate.⁸⁰ This suggests that the fundamental rights of children and youths in children's and respite homes are not being fulfilled and that improvement measures are needed both in municipal services and in the homes. Staff in children's homes and respite homes must receive continuous training and professional development to provide the care that is in the best interests of the child.

RECOMMENDATIONS:

The State party is advised to improve healthcare services for children and youths with disabilities, as well as their relatives.

The State party is advised to take measures that ensure that the fundamental rights of children with disabilities living in an institution are safeguarded.



79 Ministry of Health and Care Services, Meld. St. 23 (2022–2023), “Opptappingsplan for psykisk helse (2023-2033)”, 2023.

80 Norwegian Board of Health Supervision, “Landsomfattende tilsyn 2022-2023 – Barne- og avlastningsboliger habilitering/opplæring i samsvar med barnas behov”, 2023.

G. BASIC HEALTH AND WELFARE

(ARTS. 6, 18(3), 24, 26, 27(1)-(3) AND 33)

HEALTH AND HEALTHCARE SERVICES, MENTAL HEALTH AND ADOLESCENT HEALTH

Many children and youths in Norway do not receive the mental healthcare they require, points 23(a), (b) and (d)

Statistics for 2023 show that the number of children treated in mental health services increased by 5% compared with the year before.⁸¹ Mental healthcare is not uniformly accessible and developed in the different regions, which impacts the services available to children and youths.⁸² The service provision in the municipalities varies greatly. This may mean that a large number of children are not receiving the necessary mental healthcare they require. A rejection from a child and adolescent psychiatry polyclinic (BUP) may in itself pose a risk to the individual youth, and without a BUP assessment, a child may not receive any further assistance.⁸³

RECOMMENDATIONS:

The State party is advised to implement measures that ensure all children and youths access to necessary mental healthcare, regardless of the municipality they grow up in, including more 24-hour places for children and youths and increased BUP capacity.

Strengthen health clinics and school health services, point 23(a)

Mental health issues and disorders are common among children and youths.⁸⁴ Efforts designed to promote children and youths' mental health and prevent issues must be strengthened in order to reverse this development. Health clinics and school health services are very important low-threshold services for children and youths. More than 2,000 public health nurses are still needed to meet demand.⁸⁵

RECOMMENDATIONS:

The State party must earmark and increase funding for health clinics and school health services, as well as increase the number of student places for training public health nurses.

81 Norwegian Institute of Public Health, "Aktivitetsdata for spesialisthelsetjenesten", 2023.

82 Office of the Auditor General, "Riksrevisjonens undersøkelse av psykiske helsetjenester", 2020-2021.

83 Norwegian Healthcare Investigation Board, "Ungdom med uavklart tilstand", 2021.

84 Norwegian Institute of Public Health, *Public Health Report*, (the statistics are updated regularly, looked up on 14.5.2024)

85 SINTEF, "Norge mangler over 2000 helsesykepleiere", 14.5.2024

Inadequate healthcare for children without a residence permit, point 23(c)

Children without a residence permit are not entitled to be on a family doctor's list; they are only entitled to emergency healthcare. This means that children do not have access to healthcare that requires follow-up and treatment over time. Children are discriminated against based on their residence status and thus cannot access healthcare on an equal basis with other children in Norway.⁸⁶ Low-threshold mental health services must also be provided for undocumented children since they have a higher risk of poor mental health.

RECOMMENDATIONS:

The State party is advised to ensure that all undocumented children have access to necessary healthcare, both physical and mental. The State party is advised to ensure that undocumented children have access to a family doctor.

Better health checks of new arrivals, point 23(c)

It is important to identify asylum seekers who have been victims of torture and to develop good referral procedures in connection with further investigation, including using the Istanbul Protocol to identify and document any injuries caused by torture. Norway has a special duty to identify child victims of abuse, torture or other cruel and degrading treatment, and to ensure that their health status is adequately followed up throughout the asylum process.

RECOMMENDATIONS:

The State party must ensure that child refugee torture victims are identified and ensure that arriving child refugees undergo health checks. Norway must ensure that child refugees with an identified need for mental healthcare receive this treatment.

Measures for responding to the most serious health challenges faced by children who break with gender and sexuality norms, point 23(e)

Youths with a sexual orientation other than heterosexuality are less satisfied with life and report loneliness and mental health issues. Many children and youths who break with gender and sexuality norms report that they have poorer relationships with their parents and are at risk of bullying, violence, abuse, and prejudice.^{87 88 89} Knowledge about the living conditions and particular health challenges these children face is an important measure with regards to being able to put in place appropriate measures to combat serious mental health issues, as well as a prerequisite for ensuring trust-based meetings between children and public authorities.

