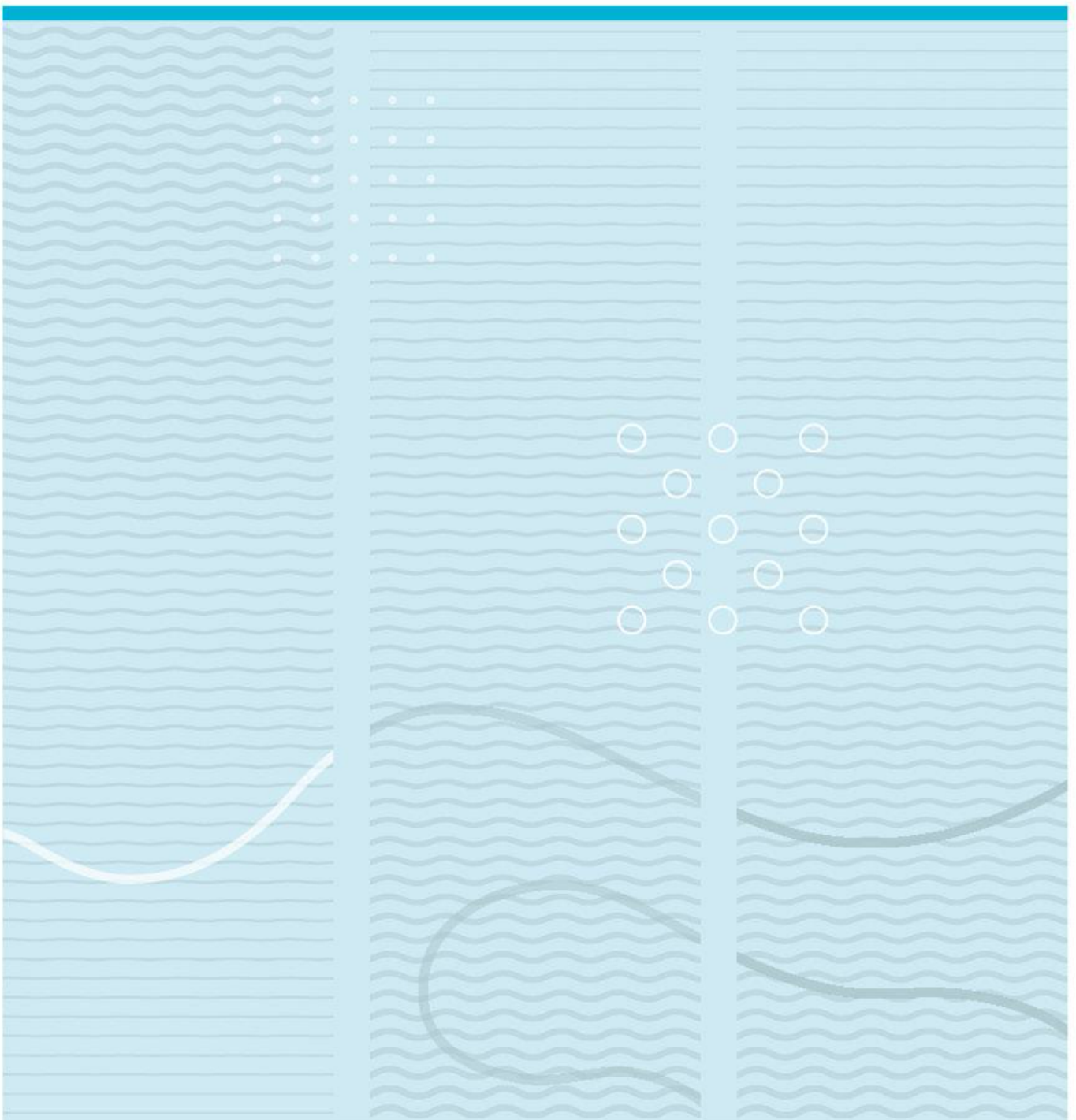


Hedda Jorde Ødegård

# Unaccompanied asylum-seeking children – “puppets” in a political game

A critical rhetorical analysis of the public debate regarding care distribution for unaccompanied asylum-seeking children (between 15-18 years old) in Norway.



University of South-Eastern Norway  
Faculty of Humanities, Sport and Education  
PO Box 235  
NO-3603 Kongsberg, Norway

<http://www.usn.no>

© 2022 Hedda Jorde Ødegård

This thesis is worth 45 study points

Wordcount: 31 468



## Abstract

Proposition 82 L on “*Amendments to the Immigration Act (legalization of the responsibility of care for unaccompanied minors living in asylum reception centers)*” initiated a larger debate where the Ministry of Justice and Public Security wanted to provide UDI with the main responsibility for unaccompanied asylum-seeking children’s care. The Proposition received a lot of criticism.

This research investigates, through the aforementioned Proposition, how the different rhetors dealt with the question of who was the most capable institution taking care of unaccompanied asylum-seeking children between 15-18 years old in Norway. The thesis further examines the theory of recognition and how the different rhetors had used this concept, as it is a crucial part of care. To answer these questions a critical rhetorical analysis was used as a methodological approach to uncover strategies, content, as well as motivations from the rhetors. Analyses have been done on three texts taken from the public debate to gain a varied insight from both sides of the discussion.

The findings indicate that there were two different perspectives and ways of perceiving children’s needs and distribution of care. The rhetors’ use of rhetorical approaches also demonstrated that they had quite different ways of getting their points across. Results show that the more engaged you are in the topic, the stronger and clearer the rhetoric appears. I argue that one side was considering the best interest of the child connected to the Convention on the Rights of the Child, while the analyses further exposes that the other side placed more emphasis on the structures and efficiencies surrounding the reception centers. The children’s opinions were not heard or mentioned by any of the parties, and the children appeared as “puppets” in the political game. It raises the question as to whether UDI being in charge of the children’s care is in the best interest of the child or the system.

*Keywords:* unaccompanied asylum-seeking children, Proposition 82 L, care, recognition, debate, critical rhetorical analysis, best interest of the child, Convention on the Rights of the Child, reception center, UDI, Child Welfare System

# Table of content

- ACKNOWLEDGEMENTS ..... 7**
- LIST OF ABBREVIATIONS..... 8**
- 1 INTRODUCTION ..... 9**
  - 1.1 THE CONTEXT AND BACKGROUND..... 9
  - 1.2 PURPOSE AND SIGNIFICANCE OF THE THESIS ..... 10
    - 1.2.3 *Legal aspects*..... 11
  - 1.3 RESEARCH QUESTION ..... 13
  - 1.4 RELEVANT EXPLANATIONS AND TERMS..... 14
    - 1.4.1 *Who are the unaccompanied asylum-seeking children?* ..... 14
    - 1.4.2 *The Norwegian political context*..... 15
    - 1.4.3 *Reception center vs. child welfare institution* ..... 16
  - 1.5 OVERVIEW OF THE THESIS..... 18
- 2 LITERATURE REVIEW..... 19**
  - 2.1 MOTIVATION AND BACKGROUND FOR UASC..... 19
  - 2.2 HEALTH ISSUES AMONG UASC ..... 20
  - 2.3 DIFFICULTIES WITHIN THE IMMIGRATION POLITICS ..... 23
  - 2.4 CONCLUSION ..... 26
- 3 THEORETICAL FRAMEWORK..... 28**
  - 3.1 THEORY OF RECOGNITION ..... 28
    - 3.1.1 *Alex Honneth- The Struggle for Recognition* ..... 29
    - 3.1.2 *Love & self-confidence*..... 29
    - 3.1.3 *Rights & self-respect* ..... 30
    - 3.1.4 *Solidarity & self-esteem*..... 32
    - 3.1.5 *Negative aspects of not receiving recognition* ..... 33
  - 3.2 BUILDING FURTHER ON THE CONCEPT OF RECOGNITION ..... 34
    - 3.2.1 *Concept of positive recognition*..... 34
    - 3.2.2 *Three aspects of positive recognition*..... 35
    - 3.2.2 *Summary*..... 36
- 4 METHODOLOGY ..... 37**
  - 4.1 CHOICE OF METHOD..... 37
    - 4.1.1 *What is rhetoric and rhetorical analysis?*..... 38
    - 4.1.2 *The rhetorical situation* ..... 39
    - 4.1.3 *Ethos, pathos & logos* ..... 39
    - 4.1.3 *Selection of material*..... 42
  - 4.2 CRITIQUE OF METHOD..... 44

4.3	ETHICAL CONSIDERATIONS .....	45
<b>5</b>	<b>ANALYSIS .....</b>	<b>47</b>
5.1	BACKGROUND ON THE PUBLIC DEBATE .....	47
5.2	ANALYSIS OF PROPOSITION 82 L .....	48
5.2.1	<i>Background and context</i> .....	48
5.2.2	<i>Ethos</i> .....	49
5.2.3	<i>Pathos</i> .....	50
5.2.4	<i>Logos</i> .....	52
5.2.5	<i>Conclusion</i> .....	56
5.3	ANALYSIS OF THE CONSULTATION PROPOSAL FROM SAVE THE CHILDREN.....	57
5.3.1	<i>Background and the rhetorical situation</i> .....	57
5.3.2	<i>Ethos</i> .....	58
5.3.3	<i>Pathos</i> .....	59
5.3.4	<i>Logos</i> .....	61
5.3.5	<i>Conclusion</i> .....	63
5.4	ANALYSIS OF THE DAGSNYTT 18 - DEBATE.....	64
5.4.1	<i>Background and context</i> .....	64
5.4.2	<i>Ethos</i> .....	65
5.4.3	<i>Pathos</i> .....	66
5.4.4	<i>Logos</i> .....	69
5.4.5	<i>Conclusion</i> .....	72
<b>6.</b>	<b>DISCUSSION AND FINDINGS.....</b>	<b>74</b>
6.1	BACK TO THE RESEARCH QUESTION.....	74
6.1.2	<i>Rhetoric and the public debate</i> .....	74
6.1.3	<i>Recognition as part of the care practice</i> .....	78
6.2	CONCLUDING REMARKS.....	84
<b>7.</b>	<b>BIBLIOGRAPHY.....</b>	<b>87</b>
	<b>LIST OF FIGURES:.....</b>	<b>92</b>
	<b>ANNEXES: .....</b>	<b>93</b>
	ANNEX 1: TRANSCRIPTION OF DAGSNYTT 18 DEBATE.....	94
	ANNEX 2: CONSULTATION PAPER FROM SAVE THE CHILDREN.....	99

# Acknowledgements

The master's program in Human Rights and Multiculturalism has flown by, and I am approaching the end. Two years marked by corona led to hours of lonely homeschooling, and less social contact with classmates. At the same time, despite a pandemic, I have made friendships that I would never have been without.

First, I want to give a special thanks to my supervisor, Ådne Valen-Sendstad for guidance, interesting conversations and important input and comments. Further, my classmates Jasmin and Tayiba, for multiple hours of reading and good support together at campus. I also must give a big thank you to my family and friends for always supporting me, and especially through these times. Lastly, a special thanks to my dad, Knut Ivar, uncle, Ole Kristian, and cousin, Susanne, for good discussions and review of language.

Drammen/May 2022

Hedda Jorde Ødegård

## List of Abbreviations

<b>Bufetat</b>	The Children, Youth and Family Agency
<b>CRC</b>	Committee on the Rights of the Child
<b>FRP</b>	The Progress Party
<b>H</b>	The Conservative Party
<b>NIM</b>	The Norwegian National Human Rights Institution
<b>Prop.82 L</b>	Proposition 82 L
<b>SV</b>	The Socialist Left Party
<b>UASC</b>	Unaccompanied asylum-seeking children
<b>UDI</b>	The Norwegian Directorate of Immigration
<b>UNCRC</b>	United Nations Convention on The Right of the Child
<b>UNHCR</b>	The United Nations High Commissioner for Refugees

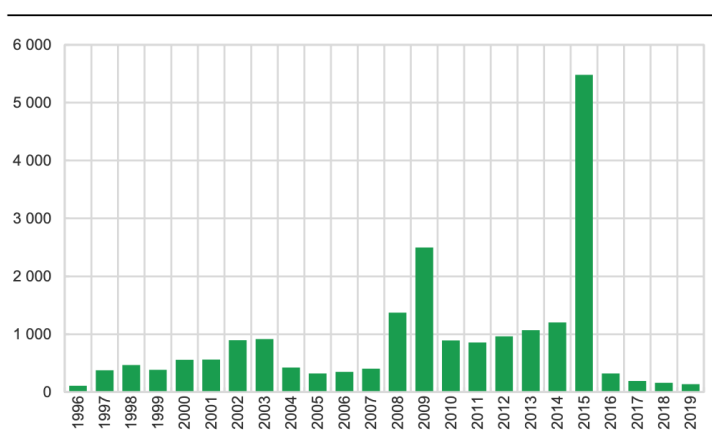


# 1 Introduction

## 1.1 The context and background

In 2015 the world experienced one of its biggest refugee flows in history. At the same time as the usual refugee flows kept coming from countries like Eritrea, Afghanistan, and Somalia for a better life in Europe, the main reason for the major refugee flows this time was the civil war that took place in Syria in 2015. The war caused many people to flee the country to find safer and better areas to settle. Norway was one of the countries that experienced the refugee crisis to a high degree and in different ways (Berg, Tronstad & Valenta, 2015, p.1).

In 2015, 31,150 people applied for asylum in Norway, whereas 5480 of them stated that they were unaccompanied minors. In the western world, children make up a large population of refugees seeking asylum. Since they are children, they tend to get trapped in the middle of the political identity discourse between having status as a child and a refugee (Vitus & Lidén, 2010, p.62-63). Despite these large numbers of unaccompanied asylum-seeking children (UASC) that arrived in 2015, statistics show that from 2019 to 2020 the numbers dropped considerably from 135 to 88 children (Ministry of Justice and Public Security, 2020, p.6). The chart below illustrates how the numbers of asylum-applications have varied from 1996 until 2019. As can be seen, 2015 was clearly the year where most UASC applied for asylum in Norway. Unaccompanied asylum-seeking children are described by The United Nations High Commissioner for Refugees (UNHCR) as the most vulnerable group of refugees. This is because they are more prone to issues related to mental health (Jensen, Fjermestad, Granly & Wilhelmsen, 2015, p.106).



**Figure 1** Number of unaccompanied minors asylum applications, 1996-2019 (Kirkeberg, 2020, p.13)

In Norway the UASC arriving are divided into two groups depending on their age. There is the youngest group consisting of children 15 years old or younger, and the oldest group consisting of children between 15-18 years old. In the Norwegian system children between 15-18 are under the control and care of the Norwegian Directorate of Immigration (UDI), while children under 15 are a part of the Child Welfare System (Lidén, Eide, Hidle, Nilsen & Wærdahl, 2013, p.9).

In the spring of 2021, a new Proposition (Prop. 82 L) was presented by the Ministry of Justice and Public Security to the Norwegian Government called “*Amendments to the Immigration Act (legalization of the responsibility for care for unaccompanied minors living in asylum reception centers)*”. This Proposition suggested that UDI should be responsible for the oldest group of UASC, and that this should be mandated by law. As described above, UDI has had the responsibility for the unaccompanied asylum-seeking children's care in Norway where they have further delegated the responsibility to reception centers, which are explained in a FAFO-report, as operated “...*by private, non-governmental or municipal agencies*” (Sønsterudbråten, Tyldum & Raundalen, 2018, p.7). This has for many years just been a practice, where they in the new Proposition proposed to make changes to the law from 2008. In this new law proposal, UDI is given the legal responsibility for the distribution of UASC’s care (Ministry of Justice and Public Security, 2020, p.7). The Proposition, however, received a lot of reactions and criticism from different organizations and actors who expressed that this is an unreasonable discrimination between the different ages. The strong reaction is also connected to the view that it is in violation of the Convention on the Rights of the Child (UNCRC) and an offer that differs from what the Child Welfare Service offers to the youngest group of UASC. Despite the criticism, the Norwegian Parliament (the Norwegian Storting) voted in majority for the proposal, and in 2021 it was turned into law. This public debate in advance of the vote will be the focus of the analysis.

## **1.2 Purpose and significance of the thesis**

During my bachelor’s degree in social science, I became interested in topics regarding refugees, immigrants, and migration. Reading more about it and targeting children in several assignments and exams during my master’s degree, created an interest in finding out more about children’s rights and how they are treated in different parts of society. Further, Norway is also perceived as having an ambivalent relationship to unaccompanied minors. On one side

the country is perceived as safe with a strong record of protecting its inhabitants' human rights (Norwegian National Human Rights Institution [NIM], 2019). While on the other side, high flows of refugees and asylum-seekers have made the immigration policy more restrictive, which has also affected the children (Lidén, Stang & Eide, 2017, p.1). Aiming the thesis towards UASC in Norway is therefore especially interesting, considering that Norway promote itself internationally as a human right defender.

### 1.2.3 Legal aspects

The UN Convention on the Rights of the Child (UNCRC) was ratified by Norway in 1991. It is a Convention made as a special protection to all children under the age of 18 regardless of their background such as race, gender, religion, or language. Children are in a situation where they are not fully developed, and they need measures that protect them and provide special care (Smith, 2020, p.20). The Norwegian National Human Rights Institution (NIM) states that good care for children is a human right. It expresses that article 2, 20 and 22 from the UNCRC are all important regarding the protection and care of UASC (NIM, 2016, p.6). In the case of UASC there are several articles in the convention that are important when a child is unaccompanied. I would like to introduce four articles from the UNCRC, namely 2, 3, 20 and 22. Article 2 states that:

*States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. (UNCRC, 1989, p.2)*

This article expresses that no child should experience any form of discrimination within the national jurisdiction i.e., every child under the age of 18 (UNCRC, 1989, p.2). We are, however, still informed about cases where individuals have experienced discrimination due to for instance color or ethnicity, and some children still feel that there is discrimination in the school system, in different social settings but also when meeting the police (Heyerdahl, 2020, p.34.) When assessing a case of discrimination, it is important to compare the case with similar cases to see if one experience differ from others in similar situations (Heyerdahl, 2020, p.40).

Article 3 states that *“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”* (UNCRC, 1989, p.2). The principle of the child’s best interest constitutes the core value in the convention. Taking children's rights seriously is both about giving protection and care, but also about offering them independence when it comes to their own rights and co-determination. The principle of best interest of the child is being used by the Committee on the Rights of the Child (CRC) as one of the four general principles of the convention (Haugli, 2020, p.55-56).

When it comes to a child’s care situation, the Convention on the Rights of the Child article 20 states that *“A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State»* (UNCRC, 1989, p.6). This article expresses that for children that are not under protection of parents or other parental figures the state should be responsible for their protection and should provide special aid if it is necessary (NIM, 2016, p.13). The General Comment no.6 from the CRC expresses that the special protection could be that e.g., the living accommodations get followed up and evaluated by qualified people to make sure that the children are protected from different types of violence, and that their mental and physical care are maintained (Sandberg, 2020, p.363).

The last article is article 22, stating that

*States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.* (UNCRC, 1989, p.6)

Children, both accompanied and unaccompanied, should receive protection regardless of the situation. Further, one fundamental part of this article is that every child no matter if it has gotten protection, residence permit or is still in the waiting process they should be protected at the same level as the other children living in the country (NIM, 2016, p.15). It is the government's job to make sure that it has a good and well working asylum system, with

enough capacity for UASC to arrive in the safest and best way possible (Sandberg, 2020, p.336).

These articles are all linked in terms of protecting children, though on different levels when it comes to equitable treatment and care. Either if the children are alone, which is the case here, or accompanied by a parental figure, they are and should still be protected by the convention. It is important to maintain the rights within the UNCRC, also in refugee crises such as the one in 2015 (Sandberg, 2020, p.334). As we have seen, the UNCRC is a crucial obligation for every country that has ratified it, to make sure that children are protected and granted the rights that they deserve. However, that is unfortunately not always the case.

The Committee on the Rights of the Child (CRC) is a committee that was created to monitor and make sure that every state that has ratified the convention keeps its promise. The CRC has criticized and expressed its concerns regarding how care is distributed in Norway. It recommended that Norway should expand its offer so that the children from 15-18 also could be a part of the Child Welfare Service (Lidén et al., 2013, p.26). The CRC is not the only committee that is concerned about how the UASC are treated. Norway has also been criticized by the UN Human Rights Committee and UN Committee on Racial Discrimination which are, like the CRC, concerned with the way the care is distributed (Ministry of Justice and Public Security, 2020, p.9).

### **1.3 Research question**

To have a specific and concrete research question is important to shape the research in the best possible way, but also to have a concrete goal. It makes the researcher specifically think what they want to know about their topic of interest (Bryman, 2012, p.10). Therefore, I have come up with one main question followed by a sub-question which will help strengthen the research direction and give a complementary discussion.

The discussion regarding provision of UASC care caught my interest. I wanted to understand and analyze how the different rhetors deal with the issue on who should be responsible for the children's care by using a critical rhetorical analysis as a methodological tool. The research question is therefore phrased as follows:

*In the case of Proposition 82 L. How do the different rhetors deal with the question of who is the most capable institution to take care of unaccompanied asylum-seeking children over the age of 15 years old?*

The sub-question will, as mentioned above, be used to link the theoretical framework and discussion together. It will be helpful to get an even more sharpened and concrete topic and direction. Children's need for recognition is perceived to be an important part of the care practice (Lidén et al., 2013, p.20). The sub-question is:

*In what way did the issue of children's need for recognition play a part in the public debate?*

The aim of the research is therefore to understand the public debate concerning the topic of unaccompanied asylum-seeking children's care distribution, with a critical focus on how the rhetors use rhetoric and rhetorical tools to argue for what is the best for the child. In addition, build on how care is related to recognition, and in what way it is used in the public debate.

## **1.4 Relevant explanations and terms**

It is necessary in this context to give

- 1) a definition of what the term unaccompanied asylum-seeking children means,
- 2) an overview of the political context, and
- 3) an explanation of the difference between reception centers and child welfare institutions.

All these concepts and terms are relevant and gives a background understanding before diving into the larger study that is based on these terms.

### **1.4.1 Who are the unaccompanied asylum-seeking children?**

Since unaccompanied asylum-seeking children is my main interest in this thesis, I find it important to give a brief description of the group to have a better overview of the situation. There is a distinction between the terms unaccompanied *asylum-seeking children* (UASC) and unaccompanied *refugee minors* (URM). The difference is that URM already has been granted a residence permit and is distributed in different municipalities. UASC on the other hand are placed in reception centers or other institutions where they are waiting to have their asylum application approved. The UASC and the URM are two different groups, with different needs

(The Directorate of Integration and Diversity, 2016). The UNHCR states that a child is not viewed as unaccompanied if it arrives in company with a legal guardian or adult that is not their parent. Norway, on the other hand, considers all children arriving in Norway, even when arriving in company with an adult that is not their parent, as unaccompanied. This is because when it comes to children, all cases should be considered individually (Eide, 2007, p.123).

To further understand who the UASC that have arrived in Norway are, I will start by giving a definition. UASC are defined as children that arrive in a country alone without any family or guardians. Because of this, the children are considered to be in a difficult and vulnerable position. They all have different reasons as to why they have arrived in Norway. For some it is because of war or conflicts in their home country, for others it is to find a country with new opportunities like work or education. Even though the UASC that have arrived in Norway the last few years are from around 20 different countries, the majority come from Afghanistan, Eritrea, and Syria. Numbers and statistics also indicate that it is mostly young boys arriving (Ministry of Justice and Public Security, 2020, p.6).

