

25 January 2009

**UN Committee on the Rights of the Child (CRC)  
Office of the High Commissioner for Human Rights  
Palais des Nations  
CH-1211 Geneva 10,  
Switzerland**

Dear Sir / Madam,

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## **Critical comments to Norway's fourth periodic report to the UN Committee on the Rights of the Child – 2008**

Following the guidelines for submission of reports by NGOs on the web page of the UN Committee on the Rights of the Child, we have prepared this document containing critical comments to Norway's fourth periodic report submitted to the Committee in 2008.

In the same guidelines it is recommended that NGOs submit their reports within a year of the State party's report. Since the fourth periodic report by the Norwegian state was submitted to the Committee in February 2008, we have been able to meet this deadline.

For further information on any of the contents of this document, please contact any of the addresses (see top/right and «copy to» below).

There are over one thousand kilometers between senders. Therefore, there is only one signature to this letter.

### **Copy to:**

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Yours sincerely,

Arild Holta.

# Comments from GFSR, RVB and BarnasRett.no to Norway's fourth periodic report to the UN Committee on the Rights of the Child – 2008

## ***Abstract:***

**In the fourth periodic report by the Norwegian state the description of the working of the Child Protection system in Norway is inaccurate and misleading. In Part 1 of this document we give several critical comments to Norway's report with regard to the Child Protection system. We show that current practices in the Norwegian Child Protection system are not compatible with the UN Convention on the Rights of the Child. The Norwegian state thereby violates the rights of many children to grow up in their natural family environment. In Part 2 we suggest remedial measures to strengthen children's and families' rights.**

The Group for the Independent Rights of the Family (in Norwegian: Gruppen til Familiens Selvstendige Rett - GFSR) is an independent and nonpartisan support group for parents, children and relatives of children who are directly affected by the decisions of the Child Protection agencies (barnevern) in Norway. GFSR has over 300 members from different parts of the country.

Barnasrett.no is a forum for people focusing on children and their obvious right to live with, and have continuous contact with, their biological family. The purpose of barnasrett.no is to collect relevant documentation on the way the child care authorities destroy individuals and families.

Redd Våre Barn (r-b-v.net / r-v-b.net) is a Norwegian language forum started in early 2006. The posters on the forum take a critical view of the methods used by the Child Protection agencies in Norway, of the theories used by them to justify these methods, and of the legal framework which gives the social services wide ranging powers. Members of the forum come from different backgrounds, but they have all had negative experiences from their contact with the CPS.

We regularly receive feedback from the members of GFSR or RVB, or from readers of BarnasRett.no, and from many others who contact us. This has enabled us to form a fairly accurate picture of the working of the Child Protection services in Norway. **In this document, however, we have attempted to document our criticisms to the best of our ability by referring to publicly available sources.** The comments contained herein were communicated to the Norwegian Ministry of Children and Equality following the preparation of its draft report in October 2007. We regret having to mention that we received no acknowledgement from the Ministry that our comments were received by them, nor do we see any evidence of the content of our comments having been taken notice of in the fourth periodic report submitted by the Norwegian state to the UN Committee on the Rights of the Child in 2008.

Following the guidelines for the preparation of an NGO report [1] we have compiled this document containing critical comments on the subject of *family environment and alternative care* (Articles 5, 9, 10, 11, 18, 20, 21, 25, 27.4). It is encouraging for us to read in the guidelines that the UN Committee on the Rights of the Child considers submissions by NGOs to be an essential part of the monitoring of children's rights:

....States parties tend to present the legislative framework and often do not consider the implementation process. It can be difficult for the Committee to obtain a complete picture of the situation of children in the concerned State. NGO information is therefore an essential element in the monitoring process.

### **The layout of this document is as follows:**

In Part 1, we give our critical comments to Norway's fourth periodic report to the UN Committee on the Rights of the Child – 2008.

In Part 2 we suggest remedial measures to rectify violations of children's rights which we have described in Part 1.

## **Part 1**

# **Criticisms of Norway's fourth periodic report to the UN Committee on the Rights of the Child – 2008**

GFSR, BarnasRett.no and RVB regard the incorporation of the UN Convention on the Rights of the Child into Norwegian law as a positive development. Although we believe that the incorporation of the Convention may at a future time strengthen the legal rights of children and families in Norway, it is our opinion that current practices of the Child Protection agencies in Norway, as well as the legal framework and application of relevant law, run counter to the spirit of the UN Convention on the Rights of the Child. We therefore wish to present here some critical comments to several claims made by the Norwegian state in its fourth periodic report to the UN Committee on the Rights of the Child – 2008. Several of our comments address claims made by the Norwegian state in Chapter V, Section H, points 222 - 238.

