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# **Towards a more equitable Norway: providing better treatment to unaccompanied refugee minors**

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## Key points

- The current legal framework of the rights of unaccompanied refugee minors does not align with both International Law and local laws.
- The discriminatory treatment and the lack of resources including human capital to support unaccompanied refugee minors, especially those who were rejected, produce a significantly adverse impact on the child, which could potentially have negative consequences on the states of Norway's social and economic situation.
- The potential methods of addressing this consonance, which leads to discriminatory treatment of unaccompanied refugee minors, can include international pressures by the United Nations and the Ombudsperson and the public's pressure to bring change within the legislation for due implementation.

Unaccompanied refugee minors refer to “children and young people who arrived in Norway before turning 18 without their parents or anyone with parental responsibility for them, and who applied for asylum and were granted residence in Norway on this basis.”<sup>1</sup> They primarily originate from Afghanistan, comprising 46% of the total. Other significant countries of origin include Eritrea, Somalia, and Syria.<sup>2</sup> The residency status of unaccompanied refugee minors is determined through an assessment of their personal narratives and a thorough evaluation of their vulnerability. These unaccompanied refugee minors typically arrive with high levels of stress and therefore need significant support. Specialized care does not necessarily result in immediate improvement but it

does prevent further deterioration of their condition. Unfortunately, those whose refugee status is not accepted suffer from worsening mental health.<sup>3</sup>

In terms of law, the Convention on the Rights of the Child (CRC) identifies a child as any individual under the age of 18.<sup>4</sup> Given this definition, unaccompanied refugee minors, who are also under 18, qualify for the rights enumerated in the CRC. Articles 2 and 3, particularly relevant to these minors in Norway, insist that their rights should not be violated through discrimination, and that all decisions concerning them should uphold the principle of the child's best interests. Significantly, Norway has ratified the CRC. The Norwegian constitution also asserts the rights of children in Article 104. This

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<sup>1</sup> [Unaccompanied minor refugees 1996-2020. Demographics, education, employment, income and child welfare services. \(ssb.no\)](https://www.ssb.no/en/befolkning/innvandrerer/ar_tikler/unaccompanied-minor-refugees-1996-2020.demographics-education-employment-income-and-child-welfare-services)

<sup>2</sup> Statistics Norway, 2022: Unaccompanied minor refugees 1996-2020. Demographics, education, employment, income and child welfare services. [https://www.ssb.no/en/befolkning/innvandrerer/ar\\_tikler/unaccompanied-minor-refugees-1996-2020.demographics-education-employment-income-and-child-welfare-services#:~:text=Unaccompanied%20minor%20ref](https://www.ssb.no/en/befolkning/innvandrerer/ar_tikler/unaccompanied-minor-refugees-1996-2020.demographics-education-employment-income-and-child-welfare-services#:~:text=Unaccompanied%20minor%20ref)

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<sup>3</sup> Jakobsen, M., DeMott, M. A. M., Wentzel-Larsen, T., & Heir, T. (2017). The impact of the asylum process on mental health: a longitudinal study of unaccompanied refugee minors in Norway. *BMJ open*, 7(6), e015157.

<sup>4</sup> United Nations Convention on the Rights of the Child, 20.november 1989. [Convention on the Rights of the Child | OHCHR](https://www.unhcr.org/refugees)

provision underscores that children are entitled to respect for their human values. Furthermore, it emphasizes the importance of preserving the child's integrity and insists that any decisions must consider the child's best interests as fundamental. According to the Norwegian Child Welfare Act, children under the age of 18 in Norway should receive care if there are no available caregivers.<sup>5</sup> The Act also stipulates that those who receive such care should continue to do so until they reach the age of 25. The duty of providing care and support to minors without caregivers, including 'refugees or internationally displaced' individuals, is entrusted to the Norwegian Child Welfare Services under the aforementioned Act.