#### **1.4.2 The Norwegian political context**

Since Norwegian politics is a central part of the discussion, it is necessary to give an overview of the Norwegian political landscape. Norway is a country with a generally broad consensus and little division on main political issues. It is not perceived to be deep differences between a bourgeois government and a socialist government when looking at the broader picture. The political landscape in Norway is classified into three categories: left, center, and right, which are dispersed based on their ideas and policies. The left side consists of the Labor Party (AP), the Socialist Left Party (SV) and the Red Party (R). They are defined as socialist parties. These parties believe in a strong and comprehensive state, and work to a large extent to even out differences in society. The center consists of the Christian Democracy Party (KRF), the Liberal Party (V), the Green Party (MDG) and the Center Party (SP). These parties do not to a certain extent, want to be categorized on the one side or the other, and historically have cooperated with both sides, depending on the case. While the right side consists of the Conservative Party (H) and the Progress Party (FRP) which also are defined as the bourgeois (conservative) parties or a blue government. These parties believe in individual freedom, private enterprises, and initiative, and accept to a greater extent that there are differences in society (The Norwegian Government, 2022, March 2<sup>nd</sup>). This is where the two political sides mainly differ from each other.

All parties have different ways of looking at immigration policy. Questions regarding immigration split the two largest parties in Norway, H & AP. The parties on the left side usually are perceived as having a more positive approach, while the parties on the right are perceived as more critical. At the same time, the refugee crisis in 2015 led to both sides shifting towards a more restrictive line, including AP. The immigration policy has changed a lot since the 2000s, but FrP has since the 1980s argued for a more restrictive policy on how Norway should handle immigration. FrPs focus has been more on assimilation rather than multiculturalism. FrP and SV represent opposite sides, one with a restrictive approach and one with a more open one (Grindheim, Heidar & Strøm, 2020, p.233-234).

The UNCRC has played an important role for Children's rights in Norway. It has been a central part in the assessment of politics and practices. Numerous of the elements in the UNCRC were already a part of the Norwegian Constitution, but by ratifying it, it has led to several major changes to the law and to children's rights. Norway has been a country that has scored high on global children indexes and has been ranked one of the best countries for children to grow up. At the same time, it has received criticism within topics such as child protection and asylum (Langford, Skivenes, Søvig & Kirkebø, 2019, p.16).

### **1.4.3 Reception center vs. child welfare institution**

It is also important within this topic to provide an overview of how the living situation was for unaccompanied asylum-seeking children before the government voted in favor of the legislation. It will be described how it was at the time of the proposal, considering that there may have been changes after it became a law.

The Norwegian Directorate for Children, Youth and Family Affairs (Bufetat) is responsible for UASC under the age of 15 after they have been registered with the police. Bufetat is a Norwegian government agency, responsible for child and family protection. They work purposefully to ensure that families and children receive high quality and measures for the help they need (The Norwegian Directorate for Children, Youth and Family Affairs, n.d.). These children are sent to care centers that may be private or public, and the workers perform their work on behalf of Bufetat. One of the care centers' goals is to protect the child, both understanding their current situation and following them up throughout their stay (Whitepaper 30, (2015-2016), p.45). The children live in special care centers run by the Child Welfare Service. The centers are bound by the same legal framework as other institutions run by the



Child Welfare Service. This is related to, for example, the staff's competence and requirements (Sandberg, 2018, p.364).

When it comes to the oldest group of children, they get sent to reception centers controlled by UDI. In Norway, there are several different types of asylum reception centers depending on age and needs. The centers for UASC between 15-18 years old are referred to as ordinary reception centers adapted towards their needs (The Norwegian Directorate of Immigration, n.d.). The intention is that the children are going to stay in reception centers for a short period of time while waiting for their application to be processed. At the same time, their stay often tends to last longer than intended (Sønsterudbråten et al., 2018, p.16). The average time in reception centers is 30 months, and numbers from 2015 indicated that 35% of children under the age of 18 years old had stayed more than 3 years in reception centers (Søholt & Valenta, 2015, p. 49). Largely due to the influx of refugees arriving in 2015, the length of residence increased to a great extent in 2016 (Sønsterudbråten et al., 2018, p.37).

In the report from Sønsterudbråten et al. they experience that there are quite big differences in how the reception centers are operated, depending on whether the majority of staff are largely skilled or unskilled (Sønsterudbråten et al., 2018, p. 30). In the reception centers where the majority were unskilled it appears as there is a poor standard of accommodation, they live cramped, and the children experience lack of privacy. Living temporary also implies a form of uncertainty, both for the resident and the employees on how to deal with the situation and their stay (Søholt & Valenta, 2015, p.47-48). In 2018, Norway received criticism from the CRC that there were large variations in how the reception centers were managed. This was related to living conditions and especially regarding access to food and nutrition (Sandberg, 2018, p.359). What is common to the receptions is that they experience a shortage of resources, which is also linked to how it is run and the quality of the offer (Liden, et al., 2013, p. 224). At the same time, the Child Welfare Service is obliged to follow up the oldest group in reception in the same way as other children (Sandberg, 2018, p.364). UDI also seeks to ensure that the children receive good care. The distributed special contacts will be an important tool for ensuring that services are maintained and followed up (Liden, et al., 2013, p.225). The special contacts responsibility is to ensure that their child's needs are taken care of, that they feel seen, but also give them special follow-up when needed (Sønsterudbråten et al., 2018, p.12).

## 1.5 Overview of the thesis

I have divided my thesis into 6 main chapters. *Chapter 1* gives an overview and background of the topic, why I have chosen to do the study, and an elaboration of the research question(s). The chapter is an introduction to the thesis and a way for the reader to get an understanding of the main research object. *Chapter 2* consists of previous research and studies available on the topic. The literature review gives an overview of research that has already been found regarding the care situation for unaccompanied asylum-seeking children. The literature review allows me to find my voice and a gap within this field of study. *Chapter 3* presents the theoretical aspects that have been used throughout the study, which will be intertwined further into the discussion. The theory will provide an overview of the importance of recognition, in the early stage of life but also as a youth. *Chapter 4* examines the method that has been used, how the analysis has been conducted and possible challenges and criticisms in choosing the method. In *Chapter 5* I will give three separate analyses of chosen texts connected to the debate regarding care distribution for UASC. *Chapter 6* is the discussion part where various aspects that have been found in the analyses and thoughts that have emerged through the research process will be discussed. The last part of the chapter gives a conclusion on the overall thesis and other final remarks found in the process.

## 2 Literature review

Several researchers and authors have been writing about the situation, distribution, and care for unaccompanied asylum-seeking children over the age of 15. In this chapter, I will present an overview of the literature that has already been researched within this field, to give a greater understanding on the topic. Writing a literature review is also a tool to find the gap within the research field one wants to study. The specific articles and themes have been chosen because they provide an overview of important topics and areas that deal with and research issues regarding unaccompanied asylum-seeking children in Norway. This is not only when it comes to the care situation but also connected to the immigration debate and politics in Norway in general. The different articles and texts have been found by searching through several research platforms such as Google Scholar and Oria.

### 2.1 Motivation and background for UASC

When writing a master thesis that is targeting UASC it is important to understand the reasons and motivations driving them to travel to Norway and leave their countries behind. There are several of reasons why UASC decide to leave their home country and seek a new life another place. Cecilie Øien has done qualitative interviews with UASC that have arrived in Norway to find out the motivations and reasons on why they ended up here. Øien indicates that there are similarities in their decisions, but that it is also easy to see that there are very different motivations behind the choices. There is a mixture of children in dire need of for example protection due to war and conflicts, children wanting better educational opportunities, family reunification or social mobility. In her study she experienced that in most cases there was a combination of the reasons mentioned above (Øien, 2010, p.85).

Anne Staver and Hilde Lidén refer to Øien's study and point out similar causes. They discuss in their research on unaccompanied minors' policies and practices what the different motivations and circumstances are when it comes to them entering the European Union (EU). They explain, similarly with Øien, that a lot of the unaccompanied migrant children that are leaving their homeland are facing different challenges like armed conflicts, fear of losing their life, bad family situations or wanting better education and job opportunities (Staver & Lidén, 2014, p.9).

Another aspect of these children's motivation is how they decided on their destination. Brekke & Aarset has written an article called "Why Norway?", where they in chapter 3 elaborate on the topic of asylum destinations. The article does not specifically talk about unaccompanied migrants but bring up the question in a more general way, talking about refugees and migrants of all ages with different motivations. Brekke & Aarset further explain that a lot of people believe that asylum seekers only flee their home countries due to danger, and that they in most cases don't choose where to travel. This idea of refugees and asylum seekers not being able to choose for themselves has in many cases been criticized. This is because when talking about asylum seekers, refugees, and migrants it's important to look at the cases individually and consider them separately (Brekke & Aarset, 2009, p.25). The children leave due to different reasons and with different background-stories as to why they left. In most cases in Øien's research the children leave because a member of their close family told them to leave. Even so, this also varies when it comes to background and where they come from. She explained that in Afghanistan for example the decision is in many cases made in an agreement between the unaccompanied asylum-seeking child and its family. The children who took part in the research explained that choosing their destination was a process where they learned a lot on their way while migrating. Several of them also mentioned that they ended up in Norway by chance, and that it could just as well have been another country (Øien, 2010, p.87).

Staver and Lidén also agree with Øien on this topic. They further explain that if children are leaving parents behind it is in most cases been arranged by the child and the parents together, often they also have other relatives or acquaintances of the family already living in Norway (Staver & Lidén, 2014, p.9). This demonstrates that there are varying reasons why people are motivated to leave their countries. Some people were forced to leave because of threats to their own life, and in other cases the motivation was for a better future when it comes to work and education.

## **2.2 Health issues among UASC**

An important issue concerning the living and care situation for unaccompanied asylum-seeking children living in reception centers in Norway is both their physical and mental health problems. The children that apply for asylum in Norway have often been through a lot of difficulties to get here. At the same time, they might also have experienced different episodes,

events and traumas in their home country that still follow them today, both mentally and physically.

When searching for relevant literature, one can find a lot of research on unaccompanied children's health issues. Three researchers, Christie, Døhlie, and Eide, who all work within the field of children's mental health, express in their text about the care situation of UASC and URM that these groups are especially vulnerable. This because they arrive in a new country without any parental figures and have in most situations been through traumatic experiences like war, loss, sorrow, or violence (Christie, Døhlie & Eide, 2011, p.58). It is shown, through research done in Norway, that 76% of immigrants that are children have experienced and been close to war or other types of conflicts in their home country. The authors explain three different stages of trauma reactions experienced by unaccompanied asylum-seeking children. The first one is *re-experience*, where the children can have nightmares and flashbacks. The second one is *inevitability*, where they don't want to talk about it, think about it, or see things that remind them of the event. The last one is called *hyperactivated state* where the child could be perceived as irritated, with mood swings, or have troubles sleeping (Christie et al., 2011, p.61). These are issues that children that have experienced war and conflict may bring with them when seeking asylum in a new country alone, without any family or legal guardian to take care of them.

Sønsterudbråten, Tyldum and Raundalen have also researched mental problems of unaccompanied asylum-seeking children living in reception centers. They have written a FAFO report about the care practices for unaccompanied asylum-seeking children in Norway. This research was funded by UDI. In the report, they bring up different topics connected to the children's stay at the reception centers. One of them, also mentioned in the research above, is the issue with sleep difficulties. Sleep is crucial for people, despite their age, to be able to concentrate, to get a better learning outcome, general wellbeing, but also to be able to process things like for example trauma, physical or mental illnesses (Sønsterudbråten, Tyldum and Raundalen, 2018, p.77).

As mentioned in the introduction, Prop. 82 L contains amendments to section 95 of the Norwegian immigration act. It proposes to legislate that UDI shall be responsible for UASC care in reception centers in Norway (Ministry of Justice and Public Security, 2020, p.5). This Proposition on legalization of the responsibility of care for UASC in reception centers, has been criticized by several organizations particularly because they believe that there are not

enough professional employees working there, especially at night. The Proposition clearly states that reception centers should take good care of the children living there. UDI has a criterion that every reception center should have at least one person working there that has pediatric education at college level and knows how to work with children. Other than that, there are no criteria for a person's competence or education to get a job working with unaccompanied children (Ministry of Justice and Public Security, 2020, p.7). Many organizations believe that this is not good enough. The Union of Education Norway expressed that a child that has been through traumatic experiences often struggle at night when they are left to themselves with no-one with professional knowledge of how to handle situations with vulnerable children (Ghosh & Blyverket, 2020).

In the FAFO report by Sønsterudbråten et al., they explain that in UDIs circular letters, UDI has not shown that it is addressing properly sleeping habits or problems regarding sleep difficulties by children that live in their reception centers (Sønsterudbråten et al., 2018, p.78). A graph in the report depicts the answers where the children were asked how they were feeling at different times throughout the day. The number of children that expressed that the nights were “very bad” was the highest. Sønsterudbråten et al. also explain that when talking to their interviewees they were told stories about children sleeping with their shoes on, afraid of the police coming at night to return them back to their countries, even though this is something that usually does not happen. Others also explained that they experienced the night as being hard, 1 out of 3 children in the reception center experienced nightmares, and that there were fewer adults to talk to (Sønsterudbråten et al., 2018, p.78-79).

Another article on the topic was posted in the “Clinical Child Psychology and Psychiatry”. Here, Jensen, Fjermestad, Granly and Wilhelmsen addressed the topic of mental health issues linked to UASC age 10-16. Even though this group is not the specific group researched in this thesis, it is as we have seen in the articles mentioned above still relevant. The children in the youngest age group will one day also turn 15 and get moved to reception centers controlled by the UDI. In their article, the authors, like the previous articles, explain that UASC might carry a lot of issues related to for example war, conflicts, or losses that they have experienced (Jensen, Fjermestad, Granly and Wilhelmsen, 2015, p. 107). At the same time, they experienced that the children not only had these traumas but also traumas of violence and abuse. The researchers could see a clear connection between serious incidents and internal symptoms such as depression, post-traumatic stress syndrome (PTSD), and anxiety. They also experienced that age and gender does not matter when it comes to symptoms of mental health

issues, even though, from a developmental perspective, one may think that the youngest group would be more vulnerable. The youngest children might, however, experience the feeling of sadness when it comes to the separation from their parents. (Jensen et al., 2015, p. 113).

## **2.3 Difficulties within the immigration politics**

### **Rhetoric on immigration policies and politics**

Immigration is highly debated in the political discussion in different societies. It is a topic that creates a lot of feelings, and which is difficult to agree on. In the Norwegian political debate, there has been one party that has been especially clear in its opinion regarding the immigration policy in Norway. The right-winged parties in general all over Europe are skeptical towards immigration and are using this political view to attract new voters. In the article “*” The immigration problem” and Norwegian Right-Wing Politicians”*”, Fangen and Vaage researched the rhetoric used in the Progress Party (FrP), the right wing-party in Norway, both when it was in opposition and when it was in government. They argue that there are big differences in how it appears in the different positions (Fagen & Vaage, 2018, p.471).

In the 2000s FrP started changing its ways of being by adapting to other parties and forming alliances. This created problems at various levels both within the party, but also towards the other parties. It was about finding a balance to satisfy both sides. On one hand, Fangen and Vaage explained that being too “vague” in its rhetoric could make its regular party voters feel distant and not connected to its ideas or opinions anymore. On the other hand, being too radical and having a clear racist rhetoric could make the other parties withdraw from it and not want to cooperate or ally (Fagen & Vaage, 2018, p.461). Fangen and Vaage explained that FrP had a clear racist and radical rhetoric, often expressing the threat the Norwegian culture is facing by accepting new cultures and a multicultural society when it was in opposition. It shifted its rhetoric from “labor migrants” to “Muslim migrants” and Siv Jensen also started using the term “Islamization by stealth” in many situations within the immigration politics (Fangen & Vaage, 2018, p.463).

When the party became part of the government its rhetoric changed to a more moderate way of wording and toning down the radical rhetoric that it usually used. At the same time the politicians that did not have a position in government would continue using the same wording

as they used to in opposition, mostly expressing Muslims and immigrants in general as a threat in society (Fangen & Vaage, 2018, p.467). When the party started to be too moderate, the party leader at that time, Siv Jensen, decided to put in a more radical voice. Sylvi Listhaug, another prominent party representative, changed the rhetoric for FrP in government when she became responsible for the immigration policies. She became known for her unyielding attitude towards the Norwegian asylum-politics, and she opened for a more radical rhetoric (Fangen & Vaage, 2018, p.470).

Fangen and Vaage concluded in their article that there are big differences in how FrP appeared both in opposition and in government. It kept a moderate rhetoric when on the inside, while representatives outside of government kept using their radical and racist rhetoric to hold on to their followers. The issue has been to find a way to retain power while both pleasing their voters but not scaring away their allies (Fangen & Vaage, 2018, p.471).

Thea Lien has also written an article on the topic on how Sylvi Listhaug and FrP are using rhetoric in politics. Sylvi Listhaug often expresses that immigration and mostly Muslims and Islam is a threat to the Norwegian society and to Norwegian values. This has been one of her main themes within politics. The author of the article questions if the rhetoric that Listhaug uses is more of a threat to Norwegian society than new immigrants arriving. The key to Listhaug's success is the way that she has been wording herself, and this success also gives her more influence towards the followers of the party. Lien believes that the way Listhaug and FRP discuss and word themselves in the debate created a greater distance between "us" and "them", and it can create a larger breeding ground for conflicts. Lien further explains that a rhetoric that is built on fear is a greater threat than a more multicultural society (Lien, 2021, p.342).

### **The status of the asylum-seeking child**

Another aspect of the immigration politics deals with the situation of asylum-seeking minors. Vitus and Lidén address differences between Norway and Denmark when it comes to discourse, politics, and practices towards asylum-seeking children in their countries. Both the ones that are accompanied and unaccompanied. Even though Norway and Denmark are similar in various aspects of society, Vitus and Lidén show us that there are still differences in how asylum-seeking children are handled in these neighboring countries (Vitus & Lidén, 2010, p.77).



The political identity connected to “asylum-seeking child” is ambiguous. It has on one side the political identity of “asylum-seeker” which stands between the struggles of being included or excluded from the rest of society, and on the other hand also the political identity of a “child” that was created through the struggles of a child's vulnerability, and further getting their own rights. Vitus & Lidén explain that “when one of these two political identities becomes the “universal” one, the child’s position changes” (Vitus & Lidén, 2010, p.65).

The discourse regarding childhood has lasted for centuries, and it is still a topic today. The discussion of whether children should have their own rights or not started in the late twentieth century with a raised concern by policymakers and legal scholars. The Convention on the Right of the Child (UNCRC) has been children’s most important tool to have a right within societies that has ratified it. In Norway the UNCRC has been important in the political discourse, and it has also been incorporated into the national law in the country. On the other hand, Denmark has not incorporated the law to the same extent as Norway. The UNCRC is almost invisible when looking at the political discourse regarding asylum-seeking children, which also makes the practices quite different in the two countries (Vitus & Lidén, 2010, p.67).

Vitus and Lidén concludes that the biggest difference between the two countries' discourse and practice is that in Norway the asylum-seeking children, as mentioned both accompanied and unaccompanied, are looked at as an asylum-seeker, but also a child. While in Denmark, asylum-seeking children are looked at as asylum-seekers. This indicates that Norway and Denmark sit with two different definitions and opinions regarding the two poles on the child political identity and asylum-seeker political identity (Vitus & Lidén, 2010, p.77). The distinction between an asylum-seeker and a child disappears. Consequently, so does the importance of children's rights as listed in the UNCRC. Norway and Denmark have different hegemonies operating in the two countries where they have placed different emphasis in relation to the discourse about for example the concept of the child's best interest (Vitus & Lidén, 2010, p.77).

### **“With a Heavy Heart”**

Helga Eggebø has written an article on difficulties within the immigration system in Norway. It gives an overview of the Norwegian immigration administration and gives an example of

case processing for immigrants in Norway. She indicates that bureaucracy can be a danger to modern society because it eliminates possibilities of seeing it from an ethical perspective (Eggebø, 2012, p.301). People working within the immigration administration are therefore challenged in being ethical beings (Eggebø, 2012,302).

In many cases the employees know that if they get a close connection to the immigrants, it can also be a difficult job to do. It is a system that already has set rules with how the outcome should be. A lot of the bureaucrats interviewed in the study emphasized the importance of not having face to face contact with their clients. This helped reduce the emotional attachment and made it a lot easier to do their job in most cases. Also, if they get too emotionally attached their job would be too burdensome to handle (Eggebø, 2012, p.307). Therefore, having clear rules and regulations helps the bureaucrats with the hard decisions (Eggebø, 2012, p.308). This can also be looked at as the issue of bureaucracy. The main idea within bureaucracies is that everything should be equal for everybody, and no one should be treated differently than others within the system. This also makes it difficult for the workers in the different bureaucratic organizations when they have to reject people's applications in cases where there are no legal grounds for letting a person stay. This means that the workers must disregard their own feelings and emotions (Eggebø, 2012, p.307).

As seen in this article, Eggebø addresses the two sides of the emotional aspect within immigration administration. She mentions that on one hand, emotion is viewed as something positive, useful and an essential human capacity, while on the other hand, it can make the job heavier and more difficult for the workers. Within bureaucratic directorates or organizations all emotions should be put aside and be controlled to be able to give every person equal treatment (Eggebø, 2012, p.314). The thought of getting equal treatment is connected to justice, if emotions are involved, the justice and democracy will be threatened (Eggebø, 2012, 309).

## **2.4 Conclusion**

This literature review gives an overview of some of the most relevant studies done on the topic regarding unaccompanied children's motivation to leave their home country, the children's care situation and immigration policy in Norway that affects this group. A lot of the material found when searching for articles or text regarding UASC in Norway is focused on

the children's mental health while living in reception centers. I also find it difficult to find studies that look at the positive aspects of UDI being in charge of the care for the oldest group of UASC. It is mostly research criticizing or giving recommendations on how it should be done. Most studies and research are based on interviews with UASC that have lived or live in reception centers, where researchers have called for changes in various areas of the current practice within UDI and the reception centers. Within the immigration politics we see that there are different challenges in working with children. The immigration debate has been ongoing for years and the articles added in this literature review indicates the difficulties both within the bureaucratic society but also more general in politics and the public discourse. Another difficult area was to find articles and previous research focusing on the left side's use of rhetoric. It is apparent that the rights side's rhetoric, mostly FrP's, appears to be more attractive for researchers to analyze, which makes it discussed and written about more.

Furthermore, I have also understood that there is not much research done on the new Proposition from April 2021, or the way the unaccompanied asylum-seeking children are being referred to in the discussion. When searching for material, I could not find a rhetorical analysis done on the same topic. This gives me the opportunity to research a field that is both researched a lot, but also not at all because my method and way of approaching it is not done before. In prop 82 L I find some interesting materials that reflect on the theme. Nevertheless, I see that there is not enough research on the topic and that it could be interesting to look further into the topic.

## 3 Theoretical framework

In this chapter I will present the theoretical framework for the thesis. The theory chapter is important because as it gives an understanding of the background and context, but also a solid reasoning of the research that is being conducted (Bryman, 2012, p.20). The theory basis for this chapter will be further highlighted in the discussion chapter 6 of the thesis.

### 3.1 Theory of recognition

Alex Honneth, Judith Butler, Nancy Fraser, and Charles Taylor are examples of well-known authors that have written and given their opinion regarding the theory of recognition. In this research I have decided to focus on Honneth's theory on *The Struggle for Recognition*, and Häkli, Korkiamäki and Kallio's theory on *Positive Recognition*. I chose these two theories because recognition can be one of the main elements for a person to feel valued or important in different situations throughout life, both on a personal level but also by society at large.

