

* The Sámediggi's Supplementary Report to the UN Committee on the Rights of the Child 2017

State party concerned: Norway

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Introduction

The Sámediggi (Sámi Parliament) strives to ensure safe, sound childhood conditions for Sámi children, based not least on accommodating their language and cultural background. They should feel a sense of belonging and have an opportunity to develop on their own terms. Given the Sámediggi's assessment that these rights are not being adequately protected at present, the Sámediggi hereby submits a Supplementary Report to the UN Committee on the Rights of the Child. The Supplementary Report is anchored in the Sámediggi's decision on parliamentary item 34/16 "Convention on the Rights of the Child and Sámi Children's Rights".

The report is structured in keeping with the guidelines that the UN Committee on the Rights of the Child has issued for form and content, and its structure corresponds to Norway's report, with the same headings where possible, making it easy to compare the two reports.

The Sámediggi (Sámi Parliament)

The Sámi account for a small percentage of the total population of Norway, and they find it difficult to make their voice heard in ordinary political processes. This is why the Sámediggi was established in 1989.

The Sámediggi is the elected national assembly for the Sámi in Norway. Thirty-nine representatives are elected by seven constituencies every fourth year. The Sámi people are a nation, and the Sámediggi is their national parliament in Norway. The Sámediggi deals with any matters considered to involve the Sámi people. Anyone who perceives themselves as Sámi and who either has Sámi as their home language, or who has a parent, grandparent or great-grandparent with Sámi as their home language, can register on the Sámediggi electoral roll. The Sámediggi is the supreme electoral authority for elections to the Sámi Parliament, and for the Sámediggi's electoral roll.

Since 1989, the Sámediggi has had decision-making authority in several areas. These include the compilation of Sámi curricula, questions linked to the Sámi language, the administration of cultural artefacts and a number of schemes linked to the funding of Sámi institutions and subsidy schemes. The Sámediggi also has the authority to file objections related to land planning issues when these run counter to Sámi interests.

As an indigenous people, the Sámi have the right to be consulted in matters that may affect them directly. In order to ensure that work on matters that may directly affect the Sámi is carried out in a satisfactory manner, the Norwegian Government and the Sámi Parliament have agreed that consultations between State authorities and the Sámi Parliament shall be conducted in accordance with procedural guidelines. On 11 May 2005, Erna Solberg, then cabinet minister in charge of Sámi affairs, and Sven-Roald Nystø, then president of the Sámediggi, signed an agreement governing the procedures for consultations between the central government authorities and the Sámediggi. The agreement was approved by the Sámediggi on 1 June 2005 and established by Royal Decree on 1 July 2006.

The consultation agreement does not grant the Sámediggi a veto right in cases that involve Sámi interests. The formal decisions are still taken by the central government authorities and by the Storting. The scheme gives the Sámediggi influence and an opportunity to lobby and be heard, which is also the purpose of the agreement. Where there is a lack of consensus between the Sámediggi and State authorities, this is made known when the cases are dealt with by the

Government and the Storting.

In addition to the consultation meetings, regular meetings are also held between the Sámediggi and representatives of the central government or the various ministries to discuss the current situation and the development needs of the Sámi community, matters of a principle nature, ongoing processes and relevant Sámi policy issues. The meetings are held at both the political and the administrative levels. Such meetings can also be held on an *ad hoc* basis.

Please note that there are several variants of the Sámi language, e.g. North Sámi, South Sámi, Lule Sámi, Skolt Sámi and others. This is why there are references in this document to "Sámi languages".

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

Sámi children are entitled to grow up without being denied the right to spend time with other members of their community, to live in harmony with their culture, to profess and practise their religion, or to use their native language. This ensues from the rights of Sámi children under national legislation and international conventions, including the UN Convention on the Rights of the Child.

Notwithstanding, the rights of Sámi children are still not always respected. This may be due to national statutory provisions that do not appear to be in compliance with international conventions, or to the practices of government authorities that derogate from national and international law. Norway is a country with very abundant resources and it has implemented the Convention on the Rights of the Child in its legislation. The State must therefore be expected to fulfil its obligations under the Convention on the Rights of the Child. For example, the State must ensure that a lack of resources does not have consequences for children's rights under the Convention on the Rights of the Child.

The Sámediggi submitted its contributions to Norway's fifth and sixth reports to the UN Committee on the Rights of the Child to the ministry in charge of the reports. For the Sámediggi, it was profoundly important that the national reports also covered the situation of Sámi children and young people. Regrettably, very little of what the Sámediggi suggested was incorporated into the State report. This was the case despite the fact that the authorities in Norway are well aware of what the Sámediggi sees as challenges facing Sámi children, which have been discussed not least through consultations, cooperation meetings, written communications, etc.

