

Annual Report

2010



THE OMBUDSMAN FOR CHILDREN IN NORWAY

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1 Introduction

The Act relating to the Commissioner for Children states that the principal duty of the Ombudsman for children is to promote the interests of children in society and to monitor legislation, government and legal practice in terms of the extent to which they fulfill Norway's obligations in accordance with the UN Convention on the Rights of the Child (CRC). Article 8 requires the Ombudsman for children to report to the Ministry of Children, Equality and Social Inclusion on its lobbying efforts over the last year.

Enquiries via letter and email

In 2010 we received 3258 enquiries via letter and email and we sent 2155 letters. In total we have received and processed 5413 letters; approximately the same number as last year.

	2007	2008	2009	2010
Incoming documents	2549	3245	3403	3258
Outgoing letters	1725	2065	2005	2155
Total no. of documents	4274	5310	5408	5413

Telephone enquiries

Our switchboard received approximately 7100 telephone calls in 2010. Written records of 533 of these calls were made and followed up by our advisors. The remaining enquiries received a brief response or were referred to other agencies. In 2010, we installed a recorded message on our switchboard which advised adult callers with private concerns to submit a written enquiry to the Ombudsman, either via letter or email. In addition, they were encouraged to search for information on our website. This has lessened the burden on the office throughout the year. The factual information and advice on our webpages was also significantly enhanced in order to be of practical help to the public.

Klar Melding (questions from children)

In total, the web-based service Klar Melding received 266 questions in 2010. The questions were divided between the following categories:

Pictures, internet & media	4
School	47
Family and leisure time	85
Health	14
Mental health	15
Rights	22
Bullying	14
Violence and assault	17
Friends	10
Child welfare services	21
Other reports	17

2 Objectives and achievements

The objectives of the Ombudsman for Children's office for 2010 are stated in Parliamentary proposition no. 1 (2009-2010) and address the following:

- Protection from abuse against children and young people
- Access to services for children and young people
- Participation by and influence of children and young people

The objectives are based on the fundamental principles of the CRC in relation to the right of children to participate and exert influence, be protected from harm and have access to services.

The following is a brief outline of some of the intermediate objectives we have worked towards and achieved in 2010. For a more comprehensive description of the work of the Ombudsman in 2010, see the Ombudsman for Children's Yearbook 2009/2010.

2.1 Protection from abuse

2.1.1 Comments to Norway by the UN Committee on the Rights of the Child (CRC)

A key task of the Ombudsman in 2010 has been to follow up the report by the CRC in Geneva. The Committee's concluding remarks were published in January 2010. It has been of vital importance to the Ombudsman to publicise these remarks and ensure that they play an active role in our work. The Ombudsman has also made efforts to encourage the Ministry of Children, Equality and Social Inclusion to lay the groundwork for an efficient and transparent procedure for following up the CRC's remarks. The Ministry implemented such a procedure after pressure from, amongst others, the Ombudsman for Children, Save the Children and the CRC Forum.

2.1.2 Uncovering child abuse – the role of dental health services

The Ombudsman for Children is continually working towards ensuring that all groups able to play a part in ending all forms of abuse against children are made to take on this responsibility. Since 2006, the Ombudsman has homed in on dental health to emphasise the importance of this service with in terms of strengthening the safety net for children and contributing to uncovering abuse or neglect. In 2010, the Ombudsman has attempted to contribute towards raising awareness of this role within the dental health service through participation in several events for dental health service personnel. The Ombudsman also appealed to the Ministry of Health and Care Services, voicing its concerns and calling for the following:

- Guidelines, directions and routines, including clear instructions on the signs dental health services should look out for, and how they should proceed in cases of suspected neglect or abuse
- Mandatory, cross-disciplinary cooperation between municipal services
- Equivalent levels of dental health service provision regardless of where in the country one lives
- Follow-up routines for when a child does not turn up for a dental appointment

The Ministry took our suggestions seriously and both the Norwegian Directorate of Health and various county municipalities have introduced measures to further raise awareness of responsibility

within dental health services. Several county municipalities have established cooperation agreements between child welfare services and dentists at county municipality level.

