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INTERNATIONAL REPORTING

Supplementary report from the Norwegian Human Rights Institution to the UN CRC 7th review of Norway in 2025

The Norwegian Human Rights Institution hereby submits its supplementary report to the UN Committee on the Rights of the Child (hereinafter: the Committee) in relation to the 7th review of Norway in May 2025.

The Norwegian Human Rights Institution (hereinafter: the NHRI) was established in 2015 and was re-accredited with A-status by GANHRI in 2022, thus having been recognized as fully compliant with the UN Paris Principles.

We hereby take the opportunity to draw your attention to issues that could be addressed in the Committee's deliberations with Norway. Of the 18 topics mentioned in this document, we would highlight the following five topics as particularly important: Issue 3 on *access to justice and independent representation*, Issue 7 on *care orders and contact rights for children in the care of the child welfare services*, Issue 11 on *the need to cut greenhouse gas emissions to safeguard children's rights*, Issue 13 on *differential care for unaccompanied asylum seekers aged 15-18*, and Issue 18 on *preventive detention of children*.

Please feel free to contact us at info@nhri.no if you have any questions.

Yours sincerely

On behalf of the Norwegian Human Rights Institution

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This document is electronically approved and has no signature.

Content

General measures of implementation	3
General principles	6
Civil rights and freedoms	9
Family environment and alternative care	10
Children with disabilities	11
Basic health and welfare	12
Special protection measures	16

General measures of implementation

1. Ratification of the individual complaint mechanism to the UN CRC OP3

Reference is made to LOIPR 2023: 4 (d)

In 2016, the Norwegian Parliament decided that Norway would not ratify the optional protocols (OP) concerning the individual complaint mechanisms for the CRC, the CRPD and the CESC. A renewed effort in 2022 focusing only on OP3 CRC was again rejected by a parliamentary majority. While Norway is party to several international individual complaint mechanisms, this leaves some vulnerable groups without the ability to file international complaints after exhausting domestic remedies.

The parliamentary majority and the Government have raised concerns about the provisions of the OP3 CRC itself, the Committee's composition, resources, and methods, as well as the Committee's emerging jurisprudence. Parliament has suggested that some recent cases indicate that the Committee's interpretations are not consistent with Norway's and other states' understanding of the Convention.

The NHRI reviewed the Committee's jurisprudence under the OP to provide updated information before Parliament voted on the issue in 2022.¹ We argued that the facts did not support the concerns raised. Unfortunately, this did not sway the vote in Parliament. We continue to promote ratification alongside the need to improve complaint mechanisms at the national level (see Issue 3 below).

Suggested recommendation:

- The State Party should ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (OP3 CRC).

2. Lack of disaggregated data regarding Sámi children

Reference is made to LOIPR 2023: 7

Norway does not currently disaggregate official statistics by ethnicity or indigenous status due to concerns regarding the misuse of data, difficulties in quantifying ethnic group representation and scepticism towards data collection among minority groups. Most UN Treaty Bodies have expressed concern over this policy in

¹ See the NHRI's written submissions to Parliament (in Norwegian), available [here](#) and [here](#).

their concluding observations to Norway.² Treaty Body Reporting Guidelines also recommend that States provide relevant statistical data disaggregated by ethnicity or indigenous status.³

In light of this, the NHRI published a report in 2020 which found that the current approach to Sámi statistics in Norway does not provide an adequate empirical basis for monitoring Sámi rights, and that the State's concerns regarding the collection of Sámi people's data can be addressed through data protection safeguards.⁴ In April 2024, the NHRI responded to a request from the Sámi Parliament for follow-up advice on reforms to improve the quality and representativeness of Sámi statistics. In the response, we have developed a set of standard questions for voluntary self-identification of Sámi respondents for use in surveys and administrative datasets, as well as some suggested statistical indicators for monitoring Sámi rights.⁵

Several human rights issues affecting the Sámi people today are difficult to address effectively due to gaps in available statistics. The NHRI is particularly concerned that there is no available data on the number of Sámi children in the child welfare system in Norway and whether their rights to Sámi language and culture are adequately safeguarded. This makes it difficult for the Child Welfare Services to implement their obligations under CRC Articles 30 and 20(3), as well as Section 1-8 of the new Child Welfare Act, and for institutions like the NHRI and the Sámi Parliament to monitor this situation. Similar data on children with an immigrant background in the child welfare system is already collected and published in Norway.⁶

² Committee on Economic, Social and Cultural Rights, *Concluding observations on Norway*, UN Doc. E/C.12/NOR/CO/6, 6 March 2020, para. 12-13; Committee on the Elimination of Racial Discrimination, *Concluding observations on Norway*, UN Doc. CERD/C/NOR/CO/23-24, 2 January 2019, para. 5-6; Committee on the Rights of the Child, *Concluding observations on Norway*, UN Doc. CRC/C/NOR/CO/5-6, 4 July 2018, para. 9 and 18(f); Committee on the Elimination of Discrimination Against Women, *Concluding observations on Norway*, UN Doc. CEDAW/C/NOR/CO/9, 22 November 2017, para. 25(d) and 39(c); Committee on the Rights of Persons with Disabilities, *Concluding observations on Norway*, UN Doc. CRPD/C/NOR/CO/1, 7 May 2019, para. 49-50; Human Rights Committee, *Concluding observations on Norway*, UN Doc. CCPR/C/NOR/CO/7, 25 April 2018, para. 16-17.

³ See for example, the CRC Guidelines on the inclusion of statistical information and data in periodic reports, CRC/C/58/Rev.3.

⁴ The report is available in English at: <https://www.nhri.no/en/2020/a-human-rights-based-approach-to-sami-statistics-in-norway/>.

⁵ The NHRI, *Response to request for advice on further development of Sami statistics* (in Norwegian), 12.04.2024, <https://www.nhri.no/2024/svar-pa-foresporsel-om-rad-om-videreutvikling-av-samisk-statistikk/>.