In the light of this, the Sámediggi is submitting a Supplementary Report to the UN Committee on the Rights of the Child.

1 General measures of implementation

a) National strategy

The Government draws up a number of measures, initiatives, plans and strategies to achieve its goals for a better life and optimal opportunities for children and young people. Unfortunately, these are not often adapted to Sámi social conditions. For example, measures that address schools are voluntary, and the schools themselves must actively apply for or offer participation. When Sámi schools and schools with a Sámi option do not consider the measures relevant for

them, they choose not to participate. "Youth in development" (from 2013 to 2017) is one of several examples of national initiatives that are not specially adapted to the challenges facing Sámi pupils. Now there is also a campaign being initiated against bullying, and the Centre for Sámi Language in Education¹, among others, is expected to contribute, but no additional funding has been allocated for this work. The Sámediggi has not allocated resources to follow up this work adequately either.

The Sámediggi expects the Government to ensure that national initiatives and strategies for schools always include Sámi pupils; Sámi as a subject, teaching based on Sámi cultural values and the overall educational opportunities for Sámi children. This will ensure better implementation of Article 29 of the Convention on the Rights of the Child in respect of the objective of education and of Article 30 which states that children belonging to minorities or who are indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, language and religion, as well as of Article 2 regarding protection against discrimination.

b) Budget

As explained in Norway's periodic report,² the municipalities get their allocations over the government budget, and they set their own priorities when it comes to how they want to distribute their funding. This also applies to mandatory duties, including services provided to Sámi children and young people. Examples include health services, kindergarten and schools.

The Sámediggi gets its allocations over the government budget as well. The Norwegian Government does not recognise that the consultation agreement between the Government and the Sámediggi (mentioned by way of introduction) should also comprise budgetary issues. The consequence of this is that the Sámediggi has no direct influence over the amount or the distribution of the government budget's funding for Sámi purposes.

Generally speaking, the government budget for 2016 (as well as for 2017) saw steep real growth in most areas, with the exception of allocations for Sámi purposes, where there was an actual reduction. This was true, despite the fact that the Sámi's point of departure is weaker than that of the majority population. State financial allocations for Sámi purposes are considered by many to be purely political decisions that the Government and the Storting can adopt without taking into account Norway's human rights obligations in respect of the Sámi as an indigenous people. However, it is difficult to argue in favour of the annual government budget, one of our most important political goal-oriented and governance documents, being adopted without taking account of the State's commitments under international law in respect of the Sámi. This applies not only to allocations for Sámi purposes, but also to other state financial allocations that impact the national implementation of international human rights. An actual reduction in the budget relative to e.g. Sámi health, education, language and culture is leading to weaker performance in respect of these basic human rights.

The UN Committee on the Elimination of Racial Discrimination (CERD) pointed out the need for a consultation scheme that between the Sámediggi and State authorities for budgetary issues, as

¹ The Centre for Sámi Language in Education is a resource specifically geared towards the education system from primary stage to higher education. The Centre for Sámi Language in Education works widely to increase reading, writing and speaking in Sámi language in the population.

² Point 1 b), page 4.

well as the Norwegian authorities' systematic underfunding of Sámi language and educational initiatives in its report on Norway in 2015.³

The Sámediggi maintains that the Government must ensure sufficient allocations to the municipalities and the Sámediggi alike, so that the rights of Sámi children and young people can be protected adequately and on a par with the rights of children in the majority population. This will ensure better implementation of Article 2 of the Convention on the Rights of the Child regarding protection against discrimination.

c) Ombudsman for Children

The Office of the Commissioner for Children in Norway does not have competence in Sámi language or culture. This means that Sámi children have no real access to the Office of the Commissioner for Children, and that the role of the Office of the Commissioner for Children is limited when it comes to protecting and looking after Sámi children's interests as well.

The Sámediggi maintains that a separate office should be established for an Ombudsman for Sámi Children, cf. the decision in parliamentary item 028/15 in the Sámediggi plenary assembly, in which the Sámediggi states that:

"The Sámediggi registers that the Djupedal Committee, in "Public Report 2015:2 Belonging. Policy instruments for a safe psychosocial school community", proposes amending § 9a of the Education Act - the pupils' school environment. The Committee proposes that the Office of the Commissioner for Children should play a part as a court of first instance and a low-threshold service. In this context, the Sámediggi would once again emphasise the importance of the Office of the Commissioner for Children also having adequate competence in respect of Sámi children and young people. The Sámediggi believes that enabling the Office of the Commissioner for Children to impose administrative sanctions and reactions in the form of individual decisions may be a good idea. In the view of the Sámediggi, the establishment of an Ombudsman for Sámi Children, organised under the existing Office of the Commissioner for Children, would best ensure Sámi children's security under the law because it would have personnel with competence in indigenous rights, Sámi languages and culture."

