



**SIVILOMBUDSMANNEN**

Norwegian Parliamentary Ombudsman  
National Preventive Mechanism

**VISIT REPORT**

**The child welfare service's  
emergency institution  
for young people**

**6–8 December 2016**



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# 1 The Parliamentary Ombudsman's prevention mandate

Based on Norway's ratification of the Optional Protocol to the UN Convention against Torture, the Parliamentary Ombudsman has been given a special mandate to prevent torture and other cruel, inhuman or degrading treatment or punishment.<sup>1</sup> To fulfil this mandate, a special unit known as the National Preventive Mechanism (NPM) was established in the Parliamentary Ombudsman's office.

The NPM makes regular visits to locations where people are deprived of their liberty, such as prisons, police custody facilities, mental health care institutions and child welfare institutions. The visits can be announced or unannounced.

Based on these visits, the NPM issues recommendations with the aim of preventing torture and other cruel, inhuman or degrading treatment or punishment.

The Parliamentary Ombudsman, represented by the NPM, has right of access to all places of detention and the right to speak privately with people deprived of their liberty. The NPM also has right of access to all essential information relating to detention conditions. During its visits, the NPM seeks to identify risk factors for violations through independent observations and through conducting interviews with the people involved. Interviews with persons deprived of their liberty are given special priority.

The NPM also engages in extensive dialogue with national authorities, civil society and international human rights bodies.

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<sup>1</sup> Act relating to the Parliamentary Ombudsman for Public Administration Section 3(a).

## 2 Summary

The Parliamentary Ombudsman's National Preventive Mechanism (NPM) visited the child welfare service's emergency institution for young people in December 2016. The emergency institution for young people is a municipal child welfare institution, organised under the head of the child welfare department in the City of Oslo.

The institution receives adolescents aged between 12 and 18, and is approved to accommodate eight adolescents under the Norwegian Child Welfare Act Sections 4-4 sixth paragraph, 4-6 first and second paragraphs, 4-12, 4-24 first and second paragraphs, 4-25 and 4-26.

The institution has two units, one open and one shielding unit. During the visit, the NPM focused on the conditions in the shielding unit. Adolescents were only placed in the shielding unit under Sections 4-24, 4-25 and 4-26 of the Child Welfare Act and following an administrative decision to limit their freedom of movement. The outer doors of the shielding unit were locked and adolescents had to be accompanied by adults outside the institution and, in some cases, also inside the institution. Such a placement is in effect a deprivation of liberty.

In general, the institution appeared to have a pleasant design. The admission rooms in the shielding unit, however, were bare and unattractive, and not conducive to a good first impression of the institution. Well-designed physical surroundings for the adolescents, including the admission rooms, are an important preventive measure. When the NPM returned to the institution to conduct a concluding meeting with the administration, steps had been taken to make one of the admission rooms more welcoming.

The institution appears to have some good practices in place for addressing the adolescents' rights on admission and during their stay there. However, our findings showed that the institution could have clearer procedures and guidelines in place to reduce the risk of the adolescents being subjected to degrading treatment.

Body searches, particularly if they involve full removal of clothing, are an invasive measure that can result in human rights violations. Findings during the visit indicated that the institution did not have a clear procedure for how staff should proceed in instances where full removal of clothing is considered necessary during a search. Nor do national guidelines provide any concrete instructions on how a body search is to be carried out in practice to ensure it is as considerate as possible.

The information that emerged during the visit suggested that the adolescents were not always given an opportunity to be present when their possessions were being searched. The management confirmed that the adolescents should be given such an opportunity, but whether they were given such an opportunity varied in practice.

There were cases where adolescents arrived at the institution's shielding unit, accompanied by the police, in handcuffs, strips and a spit hood. Selecting coercive measures and transporting young people to the institution are the responsibility of the police. The Parliamentary Ombudsman would nonetheless stress that dialogue between the child welfare institutions and the police may help to reduce the risk of force being used in vulnerable transition situations.

International rules and guidelines highlight the importance of adolescents being given information on admission about the place, the rules and procedures and their rights, and that they receive

information in a manner they understand. A review of log entries in the BiRK reporting system showed that the documentation of admission to the institution was of varying quality. The employees themselves stated that they would like to see more information about admission in the log entries. Among other things, they would like more information about the actual admission process and what information the adolescent had been given.

The information brochure about the institution and the rules of the institution appeared to be out of date and were used to a varying extent. A decision had been made to revise the brochure. There was no written information for adolescents or their next of kin in any language other than Norwegian.

It became clear that the adolescents were not invited to the meetings convened by the child welfare service and the applications section of the City of Oslo's Agency for Child and Family Welfare Services. An adviser and the psychologist stated that they obtained information from the adolescents before attending these meetings. As emphasised by international standards, it is important that the views of adolescents are considered throughout their case process. Children and adolescents have a right to be heard and take part, and the procedures for this must be child-friendly. This means enabling the adolescents to attend these meetings, if they wish to do so. During its visit, the NPM pointed out the need for a more systematic approach to allow adolescents to voice their views at these meetings.

The adolescents in the shielding unit could receive visitors at the institution, but, in some cases, only if staff members were present in the same room. The NPM perceives this as a limitation of the adolescents' right to privacy. The institution stated that an assessment was made and logged in each case. The institution also pointed out that it had informed the County Governor that this type of limitation is not covered by the template for logging use of force. The Parliamentary Ombudsman doubts that this practice is in line with international standards on children's right to privacy and their right to complain.

## Recommendations

### **Arrival at the institution**

#### **The admission rooms in the shielding unit**

- The institution should ensure that the admission rooms are designed in a way that ensures a dignified admission process in a safe and welcoming environment.

#### **Body searches and personal searches**

- The institution should ensure a uniform practice for carrying out body searches whereby the adolescents' dignity and integrity are respected.
- If it is decided to carry out a search of the adolescent's belongings, the institution should ensure that the adolescent is always given the opportunity to be present while this is taking place.

#### **The role of the police**

- The institution should ensure that it has clear guidelines for what role the police is allowed to play in connection with admission.

**Information**

- The institution should ensure that admission is carefully documented, including with information about the actual admission process and the information provided.
- The institution should update the information material for both the open and the shielding unit, and it should assess the need for information in languages other than Norwegian.

**The right to be heard and to participate**

- The institution should strive to safeguard the adolescents' right to be heard and to participate in their own case.

**Use of force****Follow-up of adolescents who have witnessed use of force**

- The institution should ensure that adolescents who have witnessed use-of-force incidents are followed up as a matter of routine.

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