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7-1-2020

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### Recommended Citation

Hjermann, Reidar. . "A Champion for Children." *Societies Without Borders* 14 (1).  
Available at: <https://scholarlycommons.law.case.edu/swb/vol14/iss1/5>

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**A Champion for Children**

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Through 30 years of the Convention on the Rights of the Child, there has been a rapid growth in the establishment of independent institutions for the protection of children's rights. This article focuses on the role of such institutions, with experiences from the almost forty-year-old institution of the Ombudsman for Children in Norway as the main source.

## **Background**

In 1981, Norway was the first country to establish an independent human rights institution for children, the Ombudsman for Children. Until today there has been five Ombudsmen, who themselves have been appointed by the King in Cabinet. The staff in the office of the Ombudsman for Children is appointed by the Ombudsman him/herself. The Ombudsman is administratively under the Ministry of Children and Families. The mandate is to protect children's interests and speak on their behalf, including in law and policy reform.

The Ombudsman for Children is regulated by legislation: the act of the Ombudsman for Children. The General Comment no 2 from the United Nations Committee on the Rights of the Child serves as a guiding star and foundational document. This means that the role of the Ombudsman, whenever challenged, this UN document can be used to show what the international society expects from an independent institution for the protection of children's rights. The UN document also sets standards for all similar offices that exist or are about to be established across the world, ensuring that the various institutions in different countries are similar.

The Ombudsman for Children in Norway is for the time being appointed for one mandate of six years. Earlier, there were two mandates of four years, where the Ombudsman had to apply for the second term. The reason for the choice of one mandate instead of two, is the fact that the Ombudsman should feel free and independent from day one, not having to have the feeling that it is necessary to please the government to secure a second term.

The Ombudsman in Norway is an independent institution, whilst in some other countries, similar institutions are located under the office of the General Ombudsman of the Human Rights Ombudsman. The offices in different countries are usually called the Ombudsman for Children or the Commissioner for Children, or similar.

## **The roles of the Ombudsman for Children**

When having legal documents as a framework for the work of the Ombudsman for Children, the choices, priorities, and personality of the Ombudsman will be what defines how the institution is perceived in the general public. Still, the following roles would usually apply to all Norwegian Ombudsmen for Children, although they vary in form and intensity.

1. *An important source of information and opinions:* The Norwegian Ombudsman has a tradition of being very visible in the public sphere. It is common for the Ombudsman to be an important source of information for any journalist who wants professional advice on issues connected to child rights. The opinions of the Ombudsman in various matters concerning Child Rights is often sought, and therefore interviews connected to concrete child rights issues are very common. The Ombudsman usually has a pro-active role in reaching out to the public through media, both traditional media and social media on the Internet.
2. *A lobbyist:* The Ombudsman for Children works systematically and strategically to influence any policy that affects children. Sometimes this means that the Ombudsman must take the role of someone who raises a highly controversial topic in the public, to alter the mindset of the common people so that it is both more possible and more advantageous to make policy changes for politicians in position.

3. *Building a bridge from children to decision makers:* The Ombudsman for Children listens to children and youth and actively use their experiences as important sources of information when priorities are established. Because the Ombudsman is independent, and has access to all levels of society, it is possible for him or her to act as a facilitator, and this way ensures that children's views are heard by the decision-makers in society.
4. *Receiving complaints from children and youth:* The Ombudsman for Children receives inputs and complaints from children. The case handling usually consists of referring a child to the right public authority for the topic in question. The complaints from children are used as an important sources of information for the Ombudsman to understand the human rights situation for children in Norway.
5. *An institutional watchdog:* The Ombudsman for Children will be a watchdog, following the implementation of child rights polity in the country.

### **Being in the front line**

Being a decision-maker in a society is usually the same as being an elected politician. There will always be limits to how much a politician can challenge the public mindset. The degree to which a politician dares to put his or her position at stake in order to advance controversial topics varies a lot, but it is commonly accepted that an elected politician somehow must be in touch with the opinions of the electorate.

This might be in conflict with the development of knowledge about the rights of children. Sometimes, bold changes must be made in both culture and policy to meet new criteria for child rights-based policy. Some changes are hard to make, and the most controversial topics are usually on issues that are perceived to invade the private sphere in a non-legitimate manner. Some issues like this would be impossible to address politically before the mindset is changed and a decent part of the population has matured, and is open for change.

