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Securing the child's human right to an adequate standard of living

*Implications for social work practice
in Nav Social Services*

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Introduction

The UN Convention on the Rights of the Child (1989) (CRC), art. 27 asserts the child's individual right to an adequate standard of living. In Norway, 10.6 per cent of children lived in low-income households in 2022 (Statistics Norway, 2024a). Whilst numbers have decreased regarding children under five, the numbers have continued to increase amongst older children. (Hattrem et al., 2022, p. 65). Compared to other Nordic countries, the proportion of children in low-income families is relatively large and has increased over recent years (Hattrem et al., 2022).

The UN Committee on the Rights of the Child (2005) highlights how a restricted standard of living causes chronic stress and other mental problems, and causes exclusion from education, leisure activities, and other arenas for social inclusion and development. Children growing up in low-income families have a higher risk of health problems later in life and are also more likely to have low income as adults (Fløtten & Nielsen, 2020).

In a report from Kirkens Bymisjon (2019), children and youth in Norway have described how poverty affects several areas of their lives, such as education, friendship, health and nourishment, social participation, anniversaries and holidays, and challenges regarding mental health, school attainment, self-esteem, housing, drug use, and future hopes. Such complex problems represent consequences regarding their welfare and rights, both in childhood and in their transition to adulthood (Redd Barna, 2023). European research shows that young unemployed people have some common characteristics often representing "baggage" from childhood, such as vague health problems, lack of self-esteem and a low sense of achievement, school drop-out, and other types of "outsiderness" (Frøyland et al., 2022; Kane et al., 2017). According to Job Center/Nav case workers working with young unemployed in the UK, Germany, and Norway, such problems have significantly negative effects on their chances of employment (Kane & Köhler-Olsen, 2018). Restricted economic circumstances in childhood therefore represent a risk of social problems being transferred from childhood to adulthood, and onward to future generations. Poverty in childhood thus represents a significant human and social challenge because basic human rights are at stake. My contribution in this chapter therefore focuses on the Norwegian state's responsibility to secure each

child's right to an adequate standard of living, how this right can be challenged, and how it can be secured by the responsible authorities and professionals.

Different national welfare services in Norway are responsible for securing the various human rights for the child and for supporting their parents/guardians. Families with insufficient means can receive financial support from their local Labour and Welfare Administration (Nav) through social assistance (Social Services Act, 2009) (SSA). This chapter will focus on Nav's local responsibilities set out in SSA, including the mandate and case procedures when parents/guardians responsible for children claim social assistance.

Nav's staff represent a diverse range of professional backgrounds, where social workers made up 25 percent of all employees in 2019 (Fellesorganisasjonen, FO, 2019a). Through their case assessments and decisions regarding claims for financial support, social workers in Nav make decisions with major impact on the wellbeing and rights of citizens in vulnerable situations. This includes parents/guardians who, for various reasons, have insufficient means to provide for necessary household costs for the family, and children growing up in such low-income families. All citizens have the right to fair case management procedures when their civil rights are to be determined (European Convention on Human Rights, 1950, art. 8). Citizens' claims for economic assistance from Nav must therefore be assessed adequately to reach a correct and just decision, fulfilling the aims of the assistance.

Social workers in Nav are expected to contribute to creating changes for individuals or groups, and to create awareness of processes in society causing exclusion and marginalisation and to counteract those (Berg et al., 2023). Social work is, by The International Federation of Social Workers (2014), described as:

[...] a practice-based profession and an academic discipline that promotes social change and development, social cohesion, and the empowerment and liberation of people. Principles of social justice, human rights, collective responsibility, and respect for diversities are central to social work. Underpinned by theories of social work, social sciences, humanities and indigenous knowledges, social work engages people and structures to address life challenges and enhance wellbeing.

From this definition, one can infer the variety of knowledge, skills, and ethical awareness which must form a social worker. Social work, being described as both an academic discipline and a profession, entails that social workers must apply different parts of their expertise to practice their profession. The definition also illustrates the importance of social awareness and proactivity in their work. Social workers in Nav must therefore advocate and uphold human rights and social justice and perform their case procedures according to the relevant national legal framework. They must carry out factual, professional, and ethical assessments to reach justifiable decisions. Because social work is an interdisciplinary profession based on principles of social justice and human rights, social workers are important advocates for citizens' human rights in their day-to-day work.