General remarks: Interpretation of Articles 9 and 20 of the Convention on the Rights of the Child.

Since the UN Convention on the Rights of the Child is not a legal document, we are in favour of periodic scrutiny by the UN Committee on the Rights of the Child (CRC) in order to ensure that the Convention is properly applied by the State Parties to the Convention. We regard the periodic comments from the CRC as necessary in order for the Convention on the Rights of the Child to be correctly applied in Norwegian law.

We note the particular emphasis on the role of the family in the Preamble of the UN Convention on the Rights of the Child:

The States Parties to the present Convention,

....Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding....

Bearing in mind the due emphasis given to the role of the family in the Preamble of the Convention, and in particular the affirmation of the family as the "natural environment" for the growth of children, it is our understanding that State Parties must recognize that Articles 9 and 20 of the UN Convention on the Rights of the Child, which pertain to children removed from their family environment, should be interpreted in a manner compatible with the status of the family as enshrined in the Preamble.

We note that Article 9(1) contains a provision for separating children from their family in exceptional cases:

States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

In light of the emphasis given to the role of the family in the Preamble of the UN Convention on the Rights of the Child, it is our understanding that the State Parties to the Convention are not in a position to freely interpret what constitutes abuse or neglect on the part of the parents, and thereby arbitrarily define the "best interests of the child". We are therefore of the opinion that the provision made in Convention which allows for children to be separated from their parents, should be invoked only in exceptional and grave circumstances.

In the following comments to Norway's fourth periodic report to the UN Committee on the Rights of the Child – 2008, we shall therefore at all times keep in mind that the UN Convention on the Rights of the Child emphasizes the role of the family as the "natural environment" for the child.

## **Remarks on Chapter V, Section H: Children deprived of their family environment**

### **Increased use of preventive measures (points 222 - 224)**

In the Committee's concluding remarks (dated 3 July 2005) to Norway's third periodic report to the UN Committee on the Rights of the Child, the CRC has voiced concern about the "... number of children who have been removed from their families and live in foster homes or other institutions" (point 23). Point 24 of the same document contains a concrete recommendation from the CRC to the Norwegian state to "take measures to address the causes of the rising number of children who are removed from their families, including through adequate support to biological parents. The (Committee) encourages the State party to give priority to protecting the natural family environment and ensure that removal from the family and placement in foster care or institutions is used only as a measure of last resort when in the best interests of the child".

It is clear from the Committee's concluding remarks that the Committee sees placement in foster care as distinct from the child's natural family environment. We find it regrettable that the Norwegian state does not make this fundamental distinction when it mentions in point 224 of its fourth periodic Report that "The efforts to turn the use of measure from institution placing to more use of home based measures and foster homes continue".

In our opinion the Norwegian state should account for the yearly increase in the number of children taken into public care in the period 2003 - 2006, including those placed in foster homes. We note with regret that the Norwegian state has instead attempted to present this development in a positive light by referring to the smaller percentage of children taken into care compared with those receiving home based help.

We find it surprising that the Norwegian state has not reappraised its position on the use of foster homes in the light of the skepticism about this practice expressed in several official reports. For instance, in an Official Norwegian Report [2] on the Child Protection system in

Norway (NOU 2000: 12) one reads: "Results from surveys on foster home placements provide no definite answer to whether foster care serves its purpose. A number of studies tend to show that even long term foster home placements do not compensate for the lack of progress at school" (*our translation*). This skepticism with regard to foster home placements is shared by the authors of a recent report [3] by the Norwegian Institute for Urban and Regional Research (NIBR) who write: "Foster placements are used in the Child Protection system both as an assistance measure and in care orders. These placements have not yet received the same negative publicity as institutional placements, in spite of a Danish study following a large review which questions the efficacy of foster home care throughout the world" (*our translation*).

It is a matter of grave concern for us that the Norwegian state in formulating its policies ignores several influential and comprehensive studies which document the adverse effects of separating children from their natural families. We therefore feel that there is no justification for mentioning foster home placements under the rubric of preventive measures in the home.