⁶ See for example statistics from the Norwegian Directorate for Children, Youth and Family Affairs (in Norwegian): <https://www.bufdir.no/statistikk-og-analyse/barnevern/barnevernstiltak-til-barn-med-innvandrerbakgrunn>.

Suggested recommendation:

- The State Party should disaggregate statistical data by ethnicity or indigenous status for the purpose of monitoring the implementation of Sámi children's rights.

3. Access to justice and independent representation for children at the national level

Reference is made to LOIPR 2023: 8

Access to justice and to effective remedies are essential for the protection, promotion and fulfilment of all human rights.⁷ Although children generally have access to the same legal remedies as adults, their access to justice under domestic law remains inadequate. The NHRI is concerned that existing national complaints mechanisms for children are inadequate, limiting access to justice. Despite previous recommendations from the Committee, the State Party has not implemented sufficient measures within this area.

In our view, an effective solution would be to ensure that all existing judicial and administrative complaints mechanisms are child-friendly. While the Parliamentary Ombudsperson has recently developed a child-friendly mechanism, it does not cover all areas where children's rights may be violated. Children's access to domestic remedies, both judicial and administrative, is generally insufficient due to various barriers. Procedural obstacles include the lack of legal capacity and the failure to recognise the right to independent representation (guardian ad litem) when a child's parent(s) do not consent to proceeding with the case. Other barriers include low awareness of complaint mechanisms and a lack of child-friendly remedies. Additionally, there are limited resources available for legal aid initiatives, such as legal aid clinics for children. The Parliament has instructed the Government to strengthen national complaint mechanisms for children and to consider improving these mechanisms.

Suggested recommendation:

- The State Party should strengthen access to justice and the right to an effective remedy for all children in all areas where their rights may be violated, including by reviewing existing judicial and administrative

⁷ Committee on the Rights of the Child, *Concept Note: General Comment on Children's Rights to Access to Justice and Effective Remedies*

complaints mechanisms and by addressing any procedural obstacles which may exist.

General principles

4. Children's right to be heard in practice

Reference is made to LOIPR 2023: 13

Children's right to be heard is, to a large extent, sufficiently implemented into Norwegian law. However, there are still challenges as to how it is implemented in practice. Reviews of decisions from various public bodies show that challenges remain in areas such as child welfare cases,⁸ and in immigration/expulsion cases.⁹

Municipalities are required under the Local Government Act to establish and consult with local youth councils on all matters concerning young people. Despite this, various studies show that many youth councils were not consulted during the outbreak of the COVID-19 pandemic. This was criticised by the government-appointed Coronavirus Commission in their second report, which also recognised that Norway's pandemic control measures had a major impact on children and young people. The Commission recommended that decision-makers at all levels establish procedures to involve children and youth in decisions that affect them, including in times of crises.¹⁰

There is no similar requirement to establish processes for consultations with youth at the national level. A recent survey indicates that the structures for collective participation at the national level appear to be more fragmented.¹¹ The survey also indicates that participation at the national level works best in the development of public services, while it is more challenging in policy development. Both the NHRI and the Ombudsperson for Children have received requests from government-appointed committees and public bodies seeking advice on good practices in this area. There is a special need for developing structures for ensuring the effective participation of vulnerable children, such as children experiencing violence, mental health treatment and institutional care. The Ministry of Children and Families has

⁸ See for example the report [Visitation after taking over care](#) (2021) from OsloMet (in Norwegian).

⁹ See for example the report [On hearing children in expulsion cases](#) (2022) from Fafo (English summary).

¹⁰ NOU 2022:5, chapter 10.2. An English summary of the Coronavirus Commission's report is available here: <https://www.regjeringen.no/contentassets/d0b61f6e1d1b40d1bb92ff9d9b60793d/en-gb/pdfs/nou202220220005000engpdfs.pdf>.

¹¹ See [Kartlegging av medvirkning på systemnivå](#) (in Norwegian), survey conducted on behalf of the Norwegian Directorate for Children, Youth and Family Affairs (2024).

announced that it will consider establishing a centre of expertise on children's collective participation, following recommendations from The NHRI and other stakeholders.

Suggested recommendation:

- The State Party should strengthen children's right to be heard, both individually and collectively, including through the establishment of a national centre of expertise on children's participation.

5. Discrimination and hate speech against children, including Sámi, national minorities and LGBTI children

Reference is made to LOIPR 2023: 29 and 11

In 2022, the NHRI published the results of a national survey on the population's attitudes towards the indigenous Sámi people and the five national minorities in Norway (Jews, Kvens/Norwegian Finns, Forest Finns, Roma and Romani/Taters).¹² The survey shows that many Norwegians have limited knowledge about the Sámi and national minorities, many learnt little about the groups at school and many agree with stereotypes about the groups. In addition, a significant proportion of the population had observed hate speech in the past year against Jews (19%), Sámi (15%), Roma (10%) and Romani/Taters (12%), and it was more common to observe hate speech against Sámi people in Northern Norway (33%).

These results are consistent with other studies which show that teachers and teacher educators often lack the knowledge and resources to implement the curriculum requirements regarding the Sámi and national minorities,¹³ and that rates of self-reported discrimination and hate speech among the Sámi and some of the national minorities are higher than the general population.¹⁴ Young Sámi people

¹² The report is available in Norwegian at: <https://www.nhri.no/rapport/holdninger-til-samer-og-nasjonale-minoriteter-i-norge/>.

