

CHANGEFACTORY 2024

Supplementary report
to the UNCRC 7th review
of Norway in 2025



Supplementary report from **Changefactory** Norway to the UNCRC 7th review of Norway in 2025

More than 10 years of collecting knowledge from children

This report is written based on summarised main answers from many surveys where children have shared experiences and important advice on school, kindergarten, help services, the police and the legal system. Changefactory (CF) has, since 2009 systematically collected such experiences and advices from more than 15000 children and youth, many of them in difficult life situations. The researchers have travelled all over Norway to meet children aged 2-21 years. In 2017, the Prime Minister opened the Changefactory Knowledge Centre.

Changefactory's surveys should not be considered research, but at the same time, they follow specific methodological requirements to ensure that we reliably document children's experiences and advice. The qualitative method is the most important for us to ensure a range of experiences and understandings, and in-depth understanding of these. Answers that are repeated are summarised into main findings, without being linked to theory, and are presented as knowledge directly from children. The language used is as close as possible to the language used by the children themselves. Undersøkelsene inneholder ofte også noen kvantitative spørsmål.

Read the surveys here: <https://www.changefactory.org/publications/>

More about the methodology here: <https://www.changefactory.org/method/>

Young people from 13 years old are invited as "pros", to present the knowledge to politicians, bureaucrats, professionals and students. This is done in presentations, meetings, dialogues, conferences, film, podcast and books.

Some Overarching Challenges

Norway has, in recent decades, had a strong focus on quality in child welfare systems and on education and further development for child welfare staff. Politicians, bureaucrats, professionals, and trade unions have had strong and diverse opinions on this. Those who have rarely been invited to real dialogues and discussions are the children and young people whom the decisions affect. Although Norway has systems to listen to some groups of children, we believe that Norway has little tradition of using the views of children and young people in decision-making.

The Committee on the Rights of the Child (CRC) points out many serious challenges for Norway. We are grateful for many of the issues the committee raises. We are especially grateful for the places where the committee highlights the rights that children and young people have under articles 3 and 12. On many of the questions the committee raises, we believe that Norway does not respond or responds unclearly. In some places, it seems as though insufficient effort has been made to answer what the committee asks for. Young people who have read this have commented that, above all, it is the most sad. Norway should really take seriously what the committee is asking about and respond thoroughly, both where challenges are significant and where much has been done.

We therefore hope that Changefactory's supplementary report can help clarify and better illuminate some of the challenges Norway has with implementing and ensuring the rights in the convention.

We would like to emphasize these challenges:

- **The state rarely shows how the views of groups of children serve as the basis for decision-making and how these views are assessed and given due consideration:** Despite the fact that the Convention on the Rights of the Child (UNCRC) has been part of Norwegian law for more than 20 years, article 12 for children as a group is not sufficiently secured by local and national authorities. It is very rare to see how the views of groups of children are assessed and weighted.
- **The state has not secured Articles 3 and 12 in the legislation:** Children's right to receive information, express themselves freely, express themselves before information about them is shared, and that the child's opinion should be a central element in the assessment of the best interests of the child are not specifically described in the laws governing children, with the exception of the Child Welfare Act.
- **The state does not ensure that child welfare workers are well acquainted with the UNCRC and neither article 3 nor article 12, both for children as individuals or as a group.** Children and young people in Norway rarely encounter welfare workers who have specifically learned about children and young people's procedural rights in encounters with adults and therefore can ensure their rights.
- **Children are subjected to abuse, including excessive use of force, isolation, restraint, coercion, and seclusion in child welfare institutions, schools, and inpatient care:** The authorities have not ensured that they have knowledge from representative groups of children about the consequences of using force, isolation, restraint, coercion, and seclusion in child welfare institutions, schools, and inpatient care. The available knowledge shows that physical force causes harm, and the state must ensure that the use of physical force against children is only allowed when there is a risk to life and as a last resort, both in schools, mental health services, child welfare institutions, and police custody.



I. New Developments

LOIPR 2(a)

Government reform of child welfare

Most of the proposals in the reform of the child welfare system will affect a specific group of children and must therefore be in the best interests of these children according to the Norwegian Constitution § 104 and the UNCRC Article 3. It is necessary to hear this group and listen to them in the design of all the proposals for guidelines under CRC Article 12. Changefactory cannot see that Norway has fulfilled this obligation in its work with the child welfare reform.

Changefactory recommends that the state:

- Provides an account of how they have included the views of representative groups of children with experience from the child welfare system in the design of measures and legislation in the child welfare reform, the assessments that have been made, and how the views have been given due consideration.
- Ensures that representative groups of children concerned have been heard regarding the various chapters of the child welfare reform, and that these views have been assessed and given due consideration.
- Where the state has chosen to depart from children's views, it must justify why and explain what consequences this might have for children.

A CHILDREN'S law must be developed

The current Children's Act largely focuses on parental rights and separations. The new law should be based on the premise that children should feel safe. This has long been a clear message from children. The new Children's Act must ensure a safe system for children when parents are in conflict. The law must set clear frameworks for mediation in family counseling and parental disputes in district courts. The new law must be a clear guide for those working in family welfare offices, the justice system, parents, and to ensure that children know their own rights.

The Children's Act must secure children's rights in line with the UNCRC, just like the new child welfare law. The government must ensure that the proposals for the new Children's Act are in accordance with the principles of the UNCRC concerning children's right to information, to be heard, decisions made in the child's best interest, and the child's right to privacy, in accordance with the parliamentary decision from 2020.

This was done in the amendments to Chapter 1 of the Child Welfare Act, which enshrines children's right to information, to be informed about what and when information about the child can be used, to express their views before information is shared, to freely express their opinions, and to ensure that the

child's opinion is a central element in the assessment of the child's best interests.

The legal text in Chapter 1 of the Child Welfare Act implements the UNCRC in a way that is understandable, enabling the law's practitioners to comprehend the content of children's rights to information, to be heard, decisions made in the child's best interest, and the child's right to privacy. Changefactory's input to the future Chapter 1 of the Children's Act is therefore largely based on Chapter 1 of the Child Welfare Act.

The intention of the Children's Act committee was that everyone should be able to read and understand the law, including children where possible. Therefore, we believe that Chapter 1 of the Children's Act should, to the greatest extent possible, be the same as the provisions in Chapter 1 of the Child Welfare Act. Additionally, it would be unfortunate if children under the Children's Act do not have the same rights as children in the child welfare system.

Changefactory recommends that the state:

- Initiates a systematic process to hear the views of children and ensure that these views are given due consideration in the work on the Children's Act.
- Fulfill the parliamentary decision (Decision 637, May 28, 2020) in the Children's Act in the same way as in the Child Welfare Act.