The Sámediggi urges the Government to establish a separate Ombudsman for Sámi Children. An Ombudsman for Sámi Children will strengthen Sámi children's security under the law, lead to greater knowledge of the Convention on the Rights of the Child and improve children's chances for attaining the rights conferred by the Convention on the Rights of the Child.

2 General principles

a) Preventing discrimination and ensuring children's rights

To protect indigenous children from discrimination, one must facilitate understanding, acceptance and appreciation of cultural diversity. This can be achieved by giving the majority population adequate knowledge of indigenous people's culture and languages, and should be initiated in during the early years of childhood.

Sámi children and young people in Norway experience racism and stigmatisation, probably due to the fact that the majority population lacks knowledge about the Sámi population's diversity,

³ CERD/C/NOR/CO/21-22 Observations 28 and 30 c).

history and way of life, both earlier and today.

In his report on the Sámi's situation, dated 6 June 2011, former UN Special Rapporteur for Indigenous Rights James Anaya stated in his recommendations that⁴:

“The States and the Sami parliaments should cooperate to develop and implement measures to increase awareness about the Sami people within the media and the public at large. Such awareness should be promoted, *inter alia*, through primary, secondary and university school curricula.”

In 2013, the Sámediggi managed to ensure that Norway's Norwegianification policy was one of the objectives included in national curricula, so that all children in Norway learn about it. More knowledge about the Sámi as an indigenous people should be taught at school. The Sámediggi urges the Government to ensure that teachers possess this knowledge. It must also be ensured that textbooks have sufficient and correct information about the Sámi. This will promote better implementation of Article 2 of the Convention on the Rights of the Child regarding protection against discrimination.

The need for research on bullying in Sámi schools and kindergartens

Figures from the Annual Student Survey and the Norwegian Institute of Public Health indicate that the proportion of pupils who are insulted and bullied in Sámi areas is high compared with the rest of the country. One of the conclusions from Public Report 2015:2 "Belonging. Policy instruments for a safe psychosocial environment at school" is that there are formidable gaps in our knowledge about bullying in the Sámi school system.

To introduce the right initiatives to improve the psychosocial environment in Sámi schools as well, these gaps in our knowledge must be systematically reviewed. There is currently very little research on bullying and discrimination in Sámi communities, kindergartens and schools. Identity-creating research in this area is needed so that national anti-bullying programmes can be adapted and the right initiatives can be put into place for Sámi schools and school environments.

The intention to prevent bullying entirely and ensure safe school days for Sámi children complies fully with a decision taken by the Sámediggi plenary assembly and its follow up, cf. the decision on parliamentary item 028/15 "The Sámi Parliament's efforts to ensure a safe psychosocial environment for Sámi children and young people".

Research relating to identity and bullying in the Sámi school system and kindergarten is needed to add to knowledge about the topic, and to be sure that targeted initiatives aimed at the Sámi community, school environments and kindergartens are implemented. The Sámediggi urges the Government to set aside the necessary funding for research groups that can generate knowledge on the topic. This will ensure better implementation of Article 2 of the Convention on the Rights of the Child regarding protection against discrimination and Articles 6, 24 and 28 regarding the child's right to life, development, health and education.

⁴ A/HRC/18/35/Add. 2, point 89.

b) Best interest of the child

In its closing comments following Norway's Fourth Report, the UN Committee on the Rights of the Child recommended that the State Party continues and intensifies the work by ensuring that the best interests of the child as a general principle be duly established in all statutory provisions and in legal and administrative decision-making processes, including family-related processes and processes that refer to alternative care and immigration, as well as in all projects, programmes and services that have an influence on children. The Committee recommended further that the State Party draws up guidelines for how the principle should be applied in practice, and train all those involved in the process to determine what is best for the child or the children.⁵

In its fifth and sixth reports to the UN Committee on the Rights of the Child, Norway listed examples of how the best interests of the child as a general principle is being established in statutory provisions and general decision-making processes.⁶ The State Party makes no comment in this context on the Committee's recommendations about drawing up guidelines for the application of the principle regarding the best interests of the child in practice.

Despite the fact that the concept "the best interests of the child" is being incorporated into national legislation and being dealt with in relevant educational courses, for example, experience shows that when decisions are to be adopted at lower administrative levels, e.g. in a municipality, the broad scope of the content of the principle is not being taken into account adequately. It is not a given that the best interests of a child of the majority population coincide with the best interests of a Sámi child. Elements such as their linguistic and cultural identity may not be ascribed enough importance for the best interests of the Sámi child. This is especially grave in cases in which alternative care is being considered, and the child risks losing contact with his or her linguistic and cultural community.