As we have seen, the research is based on how care is distributed for UASC. Therefore, the term care is mentioned several times throughout the previous research and text within the public debate. Recognition and care are two terms that are interconnected. Care is a broad concept, and it consists of more than only recognition. At the same time is recognition important for my understanding of the term care. Care is not only access to basic needs, but also the opportunity to be seen, heard, and recognized as a person. Recognition can make you feel cared for, and part of something bigger. As expressed in the FAFO-report "A Safe place to wait", the term care can be understood to cover key areas in children's lives. That is, both the basics, but also the social and physical elements (Sønsterudbråten, Tyldum & Raunadalen, 2018, p.39). The report also mentions that the term care is linked to health, which in this case can be related to the many unaccompanied asylum-seeking children struggling with mental health issues. There is no juridical definition of proper care. At the same time proper care can be connected to the Child Welfare Act, as the Act applies to all children in Norway, regardless of situation. This also means that if a matter of concern arises at the reception center, it is taken further to the child welfare service (Sønsterudbråten et al., 2018, p.40). "*The need for recognition is about how one experiences being valued by others, self-respect, self-confidence, and ascribed status. This is related to the need to be able to further develop one's own abilities and realize goals*" (Søholt & Valenta, 2017, p. 51).

Consequently, there is a lot at stake when it comes to children's care, therefore I chose to include recognition as important theory connected to care. These two theories provide a framework and a perspective of what is at stake for the youths, and a critical perspective on the debate.

### **3.1.1 Alex Honneth- The Struggle for Recognition**

Axel Honneth, a German professor of Political Philosophy at the Free University in Berlin, explains that he believes there are three levels for recognition: Love, Rights & Solidarity. He connects these three levels to the importance of a person experiencing self-confidence, self-respect, and self-esteem. In coming up with this theory Honneth is looking at Hegel and Mead, two other philosophers, that already had their ideas on recognition outlined in previous work. He was interested in looking into their work to reconstruct a new theory based on their fragmentary propositions (Honneth, 1992/1995, p.xix).

### **3.1.2 Love & self-confidence**

Honneth's first level is Love. He explains love-relationships as all relationships that are between primary relations that we have in our lives. This means bonds that people have through for example friendship, family (for example between parents and children) or erotic relationships between a couple. Hegel believes that love is the first step within recognition, and that in a love-relationship it is all about having a mutual connection and respect for each other. It is a relationship where both sides are dependent on each other to the same degree. He also further explains that between these primary relations there should also be a balance between being independent but also being attached to the other part. People are emotionally connected to each other, but to a smaller number of people (Honneth, 1992/1995, p.95).

Honneth further stresses the importance of the bond between a parent and a child. He refers to Donald W. Winnicott who was a psychoanalyst and pediatrician. Winnicott explains that the first period after a child is born is crucial for both mother and child. They are dependent on each other in different ways. He further explains how the relationship between them changes, where they experience their important bond also through difficulties that they face in the child's upbringing phase (Honneth, 1992/1995, p.98). In close primary relationships like these there are different things that can go wrong, and for example the mother can experience the child as aggressive and difficult to handle during a period of the child growing up. The positive aspect if they get through this phase, they will continue having mutual recognition

towards each other where they are also able to be independent. Both mother and child must work together to learn how to be an independent individual (Honneth, 1992/1995, p.101). As Honneth states “*In becoming sure of the “mother’s” love, young children come to trust themselves, which makes it possible for them to be alone without anxiety*” (Honneth, 1992/1995, p.104). Hegel described recognition through love-relationships as “*being oneself in another*”, this means being able to be alone, but also the experience of being merged with one another (Honneth, 1992/1995, p.105).

Recognition between the different love-relationships that Honneth mentions, is the starting point and preparation for a person to experience a relation-to-self where they can achieve basic confidence in themselves.

*This fundamental level of emotional confidence – not only in the experience of needs and feelings, but also in their expression – which the intersubjective experience of love helps to bring about, constitutes the psychological preconditions for the development of alle further attitudes of self-respect.* (Honneth, 1992/1995, p.107)

This step is in the psychological area where how you are viewed and valued by others can have a big impact on how you live and review your life when growing up. Things that someone experiences when they are young can leave traces in a person’s mind. People do not develop by themselves, but in relation to others. Love-relationships can also be looked at as recognition where you get the opportunity to be independent in your own way, and there is a mutual respect for each other’s different choices (Honneth, 1992/1995, p.107).

### **3.1.3 Rights & self-respect**

The second level within recognition in Honneth’s model is Rights. When Mead talks about rights, he explains that you are only a legal subject if you have rights. By getting rights the person must be aware that there are certain social norms in society but also that they must be recognized by the community. Honneth believes that Mead’s explanation gives a weak understanding where you can only see yourself as a bearer of rights if you are socially accepted or recognized by the rest of the community. He further believes that Meads pushes the legal aspects into a traditional sphere which he criticized because of the traditional law of only recognizing the people that are accepted by a traditional society. An individual is only recognized if it has all the checkmarks of what the community is deciding of what is a legal

right holder. He further criticizes that the people that protect the society still has an unequal way of distributing the rights within society (Honneth, 1992/1995, p.109) Honneth claims that:

*From this point on, the legal system can be understood as the expression of the universalizable interests of all members of society, so that, according to the demand internal to it, exceptions and privileges are no longer admissible. Since, in this connection, a willingness to adhere to legal norms can only be expected of partners to interaction if they have, in principle, been able to agree to the norms as free and equal beings, a new and highly demanding form of reciprocity enters the relationship of recognition based on rights. (Honneth, 1992/1995, 109-110)*

As mentioned above, only when people are recognized and approved in a community as legal subjects, obeying the same laws, they will look at each other as reasonable autonomous subjects capable of making their own decisions regarding “moral norms” within society. Hence, within rights, Honneth emphasizes the need of avoiding exceptions that will give advantages to the majority in society (Honneth, 1992/1995, p.110).

As we have seen, Hegel and Mead have different views on the distribution of rights. Honneth stated «*Hegel’s characterization, unlike those of Mead, apply to the legal order only to the degree to which it has been able to detach itself from the self-evident authority of ethical traditions and is reoriented towards a universalistic principle of justification*” (Honneth, 1992/1995, p.110). By this Honneth indicates that it brings up two important questions. First, we need to understand recognition within the community itself that needs to be generally equal for all members. The society would have to go away from the traditional way of understanding who is categorized as having rights, and where the society in general needs to understand their own legal rights. This must be a cognitive understanding between citizens. Secondly, we cannot stop recognizing humans based on their legal rights, in this case their recognition of members in a community. Humans as free beings with their abilities must be detached from the exclusivity of belonging. It’s understood that Honneth makes this claim as an evolutionary process that must be a “*gradual increase in inclusivity and precision*” (Honneth, 1992/1995, p.110).

If an individual person lives a life without rights, it also takes away their chance of developing self-respect (Honneth, 1992/1995, p.119). If every person regardless of their background gets the same opportunity as others to have similar rights, and gets recognized by having them, it will give the feeling of being included in the bigger society. Achieving the same legal recognition also gives a person the opportunity to look at themselves in a positive way, and to gain self-respect (Honneth, 1992/1995, p.120).

#### 3.1.4 Solidarity & self-esteem

Lastly, Honneth mentions the level of Solidarity. He explains the third level of recognition as the importance of social appreciation. This makes it possible for people to stay positive to the attributes and skills they bring into society (Honneth, 1992/1995, p.121). He emphasizes that both Mead and Hegel had different understandings on how to gain recognition. Even though their views were very different, they agreed on one function. They both believed that

*[...] in order to be able to acquire an undistorted relation-to-self, human subjects always need- over and above the experience of affectionate care and legal recognition- a form of social esteem that allows them to relate positively to their concrete traits and abilities. (Honneth, 1992/1995, p.121)*

When looking at recognition connected to mutual social appreciation, people need to have the same thoughts when it comes to goals and values. In comparison to when we talk about the topic of recognition and rights, social appreciation is more about the different qualities that make you different from other human beings, and what separates us from the other (Honneth, 1992/1995, p.122).

If you feel that you have contributed to something positive or valuable for the community around you, it can help to give you a type of collective honor or group pride. When people feel like they are achieving something together as a part of a group or a community, but also get recognized for being part of it, it will make a person feel wanted and proud that they have accomplished something. Honneth explains “solidarity” as an “*interactive relationship in which subjects mutually sympathize with their various different ways of life because, among themselves, they esteem each other symmetrically*” (Honneth, 1992/1995, p.128). Recognizing each other symmetrically means to consider and look at each other mutually by looking at the person's abilities and skills that will contribute to the common good. If a person does not



experience being valuable, it can contribute to lack of personal identity and low self-esteem (Honneth, 1992/1995, p.128).

Mode of recognition	emotional support	cognitive respect	social esteem
Dimension of personality	needs and emotions	moral responsibility	traits and abilities
Forms of recognition	primary relationships (love, friendship)	legal relations (rights)	community of value (solidarity)
Developmental potential	—	generalization, de-formalization	individualization, equalization
Practical relation-to-self	basic self-confidence	self-respect	self-esteem
Forms of disrespect	abuse and rape	denial of rights, exclusion	denigration, insult
Threatened component of personality	physical integrity	social integrity	'honour', dignity

*Figure 2 The structure of relations of recognition (Honneth, 1992/1995, p.129).*

Figure 2 demonstrates the different aspects when it comes to the three levels of recognition. Both what it takes to gain recognition, what factors that can threaten it, and forms of disrespect connected to the mode of recognition. For example, as we can see self-confidence, self-respect and self-esteem are all important factors of achieving recognition, both through emotional support, cognitive respect, and social esteem from the rest of society.

### 3.1.5 Negative aspects of not receiving recognition

Having these three levels of recognition would be the positive aspect of recognition. If we turn it around, Honneth emphasizes the potential for conflict in the absence of the three elements. He brings up the topic of disrespect. There are a lot of people who, through years, have felt like they have been wrongly treated by other people in several areas of society. The experience of “humiliation” or “insult” is referred to by Honneth as a type of disrespect which is a denial of recognition but also towards a person’s self-esteem (Honneth, 1992/1995, p.131). If you do not have the three levels of recognition in order, you get a society where there could be a creation of conflict because recognition is not being valued or used in people’s daily life (Honneth, 1992/1995, p.133). When somebody is standing on the outside

of society, lacking recognition, it can cause negative feelings about society, expressed in for example violence or other types of conflicts. If we look at Kant's previous work, we can see that the term "moral" as whereas people are able to give the same respect to all people, but also consider people's personal interests (Honneth, 1992/1995, p.179).

Honneth's theory of recognition highlights three aspects for achieving recognition. It raises questions that interest me, and which I will further shed light on in the discussion to investigate how the different rhetors have emphasized the importance of recognition in the public debate regarding UASC care.

## **3.2 Building further on the concept of recognition**

By reading "The Struggle for Recognition", one notices that both Honneth and Winnicott focus more on the relationship between recognition and young children/infants, rather than adolescents and recognition. I believe that this is one of the challenges within the debate, that the question regarding the oldest group of children's need for recognition is not mentioned to the same extent. Since my research project is based on the oldest group of unaccompanied asylum-seeking children (age 15 to 18 years old), finding a theory that builds on the importance of recognition for children and youths can give me a broader understanding of the concepts of recognition connected to care.

### **3.2.1 Concept of positive recognition**

Häkli, Korkiamäki & Kallio brings forth a new theory of recognition in their article "*Positive recognition as a preventive approach in child and youth welfare services*" where they point it towards the field of social pedagogy. They introduce a new concept within the already widely discussed area of recognition, called positive recognition, which is practice-oriented towards children and youths. Recognition is as explained by Häkli et al. as "*socially embedded constitutive relations between individuals and groups that bring about favorable outcomes*" (Häkli Korkiamäki & Kallio., 2018, p.2). The concept of positive recognition was made to strengthen the different aspects of a child's everyday life in ways like dignity, acknowledgement, and inclusion (Häkli et al., 2018, p.9). It also plays an important role in how children look at themselves not only in encounters with staff or other professionals in the field, but also in mutual relations (Häkli et al., 2018, p.6). This theory, and several other contemporary theories, lean on Hegel when it comes to recognition. Hegel believed that social life is dependent on equal recognition between each other (Häkli et al., 2018, p.3). Häkli et al.

acknowledges that recognition should be a basic need for every child. They have also divided the theory, similar to Honneth, into three different, but interlinked aspects: *Getting to know (each other)*, *Acknowledging (what matters)* and *Providing support (for contextual agency)*. I will now explain their different aspects.

### 3.2.2 Three aspects of positive recognition

Starting with the first facet: *getting to know (each other)*. Häkli et al. explains that within the positive recognition the first facet is about recognizing the children by showing interest and getting to know them on a personal level. For professionals working with children, it would be by spending time, doing things with them, and finding out their personal interests. They further express that in the field of social pedagogy “...*equally important is reciprocal interaction and the ability and willingness of professionals to engage in relationships open-mindedly and nonjudgmentally*” (Häkli et al., 2018, p.7).

Secondly, *acknowledging (what matters)*. This aspect is based on connecting with the young people and understanding their world. If you manage to forge closer ties, it is also easier to be able to give recognition in areas where the children and youths need it. A professional worker within child and youth care services expressed that: “*To identify is not enough. We also need the acknowledgement, the appreciation, positively. It turns out completely different when you include acknowledgement in recognition*”. It is about acknowledging what are the important aspects of the child's life and meeting them based on that (Häkli et al., 2018, p.7).

Lastly, *providing support (for contextual agency)* emphasizes the importance of having supportive measures. Acknowledgement and familiarization help the different professionals working with children to find trust and be able to reach out to the children. When children and youths get recognized and treated equally despite their differences, they get to experience that they have an important role in the collective community. As Häkli et al. indicates, one of the main strengths of the concept of positive recognition is that people are able to be active agents who are able to define their own situations and wellbeing. Professionals can work as a security for the children, but they still have the opportunity to unfold by themselves (Häkli et al., 2018, p.8).

So, as we see within this theory on positive recognition, the key is to have 1) “*care and respect in personal relationship*”, 2) “*participatory inclusion*” and 3) “*the acknowledgement*

*of equality*” (Häkli et al., 2018, p.9). To keep building children up and acknowledging them is not only a way of showing them recognition or help giving them a positive wellbeing, but it can also prevent marginalization towards this specific group of children. Häkli et al. explain that the concept of positive recognition “...is about understanding, exposing and engaging with communal dynamics as the core of everyday social pedagogical practice wherever children and young people lead their lives” (Häkli et al., 2018, p.10).

### **3.2.2 Summary**

To summarize, we see that both Honneth and Häkli et al. emphasize the importance of recognition. Honneth's three levels: *love*, *rights*, and *solidarity* and Häkli et al. three aspects of *getting to know (each other)*, *acknowledgement (what matters)* and *providing support (for contextual agency)* all show different areas of a person's life where it is important to feel acknowledged and recognized by others. As mentioned Honneth has a clear focus on the earliest stage of life, a child as a newborn in relation to its caregiver, while Häkli et al. builds on Honneth and Hegel's theories on recognition by drawing on the importance of being recognized as a child or youth. Making a new concept: positive recognition. As we can see, the feeling of being recognized by others is important in all stages of life, and can strengthen a person, as Honneth mentioned, self-confidence, self-respect, and self-esteem. While the opposite can lead to marginalization and feeling alienated and distant from the rest of the society. The way authors, politicians and organizations speak about unaccompanied asylum-seeking children differ, and there are different opinions on how people believe the practice concerning them should be handled. Therefore, I decided to use the theory of recognition as a way of understanding and explaining the children's situation. Recognition appears as an important term when researching the topic of unaccompanied asylum-seeking children.

## 4 Methodology

In this chapter I will present my choice of method, what and how to conduct a critical rhetorical analysis, why I chose it, but also present the possible consequences and ethical considerations to be aware of with the chosen method. The main purpose, as mentioned in the introduction chapter, was to look at politicians and organizations use of rhetoric in the public debate regarding unaccompanied asylum-seeking children's care distribution and how they deal with this issue. The method was used as a tool to help me answer and led me in the right direction in relation to the research question.

### 4.1 Choice of method

To achieve the goal in relation to the research question I decided to conduct qualitative research in the form of text analysis. This thesis was based mostly on different types of text where I have worked with hearings and statements from several organizations and actors, but also other types of texts like newspaper articles, reports or professional articles that are connected to Prop. 82 L on the distribution of care for unaccompanied asylum-seeking children's care situation in Norway. In order not to confuse, the term "text" was in this research project aimed to represent any type of written and oral text, such as articles, committee texts, excerpts from political texts, interviews on TV or political statements or speeches.

When it comes to political debates, such as this one regarding Prop. 82 L, persuasion becomes the most important aim for the speaker or writer. Everyone wants to persuade an audience: the organizations that write hearings, but also to the politicians who discuss and promote the issue in public from their views. Therefore, a critical rhetorical analysis was best suited according to the purpose of my study. This type of analysis helped to uncover strategies and context as well as motivations from the rhetors in the public debate that took place in the spring of 2021. Critical rhetorical analysis opened another approach and understanding on the topic of UASC. It was an important tool looking at the speaker or writer's language, speech technique and setting, but also the understanding of why someone chose to say what they said. Text is not only about what is being said, but also how it has been said, or in what setting. By understanding how we have been persuaded, for example by a politician, it can be easier to understand how you can move others, but also how to be better judges and advocates

(Longaker & Walker, 2011, p.4). As Longaker & Walker emphasize: “*we don't analyze to analyze. We analyze to understand, to judge more justly, to speak more effectively, to behave more responsibly. In general, we analyze to become better people ourselves*” (Longaker & Walker, 2011, p.4).

Another positive aspect of choosing a research question that focuses on the debate from a rhetorical perspective is that this is a method that has not been studied to the same extent as others. The topic itself on the UASC care situation and the distribution between UDI and the Child Welfare Service has been researched in several different ways but mostly through interviews or observations in the different reception centers.

#### **4.1.1 What is rhetoric and rhetorical analysis?**

To understand how to conduct a rhetorical analysis it is important to understand what the method is about. Rhetorical analysis is as mentioned above, looking at the persuasive language that has been used, how to engage the audience through formulations and presentations technique but also the strengths of using the right arguments. As Longaker & Walker express:

*This company, the social quality of human existence, requires persuasion. We must be able to influence one another without destruction or violence. If we can only form societies through force, then we will destroy one another. But if we can find a way to interact without physically damaging or fettering one another, then we can accomplish more than any other species wandering the planet.* (Longaker & Walker, 2011, p.2)

Rhetoric can be found everywhere in society, and it is a necessary interaction between human beings that cannot be removed or avoided (Longaker & Walker, 2011, p.1). Rhetoric is all about what has been said, how it has been said and in what context it has been said. The focus is on how the writer or speaker is saying it, but also what is being said within the discussion.

Bryman addresses the importance of language in social research, and that understanding and looking at the way people word themselves in different settings (Bryman, 2012, p.522). One of the main purposes of doing a rhetorical analysis is looking at the way that arguments are constructed and built, when listening to a person speaking, but also in written format. Also,

how the “*role of various linguistic devices (such as metaphors, analogy, and irony) play in the formulation of arguments*” (Bryman, 2012, p.535). Interpretation is another important aspect when looking at texts from a rhetorical perspective. All texts have different meanings and can be interpreted in various ways precisely because the diversity of language makes it possible to understand it in several ways (Villadsen, 2009, p.38). As we can see, rhetoric is mostly about how different people decided to word themselves though different choices they made beforehand of either holding a speech or writing a statement or paper.

#### **4.1.2 The rhetorical situation**

Within the world of rhetoric there are several terms used to explain both the context and argumentation. These will also be the main element in doing the analysis. Firstly, time and place. Everything being said will be understood differently depending on the situation and context. The rhetorical situation is called Kairos. “*All these things are interrelated: the rhetor's message, audience, and delivery; the audience's interpretation and response; and the circumstance within which this all happens*” (Longaker & Walker, 2011, p.7). The term rhetor was in this research used as the person giving the message to the audience. This can be such as the writer, video maker, speaker and so on (Longaker & Walker, 2011, p.8). An example of Kairos within this context could be that the arguments being used and the way of presenting something that the politician uses in front of other politicians in the Norwegian Parliament might not be right to use when trying to convince the Norwegian society on a public discussion on the television.

#### **4.1.3 Ethos, pathos & logos**

Secondly, how is it presented? One of the most important parts of a rhetorical analysis is the concepts of ethos, pathos, and logos. These forms of appeal complement each other and are the qualities that a speaker uses to reach and persuade a certain target group or audience (Bratberg, 2017, p.130). The rhetor would have to know which one of the forms of appeal that fits best within the situation that they are in. Ethos, pathos, and logos will be the basis for the framework in the analysis.

#### **Ethos**

The first form of appeal is ethos. This focuses on the speaker's or writer's credibility towards their selected audience. The word ethos originated from Greek and can be translated to “character”. How people view the speaker largely determines whether a person gets

convinced or not (Bratberg, 2017, p.130). The way the audience views the rhetor such as for example the person's knowledge on the subject, reputation, intelligence, credentials, goodwill, or honesty. Having some of these characteristics will help strengthen the rhetor's chance to persuade the audience (Longaker & Walker, 2011, p.45). For example, referring to one's own experiences within the topic can also strengthen the ethos. Ethos could be perceived as a complex term. What is credible to you does not necessarily have to be credible to me. Since we live in a pluralistic society, one politician might have credibility towards the members of her political party, but for other party members she does not have any ethos.

### **Pathos**

An important part of the rhetoric is that one is able to move the audience through emotions. Therefore, the second form of appeal, pathos, is connected to the emotional commitment of the recipient. If the speaker or writer does not get the audience emotionally committed to its message it will also be difficult to influence or engage them (Bratberg, 2017, p.132). Using specific pictures or words connected to the theme or bringing up personal stories will make the audience feel emotionally closer to what you are saying and to your story. When the audience feels these different emotions such as happiness, anger, fear, or sadness it can motivate them to take action depending on the situation (Longaker & Walker, 2011, p.46). In most speeches for example, it can be difficult to persuade someone without pathos because it doesn't engage the audiences and they would not feel any type of emotional connection to the topic.

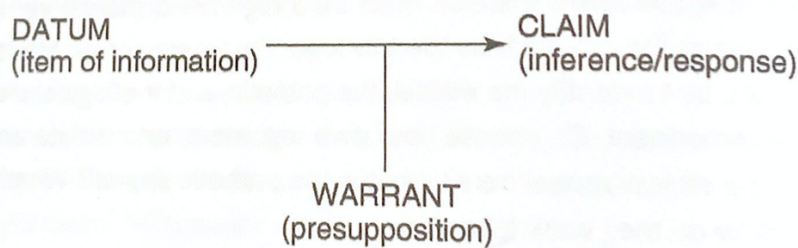
### **Logos**

The last form of appeal is logos. Within logos it is about the structure of the text or the speech. It is "*the force of the better argument*". The writer or speaker needs to have logical arguments that are well-reasoned and often based or referred to facts or statistics to be able to convince the selected audience (Bratberg, 2017, p.133). For example, in politics, logos is an important appeal where the politician should be able to persuade the voters by referring to credible sources behind their arguments.

As we see, argumentation and having the right arguments is a crucial part of logos and being able to persuade the audience. Arguments can be both direct and indirect. Direct arguments are arguments where there is a clear and stated conclusion, while indirect arguments are where the audience are allowed to draw their own conclusions (Longaker & Walker, 2011,



p.45). Stephen Toulmin presents an analysis of the practical argument where he shows the basic layout of arguments. The stages he used are datum, claim and warrant. Datum is “...*any idea, statement, perception that enters conscious awareness*”. While the claim is when datum has entered consciousness and is given meaning and is the conclusion. The warrant is the presupposition and is necessary for it to become a claim. It is when a person already has an idea or assumption about what is being said (Longaker & Walker, 2011, p.50) The illustration below shows Toulmin’s analysis of the practical argument.