A. General Implementation Measures (Articles 4, 42, and 44(6))

LOIPR 4(a)

Rules for information sharing are crucial for children to express their views safely

Children do not tell adults what they most need to know

Many children and young people describe that they experience information from or about them being shared by adults without them knowing or being able to express their views freely about the information being shared. Children say that they lose trust in adults when this happens.

Changefactory has, since 2009 systematically collected experiences and advice from children and young people about how they experience school, kindergarten, help services, the police and the legal system. One particular answer is recurrent over the years, in all systems and age-groups. **Children do not know what will happen with the information they disclose and are rarely heard before information about them is shared.** This results in children losing trust in adults and causes them to not share at all. It is important that children feel safe to share what is important for adults to know, in order for adults to be able to help them in their lives.

Information sharing in child protective services

In a survey conducted with 110 children that had experience with child protective services aged 8-19 years:

78% had experienced that adults had shared information about the child without the child's approval.

Information sharing from children with experience from violence and sexual abuse. In a book written on the basis of the knowledge from 500 children with experience from domestic violence and sexual abuse, the summarised advice from children when it comes to information sharing is:

After a child has shared information, the adult and child must agree:

- What information that will be shared
- To whom and when information will be shared
- Who will share the information
- If anything and what will be written down

Information sharing in schools

In the last 10 years, CF has met more than 8000 children in schools when conducting surveys. Central facts from those surveys is that

- 2 out of 3 pupils have not told the adults at school what they most need to know
- 2 out of 3 pupils do not regularly experience that adults tell them before sharing information about the pupil with parents or other caregivers.

Children's right to privacy in Norway

Norwegian politicians and lawmakers do not, in our view, pay attention to the importance of children's right to privacy and the difference it can make in children's lives when their privacy is respected and they feel they can trust adults. In our experience children's right to privacy is neglected in all systems, from schools to the justice system to child protective services. In Norwegian legislation, except the child welfare act, it is not described that children must receive information and be able to express their views freely before deciding whether the sharing of information is in the best interests of the child.

Information sharing is included in one law - why not all?

As a result of children and young people doing advocacy, the new child welfare act (2023) has incorporated children's rights according to the UNCRC and what groups of children in child welfare services have expressed is important for them in order to participate in ways that feels safe for them.

Section 1-4. The child's right to participation

A child who is capable of forming their own opinions has the right to participate in all matters concerning the child pursuant to this Act. Children have the right to speak to the Child Welfare Service regardless of the parents' consent and without the parents being informed about the conversation in advance. The child must receive sufficient and suitable information and has the right to express their opinions freely. The child must be listened to, and due weight must be given to the child's opinions in line with the child's age and maturity.

Children must be informed about what information provided by the child can be used for and who can access this information. The child has the right to express their opinion before it is decided that the information is to be shared, and due weight must be given to the child's views in line with their age and maturity.

In meetings with the Child Welfare Service, a child may be given the opportunity to be accompanied by a person in whom the child has particular trust. This person of trust may be subject to a duty of confidentiality.

Changefactory recommends that the state:

- Enshrine in all laws concerning children their right to express their views before information about them is shared. Subsequently, evaluate whether sharing is necessary and in the child's best interest.
- Include in all laws the right of children to speak to services without parental consent.

LOIPR 4(b)

Health legislation have not incorporated UNCRC Arts. 2 and 12

This issue was marked as "fulfilled" in the 2023 State Budget. However, Changefactory has reviewed health legislation and found no provisions ensuring children's right to information, freedom of expression, or privacy. Furthermore, the principle of the child's best interest and the weight of their opinions are not explicitly codified in Norwegian health laws. In comparison, the new Child Welfare Act (§§ 1-3 and 1-4) incorporates these rights. All children involved in child welfare services interact with health services to some extent.

Can it be acceptable in Norway for children's rights to be better protected under child welfare laws than in health services?

Changefactory recommends that the state:

- Legally enshrine children's right to information, freedom of expression, privacy, and the consideration of their best interests and opinions, as outlined in the Child Welfare Act (§1-3 and §1-4).
- Support the Ombudsperson for children's (BO) recommendation to integrate the principles of the child's best interests and their right to be heard into additional laws, including the Children Act, health legislation, NAV legislation, and a new Public Administration Act.
- Ensure the principle of the child's best interests is considered in all new legislative

LOIPR 4(c)

Instructions for public investigations

Changefactory has repeatedly urged the state to fulfill its obligation under Article 12 of the Convention to ensure children's collective participation in the assessment of measures affecting them as a group and recommends that the state take stronger action to guarantee this.

Changefactory recommends that the state:

- Develop a specific guide for public investigations on how to involve children in assessing government measures that affect them as a group.
- Ensure that children's views are included and given weight in the development of new guidelines for involving children in the assessment of government measures affecting them as a group.

LOIPR 4(d)

Optional protocol on individual complaint mechanisms

Establishing a national system to secure complaint mechanisms for children would affect a significant group of children and must therefore be in the best interests of this group, as stipulated in the Norwegian Constitution §104 and CRC Article 3. To achieve this, it is necessary to consult this group and listen to their perspectives during the development of a national complaint system, in line with CRC Article 12.

Changefactory recommends that the state:

- Support the BO and the Norwegian National Human Rights Institution (NIM) in ratifying the Third Optional Protocol.
- Outline how it plans to include and give weight to children's perspectives in the development of a national system to secure children's right to complain, and how it plans to facilitate active dialogue with children and young people during the process.

LOIPR 5(b)

Cross-sector coordination does not incorporate input from groups of children

In 2022, changes were made to 14 welfare services requiring these services to cooperate. These legal amendments impact a large group of children in Norway. However, the perspectives of a representative group of children were not included or given weight in the legislative process. Changefactory and other organizations recommended that these laws ensure children's right to:

- Receive accurate information.
- Express their views freely and safely.
- Be consulted before information about them is shared, with an evaluation of whether such sharing is necessary and in the child's best interests.

Changefactory recommends that the state:

- Amend the welfare service laws to include children's rights to participate in collaboration in ways that are safe for them.
- Include the perspectives of groups of children and give weight to these in guidelines and documents that direct services on collaboration under the 14 welfare service laws.
- Ensure children's right to privacy under CRC Article 16 in the guidelines and documents directing services on collaboration under the 14 welfare service laws.
- Explain how the core group for "vulnerable children and young people" gathers input from these children and gives due weight to their perspectives.

LOIPR 6(b)

Children must be consulted more effectively in local and national budgets

According to GC No. 19, state parties should regularly seek the opinions of children on budget decisions that affect them through mechanisms that enable meaningful participation at national and subnational levels.

The current opportunities for children to provide input on budgeting processes are not child-friendly. Changefactory believes that Norway has significant progress to make in ensuring children's meaningful participation in budgeting, especially in giving feedback to children on their input and incorporating their perspectives into budgets. Furthermore, there are no adequate mechanisms for children in vulnerable situations to participate in these processes.