2.1.3 Children and sentencing

In 2010, the Ombudsman took part in several meetings with “expert groups” of children who had been in police custody. Several children reported poor conditions in custody and a lack of information regarding the duration of their detention. In addition, the Ombudsman carried out a survey of all the police districts in the country, which revealed highly variable practice in terms of assigning children to police custody. The information gathered from the expert groups and the results of the survey was included in a letter to the Minister of Justice and the Police, Knut Storberget. The Ombudsman requested that our proposals for children in police custody should be taken into consideration. At a meeting in September 2009, State secretary Astri Aas-Hansen from the Ministry of Justice and the Police confirmed that the Ministry will be issuing the police with instructions to follow the recommendations of the Ombudsman.

2.1.4 Children in the immigration system

Within the area of immigration, the main focus of the Ombudsman in 2010 has been on the public care for unaccompanied minor asylum seekers. The Ombudsman raised questions related to housing provision, age assessment and the provision of schooling and leisure activities.

In 2009, the government introduced a number of measures to limit the immigration flow into Norway. One of these measures was the introduction of a limited residence permit for unaccompanied minor asylum seekers over 16 years of age. This applied to those who are not considered to have need for protection, but whom the authorities are unable to return to their country of origin due to the lack of suitable carers there. From the outset, the Ombudsman has been extremely critical of this measure for several different reasons.

The Ombudsman visited unaccompanied minor asylum seekers who were also holders of limited residence permits at Salhus Reception Centre outside Bergen in 2010. Subsequent to this visit, we again registered our concerns in a letter to the Ministry of Justice and the Police. The Ombudsman also included descriptions from young people of a life “on hold”, which did little to motivate them to return to their countries of origin, thus defeating the authorities’ purpose in introducing the measure. Service provision at Salhus Reception Centre was reviewed at the end of 2010 and the centre has been earmarked for closure.

2.1.5 Death-scene investigation

The welfare and protection of infants has also been a key area for the Ombudsman in 2010. We have worked actively towards the introduction of mandatory death-scene investigations in all cases involving the abrupt and unexpected death of an infant. There is now a proposal to introduce mandatory investigation, which goes some way towards fulfilling the wishes of the Ombudsman.

2.2 Improving access to community services

2.2.1 Monitoring of and access to child welfare services

The Ombudsman receives several enquiries concerning children in contact with child welfare services who are not receiving the level of care to which they are entitled. Child welfare services intervene too late, children have to wait for action to be taken, or do not receive the kind of help that could have improved their situation. These enquiries, in addition to information from research, surveys and

inspections have given the Ombudsman cause for concern in relation to the level of care being provided to children who are the victims of neglect.

For this reason, the Ombudsman undertook a project to assess the ways in which the inspection and appeals system ensures that child welfare services safeguard the rights of children and young people. The project placed especial focus on whether inspection by the County Governor's office ensures that child welfare services fulfill their obligations in accordance with the Act relating to Child Welfare and the CRC. The report from the project "Maktesløst tilsyn. Tilsyns- og klagesystemet i barnevernet" [*Powerless supervision. The Inspection and Appeals system for child welfare services*] indicates that the weaknesses and discrepancies uncovered during inspections carried out by the County Governor's office are not necessarily resolved afterwards. Where methods such as issuing an order or providing instructions fail, the Ombudsman recommends that County Governors should make greater use of enforcing fines than is currently the case. County Governors should also have more frequent opportunities to carry out self-determined inspections, which would focus on the content, quality and accessibility of child welfare services.