The child's linguistic and cultural identity is part of the concept "the best interests of the child". The Sámediggi is of the opinion that the Government must follow up the Committee's recommendation and ensure that guidelines are drawn up for how the principle regarding the best interests of the child should be applied in practice. Further, the child's linguistic and cultural identity must be incorporated into the guidelines as part of this concept. This will ensure better implementation of Article 30 about minority and indigenous children not being denied the right to enjoy their own culture, to profess and practise their own religion, or to use their own language, in community with other members of their group, in all issues that affect Sámi children.

3 Violence against children

a) Protecting children from abuse and neglect

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

Research indicates that the Sámi are exposed to violence more often than the majority population otherwise. A large proportion of these attacks take place during childhood. Norway does not have statistical material on violence against Sámi children. We do not know the extent to which or what types of violence are being perpetrated, what is being done about it or what would constitute good protective measures for Sámi children who are exposed to violence.

⁵ Observation 23

⁶ Point 3 b), page 9.

Statistical material on violence against Sámi children is needed to continue the efforts to eliminate violence in the Sámi population. The Sámediggi urges the Government to allocate the funding needed for research groups that can generate more knowledge on the topic. This will ensure better implementation of Article 19 of the Convention on the Rights of the Child, i.e. that all children have the right to be protected from injury or abuse.

4 Family environment and alternative care

a) Family environment and parental guidance

Advisory body for municipal child welfare services

There has been significant migration from Sámi areas to cities. This means that a substantial number of Sámi children live in the big cities. These children are entitled to have their own language and culture taken into account, also when receiving offers and help from the child welfare services.

Experience indicates that knowledge about Sámi conditions is limited among decision-makers in the big cities. This gives cause for concern, especially for Sámi children in vulnerable situations. The Sámediggi has been informed that Sámi foster homes are not considered for Sámi children living in the big cities. Accordingly, there is also reason to fear that the municipalities will not seek to recruit Sámi foster homes in future either. The Sámi community has a different family structure from that of the Norwegian community, where the closest relatives and godparents play a more important part and can step in to provide support. Such differences are not being adequately being taken into account when the child welfare authorities consider possible measures.

When municipalities implement structural changes that assign more responsibility and autonomy to the child welfare authorities, it is important to ensure that the municipalities have knowledge of Sámi children's rights and needs. The Sámediggi recognises that this will present a challenge, not least in municipalities that have few Sámi residents, and therefore deems it necessary to establish a Sámi national advisory body to take responsibility for providing guidance to municipal child welfare services. Municipalities should also have a formalised obligation to contact the Sámi advisory body in cases involving the care of Sámi children.

The Sámediggi urges the Government to establish a national Sámi advisory body to be responsible for providing guidance to municipal child welfare services. Municipalities should also have a formalised obligation to contact the Sámi advisory body in cases involving the care of Sámi children. This will ensure better implementation of Article 30 of the Convention on the Rights of the Child in respect of the objective of education and of Article 30 which states that children belonging to minorities or who are indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, language and religion, as well as of Article 2 regarding protection against discrimination.

b) Children deprived of their family environment

Sámi children's rights are not being protected by the child welfare authorities

Child welfare services in Norway do not take adequate account of Sámi children's cultural and linguistic rights and needs when implementing measures under the Child Welfare Act.

Children from a Sámi background and who speak a Sámi language are often placed in Norwegian

foster homes, sometimes even when foster homes with Sámi language and cultural competence are available. Such children are thereby deprived of the opportunity to become acquainted with their family and relatives, to learn Sámi values and Sámi culture, and to strengthen their own Sámi identity in the same way as if the child had been given a chance to grow up in a Sámi environment. This is abuse of the Sámi child, who is then denied his/her rights under the Convention on the Rights of the Child, and this is a threat against the Sámi child's identity and security under the law.

There are examples of custody cases in the past year, where the chief child welfare officer in the municipality in question has stated that Sámi children have no special needs. There are also examples of situations where there have been relatives who have wanted to provide foster homes for Sámi children, but where the child welfare authorities have chosen to place the child with a Norwegian family. This bears witness to the fact that the decision makers lack the necessary competence relative to the Convention on the Rights of the Child, and are not able to recognise that the rights stipulated in the convention are based on the needs of the child. Sámi children may have needs that differ from those of children in the majority population.

There are no statistics that show how many Sámi children are or have been in Norwegian foster homes and, in consequence, have been deprived of their culture and their language.

The Sámediggi assumes that the Government will ensure that Sámi children will be placed in Sámi foster homes insofar as possible. When there are campaigns to recruit more foster homes, similar campaigns must be carried out to target potential Sámi foster homes. This will ensure better implementation of Article 30 under which a child belonging to a minority or who is indigenous 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, and Article 20, No. 3 that due regard shall be paid to the child's ethnic, religious, cultural and linguistic background, as well as Article 2 about protection against discrimination.

