



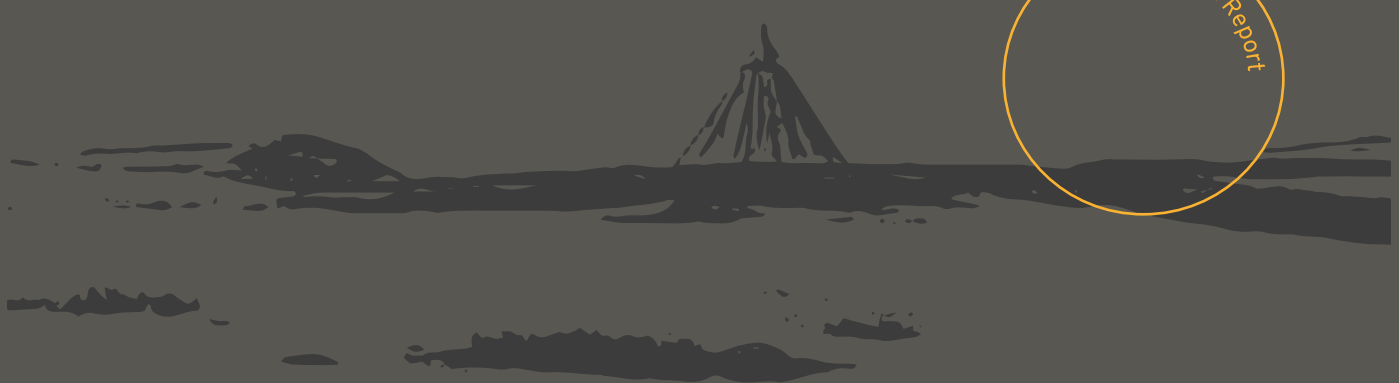
SÁMEDIGGI

The Sámi Parliament's Supplementary Report for
2024 to the UN Committee on the Rights of the
Child

English version

Submitted by the Samediggi/
the Sámi Parliament of Norway

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Introduction

The Sámi Parliament strives to ensure safe, satisfactory childhood conditions for Sámi children, based not least on accommodating their linguistic and cultural background. They should feel cared for and have the opportunity to develop on their own terms. Because the Sámi Parliament considers it to be of the utmost importance to protect the rights of Sámi children and young people, it is submitting a separate supplementary report to the UN Committee on the Rights of the Child. This report is based on the Sámi Parliament's resolution on item 61/23.

The Sámi constitute a small percentage of the total population of Norway, and we find it difficult to make our voice heard in ordinary political processes. This is one of the reasons for the establishment of the Sámi Parliament in 1989. The first Sámi Parliament opened on 9 October 1989. The Sámi Parliament is the Sámi people's elected assembly in Norway, and it is an independent elected body. The Sámi Parliament was established to strengthen the political position of the Sámi, promote the interests of the Sámi in Norway, and contribute to equal and fair treatment of the Sámi people. The Sámi Parliament is a democratic instrument for Sámi self-determination and for the development of useful and necessary goods and services for the Sámi population. The Sámi Parliament is the voice of the Sámi at the national and international levels. The Sámi Parliament will help to ensure that the rights enshrined in the UN Declaration on the Rights of Indigenous Peoples are implemented in legislation and practical policies that affect our day-to-day lives.

In 2017, the Sámi Parliament submitted a supplementary report to the UN Committee on the Rights of the Child (UN Committee on the Rights of the Child (2018) Concluding Observations on Norway's combined fifth and sixth periodic reports), and an additional report in spring 2017. The submission referred to the ongoing revision of the Education Act and informed the Committee that the Sámi Parliament is not satisfied with the way in which the current Education Act deals with the rights of Sámi pupils. Among other things, the Sámi Parliament pointed out the need for teaching materials to be made available in all Sámi languages, that the recruitment of teaching staff must be strengthened, that the offer of Sámi schools must be maintained, that national school development initiatives must include Sámi children, that the individual right to Sámi language immersion must be enshrined in law, and that Sámi children with special needs must be ensured education in their own language and based on their cultural values.

The UN Committee on the Rights of the Child followed this up and made the following recommendation to Norway in 2018: *Children belonging to a minority group, and indigenous children (Art. 33). With reference to its general comment No. 11 (2009) on indigenous children and their rights under the Convention, the Committee recommends that the State Party (a) enforces the right of all Sámi children of school age to receive education in the Sámi language, and ensures that the new Education Act significantly strengthens their rights, regardless of the child's residential status.*

Basis in international law

The right to education is a fundamental human right. Article 26 of the Universal Declaration of Human Rights states that everyone has the right to education. This right is not limited by preconditions such as gender, ability, religion or ethnicity. The Declaration also states that elementary education shall be free and compulsory.

Children's rights to instruction and education are elucidated in several international conventions. The Convention on the Rights of the Child has been implemented in Norwegian law and takes precedence over Norwegian law.

Article 30 of the Convention on the Rights of the Child seeks to give indigenous children the same protection for their culture and language as the majority society. It is important to bear in mind that all the indigenous rights enshrined in the UN Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent States also apply to children. It is relevant to refer to Art. 27 of ILO No. 169, which discusses the right to education and the duty of the State Party to provide education that incorporates indigenous people's history, knowledge and culture. Art. 28 is also highly relevant as it deals with the right to education in one's own language. Further, the Sámi Parliament refers to Art. 27 the UN Covenant on Civil and Political Rights and

section 108 of the Norwegian Constitution, which also apply to children and their right to preserve and develop their language and culture. Sámi Parliament plenary item 007/21

Consultations

On 7 June 2021, the Norwegian Parliament agreed on statutory rules for consultations by adopting the Sámi Act. The new legal provisions entered into force on 1 July 2021. The statutory provisions are intended to facilitate more effective and better consultations between public authorities and the Sámi Parliament or other Sámi interest groups. The Act establishes the duty to consult for all levels of government, including municipalities and county authorities. Upon the Act's entry into force, the then Ministry of Local Government and Modernisation published a guide for municipal and county authorities.

The Sámi Act grants the Sámi Parliament influence, and the opportunity to affect change and be heard. Where there is disagreement between the Sámi Parliament and the State authorities, this disagreement is to be discussed when items are considered by the Government and Parliament. For example, the Sámi Parliament has not approved the Government's bill for the new Education Act, which was submitted to the Storting in spring 2023.

In addition to consultations, regular meetings are held between the Sámi Parliament and representatives of the Government or the various ministries, at which the situation and development needs of Sámi communities, matters of a fundamentally principle nature, ongoing processes and current Sámi policy issues are discussed. The meetings are held at the political and administrative levels alike. Such meetings may also be held on an *ad hoc* basis.

Sámi children and the UN Convention on the Rights of the Child

Education policy that applies to the Sámi population in Norway is based on ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent States, the UN Convention on the Rights of the Child, and the UN Declaration on the Rights of Indigenous Peoples. Despite this, the rights of Sámi children are still not consistently ensured. This may be due to national legislation that apparently fails to comply with international conventions and/or to practices on the part of government authorities that deviate from national and international law. Norway is an extremely resource-rich country that has implemented the Convention on the Rights of the Child in its national legislation. Consequently, the State must be expected to comply with its obligations under the Convention. For example, the State must avoid a lack of human resources having consequences for children's rights under the Convention on the Rights of the Child, as also highlighted in the document entitled: White Paper No. 13 (2022-2023) on Sámi language, culture and social life, which deals with competence and recruitment to kindergarten, basic education and higher education.

1 General implementation measures

1.1 National strategies

The Government draws up a number of campaigns, initiatives, plans and strategies to achieve its goals for a better life and to provide optimal opportunities for children and young people. Unfortunately, these are often not adapted to the Sámi language, culture and way of life. In this context, the Sámi Parliament cites the national campaign for digitisation at school as an example. The Sámi Parliament has previously pointed out that the State must implement a strategy that also includes Sámi children in the context of the language promise (Språkløftet) and the State's digitisation strategy.