The Ombudsman has often expressed the need for more robust child welfare services and is therefore pleased that the government recognised the seriousness of the situation and channelled NOK 240 million into the service in 2010. The Ombudsman is especially satisfied that funds were earmarked for positions so that the municipalities were unable to choose to use the money for other purposes. However, we remain concerned when we see that some child welfare offices are too small, and have issues with flexibility, competence and the specialist environment. There is also still work to be done in terms of the adoption of the Ombudsman's recommendations regarding the role and mandate of inspections.

2.2.2 Children as interpreters

The Ombudsman sees significant challenges ahead in the area of interpreting. The Ombudsman fears non-Norwegian speaking sections of society are receiving inadequate levels of service from government agencies. Inadequate interpreting services affect children when the children themselves are used as interpreters, and when interpreting services in cases involving children are sub-standard.

The Ombudsman focused on two kinds of situation that should be better handled. Firstly, how to avoid children being used as interpreters, and secondly, how to ensure adequate access to an interpreter in cases involving children. The Ombudsman has appealed to the Ministry of Children, Equality and Social Inclusion, requesting the introduction of a ban on using children as interpreters in the public sector. The Ombudsman is aware that emergency situations may give grounds for exceptions to be made, but believes a definitive ban should be the rule. This will prevent children from being put into situations where they are given access to information that is inappropriate in view of their age, the relationship between the parents and the child and the child's need for protection. The Ministry was positive towards the introduction of a ban on children as interpreters and the Ombudsman will continue to monitor the area of interpreting in 2011.

2.2.3 The learning environment in schools

In 2009, the Ombudsman published a report on the inspection and appeals system in schools with especial focus on the lack of follow-up on the psychosocial environment in schools and the rights to which children are entitled pursuant to Chapter 9a of the Education Act.

We are therefore pleased that in 2010 the Directorate of Education chose to implement inspections with respect to the psychosocial environment in Norwegian schools.

2.3 The participation and influence of children and young people

The Ombudsman wishes to work towards a situation where children and young people, in their own individual ways, are able to take part in the decision-making processes that have a bearing on their lives. The aim is for children and young people to be routinely involved in private, local and national decision-making processes.

2.3.1 The right of 16-year-olds to vote in municipal elections

The Ombudsman has made intensive efforts since 2007 to encourage the implementation of a pilot-scheme whereby 16-year-olds would be given the right to vote in municipal elections. In 2008, the Government gave its support and in 2009, Parliament finally adopted a resolution to implement a pilot-scheme as part of the municipal elections in 2011. 20 municipalities and Longyearbyen have been selected to participate in the project.

The Ombudsman's efforts towards securing the right to vote for 16-year-olds continued in 2010. The Ombudsman has supervised and continuously contributed towards the work to ensure the best possible election for 16 and 17-year-olds in September 2011. In 2011, the Ombudsman will conduct a tour of the majority of the pilot-scheme municipalities to motivate municipal managers and young people to deliver a good election.

2.3.2 The Young People's National Assembly

The Ombudsman frequently receives comments on the need for young people to have an arena in which they can discuss issues of national significance. At the Young People's City Council meeting in Oslo in 2010, the young people resolved that they would like to have a "Young People's National Assembly".

The Ombudsman and the Oslo Youth Council [*BURO*], the organisers of the Young People's City Council meeting, experienced difficulty in gaining support for establishing a participatory forum for young people. For this reason, The Ombudsman and the Oslo Youth Council took the initiative to organise a trial Young People's National Assembly in 2010.

The pilot project "Young People's National Assembly 2010" was carried out in Oslo and Eidsvoll 19-21 September. Two young people between 13 and 18 years of age from each county were invited to agree upon five issues that are important to Norwegian young people. The aim was for these issues to be discussed and placed on the agenda by politicians in Parliament and the Government.

All the resolutions, experiences, methods, tips and advice from the pilot project were collated in a report. The report, which was submitted to the Chairman of the governmentally appointed committee on young people's participation and political influence in March 2011, illustrated to the Ombudsman and the Oslo Youth Council how such an assembly could be accomplished in the future, hopefully under governmental auspices.