Changefactory recommends that the state:

- Systematically involve and consult children in the processes of local and national budgeting, including ensuring the participation of children in vulnerable situations.

LOIPR 8(b)

Children must be informed about their rights, when they are violated and be involved in designing child-friendly complaint mechanisms

Changefactory has recently conducted multiple surveys with children and young people regarding their rights under Articles 3, 12, and 16 of the UNCRC. These studies reveal that children and young people often do not know about their rights. Without knowledge of their entitlements or when these rights are violated, children cannot make complaints. It is essential for Norway to ensure children are aware of their rights and when these rights are breached. When making national complaint systems for children it is critical to involve children and listen to their perspectives, in line with UNCRC Article 12. It remains unclear whether and how children have been consulted in creating complaint mechanisms on platforms like ung.no, to the County Governor, and the Civil Ombudsman, as well as how their input has been considered in shaping these systems.

Changefactory recommends that the state:

- Ensure all children are aware of their rights under Articles 3, 12, and 16, and when these rights are violated. Assign responsibility at the municipal level to ensure children receive this information.
- Consult representative groups of children when designing child-friendly complaint mechanisms.
- Support the BO's recommendation to strengthen children's legal capacity and access to child-friendly legal assistance.
- Support the BO's recommendation to ensure children have access to effective and child-friendly complaint mechanisms across all areas of law.

LOIPR 9(a)

Education based on what children identify as helpful

Creating education and training programs for professionals to ensure children's rights is a measure that impacts a large group of children. Thus, these programs must be in the children's best interests under the Norwegian Constitution §104 and UNCRC Article 3. It is necessary to involve children and incorporate their views in the design of these programs, in line with CRC Article 12.

Changefactory recommends that the state:

- Develop training programs informed by feedback from representative groups of children, ensuring their perspectives are integrated into the training materials.

Training for employees in institutions for children

The training program Norway refers to as "safety, security, and trust" focuses on when and how to use physical force against children. Changefactory's understanding of the course content suggests that children's input was not sought during its development, nor were their views considered.

Changefactory recommends that the state:

- Develop training programs for employees in child welfare and mental health institutions on how to manage challenging situations safely and without physical force, ensuring children's perspectives are included in the program design.
- Ensure all employees in child welfare and mental health institutions receive training on children's rights under Articles 3, 12, and 16, and how to apply these in practice.

LOIPR 9(b)

Awareness of Children's Rights

Based on dialogues with professionals and leaders, as well as reviews of circulars, guidelines, and directives, there is a clear need for increased knowledge about children's rights among employees in state and municipal services. These rights are often mentioned only superficially, such as the right to education, health, or that measures must be in the best interests of the child. Rarely is there specific, practical training on what these rights mean in practice or when they are violated.

Few documents detail how to ensure children's right to participation or their procedural rights, including:

- The right to information about matters affecting them.
- The right to express their views freely.
- The right to be informed before information about them is shared.
- The right to express their views before the best interests assessment is made.

There is often little public information about how the relevant directorate works to ensure professionals are trained to concretely uphold children's rights during processes.

Changefactory recommends that the state:

- Ensure that directorates describe children's rights to participation and procedural rights under Articles 3, 12, and 16 concretely in all circulars, guidelines, and directives.
- Support the BO's recommendation to strengthen the training of all professional groups working with and for children, and ensure increased knowledge of children's rights among political bodies and municipal administrations.



B. General principles (arts. 2, 3, 6 and 12)

LOIPR 12(a)

Best interests of the child

Criteria and Guidance for Assessing the Best Interests of the Child

CF believes that the authorities have responded unclearly to this question and that the Committee has pointed out a very serious challenge. Norway lacks clear criteria and guidance for determining what is in the best interests of the child for all authorities making decisions that affect children. Except for the Child Welfare Act, there is no specific description in laws, guidelines, or circulars on how the best interests of the child should be assessed and documented, so that authorities making decisions know they must allow the child to express themselves freely and use the child's opinion as a central factor in assessing the best interests of the child. As a result, many decisions are made in the "best interests of the child" without the child's viewpoint being considered. It is also rarely clear instructions for describing what consequences a decision will have for the child.

The best interests assessment at the individual level

In CF's research over 15 years, children and young people have explained that it cannot be right how adults make assessments of the child's best interests. Children and young people in schools, child welfare services, and other healthcare services have wondered how it is possible to make decisions in their lives:

- Without hearing them
- Without considering what they say in the decisions

Authorities have known this since 2009

Changefactory has been in contact with and provided input to national authorities since 2009 and to various ministers for children since 2011. Views from groups of children and young people have thus been presented to the authorities. Other organizations have also submitted viewpoints. We have hardly seen descriptions of how the authorities have assessed and given these opinions due consideration.

Changefactory Invited Laura Lundy, in October 2024

CF believes that after 15 years of collecting input from children and young people and presenting or otherwise submitting this to the authorities, there has not been a significant effort from the authorities to understand and implement how Articles 12 and 3 should be ensured, either for each individual child or at the group level. In frustration, and for many young people, also in despair, we invited Professor Lundy to visit after becoming familiar with her work. We want the committee to know that we believe this provided new inspiration for many important actors, and that perhaps it can help authorities take this more seriously now.

Changefactory recommends that the state

- Ensure that all legislation, guidelines, and circulars clearly state that to assess the best interests of the child individually, the child must be allowed to express themselves freely and that the child's opinion is a central element in this assessment.
- Ensure that all legislation, guidelines, and circulars clearly state that to assess the best interests of children as a group, representative groups of children must be allowed to express their views, and these must be considered in the assessment.
- Ensure proper training and guidance, locally and regionally.
- Monitor how the changes are being implemented, identify challenges, and develop updated guidance.

LOIPR 12(b)

The best interests of the child as a primary consideration in decisions regarding immigration, family reunification, and deportation of parents who are foreign nationals

Changefactory has not conducted recent research with children who are immigrants, refugees, or who have parents being deported from the country. We support the right of this group of children to have their best interests assessed, to be heard, and for this to be consistently included in all legislative, administrative, and judicial procedures and decisions, as well as in all guidelines and programs.

Norway lacks a mechanism to prevent the state from using the best interests of the child against the purpose of the UNCRC

Changefactory has collaborated with lawyers in Sweden and has become aware of a serious development concerning children's rights through information from child rights organisations and the research of Maria Grahn-Farley in [HR-just](#)

Changefactory would like to draw attention to instances where the state of Norway uses children's rights, such as the best interests of the child, the right to health and the protection, as a justification to explain and defend legislation that allows the use of physical force, restrictions on freedom of movement, or the use of isolation towards children in institutions. CF sees this as a serious development and asks the Committee to address this in its hearing of Norway.

Children have explained in CF's research over 15 years that they want to be stopped in situations where they might harm themselves or others in ways that are perceived as safe. At the same time, they have explained that adults use physical force, surveillance, and seclusion in ways that harm many children. In many records, young people later saw that adults justified this in the name of the best interests of the child, protection, and care. Changefactory has for years tried to make the authorities aware of this, but it has not gained traction.