As a case in point, the digitisation initiatives of 2019 did not include a Sámi perspective. This means that Sámi schools did not meet all the criteria required by the initiative, making it difficult to participate. It is the Ministry's responsibility to ensure that the general educational framework is the same for Sámi children as for Norwegian pupils. The Sámi Parliament is of the opinion that the Ministry of Education must implement special measures that directly address the needs of Sámi schools and education. These measures must also support the revitalisation of curricula.

The Sámi Parliament expects the Government to ensure that national initiatives and strategies for kindergartens and schools always include Sámi children in kindergartens and Sámi pupils in schools, that is, that they include Sámi languages, instruction based on Sámi cultural values, and a comprehensive educational programme for Sámi kindergartens and schools. This will ensure better implementation of Article 29 of the Convention on the Rights of the Child regarding the purpose of education and Article 30 on the rights of children of minorities and indigenous peoples not to be denied the right to their culture, language and religion in community with other members of his or her group, as well as Article 2 on protection against discrimination.

As of today, digitisation initiatives in schools and kindergartens are not as well adapted for Sámi languages as they are for Norwegian. The Sámi Parliament expects the Government to ensure that national initiatives and strategies in kindergartens and schools always include Sámi children in kindergartens and in schools, not least as regards digitisation.

1.2 Budget

As explained in Norway's periodic report, the municipalities receive their appropriations from the government budget and then prioritise how they choose to distribute the funding. This also applies to statutory obligations, including services provided to Sámi children and young people, which may include health care services, kindergartens and schools.

The Sámi Parliament also receives its funding over the government budget. The Norwegian Government does not recognise that the consultation agreement between the Government and the Sámi Parliament (mentioned by way of introduction) should include budgetary issues. The consequence of this is that the Sámi Parliament has no direct influence over the size or distribution of the government budget's appropriations for Sámi purposes.

For years, the Sámi Parliament has experienced a lack of budgetary development. Over several government budgets, appropriations have resulted in a genuine decline due to a lack of compensation for wage and price growth and so-called efficiency cuts that have reduced appropriations. When the Sámi Parliament has seen growth in excess of wage and price increases, it has generally come in the form of earmarking, the inclusion of new municipalities in the Sámi-language administrative area, or funding to cover increased rent for institutions. State financial allocations for Sámi purposes are considered by many to be purely political decisions that the Government and Parliament can make without considering the State's human rights obligations to the Sámi as an indigenous people. However, it is hard to argue that the annual government budget, as one of our most important political and governance documents, can be adopted without taking account of the State's obligations to the Sámi under international law. This applies not only to allocations for Sámi purposes, but also to other state financial allocations that affect Norway's national implementation of international human rights. Real reductions in the budget related e.g. to Sámi health care, education, language and culture, serve to undermine the implementation of these fundamental human rights.

The UN Committee on the Elimination of Racial Discrimination (CERD) identified the need for a consultation mechanism between the Sámi Parliament and State authorities on budgetary issues, and pointed out the Norwegian authorities' systematic underfunding of Sámi language and education initiatives in its 2015 report on Norway.

The Sámi Parliament believes the Government must provide sufficient funding for the municipalities and the Sámi Parliament so that the rights of Sámi children and young people can be adequately safeguarded on an equal footing with the rights of children from the majority population. This will ensure better implementation of Article 2 of the Convention on the Rights of the Child on protection against discrimination

1.3 Respect for the child's views/child participation

In November 2022, the Sámi Parliament established a Sámi Children's Forum. Ten pupils from grades 5-10 from all over the country participate in the Children's Forum. The Sámi Parliament's establishment of the Sámi Children's Forum is intended to amplify the voices of Sámi children and young people, thereby ensuring that Sámi children and young people are heard, and may contribute to the development of satisfactory childhood conditions and learning environments. It is important to know what Sámi children and young people themselves experience and think about their day-to-day lives. We must talk to children, not about them, when working in areas in which children have more

knowledge and experience than adults. The Sámi Parliament aspires to include Sámi children and young people in its policy development and in its efforts to prevent bullying by establishing a Sámi Children's Forum. The Sámi Parliament asks the Government to ensure that the voices of Sámi children are heard through the establishment of national participatory bodies for children and young people.

2 General principles

2.1 Prevent discrimination and protect the rights of children

To protect indigenous children from discrimination, conditions must be created to promote understanding, acceptance and appreciation of cultural diversity. This can be achieved by providing the majority population with adequate knowledge of indigenous culture and language, and it should commence at an early stage of childhood.

Sámi children and young people in Norway experience racism and stigmatisation, probably because the majority population lacks knowledge about the diversity, history and way of life of the Sámi population in the past as well as today.

For example, the rights organisation Save the Children, which is politically and religiously neutral, has projected a clear and strong voice in relation to the rights of Sámi children and young people. Save the Children includes Sámi content and perspectives in its initiatives and work. The teaching resource 'the Castle of Rights' (Rettighetsslottet), which was designed for kindergartens and schools and deals with children's rights and the UN's Sustainable Development Goals, has been translated into three Sámi languages.

From 2020 to 2023, all curricula in Norway were revitalised. The Sámi curricula and the Sámi parallel curricula were revitalised at the same time as the national curricula.

The Sámi parallel curricula apply in the administrative area for the Sámi language and for student groups that receive instruction in and through Sámi, cf. the Education Act. These were first applicable from 1997, when we got two new general curricula, LK20 and LK20S.

In the general part of the new curricula, under the value of education, it is emphasised that:

"The Sámi cultural heritage is part of Norway's cultural heritage. Our common cultural heritage has developed throughout history and must be managed by present and future generations. It has also been decided that all pupils should gain insight into the history, culture, social life and rights of the indigenous Sámi people through their education. Pupils shall learn about diversity and variation within Sámi culture and social life."

This means that all new curricula for subjects must have Sámi content, either implicitly or explicitly, and this applies to the national curricula, the Sámi parallel curricula and the special Sámi curricula.

Under section 6-4, first and second subsections, of the current Education Act, the Sámi Parliament has the authority to determine the Sámi content of national curricula in accordance with specific guidelines, in curricula for teaching the Sámi language in elementary and secondary education, and in curricula for special Sámi subjects in secondary education. However, Sámi content in the Sámi schools is to be determined by the Ministry of Education and Research.

The Sámi Parliament finds it a paradox that the Sámi themselves do not have the authority to determine the Sámi content of Sámi schools. The new Education Act of 2024 propagates the current Act's position on the Sámi Parliament's authority to determine content, even though, through numerous consultations with the Ministry of Education and Research, the Sámi Parliament has requested that the Act be amended so that the Sámi Parliament determines the Sámi content of the curricula in Sámi schools.

The Sámi Parliament has referred to the right to self-determination enshrined in the UN Declaration on the Rights of Indigenous Peoples from 2007, which states that indigenous peoples have the right to self-determination and, by virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development. Furthermore, the declaration states that

indigenous peoples have the right to autonomy or self-government in matters relating to their internal and local affairs. This also applies to the education sector. Moreover, it states that indigenous peoples are entitled to ways and means for funding their autonomous functions. The Sámi Parliament possesses expertise and must itself determine the Sámi content in the Sámi parallel curricula, arguing that this must be explicitly reflected in the Education Act. Reference has been made to indigenous peoples' right to self-determination, which gives indigenous peoples the right to protect and develop their culture, cf. section 108 of the Norwegian Constitution.

