

UN's Committee on the Rights of the Child

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Case handler:  
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### **Submission Day of General Discussion: "Children's Rights and Alternative Care"**

The Ombudsperson for Children in Norway hereby submits its contribution prior to the DGD. We would like to focus on five topics we find important in this regard. The Ombudsperson for Children in Norway wants to emphasize the great importance of all States having a committed strategy for a strong and competent protection system for children and families in need of support. The protection systems must be based on the child's right to protection and care, and fulfill the underlying principles of right to development, participation and the best interest of the child.

#### 1. Knowledge about the child's needs (Guidelines para. 57)

Children under alternative care are entitled to special protection and assistance provided by the State (CRC art. 20). The provision of care must be based on an individual assessment of the child's best interests (Article 3), and through this safeguard the child's right to optimal development (Article 6). To be able to protect and care for the child, caregivers need sufficient knowledge of the child's needs in important areas such as health and education. Most of these children have been subjected to serious neglect and/or violence, and a high number are in need of different kinds of special follow-up and a trauma-sensitive approach in care provision, education, and other areas.

Norwegian authorities have, based on strong promotion by The Ombud's office, proposed law amendments, policy measures and funding to establish a system for multidisciplinary mapping of the child's needs. This helps the new caregiver provide good care and protection. At the same time caregivers and relevant authorities secure knowledge about the child's need for follow-up on other areas that are fundamental to secure the child's rights, such as the right to necessary health care (Article 24), need for rehabilitation (Article 39) and assistance in schools and kindergartens (Articles 28 and 29). The mapping must be carried out in cooperation with the child and safeguard all aspects of the right to participation pursuant to Article 12.

The Office of the Ombud for Children in Norway recommend that the guidelines contain a section on the Authorities obligation to secure sufficient knowledge about the child's needs to be able to fulfill the child's right to health, care, education and development.

2. Sufficient expertise and resources to carry out complex assessments (Guidelines, paras 39, 40, 47, 49, 51 and 52)

The Child Welfare Service performs extraordinary complex tasks and assessments. Among these are ensuring that care orders are in accordance with applicable law and the child's best interest, and that children under alternative care are provided care and protection in accordance with both domestic as well as international standards and regulations.

The Child Welfare Service must also follow up both the child and the child's family considering family reintegration, and make complex assessments of the changes in the family's ability to provide care and protection for the child. Continued contact between the child and the biological parents, parental support programs and meetings with parents are important arenas for getting information that can support these assessments.

The authorities must ensure that children's fundamental rights, including the child's best interests and child's participation, are implemented in all areas of the Child Welfare Service's work. It is a prerequisite that the Child Welfare Services have enough hands and financial resources to follow up children and families in a sufficient way. This is particularly important given the European Court of Human Rights (ECtHR) latest decisions that gives weight to the importance of working for family reintegration in cases where this is in the best interest of the child. This also includes more focus on support to the biological parents after care orders.

The Ombud wants to underline that this requires sufficient resources, and that professionals working in the Child Welfare Service have necessary skills and competence. In our view, knowledge about children's development and rights are fundamental elements of this education, and that these elements should be sufficiently implemented in the education programs. Furthermore, there is a need for a standard that ensures that the Child Welfare Service has enough staff, so that each case officer has sufficient time to follow up the children and families.

We would like to propose as items for discussion:

- Minimum standards of formal and informal competence be for Child Welfare officers that make decisions regarding and/or evaluate alternative care for children
- Good practices in education and training of professionals
- Models and best practice examples to secure that Child Welfare Services have enough hands and other resources to follow up children and families.

3. Measures for Family support (Guidelines para. 34)

In order to prevent family separation, it is crucial that children and families get support and assistance so that they enable to uphold a good family life. Child Welfare Services must offer a range of measures that supports parents in providing good care and at the same time secure the child's right to protection and development. This requires that the State ensures access to effective measures that can be adapted to the specific needs of the family. The measures must be based on an assessment of the best interest of the individual child, ensuring flexible, evidence-based measures, where the effect is regularly evaluated. Access to efficient family support measures, and the quality of such measures, should be in place for all children, not reliant on where the child lives. Furthermore, it is important with continued research on good relief measures.

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Proposed items for discussion:

- Good practices and standards to secure equal access to measures for family support for all children.
  - How to secure evidence-based support measures – securing both good standard of help and allowing flexibility and participation from children and their families.
4. Supervisory arrangements and access to effective complaints mechanisms (paras. 55, 98 and 99)

Article 25 of the Convention on the Rights of the Child secures children under alternative care the right to periodic review of the placement. Control and supervision must be conducted by an independent public body with a statutory duty to do both direct and administrative supervision and the power to impose necessary changes. This applies to both foster care and institutions. It is fundamental for children under alternative care that the supervision schemes work well. Professionals carrying out supervision must have a good understanding of children's rights and needs. They must meet children physically, to have the competence to talk to children and young people.

A child-friendly complaints system must be drawn up. The possibilities of complaining must be adapted to children and be easily accessible. It must be ensured that children receive information about who they can contact to complain and that children receive information about how the complaint is handled further and when they can receive a response.

The Norwegian Ombud for Children recommends that the guidelines contains a section on periodic review for children in alternative care that recommends both a strong and competent independent body for supervision, and a child-friendly complaint mechanism.

5. Use of force in alternative care settings (paras. 96 and 97)

The State must ensure the right to protection of personal integrity and the right to protection against violence, inhumane and degrading treatment or torture for all children under alternative care (CRC articles 16, 19 and 37). In situations where children put themselves or others at risk, the authorities must ensure that the child is stopped safely. Use of force must be a measure of last resort and only be used when absolutely necessary to protect the child's or others' physical or psychological wellbeing.

All caregivers must have sufficient competence on both domestic and international standards for coercive measures, and how to best safeguard the child's rights. Prevention, child participation and trauma-sensitive approaches are crucial elements in any training of caregivers that might need to use force towards children. Norwegian authorities have implemented a training program for employees in residential care institutions. The program is meant to combine rights-based education and case-based training. If adults need to intervene, children are now more frequently asked how adults can stop them in a safe way. This work must continue. The authorities are responsible for ensuring that employees have good knowledge of how to provide care in a good and safe way for children, that coercive measures should only be used as a last resort and, if possible, in accordance with how the child has expressed that it wants to be stopped.

Proposed items for discussion:

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- Best practices in reducing the use of cohesive measures in alternative care settings, especially in residential care

Best regards

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This letter has electronic approval and is therefore not signed.