Furthermore, if a policy of increased use of preventive measures in the home has been put into practice as claimed by the Norwegian state, the Norwegian state should also account for any concrete measure taken to reunite children in public care with their families.

In our experience we know such reunifications to take place only very rarely, and when they do, it is hardly ever on the initiative of the authorities but rather because a very few of the families fighting for reunification in the courts are at last successful. In the above mentioned Official Norwegian Report on the Child Protection system in Norway (NOU 2000: 12 "Barnevernet i Norge"), the authors of the Report make the following observation in Section 12.2.1: "... although foster home placements are meant to be temporary measures, surveys from Norway show that a large percentage of foster home placements are made with a view to making the placement permanent" (*our translation*). In the majority of cases which GFSR, RVB and BarnasRett.no have knowledge of, local Child Protection authorities and experts working for them do not recommend reuniting children with their natural families, and choose instead to give priority to ties with the foster home. This practice is clearly at variance with the Committee's recommendation to the Norwegian state to protect the natural family environment.

Specific changes to paragraphs 4-19 and 4-21 of the Child Welfare Act [4], which took effect from 1 January 2007, now make it even more difficult for a child to be returned to its parents, once the child has been placed in an institution or with a foster family. In addition, the revised law now makes it impossible for grandparents and other family members to maintain ties with a child placed in care. Exception to this rule is made only in cases where one or both parents are dead, or have been stripped of their legal rights to see their child. The revised law clearly aims to sever ties between the child and its biological family.

In a Ministry draft proposal from October 2008, which envisages further revisions to the Child Welfare Act, it is sought to give added permanence to the care orders by allowing for the very early permanent adoption away of children taken into public care. GFSR, BarnasRett.no and RVB have already submitted its critical comments to the Ministry with regard to the proposed changes to the Child Welfare Act. It is our opinion that the proposals, if enacted into law, will permanently deprive children of their natural family environment. In our opinion, the proposal completely ignores the recommendations of the CRC to protect the natural family environment.

Reference is made in point 222 of the Report to decisions concerning care orders in accordance

with paragraphs 4-12 of the Child Welfare Act. It is claimed that care orders cannot be made if satisfactory conditions can be created for the child by assistance measures. We wish to point out that under the current system any appraisal of the effectiveness of any such assistance measures is largely made by the individual social worker. Decisions on how and when children should be taken into public care are to a large extent based on the judgement of the individual social worker. The arbitrariness of the procedure involved in deciding whether an intervention is necessary for a particular family is reflected in the large regional variations in the number of children in the Child Protection system. Official statistics [5] show that for the calendar year 2007 the number of children per 1000 in the Child Protection system (including both assistance measures and care orders) in the county of Møre and Romsdal was more than 32, while the corresponding figure for Akershus was only 21.

Moreover, in the experience of GFSR, RVB and BarnasRett.no, the over-reliance on the judgement of the individual social worker in deciding the nature of the intervention necessary for the family, means that many of the assistance measures received by families are not suited to solving any practical difficulty faced by the child or the family. The mismatch between the problem and the form of intervention is often a source of great desperation and downright fear for the family, who have to live with the added burden of close scrutiny by social services pursuing psycho-sociological ideas far from the family's real situation and problems.

### **Selection of foster homes (points 228 - 233)**

In points 228 - 232 reference is made to regulations pertaining to foster homes, and also to a circular on the same subject. It is claimed that the Child Protection agencies always evaluate the suitability of persons in the child's family or social network to serve as a foster family. It must be stressed that it is not mandatory for the Child Protection agencies to follow the above mentioned guidelines and circular. Moreover, in the experience of BarnasRett.no, GFSR and RVB, the Child Protection agencies often reject close relatives and friends as possible foster families after only superficial evaluation or no actual evaluation at all. Official statistics [6] confirm this trend: In 2007 there were 4374 foster home placements outside the family, as against only 1788 in the family. The corresponding figures for reinforced foster homes show an even greater divergence with only 457 placements in the family, against 2931 outside the family.

It should be stressed that the Child Protection system does not allow parents who lose custody of their children any say in the choice of a foster family. Several judgements from higher courts of law make this point clear. For example, in Case no. LA-2006-76697 from Agder Court of Appeal (Agder lagmannsrett) [7], the court summarily rejected a mother's petition to place the child with a family of her choice.