*Figure 3 The basic layout of arguments (Longaker & Walker, 2011, p.50).*

Toulmin also adds two more steps to the analysis of the practical argument. Backing and restriction. Backing of an argument is the warrants support. This is for example where the rhetor would explain technical concepts or terms. While restriction is “*a qualifier that limits the claim*” (Longaker & Walker, 2011, p.53). These three steps of argumentation: datum, claim and warrant are the core tools for the layout of arguments. The two additional steps can be added depending on if it is necessary in the situation where the rhetor needs it to persuade an audience with more backing and restrictions (Longaker & Walker, 2011, p.54). In the analysis, I have had Toulmin's method in mind when looking at how the rhetor’s used their arguments and how they supported their claims.

### **Implementation of analysis**

I perceived that there was no specific template on how to perform a rhetorical analysis, therefore I decided to perform it as listed below. As mentioned by Kuypers “...*criticism is an art, not a science*”. Most research and sciences have a strict rule of not showing personal opinions, beliefs and so on, but in rhetorical criticism showing personality and opinions are crucial for interpretation and understanding of how one gets persuaded (Kuypers, 2009, p.14). In this research the rhetorical analysis has been used as a critical tool when looking into the different texts and arguments that have been given through the public debate regarding the

UASC care and living situation. The critical analysis focuses on more aspects surrounding the statements, rather than only conducting a descriptive analysis of the material. Kuypers description on how to write a critical analysis consist of a description, analysis, and an evaluation. The description should give the reader a clear overview of the material, the analysis should give important insights and understanding of the material and the evaluation is the judgment that is made from analyzing the material (Kuypers, 2011, p. 19-22). Below I created a guide to make sure that every important aspect of a rhetorical analysis is included or touched upon within the analysis:

- General background and summary of the chosen material/debate. Who delivers the message, the rhetorical situation, the recipients, type of genre, and the background behind the message will be addressed in this part.
- In what way are the two forms of appeal, ethos, and pathos, used? How are they being used to convince the audience?
- How is logos used in the texts? This area will address the logic part and focus on how the rhetors have built up their arguments.
- What linguistic tools such as plus/minus words, humor, analogy, repetitions, metaphors, have been used?
- Summary of the analysis of the chosen text.

#### **4.1.3 Selection of material**

The analysis was conducted by looking at one organizational hearing, one political debate between two politicians who are on opposite sides of the debate, and lastly a part of Prop. 82 L. All these materials are connected to the public debate regarding the distribution of care for UASC in Norway. Collectively, these texts were used to form the discussion through a rhetorical point of view. Searching to find the right material to analyze, one could see that there was a large number of newspaper articles dealing with the topic. There was also a total of 446 consultation responses submitted both from private individuals as well as large and small organizations and other companies. This gave me a lot of material to choose from, but since this is a master's thesis with limited time and resources, I had to select what would benefit my thesis in the best way. In the selection that was made, both sides and the main perspectives from important actors in the debate are represented. Therefore, the texts were chosen on the basis on what side of the discussion they were on, but also how active the organizations or politicians were within the public debate.

Also, since this is a Norwegian debate and a new Norwegian bill, most of the texts and literature found was written in Norwegian. Methodologically, this is challenging and brings up the difficulty of having to translate the material from one language to another. Therefore, accountability to what was said was taken, as I translated statements and excerpts from texts from Norwegian to English. The citations from the Norwegian politicians, organizations and the Proposition has been translated, but their points and general meaning behind what they were saying is still the same.

The first text that was analyzed was Proposition 82 L. A proposition is “*a legislative bill sent by the government to the Storting for consideration*” (The Norwegian Parliament, n.d-a). In this first analysis, Chapter 8 was the main chapter analyzed since this was the ones giving the ministry's assessment. In this part of the Proposition the Ministry argued for why it believed UDI should continue to have the responsibility for the children's care. I chose this part of the Proposition because it gave the committee's main and final opinion on why it believed that the unaccompanied asylum-seeking children should continue to be a part of UDI. Nevertheless, in order to gain a full understanding of the rhetorical use from the Ministry, the rest of the Proposition was also reviewed.

To explore counterarguments on the opposite side of the discussion, Save the Children’s consultation paper was used as the second analysis. Save the Children was one of the organizations that appeared to have a clear and definite viewpoint on what it thought about the new bill while looking for content for the topic. The organization is also considered one of the most important organizations working with issues related to children in Norway. The organization created signature campaigns where it delivered 10 000 signatures to the Minister of Justice, appeared in newspaper interviews to express its dissatisfaction, and delivered a note in the mail shelf of 169 Parliament politicians with a clear message to vote no to the new bill (Save the Children, 2021). In their hearing Save the Children also gave a clear statement that it believes it is wrong to give UDI the responsibility for UASC care.

Lastly, the third text chosen was from an episode of Dagsnytt 18. Dagsnytt 18 is considered to be the most watched news and debate program in Norway which addresses important topics both locally and internationally. On Dagsnytt 18 on the 21st of April 2021, 00:50 Karin Andersen member of the Socialist Left Party (SV) and Ove Trellevik member of the

Conservative Party (H) discussed the new Proposition. Until the autumn 2021, Karin Andersen was the chairwoman of the Standing Committee on Local Government and Public Administration, while Ove Trellevik was a member of the same committee. The Committee works on topics like for example immigration policy and national minorities (The Norwegian Parliament, n.d-c). Karin Andersen strongly indicates that she is against the new bill, while Ove Trellevik believes that the practice that is today is working well. This source provided me with the pros and cons of the Proposition and a debate displaying both sides of the political debate.

## 4.2 Critique of method

When conducting research, it is necessary to understand why you have decided the method, but also what can be critiques or consequences of the choice that you made. There are strengths and weaknesses with all methods, and there are lots of different methods to choose from. When it comes to qualitative research Bryman expressed four negative aspects by choosing qualitative research as a method: *too subjective, too difficult to replicate, problems with generalization and lack of transparency* (Bryman, 2012, p.405-406). I have explained these negative aspects connected to my type of chosen method.

### **Too subjective**

Firstly, in many situations it is easy for a researcher to make their research too subjective. When you do a research project, it is easy to choose a topic that you both care about and are interested in (Bryman, 2012, p.405). Since rhetorical analysis is about analyzing but also interpreting what the speaker is saying, one of the challenges may be to remain neutral. As explained initially, I am interested in topics regarding immigrants, refugees and especially children that due to different reasons travel alone to a new country. Being aware of my positionality and what I believe is right or wrong in this situation, can therefore represent a benefit, but also a disadvantage to the research. I am not an UASC myself and I am not in a close relationship with anyone that is or has been. Nevertheless, I find it important to be observant of my positionality and interest in the topic throughout the research to get a more comprehensive and accurate study.

### **Difficult to replicate & lack of transparency**

Secondly, in many situations within qualitative research it can be difficult to replicate, and it can lack transparency. Qualitative researchers can in some situations make it difficult for new researchers to replicate their previous research. This is because in many cases it is unstructured and based on the researcher's own creativity and ingenuity. Another issue can also be that it is difficult for researchers who come after, wanting to research the same field, to understand how the study was conducted (Bryman, 2012, p.405-406). Therefore, when it comes to replication and transparency it is important for me to explain why I have chosen the different steps, methods, and material as I have, but also how I have decided to use it in the research. This opens for it to be possible for other researchers to see how the process was conducted in all the different steps of the study.

### **Problems of generalization**

Lastly, within the qualitative method the question of generalization arises. Since I selected a specific number of texts based on what was relevant for my topic, there could be a problem with generalization (Bryman, 2012, p.406). This was because I did not get to include the full range of organizations, politicians and writers that have expressed their opinion concerning the UASC and how they refer to them. This could also be a struggle if there are difficulties with finding texts that show both sides of the public discussion. In my case I saw that there were a lot of articles written against the legislation, and less for it.

## **4.3 Ethical considerations**

In addition to understanding what critiques of the chosen method are, it is also important to understand and be aware of the ethical issues that could appear in the process of collecting the data. Alan Bryman explained that there are different aspects to make sure that you are aware of when conducting a research project. The researcher should make sure: 1) "*whether there is harm to participants*", 2) "*whether there is lack of informed consent*", 3) "*whether there is an invasion of privacy*" and 4) "*whether deception is involved*" (Bryman, 2012, p.135).

As mentioned above, I decided that I wanted to use text analysis as my method. Since the research project is looking at, and analyzing public papers and statements, I did not have to worry about the privacy of what the person was saying either through their hearings, articles, or public discussions. All the documents were already official and public documents where

anybody can find the statements or texts online. Since all the material I worked with were publicly available the questions of for example being anonymous and private did not apply. This was because it was openly posted online with names. This would have required a completely different approach and would have been more important if, for example, I were to interview children where I would need permission from their parents or other legal guardian.

Another important aspect was that since I was going to work with text analysis and read a lot of texts, it was necessary to mention plagiarism as an important ethical consideration. To define the term, plagiarism is when a person takes someone else's material, thoughts or writings and claims that it is their own (Bryman, 2012, p.124). This meant that both in the process of finding previous research for example to the literature review, and when I had read and found material for the theory chapter, it was important to make sure that I had not directly copied the source. Instead retold what other authors have said and remember to source them and their work. This is one of the most important aspects of doing research based on other people's previous work.

## 5 Analysis

The following chapter will present an analysis of three chosen texts: Consultation proposal from Save the Children, debate on Dagsnytt 18 and Proposition 82 L from the Ministry of Justice and Public Security. In the methodology chapter, a guide was created (see page 42) which will be the basis for the analyzes. The analyses are divided into three parts. The reason why each text is analyzed separately, even though the texts are a part of the same public debate, is that it will give the reader a better understanding of each text and in what context they were written. Further, highlight their differences, and underline in what way they were able to persuade.

### 5.1 Background on the public debate

The three chosen texts were all within the debate concerning the care distribution for UASC. I will therefore present a common explanation of the background of the three texts to provide a context.

On February 12th, 2021, the Ministry of Justice and Public Security gave a recommendation to changes in the Immigration Act § 95 (under the Solberg Government). Proposition 82 L suggested to legislate that UASC should be under the care of UDI. Which had already been a practice for several years, but it was now proposed to make it a law. Organizations and private individuals were able to give feedback on what they thought about the new legislation. It ended up receiving a lot of criticism, and the consultation paper was one of the platforms that Save the Children used to express its concerns, among several others. Karin Andersen (SV) and Ove Trellevik (H) were invited to Dagsnytt 18, close to the voting-day, to present their views through a live debate that aired on television and radio. The proposal got voted over on April 27th, 2021, where the majority ended up voting in favor of the proposal. All the three texts chosen for this analysis were posted in the period before the voting. I will now present the three analyses starting with the main document that started the debate.

## 5.2 Analysis of Proposition 82 L

### 5.2.1 Background and context

Proposition 82 L is the main text, describing the proposed legislation. It was transferred from the Ministry of Justice and Public Security to the Norwegian Parliament on February 12th, 2021, after being formally approved by the Minister. The document expressed what the Ministry believed is the right care regime for unaccompanied asylum-seeking children. The proposal is well-structured and is divided into 10 chapters stating the proposed legislation, current situation, current law, positive and negative effects of the change, and an outline of the ministry's own assessment. I decided to put more weight on chapter eight which gives the final comments, arguments, and assessment for why the ministry believed that UDI should be responsible for the children's care. This is an assessment considering responses from the hearings and consultation papers regarding the legislation. At the same time, its rhetorical devices and appearance are built up throughout the text. Therefore, to get a more concise analysis it was necessary to also examine the other chapters from the Proposition to gain a coherent and broader understanding of the rhetorical tools that were used.

In general, the Ministry of Justice and Public Security's tasks and main areas of responsibility are: «...*the judiciary, the prison service, the police and prosecution authorities, the rescue service, social security, immigration authorities and coordination of Norwegian policy in the polar regions*» (The Norwegian Government, 2018, April 27th). It has not stated its work areas in the Proposition, but this is considered as common knowledge in the Norwegian Society as this is one of the 18 ministries in the Government. All ministries work on different domestic and foreign issues related to which area it works for.

Proposals and reports to the Parliament are expected to be balanced, unbiased and in another tone of voice than a conversation or a speech from a rhetor to an audience. This genre invites the use of other rhetorical rules. Propositions should be more subdued, and the rhetoric should not necessarily be visible to the same extent. Therefore, a proposition should be factual and well-founded, showing both pros and cons of the issue and in general demonstrating that comprehensive research has been done. The Ministry initiated the Proposition by stating:



*In this Proposition, the Ministry of Justice and Public Security proposes amendments to Act no. 35 of 15 May 2008 on immigrants' access to the Kingdom and their stay here (the Immigration Act) § 95. The proposal is to legislate the Directorate of Immigration's responsibility for unaccompanied minors living in asylum reception centers. Furthermore, it is proposed that more detailed provisions on accommodation and care for this group be laid down in regulations. (Ministry of Justice and Public Security, April 12th, 2021, p.5).*

By starting the document in this way, it provides the basis for what the Proposition is about and underline what it hopes to achieve with the legislation. It helps the audience to understand what the problem is early on. The audience also does not have to interpret what the point of the text is. A proposition should be straightforward and easy to understand so that more people are able to grasp what the new legislation is about. It is not only for experienced professionals with an understanding of complex, academic language.

The legislation was sent out to several organizations and actors so that they were able to provide their consultation answers with their thoughts on the new proposal. Consultation responses can also be answered by private individuals that have something they want to convey within the topic. The audience is therefore in one way both organizations and individuals. However, its main target is the politicians that are a part of the Parliament because they are the ones who ultimately will vote on the proposal.

### **5.2.2 Ethos**

As explained in the methodology chapter, ethos is built on the credibility of the rhetor. The Proposition in general has a solid ethos. The audience can be against what the government is proposing, but professionally, a document coming from a Ministry will be perceived as professional and balanced. To gain a broader understanding of the ethos, one must look past the Ministry and focus on the previous government. Even though the Ministry is a part of the Government and has a lot of professionals within different fields, the politicians are ultimately the ones who bring up the idea and take it further. Therefore, trusting and considering the Norwegian government, and the Norwegian ministries in general to be a credible source also helps build up its ethos. The political leadership of the ministries are replaced at the same time as the government. Meaning, new politicians will be in charge and part of the Ministry every fourth year. During this Proposition Erna Solberg from H (the conservative party) was

the Prime Minister in Norway, and Monica Mæland (H) the Minister of Justice and Public Security.

The government under the conservative party was known for having stricter asylum politics. The Ministry acquires ethos as it first of all is a governmental ministry, and second of all, because it is a professional text showing professional knowledge and skills on the topic from both sides of the discussion. However, by the people that believe that the asylum policies are too strict, the government might not have the same credibility. For example, the organizations that have criticized it for being unreasonable discrimination towards the oldest group of children. In some way the ethos depends on who the audience is, and what type of politics they support. Another important aspect is that the focus should not only be on the Ministry alone, but as a joint decision of the politicians that are a part of it. Its ethos is therefore also affected by this as it is not necessarily traced back to the individual but having to assess the Ministry's credibility as a whole. Nevertheless, looking at the Proposition in general, it has a type of ethos considering that the Ministry is in a special position as not everyone has the opportunity to come up with a legislation and a proposition. This means that the document has some type of important status in Norwegian society by the fact that it is a legislative proposal.

This type of document demonstrates another dynamic compared for example a debate, because the politicians are not able to express themselves and present their view to the same extent as they could through a proposition. Therefore, playing on ethos and logos would be an important factor to be able to persuade its desired audience. Ethos and logos can also be connected considering that having a logical approach with solid and backed up arguments also gives the rhetor a more credible ethos.

### **5.2.3 Pathos**

A proposition from the Ministry of Justice and Public Security will not be ruled by emotional persuasion. This could be understood as this is a formal paper leaning more on logical arguments. It can be perceived that the Proposition has more hidden pathos than the other texts that have been analyzed. Therefore, one must make its own interpretation on what one reads in between the lines.

The Proposition brings up the topic of mental health issues connected to the children's living situations. The mental health issues are not brought up directly to use as a persuasive tool, but

it is mentioned in relation to the criticism that have arisen from organizations regarding the legislation. The Ministry stated:

*For unaccompanied minors who are struggling with, for example, trauma or other mental health problems, the health authorities have a responsibility to offer necessary health professional follow-up in accordance with, among other things, the Health and Care Services Act. In such situations, however, the asylum reception center has a special duty of activity to ensure that the minor receives the necessary services from other relevant sector authorities (see section 6.2). (Ministry of Justice and Public Security, April 12th, 2021, p.23)*

The statement comments on the fact that there could be children struggling with these types of issues but is also giving explanation on how other sector authorities will be able to help the children that need a safer and more protective environment. Throughout the Proposition, the Ministry has considered and acknowledged the critique that it has received throughout the hearings. When the Ministry gives this explanation, it can be seen as if it's attempting to give the audience a sense of security. It is easier to persuade with well-founded statements when there is an explanation on how it is going to fix these issues.

The Ministry in its Proposition also gave an overview on constitutional and international legal frameworks. As the Ministry is a part of the government, it is also aware of the importance the Convention on the Right of the Child has for Norway. It states: *“The principle that the best interests of the child shall be a fundamental consideration in actions and decisions that affect children is enshrined in Section 104 of the Constitution”* (Ministry of Justice and Public Security, April 12th, 2021, p.10). Norway is in many cases looked at as a leading human rights country, with a strong desire to protect the citizens' rights. The Convention on the Rights of the Child has been ratified, which means that Norway is obligated to follow it. The principle of the best interest of the child is also mentioned as it is enshrined in the Norwegian Constitution which makes it an important fundamental part of the society. In this case, it would therefore be understood as an important document to bring up as it has the greatest significance regarding children's rights. In one way the UNCRC and the principle of the best interest of the child could be used as a logical argument, as it also strengthens the trustworthiness by referring to a credible source. On the other hand, even though the UNCRC

is mentioned as a critique, it is perceived as they are trying to use other arguments to avoid having to argue against the Convention. When it is mentioned in several consultation papers that it is contrary to the Convention on the Rights of the Child, it is important that it can justify it in a proper manner.

In rhetoric, plus and minus words in both writing and talking can be used. The choice of which words to use will help to influence the audience's understanding and will also make them feel positively or negatively. The text gives hope to a new and changed legislation that will change the practice for the living and care situation for UASC. In chapter 8, the final assessment, words such as “better”, “safe”, “efficient” and “strengthen” are being used. All these positive words could relate to the audience feeling of something good. Connected to having logical arguments, this helps persuade in the way that it gets a feeling that it is going to work out.

As it may look like, its pathos is directed to giving the public a feeling that UDI's work is good enough. This is also shown by expressing improvements and confidence in how it believes that the system works. The audience gets the feeling that it knows what it is talking about, which means that it attempts to convince the audience both through logical arguments and emotional connection. At the same time, it could be perceived as it is using pathos to camouflage the criticism they have received.

#### **5.2.4 Logos**

As mentioned, a proposal from the government to the parliament is not built on the emotional aspect. In a setting like this, it clearly becomes more relevant to convince the audience through logical arguments. When working on a new legislation, it is important that it is based on good argumentation and a description of why it has assessed the situation the way it has. The Ministry knows that if it has not substantiated its allegations well enough, it will be used against them in the consultation papers and hearings from organizations and actors that are against the proposal. The preceding chapters leading up to chapter 8 in the Proposition is used to explain concepts and show arguments and criticisms that the Proposition has received. It refers to for example years, statistics, and different paragraphs in the Immigration Act. All these factors help the Proposal gain logos. This also leads to Chapter 8 making a comprehensive assessment based on the previous arguments, but also new justifying arguments. Understanding what type of arguments, the Ministry of Justice and Public Security

has used to defend its Proposition is interesting to explore, since there has been a lot of criticism regarding the new legislation. In this case, finding the right arguments and being able to back it up with relevant information, was crucial for the paper.

The fact that UDI should be responsible for the care service for UASC between 15-18 years old has been a practice for years. One of the most important arguments that the Ministry could emphasize is that it will provide more benefits to the offer:

*The Ministry believes that regulation of the care responsibility for unaccompanied minors living in asylum reception centers will clarify the current legal situation, which will give the unaccompanied minors greater predictability and form the basis for increased external control and a more comprehensive arrangement of housing and care services.* (Ministry of Justice and Public Security, April 12th, 2021, p.21)

This was important for the Ministry to emphasize as it has been recommended to change several of the current practices. This has been one of the main concerns of organizations and actors, who argue that the UASC between 15-18 years are not getting the same and protective care as both children that are UASC under 15, and Norwegian children in similar situations, get. Since there has also been a lot of criticism towards the new legislation in the public hearings, the Ministry also referred to it as a way to show understanding and to create a type of emotional feeling in the audience. It can therefore also be linked to pathos. Referring to the critique, gives it more credibility as the audience is inclined to trust that the offer will improve, and that the Ministry is acknowledging that there must be changes to the system. This can be seen in this citation from the Proposition:

*The criticism in the consultation is mainly not related to whether unaccompanied minors in asylum reception centers are given a proper care offer, but that the group receives a more limited care offer than the children for whom the child welfare authority's care.* (Ministry of Justice and Public Security, April 12th, 2021, p.22)

The fact that there has been differential treatment for UASC under the age of 15 and the ones over the age of 15 has been criticized for being unreasonable discriminative. In chapter two of the Proposition (2.6) it brings up the topic: «*The difference in the offer for unaccompanied*

*minors under and over 15 years*” (Ministry of Justice and Public Security, April 12th, 2021, p.9). There the Ministry mention the criticisms that have been submitted regarding the separation between the two groups. The Ministry further highlights the topic of those working there having too little competence, which was the critique from the UN Committee on the Rights of the Child and the National Institution for Human Rights' recommendations in the report they submitted in 2016. By referring to all these critiques, the Ministry recognizes that this is a topic that has received a lot of criticism, but it also uses this as an opportunity to argue for why it believes it still works well.

The Ministry, as also mentioned in the pathos-part of this analysis, refers to the Convention on the Rights of the Child. The Ministry emphasizes “...*In principle, all children have the right to equal care, regardless of the child's age and residence status, cf. Articles 22 and 20 of the Convention on the Rights of the Child, cf. Article 2*” (Ministry of Justice and Public Security, April 12th, 2021, p.22). It substantiates the claim by stating “...*However, it does not constitute discrimination if the differential treatment can be justified by different care needs or other legitimate purposes*” (Ministry of Justice and Public Security, April 12th, 2021, p.22). The ministry further claims that:

*Norway has an age-appropriate care offer for unaccompanied minors who have applied for protection. Younger children normally need more follow-up than older children, and this is also the case for unaccompanied minors who have applied for protection. Older children need, among other things, more independence training than younger children, so that they can be better prepared for life as an adult. Older children usually do not have as great a desire for continuous and close follow-up from adults as the youngest children.* (Ministry of Justice and Public Security, April 12th, 2021, p.22)

The Ministry's datum is understood as the older you are, the less care you need. This is in my opinion a weak claim, not argued for enough or supported by evidence. A claim is in most cases seen as more trustworthy and credible if it is referred to for example professional statement or research of a person working in the field of pediatric education. It is serious to claim that older children do not need the same care as younger. Therefore, if stating that older children usually do not need the same follow-up as the youngest, it should be referred to either a statement from a professional or a source where this topic is researched. Children are

just as lonely and vulnerable regardless of age. Particularly given these children's background and experiences.