¹³ See for example, Torjer A. Olsen, "Not Good Enough for Anyone? Managing Sámi Education in the Cultural Interface" in *Indigenising Education and Citizenship Perspectives on Policies and Practices from Sápmi and Beyond*, Torjer A. Olsen and Hilde Sollid, eds. (Oslo: University Press, 2022); Hadi Strømmen Lile, «Human Rights Education» in Malcolm Langford, Marit Skivenes & Karl Harald Søvig (eds.), *Children's Rights in Norway: An Implementation Paradox?* (Universitetsforlaget, 2019) p. 415; Ola K. Berge, Åsne Dahl Haugsevje and Nanna Løkka, "Cultural enrichment – political difficulty: Review of the policy towards national minorities 2000–2019" (Telemarksforskning, report no. 490, 2019); Arnfinn Midtbøen, Julia Orupabo and Åse Røthing, "Old minorities in the new Norway" in *National minorities and indigenous people in Norwegian politics from 1900 to 2016*, Nik Brandal, Cora Alexa Døving and Ingvill Thorson Plesner, eds. (Oslo: Cappelen Damm Academic, 2017).

¹⁴ See for example, Ketil Lenert Hansen, "Ethnic discrimination and bullying in relation to self-reported physical and mental health in Sámi settlement areas in Norway: The SÁMINOR study", 2011; Audun Fladmoe, Marjan Nadim og

are particularly vulnerable, with a qualitative study indicating that three out of four report experiencing discrimination at least once in their lives.¹⁵ A report from Amnesty International Norway in 2023 found that one in every four Facebook posts about Sámi people in Norway is negative and that such posts increased significantly during demonstrations against the Government's handling of the Fosen case, which concerned wind power developments in Sámi areas.¹⁶

The NHRI has made several recommendations to the Government aimed at strengthening the implementation of the State's human rights obligations to protect the Sámi and national minorities from discrimination and hate speech. These include a national competence boost on the Sámi and national minorities for all teachers and teacher educators, additional measures to prevent and combat hate speech against the Sámi and national minorities in both national and local action plans, a low-threshold online tool for reporting hate speech and improved police statistics on hate crime.

In 2024, the NHRI published the results of a national survey on the population's attitudes towards LGBTI people.¹⁷ The survey shows that 40% of the population has observed hate speech against LGBTI people during the past year, and one in five think that the struggle for LGBTI people's rights has gone too far. This is consistent with the results of a study from 2019, which indicated that LGBT people are twice as likely to experience hate speech and three times as likely to experience threats compared to the general population.¹⁸ A report from SINTEF from 2020 indicated that many children and young people are insecure and afraid of being bullied due to their sexual orientation or gender identity.¹⁹ The Norwegian Directorate for Education and Training also recently publicized statistics which show that bullying in schools are three times higher among non-binary pupils than other pupils.²⁰

Suggested recommendations:

- The State Party should strengthen measures to prevent and combat hate speech against Sámi and national minority children and LGBTI children, and

Simon Roland Birkvad, "Experiences with hate speech and incitement among LGBT people, other minority groups and the rest of the population" (Oslo: Institute for Social Research, report no. 4, 2019).

¹⁵ Ketil Lenert Hansen and Sara With Skaar, "Young Sámi's mental health. A qualitative and quantitative study of the psychosocial health of young Sámi" (Tromsø: UiT Norges Arctic University, 2021).

¹⁶ The report is available in Norwegian at: <https://amnesty.no/netthets-mot-samer>.

¹⁷ The report is available in Norwegian at: <https://www.nhri.no/skeives-menneskerettigheter/>.

¹⁸ Birkvad, S. R., Fladmoe, A. & Marjan, N. (2019). «Erfaringer med hatytringer og hets blant LHBT-personer, andre minoritetsgrupper og den øvrige befolkningen» (Rapport 2019:4). Institutt for samfunnsforskning.

¹⁹ Lassemo, E., Sand, K., Tøndel, G. (2020). «Kartlegging spørsmål fra lhbtq-ungdom», ung.no (Rapport: 2020:00454), SINTEF.

²⁰ <https://www.vg.no/nyheter/i/Rz6O8J/elevundersokelse-1-av-3-i-annen-kjoennskategori-mobbes> (in Norwegian).

make it easier for members of these groups to report experiences of hate speech.

- The State Party should adopt measures to improve teacher competence regarding the Sámi and national minorities.

Civil rights and freedoms

6. Children's right to privacy in relation to the digital environment in the private and the public sphere

Reference is made to LOIPR 2023: 15

As stated by the Committee, the digital environment presents particular problems for parents and caregivers in respecting children's right to privacy.²¹ In Norway, such problems include the issue of parents and others sharing images or other material through social media, sometimes in order to support their view in child welfare cases. Another example is the issue of parents' inappropriate monitoring and tracking their children's online activities. Outside the family sphere, the digital environment imposes several threats to children's right to privacy. An area of particular concern is the use of devices and software provided by schools, leading to the processing of children's personal data, as elaborated by the Privacy Commission.²²

The Personal Data Act was amended in 2012 to include a provision stating that personal data relating to children should not be processed in a way that is inconsistent with the child's best interests. However, this provision was left out of the new Personal Data Act that entered into force in 2018. Currently, there is ambiguity in Norwegian law when it comes to the question of the child's right to privacy vis-à-vis the parents, both regarding the child's right to self-determination and to what extent the Norwegian Data Protection Authority or other bodies can intervene against parents' activities exposing the child's personal data.²³

Suggested recommendation:

- The State Party should strengthen children's right to privacy in Norwegian law and ensure effective remedies and complaint mechanisms to children

²¹ Committee on the Rights of the Child, *General Comment no. 25*, UN doc. CRC/C/GC/25, 2 March 2021, para. 76.

²² NOU 2022:11.

²³ This was addressed by the government-appointed Committee on a new Children Act in NOU 2020:14, as well as the Privacy Commission in NOU 2022:11.

who experience violations of their right to privacy, including when their parents or caregivers violate this right.