⁸⁶ Church City Mission, "De usynlige barna", 2023.

⁸⁷ Bakken, A., Oslo Metropolitan University, NOVA Rapport 6/24, "Ungdata 2024. Nasjonale resultater.", 2024.

⁸⁸ Oslo Metropolitan University, NOVA Rapport 11/2023 "Vold og overgrep mot barn og unge, omfang og utviklingstrekk 2007- 2023", 2023.

⁸⁹ Norwegian Directorate for Education and Training, "Elevundersøkelsen" 2024

RECOMMENDATIONS:

The State party is advised to ensure that an adequate knowledge base exists about the living conditions and health issues of children who break with gender and sexuality norms and to implement measures that prevent serious mental health issues. The State party must ensure that employees learn about children who break with gender and sexuality norms in order to prevent prejudice and stereotypes.

Children and the environment, point 24

The Intergovernmental Panel on Climate Change (IPCC) has expressed concern that children and youths, who will bear the bulk of the adverse impacts of climate change, are being overlooked and have little influence on environmental decisions.⁹⁰ Norway has no statutory requirements in special laws, for example within the area of petroleum, to consider children's rights or involvement of children and youths.

RECOMMENDATIONS:

The State party is advised to ensure that children and youths are involved in environmental law issues, which includes safeguarding their right to participation and making sure that accessible mechanisms are in place that ensure children's views can be heard in relation to environmental decisions that may impact them.

STANDARD OF LIVING**Children in low-income families, point 25(a)**

The number of children growing up in families on persistently low incomes in Norway is increasing, and has increased threefold since 2001.⁹¹ The progress being made in efforts to reduce family poverty is too slow. One important measure will be to draw up local action plans for combating family poverty.⁹² Children with immigrant backgrounds are overrepresented among those living below the relative poverty line in Norway.⁹³ The authorities recently introduced several measures that cut important social security benefits for families with children, including a 12-month residence requirement in the Child Insurance Act, National Insurance Act and Dental Health Services Act. This could help to escalate the growing family poverty in Norway and is concerning.

90 Norwegian Institute of Public Health, "Klimaendringer og Helse", 2022.

91 Statistics Norway, "Færre barn lever i familier med lavinntekt", 18.01.2022

92 Church City Mission and Save the Children Norway, "Betydningen av kommunale planer i arbeidet med å bekjempe familiefattigdom. En kartlegging", 2024

93 Ministry of Children and Families, "En barndom for livet – Økt tilhørighet, mestring og læring for barn i fattige familier", 2023.

RECOMMENDATIONS:

The State party is advised to make the requirement for local action plans for combating family poverty a statutory one and to conduct a child's rights impact assessment of all restrictive measures that impact asylum-seeking families with children.

Children in municipal housing, point 25(b)

The living conditions of children in municipal housing are characterised as strikingly poor.^{94 95} There are no guidelines concerning housing standards for families with children, and there is no requirement to document that the best interests of the child have been considered when allocating housing to families with children. There is a need to strengthen the child perspective in housing related social work.⁹⁶ The measures called for include larger homes, safer outdoor spaces, and families with children not being settled in the same buildings as people with drug and mental health problems. The minimum rental period must also be increased, nationally.

RECOMMENDATIONS:

The State party is advised to strengthen its efforts to prevent growing inequality and family poverty and to implement concrete measures, including strengthening the child perspective in housing related social work and extending the minimum rental period for families with children, nationally.

Increased child benefit, point 25(b)

Child benefit is the single most important benefit for reducing low income among families with children, although since child benefit has not been increased in line with inflation, its value has fallen in real terms.⁹⁷ In recent years, the rates have been increased, which has resulted in the proportion of families with children with persistent low income falling somewhat.⁹⁸ However, the rates must continue to be increased and should be linked to the National Insurance basic amount such that they are adjusted every year in line with inflation. Child benefit should also be excluded from calculations of all social security benefits and schemes, such as cases involving debt settlement and legal enforcement or benefits for families living in asylum reception centres.

94 Brattbakk, I., Woll, K. M., Aunan, S. og Aasen, L., AFI, Oslo Metropolitan University, "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)". 2019.

95 Ministry of Labour and Social Inclusion, NOU 2020: 16, "Levekår i byer. Gode lokalsamfunn for alle", 2020.

96 Brattbakk & Reiersen, Oslo Metropolitan University, NOVA, Bovel-notat 4, "Ungdom i kommunale boliger", 2023.

97 The Youth Wiki, "The Government's collaboration strategy for children and young people in low-income families (2020-2023)", 2020.

98 Statistics Norway, "Færre barn lever i familier med lavinntekt", 18.01.2022

RECOMMENDATIONS:

The State party is advised to strengthen child benefit and take measures that ensure that child benefit remains a universal benefit for all families with children. The State party is advised to ensure that child benefit is not regarded as income so that it does not curtail other benefits and arrangements.