The Ministry indicates that UDI has added several employees with pediatric expertise. They state that “[...] *the Directorate of Immigration experiences that this strengthening has contributed to the unaccompanied minors living in asylum reception centers receiving an improved care offer, in the form of closer follow-up, better care and a more meaningful life*” (Ministry of Justice and Public Security, April 12th, 2021, p.23). This statement only indicates how UDI perceives that the changes has helped. This specific case is about UASC, and the criticism is precisely directed towards UDI as a caregiver. Not giving the children's point of view in a statement that deals with changes in the system weakens confidence that it has improved.

As mentioned initially, one of the requirements when proposing a new legislation is that it should be well-founded showing both sides of the issue. By doing this it also earns credibility because it means that it has been researching the topic to understand more about the situation for the UASC. The Proposition uses a lot of direct argumentations, going straight forward to what it believes, stating both its claim and support. One way that it supports its claims is by explaining that the Immigration Authorities have, since the FAFO-report “A Safe Place to Wait” got published, changed a lot on how things are done within the system:

*In addition, the Norwegian Directorate of Immigration has made several improvements following advice and evaluations from external competence environments, including the FAFO report A safe place to wait - Care practices at asylum reception centers for unaccompanied minors (2018). As part of the follow-up of FAFO's evaluation, the Norwegian Directorate of Immigration has implemented comprehensive skills development measures for employees in asylum reception centers, where, among other things, diet, sleep, security, relationship building, and management are emphasized as an integral part of care work. (Ministry of Justice and Public Security, April 12th, 2021, p.23)*

The FAFO-report gave feedback on how it believed UDI was doing as caregivers. On that account, not only is the Ministry stating what has already been done so far, but it has also

explained that there are more changes coming to the new practice. This gives the reader hope that there will be new restrictions made from the critique that they got.

The Proposition also refers to different sources and concepts. One of them is the Policy Integration (*sektoransvars prinsippet*) which indicates that the responsibility is divided into different sectors. The education authorities are responsible for ensuring that the children receive a proper school offer, while the health authorities are responsible for the children's health (Ministry of Justice and Public Security, April 12th, 2021, p.8). Policy integration is considered a credible part of Norwegian society, where the responsibility is shared to have a more coherent and secure system. This is also a way to support its arguments by stating that UDI is capable of being responsible for the care service, because it has other sectors to rely on.

### **5.2.5 Conclusion**

As the Proposition is a legal document with a proposal for a change to the current bill, the rhetoric appeared as less visible and obvious. The aim of the Proposition is to be able to convince the reader that what they have read is correct and worthy. However, though less obvious, the Proposition from the government also contains rhetorical elements. The way it turns down the critique and give its own interpretation indicates that it uses ethos as a strength. The Ministry puts itself above other qualified views and opinions. The ethos appears to be camouflaged in the language of power and the position that it has regarding the fact that it is a legal and professional paper. The fact that it is a legislative proposal where one need a certain competence, and where one must have a certain status, helps raising its ethos.

When one reads the Proposition in entirety, it appears that the Ministry has a goal of trying to convince the audience that it is the best for the children. The way it writes could be understood as convincing, and the Proposition may be perceived as having solid arguments. The Ministry makes it seems as if it is leaning mostly on logical arguments, and its use of rhetoric is in fact strong. These different factors, having good and well supported arguments, and as well as being a rhetor that has significant authority and credibility, indicate that its ethos and logos are seen as strong rhetorical tools, aiming at persuading their targeted audience, in this type of document. Nevertheless, it seems as it has a more narrow and restricted logos, than what it is trying to prove. Its line of arguments excludes several aspects making me question the role of the UNCRC. Its augmentative claims also lack backup, such



as knowledge-based sources, which is another example of its restrictive use of logos. In different aspects it seems like it is not taking into consideration what is the best interest of the child, and that the UNCRC is being overlooked to some extent, even though it is one of the key criticisms from the demonstrative side. It becomes clear in its weak argumentation that it is not a neutral document, even though it tries to convince the audience that it is balancing both sides of the aspect.

## **5.3 Analysis of the consultation proposal from Save the Children**

### **5.3.1 Background and the rhetorical situation**

In the hearing from Save the Children in Norway from March 5<sup>th</sup>, 2021, the organization expressed its concern about the new Proposition regarding the care situation for unaccompanied asylum-seeking children in Norway. The hearing was sent to the Standing Committee on Local Governmental and Public Administration, and it was signed by Save the Children's Section leader Thale Skybak, Special Adviser on Children's Rights Mathilde Mehren, and Special Adviser on Children on the Run Camilla Engeset. The consultation response was submitted one month before the voting that took place in April of the same year. The target group for the hearing was primarily the members of the parliament that was supposed to handle the Proposition and make the last and final decision. Through the hearing, institutions, organizations, and private individuals had the opportunity to express themselves and show their point of view to people who are interested in the case since it is a public paper. Save the Children was one of the consultative bodies, and it gave its comments and expressed its views in a consultation paper. As a consultation paper should, Save the Children got straight to its main point "*Save the Children does not support the proposal for an amendment to the law as stated in Prop.82 L (2020-2021)*" (Save the Children, March 5th, 2021, p.1). Its message is set out clear from the start. In its hearing it wanted to convince the committee that it is the wrong decision to make UDI responsible, instead of transferring the responsibility to the Child Welfare Service as they do with unaccompanied asylum-seeking children under the age of 15 and Norwegian children in similar situations.

In every governmental paper, the rhetoric is more subdued where emphasis is placed on more seriousness, professionalism, and a more legal use of language. Rhetorical tools such as humor or metaphors would not be appropriate in this situation as it is in a professional and serious setting. Save the Children is in a position where it is necessary for them to be able to

convince and persuade their targeted audience. Its use of rhetoric and ability to word itself correctly is important because, Save the Children, is in an “attacking position” to be able to win over with having the best arguments.

### 5.3.2 Ethos

As mentioned, ethos, pathos and logos are the three central forms of appeal within a rhetorical approach. Save the Children have since the organization internationally was established in 1919 in Great Britain (Save the Children, n.d.), developed a reputation across the world as a global organization with a lot of ethos that gives it credibility as defender and protectors of children’s interest. In Norway it is one of the largest organizations working with children. Its ethos is established because of both the situation, that it is a case concerning how children are treated and cared for, but it is also a neutral organization only wanting what is best for the child, and it doesn't matter where the children come from, their religious beliefs, or what they have been through. This strengthens its credibility because it makes it easier to believe that it is genuinely interested in the best interest of the child. Therefore, its ethos is built heavily on its historical and international roots as a well-established organization.

As mentioned initially the consultation paper was signed by three people working in the organization. The professional positions of these three, help to substantiate the ethos of the consultation response because they all have specific knowledge and key positions working with children’s rights in a child-centered organization. At the same time these persons would not necessarily have ethos on their own, but by representing and being the spokespersons for Save the Children, who already have a strong ethos, they are perceived to have similar credibility.

In the beginning of the consultation paper Save the Children also explains its situation and what cases and areas it is working in:

*Save the Children works nationally and internationally for the fulfillment of children's rights as enshrined in the UN Convention on the Rights of the Child (the Convention on the Rights of the Child). Save the Children Norway's program works to strengthen children's rights and monitors and combats violations of children's rights in Norway, with a special focus on children in vulnerable life situations (Save the Children, March 5th, 2021, p.1).*

Starting the consultation paper with this paragraph gives the audience the chance to understand if this is a trustworthy organization or not. By giving background information on its projects and goals we are able to understand at what level and in what ways it is working with children's rights. Save the Children also refer to its previous consultation responses:

*We refer to our consultation response of 06.03.2020 on amendments to the Immigration Act and regulations on the responsibility for care for unaccompanied asylum-seeking children between the ages of 15 and 18 in reception centers, etc. We also refer to our consultation response of 18.06.2019 to the new Child Welfare Act, where we point out that it is very unfortunate that this group of children is left out by a comprehensive review of the Child Welfare Act. (Save the Children, March 5th, 2021, p.1)*

By doing this it shows that this is an area it has been active in for a long period, both when it comes to the field of care distribution for unaccompanied asylum-seeking children arriving in Norway, but also through its consultation paper regarding the new Child Welfare Act in 2019 concerning children in general that are in similar situations. All these different elements such as stating its background and areas it works in, referring to previous consultation responses and papers, and signatures by section leaders and special advisers within the field of children's rights, help build on the organization's credibility. Both for the committee and other audiences reading its statements.

### **5.3.3 Pathos**

In the consultation paper, Save the Children are in some areas playing on the recipient's emotions. It mentions several different aspects connected to children's mental health and what can happen if individuals and institution do not give children the right care. *Save the Children expresses that "Children who have come to Norway alone to seek asylum are a group that needs more, not less, care"*. This is, together with the fact that it believes that it is a discriminatory practice, one of its main claims throughout the consultation paper. The organizations datum is understood as the idea that all children, regardless of age, are in a vulnerable position in need of equal care. Save the Children support its claims by adding relevant backing from knowledge-based sources:

*Research done at the National Institute of Public Health (2011) and NKVTS (2013) shows that unaccompanied refugee children have more psychological problems than other young people in Norway, both with and without an immigrant background. Studies show that well over half of asylum seekers suffer from various forms of mental disorders, with posttraumatic stress and depression being the most common mental illnesses. (Save the Children, 2021, p.2)*

Referring to these sources gives the arguments greater credibility. As we have seen, one of the main topics that has been criticized throughout the debate is the children's need for the same protection and care as other children in similar situations. Mental health being one of the biggest issues concerning the children. By playing on emotions, Save the Children gets the opportunity to let the audience know how the children are doing, and a desire to create more sympathy and understanding for this vulnerable group. Furthermore, by giving examples of what happens to children that do not get the right care, the audience visualizes the situation and become concerned about the consequences of a lack of protective and good care.

Repetition is one of the rhetorical tools used to persuade the audience. Save the Children repeats the Convention on the Rights of the Child article 2 several times in its consultation paper to the committee. For instance *“Nevertheless, we would like to emphasize, once again, that the prohibition of discrimination in Article 2 of the Convention on the Rights of the Child, in our view, closes the matter of leaving the care for unaccompanied asylum-seeking children to the immigration administration”* and in its concluding paragraph it emphasizes *“We maintain our view from the consultation round that the proposal entails discrimination in violation of, among other things, Article 2 of the Convention on the Rights of the Child”* (Save the Children, March 5th, 2021, p.3). By doing this it places greater emphasis on the importance of Article 2 on non-discrimination. This is one of the main points throughout the paper: children should not be discriminated against. By referring to the UNCRC several times throughout its consultation paper it could be understood as, without saying it directly, that it refers to the myth that Norway is a human rights country. Save the Children's pathos is therefore also shown through this: the fact that Norway wishes to have the role as a respected and leading country internationally working as an advocate of human rights.

Further, by repeatedly using the term "vulnerable" in its consultation paper, Save the Children emphasize the difficulty that the children are facing by living without their parents. The

feeling of being alone and vulnerable can be something that most people can relate to and be afraid of, both for themselves and for their close ones. The word vulnerable could emphasize being in a position where it can be difficult to be alone both in a physical and mental state, and the audience get sympathy with the children. Both uses of repetition draw the audience towards pathos and the emotional connection. Persuading the audience to feel sad and sorry for the children can be one of the ways to make people respond to the situation and act.

Referring to professionals builds a type of emotion in the audience. Using sentences like “the researcher said” or “this research report stated” touches the emotions and gives a credibility to the arguments. It also indicates that the rhetor has made an extensive attempt to find relevant sources. Therefore, UNCRC is an important tool to use because it refers to something that has high status and value in Norway, and the term “vulnerable” has been used in several research done by professional researchers.

#### **5.3.4 Logos**

As we have seen in chapter 4, logos are about having good and solid arguments and how the arguments are built to make them valid. In this setting, logos could be one of the most important forms of appeal for Save the Children to use. Save the Children is in the consultation paper communicating in a very formal way. The way the words are used indicates that this is in a professional setting. Since this is a consultation paper sent regarding an ongoing Proposition to the government it fits the recipient group as this is an audience of politicians and committee members. Save the Children must therefore be able to convince them with logical arguments and facts for the committee to be persuaded. It may seem that Save the Children follows two lines of arguments: on the one hand, connected to the legal aspect and in this case the children's rights, and on the other hand, the more psychological side. In one of the Save the Children's first paragraphs it states:

*We would like to emphasize that children who are without caregivers according to Article 20 of the Convention on the Rights of the Child have the right to alternative care from the authorities. The authorities shall also ensure that children on the run have their rights fulfilled in accordance with the Convention on the Rights of the Child, cf. Article 22. The prohibition of discrimination in Article 2 of the Convention on the Rights of the Child applies as a basic principle applicable to the application of the said Convention provisions. (Save The Children, March 5th, 2021, p.1)*

The consultation response starts quickly by addressing various conventions and legislation. It mentions the Convention on the Rights of the Child which is a good basis in the discussion since it is connected to children's rights. Save the Children further bring in the UN Human Rights Committee by indicating:

*We would nevertheless emphasize that the UN Human Rights Committee in 2018 made a very clear recommendation to Norway to stop the differential treatment of unaccompanied minor asylum seekers between the ages of 15 and 18 and that the care for these should be similar to that for children under child welfare care. (Save the Children, March 5th, 2021, p.1)*

Also using the Norwegian Constitution as a source, it states that “...Poorer care provision for unaccompanied minors between the ages of 15 and 18 may also be in conflict with the prohibition against unjustified discrimination in section 98 of the Norwegian Constitution, which also applies to children” (Save the Children, March 5th, 2021, p.2). In these paragraphs, and throughout the consultation paper, it builds on its arguments by referring to legislations, Conventions on the Rights of the Child, FAFO-reports, the National Institute of Public Health but also previously given recommendations from different UN committees. These professionals have already commented and expressed its opinions, or done research on the topic, and by quoting these experts Save the Children’s arguments and credibility are strengthen and supported. Some of the claims from the organization could be considered as determined, but still, it manages to argue well with references to good sources and professionals throughout the paper.

Save the Children end its consultation paper by giving a recommendation to the committee.

*We therefore want the care for unaccompanied minor asylum seekers to be transferred to the child welfare service. The most important thing is to ensure that care at all times is equal for all children in Norway. This can be done by setting clear requirements for independent supervision, the design of the reception centers, the competence of employees, staffing and the content of the care provided by law or regulation. By including care for unaccompanied minor asylum seekers in the Child Welfare Act, it*

*will be achieved that the legal framework is equal and ensure equal care. (Save the Children, March 5<sup>th</sup>, 2021, p.3)*

It ends on a clear note. Save the Children believe that the Child Welfare Service should oversee all unaccompanied asylum-seeking children regardless of age. It emphasizes that if UDI is to be responsible, there must be other criteria and solutions for the children to receive equal and dignified care.

### **5.3.5 Conclusion**

As we have seen, Save the Children's three forms of appeal are strong. Initially it starts by explaining its position where it also acquires its ethos. Furthermore, the organizations main part of the consultation paper is strongly characterized by logos and pathos. In this situation, Save the Children is in a position where it is taking the discussion on behalf of the children that are not able to, or invited to, participate themselves. As it leans on ethos, pathos, and logos it manages to build strong and believable arguments supporting its side of the discussion. Its ethos is presented in the beginning of the consultation paper, but it has gained a lot of ethos regarding its historical and international roots and long history of working with children and children's rights. Its statements are, like the demonstrative side in general, playing on pathos. It gives visual explanations on issues that UASC face living in reception centers, especially connected to mental health. Save the Children play emphasis on words like "vulnerable" and referring to articles in the convention to touch emotions in the audience. As seen throughout the Consultation paper, its logos is used by referring to a lot of important and credible sources, but also legislation which helps to substantiate credibility and provide a greater opportunity to convince. Save the Children based most of its argument on previous research and professional insights. This also means that it rarely has arguments standing alone or are perceived as unfounded.

It could have used pathos to a greater extent, as we will see from Karin Andersen in the next presented analysis. At the same time, I believe its pathos was used in a more subdued way, as it was presented in a juridical and professional setting. It must think about how it expresses itself and use a more professional language given its target audience. Furthermore, it needs to have good and well-founded arguments to win over the committee's views. Save the Children appear as united and focused when bringing forward its arguments and points.

## 5.4 Analysis of the Dagsnytt 18 - debate

### 5.4.1 Background and context

On April 21<sup>st</sup>, 2021, Dagsnytt 18 aired a debate on NRK regarding the distribution of care for unaccompanied asylum-seeking children in Norway. The headline was "*Legislating human rights violations*". Dagsnytt 18 is considered one of Norway's most viewed debate and news programs addressing domestic and international topics and is airing both on TV and radio. The debate was between Karina Andersen, the former chairwoman of the Standing Committee on Local Government and Public Administration and member of the Socialist Left Party (SV), and Ove Trellevik, at that time a member of the Standing Committee on Local Governmental and Public Administration and member of the Conservative Party (H). The Standing Committee on Local and Government and Public Administration was the committee that assessed the Proposition. Even though the two parties H and SV both operate within a social democratic framework, it is no secret that it has two different ways of conducting policies. The Conservative party has more emphasis on liberalization of the market economy and personal freedom, while the Socialist Left Party's focus is on reducing differences in Norway (The Norwegian Government, 2022, March 2<sup>nd</sup>). In the spring when the Proposition was sent out, the government consisted of a coalition between the Conservatives (H), the Liberals (V) and the Christian Democracy Party (KRF), and where the Progress Party that used to be a part of it, left the government in 2020 (The Norwegian Government, n.d.).

The rhetorical situation was a good fit for both politicians to state their views, because it was both broadcasted at a time close to the voting, but also aired at the right channel that focuses on political topics with a politically engaged audience. Politicians debating against each other already know that the other person is not going to change their opinion or be persuaded by their points. Therefore, in this setting they speak to the wider audience, like those who watch Dagsnytt 18, but really, the people they must convince are the professionals and the politicians who will make the final decision.

Looking at how Andersen and Trellevik appear, one could notice that the debate is characterized by the fact that they only have a certain amount of time to convey their messages. In Dagsnytt 18, each debate is distributed over the broadcasted time. The broadcast time is 60 minutes, being divided between different debates and news that are relevant around



the time it is airing. This means that both Andersen and Trellevik had to be able to present their points through shorter formulations and be able to convince with good arguments in their short speaking time. To meet the deadline and to ask important supplementary questions, they have the program host, Espen Aas, as chairman. He is quick to interrupt if he has questions that he believes are important to be answered. This also means that the party representatives must be prepared to move away from what they were originally supposed to convey and must answer and shape their statements according to Aas' questions. The chairman Espen Aas starts the interview by giving a short explanation and expressing that Andersen calls the practice carried out by the Government as discouraging in "Vårt Land", Norway's largest Christian newspaper. This already gives an understanding of which side Andersen is on in the case, but also a way to start the debate.

#### **5.4.2 Ethos**

Starting with ethos. When the chairman of the debate, Espen Aas introduces the speakers he mentions their positions both within the committee but also in their political parties. This already raises their ethos. Since they both are represented as spokesperson from their political parties it would mean that their party-colleagues trust them and believe that they are able to front the parties' sides of the story. The audience expects the politicians to have knowledge on the topic they are discussing. Andersen also has ethos because of her position as a chairwoman for the Committee on Local Government and Public Administration. She is a recognized and well-known politician and experienced participant in political discussions. She has also been the party's spokesperson on social and immigration issues for several years. As a spokesperson she has demonstrated extensive knowledge on the topics of immigration, and she has been working towards a fair asylum and refugee policy (Innlandet SV, n.d.). Andersen also portrays authority when she refers to professionals who work in the field which strengthens her credibility and ethos.

Ove Trellevik also has ethos through his role as a politician and member of the same committee. He is, however, not as well-known in the public domain, and his experience does not match Andersen's in this field. It is difficult to find areas within this debate where he gains ethos. He leans more on rules and laws since it is the Parliament that will deal with the legislation. Ethos is something that you can both receive and lose through the choice of words. When Trellevik got asked a question about what the advantage of living in a reception center with an independent supervisor overseeing the work would be, he stated:

*The advantages are quite clear that if you live in a reception center, you live with people who in many ways are in the same situation as you. Either they are from the same country, or whatever it is. It's about both culture and everything. And if you are going to live in a child welfare institution in Norway with Norwegian children, the situation will be completely different. (Trellevik, April 21st, 2021)*

He is claiming that an advantage is that children are better off living in places with similar people. Furthermore, it could be understood as his warrant assumes that this is what best for the children and a good reason for them to stay there based on similar culture and home-country. Both the paragraph in general, and specifically the sentence “*or whatever it is...*” weakens his credibility as the way it was presented and formulated made it feel as if he is not as interested or have as much knowledge in the topic of immigration and integration. It is also interesting to ask the question of why Trellevik was the one responsible for fronting the legislation. Even though he is the party’s spokesperson for topics regarding immigration, Trellevik seems unenthusiastic in the way that he appears in the broadcast. Sending a “low” status politician to the debate instead of the Minister or the Minister's Secretary, signals that this might not be a winning case for the party. In Dagsnytt 18 debates it is common to see ministers and senior politicians. This may be understood as a way to satisfy a cooperating party, or because it was parliamentary elections that upcoming autumn. Therefore, if this was an important matter of principle for the party or for political gain, they would most likely have sent the Minister to front the case.

### **5.4.3 Pathos**

Karin Andersen opens the debate by stating “*Yes, it is to legislate a violation of human rights*” (Andersen, April 21st, 2021). By starting with this statement, she shows a strong rhetoric and a strong claim. As mentioned in the analysis of the Consultation Paper from Save the Children, they refer a lot to the Convention on the Rights of the Child (UNCRC) and Human rights. As we see in this case it is similar. The way that Andersen starts the debate, stating that it is a violation to Human Rights, but also repeatedly refers to the UNCRC, provokes the self-image of Norway being a human rights defender, and in the frontline, when it comes to taking care of children’s rights and human rights in general. Andersen uses the UNCRC a lot to appeal to the audience's feeling of being a country concerned with Human Rights. Her datum is connected to the fact that Norway has signed the UNCRC, which means that we are meant to follow what it says and apply it. She also substantiates and backs up her statements

throughout the discussion by referring to professional sources stating that the legislation is a violation.

Also, the way that Karin Andersen conveys the message is different from Ove Trellevik. Andersen's pathos is central, she uses this as her main characteristic throughout the text. She appears warm and emotionally connected to the topic of children and asylum-seekers. She plays a lot on emotions and takes the child's side trying to relate to how they are feeling:

*These are young people who have, yes... I almost dare not think about what they have experienced, and we know that when young people have been exposed to such things, they need really good care, safe care, and high quality of the offer they have.*

(Andersen, April 21st, 2021)

By this she relates to trauma and other experiences that children might have experienced in their home countries due to war, conflict, or loss. She emphasizes children's mental health a lot both in connection to pathos, but also logos. The mental health issues have been one of the main points and critiques from a lot of the consultation papers and professionals working on the topic of children's rights. Andersen stated that

*[...] we have received documentation that the offer we have is so bad that there are children there who injure themselves, who have attempted suicide, and who have major problems. And all the professionals say: "this is too bad". If we are to make sure that these guys, it is mostly boys, but also girls are going to do well then, they have to get offered good care. (Andersen, April 21st, 2021)*

By stating this, Andersen is trying to make us relate to the situation. She wants us to imagine their situation and she paints a picture of what is happening behind the walls of the reception centers when they do not get the same care as others. By highlighting the ordeals of the children in these reception centers, she appeals to our feelings. This is not the only way Andersen gives the viewer an emotional attachment. She also explains, talks, and performs her arguments in a way that show her engagement and frustration about the topic. It is easy for the audience to see that she sincerely believes in what she is saying. Andersen further continue to appeal to emotions by expressing:

*These days they [the children] also are very few, so we should use this opportunity to ensure all these young people a better care offer. Because we want to benefit everyone, even those who are getting sent out, or if they are going to stay, they will do better if they get a better care offer. (Andersen, April 21st, 2021)*

By stating that a better care service will benefit everyone, it could be interpreted as beneficial for society in various ways. First, by taking care of children and giving them good and protective care while they are young could help them get a safer and more stable everyday life. This will prepare them better for adulthood and work life, which will benefit the society at large through taxes, but also give these children a feeling of being an important part of the community. Secondly, as the Social Welfare System in Norway concerns everybody within society, it can also affect the country economically. Unemployment can lead to more people, for example, needing more health care and perhaps having to go on social security. This can be perceived as a major cost to the welfare state. Therefore, getting a good care service could help prevent exclusion. The Social Welfare System is considered an important part of Norwegian society and something that Norwegians are proud to have as a building block for the country. This could also be used as an argument in the immigration debate in general. She plays on the established discourse that the field of immigration is a big cost. She argues that it is going to cost more for the future society if the children do not get help in their early stage of life. Norway will benefit from the good and safe children who are shaped by society. This can evoke feelings and emotions in, for example, people who are parents and grandparents who all want their children to do well and be safe. By doing this, she builds bridges between the topic and parents' connection to their children.