The same is happening with the Education Act, where suggested legislation allows teachers to use physical force toward pupils, infringing their right to

privacy when they are “verbally offensive” or “disturbing education” with the justification that other children have a right to education.

When authorities seek to interfere with children’s fundamental rights and allow the use of physical force against children, this must be done in the same way as for adults. There must be a starting point that such actions should not occur, recognizing that this is an infringement on a right and establishing strict rules for when such actions can take place.

Changefactory recommends that the state:

- Stop the practice of using the best interests of the child, children’s right to protection, care, health, and education as a justification for allowing practices that harm children, such as: surveillance, isolation, the use of physical force outside of acute danger situations, and confinement.
- Support the OC’s call that to identify challenges and needs for further guidance, the Department should initiate an evaluation process to monitor how the best interests of the child and the right of children to be heard are upheld in government investigations.

LOIPR 13(a)

The state's obligation to consider the views of children in difficult life situations

In recent years, there have been several legislative changes, official reports (NOUs), initiatives, and measures open for consultation concerning children in vulnerable life situations, without describing how groups of children in these situations have been heard or how their views have been considered in decision-making.

Changefactory recommends that the state:

- Enshrine in law that authorities must always hear representative groups of children in difficult situations, including children with disabilities, children in child welfare services, younger children, and asylum-seeking, refugee, and migrant children, in decisions that affect them, and take their responses into consideration.

LOIPR 13(b)

Guidance must be developed to ensure children's right to be heard in schools in collaboration with children

Norway has taken steps to encourage meaningful participation in society. Student councils and youth councils have been prioritized. However, we are still far from securing the right of all children to be heard in schools. Student councils function very differently across schools. The issues they are allowed to address and the decisions they are allowed to influence vary greatly. How schools ensure that student council representatives listen to students in their class also differs significantly. In most schools, "all children" are not invited to meaningful participation. As far as Changefactory is aware, there are no children represented in the national user council for social housing policy. No one under the age of 18.

Changefactory recommends that the state:

- Involve children and young people in the development of guidance on participation in schools to ensure meaningful participation for all students and emphasize their views in this work.

LOIPR 13(c-d)

The views of children in youth councils and other participatory bodies are not openly assessed or given due consideration in public decision-making

Although Norway has for many years spoken about and "focused on" children's participation, it is largely unclear how children's views are included in decision-making. This is seldom visible in documents showing how decisions have been made. Youth councils operate very differently across municipalities, and clear documentation of how children's views have been assessed and weighted is often the most lacking.

Democratic forums such as county youth councils and umbrella organizations for voluntary organizations meet with the authorities and can raise issues that are important to them. However, this does not ensure meaningful participation for all children, either in schools or in society. Very few children are part of these councils and committees, and in Norway, only a small number of children can influence local and national policy development and decision-making that affects children.

To uphold Norway's obligations under the UNCRC, CF believes the government must commit authorities and decision-makers through a national strategy for children's and young people's participation at the societal level, which can include all children – including young children and children in vulnerable life situations.

Changefactory supports the Children's Ombudsman (BO) and the National Institute for Human Rights (NIM) in that children's right to be heard, both individually and as a group, should be strengthened. This can happen through the establishment of a center for children's participation in decision-making. We hope that the authorities will support initiatives currently underway, where organizations are gathering methodologies and good examples to ensure that all children, regardless of background, have the right to be heard, both as individuals and as groups.

Norway should follow the guidelines set by the Committee in GC No. 12 (paragraph 135), which states: *"Achieving meaningful opportunities for the implementation of article 12 will necessitate dismantling the legal, political, economic, social and cultural barriers that currently impede children's opportunity to be heard and their access to participation in all matters affecting them. It requires a preparedness to challenge assumptions about children's capacities, and to encourage the development of environments in which children can build and demonstrate capacities."*

Changefactory recommends that the state:

- Develop a National Strategy for how children and young people should be included in decisions that affect them at the societal level. The action plan should commit all directorates and ministries involved in decision-making that affects children.
- Ensure that when the state promotes meaningful participation of children in society, at school, and in local and national policymaking and decision-making affecting children, this must apply to children under 18.
- Support the establishment of a "Children in Decision-Making" center.

LOIPR 13(e)

Guidance must be based on children's views, and there can be no exceptions to the child's fundamental right to be heard

Changefactory would like to draw attention to a development in guidance related to ensuring that children's views are adequately considered in administrative and judicial procedures, following a 2019 Supreme Court ruling. The Supreme Court concluded that it is possible to make exceptions to the child's right to be heard under Article 12 of the UNCRC if the child's best interests so require. As CF and other Norwegian lawyers interpret it, the child's right to be heard under Article 12 of the Convention is an absolute rule, enshrined in Norwegian law under the Human Rights Act.

According to the National Guidelines for Parental Disputes from the Court Administration:

"There are narrow possibilities to make exceptions to the general rule, but this may be considered where the child's best interests so require, as stated in HR-2019-2301-A, or where the case involves procedural issues that the child is not in a position to have an opinion on, as stated in HR-2021-763-F."

Changefactory recommends that the state:

- Implement measures that adjust guidance and practices in line with the child's absolute and unconditional right to express their views in accordance with Article 12 of the UNCRC.
- Ensure that laws, guidelines, and training for professionals working with and for children in administrative and judicial procedures are based on feedback from representative groups of children regarding how they can express their views in safe ways.



D. Violence against children (Articles 19, 24(3), 28(2), 34, 37(a), and 39)

Torture and other cruel, inhuman, or degrading treatment or punishment

LOIPR 16(a)

The State proposes to expand the use of excessive force, isolation, restraint, coercion, and confinement in child welfare institutions.

Norway refers to having conducted "a thorough review of the rules on rights and the use of coercion in institutions. This will be followed up with a legislative proposal to be presented to the Storting in spring 2025." On this point, the Committee should ask Norway to explain how the state will ensure that children are not subjected to mistreatment, including excessive use of force, isolation, restraint, coercion, and confinement.

In the public review Norway refers to, a legal assessment was conducted, in which Norway commissioned a single lawyer to examine "how far" Norway could stretch human rights to expand the possibilities for the use of physical force, close monitoring, confinement, and locking children up. This assessment subsequently formed the basis for the legislative proposals submitted for consultation in spring 2024, which included proposals to expand the use of physical force. We refer here to the mandate:

"The Ministry requested analyses 'involve an assessment of the possibility of establishing restrictions that go further than the 2021 Child Welfare Act.'"