The creation of laws in Norway is the responsibility of the parliament, while their implementation falls to the government. This implementation is carried out through various departments, including the Child and Family Department, the Ministry of Foreign Affairs, and the Directorate of Integration and Diversity. The Norwegian Child Welfare Services are entrusted with the responsibility to provide care and support to minors without caregivers<sup>6</sup>. The funding for services for refugees in Norway primarily originates from two sources: oil revenues funneled into the pension fund and tax revenue.<sup>7</sup> Recently, Norway has

decreased its reliance on the oil fund and has instead levied higher taxes on the wealthy to increase the funds directed at refugee services.<sup>8</sup> However, it is important to note that these funds have been redirected exclusively towards aiding Ukrainian refugees.<sup>9</sup>

Lastly, on an international level, the United Nations Committee on the Rights of the Child (UNCRC) is tasked with monitoring the implementation of the CRC by countries that have ratified it, including Norway. It produces reports that include information on progress, potential violations, and breaches. Subsequently, the UNCRC offers recommendations on how compliance with the CRC can be improved. In Norway, the Ombudsperson for Children is an independent institution responsible for ensuring the government's adherence to the CRC. Moreover, the Ombudsperson actively advocates for the rights of children and young individuals. The UNCRC's reports and the Ombudsperson's authority are crucial in ensuring Norway's compliance with the CRC. The international community can exert pressure on Norway through the UNCRC reports, while the Ombudsperson's advocacy can raise awareness among the Norwegian public and encourage domestic pressure on the government.

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<sup>5</sup> Child Welfare Act. (2022). The Child Welfare Act LOV-2021-06-18-97). Lovdata.

[Lov om barnevern \(barnevernsloven\) - Lovdata](#)

<sup>6</sup> Langford, M., Skiveres, M. & Søvig, K. H. (2019). *Children's Rights in Norway: An Implementation Paradox?* Bergen: Universitetsforlaget.

<sup>7</sup> Mohn K. Arctic oil and public finance: Norway's lofoten region and beyond. *Energy J.* 2019;40(3):199–226.

<sup>8</sup> Finance M of. The Norwegian Fiscal Policy Framework. 006051-990101 [Internet]. 2022 Oct 7

[cited 2023 Jun 14]; Available from: <https://www.regjeringen.no/en/topics/the-economy/economic-policy/economic-policy/id418083/>

<sup>9</sup> Finance M of. A budget for security and fair distribution. 2022 Oct 6 [cited 2023 Jun 14]; Available

from: <https://www.regjeringen.no/en/aktuelt/a-budget-for-security-and-fair-distribution/id2930559/>

## Analysis

Viewed through a systems lens, the Norwegian Child Welfare Services function as a part of an interconnected web that includes international conventions, national legislation, monitoring bodies, and stakeholders, all working toward the shared goal of serving the best interests of the child. At the global layer of this system, the CRC's Articles 2 and 3 set a foundational framework, forming the norms and values that transcend borders. Within the national layer, the Norwegian Constitution and Child Welfare Act serve to internalize these international standards, adapting them to the local context. The feedback mechanisms in this

system include entities such as the United Nations Committee on the Rights of the Child (UNCRC) and the Ombudsperson for Children in Norway. The UNCRC monitors how the CRC is being implemented by countries, including Norway, and provides feedback through reports and recommendations. This global feedback loop can exert external pressure and facilitate adaptations within the national layer. Simultaneously, the Ombudsperson for Children operates as an internal feedback mechanism, constantly evaluating how the Child Welfare Services align with the CRC, and advocating for the rights of children.