Against this backdrop of Nav's responsibilities for securing the child's human rights, I discuss the research question: *How can social workers in Nav promote the child's right to an adequate standard of living through their interdisciplinary competences?*

Legal studies of the child's rights and Nav's responsibilities

To investigate my research question regarding the child's rights and Nav's responsibilities, I have applied legal studies, aiming at explaining the current legislation in line with its aims and contents. This legal-dogmatic method aims at "determining the rule of law" and involves studying normative legal sources to clarify their content regarding their purpose, contents, and limitations (Bernt & Doublet, 1998, p. 13). The first step in this process is to interpret the *wording* of the legal text. Because contents in international conventions and national legislation are not necessarily unambiguous and defined, their texts may need to be further interpreted through *other sources* as a second step. Such sources can be, for example, the legal preparatory work, court decisions, and legal literature (Bernt & Doublet, 1998; Boe, 2020; Eckhoff & Helgesen, 2001). Since legislation aims at "meeting social, cultural and economic needs" (Skoghøy, 2018, p. 241), the legal terminology must be understood in light of

those contexts. In this chapter, meeting the social, cultural, and economic needs of children in low-income families represents the context of the legal sources.

Considering Norway's state and municipal duty to secure the child's rights, international human rights conventions represent central legal sources, and Norway has incorporated several conventions (1999, secs. 1 & 2). All legislation and exercise of authority must therefore be in line with these conventions. To determine the rights of the child regarding an adequate standard of living, I have studied international conventions specifically relevant for the rights and welfare of children in low-income families. I have further studied national welfare legislation regarding Nav's obligations to secure these rights through their assessments and case management procedures.

The child as a holder of individual rights

“Young children are rights holders” and thus “entitled to special protection measures” (UN Committee on the Rights of the Child, 2005, pt. III). The child's individual right to an adequate standard of living and to social security, including social insurance, is stated in CRC articles 26 and 27. Parents or guardians have the primary responsibility for providing for their children, but the state is obliged to “take appropriate measures to assist” in the implementation of the child's right to an adequate standard of living (CRC art. 27(2) and (3)). According to the International Covenant on Economic, Social and Cultural Rights (1966, arts. 10 and 11), parents or guardians must also have the right to an adequate standard of living for their family secured, “including adequate food, clothing and housing,” as well as the continuous improvement of living conditions, and “The widest possible protection and assistance should be facilitated to the family [...] particularly [...] while it is responsible for the care and education of dependent children.”

As pointed out by Köhler-Olsen (2019, p. 154), the state's obligation to support low-income families includes both reducing poverty and “combating negative effects on children's wellbeing.” However, both Nav and Child Protection Services have, through research, been criticised for showing insuf-

ficient focus on the child's individual right to an adequate standard of living. Andenæs (2004) criticised CPS' lack of focus on the material living conditions affecting several families. More recent research suggests that this lack of focus persists. This research highlights the importance of CPS recognising family poverty as a problem to be identified and addressed by relevant measures to assist parents, in addition to, or in lieu of, more intervening child protection interventions towards the parents (Barkved & Jørgensen, 2023; Fævelen et al., 2021; Kane et al., 2018a). Barkved and Jørgensen (2023, pp. 28–29) also found that both Nav and CPS “lack good practices for securing a clear child perspective” in their work with children in low-income families. Kane et al. (2018) further criticise how Nav gathers information about the child's situation and needs solely through the parents and that none of them talk to children directly, despite the child's right to be heard (CRC art. 12). This is also criticised in a report by the Norwegian Health Inspectorate (2024).

The Social Services Act states the legal aim of contributing to holistic and coordinated assistance to vulnerable children but does not include the child's individual right to an adequate standard of living according to CRC. As mentioned above, both Nav and CPS can provide financial assistance to families with children. However, whilst financial assistance founded in the Social Services Act (2009) depends on *parents'/guardians' income versus costs necessary for subsistence or for special situations* (SSA secs. 18 & 19), such assistance founded in the Child Protection Act (2021, sec. 3-1) is linked to *the child's special needs for assistance, “due to its care situation or behaviour.”* This illustrates the contrasting focus between the family's general need for financial assistance to provide for the child and the child's particular needs for child protection interventions.

