

Hearing Memo from Kristen Koalisjon Norge (KKN)

Oslo, April 22nd, 2021 Jan-Aage Torp, Board Chairman

Kristen Koalisjon Norge (KKN) is a network of leaders, activists and experts at home and abroad. This consultation memo was written in Norway, in consultation with our European network, represented this time by Ordo Iuris¹. We thank you for the opportunity to make this consultation contribution to the Family and Culture Committee.

Introduction

KKN refers to the comment when we applied for participation in this video consultation. This memo completes the note.

Necessary

First, it should be emphasized that legislative amendments regarding the Child Protection Act are necessary. The Child Protection System (=«barnevernet») is receiving justified criticism, both by Norwegians ourselves and by international organizations. In 2015, the current law was criticized in an open letter («The Notice of Concern to Minister of Children, Solveig Horne»), signed by over 250 Norwegian professionals - lawyers, psychologists, social workers, and academics. In April 2018, the Vice President of the Moldovan Parliament, Valeriu Ghilețchi, presented to the Council of Europe Parliamentary Assembly (PACE) a report entitled «Striking the Balance between the best Interests of the Child and the Need to keep Families together», based on the Bodnariu family case. This report formed the basis for the adoption of Resolution 2232 (2018) of June 28th, 2018, carrying the same title. The report confirmed that Norway violates children's rights by unjustifiably violating parental rights, as well as unjustified placements in foster homes and institutions. On June 6th, 2018, the European Court of Human Rights (ECtHR) gave a verdict in the case of Blondina Jansen, a Norwegian citizen of Roma origin, which clearly confirms that banning contact of biological parents with a child placed in a foster family is contrary to the objective of foster care, which is the gradual return of the child to its biological parents. Therefore, such practice constitutes a violation of the right to respect for family life, protected under Article 8 of the ECHR. The Grand Chamber of the ECtHR found Norway in violation of Article 8 of the Convention in the judgment of September 10th, 2019 in the case of Strand Lobben and others against Norway, and at the same time emphasized that the Norwegian authorities do not take sufficient account of the child's biological family when interfering in the family life of Trude Strand Lobben and her son. Several verdicts have been given since then, and other cases are pending.

Credit

Prop. 133 L deserves credit to a certain extent as it is moving in the right direction. Let this be stated by KKN, although we do not elaborate on these two pages.

Deficiencies

Although Prop. 133 L is moving in the right direction, some important deficiencies must be pointed out in the Ministry's proposal:

- a) The Ministry sticks to the use of private actors that have significant financial interests;
- b) The Ministry continues to set as a broad condition for an emergency decision for care takeovers that there is a «danger that the child will suffer significant harm». KKN believes that real danger of physical injury should be the only condition;
- c) The Ministry proposes to expand the current blocking deadline for visiting rights from 12 to 18 months - this is contrary to the primary objective of foster homes, which - according to ECtHR - is family reunification;
- d) The Ministry disregards the problem of arbitrary interpretation of § 4-6 and 4-12 BVL, which provides a basis for a direct intervention in family life;
- e) The Ministry does not propose a clear ban on separating siblings;
- f) The Ministry will maintain the current regulations on adoption without the consent of biological parents;
- g) The Ministry is weak in its attitude to the positive effect for the child's best interests of raising a child in its biological family - here the Ministry does not take the parents' perspective seriously, which may invalidate the proposition when measured against the ECHR and ECtHR's case law;
- h) The Ministry does not clearly address the legal responsibility that workers in the Child Protection System have for their decisions and actions;
- i) The Ministry does not address the reality that the Child Protection System's incompetence is not resolved by a master's degree study under the same teaching staff that has shaped the Norwegian Child Protection System for the last 30+ years. It just means more of the same incompetence. A fundamental change is required where more competent professional environments and new guidelines actually train decision-makers for child protection, i.e. conditional on axiological change of the entire system.

Conclusion

KKN appreciates that Prop. 133 L is moving in the right direction.

KKN believes that Prop. 133 L must be fundamentally amended so that it does not violate overriding international and European legislation.

KKN requests that Stortinget initiates a new hearing of Prop. 133 L where more entities are heard than those financed by the Norwegian state.

**Note 1: Ordo Iuris in Warsaw: Bartosz Zalewski, Tymoteusz Zych, Jerzy Kwaśniewski*