Need for a stronger child perspective in NAV, point 25(c)

A recent inspection revealed that in cases involving financial support for families with children, the individual and specific assessments of children's needs carried out by NAV are inadequate.⁹⁹ This is especially critical in the current context of higher living costs, which is resulting in more families with children needing public support. Children's rights must be strengthened by clarifying the legislation and the child welfare skills of staff must be improved.

RECOMMENDATIONS:

The State party is advised to clarify the rights of children in the Social Services Act, National Insurance Act and Labour and Welfare Administration Act.



⁹⁹ Norwegian Board of Health Supervision, "Nav-kontorets ansvar for å ivareta barns behov når familien søker om økonomisk stønad", 01.07.2024

H. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

(ARTS. 28-31)

EDUCATION

Ensure equal and inclusive education for children and youths with disabilities, point 26(a)

For students with disabilities, the main issues in school include dropping out, difficulties with transfers, schools having low expectations, segregation and a lack of adaptation and equality between pupils.^{100 101} Students with disabilities, and especially students with developmental disabilities, have little influence over their own educational choices.

Inspections carried out by the county governors in 2023 reveal municipal disparities in terms of special education and special educational assistance.¹⁰² In 2024, 51% of students receive special education in mainstream classes.¹⁰³ Children should only be taught in separate groups or alone when it is in the best interests of the child and in consultation with the Pedagogic Psychological Service (PPT). Many students' right to special education is not being fulfilled in that they are taught by assistants or staff without teacher training and do not receive the hours to which they are entitled.¹⁰⁴

Most hard of hearing people grow up in families with spoken language. A steadily larger number of hearing impaired people have received a cochlear implant, although this does not fully compensate for their hearing loss. Deaf children's bilingualism, culture and identity must therefore be supported through teaching of, and in, sign language in kindergarten and school.

Statped has been downscaled and reorganised. In parallel with this, municipalities were supposed to undergo an upskilling process with the goal of building competence closer to students.¹⁰⁵ Evaluations of the upskilling process show that the restructuring has not worked as intended. Many municipalities have been unable to build up sufficient special education skills. The upskilling process in the municipalities has largely covered inclusive practices rather than strengthening the area of special education. The capacity and resources

100 Statistics Norway, "Potensial for flere funksjonshemmede i arbeid", 13.11.2018

101 Ministry of Culture and Equality, NOU, 2023: 13. "High Time – Realization of Disabled People's Rights", 2023.

102 Norwegian Directorate for Education and Training, "Statsforvalterenes tilsyn med barnehage- og opplæringsområdet 2023", 2023.

103 Norwegian Directorate for Education and Training, "Fakta om grunnskolen", 2023-2024.

104 Ministry of Culture and Equality, NOU, 2023: 13. "High Time – Realization of Disabled People's Rights", 2023.

105 Regjeringen.no, Meld. St. 6 (2019-2020), "Tett på, tidlig innsats og inkluderende fellesskap i barnehage, skole og SFO", 2019-2020.

challenges faced by the PPT also make it difficult to actively participate in the upskilling process.¹⁰⁶ These issues have combined to impact children and youths with disabilities and various complex learning disabilities in a very unfortunate manner.

There is a need to ensure accessible and universally designed teaching materials to ensure that children with disabilities receive an equal and inclusive education.^{107 108 109 110} There are still shortages of universally designed teaching materials, special teaching materials suitable for blind and visually impaired students and teaching materials in sign language. The State party has not taken steps to ensure the implementation of the roadmap for universally designed local schools,¹¹¹ which is intended to ensure that children with disabilities can attend school where they live.

RECOMMENDATIONS:

The State party must ensure that municipalities have sufficient resources to ensure equal education provision for all students, especially students with disabilities, including ensuring teachers with approved teacher training and a PPT with sufficient capacity to fulfil their statutory mandate. The State party must ensure that Statped has sufficient resources. The State party must ensure the universal design of teaching materials, and that they are available to the country's schools, and implement the roadmap for universally designed local schools with a deadline of 2035.

Preventing the development of high school absenteeism rates, point 26(b)

A steadily increasing number of primary school students are absent from school on a long-term and systematic basis. There are many complex reasons for this. Many students feel that schools in their current form are not a good fit for them.^{112 113 114} Regardless of the reason why the school absenteeism has developed, students must get the help and adaptations they need to return to school. A national system for recording absence and national advice and tools have been announced and will be set out in Meld. St. 34 (2023-2024) "En mer

106 Wendelborg et. al., NTNU Social Research, "Evaluering av kompetanseløftet for spesialpedagogikk og inkluderende praksis. Delrapport 2:31-33, 92, XII", 2023.