In a recent judgement from Hålogaland Court of Appeal [8], a child from a Sami family was not permitted to live with his aunt and uncle, in spite of the fact that the child had been living with them for some time. We would like to draw attention to the submission by the local Child Protection authorities in this particular case, in which they argue against placing the child with close relatives:

" .... If C is placed in a foster home in the family, it is only a question of time before some trivial matter destroys the cooperation between the foster family and the Child Protection services.." (*our translation*).

The judgement from Hålogaland Court of Appeal prompted criticism from Rodolfo Stavenhagen - UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples [9]. Stavenhagen remarked that no matter what situation a person may be in, he or she has a right to his or her own culture.

RVB, GFSR and BarnasRett.no consider the above judgement to be in breach of right of the child to its natural family environment, as well as in breach of Article 30 of the Convention which enjoins member states to respect the child's ethnic identity and culture.

In another case which was reported in the media [10], a child of Muslim parents was placed with a same sex couple, against the wishes of the parents, and without regard for the child's culture and identity.

The above cases are actually representative of typical child care cases. The decisions to place children with foster families are very often made arbitrarily, without regard to the wishes of the family or of the children concerned. Care decisions which entail an estrangement from the child's biological family deprive children of their identity, their roots and, in the case of children from ethnic minorities, also their culture.

### **Quality assurance of expert reports in child welfare services (points 234 -235)**

In points 234 and 235 mention is made of ongoing efforts to establish an expert child commission for child welfare cases. The purpose of the commission will be to provide a quality assurance of expert reports in child welfare cases, more specifically expert reports used in care proceedings.

The Norwegian state's fourth periodic report omits to mention that the establishment of a commission of this kind will not solve the problem of the impartiality of the experts serving on the County Social Welfare Boards (fylkesnemnd). This fundamental legal problem has been pointed out by legal experts, and by others who work with care proceedings. In an Official Norwegian Report (NOU 2006: 9) there is an acknowledgment of the problem [11]. One reads in section 6.2.5 that "...when the same persons take on different roles (translator's note: in care proceedings), the respondents in the case cannot be sure that there do not exist collegial ties between experts who are judges, and those experts who work for the Child Protection authorities. Academic environments in Norway are small, and unfortunate liaisons can result. This must be assumed to be an especially big problem in regions where access to experts is limited, but it may also be a problem in bigger cities, because the academic environment is small" (our translation).

Neither in the above mentioned Official Norwegian Report, nor in Norway's Fourth Periodic Report do we find any attempt to ensure the impartiality of the experts serving on the County Social Welfare Boards. Under the present system a family is first assessed by an expert having links to the Child Protection services. After that the same family will be made to defend its case before an expert serving on the County Social Welfare Board, who also has links to the Child Protection services. From a purely legal standpoint, there is no guarantee that the decision taken by the County Social Welfare Board will be impartial.

The lack of an impartial authority to preside over care proceedings is a major flaw in the system, especially when one considers that the care proceedings involve several departures from fundamental legal principles. One of the chief problems is the over-reliance on

undocumented testimonies of individual social workers. In the Official Norwegian Report [12] on the Child Protection system (NOU 2000: 12) this procedure has been described: "Among the child protection documents which are put before the County Social Welfare Board can be found journal notes and case documents stating what various persons have informed the social services about, also in the form of second-hand and anonymous reports. This can be a problem when seen from the point of view of (translator's note: the respondent's) legal rights, when notes of this kind are read aloud in the County Social Welfare Board, in the absence of the source of the information in question." (*Our translation*).

In our opinion, the manner in which care proceedings are conducted in the County Social Welfare Boards represents a serious breach of the legal rights of families and children. A legal procedure in which undue importance is given to the word of social workers against the word of the family cannot be said to satisfy the principle of Equality of Arms. It must also be noted that care proceedings are almost without exception held *in camera*. Neither the press nor the general public have access to care proceedings. The result of this lack of legal safeguards is the general absence of public scrutiny in care proceedings. As a result, most families affected feel that their side of the story is not heard, and that the County Social Welfare Boards are predisposed to taking children into public care. Statistics show that care proceedings end in the child being taken into care in more than 80 % of the cases. In some counties this figure is even higher.

It is therefore questionable whether the establishment of the proposed commission will strengthen the legal rights of families and children in care proceedings.