5 Disability, basic health and welfare

a) Health and health services

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

There is 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 custody of the child welfare authorities. For example, the reports from Norway do not mention that there are no statistics about self-harm and suicide among Sámi children and young people.

More research-based knowledge is needed in this field to ensure good mental and physical health for Sámi children and young people. This is especially important for Sámi children in the custody of the child welfare authorities. The Sámediggi urges the Government to allocate the funding needed for research groups that can generate more knowledge on this topic. This will lead to better implementation of Article 24 of the Convention on the Rights of the Child, which states that no child should be deprived of his or her right of access to good health care service.

The need for health care personnel with knowledge of Sámi languages and culture

Sámi children who are in contact with the public health service for any number of reasons experience that health care personnel are not familiar with their language and culture. Small children from Sámi areas are often monolingual. Children with serious health problems (severe

disabilities, serious diseases, cancer, etc.) are in contact with the public health service often, over a long period of time or perhaps throughout their entire lives. Especially while the children are small and have not yet acquired the Norwegian language, it is important to have health care personnel who are able to communicate with these children without their parents or other closely related parties acting as interpreters.

The Sámi Language Committees final report "Public Report 2016: 18 – the Language of the Heart"⁷ recommends an individual right to language- and culture customized health services, when this is necessary because of patient security. The Committee also recommends other measures to improve health services for Sámi, such as expanding teams that already exist, telematics communication, Sámi educational programmes for health personnel, increased use of interpreters, development of a guide to municipalities on how to facilitate for Sámi language, etc.

To ensure that Sámi children and young people have good follow up of their health issues, it is necessary to ensure that Sámi health care personnel is available. The Sámediggi urges the Government to implement initiatives to promote the recruitment of individuals with competence in Sámi languages and culture to the public health service. This will lead to better implementation of Article 24 of the Convention on the Rights of the Child, which states that no child should be deprived of his or her right of access to good health care service.

6 Education, leisure and cultural activities

In his report on the situation of the Sámi, dated 6 June 2011, former UN Special Rapporteur for Indigenous Rights James Anaya stated in his recommendations ⁸ that:

“The Special Rapporteur recommends that the Nordic States and the Sami parliaments cooperate to redouble efforts to revitalize Sami languages and strengthen programmes for education in Sami languages and culture. The States should provide immediate and adequate funding to the Sami parliaments to assist in the implementation of concerted measures towards these ends. Among other measures, the States should increase the capacity and number of teachers proficient in the Sámi languages.”

a) Kindergarten

The availability of kindergarten in the Sámi language

Sámi children have no statutory right to the availability of kindergarten in the Sámi language. The Kindergarten Act requires kindergartens to take into account Sámi children's language and culture, and to pave the way for Sámi children to protect and develop their language and culture. However, under the Kindergarten Act, it is only within the Sámi districts that kindergartens based on Sámi language and culture are available to Sámi children. This means that many Sámi children in Norway are not offered kindergartens based on Sámi language and culture. Children of the majority population have a statutory right to the availability of kindergarten in their own language. Sámi children do not have the right to kindergarten in the Sámi language.

The Sámi Language Committees final report "Public Report 2016: 18 – the Language of the Heart"⁹ recommends several measures to improve availability for Sámi kindergartens, for example a duty stated in the Kindergarten Act for the municipalities to offer kindergartens with a strong Sámi

⁷ Point 7 a), page 13.

⁸ A/HRC/18/35/Add. 2, point 88.

⁹ Point 7 a), page 13.

language model to all Sámi children whose parents request this. Other measures are also recommended, to reveal need and demand in each municipality, and to handle the increased demand of qualified personnel.

The Sámediggi urges the Government to ensure that Sámi children are granted a statutory right to kindergarten based on Sámi language and culture, regardless of where in the country they reside, to ensure better implementation of Article 30 of the Convention on the Rights of the Child which states that children belonging to minorities or who are indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, language and religion, as well as of Article 2 regarding protection against discrimination.

The Sámediggi assumes that the Government will draw up a separate Sámi national curriculum for kindergartens. This will ensure that the offer is based on Sámi language, values, culture and customs, and that kindergarten strengthens children's identity as Sámi. This will ensure better implementation of Article 30 of the Convention on the Rights of the Child which states that children belonging to minorities or who are indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, language and religion, as well as of Article 2 regarding protection against discrimination.

The lack of Sámi professionals

There is a grave lack of Sámi-speaking kindergarten teachers, specialists in special education and other personnel to work in Sámi kindergartens. This is a serious problem for access to and the quality of Sámi kindergartens.