Andersen could be understood as having both a short-term and long-term purpose. The short-time would be to change the present situation for giving UASC a better care and living situation but could also be understood as a part of changing the asylum-politics in general. By continuing to push the government with cases related to the immigration policy and showing that there are disagreements to how some things are handled, she could make a change.

Trellevik on the other hand does not clearly show pathos in the debate. He is not appealing to the emotional part of the audience in the same way Andersen is doing when she is referring to various events and visual images of the situation. Ove Trellevik speaks more in structures and

schemes. His arguments are more rational and cooled and are based mostly on how the system works. The way that he is presenting his arguments makes it appear like he does not care. Trellevik's arguments are perceived as short and underdeveloped, as if he is not prepared. When Aas asks him questions, he often repeats the question thereby appearing insecure to the audience watching. He is also passive throughout the debate and does not push to get to the word, making his statements broad and not as specific as it could be. All these factors lead to a weakened ethos and pathos.

Andersen has the clearest rhetorical tools, which is not surprising considering the position she is in. She, together with Save the children, are more dependent on being able to use rhetorical tools and arguments correctly. As of tone, Andersen is the one that has the clearest tone. The way she talks and presents shows that she is engaged. It can to some extent sometimes also feel like she is frustrated in the tone she uses while speaking. She expresses her views in a way that communicates to the audience that she cares deeply about the topic and is pushing hard for a change.

As mentioned in the previous analyses, the usage of plus and minus words can also affect the feeling one gets from a text. Andersen uses a lot of minus words in her statements. She repeatedly uses the words "bad" and "worse" to emphasize how the children's standard of living is today. By using these words, she gives the audience negative associations and relates to the person's feelings. When listening or reading a text that has a lot of minus, or negative words it can make the audience feel more sympathy or emotions. Therefore, I believe that Andersen uses these words deliberately to strengthen her pathos and persuade the audience. Trellevik on the other hand seems to use more plus words. He uses words such as "better", "advantage" and "strength". These words are combined in the setting where it is debated that they are going to strengthen and improve the conditions that UDI is responsible for. These are words that provide a more uplifting understanding of the debate. While reading his statements you do not get the same negative feeling as you get while reading Andersen's. It also illustrated that Trellevik, and Andersen have quite different views on the situation.

#### **5.4.4 Logos**

Having solid arguments that are in most cases built on facts is important for politicians in order to convince their audience. Looking at the arguments that the politicians make we can see that they in most cases back up their statements in different ways.

The position of power has a lot to say in a debate like this. In this case and at that time, H with Ove Trellevik was a part of the government, while SV and Karin Andersen were in opposition. This means Ove Trellevik in this debate would be the “defender” of the bill that proposes UDI should be responsible, while Karin Andersen is positioned as the “attacker” trying to convince the people watching that this proposal should not pass. In the sense of a political debate, politicians do not work towards persuading the other politician. In one way the position of power lies with Trellevik as he is defending the government's Proposition, but in some way, Andersen also has power if looking at language from a position of power.

Since Trellevik does not have ethos and pathos to the same extent as Andersen, he would have to lean more on the logical part. When getting asked the question if there is not difference in if UDI is responsible or the child welfare system is responsible, Trellevik expressed

*The child welfare service is responsible. The Child Welfare Act applies to all children, including those who live in asylum reception centers. So, there should be no doubt that the Child Welfare Act also applies to children that live in asylum reception centers. But it's about who's in charge here. The sector authorities will continue to have the professional responsibility, both for child welfare, for school operations, and for teaching. All sector authorities, that she criticizes for having too poor services, are responsible for producing the good services. (Trellevik, April 21st, 2021)*

He builds further on his view that UDI should continue to be responsible with giving explanations that the children are still part of the Child Welfare System. He uses the Child Welfare Act and the Sector authorities to argue for why he believes it is responsible to give UDI the task. By leaning on known and recognized institutions and laws, he provides a greater basis for gaining credibility. At the same time Trellevik's argumentation generally appears as imprecise where he is not referring to concrete references. In January 2020 FrP left the Conservatives government. Despite that, FrP still has an important position and is still needed for majority in the parliament. If connecting it to the background information and the current context of the debate, the broadcast could be interpreted and perceived as a half-hearted attempt from H to meet FrP's wishes. The leading parties support a restrictive asylum policy, but FrP is politically making it more of a labeling of their party. From Trellevik's arguments you get an impression that this legislation is more politically motivated, in the

interests of FrP, and would probably have been more enthusiastically defended by them when calling on their voters. It wants to show it is a restrictive party in asylum cases. It is interpreted as such due to the way Trellevik appears.

Andersen also uses a lot of logos in her argumentation. As we can see, there is a discussion between one side believing that there is a violation towards the Convention on the Rights of the Child and the Human Rights, and the other side believing that it is not. In Andersen's statements below we can see that she leans on the Convention on the Rights of the Child and hearings from other organizations expressing their frustration with the bill.

*Firstly, the professionals such as the National Institution for Human Rights, UNICEF, Save the Children, and all those who know the Convention on the Rights of the Child, also the children's ombudsman, states unequivocally that it is a violation of the Convention on the Rights of the Child if it is legislated that the provision of care shall be different. (Andersen, April 21st, 2021)*

As mentioned in the section of pathos, Andersen expressed: “Yes, it is to legislate a violation of human rights”. She strengthens this claim by stating:

*[...] But there are two main problems, one is: Norway has signed the Convention on the Rights of the Child and then we are obliged to treat all children equally. And the care services that these unaccompanied minors receive are poorer than the Norwegian children receive if they do not have parents and are alone. The other part of it is that now we have received a lot of information that it is a bad offer of care that also results in these young people also getting very poor mental health. (Andersen, April 21st, 2021)*

By adding this paragraph, she strengthens and supports her points by referring to known conventions and professionals that have a lot of credibility on the topics of children and children's rights. This is also a good way of persuading an audience that the UNCRC is reliable and has high status in the countries that have ratified it.

Trellevik on the other hand, states *“It is, of course, not a violation of either human rights or a violation of the Convention on the Rights of the Child”* (Trellevik, April 21st, 2021). He substantiates the claim by mentioning that equal care is not about who provides it, but about what offer they receive. He further adds that the Child Welfare Act also applies to UASC. Even though Trellevik tries to exemplify by referring to the Child Welfare Act but also defining what equal care is to him, I believe that he does not argue well enough when it comes to why this is not a violation of human rights and the UNCRC. By claiming that it is not a violation, he ignores the critique mentioned in the consultation papers’ statements from organizations and other actors, but also the concerns sent from the UN Committee on the Rights of the Child. The UN committee on the Rights of the Child has especially been concerned with how care is distributed in Norway. By for example explaining specifically why he believes it not a violation referring to the Convention and the Human Rights it might have strengthened that argument.

#### **5.4.5 Conclusion**

As we see through this debate the two politicians have different ways of persuading their audience and strengthening their point of view in this debate. It is also easy to see what sides they are on. When it comes to their rhetorical approach we have Andersen, on one side, using a good mix of all the three forms of appeal. At the same time pathos becomes one of her characteristics. She plays on the audience's emotions to be able to persuade them, but it also shows the audience how important this case is for her personally but also for the party. She expresses a clear skepticism towards UDI in her arguments and she clearly shows that she does not have much confidence that they could manage to be in charge.

On the other side, Ove Trellevik speaks more in structures and schemes. When he argues more rationally and cool it may feel like he is more concerned with the arrangements than what is best for the children. That is probably not necessarily the case, but more the way that he has chosen to use that type of rhetoric and argumentation as he works to defend the bill. He also shows through his argumentation that he believes that the scheme is working as it already is. Trellevik is more often interrupted by Aas and seems to have less speaking time in general. This can also be a decisive factor in how he is being understood.

Overall, in this debate, Trellevik appears unprepared, uninterested, and uninvolved. His arguments are also imprecise and not well-founded, which weakens his convictions. While



Andersen gives more rational answers, clearly shows emotions, and appears with great interest in the topic. They both use strong claims, but at the same time Andersen seemed to have more secure evidence, as backing and datum, than Trellevik. He appeared as having claims that he found difficult to support with suitable backup. Her rhetoric and argumentation appear much clearer and more powerful than Trellevik, which made her more successful in persuading an audience. At the same time, it is conceivable that Trellevik's claims, and arguments hit the skeptical side of e.g., immigration, and that Andersen's way of arguing through pathos still does not affect those who do not agree with her in the first place. Other than that, Andersen appears rhetorically stronger than Trellevik in this debate.

## 6. Discussion and findings

This chapter will present a summary discussion of findings that have been discovered throughout the research. It is based on the different chapters combined. The discussion is divided into two parts, but where some of the areas overlap as both is concerned with the debate regarding Proposition 82 L. The first part will view the different rhetoric's that appeared in the analyses, and in what way the different rhetors argued around the topic of the distribution of care. While the second part is focusing on how the issue of recognition played a part in the different statements made throughout the public discussion. Finally, a suggestion for further research is made.

### 6.1 Back to the research question

The research was based on the debate regarding the new legislation introduced in Proposition 82 L, early last year. The Proposition addressed the division of responsibility of care for unaccompanied asylum-seeking children between 15-18 years old in Norway. The Proposition proposed to make UDI responsible for the children's care which led to a lot of criticism, particularly from organizations that believe there is discrimination and unfair treatment of the oldest group. Through the analyses above, critical rhetorical analysis gave an overview of the strategies, content, and motivations from the rhetors discovered in the public debate regarding Prop.82 L. The main research question read: *“In the case of Proposition 82 L. How does the different rhetors deal with the question of who is the most capable institution to take care of unaccompanied asylum-seeking children over the age of 15 years old?”*

#### 6.1.2 Rhetoric and the public debate

As shown in this thesis, rhetoric may be found in all written and oral presentations. It is, in the three texts chosen for analysis, easy to see how the use of rhetoric differ and is used in various ways to state a point and to engage the audience. As mentioned in the method chapter, one of the difficulties with the analysis was the choice of which texts should be part of the study. Because of the time constraints of this research study, only a small portion of the larger debate has been covered, making it somewhat difficult to generalize. There were other actors who expressed their views. However, the analysis shows some of the main aspects and views from both sides of the public debate. Based on the method, a template was created to perform the analyzes. Special emphasis was placed on the important rhetorical devices: ethos, pathos, and logos. I found it interesting to understand how different actors can persuade an audience

with the way they write, speak, or appear, and further to understand how to persuade an audience as it is the core aim of rhetoric.

To examine how the tools were used differently, I am starting with the proposal itself. To begin with, it may appear that the rhetorical tools were harder to locate in the texts implying that UDI should be the responsible care institution. It was also more difficult to discover distinct rhetorical tools and points because Proposition 82 L is delivered in a formal sense. The Proposition's main aim and desire were to create the feeling that what it recommended was safe and correct. It wanted the audience to be persuaded by the way it used its arguments, and it appeared as it added backups to its statements. At the same time, a lot of its backup were weak. As an example, through its arguments around children's need for care, there was no use of professional sources or backup which is crucial in a document arguing that older children do not need as much care and follow-up as younger. Having this type of backup is necessary to be able to believe its claims. The rhetoric it used, logical argumentation, showed how it attempted to reduce the issue of having an age-distributed care system. When reading the Proposition with a critical eye, one got the feeling that it was well-argued, but that it lacked research-based foundation to its arguments. For example, stating that the new changes in the reception centers have led to it being perceived as better, without giving the children's point of view, also weakened my confidence that it has done extensive research on the problem. With the lack of documentation in research, it appeared as the Ministry was selling the idea of reception centers as a more child-friendly institution than what is real. This was also shown through its way of camouflaging the issues by acting with heavy arguments.

The second rhetorical analysis was made from the consultation paper from Save the Children. The paper balanced between the three forms of appeal and used them in a good way to convey the message and arguments. In one way, the paper had to be professional as it was delivered as a consultation answer to the Ministry. Its language was also employed in a more professional manner, aiming at getting important points out to the audience. It was at the same time able to express itself using rhetorical tools. The organization had a strong ethos shining through to the same extent as Andersen in the Dagsnytt 18 debate, and clearly showed commitment and significance to the case. Save the Children referred to important material connected to children's rights. For instance, when it referred to the issue that children that have traveled to Norway need more, not less care, it mentioned different reports and research

articles that substantiated the importance of this. Similarly, to the Proposition, it had a desire to be able to lean on logical arguments, with the exception that it referred more specifically to knowledge based on qualified interpretations of UNCRC. It mentioned several different articles from the convention to clarify and prove that it believed it was a discriminatory practice. Save the Children's argumentation appeared as professional and factual, and its use of rhetorical tools strengthened its credibility.

In the last analysis, the Dagsnytt 18 debate, Karin Andersen focused heavily on pathos and the emotional response of the audience. She was one of the rhetors that used rhetorical tools the most. Andersen showed great commitment to the cause, with a vulnerability and frustration in the way she presented her arguments and statements. It can be experienced that when one is engaged and passionate about a topic, the rhetoric becomes stronger and clearer. Andersen used strong rhetoric bringing her statements to attract attention and engagement. By starting the debate with the statement “[...] *it is to legislate a violation to human rights*” showed her strong use of rhetoric and opened the debate for questions regarding human right issues. The way she leaned on criticism from the consultation papers and on professional statements, helped to strengthen both her ethos and logos, as she borrowed credibility from professional sources. Although she used a lot of pathos, she strengthens her arguments by substantiating with research-based foundation and statements from professionals working within the field. She convinced the audience through logical arguments and well-thought through backups.

On the opposite side of Andersen in the Dagsnytt 18 debate, we had Ove Trellevik. He presented his ideas and opinions in a very different way than Andersen did. The way he presented his topics made it feel like he was not fully prepared for the debate. He tried to argue for his claims, but they appeared as weak and not well thought through. In a discussion dealing with children's care distribution, he used the sentence “*or whatever it is...*” which underpinned the perception that he did not have enough interest or knowledge on the topic. Trelleviks statement “*Of course, this is not a violation of either human rights or a violation of the Convention on the Rights of the Child*” appeared as a weak claim. He acknowledged the criticism given from organizations but did not give a proper reason as to why he believed the current system is not violation. He only highlighted that all children should be given equal care, which is something he believed they already did. This again showed that he used little knowledge-based arguments, and that it was not emphasized to give a proper justification

related to his claims. The way he presented it in the debate made it seem as he was more concerned with the structures and efficiency of the system, rather than the children's needs. This indicates that Andersen, with her commitment, credibility, and usage of strong rhetorical tools in the way she presented her arguments, was perceived to come out as the strongest rhetor from the Dagsnytt 18 debate.

Searching through material, made me aware that it was difficult to find articles, chronicles and statements from parties, like the Conservative Party and the Progress Party, stating why it believes it is better for UDI to be in charge. It can be perceived as the immigration-critical parties have not seen this as a winning case. Trellevik is in the debate the spokesperson for the Conservative Party, which is known for having stricter asylum-politics than Andersen and The Socialist Left Party. The majority of articles and statements found were critical to the new legislation. This was also the case in the consultation papers and hearings that were filed in connection with the hearings round. The fact that most documentation found was critical to the Proposition could be a weakness, and perceived as one-sided, as the lack of documented views from one of the sides may make it hard to generalize.

The rhetors way of writing, speaking, acting, or appearing when presenting their statements, are important for how the audience views them, and being aware of this is crucial to appear as credible and being able to convince in the best possible way. In this context it was connected to the setting, and what position they were in when they were making their statements. As the research started, I expected to find that both sides of the debate would have clear rhetorical tools. All the texts used rhetorical tools, however, in some cases it was more hidden than in others. Karin Andersen was the one who stood out the most with her clear commitment to the topic. As I discovered, the “attackers”, such as Andersen and Save the Children, used their rhetoric’s as a more important tool to prove their points, and for the audience to feel some type of connection and emotion towards the topic. They also seem to do everything they could to convince the audience to believe what they were saying. They were dependent on having strong rhetoric’s to be able to convince. From the ones defending the legislation, on the other hand, it could seem as they were more concerned with protecting their already given points, with more arguments. Trellevik was perceived to a greater extent as working more to protect what had already been mentioned as an argument in the Proposition from the Ministry. They were in a position of power, perceived to be attempting to hide the reality behind logical

arguments. It further appeared as the “attackers” were better at building up their argumentation, where they relied on facts and information from professionals, while the “defenders” had strong claims, but to a great extent lacked to substantiate with credible facts.

In this discussion, some of the rhetors positioned themselves on the side of what they believed was best for the child and what was in the child's interest. They spoke on behalf of the child, with great interest in being able to change the outcome. While on the other side, a question arises as to whether it was really the child's best interests that were at the center of their Proposal. The two sides saw different ways of emphasizing children's needs where one focused on the child and one on the system. This was observed as very clear in the analyzes.

### **6.1.3 Recognition as part of the care practice**

The rhetorical aspect has been discussed above, as well as how the various rhetors have managed to persuade the audience using various rhetorical tactics. The focus was more related to the debate concerning the distribution of care, and not necessarily directly towards the children. Therefore, I also wanted to have an additional question and a theory related to the importance of recognition as an interesting aspect to the discussion. This was also to give the study a clearer path and relate it more to the human aspect of care. The second part of the research question read: *In what way did the issue of recognition play a part in the public debate?*

As we discovered in the theory chapter, Honneth, Häkli, Korkiamäki, and Kallio all emphasized the necessity of being recognized in life. Especially in the early years of life, when one is still learning how to maneuver through life, but also when a child's life is at its most vulnerable. In the texts analyzed, the question of recognition is not brought up directly. At the same time, the importance of being recognized lies as a backdrop in most of the discussion from the rhetors that were against the Proposition. As mentioned in the theoretical chapter, Honneth's theory focused to a greater extent on the early stages of a child's life. This means that his main focus was not on the oldest group of children, which this thesis is aimed at. The theory is still relevant as it addresses important points about different situations in life where one wants to be recognized. To strengthen the theoretical aspect and bring in the oldest group of UASC as this is the main target, Häkli, Korkiamäki & Kallio were added with their theory of positive recognition.

Honneth's stage of "love" is connected to the parent-child relationship. Some of the preconditions are not developed in a sensible and desirable way if a child does not have a parental figure in their lives during critical phases where e.g., self-confidence grow. Self-confidence and recognition do not develop on its own, but it happens through encounters with others. Through both previous research and the analysis, we have observed that having good care with safe and secure environment growing up, is one of the most important aspects of a child's life. This is often achieved by having parental figures who accompany the children through their most formative years. To achieve safe care is one of the main important areas in the discussion regarding UASC. As mentioned initially, it is a concern towards reception centers that they are perceived to be governed in quite different ways, with little pediatric expertise and few resources to run a good home for the children. This can be seen in connection with Andersen's statements, and how she expressed that it is not a good enough place to live for children. When Andersen expressed the consequences of living in reception centers, she played on the recognition theory. I.e., recognizing the children well enough to know what the best living arrangement is for them, and recognizing that children of all ages require sufficient care. At the same time, it seems that the idea of recognition is absent in the various texts and is not used as a concept connected to children. Even though, as mentioned in the theory chapter, recognition could be seen as an important concept in relation to the term care.

Häkli et al. positive recognition builds on a similar theory. By their three steps, "*getting to know*", "*acknowledging*", and "*providing support*", they lay the foundation on what is important when dealing with adolescents or youths. This is especially connected to the field of social pedagogy, but it is also important when working with children in general. By meeting the children with desire to get to know them, getting an understanding of where they are coming from, but also letting them develop and unfold as individual agents, are all areas that are important when working with vulnerable children. As we have seen, some of the criticism to the Proposal stems from the fact that there are fewer people with this type of educational experience and knowledge working in the reception centers. When workers lack the expertise or experience needed to interact with children, it creates a barrier between them and makes it difficult to get close to them.

Honneth also brings in the importance of being recognized by rights. Through all the analyzed texts, one could see that they bring up the Convention of the Rights of the Child. This indicates that the UNCRC lays the foundation of how important the convention is for both the Norwegian society in general, but also in cases concerning children. The Convention is, as we know, one of the main documents, specifically made for children, showing what children are entitled to. It has become one of the most significant ways for a child to be recognized within a legal framework. Both Save the Children and Karin Andersen (SV) used the Convention as a way of stating that there is discrimination happening even though they should be protected by law. In this way they recognize the children's legal rights. They were relying on UNCRC-related arguments as a rational way to persuade with logical professional input. On the other hand, the Proposition from the Ministry and Trellevik both mentioned that it is not a violation to the UNCRC. Trellevik recognized that Norway has implemented the Convention on the Rights of the Child, but by stating that it is not a violation against human rights and the UNCRC, he also takes away some of its importance and recognition. It also appears that there in some settings could be difficulties for a government to differentiate between the role of a child and a refugee/asylum-seeker. The refugee/asylum-seeking child does not get recognized as a child to the same extent as other children at the same age. The children should also be seen as citizens with their own, special rights, but at the same time it is experienced that they are not being heard or acknowledged in the way they should. In many cases the status of being for example a refugee weighs higher than the status of being a child (Lidén, 2020, p.20).

Honneth's third aspect is solidarity. Children might not be able to achieve this stage of recognition if they are not given the chance to meet people in other places in society. Living in reception centers in general with children that are in similar situations might also close the opportunity to build networks, connect with other people and build important ties. It can in many cases be easier to relate to those you already know and that are in a similar situation as yourself. Trellevik stated in the discussion that UASC would be better off living in reception centers with children in the same situation as themselves. In a way, it can be perceived as a security for children in a vulnerable position, but on the other hand, he does not acknowledge that it makes it more difficult for children to integrate. Exclusion is the backside of Honneth's three theoretical concepts. It can also be understood as one of the basic issues related to asylum children and asylum seekers in general. He also brought up that the feeling of exclusion and not being recognized as a part of the rest of the society, may make it harder for



the children to build networks and limits them from participating in a community. All these areas that Honneth and Häkli et al. mentions as important aspects, are about experiencing being recognized in every part of life. Recognition is not linked to a certain age, but as something that everyone wants to experience by being part of something bigger. To be listened to, being seen, etc. As Honneth mentions, the feeling of having equal rights and opportunities can build trust, positive thoughts and create self-confidence in the individual.

