



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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23<sup>rd</sup> March 2017

Dear Mr. Wille,

As Secretariat of the Global Alliance of National Human Rights Institutions (GANHRI), I am writing to inform you of the recommendations that GANHRI Sub-Committee on Accreditation (SCA) has made regarding the accreditation of your institution, which was considered at the SCA session in Geneva from 13 to 17 March 2017.

In accordance with article 12.1 of the GANHRI Statute, your institution may challenge the recommendations by submitting a letter to GANHRI Chairperson, through OHCHR National Institutions, Regional Mechanisms and Civil Society Section, within twenty-eight (28) days from the date of this letter.

Thereafter, the recommendations will be forwarded to the members of GANHRI Bureau for approval. If a challenge is received from your institution, the challenge together with all relevant materials will also be forwarded to GANHRI Bureau. The decision of GANHRI Bureau on accreditation will be considered final. The report will be made public following its adoption by GANHRI Bureau.

Please direct any future correspondence on the recommendations to [sshahidzadeh@ohchr.org](mailto:sshahidzadeh@ohchr.org), [cradert@ohchr.org](mailto:cradert@ohchr.org), [nifellow2@ohchr.org](mailto:nifellow2@ohchr.org).

Yours sincerely,

Cynthia Radert  
Secretary a.i  
GANHRI Sub-Committee on Accreditation

National Institutions, Regional Mechanisms and Civil Society Section

**Petter F. Wille**  
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## **2.4 Norway: Norwegian National Human Rights Institution (NNHRI)**

**Recommendation:** The SCA recommends that the NNHRI be accredited with **A** status.

The SCA welcomes the establishment of the NNHRI.

**The SCA notes:**

### **1. Encouraging ratification or accession to international human rights instruments**

The Act does not explicitly provide the NNHRI with a mandate to encourage ratification or accession to international human rights instruments.

The SCA is of the view that encouraging ratification of, or accession to, international human rights instruments is a key function of an NHRI.

While the SCA acknowledges that the NNHRI is interpreting its mandate broadly and that it undertakes this role in practice, it encourages the NNHRI to advocate for amendments to the enabling legislation to provide the NNHRI with an explicit mandate to encourage ratification or accession to international human rights instruments.

The SCA refers to Paris Principles A.3 (b) and (c) and to its General Observation 1.3 on 'Encouraging ratification or accession to international human rights instruments'.

### **2. Cooperation with other national human rights institutions**

The SCA highlights that regular and constructive engagement with all relevant stakeholders is essential for NHRIs to fulfil their mandates effectively. In this regard it acknowledges the NNHRI's engagement and cooperation with national Ombuds institutions.

The SCA encourages the NNHRI to continue to develop, formalise and maintain working relationships, as appropriate, with other domestic institutions established for the promotion and protection of human rights, including in particular Ombuds institutions in Norway as well as civil society organizations.

The SCA refers to Paris Principle C (g) and to its General Observation 1.5 on 'Cooperation with other human rights bodies'.

### **3. Selection and appointment**

In accordance with section 5 of the Act, the Norwegian Parliament elects the board. Further, section 2 of the Regulation stipulates that the Parliament will actively inform of the possibilities to propose candidates to the board,

The SCA acknowledges that the NNHRI reports that, in practice, the selection and appointment process is conducted in an open and transparent manner. However, the SCA is of the view that the selection process currently enshrined in the legislation is not sufficiently broad and transparent. In particular, it does not specify the process for achieving broad consultation and/ or participation in application, screening, selection and appointments process.

It is critically important to ensure the formalization of a clear, transparent and participatory selection and appointment process for an NHRI's decision-making body in relevant legislation, regulations or binding administrative guidelines, as appropriate. A process that promotes merit-based selection and ensures pluralism is necessary to ensure the independence of, and public confidence in, the senior leadership of an NHRI.

The SCA encourages the NNHRI to advocate for the formalization and application of a process that includes requirements to:

- a) Publicize vacancies broadly;
- b) Maximize the number of potential candidates from a wide range of societal groups and educational qualifications;
- c) Promote broad consultation and / or participation in the application, screening, selection and appointment process;
- d) Assess applicants on the basis of pre-determined, objective and publicly-available criteria; and
- e) Select members to serve in their individual capacity rather than on behalf of the organization they represent.

The SCA refers to Paris Principle B.1 and to its General Observation 1.8 on 'Selection and appointment of the decision-making body of NHRIs'.

#### **4. Dismissal**

Article 6 of the Act provides for the dismissal of the Director of the institution by the Parliament and lists the specific circumstances of dismissal. However, the Act does not provide further details on the dismissal process.

Further, the Act is silent on whether other Board members can be dismissed, by whom and following what process.

The SCA acknowledges that the NNHRI reports that it intends to propose amendments to its enabling law to specify the grounds and process for dismissal.

The SCA is of the view that, in order to address the Paris Principles requirement for a stable mandate, which is important in reinforcing independence, the enabling legislation of an NHRI must contain an independent and objective dismissal process.

The dismissal must be made in conformity with all the substantive and procedural requirements prescribed by law. The grounds for dismissal must be clearly defined and appropriately confined to those actions that impact adversely on the capacity of the member to fulfil his or her mandate. Where appropriate, the legislation should specify that the application of a particular ground must be supported by a decision of an independent body with appropriate jurisdiction. The dismissal should not be allowed solely on the discretion of the appointing authorities. It must be made in strict conformity with all the substantive and procedural requirements as prescribed by law.

Such requirements ensure the security of tenure of the members of the governing body and are essential to ensure the independence of, and public confidence in, the senior leadership of an NHRI.

The SCA refers to Paris Principle B.3 and to its General Observation 2.1 on 'Guarantee of tenure for members of the NHRI decision-making body'.

#### **5. Functional immunity**

The Act is silent on whether and how members enjoy functional immunity for actions taken in their official capacity in good faith in their official capacity.

External parties may seek to influence the independent operation of an NHRI by initiating, or by threatening to initiate, legal proceedings against a member. For this reason, NHRI legislation should include provisions to protect members from legal liability for acts undertaken in good faith in their official capacity. Such a provision promotes:

- security of tenure;

- the NHRI's ability to engage in critical analysis and commentary on human rights issues free from interference;
- the independence of senior leadership; and
- public confidence in the NHRI.

It is acknowledged that no office holder should be beyond the reach of the law and, thus, in certain exceptional circumstances, it may be necessary to lift immunity. However, the decision to do so should not be exercised by an individual, but rather by an appropriately-constituted body such as the superior court or by a special majority of parliament. It is recommended that national law provides for well-defined circumstances in which the functional immunity of the decision-making body may be lifted in accordance with fair and transparent procedures.

The SCA refers to Paris Principle B.3 and to its General Observation 2.3 on 'Guarantee of functional immunity.'

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