The Ministry particularly requested an assessment of the following:

1. The possibility of introducing provisions allowing the use of coercion in child welfare institutions beyond what current regulations permit. The Ministry particularly requested an assessment of the possibility of establishing 'closed institutions' in child welfare.
2. The possibility of introducing the same use of coercion for children in care institutions as currently applies to children in behavioral institutions.
3. The possibility of extending the current time limits for behavioral placements.
4. Procedural requirements for expansions of the use of coercion under points 1, 2, and 3.

Changefactory recommends that the State:

- Stop the work on Chapter 10 of the Child Welfare Act until an assessment has been conducted on how to ensure that children are *not* subjected to mistreatment, including excessive use of force, isolation, restraint, coercion, and confinement. This assessment must include input from

representative groups of children with experience of being subjected to physical force.

- Gather knowledge from representative groups of children on the consequences of the use of force, isolation, restraint, coercion, and confinement in child welfare institutions, mental health care, schools, police custody, and their proposed solutions for how they wish to be stopped in ways that feel safe.
- Ensure that legislation and practice only allow the use of physical force against children when there is a risk to life and as a last resort in mental health care, schools, child welfare institutions, and police custody, as outlined in police guidelines for interactions with children

LOIPR 23(f)

Use of coercion against children and youth in mental health care

In 2021, the Parliamentary Ombud published the report *"Children's Rights Should Be Better Protected in Mental Health Care"*:

The Ombud's findings from visits to child and adolescent mental health care units show that the Mental Health Care Act does not provide sufficient protection for children's personal integrity and legal safeguards. It is unclear how certain rules should be applied to children, and the rules generally offer too weak a protection against violations of integrity. The fundamental rights in the UNCRC—such as the best interests of the child, the right to participation, and the right to development—are not integrated into the law. (...)

A persistent legal safeguard issue is that coercion against children under 16 is not legally classified as coercion. For children under 16, admission is based on parental consent, regardless of whether the admission is in accordance with or against the child's will. As such, these admissions are not subject to the strict conditions for coercive admission outlined in the law. (...)

Link: [Report by the Parliamentary Ombud](#)

Changefactory recommends that the State:

- Enshrine in law that coercion against children is legally recognized as coercion, regardless of age.
- Enshrine in law that treatment measures such as seclusion, forced feeding, or forced medication are classified as coercion for children under 16.
- Enshrine in law that all coercive measures against children must be documented in decisions that provide a basis for appeal rights, regardless of age.
- Enshrine in law that the same strict conditions for involuntary admission and the use of coercion against children apply as for adults.
- Enshrine in law that supervisory commissions must systematically visit inpatient units for children.

- Enshrine in law that all decisions are sent to the supervisory commission and that the commission must speak directly with children when they receive decisions.

High threshold for the use of force against children

We commend the Ministry of Justice for establishing a high threshold for subjecting children to physical force in police guidelines. However, the threshold for using physical force is currently higher for the police than it is for child welfare services, schools, and mental health care.

Changefactory recommends that the State:

- Enshrine in law that the threshold for using physical force against children in mental health care, schools, and child welfare institutions is aligned with the standards for police use of physical force against children.

LOIPR 16(b)

Children's access to complaints when exposed to abuse, including excessive use of force, seclusion, restraint, coercion, and isolation in child welfare institutions and mental health care

In the report "*Summary of Inspections of Child Welfare Institutions – A State of Affairs*" by the Health Inspectorate in 2023, it is revealed that the use of severe coercion is increasing, while the number of complaints from children has almost halved. It also shows that situations where coercion could have been avoided were identified, had prevention been more systematic.

In CF's surveys, children in child welfare institutions explained why they lack trust in the complaint system in Norway, and thus rarely file complaints:

- The adults who have subjected them to coercion are the same adults who are supposed to help the child file a complaint.
- When a child is subjected to coercion in a child welfare institution, a coercion protocol is written. This protocol contains the adult's version of what happened first, meaning many children give up after seeing what the adult wrote.
- Children do not know what happens if they complain and who will know what they have said.
- The County Governor often takes a long time to process complaints.
- The County Governor rarely upholds the complaint.
- Even if the County Governor upholds the complaint, they rarely do anything that leads to a real change in the child's situation.

Changefactory recommends that the state:

- Implement a reform for the oversight of child welfare institutions where quality criteria are based on what constitutes good treatment from the perspective of groups of children with experience in child welfare institutions.

- Support the Ombud for children recommendation to initiate research on the consequences for children of being subjected to physical force and ensure that children are involved as informants in the processes.
- Listen to representative groups of children when creating measures for child-friendly complaint systems in institutions for children.

Violence, Including Sexual Exploitation and Abuse

LOIPR 17(c)

The duty to report makes it difficult for adults to safeguard children's rights

The National Centre for violence and traumatic stress scope study from 2019 shows that 1 in 5 children surveyed had experienced violence. The report also indicates that 4 out of 5 of these children had not told anyone in the public sector about it. [Link to the report](#)

In CF's investigations with children and young people who have been exposed to violence, children explain that one of the main reasons they do not tell anyone is because they do not know what will happen to what they share. Children who have tried to share something have experienced that adults quickly move on to other topics. When adults do this, children can lose trust and retract what they have said or stop telling more.

The current duty to report is set up in a way that professionals are required to quickly report suspicions. However, the duty does not describe how children's right to receive information and express themselves should be ensured in the process. There is often an emphasis on making quick reports, but collaboration with children and young people before reporting is rarely mentioned. This can lead to many systems being activated without enough input from children and young people themselves, which may cause children to lose trust in the adults who are supposed to help.

The new guidelines on confidentiality, the right to information, and the duty to inform (2023) do not explain how children's rights should be protected when the duty to report or disclose is implemented. The guidelines also do not mention the UNCRC

Changefactory recommends that the state:

- Legislate that children have the right to receive information and express their views before adults make a report under the duty to report or duty to disclose. This should be explicitly stated in the law, guidelines, and circulars.
- Legislate in all legal frameworks that children have the right to receive information and express their views before information about them is shared.

LOIPR 17(d)

“Barnahus” must be designed with children's participation

In 2019, Changefactory launched the survey "Right and Safe" with children in Barnahus. From the responses:

- Reports were filed, and interview days were scheduled without children being informed first or given a chance to express what they thought about the case being reported.
- Many children were suddenly picked up from school and driven to the Barnahus without prior information.C
- Few children knew what would happen with the information they provided in the interview.

The consequences were:

- Too many children did not share what they had been exposed to.
- Some children retracted what they had said because they felt it was not safe enough to tell.

Children who are exposed to violence and abuse must be protected. This is widely agreed upon in society. However, without making it safe enough for children to speak out, it is difficult to protect them in effective ways. Children who have been through the child advocacy center still report in 2024 that they do not receive adequate information, that it is not safe enough to speak, and that decisions are made without children’s views being gathered and considered.

Changefactory recommends that the state:

- Build legislation, guidelines, training, and competency development based on the responses from representative groups of children who have been exposed to violence and abuse.
- Support the BO in the call to ensure "that the services at the Barnahus are based on children's needs and best protect children’s rights."