As seen initially, the UNCRC is important as it addresses the most important rights concerning the child. Like most documents and texts, the UNCRC can also be interpreted differently. All legal propositions have passed through the Governmental law department. This also indicates that the legal experts working within the juridical area do not find the Proposal in conflict with the UNCRC. This demonstrates that it stands up to other well-founded interpretations of the UNCRC, like for example the one found in Save the children's consultation paper. As we have seen, Article 2 in the UNCRC emphasizes, that the state parties should ensure and protect children "*without discrimination of any kind*" (UNCRC, 1989, p.2). I interpret "*of any kind*" as including every type of discrimination, also regarding care. Children should be treated the same, no matter what position or situation they are in. The UNCRC does not discriminate between asylum-seeking children or other children within the jurisdiction of Norway. To me the convention is clear. I understand it as a legal universal convention that does not exclude certain groups and takes into consideration what is actually the best interest of the child in every situation. This makes me question if it understands the convention as a right, or a law, or if it perceives it more as a guideline. It reads the UNCRC in the way where no child should be discriminated against, but that it is not discrimination if they are able to justify it. At the same time, it seems like its main justification is that older children do not need the same type of care as the youngest ones. It may seem that the convention is read in its own way to make it fit its context. The Ministry interpreted the legal basis in a minimalist and strict way, even after receiving criticism from civil society and professionals. There is a great contrast between the idea of Norway as a front runner on human rights, and the practice of only giving what is needed and required. This represents a growing paradox in the idea of Norway as a leading champion of human rights whilst only offering the bare minimum.

In the Proposition the Ministry made a statement that older children do not need as much care as younger children. It further stated that UDI had experienced that some of the changes had improved the UASC's stay in reception centers better. Both these statements are serious claims, which makes me question what professional justification they have to support its claims. It is also questionable that it has not brought in any aspects from the children that experience living there when it states that it has gotten better. Article 12 in the UNCRC voice that

*1.) States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. 2.) For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law. (UNCRC, 1989, p.4)*

The article emphasizes the importance of children being heard in matters concerning them. In this case, the Proposition stated that changes had improved the living conditions in the reception centers, without referring to the views of children living there. As we see in article 12, it states that expressing their voices applies especially to children who are old and mature enough. Article 12 is often read in connection with Article 3 on the principle of the best interests of the child where the best interests and their voices should be heard in matters concerning them (Haugli, 2020, p.55). It can be perceived as the Proposition was contradicting itself. It mentioned that older children do not need as much follow-up and care, but at the same time it was experienced that the oldest children are not heard. Aadnanes & Pastoor, both researchers for the National Knowledge Center on Violence and Traumatic Stress (NKVTS), emphasizes the fact that UASC may have experienced traumatic events or suffers from other mental health issues. Therefore, these children have life experiences that require good and secure care. *“There are no parents present who can take care of the child's special needs for help, education and possible treatment”* and it is important that children have safe adults around them who can also follow them further after they have turned 18 years old (Aadnanes & Pastoor, 2013, p.49). Sønsterudbråten et al. also emphasizes the fact that studies done on the adolescent brain indicates that it is in a different stage than younger and older people. It is still under development, and one can see tendencies to other ways of

reacting and acting than other age groups, which means that one needs to be surrounded by safe caregivers (Sønsterudbråten et al., 2018, p.56). Looking at this connected to the statements from the Proposition that older children does not need the same follow up, may seem like the Ministry's statements would not receive any professional support or agreement.

It is further argued for in several of the texts, that children living in situations like that (UASC) are in a vulnerable position because they are not being accompanied by a parent or other legal guardian. Parents are the closest thing that children have, which provides both care, safety, but also knowledge on how to manage life. The statement made from Andersen in the debate about that if Norway helps the children now, it will benefit the society in general, is understood as an argument to give weight to why it is important to recognize the needs of children. Not only for the children alone, but also for society as a whole. Giving a child, especially an unaccompanied one, the feeling of being recognized by society but also caregivers, can be particularly important for how they grow and prosper in future.

All these points, demonstrates that it is not really recognized that older children need similar protection and care as younger. From the Proposition and Trelleviks statements, it could be understood that there is an underlying factor, such as control and regulations, as to why they want UDI as the oldest children's caregivers. It can seem like the Proposition and UDI does not take the best interest of the child into account in this case. It is perceived as downplaying the importance of care and follow-up for older children. Recognition does not disappear with age. It is something that people search for in all stages of life, in different settings, regardless of age or situation. The best interests of the child can not only be understood in individual situations, but also within institutional structures. This point seems as not being mentioned in the Proposition. As we know, the Child Welfare Service works purposefully towards children. So, by taking care of the children under 15 years old, the children get the same protection and care as other Norwegian children in similar situations. While UDI, which works with the oldest group, in general mainly work with asylum-applications and not with children in the same way as the Child Welfare Service does. This has been criticized as UDI in this case works both as a care giver and a control body.

The analysis of the chosen texts has highlighted that children's needs are not as important as a state's control over where they are. It also seems like there is a major immigration-regulating

supervision that lies behind what is presented by the Proposition and Trellevik. None of them mentions the downsides of living in an asylum reception center, and the criticism is referred to, but at the same time not justified well enough. Figuratively speaking, they painted a picture of the reception centers as a good place for UASC to live, where they are treated in the same way as children in similar situations. Their use of rhetoric made it appear as if they are concerned with the child's needs, but the underlying intentions became more dubious when it was perceived as not being their focus.

The Proposition and Trellevik interpreted what is best for the child without listening to the children's input. This is contrary to the idea that the child should have the right to participate in matters concerning themselves. At the same time, I am surprised that Article 12 is not mentioned or referred to as an important argument from Save the Children and Andersen. As interpreting children's best interests without their insight goes beyond what the article stands for and is an important part of the UNCRC as one of the four general principles. It is experienced through the discussion that in most cases that they talk about the children, without talking to them. They are in a way used as "puppets" in a political game.

#### **6.1.4 Recommendation for further research**

This research has been focusing on Proposition 82 L and the discussion surrounding it. Since this Proposition was voted for in April of 2021 and it has become a law, it could be interesting to investigate further if the practice has changed. A lot of the critique regarding the distribution of care was connected to the thought that UASC between 15-18 years old did not get the same protective care as the youngest group. The Ministry's argument relied heavily on the fact that there had been, and should be, changes in practice. It could therefore be interesting to research if there have been changes made, and in that case, how it has affected the oldest group of children living in reception centers.

## **6.2 Concluding remarks**

This research main aim was to investigate how the different rhetors dealt with the question of who the most capable institution is to take care of unaccompanied asylum-seeking children over the age of 15 years old. This was done based on Proposition 82 L to the Parliament.

To analyze the discussion and the proposal on “*Amendments to the Immigration Act (legalization of the responsibility for care for unaccompanied minors living in asylum reception centers)*”. The literature review proved that unaccompanied asylum-seeking children are a topic that has been researched to a great extent. At the same time, much of the focus was on finding out if it is a discriminatory practice, and often linked to children’s mental health. Finding similar research within the field also gave me the opportunity to discover an area that had not been researched before. Namely, using rhetoric as a tool to investigate how they discuss the issue concerning UASC’s stay in asylum reception centers. To do this, I decided to use a critical rhetorical analysis to uncover the strategies, content as well as motivations. Rhetoric opens for a critical analysis of the discussion seen in a broader light. The method provided me with an instrument that held me to uncover several levels of the debate. The results of the analysis and the use of recognition theory led me to the following conclusions.

As seen through the analyzes, rhetoric differs depending on who says it and in what setting. Learning to understand rhetorical tools and methods strengthens the understanding of the different elements. It appeared as the more important the topic was for a rhetor, the stronger and more visible the rhetoric became. This was notably evident in Andersen’s use of strong rhetoric which expressed irritation and despair over the new bill. In the same way, the Proposition from the Ministry and Trellevik used argumentation not underpinned with research or facts. Rhetoric is an art. The ways in which the rhetors appear, say, or write, help the audience determine whether what is stated is credible or not. Andersen and Save the Children made a strong case for the children and their focus was based on what was the child’s best interest. Whereas it seemed that the Ministry and Trellevik were more focused on other aspects, such as structures and efficiencies, rather than the child’s best interest. However, results cannot be generalized, as it only consists of three different texts taken from a larger discussion. At the same time, the choice was made according to who has played a large and important role in the debate, with a conscious choice to choose an equal number from both sides of the discussion.

Furthermore, the sub-question was made to investigate in what way children’s need for recognition played a part in the public debate. Throughout the research I have pointed out the importance of being recognized in all areas of life using Honneth and Häkli et al. theories.

The issue of recognition is not mentioned directly, but it becomes a part of the larger picture when we connect it to the children's rights. The desire to experience recognition does not fade with age; rather, it is something that people seek throughout their lives in a variety of ways. The children are in this case in a position where they lack a voice and where politicians, organizations, and other actors are debating and discussing on their behalf. This is despite the fact that the UN Convention on the Rights of the Child emphasizes the necessity of hearing children's views and opinions in cases involving themselves (article 12). Andersen and Save the Children argued and discussed on behalf of the children and had a strong desire to change the outcome. On the opposite side of the discussion, it appeared as the best interest of the child was not the main consideration, and that a larger immigration-regulation policy served as a backdrop for why this had become a topic. One gets the impression that their understanding of the UNCRC does not play an equally important role in the distribution of care. It is experienced that the Proposition and Trellevik in many settings tried to paint a picture that asylum reception is a good place for children, without taking into consideration the children's own opinion. They keep the Convention on the Rights of the Child to a minimum and play on the areas in it that are important for their gain in the case. What shines through in their argument is not the children's needs or desire for recognition, rather their need to be able to control where the children stay. The rhetoric makes it seem like it is a good scheme that works well. It makes me question whether staying in the asylum reception center is in the child's or the system's best interests.

## 7. Bibliography

- Aadnanes, M. & Pastoor, L.d.W. (2013). *Blir enslige mindreårige flyktninger diskriminert? – En drøfting av deres rettigheter til omsorg etter bosetting [Are unaccompanied minor refugees being discriminated? - A discussion of their rights to care after settlement]*. Norges Barnevern. 90. 42-51. Retrieved from <https://www.idunn.no/doi/10.18261/ISSN1891-1838-2013-01-05>
- Berg, B., Tronstad, K.R. & Valenta, M. (2015). *Innledning- bakgrunn og problemstillinger [introduction- background and issues]*. Berg, B., Tronstad, K. (ed.). Levekår for barn i asylsøkerfasen [Living conditions for children in the phase of being an asylum seeker]. NTNU Samfunnsforskning. Retrieved from [https://www.udi.no/globalassets/global/forskning-fou\\_i/asylmottak/laevekar\\_for\\_barn\\_i\\_asylsoekerfasen.pdf](https://www.udi.no/globalassets/global/forskning-fou_i/asylmottak/laevekar_for_barn_i_asylsoekerfasen.pdf)
- Bratberg, Ø. (2017). *Tekstanalyse for samfunnsvitere [Text analysis for social scientists]*. (2nd ed.). Cappelen Damm Akademisk.
- Brekke, J-P. & Aarset, M.F. (2009). *Why Norway? Understanding Asylum Destinations*. Institutt for Samfunnsforskning [Institute for Social Research]: Oslo. Retrieved from: [https://www.udi.no/globalassets/global/european-migration-network\\_i/publikasjoner/why-norway-understanding-asylum-destinations.pdf](https://www.udi.no/globalassets/global/european-migration-network_i/publikasjoner/why-norway-understanding-asylum-destinations.pdf)
- Bryman, A. (2012). *Social Research Methods*. (4<sup>th</sup> ed). Oxford: Oxford University Press.
- Christie, H.J., Døhlie, E. & Eide, K. (2011). *Omsorgen for enslige mindreårige flyktninger og asylsøkere [The care for unaccompanied minor refugees and asylum seekers]*. Kjetil Eide (ed). Barn i Norge 2011- vold og traumer [Children in Norway- violence and trauma]. Voksne for Barn [Grown-ups for Children]. Retrieved from [https://vfb.no/app/uploads/2019/03/NYweb\\_BARNiNORGE2011.pdf](https://vfb.no/app/uploads/2019/03/NYweb_BARNiNORGE2011.pdf)
- Dørum, D. & Tosterud, H (producers). (2021, April 21<sup>st</sup>). *Dagsnytt 18*. [Episode on TV/radio]. NRK. Retrieved from <https://tv.nrk.no/serie/dagsnytt-atten-tv/202104/NNFA56042121/avspiller>
- Eggebø, H. (2013). *With a Heavy Heart!: Ethics, Emotions and Rationality in Norwegian Immigration Administration*. *Sociology (Oxford)*, 47(2), 301–317. Retrieved from: <https://doi.org/10.1177/0038038512437895>
- Eide, K. (2007). *Recognition and Social Integration: The Interpretation of Children on the Move*. *Language and Intercultural Communication*, 7(2), 122–132. <https://doi.org/10.2167/laic268.0>
- Fangen, K. & Vaage, M. (2018). “*The Immigration Problem*” and Norwegian Right-Wing Politicians. *New Political Science* 40(3). 459-476. Retrieved from: <https://www.tandfonline.com/doi/pdf/10.1080/07393148.2018.1487145?needAccess=true>

- Ghosh, A. & Blyverket, A.K. (2020). *For dårlig oppfølging av enslige mindreårige [Poor follow-up for unaccompanied minors]*. Utdanningsforbundet [Union of Education Norway]. Retrieved from <https://www.utdanningsforbundet.no/nyheter/2020/for-darlig-oppfolging-av-enslige-m-indreareige/>
- Grindheim, J.E., Heidar, K. & Strøm, K.W. (2020). *Norsk politikk. [Norwegian politics]* (2 ed.). Universitetsforlaget.
- Haugli, T. (2020). *Hensynet til barnets beste [Consideration for the best interests of the child]*. Høstmælingen, N., Kjørholt, E.S. & Sandberg, K. (Ed.). Barnekonvensjonen- Barnekonvensjonen-Barns rettigheter i Norge [The Convention on the Rights of the Child- Children's rights in Norway]. Universitetsforlaget.
- Heyerdahl, F. (2020). *Retten til ikke-diskriminering [The right to non-discrimination]*. Høstmælingen, N., Kjørholt, E.S. & Sandberg, K. (Ed.). Barnekonvensjonen- Barns rettigheter i Norge [The Convention on the Rights of the Child- Children's rights in Norway]. Universitetsforlaget.
- Honneth, A. (1995). *The Struggle for Recognition: The Moral Grammar of Social Conflicts* (J. Anderson. Trans.). Polity Press. (Original work published 1992).
- Häkli, J., Korkiamäki, R., & Kallio, K. P. (2018). *Positive recognition' as a preventive approach in child and youth welfare services. International Journal of Social Pedagogy, 7(1): 5.* Retrieved from: <https://doi.org/10.14324/111.444.ijsp.2018.v7.1.005>.
- Innlandet SV. (n.d). *Karin Andersen*. Retrieved 16<sup>th</sup> of May from <https://innlandet.sv.no/valg/hedmark/andersen/>
- Jensen, T. K., Fjermestad, K. W., Granly, L., & Wilhelmsen, N. H. (2015). *Stressful life experiences and mental health problems among unaccompanied asylum-seeking children. Clinical Child Psychology and Psychiatry, 20(1), 106–116.* Retrieved from <https://journals.sagepub.com/doi/pdf/10.1177/1359104513499356>
- Kirkeberg, M, I. (2020). *Avgrensning av populasjonen [Delimitation of the population]*. Kirkeberg, M, I. & Lunde, H. (2020). Enslige mindreårige flyktninger [Unaccompanied refugee minors]. (2020/13). Statistisk sentralbyrå [Statistics Norway]. Retrieved from [https://www.ssb.no/befolkning/artikler-og-publikasjoner/\\_attachment/416335?\\_ts=1711597fb30](https://www.ssb.no/befolkning/artikler-og-publikasjoner/_attachment/416335?_ts=1711597fb30)
- Kuypers, J.A. (2009). *Rhetorical Criticism as Art*. Kuypers, J.A. (Ed). Rhetorical Criticism- Perspectives in Action. Lexington Books.
- Langford, M., Skivenes, M., Søvig, K.H. & Kirkebø, T.L. (2019). *Introduction: Implementing Child Rights*. Langford, M., Skivenes, M. & Søvig, K.H. (ed). Children's Rights in Norway. An Implementation Paradox? Universitetsforlaget. Retrieved from: <https://www.idunn.no/doi/10.18261/9788215031415-2019-02>
- Lidén, H., Aasen, B., Seeberg, M.L. & Staver, A.B. (2020). *Fra bosetting til voksenliv. Den kommunale tjenestekjeden for enslige mindreårige flyktninger [From settlement to adulthood. The municipal service for unaccompanied minor refugees]*. Institutt for



Samfunnsforskning [Institute for Social Research]: Oslo. Retrieved from <https://samfunnsforskning.brage.unit.no/samfunnsforskning-xmlui/handle/11250/2641091>

Lidén, H., Eide, K., Hidle, K., Nilsen, A. C. E. & Wærdahl, R. (2013). *Levekår i mottak for enslige mindreårige asylsøkere [Living conditions in reception for unaccompanied asylum-seeking children]*. Institutt for Samfunnsforskning [Institute for Social Research]: Oslo. Retrieved from [https://www.udi.no/globalassets/global/forskning-fou\\_i/asylmottak/levekaar-i-mottak-for-enslige-mindreaarige-asylsokere.pdf](https://www.udi.no/globalassets/global/forskning-fou_i/asylmottak/levekaar-i-mottak-for-enslige-mindreaarige-asylsokere.pdf)

Lidén, H., Stang, E.G., Eide, K. (2017). *The gap between legal protection, good intentions and political restrictions. Unaccompanied minors in Norway*. Social Work & Society, 15(1), 1. International Online Journal. Retrieved from <https://samfunnsforskning.brage.unit.no/samfunnsforskning-xmlui/handle/11250/2463391>

Lien, T. (2021). *Listhaugs retorikk: en trussel mot norske verdier? [Listhaugs rhetoric: a threat to Norwegian values?]*. Kirke og Kultur 4(2021), pp.335-344. Universitetsforlaget. Retrieved from <https://www.idunn.no/doi/10.18261/issn.1504-3002-2021-04-04>

Longaker, M.G. & Walker, J. (2011). *Rhetorical Analysis: A Brief Guide for Writers*. Pearson Education Inc.

Ministry of Justice and Public Security. (2020). *Endringer i utlendingsloven (lovfesting av omsorgsansvaret for enslige mindreårige som bor i asylmottak) [Amendments to the Immigration Act (legalization of the responsibility for care for care for unaccompanied minors living in asylum reception centers)]*. (Prop. 82 L (2020-2021)). Retrieved from <https://www.regjeringen.no/contentassets/ffe6c5f82fc04bec83dca018121decf4/no/pdfs/prp202020210082000dddpdfs.pdf>

Norwegian National Human Rights Institution. (2016). *Temarapport- Omsorg for enslige mindreårige asylsøkere [Theme Report-Care for unaccompanied asylum-seeking children]*. Norges nasjonale institusjon for menneskerettigheter [Norwegian National Human Rights Institution]. Retrieved from <https://www.nhri.no/wp-content/uploads/2017/11/Temarapport-2016-Omsorg-for-enslige-mindrearige-asylsokere.pdf>

Sandberg, K. (2020). *Asylsøkende barns rettigheter [The rights of asylum-seeking children]*. Høstmælingen, N., Kjørholt, E.S. & Sandberg, K. (Ed.). *Barnekonvensjonen- Barns rettigheter i Norge*. (pp.) Universitetsforlaget.

Save the Children. (2021, March 5th). *Skriftlig innspill fra Redd Barna til Prop. 82 L (2020-2021) [Written input from Save the Children on Prop. 82 L (2020-2021)]*. Redd Barna [Save the Children]. Retrieved from <https://www.reddbarna.no/content/uploads/2021/03/Redd-Barnas-innspill-til-prop-82-L-2020-21-Lovfesting-av-omsorgsansvaret-for-enslige-mindre%C3%A5rige-asyls%C3%B8kere.pdf>

Save the Children. (2021). *Stopp regjeringens diskriminering av barn som har flyktet alene [Stop the government's discrimination against children who have fled alone]*. Redd Barna

[Save the Children]. Retrieved from: <https://www.reddbarna.no/opprop/stopp-regjeringens-diskriminering-av-barn/>

Save the Children. (n.d.). Vår historie [Our History]. Redd Barna [Save the Children]. Retrieved on 17<sup>th</sup> of May from <https://www.reddbarna.no/om-oss/organisasjon/historikk/>

Smith, L. (2020). *FNs konvensjon om barnets rettigheter [UN Convention on the Rights of the Child]*. Høstmølingen, N., Kjørholt, E.S. & Sandberg, K. (Ed.). Barnekonvensjonen- Barnekonvensjonen-Barns rettigheter i Norge. Universitetsforlaget.