107 Universal Utforming AS, "Hører alle meg nå?", 2020

108 Inklusio i Danmark og Universell Utforming AS, "Digital kartlegging i skolen (DISKO)", 2021.

109 Norwegian Association of Local and Regional Authorities (KS), "Design for mangfold – universell utforming i skoler og barnehager", 2020.

110 Wendelborg et.al., NTNU Social Research, "Barrierer i det fysiske læringsmiljøet for elever med nedsatt funksjonsevne", 2020.

111 Norwegian Directorate for Children, Youth and Family Affairs (Bufdir), "Veikart Universelt utformet nærscole 2030", looked up on 10.4.2024

112 Norwegian Ombudsperson for Children, "Rapport fra unge eksperter om ufrivillig skolefravær: Skolesystemet passer ikke for alle", 2024.

113 Church City Mission, "Snakk om skolefravær", 2023.

114 Norwegian Ombudsperson for Children, "One size fits all?" Report from the Norwegian Ombudsperson for Children's expert group on school absence, 2024.

praktisk skole”.¹¹⁵ The school absenteeism rate for Roma children is eight times higher than the average for other children, and many leave secondary school without a diploma.¹¹⁶

RECOMMENDATIONS:

The State party must follow up the measures in the white paper, including establishing a national absence register and developing support resources and national professional councils. The absence register must only provide information about absences and must not be linked to other individual data. The State party should conduct analyses, put in place measures and make an extra effort to prevent high absenteeism rates among Roma children.

Asylum-seeking children’s right to early childhood education and upper secondary education, point 26(c)

Asylum-seeking children are not entitled to a kindergarten place until a residence permit has been granted and the parents and children are permanently settled in a municipality. It is a recurring problem that children who come to Norway after regular admission to upper secondary school has ended do not have the right to start school before a new school year starts. This means that many children have to wait a long time before they can start upper secondary school. The fact that children who have received a final rejection are not entitled to upper secondary school education is also a problem.

RECOMMENDATIONS:

The State party is advised to ensure that asylum-seeking children can start upper secondary education after regular admission and ensure children who have received a final rejection the right to attend upper secondary school. The State party should ensure the right to a kindergarten place irrespective of residence status, in the same way it does with regard to the right to primary and lower secondary education.

All students are entitled to a good, safe school environment, point 26(d)

All children have the right to a good, safe school environment without violations such as bullying, violence, harassment and discrimination. Studies show that there has been a worrying increase in bullying and violence among Norwegian school students, and a decrease in well-being and motivation^{117 118}.

115 Ministry of Education and Research, *Meld. St. 34 (2023-2024) “En mer praktisk skole”*, pp. 82-83, 2023-2024.

116 Hagatun, Kari, Hungarian Educational Research Journal, “*They assume that I don’t really want education for my children: Roma mothers’ experiences with the Norwegian educational system*”, 2019.

117 Wendelborg, Christian, NTNU Social Research, “*Mobbing på skolen. Analyse av Elevundersøkelsen skoleåret 2023/24*”. 2024.

118 Bakken, A., Oslo Metropolitan University, NOVA Rapport 6/24, “*Ungdata 2024. Nasjonale resultater*”, 2024.

In Meld. St. 34 (2023-2024) “En mer praktisk skole”, the government stresses that more needs to be done in terms of prevention, and it wants to develop a comprehensive strategy for good, safe kindergarten and school environments.¹¹⁹ Children with disabilities are particularly vulnerable to bigotry, bullying and hate speech at school because of their disability.¹²⁰ Children who challenge gender and sexuality norms are also more likely to suffer bullying, harassment, social exclusion and unsafe school environments.¹²¹

RECOMMENDATIONS:

The State party is advised to implement concrete and effective measures, as well as to enhance the skills of employees to prevent all forms of violation in schools.

Sámi children’s right to teaching in a Sámi language, point 26(f)

The education provision for Sámi students is not as good as that for other students. This is because there are too few teachers who speak a Sámi language.¹²² ¹²³ Every third students drops Sámi language teaching in school and thus has Norwegian as their main learning language.¹²⁴ ¹²⁵ National authorities have a responsibility to ensure that, as an indigenous people, Sámi people are able to develop their language and culture and to preserve endangered languages. The new Education Act came into force in August 2024 without ensuring that the right of Sámi children to education in a Sámi language is being met.¹²⁶ It is important that schools become arenas for preserving and revitalising Sámi languages and Sámi culture, identity and pride.

RECOMMENDATIONS:

The State party is advised to establish a statutory right to teaching materials in the three Sámi languages and ensure that there is a sufficient number of Sámi language speaking teachers. The State party must take measures to counteract pupil dropout from Sámi language education so that more pupils choose Sámi as a first language.