The curriculum revitalisation will be evaluated over a five-year period. The evaluation will focus on the following four main topics: the process involved in developing the new curriculum, the quality of the curriculum, measures to implement the new curriculum: guidance, competence and support, and changes in schools as a result of the curriculum renewal. The evaluation will be divided into several projects with a framework of MNOK 50. The Sámi Parliament held consultations with the Norwegian Directorate for Education and Training prior to the call for proposals to ensure that the research also covered Sámi schools. The successful bidder reported that they did not have expertise in Sámi schools and was therefore unable to address this issue. As a result, a project was put out to tender for Sámi schools only, and the contract was awarded to Sámi Allaskuvla for "Project 2 – Curricula revitalisation in Sámi schools and for Sámi pupils". The project was given a framework of MNOK 5. The narrow framework of the grant meant that it was only possible to concentrate on a few topics. The disadvantage of this was that the other projects did not cover the full extent of the situation in Sámi schools. For example, there is no research on the situation in Sámi schools in relation to project 5 "Curricula revitalisation in practical and aesthetic subjects". The research-based evaluation should contribute knowledge that is useful for decision-makers, administrators, school practices and pupils' learning processes. In the Sámi Parliament's view, this means that the Sámi school does not have the opportunity to adjust the implementation of the curricula revitalisation in accordance with its intentions.

2.2 Statistics

The Sámi Parliament is concerned about the lack of statistics and knowledge regarding the Sámi basic education sector. The Office of the Auditor General points out that the control information available to the Ministry of Education and Research is too limited to be of use for assessing the achievement of goals and the quality of Sámi education.

The Sámi Parliament recognises the importance of clarifying the responsibilities of the various actors in the field and believes that this will improve control over the sector and help clarify the goals set for the sector. The Sámi Parliament finds it expedient to conduct a review of the roles and tasks to be carried out within Sámi basic education in order to clarify responsibilities. It is natural that the Sámi Parliament's role and responsibilities are part of this review.

2.3 Research on bullying in Sámi schools and kindergartens

Research is needed on bullying in Sámi schools and kindergartens. We know that Sámi children and young people experience bullying, violence, harassment and other insults every single day in Norway. This occurs in kindergartens, at schools, on the way to school, in changing rooms, at leisure activities and also on social media. Figures from the Student Survey conducted in autumn 2022 show that 5.9 percent of pupils are bullied two to three times a month or more often, and a study of young Sámi people's psychosocial health (Hansen & Skaar 2021) shows that the proportion of pupils who are insulted and bullied in Sámi areas is high compared with the rest of the country.

In autumn 2022, the Norwegian Institute for Human Rights (NIM) presented research on "Attitudes towards the Sámi and other minorities in Norway". The study indicates the existence of hostility and prejudice against the Sámi.

A report entitled *Analysis and Figures* was made on behalf of Amnesty International Norway in September 2023 on "Negative attitudes to and stereotypes of Sámi on Facebook". The report indicates that every fourth utterance about the Sámi on Facebook is negative. This represents a unique survey of the climate for freedom of expression for Sámi on the platform. Further, the report states that "*The Sámi in Norway have a long history of oppression and discrimination. Today, the Sámi are recognised as an indigenous people, which gives them rights intended, among other things, to ensure they are protected as a minority and to counteract discrimination. Meanwhile, we know from previous surveys that many people know little about the Sámi, which leads to negative attitudes and smears. Constant negative comments about the group with which one identifies can make one feel isolated and inferior.*"

Earlier studies show that people who are subjected to cyberbullying may get scared, sleep poorly and become nervous about participating in public discourse. Cyberbullying therefore threatens the freedom of expression of minorities. It can also affect society's perception of minorities and perpetuate discrimination."

What is more, the report shows that the Fosen case led to a distinct increase in negative comments about the Sámi. This is of concern to the Sámi Parliament, since it means we can expect more cases in future in which Sámi rights will be at odds with energy production, mineral extraction and infrastructure.

One of the conclusions in NOU 2015:2 "To belong. Measures for a safe psychosocial environment", is that there are major knowledge gaps about bullying in Sámi schools and schools with Sámi pupils. To date, very little research has been done on bullying, abuse or discrimination against Sámi children and young people in kindergartens and schools. To choose the right measures for improving the psychosocial atmosphere in the learning environment of children and young people, these knowledge gaps must be reviewed systematically. Identity-building research is necessary in this area so that national anti-bullying programmes can be adapted, and the right measures can be put into place for Sámi kindergartens and schools.

2.4 Research on identity and bullying

Research on identity and bullying in Sámi schools and kindergartens is necessary in order to learn more about the topic, and to ensure that the right measures are adapted to Sámi communities, schools and kindergartens, and then implemented. The Sámi Parliament asks the Government to provide the financial framework needed by research communities to explore this topic in greater detail. This will ensure better implementation of Article 2 of the Convention on the Rights of the Child on Protection against Discrimination.

2.5 The best interest of the child

In its concluding observations following Norway's fourth report, the UN Committee on the Rights of the Child recommended that the State Party continue and strengthen its efforts to ensure that the best interests of the child as a general principle are duly incorporated into all legal provisions and in legal administrative decision-making processes, including family-related processes and processes relating to alternative care and immigration, as well as in all projects, programmes and services that have an impact on children. The Committee further recommended that the State Party develop guidelines on how to apply the principle in practice, and then train all those involved in the process of determining the best interests of the child or children.

In its fifth and sixth reports to the UN Committee on the Rights of the Child, Norway cited examples of how the best interests of the child are, as a general principle, incorporated into legal provisions and general decision-making processes. In this context, the State Party fails to comment on the Committee's recommendations about drawing up guidelines for how to apply the principle regarding the best interests of the child in actual practice.

Despite the fact that the concept of "the best interests of the child" is incorporated into national legislation and included in relevant educational programmes, experience shows that when decisions are made at a lower administrative level, in a municipality, for example, the full content of the principle is not taken into account sufficiently. A child's linguistic and cultural identity is integral to the concept of "the best interests of the child". The object chapter of the new Child Welfare Act states that the child's language, culture, ethnicity and religion must be included in an assessment of the best interests of the child. The Sámi Parliament is of the opinion that the Government must follow up the Committee's recommendation and ensure that guidelines are drawn up to specify how the principle of the assessment of the best interests of the child should be applied in practice. Furthermore, the Sámi Parliament notes that public authorities are not aware of Sámi children's ethnicity, culture or language because ethnicity is not formally registered. This means that the ethnicity of Sámi children in the care of child welfare services is not documented. This also leads to a lack of knowledge about protecting the rights of Sámi children in the care of the child welfare services. Meanwhile, there is no documented knowledge to indicate how many Sámi children are/have been in the care of child welfare services, or about what their situations and living conditions are like.

3 Violence against children

3.1 Protecting children from abuse and neglect

The need for research on Sámi children and young people, and violence

Research shows that Sámi people are generally more frequently exposed to violence than the majority population is. A considerable proportion of such assaults occur during childhood. In Norway, we have no statistical data on Sámi children and violence. We do not know the extent, the type of violence, what has been done, or what constitutes good, helpful services for Sámi children exposed to violence. Research is needed since too little is known about Sámi children and violence. The lack of knowledge includes the extent of violence, access to support services and how best to prevent violence. What is more, we know little about Sámi children with functional disabilities and their exposure to violence. The scope of digital violence is increasing. There is no knowledge available about Sámi children and digital violence.

Statistical data on Sámi children and violence is necessary to continue the struggle against violence in the Sámi population. The Sámi Parliament has asked the Government to ensure the necessary funding framework for research communities that can produce more knowledge on the topic. This will ensure better implementation of Article 19 of the Convention on the Rights of the Child, which states that all children have the right not to be mistreated or abused.

4 Family and alternative care

4.1 Family environment and parental guidance

Advisory agency for municipal child welfare services

When structural changes give municipalities greater responsibility and autonomy in relation to child welfare services, it is important to ensure that the municipalities are familiar with the rights and needs of Sámi children. The Sámi Parliament recognises that this will be a challenge, particularly in municipalities with few Sámi residents. The Sámi National Competence Centre is responsible for providing guidance to municipal child welfare services. Municipalities should also have a formalised obligation to contact the Sámi National Competence Centre when considering taking Sámi children into care. This would ensure better implementation of Article 30 of the Convention on the Rights of the Child, which states that children of minorities and indigenous peoples shall not be denied the right to their culture, language and religion in community with other members of his or her group, as well as Article 2 on protection against discrimination.