Another point worth highlighting is the child's right to be heard and its views being given due weight in accordance with its age and maturity in any administrative proceeding in all matters affecting the child (CRC art. 12). The child's right to access adequate and adapted information and to express itself is founded in the Child Protection Act (2021) but not in the Social Services Act (2009). This is also the case regarding the authorities' duty to hold the best interest of the child as a primary consideration in all actions and decisions concerning a child (CRC art. 3). Though omitted in the Social Services Act, securing children's human rights is an obligation also for Nav.

Discussion

Implications for the child's individual rights

Both research reports and children's own accounts, as presented above, indicate how low income can have significant implications for their physical, mental, and social development. These implications challenge children's human rights to an adequate standard of living, education, health, and to equal opportunities in general. When children experience poor mental health, low self-esteem, and a sense of meaninglessness, their right to the highest attainable standard of health (CRC art. 24) is compromised. When children cannot succeed at school due to stress from family poverty and experience estrangement from fellow pupils due to absence from school or lack of learning materials, their right to education (CRC art. 28) is challenged. Different types of outsidership or exclusion further represent threats towards the child's right to equal opportunities and non-discrimination (CRC art. 2). The amount and forms of challenges the child experiences due to family poverty can severely increase the risk of problems in adolescence, causing major impacts on their chances of qualifying for work and finding or maintaining employment (Frøyland et al., 2022).

Fævelen et al. (2021) highlight how children in low-income families are significantly overrepresented in Norwegian Child Protection Services. Financial aid to families makes up approximately 12 percent of child protection measures in Norway, while after-school care/activity school and leisure activities represent approximately 5 percent (Statistics Norway, 2024b). Although CPS can provide financial support to families with children, Nav is the authority responsible for financial support in general for citizens (SSA sec. 1). Strengthening the family's financial situation to meet the child's needs for, for example, after-school care, leisure activities, and school or leisure equipment, rather than employing child protection interventions to do this, will counter stigmatization of the child and their family. It will also shift the focus from individual families to a wider social issue. Child protection interventions, rather than targeted and sufficient financial assistance to the family, can therefore challenge the child's human right to privacy and family life, as well as their right to freedom from discrimination (CRC arts. 7–9 & 2).

Eurostat's report (2023) highlights how parents' level of education and employment is significant for children's risk of poverty. This illustrates the

importance of preventing social problems in subsequent generations and promoting equal opportunities for children to prevent exclusion from education and work life, leading to restricted income and subsequent dependency on benefits. In summary, a childhood characterized by insufficient resources and the stress this entails impacts the child's right to equal opportunities in their transition to adulthood, particularly regarding education and work life. This, in turn, can affect the growing-up conditions of future generations.

Thus, failure to secure the child's right to an adequate standard of living also affects their other human rights, such as the rights to education, the highest attainable standard of health, private and family life, and equal opportunities, and ultimately their freedom from discrimination. Securing the right to a reasonable standard of living therefore emerges as a core right for ensuring several other child rights.

Implications for Nav's case management

When citizens with children claim financial assistance, Nav is responsible for providing fair and proper case management aimed at securing the rights of the citizens concerned (European Convention on Human Rights, 1950, art. 6). Nav must provide adequate and just services (SSA art. 4), based on their assessments of claimants' overall needs (Labour and Welfare Services Act, 2006, sec. 15(2)). This is also reflected in the Public Administration Act (NPA) (1967, sec. 17), which states that all administrative bodies are obliged to ensure that each case is as properly assessed as possible before decisions are made. Throughout assessments, Nav must secure claimants' rights to information, supervision, active participation, and access to their case files (SSA secs. 17, 42 & 43; NPA sec. 18). Securing comprehensive and coordinated services for vulnerable children is stated as a legal aim of the Social Services Act (2009, sec. 1). This reflects the principle that in all cases concerning children undertaken by administrative authorities, the best interest of the child shall be a primary consideration (CRC art. 3).