Staver, A. & Lidén, H. (2014). *Unaccompanied minors in Norway: Policies, practices and data in 2014*. Institutt for samfunnsforskning [Institute for Social Research]. Retrieved from [https://www.udi.no/globalassets/global/european-migration-network\\_i/studies-reports/emn-final-report-unaccompanied-minors-2014.pdf](https://www.udi.no/globalassets/global/european-migration-network_i/studies-reports/emn-final-report-unaccompanied-minors-2014.pdf)

Søholt, S. & Valenta, M. (2017). *Boforhold i asylmottak. Levekår og livskvalitet [Living conditions in asylum reception centers. Living conditions and quality of life]*. Berg, B. & Tronstad, K.R. (2017). Levekår for barn i asylsøkerfasen [Living conditions for children in the asylum-seeking phase]. NTNU Samfunnsforskning. Retrieved from <https://samforsk.brage.unit.no/samforsk-xmlui/bitstream/handle/11250/2365395/Levek%25C3%25A5r%2bfor%2bbarn%2bi%2basyls%25C3%25B8kerfasen%2bWEB.pdf?sequence=3&isAllowed=y>

Sønsterudbråten, S., Tyldum, G. & Raundalen, M. (2018). *Et trygt sted å vente- Omsorgspraksiser på asylmottak for enslige mindreårige [A safe place to wait- Care practices at asylum reception centers for unaccompanied minors]*. FAFO 2018:05. Retrieved from <https://www.faf.no/images/pub/2018/20654.pdf>

The Directorate of Integration and Diversity. (2016). *Enslige mindreårige [Unaccompanied minors]*. Integrerings-og mangfoldsdirektoratet [The Directorate of Integration and Diversity]. Retrieved from <https://www.imdi.no/hjelpflyktninger/hjelpe-enslige-mindrearige/>

The Norwegian Directorate for Children, Youth and Family Affairs. (n.d.). *Om Bufdir [About Bufdir]*. Bufdir. Retrieved on 17<sup>th</sup> of May from [https://www.bufdir.no/Kontakt/Om\\_Bufdir\\_og\\_Bufetat/Om\\_Bufdir/](https://www.bufdir.no/Kontakt/Om_Bufdir_og_Bufetat/Om_Bufdir/)

The Norwegian Directorate of Immigration. (n.d.). *Ulike typer asylmottak. [Different types of asylum reception centers]*. Utlendingsdirektoratet [The Norwegian Directorate of Immigration]. Retrieved 16<sup>th</sup> of May from <https://www.udi.no/asylmottak/ulike-typer-asylmottak/>

The Norwegian Government. (2018, April 27th.). *Ansvarsområder og oppgaver i JD [Responsibilities and tasks in JD]*. Regjeringen [The Norwegian Government]. Retrieved from <https://www.regjeringen.no/no/dep/jd/dep/id468/>

The Norwegian Government. (n.d.). *Erna Solbergs regjering [Erna Solberg's government]*. Regjeringen [The Norwegian Government]. Retrieved 17<sup>th</sup> of May from <https://www.regjeringen.no/no/om-regjeringa/tidligere-regjeringer-og-historie/sok-i->

[regjeringer-siden-1814/historiske-regjeringer/regjeringer/erna-solbergs-regjering/id742981/](https://www.regjeringen.no/no/aktuelt/erna-solbergs-regjering/id742981/)

- The Norwegian Government. (2022, March 2nd). *Partiene på Stortinget [The parties in the Parliament]*. Regjeringen [The Norwegian Government]. Retrieved from <https://www.stortinget.no/no/Stortinget-og-demokratiet/stortinget-undervisning/videregaende-skole/partier/politiske-partier/>
- The Norwegian Parliament. (n.d-a). *Dictionary*. Stortinget [Norwegian Parliament]. Retrieved on 17<sup>th</sup> of May from <https://www.stortinget.no/en/In-English/Stottemeny/Dictionary/?diid=P>
- The Norwegian Parliament. (n.d-b). *Regjeringens publikasjoner [Governmental Publications]*. Stortinget [Norwegian Parliament]. Retrieved on 17<sup>th</sup> of May from <https://www.stortinget.no/no/Stortinget-og-demokratiet/Arbeidet/Om-publikasjonene/Regjeringens-publikasjoner/>
- The Norwegian Parliament. (n.d-c). *Standing Committee on Local Government and Public Administration*. Stortinget [Norwegian Parliament]. Retrieved on 16<sup>th</sup> of May from: <https://www.stortinget.no/en/In-English/Standing-Committees/The-Standing-Committee-on-Local-Government-and-Public-Administration/>
- United Nations General Assembly (1989, November 20<sup>th</sup>). *Convention on the Rights of the Child*. Retrieved from <https://www.ohchr.org/sites/default/files/crc.pdf>
- Villadsen, L. S. (2009). *Fortolkningens rolle i retorisk kritikk [The role of interpretation in rhetorical criticism]*. Roer, H. & Klujeff, M. L. (Ed.). *Retorikkens aktualitet. Grundbog i retorisk kritikk [The relevance of rhetoric. Textbook in rhetorical criticism]*. (2 ed.). Hans Reitzels Forlag: Copenhagen
- Vitus, K. & Lidén, H. (2010). *The Status of the Asylum-seeking Child in Norway and Denmark: Comparing Discourses, Politics and Practices*. Oxford University Press. Retrieved from [https://www.researchgate.net/publication/249248962\\_The\\_Status\\_of\\_the\\_Asylum-seeking\\_Child\\_in\\_Norway\\_and\\_Denmark\\_Comparing\\_Discourses\\_Politics\\_and\\_Practices](https://www.researchgate.net/publication/249248962_The_Status_of_the_Asylum-seeking_Child_in_Norway_and_Denmark_Comparing_Discourses_Politics_and_Practices)
- Whitepaper 30 (2015-2016). *Fra mottak til arbeidsliv – en effektiv integreringspolitikk [From reception to working life- an effective integration policy]* (Meld.St. 30 (2015-2016)). Ministry of Justice and Public Security. Retrieved from <https://www.regjeringen.no/contentassets/6676aece374348ee805e9fc5f60b6158/no/pdfs/stm201520160030000dddpdfs.pdf>
- Øien, C. (2010). *Underveis - en studie av enslige mindreårige asylsøkere [Along the way- a study of unaccompanied asylum-seeking children]*. FAFO 2010:20. Retrieved from [https://www.udi.no/globalassets/global/forskning-fou\\_i/beskyttelse/underveis-en-studie-av-enslige-mindrearige-asylsokere.pdf](https://www.udi.no/globalassets/global/forskning-fou_i/beskyttelse/underveis-en-studie-av-enslige-mindrearige-asylsokere.pdf)

## **List of figures:**

**Figure 1** Numbers of unaccompanied minors asylum applications, 1996-2019

**Figure 2** The structure of relations of recognition

**Figure 3** The basic layout of arguments

## **Annexes:**

Annex 1: Transcription of Dagsnytt 18 debate

Annex 2: Consultation Paper from Save the Children

## Annex 1: Transcription of Dagsnytt 18 debate

Dagsnytt 18: April 21st, 2021

00:50

<https://tv.nrk.no/serie/dagsnytt-atten-tv/202104/NNFA56042121/avspiller>

Karin Andersen (The Socialist Left Part) vs Ove Trellevik (The Conservative Party)

«Legislates human rights violations» (Lovfester menneskerettighetsbrudd)

---

**Espen Aas:** *Regjeringen vil ha det lovfestet at det er UDI og ikke barnevernet som skal ta seg av enslige asylsøkere mellom 15 og 18 år. Slik det forsåvidt i realiteten også er i dag, så hvorfor reagerer dere på dette Karin Andersen i SV leder av kommunal og forvaltningskomiteen på Stortinget. Du kaller regjeringens forslag for nedslående i Vårt Land.*

**Karin Andersen:** *Ja det er jo å lovfeste et brudd på menneskerettighetene. Men det er to hovedproblemer, det ene er: Norge har undertegnet barnekonvensjonen og da er vi forpliktet til å behandle alle barn like godt. Og det omsorgstilbudet som disse enslige mindreårige får er dårlige enn det norske barn får hvis dem ikke har foreldre og er alene. Den andre biten av det er at nå har vi fått veldig mye informasjon om at dette dårlige omsorgstilbudet og resulterer i at disse ungdommene også får veldig dårlig psykisk helse. Dette er ungdommer som har, ja, jeg tør nesten ikke tenke på hva de har opplevd. Og vi vet jo at når ungdom har vært utsatt for sånne ting så trenger dem virkelig god omsorg, trygg omsorg og høy kvalitet på det tilbudet dem har ...*

**Espen Aas:** *og det kan ikke UDI by på?*

**Karin Andersen:** *... Nei, altså det er for dårlig nå. Og det har jo alle rapportene vist, og det sier også alle faginstansene som kan noe om dette. Dette er for dårlig. Og nå vil altså regjeringen både lovfeste at UDI skal fortsette og de vil ikke si noe tydelig om at tilbudet skal bli bedre, tvert imot sier de at tilbudet er bra nok sånn som det er i dag.*

**Espen Aas:** *Ove Trellevik medlem av kommunal og forvaltningskomiteen på stortinget, fra regjeringspartiet Høyre. Er det til barnas beste og ja, i tillegg et lovbrudd dere skal lovfeste?*

**Ove Trellevik:** *Det er selvsagt ikke et brudd på hverken menneskerettighetene eller brudd på barnekonvensjonen. Og det går jo og frem av høringsinnspillene som mange har kom med. Det handler om at vi skal tilby likeverdig omsorg. Og det gjør vi. Vi skal tilby..*

**Espen Aas:** *men, hvordan blir det likeverdig når noen skal behandles av andre?*

**Ove Trellevik:** *ja, det er akkurat det. Altså, Likeverdig omsorg har ikke noe om hvem som tilbyr omsorgen, likeverdig omsorg handler om hvilke tjenester du faktisk får. Og høringsinnspillene går på og at vi og bør bemanne opp og ha bedre kompetanse. Og det kommer vi og til å følge opp. Men det at man bryter menneskerettighetene om det er UDI som har ansvaret eller om det er fylkeskommunene som har ansvaret eller om det er statsforvalteren, eller en kommune. Det er ikke sånn det fungerer.*

**Espen Aas:** *men det er ingen forskjell på om det er barnevernet eller UDI?*

**Ove Trellevik:** *Barnevernstjenesten har ansvar. Lov om barnevernstjeneste gjelder alle barn. Også de som bor på asylmottak. Sånn at Det skal ikke være tvil om at barnevernsloven og gjelder for barn på asylmottak. Men det handler om hvem som har ansvar her. Sektormyndighetene vil allikevel ha det faglige ansvaret, både for barnevernstjenesten, for skoledriften, undervisningen. All sektormyndighet som hun kritiserer her for å si at de har for dårlige tjenester har ansvaret for å produsere de gode tjenestene.*

**Espen Aas:** *Karin Andersen*

**Karin Andersen:** *ja, det er mye feil i det Trellevik nå sier. For det første så har faginstansene som Nasjonal Institusjon for Menneskerettigheter, Unicef, Redd Barna. Alle de som kan barnekonvensjonen. Barneombudet og. Slår helt entydig fast at det er et brudd på barnekonvensjonen hvis man lovfester at omsorgstilbudet skal være forskjellig. Og problemet og med det Trellevik nå sier er at regjeringen i proposisjonen sier at de mener det er bra nok. Og de vil ikke vise frem til stortinget, det som han nå sitter og påstår nettopp det at det skal*

*bli bedre. Og det vi sier er at disse ungene er akkurat like mye alene som de norske ungene som ikke har foreldre og da bør det være det nivået som barnevernet har. Og det er det ikke i dag. Det andre som han sier er: barnevernet har på en måte ansvaret. Ja det skjer bare hvis det skjer noe galt med disse ungene. Da kobler man inn barnevernet. Og det betyr at de får ikke beskyttelse når de trenger omsorg, men dem får kontakt med barnevernet bare når noe går riktig galt.*

**Espen Aas:** *Trellevik skal få svare på det. Men du mener at det ikke er mulig å gi det samme tilbudet da via UDI som barnevernet gjør alene?*

**Karin Andersen:** *Det kunne vært mulig, men det har ikke regjeringen vist i det hele tatt. Tvert imot sier de at tilbudet i dag er godt nok. Og det tilbudet har vi nå fått dokumentert er så dårlig at det sitter unger der som skader seg selv, som har selvmordsforsøk, og som har store problemer. Og alle fagfolkene sier: dette er for dårlig. Hvis vi skal sørge for at disse gutta, det er stort sett gutter, men også jenter skal klare seg godt så er de nødt til å få et godt omsorgstilbud. Mye bedre omsorgstilbud det de får i dag.*

**Espen Aas:** *For hvordan skal det sikres konkret, Trellevik, annet enn å si at de skal ha rett på det samme?*

**Ove Trellevik:** *De skal ha rett på det samme, og vi skal sikre det. Og det handler om, det står i proposisjonen at man skal styrke både kompetanse og at man skal styrke bemanningen, det står i oppfølgingen av høringsinnspillene i proposisjonen*

**Espen Aas:** *men hvem sikrer det da? Hvem har hovedansvaret?*

**Ove Trellevik:** *hvem skal sikre det? Det er UDI som har ansvaret, det er det som er poenget. Man skal ikke fragmentere ansvaret. Det er UDI som har det totale ansvaret for dette her. Og så skal vi ha et uavhengig tilsyn som skal følge dette opp og dette blir betydeligere bedre fulgt opp det hva det har vært gjort tidligere gjort*

**Espen Aas:** *så tilsyn skal sjekke om UDI gjør samme den jobben som barnevernet kunne ha gjort?*



**Ove Trellevik:** *Det handler om at de som bor på mottak og får et uavhengig tilsyn som de kan henvende seg til og andre interessenter som mener om UDI da ikke skulle levere gode nok tjenester. Så er det et uavhengig tilsyn som skal kunne påse at dette blir riktig*

**Espen Aas:** *og fordelene med det, bare for å få med det?*

**Ove Trellevik:** *Fordelene er jo helt klart at bor du på mottak så bor du med mennesker som på mange måter er i samme situasjon som deg. Enten er de fra samme land, eller hva det er for noe. Det handler om både kultur og alt. Og skal du bo på barnevernsinstitusjon i Norge med norske barn blir det helt noen andre forhold.*

**Karin Andersen:** *Men det er da ingen som ha sagt at det skal være sånn?*

**Ove Trellevik:** *Skal du lage nye barnevernsinstitusjoner, da?*

**Karin Andersen:** *Vi skal ha institusjoner som disse barna bor på som barnevernet har ansvaret for. For i dag er det jo sånn at hvis du er under 15 år så har jo barnevernet ansvar for disse ungene, så her er det jo et tilbud til noen, det er bare at hvis du da bikker 15 så skal du få et dårligere tilbud. Men det som er positivt i det Trellevik sier nå, er jo at han sier at det skal opprettes et uavhengig tilsyn. Det hadde vi kontakt om for noen dager siden og da fikk jeg beskjed om at uavhengig skulle det ikke være. Så hvis dere har forandra syn på det nå så er jeg veldig glad for det. For det er i hvertfall en forsikring.*

**Espen Aas:** *Vil du bekrefte det, Trellevik?*

**Ove Trellevik:** *Altså, tilsynet skal selvsagt være et uavhengig tilsyn. Det står i proposisjonen og. Men spør om hva hun mener med organet, om det er uavhengig. Og det er jo det som er oppfølgingen til den debatten da. Men det er en helt annen debatt. Poenget er at et uavhengig tilsyn skal selvfølgelig over eller underlagt politisk kontroll*

**Espen:** *men men..., i praksis blir det ikke store forandringen. Den store forandringen er vel at man gjør det til lov? Men praksisen er så vidt jeg skjønner tilbake til da dere satt i regjering at UDI gjør det..*

**Karin Andersen:** *Ja da fikk vi til at de opp til 15 år kom inn under barnevernet. Og det var veldig nødvendig og riktig. Og det har vel stort sett stått på penger. På at man ikke har sørget for et godt nok omsorgstilbud til alle. Nå er det og veldig få, så nå burde man bruke muligheten til å sikre alle disse ungdommene et bedre omsorgstilbud. For det vil vi tjene på alle sammen. Også dem som skal reise ut eller hvis de får bli, så vil de klare seg bedre om de får et bedre omsorgstilbud.*

**Espen Aas:** *Jeg tipper at hvis vi hadde hatt mer tid at det er det er nettopp det de får, Ove Trellevik, men jeg må takke deg av for det er 35 sekunder igjen. Så jeg rekker bare si at du er med medlem av kommunal og forvaltningskomiteen fra Høyre. Karin Andersen leder av kommunal og forvaltningskomiteen. Forslaget skal stemmes over, la meg se på jukselappen, 27.april.*

## Annex 2: Consultation Paper from Save the Children



Til Kommunal- og forvaltningskomiteen

Oslo, 5. mars 2021

### **Skriftlig innspill fra Redd Barna Prop. 82 L (2020-2021) Endringer i utlendingsloven (lovfesting av omsorgsansvaret for enslige mindreårige som bor i asylmottak)**

Redd Barna takker for anledningen til å komme med våre innspill til komiteens behandling av Prop. 82 L (2020-2021) om endringer i utlendingsloven (lovfesting av omsorgsansvaret for enslige mindreårige som bor i asylmottak).

Redd Barna arbeider nasjonalt og internasjonalt for oppfyllelse av barns rettigheter slik de er nedfelt i FNs konvensjon om barnets rettigheter (barnekonvensjonen). Redd Barnas Norgesprogram arbeider for styrking av barns rettigheter og overvåker og bekjemper brudd på barnerettighetene i Norge med særlig fokus på barn i sårbare livssituasjoner. Når det gjelder spørsmålene dette lovforslaget reiser, så gjelder disse barn og ungdommer som befinner seg i en svært sårbar situasjon. Barn som står uten omsorgspersoner har rett til omsorg og beskyttelse, og denne rettigheten må innfris for alle barn, uten noen form for diskriminering.

#### **Overordnet kommentar**

Redd Barna støtter ikke forslaget til lovendring slik dette fremgår av Prop. 82 L (2020-2021). Redd Barna mener at ansvaret for enslige mindreårige asylsøkere mellom 15 og 18 år i stedet bør overføres til barnevernet og reguleres i barnevernloven slik loven åpner for. Vi viser til vårt høringsvar av 06.03.2020 om endringer i utlendingsloven og -forskriften om omsorgsansvaret for enslige mindreårige asylsøkere mellom 15 og 18 år i mottak mv. Vi viser også til vårt høringsvar av 18.06.2019 til ny barnevernslov, der vi påpeker at det er svært uheldig at denne gruppen barn utelates ved en helhetlig gjennomgang av barnevernloven.

#### **Barnerettslig perspektiv**

Redd Barna har ved flere anledninger utdypet hvorfor vi mener enslige mindreårige asylsøkere er en svært sårbar gruppe barn, som har behov for et forsvarlig omsorgstilbud. En gjennomgang finnes blant annet i vårt høringsvar. Vi ønsker også å fremheve at barn som er uten omsorgspersoner etter barnekonvensjonens artikkel 20 har rett til alternativ omsorg fra myndighetene. Myndighetene skal også sørge for at barn på flukt får oppfylt rettighetene sine etter barnekonvensjonen, jf. artikkel 22. Forbudet mot diskriminering i barnekonvensjonen artikkel 2 gjelder som et grunnleggende prinsipp som gjelder for anvendelsen av de nevnte konvensjonsbestemmelsene.

Redd Barna har allerede i høringsrunden påpekt at de menneskerettslige vurderingene av forslaget er tynne. Vi viser til høringsvaret vårt, og fastholder det vi mente der. Vi ønsker likevel å understreke, nok en gang, at forbudet mot diskriminering i barnekonvensjonen artikkel 2 etter vårt syn stenger for å overlate omsorgen for enslige mindreårige asylsøkere til utlendingsforvaltningen.

Flere av FN-komiteene har dessuten anbefalt Norge å styrke omsorgstilbudet til enslige mindreårige asylsøkere. Anbefalingene fra FN er utdypet i vårt høringsvar. Vi vil likevel understreke at FNs menneskerettskomité i 2018 kom med en helt klar anbefaling til Norge om å stoppe forskjellsbehandlingen av enslige mindreårige asylsøkere mellom 15 og 18 år og at omsorgen for disse bør være tilsvarende som for

Besøksadresse:  
Redd Barna  
Storgata 38  
0182 Oslo

Postadresse:  
Redd Barna  
Postboks 6902, St. Olavs plass  
0130 Oslo

Telefon: 22 99 09 00  
post@reddbarna.no  
www.reddbarna.no

Org.nr.: 941 296 459  
Redd Barna er medlem av  
internasjonale Redd Barna  
(Save the Children)

barn under barnevernets omsorg (Human Rights Committee "Concluding observations on the seventh periodic report of Norway (2018), avsnitt 31).

Et dårligere omsorgstilbud for enslige mindreårige mellom 15 og 18 år vil også kunne stride mot forbudet mot usaklig forskjellsbehandling i Grunnloven § 98, som også gjelder for barn.

Bestemmelsen må leses i sammenheng med Grunnloven § 104 som slår fast at barn har krav på respekt for sitt menneskeverd. Ifølge utvalget bak Grunnlovens menneskerettighetskapittel skulle "en slik formulering av barns likeverd eller menneskeverd understreke og tydeliggjøre at de øvrige menneskerettighetsbestemmelsene i Grunnloven også gjelder for barn". Derfor mente ikke utvalget det var nødvendig med en egen bestemmelse om ikke-diskriminering for barns rettigheter (Dokument 16 (2011-2012) s. 190).

Vi er ikke enige med departementets vurdering om at forskjellsbehandlingen er saklig begrunnet, jf. Grunnloven § 98. Departementet skriver at forskjellsbehandlingen er saklig fordi eldre barn trenger mindre oppfølging enn yngre, har behov for selvstendighetstrening og vanligvis ikke har et like stort ønske om kontinuerlig og tett oppfølging fra voksne (Prop. 82 L (2020-2021) punkt 8.4). Tvert imot viser forskning at det er svært viktig å gi også ungdom over 15 år god omsorg (Se FAFO "Et trygt sted å vente" (2018) og vårt høringsvar).

Barn som har kommet alene til Norge for å søke asyl er en gruppe barn som trenger mer, ikke mindre, omsorg. Dette underbygges av en levekårsstudie som viser at enslige mindreårige asylsøkere elever i stor usikkerhet, som preger deres hverdag og skiller dem fra andre barn (NTNU Samfunnsforskning "Levekår for barn i asylsøkerfasen" (2015)). Forskning gjort ved Folkehelseinstituttet (2011) og NKVTS (2013) viser at enslige mindreårige flyktninger har mer psykiske plager enn andre ungdommer i Norge, både med og uten innvandringsbakgrunn. Studier viser at langt over halvparten av asylsøkere plages av ulike former for psykiske lidelser, hvor posttraumatisk stress og depresjon er de hyppigste forekommende psykiske plagende (Folkehelseinstituttet "Etter bosettingen: psykisk helse, mestring og sosial integrasjon blant ungdom som kom til Norge som enslige mindreårige asylsøkere (2011) og NKVTS "Enslige mindreårige asylsøkere: Kartlegging av traumeerfaringer og psykisk helse" (2013)). Forskningsresultatene, og betydningen i relasjon lovfestingen av omsorgsansvaret, er utdypet i vårt høringsvar.

En nylig avgjørelse fra EU-domstolen om behandling av asylsøknader fra enslige mindreårige i Nederland trekker også i retning av at et skille mellom asylsøkende barn utelukkende basert på alder er galt. Domstolen fant at et skille mellom barn over og under 15 år var i strid med direktiv 2008/2008/115/EC, som også Norge har ratifisert. Domstolen uttaler at det følger av direktivet, samt EUs charter om grunnleggende rettigheter, at stater må ta "due account of the best interest of the child, including minors over 15 years of age". Ved avgjørelsen av om det finnes et tilfredsstillende mottaksapparat i returstaten må stater derfor "carry out an assessment on a case-by-case basis of the situation of an unaccompanied minor as a part of a general and in-depth assessment, **rather than an automatic assessment based on the sole criterion of age**" (Case C-441/19 TQ v. Staatssecretaris van Justitie en Veiligheid, avsnitt 65-66, vår utheving).

#### **Klarlegging av hva som ligger i «forsvarlig omsorg»**

Etter vårt syn er det en klar svakhet ved proposisjonen at hva som ligger i "forsvarlig omsorg" ikke er tilstrekkelig godt definert, samt at det er lagt opp til at omsorgen ikke skal være tilsvarende som i barnevernet. På bakgrunn av blant annet barnekonvensjonens forbud mot diskriminering og anbefalingene fra FN-komiteene,

mener vi at omsorgstilbudet til enslige mindreårige ikke kan være noe dårligere enn for andre barn under barnevernets omsorg. Vi kan derfor ikke støtte en lovfesting av omsorgsansvaret som ikke sikrer dette omsorgsnivået. Videre er vi usikre på om en lovfesting, uten en spesifisering av nivået på omsorgen som skal gis, er i samsvar med intensjonen bak Stortingets anmodningsvedtak.

#### **Avslutning**

Vi fastholder vårt synspunkt fra høringsrunden om at forslaget innebærer diskriminering i strid med blant annet barnekonvensjonen artikkel 2. Barn som har flyktet alene til Norge er først og fremst barn og har gjennom barnekonvensjonen rett til omsorg og beskyttelse på lik linje med alle andre barn i Norge. At forskning tilsier at barn over 15 år, og enslige mindreårige asylsøkere generelt, har behov for særlig omsorg er etter vårt syn et viktig argument for å legge til rette for at denne gruppen får mer, og ikke mindre, omsorg.

Vi ønsker derfor at omsorgen for enslige mindreårige asylsøkere overføres til barnevernet. Det viktigste er å sikre en omsorg som til enhver tid er likeverdig for alle barn i Norge. Dette kan gjøres ved å stille tydelige krav til uavhengig tilsyn, mottakenes utforming, ansattes kompetanse, bemanning og innholdet i den omsorgen som gis i lov eller forskrift. Ved å ta inn omsorg for enslige mindreårige asylsøkere i barnevernloven vil man oppnå at de rettslige rammene er like, og sikre likeverdig omsorg.

Vennlig hilsen  
Redd Barna

Thale Skybak  
Seksjonsleder

Mathilde Mehren  
Spesialrådgiver barns rettigheter

Camilla Engeset  
Spesialrådgiver barn på flukt