The Government has set up a Sámi national advisory agency that is responsible for providing advice to municipal child welfare services. Municipalities ought to have a formalised obligation to contact the Sámi advisory agency when considering taking Sámi children into care.

4.2 Children deprived of their family environment

The rights of Sámi children are not protected by child welfare services.

The child welfare services in Norway do not have the expertise they need on the cultural and linguistic rights of Sámi children in order to implement measures under the Child Welfare Act.

For many years, the Sámi Parliament has received feedback stating that Sámi children's linguistic and cultural backgrounds are not considered or emphasised in the work carried out by the child welfare services. This has also resulted in a number of cases being brought before the courts.

Sámi children's ethnicity, language and culture are not registered when Sámi children are taken into care by the child welfare services. This means that we do not have records to indicate how many Sámi children are in the care of the child welfare services, nor do we know how their rights as indigenous children are protected. Among other things, we do not know whether they are allowed to maintain their language, live in harmony with members of their own group, or what their state of health is like.

Nor are there any statistics that can shed light on how many Sámi children are or have been in the care of child welfare services. Research also shows that knowledge of Sámi children's rights is not sufficiently well known in child welfare services and decision-making bodies.

The Sámi Parliament assumes that the Government will ensure that Sámi children are placed in Sámi foster homes insofar as possible. When campaigns are launched to recruit more foster homes, similar campaigns must also be launched to specifically target potential Sámi foster homes.

5 Disability, health care, social services and welfare

5.1 The need for research on the health of Sámi children and young people

There is currently little documented knowledge about the health of Sámi children and young people in general. There is no documented knowledge about children and young people who have been in the care of child welfare services. Norway's report mentions, for example, that there are no statistics on self-harm and suicide among Sámi children and young people. Sámi young people are also exposed to racism and difficult incidents, precisely because they are Sámi. This has a major impact on their mental and physical health. To ensure good mental and physical health for Sámi children and young people, it is necessary to strengthen research-based knowledge in this field. This is particularly important for Sámi children in the care of child welfare services. The Sámi Parliament has asked the Government to ensure the necessary funding parameters for research communities so that they can generate knowledge on the subject. This will improve the implementation of Article 24 of the Convention on the Rights of the Child, which states that no child shall be deprived of his or her right of access to good health care services.

5.2 The need for health care professionals with knowledge of Sámi language and culture

Sámi children who, for various reasons come into contact with the health care system, find that health care professionals are often not familiar with Sámi language and culture. Young children in Sámi areas are often monolingual. Children with serious health issues (severe disabilities, serious illnesses, cancer, etc.) are in frequent contact with the health care system over an extended period of time, and possibly throughout their entire lifetimes. Especially when Sámi children are young and have not yet acquired the Norwegian language, it is important that health care professionals are able to communicate with the children without parents or other close relatives having to act as interpreters.

In its report "NOU 2016:18 - Language of the Heart"^[1], the Committee for Sámi Languages recommends an individual right to linguistically and culturally adapted health services when necessary to ensure patient safety. The Committee also recommends other measures to improve health services for Sámi people, such as the expansion of existing national teams, remote consultations, a learning programme for the health service with a focus on Sámi cultural understanding, and the compilation of a guide for municipalities on how to accommodate Sámi languages in the health services. To ensure that Sámi children and young people receive good health care follow-up, it is necessary to ensure that Sámi health personnel are available. The Sámi Parliament has asked the Government to implement measures to increase the recruitment of people with expertise in Sámi language and culture to the health services. This will improve the implementation of Article 24 of the Convention on the Rights of the Child, which states that all children have the right to good health care services. The Government must make special efforts to ensure that Sámi children and young people who struggle with mental health issues receive help adapted to their language and culture.

5.3 Child poverty in Sámi areas

In certain Sámi areas in Norway, it has been observed that a higher proportion of Sámi children live in families with incomes consistently below the national average. For example, in Kautokeino and Kåfjord, the proportion of children in such families is markedly above average. This indicates that child poverty may be particularly evident in these Sámi communities.

Public health surveys from the Sámi areas in Northern Norway show that Sámi families often report lower gross income and greater financial difficulties than non-Sámi families in the same areas. This highlights the need for targeted measures to address the financial challenges specific to Sámi communities.

These findings underline the importance of collecting more detailed and comprehensive data to understand the extent of child poverty among Sámi children. Such an understanding is a prerequisite for developing effective strategies that can improve economic conditions and promote a healthier, more stable upbringing for children in these communities.

Sámi LGBTIQ+ children

There is a wide range of diversity among Sámi children. This includes children who may be gender creative and/or who belong under the 'LGBTIQ+' umbrella. Little research has been done on the living conditions of LGBTIQ+ children in general, but research done by Sinter (on non-Sámi children) indicates that: "The findings show that transgender and bisexual people in particular are overrepresented on a number of parameters. Among transgender people, more than two of three reported having had suicidal thoughts, and just under than one in three reported having attempted suicide. We know little about living conditions and specific health challenges among LGBTIQ+ children; in the aforementioned survey, the youngest respondents ranged from 16 to 19 years old, and represented only a small proportion of the total number of respondents."

This survey is incomplete when it comes to the youngest children, and it is also important to point out that it does not address Sámi children in particular, although it can be assumed that some experiences may be similar for Sámi and non-Sámi children. It is reasonable to assume that there may be additional challenges and burdens among Sámi LGBTIQ+ children, as they fall into categories for intersectionality. Intersectionality means that a person carries several different identity markers that affect him or her. The combination of being a member of an ethnic minority and a person who is not aligned with gender and sexuality norms may therefore be stressful and limit a person's room for manoeuvre and opportunities, in addition to increasing their exposure and vulnerability to harassment and discrimination.

There is a desperate need for measures and strategies to protect the living conditions of Sámi LGBTIQ+ children. This must be done by introducing preventive measures to deter harassment and discrimination against an especially vulnerable group. More suicide prevention measures are needed.

Society needs to focus more on knowledge gathering and research on conditions for Sámi children who are not in alignment with gender and sexuality norms. It is also crucial to ensure dissemination of the knowledge obtained and raise the level of knowledge among health care personnel/health care services.

6 Education, leisure and cultural activities

6.1 Kindergarten

The Sámi Parliament identified the following points in its 2016 report: Amendments to the Kindergarten Act - Draw up a separate general plan for Sámi kindergartens

Sámi children still have no statutory right to the provision of a Sámi-language kindergarten, regardless of where they live in Norway. The Kindergarten Act requires kindergartens to consider the language and culture of Sámi children and to create conditions for Sámi children that will protect and develop their language and culture. However, under the Kindergarten Act, kindergartens for Sámi children based on Sámi language and culture are required only in the Sámi administrative districts. This means that many Sámi children in Norway do not have the option of attending a kindergarten based on Sámi

language and culture. Children from the majority population have a statutory right to kindergarten in their native language. For Sámi children, this right to kindergarten in their own language, that is, the Sámi language, does not exist. Strengthening the right of Sámi children to attend a Sámi-language kindergarten would also ensure Sámi children a comprehensive right to Sámi language and culture during their 18-year educational pathway.

Since Sámi children have not seen their right to Sámi-language kindergarten strengthened, the Sámi Parliament has asked the Government to give priority to appointing an expert committee to review the Kindergarten Act from the perspective of the rights of Sámi children, indigenous children, to Sámi-language kindergarten services. At the same time, the Sámi Parliament asks that the Framework Plan for Kindergartens on the content of Sámi-language kindergartens be clarified in terms of the framework and requirements that should form the basis for the content of Sámi-language kindergartens.