Family environment and alternative care

7. Care orders and contact rights for children in the care of the Child Welfare Services

Reference is made to LOIPR 2023: 20

In recent years, there have been several cases before the European Court of Human Rights (ECtHR) concerning the Child Welfare Services in Norway. In several cases, the ECtHR determined that the Child Welfare Services had not made adequate individual assessments to justify limitations on contact between children and their biological parents, violating Article 8 of the European Convention on Human Rights (ECHR).

In most of these cases, the Court did not challenge the *threshold* for issuing care orders to remove children.²⁴ Furthermore, the Court does not necessarily require extensive *contact arrangements* between children and their parents following a care order. The key point is that specific, individualized assessments should be made.

The Norwegian Directorate for Children, Youth, and Family Affairs' 2023 annual report shows a trend in recent years of a decrease in the number of care orders issued, as well as an increase in the frequency of parental contact following a care order.²⁵ A recent study shows that certain decisions raise questions about whether the goal of reunification could, and should, have been abandoned in more instances. The fact that the reunification goal is still maintained, even when reunification appears unlikely and despite strong, exceptional reasons, may result in some children experiencing more contact than what is in their best interests. While we refrain from making definitive statements about the causes of this development, the NHRI is concerned that this could partly stem from a *misinterpretation* of the ECtHR rulings. There seems to be a wrongful impression

²⁴ For information on care orders see: Bufdir, *Stages in a child welfare case*, <https://www.bufdir.no/en/child-welfare-services/stages-in-a-child-welfare-case>: "When the Child Welfare Services deem that it is in a child's best interest to be removed from their family, a care order can be issued, and the state takes over the daily care of the child. A care order can only be issued if there are serious deficiencies in the everyday care, if the child is mistreated or subjected to other serious harm such as violence, abuse or neglect at home."

²⁵ Norwegian Directorate for Children, Youth, and Family Affairs, [Annual report 2023](#) (in Norwegian).

among many actors that the rulings require an overall reduction in care orders and more extensive contact regimes, which is not the case.

Suggested recommendations:

- The State Party should closely monitor the development of both care orders and subsequent contact with parents to ensure that children's rights are fully safeguarded.
- The State Party should ensure adequate training and guidance on the content of the ECtHR's judgments against Norway in child welfare cases, to ensure that they are implemented correctly and to prevent these judgments from being misinterpreted to apply more broadly than intended.

8. Intercountry adoption, investigation of procedures, safeguards and wrongful removal

Reference is made to LOIPR 2023: 20 (c)

In the wake of several media reports on potential illegal intercountry adoptions to Norway, the Ministry of Children and Families has established an independent committee to investigate these allegations, which is set to deliver their findings before the end of 2025.²⁶ The main question being considered by the committee is whether the Norwegian authorities have had sufficient control over international adoptions. The purpose is to learn from any weaknesses in the system. However, if the committee identifies illegal intercountry adoptions, victims of such human rights violations must also have a right to reparation.

Suggested recommendation:

- The State Party should ensure effective remedies and reparations for victims of illegal intercountry adoptions.

Children with disabilities

9. Monitoring of the care provided to children living in respite care homes

Reference is made to LOIPR 2023: 22(b) and 5

²⁶ <https://utenlandsadopsjonsutvalget.no/mandat/> (in Norwegian).

In 2021 the Office of the Auditor General in Norway concluded that there are large variations between municipalities in the provision of services offered to families with children with disabilities, particularly in the use of respite care measures.²⁷ A recent national supervision of habilitation services for children with disabilities in respite care homes found violations of national legislation in 76 % of the supervised institutions.²⁸ As a result, the children in question risk not receiving habilitation services in line with their individual needs, which often has a negative impact on mental and physical health as well as reduced social participation. In many instances there is also little involvement of the children concerned and their parents. In contrast to child welfare institutions, there are currently no specific regulations on the rights of children in respite care homes.

The Norwegian Board of Health Supervision has emphasized the need for increased regulation of children's rights in respite care homes, including by ensuring regular oversight and control. The NHRI is concerned that lack of adequate monitoring of the rights of children living in respite care homes could challenge Articles 18, 23 and 24 of the CRC.

Suggested recommendation:

- The State Party should ensure that the care provided to children living in respite care homes is subject to regular monitoring and oversight.

Basic health and welfare

10. Access to health and care services for children using drugs

Reference is made to LOIPR 2023: 23 (h)

In 2022, the NHRI published a report which found a number of inadequacies in the realization of the rights of children using drugs, particularly regarding access to health and care services.²⁹ Overall, these issues challenge Articles 24 and 33 of the CRC.

²⁷ Office of the Auditor General of Norway, Dok. 3:15 (2020-2021) *Undersøkelse av helse- og omsorgstjenester til barn med funksjonsnedsettelser*.

²⁸ The Norwegian Board of Health Supervision, "Det viktigaste er at barna er trygge og har det bra": Oppsummering av landsomfattande tilsyn med barne- og avlastningsbustader 2022-2023, report 7/2024 (in Norwegian).

²⁹ The Norwegian Human Rights Institution, *Drug use and human rights* (2022). An English summary of the report is available here: <https://www.nhri.no/en/2023/drug-use-and-human-rights/>.

Firstly, many children with simultaneous drug problems and mental health disorders lack access to health services. A report from the Office of the Auditor General from 2021 concluded that youth with simultaneous drug problems and mental health disorders do not receive adequate health care treatment.³⁰ Nearly 40% of the municipalities state that the health care offer for this group is inadequate, and around one in three municipalities state that the services do not have sufficient capacity. Almost 20% of the municipalities lack health services for young people with drug problems entirely. Almost every third clinic in Child and Adolescent Psychiatric Outpatient Clinic (BUP) do not treat young people under the age of 18 with simultaneous drug problems and mental disorders, and many receive treatment intended for adults. Both in municipalities and in the specialist health services, there is a lack of sufficient competence and resources.