The Ombudsman is pleased that this committee was established in 2010. In 2009, the Ombudsman had submitted a recommendation to establish such a committee, which would be able to map out the participation of young people in society, propose changes and lay the groundwork for a comprehensive policy for young people.

2.3.3 The right of children and young people to be heard

In 2010, the Ombudsman directed especial focus on the right of children to be heard by child welfare services. The dialogues we have had with children who have been in contact with child welfare services have given us the clear impression that child welfare services are, for the most part, not listening to children when they are not accompanied by their parents. The Ombudsman took this up with the Norwegian Board of Health Supervision [*Helsetilsynet*] in 2010, since the latter has now taken over responsibility for monitoring child welfare services nationwide. The Ombudsman is therefore pleased to note that the Board's supervision of child welfare services in 2011 will include conducting inspections to determine the extent to which municipal child welfare services are fulfilling the right of children to be heard.

2.3.4 Children's and young people's right to art and culture

The Ombudsman has the impression that arts and culture provision for children is fragmented and lacks a comprehensive approach. In April 2010, after receiving suggestions from individuals involved in producing and distributing art for children, the Ombudsman sent a letter to the Minister of Culture, Anniken Huitfeldt, outlining several issues which the Ombudsman would like the Minister to examine closer.

The main challenge presented in the Ombudsman's letter was a request for a wide-scale public inquiry into the provision of arts and culture for children. In March 2011, the Minister announced that she had established a committee to investigate the development of the cultural arena in Norway. The Ombudsman will monitor the extent to which the child's perspective is being taken into consideration in the work of the committee up until the end of 2012.

2.4 Important hearing responses in 2010

Every year the Ombudsman responds to a range of hearings. The following is a brief summary of the most significant contributions to hearings made by the Ombudsman in 2010.

NOU 2010:7 Diversity and mastery. Multilingual children, young people and adults in the education system.

The Ombudsman supports the committee's identification of the need for clearer guidelines for the provision of education to newly arrived children who are speakers of minority languages, and that procedures should be established for this situation.

The Ombudsman also supports the committee's proposal that routines be established for parental cooperation where schools and kindergartens are dealing with particularly complex challenges – and proposals for action – related to multilingual parents.

The Ombudsman supports the committee's proposal that skills levels among teachers, head-teachers, Pedagogical and Psychological services [*PPT*], and other support services should be raised, in order to document children's special needs, language problems, issues with reading, writing or mathematics, and the incidence of trauma due to violence, war or flight. It is possible to handle these situations within the school where there is an awareness of the issues involved. School health services will play a key role in this work and must therefore receive adequate training.

Proposal to include the Directive on Returning Illegally Staying Third-country Nationals in Norwegian law (proposed changes to the Immigration Act)

The Ombudsman was initially in favour of introducing regulations into Norwegian law to ensure predictable procedures for decisions concerning returning third-country nationals, the possibility of voluntary return and legal aid in connection with the decision to return. The Ombudsman was of the opinion that a 7-30 day period for voluntary return may be too short in certain situations, and that the individual's current circumstances should be given due consideration when setting the deadline, to ensure that adherence to the deadline is viable.

The Ombudsman emphasises that deportation of a parent, even a limited deportation of two to five years duration, has major repercussions on the children. The Ombudsman sees it as a positive sign that Parliament has indicated that enforcement of the regulations will be relaxed to the benefit of children. The Ombudsman assumes that this will be followed up in both practice and legislation. However, the effect of the new legislation remains unclear. The Ombudsman points out that the consequences of deportation on children are just as significant, irrespective of the background for the deportation decision, and the best interests of the child should be the guiding principle pursuant to Article 3 of the CRC.