REST, LEISURE, RECREATION AND CULTURAL AND ARTISTIC ACTIVITIES

Inadequate statutory regulation and quality assurance of youth clubs and recreational activities for children with disabilities, point 27

Youth clubs are the largest recreational activity among youths after organised sports, with approximately 120,000 annual users. Youth clubs largely recruit

119 Ministry of Education and Research, “Meld. St. 34 (2023-2024) “En mer praktisk skole”, pp. 71, 79-80, 2023-2024.

120 Norwegian Association of Youth with Disabilities, “Stå opp mot hatprat”, 2020.

121 Save the Children Norway, “Rettene til LHBTI-barn i Noreg”, 2021.

122 Truth and Reconciliation Commission, “Dokument 19 (2022–2023) Sannhet og forsoning”, 2023.

123 Khrono.no, “Vi trenger flere samisktalende lærere for å unngå kollaps i grunnskolen”, 04.11.2023.

124 NRK.no, “Hver tredje elev slutter i samiskundervisninga”, 28.11.2021

125 Sámi Parliament, “Samiske tall forteller”, 2021.

126 Utdanningsnytt.no, “Norsk opplæringslov uten løft for samiske barn”, 23.02.2023.

youths with a low socioeconomic status.¹²⁷ The provision of youth clubs is not statutorily regulated in Norwegian law, and their quality and support depend on the municipality's finances and priorities, as well as suitable staff.¹²⁸ Inadequate statutory regulation is resulting in major regional disparities in skills levels, quality and availability, and challenges with respect to running long-term, predictable and safe club provision for children and youths. A new statutory right should define the right to recreational provision, stipulate some requirements concerning the quality, skills and resources required, and establish youths' right to participation and involvement.

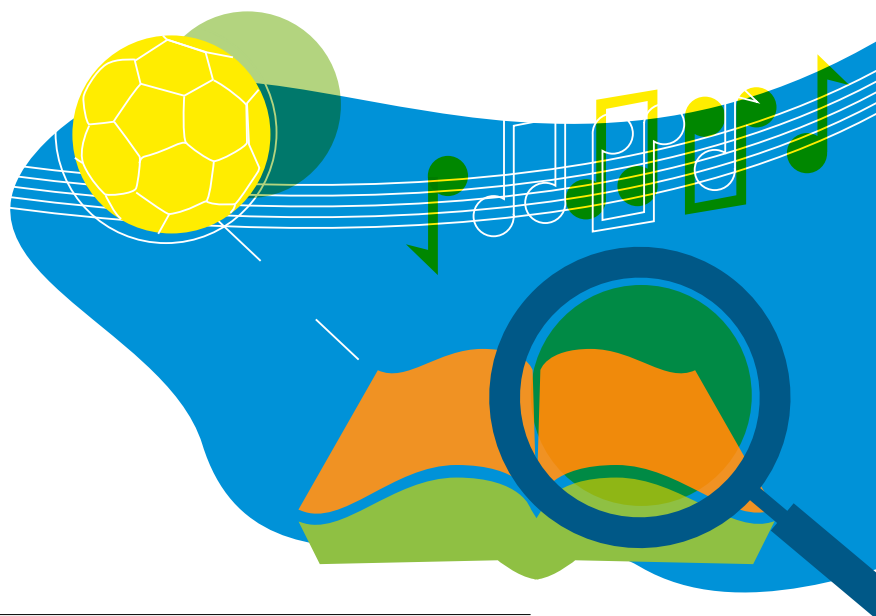
Children with disabilities participate less in recreational activities than other children due to a lack of access and availability. There is not enough knowledge about, or expertise in, how these children can be included.¹²⁹ ¹³⁰ The measures initiated by Norwegian authorities are not sufficient to eliminate the barriers to participation.¹³¹ ¹³² No changes have been made to the UCPA scheme or to the financing and arrangement of the interpretation service for deaf and hard of hearing people.

RECOMMENDATIONS:

The State party is advised to establish a statutory right to youth clubs for all children and youths in their local community. The State party should allocate sufficient resources to all municipalities to reduce municipal disparities in the provision of youth clubs.

RECOMMENDATIONS:

The State party is advised to take measures that eliminate the barriers to participation and municipal disparities in recreational provision for children with disabilities.



127 Ministry of Children and Families, "En barndom for livet – Økt tilhørighet, mestring og læring for barn i fattige familier (regjeringen.no)", 2024.