Secondly, health and care services offered to children who live in child welfare institutions and use drugs are often inadequate. In 2023, a total of 1,392 children and young people were placed in child welfare institutions in Norway.³¹ Many of these were placed in an institution due to behavioural problems according to the Child Welfare Act Section 4-24 and 4-26. Several reports conclude that there is a risk that potential drug problems are not always identified when children are placed in child welfare institutions.³² Incorrect placement can have serious consequences for the children concerned. Additionally, there is a lack of expertise on drug problems at many such institutions, and children with drug problems do not always receive the health and care services they need while they are placed in such institutions. A government-appointed committee has recommended a number of changes to the child welfare institution system.³³

Thirdly, young people in Norway can be subjected to regular drug tests to monitor sobriety, either as part of a punitive response or as part of a voluntary drug contract. A government-appointed committee and the Norwegian Directorate of Health have pointed out that there is a lack of documentation on the effectiveness of such measures.³⁴ It is therefore unclear whether they are suitable interventions under Article 33 of the CRC.

On 25 October 2024 the Government presented a white paper on drug policy, which includes introduction of a national drug prevention program for children and youth,

³⁰ Dokument 3:13 (2020–2021).

³¹ Norwegian Directorate for Children, Youth, and Family Affairs, [Annual report 2023](#) (in Norwegian), p. 11.

³² The Office of the Auditor General, Dokument 3:7 (2019–2020), p. 45 and The Ombudsperson for Children, *De tror vi er shitkids* (2020), p. 25–27.

³³ NOU 2023: 24.

³⁴ NOU 2019: 26 p. 320 and The Norwegian Directorate of Health's hearing statement to the report p. 21.

and improved access to treatment services with drug problems. However, at the time of writing, it remains unclear whether the reform will be followed up with concrete measures and resources which address the above-mentioned issues.

Suggested recommendation:

- The State Party should ensure that all children using drugs have access to adequate health and care services and evaluate the effectiveness of existing interventions in response to children's drug use.

11. The need to cut emissions to safeguard children's rights and to assess the best interest of children in all environmental decisions concerning them

Reference is made to LOIPR 2023: 24

Many children's rights in Norway and abroad, such as the right to life, health, privacy and property, are threatened by climate change. Greenhouse gas emissions have caused widespread adverse impacts for human rights, which are projected to increase exponentially if global warming exceeds the critical 1.5°C threshold.

Norway emits approximately 50 million tonnes of CO₂ within its borders every year, with a quarter of these emissions coming from the production of oil and gas. Preliminary figures for 2023 show that Norway has reduced its domestic emissions by 9,1% since 1990.³⁵ According to the Government, Norway is not on track to meet its 2030 target of reducing territorial emissions by 55 % compared to 1990 levels.³⁶ However, it may fulfil its climate targets under the Norwegian Climate Act by financing emission reductions abroad through emission trading systems and quotas.

Norway was central in the negotiations that led to the agreement at COP28 in 2023 to "transition away from fossil fuels". However, Norway has plans to expand, not phase out, oil and gas production and export. Every year, Norway exports oil and gas that is responsible for a further 500 million tonnes of CO₂ emissions.³⁷ During Covid-19, the Government gave fossil fuel subsidies through an oil tax package for plans

³⁵ See <https://miljostatus.miljodirektoratet.no/tema/klima/> (in Norwegian).

³⁶ With the adopted policies in the 2023 National Budget, the government could document expected territorial emissions reductions of approximately 24% compared to 1990 by 2030, see *Government's second status report and plan*, pp. 97 and 106, https://www.regjeringen.no/contentassets/28965e11d8044ceb94d0f958b8a45869/nn-no/pdfs/regjeringas_klimastatus_og_plan.pdf (in Norwegian).

³⁷ *Klimautvalget 2050: Omstilling til lavutslipp – Veivalg for klimapolitikken mot 2050* p. 211 available here: <https://files.nettsteder.regjeringen.no/wpuploads01/sites/479/2023/10/Klimautvalget-2050.pdf> (in Norwegian).

for development and operation of petroleum deposits (PDOs) estimated to a total revenue loss for Norway at 68 billion NOK,³⁸ without assessing the best interests of children or the environmental effects.

Suggested recommendations:

- The State Party should implement deep, rapid and sustained reductions in both domestic and exported greenhouse gas emissions, in line with the 1.5°C target, to protect children’s rights from the worst effects of climate change.
- The State Party should assess the best interests of children prior to the approval of PDOs, paying due regard to the Committee’s recommendations in General Comment no. 26 concerning impact assessments and the phase out of oil and gas production.

12. Child poverty and the standard of living

Reference is made to LOIPR 2023: 25

In 2022, 10.6 per cent of children belonged to households with persistent low income. While the number has decreased slightly in recent years, this comes after a long period of increase. In 2005, 6.7 per cent of children belonged to low-income households.³⁹ These children have an increased risk of experiencing socio-economic disadvantage, including negative health outcomes, lower rates of educational attainment and higher rates of unemployment and underemployment. Additionally, access to support services varies according to municipality. This has negative impacts on a whole range of children’s rights, including the right to education, the right to play, rest, and leisure, and the right to health.

Several measures have been proposed to address this by a government-appointed committee.⁴⁰ The Government has announced that it will deliver a white paper on social equity and social mobility in 2025, particularly aimed at children, youth and their families.

³⁸ Norwegian Church Aid, *From Fossil Subsidies to International Climate Finance: An investigation into the fossil subsidies of the Norwegian oil tax package* Report 2024/10, April 10th, 2024 by Vista Analyse AS, available here (in Norwegian): <https://www.kirkensnodhjelp.no/contentassets/21e39d1b5cb5415493bf81e284f76235/2024-klimafinansiering-vista-rapport-final-digitalt-2.pdf>

³⁹ Normann, "Færre barn lever i familier med lavinntekt", Statistisk sentralbyrå, 18.01.2024 (in Norwegian), <https://www.ssb.no/inntekt-og-forbruk/inntekt-og-formue/artikler/faerre-barn-lever-i-familier-med-lavinntekt>.