#### **Remarks on Chapter V, Section J: Periodic Review of Placement (Points 244 - 248)**

In view of our above comments we see an urgent need to evaluate the policy of using foster homes as alternative care. Regrettably, we cannot see any intention on the part of the Ministry of Children and Equality to undertake such an evaluation. The County Governor (fylkesmannen) does not have the authority to undertake any detailed evaluation of the working of the system. The figures referred to by the Norwegian state in these points conceal the fact that the remit of the County Governor is actually restricted to whether the formal prescriptions of the Child Welfare Act are being followed. It is not within the scope of the powers of the County Governor to take a stand on the quality of placement. Neither are the suggestions of the County Governor binding for the Child Protection authorities. BarnasRett.no, GFSR and RVB have received many complaints from members and users who inform us that even in cases where the County Governor has found breaches of procedure, and issued concrete recommendations to the Child Protection authorities, these recommendations were not followed up by the Child Protection authorities.

In the case of institutional placements, even when periodic reviews are carried out by the County Governor, these fail to unearth the real, serious problems faced by children living in the institutions. In a survey [13] of over 400 respondents above the age of 13, which was carried out in 2005 by Norwegian Social Research (NOVA), 11% of the minors interviewed said that they felt unsafe at the institution on account of some of the adults present there. 12% of the respondents said that they felt unsafe at the institution on account of some other children placed there. *12 children replied that they had been sexually assaulted by a person working at the institution, and as many as 33 children said that they had been beaten or kicked by a person working at the institution.*

It should be mentioned that the above mentioned survey by NOVA was commissioned by the Ministry of Children and Families, as it was then called. Despite the serious nature of the findings, no attempt was made by the Ministry to investigate the matter further. No criminal charges have been brought against any person working at any institution.

The media carries several reports of children escaping from institutions. In almost every case, these children are pursued by the police and child protection workers, and forced to return to the institution, where they are most often held against their will. Especially children who, in fleeing institutions and also foster homes, go to the home of their parents from whom they have been separated against their will, are forcibly taken back to care places in control of the Child Protection authorities, while youngsters who join criminal or questionable milieus are sometimes left alone. Despite media reports [14, 15, 16] of increased violence and coercion against children by persons employed at the institutions, no action is taken against the perpetrators. Neither can we see any evidence of a marked shift in policy away from institutional care, as has been claimed by the Norwegian state in its Fourth Periodic Report.

Placement at institutions and foster homes is a great strain for children, who make many attempts to escape. Statistics show [17] that in 2006, in the Oslo region alone, 180 children made as many as 759 attempts to escape from institutions and foster homes where they had been placed.

It must therefore be asked whether the periodic review of foster homes and institutions is anything more than a superficial review of formalities, which fails to uncover even the most serious forms of violence against children.

### **Remarks on "The supervisory role of the Ombudsman for Children in Norway (point 37)**

In the above comments we have attempted to bring to the Committee's attention some grave violations of children's rights in the Child Protection system. The supervision of the entire system can at best be described as perfunctory. The role of the Ombudsman for Children is no exception.

In their concluding remarks the Committee in points 10 and 11 recommends a more independent function for the Ombudsman for Children. This criticism has been rejected by the Norwegian state in point 37 of its Fourth Periodic Report.

We feel, however, that the Committee's criticism is fully justified. Evidence for most of the violations of children's rights which we have attempted to document is available in the public domain. The Ombudsman for Children has however refrained from commenting whenever any report of violations of children's and families' rights is published in the media.

It must therefore be stressed that formal independence from the Ministry does not guarantee the independent functioning of the Office of Ombudsman for Children. In our opinion, an Ombudsman for Children can only be considered independent if he/she shows a willingness to take the authorities to task for violations of children's rights. The present Ombudsman for Children has instead been supportive of an increased use of coercive measures [18] at institutions run by Child Protection authorities. Such coercive measures include locking up children who attempt to escape. In general, the Ombudsman for Children functions today as a spokesman for the Child Protection system [19].

In our opinion, the independent functioning of the Office of Ombudsman for Children is necessary for the problems in the Child Protection system to be addressed. It is therefore of the utmost importance that the chosen Ombudsman for Children should not have links to the Child Protection system, nor to any profession closely linked to Child Protection.

## Part 2

### Suggestions for Remedial Measures

In view of our critical comments on the subject of family environment and alternative care set forth in Part 1 of this document, we would like to suggest some remedial measures, which we think will go a considerable way in ensuring that the Child Protection services do not breach the rights of children to grow up with their families.