128 Ungdom og fritid, "Fritidsklubbloftet. Et rammeverk for å styrke fritidsklubbene", 2024.

129 Save the Children Norway, "Fritid for alle", 2021.

130 Barrierefri Fritid 2022, "Inkluderingsveileder", 2022.

131 Ministry of Culture and Equality, NOU, 2023: 13. "High Time – Realization of Disabled People's Rights", 2023.

132 Save the Children Norway, "Fritid for alle", 2021.

I. SPECIAL PROTECTION MEASURES

(ARTS. 22, 30, 32, 33, 35, 36, 37(B)-(D) AND 38-40)

Detention of children and consideration of the best interests of the child, point 28(a)(ii)

Norway has not introduced any new alternatives to the detention of children. In 2023, the deadline for the detention of children was extended from 24 hours to “the next day”.¹³³ The amendment was strongly criticised by many organisations for being in breach of Article 37 of the Convention. Article 37 states that the detention of a child shall be used only as a measure of last resort and for the shortest appropriate period of time. It is feared that the amendment will lead to more children being detained.

RECOMMENDATIONS:

The State party is advised to prohibit the detention of children in connection with immigration cases.

The risks asylum seekers face in the rejection procedure, point 28(a)(ii)

Under the Immigration Act, certain types of decisions in asylum cases may be “implemented immediately”. These include decisions made in line with the provisions concerning first asylum countries and safe third countries. The Directorate of Immigration usually does not conduct asylum interviews in these types of cases, but bases its decisions on information registered by the police. The Immigration Appeals Board does not review rejection decisions while asylum seekers are in Norway, which means the appeals process is illusory. Furthermore, families with children are not entitled to free legal aid in rejection procedures.

RECOMMENDATIONS:

The State party is advised to ensure that children are not returned in breach of the non-refoulement principle.

¹³³ Ministry of Justice and Public Security, “*Prop 103 L 2022-2023 – Amendments to the Immigration Act*”, 2022-2023.

Temporary residence permits for unaccompanied asylum-seeking children aged 16-18, point 28(a)(iii)

Temporary residence permits for unaccompanied asylum-seeking children aged 16-18 years only allow them to stay in the country until they are 18. This puts an enormous strain on the children.^{134 135 136 137} The Norwegian authorities are using this type of residence permit to a significantly lesser extent than before, and in 2023, this type of residence permit was not issued, which is positive.¹³⁸ The option remains though, and since such permits have such an adverse impact on children, temporary residence permits should be eliminated.

RECOMMENDATIONS:

The State party is advised to eliminate the temporary residence permit scheme for unaccompanied asylum-seeking children aged 16-18.

Duty of care for unaccompanied asylum-seeking children aged 15-18, point 28(a)(iv)

Unaccompanied asylum-seeking children aged 15-18 still receive poorer care than other children in public care, including unaccompanied asylum-seeking children younger than 15. These children's care situation is highly concerning.^{139 140} The Norwegian State party has provided no professional justification for why these children are still not under the care of the child welfare service. Multiple breaches of the law have been identified at asylum reception centres, including inadequate child welfare skills and staffing that ensures proper care.¹⁴¹ Unaccompanied asylum-seeking children who come to Norway are particularly vulnerable, and children aged 15-18 are entitled to the same follow-up and care as other children in Norway. The care of unaccompanied asylum-seeking children is also too poor after settlement, and the follow-up of these children should also be transferred to the child welfare service.

RECOMMENDATIONS:

The State party is advised to transfer responsibility for unaccompanied asylum-seeking children aged 15-18 to the child welfare service in order to ensure that these children receive as good care provision as other children in Norway under public care. The State party is advised to ensure that the child welfare service is given responsibility for caring for unaccompanied children after settlement.

134 Sønsterudbråten, S., Fafo-rapport 2010:46, "Veien Videre: Evaluering av kvalifiserings- og opplæringsopplegget som tilbys enslige mindreårige med begrensede oppholdstillatelser", 2010.

135 Lidén, Eide, Hidle, Nilsen and Wærdahl, Norwegian Institute for Social Research, "Levekår i mottak for enslige mindreårige asylsøkere, Institutt for samfunnsforskning", 2013.

136 Save the Children Norway, "Mens vi venter - En hilsen fra barn som søker asyl i Norge", 2010.

137 Aasen, Dyb, Lid, Oslo Metropolitan University, Norwegian Institute for Urban and Regional Research, "Forebygging og oppfølging av enslige mindreårige asylsøkere som forsvinner fra mottak og omsorgssentre", 2017.