E. Family Environment and Alternative Care (Articles 5, 9–11, 18(1)–(2), 20–21, 25, and 27(4))

LOIPR 19(c)

Contact with parents must be decided in consultation with each individual child

The UNCRC clearly states that when decisions are to be made for a child, it must be considered individually for each child and it must be in their best interest. In order to determine what is in a child's best interest, the child must be allowed to express their views freely. The government was criticized when it presented proposals in the spring of 2024 for changes to the Child Welfare Act for creating a standard of minimum contact between parents and children. Even though Norway has been criticized by the ECtHR for using standard solutions when it comes to assigning too little time in contact arrangements, there cannot now be a new standard of as much contact as possible. Norway must ensure that children are heard both as a group and individually when contact with parents are decided, and that their views are taken into account in decisions

Changefactory recommends that the state:

- Supports the BO in suggesting legislating that children should be able to request the cessation of contact and that no child should be forced into contact
- Also supports the BO in gathering knowledge about what causes the drastic changes in measures by child welfare services, with an obligation to listen to representative groups of children

LOIPR 20(b)(i-ii)

Involuntary relocation of children may violate the UNCRC

When a child is accused of breaking the law and goes to court, there are different standards of evidence and legal safeguards compared to child welfare proceedings and health committees.

In child welfare, children can be relocated without consent from the child or those with parental responsibility under certain conditions:

- In cases of serious or repeated criminal offenses
- In cases of persistent problematic drug use
- In cases of other forms of significant normless behavior

The child welfare tribunal often avoid using the condition of "serious or repeated criminal offenses" and instead rely on the broader category of "other forms of significant normless behavior" because the evidence requirements and procedural rights in criminal cases are much higher than those in welfare proceedings. It is concerning if tribunals are allowed to use a provision that lacks the same legal safeguards as those in criminal cases.

The current law does not align with the principles of the UNCRC and does not ensure children's legal protections. There is also a significant risk that children are subjected to double punishment. In the legislative proposal presented by the government in spring 2024, no changes were proposed to the conditions regarding "serious or repeated criminal offenses", despite the criticism of the law and the uncertainty expressed by the public committee regarding whether these provisions should remain in the law.

Changefactory recommends that the state:

- Remove the provision allowing children to be relocated without the child's consent or those with parental responsibility based on "serious or repeated criminal offenses."
- Ensure that if children are relocated due to serious or repeated criminal offenses, they are afforded the same legal safeguards as they would in a criminal case.

LOIPR 19(v-vi)

Foster care

Currently, Norway has limited knowledge of what children think about child welfare relocations and how they can be done safely. This is particularly true for children with a minority background. For some children, moving within their family and network is safe, while for others, it is not. Whether it is wise to move a child must be determined on a case-by-case basis, after the child has had the opportunity to express their views on the matter. According to Changefactory's research, some children feel they were moved too late, while others believe they were moved too early. Before national decisions are made about whether children are moved too much or too little, knowledge must be gathered from representative groups of children with experience in this area.

In the government's report on foster care, there was no mention of which groups of children were consulted or how their views were considered in the process.

Changefactory recommends that the state:

- Gather knowledge from representative groups of children with minority backgrounds about their experiences and advice on whether and how child welfare services should relocate children.
- Gather knowledge from representative groups of children with foster care experience about what is necessary to prevent disruptions in foster care placements.
- Collect responses from representative groups of children on how health assessments can be done in a safe and useful way.

G. Basic Health and Welfare (Articles 6, 18(3), 24, 26, 27(1)-(3), and 33)

LOIPR 23(g)

Mental health services for children and youth: overemphasis on diagnoses

In Changefactory's surveys, children have explained that when they are struggling emotionally for various reasons, this often manifests in behaviors such as restlessness, irritability, inattention, self-harm, etc. Children have also consistently expressed that when the focus shifts to diagnosing children and identifying problems with them, it can overshadow the underlying emotional or psychological pain they are experiencing. The number of children diagnosed with ADHD has surged in recent years. Many specialists have raised concerns about how ADHD is being diagnosed in children in Norway

Warnings from specialists in the media in recent years:

- **Sharp Increase in ADHD Diagnoses:**
 - *"Have we begun to pathologize normal behaviors?"*
 - *"If we were more certain about what the increase in ADHD diagnoses is due to, we could implement treatments and measures that would have a positive effect. Unfortunately, we are not there yet."*
 - Forskersonen article
- *"Never before have more Norwegians received the diagnosis, and never before have we taken more ADHD medication. In just five years, the consumption of Ritalin and other ADHD medications has doubled."*
 - *"Now, several child psychiatrists are sounding the alarm about the healthcare system and the Norwegian school system."*
 - Nettavisen article
- *"We know from several studies that the youngest children in a classroom, especially boys, are at greater risk of being diagnosed with ADHD and are more often medicated than the oldest children."*
 - Aftenposten article

Changefactory recommends that the state:

- Use medication for children as a *last resort*, and never without ensuring that the child is informed and consents to it.
- Gather feedback from representative groups of children about the consequences of being diagnosed and medicated, and use this information to create new recommendations for treatment approaches.

LOIPR 26(b)

Prevention of substance abuse does not include solutions from children

In Norway today, the authorities do not utilize the views of representative groups of children when developing measures and strategies for substance abuse prevention and treatment. Changefactory has conducted research to assist the state in fulfilling its obligations under the UNCRC. However, the state has not demonstrated how these children's perspectives have been considered and integrated.

Changefactory recommends that the state:

- Develop prevention measures based on the responses from representative groups of children who struggle with substance use.
- Develop substance abuse treatment programs based on the views of representative groups of children who are facing substance use issues.

LOIPR 23(f)

See comment under LOIPR 16(a)



H. Education, leisure and cultural activities (arts. 28–31)

LOIPR 26(d-e)

Measures to Combat Violence in Schools

Changefactory refers to the Committee's comments in the **Concluding Observations** 16(c). Instead of promoting a zero-tolerance policy, the government have now as a response to a lot of media coverage regulated how teachers can intervene with the use of force against students. In May 2023, the Ministry of Education proposed new regulations in the Education Act and the Independent Schools Act to legally allow school staff to physically intervene with students to prevent injury or significant damage to property. In June 2024, new rules were sent for consultation, addressing *"the use of physical intervention to prevent a student from causing psychological harm or significantly disrupting the education of others."*

This was proposed despite the Parliamentary Committee emphasizing that a wider possibility of the use of force in the law must *"first include an investigation of proportionality and the perspectives of children and young people."* However, there was no attempt by the Ministry to gather the opinions of a representative group of children during the drafting process, only an open public consultation.

