



Norwegian Foster Care Association

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To:

The United Nations Committee on the Rights of the Child

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c/o Child Rights Connect

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Subject: Supplementary Report from the Norwegian Foster Care Association Regarding Articles 3 and 12 of the UN Convention on the Rights of the Child, and the Right to Family Life in Foster Care

Introduction

The Norwegian Foster Care Association (Norsk Fosterhjemsforening) submits this supplementary report to highlight serious issues affecting children in foster care. Our submission addresses violations of Articles 3 (Best Interests of the Child) and 12 (Child's Right to Be Heard) of the UN Convention on the Rights of the Child (UNCRC). Many children in foster care develop a *family life* and strong sense of belonging with their foster family. In decisions that have a drastic impact on this family life, insufficient consideration is often given to article 3 and article 12.

This report is intended to contribute to the Committee's seventh review of Norway's implementation of the Convention.

Background

The Norwegian Foster Care Association is a non-profit organization representing 3000 foster families in Norway. Our mission is to improve the quality of foster care and ensure that children in foster homes have their rights upheld.

Children in foster care : Where necessary based on the child's situation, and when less intrusive measures cannot create satisfactory conditions for the child, the Child Welfare- and Health Tribunal may issue a decision to take over the care of the child, in accordance with specific strict criteria outlined in the Norwegian Child Welfare Act, and based on a petition from the child welfare services. This procedure is important to ensure children the protection and security they need when they experience severe inadequate care.

Nine out of ten children in the Norwegian child welfare system are placed in foster care. Foster parents play a critical role in providing these children with safety, care, and opportunities for development.



Over time, many foster children may establish deep emotional and psychological bonds with their foster families. These bonds are often a crucial foundation for their development. The foster family becomes their primary family unit-where the foster children have their sense of belonging.

In subsequent decisions made by the authorities, insufficient consideration is often given to this *family life* the child establishes with their foster family. This family life can often be more significant for the child than their relationship with their biological parents. It is particularly important to emphasize that in some cases, insufficient effort is made to gather and give due weight to the child's perspective on such a drastic change in their life as being moved away from their foster family.

This right to respect of the *family life* with the foster family is protected under both international human rights conventions and the Norwegian Constitution. The content of the right to family life with the foster family, however, is not specified in Norwegian law.

What we wish the Committee on the Rights of the Child to address with the Norwegian State is:

Our main concern is the lack of legal recognition and protection of family life that may develop between foster children and their foster families. Decisions may be made without adequate consideration of these bonds, and children's voices are not given the weight they deserve in life-changing decisions, such as being removed from their foster homes.

Case Study: 11-Year-Old Girl in Stavanger

A recent decision (2023) made by the Norwegian Child Welfare and Health Tribunal in Rogaland Norway, illustrates the lack of procedural rights for the child to advocate for the right to remain with the foster family where the child has its *family life*:

An 11-year-old girl, who had lived with her foster family for ten years, was forcibly returned to her biological father against her will. She did not know her father very well. Her objections were ignored, and neither the child's voice nor the strong family bond with her foster family was given significant weight during the legal process. Neither the child nor the child's foster parent had procedural rights to bring the decision before the court for review.

Norwegian law does not provide foster parents or foster children sufficient procedural rights to participate in legal decisions that profoundly impact the life of the foster child. Foster parents are excluded from accessing case files, providing evidence, or representing the child's interests when these conflict with those of the biological parents or child welfare services. Foster children under the age of 15 generally do not have procedural rights in cases of significant impact, and do not have the right to challenge decisions that fail to prioritize the child's best interests in court for review. In cases where the child welfare services fail to safeguard the best interests of the child, there is no mechanism to ensure that incorrect decisions are reviewed or overturned.



Violations of the UNCRC

Violation of Article 3: Best Interests of the Child

Article 3(1) of the UNCRC mandates that the best interests of the child must be a primary consideration in all decisions affecting them. However, this principle is not consistently upheld in Norway.

Violation of Article 12: Right to be heard

Children have the right to participate in decisions affecting their lives, and their opinions must be given due weight according to their age and maturity. However, our experience shows that children's voices may be disregarded in Norway. Furthermore, children have the right to bring a trusted person with them when meeting with the child welfare services and participating in decision-making processes. This right is often violated.

Failure to Protect Family Life in Foster Homes

Norwegian law does not sufficiently recognize or protect the family life that develops in foster homes, leaving children and foster families vulnerable. The absence of procedural safeguards undermines children's emotional stability and well-being.

Recommendations

- 1. Establish Legal Protections for children in foster families**
Introduce legal provisions to recognize and protect the family life that often develops in foster homes. Both children and foster families must be granted procedural rights to participate in legal decisions affecting the child in order to highlight what is the best interest of the child.
- 2. Develop Clear Guidelines for Best Interests determination**
Create national guidelines to ensure consistent application of the best interest principle, particularly in cases involving foster care placements where the child has its primary family life in the foster family.
- 3. Enhance Mechanisms for Child Participation**
Ensure that children's voices are meaningfully included in all decisions affecting their lives. Empower foster parents to advocate for the child's best interests alongside biological parents and child welfare authorities.
- 4. Address Legislative Gaps**
Amend existing legislation to provide robust protections for children in foster care and their foster families, ensuring compliance with the UNCRC, ECHR, and Norwegian Constitution.



Conclusion

The Norwegian Foster Care Association urges the UN Committee on the Rights of the Child to recommend immediate reforms to ensure that foster children's rights and voices are fully respected in Norway.

Oslo 1 December 2024

On behalf of The Norwegian Foster Care Association

Yours sincerely,

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