The Sámediggi urges the Government to implement initiatives to promote the recruitment of individuals with competence in Sámi language and culture to the kindergartens, to ensure better implementation of Article 30 of the Convention on the Rights of the Child which states that children belonging to minorities or who are indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, language and religion, as well as of Article 2 regarding protection against discrimination.

b) Education

Sámi children do not have an individual right to instruction in Sámi and through the medium of Sámi

The Education Act and the Free School Act do not adequately guarantee Sámi educational programmes. The right to a Sámi school is not an individual right for the pupils, but is limited, based on geography and the number of pupils who want such an offer. Only pupils who reside in a Sámi district have an *individual* right to instruction in Sámi and through the medium of Sámi. Pupils who reside outside a Sámi district have an individual right to instruction in Sámi as a subject, while the right to be educated through the medium of Sámi in all subjects depends on whether there are 10 or more pupils in the municipality who request such training. The Sámi Language Committees final report "Public Report 2016: 18 – the Language of the Heart"¹⁰ recommends that this number is reduced to three. Pupils who reside outside a Sámi district do not automatically have the right to instruction in Sámi and through the medium of Sámi, and in many cases, parents/guardians must work hard to request and argue in favour of instruction in Sámi in order for the children to have this right satisfied. This limitation cannot be perceived as anything but discriminatory relative to Sámi pupils' opportunities to choose which school to attend. This

¹⁰ Point 7 a), page 13.

situation was also addressed in the UN Human Rights Council's report dated 31 August 2009,¹¹ which states:

"Arbitrary administrative or legislative requirements, for example requiring a minimum number of indigenous students in schools outside indigenous communities before such services are provided, are not sufficient basis for determining whether it is possible to provide education in indigenous cultures and languages for indigenous children living outside their communities. In order for a State to be able to attribute its failure to provide such education services to children living outside their communities, it must demonstrate that every effort has been made to use all resources that are at its disposition in an effort to satisfy, as a matter of priority, this obligation."

Many Sámi communities are small local communities. This implies that large parts of the population that grow up in Sámi areas, where language and culture stand strong and where the children are entitled to instruction in Sámi and through the medium of Sámi, are forced to move to get an education and/or to find jobs to earn a living. Sámi children who move out of or are born outside Sámi areas have not made this choice themselves. The Convention on the Rights of the Child is intended to protect children's needs and rights in a world in which the adults make decisions. The Sámi population of Norway must follow societal trends to keep up with the majority population. This implies a migratory pattern where a large number of Sámi children live outside the Sámi territories, and their needs and rights must be protected on a par with needs and the rights of the Sámi children who grow up in Sámi areas.

The Sámi Language Committees final report "Public Report 2016: 18 – the Language of the Heart" recommends that municipalities and other school owners shall be committed through the Education Act to inform parents about the right to a Sámi school.

The Sámediggi urges the Government to ensure that Sámi children and young people have an individual right to instruction in Sámi and through the medium of Sámi, regardless of where they reside and how many others want similar instruction. This will ensure better implementation of Article 29 of the Convention on the Rights of the Child in respect of the objective of education and of Article 30 which states that children belonging to minorities or who are indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, language and religion, as well as of Article 2 regarding protection against discrimination.

The situation for Sámi teaching materials

The Sámi school system does not have Sámi teaching materials in all subjects, despite the fact that Sámi children are entitled to instruction in Sámi and through the medium of Sámi. The Sámediggi would like Sámi teaching materials in all subjects, in South Lule Sámi and North Sámi, that have a scope as broad as that of teaching materials in Norwegian. The teaching materials should be of high quality. With the current state allocations for the development of Sámi teaching materials and continuous updating of curricula, it is not possible to develop a satisfactory offer of Sámi teaching materials. The scope of digital Sámi teaching materials is severely limited. Society's demand for digitised teaching materials also means that the production of teaching materials is becoming more expensive than it used to be. This means the State's allocations must be increased correspondingly.

¹¹ A/HRC/12/33 point 35.

The evaluation of Knowledge Promotion – Sámi (NR Report no. 1/2012 Knowledge Promotion 2006 Sámi – towards a school based on equality?¹²), shows that teachers perceive the shortage of Sámi teaching materials as very demanding because the teachers have to make some teaching materials themselves, and this adds to their workload. The Sámediggi is concerned about the teaching material situation and is of the opinion that the shortage of Sámi teaching materials makes pupils see Sámi as having lower status, jeopardising Sámi children's right to good quality schools.

Sámi teaching materials are also not always possible to share with others because of differences in curriculums between countries and legal framework regarding copyright.

The Sámi Language Committees final report "Public Report 2016: 18 – the Language of the Heart"¹³ recommends that a Nordic cooperation for development of teaching materials should be established, as well as adjusting copyright laws to make sharing easier.