6.2 Quality requirements for Sámi kindergartens in Norway

The Sámi Parliament is of the opinion that the kindergarten authorities' responsibility under section 10 of the Kindergarten Act is unclear. The wording of the Kindergarten Act refers to the fact that kindergartens' provision for "Sámi children in Sámi districts is based on Sámi language and culture", and that "in other municipalities, conditions shall be adapted so that Sámi children can protect and develop their language and culture". The Sámi Parliament believes that the wording leads to differences in what is available to Sámi children from one municipality to the next. For many families, kindergarten is the most important support for protecting and developing children's Sámi language. To ensure that Sámi children have the opportunity to develop their Sámi language skills in kindergarten, no distinction should be made between the quality of Sámi-language services in municipalities in Sámi administrative districts and other municipalities.

The Sámi Parliament has requested that consideration be given to clarifying the content of Sámi kindergartens in the Framework Plan for Kindergartens, and to the framework and requirements that should form the basis for the content of Sámi-language kindergartens. The Framework Plan for Kindergartens is an important document that provides guidelines for the content and tasks of kindergartens. The Framework Plan for Kindergartens 2017, published by the Ministry of Education and Research, provides general provisions on the content and tasks of kindergartens. The Sámi Parliament and the Ministry of Education and Research have consulted and agreed on the content of the Framework Plan for Kindergartens. The Framework Plan entered into force on 1 August 2017.

The main objective of the Sámi Parliament's five-year development project SÁMOS (Sámi children in new education rooms) 2018-2023 has been to ensure that Sámi children get an educational experience that is based on and communicates, protects and develops Sámi languages, culture and way of life. The most noteworthy results from the project are the development of educational principles for Sámi kindergartens, and a report on strong language models that has been submitted. These results will help to more clearly define the educational content of Sámi kindergartens and describe the framework conditions that must be in place to provide high-quality educational content in Sámi kindergartens.

The Sámi Parliament is of the opinion that *educational principles* for Sámi kindergartens and *Strong Language Models* will lay the foundation for a separate Sámi Framework Plan for Sámi-language Kindergartens. Further, these results should be used as a basis for recognising Sámi early education pedagogy as a separate pedagogical school of thought.

6.3 The lack of skilled Sámi personnel

The Sámi Parliament pointed this out already in 2016:

“There is a serious shortage of Sámi-speaking kindergarten teachers, special education professionals and other staff in Sámi kindergartens. This is a grave problem for access to and the quality of Sámi kindergarten provision.”

6.4 Requirement for Sámi-speaking staff in Sámi kindergartens

The Sámi Parliament believes that the legislation must be clarified so that Sámi language skills are one of the requirements for employees working in Sámi-language kindergartens, in the same way as

Norwegian language requirements apply in Norwegian kindergartens, in order to avoid situations in which Norwegian-only speakers are employed in Sámi-language kindergartens.

6.5 The ratio of adults

A high ratio of adults to children in kindergartens translates into good conditions for children's linguistic development. Experience shows that a higher ratio of adults and monolingual strategies in kindergartens help children to become functional Sámi speakers. The Sámi Parliament has asked the Government to implement measures to increase the recruitment of people with expertise in Sámi language and culture to kindergartens.

6.6 Skills development

The Sámi Parliament and the Government agree that kindergartens must have knowledge and expertise in Sámi languages and Sámi culture in order to protect the Sámi content in the framework plan, both in Sámi kindergartens and in other kindergartens with Sámi children. The Government supports the proposal from the Committee for Continuing Education in Kindergartens and Schools specified in Norwegian Public Report (NOU) 2022: 13 *With further meaning*. The proposal is to create a comprehensive system for human resources and career development in kindergartens and schools based on a joint forum at the national level to strengthen and bring together communities that specialise in Sámi language and culture operating under current local schemes for human resources development. The Committee also proposes the establishment of one or more specialist networks across municipal and county boundaries and across kindergartens and schools to strengthen and bring together groups that specialise in Sámi language and culture. In addition, the Government wishes to look into the need for a national specialist network for Sámi language and culture, and to engage in dialogue with the sector on how this can be accomplished. The Sámi Parliament expects this to be followed up and given priority. Establishing a joint Sámi forum at the national level will ensure that kindergartens and kindergarten staff develop the skills they need based on Sámi language and culture.

In the Sámi Parliament's experience, the current structure of human resources development presents an impediment to the development of competence in Sámi kindergartens, especially when it comes to human resources development in Sámi language and culture. Recently, Sámi kindergarten staff have asked for more skills development opportunities featuring strong language models and pedagogical principles for Sámi kindergartens. The Framework Plan for Kindergarten's content and tasks (2017) contain clear guidelines for the content of Sámi kindergartens. Among other things, staff should work to promote children's Sámi language skills and strengthen children's Sámi identity. Skills development is crucial to ensure that staff can meet the requirements of the framework plan. However, none of the educational institutions in Norway today can offer training in strong language models and pedagogical principles designed for Sámi kindergartens. There is a lack of financial, human and institutional resources. Furthermore, no one has a general overview of the local needs of the Sámi kindergarten sector or of what skills and development opportunities have been offered and are being offered. This limits educational institutions' ability to offer effective training programmes, meaning it is not possible to initiate such programmes for Sámi kindergarten staff. The Sámi Parliament has signalled these structural obstacles to the Ministry of Education and Research to ensure that Sámi kindergarten staff can acquire the skills and competence needed to develop in their role as Sámi kindergarten teachers. The Sámi Parliament recognises that this can be resolved when both parties agree that existing structures may be and are obstacles. To address this, we propose working together to identify these obstacles and develop solutions together so that structures can lead to success.

6.7 Schools

Sámi children do not have an individual right to instruction in and through the medium of Sámi. The Education Act and the Independent Schools Act do not sufficiently guarantee Sámi education. The right to Sámi schooling is not an individual right for the pupil, it is instead limited based on geography and the number of pupils interested in such an offer. Only pupils living in a Sámi administrative district have an *individual* right to instruction in and through the medium of Sámi.

6.8 New Education Act

The Education Act is one of Norway's most important pieces of legislation. The Education Act currently regulates the routine school days of more than 800 000 students and more than 90 000 teachers in schools.

The Education Act and the Independent Schools Act still do not sufficiently guarantee Sámi education. The Office of the Auditor General conducted a performance audit of instruction in and through the medium of Sámi in Norway. The aim of the audit was to assess whether Sámi pupils get satisfactory, equal educational opportunities in and through the medium of the Sámi language, and how government programmes are designed to ensure such opportunities. The survey covered the period 2015-2018. Their report shows *inter alia* that: “*There are significant deficiencies in instruction in and through the medium of Sámi in terms of teaching materials, the number of teachers and distance learning. The education on offer is not sufficiently well known outside core Sámi areas. In addition, there are many small programmes, and they are spread across many actors.*” Both of these reports, Language of the Heart and the report from the Office of the Auditor General, emphasise this key point. If we are to succeed in maintaining and developing, as well as revitalising Sámi languages in areas in which they have lost ground due to Norwegianisation, we will need more of the type of instruction we are seeing today.

The Sámi Parliament held consultations on the new Education Act, which ended with the Sámi Parliament not being able to endorse the bill. The Sámi Parliament considers it serious that the Act does not strengthen the right of Sámi pupils to instruction in and through the medium of Sámi, and that it does not facilitate the recruitment of Sámi speakers or ensure that pupils actually become Sámi speakers. The Government submitted its proposals for the new Education Act to the Storting before Easter in 2023. The bill was considered by the Storting in the spring session of 2023. The Sámi Parliament did not endorse the proposal for the new Education Act before it was submitted to the Storting, because the Sámi Parliament believes that the new bill fails to ensure that more Sámi pupils receive instruction in and through the medium of Sámi, as requested by the Sámi Parliament.

The Sámi Parliament's reason for not endorsing the bill is that the Sámi Parliament is the Sámi people's foremost elected body, meaning it has a mandate to define and determine the framework factors for Sámi education. It is serious that none of the most important requests from the Sámi Parliament's plenary session made it successfully through the consultations with the Ministry of Education and Research to enshrine the statutory right to Sámi teaching materials, to make it possible for more people outside the Sámi language administrative areas to have an unconditional right to internships in Sámi language environments, to ensure that more Sámi pupils receive instruction in and through the medium of Sámi, that some cities should be obligated to provide Sámi schooling, as many cities already do today, and that the Sámi Parliament must have the authority to determine Sámi content in the Sámi parallel curricula, and that the right to education in two or more Sámi languages be adopted into law.