Proposed changes to the law/regulatory decisions related to exemption from duty of confidentiality and information provision connected to employment in reception and care centres

The Ombudsman does not support the proposal related to exemption from the duty of confidentiality connected to employment in reception centres and was highly critical of the proposal that was presented. The Ombudsman believed the proposal presented a number of problems in terms of several of the Articles contained in the CRC, in addition to being in contravention of the founding principle of both the Public Administration Act and the Child Welfare Act.

The Ombudsman is of the opinion that any future change should encompass privately run reception centres within the remit of the Public Administration Act, since such centres are run on behalf of the public authorities, such that employment in privately run reception centres would also be subject to the duty of confidentiality.

Proposed changes to the Burial Act and the Church Act

The Ombudsman supports the Ministry's proposal to lower the age limit for a child's right to be heard in relation to church affiliation but encourages the Ministry to change the current age requirement from 18 years to 15 years for automatic deregistration.

The Ombudsman also supports the Ministry's proposal to introduce a legal requirement to obtain certificates of good conduct within the Church of Norway.

Children who may be victims of human trafficking – access to temporary placement without consent in protective and care institutions (proposed change to the Child Welfare Act)

The Ombudsman was pleased with the proposal to make placement of children in protective and care institutions without consent in cases where the child may be a victim of human trafficking

possible. However, there are several challenges connected to working with this group of children. Children who have been the victims of human trafficking have to receive the same level of service provision from child welfare services and follow-up services as other children in contact with child welfare services. For this reason, the Ombudsman commented on several points related to the proposed change, amongst them: the duration of the stay, the emphasis on assessments carried out by the police, the child's placement options as they approach 18 years of age and the coordination of services for vulnerable children.

Draft Medication Assisted Rehabilitation [LAR] guidelines and regulations

The Ombudsman welcomed the Medication Assisted Rehabilitation [LAR] and had no comments on medical treatment. However, the Ombudsman was critical of the fact that the care of and focus on children and young people as next of kin was not addressed. The Ombudsman expressed general concern for pregnant women undergoing treatment and children born with abstinence issues. There is reason to believe that there are many children and young people whose parents are undergoing LAR treatment and the Ombudsman volunteered that there is a need for guidelines that also address follow-up measures for families with school age children, in addition to the guidelines that are being prepared for pregnant women and preschool age children.

Action plan for the rehabilitation of children and young people

The Ombudsman was positive towards the action plan for the rehabilitation of children and young people. The hope is that it could contribute to the provision of equivalent levels of service to children in need of rehabilitation. Although the action plan is geared towards health and support services on municipal, county-municipal and specialist health service levels, we would have liked the plan to integrate measures for the areas of responsibility covered by the other sectors. This would be advisable because we know it is often difficult to get the various services to cooperate around children with acute assistance needs.

The Ombudsman has no objections to the measures proposed, but wrote in the hearing response that the measures should be more concrete in nature and include a clear accountability plan and time schedule. It would be regrettable if measures were not implemented due to a lack of any obligation to follow such plans/schedules.

NOU 2010:5 "Active participation, equality and inclusion – comprehensive provision of technical aids"

The Ombudsman does not support the proposal that responsibility for technical aids requiring integration into pedagogical and/or practical settings should be transferred to the municipal educational authorities. The Ombudsman believes that this right should continue to be anchored in the national insurance scheme. The right to technical aids should not depend upon geographical location or municipal finances and priorities. Kindergartens and schools should not have to compete with other worthy municipal objectives in order to be able to provide children with equal development opportunities.

International reporting

In 2010, the Ombudsman also submitted a written contribution to the Norwegian Centre for Human Rights' Supplementary Report to the UN International Covenant on Civil and Political Rights. It is important that the Ombudsman's contribution to safeguarding the perspective of the child in international reporting is not limited to reporting to the CRC.