Nav's assessments must be targeted and sufficient so that each family member's, including each child's, situation and needs can be adequately understood and addressed. A social problem can be described as an issue in the relationship between an individual/a group of individuals and society, which can include poverty and social exclusion (Berg, Ellingsen, Levin & Kleppe,

2023; Weihe & Hutchinson, 2023). Social problems can represent both causes and consequences of inadequate income and unemployment and can therefore be defined as “wicked problems,” characterized by multiple and complex challenges with no simple solutions (Crowley & Head, 2017; Kleppe & Glemmestad, 2019). When inadequate income also affects children's wellbeing, mental health, and education, the problems become increasingly “wicked.”

Assessments in each case must therefore be carried out with the aim of identifying and addressing all relevant needs (Kane, 2020). All relevant information gathered in each case, both from claimant(s) and from other sources, must be adequately analyzed for Nav to provide the forms of assistance to which the individuals are entitled under the legal requirements. Information directly from claimant(s) can give Nav a deeper understanding of the family's overall situation, including housing conditions, employment, and family dynamics. Understanding inadequate standards of living as a social problem—and often as a wicked social problem for both parents/guardians and children—is therefore crucial for securing adequate assistance measures. Targeted and sufficient assessments, including information from claimants, can thus be seen as imperative for securing targeted and sufficient assistance.

Though the child's right to be heard as a human right (CRC art. 12) is omitted in the Social Services Act (2009), this right applies in “all matters concerning the child,” including its financial needs. The child's right to participate in their own case by being informed and heard in all administrative proceedings affecting them is also reflected in the general Public Administration Act (1967), sec. 17, which states that each child's views shall be given weight in accordance with their age and maturity. Supplementary regulations under the Social Services Act (2012, pt. 5.42.2) state that if children are affected by Nav's services, “their needs and views should as a main rule be brought forward by parents/guardians.” According to the Regulations on Cooperation between Child Protection Services and Nav (2023), if a claimant has children, particular consideration must be given to their needs.

However, research indicates that the lack of necessary information leads to inadequate assistance when Nav does not talk to children directly (Barkved & Jørgensen, 2023; Rugkåsa & Bergheim, 2020; Kane et al., 2017). Information directly from children can provide the necessary understanding of how the family's economic situation affects them, for example, in relation to school, friendships, leisure activities, and general wellbeing. Such information can

uncover whether and how a child experiences outsidership or alienation when comparing themselves to fellow pupils, friends, and other peers.

Securing the child's human right to an adequate standard of living through Nav's case management requires national legislation and financing that promote both clear criteria for the child's basic rights and sufficient expertise and leeway for individual needs and rights assessments through professional discretion. This requires awareness of how the basis for case-workers' decisions may involve uncertain areas and situations where there is no clear solution to the problems, requiring decisions that depend on their professional discretion. Such discretion involves interpreting and applying the legal framework in situations where the legal criteria do not provide a clear solution, thus enabling decisions founded on more holistic and individual judgments (Kane & Myrvang, 2018).

Regarding the right to social assistance, such criteria may be summary (e.g., the claimant is "unable to provide for one's livelihood" (SSA sec. 18)) or discretionary ("in special circumstances... in order to overcome or adapt to a difficult life situation" (SSA art. 19)). This illustrates a form of discretion that calls for expertise in analyzing claimants' and their children's circumstances, life situations, and needs. For social workers, such assessments are characterized by social, ethical, and legal considerations (Kane, 2020; 2018). In the legal and discretionary assessments in each case, knowledge about the causes and consequences of growing up in low-income families is essential. In addition, both ethical and legal skills for finding solutions to secure the child's rights are necessary to ensure their best interest (CRC art. 3).

Social workers' leeway for discretionary considerations can be influenced by several factors, such as welfare authorities' legal and professional practices, their own legal knowledge and skills, and digital case management programs with templates and predetermined topics. Their knowledge and skills regarding children and families, preventative work, adequate assistance, and proper case procedure can influence their professional conduct. Cross-sector collaboration, early interventions, open dialogues with parents and children, and committed and competent employees are also highlighted by Kirkens Bymisjon (2019, p. 65) as important for promoting the welfare and rights of children in low-income families.