138 Norwegian Directorate of Immigration (UDI), "Asylum Decisions by Citizenship and Outcome", 2024.

139 Committee on the Rights of the Child, "Concluding observations on the combined 5th and 6th periodic reports of Norway", 2018

140 Save the Children Norway, "Trygghet på mottak", 2022.

141 Norwegian Board of Health Supervision, "Rapport fra tilsyn ved Toten asylmottak, avdeling EMA", 07.12.2022.

Strengthening investigations regarding the whereabouts of missing children from asylum reception centres, point 28(a)(v)

432 children disappeared from Norwegian asylum reception centres between 2015-2022.¹⁴² It is feared that some of these missing children may have been recruited for criminal acts. Major weaknesses have been identified in the investigative work of the police when unaccompanied children disappear from reception centres, and the police have been criticised for not searching for these children in the same way as they do for other Norwegian children who disappear.¹⁴³¹⁴⁴ ¹⁴⁵ ¹⁴⁶ Many cases are dropped and followed up too poorly.¹⁴⁷ Despite the Committee having expressed concern about unaccompanied asylum-seeking children who disappear from reception centres in 2018, Norway has yet to take good enough measures to prevent these children from disappearing.

RECOMMENDATIONS:

The State party is advised to improve investigations concerning unaccompanied asylum-seeking children who have disappeared and to take immediate administrative measures to prevent and detect disappearances earlier.

REFUGEE- AND ASYLUM SEEKER CHILDREN AND CHILDREN IN MIGRATION SITUATIONS

Removal of the “reasonableness” requirement, point 28(b)

In 2016, the Storting (Norwegian Parliament) removed the “reasonableness” requirement from the Immigration Act. This allows families of children and unaccompanied asylum-seeking children to be returned as internal refugees without the Directorate of Immigration having considered whether returning to their home country is reasonable. The UNHCR has made it clear that this contravenes the UN Refugee Convention.¹⁴⁸

RECOMMENDATIONS:

The State party is advised to reintroduce the “reasonableness” requirement in internal displacement assessments under the Immigration Act.

142 Item No. 4, at 11:57, in the Norwegian Parliament’s session on 5 January 2023. URL: <https://www.stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Referater/Stortinget/2022-2023/refs-202223-01-05?m=4>

143 NRK, “Politiarbeid av lav kvalitet”, 04.04.2023.

144 Norwegian Police University College, “Avdekker svakheter om asylbarn som forsvinner”, 17.04.2023.

145 NRK, “Hundrevis av barn unge sporløst forsvunnet”, 06.12.2022.

146 Norwegian National Human Rights Institution, “Enslige mindreårige asylsøkere i Norge”, 26.02.2024.

147 Politiforum, Olsvik, E.G., “Politiets etterforskning av savnede asylbarn holder lav kvalitet”, kronikk, 17.04.2023.

148 Regjeringen.no, “UNHCR Observations on the proposed amendments to the Norwegian Immigration Act and Regulation: Høring - endringer i utlendingslovgivningen (innstramninger II)”, p. 28, 2016.

Age determination and unaccompanied asylum-seeking children, point 28(c)

Age assessment procedures must only be conducted where reasonable doubts exist about age following a specific assessment in the individual case. Medical age assessment procedures are used more frequently than permitted under the Immigration Act and as indicated by UN guidelines.^{149 150 151} This is concerning since unreliable methods can contribute to asylum-seeking children mistakenly being considered adults.

The Bioalder tool is currently being used, which is still based on unreliable methods.^{152 153} Furthermore, only images of the roots of teeth are being taken, and not images of wrists,^{154 155} as should be the case with Bioalder.¹⁵⁶ This makes the Bioalder results even more unreliable. The overall reliability of the age test is uncertain.

RECOMMENDATIONS:

The State party is advised to ensure that medical age assessments only be conducted where reasonable doubts about age exist and that medical methods only be used after exhausting non-medical alternatives.

CHILDREN IN CONFLICT WITH THE LAW

Children in conflict with the law, point 31(a)

The State party refers to the Director of Public Prosecutions' guidelines for interrogating children and particularly vulnerable people who are suspects in criminal cases. The guidelines do not stipulate a requirement for special child welfare qualifications.¹⁵⁷ According to Norwegian law, children do not have an unconditional right to a lawyer paid for by the public purse either. In 2019, the Norwegian Courts Administration issued practical recommendations for criminal cases involving child suspects.¹⁵⁸ The recommendations are not legally binding.

149 UNCHR.org, "8 UNCR General Comment No. 6, Treatment of Unaccompanied and Separated Children outside their Country of Origin", 2005.

150 Sønsterudbråten, S., Fafu-rapport 2010:46, "Veien Videre: Evaluering av kvalifiserings- og opplæringsopplegget som tilbys enslige mindreårige med begrensede oppholdstillatelser", 2010.

151 Norwegian Organisation for Asylum Seekers, "Over eller under 18? - Aldersvurderinger av enslige mindreårige asylsøkere", 2016.