3 Financial statement, personnel management etc

3.1 Financial statement

Accounts	2008	2009	2010
Salaries and staff costs	6 568 000	7 118 000	9 026 000
Machinery, fixtures and fittings, equipment	474 000	123 000	465 000
Office supplies	186 000	358 000	447 000
Travel and representation	477 000	761 000	756 000
Office services	1 134 000	1 141 000	1 323 000
Information	265 000	309 000	522 000
Operating expenses	1 241 000	1 412 000	1 515 000
Total	10 345 000	11 223 000	14 054 000

3.2 Other statements

3.2.1 Personnel management and internal control

At the close of 2010, the Ombudsman for Children's staff numbered 20, including the Ombudsman himself. Of these, four were temporary employees and three staff members were on leave.

Gender distribution in the office at the end of 2010 was 14 women and 6 men. There has been a focus on establishing a more even gender distribution in the office when recruiting new employees and hiring temps. Furthermore, the desire to recruit people with minority backgrounds has been clearly expressed. One of our permanent employees has such a background.

The Ombudsman for Children was established as an "inclusive working environment" [IA] company, and we have witnessed the importance of some of the stipulations in the agreement in terms of continuously following up those members of staff who, at times, have had reduced work capacity.

The regular office meetings for employees address a range of issues connected to working conditions at the office. Issues employees wish to take up with the management team are recorded in writing by the safety delegate and discussed at managers' meetings. In the interests of order and to be able to document resultant action, responses are also given in writing.

To enhance management of the office's professional activities, a new member has been added to the management team, whose main responsibility is to oversee the development and progress of activity plans around the office.

All personnel information: laws, legislation, internal agreements and documents, activity plans, instructions, health and safety folders etc., are collated together on the electronic portal, Compendia. This portal is under continuous development and provides a useful reference platform for managers and employees.

3.2.2 Equality and anti-discrimination efforts

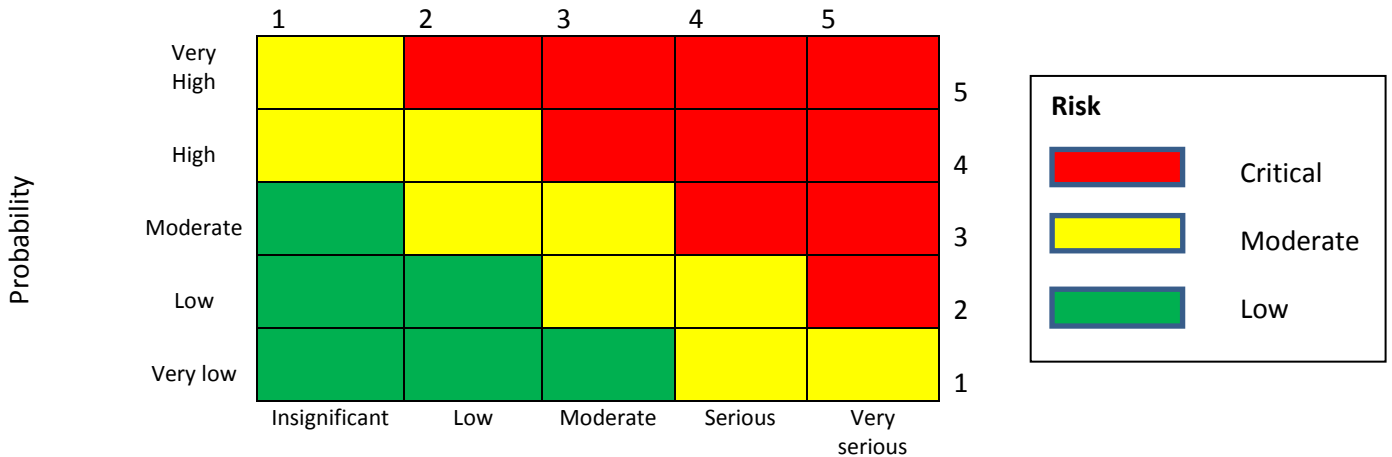
The Gender Equality Act and the Anti-discrimination and Accessibility Act stipulate the requirement for continuous follow-up. In terms of universal design, the Ombudsman still has some way to go. The office premises we use today do not satisfactorily meet the legal requirements. One of the reasons that refurbishment has not taken place is that the current contract for the premises will soon run out and we are on the lookout for new premises. The requirement specification for the new premises gives due consideration to the Accessibility Act, so the associated stipulations will most probably be met within the year.