⁴⁰ See <https://www.regjeringen.no/no/dokumenter/en-ny-barndom-for-livet/id3000835/> (in Norway).

Suggested recommendation:

- The State Party should assess the human rights impacts of child poverty in its forthcoming white paper on social equity and social mobility and develop effective measures to address these impacts.

Special protection measures

13. Differential care for unaccompanied asylum seekers aged between 15-18

Reference is made to LOIPR 2023: 28

The differential treatment of unaccompanied minor asylum seekers over the age of 15 represents a critical breach of the principles outlined in the CRC. This has been addressed by several treaty bodies in their concluding observations to Norway.⁴¹

At the heart of this concern lies the discrepancy in care provisions for minors aged 15-18 compared to other children under public care in the same age group.

Unaccompanied asylum-seeking minors aged 15 and older are placed under the jurisdiction of the immigration authorities, governed by the Immigration Act Section 95, and are housed in asylum reception centers. In these centers, the quality of care – including staffing standards, supervision, and facility resources – falls considerably short. By contrast, all other children under public care are placed within the Child Welfare Services. Institutions under the Child Welfare Services provides comprehensive support through higher staffing levels, better-qualified personnel, and more thoroughly equipped facilities.

The Government has acknowledged the lower level of care and support afforded to older minors.⁴² However, they argue that such differentiation does not constitute discrimination if justified by varying care needs or other legitimate purposes, such as fostering independence in older children. The NHRI disputes this reasoning. The reference to 'different care needs' cannot justify the limited follow-up that these children receive compared to children of the same age under the care of the child welfare services.

⁴¹ Committee on the Rights of the Child, *Concluding observations on Norway*, UN Doc. CRC/C/NOR/CO/5-6, 4 July 2018, para. 31(g) and 32(g); Human Rights Committee, *Concluding observations on the seventh periodic report of Norway*, 25. April, UN Doc. CCPR/C/NOR/CO/7, para. 31; Committee on Economic, Social and Cultural Rights, *Concluding observations on the sixth periodic report of Norway*, 02 April 2020 UN Doc. E/C.12/NOR/CO/6, para. 29.

⁴² State party report para. 235.

The NHRI contends that the differential treatment of unaccompanied minor asylum seekers over 15 concerning care provisions is in violation of Articles 20 and 22 of the CRC, necessitating urgent reform.

The NHRI is also concerned about the lack of guarantees and sufficiently effective control mechanisms to ensure that each asylum-seeking child above the age of 15 is given proper care, as required under Article 25 of the CRC. After the Immigration Act was amended in July 2021, the County Governors have responsibility to oversee the care of unaccompanied minors living in asylum reception centres.

We are particularly concerned about the lack of periodic reviews for minors housed in asylum reception centers, which undermines the legal safeguard intended by Article 25 of the CRC. Periodic assessments are critical in ensuring that the child's care needs are met and that any deterioration in the child's situation is promptly addressed. However, under the current system, only a small number of inspections have taken place, leaving most minors without adequate oversight of their care conditions. Of the approximately 60 reception centres housing unaccompanied minors, only eight have been inspected, and violations of national legislation were found in seven of these inspections.⁴³ This lack of regular oversight fails to meet the CRC's requirement for continuous and independent assessments of the children's care situations. Furthermore, the Norwegian Board of Health Supervision has in a letter dated 1st of February 2023 expressed that they will not be able to secure the rights of unaccompanied minors during their stay in reception centres without an increase in funding.⁴⁴

In line with Article 25, the care situation for every unaccompanied minor should be periodically reviewed by an independent body, such as an external inspectorate, to ensure their best interests are prioritized and their rights are protected.

Suggested recommendations:

- The State Party should adopt legislation, regulations and effective monitoring mechanisms, and allocate adequate resources, to ensure that unaccompanied minor asylum seekers over the age of 15 residing in asylum reception centres receive care that is equivalent to the care provided to other children of the same age under public care.
- The State Party should increase the frequency of supervision of the care provided to unaccompanied minors in asylum reception centres, including

⁴³ As of November 2024.

⁴⁴ <https://www.helsetilsynet.no/publikasjoner/brev-og-horingsuttalelser-fra-statens-helsetilsyn/2023/dimensjonering-av-tilsyn-med-enlige-mindrearige-asylosokere-i-mottak--ressursbehov/> (in Norwegian).

by requiring an independent authority to conduct regular and independent assessments of the care and welfare of each child.

14. Oversight of the care provided to asylum-seeking children accompanied by a companion or a caregiver

The NHRI is concerned that the State Party's current approach to monitoring the care arrangements for asylum-seeking minors arriving in Norway with a companion may not meet the standards required under Articles 3 and 25 of the CRC.

Since 2022, there has been a significant increase in the number of minor asylum-seeking children arriving in Norway with a companion. The Norwegian Board of Health Supervision has expressed concern for this group.⁴⁵ A companion can be a neighbour, friend, or a person with familial ties to the child. Establishing the relationship between the child and the companion is challenging. In many cases, the companion is considered the child's primary caregiver, yet there is no assessment of the companion's capacity to provide adequate care. While the Norwegian Directorate of Immigration oversees the daily care in asylum reception centres, the practical day-to-day supervision often falls on the companion. Instances have been uncovered where companions fail to provide adequate care for the child, as well as other negative circumstances, such as behavioural issues and substance abuse among other residents. The Norwegian Board of Health Supervision expresses concern that children with companions in regular reception centres may not receive the care they are entitled to, describing the situation as one of significant concern regarding potential risks.