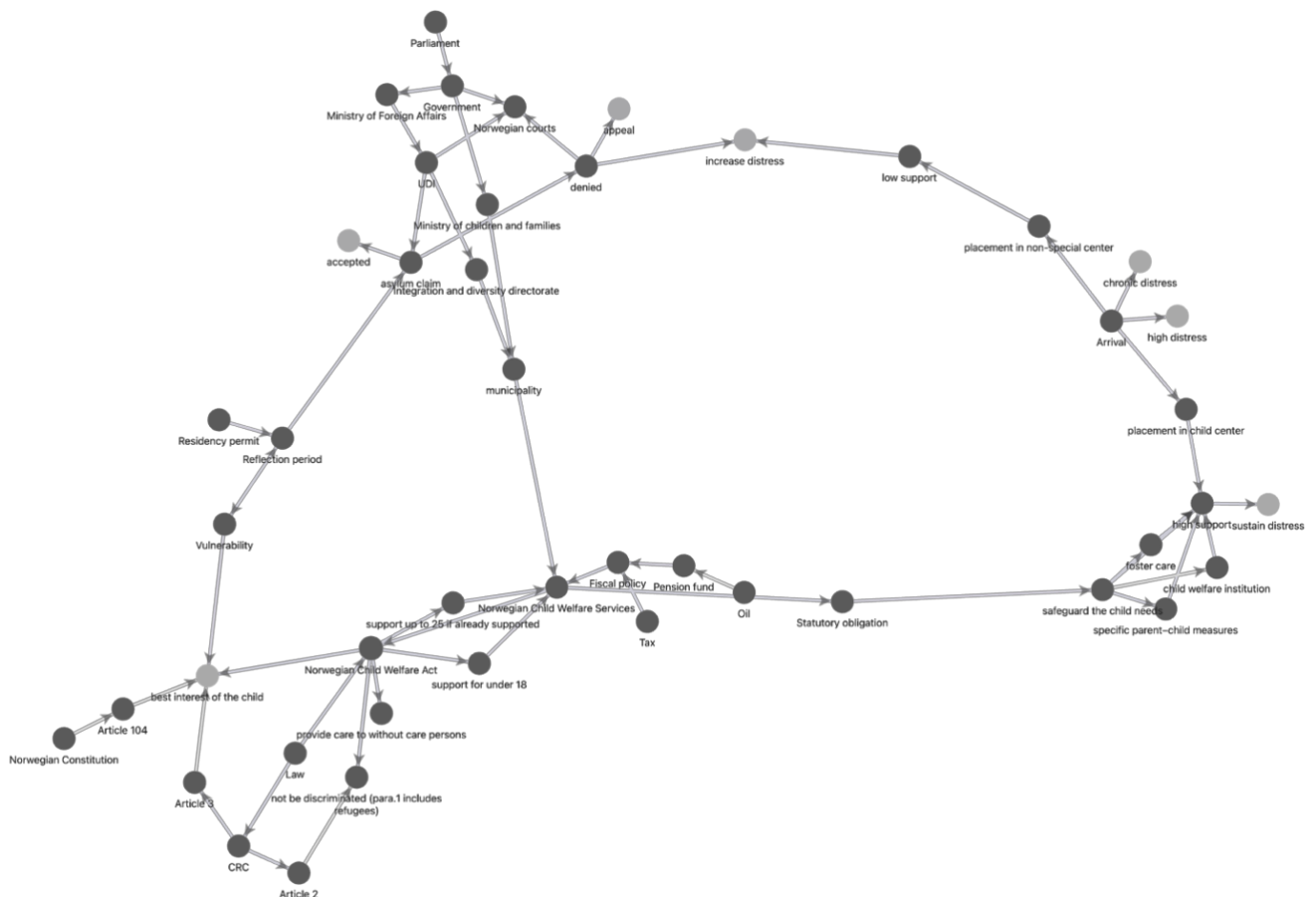


Figure 1. System-level visualization of the factors contributing to the services unaccompanied refugee children receive. Software used to generate this figure is Obsidian (2023).

Policymakers play a pivotal role in adjusting the levers within this system. Being informed about the potential consequences of not providing exceptional care to unaccompanied minors is vital for them to create policies that strengthen the resilience of these vulnerable populations. The general public represent the societal fabric intertwined with this system. Through education and advocacy, they can act as catalysts in transforming public opinion and generating momentum for systemic change. The financial sustainability and allocation of resources are vital components in ensuring the system's effectiveness. The government's recent approach in prioritizing Ukrainian refugees, by reallocating resources, can be viewed as a learning opportunity within the system. By observing the outcomes of this reallocation, it could lead to insights and potential scaling to other areas such as Child Welfare Services for unaccompanied refugee minors, including but not limited to Ukrainian refugees.

### Conclusion

Through a systems lens, the protection and well-being of unaccompanied refugee minors in Norway are an emergent property of the interactions between international conventions, national legislation, monitoring bodies, stakeholders, and resources allocation. For the system to be effective, it requires continuous feedback, adaptation, and a commitment to the best interests of the child as the guiding principle. Lastly, it is important to note that the target population within this system - unaccompanied refugee minors - are highly sensitive to the input they receive from the Child Welfare Services. The type of care provided can have direct impacts on their mental health. As they are integrated into the system, it is crucial

that their specialized needs are recognized and attended to. Thus, in essence, their overall well-being is an indicator of how effectively the system is functioning.

### Recommendation

Norway has the responsibility to attend to the needs of unaccompanied refugee minors. To uphold its obligations sufficiently, the government needs to address the multi-faceted and systematic factors contributing to low support unaccompanied refugee minors receive. Norway can achieve this, for example, by addressing the lack of awareness amongst the public while also addressing the government's priorities and resource allocation for systems responsible for the child's best interest.

### IMPRINT

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