In our view there is an urgent need to re-evaluate the fundamental principles along which the Child Protection system works in Norway. In particular, we would like to see more real help in the form of home based measures of relevance to the family's life being implemented in the Child Protection system in those cases where help is genuinely needed. We would like to see foster care outside the family, as well as institutional care, reduced to a minimum. In spite of assurances by the Norwegian state, we feel that there is a deep rooted scepticism in the Child Protection agencies towards an increased use of home based measures. Any mention of a shift away from institutional care is disparagingly referred to as "ideology" by representatives of the trade unions of social workers [20].

It is our impression that the resistance to involving family members and friends in genuine cases is very great in the entire Child Protection system, ranging from the individual social worker to the experts and judges serving on the County Social Welfare Boards. In an Official Norwegian Report [21] on the County Social Welfare Boards, we read the following in Section 7.2: "Biological parentage, like all other kinds of parentages, can be a source of security as well as a danger. Research points unequivocally to the fact that biological parentage is neither a necessary nor a sufficient condition for the development of the child". (*Our translation*)

Further on, in the same Report, we read in the same Section: "Biological ties are important first and foremost because our society accords them this level of importance". (*Our translation*)

The authors of the above mentioned official report comprised a working committee for County Social Welfare Boards (fylkesnemndutvalget), which had been appointed to review the working of County Social Welfare Boards with a view to suggesting a uniform procedure in all County Social Welfare Boards. Several of the members of the committee worked in the Child Protection system. The official report was submitted to the Ministry for Children and Families on 31 May 2005.

The attitude that the child's natural family is not necessary to its well being, which is apparent in the cited extracts from the official report, is widely prevalent in the Child Protection system. Feedback from our members and users, as well as statements made by Child Protection officials in the media, confirm this. From the experience of our members and users, we are in a position to say that the notion that biological parentage is an optional value, to be wholly or partially disregarded in social work, is an attitude which is deeply ingrained in Child Protection workers as a result of their training.

The idea that biological parentage may be disregarded is however not the only questionable aspect of social workers' training. The ideas and methods of the Child Protection system in

Norway is based in a significant way on the doctoral thesis of Kari Killén, who in the the 1980's authored several texts [22] on the subject. It has been pointed out by several commentators that the empirical basis of her work is extremely weak, because it builds on a sample group of only 17 individuals. An especially caustic criticism came from Gabriel Oxenstierna and Karen Hassel in an article in the Nordic journal of social work, Nordiskt socialt arbete [23], in which they questioned the scientific validity of Killén's doctoral thesis, and of her choice of categories and terms. They also raise questions about methodology.

In relying almost exclusively on only one kind of study, the Child Protection system disregards influential studies [24] which point to the fact that separating children from their parents may give the children long term mental disorders.

Other surveys have raised questions about the social worker's competence to judge parents and children. In short, there is an urgent need to examine the scientific and ethical basis of the entire Child Protection system. Until this is done, and unless we can be sure that we have a Child Protection system which is compatible not only with the UN Convention on the Rights of the Child, but also with elementary democratic principles, we fear that far too many children will be separated from their families for frivolous reasons. That we have good reason to fear that this is happening, is apparent from the rapid increase in the number of children being taken into care under Emergency Protection Orders (akuttvedtak). In October 2008 there was reported a 20% increase [25] in the number of Emergency Protection Orders in the first four months of 2008 compared with the same period from 2007. In some jurisdictions [26] the increase is 100%. We find it particularly alarming that there has been a 10% increase [27] in the number of children in the age group 0 - 2 years of age who have been taken away from their parents.

This is a state of affairs which cannot continue. At the close of 2007 there were 10,515 children for whom various forms of placement measures had been made [28]. That number is fast increasing. Recent studies have shown that children in the Child Protection system have a generally lower quality of life compared to the national average on every measured parameter. For instance, a recent study [29] by Norwegian Social Research (NOVA) found that in the years 1990-2005, only 8% of the children in the Child Protection system had a higher education, compared with the national average of 40%. Former clients of the Child Protection system were also more likely to be unemployed and divorced. The remedial measures we propose here may sound drastic, but they are only, in our opinion, commensurate to the magnitude of the problem which we have attempted to describe.