The Norwegian Board of Health Supervision holds the overarching professional responsibility for the oversight of the care provided by the authorities to minors in asylum reception centres. In a publication from February 2024, the board highlights that they consider the current allocation of resources for supervision to be critical.⁴⁶ They have pointed out to both the Directorate of Immigration (UDI) and the Ministry of Justice that, moving forward, it will not be possible to conduct adequate oversight with the current resources.

⁴⁵ <https://www.helsetilsynet.no/publikasjoner/tilsynsmeldingen/2024/enstige-mindreaarige-asylsoekere-faar-ikke-den-omsorgen-de-har-krav-paa-viser-tilsyn/#toc-header-3> (in Norwegian).

⁴⁶ <https://www.helsetilsynet.no/publikasjoner/tilsynsmeldingen/2024/enstige-mindreaarige-asylsoekere-faar-ikke-den-omsorgen-de-har-krav-paa-viser-tilsyn/> (in Norwegian).

When it comes to children accompanied by a caregiver who has legal or customary responsibility for the child, it is important to ensure proper oversight of the services provided to both the child and the caregiver at the institution.

Suggested recommendation:

- The State Party should adopt legislation, regulations and effective monitoring mechanisms, including periodic reviews of the care provided to each child, to ensure that asylum-seeking minors arriving with a companion in reception centres receive the quality of care they are entitled to under the Convention.

15. Unaccompanied asylum-seeking minors disappearing from reception centres and the risk of trafficking

Reference is made to LOIPR 2023: 28 and 30

Figures from the Directorate of Immigration (UDI) as of December 6, 2022, indicate that 432 unaccompanied asylum-seeking minors have gone missing from reception centres since 2015 and remain unaccounted for.⁴⁷ These minors may be vulnerable to trafficking or crime. Moreover, they may face forced return to their countries of origin or transit, given that many have temporary residence permits that expire when they reach the age of 18.

Norway has over time received recommendations from UN monitoring bodies to examine and investigate the causes of these disappearances.⁴⁸ UDI has procedures for follow-up in cases where minors disappear from a reception centre.⁴⁹

The NHRI is concerned that unaccompanied minor asylum seekers, given their vulnerable situation, may be significantly exposed to criminal acts and other exploitation, after their disappearance. The NHRI notes that the State, in its reply to the Committee of Enforced Disappearances, holds that there will always be a search for and an attempt to bring a child who disappears from a *centre* back.⁵⁰ In our understanding, the authorities in this context, refers to care centres. We wish to

⁴⁷ The Norwegian Broadcasting Corporation (NRK), in collaboration with the Centre for Investigative Journalism (SUJO), obtained data from UDI on unaccompanied minors who disappeared from care or reception centers between 2015 and 2020. Available in Norwegian here: <https://www.nrk.no/vestland/432-barn-og-ungdommer-har-forsvunnet-fra-norske-asylmottak.-politiet-leter-sjelden-etter-asylsokerne-1.16184402>

⁴⁸ CCPR/C/NOR/CO/7, para. 31, CAT/C/NOR/CO/8, para. 26, CRC/C/NOR/CO/5-6, para. 32.

⁴⁹ See State Party report, para. 236.

⁵⁰ CED State Party report, para. 136.

emphasize that the same should apply to children missing from *reception centres*. We have taken note of the State's response to the CED Committee, in which it asserts that the State no longer bears responsibility for the care of children who leave reception centers. However, we wish to emphasize that the absence of an official duty of care according to national law cannot be decisive in determining whether efforts must be made to locate these children.

In 2018, the Director of Public Prosecutions issued guidelines to the Police and the Public Prosecutor, where it was stated that cases where children disappear from reception centres or care facilities should be prioritized on par with other disappearance cases. The NHRI is not aware of similar guidelines in recent years; however, we emphasize that such guidance should be explicitly reflected in current circulars issued by the Director of Public Prosecutions.

Suggested recommendations:

- The State Party should adopt measures to prevent disappearances of unaccompanied minor asylum-seekers from reception centres, effectively investigate disappearances when they occur and strengthen its efforts to effectively follow-up existing cases.
- The State Party should provide guidelines that clearly state that children who go missing from reception centres must always be searched for, and that efforts must always be made to bring them back.

16. Treatment of children in pre-trial detention in adult prisons

Reference is made to LOIPR 2023: 16 and 31

According to Article 37 of the CRC, as interpreted in General Comment No. 24 by the Committee, children should not as a general rule be placed in prison with adult inmates. The Committee emphasises that any exception allowing for children to be placed with adults should be narrowly construed and strictly interpreted in the child's best interests. According to the Criminal Procedure Act, minors should not be held in pre-trial detention unless it is absolutely necessary. Pre-trial detention must be a proportionate measure.

Despite this, a significant number of children are held in pre-trial detention in regular prisons where infrastructure and staffing are significantly limited compared to youth units.

If minors are to serve time in regular prisons, it is crucial to ensure that there are enough resources to adequately protect their rights. The NHRI holds that

significantly stricter requirements should be set for staffing and the support and accommodation of minors who are detained in pre-trial detention or serve time with adult inmates.

The NHRI is concerned that the court does not consistently receive comprehensive and sufficient information about the conditions under which a child may be held in pre-trial detention before making a decision. We maintain that such information is indispensable for the court to properly assess whether the detention of a child is justified. The court can only determine whether pre-trial detention is necessary and proportionate if the prosecuting authorities and correctional services provide thorough and accurate details regarding the conditions in which the child would be held.

Suggested recommendations:

- The State Party should ensure that pre-trial detention of children is only used when absolutely necessary and should avoid placing children in adult prisons unless there is a thorough examination that this is in the child's best interests. If children are placed in adult prisons, the State Party should ensure there is adequate staffing, support and accommodation.
- The State Party should put in place guidelines to ensure that the prosecution authority and correctional services provide adequate information to the court on the conditions where the child is to be held in pre-trial detention until their trial.