152 Swedish Agency for Health Technology Assessment and Assessment of Social Services (SBU), "Åldersbedömning – magnetkameraundersökning av tillväxtzonen i lårbenets nedre del (knät) och röntgenundersökning av visdomständer i underkäken", 2021.

153 WMA, "Wma statement on medical age assessment of unaccompanied minor asylum seekers", 2019.

154 NRK, "Trenger to røntgenbilder, tar bare ett: -Bekymringsfullt", 27.12.2022.

155 NRK, "Fraråder tannleger å ta slike bilder – fortsetter likevel", 11.03.2023.

156 Oslo University Hospital, "Manual: BioAlder: Et verktøy for bruk av biologiske undersøkelser i aldersvurdering av enslige mindreårige asylsøkere", 2023.

157 Director of Public Prosecutions, "Retningslinjer for politihør av barn og særlige sårbare personer som er mistenkt i straffesak", 19.09.2023.

158 Domstol.no, "Praktiske anbefalinger for domstolbehandling til barnets beste i straffesaker med mindreårige aktører", 2019.

RECOMMENDATIONS:

The State party is advised to establish a statutory requirement that those tasked with interrogating children have the competence to address their vulnerability factors. The State party is advised to grant children a statutory and unconditional right to a publicly appointed lawyer. The State party is advised to introduce special criminal rules for children.

Preventive detention and forensic mental health assessments, points 31(c) and (d)

The Norwegian Ombudsperson for Children and others have expressed great concern that children can be sentenced to preventive custody.¹⁵⁹ There is particular concern that forensic experts are not required to have specialist competence with regard to children's development, especially as regards assessing the future risk of violence and psychiatric status. It has also been pointed out that the experts conduct their observations over a fairly short period of time and use methods that are intended for adults.

RECOMMENDATIONS:

The State party is advised, in line with previous recommendations, to terminate the practice of sentencing children to preventive custody. The State party is advised to stipulate clear requirements concerning the competence of experts tasked with making legal psychiatric statements in cases where children are charged with serious offences.

Children in prison, point 31(e)

In 2024, the Norwegian Parliamentary Ombud published a report in which it found that the system at Eidsberg Prison breaches the Convention's provision that children should not be incarcerated with adults, unless it is in the best interests of the child, and that the system poses a risk of children being subjected to inhuman or degrading treatment in breach of Article 3 of the ECHR.¹⁶⁰ The Ombud recommended that the placement of children in Eidsberg Prison should cease immediately, and that immediate steps be taken to ensure that children are not placed in adult prisons, unless an assessment stipulates that it is in the best interests of the child.

The Norwegian Bar Association found that, as of September 2024, the places in Eidsberg Prison were still in use, despite the clear recommendations of the Norwegian Parliamentary Ombud.

RECOMMENDATIONS:

The State party is advised to comply with the Norwegian Parliamentary Ombud's recommendations concerning ensuring that children are not incarcerated with adults.

159 Norwegian Ombudsperson for Children, "*Barn bør ikke dømmes til forvaring. Dømmes barnet på feil grunnlag er det katastrofalt*", 23.06.2022.

160 Norwegian Parliamentary Ombud, "*Rapport om barn i Eidsberg fengsel*", 2024.

K. OPTIONAL PROTOCOL ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

Repatriation of norwegian children from Syria, point 33(d)

A child who is a Norwegian citizen is still in detention with his mother in Syria. The Norwegian authorities point out that his mother has not requested consular assistance, and that they are therefore not responsible for ensuring that his human rights are being respected.¹⁶¹ The Supreme Court of Denmark has recently stressed the responsibility states have to conduct independent assessments of the situation of children, independent of their mother.¹⁶²

RECOMMENDATIONS:

The State party is advised to conduct an independent assessment of the Norwegian child's situation, with a view to repatriating him.



161 Norwegian Parliament, Document no. 15:2162 (2022-2023), "*Skriftlig spørsmål fra Dag-Inge Ulstein (KRF) til utenriksministeren*", May 2023.

162 Domstol.dk, "*Højesterets dom, afsagt torsdag den 29. august 2024*", 2024.

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 Barnevakten
Bevisst mediebruk

 DEN NORSKE KIRKE

 FO

 Foreldreutvalget
for barnehager

 Foreningen 2 Foreldre


 For Fangers Pårørende

 FRAMFYLKINGEN
LOs barne- og familieorganisasjon

 Funksjonshemmedes
fellesorganisasjon

 HJELPEKILDEN

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Oslo



NORSK SYKEPLEIERFORBUND



Redd Barna



SOS BARNEBYER



Stine Sofies Stiftelse

UNGorg



UngFunk Unge funksjonshemmede



UTDANNINGS FORBUNDET



Voksne for Barn

Lined area for supplementary text.