1. In view of the questions raised about the scientific validity and ethical basis of the central assumptions of the Child Protection system, we suggest the establishment of a commission to investigate the working of the entire Child Protection system. It is important that such a commission is completely independent of the Child Protection system, and that the commission is open to suggestions and input from individuals and groups who are critical of the working of the Child Protection system. The aim of the commission should be to coordinate a complete revamping of the system.
2. In view of the legal issues raised in Part 1, especially with regard to the impartiality of the County Social Welfare Boards, we would like to see care proceedings conducted in ordinary courts of law, instead of the County Social Welfare Boards. This will lead to a greater degree of public scrutiny in care proceedings.
3. Until the Child Protection system works in a manner which is compatible with the UN Convention for the Rights of the Child, especially with regard to the child's

right to its natural family environment, we propose a moratorium on all placements outside the family, except in those cases in which the child is a victim of criminal abuse, i.e. the cases tried in the criminal justice system.

4. We would like the CRC to once again remind the Norwegian state to give priority to protecting the natural family environment, as mentioned in point 24 of the Committee's concluding observations from 2005.
5. In documented cases of violence against children in institutions or foster homes run by the Child Protection authorities [13], a police investigation should be initiated, and charges should be brought against those persons responsible for physically abusing children.
6. We recommend that the commission we have suggested appointed (point 1 above), or a subsidiary of this commission, make a thorough review of all cases of children at present held in public care against their wishes, and make a recommendation as to what should be done to terminate such involuntary care at an early point of time.

**We sincerely hope that the UN Committee on the Rights of the Child will make use of our critical comments and suggestions in its evaluation of Norway's fourth periodic report of 2008 to the Committee.**

## References:

[1] <http://www2.ohchr.org/english/bodies/crc/docs/Guide-NGO-E.pdf>  
Guidelines for NGOs

[2] NOU 2000: 12 "Barnevernet i Norge"  
Official Norwegian Report on the Child Protection system (in Norwegian)

[3] NIBR-rapport 2006:7 "Hjelpetiltak i barnevernet- virker de? ", page 194.  
Report from the Norwegian Institute for Urban and Regional Research: "Assistance measures in Child Protection - do they work)"

[4] Child Welfare Act (Lov om barneverntjenester):

Paragraph 4-19, clause 4:

The child's relatives, or any other persons with whom the child has a close relationship, can request the County Social Welfare Board to consider if they have visiting rights to the child, and the extent of their visiting rights when

1. One or both parents are dead, or when
2. The County Social Welfare Board has determined that one or both parents will not have visiting rights to the child, or that the parents' visiting rights are severely restricted.

Paragraph 4-21, clause 1:

The County Social Welfare Board shall repeal a care order when the parents can provide adequate care for the child. The order shall nevertheless not be repealed if the child has developed an attachment to persons or to the environment where the child lives, which can lead to serious problems for the child, if the child were to be moved (our translations).

[5] [http://www.ssb.no/barneverng\\_en/](http://www.ssb.no/barneverng_en/)  
Statistics Norway

[6] [http://www.ssb.no/barneverng\\_en/tab-2008-09-17-04-en.html](http://www.ssb.no/barneverng_en/tab-2008-09-17-04-en.html)  
Statistics Norway

[7] Case no. LA-2006-76697  
Agder Court of Appeal - Court order

Summary of court order: The child's mother petitioned the County Social Welfare Board in a subsidiary submission that (in the case of a care order) the child be placed with a particular family. The County Social Welfare Board did not consider the petition. The mother petitioned the District Court where her petition was rejected. The Court of Appeal upholds the rejection of the petition by the District Court. (Our translation)

[8] Case no. LH-2007-92747, Hålogaland Court of Appeal

[9] [http://www.nrk.no/kanal/nrk\\_sami\\_radio/1.4762309](http://www.nrk.no/kanal/nrk_sami_radio/1.4762309)  
Report from the Norwegian Broadcasting Corporation, 7 February 2008: "Surprised at the Norwegian legal system".