17. The use of solitary confinement, restraints and force against juveniles in prison

Reference is made to LOIPR 2023: 16 and 31

The NHRI is concerned that the State Party's current approach to the use of solitary confinement, restraints and force against juveniles in custody may not meet the standards required under Articles 3(1) and 37(c) of the CRC.

We refer to the Ministry of Justice and Public Security's consultation letter of February 2, 2023, in which proposals for amendments to the Execution of Sentences Act and the Health and Care Services Act were sent for consultation.⁵¹ The aim of the proposals was to reduce challenges relating to the use of isolation in prisons. The proposed amendments are still under consideration by the Ministry.

⁵¹ <https://www.regjeringen.no/no/dokumenter/horing-forslag-om-endring-i-straffegjennomforingsloven-og-helse-og-omsorgstjenesteloven-fellesskap-utelukkelse-og-tvangsmidler-i-fengsel/id2961862/> (in Norwegian)

While several of the proposed amendments would strengthen the implementation of human rights, the NHRI is of the view that further reform is needed to protect children's rights.

According to the proposed Section 37(f), third paragraph, of the Execution of Sentences Act, complete exclusion (meaning isolation from the rest of the prison community) of an inmate under 18 years old shall not exceed seven days. The NHRI is concerned that this maximum duration is too long given the Committee's recommendation that solitary confinement of minors should only be used as a last resort for the shortest possible time. The NHRI also urges the State Party to stipulate in regulations that placing children in a security cell or solitary confinement can only be done for the purpose of preventing the inmate from seriously harming themselves or another person. The authorities should also review whether there is a sufficient evidence base for the use of solitary confinement of children in preventing self-harm, and whether other measures may be more appropriate. If solitary confinement is used, the reasoning should be recorded following a thorough examination of the potential consequences for the child, and how the child's best interests and right to be heard have been addressed.

The NHRI also urges the State Party to ensure that the authorisation of the use of force or coercive measures against children in prison is delimited and specified further in line with human rights standards and recommendations. The Execution of Sentences Act already obligates the correctional services to make proportionality assessments when deciding on the use of coercive measures or exclusion. However, the Act does not explicitly and comprehensively define the factors to be considered in such a proportionality assessment, and this isn't addressed in the proposed amendments. Children who experience coercive measures in prison should also have the right to a conversation about their experience and how to avoid its recurrence. Improved individual follow-up could positively impact both the inmate and the community, thereby preventing future situations that could otherwise lead to exclusion or the use of coercive measures.

Suggested recommendations:

- The State Party should amend legislation and regulations concerning the execution of sentences to ensure that solitary confinement, force and restraints are only used to prevent the inmate from seriously harming themselves or another person.
- The State Party should ensure that decisions regarding solitary confinement and the use of coercive measures against children explicitly state how the child's best interests and the requirement for the child to be heard have been addressed.

18. Preventive detention of children

Reference is made to LOIPR 2023: 31

Norway's practice of imposing preventive detention on minors has been scrutinised by the Committee. In its 2018 concluding observations, the Committee recommended that the State Party "discontinue preventive detention for children".⁵² One of the key issues related to preventive detention of children, is the quality of psychiatric evaluations for the children concerned.

In 2019/2020, the Ombudsperson for Children conducted a project reviewing several criminal cases involving the prevention detention of minors.⁵³ A significant concern emerging from this review is whether current psychiatric assessments adequately protect the legal rights of minors. While it is challenging to definitively conclude that the existing reports and assessments are insufficient, multiple cases suggest deficiencies in both the quality of expert evaluations and the competence of some professionals concerning child-specific issues. One critical observation is the limited consideration of child development and the child's perspective in determining criminal responsibility. The Ministry of Justice and Public Security has stated that it will closely follow the development of cases where children are placed in preventive detention.⁵⁴ It is crucial that the assessment are fully adequate. The NHRI is concerned in this respect.

Under Section 167 of the Criminal Procedure Act, accused minors can be admitted to a psychiatric hospital for examination. However, no institution is specifically equipped to handle and evaluate minors for such evaluations. The individuals in the four cases resulting in preventive detention of children had committed very serious offenses. Assessing the risk of future serious criminal behaviour is complex and requires the court to rely heavily on psychiatric reports, which describe the defendant's development, functioning, and potential for future violence. It is therefore crucial for the protection of children's rights that psychiatric evaluations meet high professional standards, echoing our concerns about the competence and methodologies of the experts involved.

The Ombudsperson for Children recommends examining the need for a specialised professional environment focused on the development of severe mental disorders

⁵² Committee on the Rights of the Child, *Concluding observations on Norway*, UN Doc. CRC/C/NOR/CO/5-6, 4 July 2018, para. 35(a).

⁵³ The Ombudsperson for Children, Letter 4 June 2021 (reference 19/00139-33). Available here: <https://www.barneombudet.no/uploads/documents/Barneombudet-mener/Innspill-til-myndighetene/2021/Funn-etter-gjennomgang-av-saker-der-barn-er-fengslet-i-perioden-2016-2019.pdf> (in Norwegian).

⁵⁴ Letter from the Ministry of Justice and Public Security to The Ombudsperson for Children, 14 December 2021.

in children and adolescents. Such a specialised environment could significantly contribute to early detection of severe and harmful development, provide tailored assistance, and prevent serious incidents that might lead to preventive detention for youth. This expertise is also crucial for post-incident evaluations of criminal responsibility and risk of reoffending, ensuring that the affected youth receive appropriate follow-up care.

Suggested recommendation:

- The State Party should ensure there are adequate facilities and clearer guidelines for expert evaluations of children undergoing preventive detention, focusing on assessing their development over an extended period and identifying key issues for healthcare professionals.