In Changefactory's submission to the consultation, we pointed out that teachers would have broader powers to use physical force against pupils than police officers do according to their guidelines. Through long-term research, Changefactory has gathered experiences and advice from children who have used violence or acted out, particularly about how it felt to be subjected to physical force. The summarized experiences indicate that the use of physical force has significant immediate and long-term consequences, including:

- Creating insecurity, breach of trust, and harm to students subjected to it.
- Creating insecurity and breach of trust among other students who witness it.
- Creating consequences for adults at the school.
- Leading to escalation of the situation.
- Resulting in long-term negative effects for the students involved.

In several surveys, Changefactory has gathered advice from children and young people on how they can be stopped safely. The answers include that adults should collaborate with each student to develop a plan for how to safely de-escalate a situation. This should occur at the start of the school year, such as during the first student conversation. The student should be allowed to create the plan with an adult they feel safe with, or they should have a trusted adult present. This way, it becomes safe enough for the student to share important information about how adults can approach difficult situations safely.

Changefactory recommends that the state:

- Stop the proposed legislation from June 2024, gather the perspectives of students in schools, ensure these are considered in the legislative proposal, and prohibit the use of physical force by school staff, except in acute danger situations.
- Initiate the process for a law proposal to ensure that children can be stopped safely without physical force, based on a process where children and young people in schools can participate, and their perspectives are integrated into the development of the solution.



I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

LOIPR 31(a)

Children's rights are not adequately protected in the legal system

The way Norway addresses children involved in criminal activities has often made things worse for them. Many children became anxious and uncertain about what will happen next in their cases and in their lives moving forward.

Children have shared that when they are met with control, harsh reactions, and adults who view them as dangerous or criminal, it becomes even more difficult to stop committing crimes. They describe waiting in fear of being arrested, staying inside to avoid being confronted by police, and feeling like the police do not like them.

Additionally, children are often poorly informed about their rights, leaving them uncertain about what will happen to them. Many do not have a defender during interrogations, which further undermines their sense of security.

The follow-up support children receive when they are in conflict with the law needs to help them heal emotionally. This will determine whether more children are successfully rehabilitated and kept from further criminal activity. It is the state's responsibility to ensure that these processes are done correctly.

Do These Children have legal protection?

The findings from the report "*Ikke slem, det handler om noe*" (Not mean, It's always a reason) indicate that Norway still has a long way to go in ensuring the legal rights of children suspected of criminal activities are respected. Current legislation does not sufficiently safeguard children's procedural rights. The laws in place are mainly designed for adults. Children's rights are only mentioned in a few sections of the Criminal Procedure Act and the Police Act.

Changefactory recommends that the state:

- Create a separate chapter in the Criminal Procedure Act and the Police Act specifically addressing children's rights, including when interventions in their rights are allowed. This chapter should clearly outline the differences between when interventions can be made with adults and with children.
- Ensure that legislation, regulations, guidelines, handbooks, action plans, and measures related to youth crime explicitly describe children's procedural rights.
- Guarantee that all children in conflict with the law are offered the option to have a trusted person present from their first encounter with the police or the legal system.
- Legally mandate that all children, regardless of the severity of the crime, are appointed a defense attorney.

LOIPR 31(d)

Responses from representative groups of children must be the basis for diversion measures

In the report “not mean, It’s always a reason”, young people explained that attending a *stormøte* (a large meeting with various professionals from different services) felt unsafe. They shared that there were many adults they didn’t trust, and they felt that these adults did not create a safe environment during the meeting. For many of these young people, this contributed to their inability to receive the support they needed to stop engaging in criminal behavior.

Summary of experiences with youth meetings:

- They felt unsafe or scared before meeting the person they had committed a crime against.
- They felt a heavy weight in their stomach while waiting for the *stormøte* and dreaded being scolded or spoken too harshly.
- It felt frightening and insecure to have so many adults present, from both their family and different services.
- It was painful to hear adults criticize them for what they had failed to do and tell them how they needed to change.
- The focus of the meeting often seemed superficial, addressing things like school attendance, good and bad friends, and how much they used substances, rather than the deeper issues.
- It became too difficult for the children to openly discuss why the criminal behavior occurred. As a result, the adults did not understand what the children needed to stop engaging in criminal activities.
- They were informed about which services the adults represented but not why the adults were there in the first place.

Changefactory recommends that the state:

- Develop cross-sector collaboration in legal reactions to youth crime, based on feedback from representative groups of children.
- Ensure that all young people sentenced to youth punishment or follow-up care involving cross-sector cooperation can choose trusted adults to provide support and follow-up.
- Legislate that information about the young person is not shared with others unless the young person has been informed and given their consent.
- Ensure that *stormøter* are conducted in collaboration with the youth, respecting their voice and needs in the process.

CHANGEFACTORY

THEY THINK
THEY KNOW BETTER
152 children ages 11-18 in child welfare institutions



CHANGEFACTORY

FORSTÅ DET
VIKTIGSTE
Barn 6-12 år, i barnevernet deler erfaringer og gir råd



FORANDRINGSFABRIKKEN

NOT MEAN
there's always a reason
103 young people with experience from criminal justice