6.9 Sámi teaching materials

Despite the fact that Sámi children have the right to instruction in and through the medium of Sámi, Sámi schools do not have Sámi teaching materials in all subjects. The Sámi Parliament wants to achieve an equally broad supply of Sámi teaching materials in all subjects, in South, Lule and North Sámi, comparable to the teaching materials available in Norwegian. The situation involving teaching materials is still challenging, especially after the revitalisation of the curricula. The teaching materials must be of good quality. Given the current government funding for the development of Sámi teaching materials and the constant revisions of the curricula, it is not possible to develop a satisfactory range of Sámi teaching materials. The scope of Sámi digital teaching aids is very limited. Society's demand for digitised teaching aids also means that the production of teaching aids is more expensive than it used to be. Government funding must be increased accordingly.

Access to Sámi teaching materials is not guaranteed under the new Education Act or the Independent Schools Act. The wording of the legislation remains unchanged from the 2016 report. In consultations with the Ministry of Education and Research, the Sámi Parliament referred to, among other things, the 2019 report from the Office of the Auditor General, which states that the lack of Sámi teaching materials undermines educational opportunities. The Sámi Parliament believes that it is crucial for Sámi teaching aids to be available in all subjects and for all grades, and to have a varied range of high-quality Sámi digital teaching aids. The Sámi Parliament has pointed out that teaching materials are the teacher's most important teaching tool. For the Sámi Parliament, as a matter of principle, it is important that Sámi teaching aids be more firmly anchored in legislation, but the Government did not agree with this.

In its report "NOU 2016:18 - Language of the Heart", the Language Committee for Sámi Languages recommended that Nordic cooperation be established with a focus on developing Sámi teaching

materials, and that the current regulations that apply to the Copyright Act be revised to make it easier to share Sámi teaching aids, teaching materials and digital lessons.

It is absolutely necessary for the Government to increase funding for the development of educational materials, not least because Sámi educational materials still cannot be produced without support from the state.

6.10 Right to internships/language immersion gatherings in Sámi-speaking communities

The Education Act and regulations to the Education Act allow for instruction in and through the medium of Sámi, and education in Finnish and the Kven language to be provided through distance learning when the education cannot be provided by suitable teaching staff at a school. The Education Act also allows for elementary and secondary education for adults to be provided as distance learning. The current regulations on distance learning state that the school owner decides whether distance learning should be combined with language immersion sessions, and the Office of the Auditor General's investigation showed that only 45 per cent of pupils who receive distance learning participate in language immersion sessions or work shadowing.

The bill states that if education is provided in the form of distance learning, the municipal and county authorities must offer the pupil the opportunity to take part of the education in a Sámi-language environment when need be. This means that the right to shadowing is not enshrined by statute in the new act. It is still the school owner/municipality that decides whether it is necessary to offer job shadowing.

The Sámi Parliament believes that it is serious that the Act does not ensure quality and goal achievement in Sámi education, not least through an individual right to work shadowing. The Sámi Parliament refers to the curricula for Sámi as a subject, where the goals are that pupils should become Sámi speakers and that instruction should be provided on the basis of strong language learning models. One means for achieving this is often language immersion or work shadowing, which help form the basis for communication, education, cultural understanding, identity development, values, traditional knowledge, family and family relations, and community affiliation. Different language and educational arenas, both inside and outside school, provide pupils with opportunities to gain varied experience and different perspectives and ideas, giving them opportunities to develop different forms of expression. In their input to the Sámi Parliament's consultation on the new Education Act, several consultative bodies expressed concern about how distance learning and work shadowing are currently implemented. Furthermore, they stated that municipalities use finances as an argument for not offering work shadowing, and that the use of the term necessarily sets a high threshold for pupils to be entitled to receive parts of their education in a Sámi language environment.

6.11 To make it possible for more Sámi students to receive instruction in and through the medium of Sámi

The Sámi Parliament agrees about continuing the current right to instruction in and through the medium of Sámi, but not with the conditions that form the basis for accommodating this right. The Sámi Parliament has repeatedly pointed out that it is unreasonable to require that there must be at least 10 pupils in areas outside the Sámi-language administrative areas who choose such an education before instruction in and through the medium of Sámi is provided. And if this group of pupils is reduced to fewer than six pupils, the right to the offer lapses. Pupils living outside the administrative area have an individual right to tuition in the Sámi language as a subject, while the right to receive tuition through the medium of Sámi in all subjects is dependent on there being 10 or more pupils in the municipality who want such tuition. In its report "NOU 2016:18 - Language of the Heart", the Language Committee for Sámi Languages has recommended that this number be reduced to three.⁴ Pupils who reside outside a Sámi administrative district do not automatically have the right to education in and through the medium of Sámi, and in many cases, parents/guardians must work hard to demand and argue in favour of education in Sámi in order for the children to have this right satisfied. This restriction cannot be perceived as anything other than discriminatory in relation to Sámi pupils' ability to choose schooling options.

The Sámi Parliament has requested that the Government, through the Education Act, ensures that Sámi children and young people have an individual right to receive instruction in and through the medium of Sámi, regardless of where they live and how many others want similar educational

opportunities. This will ensure better implementation of Article 29 of the Convention on the Rights of the Child on the purpose of education and Article 30 which states that children of minorities and indigenous peoples shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language, as well as Article 2 on protection against discrimination.

6.12 That some cities should be obliged to provide Sámi schools

Many Sámi communities are small local communities. Consequently, large parts of the population who grow up in Sámi areas where the language and culture are strong and where children have the right to an instruction in and through the medium of Sámi end up having to move in order to get an education and/or find work to earn a living. Sámi children who move out of or are born outside Sámi administrative areas have not chosen this themselves. The Sámi population in Norway must keep up with develop trends in society in order not to be worse off than the majority population. This results in a migration pattern in which a great many Sámi children live outside the Sámi administrative areas, and their needs and rights must be protected on an equal footing with the needs and rights of Sámi children growing up in Sámi administrative areas. The majority of the Sámi population lives in cities, and demographic surveys indicate that rural areas are experiencing a serious population drain as people are moving to more central areas (source: NOU 2020:15 This is Norway). Migration from the Sámi administrative areas to the cities means that children lose their right to instruction in and through the medium of Sámi. The process of drafting a new Education Act should take these demographic changes into account. In principle, the Sámi Parliament's view is that instruction in and through the medium of Sámi should be an individual right that should not be limited by geography or the number of pupils who want such instruction. In the light of the decline in the number of pupils in the Sámi administrative areas and the corresponding growth in the cities, the Sámi Parliament believes that major cities in Norway should offer instruction in and through the medium of Sámi. This right should not be limited by the fact that there must be a minimum of 10 pupils who want such instruction.

6.13 That the Sámi Parliament must have the authority to determine Sámi content in the Sámi parallel curricula

The Sámi Parliament considers it a paradox that the Sámi themselves do not have the authority to determine the Sámi content in Sámi schools. In the new Education Act of 2024, the current Act's position on the Sámi Parliament's authority to determine content has been retained, despite the fact that the Sámi Parliament has, through many consultations with the Ministry of Education and Research, requested that the law be amended to allow the Sámi Parliament to determine the Sámi content of the curricula in Sámi schools. The Sámi Parliament has referred to the right to self-determination enshrined in the UN Declaration on the Rights of Indigenous Peoples from 2007, which establishes that indigenous peoples have the right to self-determination and that indigenous peoples freely determine their political position and freely promote their own economic, social and cultural development. Furthermore, the declaration states that indigenous peoples have the right to autonomy or self-government in matters concerning their internal and local affairs. This also applies to the education sector. Moreover, it states that indigenous peoples have the right to schemes for funding their autonomous functions.