3.2.3 Risk management

Through reinforcing the management team with a professional coordinator, the Ombudsman has also placed an emphasis on strengthening risk management procedures. A lot of work will be put into activity planning for the office. Based on the common activity plan for the Ombudsman, all employees establish their own individual activity plans in consultation with the management team. The professional coordinator follows up the individual plans with the employees, and together they update key sections of the activity plan based on the risk assessment form (see below). In this way the plans are adjusted to optimise the feasibility of getting through the office's total workload and maximise the achievement of objectives. Every six months, the plans are revised during a meeting at which risk assessment is the main topic of discussion.

In this process, key activities and objectives are evaluated against a risk matrix and the critical factors are analysed. Measures capable of shifting the activities from a potentially critical level of risk to a lower level are jointly developed. Where this is impossible, we will be able to choose between accepting the level of risk, modifying the formulation of the objective or abandoning the activity in order to be able to re-allocate resources to other activities.

Risk Matrix



Consequence

We believe that our work on risk assessment is complete, in the sense that it is now integrated into our planning work, and is being carried out as a systematic process; not just in relation to activity planning and follow-up, but also in terms of the development and carrying out of the major projects that are initiated at the office.

3.2.4 Environmental and community responsibility in public procurement

The Ombudsman rents office premises from OBOS. The building owner makes systematic efforts in terms of energy saving and temperature control. We contribute to these efforts by turning off lights, PCs and monitors at the end of the working day.

All office waste is recycled, as are toner cartridges for printers and photocopiers. Among other things, we are working towards switching exclusively to serving Fair Trade coffee at staff meetings.

We would like to gradually and systematically reduce paper-based case processing through exploiting all the opportunities for electronic case processing afforded by our records and case management system. This will drastically reduce the consumption of paper at the office. The work is well underway and will proceed with a view towards achieving a culture shift among the staff.

3.2.5 User surveys

We have not been able to carry out large-scale user surveys within the confines of our financial framework for the year. Synnovate, amongst others, invited the Ombudsman to take part in a major survey of children and young people, but after in-depth cost-benefit analysis, we have decided not to invest in this project.

However, two major external opinion polls of government agencies were carried out in 2010, in which, happily, the Ombudsman scored highly. The Ombudsman came third in one of the polls, after the Norwegian Consumer Council and the Consumer Ombudsman. The second poll placed the Ombudsman among the top ten best agencies. These surveys have strongly indicated that we are

well liked and respected in the community, and we have taken this as a sign that our users are satisfied with the work of the Ombudsman.

It is vital for the Ombudsman to communicate directly with children and young people in order for children become familiar with the Ombudsman. The spread in the use of social platforms has opened up new avenues for dialogue between government agencies and the general public. In line with the Government's policy on communication, in 2010 the Ombudsman has committed to social media as a new mode of communication, especially with children and young people. This commitment is first and foremost motivated by a desire to strengthen the dialogue with the youth segment of society, but also by a wish on the part of the Ombudsman to receive direct feedback from young people about the work we are doing.

The Ombudsman has made a clear choice regarding which social media platforms it would be most advisable to focus on. We have concentrated efforts on developing our presence on the platforms that are most popular in Norway in 2010: Facebook and Twitter.

3.2.6 ICT Architecture

No significant changes were made to the basic ICT architecture of our office in 2010. However, we are working on new net solutions and formats for www.barneombudet.no. This work will be planned and carried out in accordance with Agency for Public Management and eGovernment [*Difi*] guidelines.