Social workers' skills and commitment, as well as adequate leeway for cooperation with children, families, and other welfare agencies, can therefore serve as protective factors for children in low-income families.

Implications for legal knowledge, skills and awareness

Because social workers in Nav must manoeuvre within a legal framework that includes several laws and regulations, their claimants' legal security depends on the professionals' legal knowledge and skills in identifying, interpreting, and applying relevant legislation to secure Nav's obligations and claimants' rights. In addition, because social problems can represent both causes and consequences of low income, I have also addressed how persistently low income in families with children represents not only social problems but also "wicked" social problems, as causes and consequences of low income can be both diverse and intertwined.

Social work identifies inclusion in society as a main goal (Richmond, 1922), and Ellingsen et al. (2019) point out how social workers work both in relationships, with relationships, and through relationships. I have therefore stressed that Nav's assistance must not only compensate for the immediate financial problems within families with children but also contribute to preventing further social problems (SSA secs. 1 & 17). I argue that adequate and just social services require a professional understanding of insufficient family economy as a social problem that greatly affects the child's opportunities and limitations in most aspects of everyday life and upbringing. Here, I emphasize the importance of each child being given individual assessments so that their individual needs can be met as a person with their own rights, not solely as the offspring of claimants.

Legal knowledge and skills are necessary to interpret the purpose, contents, and limitations of the relevant legal framework. Through my review of the child's human right to an adequate standard of living, children's reports on their well-being, and the implications of children growing up in low-income families, I have derived some core areas of knowledge and skills relevant for securing the child's rights within Nav's mandate. Such interdisciplinary knowledge and skills to perform legal, social, and ethical considerations are crucial within assessments and decisions based on discretionary legal criteria.

Knowledge of the human rights relevant to Nav's mandate and services can represent a deeper understanding of this Act's legal aim and contents.

Nav's employees working with families and individuals with insufficient income must therefore have adequate legal knowledge and skills to perform justified actions and decisions in each case through legal application. This includes identifying the relevant legal questions in each case, interpreting the relevant legal criteria for such assistance, and then assessing each criterion considering the factual situation in the case before concluding the legal question based on those steps (Blandhol et al., 2015). Defining whether individuals meet the relevant legal criteria requires skills to assess each case or claim based on the relevant individual criteria. This entails "sufficient skills to assess, identify and isolate the various problems represented in the factual situation, and systematically solve each problem" (Dahlen & Langsrud, 2021, p. 199).

When a person claims social assistance, the main isolated legal problem will be: "Are they entitled to social assistance?" To solve this main problem, a necessary sub-problem will be: "Does this claimant, based on their factual situation and needs, meet the legal criteria for social assistance?" To solve the problem systematically and find the legal and just solution to the claim, the caseworker must clarify the legal basis on which the conclusion must be founded by interpreting the criteria with the aim of determining the legislator's intentions within the set of rules. Legal application entails determining the contents of a rule and how to apply it in individual cases, where a more purpose-aimed application involves more individual considerations, e.g., finding the best solution for the claimant (Graver, 2019; Eckhoff & Smith, 2022).

Based on these steps, the caseworker must conclude on the initial legal question regarding the claimant's entitlement to social assistance.

The discretionary criterion "in special circumstances [...] in order to overcome or adapt to a difficult life situation" (SSA art. 19) provides both obligations and leeway for addressing resources and needs within families. Holistic and targeted approaches to families with complex social problems require knowledge and skills to understand how to unveil and address "wicked" social problems, including their causes and consequences for both the family as a whole and each individual family member. The application of purpose-aimed discretion in the best interest of a child in a low-income family requires adequate communication skills to obtain necessary information from claimants. Parents unable to provide for their children may feel both stress and

stigma when having to ask for assistance. Through open, trust-building, and adequate communication—with particular focus on the child's needs related to school, leisure, and basic needs—the social worker can gain the claimant's confidence in Nav's mandate and willingness to assist.