The Sámi Parliament has the requisite competence and should itself determine the Sámi content in the Sámi parallel curricula, and has argued that this must be explicitly reflected in the new Education Act. Reference has been made to indigenous peoples' right to self-determination, which grants indigenous peoples the right to protect and develop their culture, cf. section 108 of the Norwegian Constitution.

6.14 The right to instruction in two Sámi languages

The Sámi Parliament has pointed out to the Government that the Constitution of Norway and Norway's obligations under international law require the authorities to facilitate favourable conditions in various areas of importance for Sámi language, culture and way of life, including, for example, instruction in the Sámi languages. Limiting the right to education to one language may undermine the opportunity for more people to use different Sámi languages. Neither the Constitution nor obligations under international law differentiate between the various Sámi languages on the question of which of them should be given priority for education. The Education Act's provisions on instruction in and through the medium of Sámi must be based on these obligations. The Sámi Parliament requested that it be

explicitly stated in the Education Act that Sámi children are entitled to instruction in two Sámi languages. The Government's bill did not accommodate this request.

6.15 Compulsory Sámi in the administrative area for Sámi language

The new Education Act maintains the position that municipalities in the administrative area for Sámi language will continue to have the authority to require that all pupils in elementary and lower secondary school receive Sámi language instruction; the municipalities cannot impose instruction in Sámi as a first or second language, but the order may include instruction based on local curricula with classes and classroom time outside of regular school hours. The Sámi Parliament disagreed with this and submitted a request that compulsory Sámi education within the Sámi administrative area be understood to mean compulsory instruction in Sámi as a first or second language. The Ministry of Education's proposal for a subject with a narrower scope does not give pupils the opportunity to become fluent Sámi speakers or to acquire formal competence in a Sámi language. The Sámi Parliament believes that instruction in accordance with the curricula for Sámi as a first or second language, as established by the Sámi Parliament, would be best for the development of the Sámi language in terms of both number of hours and content.

6.16 Competence and recruitment in kindergarten, elementary and secondary schools and higher education

The Sámi community is experiencing a skills crisis, with a shortage of professionals with Sámi language and cultural skills in all areas of society. The schools have a profound need for teachers and other staff for instruction in and through the medium of Sámi. Over time, there have been too few graduates from Sámi language studies and teacher training programmes that offer Sámi language skills, and there are constant challenges involved in recruiting students to the programmes. There is a critical shortage of expertise in Sámi languages, and this also applies in the municipalities in the Sámi administrative areas and among the relevant regional and state authorities and service providers. Recruitment to Sámi kindergartens and schools, and Sámi-language educational opportunities and teacher training play a key role for achieving a positive development trend for Sámi languages. For languages to survive, it is crucial that children and young people use them in day-to-day life. Accordingly, kindergartens and schools are the most instrumental arenas for developing and maintaining good language skills. This means that more children must be offered Sámi kindergartens, that more pupils must have the option to choose instruction in and through the medium of Sámi, and that instruction in and through the medium of Sámi in elementary and secondary schools must be strengthened and better adapted. There are not enough people with Sámi language skills to meet the complex needs of Sámi communities, and there must be an increase in the recruitment of qualified professionals to carry out research in higher education. There is a need for strong academic communities, and Sámi university and college educations must be strengthened and equipped to educate more Sámi-language users.

We have a dropout rate of 60 per cent in Sámi-language classes (Vangsnes). Although the number of students has increased, more drop out along the way. In a broader perspective, it is clear that the dropout rate from Sámi education is unfortunate in terms of the future of Sámi languages and the school's role in Sámi language revitalisation. It is important to investigate the causes of the high attrition rate in Sámi education and to determine what can be done to reduce it.

Universities and university colleges must have admission quotas to ensure that students acquire expertise in Sámi. More of Norway's universities and university colleges must accommodate and collaborate on education and research to increase the number of people with Sámi language and cultural competence. Recruitment to Sámi educations requires strong recruitment incentives and good general conditions for students who choose Sámi.

The Sámi Parliament has asked the Government to implement measures to improve the recruitment of teachers with expertise in particular subjects as well as expertise in Sámi language and culture, special needs educators and other staff in Sámi schools, to ensure better implementation of Article 29 of the Convention on the Rights of the Child on the purpose of education and Article 30 on the right of children of minorities and indigenous peoples not to be denied the right to their culture, language and religion in community with other members of their group, as well as Article 2 on protection against discrimination.

The Sámi Parliament has struggled to ensure that the new Education Act facilitates the recruitment of Sámi speakers. Consequently, we do not agree with the Ministry about continuing the provision that

allows Sámi pupils to opt out of Sámi instruction in grade 8. In this area, the subject of Sámi is treated differently under the law than the subject of Norwegian since pupils are not allowed to opt out of Norwegian during their schooling. This must also be the case for the subject of Sámi.

6.17 Sámi pupils with special needs

Sámi pupils with special needs make up a vulnerable group in the education system. They constitute the singularly most vulnerable group of Sámi pupils covered by the provisions of the Education Act. To ensure that these pupils receive proper expert assessments in accordance with section 5-3 of the Education Act and to ensure their educations are adapted to their skills, the Educational Psychological Service's (PPT's) assessments must consider the children's linguistic and cultural backgrounds. Sámi children and young people have statutory rights in kindergarten and schools in Norway. As an indigenous people, the Sámi have rights under Norwegian law and international conventions. Despite the fact that, as an indigenous people, the Sámi have indigenous rights in Norway, most Sámi children and young people with special needs do not receive educational services adapted to their linguistic, cultural or diagnostic challenges. Sámi parents/guardians have the right to raise their children in the Sámi language and based on Sámi cultural values. The downside is that they are punished for this when their children attend kindergarten and school. The lack of Sámi-speaking teachers, special needs educators, social workers and other health care professionals means that the provision of Sámi-language instruction for this group of children and pupils is incomplete and not well accommodated. Adapted learning resources in Sámi are extremely limited, that is, virtually non-existent, and the situation is the same when it comes to Sámi diagnostic and assessment materials. The national and regional competence centres that offer special education and medical assistance have little focus on or expertise in respect of the challenges faced by Sámi children and young people with special needs. There are Sámi competence centres in various fields, but a comprehensive and targeted effort must be made to strengthen these significantly.

SEAD (Sámi special educational support) is a department under the national special educational service for municipalities and county authorities, Statped. SEAD has been given a new mandate and will be maintained as a nationwide service under the auspices of Statped to provide services and develop expertise in municipalities and counties. The Sámi Parliament provided input and its demands for the mandate met with success.

The Sámi Parliament highlighted the need for strengthening Sámi language and cultural expertise in the Pedagogical Psychological Service (PPT), especially with regard to the PPT's responsibility for providing expert assessments and guidance on instruction adapted for Sámi children and pupils with special needs.

These pupils are dependent on being offered instruction based on their language and cultural values, and where the instruction is specially adapted to suit them. The parents and guardians of children with special needs often report that school owners face challenges in offering special needs students instruction in a Sámi language and based on Sámi culture.

The Sámi Parliament has asked the Government to strive to protect the comprehensive offer for Sámi pupils with special needs/functional variations, to ensure better implementation of Article 23 of the Convention on the Rights of the Child on the rights of children with functional variations, Article 29 on the purpose of education and Article 30 on the right of children of minorities and indigenous peoples not to be denied the right to their culture, language and religion in community with other members of their group, as well as Article 2 on protection against discrimination.

6.18 Children in the care of the child welfare services may lose the right to instruction in and through the medium of Sámi

Sámi children would like the right to instruction in the Sámi language no matter where they live in Norway, but only if their parents request it. For a child who moves away from a Sámi municipality, the right and opportunity to receive instruction in Sámi in all subjects in school, in accordance with the Sámi curriculum, the National Curriculum for Knowledge - Sámi, and based on Sámi language, culture and society, will depend on how many other children in the new municipality wish to receive instruction in and through the medium of Sámi. Without a legislative amendment to the new Education Act, Sámi children will no longer have an individual right to instruction in and through the medium of Sámi in all subjects if they move from a Sámi municipality to a municipality outside the Sámi administrative area as a result of a decision taken by child welfare services. The Sámi Parliament has

also asked the Government to make the necessary legislative amendments so that Sámi children will not lose their rights to instruction in and through the medium of Sámi when child welfare services assume care of the child.