[10] <http://www.adressa.no/nyheter/trondheim/article1020199.ece>

Introduction to newspaper report in Adressavisen, 30 January 2008:  
A Muslim child has been placed with a lesbian foster family. The child's mother has protested against the choice of foster family. Trondheim City Council admits that this is an unfortunate choice, but out of consideration for the child, refuses to change the (foster) family. (Our translation)

[11] NOU 2006: 9 "Kvalitetssikring av sakkyndige rapporter i barnevernsaker"  
Official Norwegian Report: "Quality assurance of expert reports in care proceedings"(in Norwegian)

[12] NOU 2000: 12 "Barnevernet i Norge" [See Section 16.5](#)  
Official Norwegian Report on the Child Protection system (in Norwegian)

[13] [http://www.nova.no/asset/2076/1/2076\\_1.pdf](http://www.nova.no/asset/2076/1/2076_1.pdf), pages 73 - 77  
User survey in Child Protection Institutions (in Norwegian).

[14] <http://www.aftenposten.no/nyheter/iriks/article2193473.ece>  
Newspaper report from Aftenposten, 13 January 2008: "Child Protection authorities use violence against children".

[15] <http://www.nrk.no/nyheter/distrikt/nordland/1.6318053>  
Report from the Norwegian Broadcasting Corporation, 20 November 2008: "Concerned about coercive measures".

[16] <http://www.bt.no/lokalt/bergen/article303868.ece>  
Newspaper report from Bergens Tidende, 6 October 2006: "Locked up by the Child Protection authorities"

[17] <http://www.aftenposten.no/nyheter/iriks/article1629831.ece>  
From the newspaper report in Aftenposten, 6 February 2007:

Aftenposten (translator's note: the leading Oslo daily) has gained access to the statistics, which show that 180 youths, mostly from Oslo, escaped 759 times from Child Protection institutions and foster homes in the Oslo region last year (trans. note: 2006). There are no corresponding statistics from other parts of the country. (Our translation)

[18] <http://www.aftenposten.no/nyheter/iriks/article1631381.ece>  
Newspaper report from Aftenposten, 2 February 2007: "Lock the doors!"

[19] <http://www.vg.no/nyheter/innenriks/artikkel.php?artid=531649>  
From newspaper report:  
" The Child Protection authorities do a lot of good work, but have a bad reputation. They deserve more praise, (Child Protection) ought to be a more attractive vocation, and ought to attract the best workers, says Hjermand (trans. note: the Ombudsman for Children). " (Our translation).

[20] <http://www.frifagbevegelse.no/fontene/article3336076.ece>  
Report in magazine published by the trade union for social workers, 8 February 2008:  
"Ideology runs Child Protection".

[21] NOU 2005: 09 "Ressursbruk og rettssikkerhet i fylkesnemndene for sosiale saker" Official Norwegian Report entitled "Use of resources and legal rights in County Social Welfare Boards".

[22] Kari Killén, *Sveket. Omsorgssvikt er alles ansvar* (2nd edition 1994)

[23] Gabriel Oxenstierna and Karen Hassel, *Nordiskt socialt arbete, 1/92*

[24] <http://www.nrk.no/nyheter/1.6246360>

Report from the Norwegian Broadcasting Corporation, 3 October 2008: "Increase in Emergency Protection Orders in Child Protection"

[25] <http://www.nature.com/mp/journal/v4/n2/abs/4000473a.html>

In the above study permanent separation from one's parents early in life was found to have a high correlation with psychiatric illness later in life.

A compilation of research highlighting the adverse effects of children's separation from their parents was prepared by Sverre Kvilhaug: *Atskillelse barn og foreldre (Separation of children from parents)*, ISBN 82-303-0532-3

At a time when research increasingly emphasizes genetic factors as well as the importance of the environment outside the child's home, social workers' training makes them predisposed to see the home environment as the cause of children's problems at school or in the community.

[26] <http://www.nrk.no/nyheter/distrikt/sorlandet/1.6246929>

Report from the Norwegian Broadcasting Corporation, 3 October 2008: "More children under Emergency Protection Orders"

From the report:

The Child Protection authorities intervene far more often and remove children under Emergency Protection Orders. In Arendal there has been a doubling of the number of emergency cases.

[27] <http://www.nordlys.no/nyheter/article3794762.ece>

Newspaper report from Tromsø daily Nordlys: "More children are being taken away from their parents"

[28] <http://www.ssb.no/emner/03/03/10/barneverng/tab-2008-09-17-08.html>

Statistics Norway: Children with placement measures as on 31 December, by age and type of measure, 2007.

[29] <http://www.nova.no/index.gan?id=16790>

Norwegian Social Research, 15 April 2008: Summary of report on the quality of life of former clients of the Child Protection system.