In Norway, two Ombudsmen for Children have raised the issue of circumcision of baby boys. It is generally accepted that parents of Jewish and Muslim religious groups in Norway should be allowed to practice circumcision of their children according to the traditions of the culture of their religion. This is also generally accepted throughout the world.

At the same time, doctors, human rights activists, psychologists, and others have brought light to the fact that circumcision of boys is both a human rights violation and unnecessary seen from a medical viewpoint. The standpoint of the Ombudsmen was that no circumcision should be done to any children without their consent. In Norway the age of medical consent is 16 years of age, thus the age limit for circumcision was suggested to be 16 years of age.

As expected, this point of view was fiercely debated in media, and the Ombudsmen were criticized heavily for being disrespectful to religious traditions. However, when the Ombudsman for Children repeatedly says that no religion and no traditions can justify an irreversible and unnecessary amputation of a part of a child's body, the mindset of the general population may change. This change may make possible for lawmakers to enter the difficult task of challenging several hundreds of years of religious tradition.

Still, it is legal to circumcise babies in Norway, but as time passes, the more positive people will be to put limits to traditional practice that harms children. Perhaps one day Norway will be spearheading a global trend in banning circumcision without informed consent.

This topic of circumcision is a contemporary debate, still not solved. But almost forty years ago, when the world's first Ombudsman for Children was established, another topic was on the agenda: corporal punishment of children. People in public debates were furious that someone dared to intervene in their parental rights to discipline their children in the way they wanted. Still, when the Ombudsman and other scholars had molded the public enough through many years of debate and awareness-raising campaigns, the politicians could follow and make

the necessary changes in the legislation. This way the Norwegian children have been protected against corporal punishment since 1987.

To sum up, an important role for the Ombudsman is to be the front-line fighter for children's rights. Having a mandate of six year and not having to please the public in order to keep being in office, enables the Ombudsman to be brave on behalf of children.

### **Being something different than an NGO**

The Ombudsman for Children will from time to time resemble an NGO that works and lobbies for change in policy for children. However, the Ombudsman has a status that makes the institution different from NGOs. First, the Ombudsman does not need to raise funds in order to have a budget, because the budget comes from the government. Second, the Ombudsman is established through law, and has access to all public and private institutions where children are, giving the institution unique access to information regarding the status of children's rights in the country. Third, the Ombudsman has access to decision-makers, and usually no minister would turn down an invitation from the Ombudsman for Children. This empowers the Ombudsman in a way that no NGO, however powerful, can ever enjoy.

### **From individual complaints to structural approach**

The Ombudsman should find an optimal balance between structural approaches and individual complaints handling. It is generally regarded as a success criterion to be proactive – and not as much reactive. A reactive approach would be to base most actions on received complaints from children and their caretakers. A proactive approach would be to actively seek information from children concerning their lives.

For instance, information about domestic violence that affects certain children in a defined group of people in society may come to the attention of the Ombudsman. In such a case, the Ombudsman should respond and act quickly, making sure that relevant authorities are activated. At the same time, this topic should be investigated as a general matter. If the result of such an assessment of the situation reveals that too many children in this particular group of society experience controlling and punitive parenting styles, general actions may be taken.

This way, the Ombudsman can contribute to solving a problematic situation for the complaining children, and at the same time bring the issue to a higher and more general level, which can potentially affect thousands of children in a positive way, through changing the mindset of adults and possibly also the legislation. This example shows that individual complaints or information about individual children may lead to a structural approach through a chain of actions from the Ombudsman for Children. This way, what were originally individual complaints, could evolve into structural changes that benefit all children in a group.

In this example, a possible follow-up action from the Ombudsman could be to lobby for an organized, systematic, information approach to new parents within this group of people about the importance of positive parenting and the total absence of violence of all forms in the home.

### **Challenges and future perspectives**

I believe that the office of the Ombudsman will have the legitimate right to exist in the future. However, it is important to maintain and develop the role. Continuing support of and expansion to the role of Ombudsman will enable members of the public and the decision-makers to observe that the Ombudsman for Children is unique and different from any existing NGOs and lobbyist organizations. Every day, the Ombudsman works for the best interests of children.

This means that the Ombudsman should actively make use of the powers that no other institution has: the right to receive any information about children, the right to access the decision-makers and the role of someone who receives complaints directly from children.

No Ombudsman will have an automatic legitimacy just by having the position. Trust and respect is earned every day, and is lost quickly if the unique position is not used as intended: to be the most important champion for all children in the country.