The Sámediggi urges the Government to assure access to Sámi teaching materials under the Education Act and the Free School Act, just as access to teaching materials in both variants of Norwegian is assured today. The Government needs to increase allocations for the development of teaching materials since Sámi teaching materials cannot be produced without support from the State. A good situation with a view to teaching materials will lead to better implementation of Article 29 of the Convention on the Rights of the Child in respect of the objective of education and of Article 30 which states that children belonging to minorities or who are indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, language and religion, as well as of Article 2 regarding protection against discrimination.

The lack of Sámi professionals

There is a serious lack of Sámi-speaking teachers, specialists in special education, among other fields, and other personnel to work in the Sámi school system. This is a serious problem for access to and the quality of Sámi schools. The Government recently raised the requirements for admission to teachers' training programmes. This means that many applicants to teachers' training programmes did not qualify because their marks in mathematics were not good enough. The low marks among Sámi applicants may be due to poor basic education due to a shortage of Sámi teaching materials and a shortage of qualified teachers, as well as to the fact that those who applied had not got the instruction to which they were entitled. The Sámi University College could not launch the only Sámi teachers' training programme in the country in autumn 2016 because there were not enough qualified applicants. The Sámi community needs every single potential resource person, because the Sámi population accounts for such a modest percentage of the total population of Norway.

The Sámediggi urges the Government to implement initiatives to promote the recruitment of individuals with competence in Sámi language and culture to academic programmes for teachers, special education and other personnel in the Sámi school to ensure better implementation of Article 29 of the Convention on the Rights of the Child regarding education, and Article 30, which states that children belonging to minorities or who are indigenous shall not be denied the right, in

¹² <http://www.udir.no/Upload/Rapporter/2012/evakls.pdf> Unfortunately, the final report from the evaluation of the Sámi curriculum "Knowledge Promotion Sámi (LK06S)" is available in Norwegian only.

¹³ Point 7 a), page 13.

community with other members of his or her group, to enjoy his or her own culture, language and religion, as well as of Article 2 regarding protection against discrimination.

Sámi pupils with special needs

Sámi pupils with special needs are a vulnerable group in the educational system. These pupils depend on getting an offer of instruction based on their language, their cultural values, and where the offer of educational programmes is also adapted to them. The parents/guardians of children with special needs frequently report that school owners face challenges with arranging a special education adapted to their educational programmes, which are also in Sámi and based on Sámi culture.

The Sámediggi urges the Government to strive to protect the overall offers available to Sámi pupils with special needs/disabilities to ensure better implementation of Article 23 on the rights of children with disabilities, Article 29 on the objective of education and Article 30, which states that children belonging to minorities or who are indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, language and religion, as well as of Article 2 regarding protection against discrimination.

Children under the care of the child welfare authorities can lose the right to instruction in Sámi and through the medium of Sámi

The child will have the right to instruction in the subject Sámi wherever he or she lives in Norway, but only if the parents so request. For a child who has been moved away from a Sámi municipality, the right and the opportunity for instruction through the medium of Sámi in all subjects, in accordance with the Sámi curriculum “Knowledge Promotion – Sámi”, and on the basis of Sámi language, culture and society, depend on how many other child in their new municipality request instruction in Sámi and through the medium of Sámi. The Sámi child will therefore lose his or her individual right to instruction in Sámi and through the medium of Sámi in all subjects, depending on decisions made by the child welfare authorities as to whether the child will be moved from a Sámi municipality to a municipality outside Sámi territory.

The Sámediggi urges the Government to ensure that the necessary legislative amendments are put in place so that Sámi children do not lose their rights to instruction in Sámi and through the medium of Sámi when the child welfare services take custody of children. This will ensure better implementation of Article 30, which states that children belonging to minorities or who are indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, language and religion, as well as of Article 2 regarding protection against discrimination.

Limited possibilities for a free choice of schools for Sámi pupils

Free-standing schools are, under the Free School Act, not obligated to provide courses in Sámi and through the medium of Sámi. In reality, this implies curtailing choices for Sámi pupils who would like instruction in Sámi and through the medium of Sámi. Today, many Sámi pupils experience that they do not get instruction in Sámi when they attend free-standing upper secondary schools. A free-standing school can offer courses in Sámi if they have applied for it and been licensed for this by the Directorate for Primary and Secondary Education. However, the school is not obligated to apply for such an authorisation.

The Sámi Language Committees final report "Public Report 2016: 18 – the Language of the Heart"¹⁴ recommends that free-standing schools should be obligated to offer courses in Sámi under the Free School Act. It should also be a possibility under the Free School Act that the authorities can demand as a term for approval that the school has to offer an education through the medium of Sámi.