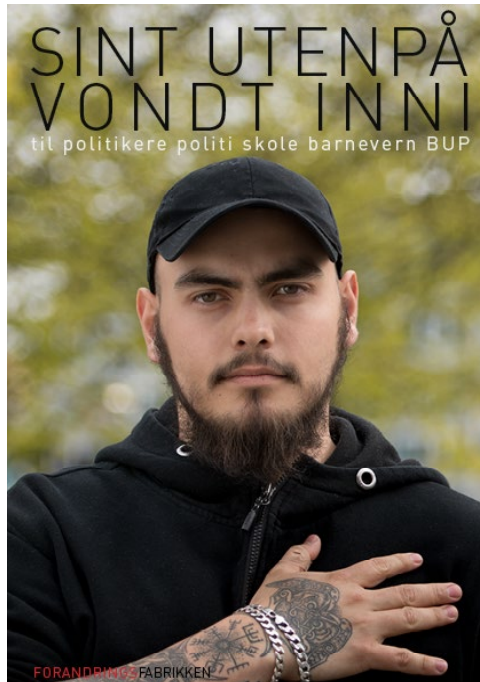
CHANGEFACTORY

100 BARN 7-18 ÅR OM SAMVÆR I BARNEVERNET
DET HANDLER
OM OSS



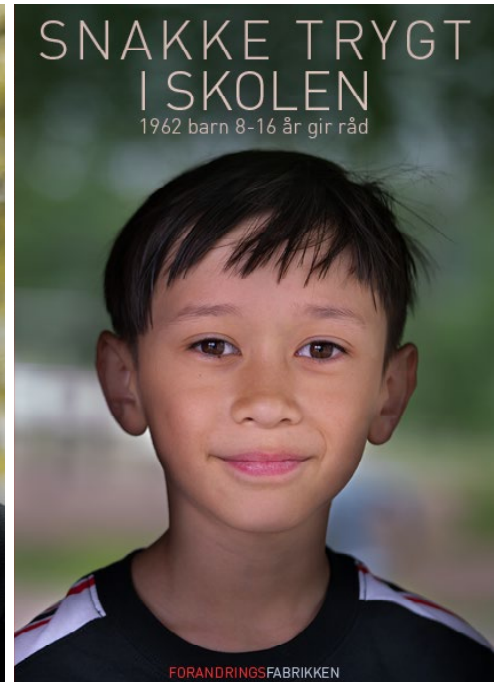
FORANDRINGSFABRIKKEN

SINT UTENPÅ
VONDT INNI
til politikere politi skole barnevern BUP



FORANDRINGSFABRIKKEN

SNAPPE TRYGT
I SKOLEN
1962 barn 8-16 år gir råd



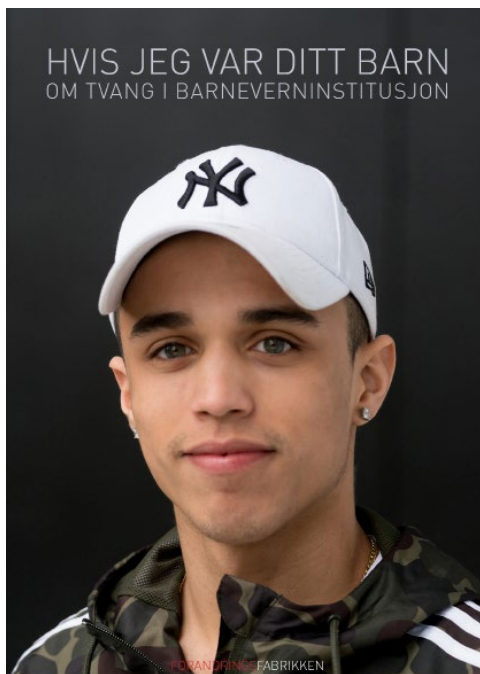
FORANDRINGSFABRIKKEN

SNAPPE TRYGT
I BARNEVERNET
110 barn 8-19 år i barnevernet



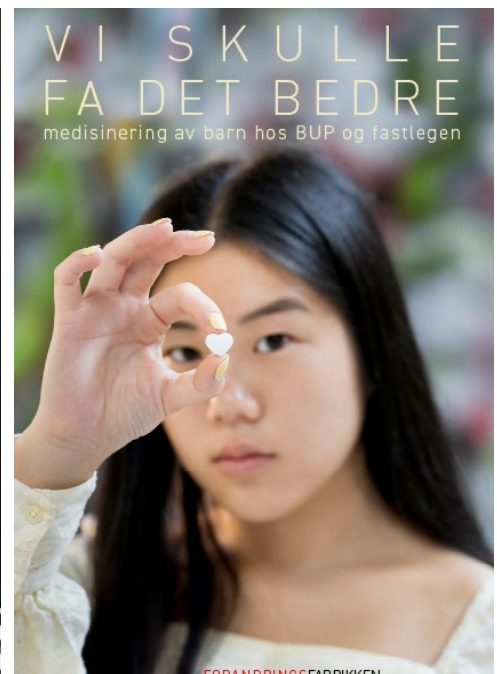
FORANDRINGSFABRIKKEN

HVIS JEG VAR DITT BARN
OM TVANG I BARNEVERNINSTITUSJON



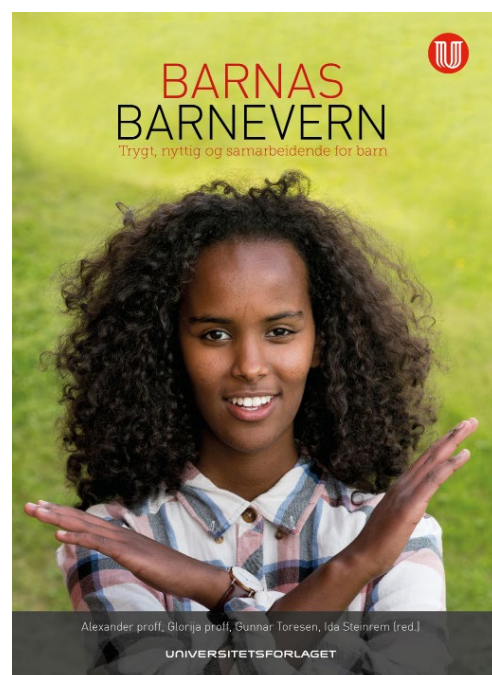
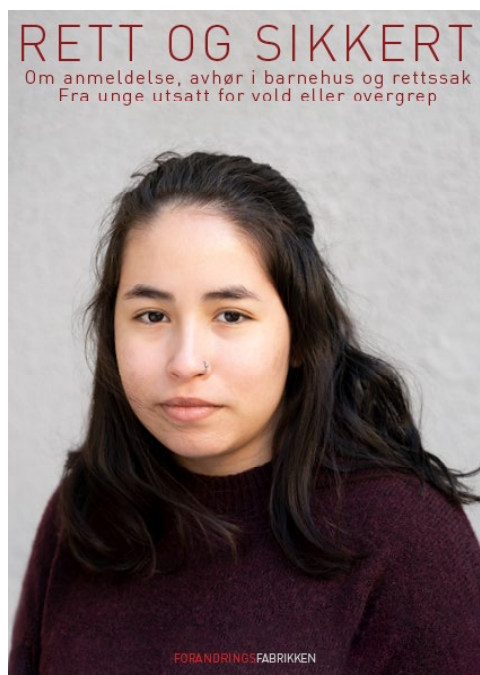
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VI SKULLE
FA DET BEDRE
medisinering av barn hos BUP og fastlegen



FORANDRINGSFABRIKKEN

KNOWLEDGE CENTRE



De tror de vet best - they think they know better , 2021

Forstå det viktigste - Understand What's Most Important, 2019

Ikke slem, det handler om noe - Not mean, there's always a reason, 2021

Det handler om oss - Its about us, 2020

Sint utenpå vondt inni - Angry on the outside, hurting on the inside, 2020

Snakke trygt I skolen - Talking safely in school, 2021

Snakke trygt I barnevernet - Talking Safely in the Child Protection System, 2021

Hvis jeg var ditt barn, om tvang I barnevernsinstitusjon - If I was your child, about coercion in residential Child Care Institutions, 2019

Vi skulle få det bedre - It was supposed to get better, 2020

Rett og sikkert - Just and safe, 2019

Spør oss, så får dere vite - Ask us, and you'll find out, 2021

Psykisk helsevern fra oss som kjenner det - Mental Health care from those of us who know it, 2019

Barnas barnevern - A Child Welfare system for children,

Klokheter om vold og overgrep - Wisdom about domestic violence and sexual abuse, 2020

March 2023: Some of the reports have been translated into English. We are working on translating the rest.

CHANGEFACTORY