6.19 Restricted opportunities for free choice of school for Sámi pupils

Under the new Independent Schools Act, independent schools are still not obliged to provide instruction in and through the medium of Sámi. This means that Sámi pupils who want to receive instruction in and through the medium of Sámi will continue to have limited options under the new Education Act, which will enter into force in 2024.

Many Sámi students will also find that they will not receive Sámi language training when they attend independent upper secondary schools. An independent school can offer Sámi education as distance learning, but is not obliged to do so. In the revised Education Act, the Sámi Parliament has requested that the Act and regulations be amended so that Sámi pupils' right to be educated in Sámi is safeguarded, and that the Independent Schools Act should at least give the same rights to Sámi pupils as the Education Act does. The Sámi Parliament's efforts have not met with success in respect of the new Education Act.

6.20 The Sámi Parliament's assessment of the process around the new Education Act

The Sámi Parliament has seen little movement on the part of the Ministry of Education and Research in making changes in the rights of Sámi pupils to instruction in Sámi. Despite the fact that reference has been made to hearings on the new Education Act in which Sámi stakeholders have supported the Sámi Parliament's proposals for amendments, this has not been enough to prompt the Ministry of Education and Research to make major changes in its bill for a new Education Act or to improve the education-related rights of Sámi children. Among other things, the Sámi Parliament has referred to NOU 2016-18 - Language of the Heart and the report from the Office of the Auditor General on Sámi pupils' right to instruction in Sámi, and to Sámi pupils' education-related rights under the ILO Convention, the Sámi Act and the Children Act. Our arguments have included the revitalisation of the Sámi language, Sámi education based on strong language models, and the risk of language extinction if we fail to improve Sámi pupils' instruction in and through the medium of Sámi.

The Government has stated that the education-related rights of Sámi children cannot be strengthened due to a shortage of teachers. The Sámi Parliament finds it problematic that Sámi children's rights are not expanded and satisfied due to a shortage of teachers.

From an overall perspective, the Sámi Parliament concludes that Sámi education-related rights have been stagnant for many years, and the new Act actually means a decline in Sámi education-related rights. This is because Sámi families are following the societal trend of moving from rural areas to urban areas. For Sámi pupils, this means moving from places where they are entitled to instruction in and through the medium of Sámi, to the cities where they are not entitled to instruction in Sámi. To ensure the survival of the Sámi languages and to contribute to the recruitment of Sámi speakers, the Ministry must adopt regulatory changes in the above-mentioned areas.

6.21 Gender perspective in education

The dropout rate in upper secondary education is higher in Sámi areas than in the rest of Norway. Some reports have pointed out that Sámi boys have a higher dropout rate than girls in upper secondary school. The consequences of this will be serious in the long term, and could result in lower levels of education, weaker links to working life and lower income. The Sámi Parliament believes that this underlines the need to learn more about the reasons for dropping out of upper secondary school and measures to prevent dropout among Sámi boys.

7 The right to cultural expression

7.1 Cultural protection, climate and environmental rights

Sámi culture is intricately linked to nature and the use of natural resources. Sámi land and sea areas form the basis for Sámi culture, language, industries and society. The natural basis for Sámi culture is therefore crucial for the cultural future of Sámi children. Extensive land encroachment on the natural basis for Sámi culture will pose a threat to Sámi culture, language and way of life.

The green shift has contributed to increased pressure on Sámi lands in the form of the wind power and mineral extraction, among other industries. This has already had enormous consequences for the Sámi. Indigenous peoples in the Arctic have been hit particularly hard by climate change, and land encroachment in the name of the green shift places a double burden on the Sámi.

The Grand Chamber of the Norwegian Supreme Court unanimously ruled on 11 October 2021 (HR-2021-1975-S) that the decision to grant a license for wind power development at Fosen is invalid because the development violates the rights of reindeer-herding Sámi, including children's right to cultural practices under Article 27 of the UN Convention on Civil and Political Rights, which bears clear similarities to Article 30 of the Convention on the Rights of the Child. The Government has not yet followed up on the ruling and, as a result of the Government's failure to follow up, Sámi youth have demonstrated and engaged in civil disobedience in Oslo on several occasions. Sámi children have also participated in the demonstrations, where activists have been forcibly removed and detained by the police.

The Sámi Parliament believes that the right of Sámi children to practice their culture is under serious threat as a result of land encroachment in Sámi areas due to the green shift. The Sámi Parliament believes that land encroachment on the natural basis for Sámi culture can only be permitted with free and prior informed consent.

The climate crisis poses a serious threat to children and children's rights. The climate and environmental crisis threatens a number of rights in the Convention on the Rights of the Child, including children's right to life, to physical and mental integrity, and to good health.

The Sámi Parliament refers to the Committee on the Rights of the Child's general comment 26, paragraph 49, which points out the need to pay special attention to the preservation of indigenous children's traditional lands and to protect the quality of nature in order to satisfy the rights of indigenous children. The need for separate impact assessments in respect of indigenous children's rights has been highlighted. Article 58 emphasises that indigenous children are particularly vulnerable to the loss of biodiversity, as well as to pollution and climate change. Traditional knowledge is highlighted as part of the solution to reduce harm and increase resilience. Paragraph 102 emphasises, among other things, participation, vulnerability and protection against discrimination.

8 Special protection mechanisms

8.1 Indigenous children

The rights of Sámi children under the UN Convention on the Rights of the Child are not being adequately followed up by the Norwegian authorities. This applies in all sectors, including kindergarten, the school system, health care and child welfare.

To ensure compliance with Norway's obligations under international law, the Sámi Parliament to the initiative to appoint a committee to assess current schemes, measures and regulations relating to the Sámi languages. The committee submitted its final report in 2016; *NOU 2016: 18 Language of the Heart*. The committee's recommendation was unanimous.

The Sámi Language Committee submitted NOU 2016:18 Language of the Heart and established a comprehensive basis for a planned policy for strengthening, revitalising and developing Sámi languages. The committee proposed measures relating to legislative amendments and changes to

current schemes, and proposed measures to strengthen the situation for the Sámi languages in Norway. The Sámi Parliament seeks effective general follow-up of NOU 2016:18 Language of the Heart for Sámi languages through legislative amendments and other measures.

The Sámi Parliament's follow-up of Language of the Heart resulted in the Sámi Parliament's own language initiative *Giellalokten*. The purpose of this strategy is to bring together all the good suggestions for measures proposed in Language of the Heart, the Sámi Parliament's own experiences, and measures that have already been initiated, and to combine them into a single comprehensive language campaign. The Sámi Parliament can follow up on some of the measures in *Giellalokten* on its own, while other measures require close cooperation with national authorities, among others.

The Sámi Parliament and the Government have worked in parallel to follow up the legislative proposals in Language of the Heart, and have consulted continuously during this work. It will be crucial for the Sámi languages that the Sámi Parliament and the Government continue to give priority to following up the measures in *NOU 2016:18 Language of the Heart and the Sámi Parliament's language strategy Giellalokten/the Sámi language reform*.

8.2 Children who have been the victims of or witnesses to a crime

Through consultations, the Sámi Parliament has agreed with the Finnmark Police District to locate a State Children's House in Karasjok. In Karasjok, Sámi children will find Sámi language, culture and child expertise at the Children's House.

The Sámi Parliament is of the opinion that the State Children's House in Finnmark should be a service that meets the requirements for consideration of the best interests of the child and ensures legal protection. This will help safeguard the legal protection of Sámi children.

The State Children's House is a service provided for children and young people who may have been victims of or witnessed violence or sexual abuse, and where a report has been filed.