Since the child's right to be heard is not incorporated in the Social Services Act (2009), it is imperative that the caseworker obtains all necessary information about each child's situation and needs from the parent(s) and communicates in an exploratory manner to uncover financial needs for, for example, leisure activities and necessary equipment. It is also important to have knowledge and understanding of diversity within family lives, including cultural differences, religious preferences, different power structures in society, and other factors influencing the family and each family member. Such knowledge, along with an understanding of the causes and consequences of an insufficient standard of living, is necessary to recognize and address social problems as wicked problems.

In sum, caseworkers in Nav need adequate assessment skills targeted at gathering all information relevant to the assistance within the welfare services' mandate and analyzing this information in the context of the legal criteria for forms of assistance.

Legal and social awareness is essential to enable social workers to identify and address situations where human rights and welfare are at stake. Social workers are expected to engage “people and structures to address life challenges and enhance wellbeing” (IFSW, 2014). In the context of securing human rights, such awareness can be linked to individual cases, to structures and procedures within local authorities, and even to voicing concerns at political levels. The Social Services Act (SSA sec. 12) outlines the duty to “familiarize [themselves] with the living conditions of the inhabitants, pay special attention to developmental features which can create or maintain social problems, and seek to find measures which can prevent such problems.”

In addition, Nav social services must “contribute to ensuring that social considerations are taken care of by other public bodies that are important for achieving the purpose of the law” and collaborate with other sectors and services when such collaboration can contribute to fulfilling Nav social services' legal responsibilities (SSA sec. 13). This legislation highlights the importance of Nav social services being present and visible to other welfare services, both generally and in individual cases.

Drawing attention to their personal experiences from day-to-day work with children in low-income families, through both social and legal perspectives, can represent a significant contribution to raising awareness of the situation of children in low-income families. This can increase consideration of their needs and rights within local communities and across different welfare services.

Concluding reflections

“No Poverty” represents Goal No. 1 of the 17 *Sustainable Development Goals* (SDGs), involving “targeting the most vulnerable” (United Nations, 2023). However, even in prosperous countries such as Norway, children grow up in vulnerable economic conditions. In this chapter, I have therefore discussed the importance of securing the child’s right to an adequate standard of living through Nav’s governance of poverty as a social problem. I have highlighted how professional social workers, based on their interdisciplinary and value-based knowledge, skills, and awareness, can be essential for securing human rights in general, and the child’s right to an adequate standard of living in particular.

However, social workers can face restrictions in their professional conduct when working with families and children. Referring to Great Britain as an example, Rogowski (2021) points out how austerity under “new liberalism,” causing major cuts to public services and the financing of social work with children and families, has resulted in a significant increase in poverty and inequality. Priorities at national and local levels can significantly affect social workers’ ability to apply their professional discretion to secure the child’s right to an adequate standard of living. Social and legal awareness is imperative for voicing and addressing how the child’s right to an adequate standard of living can be both inhibited and promoted through public financing.

Social workers’ leeway for professional discretion can also be affected by internal routines and priorities in the Nav office and by digital case management systems with pre-formulated forms and topics for assessments and con-

siderations (Kane, 2015; 2018; 2020; Kane & Kohler-Olsen, 2018; Nerskogen et al., 2021).

Finally, I highlight the importance of Nav employing qualified social workers and recognizing their interdisciplinary knowledge and skills within their mandate to assist citizens who, for various reasons, cannot provide for themselves and their children. Since the Social Services Act (2009), both in its legal aims and in the discretionary criteria for social assistance (arts. 1 & 19), requires professional discretion with a clear focus on solving social problems, claimants' needs and possibilities must be assessed and addressed through social work perspectives. It is therefore concerning that while the ratio of social workers in Nav was 40 percent in 2015, it was reduced to 25 percent for staff employed between 2016 and 2018 (Fellesorganisasjonen, 2019).

In addition, I emphasize the importance of both encouraging and allowing social workers the necessary professional leeway to utilize their interdisciplinary knowledge and skills, aiming to promote human rights related to wellbeing and an adequate standard of living for citizens in general, and for children in particular.

Reflection questions

1. Why is insight into human rights important for social workers working with children and their families?
2. What can be advantages and disadvantages of financial aid being provided by Nav vs. Child Protection Services?
3. Discuss the why's and why not's on: "Nav must employ more social workers and require and allow them to use their social expertise."

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