The Sámediggi urges the Government to amend legislation and regulations so that Sámi pupils' right to instruction in Sámi is protected. The Free School Act is to provide as least the same rights to Sámi pupils as the Education Act does. This to ensure better implementation of Article 29 of the Convention on the Rights of the Child in respect of the objective of education and of Article 30 which states that children belonging to minorities or who are indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, language and religion, as well as of Article 2 regarding protection against discrimination.

Closure of Sámi schools

Sámi schools and youth centres are under continuous threat of being closed down. These schools are often located in sparsely populated areas and have relatively few pupils, entailing that municipalities and the national authorities give little priority to the Sámi schools when making budgetary allocations.

Examples from the past year are Hattfjelldal School and Sirma School in Tana. Both these schools have Sámi pupils exclusively and the teaching is based on the Sámi language and culture. Continued operation of these two schools has been secured for the time being. There are several examples of closures of district schools in which the majority of the pupils were Sámi. It is not right to use the Sámi settlement structure, i.e. where it is natural to be spread far and wide, and the resultant small numbers of students, as an argument for reducing the number of district schools with Sámi options. Schools for Sámi pupils must take into account the traditional Sámi social structure, settlement structures located near traditional industries such as reindeer husbandry, farming, duodji, hunting and fishing.

The closure of Sámi schools in rural districts entails a systematic reduction in educational programmes for Sámi children and impedes the implementation of 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 regarding protection against discrimination. The Sámediggi urges the Government to ensure sufficient budgetary allocations to school owners so that Sámi schools can be maintained.

High attrition among Sámi boys

Among Sámi boys and young men, a high proportion do not start or complete upper secondary educations. It is conceivable that this is because the school system has not adapted to the needs of this group.

The Sámediggi urges the Government to ensure that the national programme for better implementation of upper secondary education includes initiatives that take account of culture and the cultural differences' potential influence on young men's choice not to take upper secondary education. This will ensure better implementation of Article 29 of the Convention on the Rights of

¹⁴ Point 7 a), page 13.

the Child in respect of the objective of education and of Article 30 which states that children belonging to minorities or who are indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, language and religion, as well as of Article 2 regarding protection against discrimination.

7 Special protection measures

a) Children of indigenous origin

National process for ensuring compliance with commitments under international law - Sámi Language Committee

Sámi children's rights 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, e.g. kindergarten, education, health and child welfare.

To ensure compliance with commitments under international law, the Sámediggi initiated the establishment of a committee to evaluate current schemes, measures and regulations related to the Sámi languages. On 19 September 2014, in collaboration with the Sámediggi, the Government established the Sámi Language Committee.

The Committee presented its final report "Public Report 2016: 18 – the Language of the Heart" on 10 October 2016. The report is 340 pages long including attachments, and contains proposals for legislation, measures and schemes for the Sámi languages (North, Lule and South Sámi), which are appropriate for improving the situation for Sámi children in kindergarten, the school system and the health care sector. The Committee has attached importance to the Sámi languages being under threat. More language users are needed to ensure that the languages continue to be viable. The report indicates that children's language learning is the key to revitalising Sámi languages. More use and a strengthening of the Sámi languages in kindergartens and schools will be among the most important initiatives. The Committee has considered how modern technology can be used to raise the status of the languages and make it easier to offer a good range of services to Sámi speakers. The report indicates that there is a need for more personnel with Sámi language competence in the provision of public services, in health systems, school systems etc., and suggests measures to improve recruitment. In the meantime, more additional services must be facilitated, e.g. distance learning at school, distance consultations in the health and care sector, interpretation and translation. The Committee's main objective is to ensure that proposed legislative amendments and measures will help promote more Sámi language users and that the Sámi languages will be assured a future as viable languages. The Committee's recommendation is unanimous.

During the reports hearing process, 132 submissions were delivered and there has been arranged seven hearing seminars throughout Norway. The Sámi Parliament of Norway and the Ministry of Local Government and Modernisation are working together to review all hearing submissions.

b) Children who have been victims of, or witnesses, to crime

Lack of knowledge about Sámi language and culture at Children`s Houses

In Norway, Children`s Houses have been established to provide a general offer to children and young people who have been subjected to violence and abuse. The Children`s House in Tromsø has regional responsibility for all Sámi children in northern Norway, and offers Sámi language and cultural competence during interviews. For Sámi children who reside outside the northern region,

the same linguistic and cultural competence is not available at the Children`s Houses.

The Sámediggi urges the Government to ensure that Sámi language and cultural competence are made available at Children`s Houses for all Sámi children in Norway, regardless of where they live. The establishment of a separate Sámi Children`s House must be considered to ensure security under the law for Sámi children. This will ensure better implementation of the Convention on the Rights of the Child Article 12 on the child's right to express views freely in all matters affecting the child, Article 19 which states that all children have the right not to be injured or abused and Article 39 which states that all children have the right to help if they have experienced any form of cruel, inhuman or degrading treatment or punishment.